



SHOSHONE COUNTY PLANNING ADMINISTRATION

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SHOSHONE COUNTY, IDAHO PLANNING & ZONING COMMISSION NOTICE OF PUBLIC HEARING

PUBLIC NOTICE IS HEREBY GIVEN, that the Planning and Zoning Commission of Shoshone County, Idaho will hold a public hearing on **Thursday, December 7, 2023** at 6:30pm in the Shoshone County Public Safety Building at 717 Bank Street, Wallace Idaho 83873 to consider the following:

AN ORDINANCE OF THE COUNTY OF SHOSHONE, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, ESTABLISHING A NEW TITLE 9, CHAPTER 8, SECTION 6: PRIVATE ROAD AND DRIVEWAY STANDARDS; PROVIDING FOR DEFINITIONS; PROVIDING FOR PRIVATE ROAD AND DRIVEWAY STANDARDS FOR RESIDENTIAL PROPERTIES WITHIN THE UNINCORPORATED AREAS OF SHOSHONE COUNTY; REPEALING ANY CONFLICTING ORDINANCE PROVISIONS; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Written testimony expressing support, opposition, or neutrality towards this proposal or other information will be accepted until 5:00pm (PST) on Wednesday, December 6, 2023; all other materials must be presented at the public hearing. For all submissions greater than two (2) pages, the submitter shall provide eight (8) copies. All information submitted shall become the property of Shoshone County and will be on file at the Planning Administration office.

Additional information concerning the above item(s) may be obtained from the Shoshone County Planning Administration, County Courthouse, 700 Bank Street Suite 25, Wallace, Idaho (208) 752-8891 or E-mail: pz@co.shoshone.id.us. Those with disabilities requiring special assistance in order to attend or participate in the public meeting must contact the Planning Administration Office prior to the public meeting.

S/Dan Martinsen

Dan Martinsen, Administrator Pro-Tem

ORDINANCE NO. ____

AN ORDINANCE OF THE COUNTY OF SHOSHONE, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, ESTABLISHING A NEW TITLE 9, CHAPTER 8, SECTION 6: PRIVATE ROAD AND DRIVEWAY STANDARDS; PROVIDING FOR DEFINITIONS; PROVIDING FOR PRIVATE ROAD AND DRIVEWAY STANDARDS FOR RESIDENTIAL PROPERTIES WITHIN THE UNINCORPORATED AREAS OF SHOSHONE COUNTY; REPEALING ANY CONFLICTING ORDINANCE PROVISIONS; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS, SHOSHONE COUNTY, STATE OF IDAHO:

SECTION 1: AMENDMENT OF SHOSHONE COUNTY CODE:

Current Shoshone County Code Title 9, Chapter 8, Performance standards shall be amended by adding Section 6 to hereinafter read as follows:

**TITLE 9 - ZONING REGULATIONS
CHAPTER 8 - PERFORMANCE STANDARDS:
9-8-6: PRIVATE ROAD AND DRIVEWAY STANDARDS**

With the exception of parcels which were legally created with access solely from the shoreline of a lake or river, every residential lot shall have access from a public or private road which complies with the following standards:

These regulations apply to the area within the unincorporated areas of Shoshone County, unless otherwise specified by an Area of City Impact ordinance adopted pursuant to Idaho Code 67-6526.

A. Access and Private Roads:

ACCESS: The primary means of vehicular ingress/egress to a parcel or structure.

PRIVATE ROAD: A road which has not been accepted for maintenance by a public highway agency and which does not meet the definition of a "driveway" or a "common driveway".

1. All newly constructed private roads within a major subdivision, minor subdivision, or condominium, or which connect a subdivision or condominium with the nearest public road, shall comply with the applicable requirements of Title 6: Public Ways and Property, Title 7: Building Regulations and Title 10: Subdivisions.

2. All newly constructed private roads not associated with a major subdivision, minor subdivision, or condominium shall comply with the standards set forth in the then current international fire code as adopted pursuant to Title 7: Building Regulations; as well as Chapter 1, Section 9 of this code.

3. The Administrator may seek a recommendation from the highway district, fire protection district or ambulance service district in which the road is located as to whether a newly constructed private road complies with the applicable standards.

4. If the Administrator finds that the road complies with the applicable standards and, if applicable, that it complies with the requirements of Title 6: Public Ways and Property, Title 10: Subdivisions and Title 7: Building Regulations, then the Administrator shall approve the road and provide final approval to the face of any associated permits.

5. If the Administrator, upon recommendation of the highway district, fire protection district or ambulance service district, determines that a private road should be approved with a variance, exception or deviation from the applicable standards, the road will be deemed to comply with the applicable standards for purposes of this article.

B. Driveways and Common Driveways:

DRIVEWAY: A means of vehicular access providing legal access to one parcel which has an approach to a public road or connects to a private road or common driveway.

COMMON DRIVEWAY: A driveway that provides legal and physical access from a public or private road to between two (2) and four (4) parcels of land.

1. All driveways and common driveways shall be constructed in accordance with the standards set forth in the then current international fire code as adopted pursuant to Title 7, Building Regulations of this code.

2. The fire protection district with jurisdiction shall determine whether a driveway or common driveway complies with the standards set forth in the then current international fire code.

3. For parcels located outside of a fire protection district, the ambulance service district shall make this determination. The Administrator may seek a recommendation from any fire protection district entirely or partially located within Shoshone County or ambulance service district as to whether a newly constructed driveway complies with the standards set forth in the then current international fire code.

C. Easements and Rights of Way:

1. Roads: Rights of way for public roads shall meet the requirements of the public highway agency with jurisdiction. Private road easements shall be at least sixty feet (60') in width. Common driveway easements shall be at least forty feet (40') in width. Cut and fill slopes and stormwater systems adjacent to roads and driveways must either be shown as easements or rights of way in favor of the maintenance entity. When future access may be needed to adjacent parcels of land, road easements and rights of way shall extend to the property line of the subdivision. Except for private roads and common driveways approved

by the board, roads and associated rights of way shall be dedicated to the public highway agency with jurisdiction. Private roads and common driveways shall be dedicated to the maintenance entity.

2. Access (Road) Requirements: Recorded legal access must be provided to all lots or parcels (9-6-2-1; D 1, c)

SECTION 2: AMENDMENT OF CODE AND REPEAL OF CONFLICTING ORDINANCES.

Shoshone County Code, Title 9-ZONING REGULATIONS, is hereby amended, along with any associated ordinance. Any other such ordinances of Shoshone County in conflict with this ordinance are hereby repealed to the extent of such conflict.

If any conflict occurs between provisions of this title, and a provision of this code, the more restrictive provision shall take precedence.

SECTION 3: SEVERABILITY.

The provisions of this ordinance are declared to be severable. If any section, sentence, clause, or phrase of the ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance, but they shall remain in effect, it being the legislative intent that this ordinance shall remain in effect notwithstanding the invalidity of any part.

SECTION 4: EFFECTIVE DATE.

This ordinance shall be effective immediately upon passage and publication as required by law.

PASSED under suspension of the rules upon which a roll call vote was duly taken and enacted as an ordinance of the County of Shoshone at an open meeting of the Shoshone County Board of County Commissioners held on the ____ day of _____, 2023.

BOARD OF COUNTY COMMISSIONERS

Dave Dose, Chairman

Jeff Zimmerman, Commissioner

Attested to by:

Sydney Millard, Deputy Clerk

Tracy Casady, Commissioner