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## SHOSHONE COUNTY PLANNING ADMINISTRATION

700 Bank St., Ste 25, Wallace, ID 83873  
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### SHOSHONE COUNTY, IDAHO BOARD OF COUNTY COMMISSIONERS NOTICE OF CONTINUED PUBLIC HEARING

PUBLIC NOTICE IS HEREBY GIVEN that the **Board of County Commissioners** of Shoshone County, Idaho will continue a public hearing on **TUESDAY, MAY 21, 2024 at 1:00pm** the Commissioners' conference room, 700 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; DESIGNATING 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) Monday, May 20, 2024; all other materials must be presented at the public hearing. For all submissions greater than two (2) pages, the submitter shall provide five (5) 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; Phone: (208) 752-8891 or E-mail: [pz@co.shoshone.id.us](mailto:pz@co.shoshone.id.us). Those with disabilities requiring special assistance or a reasonable accommodation in order to attend or participate in the public meeting must contact the Deputy Clerk at least twenty-four (24) hours prior to the public hearing.

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; DESIGNATING 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.

**These regulations shall apply to all new and existing private roads, driveways and common driveways wherein any new residential dwelling unit(s) are being erected.**

**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 Shoshone County Code 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 Shoshone County Code Title 7: Building Regulations.

3. All new and existing private roads which provide access to property for the purpose of establishing a new residential dwelling unit(s) shall comply with the standards set forth in the then current international fire code as adopted pursuant to Shoshone County Code Title 7, Building Regulations.

4. 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 private road complies with the applicable standards.

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

6. 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 access from a public or private road to between two (2) and four (4) parcels of land.

1. All newly constructed driveways and common driveways 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 Shoshone County Code Title 6: Public Ways and Property, Title 7: Building Regulations, and Title 10: Subdivisions.

2. All newly constructed driveways and common driveways 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 Shoshone County Code Title 7: Building Regulations.

3. All new and existing driveways and common driveways which provide access to property for the purpose of establishing a new residential dwelling unit(s) shall comply with the standards set forth in the then current international fire code as adopted pursuant to Shoshone County Code Title 7, Building Regulations.

4. 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.

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

6. 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, conditions, or deviation from the applicable standards, the road will be deemed to comply with the applicable standards for purposes of this article once such variance, exception, condition, or deviation is achieved.

### C. Easements:

1. Private road easements shall be at least **fifty feet (50')** 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 **applicable private** maintenance entity.

a. Access (Road) Requirements: **Legal access** must be provided to all lots or parcels **pursuant to Shoshone County Code as it is currently enacted or subsequently amended. (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 \_\_\_\_\_, 2024.

BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
Dave Dose, Chairman

Attested to by:

\_\_\_\_\_  
Jeff Zimmerman, Commissioner

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Sydney Millard, Deputy Clerk

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Tracy Casady, Commissioner