

NOTICE OF PUBLIC HEARING

**PURSUANT TO IDAHO CODE § 67-6509(a)
GEM COUNTY CODE TITLE 11 AND TITLE 12 AMENDMENT
BY: THE GEM COUNTY BOARD OF COMMISSIONERS**

NOTICE IS HEREBY GIVEN: That the Gem County Board of Commissioners will conduct a public hearing:

PURPOSE OF THE HEARING: To consider **AMENDMENTS**, such amendments are specific to updating the second dwelling standards and private roads, public roads and driveway standards in Gem County. The Planning and Zoning Commission recommended approval of the amendments with some proposed changes.

THE PROPOSED CODE AMENDMENTS ARE AVAILABLE FOR REVIEW BY CONTACTING THE DEVELOPMENT SERVICES DEPARTMENT VIA EMAIL (SCRAYS@CO.GEM.ID.US) OR PHONE 208-365-5144 OR CAN BE FOUND ON THE COUNTY WEBSITE AT WWW.GEMCOUNTY.ORG.

WRITTEN CORRESPONDENCE IS HIGHLY RECOMMENDED AND MUST BE SUBMITTED TO THE DEVELOPMENT SERVICES OFFICE (109 SO MCKINLEY AVE., EMMETT, ID.) NO LATER THAN 12:00 P.M. JULY 29, 2024. WE HAVE A MAIL SLOT IN OUR DOOR FOR CONVENIENCE. WRITTEN CORRESPONDENCE WILL BE GIVEN TO THE BOARD OF COUNTY COMMISSIONERS PRIOR TO THE PUBLIC HEARING FOR CONSIDERATION.

DATE, TIME, AND LOCATION OF PUBLIC HEARING: The public hearing will be conducted by the Gem County Board of Commissioners at Commissioner's Chambers, Courthouse Basement, 415 E. Main Street, Emmett, Idaho, in addition to virtually via Zoom, on **Monday, August 5, 2024, commencing at: 6:00 p.m.** Interested persons have the right to appear at the public hearing either in person or virtually and have an opportunity to be heard.



GEM COUNTY LAND USE AND DEVELOPMENT CODE UPDATE

July 26, 2024

SUMMARY OF PLANNING AND ZONING COMMISSION HEARING

Below is a brief summary of the comments and suggested edits brought forth by the public and supported by the Gem County Planning and Zoning Commission from the May 20, 2024 hearing on the proposed ADU Text Amendments and Road Standards.

ADU Text Amendments

- Overall, most were supportive of the changes
- Recognition that some regulations loosened and some tightened
- Some would like a larger max size for ADU's, most agreed 1800sf is a great compromise
- Concern in hilly areas over 200' separation and single water source due to the constraints in finding a flat building pad to accommodate the regulations
 - **Suggestion:** 200' separation already allows for relief from the requirement if "restricted by a physical site constraint", suggest allowing for similar flexibility with the water supply
- Comment that this will create a higher density which could effect the quality of life over time
- There was some confusion with the removal of the 5-acre lot minimum as they thought we were removing the minimum requirements for zone districts – provided clarification that we just removed the requirement that the lot be a minimum of 5 acres in order to build an ADU
- Several people advocated for the changes who currently live in ADUs and recognize the housing shortage issue

Road Standards

- Request to add the word "compacted" to the required road base material specifications
 - **Suggestion:** this should be added, engineers recommend as well
- There were some questions on borrow ditches regarding more detail on size and if they were required on all roads
 - **Suggestion:** could add language on minimum requirements to ensure adequate stormwater drainage and clarify that driveways are exempt
- There was one comment about the difficulties in widening a road with multiple land owners especially give that the road is constructed under a County permit and the driveways under

a Fire District Permit. No specific suggestions were made and there was support for the roads being in tracts of lots moving forward to alleviate some of this issue.

- One member wanted to commend the County on a “job well done” highlighting support over the removal of the maximum number of lots served by a private road with suggestions to consider allowing roads in hillside development to use gravel instead of being paved, and larger borrow ditches requesting 24” depth in hillside development and 18” for flat
 - **Suggestion:** *consider allowing gravel roads in certain situations*
- There was a request to reduce the turnaround at gated private roads from 100’ to 50’
 - **Suggestion:** *Discuss with fire districts to ensure this distance is sufficient*
- A clerical correction was suggested in 12.8.4.a.2 which states HOA but later in same section there is language stating HOA or other
 - **Suggestion:** *update 12.8.4.a.2 to “HOA or other” for consistency*
- There was a suggestion to remove pedestrian pathway standards in hillside development stating that it is nearly impossible to meet ADA standards and an additional comment about how the 60’ separate lot for private roads rather than the current 40’, paired with setbacks is very hard to achieve on hillside development
 - **Suggestion:** *look into developing hillside specific standards*
- There was a question about how would ADUs adding units to the road effect maintenance over time
- There was some concern about the canal crossing language stating that some people need to cross canals for access
 - **Suggestion:** *clarify intent of this language in the draft that canal access roads are not to be used for primary access to properties, roads need to be built for that*



GEM COUNTY LAND USE AND DEVELOPMENT CODE UPDATE

ROAD STANDARD AMENDMENTS

April 10, 2024 | Public Review Draft

REVISIONS OVERVIEW

- *Developed new section at the end of Title 12 to combine all road and driveway standards*
- *This section will replace all other instances of road section language in the Gem County Code*
- *Established separate sections for public and private roads*
- *Increased the maximum number of lots served by a private road from 10 to 20 ~~20~~ *No Max**
- *Added a requirement that roads serving 11 lots or more are required to be paved*
- *Added requirement for paved approach from paved road to gravel road*
- *Developed permitting requirements*
- *Developed procedure for dedicating public roads*
- *Developed ownership and maintenance provisions*
- *Developed pathway standards*
- *Developed bus stop standards*

TITLE 12, SUBDIVISION REGULATIONS

CHAPTER 8, ROAD AND DRIVEWAY STANDARDS

12-8-1 Purpose

- A. The purpose of these standards is to promote a safe, efficient, and effective road system within Gem County with unobstructed access to address life safety issues. These standards provide minimum criteria for all roads and driveways within the County.

12-8-2 Applicability

- A. These standards apply to all new roads and improvements to existing roads in Gem County, including private roads and driveways per the following:
1. Driveways may serve up to two (2) Lots per the standards in Section 12-8-7.
 2. All roads shall be named per standards per 12-8-8.
- B. Road classification shall be per the Gem County Road and Bridge Roadway and Construction Standards.

- C. Where a proposed subdivision does not have legal frontage on a public road and utilizes an existing private road or road easement for access, the subdivider shall obtain written consent from the road easement grantor approving of the proposed subdivision and expanded use of the easement. In addition, the subdivider must provide an updated maintenance agreement or user's association document with the subdivision application that clearly demonstrates the private road will be adequately maintained.

12-8-3 Public Road Standards

- A. Applicability. All roads accepted for dedication by the County. Dedication or other provision for future access to surrounding public land may be required.
- B. If the subject parcel is within or adjacent to a public road, road right-of-way dedication is required, as prescribed under the adopted functional classification map of Gem County. Said dedication is only required adjacent to the public use parcel and will not apply to any remainder.
- C. Design Standards. All public roads shall be designed and constructed per the Gem County Road and Bridge Roadway and Construction Standards.
 - 1. Right-of-way shall be dedicated to the County.
 - 2. No more than two (2) roads shall intersect at one point.
 - 3. Roads for industrial and commercial subdivisions and accessory parking shall be planned to connect with arterial roads so as not to generate traffic on local or minor roads.
 - 4. Provision for future roads planned to connect to undeveloped parcels shall be made by the applicant. Roads that are a continuation of established roads shall be aligned so that the centerlines align within no more than ten feet (10') of each other. Easements to protect future connections shall be shown on the document of record.
 - 5. Provision for future pedestrian connections planned within a subdivision shall be made by the applicant per Section 12-8-5.
 - 6. All roads within an Area of City Impact (AOI) shall be constructed to the City's public street standard for an urban local.
 - 7. Existing ditch or canal roads shall not be utilized as access to a development site or residential construction.
 - 8. New public roads that will serve as a continuation of an existing public road shall be built to the same width, material, and right-of-way standards as the existing road.
 - 9. New public roads connecting to a State Highway shall obtain all necessary permits from, Idaho Transportation Department (ITD).
- D. All site plans and plats shall show the location of all existing and proposed roads, alleys or highways by clear delineation of the centerlines, edge of roadway, and rights of way.
- E. Traffic Impact Study. Refer to the Gem County Road and Bridge Roadway and Construction Standards for traffic thresholds that require a Traffic Impact Study (TIS) and the associated requirements of a TIS. Additional circumstances may occur that require a TIS at the County Engineer's discretion.

- F. Dedication Approval Process. For roads to be accepted by the County for public dedication outside of the subdivision process the following process shall be followed:
1. Submit a letter of intent including a preliminary site layout to the Road and Bridge Director for initial review against State Statutes and Gem County Road and Bridge Standards.
 2. Upon recommendation by the Road and Bridge Director, the proposal shall be forwarded to the Board of County Commissioners for final acceptance of dedication.
 3. The Board of County Commissioners shall have the explicit option of accepting or rejecting the road for dedication to the county.
- G. Public Dedication Approval Criteria. The following criteria shall be considered in determining acceptance of roads by the County for public dedication:
1. The road meets the design criteria for Local Roads in the Gem County Road and Bridge Roadway and Construction Standards at a minimum.
 2. Acceptance of the road will provide a necessary connection between existing public roads.
- H. Instrument of Dedication. Once accepted as a public road, an approved instrument of dedication showing right-of-way dedication shall be submitted to the County for recording. If a subdivision plat is being approved, the plat dedication may be incorporated into the Final Plat.
- I. If the requirement by a governmental entity to dedicate public right of way reduces the property to be developed in such a manner that lot layout, in minimum sizes as required by that zone, cannot be accomplished without creating one substandard sized lot, then one such lot may be created as long as its size is not less than eighty percent (80%) of the size required in that zone. Such lot shall be considered a legal nonconforming lot and development may occur as if it were sized to meet minimum lot size for purposes of development. The dedicated right-of-way would be exempt from this provision as it does not create a buildable lot.
- J. Spacing of access points shall be in conformance with the Gem County Road and Bridge Roadway and Construction Standards.
- K. Underground conduit for utilities shall be coordinated with all utility providers before they are completed to prevent future disruption for installation and to determine easement locations.

12-8-4 Private Road Standards

- A. Applicability. Private roads shall be classified as one of the following types:
1. Type A Private Roads. Any existing road or access to more than two (2) lots where the existing road or access is located in an easement rather than a tract or lot.
 2. Type B Private Roads. Any new private road or extension of an existing private road as of the effective date of this ordinance requires establishment of an HOA and creation of a tract or lot per Private Road Design Standards in 12-8-4.C to encompass the new road.
- B. Type A Design Standards. All roads meeting the description of a Type A Road shall meet the following design standards:
1. Be entirely located within a minimum forty (40) foot wide easement, tract, or lot.
 2. The roadway surface shall be a minimum twenty (20) feet wide all-weather surface with borrow ditches on either side for drainage.

- C. Type B Design Standards. All roads meeting the description of a Type B Road shall meet the following design standards.
1. Be entirely located within a tract or lot with a minimum width of sixty (60) feet if pedestrian pathway is to be located in a separate easement and seventy (70) feet where the pedestrian pathway is to be located within the right-of-way. The primary function of the tract or lot shall be to accommodate the road and associated pedestrian pathway.
 2. The roadway surface shall be a minimum twenty-four (24) feet wide all-weather surface with borrow ditches on either side for drainage.
 3. Minimum lot size requirements designated for each zone district shall not apply.
- D. Design Standards. All Type A and Type B Roads shall demonstrate compliance with the following design standards within the construction drawings.
1. All private roads serving ten (10) lots or less shall be designed per Idaho Standards for Public Works Construction (ISPWC) standards consisting of twelve inches (12") of aggregate base course and three inches (3") of road mix crushed aggregate base or leveling course.
 2. All private roads serving more than ten (10) lots shall be paved per the per Idaho Standards for Public Works Construction (ISPWC).
 3. Underground conduit for utilities shall be coordinated with all utility providers before they are completed to prevent future disruption for installation and to determine easement locations.
 4. Private roads shall connect directly to an existing public road right-of-way. If a lot or subdivision does not have legal access to a public right-of-way, the new roads may connect to an existing private road so long as the existing road meets the requirements of this section and the total accumulative number of lots on the private road (including both the existing portion and new) does not exceed twenty (20).
 5. The Fire District may require secondary access to a lot or subdivision if it is determined that there is not adequate accessibility to the lot for emergency management.
 6. Private roads connecting to a paved roadway shall include a paved approach for the first twenty (20) feet of the private road.
 7. Private roads shall not exceed seven (7) percent grade. Exception to this standard may be granted by the Fire District, however, the County will not accept roads in excess of seven (7) percent grade for public dedication.
 8. No more than two (2) roads shall intersect at one point.
 9. All gates on private roads shall comply with Fire District Standards and be placed no closer than 100' from connecting road to allow for adequate turnaround distance for emergency vehicles.
 10. All road intersections shall comply with site triangle requirements per the Gem County Road and Bridge Roadway and Construction Standards.
 11. Dead end roads are prohibited. Roads shall be constructed with turnarounds at dead-end termini to meet the minimum size and length as set forth in the Gem County Road and Bridge Roadway and Construction Standards and applicable Fire District Standards.

12. Provision for future roads planned to connect to undeveloped parcels shall be made by the applicant. Roads that are a continuation of established roads shall be aligned so that the centerlines align within no more than ten feet (10') of each other. Easements to protect future connections shall be shown on the document of record.
 13. Provision for future pedestrian connections planned within a subdivision shall be made by the applicant per Section 12-8-5.
 14. All roads within an Area of City Impact (AOCI) shall be constructed to the City's public street standard for an urban local.
 15. Existing ditch or canal roads shall not be utilized as access to a development site or residential construction.
 16. A circulation plan shall be submitted with all proposed new private roads to ensure that the new road will not interrupt access to existing or future potential lots or subdivisions.
- E. All site plans and plats shall show the location of all existing and proposed roads, alleys or highways by clear delineation of the centerlines, edge of roadway, and rights of way.
- F. All new or upgraded points of access to County Roads, including private roads, shall obtain legal access by way of an approach permit through the Gem County Road and Bridge Department which could include a right-of-way permit.
1. Access from a State Highway shall submit proof of access permit from Idaho Transportation Department (ITD) and does not need a secondary permit from the County.
 2. Road construction shall not begin until the required permits have been obtained. Right-of-way permits shall not be issued for a proposed development until the Final Plat has been approved. For the purposes of this requirement, road construction includes road cuts, road, bridge, culvert, or drainage work related to roads, wetlands, or changes to the flow of streams, ditches or runoff.
 3. Any work within the County right-of-way requires a permit, including new road connection, utility work, drainage, mailboxes, signage, trails, sidewalks, or any other above or below surface work in the right-of-way.
 - a. Any disturbed portion of the right-of-way shall be restored as nearly as possible to the condition as existing immediately prior to the utility's installation. Backfilling shall be made in six-inch lifts, mechanically tamped and packed. Trenches shall be left open until the County inspects installation.
 - b. Safety measures shall be implemented in accordance with state and federal requirements to protect the public from harm during utility construction, improvements, location, or relocation.
 - c. Open cuts across a roadway will be allowed, subject to conditions imposed by the County. Backfill shall be compacted in 6-inch lifts to a density of ninety-five (95) percent of standard proctor. Any compaction tests shall be conducted by the County at the expense of the applicant.
- G. Dedication Approval Process. In certain applications, after review by Development Services, a private road may be considered for dedication as a public road when it meets the comprehensive planning and transportation planning needs of the County. When that occurs, the applicant will be notified and the County will follow the Dedication Approval Process for public dedication as outlined in Section 12-8-3, subsection E herein.

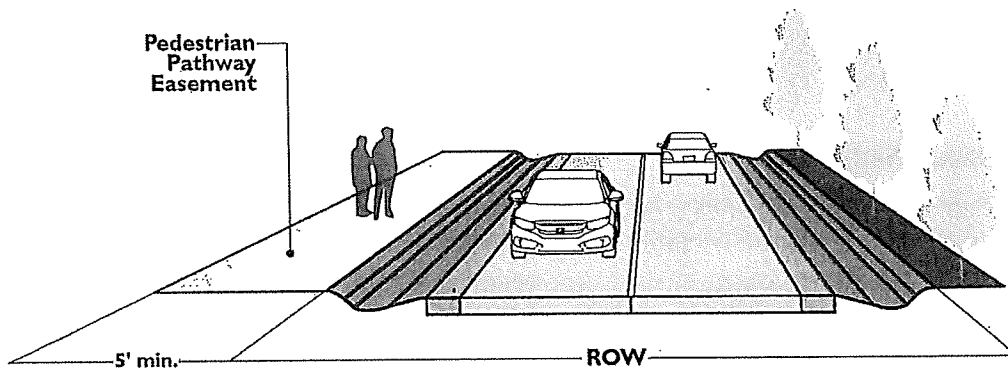
- H. Traffic Impact Study. Refer to the Public Gem County Road and Bridge Roadway and Construction Standards for traffic thresholds that require a Traffic Impact Study (TIS) and the associated requirements of a TIS.
- I. Maintenance Provisions:
 - 1. A binding maintenance agreement shall be recorded for all Type A and Type B Private Roads that minimally:
 - a. Creates the formation of an entity, homeowners or property owners' association, or substantially similar entity, obligated for the perpetual maintenance of the private road,
 - b. Provides that said agreement shall run with the land,
 - c. Acknowledges that the maintenance agreement may be amended with future subdivision of land along the private road that results in additional, and
 - d. Be binding on all successors, heirs, and assigns.
 - 2. Duty to Maintain Access. Any person or group who is responsible for the maintenance of Private Roads which are necessary for access by residents or for public utility services, vehicles, or equipment, or by emergency personnel, vehicles, or equipment, shall continuously maintain such roads in an unobstructed condition.
 - 3. All private roads shall be continuously maintained in conformance with the standards of Section 12-8-4.
 - 4. Failure to Maintain. If the responsible party fails to maintain the road per the approved agreement, they shall be penalized per Section 12-1-8: Enforcement and Penalties.
 - a. Whenever a failure to maintain exists which cannot be abated or removed because the person or persons responsible therefore cannot be found, or when the party or parties responsible for the failure to maintain has, on at least one occasion failed and/or refused to abate or remove said maintenance failure, any duly authorized representative of the county shall be empowered to take steps necessary to maintain or abate the failure when such failure has reason to cause harm to people or property, and retains the right to cause the same to be done by abatement action with courts against the said responsible party or parties.

12-8-5 Pedestrian Access Standards

- A. Applicability. This section shall apply to all pathways associated with public and private roads.
 - 1. All major subdivisions shall include a pedestrian pathway per the design standards below.
 - 2. All minor subdivisions shall include right-of-way or an easement for future potential development of a pedestrian pathway for connectivity purposes.
- B. Design Standards. All pathways shall be designed to the following standards:
 - 1. Pathways shall be located in one of the following:
 - a. Within the right-of-way which may be expanded to accommodate the pedestrian improvements as necessary;
 - b. Within a minimum ten (10) foot wide pedestrian pathway easement adjacent to the right-of-way; or

- c. Within a minimum ten (10) foot wide pedestrian pathway easement elsewhere on the property that connects at major roadway intersections.
2. All pathways shall be a minimum of five (5) feet in width.
3. Pathways along paved roads shall be paved per Gem County Road and Bridge Roadway and Construction Standards.
4. Pathways along unpaved roads shall be constructed of crushed granite or other equal material approved for Americans with Disabilities Act (ADA) accessibility.
5. All pathways shall maintain grades to meet ADA accessibility standards.

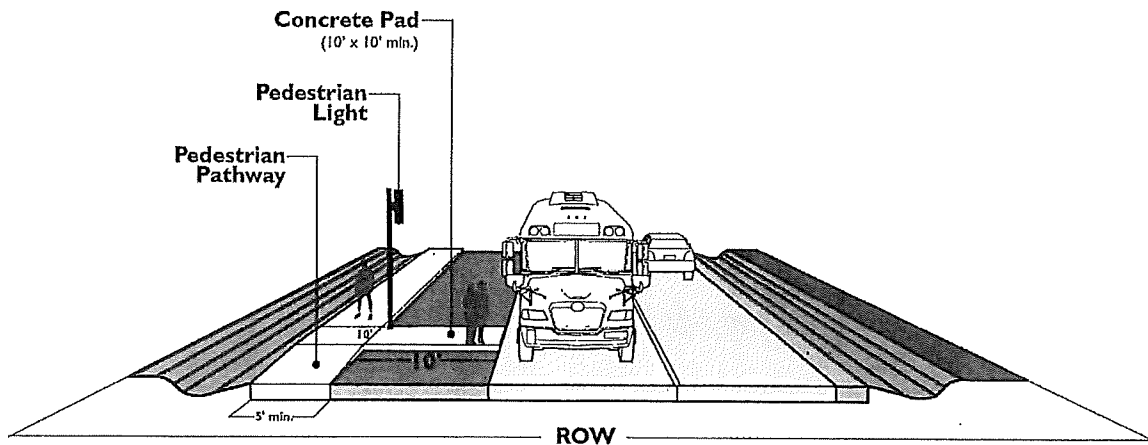
Figure 1. Pedestrian Pathway Standards Illustrated



12-8-6 School Bus Stop Standards

- A. Applicability. This section shall apply to all official school bus stop locations on public and private roads.
- B. Design Standards. All school bus stops shall be designed to the following standards:
 1. The bus stop shall be located so that the school bus stops in the far-right lane of traffic.
 2. A concrete pad with minimum dimensions of ten (10) feet wide by ten (10) feet long shall be located adjacent to the roadway abutting the edge of pavement or edge of the road's travelway.
 - a. Bus stops shall be located within the right-of-way and shall not interfere with roadside drainage.
 3. A minimum of one pedestrian light shall be provided which fully illuminates the concrete pad to meet the following minimum standards:
 - i. Light pole shall be a minimum of ten (10) feet in height;
 - ii. Light shall be solar operated; and
 - iii. Light fixture shall be downward directed and shielded.
 4. Signage shall be installed which clearly designates the dedicated space as a school bus stop.
 5. Sidewalks or pathways connecting to the bus stop or in the vicinity of the bus stop shall be located separate from and adjacent to the concrete pad with clear and safe access to the bus stop area.

Figure 2. Bus Stop Standards Illustrated



12-8-7 Driveway Standards

- A. Applicability. A driveway shall provide access to a maximum of two (2) lots. Access to additional lots shall be per the private or public road standards detailed in sections 12-8-3 & 4 herein.
- B. Design Standards. Driveways shall be constructed to standard engineering specifications for an all-weather driveway that meets Gem County Fire District standards.
 1. Driveways shall not exceed seven (7) percent grade. Exception to this standard may be granted by the Fire District, however, the County will not accept roads in excess of seven (7) percent grade for public dedication.
 2. Driveways shall have a minimum driving surface width of twenty (20) feet.
 3. Driveways shall meet all Fire District standards for length and turnarounds.
 4. All shared driveways connecting to a paved roadway shall include a paved approach for the first twenty (20) feet of the driveway.
- C. Parcels Of Land Without Contiguous Road Frontage. Access to a parcel of land to be used as a building site that does not have contiguous road frontage shall include a minimum forty foot (40') wide recorded easement, right of way, or deeded strip of land for driveway access.
- D. All new driveways or increase in use of an existing driveway require a driveway permit through the Gem County Road and Bridge Department and be constructed in conformance with these standards before a building permit can be issued. A driveway permit is required whether or not the driveway accesses a private subdivision road, County Road, or State Highway.
 1. Access from a State Highway shall submit proof of access permit from Idaho Transportation Department (ITD) and does not need a secondary permit from the County.
 2. Any work within the County right-of-way requires a permit, including new road connection, utility work, drainage, mailboxes, signage, trails, sidewalks, or any other above or below surface work in the right-of-way.
 - a. Any disturbed portion of the right-of-way shall be restored as nearly as possible to the condition as existing immediately prior to the utility's installation. Backfilling shall be made in six-inch lifts, mechanically tamped and packed. Trenches shall be left open until the County inspects installation.

- b. Safety measures shall be implemented in accordance with state and federal requirements to protect the public from harm during utility construction, improvements, location, or relocation.
- c. Open cuts across a roadway will be allowed, subject to conditions imposed by the County. Backfill shall be compacted in 6-inch lifts to a density of ninety-five (95) percent of standard proctor. Any compaction tests shall be conducted by the County at the expense of the applicant.

12-8-8 Road Naming:

- A. Authority. The Director of Development Services shall have authority to approve road names.
- B. Approvals Required. Approval shall be obtained from the Director of Development Services according to the requirements of this chapter for the right to use a road name and its accompanying predirection and post type. No sign designating any road may be erected until such approval is obtained.
- C. Road Naming Application Procedure.
 - 1. Applications to name new roads or existing unnamed roads may only be submitted in conjunction with a development application, such as for a subdivision or private road.
 - 2. Applications may only be submitted by the property owner listed on the associated development application, their authorized representative or a government agency.
 - 3. An application to name a new road shall contain the following:
 - a. A completed application form.
 - b. A map or plan which accurately depicts the location and names of existing and proposed roads. If the application is associated with a proposed subdivision, a copy of the preliminary plat must be submitted.
 - c. If the application is associated with a new private road, a copy of the private road application must be included.
 - 4. Road Naming Application Review.
 - a. The Director of Development Services shall review proposed road names for conformance with the requirements of this chapter and shall grant Tentative Approval for applications that are found to be in compliance.
 - b. All property owners having frontage on the affected private road shall be notified by mail of the proposed naming of the private road and provided a copy of the application.
 - c. Property owners have fourteen (14) business days from the mailing of the application notice to provide written comments to the Director of Development Services regarding the proposed name.
 - d. The Director of Development Services shall not make a Final Approval pursuant to the procedures provided in this chapter until the fourteenth (14) business day period has expired.

- e. As part of the review process, the Director of Development Services shall forward the application to relevant referral agencies for review, and those agencies shall be given ten (10) business days to provide comment on the application's compliance with this chapter and the agency's standards. The Director of Development Services shall consider these comments in determining whether to approve or deny the application. Applications must be sent to the designated committee for review.
- f. The Director of Development Services shall notify the applicant of the results of the review. If an application is denied, the reasons for denial shall be provided.

5. Tentative Approval.

- a. Upon granting Tentative Approval for a proposed road name, the Director of Development Services shall reserve the road name for the exclusive use of the applicant, pending final approval of the associated development application.
- b. Tentative Approval shall be rescinded for the following reasons, in which case the applicant must reapply to use the road name:
 - i. The applicant changes the layout of the proposed road after Tentative Approval.
 - ii. Final development approval is not obtained within twenty-four (24) months of the Tentative Approval.
 - iii. Another development and the development's road names or layout cause the applicant's proposed names to be out of compliance with this chapter.

6. Final Approval.

- a. If no exceptions are taken to the Tentative Approval then Final Approval of the road name shall be granted automatically with final approval of the associated development application.

D. Changing Existing Road Names.

- 1. Existing road names may only be changed by an affirmative action of the Board of County Commissioners at a public hearing, except for the correction of scrivener's errors as provided in this section.
- 2. Initiation of Change.
 - a. The Director of Development Services or another public agency may request a road name change if the current name is not in compliance with this chapter and/or the current name negatively impacts public safety or the delivery of public services.
 - b. An owner of property along a road may request that the road name be changed by filing an application with the Director of Development Services. In order for the application to be considered, the property owner must first obtain approval for the change from two thirds of the property owners along the subject road.
- 3. Application. A road name change application shall contain the following:
 - a. A completed application form.
 - b. A map or plan which accurately depicts the location and names of existing and proposed roads.
 - c. An explanation of the reason for the requested name change.
 - d. A list of the names and addresses of the consenting two thirds of property owners.

4. Application Review.
 - a. The Director of Development Services shall review proposed road names for conformance with the requirements of this chapter and shall schedule a Board of County Commissioners hearing for applications that are found to be in compliance.
 - b. As part of the review process, the Director of Development Services shall forward the application to applicable referral agencies for review, and those agencies shall be given ten (10) business days to provide comment on the application's compliance with this chapter and the agency's standards. The Director of Development Services shall forward such comments to the Board of County Commissioners for consideration. Applications must be sent to the designated committee for review.
 - c. The Director of Development Services shall notify the applicant of the results of the review. If an application is denied, the reasons for denial shall be provided.
5. Notice of Public Hearing: All owners of property along the subject road shall be notified by mail of the public hearing at least fifteen (15) days before the hearing. The notice shall include the reason for the change and information about the Board of County Commissioners hearing.
6. Effective Date: Upon an affirmative action by the Board of County Commissioners, a road name change shall become effective sixty (60) days after the date of the Board of County Commissioners decision.
7. Notice of Change: The Director of Development Services shall mail notices of a road name change to affected property owners within seven (7) days of the Board of County Commissioners decision. The Director of Development Services shall notify certain public agencies of a road name change within thirty (30) days of the Board of County Commissioners decision. Notice shall be provided to affected agencies, as determined by the Director of Development Services, including public health and safety agencies, the United States Postal Services and utility companies.
8. Subsequent Address Changes: After a road name change, the Director of Development Services and the County Assessor shall change the addresses of any affected structures or properties to reflect the new road name, according to the requirements of this chapter.
9. The applicant is responsible for all costs and fees related to the new sign and placement.
10. If the road is part of a subdivision, and recorded as such on a plat, a subdivision re-plat shall be required to update the road name on the plat. All costs associated with the replat, including recording, shall be the responsibility of the applicant.
11. Corrective Scrivener's Errors.
 - a. In the event a plat is recorded with a scrivener's error, including, but not limited to, a misspelled road name or an incorrect or missing predirectional or posttype, the Director of Development Services may correct the road name by filing an affidavit of road name change with the county recorder.
 - b. The Director of Development Services shall mail a notice of the road name affidavit to all owners of property along the subject road at least fourteen (14) business days prior to recordation.

- c. If, as determined by the Director of Development Services, the incorrect road name is significantly different in spelling or pronunciation from the correct name and the incorrect name is already in public use, the road name change affidavit must be approved by the Board of County Commissioners at a public hearing prior to recordation.

E. Road Naming Standards. Road names shall conform to the following standards:

1. Any road, whether public or private, that provides access to three (3) or more addressed structures or properties must be officially named according to the provisions of this chapter.
2. Road names shall not be more than thirteen (13) letters in length, including spaces, except for when an existing road with a nonconforming name is to be extended.
3. Road names shall not contain the words North, South, East or West or any combination thereof. These shall only be used as predirectionals.
4. Proposed road names shall not duplicate existing names in spelling or pronunciation. Differentiation between existing and proposed names shall not be accomplished by changes in spelling or by the use of different predirectionals or posttypes.
5. Proposed road names shall not sound alike or be easily confused with existing road names as determined by the director of Development Services.
6. Proposed road names shall not be vulgar or profane as determined by the Director of Development Services.
7. Where a proposed road is in general alignment with an existing road and is determined by the Director of Development Services to be a continuation of that road, the existing road's name shall be continued to the proposed road.



GEM COUNTY LAND USE AND DEVELOPMENT CODE UPDATE

ACCESSORY DWELLING UNIT (ADU) AMENDMENTS

April 10, 2024 | Public Review Draft

REVISIONS OVERVIEW

- *Changed "secondary dwelling" to "accessory dwelling"*
- *Added a definitions section*
- *Added allowance for both detached and attached units*
- *Removed 5-acre lot minimum*
- *Changed to be allowed in all zone districts that allow for a residential use*
- *Increased maximum ADU size from 1,100 sf to 1,800 sf*
- *Clarified septic and well requirements*

Proposed Redlines

11-2-2: DEFINITIONS:

DWELLING: A building or portion thereof, containing one or more living units, and which complies with the structural requirements of the adopted building code.

DWELLING UNIT: A Single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

DWELLING, ACCESSORY DETACHED: A self-contained living unit that includes its own cooking, sleeping, and sanitation facilities, and that is located within a separate structure than the principal dwelling. Accessory dwelling unit does not include a motorhome, camper, recreational vehicle, tiny home on wheels, or other similar dwelling on wheels.

DWELLING, ACCESSORY ATTACHED: A self-contained living unit that includes its own cooking, sleeping, and sanitation facilities, that is integrated into the principal dwelling unit with a clearly defined, separate exterior entrance.

11-6-5: PROVISIONS FOR UNIQUE LAND USES:

(NOTE: This section is intended to replace 11-6-5 Section "L" of the existing Gem County Code)

L. Dwelling, Accessory:

1. Purpose: The intent of this subsection is to provide an opportunity for the development of permanent, single-family, independent living dwellings for Gem County residents; to provide a type of affordable housing alternative; to provide economic support for resident families through small rental units; and to implement policies in the housing and land use chapters of the comprehensive

plan that call for a diversity of housing types. The purpose is to provide such development opportunities while still maintaining the residential character of the surrounding neighborhood. To ensure that no avoidable adverse impacts on the public health, safety, and general welfare result from the creation of an accessory dwelling, the county prescribes standards for the approval of such units.

2. Permitted: One (1) permanent accessory dwelling is permitted on the same property in conjunction with, and clearly subordinate to, an existing single-family dwelling, in accordance with the standards listed in this section. Accessory dwelling units shall be permitted in all zone districts that allow for a residential use.
3. Recorded Restrictions: Before a building permit for an accessory dwelling unit is issued, the property owner shall file with the county recorder's office and submit to the Development Services Department a declaration or agreement of restrictions containing a reference to the deed under which the property was acquired by the owner and stating that:
 - a. The accessory dwelling unit shall not be sold separate from the principal dwelling unit;
 - b. The accessory dwelling unit is restricted to the maximum size allowed per the development standards; and
 - c. The restrictions shall be binding upon any successor in ownership of the property and lack of compliance shall result in legal action against the property owner.
4. Subdivision: Accessory dwelling units shall not be subdivided or otherwise segregated in ownership from the principal dwelling unit.
5. Maximum Size: The living area of accessory dwelling units shall not exceed 1,800 square feet in gross floor area.
 - a. Existing residences may be converted to an accessory dwelling if the new principal dwelling is proposed to be larger than the accessory dwelling.
6. Wastewater: The accessory dwelling unit shall be connected to a wastewater system approved by the Southwest District Health Department.
7. Domestic Water: The accessory dwelling shall connect to the existing domestic water supply. Modifying or expanding the existing water connection to accommodate both dwellings is permitted. Certificate of augmentation shall be submitted where an existing well is being augmented to accommodate the additional dwelling.
8. Location of Accessory Dwelling Unit.
 - a. The accessory dwelling units may be located within or attached to the principal dwelling; as a detached structure; or integrated into (above or beside) a detached structure, such as a garage.
 - b. Detached accessory dwelling units shall be located no further than two hundred (200) feet from the principal dwelling and no closer than ten (10') feet to the principal dwelling unless restricted by a physical site constraint or some other barrier beyond the owners control.
9. Access to the Accessory Dwelling Unit.
 - a. The driveway serving the accessory dwelling unit shall be shared with the principal dwelling. If combining driveways is prohibited by a physical site constraint or some other

barrier beyond the owner's control, a separate driveway permit may be allowed as authorized by the road and bridge department.

- b. Addressing and access for each dwelling unit shall be clearly indicated onsite at each entrance, with separate addresses for each dwelling unit, for emergency response purposes. Addressed for accessory dwelling units shall include an "A" for attached and "D" for detached.
- c. The Road and Bridge Department shall ensure all proposed access is compliant with required emergency access requirements prior to issuing access permits.

10. Parking: A minimum of one (1) off road parking space shall be provided for each ADU.

11. Prohibitions: Accessory dwelling units are not permitted under the following conditions:

- a. Where more than one dwelling unit already exists;
- b. Where there is a previously approved temporary dwelling under Title 11, Chapter 19.
- c. Where the principal dwelling may be considered to have an accessory dwelling unit, either conforming or non-conforming, already within or attached to the dwelling. This includes, but is not limited to, attachment via breezeway or other shared space.
- d. On an illegal parcel.
- e. Temporary structures such as a motorhome, camper, recreational vehicle, tiny home on wheels, or other similar dwelling on wheels may not be utilized as accessory dwelling units.

12. Code Compliance: In cases where an existing garage, shop, or single-family dwelling is to be converted to an accessory dwelling, the area designated for the accessory dwelling must be brought into compliance with current international residential code standards, as determined by the building official.

Revd
5/24/24

GEM County Land Use and Development Code Update

Bensinger Comments

Summary Comments

- Agree with no lot limit on private roads
- Reconsider the requirement to pave private roads when the road is hillside and will not, by definition (above 7% grade), be taken over by the country.
- Reconsider the requirement to have a pedestrian walkway or easement on hillside developments/large lots. Having a walkway on steep hillsides would likely not be safe for children and it would likely be impossible to make it ADA compliant.
- Reconsider 100' setback for a gate on private roads. Recommend 50' which is slightly more than the Fire Requirements for an Alternative Turnaround elsewhere on a private road.
- Recommend several suggested Road Maintenance Agreement requirements to help manage issues that arose during the public meeting including making it easier for County Staff.
- Barrow Ditches. On hillside roads, generally there is only one barrow ditch on the cut side of the road, not two as is stated in the updated standards.
- Reconsider ADU limitations on single source of water and distance requirements from main home on Hillside Developments.
- A handful of notes, typos and provisions that may not be consistent/not understandable for your consideration.

Road Standard Amendments (April 10, 2024 version)

Generally, we like these proposed amendments very much. A few points we'd like to note:

12-8-3 Public Road Standards

Our experience is with private roads, but all here seems reasonable, and we support.

12-8-4 Private Road Standards

C. Type B Design Standards.

C.1 On the hillside developments, it would difficult in many locations to have room for a separate pedestrian path. We suggest that 60' wide total lot or tract would be

appropriate and adequate. Even with a 24' driving surface and shoulders and ditch(es), there would be adequate room for a walking path. With that said, we have concerns in the hillsides for a requirement for walking paths as we will point out in comments below.

C.2. On hillside roads, there are generally a "cut" or hill side and a "fill" or downslope side. Ditches are generally only on the cut side, NOT on the fill/downslope side of the road. Please note that a shoulder *is* required on the fill/down slope side.

C.3. We aren't certain what this means. Maybe a little additional explanation?

D. Design Standards.

1. We'd recommend that you insert the word "compacted" before the depths for aggregate base and road mix and reconfirm the depths based on the compacted amounts.
2. We ask that you reconsider the requirement for paving when the road is in hillside developments, especially when there is no chance, due to grade exceeding 7%, that the county will take it over. There are a few reasons for this:
 - a. Gravel can be safer than pavement on steeper roads in the winter where ice can form. Traction is a bit better on gravel assuming the road is built well in the first place.
 - b. Gravel can slow down water run off/erosion on steeper roads. A crown in the road helps, but with turns and banking into the cut side, water can flow down the road for greater distances than on flat roads. On pavement, that water can build volume and speed, whereas gravel will help slow it down and diffuse it.
 - c. Roads on hillsides, even when following common practice of compacting 1' or 2' lifts, still benefit from two to four years of weather and traffic compacting the road. Problems are found this way and fixed before having to work under/around pavement.
 - d. Cost. While the eastern side of the county is A3 (five acres) it is rare in the steeper slopes that subdividing into five acres is possible and yet have a building site. As a result, lots are bigger and roads are much longer. Paving would drive up price and make land more expensive for locals and lower income.
6. We like the requirement to pave the approach for the first 20'. You might add that it is a minimum. If on a state highway, ITD will require pavement to their easement. In our case on Hwy 52, that was 29' off the fog line. Maybe a "20 feet unless required to be longer by other jurisdictions (ITD, city, etc.)". Something like that.

9. 100' on gate set back seems a little excessive. According to Idaho Fire code (please see illustration in Appendix D of the Code here: <https://up.codes/viewer/idaho/ifc-2015/chapter/D/fire-apparatus-access-roads#D103.1>), hammerheads are 60' from the center of the road each direction (so 48' from edge of pavement in each direction on a 24' road). Alternatively to a hammerhead, an acceptable one sided turnaround measuring 70' from the opposite side of the road (or a total of 46' from the edge of pavement on a 24' driving surface) is allowed. Given that a private road entry is similar to the hammerhead alternative, 46' would be adequate under the code. Maybe round it up to 50'.

BTW, ITD doesn't have gate set-back requirements for driveways and private roads except that a gate be out of their right-of-way. On Hwy 52, for example, ITDs right-of-way is 50' from the centerline (29' from the fog line).

16. What is a circulation plan? Maybe a little description?

Sub Sections 12-8-4 E., F., G., and H. seem reasonable.

Sub section 12-8-4 I. Maintenance Provisions

We listened to fellow homeowner's stories in the meeting as well as a bit of frustration from staff on how to make maintenance provisions, building permits and ultimately good road maintenance work. We'd like to offer some suggestions:

1.a. Not only require the formation of an entity, but also make sure there is a provision to nominate one person to manage the road maintenance. Under an HOA, it could be the president or an assigned person. Under a Road Users' Agreement, they would need to have some process to nominate/elect a person. This person becomes the county's point person to deal with instead of all the individual homeowners. Furthermore, this is the point person for all the homeowners, hopefully taking some of the work off County Staffs' plates.

1.b. Good.

1.c. Good. Is there a missing word? "...private road that results in additional [splits, lots, ?]

1.d. Good.

Consider adding to the agreement requirements something like the following:

1.e. That parcel/home owners acknowledge and understand that they as owners have complete shared financial responsibility and liability for the maintenance of their private road. And, conversely, that the county/city has no responsibility or liability for the maintenance of their private road.

1.f. Creates a calculation that describes how costs will be shared between existing and future lot owners. Include a description of how ADUs will be treated in the calculation.

Note: We know you have to be careful on legislating exactly how you would prefer Road User Agreements/HOAs handle this (or maybe not...might check with county attorney as to how far you can and want to legislate terms) but requiring the owners to think through the process is important. Determining cost per owner could be based on lot road frontage, total acreage, or just total number of lots. Maybe something else? Your department is not dictating the method but requiring them to have one described so that everyone on the private road knows how they will be charged. We would also suggest that they include some description of how ADUs will factor into fee allocation.

As an example, maybe there are 10 parcels. They determine to split costs 10 ways whether or not there is a home built. If there is a home and the owner adds an ADU, the Users' Agreement considers that owner to have two shares and the total shares increase to 11 and the annual fees are split 11 ways. Just an example. The owners need to figure out their approach. You just want to see that it exists and is reasonable.

1.f. That an Appendix to the Road Users Agreement/HOA is included and indicates a projected budget for future costs of road maintenance. Items that can/should be included: ditch cleaning, weed control, annual grading, repairs, periodic new layer of gravel, etc. If paved, then also a tar seal periodically, chip sealing every 5 to 7 years, and a new layer of pavement every 20 years or so. (You may want to require/suggest updated estimated quotes periodically be obtained for the work provided from contractors. If doing part themselves, a description of what work they are doing, and what is being outsourced.

1.g. That based on 1.f., the president of HOA or leader in charge of the road users' group will collect annual (or more often) fees to cover estimated costs over a 20 year period and escrow them into a bank account. An annual (or more often) statement should be available to owners and County if demanded. This, in our estimation, is critical so that homeowners aren't faced with a huge bill and no one wants to pay. Escrowed fees provide the funds.

1.h. That every three to five years (you all decide), an appropriate member of the county will inspect the road and charge the HOA/Users a fee of, say, \$200 (or whatever the county deem appropriate). If the road is not up to snuff, then you have the provisions of your current Subsection 4.a. They should have the money set aside if 1.f and 1.g are followed.

Comments: These additional points to Maintenance Agreements should help mitigate some of the issues we heard during the meeting. With the periodic inspection from the county, it should also minimize a road falling to far out of repair. And while it is something the appropriate county staff will need to set aside some time for, there is a fee that is collected to help off-set the cost. Maybe the inspection can be outsourced with the fee. If the Fire Marshalls do it, then maybe it can go into their budget to help offset other costs.

I would suggest that an exception to many of the details above in Maintenance Agreements can be eliminated in the event a "developer" has multiple lots and hasn't sold any of them—so no one else using the road except the single owner. In that case, the detail and escrowed amounts may not be necessary as there is only one person responsible. Inspections might still be required. However, until the first lot is sold, a modified/detailed user's agreement may not be needed.

12-8-5 Pedestrian Access Standards

We ask that you reconsider pedestrian pathways being a requirement, at least in hillside developments. Trying to put these paths on hillsides are not practical and may actually be unsafe for pedestrians and children due to steepness.

Further, it may not be possible to make such hillside pathways ADA compliant—the slope just too great we believe.

12-8-6 School Bus stop Standards

Generally agree. You might consider requiring private roads in hillside developments to have a school bus stop near the entry of the private road and require parents to shuttle children down their private road to the school bus stop. This way buses don't have to travel up private roads, especially in hillside developments, during the winter or any time.

All other School Bus Stop Standards seem good.

Standards for Driveways and Naming (Subsections 12-8-7 and 12-8-8) seem reasonable. 20' widths of driveways on hillsides may be challenging. However, being hillside, all the more reason there is good access for Fire.

Maybe allowing variance in the language under these standards pending Fire Marshall approval would be helpful. For example, if a hillside home is 40' below a main road on a hillside, the Fire

Marshall may prefer parking on the main road and run hoses down—it's the closest point. The driveway at 10% grade on a hillside would be 400' long. Dropping hoses 40' down is likely easier. Allowance by the Fire Marshall may then be justified for a narrower than 20' driveway. Just a thought.

Accessory Dwelling Unit (ADU) Amendments (April 10, 2024 version)

Generally, we agree with the current suggested updates. Like the emphasis on solution for lower income housing. A couple requested suggestions:

1. **11.6.5.7.** Domestic Water. Generally okay as is. However, please consider eastern part of county that is mostly hillside. Wells can be fairly low-producing. Allowing for a second domestic well might be useful to the homeowner.
2. **11.6.5.8.b.** Maximum 200' separation from main home. In general, this is a good rule. However, in hillside developments where finding a level spot for a home can be a challenge, some language to allow for more than 200' separation would be useful.

Notwithstanding these two comments, very good changes and we support all.

12-8-4

B. Type A Design Standards.

1. Just a point of logic, if Type A Private Roads are only existing roads "in an easement rather than a tract or lot" (Subsection A.1.), then here in B.1. two issues:
 - a. language says 40 foot wide easement, tract, or lot. Above it says only easement, NOT tract or lot. Here it includes tract or lot. Doesn't follow.
 - b. Since Type B Private Roads Standards apply to any new road, are you saying existing Type A roads now need to go back and implement a 40' easement if they don't already have one? It may be that all existing private roads already have at least a 40' easement, but seems to imply. This matter isn't of concern to us personally, but we saw the language and thought we'd point out the seemingly contradictory language.

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