

Chapter 16.40

IMPROVED PRIVATE ROADS

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16.40.010 Findings.

Approved private roads as referred to in this title may be permitted at the discretion of the board when:

A. The welfare of the occupants of the subdivision or proposed development will be better served by a private road than a public road due to unusual parcel size, shape, location or unusual topography.

B. The public welfare will be impaired through the controlled use thereof or the kinds of improvements.

C. The private road will not be injurious to or prevent the orderly development of other property in the immediate area.

D. The private road intersects or connects with a public road.

E. The maximum number of dwelling units served by the private road does not exceed six.

F. The maximum length of the private road does not exceed three hundred feet in length. (Ord. 10-16-75 § 1(100.1000))

16.40.020 Application.

The application for an improved private road will be by request filed with the planning director. The application will be signed by the owners of all properties, traversed by such private road and:

A. In the case of private roads within a proposed subdivision, the written request will be filed with the tentative map and will be acted upon concurrently with the tentative map.

B. In the case of an existing or proposed private road not within a proposed subdivision, the application will be accompanied by three copies of a map prepared by a licensed land surveyor or registered civil engineer showing the location and limits of the existing or proposed private road and the parcel or parcels it will serve. (Ord. 10-16-75 § 1(100.1001))

16.40.030 Referral.

Each application for an approved private road will be referred to the officers or departments involved and the officers or departments shall transmit their recommendations to the planning department. (Ord. 10-16-75 § 1(100.1002))

16.40.040 Commission action.

The planning commission will consider the application within forty days after the application is filed and report its findings to the board of county commissioners and the applicant. (Ord. 10-16-75 § 1(100.1003))

16.40.050 Board action and report.

The board of county commissioners will act upon the planning commission's recommendation within ten days or at its next succeeding regular or adjourned meeting after the receipt of the commission's recommendation. The board will report its action to the applicant, planning commission, and the director of public works (county road foreman) no later than ten days following the action. (Ord. 10-16-75 § 1(100.1004))

16.40.060 Conditions of approval.

Approval of a private road granted under this chapter will set forth a condition upon which it is approved which includes the following unless an exception is granted as provided in Sections 16.04.220 through 16.04.260.

A. A protective covenant will be recorded containing a provision for the continued maintenance of the private road by the affected land owners and the manner of determining their respective liability for this maintenance.

B. The instrument creating the private road will be recorded or filed in the office of the county recorder.

C. The private road will be kept physically closed to the public travel or posted as a private road.

D. The private road will be improved in accordance with adopted improvement standards. The improvements will be completed or agreed to be completed in the same manner as set forth in Section 16.32.160 A. (Ord. 10-16-75 § 1(100.1005))

16.40.070 Effective date of approval.

The approval of any private road will not become effective until:

A. A subdivision map conforming to the board of county commissioners approval of the private road has been recorded in the office of the county recorder, or

B. A record of survey map conforming to the board of county commissioners approval of the private road has been recorded in the office of the county recorder. (Ord. 10-16-75 § 1(100.1006))

16.40.080

16.40.080 Revocation of approval.

The board of county commissioners on its own motion at a public hearing with or without a recommendation of the planning commission may revoke any approval for an approved private road for noncompliance with the conditions set forth in granting approval. (Ord. 10-16-75 § 1(100.1007))