LAKES HIGHWAY DISTRICT
RESOLUTION NO. 2025-05
Policy for Public Use of Non-Maintained Public Rights-of-Way

WHEREAS, Lakes Highway District has certain enumerated powers and duties pursuant to Idaho State law;

WHEREAS, the Board of Commissioners wishes to define its policy for opening public rights-of-way;

NOW, THEREFORE, BE IT RESOLVED that Lakes Highway District hereby adopts the attached Policy for applicants wishing to open and use public rights-of-way.

LAKES HIGHWAY DISTRICT

RODNEY A. TWETE, CHAIRMAN

STEVE ADAMS, VICE CHAIRMAN

WESTON E. MONTGOMERY, COMMISSIONER

ATTEST:

ALIESHA HENDRY, DISTRICT CLERK

Policy for Public Use of Non-Maintained Public Rights-of-Way

1. Surveying.

A survey of the rights-of-way shall be provided to ensure the adjoining properties are protected. The survey shall monument the rights-of-way upon completion of any improvements.

The survey shall encompass the full extent of the rights-of-way from the point of access to the maintained portion of the public's rights-of-way in accordance with the Associated Highway District Standards, Section 203 and appropriate Idaho Code provisions.

2. Engineering Roadway Design.

Engineering Plans prepared by an Idaho Licensed Professional Engineer shall be prepared in accordance with the Associated Highway District Standards to ensure improvements do not encroach onto private property.

3. Ownership of Trees and Care.

Viewer reports are rights-of-way not owned in fee simple by the highway district. The trees within the right-of-way belong to the underlying property owner(s), 50/50 split on the centerline of right-of-way. In such circumstances, the applicant is required to limb the trees and contact the underlying property owner and arrange for a location to stack the removed trees on the underlying property owner's parcel. All logging debris should be removed from the right-of-way and properly disposed of in accordance with the Idaho Forest Practices Act. It shall be the applicant's responsibility to obtain all necessary permits (ie brush compliance, etc). If the property owner does not provide a location on the adjacent property to stack the limbed trees, they shall be neatly stacked along the edge of the right-of-way outside the travel width for removal and use by the property owner.

Trees within deeded or dedicated rights-of-way are owned by the District. Those trees shall be handled similar to trees within viewer's report right-of-way. However, the applicant shall compensate the Lakes Highway District full value received by the mill. The applicant will be responsible for all transport costs associated with mill delivery.

4. Extents and timing of Required Road Improvements.

The full extents of road from the point of access to the maintained public rights-of-way shall be improved to the Districts minimum standards for a non-maintained gravel roadway or other appropriate standard depending on the desired use.

If the road is intended to provide access for logging, a temporary access road within that portion of the previously unopened road shall be constructed to subgrade in accordance with the Associated Highway District Standards. Final improvements shall be completed after the logging operation is complete. Final improvements included subgrade finishing, ditching, placement of fabric (if necessary) and applying the gravel road surfacing.

If the portion of rights-of-way is being developed for the sake of a subdivision desiring maintenance by the public, the road shall be built to the Associated Highway District Paved Road Standards.

If the road serves as a private driveway encroachment, not maintained by the District, the applicant will be required to build the road to the Non-Maintained Gravel Roadway Section.

5. *Required Road Improvements on portions of Opened Rights-of-way not maintained by the District.*

The full extents of road from the point of access to the maintained public rights-of-way shall be improved to the Districts minimum standards for a non-maintained gravel roadway for any portion of road the applicant desires to use.

If the road is intended to provide access for logging, a temporary access road within that portion of the previously unopened road shall be constructed to subgrade in accordance with the Associated Highway District Standards. Final improvements shall be completed after the logging operation is complete. Final improvements included subgrade finishing, ditching, placement of fabric (if necessary) and applying the gravel road surfacing.

If the portion of rights-of-way is being developed for the sake of a subdivision desiring maintenance by the public, the road shall be built the Associated Highway District Paved Road Standards.

If the road serves as a private driveway encroachment, not maintained by the District, the applicant will be required to build the road to the Non-maintained gravel roadway section.

If the existing portion of road/driveway is paved, it will be assumed that its not built to support log truck traffic and shall be built to the District minimum paved roadway standards including a 22-ft wide paved surface.