

**JACKSON COUNTY PLANNING COMMISSION  
PUBLIC MEETING**

**October 22, 2009**

MINUTES

MEMBERS PRESENT: Don Greene  
Joel Ockunzzi  
Richard Thierolf Jr.

MEMBERS EXCUSED: Tani Wouters

GUESTS PRESENT: Megan Lanier  
Don Rowlett  
Dale Petrsek  
Raul Woerner  
Bill Philp  
2 other guests

STAFF PRESENT: Director Kelly Madding  
Planner Josh LeBombard  
Planner Tracie Nickel  
Office Assistant Lisa Canon

The meeting was called to order by Chair Don Greene at 9:14 a.m. The roll was called.

**APPROVAL OF MINUTES:**

**A motion was made by Commissioner Joel Ockunzzi and seconded by Commissioner Richard Thierolf to approve the October 8, 2009 meeting minutes. The motion was approved by a unanimous "Aye" vote.**

**POTENTIAL BUSINESS FROM THE AUDIENCE:** None.

**Continued Public Hearing** - Continued consideration of amendments to the Jackson County Land Development Ordinance including substantive changes to Section 8.7 (Wildfire Safety), Section 9.5.3 (Private Roads) and Section 9.5.4 (Emergency Vehicle). Focus during this meeting will be on Section 9.5.3 Private Roads. File no. LRP2004-00014B

Don read the summary. Josh LeBombard gave the staff report, reviewing the sections that contain proposed changes.

### 9.5.3 Private Roads

The majority of the changes are to remove redundancies between sections and to reflect proposed changes made to other sections of the LDO.

Highlights of the proposed changes are as follows:

- 13.3 Terms Defined: (c) Private Road Terms-differentiating Private Access Easement and Private Road.
- 9.5.3 (A)(3) Clarification, you cannot create a private road off of a private road.
- (B) Moved from Chapter 3 of the LDO to keep the Private Roads requirements together.
- (C) Design Requirements, changes made to requirements based on recommendations made by Dale Petrasek, county engineer. Turning radius and maximum grade were removed from table 9.5-1 because they are covered in different sections.
- (C)(3) Public Road Approach section added.
- (D)-(H) Sections removed because of redundancies with other sections
- New Sections (D) Gates, moved from another section. Clarification took place regarding the 24-hour emergency vehicle access.
- (E) Maintenance Agreement-Section copied from the User's Guide. Discussion took place regarding responsible parties, how agreements are created, who controls them.
  - Richard's suggested changes to the wording in the description of Maintenance Agreement: The county will require that there be a maintenance agreement and that it be recorded.
  - (7) Richard and Don, should include the ability to enforce the agreement as well as to be able to foreclose a lien.
- Dale Petrasek: Spoke regarding the requirement of paving for private roads serving 7-12 lots. Gravel roads can serve more lots but they may require a lot more maintenance than a paved road. With private roads it also creates a social issue, agreeing on how much maintenance a gravel road needs.
- (F) Conditions of Approval-changes made to wording throughout this section.
- User's Guide: Section 4.1 was removed due to redundancy, moved to other sections.
- 9.5.4- Private Access Easements- Changes proposed after discussions and testimony at previous hearings.
- Clarification of ADT added as superscript.
- (C) Maintenance Agreement-removed
- 9.5.5 (A)(1) Driveway/Access Requirements-reworded to clarified, possible add a diagram if the commission feels it is necessary.
- User's Guide Section 4.3 removed and added to 9.5.3; sample Private Road Maintenance and Access Agreement added in its place.

Question-and-answer took place between staff and commissioners throughout the presentation.

Josh: Turnouts-recommended change is to clarify that on single lane access ways turnouts are required but not necessary on two lane private roads.

Dale Petrasek: By the fire code the turnaround has to be 20 feet wide, for fire trucks. The 26 feet requirement has to do with fire hydrants and other situations.

Josh: We will work on clarifying the requirements.

Don declared open at 10:44, speakers were as follows

Bill Philp: Has a preexisting subdivision that has not been developed, questions regarding the requirements for private roads

- How it will effect him when he builds.
- Is there a difference between private access roads and county approved private accessway?

Josh: The requirements should have been made when the land was subdivided. When you go to build you will need to meet the requirements when your approval was made.

Kelly: You have an approval that will not be effected by the changes proposed. You will only be affected if you propose a new partition.

- Discussion between Bill, staff and commissioners took place regarding increasing his subdivision from 5-6 or further subdividing the properties.

Megan Lanier:

- Regarding M49, if private roads came into effect in 1980, then anything prior to that the requirements would be waived.
- Wants make sure that the creation of private access easements to existing lots won't be effected by section 10.2.1 (F)  
Staff clarified that the last sentence was revised to exempt private access easements.
- Private Road Terms-private access way vs. county approved private access way. Thinks wording should be different so they don't get confused.  
Staff clarified that one is serving a lawfully established piece of land and one is created through a land division process.

Don Rowlett: Question about paved roads reaching existing lots that are far off of main roads, some that have to cross BLM and public lands. Some of his existing lots are as far away from main roads as 2 miles.

Josh: You won't need to meet to the private roads standards if the lots are preexisting, you will need to meet the minimum design standards.

Don R.: If I split my lots and that creates 6 lots to be served by the road would it need to be paved?

Don G: You would need to meet the requirements if you are creating a new partition but you can apply for a variance.

Don R: Feels that the paved road requirement is a lot to require, especially that far out in the county. Believes it will deter a lot of people from subdividing land.