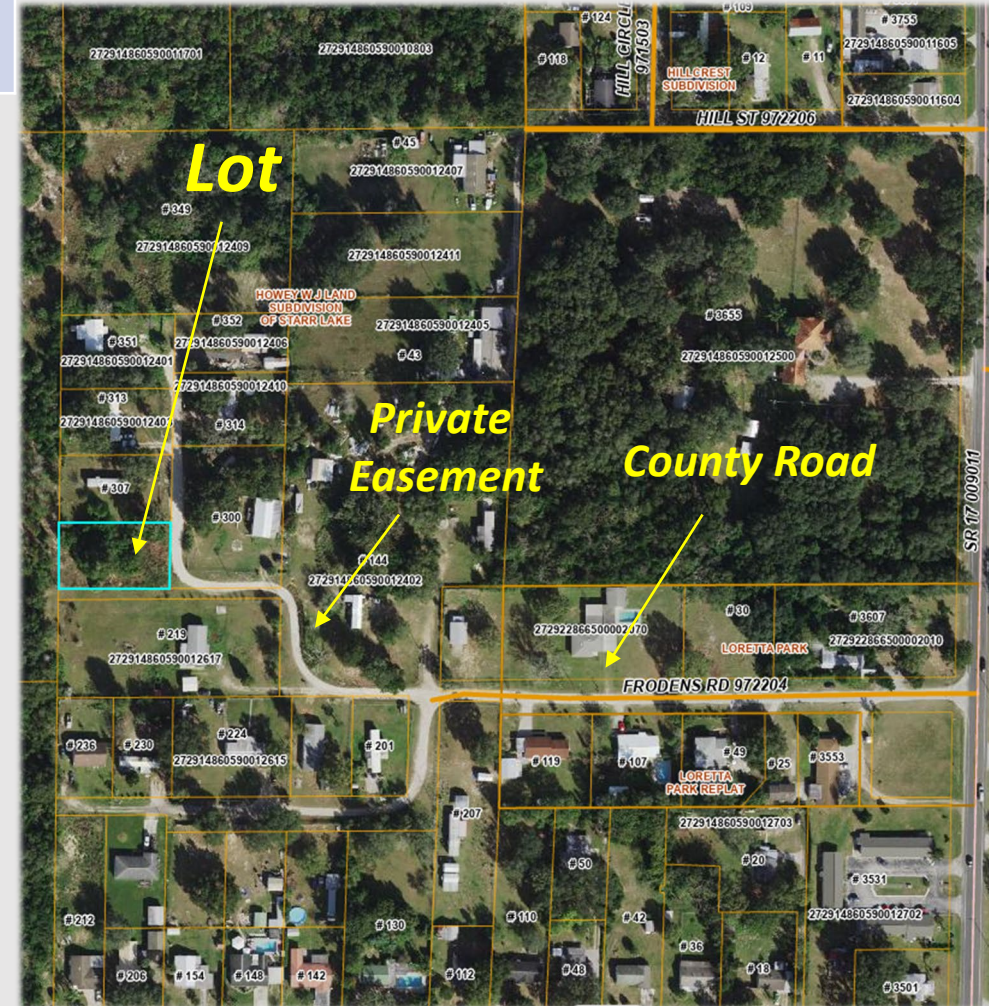


Request:

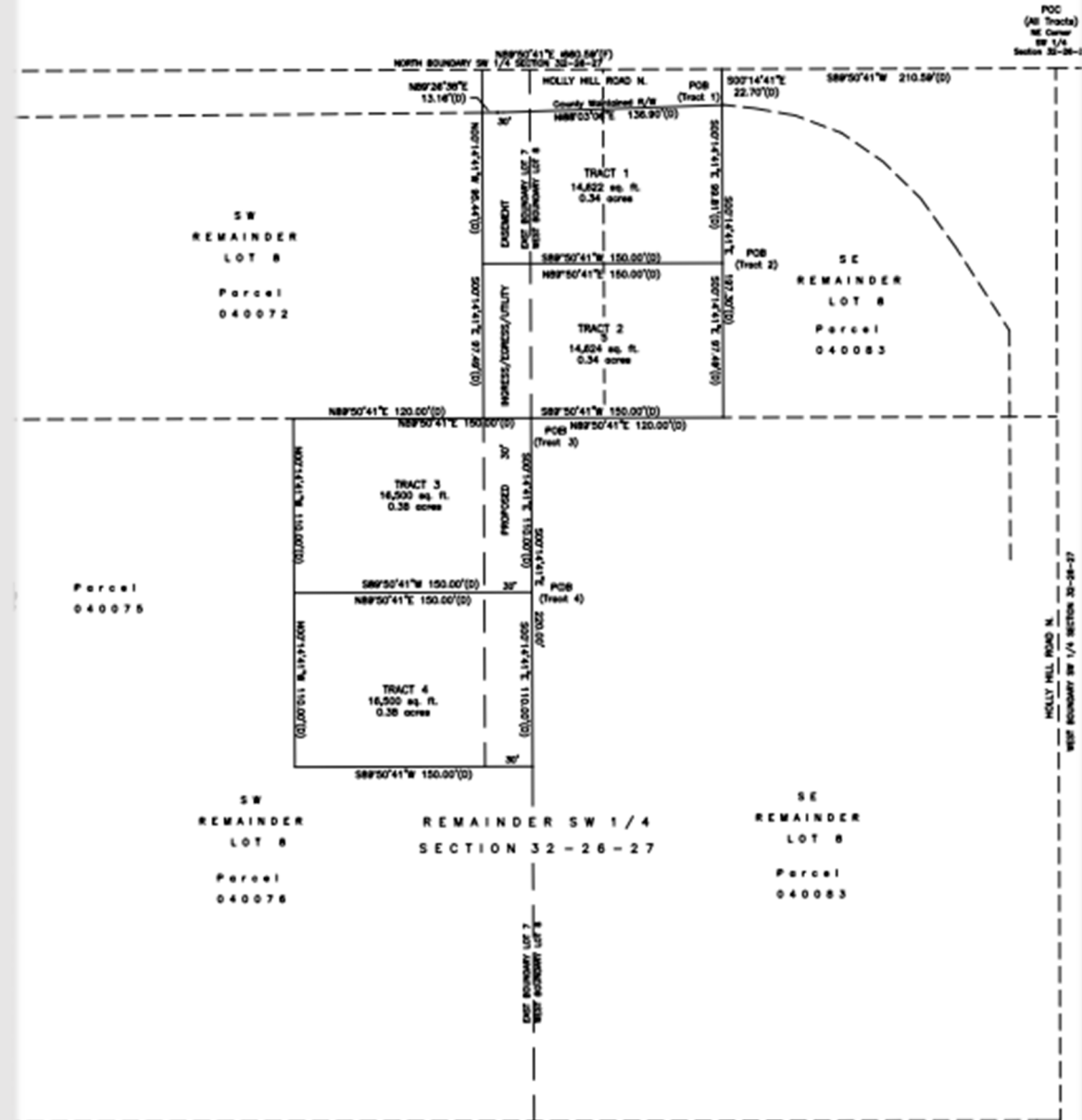
County-initiated LDC text amendment to modify Section 705.B to lower the required levels of review when approving residential Access via Easement requests.

- *Allows an administrative review of existing legal lots requesting Access via Easement approval when an easement provides access to more than four lots and/or exceeds 0.25 miles in cases where no subdividing is proposed.*
- *Allows an administrative review for a one-time split for lots with an easement where the parent parcel lacks frontage on a County road.*
 - *Both above reduce burdens for building a single-family residence where private roads already exist.*
- *Adjusts the Level of Review for Access via Easement Waivers from the BoCC to Planning Commission.*
- *Not applicable to the Green Swamp ACSC.*
- *Not applicable to "Land sale lots."*
- *BoCC Hearings set for September 3 and September 17, 2024*



Polk County Access Options

- For a residential building permit, LDC Section 705 requires direct frontage on a paved County road or legal access to a County road
 - Through platted private roads, constructed to County standards, which provide access to a paved county road, and whose maintenance and upkeep are provided for by a HOA, POA, or other similar organization.
 - Through platted public roads constructed to County standards and accepted by Polk County for maintenance and upkeep.
- Other option in 705.B allows for access via easement through Administrative Approval under the following conditions:
 - **Easement provides access to no more than Four Lots**
 - Be at least 20 feet wide
 - **Be no longer than 1/4-mile (0.25 miles total)**
 - Provide for sufficient access for emergency services
 - Must demonstrate legal access to the easement
 - **Bold can be overcome with BoCC Waiver**



Waivers

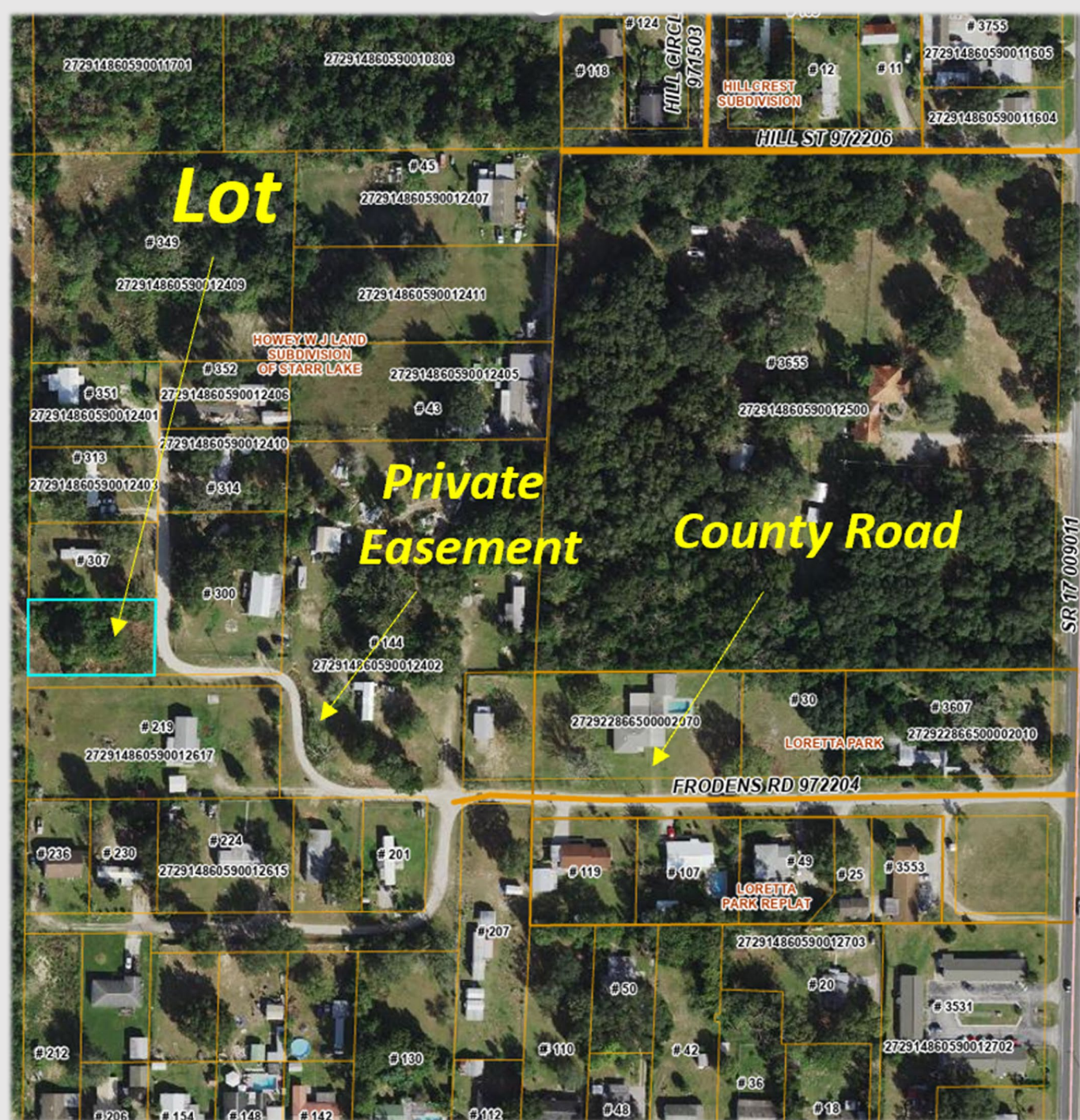
- Needs Level 4 Approval for exceeding four lots on an easement, for access to an easement that is longer than 0.25 miles, and when the parent parcel does not have legal frontage.
- Review is for orderly subdivision of property, to ensure emergency access, and to evaluate the condition of the easement.
- PC & Board have heard 24 Waiver requests since 2018; one has been denied.
- **Amendment will change Waiver approval to a Level 3 Review.**
- Still eligible for a DeNovo Hearing.



The Problem:

- Recent applications for one home on an existing lot that is either being redeveloped or is infill.
- Lots have access to an established private road or easement.
- No subdividing is being proposed.
- Currently requires a Level 4 Review and Board approval for a building permit.

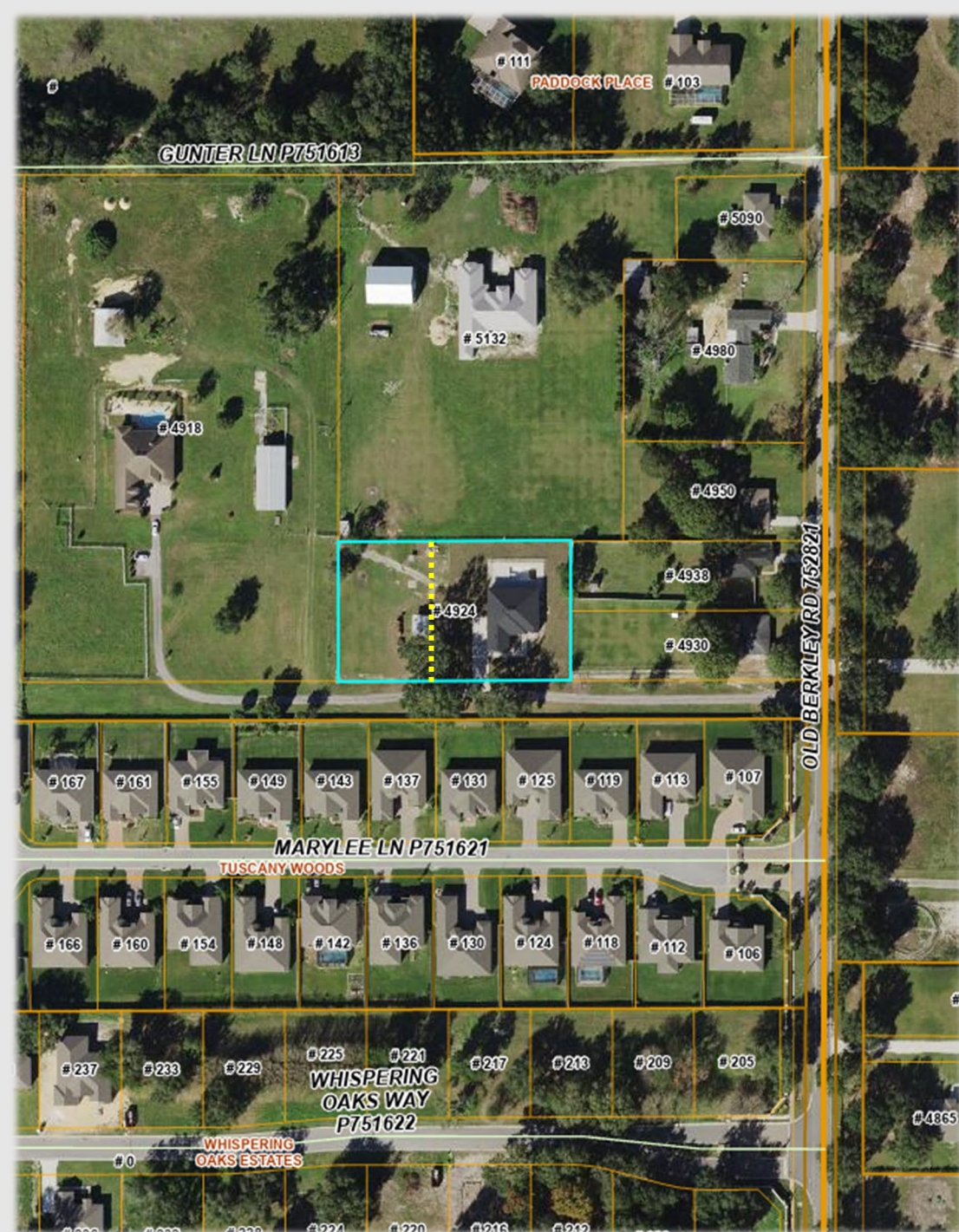
This amendment will allow administrative approval in such situations.



The Problem:

- Property owner wants to split property on an easement w/o frontage.
- Meeting FLUM minimum lot size requirements.
- Has legal access.
- Easement does not exceed four lots or 0.25 miles.
- Currently requires Board approval.

This amendment will allow administrative approval in such situations.





LDCT-2024-15

Access via Easement LDC Text Amendment

Agenda Item 12

Staff Recommends Approval

- Amendment will alleviate burdens and costs on applicants when building a single-family home.
- Maintains requirements of proof of legal access.
- Maintains review of easement by DRC and Fire Marshal.
- Does NOT apply to parcels in the Green Swamp ACSC.
- Does NOT apply to substandard “land sale” lots.

