

**ORDINANCE**

**SUBJECT: PUBLIC WORKS – DRIVEWAY ACCESS TO COUNTY TRUNK HIGHWAYS**

**COMMITTEE: PUBLIC WORKS AND INFRASTRUCTURE**

**FIRST CONSIDERATION: March 18, 2021**

**FINAL CONSIDERATION: April 20, 2021**

**ORDINANCE # 184 – 4/21 PUBLICATION DATE May 6, 2021**

**The County Board of Supervisors of La Crosse County does ordain as follows:**

**AN ORDINANCE TO AMEND S. 8.04 ENTITLED "DRIVEWAY ACCESS TO COUNTY TRUNK HIGHWAYS" OF THE GENERAL CODE OF LA CROSSE COUNTY, WISCONSIN**

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**ANALYSIS**

This amendment inserts a specific date (August 6, 2018) into s. 8.04(7)(i) to clarify that driveways in existence as of that date are permitted driveways.

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**INFORMATION:**

County Board Rules: Governing Body s. 2.02(8) states, in part: Ordinances are drafted by the Corporation Counsel. After the ordinance has been reviewed by a standing committee, each Supervisor will be given a copy of the ordinance showing the deleted language (grayed) and the new language (underlined) and an analysis of the intent of the ordinance. After introduction to the County Board, the ordinance shall be referred to the next monthly meeting unless waived by a 2/3 vote of the Supervisors present and a public hearing may be held if requested by a Supervisor. An amendment may be introduced and debated at either the original or the referred meeting. Copies of the ordinances of the County of La Crosse in their entirety are available with Corporation Counsel, County Clerk, or [www.co.la-crosse.wi.us/code/](http://www.co.la-crosse.wi.us/code/).  
(rev. 3/03)

**ORDINANCE # 184 - 4/21**

**AN ORDINANCE TO AMEND S. 8.04 ENTITLED "DRIVEWAY ACCESS TO COUNTY TRUNK HIGHWAYS" OF THE GENERAL CODE OF LA CROSSE COUNTY, WISCONSIN**

The County Board of supervisors of the County of La Crosse does hereby ordain as follows:

**Section 1.**

8.04 DRIVEWAY ACCESS TO COUNTY TRUNK HIGHWAYS.

(1) APPLICABILITY. In accordance with s. 86.07(2), Wis. Stats., this section applies to all design, layout and construction of private driveways which will be adjacent to a County Trunk Highway, or on a roadway which is within 200 feet of an intersection of a County Trunk Highway.

(2) INTERPRETATION AND PURPOSE.

(a) The County Board has determined that improper design, layout and or construction of driveway access onto County Trunk Highways impairs the ability of said highway system to efficiently and safely serve as a part of an integrated intermodal transportation system. This section specifies the County's minimum standards for the design, layout and construction of private driveways abutting on a County Trunk Highway or on a roadway which is within 200 feet of an intersection to County Trunk Highway. These minimum design standards have been adopted in order to provide for the safety of entrance upon and departure from those highways, to preserve the public interest and investment in those highways, to help maintain speed limits, and to provide for the development and implementation of an intermodal transportation system to serve the mobility needs of people and freight and foster economic growth and development, while minimizing transportation related fuel-consumption, air pollution, and adverse effects on the environment and on landowners and users.

(b) It is not intended by this section to repeal, abrogate, annul, impair or interfere with any regulations or permits previously adopted or issued pursuant to laws; provided, however, that where this section imposes a greater restriction upon the design and construction of driveways the provisions of this section shall govern.

(3) DEFINITIONS.

(a) "County" means La Crosse County, including any agency, department or committee thereof.

(b) "County Planning Committee" means the Planning, Resources & Development Committee as authorized by s. 59.69, Wis. Stats., and s. 1.49 of this Code.

(c) "County Highway Committee" means the Public Works and Infrastructure Committee of La Crosse County as authorized by s. 83.015, Wis. Stats., and s. 1.46 of this Code.

(d) "Department" means the Department of Zoning, Planning and Land Information of La Crosse County.

(e) "Driveway" means a private road giving access from a public roadway to a building or other land use on abutting grounds.

(f) "Grade" means the slope of a road, street, alley, foot path, lot or block, specified in percent.

(g) "Pavement" means a material installed to formulate a semi-permanent surface onto the roadway width.

(h) "Permit" means the written authority granted to the Department to conduct activities regulated by this section.

(i) "Reconstruct" means to remove a driveway, or any of the structural portions of a driveway and construct again or replace the driveway with new or additional structural portions.

(j) "Registered Professional" means an engineer, surveyor, or landscape architect registered and certified to practice within the State of Wisconsin.

(k) "Roadway" means any public road, street, highway, alley (in towns), or portion thereof.

(l) "Sight Distance" means the distance from the entry point onto the highway to the point at which safe visual contact with oncoming traffic ceases to exist.

(m) "Tracking" means the detachment and movement of soil, sediment, or rock fragments by vehicle tires.

(n) "Urban Section" means a roadway cross section which is typical to urban areas, including curb and gutter, sidewalk, underground storm sewer and etc.

(o) "Zoning Administrator" means the Director of the Zoning, Planning and Land Information Department, or a person designated by the County Board to administer Chapters 17 and 18 of this Code.

#### (4) PERMITS.

(a) No owner of real estate, owner of an easement of ingress and egress or tenant of real estate which abuts a County Trunk Highway or within 200 feet of an intersection to County Trunk Highways on another roadway, shall open, construct, reconstruct or change the principal use of a driveway or roadway onto that County Trunk Highway or roadway, without obtaining a permit under this section.

(b) All permits applied for under this section shall be filed with the Department and shall include an application fee that shall be determined from time to time by the County Board. Upon receipt of the application by the Department, the application shall be referred to the County Highway Commissioner for inspection and consideration of approval. Applicants shall be notified in writing of the County's decision on their application within 30 days of receipt of completed application. The Department shall issue a permit under this section for driveways which meet the following standards:

(5) LOCATION. All driveways shall:

(a) Be located at a point deemed most appropriate using the following standards:

1. That point which maximizes sight distance at the driveway location from both directions.

2. That point which maximizes sight distance at an intersection, curve or other adjacent traffic use.

3. That point which maximizes distance between adjacent driveways.

(b) Ensure that access shall be obtained off of a local road whenever possible, and not off of a County Trunk Highway.

(c) Any subdivision of land, after the effective date of this section, that requests access onto a County Trunk Highway shall be designed so as to maintain a minimum of 500 feet between each such driveway or access point.

(d) A sight distance of at least 500 feet in both directions is recommended. Due to the topography and existing land uses in La Crosse County, this recommended sight distance is not always feasible. In those cases where it is not feasible, the next, most appropriate location should be utilized as the above standards indicate. In doubtful cases, the County Highway Commissioner may require the applicant to submit, at the applicant's expense, a sight/distance study performed by a registered professional.

(6) DESIGN. All driveways shall:

(a) Be constructed at a 90° angle (perpendicular) to the roadway that it abuts, for at least 20 feet from the edge of the pavement of the roadway.

(b) Be constructed at a maximum slope of 5% for at least 20 feet from the edge of the pavement of the roadway, and a slight depression shall be constructed across the drive so as to insure that drainage and debris not be discharged to the County Trunk Highway or roadway.

(c) Be constructed so as to support typical vehicle traffic during all weather conditions.

(d) Be constructed so as to eliminate the tracking of material off of the driveway onto the roadway.

(e) Be constructed so that the width of a driveway at the right of way line complies with the following table:

TABLE – DRIVEWAY WIDTH

Use of Property to be Served by Driveway	Minimum Width Of Driveway	Maximum Width Of Driveway
Residential	16 feet	22 feet

Shared Driveway	20 feet	24 feet
Agricultural	20 feet	32 feet
Commercial	20 feet	32 feet
Industrial	24 feet	40 feet

(f) The County Highway Commissioner is authorized to determine if a culvert is required. Any required culvert shall be installed entirely at the applicant's expense. Any culvert in the County Trunk Highway right-of-way must be designed to carry a minimum of a 25 year storm event, which is 2.9 inches of rainfall within a 24 hour period, unless otherwise directed by the County Highway Commissioner. The County Highway Commissioner may require that a culvert design be submitted by a registered professional at the applicant's expense.

(g) The culvert shall be a minimum of 18 inches corrugated metal pipe. Any culvert that is not Corrugated Metal Pipe (CMP) or Reinforced Concrete Pipe (RCP) shall be certified by a registered professional as appropriate for the construction of said driveway.

(h) All culverts shall be designed with adequate length and appropriate apron ends, unless otherwise directed by the County Highway Commissioner.

(7) CONSTRUCTION.

(a) All construction shall be completed within 6 months of the County's issuance of the driveway permit. If the driveway is not completed within this deadline, the permit shall be null and void and construction must stop on the driveway until a new permit has been issued by the County.

(b) All costs of installing the new driveway shall be the responsibility of the applicant.

(c) All land disturbance activities shall comply with Chapter 21 of this Code. All necessary erosion control measures shall be installed and maintained so as to eliminate sediment discharge to the roadway.

(d) There shall be no sediment, brush or other debris in the roadway right-of-way as a result of the construction of the driveway.

(e) All driveway sideslopes within the right-of-way shall be constructed with a maximum sideslope of 3:1 in order to facilitate vehicle recovery.

(f) All work shall be performed in such a manner as to preclude any danger to, or interference with traffic flow.

(g) Unless urban section standards apply, if a concrete driveway extends into the road right-of-way it must terminate at least six feet from the edge of the pavement.

(h) Where driveways are to be installed in urban section the following construction standards apply:

1. When curb and gutter is removed, the new connections shall be of equivalent acceptable material and curb returns provided or restored in a neat

manner. The driveway surface shall connect with the highway pavement and sidewalk, if applicable, in a neat manner. The driveway construction shall include the replacement of sidewalk areas which are inadequate or become damaged.

2. All curb flares shall be tangent to the curb line, and within the right-of way.

3. A curb length of not less than 3 feet shall be left undisturbed adjacent to each property line to serve as an island area should the adjoining owner request a permit for an entrance.

(i) All driveways existing as of August 6, 2018 shall be deemed to be permitted driveways and no permit shall be required, except as specified in s. 8.04(4)(a) of this Code.

(8) VIOLATIONS AND PENALTIES. Any person, firm or corporation; including, but not limited to the landowner, contractor, or excavator; who violates, disobeys, neglects, omits, or refuses to comply with or who resists the enforcement of any of the provisions of this section, shall be subject to a forfeiture as provided by section 25.04 of this Code for each offense. Each working day where said activity is in violation of this section shall be deemed a separate and continuing offense.

(9) APPEALS.

(a) Any person aggrieved by an objection to a driveway permit or failure to approve a driveway permit may appeal to La Crosse County Zoning Board of Adjustment at public hearing as noticed under s.59.695(6) Wis. Stats. The Board of Adjustment will have the powers described in s.59.694, Wis. Stats.

(b) Appeals shall be in writing and shall be postmarked within 30 days after written notification was received by the applicant as specified s. 8.04(4)(b). The fee for filing such appeal is set by the La Crosse County Board of Supervisors and as established for an appeal under Chapter 17 of this Code.

(c) The La Crosse County Zoning Board of Adjustment has the power to hear and decide appeals where it is alleged there is error in an order, requirement, decision or determination made by an administrative official in the enforcement of this section.

(d) The La Crosse County Zoning Board of Adjustment has the power to authorize upon appeal in specific cases variances from the terms of the ordinance that will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

(e) A property owner bears the burden of proving "unnecessary hardship," as that term is used in this section by demonstrating that strict compliance with the driveway access ordinance would unreasonably prevent the property owner from using the property owner's property for a permitted purpose or would render conformity with the ordinance unnecessarily burdensome. In all circumstances, a property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.

(f) In exercising the powers under this section, the La Crosse County Zoning Board of Adjustment may, in conformity with the provisions of this section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make the order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

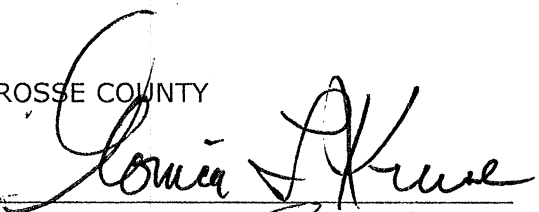
(g) A person aggrieved by any decision of the La Crosse County Zoning Board of Adjustment may, within 30 days after the filing of the decision in the office of the board, commence an action seeking the remedy available by certiorari to the circuit court under s. 59.694(10).

(10) VALIDITY. Should any, clause or provision of this section, be declared invalid, the same shall not affect the validity of the section or any part thereof, other than the part so declared invalid.

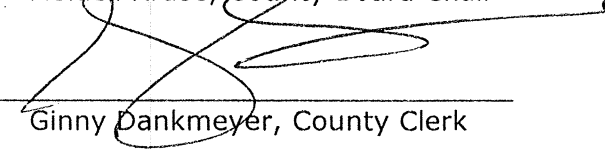
**Section 2.** This Ordinance shall take effect the day after passage and publication as required by law.

LA CROSSE COUNTY

By:

  
Monica Kruse, County Board Chair

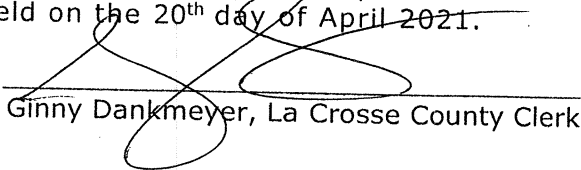
By:

  
Ginny Dankmeyer, County Clerk

PASSED: April 20, 2021  
PUBLISHED: May 6, 2021

STATE OF WISCONSIN  
COUNTY OF LA CROSSE

I, Ginny Dankmeyer, County Clerk of La Crosse County do hereby certify that this document is a true and correct copy of the original ordinance required by law to be in my custody and which the County Board of Supervisors of La Crosse County adopted at a meeting held on the 20<sup>th</sup> day of April 2021.

  
Ginny Dankmeyer, La Crosse County Clerk