

ORDINANCE

SUBJECT: PUBLIC WORKS -8.04 DRIVEWAY ACCESS TO COUNTY TRUNK HIGHWAYS

COMMITTEE: PUBLIC WORKS AND INFRASTRUCTURE

FIRST CONSIDERATION: August 17, 2023

FINAL CONSIDERATION: September 21, 2023

ORDINANCE # 207 - 9/23 PUBLICATION DATE September 28, 2023

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

**AN ORDINANCE TO AMEND S. 8.04 OF CHAPTER 8 OF THE GENERAL CODE
OF LA CROSSE COUNTY, WISCONSIN
REGARDING DRIVEWAY ACCESS TO COUNTY TRUNK HIGHWAYS**

ANALYSIS

This amendment makes some grammatical revisions to 8.04(3)(n), 8.04(6)(b), 8.04(6)(c), 8.04(6)(d) that don't change the meaning or application those provisions.

Changes to driveway standards are proposed in section 8.04(5)(c), 8.04(6)(e), and 8.04(6)(g).

The proposed change to 8.04(5)(c) reduces minimum driveway spacing distance to reduce non-conforming driveways on county roads, allows more flexibility in location of driveway access, and reduces the frequency of variance requests from driveway spacing standards while maintaining a safe minimum driveway spacing distance.

8.04(6)(e) proposes reduced minimum driveway width requirements for residential properties in rural areas accessing onto county roads. The reduction allows residents the opportunity to save money on materials and reduce the amount of impervious surface area on their property. This change grants relief to properties in the Shoreland Zoning District particularly, where a maximum impervious surface area of 15% within 300 feet of the Ordinary High Watermark (OHWM) is mandated by the State. Maximum driveway size in urban areas (areas with sidewalks, curb and gutter) are proposed for reduction to match the widths allowed for some uses in rural areas. The reduced maximum allowed widths should contribute to increased pedestrian safety and improved stormwater management in urban areas of the county.

8.04(6)(g) proposes that all culverts should be constructed of corrugated metal pipe or reinforced concrete pipe. There's a higher frequency of failure of culverts made of less durable materials, regardless of whether they've been approved by a private engineer. Culverts made of plastic and other materials can create safety hazards. A smaller minimum culvert size is also proposed for those areas which may not require a culvert as large as the current ordinance requires.

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/. (rev. 3/03)

ORDINANCE # 207 - 9/23

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.

8.1 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, 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 to maintain a minimum of 400 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 to ensure that drainage and debris not be discharged to the County Trunk Highway or roadway.

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

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

(e) Be constructed so that the width of a driveway complies with the following tables:

TABLE – RURAL DRIVEWAY WIDTH (at culvert or 12' from pavement edge, whichever is smaller)

Use of Property to be Served by	Minimum Width Of	Maximum Width Of
Residential	10 feet	22 feet
Shared	20 feet	24 feet
Agricultural	20 feet	32 feet
Commercial	20 feet	32 feet
Industrial	24 feet	40 feet

TABLE – URBAN DRIVEWAY WIDTH (at sidewalk)

Use of Property to be Served by	Minimum Width Of	Maximum Width Of
Residential	10 feet	22 feet
Shared	20 feet	24 feet
Agricultural	20 feet	32 feet
Commercial	20 feet	40 feet
Industrial	24 feet	40 feet

Widths at the highway shall conform to Standard Detail Drawings that will be provided by the Highway Department.

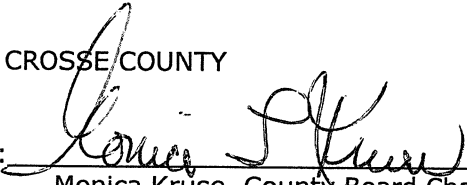
(f) The County Highway Commissioner is authorized to determine if a culvert is required. Any required culvert shall be installed entirely at the applicant's expense. Any culvert in the County Trunk Highway right-of-way must be designed to carry a minimum of a 25 year storm event, which is 2.9 inches 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.

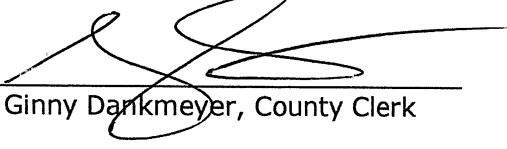
(g) The culvert shall be made of corrugated metal pipe (CMP) or reinforced concrete pipe (RCP) and measure a minimum of 12 inches in diameter.

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

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: September 21, 2023
PUBLISHED: September 28, 2023

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 zoning ordinance required by law to be in my custody and which the County Board of Supervisors of La Crosse County approved at a meeting held on the 21st day of September 2023.


Ginny Dankmeyer, La Crosse County Clerk