

**LINCOLN COUNTY**  
**POLICY-ENTRANCE PERMITS**

Updated December 7, 2017

# **COUNTY TRUNK HIGHWAY ENTRANCE PERMITS**

## **ARTICLE I Introduction**

These regulations are adopted pursuant to the authorization in Sec. 86.07(2) Wis. Stats.

### **Purpose and Intent:**

To regulate access to County Trunk Highways to:

- A. Protect the public investment of existing and proposed highways;
- B. Preserve the physical structure of the highway for convenience, general welfare and economic viability;
- C. Reduce highway accidents caused by frequent and poorly designed driveways.
- D. Assure that driveways accessing to County Trunk Highways meet certain engineering safety requirements that are in the interest of public safety.
- E. Reduce soil erosion adjacent to County Trunk Highways.
- F. Promote the balanced use of land for mutual protection of landowners, motorists and citizens of Lincoln County.
- G. Enhance the appearance of County Trunk Highways so as to make highway travel more pleasant.

### **Interpretation:**

In their interpretation and application, the provisions of these regulations are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this ordinance is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of these regulations.

### **Severability:**

Should any section; provision or portion of these regulations be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of these regulations shall not be affected.

**Effective:**

These regulations and any amendments here to shall be effective upon adoption by the Lincoln County Highway Committee.

ARTICLE II  
**General Provisions**

**Jurisdiction:**

- A. These regulations shall apply on all County Trunk Highways within Lincoln County that are under the jurisdiction of the Lincoln County Highway Department.

**Compliance Required:**

Any development involving construction or reconstruction of a driveway with access upon a County Trunk Highway within Lincoln County shall comply with these requirements and any other applicable County ordinances and regulations and master plan or master plan components adopted by Lincoln County.

ARTICLE III  
**General Standards**

**General Development Standards:**

The County Highway Department shall review all permit applications and apply the criteria herein to determine whether proposed access sites will be reasonably safe for ingress and egress to County Trunk Highways.

**Right of Access for Existing Parcels:**

Each existing lot, parcel or land area abutting a Lincoln County Trunk Highway at the time of enactment of these regulations shall be entitled to one (1) access when in compliance with the provisions of these regulations. Whenever possible access shall be granted on local roads instead of a County Trunk Highway.

**Existing Points of Access:**

All existing established points of access may be continued after the enactment of this ordinance.

## **Change of Use:**

The Lincoln County Highway Commissioner or his/her designee shall determine if there has been a change in use of an access that will affect safe and efficient ingress and egress to, and use of a County Trunk Highway. This determination shall be based primarily on a significant change in volume of traffic, or type of vehicle using that point of access. Upon such determination, the Lincoln County Highway Department may require modification to the access to meet the standards as provided ARTICLE IV of this policy or it may vacate the access unless otherwise provided for herein.

## **Spacing and Frequency:**

No owners or occupants of lots, parcels or land areas created after the enactment of these regulations will have the right of easement or access by reason of the fact that their property abuts a County Trunk Highway unless the following provisions are complied with:

- A. Horizontal distances between access points shall not be less than 500 feet. An intersection shall be considered an access point.
- B. A sight distance of six (6) seconds shall be the minimum.
- C. A maximum of eight access points per side, per mile shall be permitted. Measurement shall be taken ½ mile in each direction from the proposed access point.
- D. Where an urbanized section of a County Trunk Highway has a majority of adjacent property located within a city's or village jurisdiction, the spacing and frequency of access points shall be determined by the Lincoln County Highway Department.
- E. The design of driveway or street intersections for appropriate sight distance, return radius, angle, profile, width, parking and internal circulation shall be based on standards approved by the Lincoln County Highway Department in accordance with adopted engineering practices.

## **Design and Construction Standards**

### **General Provisions:**

The location, design and construction of an access to a County Trunk Highway shall be in accordance with the following provisions and in no case shall be exceeded unless specific written authorization is obtained from the County Highway Department.

- A. A driveway shall have a minimum top width of twelve (12) feet and a maximum top width of forty (40) feet. The entire roadway and its appurtenances shall be contained within the frontage along the highway of the property served.
- B. All driveways shall be constructed so as to ingress and egress the County Trunk Highway at an angle of ninety (90) degrees to the County Trunk Highway, unless otherwise approved by the County Highway Department.
- C. A driveway shall not provide direct access to or from any intersection.
- D. All driveways shall be constructed of solid load bearing material. The top surface of the driveway shall consist of at least six inches of gravel upon the traveled portion.
- E. The surface of the driveway connecting with the highway section shall slope down and away from the highway shoulder a sufficient amount and distance to preclude ordinary surface water drainage flowing from the driveway area onto the highway roadbed.
- F. No concrete approaches or aprons shall be permitted within the highway right-of-way except in curb and gutter areas.
- G. Driveways shall not obstruct or impair drainage in highway side ditches or roadside areas. A culvert shall be a double walled smooth interior plastic pipe. The culvert length and diameter shall be determined by the County Highway Department. The culvert shall be furnished by the property owner. Culverts shall be installed at least three (3) feet from the owner's property line, unless otherwise approved by the County Highway Department.
- H. All driveways shall be constructed or reconstructed to have sloped sides. Such construction shall be accomplished using only soil materials. The side slopes of the driveway shall be sloped at no more than a length to height grade ratio of 3:1. All slopes shall be seeded or covered with sod by the property owner.
- I. The restricted area between successive driveways may be filled in or graded down only if the following requirements are fully complied with:
  - 1. The filling in or grading down shall be to grades approved by the County Highway Department except where highway drainage is by means of curb and gutter, in which case water drainage of the area shall be directed away from the highway roadbed in a manner approved by the County Highway Department.

2. Culvert extensions under the restricted area shall be of like size and equivalent acceptable material as the driveway culvert. Intermediate manholes adequate for cleanout purposes may be required as deemed necessary by the County Highway Department dependent upon total culvert length.

J. The County Highway Commissioner or his/her designee may impose any other requirements deemed necessary with regard to construction of any driveway so as to promote the safe and efficient ingress and egress to the County Trunk Highway and to protect the public investment in the highway.

### **Nonconforming Access**

A. These standards shall apply to all modifications or additions to any nonconforming access that was lawful before the passage of these regulations or any amendment hereto.

B. The existing lawful access that is not in conformity with provisions of these regulations may continue subject to the following conditions:

1. No modification or additions to a nonconforming access shall be permitted unless they comply with these regulations.

### **Administration**

#### **County Highway Department:**

A. The County Highway Commissioner is authorized to administer these regulations and shall have the following duties and powers.

1. Advise applicants of the provisions of these regulations, and assist in preparing permit applications.

2. Issue permits and inspect properties for compliance with the provisions of this ordinance.

3. Keep records of all official actions.

4. Highway Committee may take action to vacate and remove an access as it deems necessary with the cost to do so billed to the owner.

B. Highway access permit. A Highway access permit shall be obtained before any new access construction or any repair, change or reconstruction may be initiated. Application to the County Highway Department shall include:

1. General information:

(a) The name and address of the applicant, property owner and contractor.

(b) The legal description, and whether it is new construction or a modification.

2. Time Limits Associated with Permits:

(a) A driveway permit shall expire twelve (12) months from the date issued if the work described in the permit is not completed.

(b) All permits issued under the authority of these regulations

**Fees:**

A non-refundable charge for administration purposes shall be assessed by the County Highway Department to those making application for the issuance of a permit for the construction or reconstruction of an ingress or egress upon a Lincoln County Trunk Highway. A charge shall also be assessed for removal of an illegally placed access. Fees shall be determined using the following schedule:

A. Access Permit:

1. Highway access \$150

2. Driveway access \$100

B. Access Permit, after the fact:

1. Highway access \$250

2. Driveway access \$250

C. Removal of illegally placed access Actual Cost

D. Minor alterations to right-a-way \$100

E. Utility Permits

1. Applications \$50 each

2. Borings for each \$75 each

3. Open Cut for each \$500 each

4. Closing road \$150/Day

F. Single Trip Permits

1. Trip	\$50
2. Over Weight	\$50
3. Over Height	\$50
4. Over Width	\$50

Seasonal Weight Permits

1. Seasonal - 1 Trip	\$100
2. Seasonal - 4 Trips	\$250

Work related to an access performed by the County Highway Department will be charged at the normal rates of the Department.

**Violations and penalties:**

Sec 86.07 (2), Wis. Stats is adopted by reference herein

ARTICLE IX  
**Definitions**

**Word Usage and Definitions:**

Unless specifically defined below, words and phrases used in these regulations shall have the same meaning as they have in common law and to give this policy it's most reasonable application. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive, and the word "shall" is mandatory and not discretionary.

**ACCESS** – A recognized point of ingress and egress to a highway where evidence of use has been clearly established.

**ACCESS PERMIT** – A permit from the Lincoln County Highway Department granting access to a County Trunk Highway.

**ADT** – Average Daily Traffic

**COUNTY TRUNK HIGHWAYS** – Any segment of a Lincoln County Trunk Highway.

**DRIVEWAY** – A means of access to a County Trunk Highway.



**LINCOLN COUNTY HIGHWAY COMMITTEE** – The Committee of jurisdiction for the Lincoln County Highway Department.

**HIGHWAY** – A County Trunk Highway as designated by Lincoln County pursuant to Sec. 83.025, Wis. Stats. (synonymous with County Road)

**INTERSECTION** – A place where two or more roads or highways or combination of roads and highways intersect.

**LOCAL ROAD** – A street or road, other than a County Trunk or Federal or State Highway, primarily for access to a residence, business or other abutting property.

**LOT** – A part of a recorded subdivision plat, certified survey map or other recorded document having an assigned number through which the land may be identified and having frontage on a public street or other officially approved means of access.

**PARCEL** – A continuous area of unplatted land under the control of the owner(s) [subdivider(s)]. A parcel is created as of the date the document is recorded in the Register of Deeds office.

**PERSON** – Any individual, or group of individuals, corporation, partnership, association, municipality or state agency.

**RURAL COUNTY TRUNK HIGHWAY** – Any segment of a Lincoln County Trunk Highway in a rural area.

**SEMI-URBAN COUNTY TRUNK HIGHWAY** – Any segment of a Lincoln County Trunk Highway in a semi-urban area.

**SIGHT DISTANCE** – Amount of time that lapses between when a car is fully visible, to the time it passes the driveway, driving at the posted speed. (Fully visible is being able to see the entire windshield on a standard car. The eye level in the driveway shall be at 42”) Final determination of sight distance shall be by the Lincoln County Highway Department.

**URBAN COUNTY TRUNK HIGHWAY** – Any segment of a Lincoln County Trunk Highway in an urban area.