

Resolution No. 7-0919

WHEREAS, the current Highway Access Ordinance was created on February 16, 2010 and amended on August 8, 2015 and December 18, 2018;

WHEREAS, since the time of its' adoption and subsequent amendment(s) there have been instances related to requests for variances for access locations due to the spacing siting criteria, disagreement between adjoining landowners of access rights and ownership of grandfathered and proposed driveway accesses, and claims for damages involving the County with regards to grandfathered and adjoining driveways;

WHEREAS, the previous verbiage within section 5 subsection (d) Accessing Spacing and Frequency in some instances caused undue hardship on property owners by requiring a landowner to coordinate driveways with their neighboring parcels some of which consist of a grandfathered accesses; whereby the ability to site the location of a driveway access for a parcel lies with the cooperation of the adjoining landowner which in some instances restricted access to parcels and thereby limited the use thereof the parcel / property;

WHEREAS, the Highway Access Ordinance was established to create uniform, concise, and consistent guidance for the control of ingress/egress to/from private entrances to the County Trunk Highway system by regulating the location of accesses for the purposes of safe ingress/egress to or from properties to the County Trunk Highway system and not as a limitation on development or improvement of properties;

WHEREAS, the Iowa County Public Works Committee held a meeting on September 9, 2019 and reviewed issues surrounding driveway access requests for adjoining properties, grandfathered accesses, previously permitted existing accesses, and proposed driveway accesses regarding use of property, use of driveways, and the Spacing and Frequency requirements thereof;

WHEREAS, said Committee is recommending adoption of an amendment to Section 5 sub-section d) of the Highway Access Ordinance with regards to Spacing and Frequency for accesses;

NOW THEREFORE BE IT RESOLVED THAT the Iowa County Board of Supervisors adopt the proposed changes for section 5 subsection d) which shall be incorporated into the Ordinance by amendment within subpart (3):

3) Remove the verbiage with regards to applicant requirements for notification of their neighbors, obtaining an agreement for a shared access, or receiving a waiver of rights from their neighbor regarding future use of an access.

And to create verbiage within 3) establishing situations and criteria allowing for the installation of a driveway access at less than the recommended horizontal spacing distance criteria provided, given certain parcel restraints;

- a. If reasonably possible given other site considerations including topography and the required sight and stopping distances; highway driveway accesses shall be shared at the property line with an adjacent parcel. In the instance of installing a shared contiguous access drive; each driveway shall be considered individually, require a permit, and shall meet the requirements of Section 5 (f) Design Standards of this Ordinance with exception to Existing Driveways as defined in Section 5 (a).
- b. If an applicant does not request a shared property line access and the width of the parcel is less than the minimum horizontal spacing distance listed above, such that a highway access cannot be installed and meet the offset distances listed above; the access shall be placed to be in compliance with the required sight and stopping distances while maintaining the largest horizontal spacing distance possible given the constraints of the width of the parcel.
- c. Otherwise, the access location shall meet the horizontal spacing dimensions listed above and be situated where topography sight and stopping distance criteria can be met.

Adopted this 17th day of September, 2019.