Town of Rutland Planning Commission Meeting-MINUTES

785 Center Rd.

February 5, 2024 – 6:30 p.m.

This meeting will be held via zoom and in person at the Rutland Town Hall

Agenda:

1. Call meeting to order. Chair Leeser called the meeting to order at 6:30 PM.

2. Roll Call. Dale Arndt, Bruce Sime, Nancy Nedveck, Joe Conant, Kent Knutson and Chair Leeser are present. Dawn George, Kim Sime and Derek Nedveck also present. Others in attendance in person or via Zoom, are on file.

Chair Leeser motioned at this time to amend the agenda as follows. Add Kat Eugster preliminary inquiry and move Ahl preliminary inquiry before Hahn petition. Second by Sime. Motion passed 5-1

3. Approval of the January meeting minutes. Sime motion to approve. Second by Nedveck. Motion passed 5-0-1. Conant abstained.

4. Preliminary Inquiry Wendy Hougan regarding transfer of development right from 1529 Lake Kegonsa Rd to Todd Wolf for property located at 4578 W. Rutland Rd.

No Action Taken

5. Preliminary Inquiry Kat Eugster regarding Shed with loft for her residence until main dwelling that will be built in the future. Parcel rezoning is not completed.

No Action Taken.

6. Preliminary Inquiry by Valerie Ahl to add a sign to advertise horse boarding services at 4321 State Rd 138.

PC members noted that the sign shall not be lighted and would comply with the regulations of the County. Existing CUP will stay in place with an amendment for the signage. No Action Taken.

7. Petition 2024-12020 by Kevin Hahn to create one residential lot to rezone 8.5 acres from FP-35 to RR-8. The property is located north of 3978 Old Stage Rd.

PC would like to see the staff report from the County.

Knutson motioned to table until the staff report is received. Second by Nedveck. Motion Passed 6-0

8. Discussion and possible action regarding revision of Driveway Policy to address bump-outs on long driveways and to also address easement requirements.

Chair Leeser went through the Town of Oregon Driveway Ordinance to modify to the Town of Rutland and presented to the PC members. PC members read through it and made more adjustments to fit Rutland. There was discussion on the option of approving this as a Policy verses and Ordinance.

Town of Rutland Driveway Policy 2/6/24 as follows-

DRIVEWAYS – CULVERTS

Sections:

1) Authority and purpose.
2) Jurisdiction.
3) Definitions.
4) General provisions.
5) Application statement.
6)Specifications.
7) Joint driveways.
8) Existing driveways and field roads.
9) Variances.
10) Expiration of permits.

11) Fees.
12) Violations.
13) Severability.
14) Permits issued under previous ordinance/policy.
15) Driveway dedication.
1) Authority and purpose.
The Town Board of the Town of Rutland has the specific statutory authority, pursuant to Wis. Stat. §§ 86.07(2) and 236.45 to promote the health and safety of the community, the transporting of public and emergency services personnel and equipment by regulating the placement, design, modification and maintenance of driveways and field roads accessing public highways in the Town of Rutland.
2) Jurisdiction.
This chapter applies to all driveways and field roads installed, altered, changed, replaced or extended after the effective date of the ordinance/policycodified in this chapter.
3) Definitions.
“Bump-out” means a section of driveway measuring forty (40) feet in length and twenty-four (24) feet in width, and a sixteen (16) foot height restriction for branches shall be maintained, to allow for the safe passage of motor vehicles.
“Driveway” means a road or other traveled way giving access from a public highway to one (1) or more buildings located, or to be constructed, on adjacent land.
“Field road” means a road or other traveled way giving access from a public highway to farmland, farm accessory buildings, or other adjacent vacant land.
“Variance” means any deviation from the provisions of this chapter.
4) General provisions.
a. Permit Required. No person shall construct, relocate or extend a driveway or field road without first obtaining a permit from the Town Board, pursuant to this chapter.
b. Permit Application Procedure.
1. All applications for a permit, authorized by this chapter, shall be in writing on an official form furnished by the Town Patrolman. All applications shall be filed with the Town Patrolman together with the permit fee. Permit applications shall contain the name, address, and phone number of the applicant, the name of the property owner, a proof of the applicant’s ownership or right to possess the subject property, identification of materials proposed to be used, along with a sketch of the subject property and the proposed location of the driveway or field road. The sketch shall be approximately drawn to scale and shall show dimensions and location of any improvements, and/or proposed improvements.
2. The Town Patrolman shall forward the completed application to the Town Chairman, or designee. The Chairman or designee shall make arrangements with the applicant to conduct a site visit of the proposed location of the driveway or field road to determine compliance with the provisions of this chapter. Following the site visit, the Town Chairman or designee shall inform the Town Patrolman of application compliance or noncompliance. If application is noncompliant, the Town Patrolman, at the request of the applicant, will include consideration of a variance on the agenda of the next regularly scheduled Town Board meeting. Note: No Board approval is necessary, unless the driveway or field road is in need of a variance from the Board.
3. If Town Board consideration is necessary, because a variance is required, the Board shall review the report of the Town Chairman or designee who performed the site visit. The Town Board shall consider any variance and take action to approve or deny the permit. The Town Board may alter the proposed location of the driveway or field road on the applicant’s sketch. Any changes to the location or design, or any variance allowed to the specifications of this chapter, must be acknowledged by the applicant by initialing the Board’s approved revisions on the sketch and application form.
4. The Town Clerk shall provide a copy of the approved permit and sketch to the applicant and maintain a file of all permits and applications.
5) Application statement.
All permit applications shall contain the applicant’s statement that:
a. The applicant represents all parties in interest and that such proposed driveway or field road is for the bona fide purpose of securing access to the applicant’s property.
b. The Town, notwithstanding the construction of such driveway or field road, reserves the right to make any changes, additions, repairs, or relocations within the dedicated portion of the public right-of-way at any time, including relocation, reconstruction, widening, and maintaining the public right-of-way

without compensating the owner of such private driveway or field road for the damage or destruction of such private driveway or field road.
c. The applicant and applicant's heirs, successor, or assigns agree to indemnify and hold harmless the Town, its officials, officers, agents, or employees against any claim or any cause of action for personal injury or property damage sustained because of granting such permit.
d. Utility relocation costs shall be the responsibility of the property owner.
6) Specifications.
a. The Portion of the Driveway/Field Road between the Traveled Portion of the Public Highway and the Private Property.
1. Visibility. As a standard, a driveway or field road shall be located as to permit a safe distance from a vehicle, at the driveway or field road, to see an approaching vehicle and to have adequate time to exit or enter the driveway or field road safely. At the connection of the driveway to right of way, the driveway should have 400 ft in visibility in each direction.
2. Stormwater Runoff. The driveway or field road shall be constructed to prohibit stormwater runoff from flowing or encroaching onto the traveled portion of the public highway.
3. Width. The width of a driveway or field road surface shall be twenty-four (24) feet wide where it flares out to meet the edge of the pavement.
4. Culvert. A culvert with metal flared end sections shall be installed under each driveway or field road. The culvert shall measure eighteen (18) inches in diameter or equivalent capacity, and twenty-four (24) feet in length. For the purpose of adequate stormwater management, the Town Board may, in its discretion, require the dimensions of a culvert to exceed the minimum width or length requirements of this subsection. Unless a variance is granted by the Town Board, in no event shall a culvert measure less than the surface width of the driveway or field road. It will be the applicant/owner's responsibility to bear the cost and expense of installing the culvert. Installation shall be completed within a reasonable time after the issuance of a permit pursuant to this chapter. Culvert maintenance within Town right-of-way will be maintained by the Town. Total cost of new replacement of this existing culvert will be at the owner's expense.
7. Location.
A. A driveway or field road, outside of a Town subdivision, shall be located at least three hundred (300) feet from a paved or traveled portion of an intersecting public highway.
B. The nearest traveled edge of a driveway or field road shall be located a minimum of ten (10) feet from any property line.
8. Accesses.
A. One residential driveway access per lot.
B. The approach apron of a new or replacement concrete driveway must have a joint, full thickness of slab, installed four (4) feet from pavement edge for future road improvements. When road improvements occur, the town will replace with blacktop material. Concrete replacement will be at owner's expense.
b. The Portion of the Driveway Beyond the Public Right-of-Way.
1. Surface. A driveway shall have a minimum finished surface at least twelve (12) feet in width. The driveway shall have at least six (6) inches of two (2) inch rock, covered with at least three (3) inches of three-quarter (3/4) inch gravel, or other equivalent weight-bearing surface.
2. Width Clearance. The minimum width clearance along a driveway shall be Sixteen (16) feet.
3. Height Clearance. The minimum height clearance along the entire driveway shall be sixteen (16) feet.
4. Grades. The maximum allowable average grade of a driveway shall not exceed 12 percent (12%). In no event shall a segment of a driveway exceed 15 percent (15%).
5. Drainage. Ditches, roadway crowning and culverts which provide adequate drainage shall be required.
6. Curves in Long Driveways. Curves located on driveways measuring fifty (50) feet or more in length have a minimum inside radius of thirty-six (36) feet.
7. Safe Passage. Driveways measuring four hundred (400) feet or more in length shall include a bump-out that is a minimum of twenty four (24) feet in width, and a sixteen (16) foot height restriction for branches shall be maintained, for a distance of forty (40) feet, to allow for safe passage of vehicles. In addition, the following applicable requirements shall be satisfied:
A. A driveway over eight hundred (800) feet with visibility obstructed by curves, steep topography,

or vegetation shall require a bump-out every three hundred (300) feet.
8. Cul-de-Sac. At the end of any driveway in excess of five hundred (500) feet in length, a minimum thirty-six (36) foot radius cul-de-sac shall be provided.

7) Joint driveways.

Joint driveways will not be permitted without a joint driveway agreement and/or easement establishing the proposed joint driveway and manner of its construction, maintenance and use. The joint driveway agreement and/or easement shall be recorded with the Register of Deeds and a copy provided to the Town Clerk.

8) Existing driveways and field roads.

When an existing field drive becomes a driveway for a residence, it shall comply with the current ordinance/policy and fees. When washouts, erosion, or other conditions created by existing driveways or field roads become a potential hazard to a public highway, the Town Board shall provide written notice to the property owner of such conditions. If the property owner fails to correct such conditions within thirty (30)days of the date of the written notice by the Town Board, the owner shall be found in violation of this chapter. In addition, the Town Board shall take reasonable steps to eliminate the hazard, and charge the Town's cost to the property owner as a special charge.

9) Variances.

Where, in the judgment of the Town Board, it would be inappropriate to apply literally the provisions of this chapter because exceptional or undue hardship would result, the Town Board may waive or modify any requirement to the extent deemed just and proper, as long as such modification does not violate the intent of this chapter. Application for any such variance shall be made in writing to the Town Clerk.

10) Expiration of permits.

Unless construction of a driveway or field road has not commenced within one (1) year from the date of issuance of the permit, such permit shall lapse and fees will be non-refundable.

11) Fees.

Driveway or field road permit fees must be paid prior to a building permit being issued.
a. Standard Driveway Fee. The standard fee for a driveway permit shall be as set by the fee schedule adopted by resolution. This fee shall cover the cost of one (1) on-site inspection by the Town Chairman or designee. A reinspection fee as set by the fee schedule adopted by resolution shall be charged for each additional driveway inspection.
b. Standard Field Road Fee. The standard fee for a field road permit shall be as set by the fee schedule adopted by resolution. This fee shall cover the cost of one (1) on-site inspection by the Town Chairman or designee.

12) Violations.

a. Violations in Construction or Modifications. It shall be unlawful to construct or modify any driveway or field road in violation of this chapter. Any person who fails to comply with the provisions of this chapter shall pay a fine equal to three (3) times the permit fee. The Town Board shall order such person to make the corrections or alterations necessary to comply with this chapter.
b. Violation Corrections. If a person fails to make the corrections or alterations as ordered, the Town Board may make the corrections or alterations and charge the Town's cost to the property as a special charge.

13) Severability.

Should any section or provision of this section be declared invalid, such decisions shall not affect the validity of the remaining portions of this section.

14) Permits issued under previous policy.

If a property owner fails to complete construction within one (1) year of issuance of a driveway or field road permit under the previous policy, the permit shall lapse and the current property owner of record shall apply for a new permit under this and comply with all requirements contained herein.

Town of Rutland Driveway Policy 2/6/24

Sime motioned to recommend the Town Board approve as a Driveway Policy. Second by Nedveck. Motion Passed 6-0

9. Ordinance Amendment 2023 OA-068 regarding conditional use permit and rezoning processes. Discussion and possible action.

Amendment was reviewed by Town Attorney and he recommended the Town support the amendment.
Conant motioned to recommend the Town Board to approve the Ordinance Amendment. Second by Sime.
Motion Passed 6-0

10. Next meeting. Monday March 4, 2024 @ 6:30PM

11. Adjournment. Sime motion to adjourn. Second by Nedveck. Motion Passed 6-0

Respectfully Submitted by, Kim Sime

Notice is hereby given that a majority of the Town Board of the Town of Rutland may be present at this meeting to gather information about subjects over which they have decision making responsibility. This constitutes a meeting of the Rutland Town Board pursuant to State ex rel. Badke v. Greendale Village Board, 173 Wis. 2d 553, 494 N.W. 2d 408 (1993) and must be noticed as such although the Town Board will not take any formal action at this meeting.