





Wisconsin's Law ... Land Divisions Adjacent To State Highways

TRANS 233

Wisconsin Administrative Code
regarding the division of land
abutting a state trunk highway
or connecting highway



What is the Purpose of Trans 233?

- “Dividing or developing lands or both affects highways by generating traffic, increasing parking requirements, reducing sight distances, increasing the need for driveways and other highway access points and, in general, impairing highway safety and impeding traffic movements.”



- **Trans 233 addresses the department's minimum standards for the division of lands that abut these highways.**
- **This is to provide for safety when entering or leaving the highway and for the preserving the public interest and investment in those highways.**



The History of Trans 233

- ◆ Trans 233 has been in effect since 1956.
- ◆ It was originally created to regulate Subdivisions only.



History (cont'd)

- ◆ In 1999 it was expanded to include all land divisions.
- ◆ In 2001 it was revised to make further clarifications.
- ◆ In January 2004 major portions of it were suspended. It was gutted.



Why Was the Rule Revised in 1999?

- “Subdivisions” in Wisconsin only occur if a property is being divided into more than 4 lots of 1.5 acres or less in a 5 year period.
 - This means if one is dividing a parcel into 20 lots of 1.51 acres, the department does not have review authority.
 - Or, if a farmer is dividing off 1, 1.5-acre lot today, one next year, none the following year and one in each of the following years, WisDOT does not see them.
 - Or if a Walmart Supercenter is being built on a 10 acre lot carved out of a farm, the department does not review.



- These other types of land divisions occur via certified survey maps, deeds, condominium plats and county plats. They occur **10 times** more frequently than do “subdivisions”.
- WisDOT was not able to see development such as these until they needed a driveway permit.



Why Review?

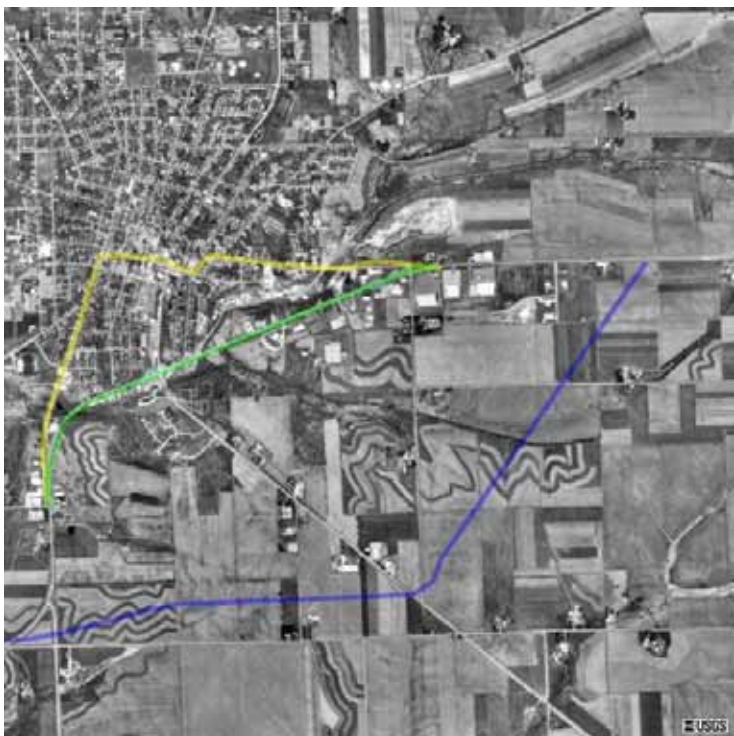
- **Safe Ingress and Egress**
 - **Safety.**
 - **Accesses create Conflict Points.**
 - **Need to make access as safe as possible while still considering the need for access.**
 - **Minimize Congestion.**
 - **More congestion, more accidents**



Why Review (cont'd)

- **Protect the public's investment in the highway**
 - **Options:**
 - **Control Access**
 - As development occurs
 - As projects occur
 - **Bypasses**
 - Because we can no longer use the corridor due to congestion.
 - Loss of the investment that the department has sunk into that facility over the years.

City of Platteville





Why Review?

Another option:

- **Living with a poor transportation system**
 - **Consequences:**
 - » **Longer commuting times**
 - » **Road rage**
 - » **Loss of the economic development edge**
 - » **Pollution**
 - » **Etc.**



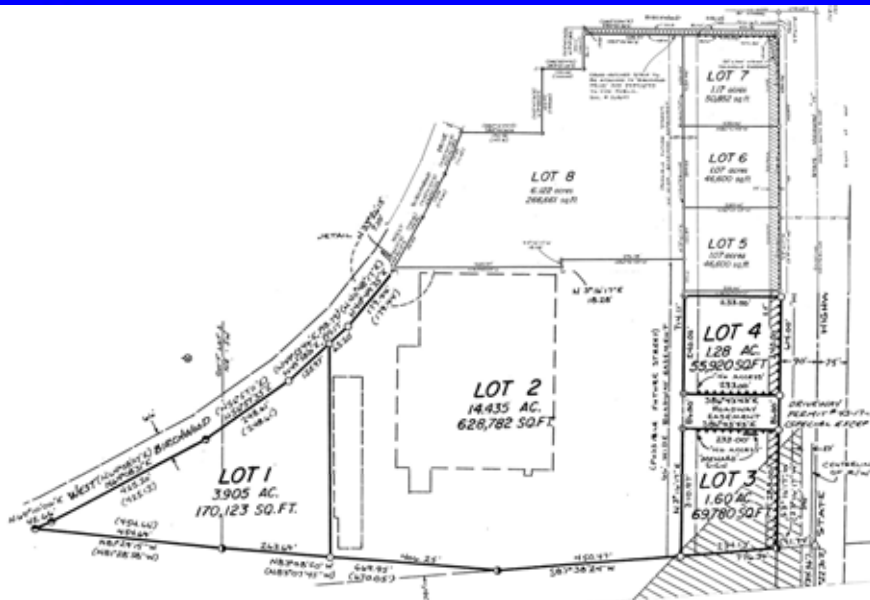


Principles of Trans 233



Principles of Trans 233

- ◆ No direct access from individual lots to the State Trunk Highway or connecting highway.

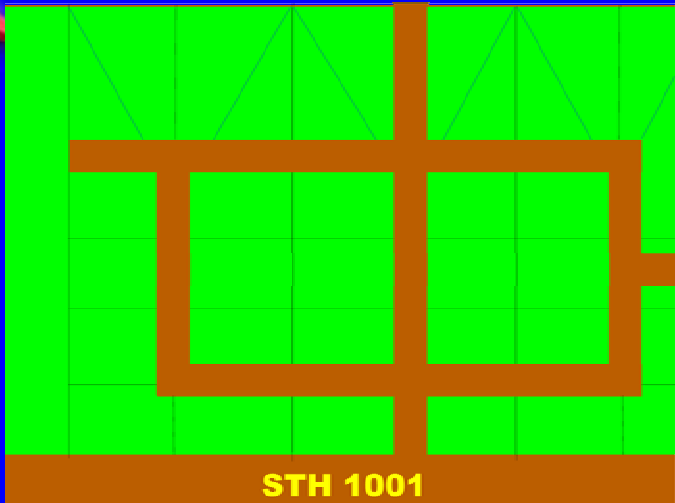




Principles of Trans 233

- ◆ Local traffic from a land division be served by an internal highway system.

Connectivity example





Principles (cont'd)

- ◆ Minimize the number of points intersecting with the state trunk highway.





Principles (cont'd.)

- ◆ Consider the property's relationship to adjacent lands.







Principles (cont'd.)

- ◆ Apply setbacks.
- ◆ Apply drainage requirements.
- ◆ Apply vision corner requirements.



Setbacks

- Similar to what everyone is familiar with in zoning regulations
- One major difference.
 - Structures
 - Improvements
 - Include septic systems
 - Parking lots
 - Parallel driveways
 - Signs
- Grandfather Clause



Benefits

- When reviewing only subdivisions WisDOT only saw 160/year
- All land divisions 2000+/year.
- Retrofitting in improvements to the system take 6+ years to prepare the plans and are at taxpayers expense



Benefits (cont'd)

- Road improvements found to be necessary for the development are constructed by the developer at no cost to the taxpayer.
- Access is reviewed early and creates minimal impacts on the system.



Benefits (cont'd)

- Smart Growth and comprehensive planning have been mandated by the legislature. (It was and still is contentious.) But....Planning ahead was finally a reality. WisDOT was no longer in the reactive mode. Good things were being accomplished.



New “Developments”

- January 28, 2004.....
Administrative Rules come under the purview of a legislative committee known as the Joint Committee for the Review of Administrative Rules (JCRAR).



- It is comprised of 5 Senators and 5 Assembly persons, some of whom had received complaints about the rule. That committee can review administrative rules and suspend all or portions of them.

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- The committee took testimony from the department and the public. The contentious items included:
 - the setback provision – “It is a taking without compensation”
 - Reviewing all land divisions
 - and on January 28, 2004 suspended major portions of the rule.





U.S. Department of Energy photograph



Suspended Rule

- “Subdivision only” review
- Down to 150 reviews per year from 2000+
- Setbacks only preclude buildings
- Can still do drainage because of other legislation, but notes to inform the future property owners are all but gone.



Suspended Rule

- WisDOT is in limbo until action is taken on this rule or until March 11, 2006.
- Continue to review adjacent subdivisions only.
- Surveyors have indicated that this will be a banner year for them.



Thanks for listening!

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