



## Property Access Approaches

PREPARED BY:	Engineering Services	COUNCIL APPROVAL DATE:	November 24, 2015
EFFECTIVE DATE:	November 24, 2015		
REFERENCES:	<i>Highways Development and Protection Act</i> Oil and Gas Development Policy C-FD07	PREVIOUS REVISION DATE:	November 24, 2015
FUNCTION:	Infrastructure Management	LS REVIEW DATE:	April 26, 2022

### PURPOSE

The purpose of this policy is to manage property access approaches to ensure they are situated at a safe location and comply with standards that protect public safety.

### POLICY STATEMENT

Parkland County will manage property access approaches to ensure that all approaches meet approved standards.

### DEFINITIONS

1. "Appeals" means the process in which applications are reviewed by a higher authority, where parties request a formal change to an official decision. Appeals function both as a process for error correction as well as a process for clarifying an interpretation or an application decision.
2. "Approved standards" means Parkland County Engineering Design Standards.
3. "Director" means the Director of Engineering Services within Parkland County.
4. "Field Access Approach" means any public or private roadway or driveway connection between the outside edge of the shoulder or curb line and the right-of-way of a public or county road, intended to provide agricultural machinery access to, from or across said public or county road and the adjacent or adjoining property, whereby the adjacent or adjoining property is predominantly intended for agricultural uses and activities.
5. "General Manager" means the General Manager of Operations Services within Parkland County.
6. "Property Access Approach" means any public or private roadway or driveway connection between the outside edge of the shoulder or curb line and the right-of-way line of a public or county road, intended to provide vehicular access to, from, or across said public or county road and the adjacent or adjoining property.

7. "Supplemental Standards" means any additional recognized engineering design standards accepted by the Director.
8. "Un-subdivided Quarter Section" means a quarter section, lake lot, river lot or settlement lot that has not been divided into parcels except for public or quasi-public uses.

## **SCOPE**

This policy is applicable to all existing and/or proposed Property Access Approaches within Parkland County and under direct control of Parkland County.

Out of scope for this Policy are any Property Access Approaches that connect to a Provincial Highway or to a roadway outside of Parkland County's jurisdictional control.

## **RESPONSIBILITIES**

The Director of Engineering Services is responsible for implementing, monitoring, and evaluating this policy.

## **STANDARDS**

### **1. Un-Subdivided Quarter Section**

- a. Where there is no access approach to an un-subdivided quarter section of land used for agricultural or residential purposes that is adjacent to an existing municipal roadway, Parkland County will, upon request by the landowner, construct one access approach to the land to County standards at no cost to the landowner.
- b. Lands containing an oil lease road constructed from an adjacent municipal road shall be deemed to have an access approach, and Parkland County will not provide any additional approaches.

### **2. Subdivided Quarter Section**

- a. For parcels of land that have been previously subdivided and there is no approach to the parcel, the cost of the access approach will be borne by the landowner.
- b. For parcels having an area of 10 acres (4.0 ha) or less, Parkland County will allow only one access approach per parcel.
- c. For any parcel having an area greater than 10 acres (4.0 ha) Parkland County may grant approval for the landowner to construct one additional access approach to the parcel.
- d. For any parcels in a hamlet, which are bordered by a lane as well as a street, Parkland County will permit the landowner to construct access to the lane and may approve the construction of one access to the street at the landowner's cost. The approval of street access in addition to lane access will only be considered on the basis of prevailing or established standards.

### **3. Other Lands**

- a. Parkland County will not construct any Property Access Approach to lands used or intended for uses other than agricultural or residential.
- b. Commercial, Industrial, Oil & Gas, or other non-agricultural business-based activities shall pay the costs to construct any new or improved Property Access Approaches.

- c. The construction of access to lands which are subject to a development permit application shall be considered and reviewed as part of the development permit approval. An Approach Application Permit must be issued and approved by the Director for construction or formal acceptance of the Property Access Approach.
  - d. The construction of access to lands which are subject to a subdivision application shall be considered and approved as part of the subdivision approval.
  - e. For lands on which oil and/or gas facilities are located, approach applications submitted by oil and gas companies will be administered by Parkland County according to Policy C-FD07 Oil and Gas Development.
4. **General Criteria for All Access Requests**

All approaches shall be constructed in accordance with Parkland County Engineering Design Standards, and/or Supplemental Standards as approved by the Director, and the following considerations will be applicable for all access approach requests.

- a. There must be an acceptable operational need for the access being requested.
- b. The construction of a first or additional access approach will only be granted where the requested location is considered practical and safe in the sole discretion of Parkland County.
- c. Special consideration will be given for the approval of one additional field access approach, provided there is one approved residential approach in place. This applies only where the natural features prevent access to a portion of the parcel being used for agricultural purposes at no cost to Parkland County.
- d. Special consideration will be given for the approval of one residential access approach and one additional residential access approach only under such conditions that both approaches connect to internal subdivision roads and both approaches connect to separate and distinct roadways.
- e. Where a subdivision parcel exists adjacent to an internal subdivision road and also borders on an external grid road, consideration of an additional field access approach will only be given to the internal subdivision road.
- f. An application to construct a new access approach to replace an existing access approach may be approved by Parkland County subject to the existing approach being removed. All associated costs to remove the existing approach, to repair the shoulder or ditch of the public road right-of-way and to complete landscaping to County standards shall be the bourne by the applicant. The County will not pay for the removal or replacement of a previous County-constructed approach if the landowner initiates the request.
- g. Parkland County may, by way of mutual agreement, construct an additional approach(es) at no cost to the landowner during the construction or upgrading of an adjacent municipal road provided that the additional approaches are not in contravention of this policy.
- h. All access approaches shall be constructed to the same standard as the adjacent roadway.
- i. All approaches constructed by a landowner, or his contractor, pursuant to this policy shall be at the sole cost of the landowner.

**ENFORCEMENT**

1. For those property access approaches that exist, but are considered to be in contravention of the provisions of this policy, removal of the approaches and restoration of the road right-of-way may be required at the discretion of the General Manager or designate.
2. Any landowner(s) who undertakes the construction of a property access approach without prior approval from Parkland County, or contrary to the provisions of any approval granted, may be directed to remove the access approach at their own cost and will be subject to prosecution under the *Highways Development and Protection Act* if the directions so given are not complied with. If a landowner refuses to remove an unauthorized approach within thirty (30) days of being notified in writing, Parkland County and/or its agents will remove the approach and use all legal means to recover the costs of such removal.

**APPEALS**

1. Anyone objecting to a decision or action of the Director of Engineering Services or his designate regarding an application for, or the approval of, or refusal of an access approach, may appeal in writing to the General Manager within fifteen (15) days of the decision or action. The appeal letter shall include a non-refundable fee, as set out in the Engineering Services Fees and Charges Schedule, and the decision of the General Manager shall be final and binding.
2. If the General Manager upholds the decision of the Director or designate to refuse an access approach, the security deposit taken with the application will be refunded. If the appeal is upheld on behalf of the applicant, the security deposit taken with the application will be held until the approach is satisfactorily completed.
3. The General Manager will not entertain any appeals for those cases where removal of an existing approach is a condition of approval for a replacement approach.