



COUNCIL POLICY C-EN10

Property Access Approaches

Prepared By:	Engineering Services	Council Approval Date:	November 24, 2015
Effective Date:	November 24, 2015	Council Resolution No.:	N/A
References:	<i>Highways Development and Protection Act</i> Oil and Gas Development Policy C-FD07	Previous Revision Date:	December 12, 2006 (Policy EN 010)
Function:	Infrastructure Management	LAS Review Date:	November 13, 2015

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. "Approved standards" means Parkland County Engineering Design Standards.
2. "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.

MANAGEMENT RESPONSIBILITIES

The Manager 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 access approach to un-subdivided or subdivided lands used or intended for uses other than agricultural or residential.
- b. The construction of access to lands which are subject to a development permit application shall be considered and approved as part of the development permit approval.
- c. The construction of access to lands which are subject to a subdivision application shall be considered and approved as part of the subdivision approval.
- d. 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 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 an additional field access approach where the natural features prevent access to a portion of the parcel being used for agricultural purposes at no cost to Parkland County.
- d. Where a subdivision parcel exists adjacent to an internal subdivision road and also borders on an external grid road, consideration of an additional access approach will only be given to the internal subdivision road.
- e. 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. The County will not pay for the replacement of a previous County-constructed approach if the landowner initiates the request.
- f. 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.
- g. All access approaches shall be constructed to the same standard as the adjacent roadway.
- h. 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 may be required at the discretion of the Manager of Engineering Services or designate.
2. Any landowner 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 his 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 Manager 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 of Infrastructure Services 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 Council shall be final and binding.
2. If the General Manager of Infrastructure Services upholds the decision of the Manager of Engineering Services or designate to refuse an access approach, the application deposit will be refunded. If the appeal is upheld on behalf of the applicant, the application deposit will be held until the approach is satisfactorily completed.
3. The General Manager of Infrastructure Services will not entertain any appeals for those cases where removal of an existing approach is a condition of approval for a replacement approach.