

MACKENZIE
COUNTY ROAD
RIGHT OF
WAYS

MOTION 16-02-110

MOVED by Councillor Bateman

That Policy PW039 - Rural Road Access Construction and Surface Water Management and the Land Use Bylaw be brought back to Council to ensure that all new and reconstructed roads will be built to 30 meter right of ways.

DEFEATED

MOTION 16-02-111

MOVED by Councillor Wardley

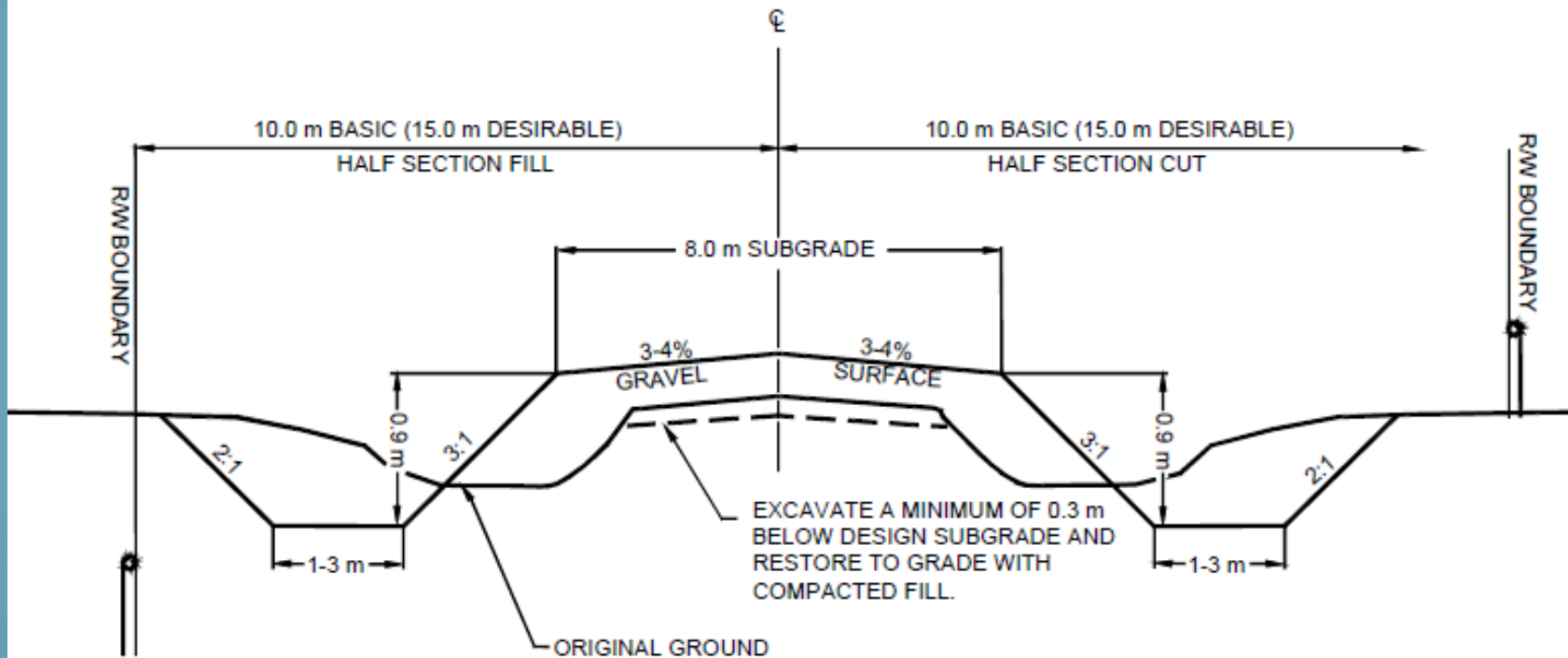
That Policy PW039 – Rural Road Access Construction and Surface Water Management and the Land Use Bylaw be brought back to Council with options for more discussion regarding collector road rights-of-way, including for sub-division and setback requirements options.

CARRIED

HISTORY

- Until 1990, the Government of Alberta sold land with 20 meter right of ways
- Currently, there are 30 meter right of ways allocated to land sold by the Government of Alberta

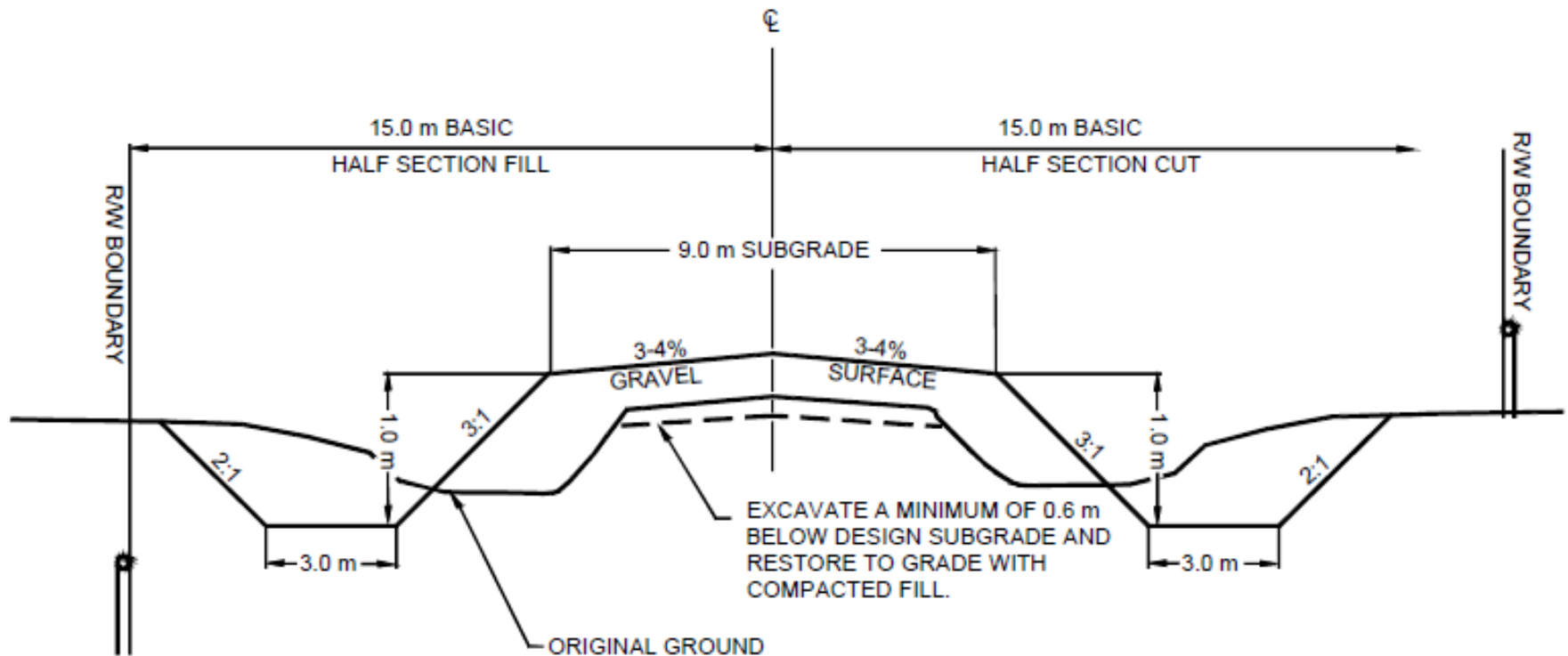
LOCAL ROAD STANDARD



NOTE:

THIS STANDARD IS INTENDED FOR LOW VOLUME LOCAL ROADS THAT WILL BE GRAVEL SURFACED ONLY. TYPICALLY THIS 8.0 m ROADWAY IS FOR ROADS WITH AN AADT < 100.

COLLECTOR ROAD



NOTE:

THIS STANDARD IS INTENDED FOR LOW VOLUME LOCAL ROADS THAT WILL BE GRAVEL SURFACED ONLY. TYPICALLY THIS 8.0 m ROADWAY IS FOR ROADS WITH AN AADT > 200.

CURRENT POLICY STATEMENT

Mackenzie County understands the need to provide access to agricultural lands and other non-accessible property within its boundaries and will allow property owners to construct roads on road allowances when approved by the County. All roads shall be constructed to a minimum Local Road standard (shown in Schedule E) and all work shall be performed in accordance with all applicable County standards and specifications and those imposed by other levels of government.

RIGHT OF WAY GOAL

- Mackenzie County shall work towards obtaining a minimum of a 30 meter right of way for all roads within the County. The purchase price of lands for additional right of ways shall be as per the Fee Schedule Bylaw.

NEW ROAD APPLICANTS

- Many roads built to new lands will cross land sold during previous 20 meter right of ways
- The applicant will not own many of these properties – they would have to cross many areas not adjacent to their own land
- Thus, the applicant would have to build a nonconforming road due to the lack of right of way

OPTIONS

- Do not allow the applicant to construct the road until land is purchased to allow for 30 metre right of way
- Allow the applicant to build a nonconforming road
- Allow the applicant to build their road but must also establish a back slope agreement
- County engages in negotiations with land owners to acquire the extra right of way once the road construction application is received. However, if land negotiations will take too long, allow the applicant to build their road with 20 metre right of way.
- Funding can come from the roads to new lands project

RECONSTRUCTED ROADS

From administration's perspective this would mean:

- Rebuilding
- Upgrading
- Paving
- DOES NOT INCLUDE shoulder pulls

PROPOSED POLICY AMENDMENTS

- Mackenzie County shall work towards obtaining a minimum of a 30 meter right of way for all roads within the County. The purchase price of lands for additional right of ways shall be as per the Fee Schedule Bylaw.
- Mackenzie County at its sole discretion may allow to construct, or construct roads in a 20m right of way with modified slopes and widths.
- Funds to come from Capital Projects:
 - New Roads Infrastructure
 - Specified Upgrading Projects
 - Specific Land Purchasing Project

COLLECTOR ROADS – UPGRADING TO 30 METER RIGHT OF WAY

- Many of the County's collector roads only have 20 meter right of way
- Council can allocate a specified amount in each year's budget towards purchasing land to obtain 30 meter rights of way

ARTERIAL ROADS POLICY

Policy DEV007 Rural Development Standards:

- *Arterial roads shall ideally have a minimum 40 metre wide right of way. When developments occur on lands adjacent to an arterial road, the County shall require the developer to provide additional road right of way to the County, if required, as a condition of their approval.*
- *The County has identified the following roads designated as arterial:*
 - *Zama Access*
 - *88 Connector*
 - *La Crete North & South access*

SUBDIVISIONS

- Policy DEV007 Rural Development Standards can be amended to increase right of way requirements to 30 meters for rural subdivisions adjacent to Collector & Local roads.

OPTIONS

- Compensate the subdivision applicant for land required
- Public Works Committee recommends that all purchased land be priced at \$555 per acre to achieve 30 meter right of ways

LAND USE BYLAW

- Amending setback requirements in the LUB to account for 30 meter rights of way can be addressed through a zoning overlay.
- A designated area will be required to develop at a minimum distance from the road right of way.
- The current distance from a road right of way in a rural area is 41.15 meters (135 feet).
- Council may want to increase the setback distance to 46.15 meters.

LAND USE BYLAW

Continued:

- The addition can be created in the General Regulations of the LUB which would implement the increased setback requirements.
- The new provisions and map can be cross referenced in the applicable land use districts.
- The Right of Way regulation is enforceable through the Land Use Bylaw.

ADDITIONAL CHANGES TO PW039

MOTION 15-11-851

MOVED by Councillor Wardley

That administration bring back Policy PW039 Rural Road, Access Construction and Surface Water Management with the intent that the tax base not be responsible for anything other than the first access and that the municipality have the ability to remove an access.

CARRIED

PROPOSED POLICY AMENDMENT

Under Access Construction Guidelines

- 4..... It is recommended that any subsequent access to a titled property shall be paved at the ratepayers expense. If paving is not completed, any damage to the paved edge of the County road shall be repaired by the County at the ratepayers expense.
- 5. For accesses to Hamlet General, applicants shall obtain approval from the Planning & Development department. Planning & Development shall confer with the Public Works and Utilities departments prior to approval.
- 8. Mackenzie County may approve two access to titled property upon administration review. Where deemed applicable and beneficial, a shard access to agricultural lands will be encouraged.

PROPOSED POLICY AMENDMENTS

continued

- 12. Mackenzie County will fund only the first or primary access to a property when upgrades to a Municipal road occur and culvert replacement is required.
- 13. The property owner shall be responsible for all costs for subsequent accesses to a property during road upgrades and regular maintenance.
- 14. The County reserves the right to remove any access at its sole discretion. No compensation shall be provided to the landowner when an access is removed.