

## Mackenzie County

<b>Title</b>	<b>Rural Road, Access Construction and Surface Water Management Policy</b>	<b>Policy No.</b>	<b>PW039</b>
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<b>Legislation Reference</b>	<b>Municipal Government Act, Sections 18 and 60. Public Highways Development Act, Sections 39, 41 and 43.</b>
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### **Purpose**

To provide a safe, efficient and effective road network and surface water management recognizing both present and future needs of property owners and providing a rational and consistent basis for the construction of roads, construction of access to private property and the development of agricultural surface water management projects that impact or may impact public road right-of-ways administered by the County; to work with ratepayers and other level of government to find solutions to road, access and agricultural surface water concerns on all lands within the County; and to respond to road, access and agricultural surface water concerns in a timely manner.

### **DEFINITIONS**

**Applicant** – person(s) and/or corporation(s) submitting an application or applying for permission to construct a road, surface water channel or access that may impact a developed or undeveloped road allowance.

**Affected Landowner** – person(s) affected by an application to construct a surface water channel as determined by the Mackenzie County Agricultural Service Board and the Agricultural Fieldman.

**Road Allowance** – any public road right-of-way under the jurisdiction of Mackenzie County but does not include any public road right-of-ways under the jurisdiction of the Province of Alberta.

**Access** – is an approach or driveway abutting any existing Municipal or Provincially controlled road.

**First / Primary Access** – is the first or primary access to a rural quarter section or river lot within Mackenzie County.

**Temporary Access** – an access constructed for a short period of time (6 months or less) that will be removed at the end of its use.

**Subsequent Accesses** – additional access to a rural quarter section or river lot within Mackenzie County.

**Surface Water Management Basin** – Mackenzie County has established the surface water management basins within its boundaries, which are shown on the plan contained in Schedule A.

**Surface Water Management Basin Committee** – Mackenzie County will form committees representing each surface water management basin which shall consist of:

- the County Councillor or Councillors representing the surface water management basin;
- three persons owning property within the surface water management basin; and,
- County staff deemed necessary for the timely and effective processing of surface water applications.

**Permanent Agricultural Surface Water Channel** – a surface water channel that crosses a road allowance, discharges into a ditch along a developed road allowance or is constructed within any undeveloped road allowance and is intended to be permanent.

**Temporary Agricultural Surface Water Channel** – a surface water channel that crosses a road allowance, discharges into a ditch along a developed road allowance or is constructed within any undeveloped road allowance but is temporary, with a maximum depth of two (2) feet, and used to drain low areas of private property on a seasonal basis (October of each year to April of the following year).

**Non-conforming Roads** – roads constructed on road allowances, usually trails that do not meet either past or current County's standards and specifications.

**Incomplete and Sub-standard Road** – less than ½ mile and is located between two sequent quarter property lines.

**Preexisting Road** – a road standard on the incomplete and sub-standard road as defined in this Policy.

**Preexisting Farm Access Roads** – a road that has been constructed in the past and does not meet current County specifications; which is solely used for agricultural purposes. This type of road will receive minimum maintenance and is deemed a low priority.

**Sub-standard** – a road built by either Alberta Transportation or the County to specifications below the Mackenzie County's current rural road standards as defined in this Policy.

**Residence** – a residence in accordance with the Municipal Land Use Bylaw and subject to all approved permits.

**AAF** – the Province of Alberta Agriculture and Forestry.

**AEP** – the Province of Alberta Environment and Parks.

**Penalties** – fines or other penalties that shall be imposed by Mackenzie County, as established in the Fee Schedule Bylaw, for the construction of roads, accesses or agricultural surface water management channels that use or may impact road allowances which do not have the approval of Mackenzie County.

**Major Agricultural Surface Water Management Channel** – channels which provide surface water management to a minimum of 10,000 acres and shall require the consent of majority of benefiting landowners.

## **ROAD CONSTRUCTION**

### **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.

The Municipal Government Act (MGA) gives municipalities the responsibility to direct, control and manage all roads within the municipality. Therefore, Mackenzie County reserves the right to deny a road construction application.

### **Guidelines**

1. Mackenzie County has prepared a plan showing the future local road network necessary to provide access to agricultural lands, which plan is contained in Schedule D.
2. Applications shall be submitted in the form included in Schedule F and shall include a plan showing:
  - approximate location of legal property boundaries;
  - the length of road to be constructed;
  - identification of proposed surface water management structures (i.e. culverts);
  - the location of property accesses.
3. Applications for the construction of roads in road allowances will be accepted by Mackenzie County any time throughout the year, which applications will be reviewed on a first come, first serve basis and the Applicant shall be provided with an initial response within 30 days of receiving the application.

4. New road construction commencing after October 15, will not be inspected for final acceptance until the following July. Road construction is encouraged to occur between May 15 and October 15.
5. The Applicant shall be required to enter into a Road Allowance Use Agreement (form contained in Schedule C appended hereto) with Mackenzie County.
6. AAF has jurisdiction over the clearing of merchantable timber within road allowances and the Applicant shall notify AAF and seek their approval to proceed with the proposed clearing.
7. Mackenzie County staff will inspect the project on a periodic basis to ensure that construction is being performed in accordance with the County's standards and specifications. As per the procedure outlined in the road construction application (Schedule F).
8. Upon final inspection and approval by the County, if the road meets all standards and specifications, the County shall assume the responsibility for the operation and maintenance of the subject road.
9. If an incomplete and sub-standard road needs to be extended to a nearest quarter line and beyond by 50 meters or less in order to create an adequate access to the adjacent quarter, an applicant may be authorized to construct the new road to a preexisting and sub-standard road standard. If the road requirement is due to a new subdivision proposal, the Operational Department shall provide their written comments to the Planning & Development department regarding an acceptable road standard within an applicable timeline and prior to a subdivision approval being granted.
10. For Non-conforming Roads Mackenzie County may enter into a Road Allowance Use Agreement with a landowner. The County shall not maintain any non-conforming roads and the applicant shall be aware that no development permit will be issued until the road is upgraded to the standards and specifications acceptable to Mackenzie County. The cost of upgrading the road to standards and specifications acceptable to Mackenzie County shall be the sole responsibility of the landowner.
11. It shall be the Applicant's sole responsibility to negotiate cost sharing arrangements with other benefiting landowners and the County shall not provide assistance with respect to this matter.

### **Mackenzie County Endeavour to Assist for Local Road Construction**

Although all costs relating to application for construction of local roads within road allowances shall be borne by the Applicants, Mackenzie County, at its sole discretion, may provide assistance in the form of:

1. provision of survey to delineate the property boundaries;

2. the review and recommendation of surface water;
3. the supply and application of surfacing gravel;
4. the supply of culvert materials;
5. the installation of culverts that exceed 600 mm in diameter or where the twinning of any 600mm culvert or greater is required.

## **ACCESS CONSTRUCTION (APPROACH/DRIVEWAY)**

### **Policy Statement**

Mackenzie County shall adopt standards to provide safe, legal and defined accesses from any County road while maintaining and not disrupting current surface water management patterns.

### **Guidelines**

1. Applications for the construction, reconstruction or alteration of any access shall be submitted in the form contained in Schedule G and will be accepted by Mackenzie County any time throughout the year. The submitted applications will be reviewed and the applicant shall be provided with an initial response within 30 days of receiving the application. Although, once the ground is snow covered and/or frozen, initial and final inspections will not be completed until spring.
2. The Applicant shall be solely responsible for all costs associated with the construction of the primary access other than the supply of a culvert.
3. The applicant shall be responsible for all costs associated with the construction and maintenance of all subsequent accesses.
4. Unless otherwise approved by Mackenzie County all accesses shall meet the following standards and be constructed in accordance with Mackenzie County specifications.

Access Type	Minimum Setback from Intersection	Minimum/Max Finished Top Width	Turning Radius on Shoulders	Culvert Length	Culvert Diameter	Culvert Slope	Access Side Slope	Gravel
Rural	50 meters (165 ft)	Min - 8 meters Max - 16 meters	15 meters	standard 13 m length, 600mmø		3:1	3:1	15-20mm size, 50mm depth
Urban Residential (rural standard)	6.1 meters (20 ft)	Min - 6 meters Max - 12 meters	5 meters	standard 12 m length, 600mmø				15-20mm size, 50mm depth
Urban Residential (curb, gutter & sidewalk)	6.1 meters (20 ft)	Min - 6 meters	N/A	N/A		N/A	N/A	15-20mm size, 50mm depth
Urban Commercial/Industrial (rural standard)	10 meters (33 ft)	Min - 10 meters Max - 16 meters	10 meters	standard 15 m length, 600mmø		3:1	3:1	15-20mm size, 50mm depth

Urban Commercial/ Industrial (curb, gutter & sidewalk)	10 meters (33 ft)	Min -10 meters	N/A	N/A	N/A	N/A	15-20mm size, 50mm depth
Hamlet Country Residential	6.1 meters (20 ft)	Min - 8 meters Max - 16 meters	10 meters	standard 13 m length, 600mmø	3:1	3:1	15-20mm size, 50mm depth
Temporary (rural)	50 meters (165 ft)	8 meters	10 meters	At the discretion of the Director of Operations	3:1	3:1	At the discretion of the Director of Operations

5. During County paving projects, primary accesses on Rural roads shall be provided with a paved apron extending from the edge of the shoulder to the property line or for a distance of 4 meters, whichever is less. It is recommended that any subsequent accesses to a titled property shall be paved at the ratepayers expenses. If paving is not completed, any damage to the paved edge of the County road shall be repaired at the ratepayers expense.
6. During County paving projects on Hamlet roads the County shall provide a 0.15m of paved apron extending from the edge of the shoulder to the property line. However, if the access has been previously paved, the County shall pave the apron to tie in the existing pavement, or property line whichever is less.
7. For accesses to Hamlet General, applicants shall obtain approval from the Planning & Development department. Planning & Development shall confer with the the Public Works and Utilities departments prior to approval.
8. The Applicant shall arrange and pay for all utility locates within the area of the access and shall obtain approvals from any affected utility companies and submit the said approvals to the County prior to the start of any construction.
9. The Applicant shall be solely responsible for the costs of all investigations, modifications or repairs to utility installations.
10. For accesses to Rural areas, administration may approve two accesses to a titled property. Any additional accesses will be brought to Council for consideration. Where deemed applicable and beneficial, a shared access to agricultural lands will be encouraged.
11. Mackenzie County will not approve, inspect or supply a culvert to any properties deemed to have unauthorized development occurring within its boundaries.
12. All subdivisions, with the exception of curb and gutter streets, shall provide an access to each lot being created and to the balance of the lands to County standards prior to the registration of the subdivision.
13. Mackenzie County shall inspect each authorized access after completion and if the access does not meet the standards of the County, the Applicant shall be

- responsible for all costs and construction required to bring the access to acceptable standards.
14. 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.
  15. The property owner shall be responsible for upgrading costs for subsequent accesses to a property during road upgrades and regular maintenance.
  16. Mackenzie County has the authority to remove subsequent accesses to a property, deeming them unnecessary or a hindrance to road maintenance or safety.
  17. Mackenzie County will not supply any material or be responsible for any costs associated with the construction and/or removal of temporary accesses and these shall be removed at the end of the intended use and the area of the access restored to its original condition.
  18. Mackenzie County reserves the right to change the location of the proposed access if this is deemed necessary to protect the County's municipal servicing infrastructure.
  19. Rural accesses must be constructed at a location which provides a minimum 100 meters unobstructed sight distance in each direction and shall be at least 50 meters from other accesses or intersections.
  20. The Province of Alberta may not permit accesses to be constructed from roads under their jurisdiction unless the access is aligned with a road allowance under the jurisdiction of Mackenzie County and such accesses shall require the approval of Alberta Transportation.
  21. If the application for an access aligned with a major/collector road from a road under the jurisdiction of the Province of Alberta is approved by Alberta Transportation and the County, the County may pay the cost of construction

## **SURFACE WATER MANAGEMENT**

### **Policy Statement**

Mackenzie County understands the need to find solutions to agricultural surface water management issues and the construction of permanent or temporary agricultural surface water management channels on or impacting road allowances may be necessary for effective resolution to surface water management issues but these projects must protect the integrity of natural watercourses. These projects shall only be performed with the approval of Mackenzie County and in accordance with all applicable County standards and specifications and those imposed by other levels of government.

## Guidelines

1. Applications for the construction of permanent or temporary agricultural surface water management channels, in the form contained in Schedule B, will be accepted by Mackenzie County any time throughout the year, which applications will be referred to the appropriate Surface Water Management Basin Committee for consideration and the applicant shall be provided with an initial response within 30 days of receiving the application.
2. Applications shall be submitted in the form contained in Schedule B and may be required to include a survey plan showing:
  - approximate location of legal property boundaries;
  - the area to be drained by the proposed agricultural surface water management channel;
  - the alignment of the proposed agricultural surface water management channel;
  - the existing ground elevations;
  - the proposed design elevations;
  - a typical cross-section of the proposed surface water management channel; and,
  - the location, size and elevation of existing and proposed surface water management structures (i.e. culverts).
3. In order to avoid potential conflicts, the applicant must obtain consent and signatures of all adjacent and affected landowners.
4. For permanent and temporary agricultural surface water management channels discharging to a ditch adjacent to a developed road allowance, or the County's licensed ditch, the Applicant may be required to submit an application to AEP, along with the survey plan, for approval and may be required to submit a copy of said AEP application and their approval to the County prior to the their application being considered further.



5. For permanent and temporary agricultural surface water management channels requiring a ditch to be constructed within an undeveloped road allowance the Applicant may be required to submit an application to AEP, along with the survey plan, for approval and shall submit a copy of said AEP application and their approval to the County prior to the their application being considered further.
6. For permanent surface water management channels constructed within undeveloped road allowances the alignment, profile and cross-section shall match the design of the future road ditch, should the road allowance be developed.
7. The Applicant shall be responsible for all costs relating to the development of permanent and temporary agricultural surface water management channels including application, construction and operation/maintenance. In addition, the Applicant shall be required to enter into a Road Allowance Use Agreement (form contained in Schedule C appended hereto) with Mackenzie County.
8. The Applicant shall be financially responsible for the operation and maintenance of the proposed agricultural surface water management channels on undeveloped road allowances and shall be liable for all injuries and/or damages that may result from the lack of or improper performance of the operation and maintenance.
9. The construction of permanent or temporary agricultural surface water management ditches that have a detrimental effect on adjoining private property may give rise to civil liability and the Applicant shall be solely responsible for resolving these matters.
10. The Applicant shall consent to the filing of caveats on property owned by the Applicant that the County deems necessary for the protection of the proposed agricultural surface water management ditches.
11. Persons constructing permanent or temporary agricultural surface water channels without the approval of Mackenzie County may be subject to fines and/or other penalties, including but not limited to the removal of the offending agricultural surface water channel as per the County's Fee Schedule Bylaw and/or other applicable provincial regulation.

### **Mackenzie County Endeavour to Assist**

Although all costs relating to application for, construction of and operation/maintenance of surface water management channels shall be borne by Applicants, Mackenzie County, at its sole discretion, may provide assistance for:

1. the mediation of disputes between property owners that pertain to surface water management matters and attempt to find solutions to the disputes;

2. obtaining approvals from other levels of government; and,
3. the funding of all or a portion of the costs associated with the construction of major agricultural surface water management channels, subject to the cooperation of benefiting property owners and budget availability.

	<b>Date</b>	<b>Resolution Number</b>
<b>Approved</b>	11-Dec-12	12-11-845
<b>Amended</b>	12-Feb-13	13-02-069
<b>Amended</b>	27-Mar-13	13-03-189
<b>Amended</b>	16-Jul-13	13-07-492
<b>Amended</b>	08-Oct-13	13-10-692
<b>Amended</b>	26-Mar-14	14-03-177
<b>Amended</b>	27-Sep-14	14-09-609
<b>Amended</b>	14-Apr-15	15-04-246
<b>Amended</b>	29-Apr-15	15-04-302
<b>Amended</b>	27-Apr-16	16-04-317
<b>Amended</b>	26-Feb-20	20-02-120

**SCHEDULE A**

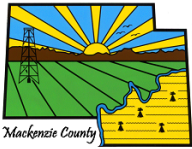
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**Surface Water Management Basins**

**SCHEDULE B**

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**Agricultural Surface Water Management  
Projects Application**



Application # \_\_\_\_\_

## Construction of an Agricultural Surface Water Management Channel Application

### APPLICANT INFORMATION:

Name of Applicant \_\_\_\_\_

Permanent address \_\_\_\_\_  
P.O. Box                      Town                      Province                      Postal Code

Telephone (res.) \_\_\_\_\_ (bus.) \_\_\_\_\_

Legal land description(s) \_\_\_\_\_

Please list all landowners participating in the project:

NAME	LEGAL LAND DESCRIPTION
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

### PROJECT INFORMATION:

The following information has been appended:

- approximate location of legal property boundaries;
- the area to be drained by the proposed agricultural surface water management channel;
- the alignment of the proposed agricultural surface water management channel;
- the existing ground elevations (what is the general lay of the land);
- the proposed design elevations (is ditch cut required for drainage);
- a typical cross-section of the proposed surface water management channel;
- the location, size and elevation of existing and proposed surface water management structures (i.e. culverts);
- proof of AEP and or AEF approval (provide a copy to the County); and
- A proposed plan for top soil management (how will you manage the excess topsoil).

Does the proposed agricultural surface water management channel discharge into a ditch along an existing road?  Yes  No

If yes, please provide the following:

Name of the applicable road \_\_\_\_\_

Does the proposed agricultural surface water management channel require the construction of a ditch within an undeveloped road allowance?  Yes  No

If yes, please provide the following:

Legal location of road allowance \_\_\_\_\_

Is the Applicant willing to enter into a Road Allowance Use Agreement?  Yes  No

What is the estimated size of the contributing area? \_\_\_\_\_ Acres.

Does this project involve a ditch already licensed?  Yes  No

If yes, please attach all related documents (i.e. license number, map, etc.).

Are the Applicants prepared to sign an easement/caveat at no cost to the County?  Yes  No

Has the Applicant gained consent from all adjacent and affected landowners? *(as determined by the ASB and Ag. Fieldman)*  Yes  No

If yes, please provide signatures and legal land descriptions below.

**SIGNATURE**

**LEGAL LAND DESCRIPTION**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

By signing this form, I verify that this information is accurate and complete to the best of my knowledge; and,

I hereby authorize the County to traverse the subject properties for the purpose of performing a basic review and level one assessment of the proposed project as specified on this form.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**SCHEDULE C**

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**Road Allowance Use Agreement**

**SCHEDULE D**

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**Local Road Network**



**SCHEDULE E**

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**Road Standards**

## Mackenzie County Rural Road Standards/Specifications

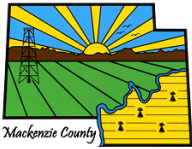
	Unit	Collector	Local Road
Road Top Width	m	9m	8m
Avg Height of Fill (min)	m	1.0m	0.9m
Normal Side Slope	run:rise	3:1	3:1
Normal Ditch Width (min)	m	3m	1-3m
Normal Back slope	run:rise	2:1	2:1
Compaction @ Construction	% of Standard Proctor Density	98%	97%
Moisture Content @ Construction	% of Standard Proctor Density	+ / - 1%	+ / - 3%
Rate of Regraveling		Up to 300m <sup>3</sup> /mi	Up to 200m <sup>3</sup> /mi
Private Approach Radius	m	12m	12m
Crown Rate (m/m)		3-4%	3-4%
Right of Way (min)	m	30m	20m

- A top soil management plan must accompany each road request application.
- All slopes and ditches must be seeded with an approved grass seed mixture. (Typically 70% Broom grass and 30% Creeping Red Fescue)

**SCHEDULE F**

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**Road Construction Application**



Application # \_\_\_\_\_

## Request to Construct a Road

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### APPLICANT INFORMATION:

Name of Applicant \_\_\_\_\_

Permanent address \_\_\_\_\_  
P.O. Box                      Town                      Province                      Postal Code

Telephone (res.) \_\_\_\_\_ (bus.) \_\_\_\_\_

Legal land description(s) \_\_\_\_\_

Please list all landowners participating in the project:

NAME	LEGAL LAND DESCRIPTION
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

### PROJECT INFORMATION:

The following information has been appended:

- approximate location of legal property boundaries;
- the length of road to be constructed;
- identification of proposed surface water management structures (i.e. culverts);
- the existing ground elevations (what is the general lay of the land);
- the proposed design elevations (is ditch cut required for drainage);
- the location of property accesses (driveway);
- Proof of AEP and or AEF approval (provide a copy to the County); and
- A proposed plan for top soil management (how will you manage the excess topsoil).

Does the proposed road benefit more than one landowner? Yes No

If yes, please provide the following:

Name of the other landowners:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Is the Applicant willing to enter into a Road Allowance Use Agreement? Yes No

What is the estimated length of the road? \_\_\_\_\_ meters.

Does this road connect to a road under the jurisdiction of the Province of Alberta? Yes No

If yes, please attach location of intersection.

By signing this form, I verify that this information is accurate and complete to the best of my knowledge; and,

I hereby authorize the County to traverse the subject properties for the purpose of performing a basic review and level one assessment of the proposed project as specified on this form.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

### ROAD CONSTRUCTION PROCEDURE / CHECKLIST

Upon receiving all necessary documentation with Request to Construct a Road, the following procedure will be implemented (***Applicant is responsible to call the County and make arrangements for all site meetings***):

Pre-construction site meeting with applicant / contractor / County  
Date:\_\_\_\_\_ Attendees:\_\_\_\_\_

- Culverts required \_\_\_\_\_
  - Drainage requirements \_\_\_\_\_
- \_\_\_\_\_

Interim inspection at 50% completion with applicant / contractor / County  
Date:\_\_\_\_\_ Attendees:\_\_\_\_\_

- Arising issues \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Final inspection prior to graveling with applicant / contractor / County  
Date:\_\_\_\_\_ Attendees:\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Final acceptance - Road has been graveled by County on \_\_\_\_\_  
(date)  
Attendees:\_\_\_\_\_

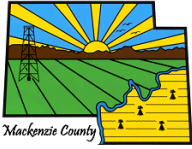
\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Mackenzie County

**SCHEDULE G**

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**Access Construction Application  
(Approaches/Driveways)**



Application # \_\_\_\_\_

## Request to Construct or Alter an Access

(Approaches/Driveways)

### APPLICANT INFORMATION:

Name of Applicant \_\_\_\_\_

Permanent address \_\_\_\_\_  
P.O. Box                      Town                      Province                      Postal Code

Telephone (res.) \_\_\_\_\_ (bus.) \_\_\_\_\_

Legal land description(s) \_\_\_\_\_

### PROJECT INFORMATION:

The following information has been appended:

- approximate location of legal property boundaries;
- the location of the access in relation to other accesses/intersections;
- identification of proposed surface water management structures (i.e. culverts);
- the existing ground elevations (what is the general lay of the land);
- the proposed design elevations (is ditch cut required for drainage);
- proof of contact with affected utility companies; and
- a proposed plan for top soil management (how will you manage the excess topsoil).

Is the proposed access:       A New Access       An Alteration of an Access

If an alteration, please specify:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Does the proposed access benefit more than one landowner?       Yes       No

If yes, please provide the following:

Name of the other landowners:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Does the proposed access connect to a road under the jurisdiction of the Province of Alberta? Yes No

If yes, please provide the following:

Name of Provincial roadway \_\_\_\_\_

By signing this form, I verify that this information is accurate and complete to the best of my knowledge; and,

I hereby authorize the County to traverse the subject properties for the purpose of performing a basic review and level one assessment of the proposed project as specified on this form.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date