

**PRIVATE APPROACH POLICY**

**NO. 2020-01**

***Purpose:***

The purpose of this policy is to regulate access approaches from private property to municipal roads within the Municipality. The policy is intended to guide private access in order to strike a balance between access requirements and the safe, efficient operation of the road transportation and drainage systems.

***Policy:***

The installation, widening or narrowing, relocation or replacement of a private access which intersects a municipal road or right of way shall require the registered owner to obtain a permit from the municipality and pay the required fee set by Resolution of Council.

No permit is required to carry out necessary minor repair, maintenance and upkeep to a private access such as gravelling, weed or snow removal.

***Application Process:***

1. An application to the Municipality for a permit, with applicable permit fee and performance deposit, must be made by the owner or a person authorized in writing by the owner. The purpose of the permit is to ensure that the access and/or culvert meet drainage needs and is installed to the approval of the municipality. The application must be in the form set out in Schedule A and include all relevant information, including:
  - a. Identification of the property and the owner(s).
  - b. Property description: description of land, buildings and proposed access.
  - c. A diagram/map showing the location of the proposed access.
2. Upon receiving the application and fee the Municipality will review the application and determine the necessary specifications.
3. The applicant must physically stake each edge of the proposed installation. An initial inspection of the property will be made by a designated officer prior to approval of the permit.
4. Provincial Water Stewardship Approval: In addition to the municipal access application if the access includes a culvert or is a low level crossing, the applicant is responsible to complete the Water Stewardship Drainage License application with the applicable fee for the Municipality to submit to Water Stewardship. Any necessary licensing and associated costs through Manitoba Water Stewardship will be the responsibility of the applicant, and work must not proceed until licenses are approved.
5. No work shall begin until application approval has been issued and payment of the permit fee has been received. Applications shall be submitted a minimum of 21 days prior to

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approach installations or changes. Deviation from the standard may require additional time to be processed and reviewed.

6. The Public Works Coordinator or designate has the authority to approve the permit.
7. The applicant is responsible to build the access according to the below Municipal standards, install the culvert to Municipal requirements, and complete utility locates.
8. Any and all construction, reconstruction or repairs to private approach and culvert work and costs will be at the responsibility of the landowner/applicant.
9. Once the approach has been installed or changed the applicant will contact the Municipality for a final inspection. A post-installation inspection will be made by a designated officer prior to refund of performance deposit. The deposit will be returned to the applicant within 30 days of the final inspection, provided the inspection passes.

### ***Placement and Construction Standards:***

1. Landowners will be allowed one approach per parcel of land under the application process.
2. Application can be made by the landowner for a second private approach to provide access for agricultural/commercial purposes. Additional approaches may be considered where special circumstances such as natural geographical barriers exist, or where warranted by the scale and magnitude of the development and/or land use. The approval of the installation of more than one approach shall be on an individual basis and only by Council Resolution after consideration of the application with relevant information.
3. Multi-lot developments may be negotiated by a separate development agreement with the developer, however, such arrangements will require final municipal approval and inspection.
4. The placement of an approach shall be at a location based on conditions of the site and which provides an unobstructed view of the roadway, and away from intersections.
5. Approach Standards

Width: Rural and Commercial/Industrial approaches minimum 30 feet (9 meters) wide finished top with flare extra, and Urban and Rural Multi-lot minimum 20 feet (6 meters) wide.

Turning Radius: Rural and Industrial/Commercial approaches minimum 40 feet (12 meters) turning radius on the shoulders, and urban approaches a minimum 25 feet (7.6 meters) turning radius.

Slope: All approaches minimum 3:1 side slope.

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**Elevation:** The first 13 feet (4 meters) of the approach shall be no higher in elevation than the shoulder of the road.

**Material:** All approaches shall be constructed with subgrade of clay or granular material, finished subgrade must be covered with surface gravel to a depth of 2 inches (50 mm).

**Rural Approach Distance:** Rural approach must be a minimum of 165 feet (50 meters) apart.

### 6. Culverts

**Culvert Approval:** No alteration to the roadway drainage is permitted. The need and size of the approach culverts is at the discretion of the Public Works Department and approval of Water Stewardship.

**Culvert Elevation and Size:** If a culvert is required it shall be installed at the current ditch elevation and be sized to meet hydraulic flow requirements as specified by the designated officer in the approved Provincial drainage license. The minimum size for a culvert would be 12 inches (300 mm) and all approach culverts must be new.

**Culvert Placement:** Culverts must be placed at the ditch bottom and positioned according to the Public Works Department.

**Municipal Culvert Sales:** Culverts can be purchased through the Municipality. If the required size is not available and it needs to be special ordered, incurred shipping and handling charges are the responsibility of the application. Culverts larger than 3 feet (900 mm) may be ordered at the discretion of the Public Works Department.

7. All approaches, other than the driving area or granular material, must be seeded with a native seed mix as soon as possible.
8. Rip rap rock, as determined by the municipality, may be required.
9. Application for an approach that deviates from the standards will require prior approval of Council. The applicant must clearly outline the justification for the deviation with reasons why the standard cannot be met along with the application. These non-standard approaches will be reviewed on an individual basis. Any costs incurred by the Municipality to arrange for necessary technical analysis to review proposed deviation or changes to standard shall be borne by the applicant.

### ***Additional Considerations:***

1. When a development/building permit is applied for the approach application should also be included. Also, during the approach application review the Municipality will check that the development/building permit has also been applied for. However, this does not remove the property owner from their responsibility of permit compliance and application.

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2. When there is more than one approach in either the urban or rural area and it comes into question, this may fall under the Grandfather clause.
3. The Provincial Department of Water Stewardship issues drainage licenses to the Municipality for approach culverts in the municipal drainage ditches. The time frame and requirements are provincially regulated.

### ***Costs:***

The cost for the approach application is the sole responsibility of the landowner, applicant, or developer. The cost of constructing the approach including gravel and fill, licensing, utility locates and culvert is the responsibility of the landowner except where existing agreements are already in place. The maintenance of all approaches to private property is the responsibility of the landowner.

### ***Provincial Roads:***

Approach roads onto Provincial roadways are under provincial jurisdiction; application for construction or alternation of such approach roads must be made to the Province.

### ***Temporary Approaches:***

All temporary approaches must be approved by the Municipality through the same application process. The deposit will be returned once the temporary approach has been removed and the ditch or approach area restored to pre-installation condition. The applicant shall request a final inspection. Failure to remove the temporary approach on or before the expiry of a six-month period and the restoration to pre-installation condition will result in forfeiture of the deposit.

### ***Non-Approved or Abandoned Approaches:***

Approaches without an approved application and filing fee will require 2X the initial application fee. Once the application and fee has been submitted the Municipality will then inspect. Should any improvements be required the applicant shall make those improvements within 30 days of receipt of notification. Should the approach be abandoned before it is fully completed the application deposit shall not be returned.

After 30 days of notification to the landowner, if required approach improvements are not made, or an application not filed, or the approach abandoned the Municipality will remove the approach at the landowner's cost. Costs may include, but are not limited to, equipment and staff time, vehicle charges, survey costs, and earth work. Costs are due within 30 days of invoice date otherwise all costs shall be added to the landowner's taxes as a property matter.

### ***Approach and Culvert Maintenance:***

Ongoing maintenance of a private approach remains the responsibility of the landowner. Maintenance will include, but not limited to, pipe replacement, driving surface maintenance and snow clearing.

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No dumping of snow or other materials is allowed at the drainage entrances. The Municipality will not be held liable for damages to approach structures or private culvert end treatments, driveway extensions, or paving stones that happen during regular road or drainage maintenance.

The Municipality will, however, maintain culverts to ensure consistent and proper drainage through road rights-of-way. The Municipality shall not maintain, repair, or replace culverts in cases where damage to culverts resulted from negligent action on the part of the landowner. Determination of such negligence lies with the Municipality.

### ***Replacement Culvert Required for Drainage:***

When a culvert replacement is determined to be necessary by the Municipality as it is preventing proper drainage, and no application has been filed (with accompanying fee) by a landowner, then the Municipality shall be responsible for the culvert and approach replacement or repair. The Municipality shall develop a list based on urgency, scheduling of work, and budget considerations. The culvert replacement may be due to a substandard, damaged, or incorrectly sized culvert and not due to landowner negligence.

All culverts after installation become the property of the Municipality and shall not be tampered with. If the landowner damages the culvert through negligence, then they will be charged for the culvert replacement costs. Landowner negligence shall be determined by the Municipality.

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RURAL MUNICIPALITY OF ROSSBURN

Box 100, Rossburn, Manitoba, R0J 1V0

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## PRIVATE APPROACH PERMIT APPLICATION FORM 'SCHEDULE A'

Name of Property Owner:		Mailing Address:	
Legal Land Description:	Phone:	Email:	Fax:
Culvert required:		Date Work is to Commence:	

<b>PRIMARY USAGE:</b>		Residential <input type="checkbox"/>
New Approach:	<input type="checkbox"/> Replace Culvert <input type="checkbox"/>	Agricultural <input type="checkbox"/>
Widen Existing Approach:	<input type="checkbox"/> Other <input type="checkbox"/> _____	Commercial: <input type="checkbox"/>

REASON FOR REQUEST:

**PROPOSED PLAN:** Include a sketch map of your property showing all existing approaches and proposed additions/extensions. Include any existing features of the land described in the immediate vicinity; buildings, roads, utility lines, rivers, streams, natural runs, low areas, etc.

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**Approach Indemnity Clause:** As applicant I undertake to observe and perform all provisions of the approach policy, Provincial regulations, and applicable municipal by-laws, orders, or agreements affecting the said land; and all specifications or instructions issued by the Municipality in respect of the work incidental to the application; and to indemnify the Municipality against all losses, costs, charges, or damages caused by or arising out of anything done pursuant to this application.

Signature of Property Owner:	Date:
Municipal Office Use Only	
Pre-Inspection Date: _____ Performed by: _____ Notes:	
Post-Inspection Date: _____ Performed by: _____ Notes:	

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Final Inspection & acceptance of approach on behalf of the Rossburn Municipality, and authorize deposit return:

Authorized Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Application Approval:	Requires Council Approval:	Resolution #:
Water Stewardship License:	Culvert Size:	Locates Obtained:
Final Approval:	Roll #:	Permit #:
Fee Paid \$ _____	Deposit Paid \$ _____	Deposit Refunded: \$ _____
Receipt # _____	Receipt #	Ch # _____