



TRANSPORTATION SERVICES

TO: Council

DATE: September 13, 2022 **DIVISION:** All

FILE: 1007-100 **APPLICATION:** N/A

SUBJECT: Road Licencing Bylaw C-8316-2022

EXECUTIVE SUMMARY:

At the December 14, 2021 Council Meeting, a Notice of Motion was introduced by Council that directed Administration to investigate possible amendments to Rocky View County’s Road Licencing Policy C-433 to enable Rocky View County to issue a licence or permit for the use of any Undeveloped Road Allowance right-of-way or a portion of any Undeveloped Road Allowance right-of-way located within Rocky View County for the purpose of providing private access to landowners who own land immediately adjacent to or hold a beneficial interest in the undeveloped Road Allowance right-of-way. This would be similar to how the County currently handles grazing licences in undeveloped road allowances.

At the February 8, 2022 Council Meeting, Administration was directed to bring forward Policy C-433 as a Bylaw for Council’s consideration and to schedule a non-statutory public hearing.

At the July 12, 2022 Council Meeting, Council gave first reading to Road Licencing Bylaw C-8316-2022 and to schedule a non-statutory public hearing.

ADMINISTRATION RECOMMENDATION:

Administration recommends approval in accordance with Option #1.

BACKGROUND:

The purpose of the proposed Road Licencing Bylaw C-8316-2022 is to provide for the issuance of Licences of Occupation for the temporary occupation or use of Undeveloped County Roads. Currently, Road Licencing Policy C-433 allows for the issuance of licenses for grazing and cultivation purposes.

The proposed Road Licencing Bylaw C-8316-2022 clearly defines responsibility regarding licencing of undeveloped road allowances. As per Road Licencing Policy C-433, any Undeveloped Road Allowance right-of-way (or portion thereof) located within Rocky View County which is not required for use as a public roadway, is available to be licenced only for grazing or cultivation purposes by persons who are immediately adjacent to, or hold a beneficial interest in, the undeveloped Road Allowance. All licences issued will be for non-exclusive use only but may be limited to human foot traffic and farm operation vehicles. The Notice of Motion, and subsequent Council direction, asked Administration to consider adding the ability to apply for a licence for driveway access in the undeveloped road allowances, where appropriate.

Rocky View County having the direction, control, and management of all roads within its boundaries, recognizes that the primary purpose of roads and rights-of-way is to provide unobstructed access to



the public. If an applicant is requesting private or exclusive access to a road allowance, the applicant would be required to apply for a road closure and consolidation as per Section 22 (1) of the *Municipal Government Act*, stating that no road in a municipality that is subject to the directions, control and management of the Municipality may be closed except by Bylaw. This is a different process than applying for a Licence of Occupation under the proposed bylaw.

In the proposed bylaw, it is recommended that access through licencing should be referred to as “dedicated” access as opposed to “private”. If the applicant is requesting private or exclusive access to the road allowance the applicant would be required to apply for a road closure and consolidation as per Road Allowance Closure and Disposal Policy C-443, not a licence of Occupation.

The County is also restricted by the application of the *Traffic Safety Act*, which requires agreements to use or occupy a road allowance (that has not been closed) to be in the nature of a “licence” or permit which would prevent the County from granting exclusive access. It also requires that the agreements be terminable on 30 days’ notice, if the road allowance is required for public use. These requirements, and limitations, would be reflected in any agreement entered into by the County pursuant to proposed Road Licencing Bylaw C-8316-2022.

STRATEGIC OBJECTIVES:

The development and implementation of the proposed Road Licencing Bylaw supports Council’s Objectives of “Enhancing Transparency and Communication” by clearly defining roles and responsibilities with regards to Licences of Occupation for the temporary occupation or use of County Roads.

BUDGET IMPLICATIONS:

None

OPTIONS:

- Option #1: Motion 1: THAT Bylaw C-8316-2022 be given second reading.
- Motion 2: THAT Bylaw C-8316-2022 be given third and final reading.
- Motion 3: THAT Bylaw Road Licensing Policy C-433 be rescinded.

Option # 2: THAT Bylaw C-8316-2022 be refused.

Option # 3: THAT alternative direction be provided.

Respectfully submitted,

Concurrence,

“Byron Riemann”

“Dorian Wandzura”

Executive Director
Operations

Chief Administrative Officer



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ATTACHMENTS:

ATTACHMENT 'A' – Proposed Road Licencing Bylaw C-8316-2022

ATTACHMENT 'B' – Council Road Licencing Policy C-433

ATTACHMENT 'C' – Public Submissions