

## CYPRESS COUNTY POLICY

<b>TITLE:</b>	<i>Hard Surfacing Roads in Rural Subdivisions</i>	<b>POLICY NO:</b>	<i>R13</i>
<b>AUTHORITY:</b>	<i>Resolution No. 98/152</i>	<b>DATE:</b>	<i>May 5, 1998</i>
<b>REVISED:</b>	<i>Resolution No. 99/56 Resolution No. 2001/145 Resolution No. 2008/09 Resolution No. 2008/292 Resolution No. 2010/276 Resolution No. 2014/357</i>	<b>DATE:</b>	<i>March 2, 1999 May 15, 2001 January 8, 2008 November 18, 2008 October 5, 2010 July 22, 2014</i>

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### DEFINITIONS:

Extenuating Circumstances - includes traffic loading and any other factors which the Council may wish to consider. A traffic count of 200 Average Vehicles Per Day may be considered sufficient for the County to provide dust control adjacent to multi-lot country residential subdivisions, providing that the development is within 200 metres of the road.

Owner - a person whose name appears on the assessment roll of the County in respect to land liable to assessment and taxation for general municipal purposes.

Property - a parcel of land that will benefit from the placement of pavement or dust control.

Multi-Lot - where there has been a subdivision or subdivisions, any three (3) or more lots or adjacent parcels of land designated as Country Residential, Country Residential 2, Limited Country Residential IDP, Light Industrial, or Industrial Land Use District pursuant to the County's Land Use Bylaw.

### POLICY STATEMENT

1. Cypress County may provide pavement or dust control product(s) on roads within, and dust control product on roads adjacent to existing multi-lot Country Residential Subdivisions if 2/3 of all of the owners representing at least 1/2 of the value of the assessments of the parcels of land within the multi-lot Country Residential Subdivision sign a petition, in the form attached to this policy, requesting pavement on roads within and dust control product on roads adjacent to existing multi-lot Country Residential subdivisions as a Local Improvement pursuant to Part 10 Division 7 of the Municipal Government Act at a cost recovery rate per property for a period of 25 years.

2. The owner and/or developer of a new multi-lot Country Residential subdivision shall be required to provide pavement within the subdivision and dust control adjacent to the subdivision at his cost, as a condition of subdivision approval.
3. Cypress County may provide pavement on roads within and adjacent to existing multi - lot Industrial subdivisions if 2/3 of all of the owners representing at least ½ of the value of the assessments of the parcels of land within the multi-lot Industrial Subdivision sign a petition, in the form attached to this policy, requesting pavement on roads within and adjacent to existing multi-lot Industrial subdivisions as a Local Improvement pursuant to Part 10 Division 7 of the Municipal Government Act at full cost recovery amortized over the benefitting properties for a period of 25 years.
4. The owner and/or developer of a new multi-lot Industrial subdivision shall be required to provide pavement at his cost, as a condition of subdivision approval.
5. When the pavement requires overlay, a new Local Improvement Tax will be levied in the same manner as per Section 1 above.
6. The Council reserves the right to make the final decision on whether a petition or request for pavement is eligible.
7. The Council may consider total costing by the County where extenuating circumstances apply.

ADMINISTRATION AND PROCEDURE:

1. The County must receive a petition as per Section 1 or 3 above.
2. If the Project proceeds under Section 1 or 3 above, the pavement and/or dust control material will be applied subject to availability of material, equipment, scheduling of the work and availability of funds.
3. If the petition is refused the petition representative will be notified by the Public Works Supervisor.
4. The requirement for pavement and/or dust control placement by the owner/developer will be a condition of subdivision approval for multi-lot subdivisions. The standards, specifications and other details will be identified in a Servicing or Development Agreement and will be registered as a caveat on the properties created and benefiting from the pavement and/or dust control. Standards will be set by Cypress County in accordance with what is required for the subdivision traffic but shall generally conform to the standards and procedures set out in Schedules A and B of this policy.

5. When the pavement or dust control product(s) requires an overlay, a new Local Improvement Plan will be forwarded to the owners advising that the Local Improvement Tax will continue for a further 25 years unless petitioned against pursuant to Part 10 Division 7 of the Municipal Government Act.
6. The Local Improvement Tax will be imposed and the provisions of this policy shall become effective in the year following the placement of the pavement or dust control product(s).
7. This policy shall come into affect on the day of its passing and be applied to all multi-lot subdivisions whether approved or in the approval process which do not have signed Development Agreements.



Chief Administrative Officer  
Cypress County  
816 2<sup>nd</sup> Avenue  
DUNMORE AB T1B 0K3

Dear Sir:

**RE: Petition - Private Pavement**

Enclosed is a petition for Private Pavement as a Local Improvement Tax. The petition is submitted in accordance with the provisions outlined in the Municipal Government Act.

You are further advised that I am the representative of the petitioners whose names and signatures appear on the petition. Please direct any inquiries to the undersigned at:

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Yours truly,

Petition Representative

**AFFIDAVIT OF EXECUTION**

**WITNESS TO PETITION**

I \_\_\_\_\_ of \_\_\_\_\_  
in the Province of Alberta, make oath and say:

1. THAT I was personally present and did see the persons named in the petition, listed opposite to my signature, duly sign and execute the same for the purpose named therein;
2. THAT to the best of my knowledge the persons whose names and signatures appear opposite my signature are those of persons entitled to sign the petition.

SWORN before me at \_\_\_\_\_ )

in the Province of Alberta, this \_\_\_\_\_ day of )

\_\_\_\_\_, \_\_\_\_\_ )

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Commissioner for Oaths in  
and for the Province of Alberta

Policy R13 - Schedule A  
Standards and Procedure for Roads in New Rural Subdivisions

Design Standards

1. All roads to be dedicated and constructed as a condition of subdivision must be paved, unless otherwise approved by Council.
2. The adjacent district road for new multi-lot subdivisions must have existing dust control, or dust control must be provided by the developer a minimum 50 metres past the boundaries of the subdivision. Beginning in 2008, in the sixth year after placement of the new dust control treatment, all parcels will be assessed the annual special tax for private dust control. Where dust control already exists, the special tax will be applied in the year following the subdivision registration.
3. The developer of any subdivision(s) within a half mile (800 metres) of a dust controlled or paved road must also apply dust control or pave the access road to the subdivision. If the estimated traffic generation from the subdivision(s) is more than 300 vehicles per day or more than 15 vehicles per day with a gross vehicle weight (gvw) of more than 10,000 kg, then the road must be paved.
4. All subdivisions of three or more lots must have access to County roads by means of a paved service road.
5. Where not prohibited for safety reasons, 1-2 lot subdivisions may have direct access to County roads provided that there will not be more than two approaches per half mile of road frontage, including access to the subdivision and the remnant parcel. In the event of further subdivision, the developer must dedicate to the County a 20 metre wide service road right-of-way parallel and adjacent to a County road or a 30 metre wide service road right-of-way parallel to a Provincial highway. The developer must agree to a Development Agreement being caveated against the remnant and newly created parcels requiring the development of a service road by the owner of the remnant parcel in the event that further subdivision of the remnant parcel takes place.
6. The design guidelines in this section are minimum requirements and the Developer's Engineer must certify that an adequate roadway structure is provided to the Municipality, both in design and as constructed. Where required due to extra heavy traffic, a complete traffic analysis may dictate the need for additional engineering.
7. Design and construction practices shall take into consideration site specific conditions which might cause deviation from standard practice. Such deviations must be approved by the Municipality prior to entering a Development Agreement.
8. The minimum recommended pavement structure must also be confirmed by a qualified professional engineer. It is the Developer's responsibility to ensure that the pavement design will be adequate for a 20-year service life, regardless of the minimum standard quoted.

9. The design criteria for constructing subdivision roads are to be in accordance with the County's adopted Design Guidelines and Construction Standards. The County's Design Guidelines represent the minimum requirement under general conditions. The developer and the developer's engineer are responsible to confirm whether the minimum standards are appropriate for the specific proposed development. Pending the results of the geotechnical study, an independent pavement design may be required.

### **Approaches**

Road approaches to newly subdivided lots shall have a minimum 8.0 metre wide surface, a minimum of 4:1 (or more shallow) side slopes, and have the appropriate sized culverts. Using good engineering practices and the "Manual of Geometric Design Standards for Canadian Roads", lot access shall be designed to address the turning requirements of large vehicles; such as pavement widening, three-point turning radii and other site specific criteria.

### **Procedures**

10. Within 5 years of issuance of a Construction Completion Certificate (CCC) for a privately developed paved road, the County will endeavour to assist in the recovery of a proportionate share of the cost of the road upgrade costs where it provides access to a new non-agricultural development on an adjoining parcel as stated in Policy R 17.
11. All road design and construction must be certified by and performed under the supervision of a qualified professional engineer registered with APEGGA.
12. Development Agreement Security Requirements
  - a) Security for Development Agreements is required in the form of an Irrevocable Letter of Credit from a local branch of a chartered bank, Alberta Treasury Branch, or Credit Union. The irrevocable letter of credit shall remain in effect for no less than three years. The project must not commence until the security requirements have been met. See Schedule B for more information on format of Securities.
  - b) All Road designs must include a construction cost estimate, be prepared by a certified engineer, include 10% engineering costs and GST.
  - c) Once the Developer is ready to endorse the subdivision, security in the amount of 150%, based on the engineer's estimated cost, will be required as part of the Development Agreement.
  - d) Security will be released in full upon issuance of an FAC by the Municipality.
13. Upon completion of construction and submission of as built drawings, pertinent testing and related infrastructure as per the Development Agreement, all roads will undergo an inspection by the Municipality. If no deficiencies have been identified, a Construction Completion Certificate (CCC) will be issued and the maintenance period will commence.
14. Upon issuance of a CCC, the maintenance period for a paved road development is as follows:
  - Two years subsequent to CCC, placement of second lift of asphalt.
  - Three years subsequent to CCC, eligible to apply for FAC.



## Policy R13 Schedule B

“Example Only”

### FORM OF IRREVOCABLE LETTER OF CREDIT

[Date]

Cypress County  
816 2<sup>nd</sup> Avenue  
Dunmore, AB T1B 0K3

**Attention:** Chief Administrative Officer  
(Fax: 403.526.8958)

Dear Sirs:

**Re: Standby Letter of Credit No.** \_\_\_\_\_

We hereby authorize you to draw on the (issuing Bank's name) (the "bank"), [location], (City, Province) for the account of (the "customer") up to an aggregate amount of \_\_\_\_\_.

Pursuant to the request of the customer, we the bank, hereby establish and give the (name of municipality) (the "municipality") an Irrevocable Letter of Credit in favour of the municipality in the above amount which may be drawn on by the municipality at any time and from time to time, upon written demand for payment made upon us by the municipality, which demand we shall honour without enquiring whether the municipality has the right as between the municipality and the customer to make such demand, and without recognizing any claim of the customer, or objection by the customer to payment by us.

This Letter of Credit we understand relates to an Agreement between the customer and the municipality dated the Effective Day day of Effective Month, and effective year and referred to as \_\_\_\_\_.

The amount of this Letter of Credit may be reduced from time to time as advised by notice in writing to us from time to time by the municipality.

**It is a condition of this Letter of Credit that it shall be deemed to be automatically extended without amendment from year to year from the present or any future expiration date hereof, unless at least 30 days prior to any such expiration date, we notify the municipality in writing by registered mail, that we elect not to consider this Letter of Credit to be renewable for any additional period.\***

We engage with the municipality that all drawings presented under, or in compliance with, the terms of this credit will be duly honoured on delivery of documents as specified, if presented at the counters of the bank, on or before (expiry date), or any automatically extended date as hereinbefore set forth.

Except so far as otherwise expressly stated, this Letter of Credit is subject to the "Uniform Customs and Practice for Documentary Credits" (1993 Revision) International Chamber of Commerce (Publication No. 500) effective January 1, 1994.

\_\_\_\_\_  
Countersigned

\_\_\_\_\_  
Authorized Signature

**\* N.B. Letters of credit which do not contain this provision are not acceptable. All of the major chartered banks will issues letters of credit in this form.**