

# MUNICIPALITY OF PEMBINA

## POLICY

**SECTION:** Infrastructure

**NUMBER:** INFR 01-2024

**TITLE:** RURAL ROAD DEVELOPMENT POLICY

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### **PURPOSE**

The purpose of this policy is to outline Council's requirements for the undertaking of construction of road access to new residential or building sites.

### **SCOPE**

Where a ratepayer of the Municipality of Pembina wishes to develop a residence or yard site in an area which is not currently serviced by an all-weather road, the following policy shall apply:

### **APPLICATION**

Written application must be received by the Municipality requesting any road upgrading. The application must clearly state the reason for the request, provide estimates of the value of the proposed property development, and provide a schedule of when the building development will be complete.

### **APPROVAL BY COUNCIL**

All applications for road upgrades must be approved by council and if approved will be formalized in Municipality of Pembina Access Road Development Agreement and signed by both parties. This will become a binding agreement on both parties.

### **POLICY**

1. The Municipality has the direction, control and management of municipal roads within its boundaries. A municipality is required to construct or maintain a municipal road only to a standard that is appropriate for the use to which the Municipality expects the road to be put.
2. There is no obligation by the Municipality to provide access to private property or to maintain an existing road access beyond the level deemed necessary or appropriate by the Municipality;
3. The Municipality will only maintain roads that have been built to municipal standards;
4. A Development Agreement between the Municipality and the Developer will be required for every approved road development project;
5. The Developer is required to build the road at their cost upon approval by the Municipality;

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- a) If the developer requires access to property due to property being land locked: The Municipality shall consider the proposed use of the property and whether or not the right of way should be developed; if approval is given 5.b) or 5.c) will apply;
  - b) If the developer only wishes to build the road grade to a level that they can access their property it will be at their cost and further that the Municipality will not service it as a maintained road;
  - c) If the Developer wishes for the Municipality to take over the road for future maintenance, the developer will be required to build a taxable benefit on the property (ie: house or commercial building) and the developer will need to build the road to municipal standards;
    - i. The Developer will be required to submit construction costs within 30 days of road completion. All receipts will be required to calculate the total price. Any work without a receipt will not be included in the calculations;
    - ii. New driveway requests from neighboring property owners off the newly developed (to municipal standards) road will pay a \$1,000.00 fee which will be reimbursed to the developer for a period up to 5 years after the Municipality has taken over the road; (this clause excludes road upgrades under 5.a) or b), unless the road is further upgraded to Municipal Standards)
6. Appropriate approvals shall be obtained from all applicable government authorities once municipal approval is given to proceed with road development, ie: drainage license.

## **ADMINISTRATION OF POLICY:**

1. The Developer shall apply to the Municipality for a request for the road development on the form set out in Appendix 'A' attached hereto;
2. The Manager of Public Works, or designate, shall visit the site:
  - a) To determine the requirement to construct the road;
  - b) And obtain 5 point survey;This information will be forwarded to Council along with the application for review and approval by the Municipality;
3. Upon recommendation of the Manager of Public Works and approval by Resolution of Council of the road development, the application and drafted Development Agreement shall be returned to the Applicant for signature of acceptance;
4. Upon substantial completion of the road development under Clause 5.c), the Manager of Public Works, or designate, shall make recommendation to the Municipality for the issuance of a Construction Completion Certificate Appendix 'B' or a Final Acceptance Certificate Appendix "C".

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5. The Municipality will only take responsibility for future maintenance of a road if the Final Acceptance Certificate has been to be issued;
6. This Policy shall not apply to any application where there is an existing useable legal access.

## **DEVELOPMENT AGREEMENT**

“Schedule A” attached will be the standard form of Development agreement.

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Approved by: Reeve and Council

Signatures:

  
\_\_\_\_\_  
Reeve Glenn Shiskoski

Implementation Date: Oct 10, 2024

Amended:

Resolution No. 2024-152

  
\_\_\_\_\_  
CAO Kat Bridgeman

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## Appendix 'A'

### APPLICATION FOR DEVELOPMENT OF A MUNICIPAL ROAD ALLOWANCE (Pursuant to Road Development Policy)

All applications shall be subject to the approval of the Municipality of Pembina

**PART I (to be completed by the Registered Owner/Applicant of the applicable property)  
(Please Print):** \_\_\_\_\_

Registered Owner / Applicant(s) Name(s): \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Postal Code \_\_\_\_\_

Telephone No: \_\_\_\_\_ Cell No: \_\_\_\_\_ E-mail: \_\_\_\_\_

Roll No. \_\_\_\_\_ Legal Description of Property requesting access: \_\_\_\_\_

Location of proposed road (Road Numbers): \_\_\_\_\_

Length of Road requested to be developed: \_\_\_\_\_

Reason for request: \_\_\_\_\_

Type of Road upgrade requested: Road access only  or Municipal Standards

I, \_\_\_\_\_, Registered Owner/Applicant of the applicable property agree and understand that the costs to develop the road allowance will be borne by me.

Application Date: Day \_\_\_\_ Month \_\_\_\_ Year \_\_\_\_

\_\_\_\_\_  
Registered Owner / Applicant

.....  
**PART II (to be completed by the Municipality of Pembina after Part I has been completed):**

Requirements to construct road: \_\_\_\_\_

Length of Road to be developed: \_\_\_\_\_

5 point survey included:  Yes  No

Date of Review: Day \_\_\_\_ Month \_\_\_\_ Year \_\_\_\_

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Recommendation to Council:     **APPROVE** \_\_\_\_\_ **DENY** \_\_\_\_\_

Reviewed by Municipal Employee (Name and Position): \_\_\_\_\_

.....

**PART III (to be completed by the CAO after Part II has been completed):**

Council Decision: **APPROVE** \_\_\_\_\_ **DENY** \_\_\_\_\_                      Resolution No. \_\_\_\_\_

Date of Decision: Day \_\_\_\_\_ Month \_\_\_\_\_ Year \_\_\_\_\_

Road access only  (Signed Development Agreement with landowner required) Municipal Standards  (Development Agreement & Appendix B & C of Policy apply)

Signature for the Municipality of Pembina (Name and Position): \_\_\_\_\_

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## Appendix 'B'

### CONSTRUCTION COMPLETION CERTIFICATE

DEVELOPMENT LOCATION:

DEVELOPMENT NAME:

DEVELOPER:

CONTRACTOR:

SERVICES INSTALLED:

WORK COMPLETED: Day \_\_\_\_\_ Month \_\_\_\_\_ Year \_\_\_\_\_

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### SITE INSPECTION

DEFICIENCIES:

- 
- 
- 
- 

Site Inspection completed: Day \_\_\_\_\_ Month \_\_\_\_\_ Year \_\_\_\_\_

I, \_\_\_\_\_, **Manager of Public Works, or designate for the Municipality of Pembina,**

Hereby certify that the services noted herein are complete as defined by the Development Agreement for the above-mentioned Development and constructed according to the Municipality of Pembina's Municipal Standards. I hereby recommend these Services for approval of this Construction Completion Certificate. Minor deficiencies indicated above should be corrected as soon as possible and no later than \_\_\_\_\_.

\_\_\_\_\_  
**Manager of Public Works or designate**

\_\_\_\_\_  
**Date**

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I, \_\_\_\_\_, Registered Owner/Applicant of the applicable property agree and understand that a site inspection of the road development was completed and

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agree to rectify any deficiencies listed by the date indicated.

\_\_\_\_\_

\_\_\_\_\_

**Developer**

**Date**

.....

**Reviewed by Council:** Day \_\_\_\_\_ Month \_\_\_\_\_ Year \_\_\_\_\_ Resolution No. \_\_\_\_\_

Recommendations:

Signature for the Municipality of Pembina (Name and Position): \_\_\_\_\_

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## Appendix 'C'

### FINAL ACCEPTANCE CERTIFICATE

#### MUNICIPALITY OF PEMBINA

DEVELOPMENT LOCATION:

DEVELOPMENT NAME:

DEVELOPER:

CONTRACTOR:

SERVICES INSTALLED:

DATE DEFICIENCIES COMPLETED: Day \_\_\_\_ Month \_\_\_\_\_ Year \_\_\_\_\_



Site Inspection completed: Day \_\_ Month \_\_\_\_\_ Year \_\_\_\_\_

I, \_\_\_\_\_, **Manager of Public Works, or designate for the Municipality of Pembina,**

Hereby certify that the services noted herein are complete as defined by the Development Agreement for the above-mentioned development and constructed according to the Municipality of Pembina Municipal Standards. No outstanding deficiencies exist.

I hereby recommend the services for approval of this Final Acceptance Certificate.

\_\_\_\_\_  
**Manager of Public Works or designate**

\_\_\_\_\_  
**Date**



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Council Approval: Day \_\_\_\_\_ Month \_\_\_\_\_ Year \_\_\_\_\_

Resolution No. \_\_\_\_\_



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FINAL ACCEPTANCE DATE: Day \_\_\_\_\_ Month \_\_\_\_\_ Year \_\_\_\_\_

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**Developer**

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**Date**

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**Municipality of Pembina**

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**Date**

Note: With the issuance of this Final Acceptance Certificate the Municipality will now take over responsibility for future maintenance of this road development.

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## Schedule D

### ACCESS ROAD DEVELOPMENT AGREEMENT

DEVELOPMENT AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

BETWEEN:

MUNICIPALITY OF PEMBINA  
(hereinafter called “the Municipality”),  
OF THE FIRST PART,

- and -

\_\_\_\_\_  
(hereinafter called “the Developer”),  
OF THE SECOND PART,

WHEREAS the Developer is the registered owners of the lands described as

\_\_\_\_\_ in  
the Municipality of Pembina (hereinafter called “the land”);

AND WHEREAS approval has been given by resolution of council \_\_\_\_\_ for the construction of an access road to the land subject to certain terms and conditions imposed by the Municipality which conditions are set out in the Agreement:

NOW THEREFORE in consideration of the premises and the mutual covenants herein contained (the sufficiency of which is hereby acknowledged) the parties hereto agree as follows:

# MUNICIPALITY OF PEMBINA

1. Subject to compliance by the Developer with the terms of the Agreement, the Developer does hereby agree to construct a suitable access road to the land, and same shall be in accordance with the specifications and standards of the Municipality.
2. Cost of construction will be borne by the Developer. Design of Road Construction is to be to municipal specifications, of which will be provided to the Developer.
3. Upon completion, the road will be turned over to the Municipality and the Developer will have non ownership or authority over the road. The Municipality agrees to ongoing maintenance of said road. If the road does not meet the set standard the Municipality will complete the work and bill the developer all costs.
4. In the event of a dispute arising between the Municipality and the Developer concerning the application or interpretation of the Agreement, such dispute shall be referred to a single arbitrator appointed by agreement of the parties or, if the parties are unable to agree within a reasonable time on an arbitrator, such arbitrator shall be appointed by the Court of King's Bench, The arbitrator shall hear and determine the dispute within thirty days. The costs of the arbitrator shall be borne equally by the parties hereto unless varied by the arbitrator who shall have jurisdiction to apportion the costs of arbitration as the arbitrator shall deem appropriate.

IN WITNESS WHEREOF the Developer and the Municipality have affixed their corporate seals duly attested by the hands of their proper officers the day and year above written.

MUNICIPALITY OF PEMBINA

Per:

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(REEVE)

# MUNICIPALITY OF PEMBINA

\_\_\_\_\_  
(Chief Administrative Officer)

SIGNED SEALED AND DELIVERED

In the presence of: ) \_\_\_\_\_

## SCHEDULE E

### STANDARDS FOR SPECIFICATIONS FOR ROADS, DRAINS AND CULVERTS

1. Brush & Scrub - All trees, brush, stumps, and roots shall be removed from the road right-of-way and hauled away.
2. Top Soil - All top soil shall be removed from the right-of-way to be later placed on the backslopes and gradeslopes.
3. Embankment Grade and Ditch Preparation
  - a) Subgrade elevations shall align with horizontal and vertical field conditions, but finished grade elevations shall not be below adjacent field conditions.
  - b) All rocks or boulders shall be removed from the right-of-way. Any loose rocks or stones upon grade completion remaining on the surface of the grade or ditch shall be removed.
  - c) Unsuitable material shall be removed from the right-of-way.
  - d) During construction of the grade, compaction shall be done by the construction equipment and by the use of a sheepfoot or other suitable compaction equipment.
  - e) Where the existing material consists of fine sand, or simulated loose material, 400 cubic yards per mile of clay pack shall be applied, mixed with existing material watered as necessary, rolled across the grade and shall be compacted by a sheepfoot and rubber roller, so as to provide a suitable subgrade.
  - f) After compaction of existing grade material or claybase if necessary, the developer shall contact the Municipality who shall inspect same prior to the developer proceeding with application of gravel. The Developer shall not proceed further with construction until approval is given by the Municipality to proceed.
  - g) Shoulders shall be shaped and bladed.
  - h) Subgrade width - 24 feet
  - i) Road top elevation from field grade finished

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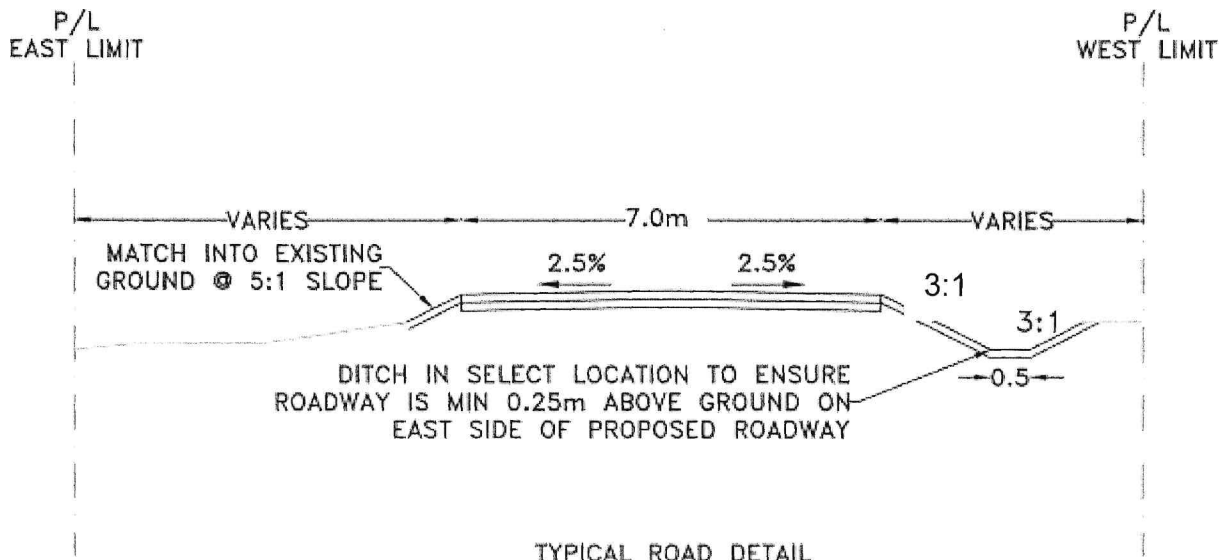
- j) Gradeslopes - 3:1
  - k) Backslopes- 3:1
  - l) Crown - 4% (centre line of road to be 5.75 inches higher than shoulder elevation).
  - l) Gradient - Maximum of 7% (7 foot rise for every 100 feet of road)
  - m) Upon subgrade completion 400 cubic yards per mile of 2 ½ inch screened traffic gravel shall be applied, rolled across the grade and compacted.
  - n) Upon application and compaction as outlined in (m) above, the developer shall apply 4 inches or 1000 cubic yards per mile of Class "C" base course gravel, such gravel applied in layers of 2 inches at a time, bladed evenly across the grade and compacted with suitable rubber roller compaction equipment.
  - o) Upon completion of item (n) the surface shall be left for a period of one year after which the Municipality will inspect the surface and if approved by the Municipality, the developer will be asked to top up with Class "C" gravel where necessary.
4. Drainage Ditches -All ditches shall be cleaned and top soil placed on the backslopes and gradeslopes and seeded with grass. All loose rocks, roots and other debris shall be removed during this process.
5. For gradients of more than 6% following the placement of top soil & seed, erosion control such as geotextile fence, straw log or straw blanket may be required and placed upon request of the Municipality to remain in place for 1 year or such time as root development can stabilize the soil.
6. Culverts -All slope-end culverts shall be of round steel construction of minimum 16 gauge, and a minimum of 18 Inches in diameter, and of a length to ensure that gradeslopes will not cover the opening on the ends of a culvert and to provide for a 3:1 gradeslope. All culverts after installation shall have a minimum cover of 8 inches. Upon request and approval of Council corrugated culverts may be installed in place of steel.
7. For purposes of these specifications, the Class "C" and Class "A" base gravel shall consist of the following:

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GRANULAR BASE COURSE						
Passing Standard Sieves	CLASS "A"		CLASS "B"	CLASS "C"		
	Gravel	Limestone	Gravel or Limestone	Gravel	Limestone	
50 mm					100%	
37.5mm				100%		
19mm	100%	100%	100%			
16mm	80-100%					
4.75mm	40-70%	35-70%	30-75%		25-80%	25-80
425um	15-30%	10-30%	15-35%		15-40%	
75um	8-15%	6-17%	4-18%		4-20%	20-May
Maximum						
Crush Count						
Maximum Los	35%	35%	35%	35%	35%	
Angeles						
Abrasion Loss						
Maximum	12%		12%	12%		
Shale Content						



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TYPICAL ROAD DETAIL  
N.T.S

150mm A BASE  
250mm C BASE  
COMMON FILL OR PITRUN AS REQUIRED