



Temporary Road Access for Private Utilities Policy

Vulcan County recognizes both the potential problems and benefits of private utility access to undeveloped County roads. Council encourages landowners to work with neighbouring landowners prior to applying under this policy as the preferred option for the works described in this policy is that private utilities traverse through private lands rather than on public road right-of-ways. Vulcan County will only consider applications for temporary access to road right-of-ways for private utilities, and as follows:

1. For the purposes of this Policy, Private Utilities are defined as constructed works, whether temporary or permanent (only as contemplated in paragraph 3(a) herein) in nature and whether surface or sub-surface, whose purpose is to convey, transfer or supply water (potable or non-potable), for any purpose or use, including but not limited to domestic, commercial, industrial, for livestock or for irrigation.
2. For the purposes of this Policy "road right-of-way" is defined as all that area contained within the boundaries of a registered road plan, within Vulcan County, where roadway infrastructure has not been constructed (unimproved road allowance).
3. Access within the Road Right-of-Way:
 - (a) Private Utilities can enter the boundaries of the road right-of-way for the purposes of crossing the road right-of-way. All applications for crossing improved road right-of-ways shall be governed by Vulcan County Policy #21-1000, Subsurface Facility Regulations.
 - (b) Private utilities may be permitted to run a parallel course within the boundaries of the road right-of-way, subject to the following conditions:
 - (i) Private Utilities may only be placed on the surface of the ground in the road right-of-way (except where crossing a road right-of-way).
 - (ii) Private Utility infrastructure must be temporary in nature and design (except for the infrastructure necessary to cross underneath a road right-of-way).
 - (iii) Approvals will only be granted for seasonal use and the surface Private Utility infrastructure must be removed no later than October 15 of any given year and not placed in the road right-of-way prior to March 15 of any given year.
 - (iv) In keeping with the statement in the preamble of this Policy that this type of use in a road right-of-way is not the preferred option, if an application is approved, the approval will only be granted up to a maximum of 5 years

(calculated from the date of construction completion), without the possibility of renewal.

- (v) The applicant will be responsible for vegetation control around the private utility installed in the road right-of-way.
- (vi) Applications will be considered on a first-come first-considered basis. Should an application be approved and construction not completed and the waterline functioning as described in the approval within six months of the approval date, the approval is voided and an application for the same or similar use for service to the same lands will not be considered for a period of not less than twelve months. During that twelve month period another application from a different party for part or all of the same section of road right-of-way may be considered and be unfettered by the earlier voided approval.
- (vii) Should an application be denied, an application for the same or similar use for service to the same lands will not be considered for a period of not less than twelve months. During that twelve month period another application from a different party for part or all of the same section of road right-of-way may be considered and be unfettered by the earlier denied application.
- (viii) The maximum length of a private utility considered for approval under this policy shall not exceed 1.7 kilometres and must connect lands owned by the applicant. This length restriction, in keeping with the statement in the preamble of this Policy that this type of use in a road right-of-way is not the preferred option, is to minimize impacts of one applicant on surrounding and/or neighbouring property owners. Each approved private utility may only enter and exit the road right-of-way one time.
- (ix) At no time will approval be considered for more than one Private Utility to be placed within or upon the same length of a road right-of-way.
- (x) All costs borne by Vulcan County to review applications and inspect construction and installation of Private Utilities shall be charged to the applicant.
- (xi) The applicant must provide surveyed drawings for crossings of improved road right-of-ways with any application and provide surveyed as-built drawings within 30 days of completion of any approved project. The drawings must be electronic in a GIS/.shp format.
- (xii) Vulcan County may, at anytime, and at full cost of the applicant, have or cause any portion of a private utility to be removed for any reason and the applicant will indemnify the County from any and all damages or losses or potential damages or losses caused unto the applicant from the applicant not being able to use their private utility and/or the loss of value of their infrastructure. Vulcan County may allow the applicant to re-install their private utility at the applicants cost once the reason for their removal is no longer in existence. However, should the applicant not re-install and use the private utility within eight months of receiving notice from Vulcan County that they may proceed to re-install the private utility, the agreement is null and void and the County would be in a

position to receive applications from other parties for part or all of the same section of the road right-of-way.

4. Notwithstanding the requirements of Vulcan County Policy #32-1000, *Farming of Road Allowance Policy*:
 - (a) Private utilities approved under this policy need not necessarily be placed 0.6 metres from the edge of the road right-of-way. Placement of a private utility will be coordinated through and approved by County Public Works staff.
 - (b) Any disputes over access to the road right-of-way will be heard by County Council and their decision is final.
 - (c) An approved private utility in this policy may disrupt the farming of an unimproved road allowance by a third party and that third party will not be compensated for loss of use or damages.
5. The conditions contained herein and any other deemed suitable by Vulcan County will be included in a "Private Utility Temporary Road Access Agreement" that must be signed by the applicant should their application be approved or the approval is null and void. This policy may be appended to such an agreement and the conditions herein would then form conditions of said agreement.
6. End of Policy