

Rural Municipality of Stuartburn

Driveway & Culvert Policy

Policy Book approved: March 23rd, 2015 Res# 71-15

Updated:

June 2nd, 2015 Res#148-15

April 2nd, 2019 Res #81-19

Feb 4th, 2020 By-law 162-2020 Fee & Charges By-law Schedule A amended

August 4th, 2020 Res #208-20



RURAL MUNICIPALITY OF STUARTBURN

Purpose:

The purpose of this policy is to establish guidelines and conditions for the supply and installation of culverts in the Municipality. It is not the RM's mandate to provide access for vacant land where there is no taxable benefit to the RM.

Application:

Property owners must apply to the Municipality for permission to:

- Build a driveway on your property
- Install a new driveway or culvert entrance
- Widen an existing driveway or culvert entrance
- Install a temporary driveway approach entrance to provide access to vehicles during construction projects, etc.
- Or the relocation of existing approach

The purpose of the permit is to ensure that the approach 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 approach.
- c. A diagram on a plan map showing the location of the proposed approach.
- d. Physically stake each edge of the proposed installation.
- e. No work shall begin until a permit has been issued and payment of the permit fee has been received if applicable and necessary. Water Stewardship applications, approval and fees have been applied for if applicable.
- f. Applications will be approved by resolution of council after an initial inspection of the property is made by the ward councillor.
- g. All application fees must be paid prior to work commencing.

Culvert Approach Priority:

Council will give priority to approach requests in the following order:

1. principle residences
2. commercial
3. Ag Business
4. Vacant land

Policy:

1. Council will determine on a case by case basis each request for an approach once application has been submitted to the Municipality.
2. One private approach providing access to each home on a quarter section owned by a landowner will be allowed and may be partially (up to 50%*) at the expense of the Municipality if the approach is to the primary residence of the landowner.
 - 2.1. The landowner will be responsible for the costs upfront until occupancy of the primary residence is obtained. Occupancy must be obtained within two years. Council may consider partial reimbursement (up to 50%*) of the cost of culvert and installation. Proof of invoice and payment thereof must be provided to the municipality within 30 days of the work being done.
3. Application may be made by the landowner for a second private approach to provide access for agricultural/commercial purposes which will be 100% at the landowners cost subject to the approval of council.
4. If the land owner wishes to relocate, extend the length of the culvert or widen the approach, the land owner is responsible 100 % to pay the actual cost of the extension/alteration/relocation subject to the approval of council.
5. If the landowner requests a larger culvert; subject to Water Stewardship approval, or wider approach than what is deemed required by council, then the landowner will pay the difference if for an access for a primary residence and not for a second approach.

6. Approaches constructed and culverts placed before receiving approval of Council, will be at the cost of the landowner and may be ordered removed at the landowner's expense.
7. The landowner will be responsible to complete the remaining fill application (themselves or contractor) to complete the crossing under the supervision of a council member and/or municipal public works personnel and upon satisfactory approval of council.
8. The landowner is responsible for the gravel application on the access.
9. Multi-lot developments: If a landowner of a multi-lot subdivision plans to develop the lots into saleable properties including the installing of driveway accesses, the Municipality may reimburse up to 50% of the driveway (culvert only) if the lot is built on within 2 years of council's approval of the approach application or within 2 years of Subdivision Certificate of approval, whichever is the latter. Proof of invoice and payment thereof must be provided to the municipality within 30 days of the work being done.
 - 9.1. In the case of a joint access servicing multi-lots, each of the lots must be built on within the 2-year requirement
 - 9.2. Home value must have a minimum assessed value of \$100,000.00 (as determined under the Municipal Assessment Act)
10. Maintenance of existing culverts shall be done by the Municipality, except in cases where damage to culverts resulted from negligent action on the part of the landowner.
11. All Culverts after installation become property of the RM and shall not be tampered with. If Landowner damages the culverts then they will be charged for the replacement/repairs of the culvert.
12. Once culverts are installed it becomes the Municipality's infrastructure.
13. Any necessary licensing and associated costs through Manitoba Water Stewardship will be the responsibility of the landowner, and work must not proceed until licenses are approved. Manitoba Water Stewardship requires that:
 - 13.1. For installation of new approaches (property access crossings) the works must:
 - not alter water flow rates, volumes or directions of flow as compared to pre-construction conditions; and
 - have culvert crossings sized equal to, or larger than, the largest culvert through the next immediate crossing upstream or downstream.
14. The landowner must apply for clearances from utilities (eg. MTS, Manitoba Hydro, and Gas) prior to work commencing. Copies of clearances must be forwarded to the Municipal office and included with the application.
15. The new construction of approaches which intersect Provincial Roads must have Provincial approval and the landowner will be subject to regulations and costs as set by the Province of Manitoba.
16. The municipality will not supply culverts for approaches which intersect Provincial roads depending on special circumstances as determined by council. A copy of approval from Manitoba Infrastructure and Transportation is required.
17. The standard residential approach should be a minimum of 20' (6m) and a maximum of 30' (9m), (flare extra); the standard agricultural approach should be a minimum of 30' (9m) and a maximum of 40' (12m), (flare extra); with a minimum 3:1 side slope. Application for an approach larger than the standard size will require approval of Council and the landowner will be responsible for the difference in cost. The diameter of the culvert will be determined by water flow and immediate crossings upstream and downstream.
18. The type of culvert and gauge is at Council's discretion.
 - 18.1. All culvert installs by landowners in the municipal right of way will be brand new. No used culverts allowed.
19. Council may consider joint approaches to two properties at their discretion.

20. Council may enter into cost sharing agreement with landowner if so deemed a larger culvert is needed or wanted.

*50% of the cost of the culvert & install if contractor is hired. If applicant chooses to install themselves, then reimbursement will be 50% of culvert only. *Note: cost of culvert reimbursement will not be more than what the RM can get from their supplier.*

21. In order to be eligible for reimbursement thru this policy:

- the property's taxes must be paid in full,
- the property's taxes must not be in arrears and
- the landowner must not have any property in the Municipality in tax arrears or be otherwise indebted to the Municipality.

Temporary Crossings

1. Council must be informed of all temporary crossings
2. Temporary crossing are permitted to maximum of one week

Unauthorized field approaches

Unauthorized filed approaches located in the wrong location and with no or improperly sized culverts exacerbate overland flooding. The R.M. of Stuartburn will review culvert sizes and condition as well as the location of both approved and unapproved private field approaches beginning in areas that exhibited overland flooding. Should the R.M. of Stuartburn identify private approaches that have not been approved by the municipality, one of the following will occur:

1. If the privately installed field approach is located in a practical location with a suitable culvert size and with acceptable invert elevations the previously unapproved approach will be accepted by the municipality;
2. As the R.M. of Stuartburn typically approves only 1 field approach off of a municipal road, the municipality will critically evaluate the necessity of all second and subsequent approaches and may, following notice and consultation with the landowner, remove them at the landowner's expense;
3. If a privately installed field approach is located within a practical location but does not contain either a culvert or a suitably sized culvert the landowner will be required to have a suitably sized culvert installed, at the cost of the landowner.

MANURE PIPES IN ROADS

For culverts installed under roads to help with the piping of manure to a field for incorporation/tilling in of manure.

1. Land owner requests for manure pipes through municipal roads, should be made to the R.M. of Stuartburn in writing using the form attached as Schedule "A"; Council must still approve these works upon request of livestock producers
2. That the livestock producers absorb all costs.
3. The works must be done under the supervision and satisfaction of Council
4. These culverts should not be installed in a manner that will affect drainage flows, by capping them off to now allow flow therefore should not require a drainage licenses from Manitoba Sustainable Development.

APPROACHES PERMIT APPLICATION FORM
SCHEDULE A

PRIMARY USAGE:

New Approach:	<input type="checkbox"/>	Residential: <input type="checkbox"/>	Agricultural: <input type="checkbox"/>	Commercial: <input type="checkbox"/>	Vacant: <input type="checkbox"/>
Secondary Approach	<input type="checkbox"/>				
Widen Existing Approach:	<input type="checkbox"/>				
Relocation Of Existing	<input type="checkbox"/>				

Name of Property Owner: _____

Mailing Address: _____

Legal Land Description: _____ Roll # _____

Phone: _____ E-mail _____

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.

Reason for Request:

I will pay all costs (if applicable) for the approach construction and will undertake to observe and perform all provisions of The Planning Act, The Development Plan, the applicable Zoning By-Laws and the provisions of other relevant laws, by-laws or agreements.

Landowner signature _____ Date _____

Municipal Office Use Only

Application Received By: _____ Date Received: _____
Application Fee Received: _____

APPROVALS:

Council _____ Required _____ Not Required _____ Resolution # _____
Water Stewardship License _____ Acquired _____ License # _____
Utilities _____ Required _____ Not Required _____ MI _____ Required _____ Not Required _____
Culvert size _____ Culvert supplied _____ Locates Obtained _____

Municipal Application Fee \$25.00

Provincial Drainage Licenses are the applicants’ responsibility to apply directly to Sustainable Development.