

Resolution **TBC by RMA**

## **Provincial Highway Access and Setback Authority**

Sturgeon County

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**WHEREAS** a viable provincial highway system with appropriate setbacks from development is important for supporting the long-term economic well-being of the province of Alberta and its municipalities;

**WHEREAS** landowners and entrepreneurs want to reinvest in their communities through new developments, often adjacent to the provincial highway system;

**WHEREAS** current provincial highway access and development setback requirements can limit the development / economic potential of rural communities, particularly when approved setbacks are restrictive or when roadway improvement costs are applied only to a few adjacent landowners;

**WHEREAS** current provincial highway access and development setback requirements do not consider the land use policies or requirements of the municipality, which also has limited authority to influence decisions in this area; and

**WHEREAS** the Government of Alberta is seeking to remove needless red tape while still upholding fiscal accountability and ensuring the safety of Albertans.

**THEREFORE, BE IT RESOLVED** that the Rural Municipalities of Alberta engage with Alberta Transportation to reduce red tape that limits rural development or economic potential, through a delegation of additional authority to municipalities to regulate provincial highway access and setback requirements, and a review of the provincial framework in this area to reflect best practices from jurisdictions across Canada.

### **Member Background**

The provincial highway system enables the efficient flow of goods and services that helps keep the provincial economy strong. At a local level, municipalities depend on that highway system in addition to local roads to support mobility and economic activity. These are the lifeblood of rural communities, with many landowners or businesses accessing these roadways directly from their property.

Current Alberta Transportation policy requires a permit for any roadside development within a “development control zone”, which is:

- 300 m from a provincial right-of-way; or
- 800 m of the centerline of a highway and public road intersection

Each permit is considered on a case by case basis, and are also subject to the provisions of Section 11 – 19 inclusive of the *Highways Development and Protection*

Act, Chapter H-8.5 2004 (and its amendments), and the Highways Development and Protection Regulation (Alberta Regulation 326/2009) (and its amendments). The general minimum setback for all development is 70 metres from the highway centre-line, or no closer than 40 metres from the highway right-of-way boundary, except where these distances must be increased to allow for highway widening.

The current provincial framework for access and setback applications can pose an issue for local landowners and businesses from a few perspectives, including that:

- Approval of access to roadways is not guaranteed, which can limit development potential on applicant properties.
- If a smaller setback is approved than requested, development can be pushed further back than would be economically feasible for a landowner.
- The requirements do not consider the land use policies or requirements of the municipality, which consider local conditions and specific development potential and impacts.
- A municipality could approve a development, only to be followed by an Alberta Transportation rejection of requested setbacks.
- Where widening or intersection upgrades are required due to development, the sometimes substantial costs are often assigned to the adjacent landowner(s), which may be only a few properties in a rural context. This often results in the development becoming uneconomical, despite the reality that the road network is used by many others as a public asset.

Overall it is recommended that municipal authority be increased to regulate these access and setback requirements, and that a review be conducted of the provincial framework for these matters with an objective to minimize any red tape and to support the development potential of Alberta's rural areas.

## **RMA Background**

RMA will provide after resolution is endorsed at district level.