



PLANNING AND DEVELOPMENT SERVICES

TO: Council

DATE: March 23, 2021 **DIVISION:** 9

TIME: Morning Appointment

FILE: 07835004 **APPLICATION:** PL20200162

SUBJECT: Road Allowance Closure Item

APPLICATION: To close a \pm 2.15 acre portion of the government road allowance located between NE-34-27-04-W05M and SE-34-27-04-W05M and close another \pm 0.2 acre portion of the government road allowance located west of SW-35-27-04-W05M, in order to build a private road.

GENERAL LOCATION: Located approximately 2.41 km (1.5 miles) north of Township Road 274, and east of Highway 22.

LAND USE DESIGNATION: Agricultural, General District (A-GEN)

EXECUTIVE SUMMARY: This road allowance provides the only appropriate location to build a county road, and provides public access to the subject land and the adjacent lands. Should this road allowance be closed, further development potential on the adjacent lands would be limited, and would result in parcels without direct access to a municipal roadway and which would rely on private arrangements for access.

ADMINISTRATION RECOMMENDATION: Administration recommends refusal as per Option #2.

OPTIONS:

- Option #1: Motion #1 THAT Bylaw C-8128-2021 be given first reading.
- Motion #2 THAT Bylaw C-8128-2021 be forwarded to the Minister of Transportation.
- Option #2: THAT Bylaw C-8128-2021 be refused.

AIR PHOTO & DEVELOPMENT CONTEXT:



Administration Resources

Xin Deng, Planning and Development Services



APPLICATION EVALUATION:

The application was evaluated based on the technical reports submitted with the application and the applicable policies and regulations.

APPLICABLE POLICY AND REGULATIONS: <ul style="list-style-type: none"> • <i>Municipal Government Act</i>; • Municipal Development Plan; • Land Use Bylaw; • County Servicing Standards; and • Road Allowance Closure and Disposal Policy C-443. 	TECHNICAL REPORTS SUBMITTED: <ul style="list-style-type: none"> • None
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POLICY ANALYSIS:

The application was reviewed based on the Road Allowance Closure and Disposal Policy C-443.

TECHNICAL CONSIDERATIONS:

The subject land is defined as “a parcel without access” in accordance with Section 191 of the Land Use Bylaw, as the land abuts an undeveloped road allowance without a developed county road. In order to obtain direct access to the subject land, the Applicant was advised to build a Regional Low Volume Gravel road (approximately 550 m long in total) within the subject road allowance, as it would provide a public and physical access to the subject land and benefit to the adjacent lands. Once a county standard road is built and accepted by the County, the County would take over the roadway and provide regular maintenance.

Rather than building a public roadway, the Applicant proposes to close a portion of the road allowance and build a private road to access his land. As other adjacent lands also abut this road allowance and may rely on this future public road for access, the closure of this road allowance would limit further development potential on their lands. Should this road allowance be closed for public use, adjacent lands would have to seek an alternative method to gain access. In particular, the land located directly north of the subject land would have to gain access from another undeveloped road allowance in the north (refer to “Alternative Access Option #1” in the map set). However, due to steep slopes (in excess of 30%) and existing drainage courses, construction of roadway within that road allowance would be challenging and expensive. Therefore, the subject road allowance is the only appropriate location to build a roadway, given its flat grade and short length to provide access to parcels in the area.

The Applicant indicated that if allowed to build a private road within the closed road allowance, they would provide access to neighbouring properties and maintain it. Providing a shared road usage agreement to satisfy the existing neighbours may not be sufficient, as the arrangement is private and can be altered/amended/removed should those parties choose to. Should this occur, those adjacent landowners would have to deal with the matter privately or through the courts.

Alberta Transportation (AT) expressed similar concerns. The closure of this road allowance would eliminate access for the landowners located to the north and south of the subject land, and AT indicated they would not support the proposed road allowance closure. It should be noted that AT previously re-aligned Highway 22 towards the west due to the excessive slopes along the original alignment of the highway.



Respectfully submitted,

Concurrence,

"Theresa Cochran"

"Al Hoggan"

Executive Director
Community Development Services

Chief Administrative Officer

XD/llt

ATTACHMENTS

ATTACHMENT 'A': Application Information
ATTACHMENT 'B': Application Referrals
ATTACHMENT 'C': Bylaw C-8128-2021 and Schedule A
ATTACHMENT 'D': Map Set
ATTACHMENT 'E': Public Submissions