



PLANNING

TO:	Council	
DATE:	January 25, 2022	DIVISION: 2
FILE:	05707003	APPLICATION: PL20200127
SUBJECT:	Road Closure Application	

APPLICATION: To close Road Plan 3321Q thereby allowing consolidation of the lands into NW-07-25-03-W05M. Range Road 40 is proposed to be straightened along the original road allowance as part of this consolidation.

GENERAL LOCATION: Located along the west boundary of the Harmony Plan Area, on the east side of Range Road 40 within the NW-07-25-03-W05M.

EXECUTIVE SUMMARY: The public hearing for Bylaw C-8175-2021 was held on June 8, 2021. Upon closure of the hearing, Council made motions to give first reading to Bylaw C-8175-2021 and to forward C-8175-2021 to the Minister of Transportation for approval.

Administration received the signed Bylaw C-8175-2021 from the Minister of Transportation on August 23, 2021 and is now returning to Council for second and third reading to close the road allowance.

The Applicant has submitted a request for Council to consider the sale of the road allowance for \$1.00 as per the letter in Attachment 'D'. The request for consideration of \$1.00 for the sale of the lands is due to the future dedication of these lands as Park/Open Space lands as identified within the Harmony Conceptual Scheme. The Applicant has identified an over-dedication of Municipal Reserve lands throughout the build-out of the Harmony Conceptual Scheme. Standard process for a road closure application is to have the applicant submit an appraisal for the market value of the land, which would provide a per-acre value of the land to be sold. This amount is then presented to Council as part of the report for second and third readings and is included in the proposed motions for Council. In this case, the appraisal would determine the amount which the County is to forgo if it directs sale of the allowance for \$1.00.

ADMINISTRATION RECOMMENDATION: Administration recommends tabling the application to allow the Applicant to submit an appraisal determining the sale value of the land in accordance with Option #2.

OPTIONS

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| Option # 1: | Motion #1 | THAT Bylaw C-8175-2021 be given second reading. |
| | Motion #2 | THAT Bylaw C-8175-2021 be given third and final reading. |
| | Motion #3 | THAT the ± 1.03 acres of land be transferred to Harmony Developments Inc. subject to: <ul style="list-style-type: none"> a) Sales agreement being signed at the requested value of \$1.00; b) Registration of an Access Right of Way over the closed road allowance to allow for temporary Public Use until such time as Range Road 40 is fully constructed; |

Administration Resources

Logan Cox, Planning & Development Services



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- c) The terms of the sales agreement being completed within one year after Bylaw C-8175-2021 receives third and final reading.

Option # 2: THAT Bylaw C-8175-2021 be tabled *sine die* pending submission of an appraisal prepared by the Applicant for the subject Road Allowance (Road Plan 3321Q) to determine the sale value of the Road Allowance.

Option # 3: THAT application PL20200127 be refused.

AIR PHOTO & DEVELOPMENT CONTEXT:



**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 (County Plan); • Harmony Conceptual Scheme; • Direct Control District (DC 129); • Land Use Bylaw; and • County Servicing Standards. 	TECHNICAL REPORTS SUBMITTED: <ul style="list-style-type: none"> • Approval Province of <i>Alberta Water Act</i>, R.S.A 2000, c.W – 3, as amended, signed by Andun Jevne, dated June 9, 2020.
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POLICY ANALYSIS:Harmony Conceptual Scheme

Closure for consolidation of Road Plan 3321Q has been considered through the Conceptual Scheme as part of the future development of the Harmony Plan area. Straightening of Range Road 40 is shown throughout the document figures with potential access to the development coming from multiple locations along this roadway.

Land Use Bylaw

Any development on the proposed road allowance closure would be required to adhere to the Land Use Bylaw.

Road Allowance Closure and Disposal Policy C-443

Policy C-443 notes that the County can consider closure and disposal of undeveloped road allowances; the proposal is for closure of developed road allowance. Concerns regarding alignment with Policy C-443 will be mitigated by timing the final sale and consolidation with a Development Agreement and the use of a temporary Access Right-of-Way as required.

The final sale and consolidation of the road plan shall be conditional to the Applicant entering into a Development Agreement with the County to realign Range Road 40, where the Development Agreement may be a condition of future subdivision within the Harmony Plan Area. Once a Development Agreement is executed, a temporary access right-of-way shall be registered over the plan area, as required, to ensure public access until Range Road 40 is realigned.

ADDITIONAL CONSIDERATIONS:

FortisAlberta has impacted facilities that will require a Utility Right of Way to be registered with the closure of the Road Allowance. This right of way agreement has been signed by the Minister and FortisAlberta to be registered with the closure.

The applicant has proposed to purchase the road allowance for \$1.00, in accordance with their letter in Attachment 'D'.



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Respectfully submitted,

“Brock Beach”

Acting Executive Director
Community Development Services

LC/llt

Concurrence,

“Byron Riemann”

Acting Chief Administrative Officer

ATTACHMENTS:

ATTACHMENT ‘A’: Application Information

ATTACHMENT ‘B’: Application Referrals

ATTACHMENT ‘C’: Bylaw C-8175-2021 and Schedule A

ATTACHMENT ‘D’: Applicant’s Letter Requesting Consideration of Sale for \$1.00

ATTACHMENT ‘E’: Map Set