



PLANNING

TO: Council

DATE: June 28, 2022 **DIVISION:** 3

TIME: Morning Appointment

FILE: 07935003/6004 **APPLICATION:** PL20210179

SUBJECT: Road Closure Application

APPLICATION: To close the road allowance between the east half of Section 35 and the west half of Section 36 within Township 27, Range 05, West of the 5th Meridian and consolidate it into one parcel to be made from the SE-35 and SW-36.

GENERAL LOCATION: Located approximately 0.81 kilometres (0.50 miles) west of Horse Creek Road, 0.81 kilometres (0.50 miles) east of Grand Valley Road and adjacently south of Township Road 280.

EXECUTIVE SUMMARY: The application is inconsistent with the requirements of Road Allowance Closure and Disposal Policy C-443 as it proposes closure of a road allowance that is not adjacent to the property with which it is to be consolidated.

The proposal has been made to close and consolidate the portion of the road allowance that was previously licensed for access. This road allowance currently has a private driveway to the SE-35 where the applicant has constructed their dwelling.

Sufficient road access is present for the existing parcels in the area; however, limited road connections are available for future access to the NE-35 and NW-36 if this road allowance was to be closed. Range Road 51 is currently constructed north of Township Road 280 and approximately 300 metres south of the applicant’s quarter sections.

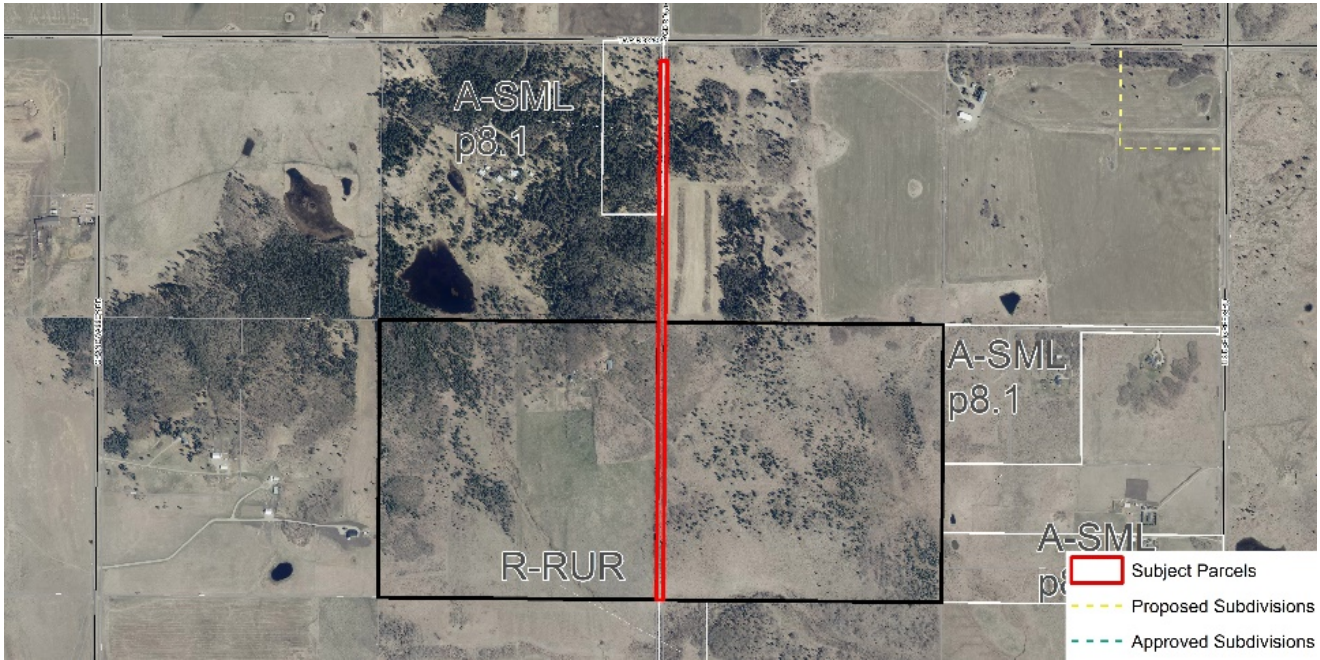
Administration notes that application does not align with the County’s Policy Road Allowance Closure and Disposal Policy C-443 as the northern portion of the proposed road allowance closure would hinder access to properties within the NE-35-27-05-W05M and NW-36-27-05-W05M quarter sections. Although Administration is recommending refusal of this application, in accordance with Option #3, it is also noted that Council is currently reviewing its road allowance licensing process and therefore Option #2 to refer the application back to Administration has been provided for Council’s consideration.

ADMINISTRATION RECOMMENDATION: Administration recommends refusal in accordance with Option #3.

OPTIONS:

- Option #1: Motion #1: THAT Bylaw C-8295-2022 be given first reading.
Motion #2: THAT Bylaw C-8295-2022 be forwarded to the Minister of Transportation.
- Option #2: THAT Bylaw C-8295-2022 be referred to Administration until such time as Council has made a determination on a Bylaw respecting road allowance licensing.
- Option #3: THAT Bylaw C-8295-2022 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.

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

County Plan

Discussion regarding road allowance closure is not included in the County Plan.

Land Use Bylaw

Discussion regarding road allowance closure is not included in the Land Use Bylaw.

Road Allowance Closure and Disposal Policy C-443

Policy C-443 was created with the purpose of administering a fair and consistent formal process to dispose of undeveloped Road Allowance rights-of-way located within the County. This policy notes that applications to consolidate/dispose of road allowances can only come from landowners adjacent to the road allowance, and for road allowances for which Council determines are no longer required for use by the travelling public.



The term 'adjacent' is not defined within this policy; however, the Land Use Bylaw C-8000-2020 (LUB) defines "adjacent" as:

Adjacent means contiguous or would be contiguous if not for an easement, right-of-way, road (excluding a highway), or natural feature.

The applicant owns two quarter sections that are located on either side of the southern portion of the proposed road closure, thereby aligning with this policy. The northern half of the proposed road allowance is bordered by three properties that are not part of the application. Support letters were received from two of the adjacent landowners; the third provided three letters in opposition.

In Administration's review of the application, the proposal would close a road allowance that is still used by the traveling public and would hinder existing as well as future access to neighbouring lands on either side of the proposed northern portion of the proposed closure.

ADDITIONAL CONSIDERATIONS:

The County's Engineering Department has noted that existing and/or future access to portions of the NE-35-27-05-W05M and NW-36-27-05-W05M quarter sections would be hindered with the closure of the northern portion of the road allowance. Therefore, Engineering does not recommend that the northern portion of road allowance be closed at this time.

County Engineering has no concerns regarding the closure of the southern portion, between SE-35-27-05-W05M and SW-36-27-05-W05M.

FortisAlberta has noted they have a powerline in the road allowance; however, as the proposal is to consolidate the land into the south quarters, they have no concerns with the proposal.

Respectfully submitted,

Concurrence,

"Brock Beach"

"Dorian Wandzura"

Acting Executive Director
Community Development Services

Chief Administrative Officer

LC/rp

ATTACHMENTS:

- ATTACHMENT 'A': Application Information
- ATTACHMENT 'B': Application Referrals
- ATTACHMENT 'C': Bylaw C-8295-2022 and Schedule 'A'
- ATTACHMENT 'D': Map Set
- ATTACHMENT 'E': Public Submissions