



PLANNING

TO: Council
DATE: July 26, 2022 **DIVISION:** 1
TIME: Afternoon Appointment
FILE: 04713039 **APPLICATION:** PL20210118
SUBJECT: Road Closure Application

Note: A competing Road Closure application (PL20210092) submitted by a different applicant is being presented to Council as item E-5 proposing to close the same road allowance area as this application.

APPLICATION: To close a ± 1.60 hectare (± 3.95 acre) portion of the original government road allowance located south of Range Road 31, adjacent to the eastern boundaries of SE-14-24-03-W05M and NE-11-24-03-W05M as shown on Plan 0210921, and immediately west of Lot 52, Plan 9212151 NW-12-24-03-05. If successful, this portion of road allowance would be consolidated with the Applicant's parcel to the east (Lot 48, Plan 9212151; SW-13-24-03-W05M).

GENERAL LOCATION: Located west of River Ridge Drive, beginning at the southern end of Range Road 31 and extending south to the Elbow River, 5.0 kilometres (3.0 miles) west of the city of Calgary and 3.0 kilometres (2.0 miles) north of Tsuut'ina Nation Reserve.

EXECUTIVE SUMMARY: This road allowance closure application proposes consolidating the road allowance with the Applicant's residential parcel to the east; it is intended to prevent motorized vehicle access but allow for continued public access via an access easement.

The application is inconsistent with the requirements of Road Allowance Closure and Disposal Policy C-443 as the road allowance area is not considered surplus to County needs. The road allowance is identified in statutory and non-statutory County documents as being part of future community pathway and open space connections. Additionally, it proposes closure of a road allowance that is not adjacent to the property. The Applicant owns lands east of the proposed road allowance, which are separated by a 1.54 metre wide strip of land held by a neighbouring landowner on the south.

The road allowance is located within the Central Springbank Area Structure Plan (ASP), which recognizes the importance of Bow and Elbow River watercourses as Special Planning Areas and requires that conceptual schemes identify open space connections to the rivers. The Active Transportation Plan: South County (ATP) has also identified the road allowance as a future County Trail providing access to the Elbow River; therefore, closing the road allowance would prevent implementation of the ATP's intended river access connections and conflict with the intent of the Central Springbank ASP.

With respect to impacts on adjoining landowners, Alberta Transportation (AT) has raised concerns that the application may deny physical and legal access to a road for three properties and could potentially prevent AT from endorsing the road closure bylaw.

In addition to the noted conflicts with the Central Springbank ASP and the ATP, the proposal does not align with the statutory Montebello Conceptual Scheme (CS), or the County's Parks and Open Space Master Plan.

Administration Resources

Althea Panaguiton, Planning Policy

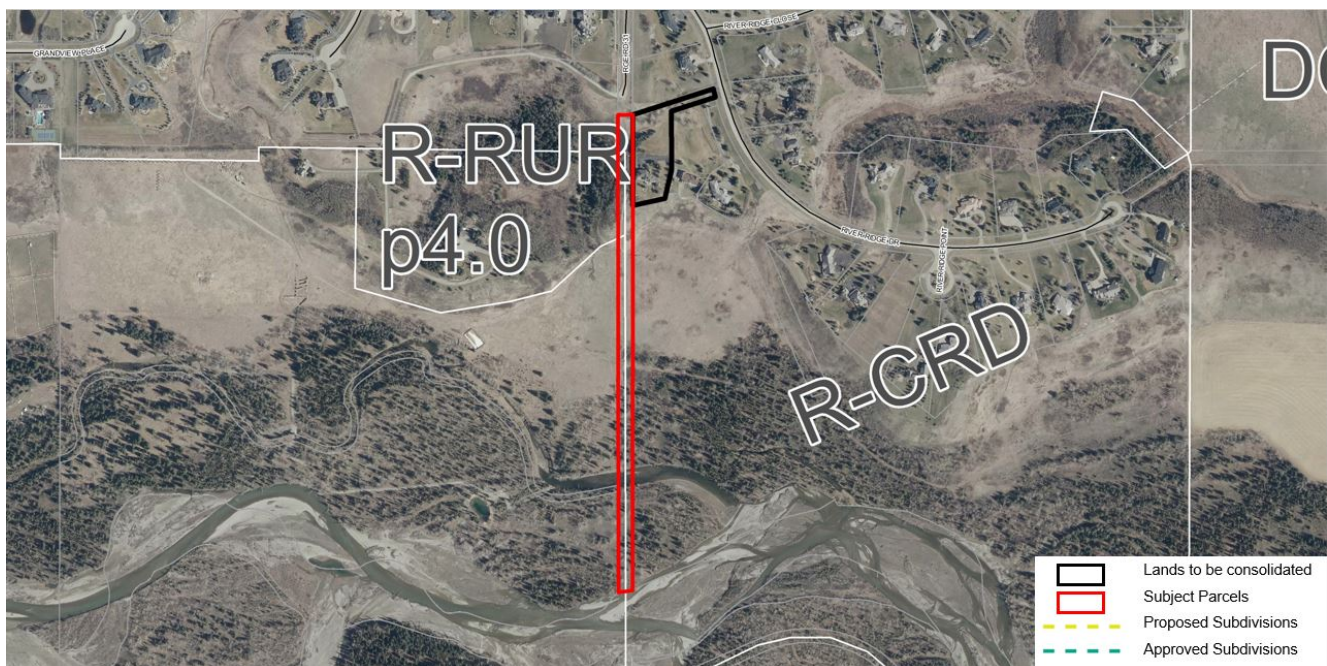
ADMINISTRATION RECOMMENDATION:

Administration recommends refusal in accordance with Option #2.

OPTIONS:

- Option #1: Motion #1: THAT Bylaw C-8313-2022 be given first reading.
- Motion #2: THAT Bylaw C-8313-2022 be forwarded to the Minister of Transportation
- Motion #3: THAT Bylaw C-8313-2022 shall require a Plan of Survey to confirm the bylaw description prior to returning for second and third reading.
- Option #2: THAT Bylaw C-8313-2022 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); • Central Springbank Area Structure Plan; • Montebello Conceptual Scheme; • Parks and Open Space Master Plan; • Active Transportation Plan: South County; and • County Servicing Standards. 	<p>TECHNICAL REPORTS SUBMITTED:</p> <ul style="list-style-type: none"> • N/A
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POLICY ANALYSIS:

Policy #C-443 Road Allowance Closure and Disposal

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 the County may dispose of Undeveloped Road Allowances that are determined to be surplus to County needs, in accordance with the MGA. The road allowance is not surplus lands as it is identified in statutory and non-statutory County documents as being part of future community pathway and open space connections.

Further, Policy C-443 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's property is not directly adjacent to the road allowance due to the 1.54 metre strip of land that runs along east of the road allowance owned by the neighbour to the south.

Central Springbank Area Structure Plan

The proposal for road allowance closure is identified within the Elbow River Special Planning Area and is part of the wildlife sensitive area of the Central Springbank Area Structure Plan (ASP). Policy 2.3.2.3 for Special Planning Areas recognizes the importance of Bow and Elbow River watercourses and requires open space connections to the rivers to prepare a conceptual scheme for future developments.

The road allowance is identified as a minor collector of the existing road system, and the Applicant's property on the east of the road allowance is within the Infill residential area requiring Conceptual Schemes.

Policy 2.7.3(q) regarding the Municipal Road Network supports the closure of undeveloped road allowance if it is considered hazardous and/or not necessary for the future road or trail network. The current allowance is identified in the Active Transportation Plan: South County as potential alignment.

Policy 2.7.3 (r) allows road allowance closure for consolidation purposes where no negative impact exists on adjacent and/or surrounding land or future development possibilities. In this particular case, the closure could restrict future development potential as lands adjacent to the road allowance are identified for residential development with Infill Residential on the east and New Residential on the west with Montebello Conceptual Scheme as an approved plan. Additionally, closure of the road restricts physical access to existing parcels south of Range Road 31.

Policy 2.7.3 (s) also states that the road allowance may be closed for the purpose of leasing only if Council determines that it is for the purpose of augmenting an adjacent agricultural use or open space, which is not the purpose or intention of this application.

Policies 2.7.3 (t) and 2.7.3 (u) state that the road allowance shall not be closed to provide private access for vehicular traffic, and it should remain un-leased to provide pedestrian access. The Applicant states that their intention is to restrict vehicular access but register an access easement to allow for continued public use.



In summary, the closure of this road allowance would restrict connections to the river, is not augmenting an adjacent agricultural use, and could potentially limit future development potential and access to adjacent properties.

Montebello Conceptual Scheme (CS)

The proposed road closure is identified as part of Cell C of the Montebello Conceptual Scheme. Section 7.2 of the Conceptual Scheme proposes access to cell C for future residential development via a private roadway through the easement right of way 8410951 northwest of the road allowance; additionally, Montebello Estates Conceptual Scheme (Cell B) provides potential access to Cell C via a land dedication for a roadway from Phase 4, thereby reducing the need for access from Range Road 31.

The Conceptual Scheme offers opportunities for development in the area and closure of the road allowance, and reliance on an easement for future access requirements might limit development potential.

Active Transportation Plan: South County

The proposed road allowance is identified within Maps 2, 4, and 7 of the Active Transportation Plan showing a future County Trail with access to the Elbow River; closing the road allowance may impact future access to the river.

Parks and Open Space Master Plan

Section 5.1 of the Parks and Open Space Master Plan provides a County-wide recommendation for river access that was developed following a summary of public input. This includes developing pathways/trails within undeveloped road allowances and investigating a means of incorporating pathways/trails within future road rights-of-way in developed areas. Establishing designated river access points to allow access for recreational paddlers and fisherman as well as providing marked road access to accessible river access sites were also recommended. Closure of the current road allowance limits the potential to create pathway connections and access to the river.

ADDITIONAL CONSIDERATIONS:

This proposal is in response to an active file PL20210092 to close the same road allowance area for consolidation. The applicant proposes to close the road allowance and consolidate the parcel with the intention to continue public usage through registration of an access easement agreement.

Alberta Transportation (AT) notes that at least three properties may be denied a physical and legal means of access to a road, thereby potentially preventing AT from endorsing the road closure bylaw. Section 22(3) of the Municipal Government Act, requires approval of the road closure bylaw from the Minister of Transportation before receiving second and third reading. Upon conclusion of the public hearing and when Council gives first reading, the Road Closure Bylaw will be referred to Alberta Transportation for consideration and approval.

Respectfully submitted,

Concurrence,

“Brock Beach”

“Dorian Wandzura”

Acting Executive Director
Community Development Services

Chief Administrative Officer



RS/rp

ATTACHMENTS:

ATTACHMENT 'A': Application Information

ATTACHMENT 'B': Application Referrals

ATTACHMENT 'C': Bylaw C-8313-2022 and Schedule A

ATTACHMENT 'D': Map Set

ATTACHMENT 'E': Public Submissions