



PLANNING

TO: Council
DATE: September 13, 2022 **DIVISION:** 3
FILE: 06717003 **APPLICATION:** PL20210002
SUBJECT: Bylaw C-8188-2021 - Road Closure Application

APPLICATION: To close \pm 0.51 hectares (1.25 acres) of the undeveloped road (Road Plan 2479 Q) in order to facilitate future consolidation into the lands at SE-17-26-03-W05M.

GENERAL LOCATION: Located at the northwest junction of Glendale Road and Township Road 262, approximately 3.2 kilometres northeast of the town of Cochrane.

EXECUTIVE SUMMARY: The public hearing for Bylaw C-8188-2021 was held on September 7, 2021. Upon closure of the hearing, Council made motions to give first reading to Bylaw C-8188-2021 and to forward C-8188-2021 to the Minister of Transportation for approval.

Administration received the signed Bylaw C-8188-2021 from the Minister of Transportation on January 20, 2022, and is now returning to Council for second and third readings to close a \pm 0.51 hectare (1.25 acre) portion of Road Plan 2479Q. The Bylaw has been amended to reflect a correction to the description of Bylaw C-8188-2021 Road Plan 2479Q whereas previously the description included the greater quarter section.

The quarter section is currently vacant and used for cattle grazing. The application is consistent with the requirements of Road Allowance Closure and Disposal Policy C-443 as well as all other applicable policies. The proposed road closure is to consolidate the undeveloped roadway into the surrounding quarter section, thereby allowing a continuous parcel. The resulting closure of the road allowance is not anticipated to negatively impact access to nearby lands.

The applicant has submitted a request for Council to consider the sale of the road allowance for \$10.00 as per the letter in Attachment 'E'. 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 that the County is to forgo if Council directs Administration to sell the road allowance for \$10.00.

ADMINISTRATION RECOMMENDATION: Administration recommends referral back to the applicant in order to prepare an appraisal for the value of the land in accordance with Option #2.

OPTIONS:

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| Option # 1: | Motion #1 | THAT Bylaw C-8188-2021 be amended in accordance with Attachment 'C'. |
| | Motion #2 | THAT Bylaw C-8188-2021 be given second reading, as amended. |
| | Motion #3 | THAT Bylaw C-8188-2021 be given third and final reading, as amended. |
| | Motion #4 | THAT the \pm 1.25 acres of land be transferred to Redtail Holdings 2004 Ltd. subject to: |
| | | a) Sales agreement being signed at the requested value of \$10.00; |

Administration Resources

Reynold Caskey, Planning & Development Services

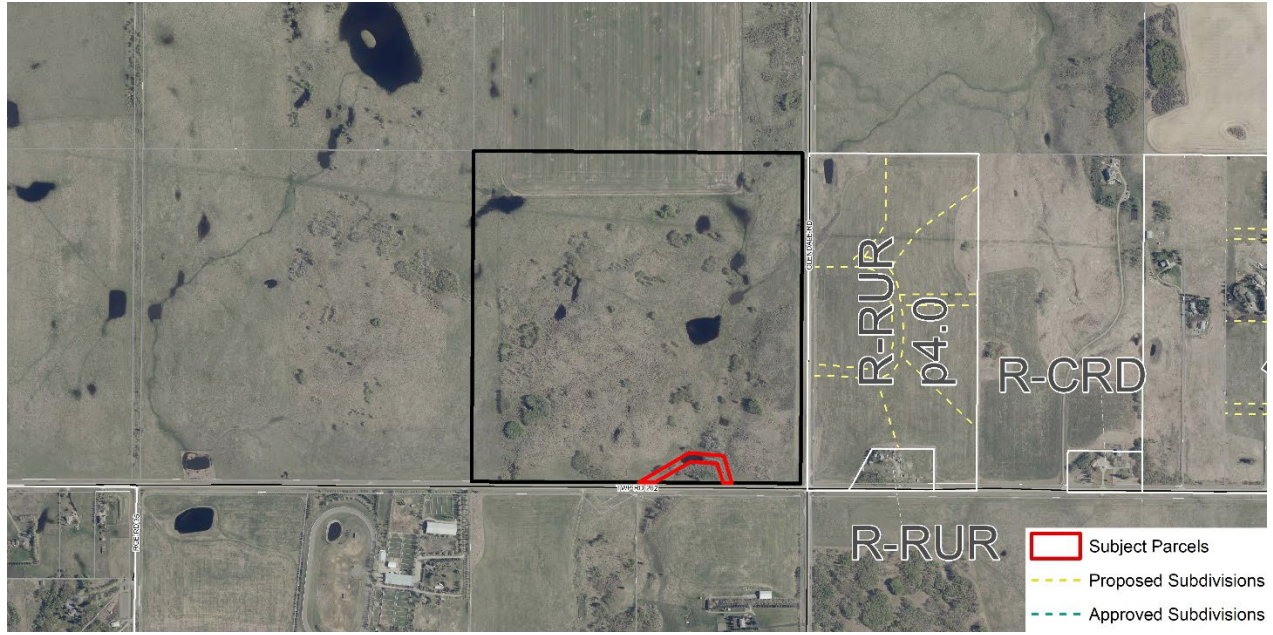


b) The terms of the sales agreement being completed within one year after Bylaw C-8188-2021 receives third and final reading

Option # 2: THAT Bylaw C-8188-2021 be referred back to Administration until such time as the applicant provides an appraisal for the subject Road Allowance (portion of Road Plan 2479Q) to determine the sale value of the Road Allowance.

Option # 3: THAT application PL20210002 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); • County Servicing Standards; and • Road Allowance Closure and Disposal Policy C-443. 	<p>TECHNICAL REPORTS SUBMITTED:</p> <ul style="list-style-type: none"> • None
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POLICY ANALYSIS:

County Plan

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

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 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.

No other landowners are adjacent to the road allowance proposed for closure and consolidation; further, the road allowance is not anticipated to be required for use by the travelling public as Township Road 262 is constructed south of this road allowance.

ADDITIONAL CONSIDERATIONS:

Intent

The applicant has expressed a desire to consolidate the road plan to have a contiguous fence line along their south boundary and to limit conflicts with recreational users and trespassers.

Access

Access to the property is provided from frontages along Township Road 262 and Glendale Road. The proposed closure of the road allowance would not affect the existing roads along the perimeter of the subject site or potential future access.

The closure of Road Plan 2479 Q to consolidate the area into the surrounding quarter section is anticipated to have limited to no impact on surrounding neighbouring parcels. With Township Road 262 constructed in the statutory road allowance along the south boundary of the parcel, access to the subject and neighbouring parcels currently exists.

Alberta Transportation

Alberta Transportation has no issues or concerns regarding the proposed road closure beyond textual corrections to the Bylaw as noted in Appendix 'C'; they will be notified again once Second and Third Readings are given by Council and when the bylaw is registered at Land Titles.

Purchase

The applicant has proposed to purchase the road allowance for \$10.00, in accordance with their letter in Attachment 'E'.

The applicant indicated that there was an agreement between themselves and the County for closure of this road allowance with the promise that there would be no value to pay for the land. Administration has reviewed files and correspondence and has found no evidence of any such agreement in existence, nor has the applicant been able to provide written correspondence to support this position.

Respectfully submitted,

"Brock Beach"

Acting Executive Director
Community Services

Concurrence,

"Dorian Wandzura"

Chief Administrative Officer



ROCKY VIEW COUNTY

RC/rp

ATTACHMENTS:

ATTACHMENT 'A': Application Information

ATTACHMENT 'B': Application Referrals

ATTACHMENT 'C': Bylaw C-8188-2021 and Schedule 'A'; redlined version

ATTACHMENT 'D': Bylaw C-8188-2021 and Schedule 'A'; AT signed

ATTACHMENT 'E': Applicant's letter requesting consideration of sale for \$10.00

ATTACHMENT 'F': Map Set