

Request for Decision Transportation & Infrastructure Referral

File No: P 201 300
Reference: 2019-03990
Date: January 30, 2020

Subject: MoTI Road Closure – Gold Creek / Graziano
Applicant: Joseph Graziano
Agent: New Dawn Developments (Chad Jensen)
Location: Land adjacent to Lot 49, 21st Street S, Gold Creek
Legal: Lot 49, District Lot 3558, Kootenay District, Plan 1261

Proposal: Application to close a 0.4 ha section of 22nd Avenue S. If approved for closure, the subject section of road will be consolidated with the adjacent residential property.

Options:

1. THAT the Ministry of Transportation and Infrastructure be advised the RDEK recommends support for the proposed closure of part of 22nd Avenue S for consolidation with Lot 49, District Lot 3558, Kootenay District, Plan 1261.
2. THAT the Ministry of Transportation and Infrastructure be advised the RDEK recommends the proposed closure of part of 22nd Avenue S for consolidation with an adjacent residential lot in Gold Creek be refused.

Recommendation: **Option # 1**
Constructing a road across the existing ravine would require extensive work to be completed within an area identified for protection of environmentally sensitive areas. The right-of-way does not provide access to any trails or water and closure will not impact the utility of the surrounding road network. No issues have been identified.

**Property
Information**

OCP Designation: MH, Medium Holdings

OCP Policies:

- Applications for closure of undeveloped road rights of way should not prevent future opportunities for utilization of the right of way for non-motorized access routes, trails or access to water.
- Residential developments are encouraged to be designed to meet the needs of permanent full-time residents.
- Development within the environmentally sensitive areas identified on Schedule H will be managed through the Development Permit process. Prior to undertaking any works within an ESA, an applicant must receive an approved Development Permit in accordance with section 20.2 of this plan.

Zoning Designation: If a road is closed, the land formerly comprising the road will be included within the zone of the adjoining land on either side of the highway.

**Property
Information -
cont'd**

All adjacent lots are zoned RR-2, Rural Residential (Small Holding) Zone and therefore the portion of the road proposed for closure will also be zoned RR-2.

Parcel Size: Road area under application: Approx. 0.4 ha (1 ac)

Density: One single family dwelling is permitted per parcel

ALR Status: Not within the ALR

Interface Fire Hazard Rating: Low to high, within the Cranbrook Rural fire protection area

Flood Hazard Rating: Not within a flood hazard rating area

BC Assessment: Residential (Vacant)

Water / Sewer Services: Onsite

**Additional
Information**

- The application is from the owner of Lot 49, who would like to purchase and consolidate the right of way with his property. However, the referral also states that the owner of adjacent Lot 15 would like to obtain access to their property and may be interested in purchasing a portion of the right of way should the application be supported.
- The referral states that there is a ravine that runs across the road right of way and onto both adjacent lots, making a future road difficult to construct.
- The proposal area is not identified as a major road network in the Rockyview OCP Road Network Plan.
- A Development Permit Area for protection of environmentally sensitive areas (wetland and riparian ecosystems and connectivity corridor) follows the ravine through the applicant's property and the subject road right of way. Locating road and utility corridors along or across wetland or riparian ecosystems should be avoided in order to maintain natural connectivity.

Consultation

APC Area C: Support, subject to the owners of Lot 15 being given the opportunity to acquire 30 feet of the right-of-way that runs adjacent to their property.

**Documents
Attached**

- Location Map
- Aerial Photo
- Cross Section of Ravine

**RDEK
Contact**

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