



**WESTLOCK COUNTY**  
**PUBLIC HEARING AGENDA**  
**10:00 A.M., AUGUST 8, 2017**  
**COUNTY ADMINISTRATION BUILDING**  
**10336 – 106 Street, Westlock, Alberta**

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1. CALL TO ORDER
2. PUBLIC HEARING
  - 2.1 Road Closure Bylaw 07-2017
3. REPRESENTATIONS
  - 3.1
4. ADJOURNMENT



# Request for Decision

**PUBLIC HEARING – August 8, 2017 at 10:00 a.m.**

**Subject: Public Hearing for Bylaw 07-2017 being a bylaw to close a portion of the original road allowance adjoining the west boundary of SW 33-62-27-W4.**

**Background:**

Administration received a request from the landowner of SE 32-62-26-W4 that Westlock County pass a bylaw closing the statutory road allowance on the east side of his property. This would allow the landowner to purchase the road allowance and consolidate it with his land. The landowner would like to develop his property in the future, however the parcel is only 315 ft. wide, less on the south end and with a rear set back of 60 ft. the building pocket would be 121 ft. wide.

The landowner's main purpose for requesting the closure of the statutory road allowance is to decrease his rear set back to 25 ft. for a larger building pocket. The landowner has indicated in his request that if the landowner on the west side of the statutory road allowance, SW 33-62-27-W4, is interested in purchasing half of the statutory road allowance he is in agreement.

Westlock County has in the past closed the statutory road allowance that is only 315 ft. from RR10. We have had landowners build and establish yard sites on the undeveloped statutory road allowance without knowing it was there.

Administration has sent out notifications to all adjacent landowners to inform them of the request being presented to Council.

Administration has received correspondence from the landowner on the west side of the statutory road allowance, SW 33-62-27-W4, the main concern is the location of their existing fence line. The landowner does not wish to have to remove his fence.

Administration has received a value for the land from the County's tax assessor, Ray Crews, of approximately \$1175.00 per acre for the building pocket, which works out to be approximately 9 acres.

**Attachments:**

1. Bylaw 07-2017
2. June 1, 2017 Letter from Adjacent Landowner
3. May 29, 2017 E-mail request from Landowner
4. 5 – aerial photos
5. Portion of County Map
6. Policy 8.13 Closure of Road Allowance
7. 8.2 Agricultural (AG) District (Westlock County's Land Use Bylaw)

Prepared By: Laurie Strutt  
Laurie Strutt  
Director of Planning and Community Services

July 14, 2017  
Date

Reviewed By: Leo Ludwig  
Leo Ludwig, CLGM  
Chief Administrative Officer

July 21, 2017  
Date



**WESTLOCK COUNTY BYLAW NO. 07-2017**  
**WESTLOCK, ALBERTA**

**Being a bylaw of Westlock County, in the Province of Alberta, for the purpose of closing to public travel a portion of, and disposing of, an original Government Road Allowance, in accordance with Section 22 and 606 of the Municipal Government Act, RSA 2000, Chapter M-26, as amended.**

**WHEREAS** pursuant to Section 7(d) of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 2000, and amendments thereto, a municipality has jurisdiction to pass bylaws for municipal purposes respecting transport and transportation systems;

**AND WHEREAS** the lands hereinafter described are no longer required for public travel;

**AND WHEREAS** application has been made to the Council of Westlock County to have the undeveloped road allowance closed;

**AND WHEREAS** the Council of Westlock County deems it expedient to provide for a bylaw for the purpose of closing to public travel certain roads, or portions thereof, situated in the said municipality, and thereafter disposing of same;

**AND WHEREAS** notice of intention of the Council to pass a bylaw has been given in accordance with section 606 of the Municipal Government Act;

**AND WHEREAS** Council was not petitioned for an opportunity to be heard by any person claiming to be prejudicially affected by the bylaw.

**NOW THEREFORE** the Council for Westlock County, in the Province of Alberta, duly assembled, enacts as follows:

1. Westlock County does hereby close to public travel and intends to dispose of the following described roadway by sale, subject to rights of access granted by other legislation:
  - All of the original Government Road Allowance adjoining the west boundary of the SW ¼ Section 33, Township 62, Range 27, West of the 4<sup>th</sup> Meridian.

**EXCEPTING THEREOUT ALL MINES AND MINERALS AND THE RIGHT TO WORK THE SAME.**

2. This Bylaw shall take effect on the day of the final passing thereof.

**READ A FIRST TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.**

\_\_\_\_\_  
Reeve

\_\_\_\_\_  
Chief Administrative Officer

***APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017***

\_\_\_\_\_  
***ALBERTA MINISTER OF TRANSPORTATION***

**READ A SECOND TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017**

\_\_\_\_\_  
Reeve

\_\_\_\_\_  
Chief Administrative Officer

**READ A THIRD TIME AND PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.**

\_\_\_\_\_  
Reeve

\_\_\_\_\_  
Chief Administrative Officer

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June 1, 2017

Westlock County  
10336-106 Street  
Westlock, Alberta  
T7P 2G1

Attention: Laurie Strutt  
Director, Planning and Community Services

**RE: Request to Close Government Road Allowance**

In reply to the letter dated May 26, 2017 from Westlock County in regards to the closure of a government road allowance running north/south SE 32-62-27-W4 and SW 33-62-27-W4.

Our concern with closing the road allowance is the current fence line. If the person/persons requesting the road allowance closure/sale will provide in writing that our fence line will remain in the present location, we do not oppose the closure/sale. If the location of the fence line becomes an issue at a later date, the relocation of the fence line is the responsibility of the new owner.

Yours truly,



Calvin Beamish

Calvin Beamish Holdings Ltd.  
Box 53  
Jarvie, Alberta. T0G 1H0

## Laurie Strutt

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**From:** Home Address <  
**Sent:** Monday, May 29, 2017 4:32 PM  
**To:** Laurie Strutt  
**Cc:** Kathleen Deshoux  
**Subject:** Re: Proposal

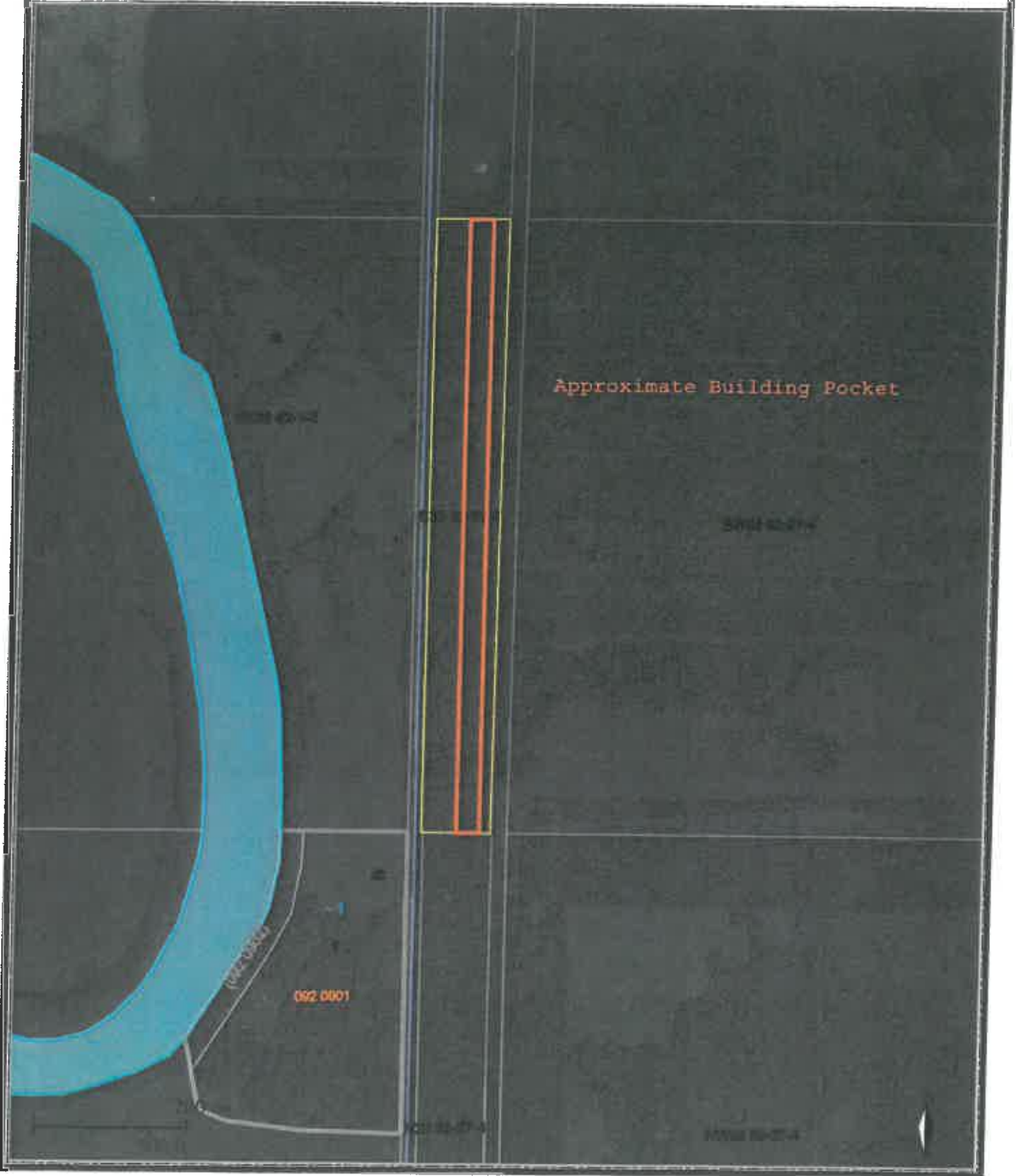
Hi Laurie,

That is good news for me but your right I would still like to make the case. The property unfortunately isn't exactly an evenly shaped rectangle either and is basically 96 meters (315 feet) wide on the north property line and 88 meters (289 feet) wide on the south line so if I plan to develop on the south end of the property I am now limited to a 95 foot pocket instead of a 117 foot pocket. Here is my updated statement below, in bold.

Thank again.

**Just as a reminder to present to council, I would like to close the old road allowance (RA) on the east side of my property and I am willing to, as a good gesture to my neighbor split the road allowance property between them and I. My main reason for requesting the old RA closure is because of the restrictions around the easement boundaries between the old RA and the active range road 10. Right now my best suited development pocket is on the south end of the property and it is restricted to 95 feet. If the old RA was to be removed I would gain a much needed additional 68 feet for buildings, drainage, etc. Please keep in mind that this property is unique in that it can be potentially subdivided based on the same rules of a quarter section. If I can remove the easement of the old RA then it may also make this property more marketable for me to subdivide, and therefore potentially generating more taxable income for the county.**

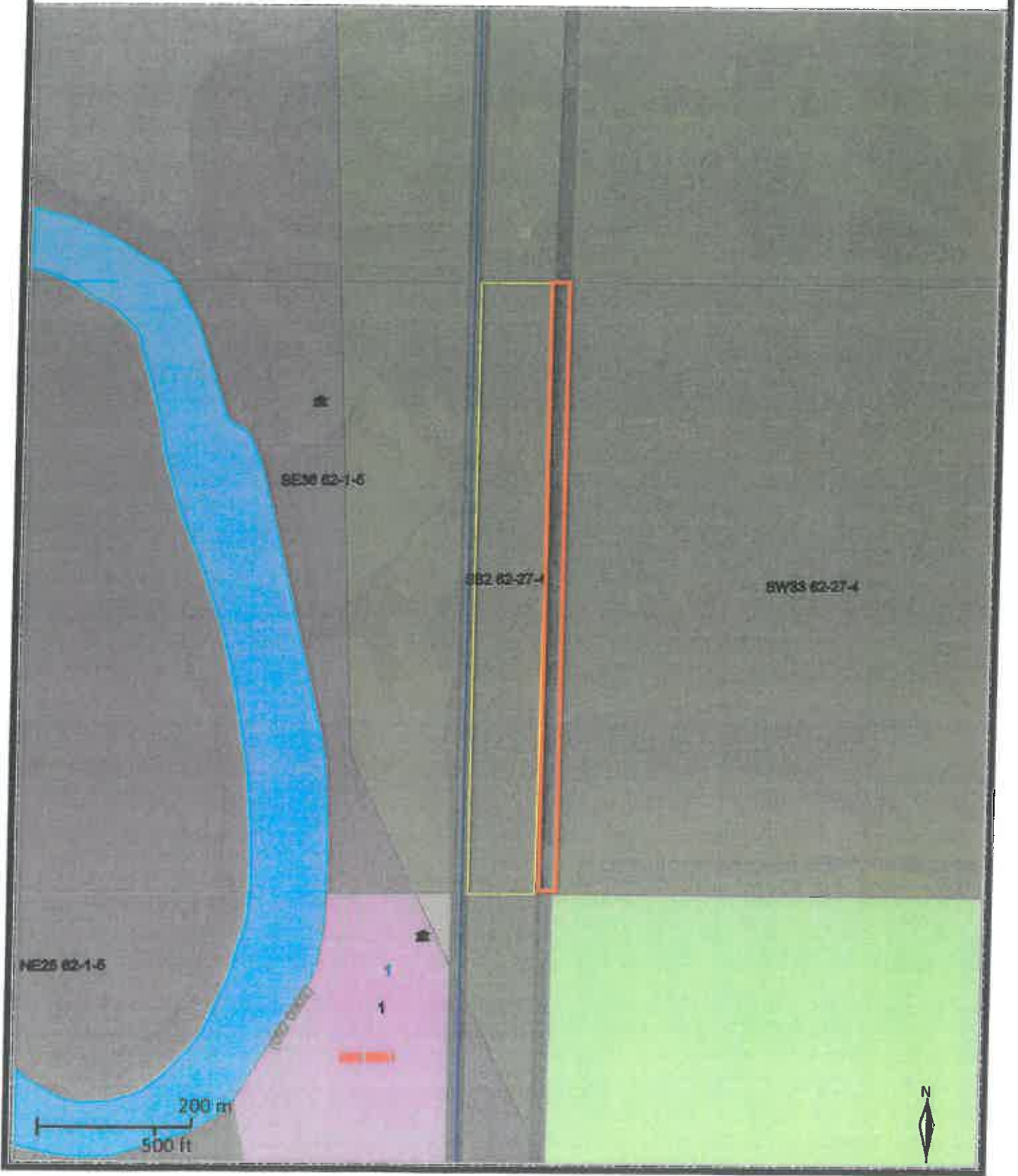
SE 32-62-27-W4



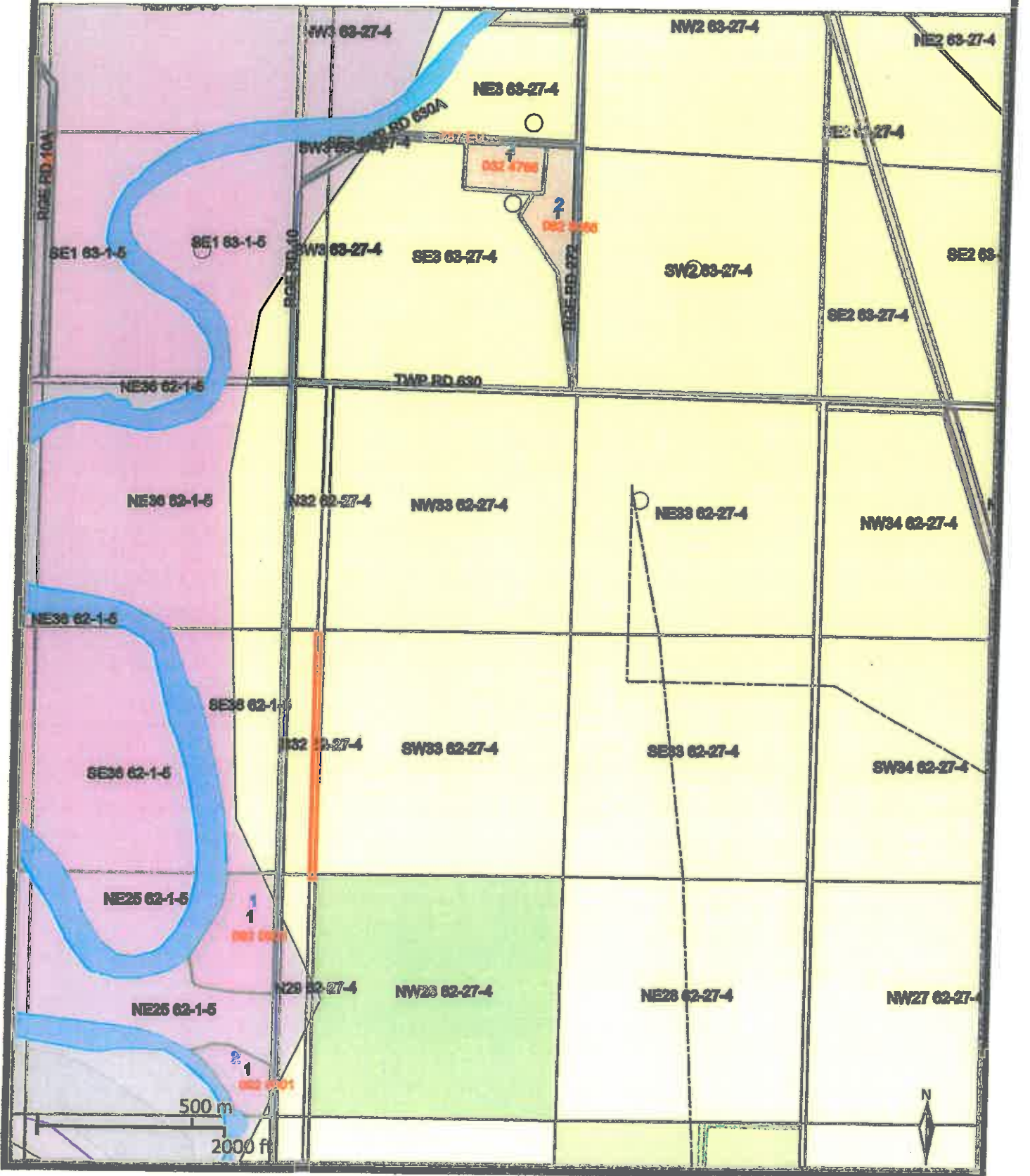


SE 32-62-27-W4

N ↑



SE 32-62-27-W4



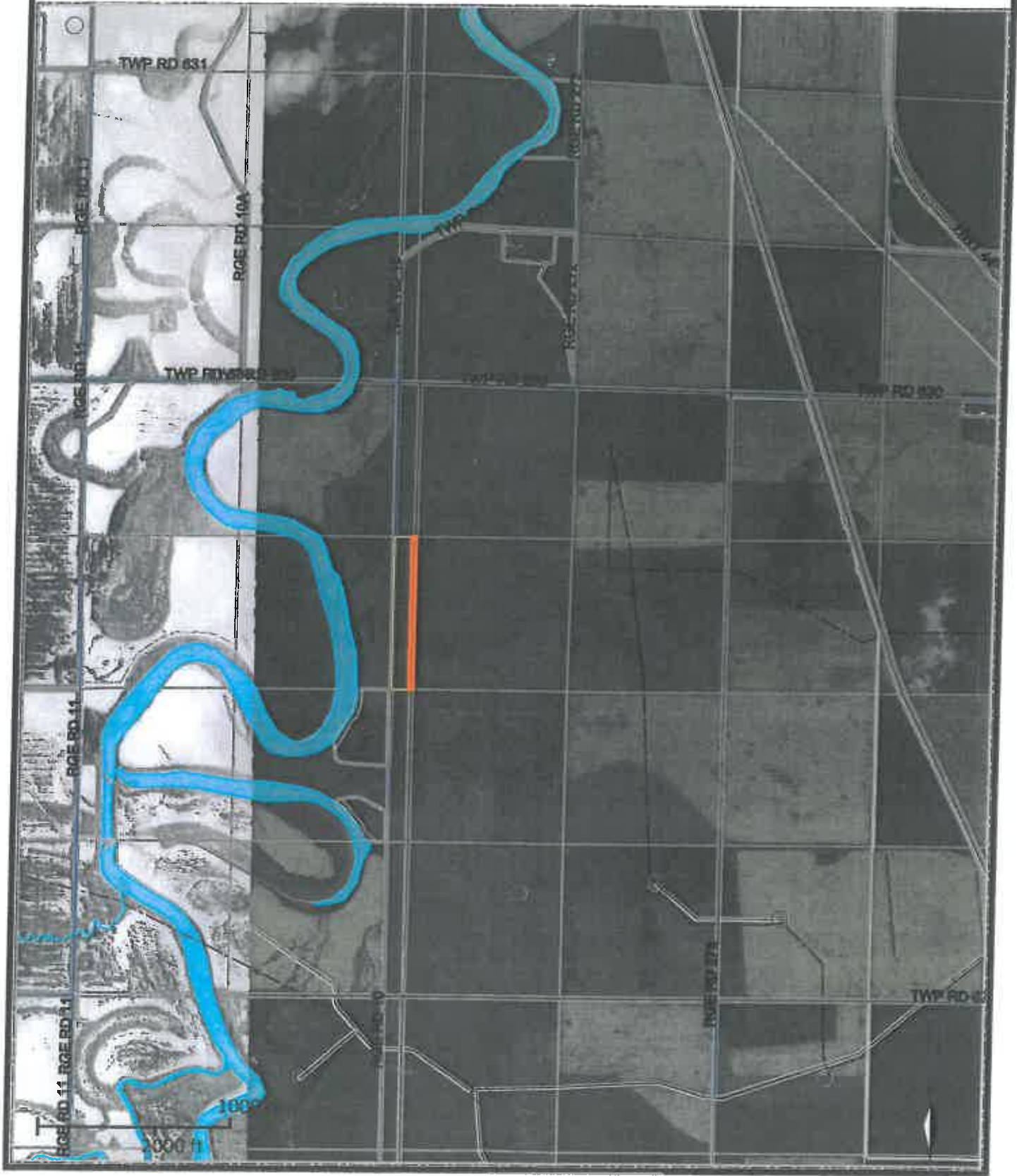
SE 32-62-27-W4

N ↑

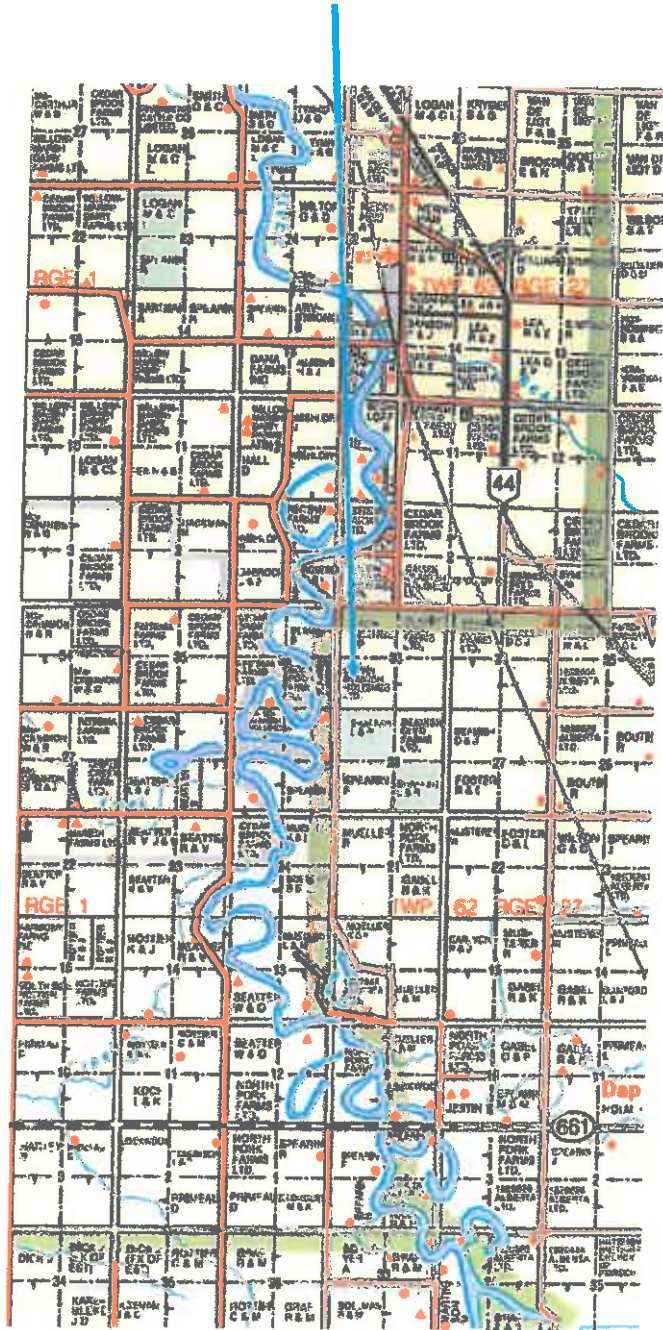


SE 32-62-27-W4

N ↑



SE 32-62-27-W4



## WESTLOCK COUNTY

### POLICY NO. 8.13

### TITLE: CLOSURE OF ROAD ALLOWANCE

#### POLICY STATEMENT:

Council may consider the closure of a road allowance not required for public use, in accordance with the requirements of the Municipal Government Act, either upon receipt of an application or on the Council's own initiative, and may consider the lease of a road allowance to an adjacent property owner with the provision of installing a "texas gate" at the expense of the Applicant.

Requests for closure for the purpose of sale will be scrutinized, in depth, prior to consideration by Council.

Road closure requests will also be considered when an exchange of land for the purpose of legal access is offered by the applicant.

All requests for closure shall be referred to Administration for recommendation.

Requests for closure of a road allowance, agreed to by Council under the Municipal Government Act, shall be accompanied by an initial processing fee in the amount of \$200.00. This fee may, at the option of Council, be refunded or waived in whole or in part. Applicants may be required to reimburse the County for additional closure costs, in excess of the initial fee.

Council may consider the temporary closure of a road allowance in accordance with the requirements of the Highway Traffic Act, either upon receipt of an application or on Council's own initiative, and may consider licensing the use of the road allowance to an interested party. Should Council approve the leasing of a road allowance, a formal lease agreement must be endorsed by the lease holder and the County.

Revised: September 9, 2008

## 8.2 AGRICULTURAL (AG) DISTRICT

The general purpose of this district is to allow activities associated with primary production, and to preserve higher capability agricultural land from development that might be incompatible with primary production.

### (1) Permitted Uses

- (a) Agri-industrial uses
- (b) Buildings and uses accessory to permitted uses
- (c) Day homes
- (d) Extensive agriculture, but not including a manufactured home or a one family dwelling (which shall be discretionary uses)
- (e) Home occupations, minor
- (f) Manufactured homes
- (g) Sea cans
- (h) Single detached dwellings
- (i) Solar energy conversion systems
- (j) Wind energy conversion systems, micro

### (2) Discretionary Uses

- (a) Abattoirs
- (b) Animal breeding and/or boarding facilities
- (c) Bed and breakfast establishments
- (d) Buildings and uses accessory to discretionary uses
- (e) Cemeteries
- (f) Clustered farm units
- (g) Commercial use, secondary
- (h) Confined feeding operations
- (i) Country residential uses
- (j) Day care facilities
- (k) Family care facilities
- (l) Farmsteads
- (m) Group care facilities
- (n) Group homes
- (o) Guest ranches
- (p) Home occupations, major
- (q) Institutional uses
- (r) Intensive agriculture
- (s) Institutional, Public and Quasi-public uses
- (t) Natural resources extraction industries

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- (u) Public and quasi-public uses
- (v) Public park
- (w) Public utility buildings and uses
- (x) Recreation camp
- (y) Recreational uses
- (z) Religious assemblies
- (aa) Rural commercial uses
- (bb) Suites, Garage
- (cc) Suites, guest house
- (dd) Suites, In-law
- (ee) Suites, Secondary
- (ff) Suites, Surveillance
- (gg) Uses as identified in area structure plans adjacent to lakes
- (hh) Wind energy conversion systems, small
- (ii) Wind energy conversion systems, large
- (jj) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses

### (3) Regulations

#### (a) Minimum Parcel Area - Permitted Uses

32 ha (79.1 ac.) except where the parcel is subject to the following exemptions:

- (i) where a discretionary use is allowed, then the size of the parcel after the discretionary use is removed;
- (ii) where the parcel is fragmented by a natural or physical barrier, then the size of the fragmented parcel.

#### (b) Minimum Parcel Area - Discretionary Uses - as required by relevant provisions of this Bylaw or Municipal Development Plan, or where not defined in this Bylaw or the Municipal Development Plan, at the discretion of the Municipal Planning Commission.

#### (c) Minimum Front Yard

From a rural road	40.84 m (134 ft) from the property line
From Highways	40.8 m (134.0 ft) from the boundary line of the right-of-way or as required by Alberta Transportation
From an internal road	7.6 m (25 ft) from the property line

#### (d) Minimum Side Yards

From a rural road	18.3 m (60 ft) from the property line
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<b>From Highways</b>	40.8 m (134.0 ft) from the boundary line of the right-of-way or as required by Alberta Transportation
<b>From an internal road</b>	7.6 m (25 ft) from the property line
<b>Adjacent to another parcel</b>	10% of mean parcel width provided that no side yard need exceed 6.09 metres (20 feet)

- except for a corner parcel where the side yard requirement shall be at the discretion of the Development Authority.

**(e) Minimum Rear yards**

<b>From a rural road</b>	18.3 m (60 ft) from the property line
<b>From Highways</b>	40.8 m (134.0 ft) from the boundary line of the right-of-way or as required by Alberta Transportation
<b>From an internal road</b>	7.6 m (25 ft) from the property line
<b>Adjacent to another parcel</b>	7.6 m (25 ft) from the property line

- (f) Minimum Required Side and Rear Yards for Agri-industrial uses**
  - i. On a lot which includes a residential use or is adjacent to a lot which includes a residential use the minimum yards shall be as follows:
    1. Minimum rear yard-20 m (65.62 ft.)
    2. Minimum side yard-20 m (65.62 ft.)
- (g) Notwithstanding Subsections (c) through (f), where a new agri-industrial use is proposed adjacent to an existing residential development, a minimum 100m (328.08 ft.) buffer must be provided between the new agri-industrial, use and the property line of the residential parcel unless the residential development is owned by the proponent of the agri-industrial use.**
- (h) On parcels of land in excess of 1.21 ha (3 acres), the maximum number of birds and livestock or equivalent allowed will be as identified in Section 7.19. Farm operations in excess of this limitation shall become subject to the regulations pertaining to confined feeding operations.**
- (i) Minimum Floor Area**
  - Single detached dwellings – at the discretion of the Development Authority
  - Manufactured homes – at the discretion of the Development Authority
  - All other uses – as provided for in the general and special conditions sections of this Bylaw. Where no other provisions apply, the minimum floor area shall be at the discretion of the Development Authority.

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- (j) Development proposals adjacent to a primary highway, a secondary road or a rural road shall comply with the provisions of **Sections 6.5 and 6.6**.
- (k) All applications for development shall conform to the appropriate policies in the **Municipal Development Plan**.