

County of Lethbridge Policy Handbook

EFFECTIVE: October 5, 2006

SECTION: 100 NO. 144 Pge 1 of 4

APPROVED BY: County Council

SUBJECT: Area Structure Plans

REVISED DATE:

PURPOSE

This policy is intended to give council and staff direction as to when County of Lethbridge Council may consider facilitating or assisting in the preparation of an area structure plan, either financially or with professional planning assistance, which will affect lands that are under private control or ownership.

Generally, the County's Municipal Development Plan (MDP) contains criteria as to when area structure plans and development schemes are required prior to approval of a subdivision application or land use bylaw amendment (for multi-lot commercial, industrial, or grouped country residential land use). The developer or landowner is normally responsible for preparing and providing the plan at their expense. (Note: Section 4.1.3 of the MDP outlines what an area structure plan should address.)

Accordingly, it is recognized that there are certain areas within the County of Lethbridge that may benefit from an area structure plan, but which may be difficult to prepare due to preexisting or historical title and land issues, and the existence of multiple title owners whom may be affected.

Specifically, this policy section intends to:

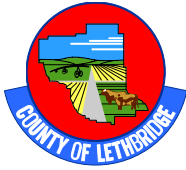
- give direction as to what areas of the county may be eligible to benefit from an area structure plan being prepared with involvement/assistance from the municipality;
- provide guidelines as to when council may consider assisting in the development of an area structure plan.

1. CRITERIA - ELIGIBILITY

The following policies shall apply in determining what lands are eligible and when Council and the County of Lethbridge may assist ratepayers in the preparation of an area structure plan.

1.0 Undeveloped, unsubdivided quarter-sections under one title (160 acres) on dryland, or two titles of 80 acres in a quarter-section on irrigated land, shall not be eligible for consideration.

1.1 The lands in question must:



County of Lethbridge Policy Handbook

EFFECTIVE: October 5, 2006

SECTION: 100 NO. 144 Pge 2 of 4

APPROVED BY: County Council

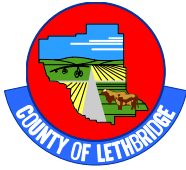
SUBJECT: Area Structure Plans

REVISED DATE:

- (a) consist of a minimum of 80 acres (the aggregate of the titles), and
 - (b) be considered fragmented land by either existing use or multiple title ownership, which makes the land impractical to farm or cannot logically be used for agricultural purposes, or is difficult to develop for other uses in its present state.
- 1.2 There must be a minimum of ten (10) separate title owners affected, which makes it difficult for the individuals to reasonably prepare a comprehensive plan as a group.
- 1.3 The land being considered for support must have a reasonable likelihood of success, and shall not conflict with provincial regulations, statutory plans or the land use bylaw (i.e. not within the MDS of a confined feeding operation, within the stipulated setback distance of a landfill/sewage lagoon, floodplain, unsuitable soil quality, etc.)

In addition to policies 1.0 through 1.3 above being required, a number of the following criteria will also be used to help determine the eligibility of lands to qualify for assistance in the preparation of an area structure plan.

- 1.4 The lands being considered should contain pre-existing development, subdivision or registered plans.
- 1.5 The section or quarter-section of land for the proposal contains multiple titles or has historic registered plans present that were created prior to December 1974.
(Note: the reference to December 1974 is the date the 'Preliminary Regional Plan' by the Oldman River Regional Planning Commission was approved by the Minister. The policies of this plan no longer allowed 20 acre country residential/small holding subdivisions, as was permitted under both the previous provincial Subdivision and Transfer Regulations of the former Planning Act and a Development Control Bylaw of the County of Lethbridge.)
- 1.6 The lands in question may historically have had subdivision or development constraints, such as problems with legal access or no public roads, servicing issues or major drainage problems.



County of Lethbridge Policy Handbook

EFFECTIVE: October 5, 2006

SECTION: 100 NO. 144 Pge 3 of 4

APPROVED BY: County Council

SUBJECT: Area Structure Plans

REVISED DATE:

1.7 Sections or quarter-sections that are affected by historic Township or Settlement Plans that were registered against the land and still exist, and have at least ten (10) different title owners, may be eligible.

(Note: the reference to ten titles is based on the MDP amending bylaw No. 1250 section 4.1.3 whereby a higher level of detail and comprehensiveness is required).

1.8 The lands may be areas identified for special consideration, which may be on the basis that the parcels are cut-off by significant natural features, highways, registered irrigation plans or CPR lines, or are for public uses, parks, or in close proximity to environmentally significant areas. It may also be an area identified as potential grouped industrial/ commercial use that may have a significant local economic impact (provided there is more than one land owner affected).

2. PROCESS

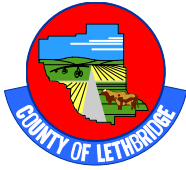
If Council is satisfied that the required policies and criteria are met for eligibility, then the following guidelines and policies should be applied in deciding to proceed with the plan process.

2.0 A written survey of the affected land owners in the identified plan area should occur to ascertain if they are in favour of the plan preparation and/or interested in future subdivision or development, whereas 66% (or 2/3's majority) must agree to the plan preparation.

2.1 Once presented with the results of a landowner's interest survey, council may or may not decide to proceed with the assistance of an area structure plan, as the results of the survey will in no way obligate or bind council to proceed with preparing a plan.

2.2 If council does decide to assist in the preparation of a plan, a public information session or open house should be held in the area, to inform the affected land owners of the process and plan preparation, and to obtain information and design ideas from the owners themselves.

2.3 The landowners shall repay to the County of Lethbridge any costs that the county may incur in the preparation of an area structure plan. This may include costs related to planning, design and engineering, engineering tests and reports, land



County of Lethbridge Policy Handbook

EFFECTIVE: October 5, 2006

SECTION: 100 NO. 144 Pge 4 of 4

APPROVED BY: County Council

SUBJECT: Area Structure Plans

REVISED DATE:

surveying, infrastructure costs, and the development of the plan itself, among other items.

- (a) The total area structure plan costs owed to the County of Lethbridge by the landowners shall be paid to the county at the time of subdivision or development calculated on a per acreage basis.
- (b) The fees payable to the county will be addressed in the terms of the Development/Service Agreement, and may be recouped through the establishment of a Development Fees bylaw implemented by the county and as per the terms specified in the agreement.

2.4 Additional information may be requested by council at any time during the plan preparation or approval process.