

COUNTY OF LETHBRIDGE
IN THE PROVINCE OF ALBERTA

BY-LAW NO. 1339

A BY-LAW OF THE COUNTY OF LETHBRIDGE
BEING A BY-LAW PURSUANT TO SECTION 633(1)
OF THE MUNICIPAL GOVERNMENT ACT, CHAPTER M.26.1

WHEREAS Dan & Larinda Chase wish to subdivide their parcel located on a portion of the North West, Section 7, Township 9, Range 20, West of the Fourth Meridian;

AND WHEREAS past decisions of both Council and the Subdivision & Development Appeal Board have stated that an Area Structure Plan would be desirable for the area;

AND WHEREAS the Developer has submitted the "Lucy-Howe Area Structure Plan" which will provide a framework for subsequent subdivision and development of the area;

NOW THEREFORE BE IT RESOLVED that the Council of the County of Lethbridge does hereby adopt the "Lucy-Howe Area Structure Plan" attached as Appendix "A".


GIVEN first reading this 8th day of March, 2010.


Deputy 

Reeve


County Manager

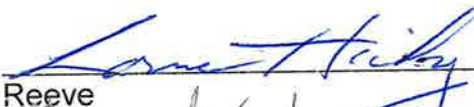
GIVEN second reading this 15 day of April, 2010.

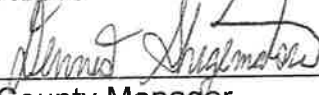


Reeve


County Manager

GIVEN third reading this 15 day of April, 2010.



Reeve


County Manager

Draft

Lucy-Howe Area Structure Plan



NW $\frac{1}{4}$ 7-9-20W4

County of Lethbridge

February 2010

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NW¼ 7-9-20W4

County Of Lethbridge

(Lucy-Howe Subdivision)

1.0 Introduction

1.1 Study Area

The Study area included in the Lucy-Howe Area Structure Plan (referred to as the ASP or the subject area) is legally described as the NW¼ 7-9-20W4 and is located over a ½ mile North of Highway No. 3, approximately halfway between Lethbridge and Coaldale, in an area of the county known as Broxburn (old CPR Siding). This area has been historically referred to as the Lucy-Howe area. The subject area is designated Rural Agriculture, with isolated country residential being categorized as a discretionary use. This area is a natural for further subdivision development due to the number of existing titles and owners, proximity to both Coaldale and Lethbridge, and the severely limited viability of the land as agricultural use. (See Figure 1)

The study area is a fragmented quarter section of land. The majority of existing titles were surveyed in 1910, with the streets being registered road allowances from that time. Ingram Street is undeveloped at present; but Lucy Street is developed with access coming off country road TWP RD 9-2 to the north of this quarter. Presently, there are eleven (11) separate titles in this quarter section. (See Figure 2)

1.2 Purpose of the ASP

The ASP is intended to provide a long-term vision and development framework for the subject quarter according to sound land use planning principles and within the guidelines of the County of Lethbridge Municipal Development Plan. The ASP will outlay future subdivision guidelines and establish maximum parcel density. All of the existing titles are less than 20 acres in size which makes them eligible for potential subdivision, based upon the County of Lethbridge Subdivision criteria of re-subdividing a parcel of poor quality agricultural land, based on the bylaw defined as 20 acres or less in size. However, due to the fragmentation of the quarter and the potential for future subdivision, both the Council and the Subdivision and Development Appeal Board have stated in past decisions that they would like an ASP prepared to the County's satisfaction, before allowing further subdivision and development to occur. This ASP has been provided to comply with that stipulation.

The primary focus of this plan area and subsequent subdivision will be for county residential use with single-family dwellings.

1.3 Planning Concept

After meeting with the present landowners of this quarter section, in May of 2007, the owner of Lot 1, Block 16, Plan 931 2554 (Mr. Chase) is the only landowner with intentions to apply for subdividing (see Figure 4.1). At present, the owner of Blocks 4-5 and 11-12, Plan 4000AQ (Mr. Ron Kasner) is the only other land owner considering future subdividing as shown on Design Scheme 4.2 (Phase 2). Mr. Chase has compiled this ASP in consideration for the other landowners' concerns. The ASP has been presented in four phases, creating nineteen (19) additional titles if all phases were fully developed. Wilde Bros. Engineering Ltd. has been consulted to provide the preliminary engineering studies in relation to the proposal.

2.0 Goals and Legislative Framework

2.1 Goals

The primary goals of the Lucy-Howe Area Structure Plan are to:

- Provide a long-term vision and development framework for the subject quarter according to sound land use planning principles;
- Provide some certainty to the type and density of future country residential development considered for this area for both residents and the County of Lethbridge;
- Fulfill the requirements of County Council and the Subdivision and Development Appeal Board in completing an ASP to provide a logical conceptual design layout to facilitate future subdivision and development in an orderly manner.

2.2 Approval Process

This area structure plan will be submitted to the County of Lethbridge in order to facilitate the application for subdivision of the initial Phase 1. The plan will also act as a framework to guide any additional subdivision proposal in the future. Any application that proposes to create 3 or more adjacent lots must include an application for an amendment to the Land Use Bylaw in order to create a Grouped Country Residential designation for the applicable parcels. In accordance with the Land Use Bylaw, the application will be circulated for comment to the appropriate authorities which typically includes the Regional Health Authority, Alberta Transportation, Alberta Environment, the irrigation district and the Oldman River Regional Services Commission. Once the plan is adopted, any deviation from the plan would require an amendment to the Area Structure Plan bylaw.

2.3 Legislative Framework

The paramount legislation that governs land use is found within the Municipal Government Act (MGA) which outlines the framework for municipalities to deal with subdivision and development. Division 7 of the Subdivision Regulations under the MGA sets out the stipulations and requirements for the process to create new parcels of land. This ASP and any subsequent subdivision or development applications will adhere to this legislation.

3.0 Site Analysis

3.1 Natural Features

The site is essentially flat with ditches located to the west and north along TWP RD 9-2 and RGE RD 21-0. There are no major topographical constraints or issues with the land that would impede further development.

3.2 Vegetation and Wildlife

The subject area is used for small agricultural operations and some livestock. Indigenous wildlife, such as rabbits, coyotes, fox and deer occasionally visit the site. The undeveloped portions of land are primarily grass or used for hay production. The soil type for the quarter is classed as a medium texture with some silty loam areas and is considered class 1 agricultural land.

3.3 Adjacent Land Use

The ASP study area is bordered along all sides by farm operations, including grain cultivation. Farther south of the site is commercial property located adjacent to Highway 3. Within the quarter section itself, there are currently seven (7) developed country residential yards with dwellings on them. There are no intensive livestock (confined feeding) operations in the vicinity of these parcels that would be infringed upon.

3.4 Development Constraints

The only developmental restriction to be applied in this plan proposal is that no parcels for subdivision consideration be less than 3 acres in size. The other present landowner's parcels will remain at the size as they currently exist, as they have no desire to subdivide. However, this plan does consider further subdivision potential and lays out a cohesive design framework for it, if it were to occur in the future. As this plan will become a statutory document, any change or future proposal to alter this would have to be approved by County of Lethbridge Council through the Municipal Government Act's bylaw amendment procedure. As such, increasing the density from this plan would require landowners to potentially undertake additional planning and engineering requirements to demonstrate suitability.

It is noted that the future provincial highway trade corridor (Canamex) will be located to the east side of this quarter section, with an interchange proposed at the intersection with Highway 3. This quarter-section will not be physically impacted by the highway corridor or interchange, as Alberta Transportation's *Functional Planning Study* has identified the lands to the east and south of this quarter to be affected. Preliminary discussions with Alberta Infrastructure (Terry Becker-operations manager) have indicated that they would not oppose any

development in the quarter section but may ask the developers to sign a caveat with the possibility of the future highway being built. The developer shall provide a copy of any signed caveats with Alberta Transportation, to the County of Lethbridge, in regards to the future highway.

The location of the new highway corridor to the east will impose a slight constraint to the area to the west, including this quarter-section subject of the ASP, in the form of presenting a physical barrier and limiting access. Thus, a portion of the existing Ingram Street, which lies to the east of Lucy Street and which is undeveloped at the present, may not logically ever be needed to provide access to the east.

4.0 The Concept

4.1 Concept Vision

As shown in Design Scheme concept's 1 through 4 the ASP is presented in four phases, with Phase 1 the only subdivision planning to be developed at this time. All remaining phases will conform to the ASP should they be developed in the future. For *Phase 1*, as shown on Figure 4.1, the landowner's of Lot 1, Block 16, Plan 931 2554 (Dan and Larinda Chase) propose to add two titles to their existing 11.63 acres creating a total of three lots. The average lot size would be 3.87 acres in size. An existing dwelling is located on the north portion of the existing title, which would become the most northerly 3.87 acre lot, while the south portion is vacant. Access to these parcels is from the existing developed Lucy St.

Phase 2 may be the next likely phase to be subdivided in the future and would create eight lots from the existing two titles. All the lots would take access from the existing Lucy St. located on the west side of the properties. The average lot size would be between 4.40 and 4.48 acres in size. (see Figure 4.2)

Phases 3 and 4 are more remote in the likelihood of being subdivided, as these land owners indicate no interest in subdividing their lands. However, a conceptual design scheme has been prepared for these titles, to illustrate how they could logically be subdivided and fit in the overall scheme. For Phase 3, an additional five lots could be added to the existing four, for an overall density of nine parcels. The average lot size would be between 3.68 and 4.45 acres in size, with one parcel being 20.9 acres. This larger parcel is wanted by the present owner to keep as a larger acreage. Approximately 8.0 acres of this current 20.9 acre title is comprised of an existing yard. (see Figures 4.2 and 4.3)

Phase 4 if ever developed, would create lots which take access from a new internal road with a cul-de-sac design. This road would connect to the county range road on the west side of the quarter, Range Rd 21-0. The present owner of the title for Phase 4 has indicated no desire to subdivide. However, if the titles were to change hands, or the owner changes his mind, this area could be developed at a later time with its own internal access.

The overall conceptual plan is to continue with a simple grid and block pattern as established by the earlier 1910 plan that was registered. The slight exception to this would be the layout for Phase 4, which includes the cul-de-sac design as previously explained. The conceptual idea for this area is to resubdivide existing and established blocks, with a low overall density. This plan proposes that no additional parcels be created beyond what is contemplated by this plan layout, and no parcels for subdivision are less than 3 acres minimum in size.

5.0 Land Use Policy

5.1 Residential Development

The ASP proposes that an additional nineteen (19) titles could potentially be developed. The ASP will meet Municipal Development Plan guidelines recommended for the appropriate density range per gross developed hectare over the entire site. As shown in figure 4, all access for the proposed development will be from the existing developed Lucy Street. As stipulated in the area structure, the minimum parcel size in any instance shall be 3 acres. However, the density and layout shall be in accordance with this plan, with nineteen (19) new parcels potentially being created, for an overall density of 30 titles (parcels) in the quarter section. Based on a County of Lethbridge average household size of 3.6 persons per household, a total of 108 people may reside in the quarter if fully developed.

No further subdivision would be permitted other than what is specified in this plan, unless a bylaw amendment process was undertaken. The overall plan and storm water design will be based upon this ASP layout, and any subsequent amendments or increase in density (titles) may require further studies or engineer's reports at that time. County Council would make the ultimate decision if the density or plan could be amended. This ASP density and layout is proposed on the basis that the present adjacent landowners do not want further subdivisions on their own lands.

All development, including land uses, buildings and accessory structures shall comply with the county of Lethbridge Land Use Bylaw and Municipal Development Plan, or any other applicable bylaw of the County.

Setback regulations outlined in the County of Lethridge Land Use Bylaw will be followed. Individual landowners will be responsible for obtaining development permits from the County of Lethbridge. All other permits or approvals, including safety code (building) permits will be the responsibility of the landowners.

6.0 Servicing

Any infrastructure construction and servicing required for the subdivision will be provided by developers to meet the standards of the County of Lethbridge as outlined in their *Engineering Guidelines and Minimum Servicing Standards* manual, or as otherwise agreed to by the County. More specific details of proposed servicing are outlined below.

6.1 Sanitary Sewer System

Sanitary sewage will be handled individually on each lot with a private sewage disposal system. If required, a soil analysis and report by an accredited agency or engineer must be provided at the time of subdivision or development as a condition of approval, to verify the suitability of the soil and establish the base design criterion for the required septic fields. Prior to constructing any septic field, sampling and analysis will be required on each individual lot as required by AENV regulations.

All private sewage systems shall be professionally installed and inspected and landowners must meet the following requirements:

- Landowners will be required to install a private plumbing system (septic tank and field) designed and constructed to the requirements of the provincial Safety Codes Act;
- the private sewage disposal system must be installed by a professional Certified Private Sewage Installer under Alberta Labor;
- the private installer must hold a Private Sewage Certificate issued by Alberta Municipal Affairs;
- the private sewage system must be inspected by a certified Safety Codes Officer.

6.2 Water System

Potable water may be supplied to the subdivision by means of the County of Lethbridge Rural Water Association LTD depending on availability at the time of subdivision. At this time shares for two additional lots have been purchased by Dan Chase for phase 1 from the County of Lethbridge Rural Water Association LTD. At the time of subdivision, the County of Lethbridge may request verification of a water connection approval. Individual lot owners or developers are responsible for any associated costs or easements that may be required to service the lots.

Raw irrigation water is available for landscaping and dugout purposes. The individual lot owner is responsible for any approvals and fees required by the irrigation district to secure this.

6.3 Fire Protection

As shown in the aerial photo (Figure 3), there are presently 5 dugouts on the quarter that would hold enough water to meet the 840gallon per minute for 30 min requirement for residential housing fire code. However the distance of water to each parcel may have to be addressed due to the fact that the distance to the water source on some of the parcels is beyond the 650 foot required by the residential fire code. This can be corrected by possibly running a dry line from the existing dugouts or building another dugout. Phase 1 meets the requirements for the residential fire code with the present dugout location and dry hydrants would not be needed for this phase.

For any parcel that is beyond the 650 ft. distance, this condition can be addressed at the time of subdivision, when and if, it were to occur. Any installed hydrants will conform to the County of Lethbridge Engineering standards. Hydrants would be spaced at a maximum of 200 metres and be designed to be fed by pumper truck. If a pond and dry hydrant is required in other subsequent phases, the County may request that any pond (dugout) provide suitable access and is to be designated as a PUL at the time of subdivision.

6.4 Shallow Utilities

All shallow utilities will be provided at the landowner's/developers expense. All necessary easements required for service lines will be provided and registered as required by the utility companies at the time of subdivision. Gas, electricity, and telephone service are available in the area to service the subdivision area. Atco Gas, FortisAlberta Inc, and Telus currently service this quarter section and all three services run parallel with Lucy St.

7.0 Roads

Access to the ¼ section comes from Broxburn road to the west which is a 30m main county road that is paved and in good condition. County road TWP RD 9-2 leads into the ¼ section which is a 30m county gravelled road and in good condition. Lucy Street, which is developed and runs south from county road TWP RD 9-2, is also a gravelled county road. Ingram Street is registered on the original subdivision plan but is undeveloped at present. It may be desirable to close that portion of Ingram Street which lies to the east of Lucy Street and bisects the two titles for Block 4, 5 and 11, 12. It is not anticipated that a through street would ever be required to the adjacent quarter section to the east, especially once the Canamex corridor is constructed. The existing roadway (Lucy Street) is developed as a gravel county road, and is 20m wide. Access to the new lots will come from this existing road. If required by the County, a turnaround may need to be provided at the south end of Lucy Street, as it presently dead ends (Figure 4a).

Any roadway improvements would be provided in consultation with the County and provided at the developer's expense per any Service Agreement. The developers of land in the ¼ section will be responsible for the cost to upgrade the road to a paved standard when the need arises at future phases, by way of security or their contribution portion through an improvement levy. Culverts for each lot will be the responsibility of each property owner, with all culvert types and sizes as approved by the County and as outlined in the *Engineering Guidelines and Minimum Servicing Standards* manual.

As the initial first phase is creating only two additional lots, traffic will be minimal. As further phases are developed, those landowners/developers will be required to provide a Traffic Impact Assessment which considers the overall lands, prior to submitting a subdivision application.

8.0 Solid Waste Disposal

Residents and property owners will be responsible for the removal of waste collection. Any collective agreement by the residents to remove waste will be by whatever contractual private arrangement they make, and the County of Lethbridge will not provide waste removal services.

9.0 Storm Water and Surface Runoff Control

The site generally slopes from southwest to the northeast, away from Highway 3, and overall has good drainage. The ¼ section has historically has experienced no drainage problems.


All drainage onsite must conform to AENV requirements and regulations. Pre and post development storm water run-off must be addressed and on-site drainage will be controlled through proper site grading. This includes directing on-site drainage to the ditch system along both sides of the roadway. Individual lot owners or developers will be required to properly grade their site at the time of development, including providing 2% slope the first 4 metres from buildings and 0.5% grade the remainder. The individual lot owners or developers will be responsible to ensure that the top of footings area minimum of 300mm above the localized 1:100 year flood level.



Prior to any subdivision approval, the developers will provide an engineered storm water drainage report to verify surface run-off patterns and volume to be anticipated at full build-out of the subdivision (30 parcels). This report and any recommendations for drainage control shall be reviewed by the County of Lethbridge, and in consultation with the developers, and further drainage control systems may be required.

The drainage Contours and engineering report from Wilde Bros. Engineering LTD for Phase 1 is included in this report as Figures 4 & 5. The preliminary analysis of the engineers indicates that:

- Due to the small size and density of Phase 1 (Lot 1, Block 16, Plan 931 2554 proposal to add two titles to the 11.63 acres) there will be a minimal drainage impact on surrounding properties.
- Because of the natural topography, the development of this property as proposed will not interfere with the existing natural drainage patterns.

 If further phases of the ASP are developed further storm water analysis is required, including consideration for a storm water management system that addresses a 24 hour/100 year storm event.

The full development of lands within the area structure plan will require an approval under the Water Act. As a Malloy Drain Storm Water master Plan is currently being developed, future development will have to incur any off-site levies that may be imposed by the county to support improvements to address the basin issues.

The developers of the subdivision, as per any agreement entered into with the County of Lethbridge, will be required to provide the mechanisms needed for storm water management, at their expense.

10.0 Municipal Reserve

The provisions of the required 10% municipal reserve in accordance with the Municipal Government Act shall be provided as cash-in-lieu of land, at the time of subdivision.

11.0 Stakeholder and Agency Consultation

The initial developer and landowner, Mr. Dan Chase, consulted with the other landowners in this quarter-section in May of 2007. This ASP has been compiled in consideration for both the other landowners' concerns and desires, including the lack of interest in pursuing further subdivision for their lands. Other adjacent landowners to the quarter-section were also informally consulted and made aware of the plan to prepare this ASP

This preparation of this ASP also included consultations with the SMRID, Alberta Transportation, Alberta Environment, Coaldale Fire Chief, the County of Lethbridge Rural Water Association Limited (water co-op), County of Lethbridge staff and the Oldman River Regional Services Commission.

FIGURES

Maps and Diagrams

FIGURE 1

Site Location NW¹/₄-7-9-20-W4



FIGURE 2

Existing Titles NW¹/₄-7-9-20-W4



FIGURE 3

Aerial Photo
NW¹/₄-7-9-20-W4



FIGURE 4.1

Design Scheme NW¹/₄-7-9-20-W4 PHASE 1

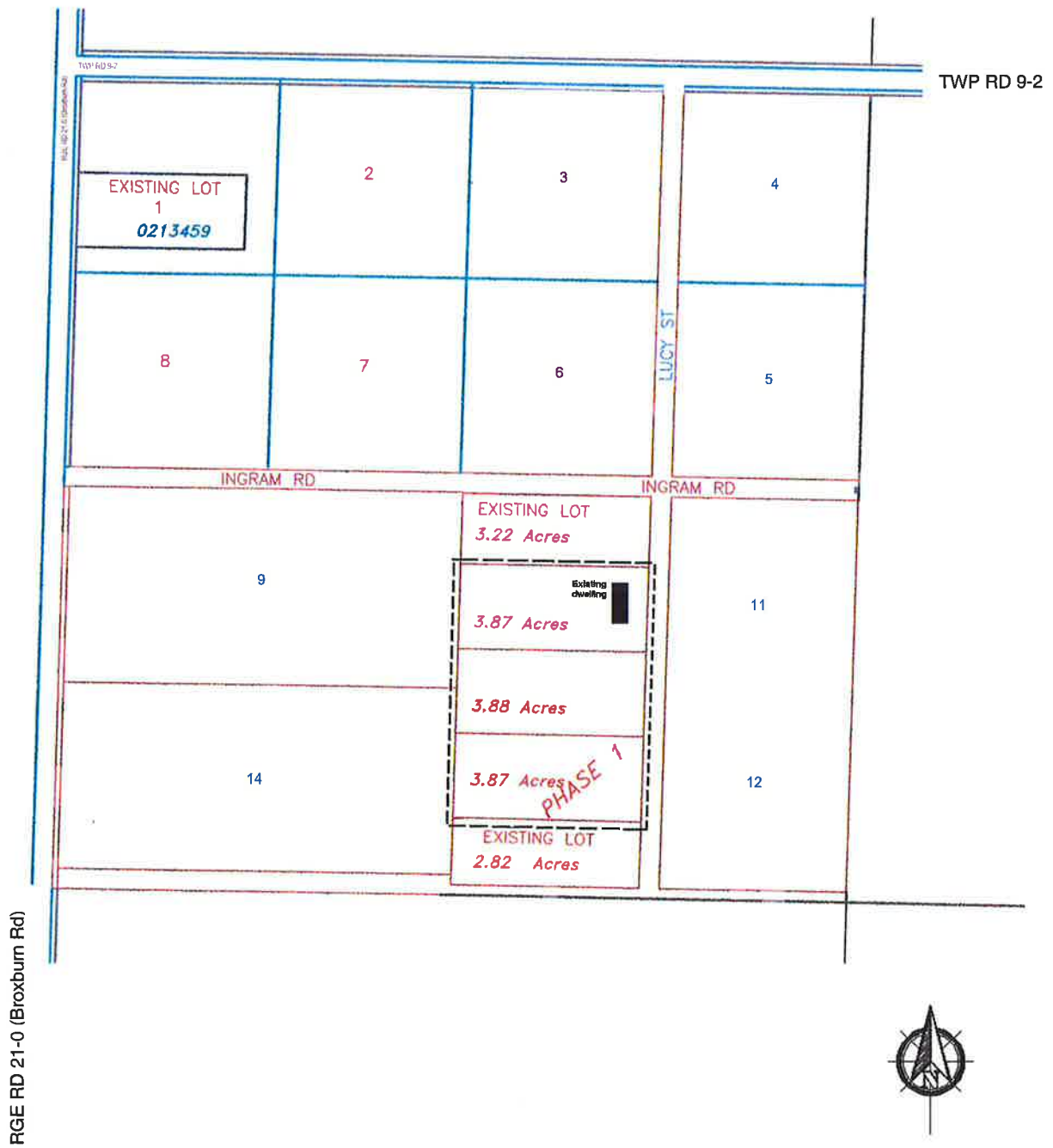


FIGURE 4.2

Design Scheme

NW¹/₄-7-9-20-W4

PHASE 2

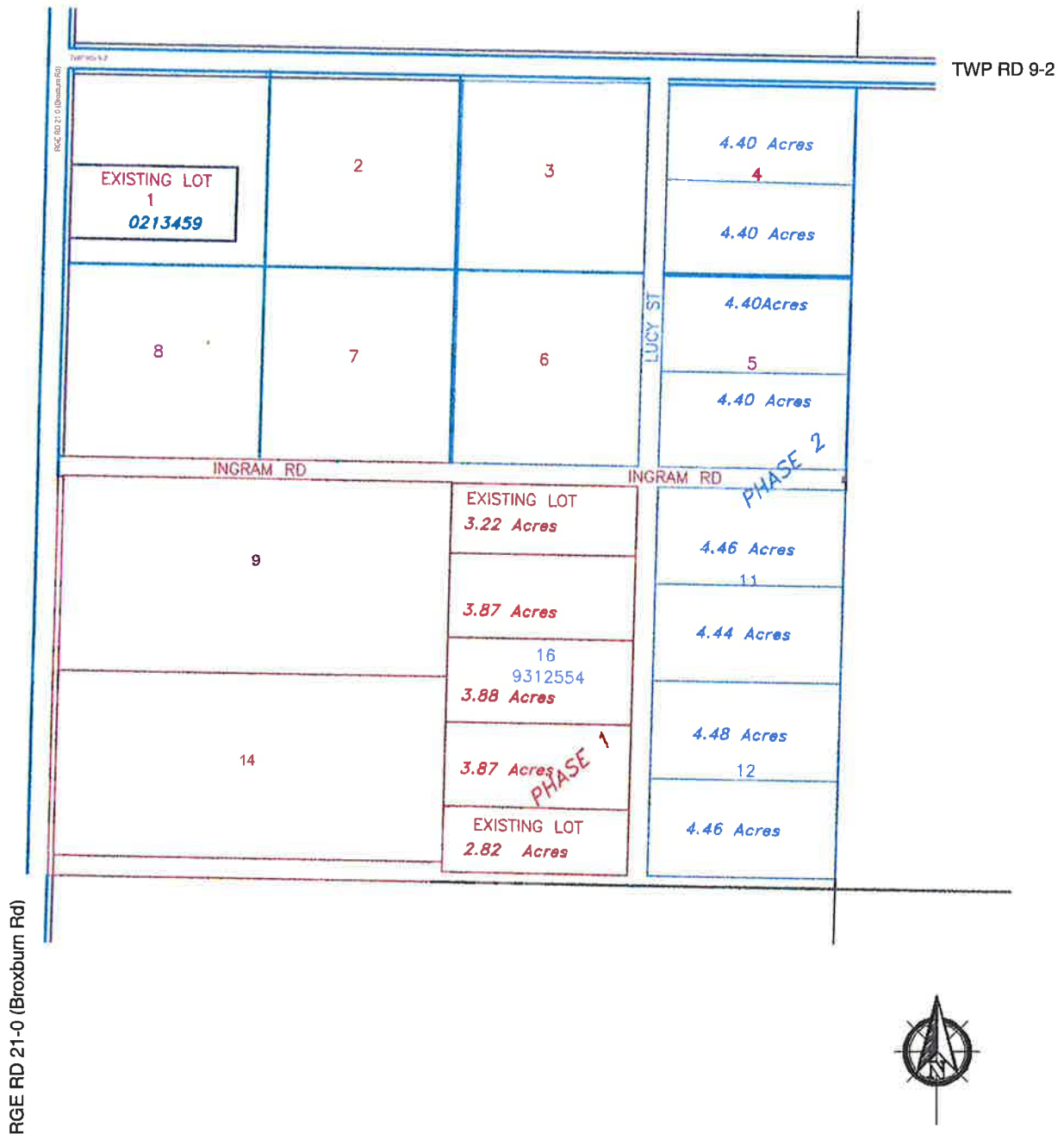


FIGURE 4.3

Design Scheme NW¹/₄-7-9-20-W4 PHASE 3

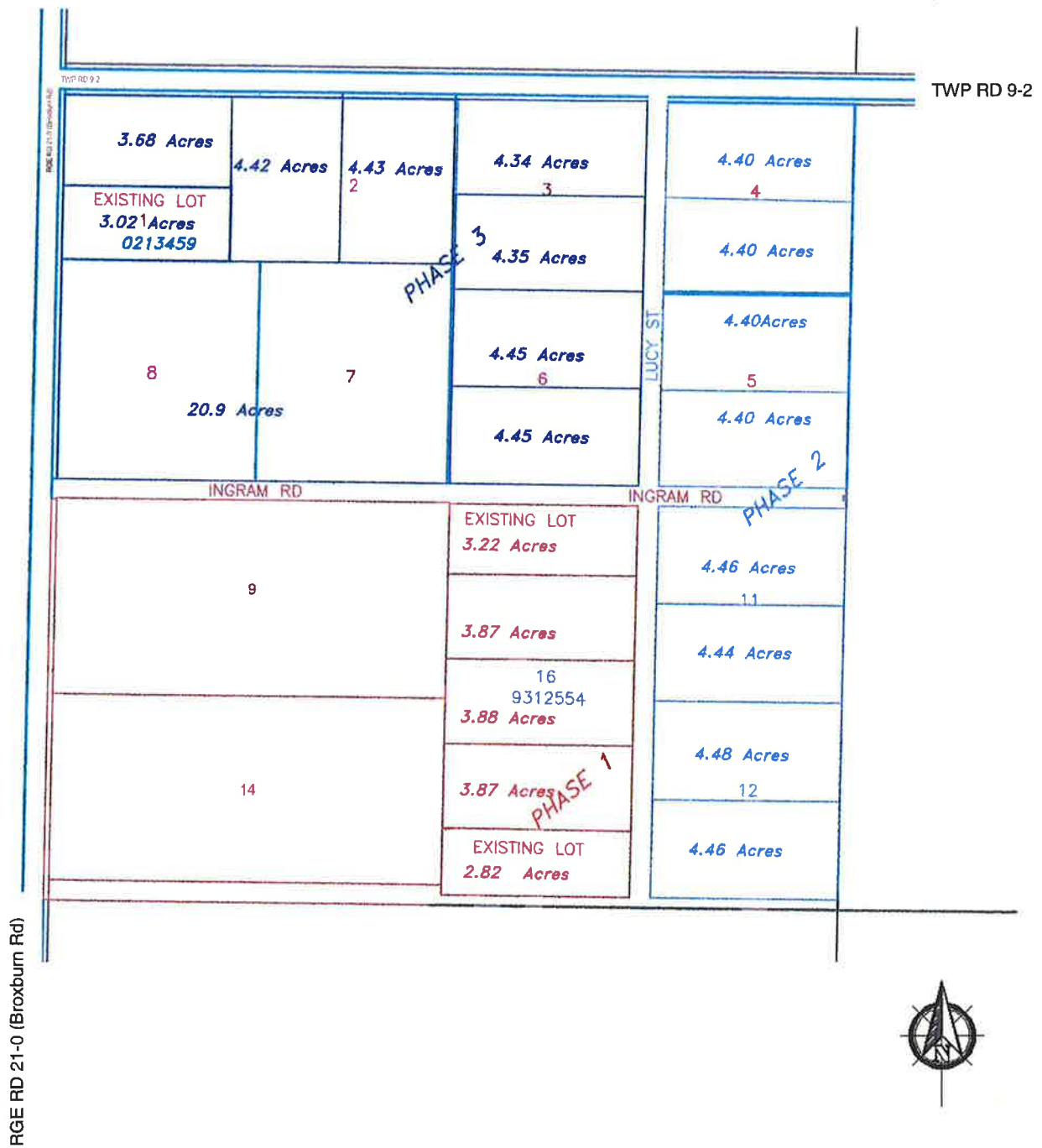


FIGURE 4.4

Design Scheme

NW¹/₄-7-9-20-W4

PHASE 4

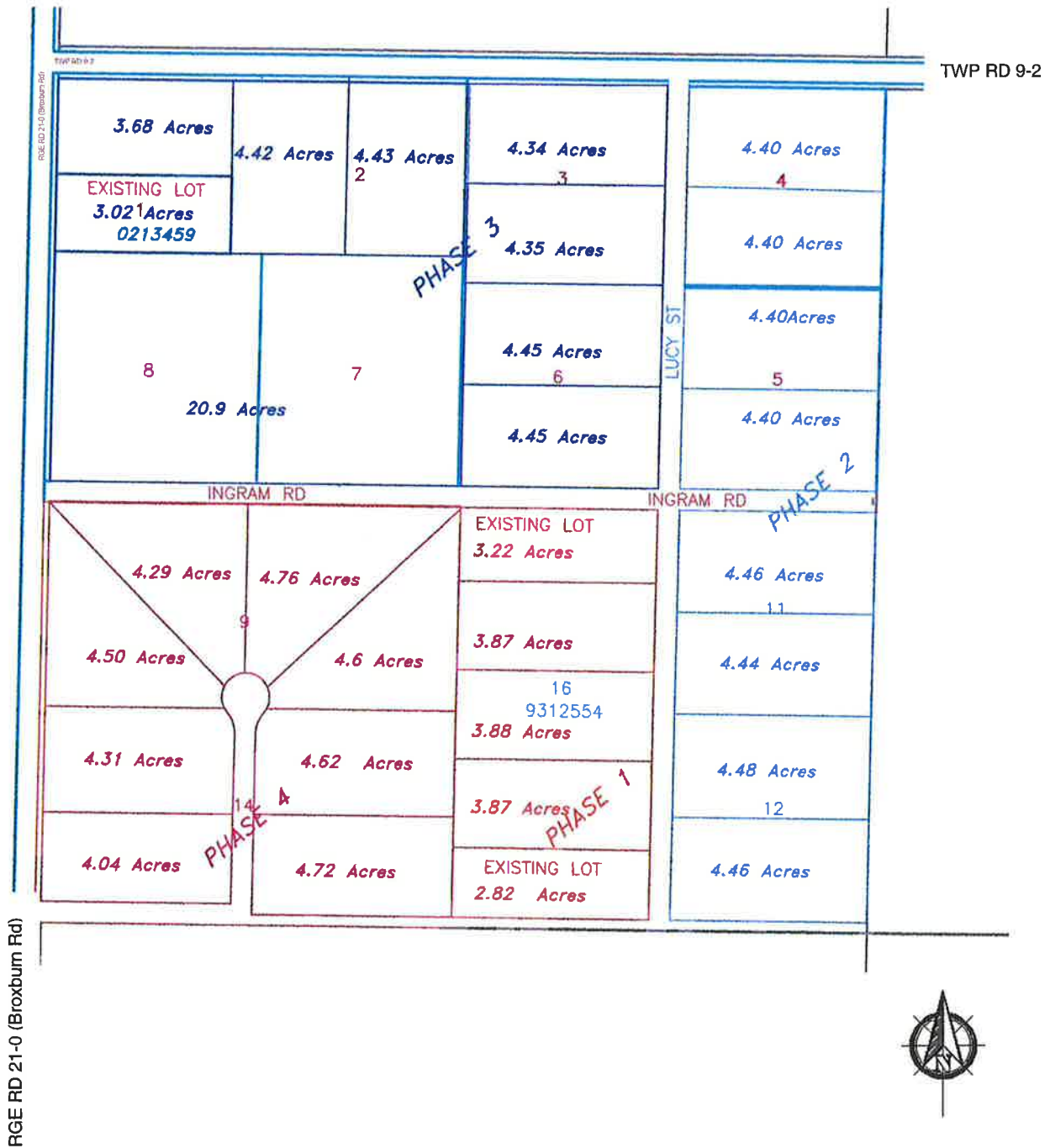
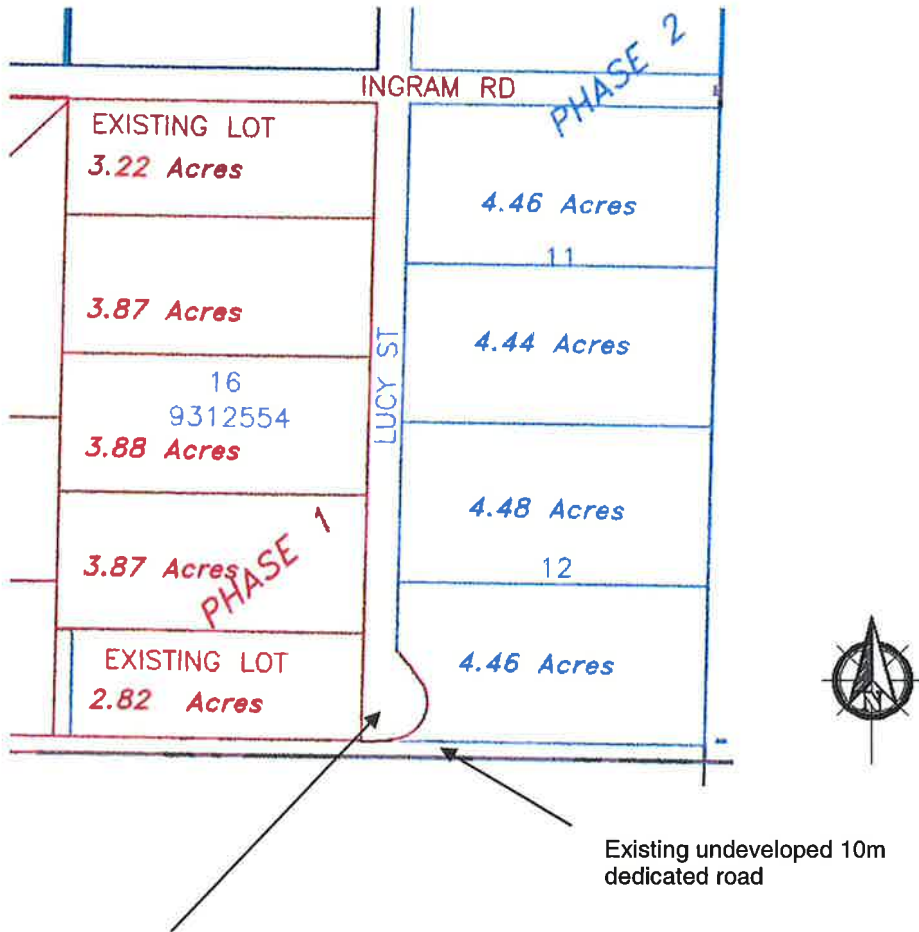


FIGURE 4a

Design Scheme

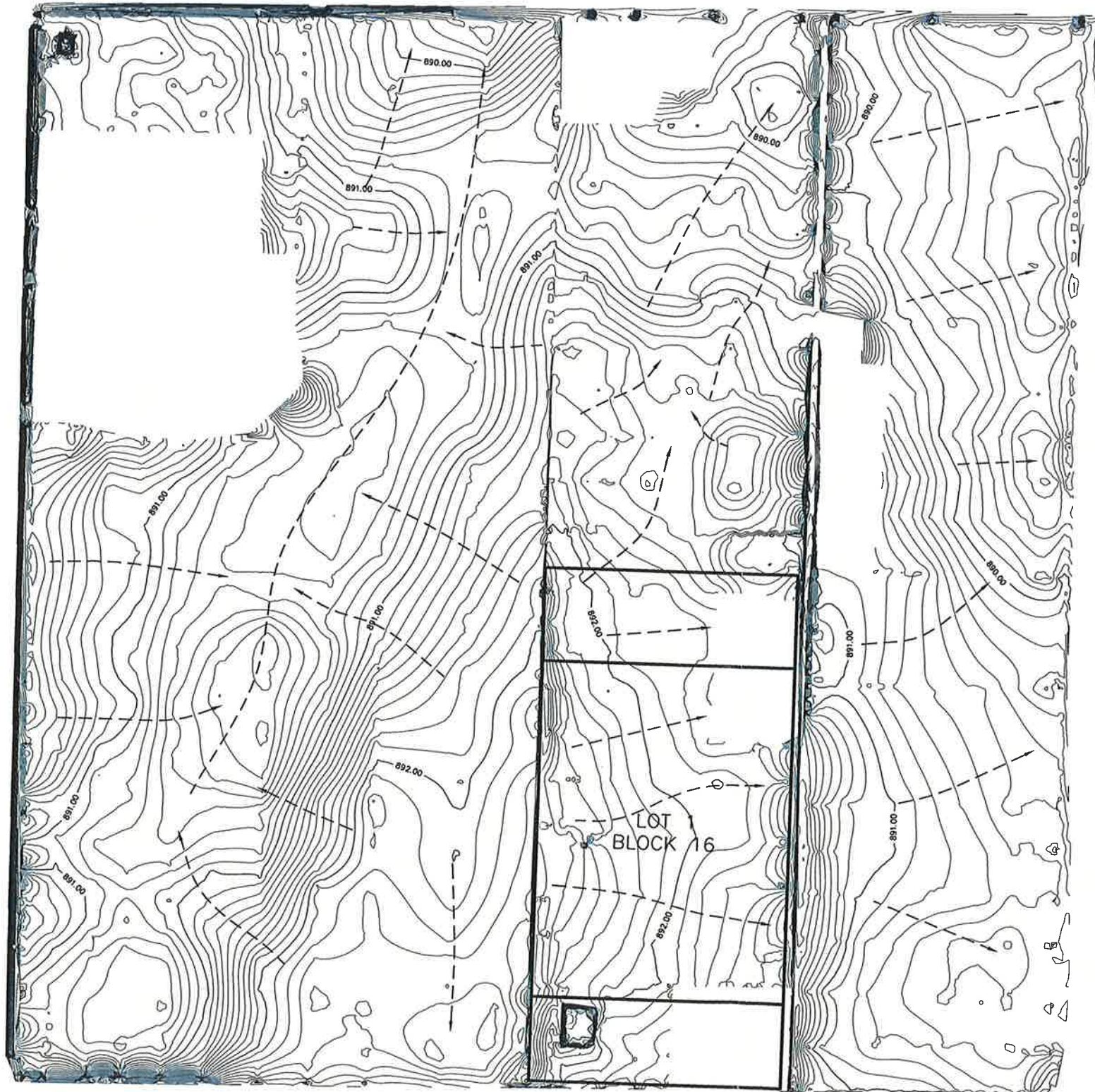
NW¹/₄-7-9-20-W4



Road Turnaround

If it is determined that the south 10 metre portion of road on the 1910 registered plan (Plan 4000AQ) is not needed to be developed for through access to the county road allowance, the design scheme could provide a temporary or permanent turnaround at the south end of Lucy Street for vehicles to legally and safely turnaround. This could be provided when phase 2 is developed, as determined and requested by the County of Lethbridge.

NW¼-7-9-20-W4



LEGEND

----- FLOW DIRECTION ARROW

ISSUE	DATE	REVISION DESCRIPTION
1	2FEB09	ADDED FLOW ARROWS & AREA OF INTEREST
0	23JN08	PRELIMINARY

WILDE BROTHERS
ENGINEERING LTD.
PERMIT TO PRACTICE
P08438



WILDE BROS. ENGINEERING LTD.
Welling, Alberta

DAN CHASE

DRAINAGE CONTOURS
NW¼-7-9-20-W4

DESIGNED: DJW	CHECKED: CJL
DRAWN: JPL	JOB: 3305
SCALE: 1:4000	DIMENSIONS: METERS
DATE: 2 FEBRUARY 2009	DRAWING No: 1



WILDE BROS. ENGINEERING LTD.

Box 49 Welling, Alberta T0K 2N0
Office: 403-752-0180 Fax: 403-752-0191



February 1, 2009

Dan Chase
RR8, Site 32, Comp 37
Lethbridge, Alberta T1J 4P4

RE: Parcel Survey Report Lot 1 Block 16
NW1/4-7-9-20-W4
Referenced Plan 9913377

Dear Dan,

As per your request, the natural drainage path in NW1/4 of 7-9-20 W4 is in the general north east direction.

The west half of NW 7-9-20 W4 has a natural low lying area that slopes to the north. The west boundary of Lot 1 Block 16 is a natural high point preventing drainage entering from the west.

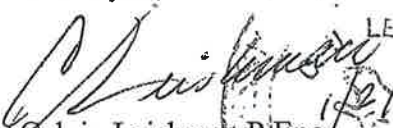
The west boundary of Lot 1 Block 16 is also the west boundary of the east half of NW 7-9-20 W4 (See attached drawing). From the west boundary of Lot 1 Block 16 the drainage flows eastward to Lucy Street and then north as shown on the contour map.

Relative to your proposal to subdivide two 3.87 acre lots off the existing 11.63⁺ acres of Lot 1 Block 16, there will be minimal drainage impact on surrounding properties (See drainage pattern on attached drawing). Because of the natural topography, the development of this property as proposed will not interfere with the existing natural drainage patterns.

Due to the property's small size, the total storm water runoff from this property is negligible.

Should you have any questions or concerns, please call.

Thank you,


Calvin Leishman P.Eng.
