

COUNTY OF LETHBRIDGE
IN THE PROVINCE OF ALBERTA

BY-LAW NO. 1251

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 Broxburn Business Park Ltd. wish to design and develop an Industrial Business Park on a portion of the North East Quarter Section 1, Township 9, Range 21, West of the Fourth Meridian (containing approximately 122 acres);

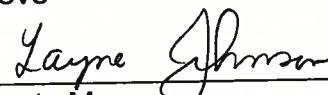
AND WHEREAS the majority of the above parcel is classified as Rural Grouped Industrial (R-G.I.) pursuant to Land Use By-Law #1211;

AND WHEREAS the Developer has submitted the "Broxburn Business Park Area Structure Plan" which will provide a framework for subsequent subdivision and development of the subject lands;

NOW THEREFORE BE IT RESOLVED that the Council of the County of Lethbridge does hereby adopt the "Broxburn Business Park Area Structure Plan" attached as Appendix "A".


GIVEN first reading this 6th day of November, 2003.

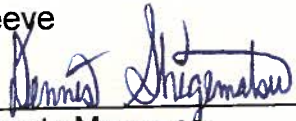


Reeve


County Manager

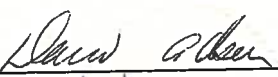
GIVEN second reading this 20th day of May, ~~2003~~ ²⁰⁰⁴

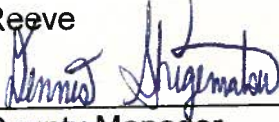


Reeve


County Manager
Director of Corporate Services

GIVEN third reading this 20th day of May, ~~2003~~ ²⁰⁰⁴



Reeve


County Manager
Director of Corporate Services

Broxburn Business Park

Area Structure Plan

County of Lethbridge No. 26

**Prepared for
Broxburn Business Park Ltd.**

**Prepared by
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E655-001-01-00**

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April 2004

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UMA Engineering Ltd. - Third Party Disclaimer

This report has been prepared by UMA Engineering Ltd. (“UMA”) for the benefit of the client to whom it is addressed. The information and data contained herein represent UMA’s best professional judgement in light of the knowledge and information available to UMA at the time of preparation. Except as required by law, this report and the information and data contained herein are to be treated as confidential and may be used and relied upon only by the client, its officers and employees. UMA denies any liability whatsoever to other parties who may obtain access to this report for any injury, loss or damage suffered by such parties arising from their use of, or reliance upon, this report or any of its contents without the express written consent of UMA and the client.

1.0 Introduction

1.1 PURPOSE

The purpose of Broxburn Business Park Area Structure Plan (ASP) is to establish a framework for the future subdivision and development of approximately 49.5 hectares (122.4 acres) of land adjacent to Highway 3 within the County of Lethbridge, Alberta.

The ASP is intended to create development opportunities for commercial and industrial users in a way that will respect the natural and developed conditions in the surrounding area.

This document has been prepared in accordance with Section 633 of the Municipal Government Act, and pursuant to the Act it describes the land uses, sequencing of development, population, and the general location of major roadway and utilities within the plans boundaries.

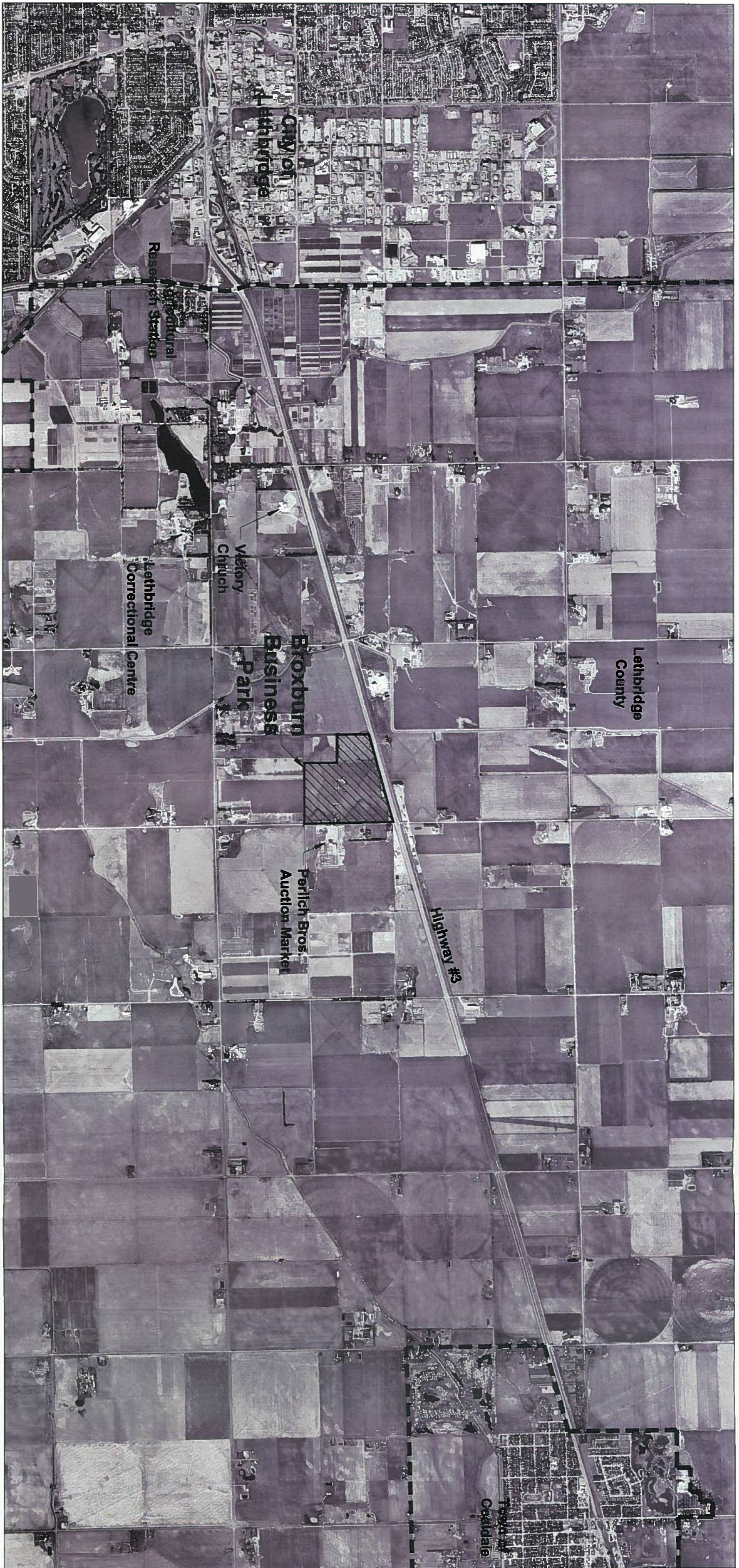
1.2 BACKGROUND

The ASP area is located within Coaldale-Lethbridge Corridor, a land use corridor on either side of Highway 3 that is reserved for industrial and commercial uses by County of Lethbridge's Municipal Development Plan. This designation recognizes development opportunities and pressures created by traffic flows on a major four-lane highway connecting the urban centres of Lethbridge and Coaldale.

1.3 LOCATION AND AREA

The ASP site is located approximately four kilometres east of the City of Lethbridge and five kilometres west of the Town of Coaldale (see Figure 1). The ASP area is strategically situated on the south of the Highway 3 right of way and to the west of Broxburn Road, Range Road 21-0. Access to Highway 3 is by Broxburn Road.

The ASP area has a combined area of 49.53 hectares (122.4 acres) located within the Northeast Quarter of Section 1, Township 9, Range 21, West of the Fourth Meridian.



Legend

----- Municipal Boundary

Broxburn Business Park
Area Structure Plan

Location Plan

1.4 PROPERTY OWNERSHIP

The ASP area comprises two individual land holdings as shown in Table 1 and graphically on Figure 2.

Table 1-1 – ASP Landownership

	Legal Description	Landowner	Certificate of Title	Area	Utility Rights-of-Way
1.	Pt NE 1-9-21-W4	Broxburn Business Park Ltd.	031 031 272 +1	43.46 ha	1) Canadian Western Natural Gas Co. re: Plan 6123JQ 2) Utility R-O-W - UtiliCorp 3) Utility R-O-W - Lethbridge Rural Water Assoc.
2.	Lot 2, Blk 1, Plan 021 4133	Revival of Canada Christian Ministries	031 068 569	6.07 ha	1) Canadian Western Natural Gas Co. re: Plan 6123JQ 2) Utility R-O-W – Telus 3) Utility R-O-W - Lethbridge Rural Water Assoc.
	TOTAL			49.53 ha	

Broxburn Business Park Ltd. is the owner of the majority of land with 87.7 percent of the total area.

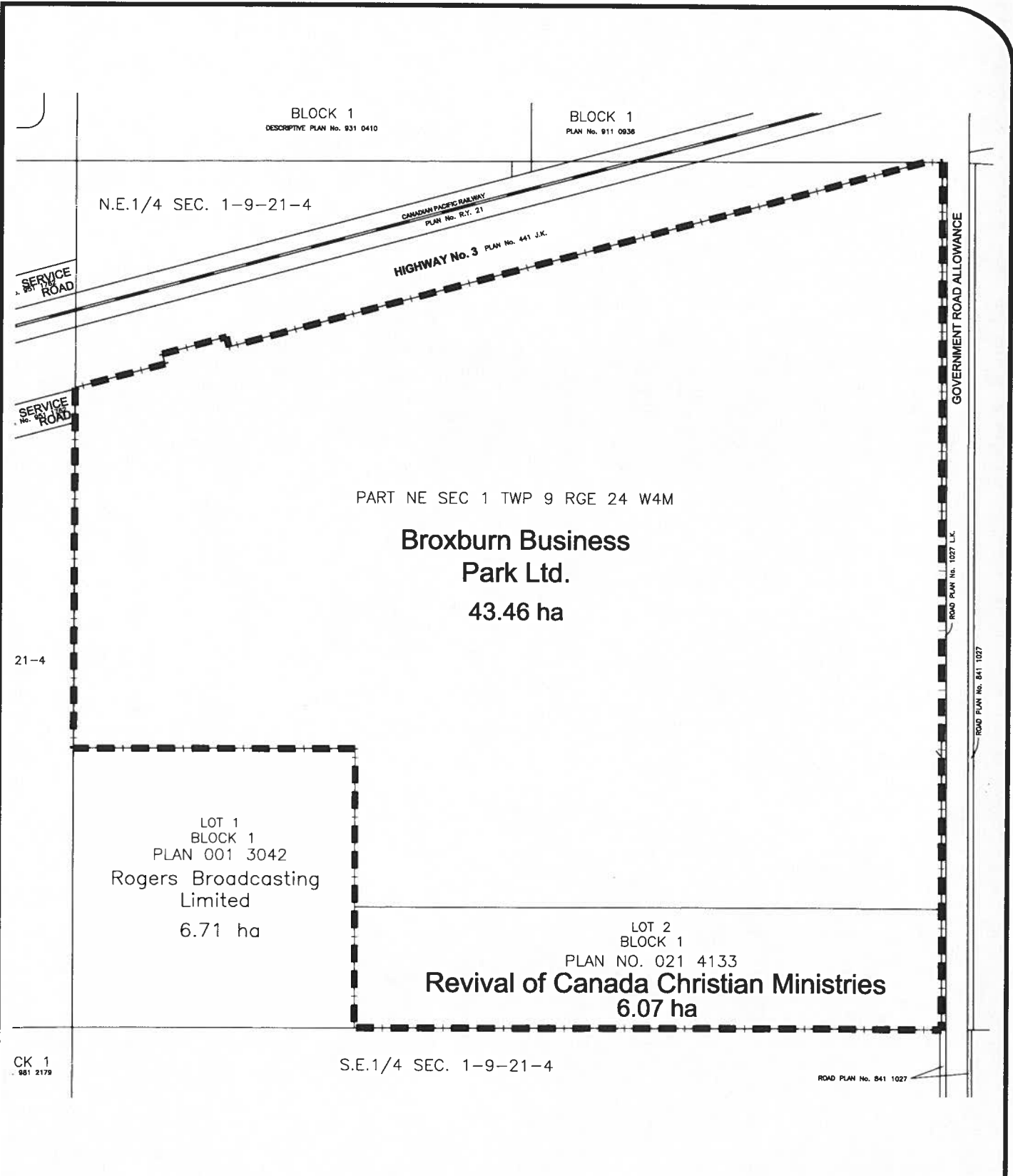
1.5 PLANNING POLICY CONTEXT

1.5.1 Municipal Government Act

An Area Structure Plan is authorized by Section 633 of the Municipal Government Act (MGA), Statutes of Alberta, 1994, Chapter M-26.1. It is a statutory plan to be used in association with a Municipal Development Plan and Land Use Bylaw for facilitating subdivision and development of land within a municipality. Section 638 of the MGA requires that an ASP must describe:

- sequencing of development;
- proposed land uses, either generally or specifically;

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Broxburn Business Park Area Structure Plan

Legend
 - - - - - Plan Area Boundary

Land Ownership

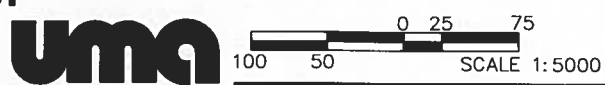


Figure - 2

- population density;
- the general location of major transportation and public utilities; and
- any other planning matters that Council may consider necessary.

Pursuant to Section 633 of the MGA, all statutory planning documents adopted by the County must be consistent with each other. The County's Municipal Development Plan (MDP) is the only statutory document that affects the subject lands. Therefore this ASP must be consistent with the MDP.

1.5.2 Existing County Land Use Policy

Municipal Development Plan

The County of Lethbridge Municipal Development Plan, Bylaw No. 1190, as amended, sets out goals and policies for the coordination of orderly growth and development in the County. The MDP recognises agriculture as the prime use of land, but provides for non-agricultural uses that would have no negative impacts on the County.

The MDP also requires that an ASP be prepared where a subdivision will create more than four parcels and public roadways. This requirement provides the rationale for an ASP for the subject property.

The MDP provides two land use designations for the ASP area, as follows:

- 1) the northern portion of the ASP area is designated as part of the Coaldale-Lethbridge Corridor by Map 2, the *Municipal Development Plan Guide Map* and Map 3, the *Coaldale-Lethbridge Corridor*. This designation is to "Promote Industrial Commercial Uses - Policy 4.1.14".
- 2) the southern portion of the ASP area is designated as "Areas Primarily Designated For Agriculture" on Map 2 - *Municipal Development Plan Guide Map*.

Commercial and industrial uses are permitted by the MDP on lands considered to be good quality agricultural land (Policy 4.1.14). The MDP encourages these uses to locate in the areas shown on Map 3, *Coaldale-Lethbridge Corridor* to take advantage of the available transportation systems (Policy 4.1.15).

Policy 4.2.1 and 4.2.3 of the MDP provide further direction regarding the Coaldale-Lethbridge Corridor. Policy 4.2.1 provides the rationale for the Corridor as it is subject to development pressure related to the four-lane highway, population density and traffic flows. Policy 4.2.3 specifically states that the Corridor will be reserved for industrial and commercial uses.

Land Use Bylaw

The County of Lethbridge Land Use Bylaw No. 1211 defines land use districts, permitted and discretionary uses for each district, and regulations for subdivisions, developments, landscaping and parking.

The northern two-thirds of NE Section 1-9-21-W4 is classified as Rural Grouped Industrial (RGI) district. The lands in Lot 2, Block 1, Plan 021 4133 are designated Rural Agriculture (RA) district.

2.0 Existing Conditions

The land use concept proposed for the development of this area is influenced by the consideration of the existing natural and man-made environmental. Existing site conditions are discussed below and this analysis provides the context for the land use concept in Section 3.

2.1 NATURAL FEATURES

2.1.1 Topography and Drainage

The subject lands are generally level with a gentle downward gradient from the southeast to northeast at an average slope of 0.4 percent (Figure 3). The lands are at their highest elevation of approximately 898.0 m above sea level in the southwest corner of the quarter section, and 893.0 m in the northeast corner. This represents a difference in elevation of approximately 5.0 m.

The existing drainage pattern follows the major topographical gradient from southwest to northeast.

2.1.2 Soils

In July 2003, UMA Engineering Ltd. performed a geotechnical investigation to assess subsurface conditions with respect to the design and construction of the proposed development.

This investigation consisted of an analysis of three subsurface test holes. The results indicated that soils on site consist of a medium plastic clay till, which is silty and sandy with traces of gravel. Occasional medium to high plastic soils were noted. The consistency of the soils was stiff to very stiff, and moisture content was generally uniform with depth having average moisture content of 21.2 percent. Groundwater levels measured for the three test holes were: i) dry; ii) 2.0 m below surface; and iii) 3.5 m below surface.

2.1.3 Environmental Resources

Environmentally significant areas within the County were mapped in 1985 as shown in Appendix 3 of the Municipal Development Plan. A review of these maps indicates that the ASP area is some distance from the identified significant natural areas, environmental hazards, prehistoric sites, and paleontological sensitive zones.

2.2 EXISTING LAND USE AND ACCESS – SITE AND SURROUNDINGS

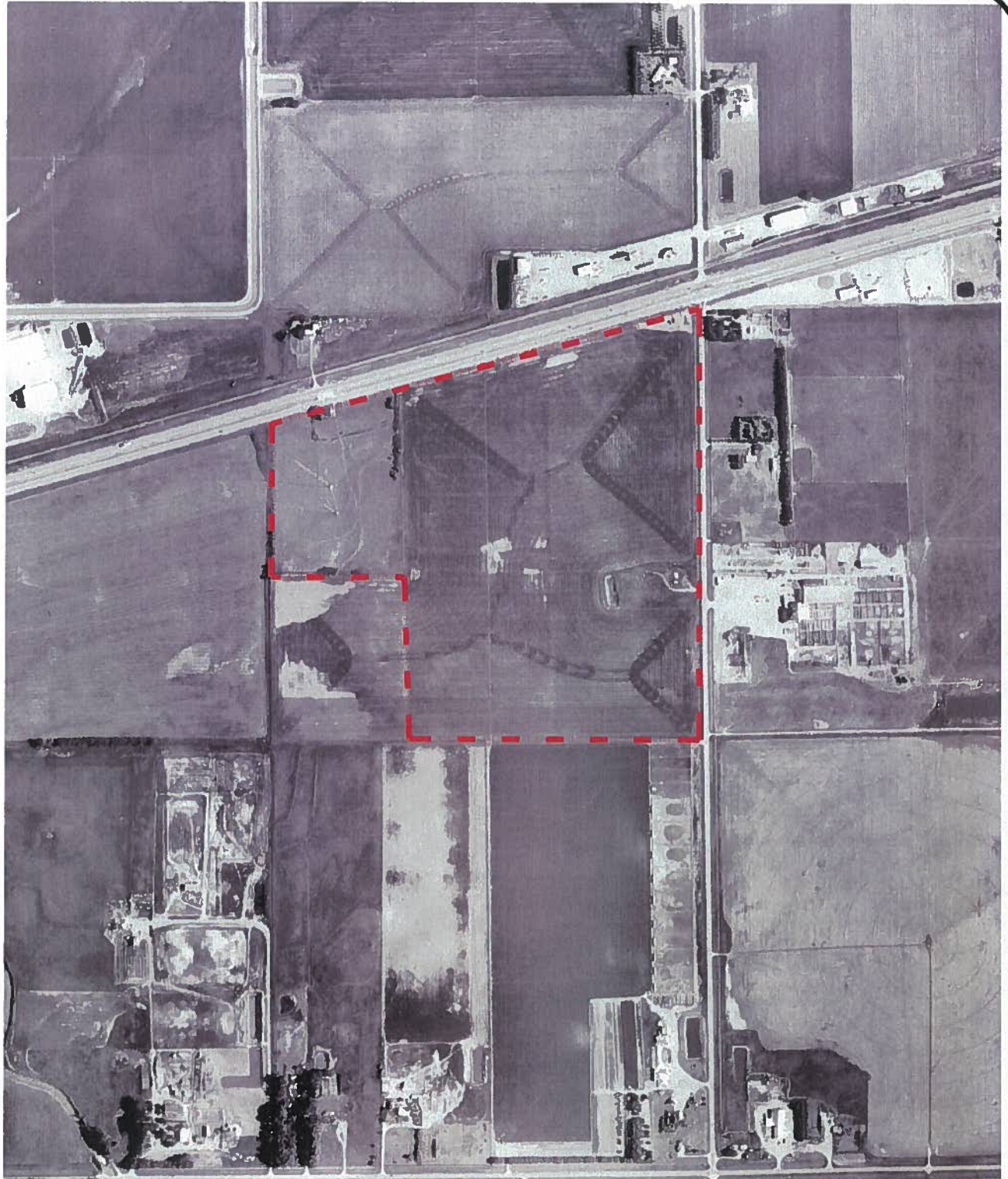
Existing land use within the ASP area is primarily cultivated agricultural land, with a small fenced area for storage of recreation trailers (Figure 4). Neither of these existing land uses would conflict with the land use concept.

An existing 61 metre (200 foot) radio tower supported by guy wires is located to the southwest of the ASP area on a residual parcel of land within the same quarter section. The roadways to be built as part of the development concept will provide legal access to the site to replace the existing access.

Broxburn Road (Range Road 21-0) is a two-lane paved municipal road with a rural cross-section located along the east side of the quarter section. Highway 3 is a four-lane divided provincial highway running along the north side of the ASP area. Broxburn Road and Highway 3 intersect at the northeastern limit of the ASP area. Access to Highway 3 will be via Broxburn Road

The surrounding land use is primarily agricultural and industrial. A large auction facility is located immediately to the east. Farmsteads are distributed throughout the surrounding area.

Land use districting for most of the ASP area is Rural Grouped Industrial (RGI). A recent Land Use Bylaw amendment re-districted the southern part of the ASP area to Rural Agriculture (RA) to permit a religious facility. The industrial designation has existed for some time. Abutting properties on all sides of the subject area, including north across Highway 3, are in the Rural Agricultural District (RA), and consist of either agricultural or commercial uses.



**Broxburn Business Park
Area Structure Plan**

Legend

--- Plan Area Boundary

...

Existing Land Use

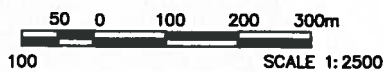


Figure - 4

2.3 EXISTING SERVICING INFRASTRUCTURE AND UTILITIES

Treated municipal water is not currently available to the site. The nearest source of water is the St. Mary River Irrigation District irrigation canal located about 40 metres to the southeast of the site.

Power lines run along both the north and east property lines.

Natural gas and telephone are extendable to the site.

3.0 Planning Concept

3.1 AREA STRUCTURE PLAN GOALS

The goals of the Area Structure Plan incorporate County policies, environmental and site influences, and landowner and community input.

Specifically, the goals of this Area Structure Plan are:

1. to ensure land development in an orderly manner that respects highway access, site services, and efficient use of land for compatible uses;
2. to provide a supply of partially serviced lands for a variety of commercial and industrial uses for the benefit of County residents;
3. to optimise the advantages of a location along major roadways within the Coaldale-Lethbridge Corridor; and
4. to provide a planned industrial park that respects adjacent land uses and benefits from its proximity to Highway 3.

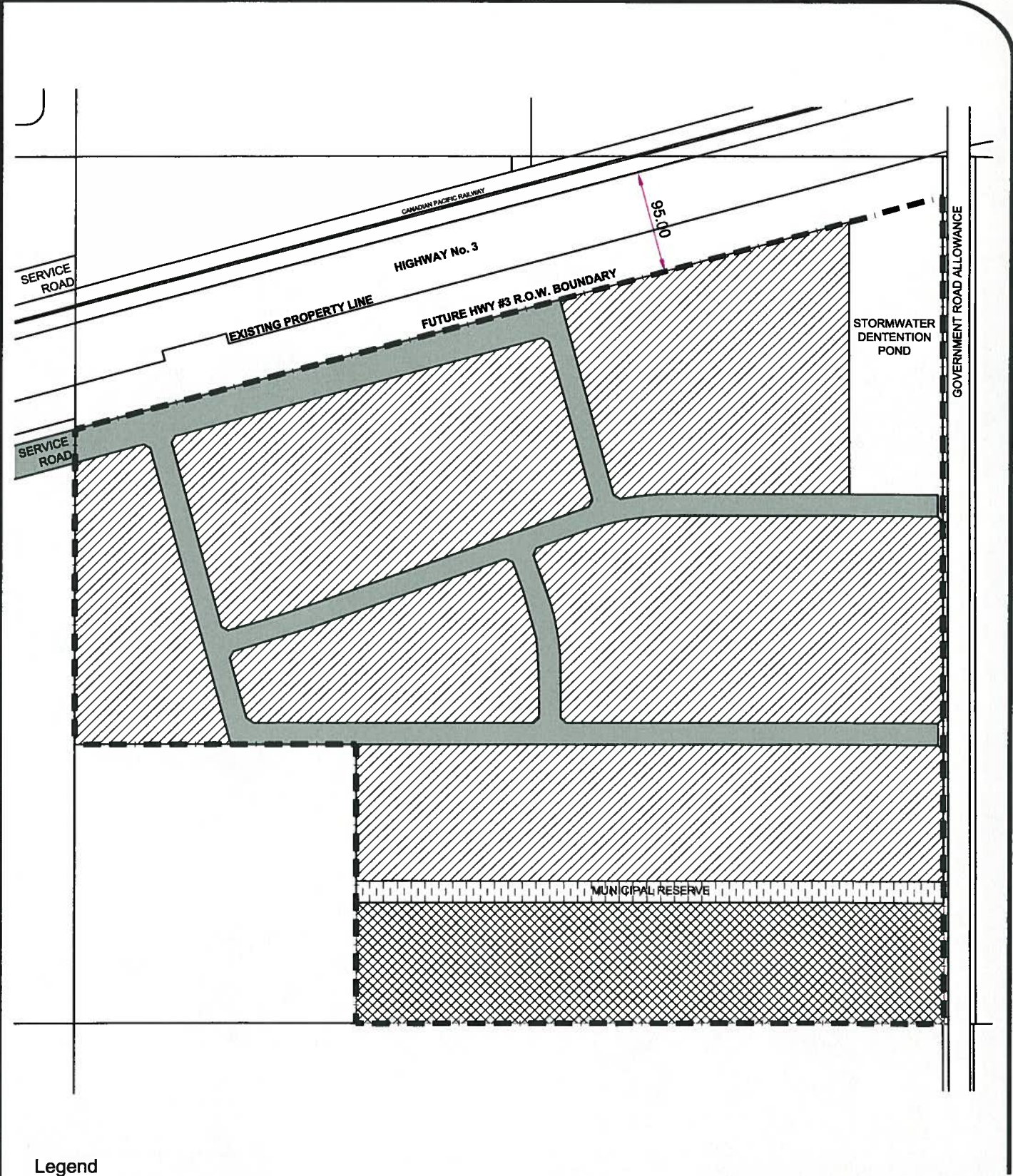
3.2 LAND USE CONCEPT







3.2.1 General

The Land Use Concept for the ASP area is illustrated in Figure 5. The concept provides for a cluster of commercial and industrial land uses within a new business park at a prominent and accessible location within the Coaldale-Lethbridge corridor. The concept provides opportunities for parcels of varying sizes to suit the specific needs of many businesses. Clustering of businesses in one area is seen as being preferable to a dispersed pattern of individual sites. The clustered approach will also result in more efficient provision of transportation and servicing infrastructure. The concept also provides a future Highway 3 R.O.W. boundary, as requested by Alberta Transportation.

The allocation of land by various land uses is shown on Table 3-1. The following sections deal with each aspect of the Land Use Concept in further detail.

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- Legend**
-  Plan Area Boundary
 -  Commercial / Industrial Use
 -  Institutional Use
 -  Road - Asphalt
 -  Municipal Reserve
 -  Stormwater Management Facility

**Broxburn Business Park
Area Structure Plan**

Land Use Concept

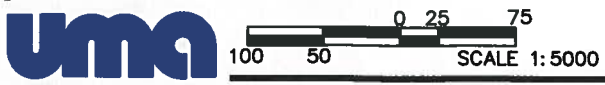


Figure - 5

Table 3-1: Broxburn Business Park ASP Land Allocation

Land Use	Hectares	Percentage of Developable Area
Gross Developable Area	49.53	
Arterials	0.00	
ER	0.00	
Future Highway 3 R.O.W.	3.35	
Sub-total	3.35	
Net Developable Area	46.18	
Commercial Industrial	31.32	67.8%
Institutional	6.07	13.1%
Municipal Reserve	1.08	2.4%
Stormwater Management/Public Utility	2.30	5.0%
Circulation	5.41	11.7%
Totals	49.53	100.0%

3.2.2 Commercial and Industrial Land Use

Commercial and industrial land use will be the predominant use of land within the Broxburn Business Park, comprising 31.32 hectares, or 67.8 percent of the total ASP area. Parcel sizes may vary to meet the needs of individual businesses, in conformity with the standards of the Land Use Bylaw and subdivision regulations.

Portions of ASP extend beyond the Coaldale-Lethbridge Corridor as identified in Map 3 of the Municipal Development Plan. These areas are contiguous with designated areas and create a cohesive planning unit that is viable as a business node. Therefore this extension of commercial and industrial use is felt to be consistent with the MDP policy of providing commercial industrial lands in the Coaldale-Lethbridge Corridor.

3.2.3 Institutional Land Use – Religious Facility

The ASP area includes a 6.07 ha (15.0 ac) parcel along the southern portion of the ASP area. This site is intended for a religious facility.

3.2.4 Municipal Reserve

The Municipal Government Act and the County's Municipal Development Plan provide for the dedication of up to ten percent of the developable portion of a parcel of land. This dedication may be taken as land, money in place of land or a combination of the two. Municipal reserve may be used for parks, recreation or school purposes, or to "separate areas of land that are used for different purposes" as stated in Section 671(2) of the Municipal Government Act.

The Land Use Concept designates a buffer of municipal reserve to separate the commercial/industrial park from the religious facility site to the south. The proposed municipal reserve will be 1.08 ha (2.67 ac) in extent, comprising 2.2 percent of the ASP area. The balance of municipal reserve dedication may be given as money in lieu of municipal reserve, as the dedication of land for parks, recreation or school uses would not serve a useful function.

3.2.5 Transportation and Circulation

The Land Use Concept provides two points of access/egress from the site to Broxburn Road, which in turn provides access to Highway 3. The internal roadway system provides access to and from all parcels. Internal roadways will have a rural cross-section with an asphalt surface and swale ditches.

A frontage road parallel to Highway 3 provides a location for land uses requiring higher visibility from the highway. No direct access from the service road to Highway 3 will be provided. The service road may be extended west to Range Road 21-1 at some time in the future to provide additional western access.

Alberta Transportation has requested that a Traffic Impact Assessment (TIA) be completed for the intersection of Highway 3 and Broxburn Road. A TIA has been completed and submitted to Alberta Transportation. Alberta Transportation has completed a preliminary review of the TIA and will grant ministerial approval to the ASP.

To ensure that the needs of Alberta Transportation will be met, written acceptance of the TIA document and its recommendations will be required from Alberta Transportation prior to final subdivision approval by the County of Lethbridge.

3.2.6 Stormwater Management Facility

A stormwater detention pond will be located on an approximate 2.30 ha (5.68 ac) 'rectangular' shaped parcel in the northeast corner of the site, which is the lowest point on the lands. The recommended size and location for this facility follow the recommendations of the *Broxburn Business Park Stormwater Management Plan* prepared by UMA Engineering Ltd. in September 2003.

3.2.7 Visual Appearance

This site is visible from Highway 3 and it is desirable to provide a reasonable level of aesthetic quality.

The County's Land Use Bylaw provides for landscaping and screening in Schedule 6, Section 12. The Bylaw provides that the Development Officer may require landscaping and screening requirements to improve the visual quality of any proposed development or to ensure its compatibility with nearby uses.

The proponent's business will be located at a prominent location in the northeast corner of the ASP area. A desirable visual image is an important part of the marketing strategy. The proponent may also consider providing architectural controls or guidelines for those properties that are readily visible from Highway 3.

4.0 Utility Infrastructure

4.1 WATER DISTRIBUTION SYSTEM

The primary source of irrigation and utility water available to the development is the St. Mary River Irrigation District canal located south of the site. This option would require a pump station at the canal and a pipeline to transport the water to a reservoir on the site.

Storage requirements for the site can be accomplished through the construction of a 6 - 10 Million gallon earth reservoir. The exact size and location of the reservoir can be finalized during the final design stage of development. The pipeline from the canal would discharge into the reservoir. A pump house and pump station would be required at the reservoir to provide the water distribution requirements.

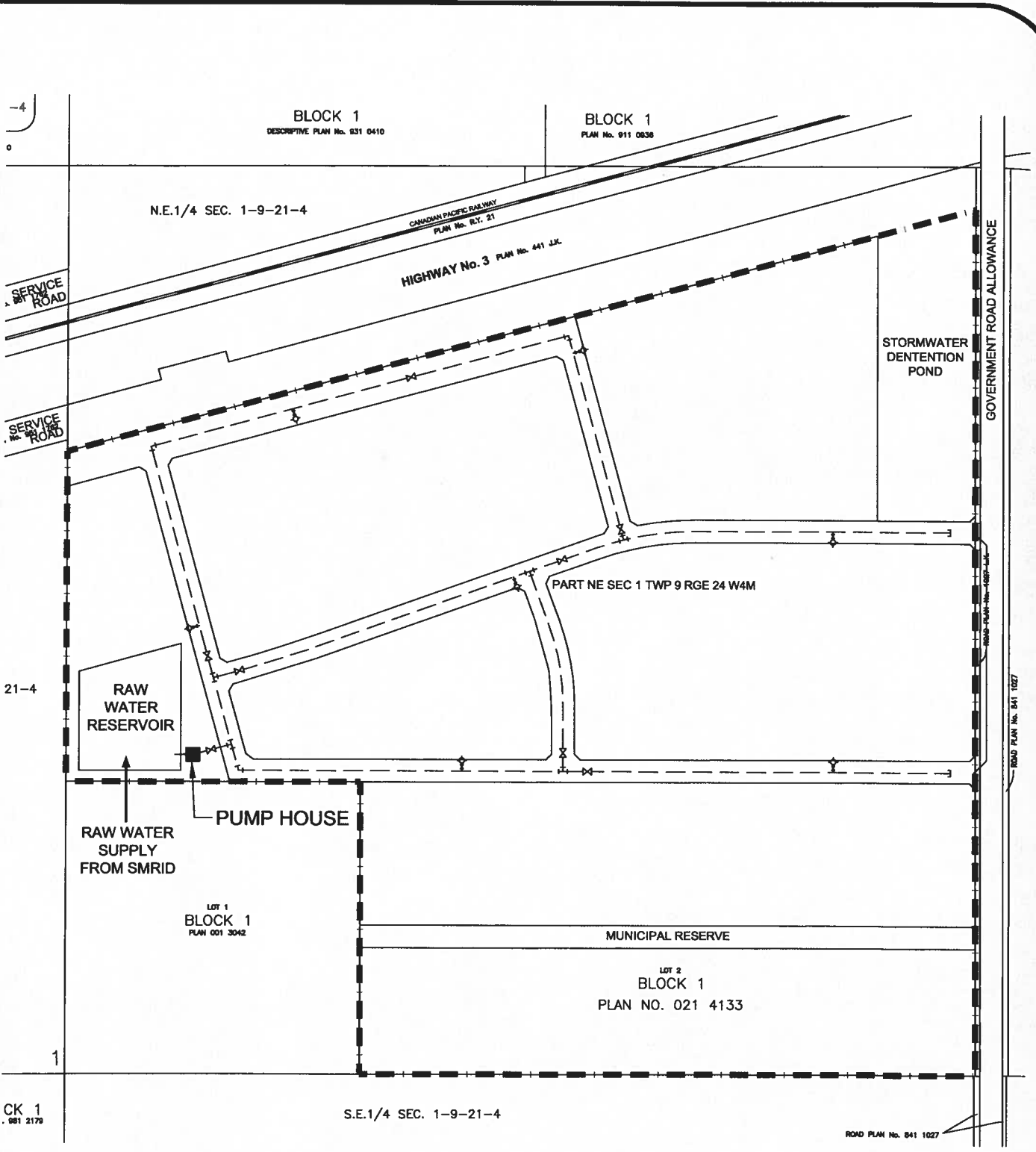
A pipe distribution system aligned with the road network, with service to the property line or easement line, would supply raw water to the lots. This service would be used to satisfy the irrigation and utility requirements of the lots. The distribution system is shown schematically on Figure 6.

The storage reservoir and distribution system would also be sized to handle the fire protection requirements. The minimum requirements for fire protection, as discussed with the Coaldale Fire Department, are a 200 mm diameter distribution line with dry hydrants located through out the site. The required spacing of the hydrants is such that no property is more than 185 m from a hydrant.

The potable water requirements may be provided through negotiations with The County of Lethbridge Rural Water Association, The County of Lethbridge and the City of Lethbridge. An alternative solution would be to purchase potable water directly from The County of Lethbridge and haul it to the site. Each lot will require a storage cistern and pressure system to satisfy its potable water needs.

Other options for potable water (such as treatment of raw water) are available and will be reviewed during the design process.

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Legend

- Plan Area Boundary
- Distribution Water Line
- Raw Water Line
- Valve X
- Tee T
- Elbow r
- Hydrant c/w Valve H

**Broxburn Business Park
Area Structure Plan**

Water Distribution Concept

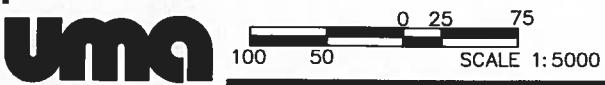


Figure - 6

4.2 SANITARY SEWER SYSTEM

Sanitary sewer systems within Broxburn Business Park will be determined on a site specific basis. Various options may include: septic fields, mounded septic fields or pump-out tanks. Review and testing (i.e. percolation tests) of individual lots will be required to determine if septic fields will be a viable option. Where percolation test results show that a conventional septic system will not work, a modified mounded septic system may be required to meet the applicable guidelines. In other instances a pump-out tank system will be required to handle the sanitary sewer requirements.

4.3 STORMWATER MANAGEMENT

UMA Engineering Ltd. prepared a report, named the *Broxburn Business Park Stormwater Management Plan, September 2003*, to address stormwater management for the plan area based on the Land Use Concept. Broxburn Business Park will be serviced with an overland storm drainage system consisting of ditches, swales and a dry detention pond, all designed to accommodate the 1 in 100 year runoff.

The proposed drainage system will be designed to reduce the drainage impact of development by reducing the post development peak flows to the pre-development levels for the 1 in 5 year 4-hour storm. This will be accomplished by provision of a stormwater detention pond located in the northeast corner of the developed area, and being approximately 2.3 ha (5.68 ac) in area.

The pond will discharge to the Highway 3 ditch west of Broxburn Road. The maximum discharge from the pond will be equal to the 1 in 5 year pre-development runoff rate for the Broxburn Business Park, equal to 0.54 m³/s. Runoff from the developed area during lesser rainfall events will also be mitigated as a result of the detention pond.

4.4 SHALLOW UTILITIES

Franchise utilities including power, natural gas and telephone service are available from extension of existing nearby facilities.

Power, gas and telephone lines will be located within the road rights-of-way unless there is a strong reason for their placement in easements on private land.

5.0 Implementation

5.1 SUBDIVISION AND DEVELOPMENT PROCESS

Following adoption of the Area Structure Plan, implementation of the plan on a stage-by-stage basis will be achieved through the creation of land parcels and rights of way through the subdivision process. The site has already been given the appropriate designation under the Land Use Bylaw. The respective responsibilities of the developer and the County will be defined in the development agreements that are required as a condition of subdivision approval. Following construction of required roads and infrastructure, development permitting to individual landowners will constitute the final stage of the development process prior to construction.

5.2 DEVELOPMENT STAGING

Development will be in a staged manner that will reflect both market conditions and the logical extension of roadways and infrastructure. Development will likely commence in the northeast corner, then proceed to the west and south as determined by market demand.