

LETHBRIDGE COUNTY

CHINOOK INTERMUNICIPAL SUBDIVISION & DEVELOPMENT APPEAL BOARD

April 26, 2024

1:30 pm

Hearing No. DPA 2024-034

Appellant / Applicant: Travis Dekok

LIST OF EXHIBITS

- A. Notice of Hearing and Location Sketch Map
- B. List of Persons Notified
- C. Letter of Appeal
- D. Notice of Decision DPA 2024-034
- E. Application Deemed Complete Email
- F. Development Permit Application 2024-034
- G. Circulation Response Letters
- H. Site Photos
- I. Excerpts from Lethbridge County Land Use Bylaw 1404
- J. Excerpts from Lethbridge County MDP Bylaw 22-001

LETHBRIDGE COUNTY
CHINOOK INTERMUNICIPAL SUBDIVISION AND
DEVELOPMENT APPEAL BOARD

NOTICE OF SUBDIVISION AND DEVELOPMENT APPEAL BOARD HEARING
Development Permit No. DP 2024-034

THIS IS TO NOTIFY YOU THAT IN ACCORDANCE WITH SECTION 686 OF THE MUNICIPAL GOVERNMENT ACT, REVISED STATUTES OF ALBERTA, 2000, CHAPTER M-26, AS AMENDED, A PANEL OF THE INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD WILL HEAR AN APPEAL OF A DECISION BY THE:

Development Authority of Lethbridge County
with respect to Development Permit Application DP 2024-034

APPELLANT/APPLICANT: Travis Dekok

LEGAL DESCRIPTION: Lot 1. Block 1, Plan 8910882 within the SW16 10-20 W4M
(SUBJECT PROPERTY) (102005 RR 204, Lethbridge County)

PROPOSAL: Home Occupation 3 (Metal Fabrication and Welding) and Addition to Existing Accessory Building (Quonset) with Setback Waiver from Municipal Road ROW

DECISION: Refused with reasons

PLACE OF HEARING: Lethbridge County Administration Office
Council Chambers
#100, 905 4th Avenue, Lethbridge

DATE OF HEARING: Friday, April 26, 2024

TIME OF HEARING: 1:30 P.M.

PROCEDURES PRIOR TO THE HEARING:

1. **Provide Written Submissions** - The Appeal Board encourages all hearing participants to submit presentations, letters, and comments to the Board prior to the hearing. It is preferred that written material is emailed to the Board Clerk, ideally in a PDF format, in 1 file. Please contact the Clerk with your written submissions, which will be accepted until **12:00 pm (Noon) on April 24, 2024.**

EMAIL: gavinscott@orrsc.com

MAIL: **Gavin Scott, Board Clerk**
Oldman River Regional Services Commission
3105 – 16th Avenue N., Lethbridge, Alberta T1H 5E8

If you are bringing information to the hearing for submission, you are required to supply 12 copies.

2. **Exhibit Viewing** - The initial appeal exhibit package will be posted on the ORRSC website at www.orrsc.com. Any additional submissions submitted up to April 22, 2024, will be posted to the website prior to the hearing.

DATE: April 5, 2024



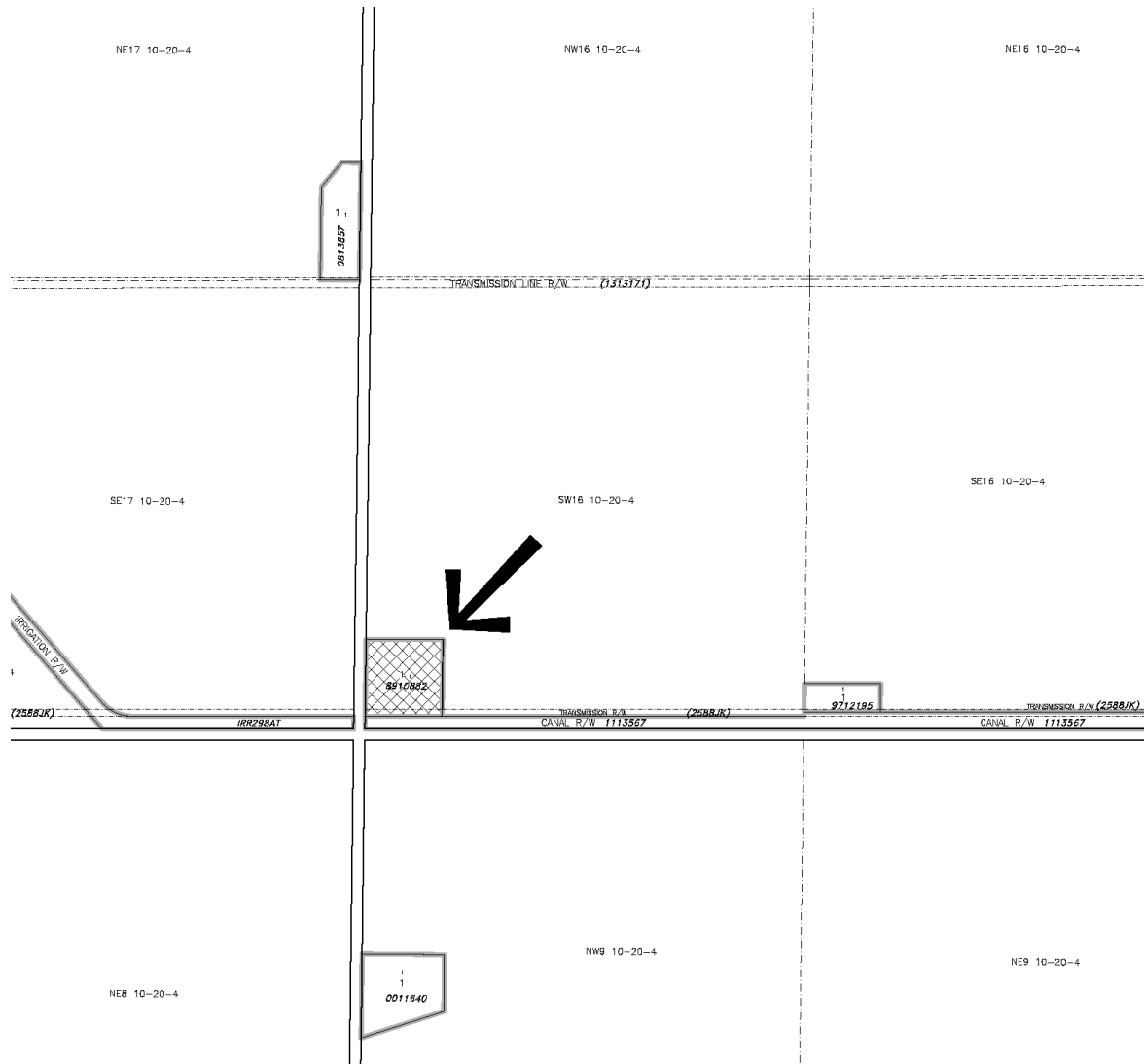
Gavin Scott, Clerk
Subdivision & Development Appeal Board

A1

LETHBRIDGE COUNTY

CHINOOK INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD Land Subject of Appeal DP 2024-034

Lot 1, Block 1, Plan 8910882
(102005 RR 204, Lethbridge County)



LOCATION SKETCH

LOT 1, BLOCK 1, PLAN 8910882
WITHIN SW 1/4 SEC 16, TWP 10, RGE 20, W 4 M

LETHBRIDGE COUNTY
SUBDIVISION & DEVELOPMENT APPEAL BOARD

Development Permit No. DPA 2024-034

List of Persons Notified

Municipality:

Lethbridge County CAO
Lethbridge County Supervisor of Planning
and Development
Lethbridge County Development Officer
ORRSC Planner, Steve Harty

SDAB Members:

Barb Edgecombe-Green
Kim Jensen
Evert Van Essen

Appellant/Applicant:

Travis Dekok

Other Persons Notified:

Dancoisne, Jason
Engels, Walter
Maclean Livestock Co. Ltd.



LETTER OF APPEAL

DELIVER, FAX, MAIL OR EMAIL TO:

The Secretary
Lethbridge County Subdivision & Development Appeal Board
#100, 905 – 4 Ave. South, Lethbridge, Alberta, T1J 4E4
Fax: 403-328-5602
Email: mailbox@lethcounty.ca

=====

APPELLANT: (please print) Travis de Kok
Mailing Address: _____
Postal Code: _____ Legal Description: 102005 RR 204.
Telephone: (residence) _____ (business) _____ (cell) _____
Email: _____

APPLICATION BEING APPEALED: (please include the Development or Subdivision Application Number)

- Development Application No. 2024-034
 Subdivision Application No. _____

I / WE DO HEREBY APPEAL THE FOLLOWING DECISION / ORDER:

Refusal of application for Home Occupation 3.

THE GROUNDS FOR THE APPEAL ARE AS FOLLOWS:

(The Appellant must state reason(s) for the appeal)

- Measures can be taken to hide outdoor storage, such as a fence.
- Home occupation is placed far enough away from residence as per the Bylaws (90 metres)
- there are some options to limit noise, such as using difference equipment. we also only operate during normal business hours.

Date: 2024-03-26

Signature of Appellant: [Signature]

FOR OFFICE USE ONLY	
Ad Expired:	Appeal Number:
Applicant / Appellant Notified:	Hearing Date:

NOTICE OF DECISION

DATE: March 26, 2024

DEVELOPMENT PERMIT APPLICATION: 2024-034

APPLICANT: Travis Dekok, [REDACTED]

LOCATION: Plan 8910882 Block 1 Lot 1 (102005 RR 204)

PROPOSED DEVELOPMENT: Home Occupation 3 (Metal Fabrication and Welding) and Addition to Existing Accessory Building (Quonset) with Setback Waiver from Municipal Road ROW

DECISION

It is the decision of the Development Authority to REFUSE this application for the following reasons:

1. The Rural Agriculture District allows for Home Occupation 3 as a discretionary use.
 - The Development Authority has determined that the proposed use will unduly affect the adjacent property owners and is beyond what is typically considered for a Home Occupation 3.
2. Lethbridge County Land Use Bylaw No. 1404 Part 4 Section 20(3) – “No permit shall be issued if, in the opinion of the Development Authority, the home occupation would undermine the liveability standards of the residential use of the property or any adjacent properties”.
 - The proposed Home Occupation is adjacent to an established residential use. The structure the Home Occupation is located within is located 92m from the residence directly to the east. The proposed Home Occupation 3 would have off-site impacts that would undermine the liveability standards of the adjacent residential uses.
3. Lethbridge County Land Use Bylaw No. 1404 Part 4 Section 20(6)(e) – “Consideration shall be given to the potential for a home occupation to impact adjacent uses due to noise, vibration, smoke dust or odours. No offensive noise, vibration, smoke, dust, odours, heat, or glare should be produced by the use.”
 - The Development Authority has determined that expected offensive noise levels inherent with the proposed Home Occupation would substantially undermine the liveability standards of adjacent residential properties, and that there is no reasonable condition which may be imposed that could satisfactorily mitigate the offensive noise.

D1

4. Lethbridge County Land Use Bylaw No. 1404 Part 4 Section 20(6)(a) – “The use shall not involve the display of goods upon the premises, however, goods may be stored subject to the approval of a Home Occupation 3 by the Development Authority provided the storage of such shall not be exposed to the public view, and shall not involve a change in the appearance of the residence or its accessory buildings.
 - The Outdoor Storage area as currently presented would be located on the side of the Quonset closest to the road and would therefore be exposed to public view and substantially change the appearance of the property from residential to industrial.
5. Lethbridge County Land Use Bylaw No. 1404 Part 4 Section 20(6)(b) – “No variation from the external appearance and residential character of land or building shall be permitted.”
 - The Development Authority has determined that the exposure of the outdoor storage is towards public view and the significant size of the outdoor storage area would affect the residential character of the land.
6. In the opinion of the Development Authority, the proposed use is more suited to a designated industrial area than a residential acreage.



March 26, 2024

Nathan Hill
Development Planner

THE DECISION OF THE DEVELOPMENT OFFICER IS SUBJECT TO APPEAL. IF AN APPEAL IS TO BE LODGED, IT SHALL BE RECEIVED BY THE SECRETARY OF THE DEVELOPMENT APPEAL BOARD WITHIN TWENTY-ONE (21) DAYS OF THE DATE OF THIS DECISION. AN APPEAL FEE (\$500) IS APPLICABLE.

D2

From: [Nathan Hill](#)
To: [Travis Dekok](#)
Subject: Development Permit Application 2024-034 - Deemed Complete
Date: Monday, March 04, 2024 4:23:00 PM
Attachments: [image001.png](#)

Good afternoon,

Our preliminary review of your application has been concluded and your application has been deemed complete. Please accept this email as confirmation.

This is not an approval of a Development Permit. This email is solely to inform you that the Development Authority has determined that your application is complete, and that the application is now under formal consideration.

Note that the County has up to 40 days to review and issue a decision on the application as submitted.

Thank you,



FORM A: DEVELOPMENT PERMIT APPLICATION

Pursuant to Land Use Bylaw No. 1404

OFFICE USE		
Application No: <u>2024-034</u>	Roll No: <u>2204.01.00</u>	Use: <input type="checkbox"/> Permitted <input checked="" type="checkbox"/> Discretionary <input type="checkbox"/> Similar <input type="checkbox"/> Prohibited
Application Fee: \$ <u>600</u>	Date Paid: <u>March 1</u>	Land Use District: <input checked="" type="checkbox"/> Rural Agriculture <input type="checkbox"/> Hamlet Residential <input type="checkbox"/> Rural Urban Fringe <input type="checkbox"/> Hamlet Manufactured Home <input type="checkbox"/> Lethbridge Urban Fringe <input type="checkbox"/> Hamlet Commercial <input type="checkbox"/> Grouped Country Residential <input type="checkbox"/> Hamlet Industrial <input type="checkbox"/> Coaldale Lethbridge Corridor <input type="checkbox"/> Hamlet Public/Institutional <input type="checkbox"/> Rural General Industrial <input type="checkbox"/> Hamlet Direct Control <input type="checkbox"/> Business Light Industrial <input type="checkbox"/> Hamlet Transitional/Agricultural <input type="checkbox"/> Rural Heavy Industrial <input type="checkbox"/> Direct Control <input type="checkbox"/> Rural Commercial <input type="checkbox"/> Rural Recreational
Application Received /Complete: <u>March 3</u>		<u>Home Dec 3 & Addition to Shop w/ Setback Waiver to Road</u>
Notification or Advertised Date:	Effective Date:	
Municipal Address Application Submitted: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not Required		
ERCB Abandoned well Information provided: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Site Plans or drawings Submitted: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Site Visit Conducted: <input type="checkbox"/> No <input type="checkbox"/> Yes Date:

1. APPLICANT & LAND INFORMATION

Applicant's Name: Travis deKols
Phone/Cell Phone: [REDACTED] **Email:** [REDACTED]
Mailing Address: [REDACTED]
Registered Owner's Name: _____
Phone/Cell Phone: _____ **Email:** _____
Mailing Address: _____

Applicant's interest in the proposed development if not the registered owner:
 Agent Contractor Tenant Other: _____

Quarter: SW Section: 16 Township: 10 Range: 20 W4M
 Lot(s) 1 Block: 1 Plan: 8910882
 Municipal/Street address: 102005 RR 204.

* Subject to Municipal Address Bylaw 1315, if there is currently not a municipal address on the parcel a municipal address application must be submitted.

Area of Parcel: 4.65 Acres _____ Hectares Land Use District: RA

2. DEVELOPMENT INFORMATION

(1) Existing Development

Please list the existing buildings, structures and use(s) on the land. (Please indicate if any are to be removed or relocated.)

Residential / Personal Use

FORM A: DEVELOPMENT PERMIT APPLICATION
 Pursuant to Land Use Bylaw No. 1404

(2) Proposed Development

Please describe the proposed development including uses, buildings, structures, and any planned renovations and additions that are to be constructed on the lot; including the dimensions of each.

Home occupation, as per Form A1
expansion of existing Quonset with setback waiver.

For **residential** development please check the applicable box below:

- Single-detached dwelling (site built) Manufactured Home 1 Manufactured Home 2
 Single-detached dwelling (Ready-to-move) Semi-detached dwelling
 Moved-In dwelling (previously occupied) Accessory Building/Structure (e.g.: deck/garage/shop)
 Other Dwelling Type: _____ Addition: _____
 Does dwelling application include an attached garage? Yes No

For non-residential development please check the applicable box below if the proposed development is for one of the following AND complete the supplementary form:

- Home Occupation (Form A1) Commercial/Industrial (Form A2) Sign(s) (Form A3) Demolition (with other proposed development) (Form A4)

Building Details

Size/Dimensions	Principal Building or Addition	Accessory Building or Addition	Office Use
Building or Addition Size	<input type="checkbox"/> m ² <input type="checkbox"/> sq. ft	3250 <input type="checkbox"/> m ² <input checked="" type="checkbox"/> sq. ft	
Height of Building (grade to peak)	<input type="checkbox"/> m <input type="checkbox"/> ft	25 <input type="checkbox"/> m <input checked="" type="checkbox"/> ft	
Attached Garage Size	<input type="checkbox"/> m ² <input type="checkbox"/> sq. ft	N/A	
Proposed Setbacks from Property Lines	Principal Building	Accessory Building	
Front	<input type="checkbox"/> m <input type="checkbox"/> ft	45 <input type="checkbox"/> m <input type="checkbox"/> ft	
Rear	<input type="checkbox"/> m <input type="checkbox"/> ft	300 <input type="checkbox"/> m <input type="checkbox"/> ft	
Side	<input type="checkbox"/> m <input type="checkbox"/> ft	250 <input type="checkbox"/> m <input type="checkbox"/> ft	
Side	<input type="checkbox"/> m <input type="checkbox"/> ft	150' <input type="checkbox"/> m <input type="checkbox"/> ft	
Parcel Type:	<input type="checkbox"/> Interior Lot	<input type="checkbox"/> Corner Lot	
Development Details: Access & Cost			
Approach or driveway required to the development? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (specify)			
Estimated cost of development: 120 000			



FORM A: DEVELOPMENT PERMIT APPLICATION
Pursuant to Land Use Bylaw No. 1404

3. DECLARATION OF APPLICANT

I/We have read and understand the terms noted below and hereby apply for a development permit to carry out the development described within this application including any attached supplementary forms, plans, and documents.
I/We hereby certify that the registered owner of the land is aware of, and in agreement with this application.

Further I/We hereby give my/our consent to allow authorized persons the right to enter upon the subject land and/or building(s) for the purpose of an inspection with respect to this application only.

Date: 02/27/2024 Applicant's Signature: _____

Registered Owner's Signature: _____
(Required, if different from applicant)

2. The Development Authority may deem a development permit application incomplete if any of the application requirements are incomplete or the quality of the information is deemed inadequate to properly evaluate the application.
3. Plans and drawings, in sufficient detail to enable adequate consideration of the application, must be submitted in **duplicate** with this application, together with a plan sufficient to identify the land. It is desirable that the plans and drawings should be on a scale appropriate to the development. However, unless otherwise stipulated, it is not necessary for plans and drawings to be professionally prepared.
4. Although the Development Officer is in a position to advise applicants of the process and requirements of the development application, such advice must not be taken as official consent, and is without prejudice to the decision in connection with the formal application.
5. Any development started before the issuance of a development permit and expiration of the appeal period is at the applicant's own risk.
6. **If a decision is not made within 40 days** from the date the application is deemed complete, or within such longer period as the applicant may approve in writing, **the applicant may deem the application to be refused** and the applicant may exercise his right of appeal as though he had been mailed a refusal at the end of the 40-day period.
7. A development permit does not constitute a building permit or approval from any provincial or federal department. Construction undertaken subsequent to approval of this development permit application may be regulated by the **Alberta Safety Codes**. The applicant/owner/developer assumes all responsibilities pertaining to construction plan submissions, approval and inspections as may be required by the appropriate provincial body. The applicant is responsible for determining and obtaining any other applicable provincial and federal approvals prior to commencement.

FOIP STATEMENT: Personal information on this form is collected under the authority of section 33(c) of the Freedom of Information and Protection of Privacy (FOIP) Act. The information collected here will be used to by Lethbridge County for the purposes of reviewing the Development Permit application. This form is a public record that is available to anyone. All information contained on this form (including personal information) is disclosed by Lethbridge County to anyone requesting a copy in accordance with Lethbridge County Policy No. 173 (Freedom of Information and Protection of Privacy (FOIP)). For further information about the collection and use of this information please contact the Lethbridge County FOIP Coordinator at foipa@lethcounty.ca or call (403) 328-5525 or come into the office #100, 905-4th Avenue South, Lethbridge Alberta, T1J 4E4



Lethbridge County
 #100, 905 - 4th Ave S
 Lethbridge, AB T1J 4E4
 403-328-5525

FORM A1: HOME OCCUPATION APPLICATION

Supplement to Development Permit Application
 Pursuant to Land Use Bylaw No. 1404

OFFICE USE	
Permit Application No: (to match Form A) <u>2024-034</u>	Roll No: <u>2204.01.00</u>
<input type="checkbox"/> Home Occupation 1	<input type="checkbox"/> Home Occupation 2
<input checked="" type="checkbox"/> Home Occupation 3	

This supplementary form A1 must be completed in addition to Form A: Development Permit Application if you are applying for a development permit for a Home Occupation.

1. APPLICANT INFORMATION

Applicant's Name: Travis dekok Phone: [REDACTED]

Mailing Address: [REDACTED]

- (1) This business will be an: On-site Business Off-site/Mobile Business
 Please attach a site plan or floor plan for the proposed business: Attached Site Plan/Floor plan
 Please describe the proposed business including any goods and/or services provided:
Welding / Manufacturing of structural steel for agricultural use - also Fabrication of material Handling equipment
- (2) Where will the business operate from? In-home Accessory building
- (3) Is there another home occupation already operating out of the residence or on the premises? Yes No
- (4) Days and hours of operation: 6 AM - 6 PM
 Number of non-resident employees: 3 Number of estimated clients/customers per day: 2-3
 How many parking spaces for clients, employees, and deliveries will be available? 4
- (5) Will the business involve commercial vehicles/trailers on site in conjunction with the business? No Yes
 If yes, describe the use, number, type and size, of all commercial vehicles visiting the site:
Delivery of steel, vehicle type, typically semi with 53' trailer. One semi based off-site. Visit 1x/week on avg. 4x a week max
- (6) Are any outdoor storage areas proposed? No Yes One 40ft gooseneck trailer based on-site
 Please describe type and amount of items to be stored and indicate location on an attached site plan:
Raw materials and finished product.
- (7) Will there be any flammable or hazardous material on the premises as a result of the business?
 No Yes (please list materials and quantity) Paint. Ba small amounts of Diesel/Gas.



Lethbridge County
100, 905 - 4th Ave S
Lethbridge, AB T1J 4E4
403-328-5525

FORM A1: HOME OCCUPATION APPLICATION
Supplement to Development Permit Application
Pursuant to Land Use Bylaw No. 1404

(8) Are any signs proposed for the home business? No Yes

If yes, please specify number, type, size and location and indicate on an attached site plan: (for a window sign in residence only, indicate as such in space below)

60 x 60" - on face of Building -

REVISED - 48 inch x 48 inch

2. DECLARATION of APPLICANT/OWNER

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a Home Occupation. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP).

Date: 02/27/2024.

Applicant's Signature: 

Registered Owner's Signature: _____
(if different from applicant)

NOTE:

This Form A1 is supplementary and is in conjunction with a completed Form A: Development Permit Application. Refer to Bylaw No. 1404 Part 4, section 20 for specific Home Occupation criteria and Standards of development.



Proposed Outdoor Storage

Proposed Addition

Operation Located Here

24m

TWP RD 102

RGE RD 204

RGE RD 204

TWP RD 102



F8

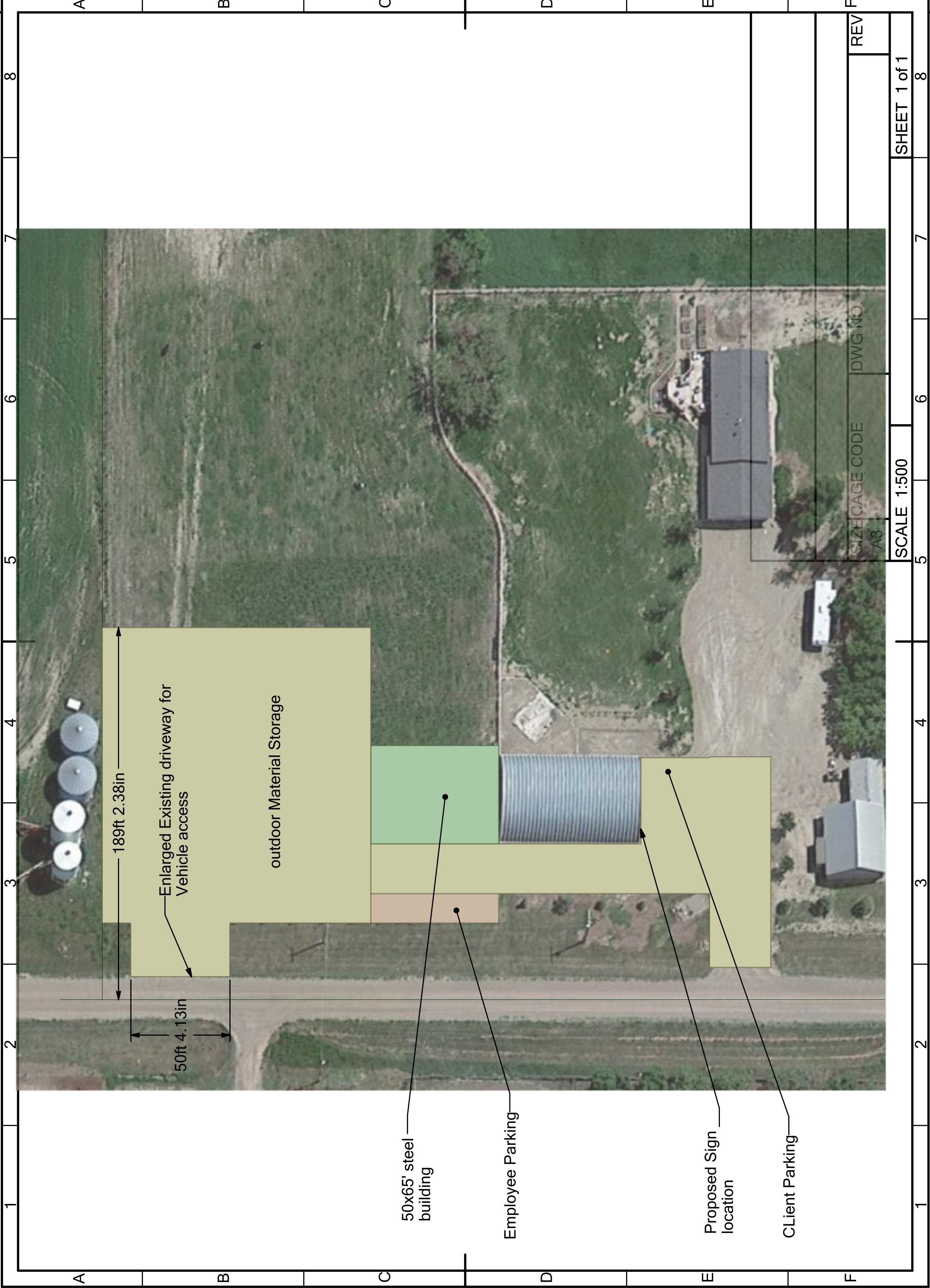
SIZE/CAGE CODE
 A3

SCALE 1:500

SHEET 1 of 1

REV

DWG NO.



189ft 2.38in

Enlarged Existing driveway for Vehicle access

50ft 4.13in

outdoor Material Storage

50x65' steel building

Employee Parking

Proposed Sign location

Client Parking

SIZE/CAGE CODE
A3

DWG NO.

REV

SCALE 1:500

SHEET 1 of 1

F9

From: [Lisa Dancoisne](#)
To: [Nathan Hill](#)
Subject: Development Permit Application 2024-034
Date: Tuesday, March 12, 2024 6:33:29 PM

Hi Nathan,

Just following up with a second email at your request in regard to this development permit.

I would like to start out by stating that this land owner has been operating this business for over a year for sure without any consultation with the County for a permit. We fear that his disregard in doing this shows that he might also disregard rules or regulations in the future.

His business is industrial based and not agricultural and we feel thus belongs in a commercial area zoned for this type of industrial work.

Due to the proximity of our property and our homes we are subjected to the sounds of loud metal work during his hours of operation that we find is an infringement on our privacy. The noise is disruptive when we are outside but can also be heard inside our homes as well.

Because this county road has a dead end there has always just been local traffic but now we have semi trucks pulling in and out on a regular basis.

This type of business so close in proximity to our property will surely impact (we feel in a negative way) the value of our land in which we have worked very hard to build up over many years.

As County land owners we have always lived here under the assumption that the County of Lethbridge would help to protect land owners against people buying rural properties to set up these types of businesses.

We appreciate our voice in this matter and sincerely hope it will be taken into account when considering this application.

Thank you,
Lisa Dancoisne



March 19, 2024

Lethbridge County
905 4 Ave South
Lethbridge, AB
T1J 4E4

**RE : Development Permit Application 2024-021
SW-16-10-20-W4TH ; Plan 8910882 Block 1 Lot 1**

Further to your March 4th correspondence, please be advised that the district has reviewed the above development permit application and has no comments/concerns.

Yours truly,

Micaela Azzarello
Land Administrator

CC: Travis Dekok











LAND USE BYLAW No. 1404

October 2013

Consolidated to Bylaw No. 23-025, December 2023

RURAL AGRICULTURE – RA

1. PURPOSE

To allow agriculture to continue as an important land use in the County and ensure that it can continue to operate unencumbered by conflicting land uses, while giving the County the flexibility to allow isolated non-agriculture uses in certain locations as a support to the agricultural base. The terms of the *Agricultural Operations Protection Act* apply in Lethbridge County and must be respected by both agricultural operators and non-agricultural land users.

2. PERMITTED, DISCRETIONARY AND PROHIBITED USES

(1) Permitted Uses

Accessory Buildings, Structures and Uses to an Approved Permitted Use
Additions to Existing Buildings
Agricultural Buildings and Structures (see Part 1, Section 13 - No permit required)
Alternative or Renewable Energy Facilities, Individual (see Part 6)
Day Homes (see Part 1, Section 13 - No permit required and Part 4, Section 13)
Dwellings:
 Single-detached Site-built
 Single-detached Manufactured Home 1 (see Part 4, Section 22)
 Single-detached Manufactured Home 2 (see Part 4, Section 22)
 Single-detached Ready-to-move (see Part 4, Section 22)
 Single-detached Moved-in (see Part 4, Section 22)
Extensive Agriculture and Grazing (see Part 1, Section 13 - No permit required)
Home Occupations 1 and 2 (see Part 4, Section 20)
Secondary Suites (contained within a single-detached dwelling) (see Part 4)
Secondary Suites (detached garage) (see Part 4)
Signs Type 1 (in accordance with Part 5)
Signs Type 2 (in accordance with Part 5)
Small Wind Energy Conversion Systems (see Part 6, Section 3)
Solar Collectors, Individual (see Part 6, Section 2)

(2) Discretionary Uses

Accessory Buildings, Structures and Uses to an Approved Discretionary Use
Agricultural Services
Airstrips
Alternative or Renewable Energy Commercial/Industrial Facilities (see Part 6)
Anhydrous Ammonia Storage (see Section 17 of this district and Part 4, Section 4))
Auction Markets (see Section 6 of this district)
Bed and Breakfasts (see Part 4, Section 9)
Boarding Stables (see Section 6 of this district)
Breeding Facilities (see Section 6 of this district)
Cannabis Cultivation (see Part 4)
Cannabis Nursery (see Part 4)
Confined Feeding Operations (see Part 1, Section 13 - No municipal permit required, but NRCB provincial approval needed)
Day Care (see Part 4, Section 14)
Dwellings:
 Semi-detached

Multiple-unit
 Second or Additional Residence*
 Farm Stands
 Feed Mills / Grain Elevators
 Hay Plants (see Part 4, Section 18)
 Heliport Sites
 Home Occupations 3 (see Part 4, Section 20)
 Horticulture, including commercial intensive agriculture and commercial greenhouses
 Intensive Livestock Operations (see Part 4 - municipal permit required for non NRCB jurisdiction animal confinement as outlined in Part 4 standards)
 Isolated commercial or industrial uses, pre-existing (see notation below***)
 Isolated Country Residential
 Kennels / Dog Training Facilities (see Section 6 of this district, and Part 4, Section 21)
 Market Gardens and Nurseries
 Meteorological Towers (see Part 6)
 Moved-in Buildings (see Part 4, Section 25)
 Personal Workshop and Storage (see Part 4)
 Public or Private Utilities
 Public/Institutional Uses including Cemeteries
 Railway and Railway Related Uses
 Recreation, Minor
 Resource Extraction and Associated Works (see Section 15 of this district)
 Riding Arena (personal use)
 Rodeo Grounds
 Seed Processing Facilities
 Shipping Containers (see Part 4, Section 32)
 Signs Type 3 (in accordance with Part 5)
 Specialty Manufacturing/Cottage Industry
 Stockpiles (inside the distances in Section 5 of this district)
 Telecommunications Facilities (see Part 4, Section 36)
 Tourist Homes (see Part 4, Section 37)
 Veterinary Clinics, Large and Small Animal (see Section 6(3) of this district)
 Wind Energy Conversion Systems (see Part 6)
 Work Camps (see Part 4, Section 39)
 Any other uses determined by the Development Authority to be similar in nature to any permitted or discretionary use

(3) Prohibited Uses

Grouped Country Residences – *Non-designated***
 Grouped Industrial Development – *Non-designated***
 Hazardous/Noxious Uses
 Stripping and Sale of Topsoil

◆ *Any use which is not listed as either a Permitted or Discretionary Use, or is not ruled to be similar to a Permitted or Discretionary Use in accordance with Part 1, Section 33, is a Prohibited Use.*

* May be allowed with compliance to Part 1, Section 18 of this bylaw.

** “Non-designated” means a cluster or grouping of such uses that has not been designated as such in the land use bylaw.

*** Pre-existing isolated commercial or industrial uses means uses that are presently operating and have an approved development permit issued prior to October 2013 and the adoption of Land Use Bylaw No. 1404.

3. MINIMUM PARCEL AND LOT SIZES

(1) Extensive Agriculture

- (a) existing parcels;
- (b) quarter sections or parcels subdivided in accordance with Part 7 – Subdivision Criteria;
- (c) cut-off parcels at the discretion of the Subdivision Authority;
- (d) all other parcels shall be a minimum of 0.8 ha (2 acres) of developable land.

(2) Farmsteads or Isolated Country Residential

- (a) existing parcels;
- (b) minimum of 0.8 ha (2 acres) of developable land.

(3) Confined Feeding Operations (Intensive Livestock Operations)

- (a) 64.7 ha (160 acres) or an unsubdivided quarter section; or
- (b) the parcel size shall remain the same size for which the development approval was originally issued.

(4) All Other Uses

The minimum lot size (the area recorded on the Certificate of Title) shall be 0.8 ha (2 acres) or greater as is reasonably required to support the proposed use as determined by the Development Authority or Subdivision Authority after consideration of comments from relevant agencies and in accordance with, but not limited to, the *Municipal Government Act*, a regional plan, the Subdivision and Development Regulation, this Land Use Bylaw, the Municipal Development Plan and any other applicable legislation or regulations.

4. MINIMUM SETBACK REQUIREMENTS

(1) Side Yard

No building, structure (excluding fencing) or dugout banks shall be within 6.1 metres (20 ft.) of a property line not fronting on or adjacent to a municipal roadway. For setbacks adjacent to or fronting roadways, the following Section 5 stipulations shall apply.

(2) Special Setback Requirements

- (a) All buildings, structures and development other than extensive cultivation or grazing on parcels having frontage on a provincial highway may have special requirements for setback, access and service roadways imposed as a condition of approval by the Development Authority in accordance with the requirements of Alberta Transportation and the *Highways Development Protection Regulation*.
- (b) As determined by the Development Authority, all buildings, structures and development that are to be located in the vicinity of an escarpment, coulee break, river bank or other geographical feature may have special requirements for setbacks upon due consideration of any geotechnical or slope stability analysis reports requested by the municipality.

5. MINIMUM SETBACKS FROM ROADWAYS

- (1) No part of a building, structure or development shall be located within:

- (a) 38.1 metres (125 ft.) of the centre line of any of any developed or undeveloped municipal road allowance or public roadway which is not designated as a provincial highway under the Highways Development Protection Regulation;
 - (b) 70.0 metres (230 ft.) of the centre line or 40.0 metres (131 ft.) from the right-of-way boundary, whichever is greater, of roads designated as provincial highways under the Highways Development Protection Regulation;
 - (c) for any development adjacent to provincial roadways classified as a four-lane divided highway or freeways/expressways, the required setback distances and accesses will be reviewed on a highway-by-highway/development-by-development basis and shall be as prescribed by Alberta Transportation;
 - (d) any greater distance that may be required by the Development Authority in order to facilitate future road widening, service road dedication, to reduce potential snow drifting, or vision restrictions.
- (2) Where any parcel or part of a parcel has frontage on a provincial highway, special standards for setbacks, access, and service roadways may be required by Alberta Transportation under the *Highways Development Protection Regulation*.

6. MINIMUM SETBACKS FOR USES INVOLVING LIVESTOCK OR ANIMALS

- (1) All corrals, feeders, shelters or other structures for the feeding of animals less than the numbers outlined in the *Agricultural Operations and Practices Amendment Act 2001 and Regulations* (AOPA) shall not be located closer to a neighbouring residence than 30.5 metres (100 ft.).
- (2) All corrals, feeders, shelters or other structures for the feeding of animals less than the numbers outlined in the *Agricultural Operations and Practices Amendment Act 2001 and Regulations* shall not be located within 30.5 metres (100 ft.) of the boundary or right-of-way an irrigation district canal, creek, stream, river, lake shore or water body.
- (3) A large animal veterinary clinic (e.g. cattle, horses, pigs, sheep and goat) shall not be located within 152.4 metres (500 ft.) of a neighbouring residential building.
- (4) A kennel, breeding facility, livestock sales yard or abattoir shall not be located within 304.8 metres (1,000 ft.) of a neighbouring residential building.
- (5) A confined feeding or intensive livestock operation shall be sited in consideration of prohibited areas and be able to meet required development setbacks in accordance with the Lethbridge County Municipal Development Plan.
- (6) All confined feeding or intensive livestock operations and associated uses (barns, corrals, feeders, manure stock piles, lagoons, compost areas, etc.) as defined in the Land Use Bylaw shall adhere to the minimum distance separation as outlined in *AOPA*.

7. DEVELOPMENT AND SETBACKS NEAR CANALS

All other development shall not be located within 30.5 metres (100 ft.) of the boundary of a right-of-way of an irrigation canal that serves any downstream users. In order to determine the status of a canal, the comments of the relevant irrigation district should be considered.

8. MAXIMUM SITE COVERAGE

Unless specified elsewhere in this bylaw, the maximum percentage of the site that may be covered by buildings and structures shall be as determined by the Development Authority. No building, structure or driveway shall be located within the area or setbacks required to treat private septic sewage.

9. ACCESS

- (1) The municipality may, at the time of subdivision or development, require the developer to enter into an agreement for the construction of any approach(es) necessary to serve the lot or development area in accordance with the *Lethbridge County Engineering Guidelines and Minimum Servicing Standards*.
- (2) To ensure proper emergency access, all developments shall have direct legal and developed physical access to a public roadway in accordance with *Lethbridge County Engineering Guidelines and Minimum Servicing Standards*, unless otherwise approved by the municipality. If the development is within 304.8 metres (1,000 ft.) of a provincial highway, direct legal and physical access to a public roadway shall be to the satisfaction of Alberta Transportation.
- (3) Access points adjacent to blind corners, hills, ridges, railway crossings and any other obstructions shall be positioned so as to provide a reasonably unobstructed view in either direction of 100 metres (328 ft.) on a local road.
- (4) The requirement of a service road or subdivision street to provide access may be imposed as a condition of approval for any new subdivision or development. Construction and survey costs for a service road shall be the responsibility of the applicant.

10. ACCESSORY BUILDINGS AND STRUCTURES

- (1) An accessory building or structure shall not be located in the required setback from a public road or on an easement.
- (2) An accessory building or structure shall be setback a minimum 3.0 metres (10 ft.) from the principal dwelling and from all other structures on the same lot.
- (3) Where a structure is attached to the principal building on a site by a roof, an open or enclosed structure, a floor or foundation, it is to be considered a part of the principal building and is not an accessory building.
- (4) As a condition of a permit, if a development approval is required, the Development Authority may stipulate specific requirements for the type of foundation, fastening or tie-down system, finish, colour, roof pitch, and materials to be applied to the accessory building or structure.

11. FENCES AND SHELTERBELTS

In rural areas along local roads, the construction or erection of a fence, hedge or shelterbelt shall comply with the following:

- (a) no fence, hedge or shelterbelt shall be erected which would unduly restrict the vision of approaching traffic;
- (b) fencing surrounding public utility lots shall be as per the *Lethbridge County Engineering Guidelines and Minimum Servicing Standards* or as stipulated in a Development Agreement;
- (c) all fences must be sited to be able to meet the required corner site triangle setbacks as stipulated in Part 3, Section 11.

- (d) a chain link, split rail or barb wire type fence may be located adjacent to the property line or within the required setbacks to a public road, but, solid material fences and snow fences must meet the stipulated setbacks to the public road;
- (e) no hedge or shelterbelt shall be erected closer than the distances as stipulated in Part 3, Section 11, Fences, Trees and Shelter Belts in Rural Areas, Diagram 3.5, of the right-of-way of a public road.

12. OBJECTS PROHIBITED OR RESTRICTED IN YARDS

- (1) No person shall allow a motor vehicle which has all or part of its superstructure removed, or a motor vehicle which is in a dilapidated or unsightly condition to remain within 30.5 metres (100 ft.) of a local road or Provincial highway in the district unless it is suitably housed or screened to the satisfaction of the Development Authority.
- (2) Not more than six (6) recreational vehicles shall be stored or parked on a parcel unless otherwise approved by the Development Authority.
- (3) A recreational vehicle parked on a lot in any district shall not be used for permanent living or sleeping accommodation.

13. SERVICING REQUIREMENTS

- (1) Every development shall be required to install a sewage disposal system and potable water system in accordance with the *Lethbridge County Engineering Guidelines and Minimum Servicing Standards* or other system as approved by the municipality.
- (2) The Development Authority may refuse a development, and the Subdivision Authority may refuse to approve a subdivision, if the parcel on which it is proposed is not large enough or does not have suitable soil characteristics to support a sewage disposal system to the standard required.
- (3) The Development Authority may refuse a development, and the Subdivision Authority may refuse to approve a subdivision, if it cannot be demonstrated to the satisfaction of the approval authority that the parcel has access to a secure potable water source or system.

14. LOCATIONAL CRITERIA FOR ISOLATED COUNTRY RESIDENTIAL DEVELOPMENT

- (1) Isolated country residential development shall be discouraged and may be denied an approval if proposed to be located within:
 - (a) the minimum distance separation as calculated from an existing or approved confined feeding operation;
 - (b) the required (reciprocal) setback distance of noxious industries or resource extraction uses to residential or higher density urban uses; or
 - (c) the required or recommended safe setback distance to hazardous, ecologically sensitive, or other geographical sensitive features (coulees, steep slopes, escarpment, floodplains or flood prone areas, drainage courses, water bodies) in accordance with the bylaw standards, or accepted engineering reports at the discretion of the Development Authority; or
 - (d) any other activity potentially detrimental to a residential environment;unless the Development Authority or Subdivision and Development Appeal Board is satisfied that adequate measures will be undertaken to mitigate any nuisance or hazard, or the Development Authority determines that there is no other reasonable alternative or available area on the parcel of land in which to suitably locate the dwelling.

- (2) In all instances, a development permit application for a residential dwelling shall not be approved if it is located within 500 metres (1,640 ft.) of an established anhydrous ammonia bulk storage facility, or within the distances stipulated by the province (MGA, Subdivision and Development Regulation) for setbacks to wastewater treatment facilities, landfills, or transfer stations.

15. RESOURCE EXTRACTION (GRAVEL AND SAND PITS OR STONE QUARRIES)

- (1) For a sand, clay and gravel pit or a stone quarry development the standards and requirements of Part 4, Use Specific Land Use Provisions, Section 27 shall apply.
- (2) The Development Authority may refuse to approve an application for a private sand, clay and gravel pit or a stone quarry in or adjacent to a river valley, shoreland area or flood prone area if it is of the opinion that the area is unsuitable in accordance with Section 19 of this district.
- (3) The Development Authority shall take into consideration the *Cottonwood Report: Environmentally Significant Areas in the Oldman River Region* in making a decision on an application for a resource extraction use and may deem a development application to be unsuitable in accordance with that report, or may request additional information be provided by the applicant to ensure any matters outlined in Section 19 of this district are addressed to the satisfaction of the Development Authority.

16. HAZARDOUS OR NOXIOUS INDUSTRY

- (1) Unless otherwise authorized in the bylaw, development of hazardous or noxious uses shall be discouraged:
 - (a) within a designated hamlet;
 - (b) less than 4.8 km (3 miles) from the boundary of a city;
 - (c) less than 3.2 km (2 miles) from a town, village or designated hamlet with a population of more than 500;
 - (d) less than 1.6 km (1 mile) from a town, village or designated hamlet with a population of less than 500;
 - (e) less than 0.8 km (½ mile) from an existing or approved residence;
 - (f) less than 0.8 km (½ mile) from an existing or approved grouped country residential development;
 - (g) less than 1.6 km (1 mile) from a provincial, regional or municipal park or recreation area;
 - (h) less than 0.8 km (½ mile) from either side of a designated highway, unless the parcels is redesignated specifically to accommodate the use, conforms to the policy directions of the Municipal Development Plan, or is provided for in an area structure plan approved by Alberta Transportation;
 - (i) within such distance of other roads as designated scenic, tourist or recreational access roads as established in a municipal bylaw;
 - (j) adjacent to water bodies; or
 - (k) adjacent to an environmentally sensitive or regionally significant area;

unless the Development Authority or Subdivision Authority is satisfied that suitable measures and high operational standards will be undertaken and maintained to minimize any nuisance, hazard or noxious effect on vicinity land uses and it is therefore reasonable and appropriate to approve the use.

- (2) Unless a use deemed to be hazardous or noxious is specifically listed as a permitted or discretionary use in the land use district, such applications shall require a redesignation to the appropriate industrial land use district prior to the Development Authority making a decision on these types of development permits.

17. ANHYDROUS AMMONIA STORAGE FACILITY

For a development permit application for a bulk anhydrous ammonia storage facility or a residential dwelling in proximity to an existing bulk ammonia storage facility the Development Authority:

- (a) shall consider the location of neighbouring residential uses and apply the “Guidelines for the Location of Stationary Bulk Ammonia Facilities” prepared by Alberta Environment before making a decision on a development application concerning a bulk ammonia storage facility; and
- (b) in all instances, a development application for a residential dwelling shall not be approved if it is located within 500 metres (1,640 ft.) of an established anhydrous ammonia bulk storage facility.

18. AIRPORT AREA RESTRICTIONS

Properties that lie within the area shown in Map 1, Part 4, will have additional subdivision and development restrictions as outlined in Part 4, Section 2, Airport Area Restrictions.

19. RIVER VALLEYS AND SHORELANDS

- (1) Before approving any application in or adjacent to a river valley or shoreland area to locate or expand a land use, or which requires a land use bylaw waiver, the Development Authority shall refer such an application to any local, regional, provincial or federal government agency that, in its opinion, has an interest in land use management.
- (2) No application to locate or expand a land use in or adjacent to a river valley or shoreland area shall be approved unless, in the opinion of the Development Authority, the proposal will not:
 - (a) be located in a flood prone area; and
 - (b) cause soil erosion or damage to a river bank; and
 - (c) cause deterioration of water quality; and
 - (d) hinder the flow of water to the river; and
 - (e) compromise aesthetic quality or natural amenities; and
 - (f) be detrimental to area of ecologically sensitive habitat or of historic or scenic importance; and
 - (g) have a detrimental effect on adjoining or nearby agricultural operations if the proposed development is for a non-agricultural use; and
 - (h) have a detrimental effect on existing or proposed recreation areas; and
 - (i) have a detrimental effect on existing or proposed irrigation canals or water diversion structures.
- (3) Notwithstanding section 41(2), a resource extraction and gravel pit operation may be granted an approval to operate or expand in or adjacent to a river valley or shoreland area if an engineering study has been completed that illustrates the use will not be detrimental or can be managed in such manner it will not compromise the matters identified in section 41(2), and the Development Authority in its discretion accepts the findings of the report.

- (4) Where a proposed development is flood protected and is granted permission to locate within the flood fringe area of the 1:100 year flood plain of any watercourse, the Development Authority may request the developer to provide any of the following requirements prior to the issuance of a development permit:
 - (a) the registration of a Save Harmless Agreement against the title indemnifying the municipality in case of a subsequent flood causing damage to the development;
 - (b) the provision of an appropriate private sewage disposal system to the satisfaction of the appropriate health authority and the *Safety Codes Act*;
 - (c) a certificate from a qualified Alberta Land Surveyor stating the top of the footings of any proposed development will be at or above the 1:100 flood plain level and proof of such elevation;
 - (d) an assurance that any proposed setback requirements as established by Alberta Environment or other government department are met or exceeded.
 - (e) Notwithstanding that a use may be a permitted or discretionary use in a land use district, a proposed development containing building or structures to be located in the known floodway portion of the flood hazard area shall not be issued a development permit by the Development Authority.
- (5) The standards and requirements of sections 37 to 40 of Part 3, General Land Use Provisions, Standards of Development, must also be considered and may be applicable.

20. SERVICES, TRANSPORTATION AND UTILITIES FACILITIES

- (1) No application to locate or expand a land use shall be approved unless, in the opinion of the Development Authority, the proposed use will not have a detrimental effect on any:
 - (a) transportation or communication system, including provincial highways, railway, airport site or communication facility; or
 - (b) regionally significant services or utilities facilities, including irrigation works, pipelines and power transmission lines.
- (2) Any application for development located in the vicinity of a known sour gas pipeline shall be circulated to the Energy Resources Conservation Board for comment.

21. COMPREHENSIVE DEVELOPMENT PLANS, AREA STRUCTURE PLANS AND CONCEPTUAL DESIGN SCHEMES

Where it becomes apparent to the Development Authority or municipality that too much development is being concentrated in one area:

- (a) the Subdivision Authority or Development Authority may, with the approval of the Council, require that future development applications for the area be accompanied by a comprehensive development plan which has been approved by Council; or
- (b) Council may require applicants proposing development in the area to undertake the preparation of an area structure plan or conceptual design scheme.

22. STANDARDS OF DEVELOPMENT (See Part 3 – General Land Use Provisions)

- (1) Part 3 contains land use and development standards that may be required and stipulated as a condition of a subdivision or development approval.
- (2) All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.



23. **LANDSCAPING AND SCREENING** (See Part 3 – General Land Use Provisions)
24. **OFF-STREET PARKING REQUIREMENTS** (See Part 3 – General Land Use Provisions)
25. **USE SPECIFIC STANDARDS OF DEVELOPMENT** (See Part 4 – Use Specific Provisions)
26. **READY-TO-MOVE / MANUFACTURED HOME DEVELOPMENT STANDARDS** (See Part 4 – Use Specific Provisions)
27. **MOVED-IN DWELLINGS AND BUILDINGS** (See Part 4 – Use Specific Provisions)
28. **HOME OCCUPATIONS** (See Part 4 – Use Specific Provisions)
29. **SIGN REGULATIONS** (See Part 5)
30. **ALTERNATIVE / RENEWABLE ENERGY DEVELOPMENTS** (See Part 6)
31. **SUBDIVISION CRITERIA** (See Part 7)
32. **FORMS** (See Appendix B)
33. **FEES** (See Appendix C)

- (c) shall contain a dugout or fire pond on site with water available that is readily accessible for fire suppression purposes, with the pond being provided at a size and location as stipulated by the County.

19. HAZARDOUS INDUSTRIES

Hazardous industries are those uses as defined in Part 8, Definitions, and typically include uses that may be detrimental to public health, safety or welfare beyond the boundaries of the site or parcel upon which it is situated. For such uses, the following shall apply:

REFERRALS

- (1) The Development Authority shall solicit and consider the comments of Alberta Environment and Alberta Health Services before making a decision on a development application concerning a hazardous industry.
- (2) The Development Authority shall solicit and consider the comments of an urban municipality before making a decision on a development application which proposes to establish or enlarge a hazardous industry:
 - (a) less than 3.2 kilometres (2 miles) from the boundaries of any jurisdiction; and
 - (b) consider any relevant policies in the Intermunicipal Development Plan.
- (3) Prior to a decision being made on a hazardous industry, the Development Authority may hold a public meeting in order to solicit the views of the public in regard to the application.

GENERAL LOCATION

- (4) The Development Authority may require that a hazardous industry shall be located in a designated heavy industrial land use district and specified area, in accordance with the Municipal Development Plan.

20. HOME OCCUPATIONS

- (1) An approved home occupation shall be valid only for the period of time the property is occupied by the applicant / owner for the approved use.
- (2) An application for a home occupation shall only be considered by the Development Authority upon an application endorsed or filed by the registered owner of the property.
- (3) No permit shall be issued if, in the opinion of the Development Authority, the home occupation would undermine the liveability standards of the residential use of the property or any adjacent properties.
- (4) No permit shall be issued if the parcel does not have a habitable residence, power, on-site potable water supply, a sewage disposal system, and legal and physical access to a municipal all-weather road.
- (5) No advertising shall be permitted on the property except for a window sign and up to one indirectly illuminated sign of 0.37 m² (4 sq. ft.) in Hamlets and 1.48 m² (16 sq.ft) in all other districts, to be placed against the building or fence. Larger signage may be permitted, if, in the opinion of the Development Authority, the signage does not interfere with the residential or agricultural character of the area.
- (6) Home occupations may be approved subject to the following criteria and conditions:
 - (a) The use shall not involve the display of goods upon the premises, however, goods may be stored subject to the approval of a Home Occupation 3 by the Development Authority provided the storage

of such shall not be exposed to the public view, and shall not involve a change in the appearance of the residence or its accessory buildings.

- (b) No variation from the external appearance and residential character of land or building shall be permitted.
 - (c) A home occupation use is considered the secondary use of a residence or ancillary building to a residence, for an occupation, trade, profession, craft or small scale retail business which must not change the character of the area and does not show significant evidence of such secondary use. Any use which appears more commercial in nature or is on a larger scale may be directed to locate within an appropriate commercial, business light industrial, or industrial land use district.
 - (d) The use shall not generate traffic problems within the district.
 - (e) Consideration shall be given to the potential for a home occupation to impact adjacent uses due to noise, vibration, smoke dust or odours. No offensive noise, vibration, smoke, dust, odours, heat, or glare should be produced by the use.
- (7) If at any time, in the opinion of the Development Authority, the conditions of a Home Occupation Permit have not been complied with, the Development Authority may issue a stop order, pursuant to section 645 of the *Municipal Government Act*.
- (8) The following information must be supplied when applying for a Home Occupation Permit:
- (a) proof of ownership and residency;
 - (b) description of business;
 - (c) materials, equipment and/or vehicles that will be used for the Home Occupation;
 - (d) number of resident and non-resident employees on the premises;
 - (e) number of business/clients visits per day;
 - (f) number of parking spaces on the property; and
 - (g) type of signage for the Home Occupation.
- (9) Based on the information provided in the application, the Development Authority shall determine what level of Home Occupation Permit is applicable for the operation using the chart below. If a specific Home Occupation level is not listed as a permitted or discretionary use in the applicable land use district the proposal is located within, then a development permit shall not be issued.

	Home Occupation 1	Home Occupation 2	Home Occupation 3
Non-Resident Employees (on premises)	None	Up to 2	Up to 4
Commercial Vehicles and/or Trailers	None	Up to 2	Up to 3
Outside Storage	None	None	At Development Authority's discretion
Parking Stalls	None	One per employee plus one for customers	One per 2 employees, one per commercial vehicle, one for customers
Client visits	None	Limited daily or weekly business-related visits	Limited daily or weekly business-related visits

- (10) The Development Authority, in its discretion, may limit the number of client business-related visits to a premise on a daily or weekly basis for a Home Occupation 2 or 3.
- (11) If, in the opinion of the Development Authority, a Home Occupation Permit may require a detailed review after a limited period of operation to determine if it is compatible with the amenities of the neighbourhood on a more permanent basis, the Development Authority may issue a temporary permit for a defined period of time in accordance with the bylaw.
- (12) A home occupation permit does not exempt compliance with health regulations or any other municipal or provincial regulations.

21. KENNELS – KENNELING, BREEDING AND DOG TRAINING FACILITIES

Sections 21(1) through (14) below shall be applied by the Development Authority for the kennelling, boarding, training or breeding of any such use involving dogs; however, a dog agility or training facility may be exempted from any or all of the requirements in accordance with Section 21(15).

- (1) An application for a development permit must be made to the Development Authority by submitting:
 - (a) a completed development application form;
 - (b) the fee;
 - (c) a site plan indicating the legal description, all property lines and easements, fencing, and the location of existing and proposed development in relation to lot boundaries;
 - (d) a business plan with information on the number of dogs, type off facility proposed, description of how waste (feces) will be managed; and, if a breeding kennel, the type (breed), ratio of females to males, anticipated puppy litters, description of how the facility will meet the *Canadian Veterinary Medical Association Code of Practice for Canadian Kennel Operations - Edition May 2007* (or subsequent amendment);
 - (e) floor plans, elevations and sections of the kennel buildings at a minimum scale of 1:200 or such other scale as required by the Development Authority; and
 - (f) the floor plan is to illustrate the number and size of pens for the dogs in the building and any outside areas.
- (2) No buildings or exterior exercise area(s) to be used to accommodate dogs shall be allowed within 304.80 metres (1,000 ft.) of any dwelling located on adjacent parcels and a diagram indicating the distances shall be submitted with the development permit application. A reciprocal setback from existing kennels shall be applied to all new dwellings.
- (3) All dog facilities, including buildings and exterior exercise areas, shall be located to the rear of the principal building and shall be constructed to the following standards:
 - (a) interior walls and ceilings shall be constructed of washable building material;
 - (b) exterior walls should be fire-resistant and impervious to moisture;
 - (c) doors, window frames and window sashes should be impervious to moisture and rodent resistant;
 - (d) insulation shall be required, taking into consideration the breed, age and overall health of the dogs; and
 - (e) all facilities must have adequate ventilation, heating and light.

- (c) any or all landscaping standards as outlined in Part 3, Section 25 may be required by the Development Authority.

29. SANDBLASTING, WELDING AND FABRICATION FACILITIES

- (1) Where the proposed use is located within 150 metres (492 ft.) of a existing residential use or residential, park, conservation or institutional land use district, all welding, fabrication, sandblasting and similar potentially obnoxious uses and operations shall be fully contained within a building or other suitable structure designed to contain noise, odours, and dust.
- (2) In all instances, the building or structure containing any approved sandblasting, welding, or fabrication operation shall be located no closer than 90 metres (295 ft.) to an adjacent residential dwelling.
- (3) Required yards, buffers and landscaped areas shall not be used for storage, parking, loading, unloading or similar uses.
- (4) The operator is prohibited from disposing of any shop wastes into a storm drain, septic tank, onto the ground or into surface water.
- (5) All materials must be stored in the proper containers with the correct label in accordance with any provincial environmental regulations or procedures.
- (6) The applicant may be required to store materials and wastes indoors or under cover whenever possible to prevent moisture from seeping into the container.

30. SATELLITE DISHES AND TELECOMMUNICATION ANTENNAS

- (1) In all hamlet residential land use districts:
 - (a) satellite dishes greater than 1 metre (3 ft.) in diameter or radio or television antenna shall be classified as an accessory structure and shall be placed in the rear or side yard;
 - (b) satellite dishes greater than 1 metre (3 ft.) in diameter shall not be mounted or attached to the roof of any dwelling or accessory building and shall not be illuminated or contain advertising other than the manufacturer's trademark or logo.
- (2) Radio and television antennas, which are not regulated by Industry Canada, are classified as an accessory structure.

31. SERVICE STATIONS AND GAS BARS

The following regulations apply:

- (1) The minimum front yard shall be 12.19 metres (40 ft.) and no gasoline pumps shall be located closer than 6.10 metres (20 ft.) from the front property line.
- (2) The side and rear yard shall be 6.10 metres (20 ft.) with no intervening pumps or accessories.
- (3) Maximum site coverage shall be 30 percent.
- (4) The location and installation of the fuel tanks shall be in accordance with the *Fire Protection Act* and Alberta Environment.
- (5) The exits and entrances to the station site shall be clearly marked by curb cuts, painted markings, concrete abutments or any other means satisfactory to the Development Authority.

Hobby Farm means a development or use of land or buildings and structures related to a small agricultural holding or small scale farm that is maintained without expectation of being a primary source of income. They may be managed as working farms for sideline income, or are even run at an ongoing loss as a lifestyle choice by people with the means to do so, functioning more like a country home than a business. Typically they are merely to provide some recreational land to accommodate a few horses or specialty animals (goats, rabbits, llamas) for hobby or recreational purposes.

Home Occupation means any occupation, trade, profession or craft carried on by an occupant of a residential building as a use secondary to the residential use of the building, and which does not change the character thereof. No offensive noise, vibration, smoke, dust, odours, heat, or glare should be produced by the use. For all Home occupation categories, a Home occupation shall not be allowed if the use would be more appropriately located in a Commercial or Industrial district or if it is deemed incompatible with the residential character of the district.

Home Occupation 1 means a home occupation where no traffic will be generated as a result of the operation, no outside storage, and no related vehicles or trailers. Typical such uses may include an in home office for business administration or book keeping, computer or internet based business, direct sales from home, etc.

Home Occupation 2 means a home occupation that may generate limited business-related visits. Up to two non-resident employees may be employed for this type of home occupation and up to two related vehicles or trailers may be used.

Home Occupation 3 means a home occupation that will generate daily or weekly business-related visits. Up to four non-resident employees may be employed for this type of home occupation and up to three related vehicles or trailers may be used. Limited outside storage may be allowed as part of this type of home occupation.

Horizontal Axis Rotor means a wind energy conversion system, typical of conventional or traditional windmills, where the rotor is mounted on a downward 5 percent angle to the earth's surface.

Horticulture means the use of land or buildings for an agricultural operation concerned with intensively cultivated plants produced on site, typically utilizing smaller areas of land than extensive agricultural practices, high yield production or specialty crops and are either used for food, for medicinal, environmental, aesthetic purposes or sold. These uses may include plant nurseries, greenhouses, market gardens, hydroponic, tree farms, wood lots, mushroom farms, sod farms, specialty crops, or experimental crops. All woodlot operations shall comply and adhere to the Woodlot Management Guidelines of Alberta. This use does not include Cannabis Production Facility which is a separate use.

Hospital means a building providing medical treatment on both an in-patient and an out-patient basis and may include provision for outdoor amenity areas, laundry facilities, maintenance buildings and air transport facilities. See "Emergency service".

Hotel/Motel means a building used primarily for sleeping accommodation and accessory services provided in rooms or suites of rooms that may contain bar/kitchen facilities. The building may also contain commercial or other uses and may offer such additional services as parking facilities, restaurant or dining room, room service or public convention facilities.

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Illumination means the lighting of a building, structure, landscaping, or sign by artificial means.

Indoor Storage means the enclosed storage of goods, merchandise, materials or equipment within a building.

LETHBRIDGE COUNTY

MUNICIPAL DEVELOPMENT PLAN



Bylaw 22-001

MARCH 2022

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- 10.37 Before approving a development application for a natural resource extractive use, the development authority shall solicit and consider the comments of:
- Alberta Environment and Parks
 - any landowners within 0.8 km (0.5 mi) of the lot proposed for a natural resource extractive use
 - any adjacent municipality

Brownfield Site Redevelopment

- 10.38 The redevelopment of privately owned industrial land categorized as brownfields is supported as it is considered as an efficient means to allow for the re-use of land, supports densification, protects agricultural land conversion, stimulates community revitalization, increases property values, and reduces health and environmental risks.
- 10.39 To facilitate responsible brownfield redevelopment, the County may require developers to conduct environmental development reviews and Environment Site Assessments for applicants to demonstrate that the environmental site conditions are suitable for the intended use.
- 10.40 The merits of supporting brownfield redevelopment for specific sites will be reviewed by Lethbridge County individually and any consideration for incentives to encourage redevelopment, such as through the implementation of tax deferrals and exemptions, will be considered by the County on a case-by-case basis at its discretion with regard to the long-term benefits and costs to the municipality.

Home Occupations

- 10.41 Home Occupations are to be limited in size and scope in order to not become the primary use of a parcel whose principal purpose is the residential aspect, as the Home Occupation is to remain a secondary use.
- 10.42 Home Occupations that grow beyond the original parameters and conditions of a development permit approval shall be required at the request of the Development Authority to:
- (a) cease the unapproved expansion of activities beyond the parameters of an approved permit, or
 - (b) redesignate to an appropriate commercial or industrial land use designation.
- 10.43 Home Occupations that desire to expand and grow beyond the original parameters and conditions of a development permit approval and the standards/regulations of the Land Use Bylaw will be required to relocate to a more suitable parcel already designated for industrial or commercial type use.
- 10.44 Home Occupations should continue to be allowed wherever deemed appropriate, with Lethbridge County reviewing and monitoring their success or constraints over time. At some point in future

time, those Home Occupations that have successfully grown or desire to expand should be encouraged to relocate to established industrial areas.

- 10.45 The County will regulate the size and operational factors of Home Occupations through criteria and standards in the Land Use Bylaw, including having different categories and standards applied to regulate such uses.

Industrial and Commercial Servicing

- 10.46 All industrial and commercial development must meet the standards outlined in the Lethbridge County *Engineering Guidelines and Minimum Servicing Standards*. Additionally, development must also meet both Alberta Environment and Alberta Health Services regulations as applicable.

- 10.47 Any commercial or industrial use that uses high volumes of water as part of its operations (such as a food processor, truck or car wash facility, heavy manufacturing industry) must be located in an area that has a secured water supply and be able to connect to a municipal treated sewage system, or an approved private or communal sewage system that can handle the volume of effluent and wastewater.

- 10.48 All development must comply with the servicing requirements and criteria stipulated in Part 4, Section 11 of the MDP, and generally must meet the basic following requirements:

Roads/Access – All development and each parcel of any proposed subdivision must have both legal and direct physical access to a public road unless it is part of a registered condominium plan.

Water - For any development, the County will require developers to demonstrate the availability of a secure water supply relative to the proposed development’s volume usage needs.

Sewage/sanitary service - All developments are to have appropriate sanitary servicing suitable for the use and volume of effluent produced. Exceptions may be considered where the industrial or commercial use is mainly outdoor storage, resource extraction or primarily agriculturally related (e.g., hay plant, seed cleaning facility, etc.).

Drainage - Stormwater management must be addressed to the municipality’s satisfaction and developers must provide lot grading plans and/or engineered stormwater management plans as required.

Shallow utilities - Utilities such as electricity and gas necessary to serve the development must be provided at the developer’s expense.