

LETHBRIDGE COUNTY

CHINOOK INTERMUNICIPAL SUBDIVISION & DEVELOPMENT APPEAL BOARD

November 15, 2024

10:00 a.m.

Hearing No. 2024-160

APPELLANT/APPLICANT:
Steve Smith & Annie Walters

LIST OF EXHIBITS

- A. Notice of Hearing & Location Sketch Map
- B. List of Persons Notified
- C. Letter of Appeal
- D. Development Permit No. 2024-160
- E. Development Permit Application & Supporting Documents
- F. Notice of Completeness
- G. Development Permit Circulation Comments
- H. Notice of Violation
- I. Mountain Meadows Area Structure Plan Bylaw No. 1022
- J. Excerpts from Lethbridge County Land Use Bylaw No. 24-007
- K. Development Officer's Submission

LETHBRIDGE COUNTY
CHINOOK INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD

NOTICE OF SUBDIVISION AND DEVELOPMENT APPEAL BOARD HEARING
Development Permit No. 2024-160

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 No. 2024-160

APPELLANT/APPLICANT: Steve Smith and Annie Walters

LEGAL DESCRIPTION: Lot 21, Plan 9411132 within the SW¼ 5-9-22 W4M
(SUBJECT PROPERTY) (221 Falcon Ridge Way – Mountain Meadows, Lethbridge County)

PROPOSAL: Two (2) permanent shipping containers with waiver for setback and number of shipping containers

DECISION: Approved with Conditions (reducing to one shipping container with no variance)

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

DATE OF HEARING: Friday, November 15, 2024

TIME OF HEARING: 10:00 A.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 Tuesday, November 12, 2024.**

EMAIL: ryandyck@orrsc.com

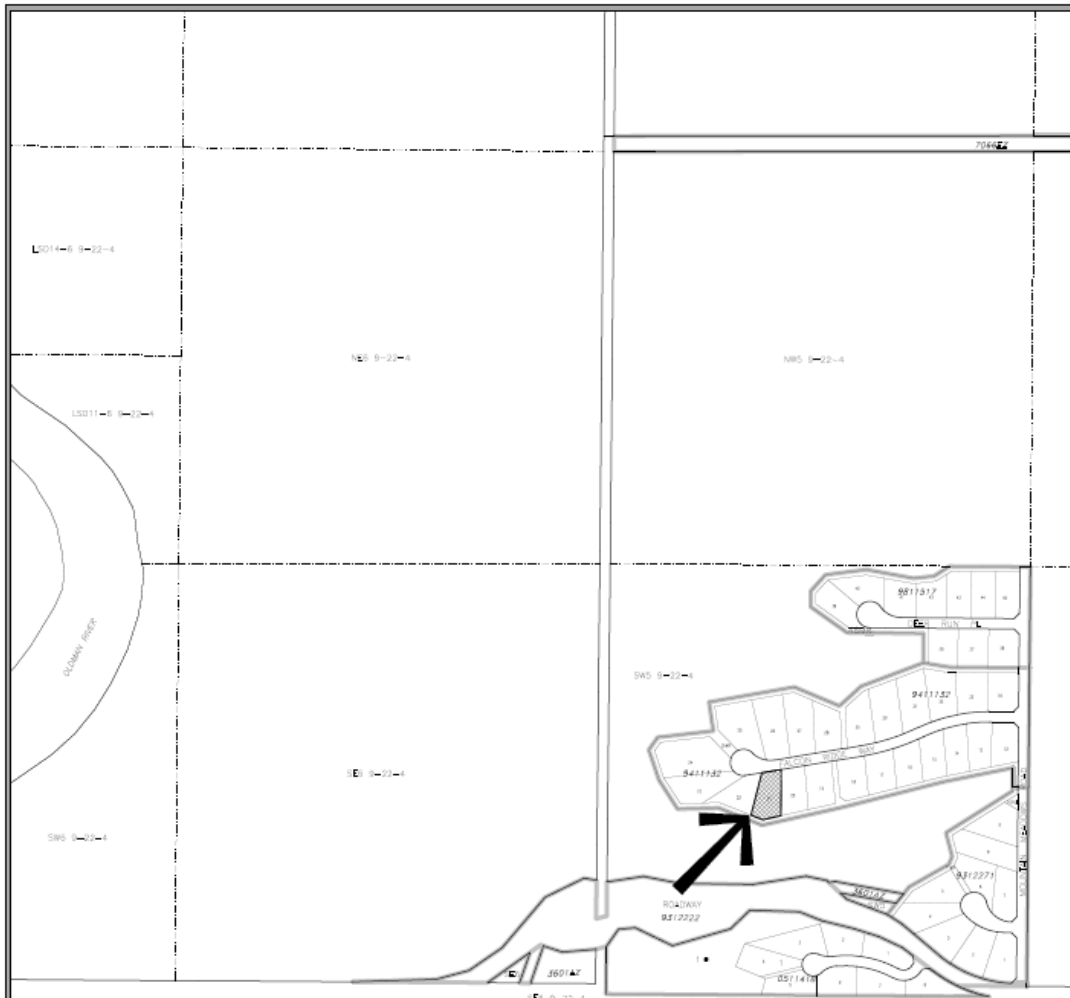
MAIL: **Ryan Dyck, Board Clerk**
Oldman River Regional Services Commission
3105 – 16th Avenue N., Lethbridge, Alberta T1H 5E8

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 November 12, 2024, will be posted to the website prior to the hearing.

LETHBRIDGE COUNTY

CHINOOK INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD Land Subject of Appeal DP 2024-160



LOCATION SKETCH

LOT 21, PLAN 9411132
WITHIN SW 1/4 SEC 5, TWP 9, RGE 22, W 4 M

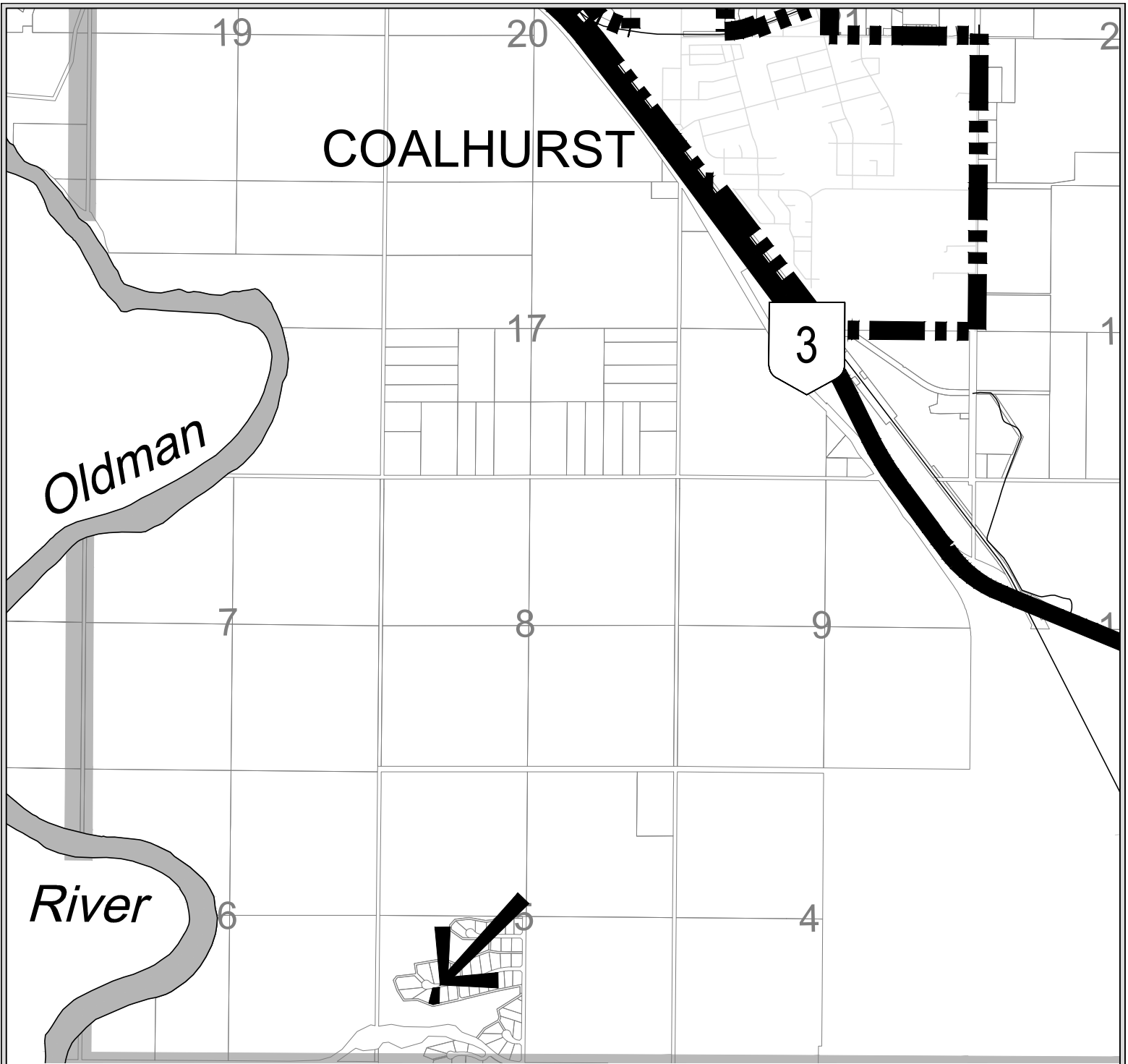
MUNICIPALITY: LETHBRIDGE COUNTY
DATE: OCTOBER 29, 2024



A handwritten signature in blue ink, appearing to read 'RD'.

Ryan Dyck, Board Clerk
Subdivision & Development Appeal Board
DATE: October 29, 2024

A2



LOCATION SKETCH

LOT 21, PLAN 9411132

WITHIN SW 1/4 SEC 5, TWP 9, RGE 22, W 4 M

MUNICIPALITY: LETHBRIDGE COUNTY

DATE: OCTOBER 29, 2024

MAP PREPARED BY:
 OLDMAN RIVER REGIONAL SERVICES COMMISSION
 3105 18th AVENUE NORTH, LETHBRIDGE, AB T1H 5E8
 NOT RESPONSIBLE FOR ERRORS OR OMISSIONS



OLDMAN RIVER REGIONAL SERVICES COMMISSION



LETHBRIDGE COUNTY
SUBDIVISION & DEVELOPMENT APPEAL BOARD

Development Permit No. DPA 2024-160

List of Persons Notified

Municipality:

Lethbridge County, CAO
Lethbridge County, Manager of Planning
and Development
Lethbridge County, Planning &
Development Coordinator
ORRSC Planner, Steve Harty

SDAB Members:

Murray Williams
Kim Jensen
Evert Van Essen

Appellant/Applicant:

Steve Smith and Annie Walters

Other Persons Notified:

Cynthia and Darren Greenfield
Richard and Lynette Harder
Michele Hunt
Michael and Donna Laing
Ian and Jacinta Miller
Mervin and Julie Orr
Karl and Susann Staenz
Ryley and Tricia Tolman
Gary and Gail Thompson
Michael and Julie Wilkins



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) STEVE SMITH and ANNIE WALTERS
Mailing Address: 221 Falcon Ridge Way, Lethbridge, County, Alberta
Postal Code: T1J 5R8 Legal Description: L:21 P:9411132 QSW S:5 T:9 R:22
Telephone: (residence) [REDACTED] (business) N/A (cell) [REDACTED]
Email: [REDACTED]

APPLICATION BEING APPEALED: (please include the Development or Subdivision Application Number)
 Development Application No. 2024-160
 Subdivision Application No. _____

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

- 1. Refusal of the application for a setback waiver from 6.1m to 5.48m from the side yard property line; and
- 2. Refusal of the application to allow for two permanent Shipping Containers.

THE GROUNDS FOR THE APPEAL ARE AS FOLLOWS:

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

1. We are proposing 2 solutions because we now understand the setback requirement and we require the storage space of 2 Shipping Containers for all our storage needs as this is a household of two amalgamated families.

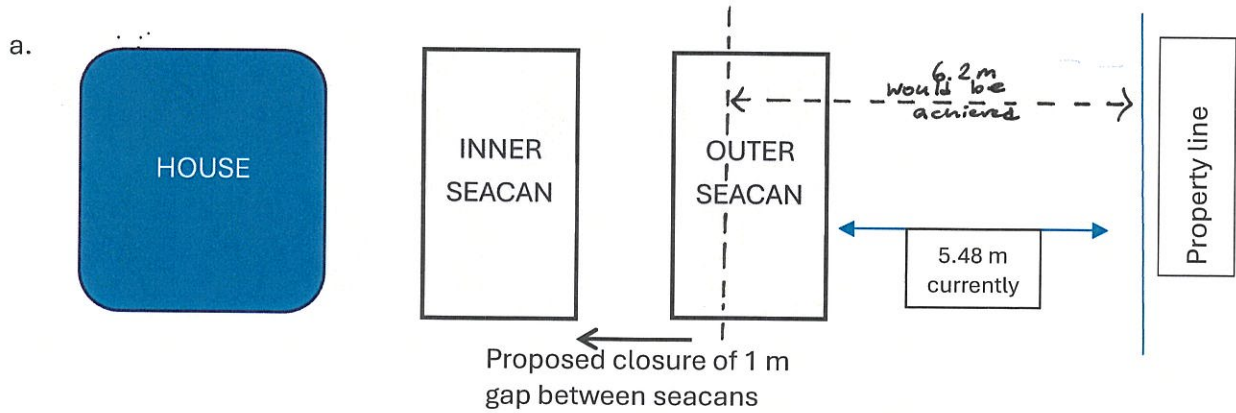
2. We propose the following possible solutions:

- a. to deal with the setback issue we could move the outer Shipping Container right up against the inner Shipping Container so that the setback will then be exactly 6.1m. That will eliminate the setback issue completely;
- i. for aesthetics, once the 2 Shipping Containers are side-by-side, we could cover them with a Quonset-type structure that covers both Shipping Containers and appears from the outside to be one shed-like structure; OR
- b. to deal with the setback issue, the outer Shipping Container could be moved right up in front of the inner Shipping Container with a 6 ft gap in between them, so that the Shipping Containers appear in one straight line, and take up no more than 46 straight feet. That will eliminate the setback issue completely, and aesthetically it would look like one long structure.

Date: October 8, 2024 Signature of Appellant(s): [Signature: Steve] [Signature: Annie]
Steve Annie

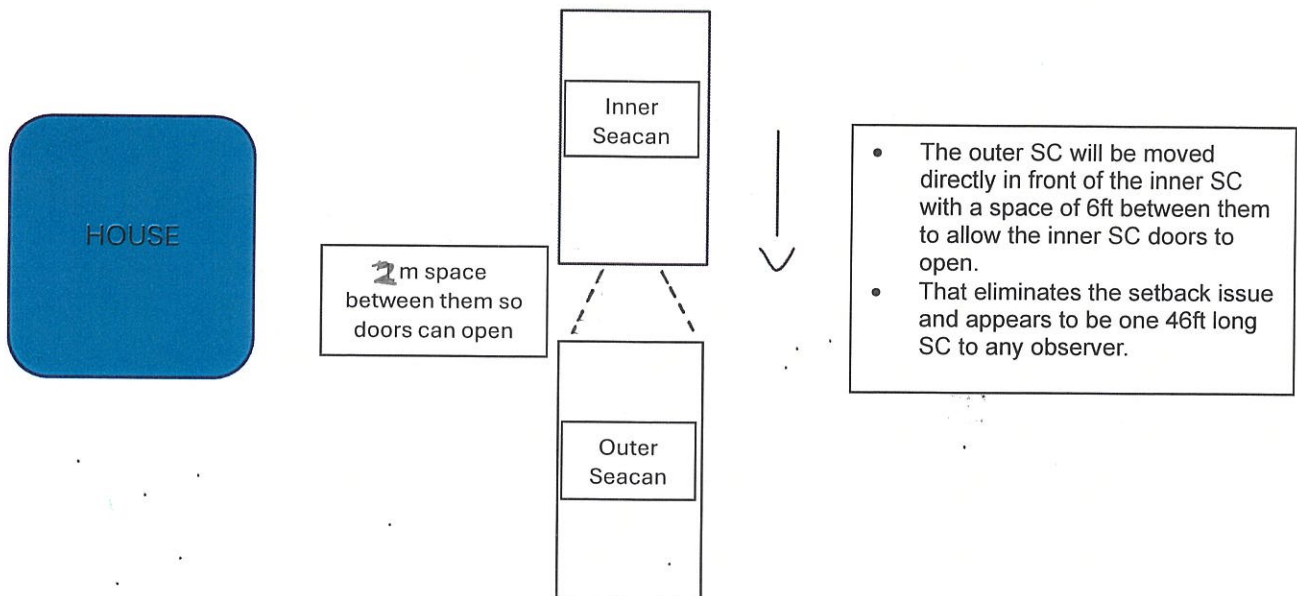
FOR OFFICE USE ONLY	
Ad Expired:	Appeal Number:
Applicant / Appellant Notified:	Hearing Date:

APPENDIX "A" attached to Letter of Appeal



- The outer SC will be moved up against the inner SC so the space of 1 METRE is completely closed and that creates a setback of 6.2m (which would satisfy the setback requirement)
- We can even put a canopy over the space of 6ft so that looking at the structure from either side or from overhead it looks like one long SC.
- Additionally, a façade could be added to give the appearance of a shed if that pleases onlookers.
- In with the SC joined together the result would essentially be a single larger structure that looks like a shed.

b.



LETHBRIDGE COUNTY DEVELOPMENT PERMIT

Pursuant to Land Use Bylaw No. 24-007

Development Permit No: 2024-160

Applicant: Annie Walters, Steve Smith, 221 Falcon Ridge Way, Lethbridge County, ALBERTA, T1J 5R8

In Works Respecting of: Permanent Shipping Container (1 - 160 sq. ft.)

On land located at: L:21 P:9411132 Q:SW S:5 T:9 R:22 M:W4 (221 Falcon Ridge Way) and as described on plans submitted by the applicant.

This permit refers only to works outlined in Development Application No. 2024-160 and **is subject to the conditions contained herein:**

- One Shipping Container is permitted on the property and shall adhere to the minimum setback of 6.1m as described in the Grouped Country Residential District.
- The application for a setback waiver from 6.1m to 5.48m from the side yard property line is **refused**. The application to allow for two permanent Shipping Containers is **refused**.
- Approval of all relevant Safety Code Permits (includes Building, Electrical, Plumbing, Gas, and Private Sewage Disposal Systems) must be obtained prior to commencement. Safety Code Permits are obtained through **Park Enterprises**, #10, 491 W.T. Hill Blvd. South, Lethbridge. Phone - (403) 329-3747.
- Any planned work in the County right-of-way (driveway, approaches, etc.) requires separate approval from the Lethbridge County Operations Department (call 403-328-5525).

Date of Decision: Oct 1, 2024

Appeal Period Expiry Date: Oct 22, 2024

The above-mentioned permit is subject to an appeal period. Any person affected by a decision regarding a Development Permit may file an appeal with the Development Appeal Board within twenty-one (21) days of the date of decision (section 686 of the Municipal Government Act).

SIGNED:



Coordinator, Planning and Development

LETHBRIDGE COUNTY DEVELOPMENT PERMIT

Pursuant to Land Use Bylaw No. 24-007

IMPORTANT:

The development outlined above is subject to the following conditions:

- (a) No development authorized by the issuing of a permit shall commence until at least 21 days after the date of decision of the permit in accordance with section 686 of the Municipal Government Act, or if an appeal is made until the appeal is decided upon. Any development commencing prior to the appeal period expiration, or an appeal decision being made is entirely at the risk of the applicant, developer, or landowner.
- (b) The approval of this Development Permit does not remove the need to obtain any Building Permits (including Plumbing, Gas, Electrical, and Private Sewage) or approval required by any federal, provincial, or municipal legislation, and/or regulations.
- (c) This permit, issued in accordance with the notice of decision, is valid for a period of twenty-four (24) months from the date of issue. If, at the expiry of this period, the development has not been commenced or carried out with reasonable diligence, this permit shall be null and void.
- (d) If this development permit is issued for construction of a building, the exterior of the building, including painting, shall be completed within twenty-four (24) months from the date of issue of this development permit unless otherwise authorized in the conditions of a development permit.
- (e) The Development Officer may, in accordance with section 645 of the Municipal Government Act, take such action as is necessary to ensure that the provisions of this bylaw are complied with.



FORM A: DEVELOPMENT PERMIT APPLICATION

Pursuant to Land Use Bylaw No. 24-007

		OFFICE USE
Application No: 2024-160	Roll No: 48862200	Use: <input type="checkbox"/> Permitted <input checked="" type="checkbox"/> Discretionary <input type="checkbox"/> Similar <input type="checkbox"/> Prohibited
Application Fee: \$ 800.00	Date Paid: Sept 6/24	Land Use District: <input type="checkbox"/> Rural Agriculture <input type="checkbox"/> Hamlet Residential <input type="checkbox"/> Urban Fringe <input type="checkbox"/> Hamlet Commercial <input checked="" type="checkbox"/> Grouped Country Residential <input type="checkbox"/> Hamlet Industrial <input type="checkbox"/> Rural General Industrial <input type="checkbox"/> Hamlet Public/Institutional <input type="checkbox"/> Business Light Industrial <input type="checkbox"/> Hamlet Direct Control <input type="checkbox"/> Rural Commercial <input type="checkbox"/> Hamlet <input type="checkbox"/> Rural Recreational <input type="checkbox"/> Transitional/Agricultural <input type="checkbox"/> Direct Control
Application Received /Complete: Aug 27/24 // Sept 10/24		Two (2) permanent shipping containers with waiver (setback and # of shipping containers)
Notification or Advertised Date:	Effective Date:	
Municipal Address Application Submitted: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not Required		Site Visit Conducted: <input type="checkbox"/> No <input type="checkbox"/> Yes Date:
AER 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		

1. APPLICANT & LAND INFORMATION

Applicant's Name: **ANNIE WALTERS & STEVE SMITH**

Phone/Cell Phone: [REDACTED] Email: [REDACTED]

Mailing Address: **221 FALCON RIDGE WAY, LETHBRIDGE COUNTY, AB T1J 5R8**

Registered Owner's Name: **ANNIE WALTERS & STEVE SMITH**

Phone/Cell Phone: [REDACTED] Email: [REDACTED]

Mailing Address: **221 FALCON RIDGE WAY, LETHBRIDGE COUNTY, AB**

Applicant's interest in the proposed development if not the registered owner: **N/A**

Agent Contractor Tenant Other: _____

Quarter: **SW** Section: **5** Township: **9** Range: **22** W4M

Lot(s) **21** Block: **H32** Plan: **9411132**

Municipal/Street address: **221 FALCON RIDGE WAY, LETHBRIDGE COUNTY, AB T1J 5R8**

* 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: **1.036** Acres _____ Hectares Land Use District: **Grouped Country Residential**

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.)

Home with attached garage and a shed which is next to the house and 2 seacans. The home is private residence only

FORM A: DEVELOPMENT PERMIT APPLICATION

Pursuant to Land Use Bylaw No. 24-007

(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.

The 2 Seacans were placed on the property last July, 2023 and they are used only for storage of excess household goods. Each one is 9 feet high by 6 feet wide,

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

- | | | |
|---|--|--|
| <input type="checkbox"/> Single-detached dwelling (site built) | <input type="checkbox"/> Manufactured Home 1 | <input type="checkbox"/> Manufactured Home 2 |
| <input type="checkbox"/> Single-detached dwelling (Ready-to-move) | <input type="checkbox"/> Semi-detached dwelling | |
| <input type="checkbox"/> Moved-in dwelling (previously occupied) | <input type="checkbox"/> Accessory Building/Structure (e.g.: deck/garage/shop) | |
| <input type="checkbox"/> Other Dwelling Type: _____ | <input checked="" type="checkbox"/> Addition: <u>2 Seacans already on site</u> | |
| Does dwelling application include an attached garage? | <input type="checkbox"/> Yes | <input type="checkbox"/> 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: N/A

- | | | | |
|--|--|--|---|
| <input type="checkbox"/> Home Occupation (Form A1) | <input type="checkbox"/> Commercial/Industrial (Form A2) | <input type="checkbox"/> Sign(s) (Form A3) | <input type="checkbox"/> Demolition (with other proposed development) (Form A4) |
|--|--|--|---|

Building Details

* Seacans x 2

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	<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	<input type="checkbox"/> m <input checked="" type="checkbox"/> ft	
Attached Garage Size	<input type="checkbox"/> m ² <input type="checkbox"/> sq. ft	<input type="checkbox"/> m ² <input type="checkbox"/> sq. ft	
Proposed Setbacks from Property Lines	Principal Building	Accessory Building	
Front	<input type="checkbox"/> m <input type="checkbox"/> ft	<input checked="" type="checkbox"/> m <input type="checkbox"/> ft	
Rear	<input type="checkbox"/> m <input type="checkbox"/> ft	<input checked="" type="checkbox"/> m <input type="checkbox"/> ft	
Side (from west property line)	<input type="checkbox"/> m <input type="checkbox"/> ft	<input checked="" type="checkbox"/> m <input type="checkbox"/> ft	
Side (from east property line)	<input type="checkbox"/> m <input type="checkbox"/> ft	<input checked="" type="checkbox"/> m <input type="checkbox"/> ft	
Parcel Type: Lot	<input checked="" type="checkbox"/> Interior Lot	<input type="checkbox"/> Corner	
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:	<u>NONE</u>		

FORM A: DEVELOPMENT PERMIT APPLICATION

Pursuant to Land Use Bylaw No. 24-007

(3) Exterior Finish, Fencing & Landscaping

(a) Not applicable to this development

(b) Applicable - Describe generally the types, colors, and materials, as applicable, of:

Exterior finishes of the proposed building(s): Steel painted with neutral grey metal paint (as pictured)

Proposed fencing and height: NONE

Proposed landscaping: NONE

Describe any proposed improvements to the exterior of the dwelling where application is for a previously occupied dwelling (moved-in or manufactured home): NOT APPLICABLE

(4) Services

Indicate the existing or proposed sewer system and potable water supply:

Sewer System:

Private Septic Municipal Communal

(specify): _____

Water Supply:

Cistern Water well Dugout Municipal/Co-op

Other (specify): _____

Other Services: Indicate as follows: **A**= available **R** = required

Natural gas (A) Electricity (A)

(5) Details of Vehicle Parking and Access (for commercial/industrial proposals, see supplementary form)

Describe the **number** 3 and **size** m/each of all existing and proposed **parking spaces** 0, and **driveways** 1 on site (or N/A if not applicable).

(Indicate locations of same on a scaled PLOT PLAN.)

(6) Waivers

Is a waiver (variance) to one or more standards in the Land Use Bylaw being requested? No Yes

If yes, please specify: We are requesting to have 2 shipping containers instead of one

(7) Other - for parcels outside of Hamlet districts (Please indicate to the best of your knowledge)

(a) Are any of the following within a 1-mile (1.6 km) of the proposed development? None

Provincial Highway Confined Feeding Operation Sour gas well or pipeline
 Sewage treatment plant Waste transfer station or landfill

(b) Is the proposed development to be situated within 500 metres (1,640 ft.) of an established anhydrous ammonia bulk storage facility? Yes _____ No Don't Know _____

(c) Is the development located in proximity of a coulee bank/break/slope? Yes No _____

If "yes", please provide details on the building sites' setback distance from the front edge of the valley or coulee break (escarpment rim).

Estimated **Commencement** Date: N/A *

Estimated **Completion** Date: Already placed on the lot on July 28, 2023 *

FORM A: DEVELOPMENT PERMIT APPLICATION

Pursuant to Land Use Bylaw No. 24-007

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: August 25, 2024

Applicant's Signature: _____

STEOR SMITH

Registered Owner's Signature: ANNE WALTERS
(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. Site plans and building drawings, in sufficient detail to enable adequate consideration of the application, must be submitted 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 after 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 foip@lethcounty.ca or call (403) 328-5525 or come into the office #100, 905-4th Avenue South, Lethbridge Alberta, T1J 4E4.



FORM A: DEVELOPMENT PERMIT APPLICATION
Pursuant to Land Use Bylaw No. 24-007

Site Plan
(or attach separate site plan)

Please see the attached 4
pages of the photocopied
Alberta Land Surveyor's
Real Property Report.
The 2 Seacans are highlighted
in yellow to show exactly
where they are currently located.
Thank You.

(Please draw to scale and indicate north arrow)

FALCON RIDGE WAY
260°15'00"
37.51

3.5 UR/W PLAN 941 1133



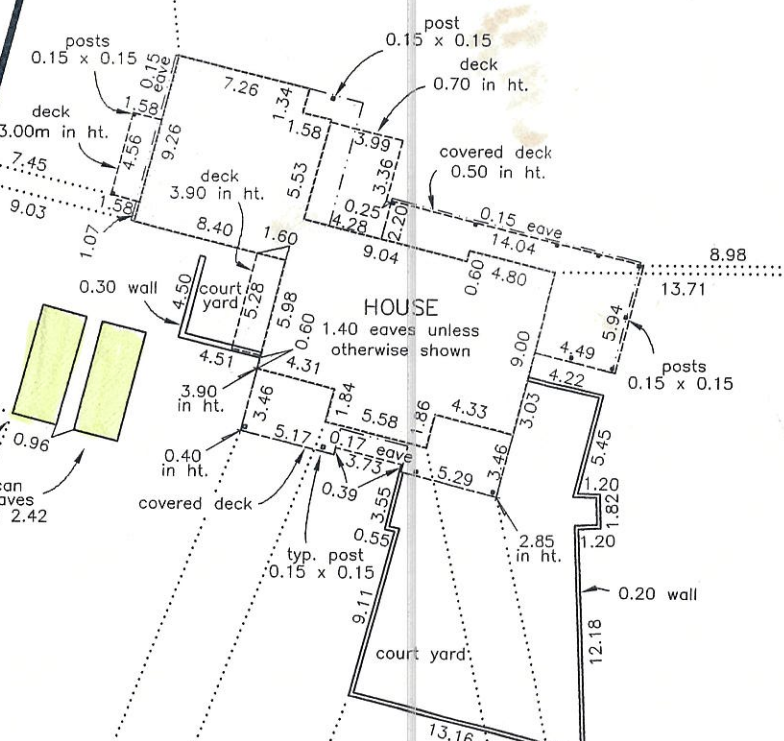
LOT 22
ASSUMED 194°00'00"
83.50

LOT 21
C. of T.
081 360 839

24.15
111°06'05"
LOT 35MR

35.54
77°05'55"
LOT 35MR

88.10
0°01'00"
LOT 20



FALCON RIDGE
 26°15'00"
 37.51

3.5 UR/W PLAN 94

LOT 22
 ASSUMED 194°00'00"
 83.50

LOT 21
 C. of T.
 081 360 839

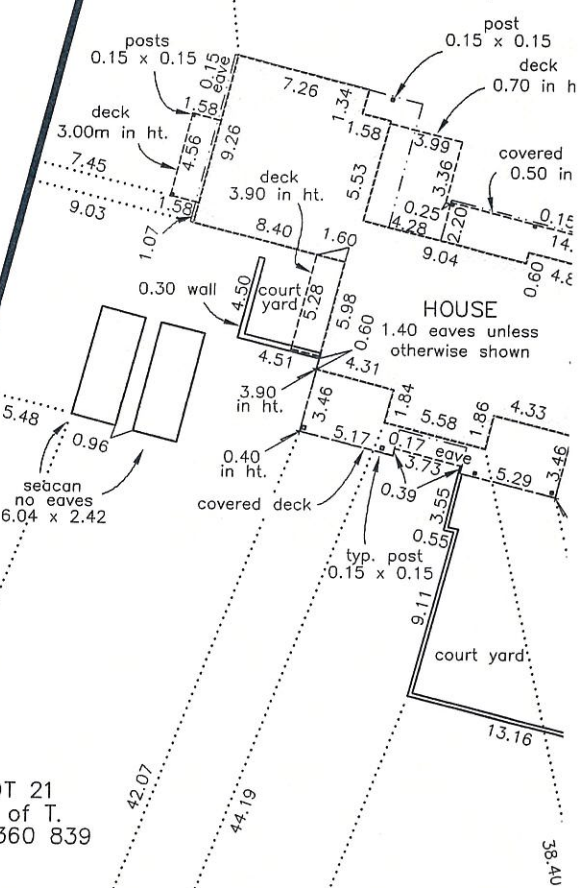
24.15
 111°06'05"
 LOT 35MR

35.5
 77°05'
 LOT :

The property is subject to the following surface encumbrances affecting the extent of title:
 Utility Right of Way, Instrument No. 791 094 700
 For all other encumbrances, see the certificate of title.

LEGEND

- Statutory Iron Posts found ●
- Property line ———
- Fence lines ——— X ———
 are within 0.20 metres of property line unless otherwise dimensioned.
- Distances from property boundaries are shown to siding
- Eaves dimensioned to the line of the fascia.
- Distances are shown in metres and decimal parts thereof.



E8

Alberta Land Surveyor's Real Property Report

To: STRINGAM LLP
150 - 4 STREET SOUTH
LETHBRIDGE, AB
T1J 5G4

PROPERTY DESCRIPTION ("THE PROPERTY")

PLAN 941 1132, LOT 21

CERTIFICATION

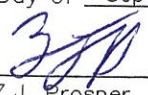
I hereby certify that this report, which includes the attached plan and related survey, was prepared and performed under my personal supervision and in accordance with the Alberta Land Surveyors' Association Manual of Standard Practice and supplements thereto. Accordingly, within those standards as of the date of this report, I am of the opinion that:

1. the Plan illustrates the boundaries of the Property, the improvements as defined in Part C, Section 6.5 of the Alberta Land Surveyors' Association's Manual of Standard Practice and registered easements and rights-of-way affecting the extent of the title to the Property.
2. the improvements are entirely within the boundaries of the Property.
3. no visible encroachments exist on the Property from any improvements situated on an adjoining property.
4. no visible encroachments exist on registered easements or rights-of-way affecting the extent of Property.

PURPOSE

This Report and the related plan have been prepared for the benefit of the Property owner, subsequent owners, and any of their agents for the purpose of a land conveyance, support of a subdivision application, a mortgage application, a submittal to the Municipality for a compliance certificate, etc. Copying is permitted only for the benefit of these parties. Where applicable, registered easements and utility rights-of-way affecting the extent of the Property have been shown. Unless shown otherwise, property corner markers have not been placed during the survey for this report. The plan should not be used to establish property boundaries due to the risk of misinterpretation or measurement error by the user. The information shown on this Real Property Report reflects the status of this Property as of the date of survey only. Users are encouraged to have the Real Property Report updated for future requirements.

Dated at Lethbridge, Alberta
This 1st Day of September, 2023



Z.J. Prosper
Alberta Land Surveyor, 2023

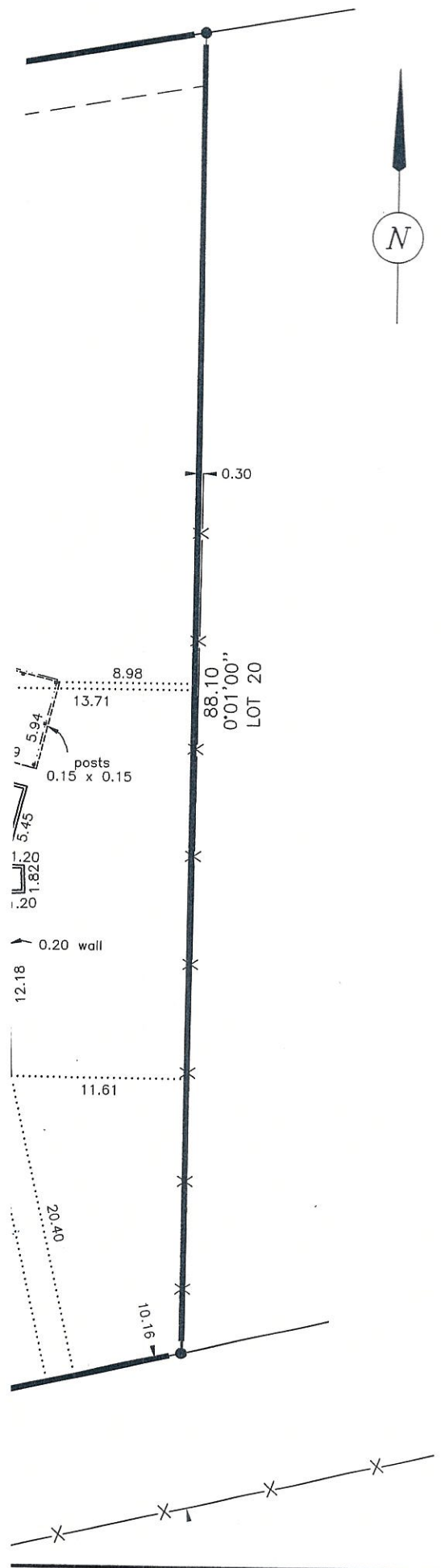


boa brown okamura & associates ltd.
2830 - 12 Avenue North, Lethbridge, Alberta T1H 5J9

E9

© copyright brown, okamura & associates ltd. 2023

Scale:	1:400 (metric)	Drawn: BB
Job	14851	Ref. file: 253-36
Date of Title Search:	JULY 4, 2023	
Date of Survey:	AUGUST 25, 2023	



Alberta Land Surveyor's Real Property Report

Front
Cover. **E10**



brown okamura & associates ltd.

Professional Surveyors

2830 - 12 Avenue North, Lethbridge, Alta. T1H 5J9 Telephone 403-329-4688 Fax 403-320-9144



Notice of Complete Application: 2024-160

From Jessica Potack <jpotack@lethcounty.ca>

Date Tue 9/10/2024 11:22 AM

To R Smith [REDACTED]

Good afternoon Robyn,

Our preliminary review of your application has been concluded and your application has been deemed complete. Please accept this email as confirmation. **Your application number is 2024-160.**

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,



Jessica Potack

Coordinator, Planning and Development

P: 403.317.6053 C: 403.915.6143 E: jpotack@lethcounty.ca

www.lethcounty.ca

In the true spirit of reconciliation, we acknowledge all those who call this land home now and for thousands of years in the past. May we respect each other and find understanding together and recognize the benefits that this land provides to all of us.

F1

Development Permit: 2024-160

Adjacent Landowner Verbal Feedback

Sept 17, 2024

Neighbour (Unidentified)

Concerns over precedent being set to allow for multiple shipping containers on lots in the area.

Sept 20/24

Neighbour (Unidentified)

Concerns about the two shipping containers and the possibility of them being moved to the east side of the parcel, since his home is directly beside the applicants on that side. He was concerned about the containers blocking his view, however when I explained that the applicant would not be allowed to move anything without re-applying for a development permit and it being re-circulated, he said he had no objections.

Permit Number: 204204-24-D0006

Municipality File Number: 2024-160

Agency File Number:

Applicant Name: Annie Walters, Steve Smith

NOTE(s)

Aug 30/24 - Received development permit application, however require payment. Also need to confirm whether a slope stability study would be required due to proximity to coulee edge, although will confirm during circulation due to absence of employees in office for long weekend. The structures are not actual construction, rather just placement of an existing structure. The project is in the ASP of Mountain Meadows, however, the architectural controls would not prohibit this project. JP

Sept 4/24 - Confirmed with Hilary that no slope stability study is required. Still awaiting payment. Once paid, can be deemed complete and circulated as discretionary. JP

Sept 10/24 - Received confirmation of payment and sent Notice of Complete Application. Application being circulated to adjacent LO's. JP

Sept 17/24 - Received phone call inquiry from neighbour with concerns over a precedent being set to allow for multiple shipping containers on lots in their areas. This is the third comment we have received on this file, the first being the initial complaint and the second an email comment. Per the Development Meeting on September 12, there were internal concerns regarding precedents as well. It is looking like the waiver request will be refused and they will only be allowed to keep one shipping container, although they could get a larger one instead. JP

Sept 20/24 - Spoke with an Adj LO who had concerns about the two shipping containers and the possibility of them being moved to the east side of the parcel, since his home is directly beside the applicants on that side. He was concerned about the containers blocking his view, however when I explained that the applicant would not be allowed to move anything without re-applying for a development permit and it being re-circulated, he said he had no objections. JP

Sept 20/24 - Emailed Robyn Smith (child of applicant and point of contact) to please give me a call to discuss permit options as it appears that the waiver request will need to be refused as per internal and external concerns. The file is set to be sent to Sunny South next week, however, would like to give the applicant the chance to find another solution (ie. larger shipping container) before approving application and refusing waiver. JP

Sept 20/24 - Spoke with Daughter Robin regarding pending refusal. She stated she would have her parents minimize the shipping container down to one of the existing ones. JP

Oct 1/24 - Issued DP. JP

EXTERNAL CIRC: No

AGENCIES NOTIFIED: N/A

APPROACH WORK REQ'D: No

FIRE DEPT: Coalhurst

DEADLINE FOR COMMENTS: Sept 24/24

40 Days: Oct 20/24

Development Application Circulation

Date: September 10, 2024

To: Devon Thiele – Director, Development and Infrastructure
Hilary Janzen – Manager, Planning and Development
Graham White – Manager, Public Works
Ryan Thomson – Director, Operations
Hannah Laberge – Planning Intern

RE: Development Permit Number: 2024-160 Two (2) permanent shipping containers with waiver (setback and # of shipping containers)

Location: Part of Plan 9411132 Lot 21 (221 Falcon Ridge Way)

Description:

Lethbridge County has received an application for two (2) existing shipping containers with waivers relating to side-yard setback and number of shipping containers on a parcel in Grouped Country Residential. There is an Existing Home and Attached Garage located on the parcel which will remain. The applicant has requested to waive the side-yard setback from 6.1m to 5.48m. Additionally, they have requested to increase the number of allowable Shipping Containers on the parcel from one to two. Per the Land-Use Bylaw (LUB), parcels less than 1.0 acres may only have one permanent shipping container – the lot in question is 1.03 acres. The LUB also states that parcels over 2.0 acres may have up to two shipping containers, however, does not describe lots between these two values.

The proposed development is discretionary use. It may also be important to note that the existing shipping containers were uncovered as a result of a complaint from an adjacent landowner. That said, there are no contraindications from the Area Structure Plan, and the submitted photographs appear to show that the Shipping Containers are in good condition and of neutral colour. The applicant intends to use the Shipping Containers for personal storage only.

If you have any comments or concerns regarding this application, please contact me by September 17, 2024.

Regards,



Jessica Potack, Coordinator, Development and Planning
Enclosures



August 15, 2024

Annie Walters & Steve Smith
221 Falcon Ridge Way
Lethbridge County, AB T1J 5R8

Re: NOTICE OF VIOLATION – Unpermitted Shipping Containers (x2)

Location: Plan 9411132 Lot 21 (221 Falcon Ridge Rd)

It has come to the attention of Lethbridge County that two (2) shipping containers have been relocated onto the above-noted parcel. This was confirmed by a site visit conducted by the County's Peace Officer on August 12, 2024. A review of the land file revealed that no development permit has been granted for any accessory structures on the subject lands.

All Accessory Buildings greater than 100 sq. ft. require a Development Permit in Grouped Country Residential zoned land. Further, pursuant to Part 5 Section 36(3) of Lethbridge County Land Use Bylaw No. 24-007, In the Grouped Country Residential (GCR) land use district for permanent Shipping Containers, only one container is allowed on a parcel 0.4 ha (1.0 acre) or less.

You are required to take one of the three following actions to bring your property into compliance.

1. Remove the referenced buildings on or before **September 15th, 2024**
2. Remove one of the referenced buildings and submit a Development Permit Application to Lethbridge County on or before **September 15^h, 2024**. The application may be either submitted to the Lethbridge County office (905 – 4 Avenue South, Lethbridge) or emailed to: development@lethcounty.ca. The Development Permit application shall include:
 - a. Completed Development Permit Application Form A (included with this notice)
 - b. Site Plan with dimensions showing location of shipping containers, property lines, dimensions, adjacent buildings and/or structures, utility locates, north arrow, etc
 - c. Two (2) recent colour photographs of the shipping container(s) – end and side view
 - d. Applicable application fees (to be determined once application is received)



3. Submit Development Permit Application with a requested Waiver on or before **September 15th, 2024** to request that both shipping containers be allowed to remain on site. The application may be either submitted to the Lethbridge County office with the relevant documentation as described above. Please note that the approval of a Waiver is not guaranteed.

Your prompt attention and voluntary cooperation in this regard is appreciated. Failure to comply will result in further action being taken by the County.

Should you require any clarification on this matter you may contact Jessica Potack, Development Planner with Lethbridge County at 403-328-5525 or email at jpotack@lethcounty.ca.

Jessica Potack
Coordinator, Planning and Developmentp

cc. Hilary Janzen; Manager, Planning and Development



COUNTY OF LETHBRIDGE NO. 26
IN THE PROVINCE OF ALBERTA

BY-LAW NO. 1022

A BY-LAW OF THE COUNTY OF LETHBRIDGE NO. 26 BEING
A BY-LAW PURSUANT TO SECTION 64(1) OF THE PLANNING
ACT, CHAPTER P-9, R.S.A. 1980.

WHEREAS Byron Nalder & Associates wish to develop a GROUPED
COUNTRY RESIDENTIAL Subdivision on lands described as a portion of the
South West Quarter of Section 5, Township 9, Range 22, West of the
Fourth Meridian, lying North of road plan 3601 A.Z.;

AND WHEREAS the above lands have been recently classified
as GROUPED COUNTRY RESIDENTIAL (G.C.R.) pursuant to Land Use By-Law
No. 806 and amending By-Law No. 1019;

AND WHEREAS the Area Structure Plan submitted by the
developer known as the "Nalder - Area Structure Plan" will provide a
framework for subsequent subdivision and development of the area;

NOW THEREFORE BE IT RESOLVED that the Council of the County
of Lethbridge No. 26 does hereby approve the "Nalder - Area Structure
Plan" attached as Appendix "A".

GIVEN first reading this 14th day of June 1993.


Reeve


County Manager

GIVEN second reading this 16 day of August 1993.


Reeve


County Manager

GIVEN third and final reading this 16 day of August 1993.


Reeve


County Manager

(By-Law 1022)

**AREA STRUCTURE PLAN
FOR SUBDIVISION OF
PORTION OF SW 1/4 SEC 5-9-22-4**

Bylaw 1022

County of Lethbridge No. 26

for Mountain Meadows Development Corporation
Lethbridge, Alberta

August 17, 1993

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1.0 INTRODUCTION

This document outlines the Area Structure Plan for the proposed subdivision of SW 5-9-22-4 located in the County of Lethbridge No. 26. The 134-acre parcel under consideration is currently native grassland intersected by river coulees and panoramic bluffs. A Land Use Zoning Change Application has been filed with the County of Lethbridge No. 26 to meet the by-law requirements for this Area Structure Plan.

The enclosed conceptual plan, details and architectural controls are designed to assure a quality subdivision.

2.0 PLANS AND DRAWINGS

Attached are the following plans:

-
- 2.1 Contour map of subject property (Appendix A)
 - 2.2 Conceptual design of subdivision (Appendix B)

3.0 SERVICING

3.1 *Sanitary Sewer System*

Sanitary Sewage will be handled individually on each lot with a private sewage disposal system. The soil characteristics, as detailed in the Soil Test Report (Appendix C) verifies the suitability of the soil for this type of a disposal system and supplies the base design criterion for the required septic fields.

3.2 *Water System*

3.2.1 Landscape Water

The developer will provide a water storage reservoir and watermain for water delivery to the property line of each lot within the development.

This water system will be for landscape watering and fire protection purposes. The source of water will be from shallow wells in the river valley and piped underground to the project. These wells are in river gravels. An inline reservoir will balance peak water use demands as well as assure adequate water for fire protection.

The reservoir will be accessible from the subdivision road.

Each owner within the development will be part of a water cooperative association.

3.2.2 Fire Protection

The inline reservoir and watermain system will provide water volume sufficient for fire truck pumping. The waterlines will be installed below the frost line to ensure year round availability of water.

3.2.3 Potable Water

The developer will provide a water storage reservoir and chlorination treatment facility to provide potable water to each lot of the subdivision. This water system will be taken to each property line.

3.3 *Gas*

Canadian Western Natural Gas will supply natural gas to the development. The existing line has sufficient pressure for the subdivision. Developer will bring natural gas to each property line.

3.4 *Electrical Power*

TransAlta Utilities will provide overhead services to the proposed subdivision and underground services to each property line.

3.5 *Telephone*

Alberta Government Telephones will provide services to the lots but each individual owner must apply for the service when building.

4.0 ROADS

The roads in the proposed subdivision will be developed to County of Lethbridge No. 26 approved design criteria. Minimal area disturbance and natural drainage will be emphasized. The road surface will be asphalt with sides seeded to grass. The roadway will be adequate in width to accommodate local traffic with cul de sacs of sufficient radius to accommodate ease of schoolbus turning. Each lot will have direct access, with culverts being the responsibility of each property owner.

5.0 SOLID WASTE DISPOSAL

A centrally located household waste collection site will be provided for residents within the subdivision. The County will be responsible for garbage collection, the cost of which will be the responsibility of the individual landowners and billed to them on a regular basis by the County.

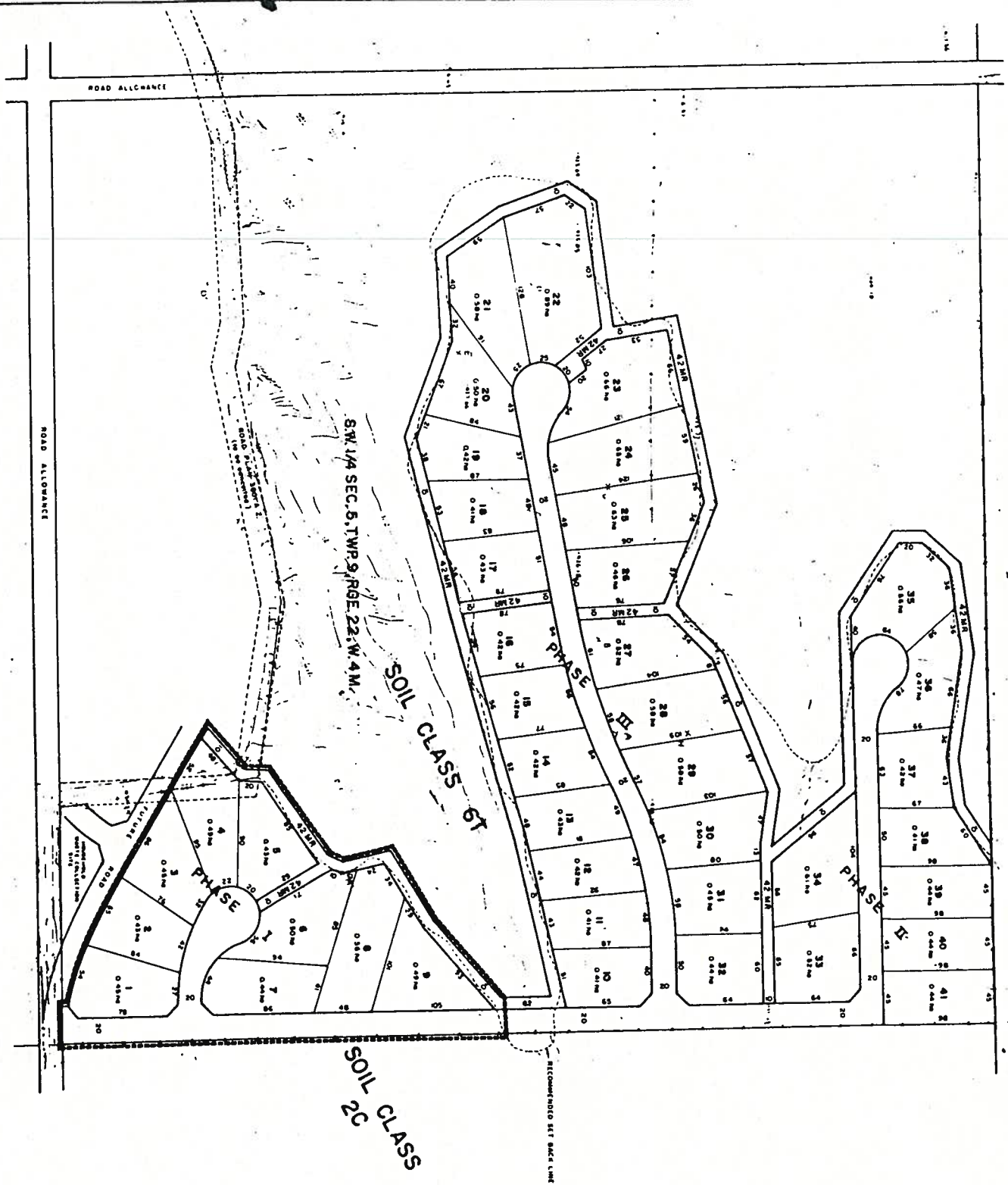
6.0 ARCHITECTURAL CONTROLS

The following controls are designed to ensure an aesthetically pleasing environment. The intent is to create the subdivision such that it enhances the natural beauty of its surroundings.

- 6.1 Earth tone and/or neutral colors, as determined by the Development Officer, are to be used on all physical structures.
- 6.2 Wire fences, chain link excepted, are not permitted.
- 6.3 Fences in front and areas of residences to be limited to one metre height or less.
- 6.4 Each residence is to be a minimum of 1200 sq. ft. on the main floor and is to be constructed on site. Mobile homes are not permitted.
- 6.5 Animals and birds to be restricted to normal domestic pets.
- 6.6 Ancillary residential buildings such as garages and garden sheds are allowed, but larger structures that may be used for industrial storage are excluded.
- 6.7 Each property owner is to be responsible for upkeep of utility right-of-way along property frontage.

S.W. 1/4 Sec. 5, T.9 R.22 W.4M
 ALBERTA
 TOPOGRAPHIC MAP
 Scale 1:2000

LEGEND
 Road
 Trail
 Building
 Fence
 Power
 E.T.



93-0-106

111

PHASE I

NOTE: Portions to be approved in outlined blue and contain 5.83 ha
 Dimensions and areas are approximate and are subject to change upon final survey.
 NOTE: 42 ha (municipal reserve) is 10m in width and contains 0.44 ha (more or less)
 INFORMATION: 1 Acre = 0.405 hectares

NO.	DESCRIPTION

bec brown okamoto & stock
 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000

BYRON K. NALDER
 PROFESSIONAL CORPORATIO
 TENTATIVE PLAN SHOWING SUBDIVISION OF PART OF
 S.W. 1/4 SEC. 5, T.9, R.22, W.4M
 County of Lambton

GROUPED COUNTRY RESIDENTIAL - GCR

1. PURPOSE

To provide for a high quality of clustered residential development in areas where no conflict with agriculture or industrial type land uses can be anticipated pursuant to the Municipal Development Plan. Uses which are incompatible with the primarily residential character of this district are discouraged.

2. PERMITTED, DISCRETIONARY AND PROHIBITED USES

(1) Permitted Uses

Accessory Buildings, Structures and Uses to an Approved Permitted Use

Day Homes (see Part 2 - No permit required, and Part 5, Section 17)

Dwellings:

Single-detached Site-built

Single-detached Manufactured Homes 1 (see Part 5, Section 24)

Single-detached Ready-to-move (see Part 5, Section 24)

Home Occupations 1 (see Part 5, Section 22)

Secondary Suites (contained within a single-detached dwelling) (see Part 5, Section 34)

Shipping Containers, Temporary (see Part 2 - No permit required and Part 5, Section 36)

Signs Type 1 (in accordance with Part 6)

Solar Collectors, Individual (roof, wall mount) (see Part 2 - No permit required and Part 7, Section 2)

(2) Discretionary Uses

Accessory Buildings, Structures and Uses to an Approved Discretionary Use

Bed and Breakfasts (see Part 5, Section 9)

Day Care (see Part 5, Section 16)

Dwellings:

Moved-in

Semi-detached / Duplex

Single-detached Manufactured Homes 2 (see Part 5, Section 24)

Home Occupations 2 (see Part 5, Section 22)

Manufactured Home Parks

Moved-in Buildings (see Part 5, Section 27)

Parks, Playgrounds and Sportfields

Secondary Suites (detached garage) (see Part 5, Section 34)

Shipping Containers (up to 2 maximum) (see Part 5, Section 36)

Signs Type 2 Fascia (in accordance with Part 6)

Small Wind Energy Conversion Systems (see Part 7, Part 3)

Solar Collectors, Individual (ground mount) (see Part 7, Section 2)

Tourist Homes/Short Term Rentals (see Part 5, Section 41)

J1

(3) **Prohibited Uses**

- ◆ *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 34, is a Prohibited Use.*

3. MINIMUM LOT SIZE

(1) The minimum required parcel or lot size shall be:

- (a) existing parcels;
- (b) 0.8 ha (2 acres) of developable land or greater as reasonably required to support the proposed use if private disposal sewage systems are used.

(2) Parcels or lots less than 0.8 ha (2 acres) in size may be considered in the following circumstances:

- (a) the lots are to be connected to municipal services; or
- (b) the lots are included in a municipal approved area structure plan or design scheme and the lot area is based on an alternative or communal waste water treatment system acceptable to the municipality. In such situations, the minimum lot area should not be less than 0.2 ha (20,000 sq. ft.) unless special circumstances warrant a smaller size; or
- (c) the lots are part of an area that has a valid area structure plan or design scheme applicable to it, which was approved by Council prior to this land use bylaw taking effect, and the subdivision is being registered or developed in stages which have been initiated.

4. MINIMUM YARD 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, or as established in an adopted area structure plan or design scheme.

(2) **Front yards**

Front yards setbacks for all uses shall be a minimum of 15.2 metres (50 ft.) from the property line adjacent to or fronting a local or internal subdivision road, not categorized as a statutory municipal road allowance. For setbacks adjacent to or fronting other roadways Section 5 stipulations shall apply, unless a variance is approved by the Development Authority or Alberta Transportation.

(3) **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 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* 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.

7. MAXIMUM SITE COVERAGE

- (1) Unless specified elsewhere in this bylaw, the maximum percentage of the site that may be covered by buildings and structures shall be:
 - (a) as determined by the Development Authority – no building, structure or driveway shall be located within the area or setbacks required or identified to treat private septic sewage; or
 - (b) as established in an adopted area structure plan or design scheme.

- (2) The maximum size (i.e., square footage or building footprint) of an accessory building or structure to be located on a lot or parcel shall not exceed the sizes as stipulated in Section 10 of this district.

8. 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 *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*. If the development is within 300 metres (¾ mile) 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 development other than those deemed approved. Construction and survey costs for a service road shall be the responsibility of the applicant.
- (5) A shared local service road or the construction of shared accesses/approaches may be required to be provided by the developer of multi-lot subdivisions in accordance with *Lethbridge County Engineering Guidelines and Minimum Servicing Standards*.

9. ACCESSORY BUILDINGS AND STRUCTURES

- (1) An accessory building or structure shall only be constructed in conjunction with an approved principal building or use and not be used as a permanent dwelling.
- (2) An accessory building shall not be located in the required setback from a public road or on an easement.
- (3) An accessory building shall be setback a minimum 3.0 metres (10 ft.) from the principal dwelling and from all other structures on the same lot.
- (4) 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.
- (5) 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.
- (6) Maximum height – No accessory buildings shall exceed 8.5 m (28 ft.) in height.

- (7) Maximum size of accessory buildings or structures:
- (a) on parcels 0.8 ha (2.0 acres) or less in size, the maximum size of an accessory building or structure shall not exceed 222.9 m² (2,400 sq. ft.);
 - (b) on parcels greater than 0.8 ha (2.0 acres) in size, the maximum size of an accessory building or structure shall not exceed 371.61 m² (4,000 sq. ft.);
 - (c) the maximum size is the combined total size for all accessory buildings on a parcel (the cumulative square footage of all accessory buildings)
- (8) For permanent Shipping Containers only one container is allowed on a parcel 0.4 ha (1.0 acre) or less in size and up to two may be allowed on parcels 0.8 ha (2.0 acres) or greater in size (this does not include Temporary Shipping Containers). [see Part 5, Section 36]

10. 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 *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 4, Section 12;
- (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 4, Section 12, Fences, Trees and Shelter Belts in Rural Areas, Diagram 4.5, of the right-of-way of a public road.

11. 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 three (3) 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.

12. SERVICING REQUIREMENTS

- (1) Every development shall be required to install a sewage disposal system and potable water system in accordance with *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.

13. STANDARDS OF DEVELOPMENT

Standards detailed in Parts 4 and 5 apply to all uses unless more detailed and restrictive standards are established under an adopted area structure plan or design scheme.

14. DEVELOPMENT STANDARDS FOR MANUFACTURED AND READY-TO-MOVE HOMES

Standards detailed in Part 5, Section 24 apply to all uses unless more detailed and restrictive standards are established under an adopted area structure plan or design scheme.

15. AREA STRUCTURE PLANS AND DESIGN SCHEMES

Pursuant to the criteria outlined in the Municipal Development Plan:

- (1) Council may require applicants proposing development in the area to undertake the preparation of an area structure plan or conceptual design scheme.
- (2) The Subdivision Authority or Development Authority may recommend that Council require the adoption of an area structure plan or design scheme prior to approving applications for subdivision or development, where it becomes apparent to the relevant approval authority or the municipality that too much development is being concentrated in one area without a formal land use designation being approved.

16. SITE GRADING AND DRAINAGE

- (1) If not provided in conjunction with an approved area structure plan or design scheme, or at the land use redesignation stage, the Subdivision Authority or Development Authority may request a drainage study conducted by a licensed, qualified engineer to be submitted as part of an application for subdivision or development approval. The study must include the land that is subject to the application as well as adjacent and other lands that may be affected by the development and drainage proposals.
- (2) The Development Authority may require as a condition of development approval:

- (a) engineered grading and drainage plans for the development and a legal survey demonstrating that engineered grades have been met;
 - (b) grading and other measures, as appropriate, to control surface drainage, reduce or eliminate grade difference between adjacent lots, and minimize erosion or slope instability;
- (3) The applicant is responsible for ensuring adherence to any required final grades that are established by the engineer and approved by the municipality.

17. ARCHITECTURAL CONTROLS

All development must comply with any approved architectural controls if required as part of an area structure plan or subdivision approval. Proof of compliance to the applicable architectural controls is required at the time of submission of a development permit application.

18. AIRPORT AREA RESTRICTIONS

Properties that lie within the area shown in Map 1, Part 5, will have additional subdivision and development restrictions as outlined in Part 5, Section 3, 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) Where a proposed development is granted permission to locate within the one in one hundred year flood plain of any watercourse, the Development Authority may request the developer to provide any or all 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 one in one hundred 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.

20. SITE SUITABILITY

- (1) The Subdivision Authority or Development Authority shall take into consideration Part 1 – Administrative, Sections 20-22 of this Bylaw, when making a decision on an application for subdivision or development in this land use district.
- (2) The Subdivision Authority or Development Authority may place any or all of the following conditions, in addition to a development agreement, on subdivision or development permit approval to ensure any concerns over the suitability of the land and development are satisfied:
 - (a) the provision of a professional geotechnical investigation/test and report to ensure the site is suitable in terms of topography, stability, soil characteristics, flooding subsidence, erosion and sanitary sewerage servicing;
 - (b) require the developer to provided suitable access, so the site will be legally and physically accessible to a developed municipal road or if within 300 metres (984 ft.) of a provincial highway will meet the requirements of Alberta Transportation;
 - (c) stipulate the alteration of proposed lot configurations, building sizes or locations to ensure any setback requirements of this land use bylaw or the Subdivision and Development Regulation can be met;
 - (d) any reasonable measures to ensure any other requirements of this Land Use Bylaw are complied with;
 - (e) any measures to adequately ensure applicable provincial legislation such as the *Safety Codes Act* is complied with or not compromised.

21. HAZARDOUS OR NOXIOUS USES

Development of hazardous or noxious uses shall be discouraged in this land use district.

22. LANDSCAPING AND SCREENING (See Part 4 – General Land Use Provisions)

23. STANDARDS OF DEVELOPMENT (See Part 4 – General Land Use Provisions)

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

36. SHIPPING CONTAINERS (or C-Containers, Sea-Containers)

GENERAL STANDARDS

- (1) Shipping containers shall only be allowed in the land use districts where they are listed as a permitted or discretionary use in Part 3 – Land Use Districts and Regulations.
- (2) See Part 2, Development Not Requiring a Development Permit, for the land use districts where a permit requirement may be exempted.
- (3) In the Grouped Country Residential (GCR) land use district for permanent Shipping Containers, only one container is allowed on a parcel 0.4 ha (1.0 acre) or less in size and up to two may be allowed on parcels 0.8 ha (2.0 acres) or greater in size (this does not include Temporary Shipping Containers).
- (4) An application for a development permit for a proposed shipping container(s) must be completed and submitted to the Development Authority along with the appropriate application fee. At least two recent colour photographs of each container (one end view and one side view) must accompany the application.
- (5) There shall be a primary use on the property where the shipping container is proposed, except as provided in section 32(16).
- (6) All shipping containers must be located in the rear or side yards only, and the rear and side setback requirements shall be regulated by the Development Authority and the requirements of the appropriate land use district.
- (7) The maximum number of shipping containers permitted on a lot shall be regulated by the Development Authority. The placement of shipping containers may be restricted if architectural controls are in place for a subdivision and registered on the subject land which prohibit shipping containers.
- (8) Where multiple shipping containers are permitted on a lot, they shall be stacked no more than two containers high.
- (9) The Development Authority may require as a condition of approval that any shipping container must be painted to match the colour(s) of the principal building or be sandblasted and/or painted to the satisfaction of the Development Authority.
- (10) The Development Authority may require as a condition of approval that any shipping container be screened from view or landscaped.
- (11) The exterior of all shipping containers must be kept clean and regularly painted.
- (12) Shipping containers shall not display advertising, company logos, names or other marketing without an approved sign permit. Shipping containers used for temporary storage in the case of an emergency may be exempted from this requirement.



- (13) The Development Authority may regulate the time period for which a development permit is valid through the issuance of a temporary permit. The validity of a temporary permit shall not exceed one year.
- (14) The Development Authority may require as a condition of approval the posting of a security deposit guaranteeing compliance with the conditions of the permit.
- (15) A development that proposes to convert shipping containers to use as a building or structure for a different use may be considered by the Development Authority subject to the following:
 - (a) the use is a permitted or discretionary use in the applicable land use district in which the development is proposed;
 - (b) the shipping container conversion will be able to meet all applicable building and safety code requirements; and
 - (c) the Development Authority is satisfied that the design, character and appearance of the finished building is compatible with other buildings in the vicinity and that the design, character and appearance of the building is consistent with the purpose of the land use district in which the building is located.
 - (d) The Development Authority may require engineering reports, structural engineer stamped schematic drawings, and building inspection reports in consideration of approving a development permit for a shipping container conversion.

TEMPORARY SHIPPING CONTAINERS – CONSTRUCTION RELATED

- (16) A shipping container may be placed temporarily on a construction site, for the period of construction only, or in conjunction with renovation work being done to a building, in any land use district without obtaining a development permit in accordance with Part 2, Development Not Requiring a Development Permit, provided the time period does not exceed 6-months from the time of placement on the property subject to the following provisions:
 - (a) the shipping container is needed in connection with construction of a development for which a development permit has been issued;
 - (b) the construction site is active (i.e., construction has commenced and is on-going or is about to commence within one week); placement of a shipping container on an inactive construction site is not permitted;
 - (c) no more than one shipping container is placed on the construction site (a development permit will be required for any additional shipping containers that are required);
 - (d) the exterior of the shipping container is kept clean and does not display any advertising other than the company logo or trademark;
 - (e) in hamlet land use designations, the shipping container shall be located a minimum of 3.05 metres (10 ft.) from the front property line and 1.52 metres (5 ft.) from the side and rear property lines. On corner lots, placement of the container shall also comply with the corner lot restrictions in Part 4, Section 7;
 - (f) in rural land use designations, the placement of the shipping container shall comply with public roadway setback requirements in Part 4, Section 16;

- (g) the shipping container shall be removed within 21 days upon completion of construction or sooner as may be required by the Development Authority. If the time period exceeds the 6-months from the time of placement on the property a development permit is required.

TEMPORARY SHIPPING CONTAINERS – EMERGENCY/REMEDICATION

- (17) A shipping container may be placed temporarily on a property in the case of an emergency to temporarily accommodate the storage of goods where a dwelling or building has been damaged in a fire or flood in conjunction with salvage and renovation work being done to a building, and does not need a development permit if the time period does not exceed 6-months (refer to Part 2) subject to the following provisions:
 - (a) The shipping container shall be sited entirely on the property and in hamlets it shall not encroach over property lines or municipal streets, lanes, or sidewalks. In rural land use designations, the placement of the shipping container shall comply with public roadway and property line setback requirements.
 - (b) The temporary shipping container may only be placed on a property in any land use district where it is listed as a permitted use without a development permit being required.
 - (c) Only one temporary shipping container shall be placed on a property in any land use district at any one time unless otherwise authorized by the Development Authority.
 - (d) The shipping container shall be removed as soon as possible, but for a period not to exceed 21 days, upon completion of clean-up remediation work or construction or as may be required by the Development Authority.
 - (e) If additional time is required beyond the 6-months a development permit application must be applied for.

SHIPPING CONTAINERS ASSOCIATED WITH AGRICULTURE

- (18) Within the Rural Agricultural – “RA”, Urban Fringe – “RUF” land use districts a maximum of two shipping containers are permitted without obtaining a development permit (refer to Part 2) subject to the following provisions:
 - (a) the shipping containers are associated with agriculture;
 - (b) the location of the containers complies with the public roadway and property line setback requirements, of the land use district;
 - (c) the exterior of the shipping containers are kept clean and regularly painted;
 - (d) the shipping containers shall not display advertising, company logos, names or other marketing.
- (19) Where allowed in the applicable land use district, more than two shipping containers associated with agriculture may be permitted by obtaining a development permit.

37. SHOOTING RANGE STANDARDS AND LOCATION CRITERIA

The following standards and criteria will apply for consideration of a development permit application for a shooting (firing) range, including rifle, pistol, shot guns for skeet shooting and archery:

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Relevant Land Use Bylaw Excerpts

Part 3 Grouped Country Residential, Section 9(8)

For permanent Shipping Containers only one container is allowed on a parcel 0.4 ha (1.0 acre) or less in size and up to two may be allowed on parcels 0.8 ha (2.0 acres) or greater in size (this does not include Temporary Shipping Containers). [see Part 5, Section 36]

Part 9 | 26, Measurable Standard:

*Measurable Standard means a minimum dimensional standard stipulated in Part 2, 3 or 4 of the Land Use Bylaw, **limited to minimum lot size, minimum setbacks, maximum lot coverage, maximum building height and driveway width.***

Although at the initial intake of the development permit application it was assumed that an waiver request to increase from one shipping container to two could be considered similar in use to other measurable standards, upon further investigation, an increase in the number of allowable shipping containers does not fall within the definition of measurable standard.

Additionally, at the initial intake of the development permit application, this waiver request was considered because the applicant's lot size was 1.036 acres. This falls between what is specifically defined in the land use bylaw, being that *one container is allowed on a parcel 0.4 ha (1.0 acre) or less in size and up to two may be allowed on parcels 0.8 ha (2.0 acres) or greater in size.* After further discussion, the land use bylaw was interpreted to mean that anything under 2.0 acres in the GCR district was considered to only be allowed one shipping container.

