



AGENDA

Municipal Planning Commission Meeting

5:00 PM - Wednesday, November 10, 2021

Zoom

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	2.0	ACCEPTANCE OF THE AGENDA
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MINUTES

Municipal Planning Commission Meeting

5:00 PM - Wednesday, October 13, 2021
Online

The Municipal Planning Commission of the Town of Coaldale was called to order on Wednesday, October 13, 2021, at 5:00 P.M., via ZOOM, with the following members present:

PRESENT:

R. Hohm, Councillor (Chair)
J. Abrey, Councillor
J. Van Hierden, Committee Member
D. Lloyd, Councillor (*late*)
J. Peters, Committee Member (*late*)

STAFF PRESENT:

K. Stone, Recording Secretary
M. Messier, Planning Intern

GALLERY:

1.0 CALL TO ORDER

R. Hohm called the meeting to order at 5:00 P.M.

2.0 ACCEPTANCE OF THE AGENDA

2.1 50-2021

MOTION: J. Abrey moved to accept the agenda.

Carried 3-0

3.0 ADOPTION OF PREVIOUS MINUTES

3.1 MPC Meeting Minutes - September 8, 2021

51-2021

MOTION: J. Abrey moved to APPROVE the September 8, 2021 minutes.

Carried 3-0

4.0 BUSINESS ARISING FROM THE MINUTES

None.

5.0 NEW BUSINESS

5.1 DP 2021-134 - 651 Parkside Green - M. Messier

M. Messier presented DP 2021-134, an application to request a waiver of maximum lot coverage for a detached garage at the property legally described as Lot 26, Block 3, Plan 1112683.

Within the Residential Small Lot R-1B zoning district in Land Use Bylaw 677-P-04-13, the maximum lot coverage for an accessory structure is 10% of the total lot area.

The applicant is proposing the construction of a detached garage with a total lot coverage of 14%, which is 3% above the maximum requirement, inclusive of a 10% waiver that can be approved at the staff level. The detached garage is proposed to be located in the southeast corner of the subject property.

Should the Commission wish to consider approval of DP 2021-134 to allow for a waiver of accessory structure lot coverage, the following conditions are recommended:

1. Must obtain approval of a Building permit from Superior Safety Codes Inc at (403) 320-0734 prior to commencement.
2. Must contact Alberta 1st Call (1-800-242-3447) and Dig Shaw (1-866-344-7429) to locate any utility lines prior to commencement.
3. Setbacks to conform to the site plan that was attached as part of the Development Permit application and to the current Land Use Bylaw 677-P-04-13 - Residential Small Lot - R-1B.

4. A minimum separation distance of 4' (1.2 m) shall be provided between a principal building and any accessory structure.
5. No waiver of minimum required setback distances will be granted for any portion of the structure.
6. The detached garage is not to be further enlarged unless the necessary permits have been applied for and approved.
7. Refuse and garbage during construction shall be in appropriate containers and shall be properly screened and placed in an approved enclosure until removed for disposal.
8. Ensure lot drainage is maintained.
9. The building, when completed, shall meet or exceed provincial building requirements and comply with all provincial and municipal health and fire regulations.
10. The exterior finish must be the same or complementary to the principal building.

As per the Municipal Government Act (MGA), notification of the application was circulated to neighbouring property owners within a 60-metre distance of the property 12 days prior to the scheduled meeting.

No responses from neighbouring property owners have been received.

52-2021

MOTION: D. Lloyd moved to REFUSE DP 2021-134 as the Development Authority has determined that the proposed structure is not in keeping with the character of the neighbourhood and may negatively impact the neighbourhood's stormwater drainage system with increased runoff given the history of the area.

Carried 5-0

6.0 INFORMATION ITEMS

7.0 CLOSED MEETING

8.0 ADJOURNMENT

The public portion of the meeting was closed at 5:06 P.M.

8.1 **53-2021**

MOTION: J. Van Hierden moved to adjourn the meeting at 5:25 P.M.

Carried 5-0

R. HOHM - CHAIR

K. STONE - RECORDING SECRETARY

AGENDA ITEM REPORT



Title: SUB 2021-013 - SW 23-9-20-4 - S. Croil
Report Type: Request for Decision
Report Author: Melanie Messier, Spencer Croil
Meeting: Municipal Planning Commission - 10 Nov 2021
Department: Planning
Reviewed by Spencer Croil
Supervisor/Peer:

TOPICS:

Planning and Community Development:
Municipal Planning

OBJECTIVE:

The following report is to present the Municipal Planning Commission (MPC) with the details of the subdivision application referenced as SUB 2021-013, where the application is proposing to subdivide three (3) parcels of land to allow for a lot line adjustment, consolidation, and title correction of the lands legally described as SW 23-9-20-W4M.

PREVIOUS COUNCIL DIRECTION:

First time this matter has appeared before the commission.

ANALYSIS:

The purpose of this application is to subdivide three (3) parcels of land to allow for a lot line adjustment and consolidation for the creation of two (2) new parcels with one (1) lot of 26.261 ha (64.89 ac) and the second lot of 29.556 ha (73.03 ac), for the purposes of redesignating an area of 1.250 ha (3.09 ac) to Industry (I) and to correct an issue where two titles have been created for the same parcel of land.

The application is generally consistent with the Town of Coaldale's Municipal Development Plan (Town Plan) and Infrastructure Master Plan (IMP). In addition, the location of the existing sewage lagoons is within 300 m of land use and development in accordance with Section 12 of the Subdivision and Development Regulation.

It is worth noting that the subdivision proposal includes a change of title of the 1.250 ha (3.09 ac) area located adjacent to the lagoons and are within the Town of Coaldale's boundary. The intent of the proposed subdivision is to expand the eastern parcel for the existing use as a sewage lagoon. The title correction is due to an overlap of existing titles where both parcels claim the 1.250 ha (3.09 ac) area of land on the title. The proposed subdivision will effectively resolve the existing overlap of titles.

The current zoning of the 1.250 ha (3.09 ac) area of land is Urban Reserve (UR). However, a land use redesignation application will be processed prior to the completion of this subdivision with the proposed land use district for the 1.250 ha (3.09 ac) area being designated to Industry (I).

KEY CONSIDERATIONS:

As such, the Municipal Planning Commission may consider approval of the application along with the following suggested conditions and considerations.

1. That any easement(s) as required by utility companies and/or the municipality shall be established, prior to the finalization of the subdivision.
2. That any conditions of Alberta Transportation shall be met prior to finalization.
3. Consideration of adjacent landowners and referral agency comments.

In accordance with the provisions of Sec. 663 of the Municipal Government Act, Municipal Reserve is not required for the proposed subdivision.

FINANCIAL IMPACT:

N/A

STAKEHOLDER ENGAGEMENT:

Advertisement(s)

Other

Subdivision application (2021-013) has been circulated to surrounding properties and the appropriate referral agencies.

Commentary received from circulation to external agencies is as follows:

Alberta Transportation

Alberta Transportation does not anticipate that the creation of the two (2) boundary adjustment/consolidation parcels for lagoon use as proposed would have an appreciable impact on the provincial highway network.

As such, AT grants a waiver of Sections 14 and 15 (2) of the Subdivision and Development Regulation.

Note: Sections 14 and 15 identify additional requirements for parcels within 1.6 km from the highway and the provision of service roads.

Further, should the municipality receive any appeals in regard to this application and as per Section 678(2.1) of the MGA and Section 5(5)(d) of the regulation, Alberta Transportation agrees to waive the referral distance for this particular subdivision.

ATCO Gas

In reference to the proposed subdivision, the landowner is to be notified that an existing/future gas line(s) on the subject property are protected by way of a Utility Right of Way Agreement, registered as Instrument # **911 037 648**.

Therefore, ATCO Gas has no objection to the proposed subdivision.

ATCO Pipelines

The engineering department at ATCO Transmission reviewed the subdivision proposal and has no objections subject to the following conditions:

1. Any existing land rights shall be carried forward in kind and registered on any newly created lots, public utility lots, or other properties.
2. Ground disturbances and surface works within 30 metres require written approval from ATCO Transmission before commencing any work.
3. Parking and/or storage is not permitted on ATCO Transmission facility(s) and/or right(s)-of-way.
4. Encroachments are not permitted on ATCO Transmission facility(s) and/or right(s)-of-way.
5. ATCO Transmission recommends a minimum 15 metre setback from the centreline of the pipeline(s) to any buildings.
6. Any changes to grading that alter drainage affecting ATCO Transmission right-of-way or facilities must be adequate to allow for ongoing access and maintenance activities.
7. Any revisions or amendments to the proposed plan(s) must be re-circulated to ATCO Transmission for further review.

Canada Post

No comments at this time.

Lethbridge County

No concerns with the proposed subdivision/realignment.

SMRID

No objection to the proposed subdivision as this land is classified as 'dry'.

A Service Fee of \$100.00 plus GST will apply.

TELUS Communications Inc.

No objection to the circulation.

DECISION OPTIONS:

The Municipal Planning Commission may wish to:

1. Approve subdivision (SUB 2021-013) with conditions.
2. Defer a decision and request additional information from the applicant.
3. Refuse the subdivision with reasons.

RECOMMENDATION:

THAT subdivision application (SUB 2021-013) be approved by resolution, with conditions.

STRATEGIC ALIGNMENT WITH COUNCIL STRATEGIC PLAN:



1. Focus on
Community Safety



2. Focus on Livability



3. Focus on Economic
Health



4. Focus on Good
Governance and
Corporate Excellence



5. Focus on
Responsible and
Responsive Growth

ATTACHMENTS:

[SUB 2021-013 - Notice of Application - with attachments](#)

[SUB 2021-013 - Resolution](#)

[ATCO Pipeline - Plan](#)



TOWN OF COALDALE NOTICE OF APPLICATION FOR SUBDIVISION

DATE: October 15, 2021

Date of Receipt:

October 8, 2021

Date of Completeness:

October 8, 2021

TO: Landowner: Town of Coaldale / Allan and Kathy Doerksen

File Manager: Melanie Messier

Referral Agencies: Holy Spirit RC School Division, Palliser School Division, AltaLink Management, FortisAlberta, TELUS, ATCO Gas, ATCO Pipelines, AB Health Services Lethbridge, AB Environment & Parks, St. Mary's Irrigation District (SMRID), AB Transportation, AB Environment & Parks, AER, Canada Post

Adjacent Landowners: LETHBRIDGE COUNTY NO 26, TOWN OF COALDALE, TIMOTHY AND DIANNE SHAUM, DRV PROPERTIES INC.

The Town of Coaldale is in receipt of the following subdivision application. This letter serves as the formal notice that the submitted application has been determined to be complete for the purpose of processing.

In accordance with the Subdivision and Development Regulation, if you wish to provide comments respecting the proposed subdivision, please submit them via email or mail no later than **November 9, 2021** (Please quote our File No. SUB 2021-013 in any correspondence that you submit to our office).

File No: SUB 2021-013
Legal Description SW 23-9-20-W4M
Civic Address: 93003 RR 201A
Land Designation INDUSTRY - I
Existing Use: MIXED AGRICULTURE AND LAGOONS
Proposed Use: LAGOONS
Lots Created: 2
Certificate of Title: 171 232 586+1, 171 143 728, 861 135 665

Proposal: To subdivide three (3) parcels of land to allow for a lot line adjustment and consolidation for the creation of two new parcels with one lot of 26.261 ha (64.89 ac) and the second lot of 29.556 ha (73.03 ac), for the purposes of the redesignating an area of 1.250 ha (3.09 ac) to Industry (I) and to correct an issue where two titles have been created for the same parcel of land.

Planner's Preliminary Comments:

The purpose of the application is to subdivide three (3) parcels of land to allow for a lot line adjustment and consolidation for the creation of two new parcels with one lot of 26.261 ha (64.89 ac) and the second lot of 29.556 ha (73.03 ac), for the purposes of redesignating an area of 1.250 ha (3.09 ac) to Industry (I) and to correct an issue where two titles have been created for the same parcel of land.

The application is generally consistent with the Town of Coaldale's Municipal Development Plan (Town Plan) and Infrastructure Master Plan (IMP). In addition, the location of sewage lagoons is within 300m of land use and development in accordance with Section 12 of the Subdivision and Development Regulation.

It is worth noting that the subdivision proposal contained in this notice of application includes a change of title of the 1.250 ha (3.09 ac) area located adjacent to the lagoons and are within the Town of Coaldale's boundary. The intent of the proposed subdivision is to expand the eastern parcel for the existing use as a sewage lagoon. The title correction is due to an overlap of existing titles where both parcels claim the 1.250 ha (3.09 ac) area of land on title. The proposed subdivision will effectively resolve the existing overlap of titles.

The current zoning of the 1.250 (3.09 ac) area of land is Urban Reserve (UR). However, a land use redesignation application will be processed prior to the completion of this subdivision with the proposed land use district for the 1.250 ha (3.09 ac) area being Industry (I).

The application is generally compliant with the Town's current Land Use Bylaw, and as such the Municipal Planning Commission may consider approval of the subdivision subject to the following suggested conditions:

1. That any easement(s) as required by utility companies and/or the municipality shall be established, prior to the finalization of the subdivision.
2. That any conditions of Alberta Transportation shall be met prior to finalization.
3. Consideration of adjacent landowner and referral agency comments.

Municipal Reserve:

In accordance with the provisions of Sec. 666, 677 and 669 of the Municipal Government Act, Municipal Reserve is not required for the proposed subdivision.

Relevant information:

The Town of Coaldale's statutory planning documents and other related planning and development resources are available at <https://www.coaldale.ca/PlanningandDevelopment/directory-planning-and-development-policies-and-resources>.

Please see the next page for details regarding the date, time and place of the meeting at which this subdivision will be considered, and the ways in which agencies or adjacent landowners are able to provide feedback, should they wish to do so.

THIS APPLICATION WILL BE CONSIDERED AT THE MAY MUNICIPAL PLANNING COMMISSION MEETING, TO BE HELD VIRTUALLY AT 5 PM, WEDNESDAY, November 10, 2021.

If you are an adjacent landowner and wish to provide feedback regarding the application:

1. In-person at the Municipal Planning Commission meeting

Please contact the File Manager (Melanie Messier) prior to November 9th, 2021 in order that information on how to join the virtual meeting can be provided to you well in advance of the meeting. You may reach Melanie at (403) 345 1313 or melanie.messier@coaldale.ca.

2. In writing (anonymous submissions will not be accepted)

Please forward your written comments to the File Manager no later than November 3rd, 2021, in order that written submissions may be included in the agenda for the Municipal Planning Commission. Please note that written comments will still be accepted up to November 9th. However, it is always appreciated if written feedback can be forwarded to the file manager prior to the posting of the meeting agenda, in order that written comments can be a part of the agenda package for the meeting.

You may submit your written comments by email or hard copy. If you wish to submit your written comments by email, please send them to melanie.messier@coaldale.ca.

Alternatively, if you would rather provide written comments by hard copy, please drop your written comments off at the front desk of the Town Office during regular business hours, OR by placing your written comments in the mail slot located to the right of the front doors of the Town Office. The Town Office is located at 1920, 17th Street, Coaldale.

Submissions received become part of the subdivision file which is available to the applicant and will be considered by the subdivision authority at a public meeting.



TOWN OF COALDALE
APPLICATION FOR SUBDIVISION

Date Application Submitted:

October 8, 2021

FOR OFFICE USE ONLY	
Subdivision Application No.	<u>SUB 2021-013</u>
Date Application Deemed Complete:	<u>10/8/21</u>
Subdivision Application Fee:	<u>-</u>
Zoning (as classified under the Land Use Bylaw)	

APPLICANT INFORMATION

Name of Registered Owner of Land to be Subdivided (please print):

Town of Coaldale / Allan Doerksen & Kathy Doerksen

Mailing Address:

Box 970

Phone:

403-345-1304

Box 532

Phone (alternate):

City/Town:

Coaldale

Email:

planner@coaldale.ca

Postal Code:

T1M 1M5

☒ Check this box if you would like to receive documents through email.

AGENT INFORMATION (person authorized to act on behalf of registered owner)

Name of Agent:

Cam Mills

Mailing Address:

Phone:

403-593-0999

Phone (alternate):

City/Town:

Email:

cameron.mills@coaldale.ca

Postal Code:

☒ Check this box if you would like to receive documents through email.

SURVEYOR INFORMATION

Name of Surveyor:

David J. Amantea, ALS, Brown Okamura & Associates Ltd.

Mailing Address:

2830

Phone:

403-329-4688 Ext. 129

12 Avenue N.

Phone (alternate):

403-382-0308

City/Town:

Lethbridge

Email:

david@bokamura.com

Postal Code:

T1H 5JP

☒ Check this box if you would like to receive documents through email.

SUBDIVISION INFORMATION

1. All/part of the SW ¼ Section 23 Township 9 Range 20 West of 4 Meridian
2. Being all/part of: Lot/unit 1 Block 1 Plan 8610846
3. Total area of existing parcel of land (prior to subdivision) is: 55.817 hectares 137.925 acres
4. Total number of lots to be created: 2 Size of Lot(s): 26.261 ha & 29.556 Ha
5. Municipal/Civic Address (if applicable) _____
6. Certificate of Title No.(s): 171 232 586+1, 171 143 728, 861 135 665
7. Is the land situation immediately adjacent to the municipal boundary? ☒ Yes ☐ No
8. Is the land situated within 1.6 kilometers (1 mile) of the right-of-way of a highway? ☒ Yes ☐ No
If yes, the adjoining highway is 845
9. Does the proposed parcel contain or is it bounded by a stream, river, lake or other body of water, or by a canal or drainage ditch? ☒ Yes ☐ No
If yes, state its name: Lagoons
10. What is the existing use of the land? Mixed AG & Lagoons
11. What is the proposed use of the land? Adding Land to Lagoons
12. Describe the nature of the topography of the land (flat, rolling, steep, mixed): Flat
13. Describe the kind of soil on the land (sandy, loam, clay, etc.): Unknown
14. Is this a vacant parcel? ☒ Yes ☐ No
If no, describe all the buildings and any structures on the land: N/A
Will and of the buildings and/or structures be demolished or moved (if yes, indicate which ones): N/A
15. Are there any active oil or gas wells or pipelines on the land? ☒ Yes ☐ No
16. Are there any abandoned oil or gas wells or pipelines on the land? ☒ Yes ☐ No
17. What is the existing source of water (if other, please describe)? ☒ Municipal ☐ Other _____
18. What is the existing sewage disposal (if other, please describe)? ☒ Municipal ☐ Other _____
19. What is the proposed sewage disposal (if other, please describe)? ☒ Municipal ☐ Other _____

**TOWN OF COALDALE
SUBDIVISION APPLICATION**

DECLARATION OF APPLICANT/AGENT

☐ Registered Owner ☐ Authorized agent acting on behalf of the registered 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 Subdivision. 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. This right is granted pursuant to Section 653(2) of the Municipal Government Act.



APPLICANT

David J. Amantea, ALS

Registered Owner (if not the same as applicant)

The following items shall be attached to all Subdivision Applications. This is not an exhaustive list and the file manager may request additional information that is required to assess the application.

☐ **Site plan prepared by an Alberta Land Surveyor (ALS), which includes the following details:**

- ☐ Scale and north arrow
- ☐ Legal description and municipal address of subject property
- ☐ The accurate location, dimensions, areas and boundaries of the land that is subject to the application, each new lot to be created, any reserve land, existing rights-of-way of each public utility, and other rights of way, easements, railways, canals, or any other feature on or adjacent to the land proposed for subdivision
- ☐ The location, use and dimensions of any building and structures on the land that is the subject of the application dimensioned to the proposed property line and specifying those buildings or structures that are proposed to be demolished or moved.
- ☐ The location of any existing water source (well, cistern, curb stop, etc.) and private sewage treatment systems (holding tank, septic tank/field, open discharge/treatment mound, etc.) on the property dimensioned to existing and proposed property lines.
- ☐ Adjacent municipal roads, provincial highways and any public pathway or trails adjacent to the site, dimensioned from the property lines.
- ☐ Existing and proposed access to each new lot and residual land.
- ☐ The approximate location and boundaries of the bed and shore of any river, stream, watercourse, lake or other body of water that is contained within or bounds the proposed parcel of land.
- ☐ The location of any natural and man-made features such as fences, sloughs, dugouts and/or other bodies of water, and wooded areas and/or shelter belts.

☐ **If applicant is not the registered owner**, a written statement (or this application) signed by the registered owner consenting to this application.

☐ **Application fee payable to the Town of Coaldale.**

TERMS:

1. Although the file manager is in a position to advise on the principle or details of any proposals, such advice must not be taken in any way as official consent, and is without prejudice to the decision in connection with the formal application. It must be clearly understood that any action taken by the applicant before a Development Permit is received, is at his own risk.

2. A survey sketch prepared by an Alberta Land Surveyor (ALS), in sufficient detail to enable adequate consideration of the application, must be submitted with this application. It is desirable that the plans and drawings should be on a scale appropriate to the development.
3. If a decision is not made within 60 days from the date of the receipt of the application in its complete and final form, or within such longer period as the applicant may approve in writing.

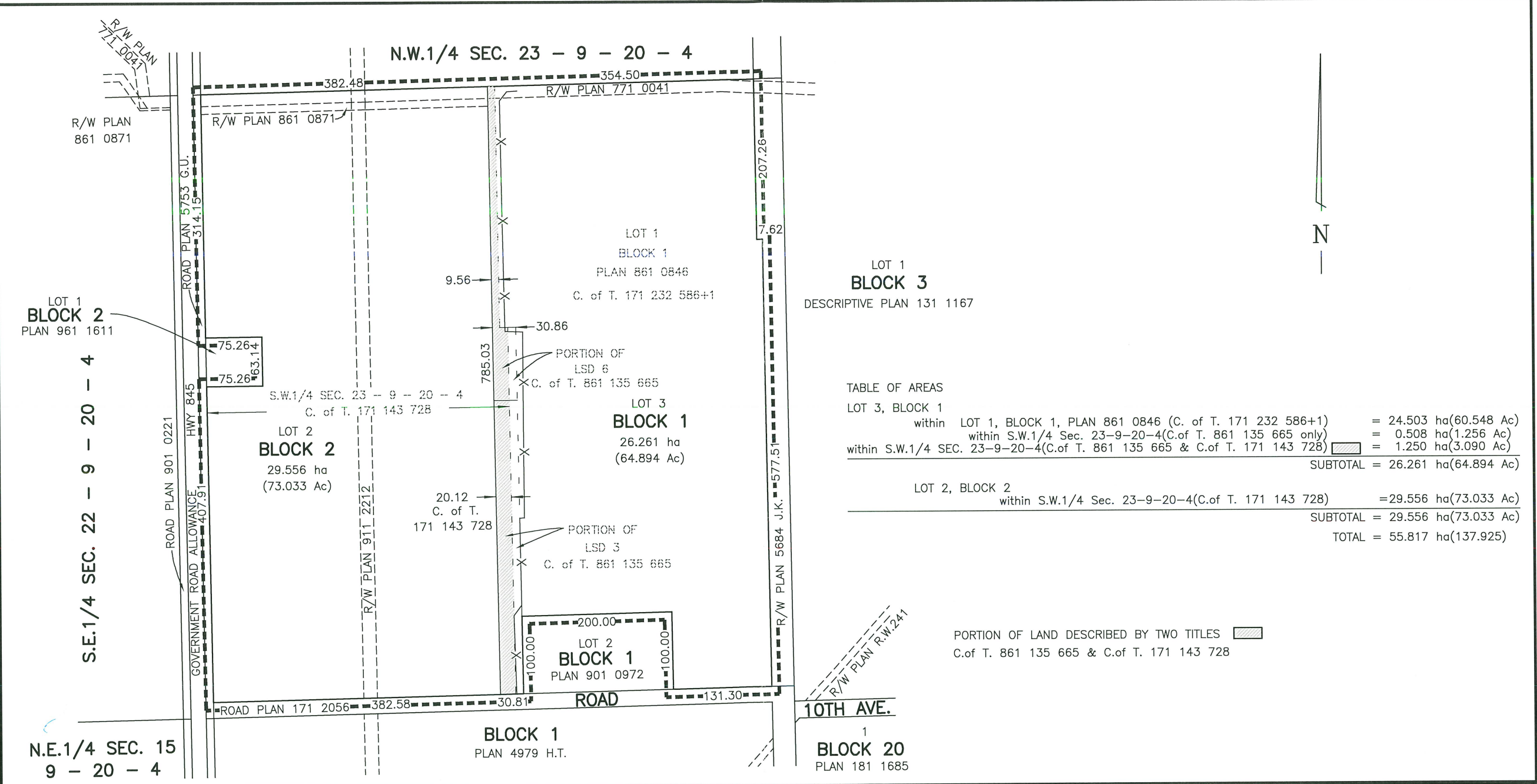
ADDITIONAL INFORMATION:

In addition to the above requirements, the file manager may also require information such as but not limited to:

1. Proof of ownership or right to the land in question and may require a current Real Property Report as proof of location of development on said land.
2. Additional plans (such as an Area Structure Plan, Outline Plan, or Conceptual Scheme) and information may be required and requested due to the nature and magnitude of a proposed subdivision.
3. Existing and proposed site grades, contours and any special topographical features or site conditions (e.g. escarpments, break-of-slope, and unstable areas).
4. A map showing the 1:100 year flood area(s)
5. Land use and land surface characteristics within 0.8 kilometers (½ mile) of the land that is the subject of the application

Please note: the review and determination of completeness of a subdivision application may be delayed if the form and/or additional information provided is incomplete.

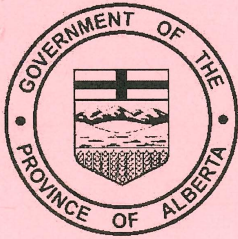
FOIP Notification: Your name, home phone number, home address and postal code are collected under the authority of section 33(c) of the Freedom of Information and Protection of Privacy Act. This information will be used in the administration of Town of Coaldale programs. If you have any questions about this collection, contact the FOIP Coordinator, Town of Coaldale, 1920-17th Street, T1M 1M1 or 403-345-1300.



				TOWN OF COALDALE				brown okamura & associates ltd.		
1	ADDED FENCE LINE		AUG 26/21	MJ	TENTATIVE PLAN SHOWING SUBDIVISON of PORTION OF LSD 3,4,5 & LSD 6 AND LOT 1, BLOCK 1, PLAN 861 0846 within S.W.1/4 SEC. 23, TWP. 9, RGE. 20, W.4 M. Town of Coaldale	Professional Surveyors 2830 - 12 Avenue North, Lethbridge, Alberta				
NO.	REVISION		DATE	BY		APPROVED	DRAWN MJ	DATE AUG 18/21		
NOTE : Portion to be approved is outlined thus ----- and contains approximately 55.817 ha. Distances are in metres and decimal parts thereof. Distances and areas are approximate and are subject to change upon final survey.						CHECKED DJA	JOB 19-14503			
					SCALE		DRAWING			
					D.J. Amantea, A.L.S.		19-14503TA			
						1:5000				



Abandoned Well Map	Base Data provided by: Government of Alberta	
	Author XXX	Printing Date: 8/26/2021
Legend ✦ Abandoned Well (Large Scale) ○ Revised Well Location (Large Scale) — Revised Location Pointer Paved Road (20K) — Primary Divided — Primary Undivided 4L — Primary Undivided 2L — Primary Undivided 1L — Interchange Ramp — Secondary Divided — Secondary Undivided 4L	Date Date (if applicable)	
	The Alberta Energy Regulator (AER) has not verified and makes no representation or warranty as to the accuracy, completeness, or reliability of any information or data in this document or that it will be suitable for any particular purpose or use. The AER is not responsible for any inaccuracies, errors or omissions in the information or data and is not liable for any direct or indirect losses arising out of any use of this information. For additional information about the limitations and restrictions applicable to this document, please refer to the AER Copyright & Disclaimer webpage: http://www.aer.ca/copyright-disclaimer .	Scale: 9,027.98 0 14 Kilometers 0
		Projection and Datum: WGS84 Web Mercator Auxiliary Sphere



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0037 716 388 8610846;1;1 171 232 586 +1

LEGAL DESCRIPTION

PLAN 8610846
BLOCK 1
LOT 1
CONTAINING 28 HECTARES (69.19 ACRES) MORE OR LESS
EXCEPTING THEREOUT:

		HECTARES	(ACRES)	MORE OR LESS
PLAN 9010972	SUBDIVISION	2.00	4.94	
PLAN 1712056	ROAD	1.496	3.70	

EXCEPTING THEREOUT ALL MINES AND MINERALS

ATS REFERENCE: 4;20;9;23;SW
ESTATE: FEE SIMPLE

MUNICIPALITY: TOWN OF COALDALE

REFERENCE NUMBER: 901 135 092 +1

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
171 232 586	18/10/2017	ROAD PLAN		

OWNERS

THE TOWN OF COALDALE.
OF P.O. BOX 970, COALDALE
ALBERTA T0K 0L0

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION		
NUMBER	DATE (D/M/Y)	PARTICULARS
811 156 813	19/08/1981	CAVEAT CAVEATOR - HUSKY OIL OPERATIONS LTD.
891 261 425	11/12/1989	CAVEAT

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

171 232 586 +1

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

RE : EASEMENT
CAVEATOR - THE COUNTY OF LETHBRIDGE NO. 26.
905 - 4 AVENUE SOUTH, LETHBRIDGE
ALBERTA

911 148 709 10/07/1991 UTILITY RIGHT OF WAY
GRANTEE - CANADIAN WESTERN NATURAL GAS COMPANY
LIMITED.

911 261 340 19/11/1991 DISCHARGE OF UTILITY RIGHT OF WAY 911148709
PARTIAL
EXCEPT PLAN/PORTION: 9112212

001 063 101 08/03/2000 EASEMENT
OVER DRAIN RIGHT OF WAY ON PLAN 5684JK
(5684JK;RW;9) FOR BENEFIT OF LOT 1 IN
BLOCK 1 ON PLAN 8610846

131 241 743 25/09/2013 CAVEAT
RE : UTILITY RIGHT OF WAY
CAVEATOR - HUSKY OIL OPERATIONS LIMITED
BOX 6525 STATION D
707-8TH AVENUE SW
CALGARY
ALBERTA T2P3G7
AGENT - REBECCA HURT
(DATA UPDATED BY: TRANSFER OF CAVEAT
161172941)
(DATA UPDATED BY: TRANSFER OF CAVEAT
171257235)

TOTAL INSTRUMENTS: 006

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 25 DAY OF AUGUST,
2021 AT 08:12 A.M.

ORDER NUMBER: 42453971

CUSTOMER FILE NUMBER:



END OF CERTIFICATE

(CONTINUED)

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER, SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

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LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0026 785 932 4;20;9;23;SW 171 143 728

LEGAL DESCRIPTION

THE SOUTH WEST QUARTER OF SECTION TWENTY THREE (23)
TOWNSHIP NINE (9)
RANGE TWENTY (20)
WEST OF THE FOURTH MERIDIAN
CONTAINING 64.7 HECTARES (160 ACRES) MORE OR LESS
EXCEPTING THEREOUT:

(A) PLAN	NUMBER	HECTARES	(ACRES)
ROAD WIDENING	5753GU	0.809	(2.00)
SUBDIVISION	8610846	0.332	(0.82)

(B) THAT PORTION DESCRIBED IN INSTRUMENT 6146KP AND CERTIFICATE
OF TITLE 161K132

CONTAINING 31.62 HECTARES (78.05 ACRES) MORE OR LESS

C) SUBDIVISION	9611611	0.475	(1.17)
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EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

ESTATE: FEE SIMPLE

MUNICIPALITY: LETHBRIDGE COUNTY

REFERENCE NUMBER: 961 176 513 +1

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
171 143 728	30/06/2017	TRANSFER OF LAND	\$300,000	CASH

OWNERS

ALLAN DOERKSEN

AND

KATHY DOERKSEN

BOTH OF:

PO BOX 532

COALDLAE

ALBERTA T1M 1M5

AS JOINT TENANTS

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2
171 143 728

REGISTRATION

NUMBER	DATE (D/M/Y)	PARTICULARS
911 037 648	21/02/1991	UTILITY RIGHT OF WAY GRANTEE - CANADIAN WESTERN NATURAL GAS COMPANY LIMITED.
911 094 609	08/05/1991	UTILITY RIGHT OF WAY GRANTEE - CANADIAN WESTERN NATURAL GAS COMPANY LIMITED.
911 261 395	19/11/1991	DISCHARGE OF UTILITY RIGHT OF WAY 911094609 PARTIAL EXCEPT PLAN/PORTION: 9112212
981 111 016	21/04/1998	UTILITY RIGHT OF WAY GRANTEE - THE TOWN OF COALDALE. AS TO PORTION OR PLAN:8610871
131 252 800	03/10/2013	CAVEAT RE : UTILITY RIGHT OF WAY CAVEATOR - HUSKY OIL OPERATIONS LIMITED BOX 6525 STATION D 707-8TH AVENUE SW CALGARY ALBERTA T2P3G7 AGENT - REBECCA HURT (DATA UPDATED BY: TRANSFER OF CAVEAT 161172941) (DATA UPDATED BY: TRANSFER OF CAVEAT 171257235)

TOTAL INSTRUMENTS: 005

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 25 DAY OF AUGUST,
2021 AT 08:12 A.M.

ORDER NUMBER: 42453971

CUSTOMER FILE NUMBER:



END OF CERTIFICATE

(CONTINUED)

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LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0022 235 072 4;20;9;23;;3,6 861 135 665

LEGAL DESCRIPTION

MERIDIAN 4 RANGE 20 TOWNSHIP 9
SECTION 23
ALL THOSE PORTIONS OF LEGAL SUBDIVISIONS 3 AND 6 IN THE SOUTH WEST QUARTER
WHICH LIES WEST OF PLAN 8610846 CONTAINING 0.505 OF A HECTARE (1.25 ACRES)
MORE OR LESS
EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

ESTATE: FEE SIMPLE

MUNICIPALITY: TOWN OF COALDALE

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
861 135 665	20/08/1986			NIL

OWNERS

THE TOWN OF COALDALE.
OF P.O. BOX 970, COALDALE
ALBERTA T0K 0L0

ENCUMBRANCES, LIENS & INTERESTS		
REGISTRATION	DATE (D/M/Y)	PARTICULARS
811 156 809	19/08/1981	CAVEAT CAVEATOR - HUSKY OIL OPERATIONS LTD.

TOTAL INSTRUMENTS: 001

(CONTINUED)

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PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING
OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).

RESOLUTION

2021-013

Town of Coaldale

Industrial/Urban Reserve subdivision of: **SW 23-9-20-4**

THAT the subdivision of a portion of the **SW 23-9-20-4** (Certificate of Title No. 171 232 586+1, 171 143 728, 861 135 665), to create three (3) new parcels of land to allow for a lot line adjustment and consolidation for the creation of two new parcels with one lot of 26.261 ha (64.89 ac) and the second lot of 29.556 ha (73.03 ac), for the purposes of redesignating an area of 1.250 ha (3.09 ac) to Industry (I) and to correct an issue where two titles have been created for the same parcel of land. : BE APPROVED subject to the following conditions:

CONDITIONS:

1. That any easement(s) as required by utility companies and/or the municipality shall be established, prior to the finalization of the subdivision.
2. That any conditions of Alberta Transportation shall be met prior to finalization.
3. Consideration of adjacent landowners and referral agency comments.

REASONS:

1. The proposed subdivision is consistent with the South Saskatchewan Regional Plan and complies with both the Municipal Development Plan, Infrastructure Master Plan and Land Use Bylaw.
2. The Subdivision Authority is satisfied that the proposed subdivision is suitable for the purpose for which the subdivision is intended pursuant to Section 7 of the Subdivision and Development Regulation.

MUNICIPAL RESERVE:

In accordance with Sec. 663 of the Municipal Government Act, Municipal Reserve is not required for the proposed subdivision.

INFORMATIVE:

- a) That a legal description for the proposed parcel be approved by the Surveys Branch, Land Titles Office, Calgary.
- b) The applicant/owner is advised that other municipal, provincial or federal government or agency approvals may be required as they relate to the subdivision and the applicant/owner is responsible for verifying and obtaining any other approval, permit, authorization, consent or license that may be required to subdivide, develop and/or service the affected land (this may include but is not limited to Alberta Environment and Parks, Alberta Transportation, and the Department of Fisheries and Oceans.)

- c) Alberta Transportation – Chris Poirier

Reference your file to create two (2) boundary adjustment/consolidation parcels for lagoon use at the above noted location.

The proposal is contrary to Section 14 and subject to the requirements of Section 15(2) of the Subdivision and Development Regulation, being Alberta Regulation 43/2002, consolidated up to 188/2017 (“the regulation”).

Alberta Transportation’s primary objective is to allow subdivision and development of adjacent properties in a manner that will not compromise the integrity and associated safe operational use or the

future expansion of the provincial highway system.

To that end, currently and as proposed, the parcels to be created will gain indirect access to the highway solely by way of the local street system. As such, strictly from Alberta Transportation's point of view, we do not anticipate that the creation of the two (2) boundary adjustment/consolidation parcels for lagoon use as proposed would have any appreciable impact on the provincial highway network. Therefore, pursuant to Section 16 of the regulation, in this instance, Alberta Transportation grants a waiver of said Sections 14 and 15(2).

The applicant would also be advised that any development within the highway right-of-way or within 300 metres beyond the limit of a controlled highway or within 800 metres from the center point of an intersection of the highway and another highway would require the benefit of a permit from our department. This requirement is outlined in the Highways Development and Protection Regulation, being Alberta Regulation 326/2009.

The subject property is within the noted control lines however given that development setbacks will be maintained by default and all access to the highway is indirect by way of the local street system, in this instance a permit from Alberta Transportation will not be required and development of the lagoon parcels could proceed under the direction, control and management of the town. The applicant could contact the undersigned, at Lethbridge 403-388-3174, in this regard.

Alberta Transportation accepts no responsibility for the noise impact of highway traffic upon any development or occupants thereof. Noise impact and the need for attenuation should be thoroughly assessed. The applicant is advised that provisions for noise attenuation are the sole responsibility of the developer and should be incorporated as required into the subdivision/development design. Any peripheral lighting (yard lights/area lighting) that may be considered a distraction to the motoring public or deemed to create a traffic hazard will not be permitted.

Further, should the approval authority receive any appeals in regard to this application and as per Section 678(2.1) of the Municipal Government Act and Section 5(5)(d) of the regulation, Alberta Transportation agrees to waive the referral distance for this particular subdivision application. As far as Alberta Transportation is concerned an appeal of this subdivision application may be heard by the local Subdivision and Development Appeal Board provided that no other provincial agency is involved in the application.

d) ATCO Gas – Ellen Struthers

Please be advised that our existing/future gas line(s) on the subject property are protected by way of a Utility Right of Way Agreement, registered as Instrument(s) # _911 037 648_____.

Therefore, ATCO Gas has no objection to the proposed subdivision.

ATCO Gas would also like to make the municipality and landowner / developer aware of the following:

- Before any ground disturbance commences on the subject property, the landowner / developer must ensure that the location of all-natural gas pipeline(s) are determined by calling Alberta One-Call Corporation at 1-800-242-3447.

- For any ground disturbance and/or construction activity proposed within 5m of an existing pipeline(s), the landowner / developer shall contact their local ATCO Gas office to consult whether the proposed activity conflicts with the pipeline(s).

- ATCO Gas requires a minimum of 6 months notice to design and construct either (1) a pipeline(s) alteration when proposed ground disturbances and/or construction activities are found to be in conflict with existing pipeline(s) or (2) a pipeline(s) extension to service the proposed subdivision with natural gas. Pipeline alterations and extensions will be performed at the landowner's / developer's expense.

- A crossing agreement may be required if the landowner / developer plans to cross over / under an existing pipeline(s) with a new subdivision facility. Please contact the Land Department at (403) 245-7845 for further information.

e) ATCO Pipelines – Isabel Solis-Jarek

The Engineering Department of ATCO Transmission, (a division of ATCO Gas and Pipelines Ltd.) has reviewed the above named plan and has no objections subject to the following conditions:

1. Any existing land rights shall be carried forward in kind and registered on any newly created lots, public utility lots, or other properties.

2. Ground disturbances and surface works within 30 meters require prior written approval from ATCO Transmission before commencing any work.

- Municipal circulation file number must be referenced; proposed works must be compliant with ATCO Transmission requirements as set forth in the company's conditional approval letter.
- Contact ATCO Transmission Land Department at 1-888-420-3464 or landadmin@atco.com for more information.

3. Parking and/or storage is not permitted on ATCO Transmission facility(s) and/or right(s)-of-way.

4. Encroachments are not permitted on ATCO Transmission facility(s) and/or right(s)-of-way.

5. ATCO Transmission recommends a minimum 15 meter setback from the centerline of the pipeline(s) to any buildings.

6. Any changes to grading that alter drainage affecting ATCO Transmission right-of-way or facilities must be adequate to allow for ongoing access and maintenance activities.

- If alterations are required, the cost will be borne by the developer/owner.

7. Any revisions or amendments to the proposed plans(s) must be re-circulated to ATCO Transmission for further review.

f) Canada Post – Wendy Bauer

Canada Post has no comments at this time.

g) Lethbridge County – Hilary Janzen

The County has no concerns with the proposed subdivision/realignment.

h) SMRID – Linda Park

Further to your October 15th, 2021 correspondence in respect to the above-noted, this is to advise that we have no objection to the proposed subdivisions as this land is classified as "dry".

A Service Fee of \$100.00 plus GST will apply.

- i) TELUS Communications Inc. – Tanya Roberts

Telus Communications Inc. has no objection to the above circulation.

MOVER

CHAIRMAN

DATE



SW 23-9-20-W4



Legend

- Transmission Test Point
- Transmission Pipes**
 - Abandoned
 - Decommissioned
 - Operating
 - Proposed
- Gas Pipe Casing**
 - Aluminum
 - Steel
 - Cast Iron
 - Plastic
- Transmission Capital Project
- MOP Range
- Transmission Station
 - ATS Section with Road Allowance Below Hydro
 - ATS Quarter Section with Road Allowance Below Hydro
 - ATS Legal SubDivision with Road Allowance Below Hydro
- ATS Township Index Outline 8
- ATS Section with Road Allowance
- ATS Quarter Section with Road Allowance Outline
- ATS Legal SubDivision with Road Allowance Outline

Notes

WGS_1984_Web_Mercator_Auxiliary_Sphere
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AGENDA ITEM REPORT



Title: DP 2021-140 - 2802 30 Street - S. Croil
Report Type: Request for Decision
Report Author: Melanie Messier, Spencer Croil
Meeting: Municipal Planning Commission - 10 Nov 2021
Department: Planning
Reviewed by Spencer Croil
Supervisor/Peer:

TOPICS:

Planning and Community Development:
Municipal Planning

OBJECTIVE:

The following report is to present the Municipal Planning Commission (MPC) with an application requesting a waiver of maximum fence height requirements to allow for a fence at the property legally described as Plan 9612523, Block 1, Lot 12.

The subject property is zoned as Country Residential Two - CR-2.

PREVIOUS COUNCIL DIRECTION:

First time this matter has appeared before the Commission.

ANALYSIS:

Within Schedule 4: Standards of Development in the current Land Use Bylaw 677-P-04-13, it states the maximum height allowance for a fence shall be no greater than 0.9 m (3 ft.) in height in the front yard of any residential district.

The applicant is proposing a 2 m (6 ft.) fence, which would result in a one-hundred (100%) percent waiver of height requirements.

Informative

At the time of application, the applicant initially requested an additional waiver for the location of the fence 3.6 m (12 ft.) east of the property line within the Town's Road right-of-way.

Following an internal review by the Engineering and Operations departments, it was determined a water main runs parallel to the property line, approximately 2.6 m at the nearest point.

Given this information, the applicant withdrew the request for an encroachment agreement.

Applicable Sections of the Land Use Bylaw:

- Schedule 4: Standards of Development, Section 14, Fence and Hedges

KEY CONSIDERATIONS:

Should the Commission wish to consider approval of Development Application (DP 2021-140) to allow for a waiver of maximum fence height requirements, the following conditions are recommended:

1. Must obtain approval of a building permit from Superior Safety Codes Inc at (403) 320-0734 prior to commencement, if necessary.
2. Must contact Alberta 1st Call (1-800-242-3447) and Dig Shaw (1-866-344-7429) to locate any utility lines prior to commencement.
3. Setbacks to conform to the current Land Use Bylaw 677-P-04-13, Schedule 2, Country Residential 2 - CR-2 requirements.
4. Refuse and or garbage during construction shall be in appropriate containers and shall be properly screened and placed in an approved enclosure until removed for disposal.
5. Ensure lot drainage is maintained.
6. The fence, when completed, shall meet or exceed provincial building requirements and comply with all provincial and municipal health and fire regulations.

FINANCIAL IMPACT:

N/A

STAKEHOLDER ENGAGEMENT:

As per the Municipal Government Act (MGA) and the Town's Land Use Bylaw (LUB), notification of the application was circulated to neighbouring property owners within a 60-metre distance of the property 12 days prior to the scheduled meeting.

At the time of this report, no responses from the neighbouring property owners have been received.

DECISION OPTIONS:

The Commission may wish to:

1. Approve the development application (DP 2021-140) with the suggested conditions.
2. Table the development application (DP 2021-140) pending further information.
3. Reject the development application (DP 2021-140) with reasons.

RECOMMENDATION:

N/A

STRATEGIC ALIGNMENT WITH COUNCIL STRATEGIC PLAN:



1. Focus on
Community Safety



2. Focus on Livability



3. Focus on Economic
Health



4. Focus on Good
Governance and
Corporate Excellence



5. Focus on
Responsible and
Responsive Growth

ATTACHMENTS:

[DP 2021-140 - Notice Letter to Adjacent Landowners - Fence](#)
[Schedule 4 - Standards of Development](#)
[DP 2021-140 - Proposed fence rendering](#)
[DP 2021-140 - Site Plan with withdrawn encroachment request](#)



October 25, 2021

TO: NEIGHBOURING PROPERTY OWNERS

RE: DEVELOPMENT APPLICATION 2021-140

APPLICANT: HENRY DOEVE

**ADDRESS: 2802 30TH STREET, COALDALE, ALBERTA
PLAN 9612523, BLOCK 1, LOT 12**

ZONING: COUNTRY RESIDENTIAL TWO – CR-2

Dear Sir/Madam,

We are in receipt of Development Application #2021-140 for an application requesting a waiver of maximum height and siting requirements to allow for a fence at the above-mentioned address.

Within Schedule 4: Standards of Development in the current Land Use Bylaw 677-P-04-13, it states the maximum height allowance for a fence shall be no greater than 0.9 m (3 ft.) in height in the front yard of any residential district. Additionally, it states fencing shall not be permitted to be constructed within any developed or undeveloped roadway or lane right-of-way.

The applicant is proposing a 2 m (6 ft.), which would result in a one-hundred (100%) percent waiver of height requirements and that the fence be located 3.6 m (12 ft.) east of the property line within the Town's Road right-of-way. For these reasons, the application requires the review of the Municipal Planning Commission (MPC).

The application will be considered and decided upon by the Municipal Planning commission (MPC) at the March MPC meeting.

- **This application will be heard by the MPC at the November 10th, 2021 meeting, which will be held virtually at 5 pm.**
- **Options for attending the meeting are by virtual means.**
- **For individuals wishing to attend by virtual means, please contact the undersigned at your earliest convenience and you will be provided instructions for virtual attendance.**

The full agenda will be posted on our website by November 4th, 2021 at the following link, <http://www.coaldale.ca/mpc-meeting-agendas/>. However, if you wish to view the details of this application prior to that date please contact the Town by email or phone at buildingcoaldale@coaldale.ca or 403 345-1304 and a copy of the application can be sent to you digitally.

Pursuant to the provisions of Section 42 of the Bylaw 677-P-04-13 being the Land Use Bylaw of the Town of Coaldale, notice is hereby given that on **Wednesday, November 10th, 2021, at 5:00 p.m., the Municipal Planning Commission (MPC) will consider an application for Development Permit 2021-140.**

Any comments you wish to make concerning the application can be made in writing or by email to the Town of Coaldale up to and including the date of the meeting, it is appreciated if they can be forwarded by 4:00pm on Wednesday, November 10th, 2021 or verbally and by virtual means at the meeting. Comments for the application can be dropped off in person at the Town Office, faxed to 403-345-1311 or emailed to buildingcoaldale@coaldale.ca. Please note that all submissions will be made public.

Sincerely,

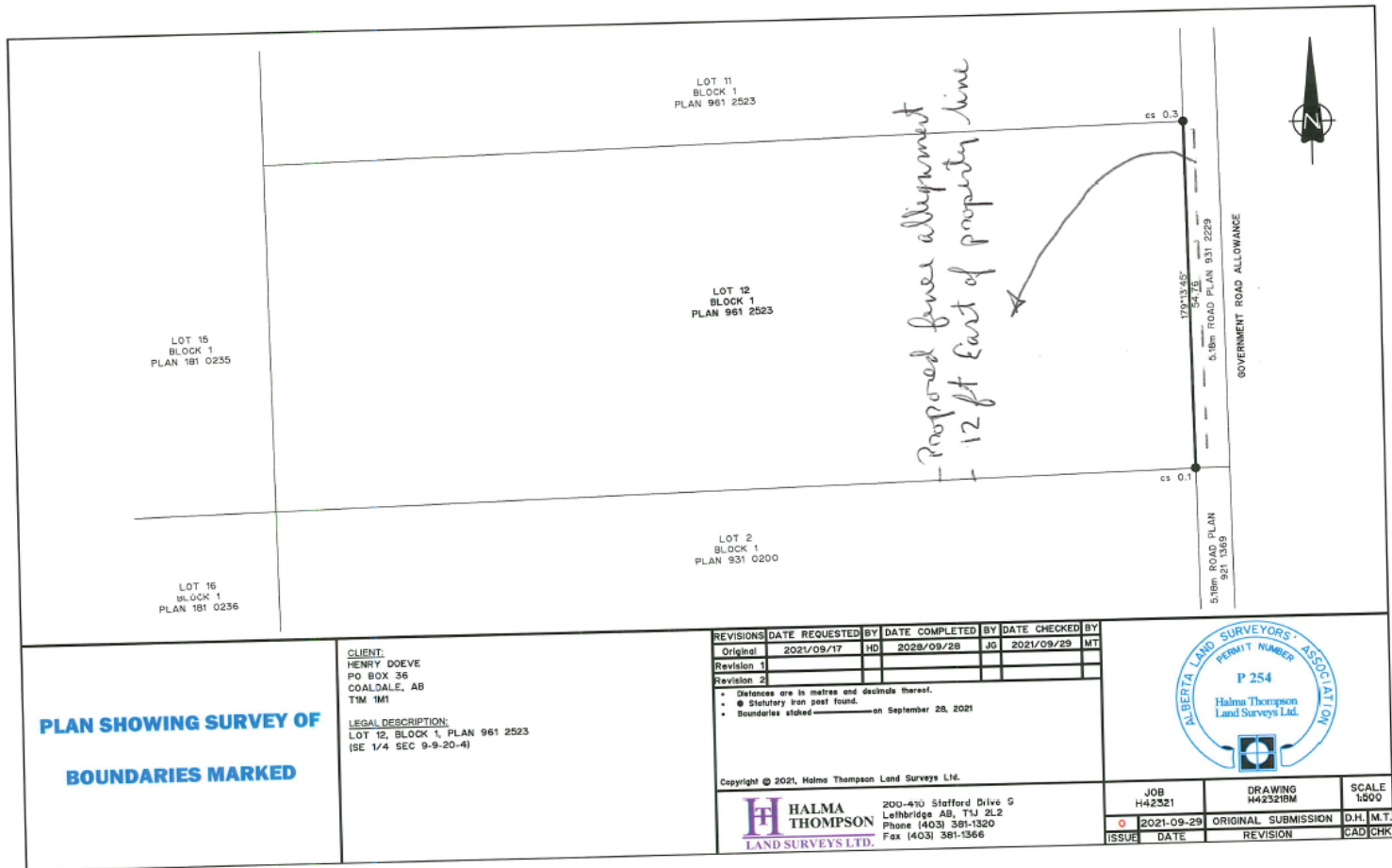


Spencer Croil, RPP MCIP
Director of Planning and Development
Development Officer

cc. Applicant



Site Plan - Proposed Siting of Fence



Rendering of Proposed Fence



SCHEDULE 4: STANDARDS OF DEVELOPMENT

Except for more specific, alternative, or contradictory standards as may be set forth within an individual land use district, the following standards apply to all uses in all districts.

1. STATUTORY PLANS

Where the policies, rules or procedures indicated in a statutory plan vary, supplement, reduce, replace or qualify the requirements of this Bylaw for a particular district or districts, the policies, rules or procedures indicated in the statutory plan shall take precedence.

2. QUALITY OF DEVELOPMENT

The Municipal Planning Commission or Designated Officer may impose reasonable conditions on a development permit if it will make the use or development more consistent with the purpose of the land use district or with an adopted Statutory Plan.

3. DESIGN AND ORIENTATION OF BUILDINGS, STRUCTURES AND SIGNS

- (a) The design, character and appearance of buildings, structures or signs shall be consistent with the intent of the land use district in which the building is located and compatible with other buildings in the vicinity.
- (b) The Development Authority may regulate the exterior finish of buildings, structures or signs to improve the quality of any proposed development within any land use district.
- (c) The maximum allowable height above the average finished surface level of the surrounding ground of the exposed portion of a concrete or block foundation may be limited by the Development Authority.
- (d) Subject to the requirements of the Safety Codes, the Development Authority may require that buildings be physically accessible to disabled persons.
- (e) If a building is to be located on a lot with more than one street frontage or on a lot with potential for further subdivision, the Development Authority may regulate the orientation and location of the building as a condition of development approval.

4. REDUCED LOT AREA AND DIMENSION

The Municipal Planning Commission or Designated Officer may approve a development on an existing registered lot the minimum dimensions or area of which are less than those specified in Schedule 2.

5. CORNER LOT CUT-OFF YARD DIMENSIONS

Where a laneway or roadway has reduced the size of a lot by cutting off a corner of the lot the minimum yard dimensions shall apply to the portions of the lot that have not been cut-off by the laneway or roadway. See Figure 4.1.

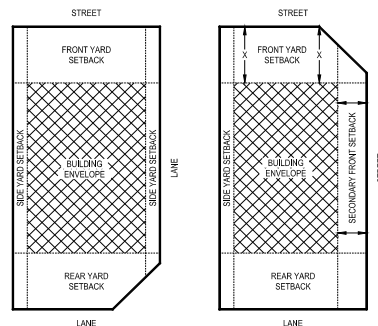
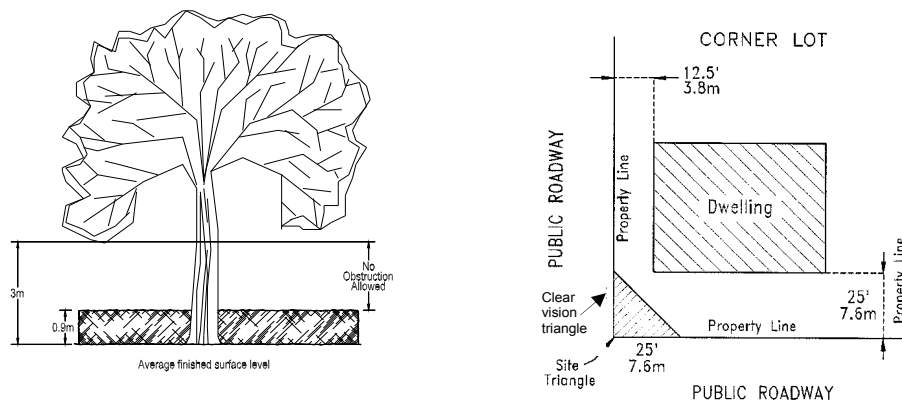


Figure 4.1: Corner Cut-off Lot Minimum Yard Dimensions
X = minimum yard dimension (arrows indicate measurement location)

6. CLEAR VISION TRIANGLE FOR CORNER LOTS (ALL USES)

On a corner lot nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of 0.9 m (3 ft.) and 3 m (10 ft.) above the centre line grades of the intersecting streets in the area bounded by the property lines of such corner lots and a line joining points along the said property lines 7.6 m (25 ft.) from the point of intersections. This restriction may apply in the C-1 district at the discretion of the Designated Officer or Municipal Planning Commission.



7. RESIDENTIAL PRINCIPAL BUILDING/USE YARD SETBACKS

- (a) The Development Authority may waive the minimum required yard setback requirement in a well established residential area if, in its opinion:
- the proposed setback is in accordance with (or similar to) the existing and prevailing neighbourhood yard pattern;
 - the building and its proposed location (inclusive of any existing or proposed additions) is compatible with the form, scale and massing of surrounding dwellings; and
 - the proposal complies with the appropriate section of the Land Use Bylaw specifying any and all requirements in considering **Applications Requiring Waivers (Variance)** (as per Sections 36-37 of the Land Use Bylaw).

- (b) If, in the opinion of the Municipal Planning Commission or Designated Officer, an application for an addition or renovation to an existing dwelling or a new dwelling in any area would adversely affect the use and enjoyment of neighbouring properties, the Designated Officer may notify those residents affected by the proposed development. The Municipal Planning Commission would make a decision on the proposed development after consultation with any and all residents that may be affected by the proposed development. The Municipal Planning Commission could then increase the setback requirements for the proposed development to enhance the appearance of the area or in providing that the development more appropriately fits and is compatible with the existing developments in the neighbourhood area.

8. RETAINING WALLS AND GRADING

- (a) In all land use districts, the applicant shall provide a grading plan for the development.
- (b) The Designated Officer or the Municipal Planning Commission may require the construction of a retaining wall as a condition of a development permit if, in their opinion, significant differences in grade exist or will exist between the parcel being developed and adjacent parcels.
- (c) As a condition of a development permit, the Designated Officer or the Municipal Planning Commission may require special grading and/or paving to prevent surface drainage problems with neighbouring lots.
- (d) Roof and surface drainage shall be directed either to the public roadway fronting the property, or as approved by the Designated Officer, to a rear or side property boundary or as approved in an engineered stormwater management plan.

9. REFUSE COLLECTION AND STORAGE

- (a) Refuse and garbage shall be kept in suitable containers or permanent enclosures.
- (b) Refuse and garbage storage areas shall be effectively screened from public view.
- (c) All refuse on any construction site shall be properly screened or placed in an approved enclosure until removed for disposal.

10. LANDSCAPING STANDARDS AND SCREENING

Refer to *Schedule 9: Landscaping and Amenity Areas Standards and Guidelines*.

11. GARDEN SHEDS

- (a) Garden sheds are permitted provided:
 - i. they do not exceed 9.3 m² (100 ft²) in area,
 - ii. are not on a permanent foundation, and
 - iii. meet the applicable district's required setback distances.
- (b) Garden sheds that exceed the area requirement in subsection 11(a)(i), or are to be located closer than the stipulated setback in the applicable land use district will require a waiver/variance to this Bylaw.
- (c) Garden sheds that do not exceed the area requirement in subsection 11(a)(i) and meet the stipulated setback in the applicable land use district, but will be placed on a permanent foundation will require a development permit.

12. PERMITTED PROJECTIONS INTO SETBACKS

- (a) In no circumstances shall any part of any structure encroach or cause runoff on an adjoining property.
- (b) The following features may, subject to the relevant provisions of Safety Codes, project or encroach into the minimum required yard setbacks under this Bylaw:
 - i. unenclosed steps or unenclosed fire escapes may project a maximum of 1.5 m;
 - ii. a wheelchair ramp at the discretion of the Development Authority;
 - iii. fences to the property line in accordance with the applicable land use district and Section 6 (Clear Vision Triangle for Corner Lots);
 - iv. driveways, curbs and sidewalks;
 - v. off-street parking in accordance with the applicable land use district and Section 6 (Clear Vision Triangle for Corner Lots);
 - vi. service metres;
 - vii. mailboxes;
 - viii. landscaping, fish ponds, ornaments, flagpoles (less than 4.6 m (15 ft.) in height), or other similar landscaping features in accordance with Section 6 (Clear Vision Triangle for Corner Lots);
 - ix. temporary swimming pools in accordance with the applicable land use district;
 - x. signs, in accordance with Schedule 13: Sign Regulations;
 - xi. uncovered decks may encroach into the minimum required rear yard setback a maximum distance of 3 m (9.8 ft.);
 - xii. balconies that are unenclosed may encroach into the minimum required rear yard setback a maximum distance of 2 m (6.5 ft.); and
 - xiii. privacy walls less than 2 m (6.5 ft.) above the top of the finished floor elevation/grade of a balcony, deck or patio may encroach the same distance as the approved balcony, deck or patio (as applicable).
- (c) The portions of an attachment to a principal building which may project over a required yard setback are as follows:
 - i. eaves, fireplace chases, bay windows, belt courses, cornices, sills, temporary awnings or other similar architectural features may project:
 - a. a maximum of 0.61 m (2 ft.) over a side yard setback, and
 - b. a maximum of 1.22 m (4 ft.) over a front or rear yard setback.
- (d) In a front yard, cantilevers not exceeding 40 percent of the front wall area may encroach a maximum of 0.61 m (2 ft.).
- (e) In a side yard, cantilevers may encroach a maximum of 0.61 m (2 ft.) where:
 - i. the projection does not exceed 40 percent of one side wall and 20 percent of the other, and
 - ii. the projection is not immediately beside a projection of an adjacent dwelling.
- (f) In a rear yard, cantilevers may encroach a maximum of 0.61 m (2 ft.).
- (g) In all cases, projections into any required setback must comply with the requirements of the *Safety Codes Act*.

13. AIR CONDITIONERS – FREESTANDING

- (a) A freestanding exterior air conditioner shall not be located in a front yard or located less than 1 m (3.3 ft.) from a side or rear property boundary.

14. FENCES AND HEDGES

- (a) In all residential districts no fence, wall, hedge or other means of enclosure greater than 0.9 m (3 ft.) in height, or any combination thereof shall be erected in any front yard area without a permit from the Development Authority.
- (b) In all residential districts fences, walls, hedges or other means of enclosure in the secondary front, rear and side yard shall be no more than 1.8 m (6 ft.).
- (c) Fencing shall not be permitted to be constructed within any developed or undeveloped roadway or laneway right-of-way. Removal of such fencing will be at the property owner's expense.
- (d) Subdivision perimeter fencing is subject to the approval of the Development Authority.
- (e) The Designated Officer or the Municipal Planning Commission may regulate the types of materials and colours used for a fence.
- (f) Refer also to Section 6 for Clear Vision Triangle for Corner Lots.
- (g) The height, type and location of a fence in any Commercial, Industrial, Institutional/Recreational, Public or Reserve land use district (inclusive of the Downtown Overlay – see Section 8 of the C-1 land use district), shall be to the satisfaction of the Development Authority.

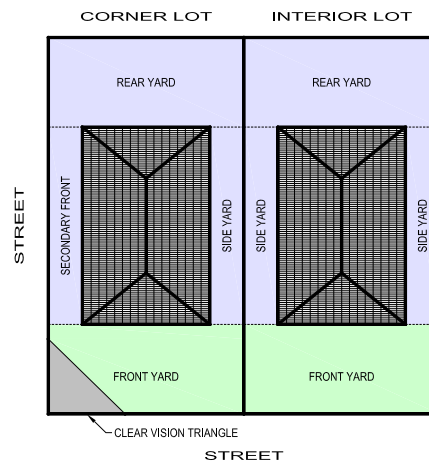


Figure 5.1 - Fence Height Provisions

Green area fence height no more than 0.9 m (3 ft.)

Blue area fence height no more than 1.8 m (6 ft.)

15. DECKS, AMENITY SPACES AND PRIVACY WALLS

- (a) A development permit is required for the construction of any deck more than 0.6 m (2 ft.) above grade in height. Deck height is measured from the finished grade to the finished floor grade of the deck.

- (b) For the purpose of calculating yard setbacks and site coverage requirements as provided in this Bylaw, where a structure is attached to the principal building by a roofed structure (open or enclosed), it shall be deemed to be part of the principal building and must meet the required side and rear yard setbacks.
- (c) A **ground level patio** means an unenclosed (no roof or walls) amenity area of concrete, brick, wood, or other material that is constructed at grade and may or may not be or attached to a dwelling.
- (d) A **deck** means an uncovered horizontal structure with a surface height greater than 0.6 m (2 ft.) above grade at any point, but generally no higher than the first storey floor level, and is intended for use as a private outdoor amenity space.
- (e) **REAR YARD SETBACKS:** uncovered decks may encroach into the minimum required rear yard setback a maximum distance of 3 m (9.8 ft.).
- (f) A **privacy wall** shall be no greater than 2 m (6.5 ft.) above the grade of a balcony, deck or patio.
- (g) Where a development permit is required for construction of a privacy wall (see Schedule 3: Development Not Requiring a Development Permit), the Development Authority may regulate the materials and/or exterior finish.

16. BALCONIES, VERANDAS AND PORCHES

- (a) A balcony shall not project more than 1.8 m (6 ft.) from a building façade. For semi-detached dwellings, no separation from a party wall property line is required for a balcony where a privacy wall extends the full depth of the balcony.
- (b) Where any building or structure is attached to a principal building by:
 - i. a roof structure (open or enclosed) above grade;
 - ii. a floor or foundation which is above grade; or
 - iii. any structure below grade allowing access between the buildings, such as a parking garage or a corridor or passageway connecting the buildings;
 it is considered to be part of the principal building and shall be considered in calculating site coverage and shall adhere to minimum yard setback requirements (unless specifically permitted to encroach).
- (c) **REAR YARD SETBACKS:** balconies that are unenclosed may encroach into the minimum required rear yard setback a maximum distance of 2 m (6.5 ft.).
- (d) Verandas and porches shall comply with the minimum required yard setbacks (dimensions) as per the applicable land use district.

17. EXTERIOR BUILDING FINISHES

The Designated Officer or the Municipal Planning Commission may require that specific finishing materials and colour tones be utilized in order to maintain the compatibility of any:

- (a) renovations or new development with that of surrounding buildings;
- (b) additions or accessory buildings and structures with the existing buildings on the same lot.

18. SATELLITE DISHES AND TELECOMMUNICATION ANTENNAS

In all residential land use districts:

- (a) satellite dishes greater than 1 m (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 m (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.

Radio and television antennas, which are not regulated by Industry Canada, are classified as an accessory structure.

19. TELECOMMUNICATION ANTENNA SITING PROTOCOLS

Telecommunication, radio communication and broadcast antenna systems are regulated by Industry Canada. An applicant proposing to locate a telecommunication, radio communication or broadcast antenna system within the Town, which does not meet the exclusion criteria in Appendix A shall be subject to the following siting protocols:

(a) Co-utilization

The applicant shall be requested to identify any other similar antenna systems within a radius of 500 m (1,640 ft.) of the proposed location and to provide documentary evidence that co-utilization of the existing antenna systems is not a viable alternative to the proposed antenna.

(b) Siting Options

The applicant shall be requested to identify siting options and any alternative locations considered.

(c) Appearance

Antenna systems which are visible from residential areas are encouraged to employ innovative design measures to mitigate the visual impact of the antenna system.

(d) Landscaping

The landscaping requirements of the land use district in which the development is proposed should be integrated into the site design, except where existing site vegetation is deemed comparable by the Municipal Planning Commission to the land use district requirements.

(e) Lighting and Signage

- i. Lighting in addition to that which is required by applicable federal agencies shall be avoided. Security lighting may be considered provided it meets the requirements of the applicable land use district.
- ii. Only signage that is required by applicable federal agencies is permitted. No advertising signage shall be permitted.

(f) Municipal Concurrence

- i. The applicant shall be required to present the proposed development to the Municipal Planning Commission at a public meeting in accordance with the Administration Section and submit the following plans at least two weeks before the scheduled meeting:
 - a. site plan identifying the location of the proposed development, access, distance from property lines, easements, rights-of-way or any other development constraint on the property, proposed fencing or other security measures, and landscaping plan; and
 - b. antenna height, type, design, material, appearance and lighting.
- ii. Upon conclusion of the public consultation process, the Development Authority will issue a response to the applicant in writing indicating either concurrence of the proposed development or specific concerns or comments relating to the antenna system.

(g) Public Consultation

- i. The applicant shall be required to hold a public meeting before the Municipal Planning Commission at the Town office or another location approved by the Town administration to explain all aspects of the proposed development, including but not limited to siting, technology and appearance of the structure;
- ii. The Town may notify all land owners within a distance of 500 m (1640 ft.) of the proposed structure at the expense of the applicant.

20. DRIVEWAYS AND SIDEWALKS

- (a) Vehicle access to and from corner lots shall generally be limited to locations along the minor street or cul-de-sac.
- (b) A refundable security fee for sidewalks in the amount of \$500.00 shall be required by the Designated Officer or the Municipal Planning Commission to ensure that already constructed sidewalks are not destroyed when construction or demolition occurs on a lot.
- (c) If damage does occur the Town will use the security fee for the replacement and/or repair costs and the owner and/or applicant will be responsible for any additional costs (over and above \$500) to repair the sidewalk to its previous condition.
- (d) If a security fee has not been taken by the Town and damage has occurred to municipal infrastructure, the Town may invoice the owner for any and all damages.

21. SERVICING REQUIREMENT

All residential, industrial and commercial buildings shall be required to connect to municipal water supply, storm sewer and sanitary sewer systems where the municipal services are, in the opinion of the Designated Officer or the Municipal Planning Commission, reasonably available. Other provisions may apply for water where an area structure plan has been prepared and adopted.

22. SWIMMING POOLS AND HOT TUBS

- (a) For swimming pool regulations refer to the Town of Coaldale Swimming Pool Bylaw. Portable, temporary, or above-ground outdoor hot tubs that are designed to be easily removed do not require a development permit.
- (b) In-ground swimming pools shall:
 - i. require a development permit,
 - ii. be considered an accessory structure,
 - iii. meet the minimum required setbacks for accessory structures in the applicable land use district, and
 - iv. not be calculated in the total maximum site coverage for accessory buildings and structures.

23. KENNELS (ANIMAL BOARDING)

Any development undertaken pursuant to an approved development permit for a kennel or animal boarding use shall be in accordance with the Town of Coaldale's Dog Enforcement Bylaw and the following provisions:

- (a) All dog facilities, including buildings and exterior exercise areas, shall be located to the rear of the principal building.
- (b) The Municipal Planning Commission may determine the maximum number of adult dogs that may be kept at any one time by the operator of a private or commercial kennel.

- (c) All pens, rooms, exercise runs, and holding stalls shall be soundproofed if deemed necessary by the Municipal Planning Commission which shall base its decision on the number of animals to be kept at the kennel, the proximity of the kennel to other uses and/or other kennels, and possibility that the noise from the kennel may adversely affect the amenities of the area.
- (d) In addition to soundproofing requirements, the times at which the animals are allowed outdoors may be regulated.
- (e) All kennel facilities shall be screened by both a visual and sound barrier, by fences and/or landscaping, from existing dwellings on adjacent parcels to the satisfaction of the Municipal Planning Commission.
- (f) Kenneling facilities shall be operated in accordance with health regulations and, in particular, excrement and similar waste shall be disposed of in a manner acceptable to Alberta Health Services.
- (g) Compliance with the Canadian Veterinary Medical Association Code of Practice for Canadian Kennel Operations.

24. DEMOLITION

All building demolitions or removals shall comply with the following:

- (a) No person shall commence or cause to be commenced the demolition or removal of any building or structure, or portion thereof, until all necessary permits have been obtained.
- (b) A development permit must be obtained for the demolition or removal of any building or structure greater than 11 m² (120 ft²) in size.
- (c) Whenever a development permit is issued for the demolition or removal of a building or structure, it shall be a condition of the permit that the lot shall be cleared, with all debris removed, and left in a graded condition upon completion of the demolition or removal to the satisfaction of the Development Authority.
- (d) When a development permit is to be approved for the demolition or removal of a building or structure, the Development Authority may require the applicant to provide a cash deposit, an automatically renewable irrevocable letter of credit, or other acceptable form of security in such amount as to occupy the costs of reclamation to any public utility or town property.
- (e) Whenever a demolition or removal of a building or structure is carried out, the property owner shall, at their own expense, protect any wall, structure, sidewalk, landscaping (hard and/or soft) or roadway liable to be affected by such demolition or removal, including those on neighbouring properties, from damage or displacement.
- (f) The Designated Officer or Municipal Planning Commission may require as a condition of the development permit that the site be fenced and screened to ensure adequate public safety.
- (g) The applicant shall be responsible for obtaining all necessary Safety Codes approvals and utility service disconnections before demolition or removal of buildings or structures.

25. SECONDARY SUITES

Secondary suites shall comply with the following regulations:

- (a) A secondary suite shall only be developed within the principal dwelling and shall not be developed within a detached garage and/or accessory structure.
- (b) The maximum floor area of the secondary suite shall be as follows:

- i. In the case of a secondary suite located completely below the first storey of a single-detached dwelling the floor area shall not exceed the floor area of the first storey of the associated principal dwelling (excluding stairways).
- (c) The minimum floor area for a secondary suite shall be not less than 30 m² (322.93 ft²).
- (d) A secondary suite shall be developed in such a manner that the exterior of the principal dwelling containing the secondary suite shall appear as a single-detached dwelling.
- (e) Only one secondary suite may be developed in conjunction with a principal dwelling.
- (f) A secondary suite shall not be developed within the same principal dwelling containing a Home Occupation 2, unless it is proven to the satisfaction of the Municipal Planning Commission that the amount of traffic generated is limited and adequate parking is available without adversely affecting the neighbourhood.
- (g) The number of persons occupying a secondary suite shall not exceed four.
- (h) The secondary suite shall not be separated from the principal dwelling through a condominium conversion or subdivision.
- (i) Variances or waivers of setbacks shall not be granted to develop a secondary suite.
- (j) A secondary suite shall provide off-street parking in compliance with Schedule 11: Off-Street Parking and Loading Requirements.
- (k) All required off-street parking stalls for a secondary suite shall be hard surfaced (e.g. cement, pavement/asphalt, etc.).
- (l) Development of a secondary suite shall adhere to the Alberta Building Code and Alberta Fire Code as a condition of approval.

26. SOLAR COLLECTOR

- (a) A solar collector attached to a wall or roof of a building may be permitted in any land use district as an accessory structure subject to the following:
 - i. A solar collector mounted on a roof:
 - a. may project a maximum of 1.3 m (4 ft.) from the surface of the roof and shall not exceed the maximum height requirements of the applicable land use district; and
 - b. must not extend beyond the outermost edge of the roof.
 - ii. A solar collector mounted to a wall:
 - a. must be located such that it does not create undue glare on neighbouring property or public roadways;
 - b. must be located a minimum of 2.4 m (7.8 ft.) above grade;
 - c. may project a maximum of 1.5 m (5 ft.) from the surface of the wall, when the wall faces the rear property line, subject to the setback requirements of the applicable land use district; and
 - d. may project a maximum of 0.6 m (2 ft.) from the surface of the wall when the wall faces the front, secondary front or side property line, subject to the setback requirements of the applicable land use district.
- (b) A free-standing solar collector or a solar collector mounted to any structure other than a roof or wall of a building shall be classified as an accessory structure, meet the minimum required setbacks in the land use district, and processed subject to the applicable land use district and the following additional standards:

- i. A free-standing solar collector or a solar collector mounted to any structure other than a roof or wall of a building:
 - a. must be located such that it does not create undue glare on neighbouring property or public roadways;
 - b. must not exceed 1.8 m (6 ft.) in height above existing grade; and
 - c. in all land use districts must not be located in the front, secondary front or side yard of the principal building or dwelling.

27. SMALL WIND ENERGY SYSTEMS

This Section establishes standards for the siting and operation of Small Wind Energy Systems. This Section is intended to implement the necessary requirements while protecting the scenic and natural resources of the Town of Coaldale and the health, safety and welfare of its residents.

(a) DEFINITIONS

The following definitions apply to this Schedule:

Blade means an element of a wind energy system rotor, which acts as a single airfoil, thereby extracting kinetic energy directly from the wind.

Blade clearance means, in reference to a horizontal axis rotor, the distance from grade to the bottom of the rotor's arc.

Rotor's arc means the largest circumferential path travelled by a blade.

Small Wind Energy System (SWES) means a wind energy conversion system consisting of a wind turbine (rotor and blades), a tower, and associated control or conversion electronics, which will be used primarily to reduce onsite consumption of utility power and is CSA approved.

Total height means the height from grade to the highest vertical extension of a SWES. In the case of a SWES with a horizontal axis rotor, total height includes the distance from grade to the top of the tower, plus the distance from the top of the tower to the highest point of the rotor's arc.

Tower means the structure which supports the rotor above grade.

(b) PERMIT REQUIREMENTS

Small Wind Energy Systems shall require a development permit depending on their location, as provided in the regulations for the land use districts in which they are allowed.

Type A Small Wind Energy System: This use is defined as a Small Wind Energy System that is either roof mounted or has a tower which does not exceed 12.2 m (40 ft.) in height.

Type B Small Wind Energy System: This use is defined as a Small Wind Energy System that has a tower which is greater than 12.2 m (40 ft.) in height but does not exceed 24.4 m (80 ft.) in height.

(c) INFORMATION REQUIREMENTS

Applications for Small Wind Energy Systems shall include the following information where applicable:

- i. all proposed Small Wind Energy Systems shall be commercially manufactured and applications shall include the manufacturers make and model number;
- ii. the manufacturer's specifications indicating:
 - a. the SWES rated output in kilowatts;
 - b. safety features and sound characteristics;
 - c. type of material used in tower, blade, and/or rotor construction;
- iii. potential for electromagnetic interference;
- iv. nature and function of over speed controls which are provided;

- v. specifications on the foundations and/or anchor design, including location and anchoring of any guide wires;
- vi. information demonstrating that the system will be used primarily to reduce on-site consumption of electricity;
- vii. location of existing buildings or improvements.

(d) REFERRALS

Prior to making a decision on a development application for a Small Wind Energy System, the Development Authority may refer and consider the input of the following agencies and departments:

- i. Alberta Utilities Commission,
- ii. Transport Canada,
- iii. Navigation Canada.

(e) SETBACKS

- i. A Small Wind Energy System shall comply with all the setbacks that govern the principal use in the district in which it is located.
- ii. No part of the wind system structure, including guy wire anchors, may extend closer than 3.0 m (10 ft.) to the property boundaries of the installation site.

(f) DEVELOPMENT STANDARDS

Small Wind Energy Systems shall comply with the following standards:

- i. There shall be a limit of one Small Wind Energy System per parcel.
- ii. The system's tower shall be set back a minimum distance equal to the height of the tower from all parcel lines, and a minimum distance of 3.0 m (9.8 ft.) from any other structure on the parcel on which the system is located. On parcels 4.0 ha (10 acres) or more, the parcel line setback may be reduced if the applicant demonstrates that:
 - a. because of topography, strict adherence to the setback requirement would result in greater visibility of the system's tower than a reduced setback; and
 - b. the system's tower is set back a minimum distance equal to the height of the tower from any structure on adjoining parcels.
- iii. The system's tower shall not exceed a maximum height of 12.2 m (40 ft.) on a parcel of less than 0.4 ha (1 acre), a maximum of 19.8 m (65 ft.) on a parcel of 0.4 ha (1 acre) to less than 2.0 ha (5 acres), and maximum height of 24.4 m (80 ft.) on a parcel 2.0 ha (5 acres) or more.
- iv. The system's tower shall be located and screened by landforms, natural vegetation or other means to minimize visual impacts on neighbouring residences and public roads, public trails and other public areas.
- v. The system's tower and supporting structures shall be painted a single, neutral, non-reflective, non-glossy (for example, earth-tones, grey, black) that, to the extent possible, visually blends the system with the surrounding natural and built environments.
- vi. The system shall be equipped with manual and automatic over speed controls. The conformance of rotor and over speed control design and fabrication to good engineering practices shall be certified by a licensed mechanical, structural or civil engineer.
- vii. The system's tower-climbing apparatus and blade tips shall be no closer than 4.6 m (15 ft.) from ground level unless the system is enclosed by a 1.8-m (6-ft.) high fence.
- viii. The system's utility lines shall be underground where economically practical.
- ix. The system shall be operated such that no electro-magnetic interference is caused.
- x. The system shall be located in the rear yard.

- xi. Small wind turbines shall not exceed 60 dB(A), or in excess of 5 dB(A) above the background noise, whichever is greater. The level, however, may be exceeded during short-term events including utility outages and severe windstorms.
- xii. Brand names or advertising associated with the system or the system's installation shall not be visible from any public place.
- xiii. Upon abandonment or termination of the system's use, the entire facility, including the system's tower, turbine, supporting structures and all equipment, shall be removed and the site shall be restored to its pre-construction condition.

(g) REVIEW OF PERMITS

Town Council shall review the impacts of issuance of permits for Small Wind Energy Systems after the issuance of 10 development permits for this specific use within the municipality. Subsequent to an initial review, Council may review and evaluate these policies at any time.

28. ALTERNATIVE/RENEWABLE ENERGY, INDIVIDUAL ACCESSORY SOURCES

The Development Authority is authorized to issue development approvals for alternative energy sources that are accessory to an approved principal use, such as, but not limited to, solar collectors, heat exchange systems, generators, turbines, etc. provided that any additional approvals or standards required at the municipal, provincial and/or federal levels are met or exceeded.

29. COMMERCIAL/INDUSTRIAL ALTERNATIVE/RENEWABLE ENERGY DEVELOPMENTS

See Schedule 12: Commercial / Industrial Alternative Renewable Energy Developments.

30. CHILD CARE FACILITIES

All child care facilities may be approved subject to the following conditions and requirements:

- (a) If determined by the Designated Officer, prior to the Municipal Planning Commission meeting, the applicant for a child care facility may be required to meet and consult with all adjacent land owners in the vicinity of where the use is proposed.
- (b) In any residential district, no exterior alterations shall be undertaken to a dwelling or former dwelling which would be inconsistent with the residential character of the building or property.
- (c) All signage must comply with Schedule 13: Sign Regulations.
- (d) Request for more than one sign or a sign greater than 0.74 m² (8 ft²) requires a separate development permit application.
- (e) The use shall not generate traffic problems within the district.
- (f) Requires a minimum of one (1) on-site parking space per employee at the use at any given time.
- (g) Requires a minimum of one (1) on-site pick-up and drop-off space for every 10 children and the location of passenger loading zones for child care facilities may be specified by a condition of a development permit.
- (h) Must have screening for any outdoor play areas to the satisfaction of the Development Authority.
- (i) All applications for child care facilities shall, as a condition of approval, obtain the necessary approvals required from regulatory agencies.

31. ADULT ENTERTAINMENT FACILITIES – SPECIAL SETBACKS

An adult entertainment facility shall not be located on a site less than 400 m from the nearest school, arena, religious assembly, day home, child care facility, community centre, residential dwelling or park.

32. GAS BARS, SERVICE STATIONS AND BULK FUEL STORAGE AND SALES

- (a) Notwithstanding the District Regulations, a use pursuant to this Section shall not be located on sites, which, in the opinion of the Development Authority, would be considered unsafe in terms of vehicle circulation, and access and egress from the site.

Site Area (Minimum)

- (b) Site Area (Minimum):
- i. Gas Bar: 1,200 m² (12,917 ft²)
 - ii. Service Station: 1,500 m² (16,146 ft²)
 - iii. Gas Bar or Service Station including Car Wash: 2,700 m² (29,063 ft²)
 - iv. Where a service station or gas bar forms part of a shopping centre, the area containing the service station or gas bar buildings and pump areas: 1,000 m² (10,764 ft²)
 - v. Where a service station or gas bar is combined with a convenience store: 1,200 m² (12,917 ft²)
 - vi. Bulk Fuel Storage and Sales: 2,700 m² (29,063 ft²)

Setback of Buildings and Structures

- (c) The Provincial Plumbing and Gas Safety Services Branch shall approve the proposed location(s) and design of all fuel storage tanks prior to application for a development permit.
- (d) Notwithstanding the specific district regulations, fuel storage tanks shall have the following minimum setbacks from any property lines, abutting masonry building walls, drainage basins and ditches:

Total Tank Capacity Setback

Up to 7,500 litres	3 m (10 ft.)
7,501 to 19,000 litres	5 m (16 ft.)
19,001 to 38,000 litres	7.6 m (25 ft.)
Over 38,000 litres	10.5 m (35 ft.)

- (e) Tanks located on property within a Flood Hazard Area shall be flood proofed to the satisfaction of the Development Authority.
- (f) The ventilation tank pipes shall have a minimum height of 3.5 m (11 ft.) from grade, and a minimum setback of 0.9 m (3 ft.) from any property line. In cases where the ventilation tank pipes are abutting to a building opening, the setback requirement shall be a minimum of 1.2 m (4 ft.).
- (g) The ventilation tank pipes shall have a minimum setback of 7.6 m (25 ft.) from any fuel-dispensing unit.
- (h) The minimum front yard requirements shall be as prescribed in the district in which the use is located but in no case shall be less than 3 m (10 ft.).
- (i) The minimum side and rear yard setbacks shall be as prescribed in the district in which the use is located.
- (j) Yard setbacks shall apply to all above ground structures, including gas pump canopies.

Site and Building Requirements

- (k) All parts of the site to which vehicles may have access shall be hard-surfaced if the property is accessed from a paved public road or lane, and drained to the satisfaction of the Development Authority.

- (l) A minimum of 10 percent of the site area of a Gas Bar and Service Station under this Section shall be landscaped to the satisfaction of the Development Authority.
- (m) The removal of tanks requires a demolition permit from the Development Authority.

33. SHIPPING CONTAINERS

- (a) Shipping containers shall only be allowed in land use districts where listed as a permitted or discretionary use in Schedule 2. Shipping containers are prohibited in all other districts (except as described in Schedule 3: Development Not Requiring A Development Permit, subsection 4(d).
- (b) Any permanent or semi-permanent (in excess of 3 months) shipping container shall be subject to the following general standards:
 - i. An application for a development permit for a proposed shipping container must be completed and submitted to the Development Officer accompanied by the applicable application fee and a minimum of two recent colour photographs of each container (one end view and one side view).
 - ii. There shall be a legal primary use on the property where the shipping container is proposed.
 - iii. Shipping containers are permitted to be used for storage only and shall not be used as a building or a construction material.
 - iv. The Development Authority may regulate the maximum number of shipping containers permitted on a lot.
 - v. The Development Authority may regulate the maximum height of shipping containers.
 - vi. Except for the temporary placement of a shipping container in compliance with Schedule 3, subsection 4(d) or subsection 33(c) below, a shipping container shall not display advertising, company logos, names or other marketing without an approved sign permit.
 - vii. The shipping container shall only be permitted in the secondary front, rear, or side yard.
 - viii. The shipping container must comply with the maximum lot coverage and setback requirements for accessory structures in the applicable land use district.
 - ix. The Development Authority may require as a condition of approval that a shipping container(s) be screened from view.
 - x. The Development Authority may require as a condition of approval that any shipping container be sandblasted and/or painted a neutral or complementary colour to match the existing building(s) on the property.
 - xi. The Development Authority may require as a condition of approval that the exterior of the shipping container be kept clean and regularly painted in a neutral or complementary colour to match the existing building(s) on the property.
 - xii. The Development Authority may regulate the time period for which a development permit for a shipping container(s) is valid through the issuance of a temporary permit.
 - xiii. Removal of the shipping container(s) at the expiration of the permit shall be at the expense of the applicant and/or landowner. The Development Authority may require as a condition of approval the posting of a bond or a security guaranteeing the removal of the container and/or compliance with the conditions of the permit.
- (c) Temporary shipping containers that are proposed to exceed the time-limit eligibility for exemption from the requirement to obtain a development permit in Schedule 3, subsection 4(d) may be issued a development permit subject to the following:
 - i. A temporary development permit may be issued for a period not exceeding three (3) months where a project timeline is in excess of the time limit specified in Schedule 3, subsection 4(d).
 - ii. Minimum yard setbacks shall be 0.9 m (3 ft.).

- (d) A development that proposes to convert a shipping container to a building or structure for a different use may be considered by the Development Authority subject to the following and the “Similar And Prohibited Uses” requirements in Administrative Section 35 of this Bylaw:
 - i. The proposed use is similar to a permitted or discretionary use in the applicable land use district;
 - ii. The shipping container conversion will be able to meet all applicable Safety Code requirements;
 - iii. The Development Authority is satisfied that the design, character and appearance of the finished building or structure is compatible with other buildings in the vicinity and consistent with the purpose of the land use district in which the building is located;
 - iv. In addition to the application requirements under subsection (b)(i), the Development Authority shall normally require a stamped engineer’s drawing showing how the shipping container will be converted and a rendering illustrating the final appearance of the converted shipping container, as part of the application package.

34. INFILL DEVELOPMENT

- (a) The requirements of this section apply to all areas of Town that are considered established in accordance with the definition of infill development. Infill development is expected to be designed in a contextually sensitive manner with a design, scale and mass complementary to existing developments.
- (b) Applications for infill development shall provide, in addition to the normal application requirements set forth in this bylaw:
 - i. Existing and proposed grades for the lot to be developed;
 - ii. Existing grades for each adjacent lot;
 - iii. A basic nuisance mitigation strategy that addresses the minimization of dust, noise and other nuisances during the development;
 - iv. Location(s) for the stockpiling of materials to be moved through stripping and grading;
 - v. The setbacks of existing developments on each adjacent lot (only necessary where a waiver is requested);
 - vi. Measures to be taken to ensure surface drainage of adjacent properties and/or public rights-of-way is not unduly affected during or after development;
 - vii. Any other information deemed necessary by the Development Authority.

35. CANNABIS PRODUCTION FACILITY

- (a) The owner or applicant must provide, as a condition of development permit, a copy of the current license for all activities associated with cannabis production as issued by Health Canada.
- (b) The owner or applicant must obtain, and maintain on a permanent basis, any other approval, permit, authorization, consent or license that may be required to ensure compliance with applicable federal, provincial or other municipal legislation.
- (c) The development must be carried out in a manner whereby all of the processes and functions are fully enclosed within a stand-alone building including all loading stalls and docks, and garbage containers and waste material.
- (d) The development shall not operate in conjunction with another approved use.
- (e) The development shall not include an outdoor area for storage of goods, materials or supplies.

- (f) The development must include equipment designed and intended to remove odours from the air where it is discharged from the building as part of a ventilation system.
- (g) The Development Authority may require, as a condition of a development permit, a public utility and waste management analysis, completed by a qualified professional, that includes detailed information on:
 - i. the incineration of waste products and airborne emissions, including smell;
 - ii. the quality and characteristics of liquid and waste material discharged by the facility; and
 - iii. the method and location of collection and disposal of liquid and waste material.

Artist Rendering



posed

