

COUNTY OF LETHBRIDGE NO. 26  
IN THE PROVINCE OF ALBERTA  
BY-LAW NO. 862

BY-LAW NO. 862 OF THE COUNTY OF LETHBRIDGE NO. 26 BEING A BY-LAW TO AMEND BY-LAW NO. 806, THE LAND USE BY-LAW OF THE COUNTY OF LETHBRIDGE NO. 26 IN THE PROVINCE OF ALBERTA.

WHEREAS, it is deemed expedient to amend Land Use By-law No. 806 of the County of Lethbridge; and

WHEREAS, the Lethbridge Airport Vicinity Protection Regulation 30/87 has been approved by Cabinet and published in the Alberta Gazette.

NOW THEREFORE, pursuant to Section 147(4) of the Planning Act, the Council of the County of Lethbridge No. 26 duly assembled, enacts as follows:

BY-LAW NO. 806 BEING THE LAND USE BY-LAW IS HEREBY AMENDED BY:

1. adding to Schedule 1 a new Section 4 - Lethbridge Airport Vicinity Protection Area to read:

4. LETHBRIDGE AIRPORT VICINITY PROTECTION AREA

A. The Lethbridge Airport Vicinity Protection Area (AVPA) Regulations:

(i) is Alberta Regulation 30/87 (as amended from time to time) pursuant to Section 147 of the Planning Act;

(ii) is included as APPENDIX 1 of this By-Law (including an amendments thereof);

(iii) is a plan to coordinate the lands close to the Lethbridge Airport;

(iv) may be amended only by application submitted to and processed by the Minister of Municipal Affairs; and

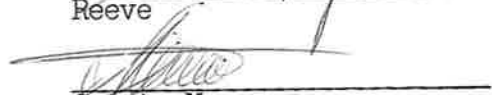
(v) should be referred to directly for subdivision and/or development proposals located wholly or partly within the AVPA boundary as delineated in Schedule 1 - Land Use District Map of this By-Law.

2. adding to Schedule 1, Section 2, the Land Use District Map, the Lethbridge Airport Vicinity Protection Area Boundary and further, add the following to the legend:

Lethbridge Airport Vicinity Protection Area Boundary - Refer to Alberta Regulation 30/87 attached as Appendix 1 herein.

GIVEN first, second and third readings, and passed in Council this 19th day of May, 1987.

  
Reeve

  
County Manager

APPENDIX I

Planning Act

LETHBRIDGE AIRPORT VICINITY PROTECTION AREA REGULATION

*Table of Contents*

Definitions	1
General	2
Establishment of Protection Area	3
Land use	4
Height limitations	5
Electronic facilities	6
Amendment	7
Schedules	

**Definitions**

1 In this Regulation,

(a) "airport" means the Lethbridge Airport within the Protection Area;

(b) "airport runway" means the area of land within the airport that is used or intended to be used for the take-off and landing of aircraft;

(c) "Department" means the Director of the Planning Branch in the Planning Services Division of the Department of Municipal Affairs;

(d) "land use by-law" means

(i) with reference to land in the Protection Area that is within the boundaries of the County of Lethbridge, No. 26, the Land Use By-law for the County of Lethbridge, No. 26, or

(ii) with reference to land in the Protection Area that is within the boundaries of The City of Lethbridge, the Land Use By-law for The City of Lethbridge

as amended from time to time;

(e) "municipality" means

H-6

(i) the County of Lethbridge, No. 26, or

(ii) The City of Lethbridge,

as the context requires;

(f) "noise exposure projection area" or "NEP Area" means an area of land within the Protection Area that

(i) is enclosed by the 40 NEP Contour,

(ii) lies between 2 NEP Contours, or

(iii) lies between the 25 NEP Contour and the boundary of the Protection Area,

as shown on the map in Schedule 2;

(g) "NEP Contour" means a numbered contour as shown on the map in Schedule 2;

(h) "Protection Area" means the Lethbridge Airport Vicinity Protection Area described in Schedule 1 and shown on the map in Schedule 2;

#### General

2(1) This Regulation applies only to a development or proposed development within the boundary of the Lethbridge Airport Vicinity Protection Area as described in Schedule 1 and shown on the map in Schedule 2.

(2) All development within the Lethbridge Airport Vicinity Protection Area requires a development permit except for

(a) the following developments within the airport agricultural district designated A-A in the map in Schedule 2:

(i) the carrying out of works of maintenance or repair to any building if the works do not include structural alterations or major works of renovation,

(ii) the completion of a building that was lawfully under construction at the date of the passing of this Regulation if

H-6

(A) the building is completed in accordance with the conditions of any permit granted by the development officer in respect of it and subject to the conditions to which that permit was granted, and

(B) the building, whether or not a permit was granted in respect of it, is completed within a period of 12 months from the date of the first publication of the official notice as identified in the County of Lethbridge, No. 26 Land Use By-law,

(iii) the use of any building referred to in subclause (ii) for the purpose for which construction was commenced,

(iv) the erection or construction of temporary buildings, works, plants, or machinery needed in connection with operations for which a development permit has been issued for the period of those operations,

(v) the maintenance and repair of public works, services and utilities carried out by or on behalf of federal, provincial, municipal, or public authorities on land that is publicly owned or controlled, and

(vi) any use, building, or structure associated with extensive agriculture or grazing except for dwellings and livestock confinement operations,

or

(b) developments within the airport urban district designated A-U on the map in Schedule 2 that involve uses identified in The City of Lethbridge Land Use By-law as not requiring a Development Permit.

(3) Subject to section 85 of the *Planning Act*, the development officer, municipal planning commission and the development appeal board must comply with this Regulation as provided under the appropriate land use by-law and the *Planning Act* except that the development appeal board shall not delete or alter any condition of approval for land uses identified in Schedule 3 Tables 1 and 2 of this Regulation.

(4) The development appeal board is not required to refer an application for a development permit to the Department unless,

H-6

pursuant to section 4(5) and (6) of this Regulation, the development officer and Municipal Planning Commission have not done so.

(5) The development officer, municipal planning commission and development appeal board are not precluded by this Regulation from attaching any other conditions in accordance with the land use by-law to a development permit.

(6) A development permit for a development within the Protection Area may only be issued if the proposed development conforms with this Regulation and the land use by-law.

#### Establishment of Protection Area

3(1) The part of Alberta described in Schedule 1 is established as an Airport Vicinity Protection Area.

(2) If any discrepancy exists between the description of the Protection Area in Schedule 1 and the location of the Protection Area as shown on the map in Schedule 2, the description in Schedule 1 prevails.

#### Land use

4(1) For the purposes of this section and Schedule 3, the Protection Area is divided into the following land use districts, namely,

- (a) the Airport Clear District, designated A-D,
- (b) the Airport Agricultural District, designated A-A, and
- (c) the Airport Urban District, designated A-U,

as shown on the map in Schedule 2.

(2) The development officer or municipal planning commission may issue a development permit without any conditions under this Regulation for any application that involves a use that is designated "P" in Table 1 of Schedule 3 of this Regulation.

(3) The development officer or municipal planning commission may issue a development permit for an application that involves a conditional use or a similar or substantially similar use in accordance with Table 1 of Schedule 3 only if the appropriate condition specified in Table 2, is prescribed as a condition of the development permit.

(4) The development officer or municipal planning commission shall not issue a development permit for an application for development if that use is designated "NA" within Table 1 of Schedule 3, or if the use is similar or substantially similar, in the opinion of the development officer or municipal planning commission to a prohibited use, or involves a use that is not listed in the Land Use Table unless it pertains to subsection (5).

(5) Where a particular land use proposed for a development is not included in this Regulation or where the development officer or municipal planning commission has determined that the proposed land use is substantially similar to another land use which is permitted or conditionally permitted, the development officer or municipal planning commission shall refer a copy of the development permit application to the Department for comment.

(6) Where an application is referred to the Department, the development officer or municipal planning commission may issue a development permit only after

(a) a comment has been received from the Department, or

(b) no response is received by the end of the 30-day period following the date which the copy of the application was sent to the Department.

(7) The development officer or municipal planning commission shall consider the response of the Department but is not bound by it.

(8) A use listed in Schedule 3, Table 1 includes accessory uses and buildings unless otherwise noted.

#### Height limitations

5 A development permit shall only be issued for a proposed development within the Protection Area if that development does not exceed the maximum elevation identified in Schedule 5 or on the certificate of title for the land on which the development will be located.

#### Electronic facilities

6(1) This section does not apply in any case where the issuance of a development permit is refused pursuant to section 4 or 5.

(2) If application is made for a development permit for a development in the Protection Area and

(a) the location of the development is within the contour lines shown on the Electronic Facilities Protection Area Map in Schedule 4, and

(b) the development officer or municipal planning commission is satisfied that the highest point of the development will exceed in elevation at that point the maximum height guidelines indicated on the Electronic Facilities Protection Area Map in Schedule 4,

the development officer or the municipal planning commission, as the case may be, shall refer the application to the Department.

(3) If the location of a proposed development lies between 2 numbered contours as shown on the Electronic Facilities Protection Area Map in Schedule 4, then, for the purpose of subsection (2)(b), the maximum height limitation applicable to the development is the height limitation represented by the lower of the 2 numbered contours.

(4) Notwithstanding sections 4 and 5, when an application for a development permit is required by this section to be referred to the Department, a development permit may be issued for the development only if

(a) a copy of the application has in fact been received by the Department, and

(b) the development officer or municipal planning commission has received notice from the Department approving or conditionally approving the development.

(5) If the development officer or municipal planning commission receives notice under subsection (4) of the conditional approval from the Department for the development, a development permit issued for the development shall contain the conditions referred to in the notice.

#### Amendment

7(1) A municipality may apply to the Minister for an amendment to this Regulation.

(2) If a municipality makes an application to the Minister under subsection (1), the Minister may refer the application to the Board and

the Board, after any public hearing or meetings that it considers necessary, shall report to the Minister with respect to the application.

(3) If a municipality makes an application to the Minister under subsection (1) a copy of the application shall be referred to the adjoining municipality within the Protection Area.



SCHEDULE 1

LETHBRIDGE AIRPORT VICINITY PROTECTION AREA

The Lethbridge Airport Vicinity Protection Area consists of the land described below:

Within The City of Lethbridge:

In Township 8, Range 21, West of the 4th Meridian:

Section 15  
N  $\frac{1}{2}$  of Section 16  
N  $\frac{1}{2}$  of the N  $\frac{1}{2}$  of Section 17  
SE  $\frac{1}{4}$  of Section 20  
S  $\frac{1}{2}$  of Section 21  
S  $\frac{1}{2}$  of Section 22

Within the County of Lethbridge:

In Township 7, Range 21, West of the 4th Meridian:

N  $\frac{1}{2}$  of Section 31  
N  $\frac{1}{2}$  of Section 32  
N  $\frac{1}{2}$  of Section 33  
N  $\frac{1}{2}$  of Section 34  
NW  $\frac{1}{4}$  of Section 35

In Township 7, Range 22, West of the 4th Meridian:

N  $\frac{1}{2}$  of Section 35  
N  $\frac{1}{2}$  of Section 36

In Township 8, Range 21, West of the 4th Meridian:

Section 2  
Section 3  
Section 4  
Section 5  
Section 6  
Section 7  
Section 8  
Section 9  
Section 10

Section 11

All of Section 14, except LSD 15 and 16 lying North of the Canal R.O.W. Plan 1RR 46

S  $\frac{1}{2}$  of Section 16

S  $\frac{1}{2}$  of Section 17

S  $\frac{1}{2}$  of the N  $\frac{1}{2}$  of Section 17

SW  $\frac{1}{4}$  of Section 23

In Township 8, Range 22, West of the 4th Meridian:

Section 1

All of the S  $\frac{1}{2}$  of Section 2, east of the St. Mary River



### SCHEDULE 3

#### LAND USE IN RELATION TO NOISE EXPOSURE PROJECTION AREAS

1 The issuance of a development permit for a development within the Protection Area shall be in accordance with section 2(5) and (6) of this Regulation.

2 In this Schedule,

(a) "C", followed by a number where it appears in one of the NEP Area columns in Table 1 opposite a particular land use, means that the land use is permitted subject to the conditions set out in Table 2 bearing the same letter and number;

(b) "NA", where it appears in one of the NEP columns in Table 1 opposite a particular land use, means that the land use is not allowed and prohibited in that NEP Area;

(c) "P", where it appears in one of the NEP columns in Table 1 opposite a particular land use, means that the land use in that NEP Area is permitted by this Regulation, and the use is neither prohibited nor is a development permit for a development involving that use to be made subject to any condition under Table 2 of this Schedule;

(d) "NEP 25- Area" means the NEP Area that lies between the 25 NEP Contour and the boundary of the Protection Area;

(e) "NEP 25-30 Area" means the NEP Area that lies between the 25 NEP Contour and the 30 NEP Contour;

(f) "NEP 30-35 Area" means the NEP Area that lies between the 30 NEP Contour and the 35 NEP Contour;

(g) "NEP 35-40 Area" means the NEP Area that lies between the 35 NEP Contour and the 40 NEP Contour;

(h) "NEP 40+ Area" means the NEP Area enclosed by the 40 NEP Contour;

(i) "residential replacement or infilling unit" means any new residential development that

(i) will replace a residential development that has been demolished or destroyed, or

(ii) is to be built on a lot that is

(A) registered under the *Land Titles Act*, and

(B) zoned for residential development,

before the coming into force of this Regulation;

(j) "farms (extensive agriculture)" means land the primary use of which is for the production of farm products such as dairy products, livestock or field crops, or undeveloped land, on a parcel equivalent in size to an unsubdivided quarter section and includes

(i) one single detached or mobile home dwelling,

(ii) a 2nd single detached or mobile home dwelling, and

(iii) buildings associated with the use if developed in accordance with section 78(3) of the *Planning Act*

but does not include related commercial or industrial sales, commercial feed lots or services and storage uses that are not essential to the operation of the on-site agricultural use.

3 Developments existing before the passing of this Regulation shall be deemed to comply with the sound insulation requirements set out in this Schedule.

4 The Department shall review the NEP Contours within 10 years of the passing of this Regulation or at any other time that a major change occurs in the activity of the airport.

SCHEDULE 3

TABLE 1

LAND USE IN RELATION TO NOISE EXPOSURE PROJECTION AREAS

Airport Clear District (A-D)

Land Uses

Land uses within this district shall be in accordance with Transport Canada's zoning criteria.

Airport Agricultural District (A-A)

Land Uses	Noise Exposure Projection Areas				
	NEF 25- Area	NEF 25-30 Area	NEF 30-35 Area	NEF 35-40 Area	NEF 40+ Area
Airport and Related Facilities	P	P	P	P	P
Agricultural Machinery Sales and Service	P	P	C1	C1	C1
Agricultural Sales and Service	P	P	C1	C1	C1
Bulk Fertilizer	P	NA	NA	NA	NA
Intensive Livestock Operations	P	NA	NA	NA	NA
Church and Manse	P	C1	C1	NA	NA
Community Centre	P	C1	C1	NA	NA
Contractor's Business	P	P	C1	C1	C1
Extensive Recreational Uses	P	P	P	P	NA
Livestock Feed Lot	P	NA	NA	NA	NA
Farms (extensive agriculture)	P	P	P	P	P
Fish and Wildlife Conservation Area (excluding bird sanctuary)	P	P	P	P	P
Fur Farm	P	NA	NA	NA	NA
Gravel and Sand Pit	P	P	NA	NA	NA
Grain Elevators	P	P	P	P	P
Home Occupation	P	C1	C1	C1	C1
Kennel	P	P	C1, C2	NA	NA
Manufacture of Asphalt	P	P	NA	NA	NA
Market Gardening	P	P	P	P	NA
Minor Light Industrial Facility	P	P	C1	C1	C1
Minor Recreational Facility	P	P	C1	C1	C1
Mobile Home (non-farm)	P	NA	NA	NA	NA
One Family Dwelling					

(non-farm)	P	C1	NA	NA	NA
Park	P	P	P	C3	C3
Public incinerator	P	NA	NA	NA	NA
Public and Quasi-Public Buildings and Uses	P	C1	C1	NA	NA
Radio, Television and Other Communication Tower	P	P	P	P	P
Ready Mix Concrete Plt.	P	P	NA	NA	NA
Residential replacement or infilling unit	P	C1	C1	C1	NA
Riding Stable	P	P	P	C3	NA
Sanitary Land Fill	NA	NA	NA	NA	NA
School	P	C1	NA	NA	NA
Seed Cleaning Plant	P	P	NA	NA	NA
Sewage Treatment Plant or Lagoon	P	C2	C2	NA	NA
Sod Farm	P	P	P	P	NA
Stripping of Top Soil	P	P	P	P	NA
Veterinary Clinic	P	P	C1, C2	NA	NA
Water Reservoir and Treatment Plant	P	C2	C2	NA	NA

## AIRPORT URBAN DISTRICT (A-U)

### Land Uses

Land uses within this district shall be in accordance with The City of Lethbridge Land Use By-Law Districts as prescribed for the land within the Protection Area at the time this Regulation comes into force except that land uses that will attract large concentrations of birds are not permitted to be developed. Uses that attract birds include abattoirs, feed lots, livestock auction marts, meat processing operations, sanitary landfill sites and any other similar uses that would attract birds as a result of food waste disposal.

Any proposed amendments to The City of Lethbridge Land Use By-Law made subsequent to the passing of this Regulation and within the boundary of this Regulation that may affect this Regulation shall be referred to the Department for comment. The City of Lethbridge shall give due consideration to comments received from the Department regarding amendments to the Land Use By-Law, but is not bound by the recommendations of the Department.



SCHEDULE 3

TABLE 2

LAND USE CONDITIONS

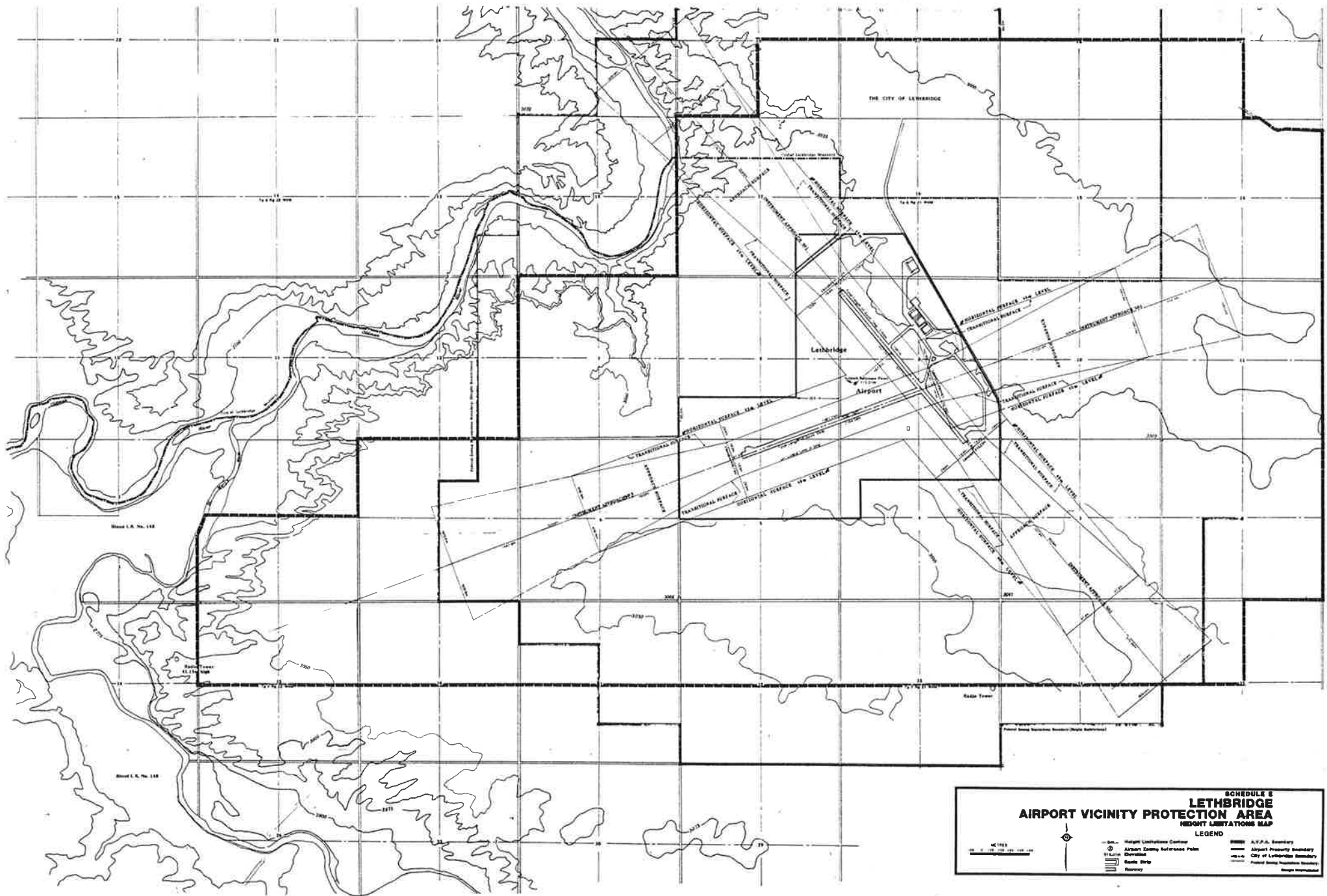
C1 Construction shall conform to the exterior acoustic insulation requirements of Part 11 of the *Alberta Building Regulation, 1985* (Alta. Reg. 186/85) for those NEP Areas other than the NEP 25- Area unless otherwise stated in this Regulation. Where this condition is specified, the development officer shall indicate on the development permit between which noise contours the proposed development site would be located for reference of the building inspector at the time of the building permit application.

C2 The development shall be covered completely.

C3 The development shall not include structures for the seating of spectators except as varied to allow for seating of a minor nature as specified in the condition.



SCHEDULE 5  
LETHBRIDGE AIRPORT VICINITY PROTECTION AREA  
HEIGHT LIMITATIONS MAP



**SCHEDULE 5  
LETHBRIDGE  
AIRPORT VICINITY PROTECTION AREA  
HEIGHT LIMITATIONS MAP**

**LEGEND**

	Height Limitation Contour		A.T.P.A. Boundary
	Airport Center Reference Point		Airport Property Boundary
	Elevation		City of Lethbridge Boundary
	Road Strip		Provincial Boundary
	Railway		Single Intersected

Scale: 1:50,000