

**LETHBRIDGE COUNTY
IN THE PROVINCE OF ALBERTA**

BYLAW NO. 21-013

BEING a bylaw of Lethbridge County in the Province of Alberta, to amend Bylaw No. 1404, being the municipal Land Use Bylaw.

WHEREAS THE PURPOSE of proposed Bylaw No. 21-013 is to undertake a series of amendments as identified in the attached 'Schedule A' in order to add and clarify the Land Use Bylaw and align with Provincial and Federal Acts and Regulations;

WHEREAS these amendments include, but are not limited to, the following descriptions:

- The Administration Section is updated and amended to clarify provision and administrative regulations, including application processing;
- The land use districts and various uses are being amended, including shipping containers, riding arenas, and various cannabis related uses;
- To clarify and detail the development standards and specific land use standards for certain uses including fencing in residential areas and cannabis production facilities; and
- To amend the Land Use Bylaw definitions to reflect the updates.

AND WHEREAS the municipality must prepare a corresponding bylaw and provide for its consideration at a public hearing.

NOW THEREFORE, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of Lethbridge County in the Province of Alberta duly assembled does hereby enact the following:

1. That the amendments as indicated in attached 'Schedule A' are adopted.
2. That Bylaw No. 1404, being the municipal Land Use Bylaw, is hereby amended.
3. This bylaw comes into effect upon third and final reading hereof.
4. That Bylaw No. 1404 is consolidated to incorporate the amendments in Schedule A.

GIVEN first reading this 6th day of May 2021.


Reeve


Chief Administrative Officer

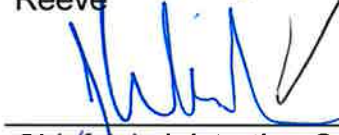
GIVEN second reading this 5 day of August, 2021.


Reeve


Chief Administrative Officer

GIVEN third reading this 5 day of August, 2021.


Reeve


Chief Administrative Officer
Acting

Schedule 'A'

Bylaw No. 21-013 Amendments to Land Use Bylaw No. 1404

GENERAL AMENDMENTS:

- Replace all references to the Municipal Government Board to read "Land and Property Rights Tribunal (LPRT)" (coming into effect June 2, 2021)
- Remove all references to the "Processing of Manure" from any land use district and the definition.

PART 1 – ADMINISTRATION

13. (4)(d) replace existing section with the following:

- the temporary erection or placement of works, plants, machinery or structures needed solely for the undertaking or completion of construction of a development that has an approved permit, only while that construction is occurring, provided all standards of the bylaw are met

13. (4) (i) replace existing section with the following:

- With the exception of residential districts (HR, HMH, GCR), the construction of any fences in all other land use districts is exempt from a development permit provided the applicable setbacks to all roadways are met in accordance with the bylaw. In residential districts, the erection, construction, maintenance of a gate, fence, wall or other structural means of enclosure equal to or less that regulated height as noted in Part 3 (10) of this bylaw does not require a development permit.

13. (4) (g) (iii) Remove the reference to 304.8 metres setback

24 (d) (ii) – add stormwater management plan and drainage plans to the section

24 (d) add :

(iii) the development authority will require that any studies be professionally prepared

36 (3) (b) replace existing section with the following:

(b) notify persons likely to be affected by either:

- (i) posting a copy of the decision in a prominent place in the Lethbridge County Administration Building for at least 21 days, or
- (ii) publishing a notice of the decision in a newspaper circulated within the municipality, or
- (iii) publishing a notice of the decision on the County's website, or
- (iv) any combination of the above.

36 (4) (b) replace existing section with the following:

(b) notify persons likely to be affected by either:

- (i) mailing a copy of the decision to those persons, departments and agencies, or
- (ii) publishing a notice of the decision in a newspaper circulated within the municipality, or
- (iii) publishing a notice of the decision on the County's website, or
- (iv) post a notice of the application in a conspicuous place on the property, or
- (v) any combination of the above

45. Add to the end of the section:

- ...or to the Land and Property Rights Tribunal (LPRT) where the land may be subject to a matter of provincial interest in accordance with the Municipal Government Act unless otherwise provided in the Regulations.

PART 2 – LAND USE DISTRICTS

RA District

Add Discretionary Uses:

- Cannabis Cultivation (see Part 4)
- Cannabis Nursery (see Part 4)
- Riding Arena (personal use)

RUF District

Add to Permitted Uses:

- Single Detached Moved-in Residence

Add to Discretionary Uses:

- Riding Arena (personal use)
- Add to Seed Processing Facilities the word “Cleaning” to read “Seed Cleaning Processing Facilities”

Remove from Discretionary Uses:

- Single Detached Moved-in Residence

LUF District

Add to Discretionary Uses:

- Shipping Containers (see part 4)

GCR District

Add to Discretionary Uses:

- Moved- in Dwelling

RGI District

Amend Permitted Uses:

- Replace ‘Retail Sales and Uses to an approved permitted use’ with ‘Retail Sales and Uses’

Add to Permitted Uses:

- Outdoor Storage for an approved permitted use

Add to Discretionary uses:

- Sandblasting
- Cannabis- Processing (see Part 4)

Remove from Discretionary Uses

- Cannabis Production Facility

HR District

Add after Section 8 (1)

- In no case shall any detached accessory structure exceed 167.2 m² (1,800 sq. ft.)

PART 3 – GENERAL LAND USE PROVISIONS

10. Replace the existing section with the following:

Fences in Residential Area:

(1) Hamlets

(a) No fence, wall, vegetation (i.e. shrubs, hedges, bushes, coniferous trees or any other plant that, in the opinion of the Development Authority, creates a visual obstruction and / or barrier) or any combination thereof, lying within 7.62 metres (25 feet) of the right-of-way of a public roadway (excluding lanes) shall extend no more than 0.91 metres (3 feet) above the ground (except in the case of corner lots where one yard is considered as the side yard as indicated in Section 6 and in accordance with Section 7 of this Part) without a permit issued by the Development Authority

(b) Fences in rear and side yards shall not exceed 1.83 metres (6 feet) in height

(2) Grouped Country Residential Areas

(a) No fence, wall, vegetation (i.e. shrubs, hedges, bushes, coniferous trees or any other plant that, in the opinion of the Development Authority, creates a visual obstruction and / or barrier) or combination thereof, lying within 10 meters (33 feet) of the right-of-way of a public roadway shall extend more than 1.22 metre (4 feet) above the ground without a permit issued by the development authority.

(b) Fences in the rear and side yards shall not exceed 1.83 metres (6 feet) in height and can be installed to the property line.

(c) Wind screen fences shall meet all applicable setbacks to municipal roads and property lines.

35. (2) add subsections:

(a) required on parcels that are less than 0.8 hectares (2 acres) in size

(b) required where a development is on a coulee slope or near a river/lake

38. (4) add after regulation:

- This includes a crawl space under a dwelling

PART 4 – USE SPECIFIC LAND USE PROVISIONS

20. (5) Replace existing section with:

- No advertising shall be permitted on the property except for a window sign and up to one indirectly illuminated sign of 0.37 m² (4 sq. ft.) in Hamlets and 1.48m² (16 sq. ft.) in all other districts, to be placed against the building or fence. Larger signage may be permitted if, in the opinion of the Development Authority, the signage does not interfere with the residential or agricultural character of the area.

42. Replace the existing section with the following:

Cannabis Nursery, Cannabis Cultivation, and Cannabis Processing

The requirements of this section apply to cannabis nursery, cannabis cultivation, and cannabis processing facilities as defined by the Land Use Bylaw and are in addition to any federal regulations required by the Government of Canada.

- (1) The owner or applicant must provide, as a condition of development approval, a copy of the current license for all activities associated with a cannabis facility as issued by Health Canada.
- (2) The owner or applicant must obtain any other approval, permit, authorization, consent, or license that may be required to ensure compliance with applicable federal, provincial, or municipal legislation.
- (3) For indoor facilities, the development must be done in a manner where all processes and functions are fully enclosed within a stand-alone building including all loading stalls and docks, and garbage containers and waste material.
- (4) For outdoor cultivation facilities, the development must include security and fencing as per the Federal Regulations.
- (5) The development must include equipment designed and intended to remove odours and particulates from the air where it is discharged from the building as part of a ventilation system.
- (6) The cannabis facility shall not be located on a parcel of land that is adjacent to or within 300 metres (984.26 feet) of a:
 - a. Parcel with a School
 - b. Parcel with a Day Care / Care Facility
 - c. Parcel zoned residential (i.e. HR, HMH, GCR)
 - d. Parcel designated as a Municipal Reserve or Rural Recreation
 - e. From an adjacent residence
- (7) The separation distance to a residence or residential parcel if the appropriate waivers have been obtained by the applicant from the affected landowners.
- (8) The separation distance shall be measured from the closest point of the cannabis facility building or other structure (i.e. fence).

- (9) The Development Authority may require, as a condition of a development permit, a public utility waste management plan, completed by a qualified professional that includes details regarding:
- a. The incineration of waste products and airborne emissions, including smell;
 - b. The quantity and characteristics of liquid and waste material discharged by the facility; and
 - c. The method and location of collection and disposal of liquid waste material.

PART 8 – DEFINITIONS

Add the following Definitions:

Riding Arena (personal non-commercial use) – means an establishment where horses are boarded and cared for, for the benefit of the homeowner only. This does not include instructions for riding, jumping, showing, or boarding horses for the general public.

Professionally Planned Report/Study Plan – means a study or report that has been professionally prepared on a computer and signed by a registered/licensed professional in the respective field. This may include but is not limited to drainage plans, grading plans, slope stability study, septic evaluation report, stormwater management plans. The requirement to be signed and stamped by a professional engineer for some plans may be waived by the Development Authority if it is deemed appropriate.

Cannabis Nursery – means the growing and harvesting of cannabis for the purposes of a nursery as licensed by Health Canada

Cannabis Cultivation- means the growing and harvesting of cannabis as licensed by Health Canada

Cannabis Processing – means a development (micro or standard size), as licensed by Health Canada, where cannabis is growth, harvested, processed, tested, destroyed and / or stored on site, but does not includes Cannabis Retail Stores

Parent Parcel - means the complete area contained within a certificate of title of the parcel of land that is proposed to be the subject of a development or subdivision proposal prior to the development or subdivision of that land occurring

Remove and Replace the following Definition:

Agricultural Land, Higher Quality - means land contained in an irrigable unit or having a CLI classification of 1-4, comprising 64.8 ha (160 acres) parcels of dryland or 32.4 ha (80 acres) parcels of irrigated land, or land having a CLI classification of 5-7 with permanent water rights. This does not include land considered as cut-off parcels or badly fragmented land as defined in this bylaw.

Remove the following Definition:

Cannabis Production Facility