



CITY OF *Lethbridge*

Office of the City Clerk

July 5, 2023

RE: NOTICE OF HEARING - SUBDIVISION AND DEVELOPMENT APPEAL BOARD

An appeal has been filed against the decision of the Subdivision Planner on June 14, 2023 to refuse the subdivision of 616 17 Street North.

When an appeal is filed with the Subdivision and Development Appeal Board (SDAB), all persons who own property that are adjacent of the development are notified of the hearing by way of this letter. In addition, the owner of the property will also receive a copy of this letter.

The Subdivision and Development Appeal Board (SDAB) will hold a Public Hearing as follows:

DATE:	Thursday, July 27, 2023
TIME:	5:00 p.m.
LOCATION:	City Hall 910 – 4 Avenue South

Persons affected by this development have the right to present a written, verbal and/or visual submission to the Board. When making a presentation, keep in mind that in accordance with the legislation that governs the SDAB, the Board can only consider relevant planning matters when rendering its decision. It is recommended that you limit your presentation to five minutes.

If you wish to submit written material to the Board, it should be delivered to the Secretary of the SDAB via email at david.sarsfield@lethbridge.ca, **including your full name and mailing address** no later than 12:00 noon on the Tuesday prior to the hearing. If you are unable to meet this submission deadline, please bring 12 copies of the materials to the Hearing and it will be distributed at the start of the Hearing. Any written and/or visual material received will be made available to the public.

We will be pleased to answer any questions you may have regarding the appeal and can also provide information or advice on Board procedures and how to make presentations to the Board. Please feel free to contact me at 403 329 7329 if you have any questions.

Yours truly,

A handwritten signature in blue ink that reads "DSarsfield".

David Sarsfield
Board Secretary,
Subdivision and Development Appeal Board



ADDRESS: 2830 12th AVENUE NORTH, LETHBRIDGE, ALBERTA, T1H 5J9

TELEPHONE: (403) 329-4688

June 26, 2023

Secretary, Subdivision and Development Appeal Board
City Clerks's Department
City Hall
910- 4th Avenue South
Lethbridge, AB T1J 0P6
Attention: David Sarsfield, RE: SBD00780

RE: Appeal for Proposed Subdivision of Lot 2, Block 7, Plan 902F (616 17 Street North)

As the applicant, on behalf of 1934930 Alberta Ltd., we would like to appeal the decision to refuse the subdivision of the noted property. The stated reason for the refusal was as follows:

"The Westminster Area Redevelopment Plan, a statutory plan adopted by City Council in 2021, states under section 3.1.2 Future Development Direction- "Proposals involving the subdivision of residential parcels in the inner neighbourhood shall only be supported on corner parcels.""


While the Westminster ARP does not support the subdivision of this property, the city-wide statutory plan, the Municipal Development Plan (MDP) does support this proposal. The Westminster ARP serves as a guiding document for the Westminster portion of the city, whereas the MDP provides direction for city-wide goals. The Westminster ARP and the MDP were both approved on June 29, 2021. The previous MDP adopted in 2010, was used to guide the policies of the Westminster ARP. A key highlight in the current MDP is to enable an increase in infill development. Found on Page 126, an increase in density is identified as a key to increase health, efficiency, safety, choice, to reduce impact on the environment and to offer complete neighbourhoods. Further, the proposal is supported by Policy 66 of the current MDP to "Encourage support for additional units in parcels that have not reached their maximum allowable density."

Lastly, the subdivided parcels meet the requirements for Low Density Residential(R-L) in the Land Use Bylaw 6300 and are consistent in size with the adjacent parcels.

We ask that the Subdivision and Development Appeal Board take into consideration the vision found within the Municipal Development Plan and approve the subdivision.

If you have any questions or need any further information, please contact me at my office (403) 329-4688-ext132 or by email at zach@bokamura.com

Yours Very Truly,



Zachary Prosper, ALS, EIT
Brown Okamura and Associates Ltd.



CITY OF
Lethbridge

NOTICE OF APPEAL
Subdivision & Development Appeal Board

In accordance with sections 678 and 686 of the *Municipal Government Act* and The City of Lethbridge Bylaw 4749, an appeal to the Subdivision and Development Board must be filed within the legislated time frame.

Site Information		(Date Received Stamp)
Municipal Address of Appeal 616 17 Street North		
Legal Description of Site (must be completed for subdivision appeals) Lot 2, Block 7, Plan 902 F		
Development Application Number or Subdivision Application Number SBD 00780		
Appellant Information		
Name Zachary Prosper		
Mailing Address 2830 12 Avenue		
City Lethbridge	Province Alberta	Postal Code T1H 5J9
Residence #	Business #	Email Zach@bokamura.com

APPEAL AGAINST (Check One Box Only) for multiple appeals you must submit another Notice of Appeal

Development Permit	Subdivision Permit	Notice of Order
<input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input checked="" type="checkbox"/> Refusal	<input type="checkbox"/> Notice of Order

REASONS FOR APPEAL Sections 678 and 686 of the *Municipal Government Act* require that the written Notice of Appeal must contain specific reasons for the appeal.

The grounds for this appeal are as follows:
Please see separate page.

(Attach a separate page if required)

This Personal information is collected under the authority of the Freedom of Information and protection of Privacy Act. Section 33(c) and the Municipal Government Act, Sections 6788 and 685 Note: **This information will form part of a file available to the public**, If you have any questions regarding the collection of this information, contact the FOIP Coordinator at (403) 329-7329.

Signature of Appellant ZAP		Date 2023/06/26 YYYY MM DD	
FOR OFFICE USE ONLY			
Final Date of Appeal YYYY MM DD	Appeal Number	Hearing Date YYYY MM DD	Date Appellant Notified YYYY MM DD

Subdivision Application

Project Address
616 - 17 Street North

Access Code
SB000778

Applicant / Authorized Agent

Name Zachary J. Prosper ALS

Address 2830 - 12 Avenue North

City Lethbridge Postal Code T1H 5J9

Phone 403-329-4688 extention 132

E-mail zach@bokamura.com

Property Owner Same as Applicant

Name 1934930 Alberta Ltd

Address 40 Rivermill Landing West

City Lethbridge Postal Code T1K 8B2

Phone 403-393-5167 B/L # _____

E-mail aappiah@me.com

Legal Description

All of

Plan	Block	Lot
902F	7	2

 Part

or

1/4	Sec.	Twp.	Range

West of the 4th meridian

Location of Land to be Subdivided

The land is situated in the Municipality of: City of Lethbridge

Is the land immediately adjacent to a municipal boundary? Yes No
if 'Yes', the adjoining municipality is: _____

Is the land situated within 1.6 kilometers of the right-of-way of a highway? Yes No
If 'Yes', the highway is No.: 3

Does the proposed parcel contain or is it adjacent to a body of water or by a drainage ditch or canal? Yes No
If 'Yes', state its name: _____

Is the proposed parcel within 1.5km of a sour gas facility? Yes No

Existing and Proposed Use of Land to be Subdivided

Existing use of land: Bare lot, formerly one residence

Proposed use of land: Subdivide lot in half for two residences

The designated use(s) within the Land Use Bylaw: R-L (W) Low density residential Westminster

Any personal information collected on this form is collected under the Municipal Government Act and in accordance with the Freedom of Information and Protection of Privacy Act. The information is required and will be used for issuing permits and planning & design purposes. Please Note that such information may be made public. If you have any questions about the collection, use, or disclosure of the personal information provided, please contact Information Management at 910 4 Ave S, Lethbridge, AB, T1J 0P6 or by phone at 403-329-7329



Subdivision Application

Physical Characteristics of Land to be Subdivided

Describe the nature of the topography of the land (flat, rolling, steep, mixed): Flat

Describe the nature of the vegetation and water on the land (brush, shrubs, trees, woodlots, sloughs, creeks, etc.):

dirt

Describe the kind of soil on the land (sandy, loam, clay, etc.): unknown

Existing Buildings on the Land to be Subdivided

Describe any buildings and structures on the land to be demolished or moved:

House removed Spring 2023

Water and Sewer Services

If the proposed subdivision is to be served by other than a water distribution system and wastewater collection system, describe the manner of providing water and sewage disposal.

Registered Owner or Person

I Zachary J. Prosper (full name) hereby certify that:

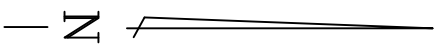
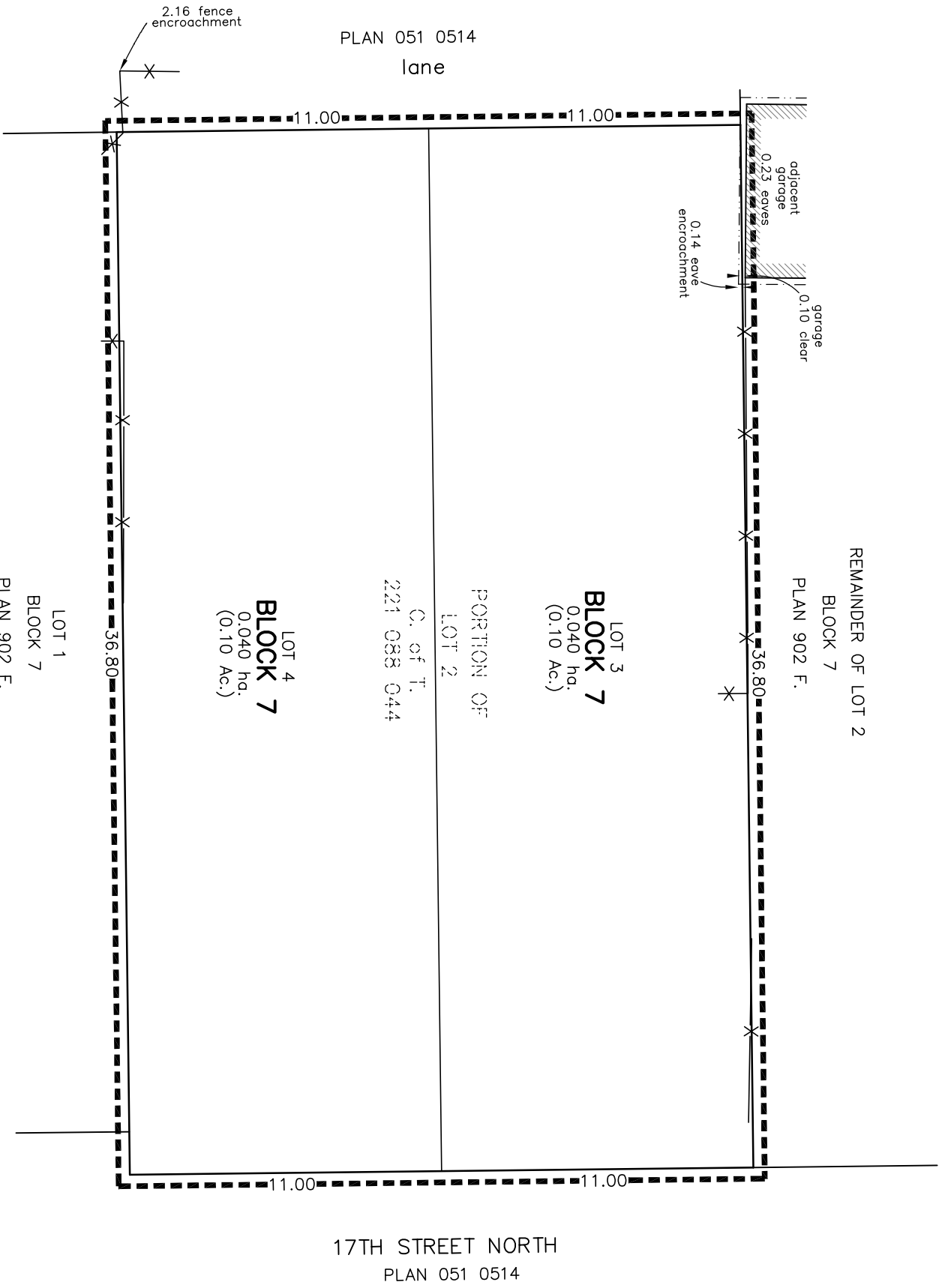
- I am the registered owner, or
- I am the agent authorized to act on behalf of the registered owner

and that the information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts relating to this application for subdivision.

Signature: 

Date: May 12, 2023

Any personal information collected on this form is collected under the Municipal Government Act and in accordance with the Freedom of Information and Protection of Privacy Act. The information is required and will be used for issuing permits and planning & design purposes. Please Note that such information may be made public. If you have any questions about the collection, use, or disclosure of the personal information provided, please contact Information Management at 910 4 Ave S, Lethbridge, AB, T1J 0P6 or by phone at 403-329-7329



NO.	REVISION	DATE	BY

Improvements shown were obtained from Job 14104 and surveyed on February 3rd, 2023

NOTE : Portion to be approved is outlined thus **-----** and contains approximately 0.080 ha. Distances are in metres and decimal parts thereof. Distances and areas are approximate and are subject to change upon final survey.

1934930 ALBERTA LTD.

TENTATIVE PLAN SHOWING SUBDIVISION
of part of
LOT 2, BLOCK 7, PLAN 902 F
(616 – 17th Street North)
within
N.W.1/4 SEC. 5, TWP. 9, RGE. 21, W.4 M.
City of Lethbridge

brown okamura & associates ltd.

Professional Surveyors

2830 – 12 Avenue North, Lethbridge, Alberta

APPROVED		DRAWN	MJ	DATE	MAY 11/23
Z.J. Prosper, A.L.S.		CHECKED	ZJP	JOB	23-16017
		SCALE			
		1:200	DRAWING		
		23-16017TA			

June 14, 2023

REFERENCE: Our File No. SBD00780
 Your File No. 23-16017

BROWN OKAMURA & ASSOCIATES LTD.
 2830 12 AVENUE NORTH
 LETHBRIDGE, AB T1H 5J9

RE: **Proposed Subdivision of Lot 2, Block 7, Plan 902F (616 17 St N.)
 all within NW ¼ Sec. 5, Twp. 9, Rge. 21, W.4 M.**

Your application for subdivision of the above noted property was refused for the following reason(s):

1. The Westminster Area Redevelopment Plan, a statutory plan adopted by City Council in 2021, states under section 3.1.2 Future Development Direction – “Proposals involving the subdivision of residential parcels in the inner neighbourhood shall only be supported on corner parcels.”

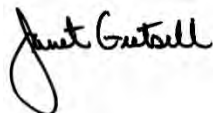
Informative:

- a. Although the proposed lot sizes meet the minimum requirements set out in the Land Use Bylaw for the Low Density Residential (R-L) zoning, the policies of the Westminster Area Redevelopment plan have been reviewed and have informed this decision.

Pursuant to the Municipal Government Act you may appeal the decision to the appropriate appeal board. The appeal may be commenced within **14 days** of receipt of this letter by providing a written statement of the grounds of appeal to:

**Secretary, Subdivision and Development Appeal Board
 City Clerk's Department
 City Hall
 910 - 4th Avenue South
 Lethbridge, AB T1J 0P6**

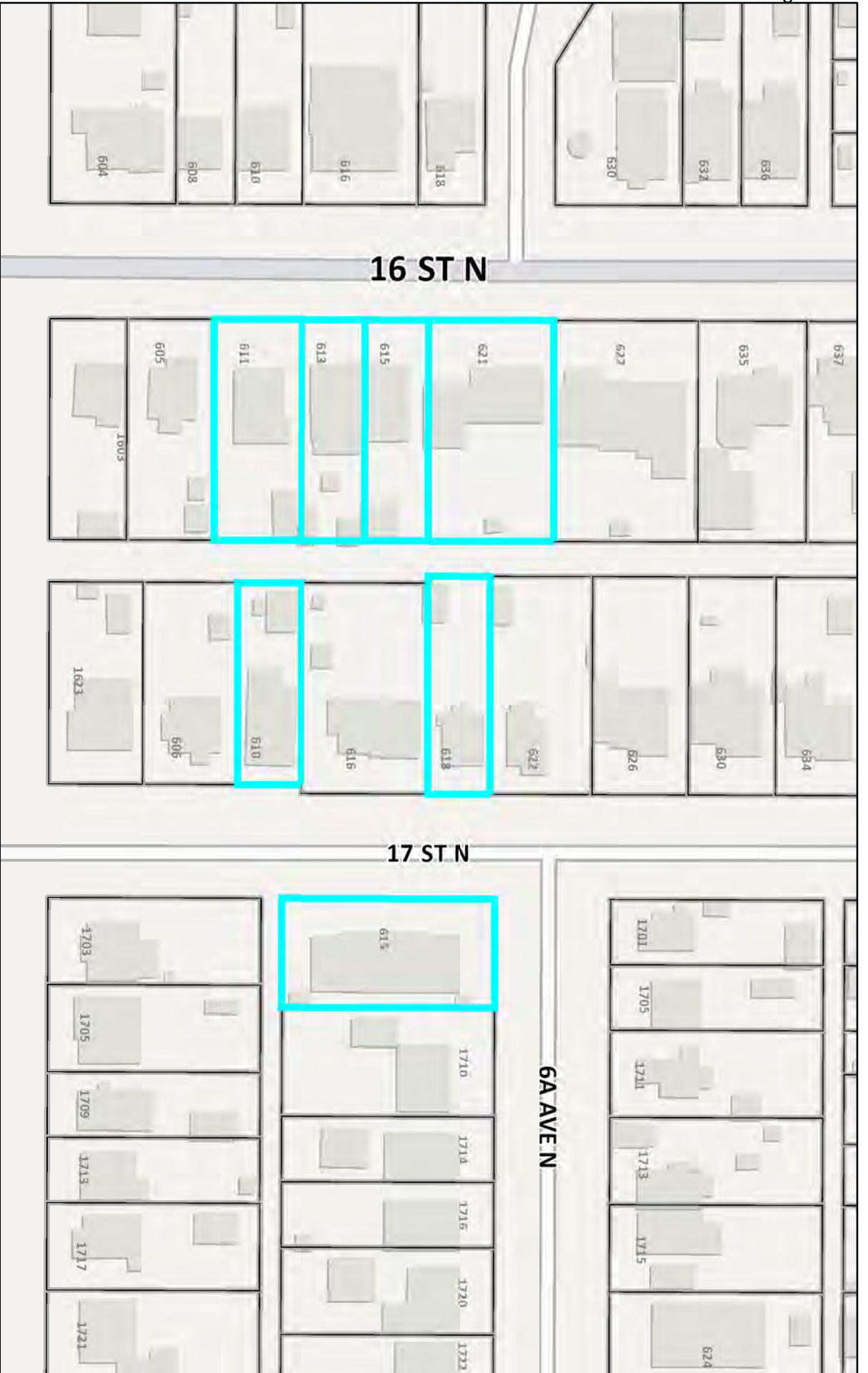
Sincerely,



Janet Gutsell
Senior Subdivision Planner

Cc: Transportation, Electric/Infrastructure, Parks Planning, Assessment & Taxation,
Urban Construction, ATCO Gas, Telus, AHS, 1934930 Alberta Ltd.

SBD00780 - Mailing Map



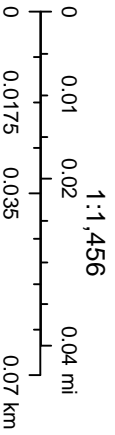
16 ST N

17 ST N

6A AVENUE

May 18, 2023

Parcels



Sources: Esri, HERE, Garmin, Intermap, Increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey, Esri

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

Proposed Subdivision of Lot 2, Block 7, Plan 902F

616 17 St N






Brown Okamura & Associates Ltd., on behalf of

1934930 Alberta Ltd.

July 27, 2023

Plan Hierarchy

Governance

-  Provincial
-  Two or more municipalities
-  City Council
-  Subdivision Authority (staff) and SDAB
-  Development Authority (staff) and SDAB

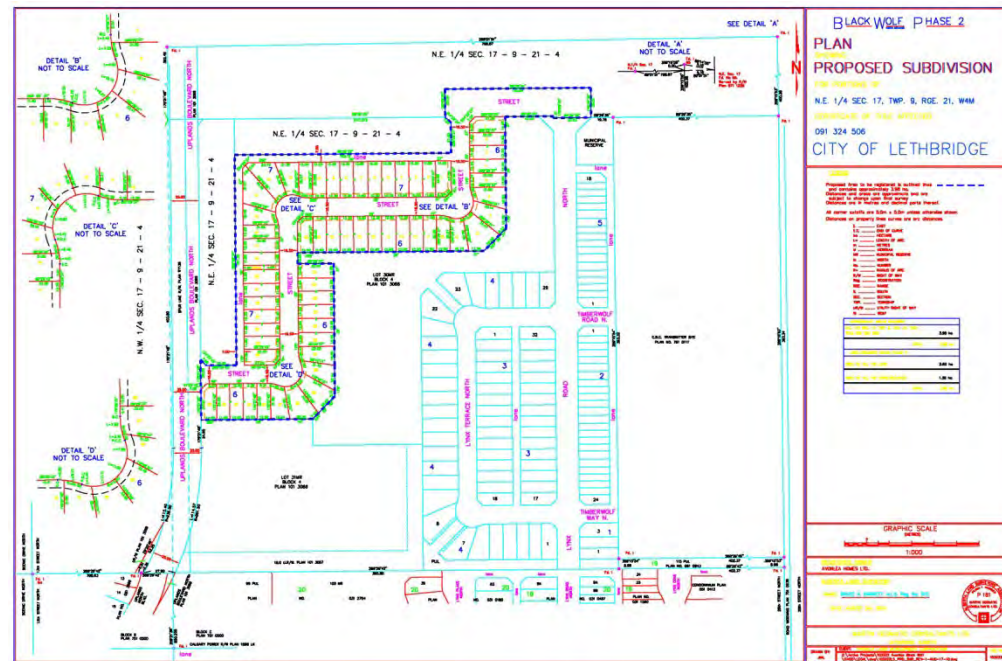


Provincial Legislation

- Municipal Government Act – RSA 2000 Chapter M-26
- Part 17 Planning and Development
- Division 3 Planning Authorities
 - City Council must provide for a subdivision authority
- Division 7 Subdivision of Land
 - Applications, circulation, conditions of approval, Decisions

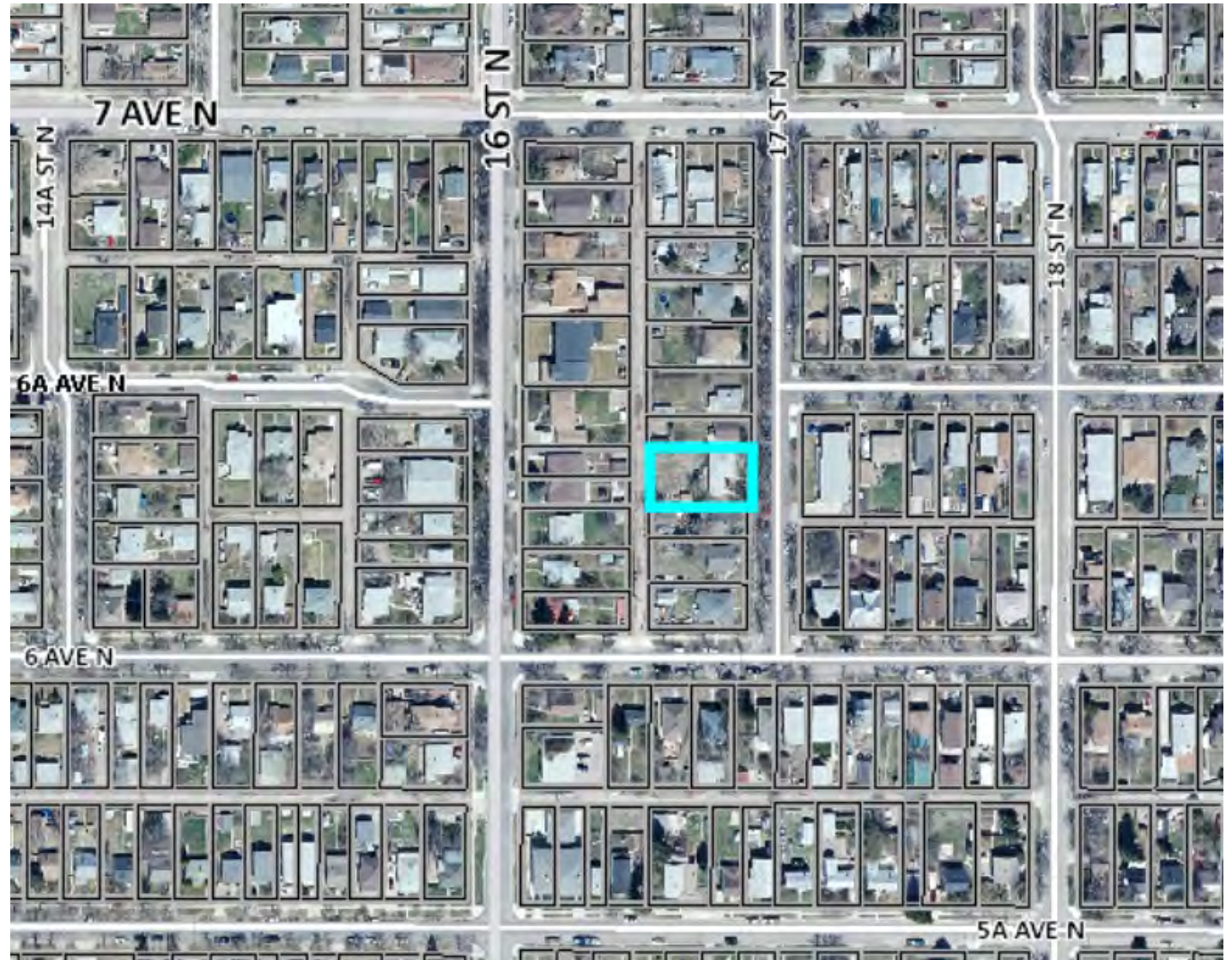
Process

- Application
- Circulation
- Comment Review
- Decision
- Appeal
- Final Endorsement (approval)
- Land Titles Registration



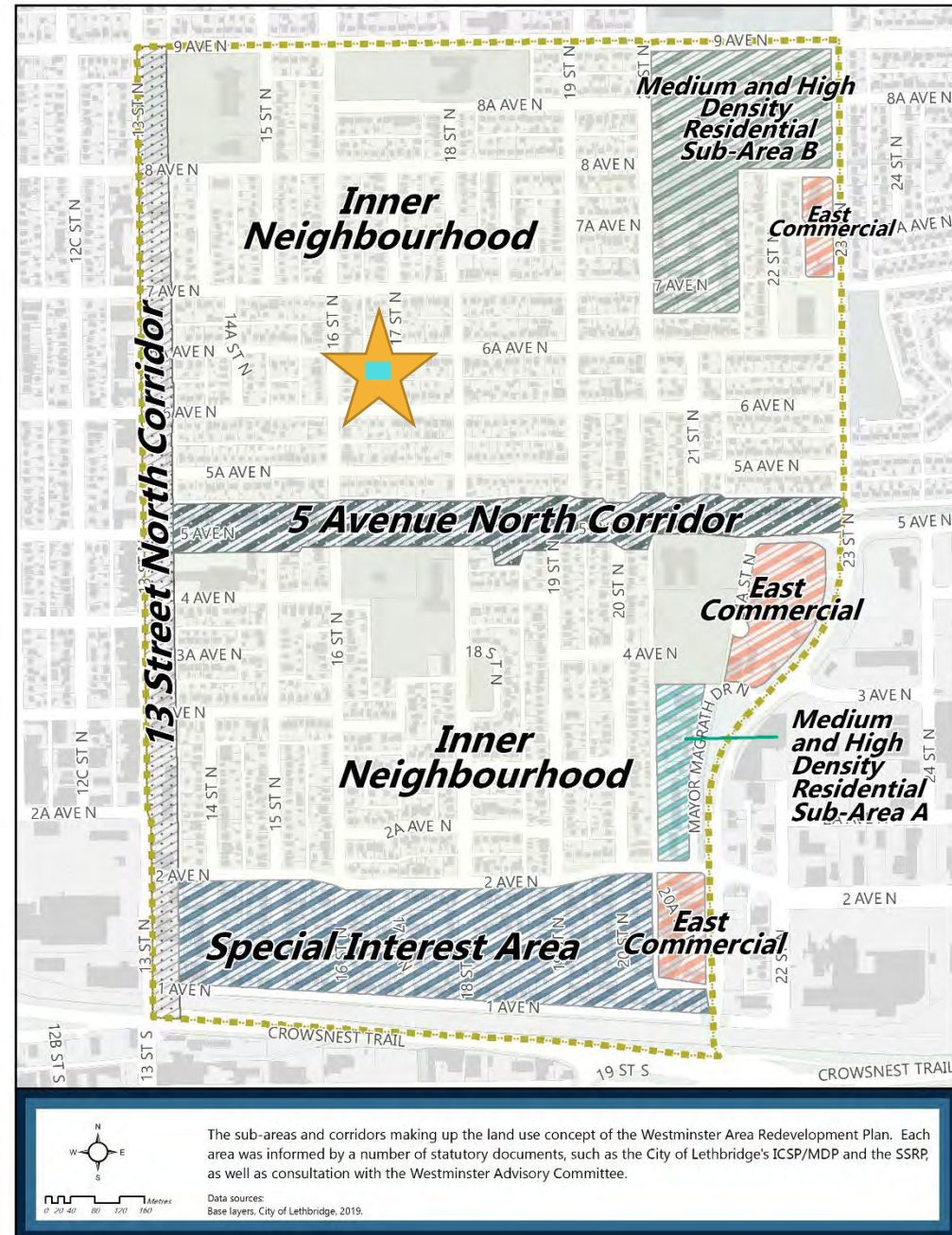
Introduction

- The Applicant applied to subdivide 616 17 St N into two separate parcels.
- Approval of the application would allow each parcel to be sold separately.

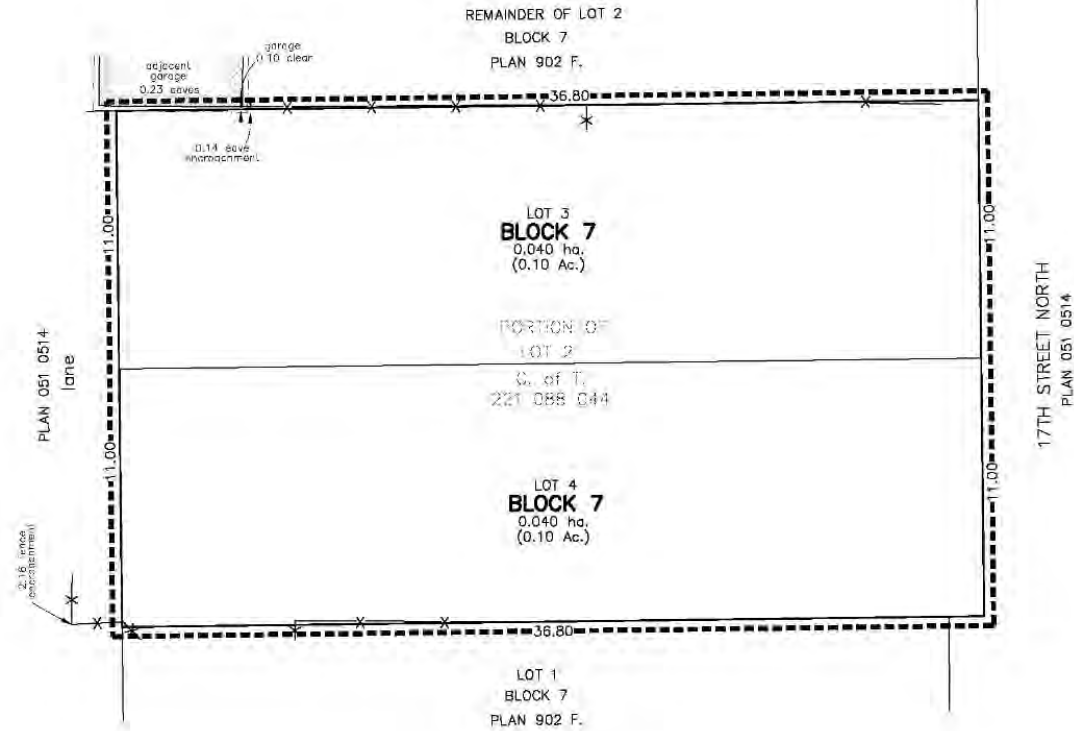


Background

- The parcel is currently zoned Low Density Residential (R-L)
- The parcel is 22m wide and 36.8m deep
- The parcel is located within the Westminster Area Redevelopment Plan Area in the inner neighbourhood sub-area



Drawings



				1934930 ALBERTA LTD.		boa brown okamura & associates ltd. <small>Professional Surveyors 2838 - 12 Avenue North, Lethbridge, Alberta.</small>									
				TENTATIVE PLAN SHOWING SUBDIVISION of part of LOT 2, BLOCK 7, PLAN 902 F (616 - 17th Street North) within N.W.1/4 SEC. 5, TWP. 9, RGE. 21, W.4 M. City of Lethbridge		APPROVED Z.J. Prosper, A.L.S.									
				DRAWN MJ CHECKED ZJP SCALE 1:200		DATE MAY 11/23 JOB 23-16017 DRAWING 23-16017TA									
<table border="1"> <thead> <tr> <th>NO.</th> <th>REVISION</th> <th>DATE</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> <p>Improvements shown were obtained from Job 14104 and surveyed on February 3rd, 2023</p> <p>NOTE : Portion to be approved is outlined thus ----- and contains approximately 0.080 ha. Distances are in metres and decimal parts thereof.</p> <p>Distances and areas are approximate and are subject to change upon final survey.</p>				NO.	REVISION	DATE	BY								
NO.	REVISION	DATE	BY												

WESTMINSTER AREA REDEVELOPMENT PLAN AND LAND USE BYLAW

WM ARP

- 3.1.2 Future Development Direction – Proposals involving the subdivision of residential parcels in the inner neighbourhood shall only be supported on corner parcels. Parcels resulting from subdivision shall meet the minimum parcel size required for the Low Density Residential (R-L) land use district.

LUB

- 86. R-L Low Density Residential
(5) Minimum Parcel or Site Size
(a)(i) On parcels with Lane access
Width 11.0m Area 320.0m

CONCLUSION

- The Westminster Area Redevelopment Plan, a statutory plan adopted by City Council in 2021, states under Section 3.1.2 Future Development Direction – Proposals involving the subdivision of residential parcels in the inner neighbourhood shall only be supported on corner parcels.
- The application was refused as a result.

From: [Maggie Yount](#)
To: [David Sarsfield](#)
Subject: [External] Comments about planned subdivision of 616 17th St. N.
Date: Saturday, July 15, 2023 4:36:07 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Sarsfield,

My name is Maggie Yount and my husband Doran and I own the adjacent property to the planned subdivision at 616 17th St. N.

Ours is 618 17th St. N. where my disabled and chronically ill father currently resides. I did not receive notice of the June 14th hearing until after that date had already passed.

I am writing to state my express disapproval of the planned subdivision of 616 17th St. N. due to the fact that this will directly harm my father by triggering his PTSD, and also negatively impact my property value.

I bought 618 17th St. N. mainly to give my father a quiet, safe place to live out his days, but also as an investment.

I am not ok with 616 being divided into two tiny lots for these additional reasons: Adding two new lots to the street will be extremely disruptive, due to the construction of two new homes, and by bringing in two new neighbors for which there already isn't enough street parking.

You might say park in the alley behind, but that completely ignores the limited space, and the crime and theft that had happened back there in recent years because that area is hidden from view. It is not a safe place to park.

Also, this is an area zoned for low density housing. I see the city already denied the subdivision due to it not being a corner lot, and I am in full agreement with the city on this point.

But in the appeal, one reason stated to support the subdivision is the statement, "Found on page 126, an increase in density is identified as a key to increase health, efficiency, safety, choice, to reduce impact on the environment, and to offer complete neighborhoods."

I disagree. In THIS particular case, the neighborhood is already well-established and "complete." Subdividing the lot would negatively impact the immediate environment but leave less space for natural plants to grow and animals to create habitat. And it will 100% negatively impact the health of my father and other neighbors, and their safety. This is not the same as increasing density by building condos or an apartment building. This would directly impact my father's quality of life and not for the better. I'm sure other neighbors would feel the same. More is NOT better in this case.

Just because the subdivided parcels would be consistent in size with other parcels, does not make subdivision a good or right decision. I strongly urge the city to again deny the subdivision of 616 17th St. N.

Please call me if you have any questions: 406-920-5639

Sincerely,

Maggie Yount
Bozeman, MT (dual Canadian/US citizen)

July 20, 2023

Numbered Company 1934930 Alberta Ltd Appeal rebuttal position paper.

By Matthew Scott

618 17th St. N
Lethbridge, AB
T1H 3C9

1 902 277 0075

This document is delivered via email to: The Secretary of SDAB david.sarsfield@lethbridge.ca. All necessary supporting photographs are embedded in the .pdf text which is attached to my covering email.

I, Matthew P Scott, in making the position of myself, my daughter and other interested parties who either own property adjacent to the described lot in the appeal of a ruling by the City of Lethbridge to NOT allow subdivision, or are deemed to be very concerned about the appeal made by 1934930 Alberta Ltd.

I am seeking a denial of the attempt to obtain permission to subdivide 616 17th Street North. This refusal has already been rendered by the Senior Subdivision Planner.

In this document I am making my position regarding the appeal to subdivide the parcel of land known as 616 17th St. North very clear. At this point, we should, as a society, shout "NO" as loudly as we can. I will present in this paper

the multitude of reasons I have to NOT approve this appeal. The City of Lethbridge should swiftly and completely reject any and all attempts to subdivide this parcel of land. My reasons are stated below.

All developers care about is their own bottom line. I know because I have worked with some of the largest developers in this country. The attitudes, methods and goals these development entities are singularly and starkly opposed to the common interest. The singular corporate goal of any large development company is to drain as much profit as possible in as many ways as possible from every single square foot of the land it is developing. This is characterized by their obstinate disinterest in working at anything which does not deliver profit. These companies are the essence of the rigor of capitalism in that they take something of almost infinite value (land) and squeeze profit out of it until it has been degraded to its most egregious form of being *against* the public good. That is how you get heat islands in cities when there is no need at all to create such things. Had they been designed and purpose built to avoid creating crippling heat they would be applauded as paragons of virtuous planetary probity.

The arrogance of developers is always on display as the public good is negatively affected by their actions. Truly, the majority of them do not care, or if they do, it is only visible via a duplicitous pretense of interest in the stumbling masses they have displaced or rendered mute from fear and exhaustion. These companies are skilled at appearing to help communities large, or small, deal with

the after effects of their own development operations. Down at the level of the mineral bone of the earth, however, most developers do whatever is necessary to further their own goals. It is capitalism in the RAW format.

Given that, is it all that surprising that I would take issue with 1934930 Alberta Ltd.'s plans for 616 17th St. North? And why wouldn't anyone with a particle of sense, wonder why they are using an anonymous business name. What are they hiding and why are they hiding it?

I wish at this point to give the City of Lethbridge and their planning division high marks for the creation of a planning document which is perceptive and well attuned to the times we live in. Their planning document, called "The Westminster Area Redevelopment Plan" is, in my view, ahead of its time. Note that the way it is misquoted in the letter from the paid representative to the SDAB is typical of developer behaviour.

Caving in to the endless appeals and reinterpretations of city documents they just don't like, these seemingly very persistent developers, however, will rip the rug right out from underneath what is certainly a beacon of planning vision and environmental assertiveness which needs to be understood and implemented. This is the last thing developers want. Were this appeal before the SDAB to succeed, the precedent set by that ruling would create a revisionist stampede, ruinous in the extreme for all except developers. So is this then a test case? Trial balloon? Perhaps but just how widespread and ruinous this revisionist stampede will become will answer a lot of

questions. And, all of this, as usual, will be at the taxpayers' expense.

Many residents along this stretch of 17th Street North have been needlessly upset by this application and the appeal which followed the City's initial refusal. Certainly the prospect of not one, but TWO houses being built cheek by jowl against existing residences is daunting enough. The real agony will come later, when these cramped trailer-park like shoeboxes are either sold or rented to people unknown. Those now residing in houses along 17th St. N have come to terms with their housing environment to the point that it is quite pleasant to live here. This was not always the case. When I first moved in, certain residences appeared to participate in the illegal sale of drugs. This, combined with customers who had vehicles with sound equipment in the 200 to 500 watt category made my windows rattle and squeal and my steel front door whine and pop. The baseline in the performances thus forcibly shared with the neighborhood sounded shockingly like the ranging shots the Viet Cong mortars used to make prior to a barrage. Within six months I helped the Lethbridge Police make all this go away. A repeat of this behaviour would be disastrous and the whole neighborhood was deeply affected by it, not to mention the late night illegal sale of drugs. Nothing that I know of was proven but my phone calls to the police were taken seriously and seemed to be acted upon. If I have offended anyone I apologize. I simply reported what I saw and heard. You know what the police say: "If you see something, tell someone." Right?

My own experience leads me to more mundane items. My own experience is that the aging and inadequate infrastructure which serves (and often fails) this street will be further pushed to frequent and costly failure if more sewer lines, parking spaces, and electric hook ups become dependent on a system which cannot bear additional strain. It is also worth noting that there are more residences (aka apartments) using the 17th Street North infrastructure than the City is aware of. This 'ghost' load on the sewers, especially, has a profound effect on service reliability and concomitant outcomes.

Additionally street-side parking has become scarce. Adding cars and trucks to the demand for space will lead to frustration and conflict.

The City staff might well say, 'use the alley way access and park in your own back yard'. I tried that, and twice my car was broken into and the interior damaged. My garbage and recycling bins are also completely searched and rummage through for stale food, and for anything else of value. It is disgusting. Now and then I find discarded syringes near or in my garbage containers. Since the pickup of organics began I have kept my spoiled food and other organics in a less obvious space, moving it out to the curb for pickup.

The sewer which services the homes along 17th St. North is also a hot button for frustration. When I first moved in to my house at 618 17th St. North, within a period of about five weeks my basement was lightly flooded. In July of 2020, however, the sewer roared into my full basement to a depth of 12 inches. This was not simple grey water. This

noxious fluid had floaters which need no further description, as well as a great deal of cooking grease, toilet paper, sanitary napkins and other items which I could not identify. The smell was unforgettable. I called a restoration company and they took 300 gallons of putrid sewer water out of my basement. It took days to dry out and sanitize it. My daughter had to pay for a lot of this restoration as her insurance was not deep enough to cover all the damage done from the influx emanating from the sewer built and maintained by the City of Lethbridge. Prior to the flood there had been two finished rooms in the basement. All of this had to be rebuilt at very significant cost.



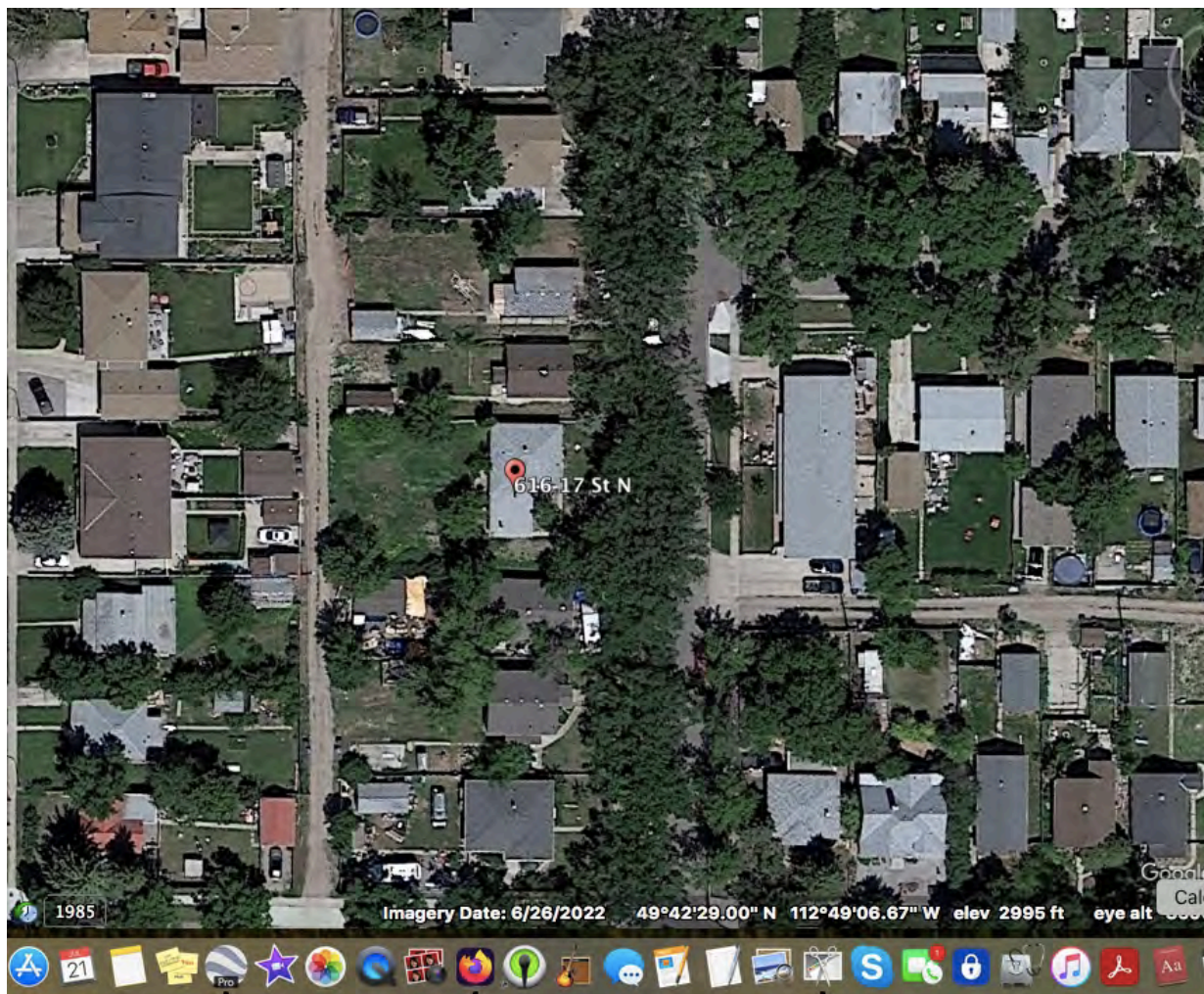
Is this the home of 1934930 Alberta Ltd (or merely the residence of the person acting as Agent). Is anybody even home in this house? How do I, or anyone else truly know who owns 1934930 Alberta Ltd?



40 Rivermill Landing aerial view. Note how close together the houses are and how much pavement there is v/s green spaces and trees. Is this how the owner of 1934930 Alberta Ltd. envisions 17th St. North? A cramped, hot, noisy and unfulfilling place to live.

We are right at the tipping point here on 17th St. North. The owners of the lot which comprises #616 know that if they can just get a little further along in the process, get some

shovels in the ground, set up some temporary electrical entrance they will have created what is know as 'decided momentum'. Experience has taught them that beyond this point, no one in City government will have the stones to call 'HALT!' back the development back-hoe up buster!



Note how open this part of the still protected neighborhood along 17th St. is compared with the area adjacent to 40 Rivermill Landing.

One of the features in the Westminster Redevelopment Plan that really struck me forcefully is how accepting and comfortable it's language was with green spaces and with trees! In a neighborhood as envisioned by 1934930

Alberta Ltd there would be almost no room for trees. Yes, there are some already growing, but the way the houses are situated leaves no room for not much else than cement.

Which brings me to the final part of this paper.

As you can see, all the lots on 17th St. North have enough space to accommodate additional trees and shrubs. Another notable feature is that the long side of a house which has the majority of windows in the residence, looks out on the neighbor's blank wall (or nearly blank). In some cases, there is a small window, high up on the wall. This is true of my house. The National Building Code, whatever it is called here in Alberta, and all the usual local codes, bylaws and ordinances clearly specify that the residents of one home should not be able to peer into the private living spaces of the residences on either side of themselves, and even behind themselves.

It is not possible to shoehorn two houses into the land area of 616 17th St. North and not have one residence so close to the other as to make privacy a ghost of a notion. There simply isn't room. And so, in one swift predatory act, 1934930 Alberta Ltd, if the City allows the appeal to stand, would render a division of land into two little residences in contention with boundaries still listed as one address (616) mere feet from my daughter's house wherein I live, 618 17th St. North. The sunlight from my southern exposure, so nice in winter, would be gone. The noise assaulting my PTSD vastly increased, along with a concomitant increase in stress would both become a seriously unwelcome

feature of living in an area I originally was so grateful to find for spending my last years in. In a very real way, I was here first.

As I noted earlier in this document, in allowing 1934930 Alberta Ltd.'s owner to bully the City into granting the waiver to subdivide, a very, very dangerous precedent would be established.

The City has already said NO. The Westminster Redevelopment Plan has already said NO and I and I hope all my neighbors say NO. This is our collective life we are discussing and that, unasked, I am putting voice to. Given the precarious state of my health I would almost certainly have a fatal heart attack as a result of the stress this would put me through.

I was here first. We all were. 1934930 Alberta Ltd is trying to muscle into an established and well functioning neighborhood. In a democracy, the majority is supposed to have the final say. Last time I checked, we still have a democratic government at every level in our society. Given that the 'nays' in this neighborhood are already in agreement with the City's refusal of the application to subdivide brought on by 1934930 Alberta Ltd, case closed. The refusal should stand.

Sincerely, Matthew P. Scott

618 17th St. North
Lethbridge, AB
T1H 3C9

In Closing:

My suggestion for this lot (which is made up of pieces) at the 616 17th St. North position is that the City expropriate it or buy it from 1934930 Alberta Ltd. This would then allow the City to create a much-needed habitat-dense area of woodland for the benefit of everyone in the neighborhood by supplying shade, absorption of CO₂, and habitat for birds, especially small endangered song birds. The lush forest-like green area would be a noise buffer. This, along with encouraging residents to plant both evergreen and deciduous trees in their own yards, thus reducing the amount of pavement of all kinds and of lawns, both factors in climate change-induced warming.

Within a very few years the trees planted there would become effective shade producers as well as absorbing and locking down a considerable amount of CO₂. Just because a patch of land in the centre of a city is not being developed for the affluent to live in doesn't mean it isn't important as just land, especially with a forest on it. It might be prudent to fence it to prevent it from becoming an unsafe injection site. Its main value would be the habitat the woodland it would provide for birds and its very long term absorption of the harmful gasses that we all produce.

[Link to Westminster Area Redevelopment Plan](#)

From: [Jeanette Somerville](#)
To: [David Sarsfield](#)
Subject: [External] Regarding the appeal of 616 17th street north Lethbridge
Date: Monday, July 24, 2023 9:47:12 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I would like for you to acknowledge my full support of the appeal against the proposed land use of property: 616 17th street north Lethbridge, As the land owner (Jeanette Somerville) directly next to this property (610 17th street north).

I have concerns regarding the subdivision for two dwellings on a lot that is only a lot and a half in size. This is a low density neighbourhood and allowing this sets a precedent to build two homes on small lots in this neighbourhood. We are also concerned that there has been no information regarding the size of the proposed dwellings and how much of the property the dwellings would take up. Another worry is the infrastructure being able to handle an extra dwelling as there are already problems with the sewer on this street which continues to affect a lot of the homes.

Sincerely,
Jeanette Somerville
#4 Fairmont Gate South Lethbridge, T1K 7M7



Darlene McLean <frivory@telusplanet.net>

2 houses on 17th Street North

Lance Seberg <seawizard31@hotmail.com>

Wed, Jul 26, 2023 at 12:22 PM

To: "frivory@telusplanet.net" <frivory@telusplanet.net>

To whom it may concern,

I am the owner of the house at 634 17th St. North. I do not support the building of two houses in our neighborhood. My family has owned this house for over 35 years, we have had issues with the city sewers during this time. My home is at the end of the water and the sewer lines for our area, any issues affect my property first. We have disputed with the city over this issue. I have installed a back up valve to help prevent back ups. The city comes regularly to clear the sewer line in the street to prevent future problems from occurring. The water pressure to my residence is also an issue due to being at the end of the line, additional water use could cause further loss of water pressure for my residence. I do not support the building of 2 homes on one property with the aging water system we have in place.

Thank you for considering our opinion,

Lance Seberg



3.1 Inner Neighbourhood

3.1.1 About the Area

Representing approximately 65% of the Plan Area, this sub-area is composed of primarily single detached dwellings, with secondary suites, duplexes and four-plexes also dispersed throughout. There are secondary suites and four-plexes that have been built without proper development permits and exist as non-compliant properties.

3.1.2 Future Development Direction

Retain the low-density residential character of predominantly single detached dwellings, by allowing secondary suites and duplexes only in appropriate locations.

Development and building permits for secondary suites and duplexes shall only be supported on corner parcels. These proposals shall obtain the required development and building permits under the existing decision process for discretionary uses.

Support will be given for proposals to bring existing non-compliant secondary suites and duplexes into compliance; proposals shall meet the following criteria:

- In existence prior to the approval of the Plan;
- Meet all municipal requirements; and
- Require no waivers of off-street parking requirements.

Existing permitted duplexes which are being used as non-compliant four-plexes have been identified by the WARP Advisory Committee as a trend. Bringing these into compliance as four-plexes shall not be supported, and they should be returned to their approved use as duplexes under the existing process.

Proposals involving the subdivision of residential parcels in the inner neighbourhood shall only be supported on corner parcels. Parcels resulting from subdivision shall meet the minimum parcel size required for the Low Density Residential (R-L) land use district.

Throughout this area, making all reasonable efforts to preserve public trees is strongly supported. Where adequate rear lane access is available, vehicle access should be provided from the lane. This prevents the loss of public street trees, the loss and fragmentation of boulevard green space, and the interaction of pedestrians and vehicles on the sidewalk.

Home occupations and child care facilities are supported throughout this area because these types of businesses contribute to the local economy.





Policy Interpretation

Area Redevelopment Plans are statutory plans. They are long-term guiding documents which present policies designed to achieve the neighbourhood's goals; within the Plan, the goals take the form of the Land Use Concept.

The Plan uses language that provides either specific or general policy direction. Where specific direction is used, such as the built form policies and the general policies, the Plan must be exactly followed. Where general direction is given, such as the Land Use Concept future development direction, flexibility should be used in the interpretation of the Plan.

Where the term 'shall' is used in a statement, the direction the statement provides is considered mandatory; exceptions would require an amendment to the Plan.

Where the term 'should' is used in a statement, the direction the statement provides is intended to be followed; however, the direction may be deviated from in order to address specific circumstances while still achieving the general intent of the statement.

Where the policies in this Plan vary from those in the Land Use Bylaw, this Plan shall take precedence in regards to discretionary uses.

Any municipal improvements or City-funded projects proposed or implied in the plan are subject to available funding. In accordance with section 637 of the MGA, the adoption of the Plan does not require the City to undertake any of the projects referred to herein.

mainly legal duplexes not on map 500 figures are flawed will see department & city policy committee p. 18 committed to fix



As calculated in the Efficient Land Use Strategy, the Westminster neighbourhood residential density is 24.43 dwelling units/hectare (u/ha). This is in line with other Lethbridge 'core' neighbourhoods with similar characteristics, such as London Road with a density of 34.76 u/ha and Senator Buchanan with a density of 25.03 u/ha. The average density of all core neighbourhoods is 24.04 u/ha. Although secondary suites are not included in the residential density calculation within the Plan Area it is important to consider their impact on neighboring residents and plan strategically for any increases in density.

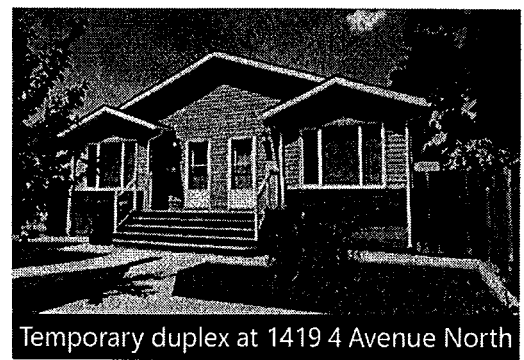
⊗ ⊗ why not included?

Members of the WARP Advisory Committee expressed concerns about accommodating increases in residential density due to on-street parking availability, infrastructure capacity, as well as the perceived notion that in Lethbridge, multi-family housing, including secondary suites, are primarily accommodated in Westminster. The experience of residents is unique and valuable and although the Plan scope does not address the development that is completed city-wide, the Plan does provide policy to strategically accommodate multi-family housing within the Plan Area.

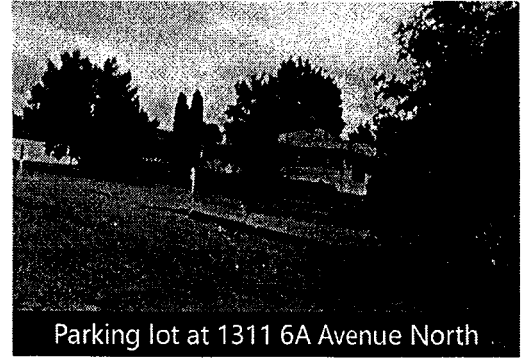
Direct Control

Direct Control (DC) land use designation is used for the development of uses that, due to their particular circumstances or design characteristics, require specific sets of rules in order to achieve a desired result. In Westminster there are a total of 5 Direct Control (DC) parcels, as follows:

1. 136 14 Street North - Bylaw 4154, 1987: to allow storage of materials and equipment in the rear yard and to allow occupants and customers of 121 13 Street North to park in the rear yard
2. 1296 5 Avenue North - Bylaw 5027, 2000: to allow a conversion of a house to a medical office *not in Westminster.*
3. 1311 6 A Avenue North - Bylaw 5064, 2000: to allow a parking lot
4. 1807 2 A Avenue North - Bylaw 5634, 2010: to allow an 18 unit apartment building
5. 1419 4 Avenue North - Bylaw 5975, 2016: to allow a temporary duplex



Temporary duplex at 1419 4 Avenue North



Parking lot at 1311 6A Avenue North

on 4 DC on Map 3 (p. 27)

The WARP Advisory Committee expressed concerns about the potential of this land use designation to be used in rezonings (changes to a property's land use designation) to accommodate higher density than the property's existing land use designation allows. The concerns related to the use of Direct Control (DC) are the same as the concerns about accommodating additional residential density, as mentioned in the previous section. Although Direct Control (DC) land use designation can be used to accommodate higher density, they also have the ability to provide unique solutions to development problems that are unrelated to density. All rezonings are decided upon by City Council through a Public Hearing process, which provides an opportunity for members of the public to bring any issues with that particular rezoning proposal to City Council's attention. The policies in the Plan provide guidance for the use of Direct Control (DC) land use designations which considers the concerns expressed by the Advisory Committee.

Transportation, Utilities, Parks and Open Space

The remainder of the Plan Area, approximately 42%, is made up of undevelopable land dedicated to utilities, parks and open space, and transportation infrastructure including streets, sidewalks, and lanes. This land supports the functions of residential and non-residential uses.

INTRODUCTION

we will then be homeowners

COMMUNITY OF RIVERSTONE

that are mandatory.

The RiverStone Community Design and Development Guidelines have been prepared in the interest of purchasers of lots in the RiverStone Community. The Guidelines are a means by which quality development can be achieved in the community, protecting the project for the City of Lethbridge, and in turn, ensuring the protection of the investment by future homebuyers.

The Guidelines are intended to provide a framework and a working palette that ensures compatible character throughout the community.

The Guidelines have been prepared to create an overall character that is based on the 'Craftsman' style. The enduring appeal of this popular style includes its design adaptability, durability, as well as comfort. RiverStone will incorporate its design methodologies into the home design and the community will benefit from a consistent architectural style.

Within the overall guideline philosophy of the 'Craftsman' style, RiverStone will offer opportunities for choice in price, house size and variety of lots in Phase 14.

Our goal is to continue with the promotion of the 'Craftsman' theme throughout the development.

*from a property in Riverstone
signed by city solicitor
on May 17, 2011
p394.*

ARCHITECTURAL REQUIREMENTS

SITE, LANDSCAPING AND ARCHITECTURAL GUIDELINES

1. Home Sizes

The following are minimum sizes:

Meadowlands

Cul-de-sac lots (Lots 32-34, Block 22)

- Conventional Bungalow or Bi-level 115 m² (1250 sq. ft.)
- Two Storey 140 m² (1500 sq. ft.)
- Split Level or 1½ Storey 140 m² (1500 sq. ft.)

All remaining lots

- Conventional Bungalow or Bi-level 100 m² (1100 sq. ft.)
- Two Storey 130 m² (1400 sq. ft.)
- Split Level or 1½ Storey 130 m² (1400 sq. ft.)

Garages, Covered Decks/Verandas are not included in the home size areas

The Guideline Review Consultant may approve homes slightly below these minimums, provided that the home offers high quality massing and curb appeal.

2. Uses *ALL*



~~(a) All houses shall be single family only.~~



(b) Home Occupations shall be considered as set out in the R-L District of the City of Lethbridge Land Use By-law.

3. Home Designs

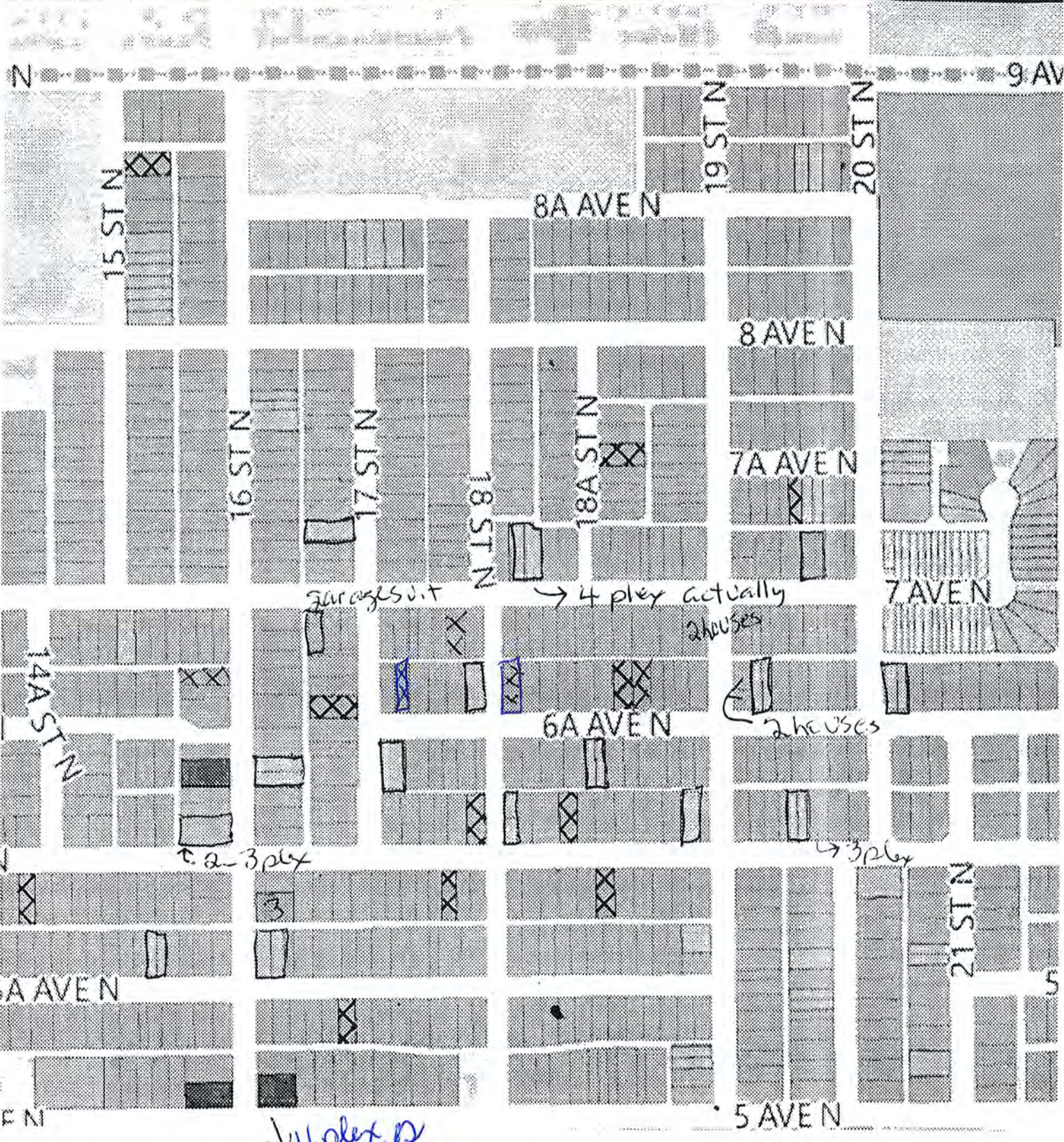
The Guideline Review Consultant will assess each design on its adherence to the 'Craftsman' style. Individual house designs should also respect the unique features of each lot with respect to view, orientation, access, sun angles, integration of indoor and outdoor space, tree cover and relationship to street, neighbouring homes and grading. Siting and house layout shall minimize overview and overshadowing of neighbours.

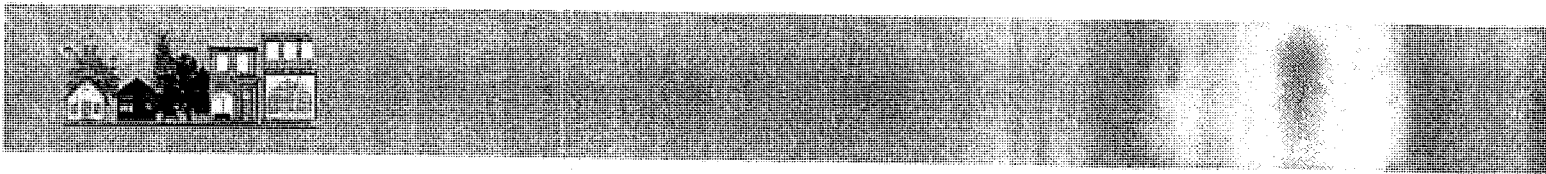


Note: The Guideline Review Consultant reserves the right to refuse a design that he considers incompatible with the design objectives of the subdivision.

lots
of
lots
switched
made legal
in 2018/2019.

□ duplex
⊗ sorted





4.4 Utilities and Servicing

4.4.1 Objectives

- a. Ensure development does not cause undue impact on the existing utilities and services.
- b. Acknowledge the challenges with redevelopment and existing utilities and services and encourage developments where servicing is not efficient, effective, or financially viable.
- c. Ensure upgrades to utilities and servicing are completed with a comprehensive understanding of the Land Use Concept to ensure capacity for redevelopment.

4.4.2 Policies

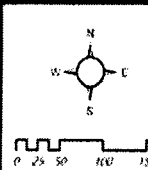
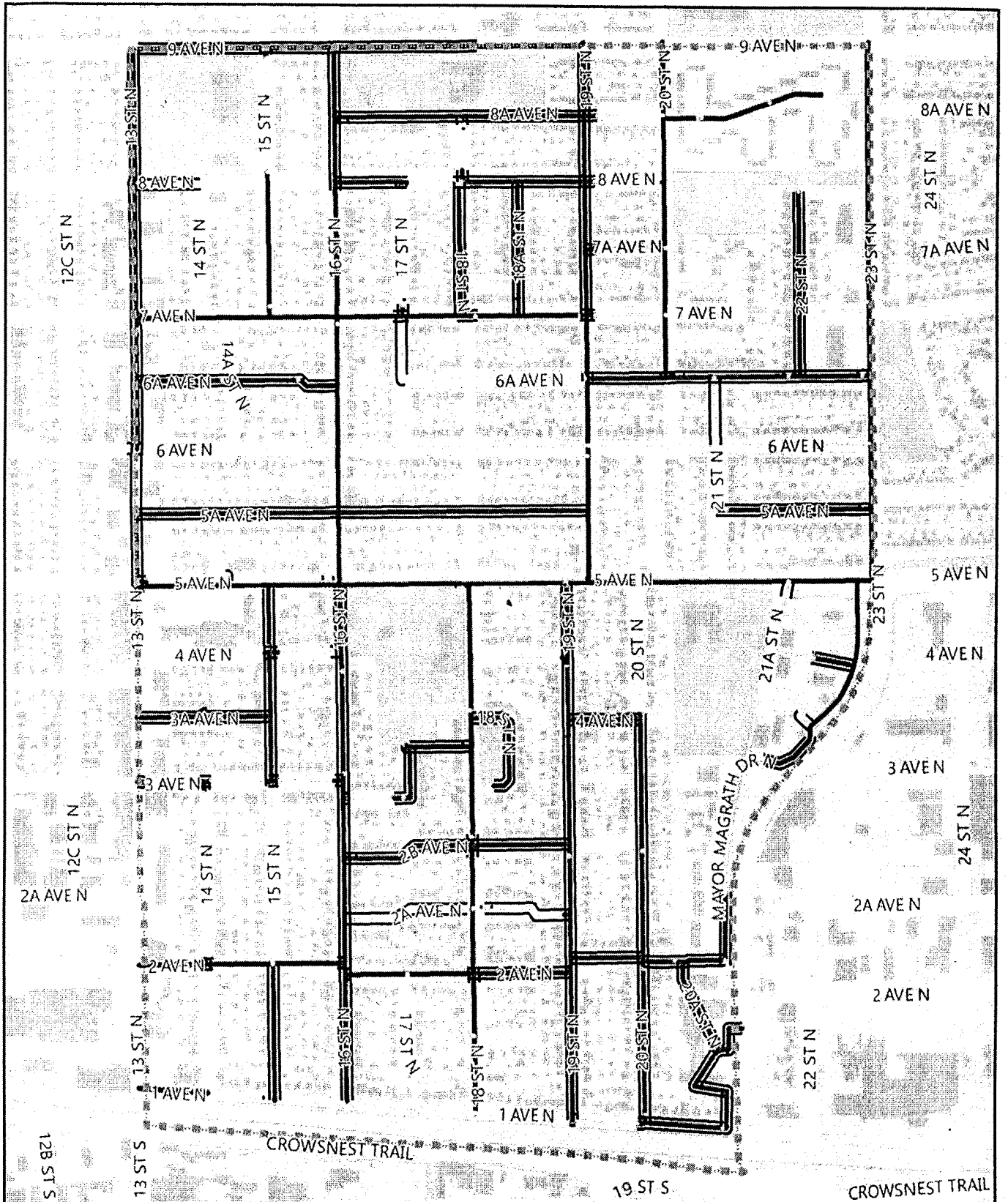
General

- a. Despite alignment with the Land Use Concept Map, redevelopment may be restricted by infrastructure, including servicing and utility access and capacities. Future infrastructure and utility servicing evaluations may be required to confirm water, storm, and sanitary sewer capacity, waste pickup, electrical capacity and proximity, fire access, etc. prior to the approval of plans of subdivision, larger scale developments, or changes to the City of Lethbridge Land Use Bylaw. All development, other than permitted uses, is at the discretion of the Development Authority, and if a development cannot be appropriately serviced it shall not be supported.
- b. Every new development is unique, including single detached dwellings, and will require a site-specific analysis of the utilities and servicing. There is no one solution for development and all applicants/developers shall be proactive in working with the individual municipal services and franchise utilities early in the process to ensure the site is properly serviced. No certainty is given that a site can accommodate what the plan envisions for it.
- c. All redevelopment shall require full municipal services including water, sanitary, stormwater management, electricity and franchise utilities (e.g. natural gas, electric and communications).
- d. All landowners, developers, or development proponents shall be responsible for the costs of providing adequate water and sewage services, stormwater management facilities, roadways, curbs and sidewalks, electricity and franchise utilities (e.g. natural gas, electric and communications).
- e. All municipal services, when replaced, shall be replaced in accordance with the policies of the Plan and shall meet or exceed the City's existing Bylaws and standards at the time of development. Appropriate sizing to anticipate future growth in Westminster should be considered.

Water Distribution

- f. Water servicing for small-scale developments are likely undersized for current building standards and will likely need to be replaced in accordance with the Water Bylaw. For medium and large-scale developments, the developer/proponent should contact Infrastructure Services early in the process of new development for further information.
- g. Where new development triggers an upgrade to a water main before its scheduled replacement, upgrade costs are the responsibility of the applicant/developer and captured during the land use development or permitting process.
- h. There are some water mains in the community with diameters that may be undersized for an increase in density. Generally, these are mains with diameters less than 200 mm; however, even the larger diameter water mains may require upgrading depending on the fire flow demands for a given form of development. Water mains that may need to be upsized when replacement is necessary to support increasing density and changing residential demands on the waterworks system will need to be confirmed through future studies.

↓
want to see →



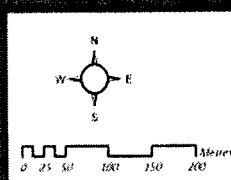
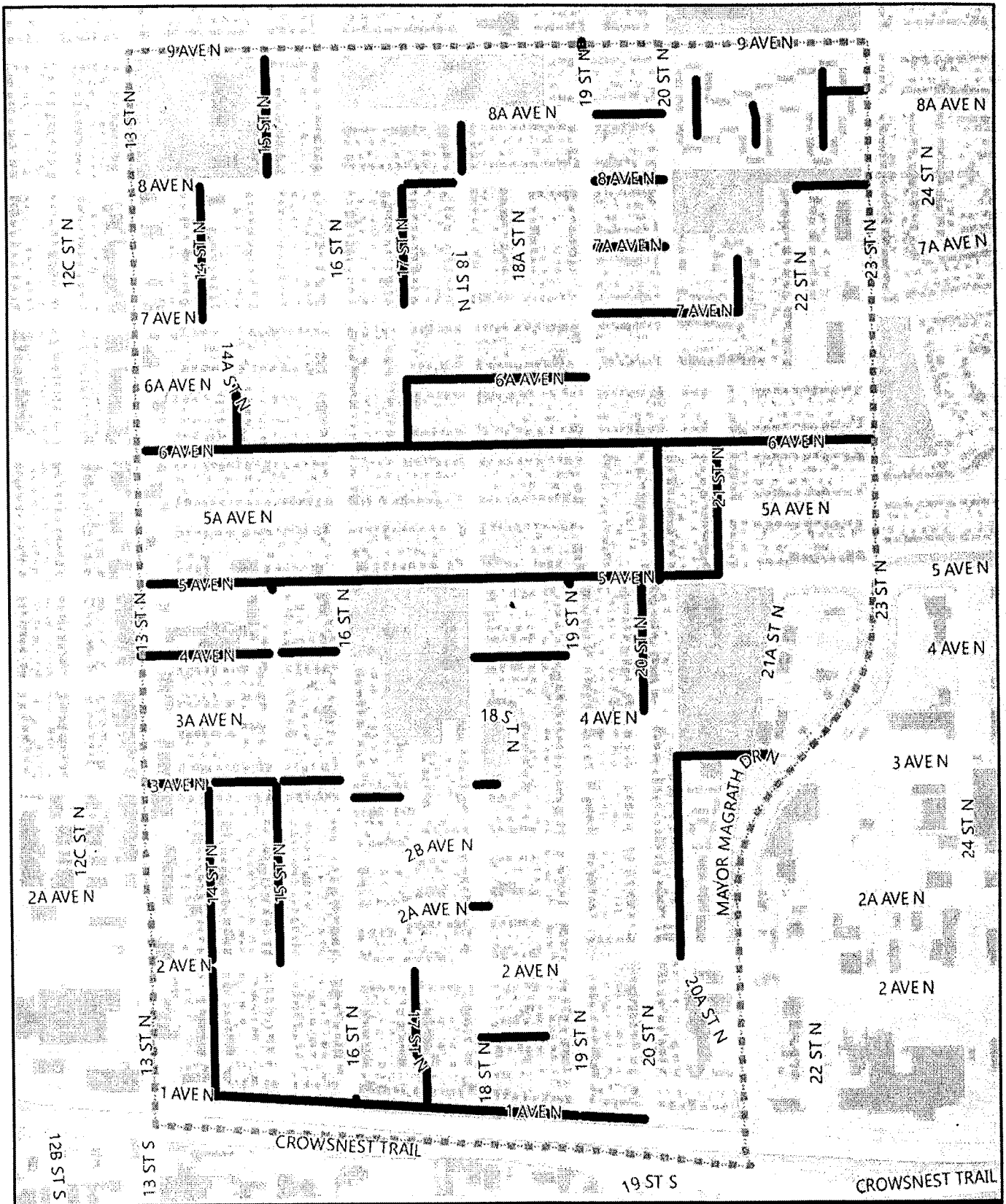
Legend	
	Westminster Area
	Redevelopment
	Plan Boundary
	Plastic Pipe (PVC or PE)
	Pipe Diameter
	100mm - 150mm
	151mm - 300mm

Westminster is serviced by 25.3km of water distribution pipes.




Pipe diameter	Pipe material
Less than or equal to 150mm: 9.1km	Non-plastic: 14.1km
Greater than 150mm: 16.2km	Plastic: 11.2km

Data sources: Water distribution, City of Lethbridge, 2019; Base layers, City of Lethbridge, 2019.

Map 10: Water Distribution Pipe Material and Size



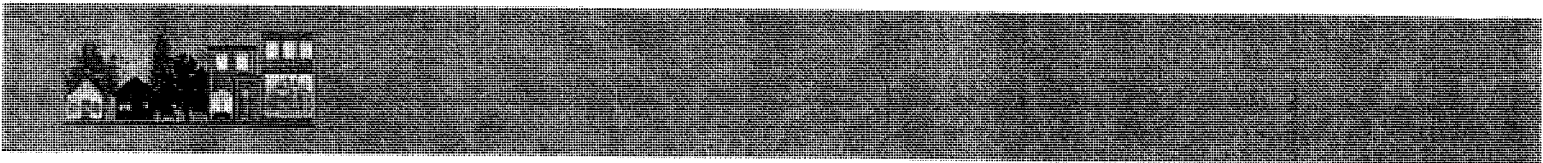
Legend

-  Westminister Area Redevelopment
-  Plan Boundary
-  Priority replacement pipe

Priority water replacement pipes in Westminister. These are pipes that are less than or equal to 6" (150mm) in diameter and made of a non-plastic material making up 7.7km of pipe in the neighbourhood.

Data sources:
 Water distribution pipes, City of Lethbridge, 2019.
 Base layers, City of Lethbridge, 2019.

Map 9: Water Distribution Priority Replacement (pipes less than 200mm in diameter)



- d. In addition to conforming to the Land Use Concept, a parcel of land that is the subject of a Land Use Bylaw, amendment or development permit application shall also be able to be serviced in order to be supported by the Development Authority. See Section 5.7: Servicing and Utilities for more information.
- e. The conservation of existing structures in good condition, and rehabilitating those in poor condition, shall be supported. ~~Development permits should be applied for and approved (with or without conditions) before any demolition may take place.~~ This will help prevent needless or premature demolition of useful or valuable structures, and prevent subsequent pressure to allow incompatible uses such as parking lots.
- f. Any potential sale, subdivision, and land use amendments of City-owned lands (including right-of-ways) should only be pursued should the proposed redevelopment contribute to the Land Use Concept. *did this happen*
- g. The creation of new parcels smaller than the minimum parcel requirements should not be supported. However, the redevelopment of existing narrow lots (less than 11.0 m) shall be supported, provided the development is a single detached dwelling and has been designed for a narrow lot.
- h. When notification is required for development and planning applications prior to a decision on a rezoning, a discretionary use, or a waiver of Land Use Bylaw provisions, including but not limited to setbacks, height, parcel coverage, and parking, notifications shall be mailed to landowners of property within 100.0 m of the property in question, Westminster Neighbourhood Association, and Westminster Village Committee.
- i. Ensure pedestrian mobility by incorporating pedestrian-friendly and barrier-free design elements, as defined in the Land Use Bylaw.

Residential

- j. All redevelopment shall comply with the Land Use Concept.
- k. The majority of dwelling units in the Plan Area will be low-density housing forms, i.e. single detached, two-unit (duplex), and secondary suites. However, where appropriate as determined by the Plan, higher density housing options shall be supported to provide for all residents in the neighbourhood regardless of age, ability, income, or household size, in accordance with the Land Use Concept Map.
- l. "Downzoning" (reducing residential densities through a Land Use Bylaw amendment) shall not be supported, in accordance with the Land Use Concept Map. This is to ensure the existing nodes of medium and high density remain and are not replaced with low-density residential.
- m. Applications to bring existing (at time of Plan adoption) non-conforming secondary suites and two unit dwellings into compliance, in accordance with the Land Use Concept, shall be supported.
- n. Applications to bring existing (at time of Plan adoption) non-conforming duplexes accommodating four-plexes shall be brought into compliance, in accordance with the Land Use Concept, shall not be supported.
- o. Although Planning approval or recommendation is not required, the consolidation of two or more parcels for the purposes of rezoning to accommodate higher density shall only be supported in accordance with the Land Use Concept, specifically in the following sub-areas: Medium and High-Density Residential - Sub area A and B; and 5 Avenue North Corridor.
- p. Proposals which include a mix of residential and non-residential uses will be supported in appropriate locations, as set out in the Land Use Concept. Note that, as defined in the Land Use Bylaw, home occupations are accessory to a residential use.

Non-Residential

- q. A broad mix of commercial, mixed use, public and complementary land uses shall be supported in appropriate locations as determined by the Land Use Concept.

5. Plan Implementation

Responsibility for implementation of the Plan rests with builders and developers, through their active involvement in the Westminster Village Association and Westminster Village Committee, the residents' association.

The Westminster Village Council (WVC) will be the resident's voice and will be responsible for the "character" of the residential development. It will address issues, infrastructure, and other concerns and will be responsible to implement the WVC for engagement and feedback as per the Identification and Engagement Strategy in the Plan.

Plan Implementation

The Land Use Concept Plan will be reviewed and approved by the development project steering committee, the Council or the direction of the City. Any applications received for building and development are the responsibility to meet with the City administration to meet the objectives of the Plan.

Beyond the implementation of the Plan through individual administration, the City will support the realization of the organization in the plan, including the independent and the implementation of the plan.

Some of the actions of the plan will require further direction for operation and implementation of the specific Capital

Proposed Action Items

Short Term (within 1 year of completion)

1. Amend the City Charter to include the plan.
 - a. In alignment with the Land Use Concept, the City will be required to amend the Charter to include the plan.
2. Monitoring and Evaluation Tool – An evaluation tool will be developed to monitor the plan in alignment with the Monitoring Section 5.
3. Hazard Risk Vulnerability Assessment (HRVA) – Flood and EMS standards, and develop a risk and vulnerability plan in the process will be identified and integrated into the regional preparation process. The plan will be developed and implemented.
4. Secondary Utility Delivery Program – A program to be developed by the City to be released as a resource to the public.
5. Rename 18th Street Park – Rename the park to be in alignment with the plan.

Medium Term (2-5 years)

6. Explore Street Light Infrastructure Capacity Model – A program to be developed to understand impacts of street lighting on the street.
- Handwritten note: How do we measure the impact of street lighting?*

Notes

City added: Integration, Affairs, and Community Services.

City added: Planning and Community Development.

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Wastewater (Sewer) System

- i. All development will require a review of the existing sanitary service in accordance with the Sewer Bylaw. Typically it is required that they be replaced. Replacement shall see the continuing separation, as per the Water Bylaw.

Stormwater Management

- j. Designs for roofs, roads, lanes, sidewalks, and parking surfaces should all consider impermeable surfaces and maximise absorbent materials to reduce surface flooding and divert stormwater runoff from the sewer system.
- k. New development shall not increase the rate of stormwater runoff from a site. As which increase impermeable surface area may need to incorporate unique solutions to issues, and developers will be expected to participate in stormwater management development. The City of Lethbridge shall require, where necessary, the preparation of stormwater management plans prepared by a qualified professional engineer. Developers should contact Infrastructure Services early in the development process for further information.
- l. New development is encouraged to use integrated stormwater management techniques such as retention bulges, bioswales, and other measures through redevelopment and urban improvement. In particular, emphasis is placed on a high level of green infrastructure and streetscape design lanes by optimizing permeable surfaces.
- m. Low impact development features shall be considered for future upgrades to the neighbourhood.

Waste Management

- n. All developments shall ensure all carts or bins for waste and recycling can be offered at the site. Waste and Recycling Services shall be included in any development for commercial, and/or public/institutional buildings.
- o. The City may review the location of waste collection points, e.g. lanes and streets. The preferred residents is generally for rear lane pickup to continue where suitable lanes exist. Waste and Recycling Services will consider the unique circumstances of each location as part of their decision making process.

Electrical and Communications

- p. Given the uniqueness of each service, the developer/proponent should contact the office early in the process of new development and provide a minimum 60 days in advance.
- q. If underground electrical servicing is chosen for a development, the developer is responsible for all necessary excavations and backfilling on private property that meet the standards of the Lethbridge Electric Utility. Excavating in public right-of-ways requires approval from the Coordinator and all construction activities shall be performed by the Electric Utility.
- r. There are very strict rules about building and working around powerlines - both overhead and underground. These rules include the proximity of buildings to the lines, and the proximity of the buildings and other structures to the powerlines. The office, which will evaluate the conditions of the line and calculate the safe building setback. Before starting construction, the developer will need to be aware of the rules and regulations. When completing any work within 7.0 m of a powerline, or if you have any questions about powerlines, please contact Electric Operations.
- s. Costs and fees associated with electrical service connections and service upgrades shall be borne by the developer/customer.