



TOWN POLICY

POLICY NUMBER: No. 6608

REFERENCE:

327.11.17

ADOPTED BY:

Town Council

PREPARED BY: Infrastructure & Development Services

DATE: October 24, 2017

TITLE: Development Permit Process Policy

Policy Statement

This policy is intended to provide guidance to the processing of Development Permits.

1. TITLE

1.1 This Policy may be cited as the "Development Permit Process Policy".

2. APPLICATION

2.1 This Policy

- (a) provides broad direction for the processing of any development permit application that proposes a development with the Town of Strathmore.
- (b) must be considered in addition to other requirements and guidelines including but not limited to the Municipal Government Act, the Subdivision and Development Regulation, the Municipal Development Plan, Area Structure Plans, other applicable Statutory Plans, and the Land Use Bylaw; and
- (c) is based on the premise that the development of land generally must include application for a development permit, and the issuance of a development permit to ensure the effective, efficient and beneficial operation of Alberta's land development process.

3. DEFINITIONS

3.1 In this Policy terms and words defined in the Act have the meaning expressed by the Act. Other terms and words used in this Policy are defined below:

- (a) "Act" means the Municipal Government Act, R.S.A. 2000, as amended;
- (b) "Applicant" means the person or party named in an agreement or applying for a development permit, as through Section 5.3 below;
- (c) "Building" includes anything constructed or placed on, in, over or under land, but does not include a highway or road or a bridge that forms part of a highway or road;
- (d) "Bylaw" means a bylaw of the Town of Strathmore, and refers to Land Use Bylaw 14-11;
- (e) "CAO" means the Chief Administrative Officer within the meaning of the Municipal Government Act;
- (f) "Council" means the Mayor and Councilors of the Town of Strathmore;
- (g) "Development" means an excavation or stockpile and the creation of either of them, a building or an addition to or replacement or repair of a building and the construction or placing of any of them on, in, over or under land, a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building;
- (h) "Development Permit" means a document that is issued under a land use bylaw and authorizes a development;
- (i) "Development Planner/Officer" means a professional who practices in the field of Planning, is a Development Authority under the Act and as defined in Section 1.9 of Land Use Bylaw 14-11;
- (j) "Developer" means the person or party named in an Agreement or applying for a development permit as described in Section 5.3 below;
- (k) "Development Authority" means the development authority established in the Section 1.9(3) of Land Use Bylaw 14-11;
- (l) "Director" means the person responsible for the department that issues development permits and approves subdivisions;
- (m) "Highway" means a provincial highway under the Highways Development and Protection Act;
- (n) "Land Use Bylaw" means the current land use bylaw of the Town of Strathmore;

- (o) “Non-conforming building” means a building that is lawfully constructed or lawfully under construction at the date a land use bylaw affecting the building or the land on which the building is situated becomes effective, and that on the date the land use bylaw becomes effective does not, or when constructed will not, comply with the land use bylaw;
- (p) “Non-conforming use” means a lawful specific use being made of land or a building or intended to be made of a building lawfully under construction at the date a land use bylaw affecting the land or building becomes effective, and that on the date the land use bylaw becomes effective does not, or in the case of a building under construction will not, comply with the land use bylaw;
- (q) “Property Line” means the boundary line between two pieces of property;
- (r) “Town” means the Corporation of the Town of Strathmore.

4. **RESPONSIBILITY**

- 4.1 Council may from time to time amend this Policy including the Schedules thereto.
 - a) Subject to Section 641, a council must by bylaw provide for a development authority to exercise development powers and perform duties on behalf of the municipality.
- 4.2 The CAO must authorize the templates used for preparing the Agreements identified in Section 5.3 below.
- 4.3 The Director
 - (a) should ensure that this Policy is reviewed on regular basis;
 - (b) may require that processes be developed to support and ensure its implementation, including consultation;
 - (c) Subject to Section 624(1), a council must by bylaw provide for a development authority to exercise development powers and perform duties on behalf of the municipality.
 - (i) a Development Agreement pursuant to Section 648 regarding off-site levies, Sections 650 and 651 regarding development agreements, of the Act;
 - (ii) a Special Clauses Agreement to amend or supplement a Development Agreement;
 - (iii) an Indemnification Agreement in addition to or in substitution of a Development Agreement; and
 - (iv) such other Agreements as the Director considers appropriate to address Sections 648, 650, 651 or 655 of the Act; and
 - (d) must review the above Agreements described in (c) above at least once every 3 years to ensure alignment and consistency with
 - (i) the applicable legislation and regulations;

- (ii) related Bylaws including but not limited to the Off-Site Levy Bylaw, the Fees Bylaw and the Land Use Bylaw; and
 - (iii) related policies, procedures and requirements of the Town.
- 4.4 The Development Authority or a Development Planner or Officer in carrying out functions and responsibilities must have regard to this Policy, support its implementation and advise the Director of issues related its implementation.

5. PROCESSING OF DEVELOPMENT PERMIT APPLICATIONS

- 5.1 The processing of development permit applications is subject to a variety of provincial and municipal requirements. The process outlined in Section 5.3 below
 - (a) must not be construed to conflict with any of these requirements and is intended to complement them; and
 - (b) outlines the process to be followed in processing applications subject to more detailed operational requirements or procedures.
- 5.2 As a general guiding objective, the Development Authority should ensure, as far reasonably possible, that the processing of development permit applications supports the coordinated consideration and approval of any subdivision, related drawings and plans, as well as the coordinated consideration, as required, of a Development Agreement.
- 5.3 The following outlines the development permit process subject to Section 4.1 and 4.2 above.
 - (a) An application for development permit is received at the front counter, or by email at development@strathmore.ca and reviewed by Administrative staff using the applicable Town of Strathmore development checklist to ensure it is complete before accepting the development permit application, as per Land Use Bylaw 14-11.
 - (b) The applicant is advised whether or not an application for development is complete, subject to bylaws, the Act, and recognizing that a Development Agreement, Off-Site Levies, Development Permit fees and any other applicable fees are due, as required upon submission of the Development Permit.
 - (c) Administrative staff create the Development Permit file, assign a Development Permit number, date stamp each set of plans, scan all application materials into M-Files and input the file data into the Development Permit spreadsheet for tracking purposes. The packaged development permit file is assigned to a Planner/Development Officer for review, dependent on the complexity and/or type of application.

- (d) Upon receipt of a complete application, the Development Planner/Officer completes a secondary evaluation of the development permit file confirming the application is complete.
- (e) The development permit application is circulated by the Development Planner/Officer to all necessary internal and external circulation referees at the discretion of the Development Planner/Officer, with a timeline of 14 days, for comment and entered into M-Files for tracking. If no response is received within the 14 day timeline it will be deemed as “no objections”. Notification of the proposed development permit is circulated to:
 - (i) external agencies, together with the development permit application plans, (with or without comments or questions) in accordance with the Regulations; and
 - (ii) internally, to Town staff together with the development permit application plans, any preliminary evaluation or pre-application information if applicable, and questions or comments identifying key issues.
 - (iii) adjacent neighbours, if the permit is discretionary, or requires a relaxation of 10% or greater, all neighbours within 50m of all property lines of the proposed development, or at the discretion of the Planner/Development Officer, are notified of the proposed development permit, with a Notification Letter to Adjacent.
- (f) The Development Planner/Officer reviews the development proposal and the plans, via a bylaw check and using all applicable statutory documents including but not limited to, the Municipal Government Act, the Subdivision and Development Regulation, the Municipal Development Plan, Area Structure Plans, other applicable Statutory Plans, and the Land Use Bylaw, and reviews any applicable encroachments, right-of-ways, caveats or other charges listed on the legal title.
- (g) Potential issues are identified by the Development Planner/Officer. Any issues which must be addressed prior to rendering a decision on the development permit file, shall be included in the Detailed Planning Review document and sent to the applicant. Any comments arising from completion of the circulation process are reviewed by the Development Planner/Officer and included in the comments to the applicant, in the Detailed Planning Review Document. The development permit file is placed on hold, awaiting the submission of amended plans by the applicant.
- (h) Once all prior to decision issues have been resolved, the development Planner/Officer prepares the Development Permit document and identifies any prospective special requirements or conditions, which are written into the Development Permit document.

- (i) The Development Authority stamps and signs two (2) decision rendered plan sets, and sends a copy of the decision rendered plans and the Development Permit document to the applicant by email/mail/fax as per their choice on the original application form.
- (j) The Development Planner/Officer scans a copy of the decision rendered plans and the Development Permit document to M-Files for records. If the development permit is discretionary, or if it is permitted with relaxation of 10% or greater, a Notification of Decision Letter is sent to any parties who previously commented during the circulation period, providing notification of the development permit decision and 14 day appeal period, as per the Act, and how to appeal, if they so choose, to the Subdivision and Development Appeal Board.
 - (i) Note that, relaxations 10% or higher require notification as per s.1.9(7)(b)Bylaw 14-11 by letter, newspaper or posting on site; and that, relaxations exceeding 25% must be presented to Council for decision as per s.1.9(7)(c)Bylaw 14-11.
- (k) Notice of decision shall be advertised in the weekly newspaper & on the Town of Strathmore website at this time, to notify the public of the decision and allow for any possible appeals. The Development Permit is filed into the shelf system for the required 14 day appeal period timeline as per the Act and cannot be released until the appeal period has lapsed.
- (l) Once the appeal period is complete, and there are no prior to release concerns outstanding, the development permit can be released. The applicant is notified of the Development Permit completion and the file is merged with the building permit file, if applicable, by administrative staff.

6. SPECIAL CLAUSES AND OTHER AGREEMENTS

- 6.1 This Policy seeks to ensure fair, consistent and reasonable administration of the Development Permits by the using templates that are approved by the CAO in accordance with Section 3.2 of this Policy.

7. DEVELOPMENT AGREEMENT

- 7.1 If a development permit requires a Development Agreement prior to the permit being issued, the Development Planner/Officer must,
 - (a) endeavor to coordinate the issuance of the permit with the preparation of the Agreement;
 - (b) ensure that servicing, security and related requirements including but not limited to rehabilitation of adjacent lands is addressed by consulting with the appropriate staff;

- (c) ensure that the Agreement is prepared in accordance with operational requirements or procedures to the satisfaction of the Director;
- (d) ensure that the Agreement requires sufficient security from the Developer to ensure that public utilities and infrastructure is installed to the satisfaction of the Town and in accordance with the Town's Engineering and Servicing Standards; and
- (e) ensure that the development permit is not issued until the Agreement is signed by both parties and securities are received by the Town.

ENDNOTES

1. Common applicable or related Regulations include the following
 - a) Municipal Government Act M-26 R.S.A 2000
 - b) Land Use Bylaw 14-11