

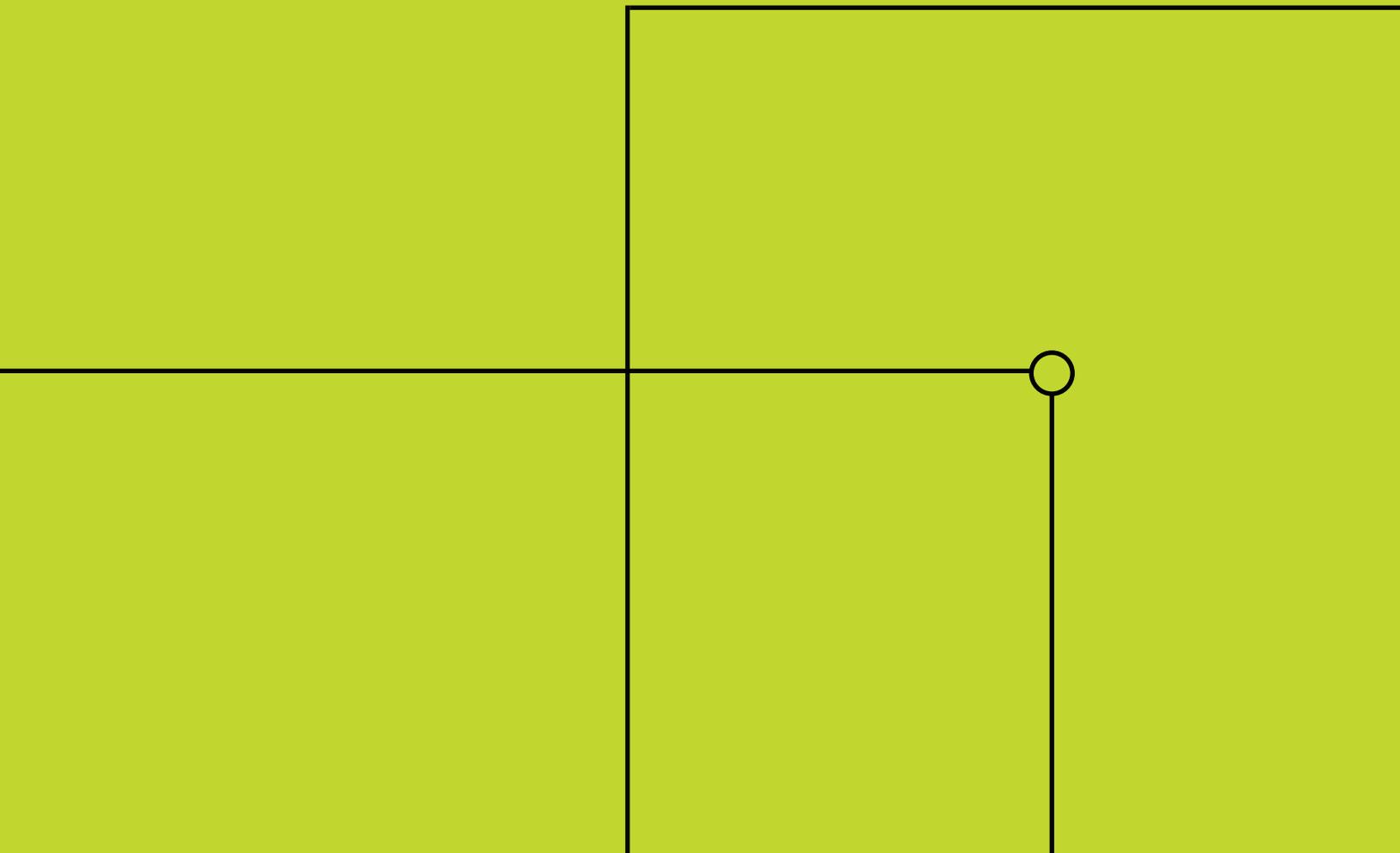
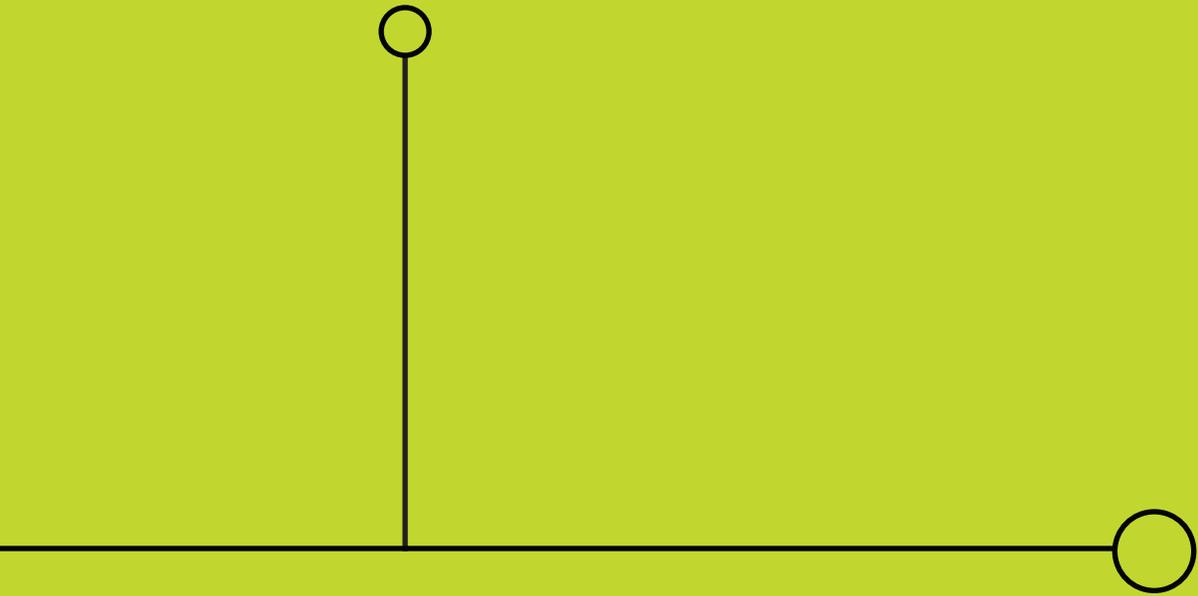
# DEVELOPMENT INFORMATION PACKAGE

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PLANNING AND DEVELOPMENT  
LACLABICHECOUNTY.COM  
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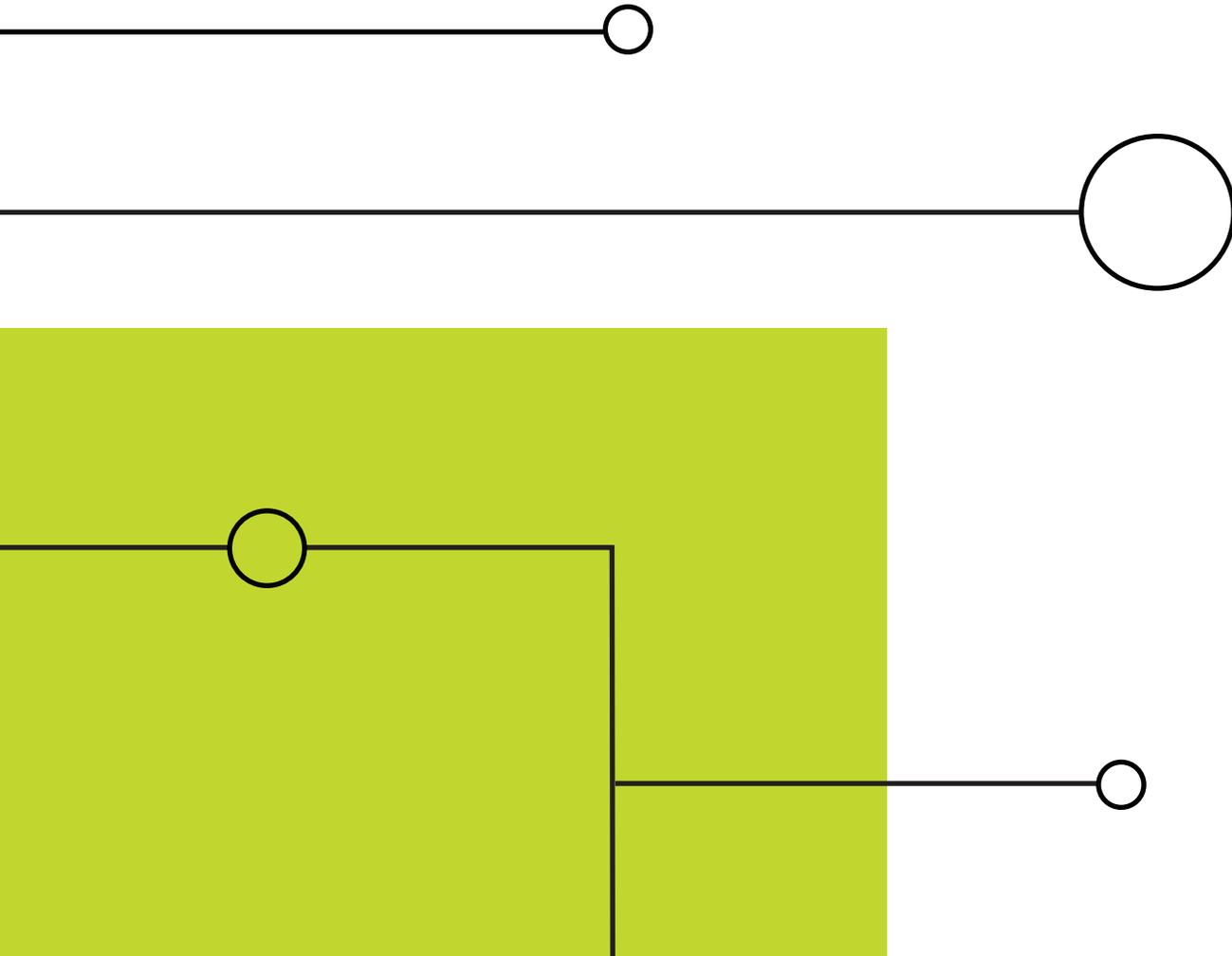
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## 1.0 PURPOSE

Before any project can begin, Lac La Biche County must issue a development permit. Receiving this permit is not a final step. Properties are zoned according to the municipality's Land Use Bylaw (LUB). By applying for a development permit, you are asking the County's approval for the proposed development, which will determine whether or not your project will be allowed.

This document will outline the steps involved in applying to develop property in the County, and should give clear direction to anyone interested in development.

## 2.0 WHAT IS A DEVELOPMENT PERMIT?

Development, as defined by Section 616(b) of the Municipal Government Act (MGA), involves:

- *creating an excavation or stockpile*
- *building, adding to, replacing, or repairing a building, as well as constructing or placing any of them on, in, or under land;*
- *changing the use of land or a building, or making changes to land or a building that are likely to change their use; or*
- *changing the intensity of use in land or a building, or making changes to land or a building that are likely to change their intensity of use.*

The development process is governed by provisions of the Municipal Government Act (MGA) and the Subdivision and Development Regulation. Lac La Biche County is responsible for approving all development within the municipality.

A development permit is written approval from Lac La Biche County that a proposed development follows the rules of the Land Use Bylaw. They are required for a new building, making building alterations, changing the use of existing buildings, home occupations, and temporary building structures.

When you submit a development permit application to Lac La Biche County, the Development Officer reviews it. They determine whether or not a permit application complies with the Land Use Bylaw. The Development Officer also checks details like the building location, parking, landscaping and building appearance.

### **3.0 WHO CAN APPLY FOR A DEVELOPMENT PERMIT?**

Only the registered owner(s) of the land to be developed can apply for a development permit. However, the registered owner(s) can appoint an authorized agent to act on their behalf.

A person may submit a development permit application for a permitted or discretionary use. The Development Officer authorizes permitted uses, and the Municipal Planning Commission (MPC) authorizes discretionary uses. Council authorizes development in direct control districts.

If the development proposes a permitted use and meets all the regulations of the Land Use Bylaw, the Development Officer issues a development permit. If the development proposes a discretionary use, then the Development Officer prepares and presents recommendations to the Municipal Planning Commission (MPC). The MPC approves or refuses development permit applications for discretionary uses. Approval of discretionary uses may be subject to conditions beyond the development standards set out in the County's Land Use Bylaw.

### **4.0 THE LAND USE BYLAW – MGA S. 639-640**

The Land Use Bylaw regulates the use and development of land parcels. According to the Municipal Government Act, all municipalities must adopt a Land Use Bylaw. The Land Use Bylaw divides the municipality into land use districts, which outline permitted and discretionary uses for each district, regulating the issuing of development permits.

### **5.0 DEVELOPMENT AUTHORITY - MGA S. 624**

The MGA requires all municipalities to establish a Development Authority. They receive, process, and deliberate on development permit applications. A Development Authority may include a designated officer, a Municipal Planning Commission (MPC), and any other person or organization. Most municipalities assign some decision-making and administrative responsibilities to staff. In many municipalities, like ours, decisions involving discretionary uses are referred to the Municipal Planning Commission, as specified under Section 626 of the MGA.



## 6.0 MUNICIPAL PLANNING COMMISSION (MPC) – MGA S. 626

The Municipal Government Act authorizes Council to establish the Municipal Planning Commission, which is part of the local Development Authority. In Lac La Biche County, the Municipal Planning Commission acts as a development and subdivision authority.

The commission is comprised of three citizens-at-large and five representatives of Council. All members are appointed for a three-year term. Meetings are held semi-monthly on the first and third Wednesday of each month, unless rescheduled by the commission's resolution.

## 7.0 SUBDIVISION AND DEVELOPMENT APPEAL BOARD (SDAB) – MGA S. 627, 628

The Municipal Government Act requires that a municipality establish a Subdivision and Development Appeal Board (SDAB) to hear all appeals against decisions made by a Development Authority

In Lac La Biche County, this Board consists of eight members-at-large, with no more than four selected to step in when other members can't attend, and two council representatives. Each member of the SDAB is appointed for terms of three years. Member of the Municipal Planning Commission or employees of Lac La Biche County cannot be appointed to the SDAB.

## 8.0 DEVELOPMENT CONTROL – MGA S. 640

The Land Use Bylaw requires development permits for most developments. However, a municipality can exempt certain development types from requiring a development permit. Exempted under Section 618 of the MGA are developments like transmission lines, utilities, gas wells, oil wells and pipelines.

Conditions may be attached to a development permit that require the applicant to:

- *construct or pay for roads, walkways, public utilities, or off-street parking necessary to serve the development (see section 640 of the MGA);*
- *pay an off-site levy only once per parcel (see section 648 of the MGA); or*
- *comply with provisions specified in the Alberta Land Stewardship Act (ALSA) regional plans and Land Use Bylaw (see section 640 of the MGA).*



## 9.0 THE DEVELOPMENT PROCESS

Developments involving vacant land, existing development, or redevelopment all follow a common process (see figure 1). Once you submit your complete application package, Lac La Biche County Planning and Development department staff will receive your submission. They evaluate your development permit application based on the County's current Land Use Bylaw, and consider how your project might impact surrounding properties.

Should zoning issues, development deficiencies, or any other problems arise, you will be contacted by mail and asked to resolve the issue(s), then resubmit. The County reserves the right to place conditions on permits. Only discretionary uses and variances are advertised, and a 14 day appeal period will start the day that the advertisement runs.

With your development permit and safety code permits approved, you can begin developing. As construction progresses, the applicant is responsible for scheduling the building inspections and complying with other important permits. Installation standards exist to protect the occupants of homes and commercial or industrial buildings. To ensure building, electrical, plumbing, gas and sewer systems are installed correctly, a separate permit must be obtained from the County's Safety Codes Administration.

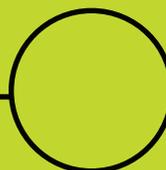
### ***9.1 DEVELOPMENT PERMIT APPLICATION***

Applications for discretionary uses or for permitted uses that do not meet all the standards set out for a district may be conditionally approved or refused. Applications for uses that are neither permitted nor discretionary within a district may be referred to the MPC. Applications are not complete until all information has been provided.

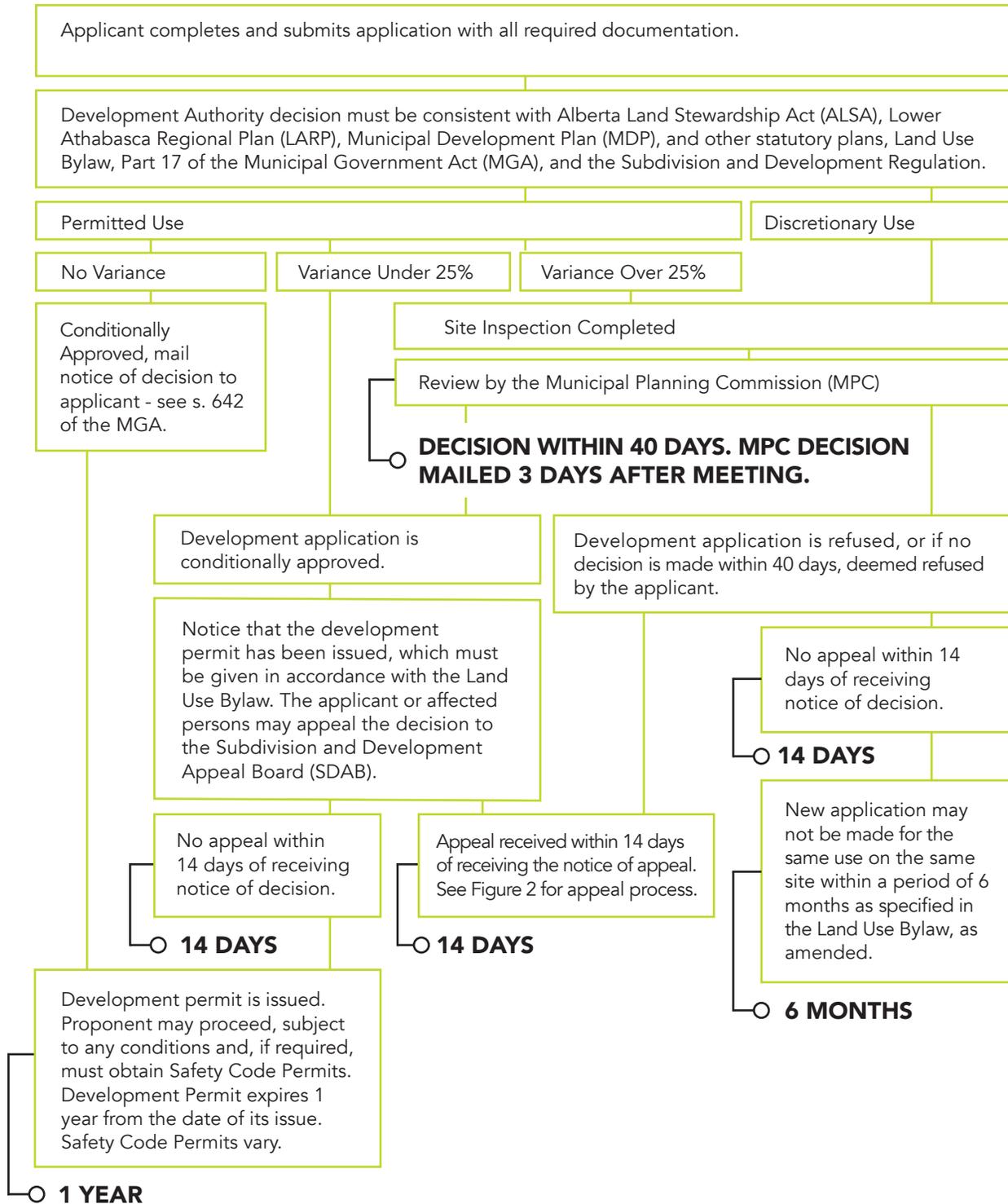
You will be notified by letter when your application has been accepted as complete, and again when a decision has been made. If the authorized project is not started within 12 months from its issue date, the permit is void unless the Development Authority grants an extension.

### ***9.2 COUNTY TIMELINES FOR DECISION***

The Development Authority makes decisions on a development permit within 40 days, unless the applicant and Development authority agree to extend the time and notify other affected persons. An applicant should consider a failure to make a decision within this period a refusal. In most cases, the County arrives at a decision within three to four weeks from start to finish.



# DEVELOPMENT INFORMATION PACKAGE



**Figure 1** Development Permit Application Process

### **9.3 AGENCY REFERRALS**

The 40-day period includes a circulation period, during which several agencies may be notified of the application and allowed to identify their concerns.

A copy of the application may also be circulated to adjacent landowners and internal municipal departments for their review

### **9.4 TECHNICAL REVIEW**

Every application for development is reviewed to ensure site suitability, and its conformity with local and provincial planning legislation. You may also be required to submit more information. This may include, but is not limited to, a Real Property Report, Stormwater Management Plan, Geotechnical Report, Environment Impact Assessment, Flood Plain Impact Study, etc. Depending on the project's scope, you may also require building, electrical, gas, plumbing, and private sewage disposal permits. Projects must be covered by the appropriate permits before starting construction.

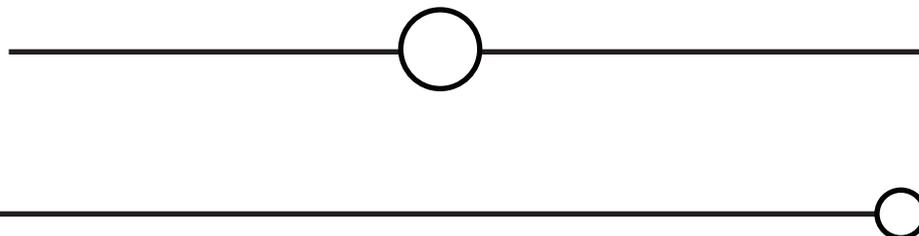
If construction begins without the appropriate permits, fines and penalties will apply. For more information regarding the permitting process, please contact Lac La Biche County's Planning and Development department.

Your project must also comply with statutory plans (the Municipal Development Plan and Area Structure Plans) and the Land Use Bylaw. You must also comply with the Municipal Government Act, the Subdivision and Development Regulation, and the Provincial Land Use Policies such as the Alberta Land Stewardship Act (ALSA). There are several different districts in Lac La Biche County, all which have specific uses, requirements and regulations. Applications may be referred to the Municipal Planning Commission (MPC) for their recommendation and decision.

A notification letter will be mailed when the Development Authority has decided on your application. You'll find a copy of the conditions applied to your development permit from the technical review. Once the Development Authority approves it, the application may be published in the local paper. A development permit does not come into effect until the 15th day after it has been approved.

### **9.5 RECOMMENDATIONS AND DECISIONS**

All development must comply with the ALSA regional plans, the MGA, the Subdivision and Development Regulation, and the Land Use Bylaw. In some cases, statutory plans and Land Use Bylaws must be amended or subdivision applications approved before a development permit can be issued. If a development proposal cannot be approved because it does not conform to the Land Use Bylaw, you can apply to Council to amend the bylaw.



# DEVELOPMENT INFORMATION PACKAGE



**Figure 2** Development Permit Appeal Process

If a statutory plan amendment must also accompany the Land Use Bylaw amendment, they will generally happen at the same time. A staff report and recommendation are usually prepared and forwarded to Council. Notice must be given of an application for any amendment, and Council must hold a public hearing before giving second reading. Council's decision on proposed amendments to the Land Use Bylaw or statutory plans is final.

There is no legislated time frame within which Council must consider applications for amendment. The process takes at least two meetings of Council, during which notice must be given and the public hearing held.

Depending on the complexity of the amendment, additional time may be necessary to prepare more extensive staff reports and review.

### **9.6 ENCROACHMENT AGREEMENTS**

You may require an encroachment agreement when a development encroaches onto a roadway, utility right of way, or municipal land. The Development Authority decides whether or not you'll need one.

### **9.7 DEVELOPMENT AGREEMENTS**

As a condition of development or subdivision approval, the Development Authority may require the developer to enter into a development agreement with the municipality.

A development agreement may stipulate that a developer:

- *construct or pay for a pedestrian walkway system to serve that development, or connect the development to an existing or proposed neighbouring development;*
- *construct or pay for parking facilities;*
- *install or pay for public utilities, other than telecommunications systems;*
- *pay a security deposit to ensure that the terms of the agreement are carried out.*

### **9.8 DEVELOPMENT APPEALS**

Any affected persons can appeal to the Subdivision and Development Appeal Board (SDAB) within 14 days of receiving a notice of approval or refusal (see figure 2).

A person may appeal only if they believe the provisions of the bylaw were relaxed or misinterpreted. The Subdivision and Development Appeal Board holds a hearing within 30 days of receiving the notice of appeal, and gives a written decision within 15 days of the hearing's conclusion. The board's decision may be further appealed to the Court of Appeal on a question of law or jurisdiction. Please note that a development permit appeal fee of \$200 is required when submitting an appeal, which is refundable if the appeal is successful. Anyone wishing to view the development permit may do so during regular office hours Monday to Friday from 8:30 am to 4:30 pm. Please call in advance to make arrangements.



## 10.0 MINIMUM APPLICATION REQUIREMENTS

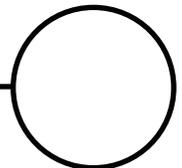
The applicant must submit the following information, as specified under Section 20 of the Land Use Bylaw.

### 10.1 COMPLETED APPLICATION

If an agent is acting on behalf of an owner, the agent and registered owner(s) must sign the application. The application must state the proposed use or occupancy of all parts of the land and buildings. The Development Authority may require other information, like floor plans, elevations, and cross-sections of any proposed building(s).

You must include site plans in paper of CAD format at a scale satisfactory to the Development Authority, showing the following:

- *front, side, and rear yards;*
- *outlines of all building's exterior walls;*
- *north point;*
- *legal description of the site and adjacent lots (by lot, block, subdivision and registered plan), roads, rights-of-way, easements, floodplains, top of bank, and watercourses within or abutting the lot;*
- *location of existing and proposed municipal and private local improvements, principal building and other structures including accessory buildings, garages, carports, fences, driveways, paved areas, and major landscaped areas including buffering and screening areas, where available;*
- *the grades of the adjacent streets, lanes and sewers servicing the property, where available;*
- *the lowest finished floor elevations in either the basement or main floor in the principal and accessory buildings, where applicable;*
- *setbacks for existing and proposed development from areas of steep slope, top of bank from any watercourse, or identified high water mark or any watercourse;*
- *location of oil & gas wells, pipelines, and abandoned wells (available from <http://mapview.ercb.ca/AbandonedWells/>).*



If you must include a Stormwater Management Plan, it must be approved by Alberta Environment. It may require the following:

- *topography;*
- *watershed and development relating to it;*
- *proposed minor drainage system (ditches/ pipes/ catch basin locations);*
- *proposed major drainage systems (direction of surface drainage);*
- *proposed on-site detention and retention facility (location/size);*
- *location of outflow/outfall structures; and*
- *any related modelling and calculation information.*

You must also include a copy of the current land title(s) (validated within 30 days of the application).

Finally, you must provide any other information, including, but not limited to:

- *a geotechnical report prepared by a qualified professional registered in Alberta for a hazardous or unstable area;*
- *a biophysical assessment prepared by a qualified professional, registered in Alberta on the impacts of development on sensitive wildlife habitats, or natural environments;*
- *a hydrological report prepared by a qualified professional registered in Alberta that determines the impacts of development on area watersheds and aquifers;*
- *a reclamation plan for aggregate extraction or site grading and excavation;*
- *an environmental site assessment to determine potential contamination;*
- *an environmental impact assessment for developments that may have significant environmental effects;*
- *a master sign plan for development proposed in commercial or industrial district;*
- *a landscaping plan showing all proposed surface improvements;*
- *a flood plain impact study;*
- *project or contracting costs, along with applicable fees; and*
- *the estimated start and end dates of the proposed development.*

The County will require provincial authorization for developments on crown land. All applications for permitted uses with a variance of 25% or more will be referred to the Municipal Planning Commission (MPC).

## 10.2 AGENT AUTHORIZATION

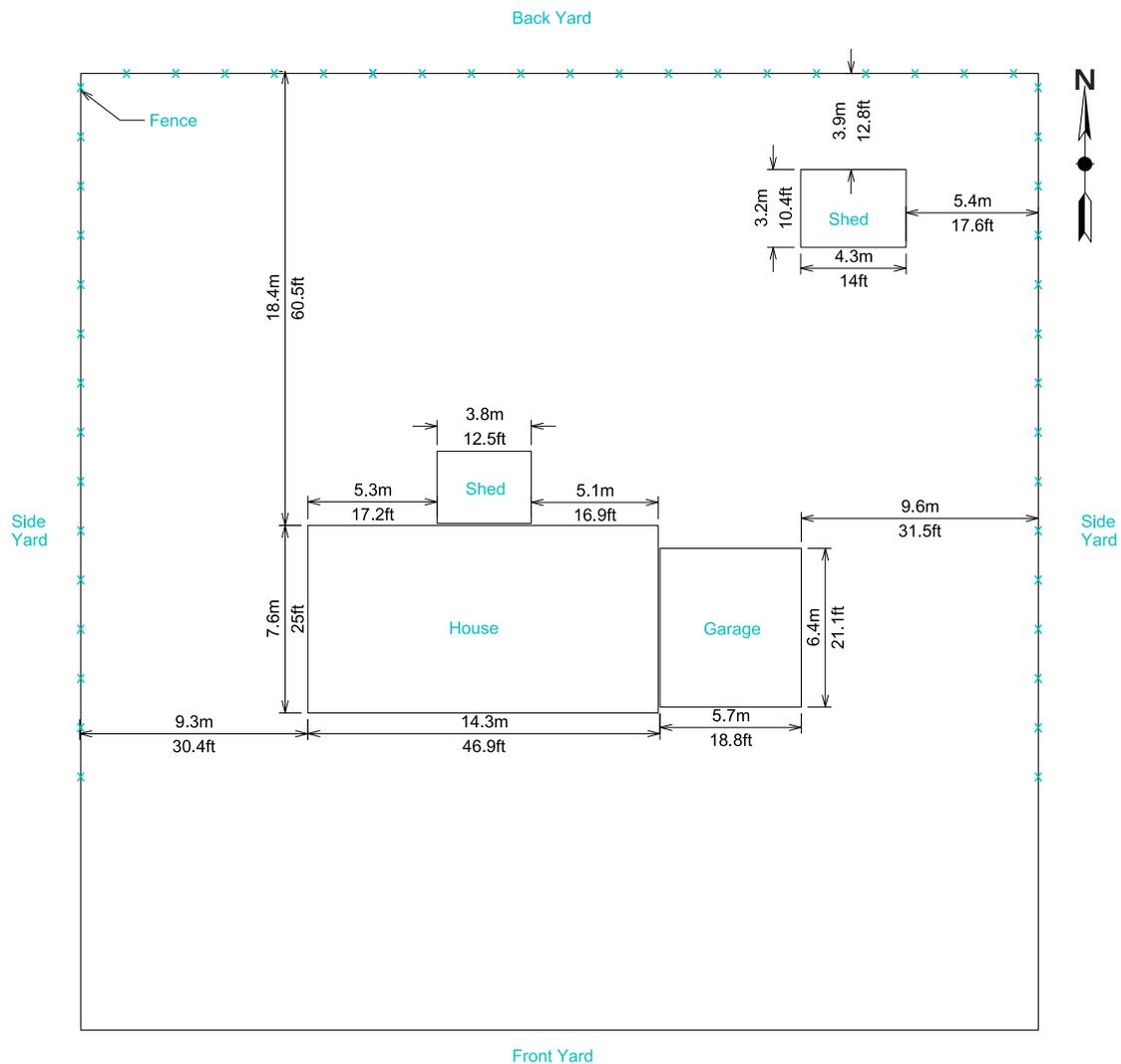
A registered owner may appoint an agent to act on their behalf. Although anyone can be appointed, an agent is usually an Alberta surveyor, planning consultant, or lawyer. Regardless, land cannot be developed without the consent of the registered owners.

## 10.3 RIGHT OF ENTRY FORM

You must give County staff or appointees permission to inspect your land by filling out the right of entry form. This form must be signed by the registered owner or authorized agent.

## 10.4 SITE PLAN

A site plan must accompany your application. A site plan shows the relationship between the land being developed and neighbouring lands (refer to figure 3). Draw your site plans on the template available at the County Office.



**Figure 3** Site Plan

### 10.5 CERTIFICATE OF TITLE

One copy of the current Certificate of Title will be required. Titles are available from your local Alberta Registries office. There is a charge for the title search.

### 10.6 APPLICATION FEES

The application for development must be accompanied by fees outlined in the fee schedule (see Table 1). If the application receives municipal approval the documentation submitted for the development permit must be accompanied by the applicable fees.

FEE DESCRIPTION	PRICE
<b>GENERAL DEVELOPMENT FEES</b>	
<b>Development Appeal Fees</b>	
Development Permit Appeal Fees (refundable if appeal is successful)	\$200
<b>PLANNING DIVISION FEES</b>	
<b>Development Permit Fees</b>	
Sign Permit	\$100
Permitted Use	\$150
Discretionary Use	\$300
Development In The Commercial/Industrial / Institutional Crown Land/ Direct Control Districts	\$500
Compliance Certificates	\$150
Development Permit (Temporary)	\$150
<b>Development Permit Application Withdrawal (refunds)</b>	
Before Decision of Development Authority	50% Refund Fee
After Decision of Development Authority	No Refund

**Table 1** Development Fee Schedule

## 11.0 STOP ORDERS, PENALTIES, AND FINES

Lac La Biche County has a cross reference system in place to track permits. If you do not have a development permit, you will not be issued your necessary safety permits (building, electrical, plumbing, gas and sewer). The County does not tolerate any deviation from the permit process. Projects started before securing permits will be subject to fines and issued a stop order.

Under Section 645 of the MGA, if a development is not in accordance with the Land Use Bylaw, development permit, or subdivision approval, the Development Authority may order the owner, or the person responsible, to stop the development or use of the land or building. They may also ask that the development be demolished, removed, or replaced.

The notice will set a time by which owners and those in contravention must comply. A person who receives this kind of notice can appeal to the Subdivision and Development Appeal Board (in accordance with Section 685 of the MGA).

## 12.0 SAFETY CODE PERMITS

Most developments require a building permit after they have received a development permit. The building permit ensures that proposed building plans conform to Alberta Building Code safety standards.

An application for a building permit must include:

- *a completed building permit application form;*
- *one set with PDF versions of the site plans, showing all buildings and sheds;*
- *a completed development permit application form;*
- *two complete sets (or one set with a pdf version) of construction documents, which should include cross sections, elevations, floor plans and foundation;*
- *a copy of the manufactured floor system and layout specifications (include telepost and telepost pad spacing and requirements);*
- *a copy of the site plan showing the size, shape, and position of the proposed building on the lot;*
- *a copy of the approved by municipal development permit, and NHBPA warranty for new homes;*
- *verification certificate payment; and*
- *site inspection stages (foundation, footings and wall poured, forms removed, complete with weeping tile, and washed gravel).*

Once a development permit has been approved, Lac La Biche County sends the building permit application to The Inspections Group Inc. for review (see Figure 4). When The Inspections Group Inc. approves a building permit, the permit is sent back to Lac La Biche County and the applicant is notified.

In addition to issuing building permits, The Inspections Group Inc. conducts inspections of the project at various stages of construction (along with project completion) to ensure it complies with the Alberta Building Code. For questions on safety code permits, please contact Planning and Development at 780-623-1747 or The Inspections Group Inc. at 780-454-5048.

A variety of bylaws and provincial regulations govern when you need a permit. This may also vary with your project's specific needs. It's always best to check with Lac La Biche County before starting any new work.

### ***12.1 WHAT TYPE OF WORK REQUIRES A PERMIT?***

The Safety Codes Act requires that all contractors and homeowners in Alberta obtain permits before working on buildings covered by the Alberta Building Code, the Canadian Electrical Code, the Alberta Gas Code, or the Alberta Plumbing Code.

### ***12.2 WHERE CAN I GET A PERMIT?***

Permits are available through Lac La Biche County. The County is accredited to administer the Safety Codes Act, and our contracted safety codes agency inspects on our behalf.



## **12.3 BENEFITS OF OBTAINING A PERMIT**

Obtaining a permit means knowing that your work will conform to the safety standards that have been adopted under the Safety Codes Act, and that inspection(s) will be provided by certified officers.

If permits are not obtained and the work is not properly installed, fixing the incorrect work can mean extra costs in the future. If a problem should arise (like an accident because of improper wiring or gas fitting, or problems with structural integrity) and the proper permits were not in place, your insurance company may not cover the accident.

## **12.4 RECEIVING A PERMIT**

Services that you can normally expect to receive include:

- *a permit and plans examination (if applicable);*
- *inspection(s) by certified safety code officers;*
- *inspection report(s);*
- *follow-up on deficiencies or unsafe conditions;*
- *technical advice; and*
- *a permit services report at the project's end.*

The building permit is non-transferable and the permit expires if your project:

- *is not started within 90 days from the date of the permit;*
- *is suspended or abandoned for 120 days; or*
- *is for seasonal use residences and suspended or abandoned for 240 days after starting.*

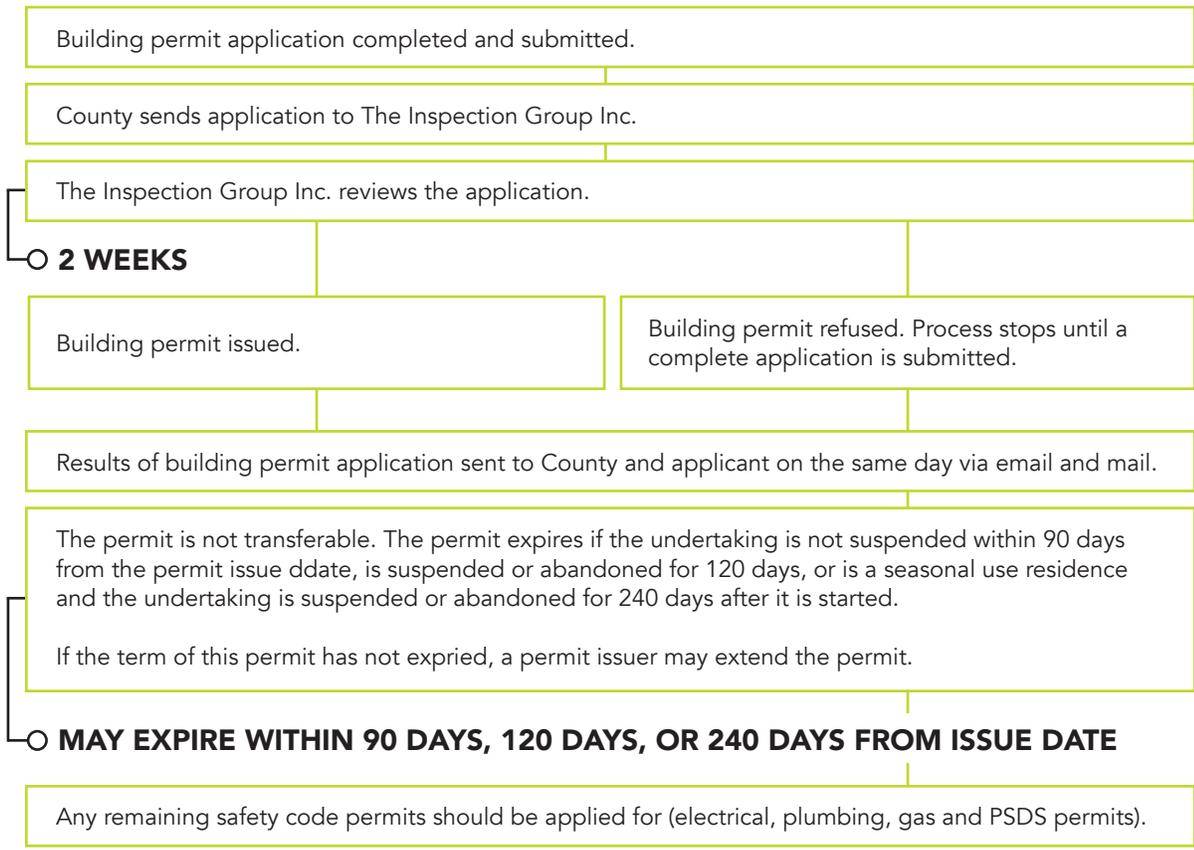
If the term of this permit has not expired, a permit issuer may, in writing, and on the request of the permit holder, extend the permit for an additional fixed period of time that the permit issuer considers appropriate.

## **12.5 WHO IS RESPONSIBLE TO TAKE OUT THE PERMIT?**

The landowner must ensure that all permits have been obtained. If the landowner hires a contractor, the contractor applies for permits for their work. The contractor therefore takes on any liabilities associated with their work. A landowner can request a copy of the issued permit from their contractor, or from Lac La Biche County.

For your records, you should keep copies of the issued permit, inspection reports, and permit services report.





**Figure 4** General Building Permit Application Process



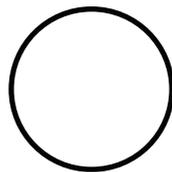
## 13.0 REQUESTING A VARIANCE

If the proposed development does not meet the requirements of the Land Use Bylaw, the Development Authority can consider granting a relaxation or variance. When a permitted or discretionary use does not comply with the Land Use Bylaw, the Development Authority may request a statement from the applicant. The applicant will state that they're aware that their proposal involves a variance to the bylaw, and will explain why the proposed development cannot meet the bylaw requirements.

The Development Authority must refuse an application for a use that is neither permitted nor discretionary. In such case, a person may:

- *apply for an amendment to the Land Use Bylaw to re-designate the land in question; or*
- *apply for an amendment to the Land Use Bylaw to add a proposed use to the list of permitted or discretionary uses.*

Development Officers may grant a variance under 25%. Development permit applications that propose a variance beyond 25% will be referred to the Municipal Planning Commission (MPC) for decision. The MPC may grant any variance requests as long as it complies with provincial legislation, subdivision and development regulation, and other statutory plans.



The Development Authority can approve an application for a development permit for a permitted or discretionary use, which does not comply with the Land Use Bylaw if, the proposed development conforms with the uses outlined in Part 9 through 14 of the Land Use Bylaw. The proposed development must also:

- *be consistent with the Municipal Development Plan (MDP), an applicable Area Structure Plan (ASP), an Area Redevelopment Plan (ARP), and policies adopted by Lac La Biche County;*
- *be compatible with the district's general purpose (i.e. urban or rural);*
- *be compatible with surrounding areas in terms of land use and development;*
- *be appropriate in light of geotechnical considerations like flooding and slope stability;*
- *not interfere with future development's ability to comply with the Land Use Bylaw;*
- *not impact community services like schools, parks, fire protection, and health;*
- *be designed to minimize the impact on adjacent lots.*



FOR MORE INFORMATION,  
PLEASE CONTACT

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