

Title: Application for Development Permit		Policy No: 03-07
Section: 61	Section: P-A	Page No.: 1 of 13 E

Legislative Reference:	Alberta Provincial Statutes Land Use Bylaw
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Purpose:	To outline the procedures and requirements for applying for a Development Permit in Smoky Lake County.
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Policy Statement and Guidelines:

1. STATEMENT

- 1.1 Development Permits are issued by Smoky Lake County, pursuant to the *Land Use Bylaw* and the *Municipal Government Act* R.S.A. 2000, Chapter M-26, as amended.
- 1.2 Development Permits are issued by Smoky Lake County, and are required **PRIOR** to commencing any Development, including new construction, and alterations or additions to an existing structure.

2. DEFINITIONS

- 2.1 “**Act**” means the *Municipal Government Act* R.S.A. 2000, Chapter M-26, as amended.
- 2.2 “**Developer**” means the owner of lands on which a Development is proposed, or any other person applying for a Development Permit.
- 2.3 “**Development**” means development as defined in the *Act*, and includes the following:
 - 2.3.1 The carrying out of any construction or excavation, or other operations, in, on, over or under land;
 - 2.3.2 The making of a any change in the use or the intensity of use of any land, buildings or premises, and, without restricting the generality of the foregoing, includes the removal and/or placement of topsoil;
 - 2.3.3 In a building or on a parcel used for dwelling purposes, an increase in the number of families occupying and living in the building or on the parcel, and any alteration or additions which provide for an increase in the number of dwelling units within the building or on the parcel;
 - 2.3.4 The placing of refuse or waste material on any land;
 - 2.3.5 An excavation or stockpile and the creation of either of them;
 - 2.3.6 A building or an addition to or replacement or repair of a building and the construction or placing of any of them in, on, over or under land;
 - 2.3.7 The resumption of the use for which land or buildings had previously been utilized;
 - 2.3.8 The use of land for the storage or repair of motor vehicles or other machinery or equipment;

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- 2.3.9 The more frequent or intensive use of land for the parking of trailers, bunkhouses, portable dwellings, skid shacks or any other type of portable building whatsoever whether or not the same has been placed or affixed to the land in any way;
- 2.3.10 The placement of an already constructed or a partially constructed building on a parcel of land; and
- 2.3.11 The erection of signs, unless otherwise exempted by the *Land Use Bylaw*.
- 2.4 **“Development Authority”** means the Development Authority established by the municipality’s Development Authority Bylaw and appointed by Council pursuant to that Bylaw.
- 2.5 **“Development Authority Officer”** means that person or persons defined by the municipality’s Development Authority Bylaw and appointed by Council to act as the Development Authority Officer, pursuant to that Bylaw.
- 2.6 **“Development Permit”** means a permit issued by Smoky Lake County that authorizes a specified development and includes, where applicable, plans, drawings, specifications or other documents. This permit is separate and distinct from a building permit.
- 2.7 **“Discretionary Use”** means a use of land or buildings within a specific land use district, for which a Development Permit *may* be issued.
- 2.8 **“Municipal Planning Commission”** means the Municipal Planning Commission of Smoky Lake County, established in accordance with the County’s Municipal Planning Commission Bylaw and appointed by Council pursuant to that Bylaw.
- 2.9 **“Permitted Use”** means the use of land or a building within a specific land use district, for which a Development Permit *shall* be issued, with or without conditions, provided the Development conforms to the *Land Use Bylaw*.
- 2.10 **“Subdivision and Development Appeal Board”** means the Subdivision and Development Appeal Board established by the municipality’s Subdivision and Development Appeal Board Bylaw and appointed by Council pursuant to that Bylaw.

3. PROCEDURES

- 3.1 Whenever a Development is proposed within the boundaries of Smoky Lake County, a Development Permit must be obtained by the Developer prior to commencement of the Development.

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- 3.2 A **Development Permit Application Form (Schedule "A")** must be completed and submitted to the Development Authority Officer, accompanied by the application fee as set out in Smoky Lake County **Policy No. 61-11: Planning and Development Fees**.
- 3.3 Development Permit application forms are available at the County office and from the County's website at www.smokylakecounty.ab.ca.
- 3.4 The Development Authority Officer must, within **20 days** after the receipt of an application for a Development Permit, determine whether or not the application is complete.
- 3.5 An application for a Development Permit shall be deemed complete, if in the sole opinion of the Development Authority Officer, the application contains the documents and other information necessary to review the application.
- 3.6 The time period referred to in Subsection 3.4 may be extended by an agreement in writing between the Developer and the Development Authority Officer.
- 3.7 If the Development Authority Officer does not make a determination on an application referred to in Subsection 3.4 within the time required under Subsection 3.4 or Subsection 3.6, the application is deemed to be complete.
- 3.8 If the Development Authority Officer determines that an application is complete pursuant to Subsection 3.4 or Subsection 3.6, the Development Authority Officer shall issue to the Developer a notice, in writing, informing the Developer that said application had been deemed complete.
- 3.9 If the Development Authority Officer determines that an application is incomplete pursuant to Subsection 3.4 or Subsection 3.6, the Development Authority Officer shall issue to the Developer a notice, in writing, informing the Developer that said application has been deemed incomplete.
- 3.10 A notice issued by the Development Authority Officer under Subsection 3.9 shall contain a reason(s) why the application has been deemed incomplete and shall indicate that any outstanding documents and information as deemed necessary by the Development Authority Officer shall be submitted by a date set out in said notice or a later date agreed on between the Development Authority Officer and the Developer in order for said application to be deemed complete.
- 3.11 If the Development Authority Officer determines that the information and documents submitted pursuant to Subsection 3.10 are complete, the Development Authority Officer shall issue to the Developer a notice, in writing, informing the Developer that said application has been deemed complete.

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- 3.12 If the Developer fails to submit all the outstanding information and documents pursuant to Subsection 3.10 on or before the date referred to in the notice issued under Subsection 3.9, the application shall be deemed refused by the Development Authority Officer.
- 3.13 If an application is deemed to be refused under Subsection 3.12, the Development Authority Officer must issue to the Developer a notice informing the Developer that said application has been refused and the reason(s) for said refusal.
- 3.14 Despite that the Development Authority Officer has deemed an application complete pursuant to Subsection 3.8 or Subsection 3.11, in the course of reviewing the application, the Development Authority Officer may request additional information or documentation from the Developer that the Development Authority Officer considers necessary to review the application.
- 3.15 If the Development Authority refuses the application for a Development Permit, the Development Authority must issue to the Developer a notice informing the Developer that the application has been deemed refused and the reason(s) for the refusal.
- 3.16 The Development Authority must make a decision on an application for a Development Permit within **40 days** after the receipt by the Developer of a notice issued pursuant to Subsection 3.8 or 3.11.
- 3.17 For the purposes of Subsection 3.16, the Developer shall be deemed to have received the notice issued under Subsection 3.8 or 3.11 **7 days** from the date of the issuance of said notice.
- 3.18 The time period referred to in Subsection 3.16 may be extended by an agreement in writing between the Developer and the Development Authority Officer.
- 3.19 If the Development Authority fails to make a decision referred to in Subsection 3.16 within the time required under Subsection 3.16 or Subsection 3.18, the application is, at the option of the Developer, deemed to be refused.
- 3.20 When an application is refused under Subsection 3.12, and subject to the provisions contained in the *Land Use Bylaw*, the Development Authority may refuse a subsequent application for a Development Permit for the same or a similar use, until the time stated in the *Land Use Bylaw* has expired.
- 3.21 In cases where a Developer makes application for a Development Permit for a Permitted Use under the *Land Use Bylaw*, the Development Authority Officer shall issue or refuse said Development Permit.
- 3.22 In cases where a Developer makes application for a Development Permit for a Discretionary Use under the *Land Use Bylaw*, the Municipal Planning Commission shall issue or refuse said Development Permit.

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4. APPEALS

- 4.1 In the event that the Development Authority fails to issue a Development Permit to a Developer, issues a Development Permit to a Developer subject to conditions, or issues an order under Section 645 of the *Act*, the Developer applying for the Development Permit or the person affected by the order may appeal to the Subdivision and Development Appeal Board.
- 4.2 In addition to a Developer or other person affected by an order under Subsection 4.1, any person affected by an order, decision or Development Permit made or issued by the Development Authority may appeal to the Subdivision and Development Appeal Board.
- 4.3 Despite Subsection 4.1 and Subsection 4.2, no appeal lies in respect of the issuance of a Development Permit for a Permitted Use unless the provisions of the *Land Use Bylaw* were relaxed, varied or misinterpreted or if the application for the Development Permit was deemed to be refused under Subsection 3.12.
- 4.4 Any party identified under Subsection 4.1 and Subsection 4.2 who wishes to appeal a decision of the Development Authority must file a notice of appeal, accompanied by the application fee as set out in Smoky Lake County [Policy No. 61-11: Planning and Development Fees](#), with the Subdivision and Development Appeal Board.
- 4.5 A notice of appeal filed pursuant to Subsection 4.4 must be filed with the Subdivision and Development Appeal Board within **21 days** after the date on which the written decision is given by the Development Authority.
- 4.6 If the Development Authority has not made a decision on an application for a Development Permit within the **40-day** period or within an extension of that period agreed upon pursuant to Subsection 3.18, and the Developer chooses to deem the application refused, a notice of appeal must be filed with the Subdivision and Development Appeal Board within **21 days** after the date that the period or extension expires.
- 4.7 With respect to an order issued by the Development Authority under Section 645 of the *Act*, a notice of appeal must be filed with the Subdivision and Development Appeal Board within **21 days** after the date on which the order is made.
- 4.8 Upon receipt of a notice of appeal, the Subdivision and Development Appeal Board must hold an appeal hearing within **30 days** after the receipt of the notice of appeal.
- 4.9 The Subdivision and Development Appeal Board must give its decision in writing together with reasons for the decision within **15 days** after concluding the hearing.
- 4.10 A decision made by the Subdivision and Development Appeal Board is final and binding on all parties and persons subject only to an appeal to the Court of Queen's Bench on a question of jurisdiction of law, pursuant to the *Act*.

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5. ENFORCEMENT

- 5.1 Where the Development Authority finds that a Development or use of land or a building is not in accordance with a Development Permit or the provisions of the *Land Use Bylaw*, as amended, the Development Authority may exercise the right to order compliance as outlined in the *Land Use Bylaw*, as amended, pursuant to the *Act*.

	Date	Resolution Number
Approved	September 20, 2007	# 618-07 - Page # 8484
Amended	January 31, 2013	# 302-13 - Page # 10434
Amended	October 24, 2013	# 1035-13 - Page # 10862
Amended	January 29, 2015	# 303-15 - Page # 11562
Amended	January 23, 2020	# 350-20 - Page # 13952
Amended	December 16, 2021	# 200-21 - Page # 14926
Amended	April 11, 2024	# 487-24 - Page # 15594

DEVELOPMENT PERMIT APPLICATION FORM**DEVELOPMENT PERMIT INSTRUCTIONS**

It is important to read and understand the following instruction prior to completing this application form:

- 1) Every application for a Development Permit shall be submitted in complete form, accompanied by the applicable application fee set pursuant to Smoky Lake County [Policy No. 61-11: Planning and Development Fees](#). If site work or construction has commenced prior to obtaining a Development Permit, you are advised that **no further work on the Development is to occur until a Development Permit has been issued**. Any access to, site servicing of, or construction started on the property prior to the issuance of a Development Permit, and/or during the appeal period, is at the Developer's risk and may be subject to enforcement measures being taken pursuant to the *Land Use Bylaw* and/or the *Act*, where applicable.
- 2) An application for a Development Permit **shall** be accompanied by the following information:
 - a. a site plan, to scale, showing the legal description; north arrow; location and dimension of property lines; existing utility rights-of-way and easements; fences; driveways; paved areas; proposed front, rear and side yard setbacks, if any; any provisions for off-street loading and vehicle parking; access and egress points to the site; and any encumbrance such as rights-of-way;
 - b. existing and proposed building dimensions;
 - c. the location of abandoned wells (if applicable), location of water bodies (if applicable), and the location of developed and undeveloped roads (if applicable);
 - d. the type and location of water supply and sewage and waste water disposal facilities;
 - e. a statement of uses;
 - f. a statement of ownership of the land and the interest of the applicant therein;
 - g. the signatures of at least one of the registered landowners listed on the Certificate of Title;
 - h. the estimated commencement and completion dates;
 - i. the estimated cost of the project or contract price;
 - j. an application fee as established by Smoky Lake County Policy No. 61-11: *Planning and Development Fees*, as amended;
 - k. written authorization from the registered owner authorizing the right-of-entry by the Development Authority to such lands or buildings as may be required for investigation of the proposed development;
 - l. in the case of an application for a Development Permit on Crown Land, Provincial authorization for the Development; and
 - m. any other information as required by the Development Authority.
- 3) The Development Authority **may** also require additional information in order to assess the conformity of a proposed Development with the *Land Use Bylaw* before consideration of the Development Permit shall commence. Such information may include:
 - a. floor plans;
 - b. elevations and sections of any proposed buildings;

- c. a Real Property Report, or other documentation indicating the exact location of all structures on the property (prepared within the last five (5) years, in a form that is acceptable to the Development Authority;
 - d. drainage, grading and landscaping plans which provide pre-and-post construction site elevations;
 - e. a storm water management plan approved by Alberta Environment and Parks (or other appropriate provincial authority);
 - f. a geotechnical report prepared, stamped and signed by a qualified professional registered in the Province of Alberta, in potentially hazardous or unstable areas;
 - g. a biophysical assessment prepared, stamped and signed by a qualified professional registered in the Province of Alberta, on the impacts of the proposed Development on wildlife habitats and environments;
 - h. a reclamation plan for aggregate extraction or site grading and excavation;
 - i. an environmental assessment to determine potential contamination and mitigation;
 - j. in the case of placement of an already constructed or partially constructed building on a parcel of land, information relating to the age and condition of the building and its compatibility with the District in which it is to be located;
 - k. a hydro-geological assessment, prepared, stamped and signed by a registered professional engineer or hydro-geologist, registered in the Province of Alberta, of any potential flooding or subsidence hazard that may, in the sole opinion of the Development Authority, affect the subject site;
 - l. a site plan detailing how vegetation, topography disturbance or erosion is to be minimized;
 - m. an environmental impact assessment describing a Development's potential environmental effects;
 - n. within the Garner Lake Area Structure Plan area, a landscaping plan;
 - o. a Cumulative Effects Assessment;
 - p. the identification of all rights-of-way and easements within or abutting the subject property; and/or
 - q. any additional information the Development Authority deems necessary.
- 4) Developers are advised to accurately locate any and all oil, gas, power, telephone and other utility lines on the subject site prior to the commencement of a Development by contacting Alberta One-Call at 1-800-242-3447 or by visiting www.albertaonecall.com.
- 5) Please note, that a Development Permit **does not** constitute a Building Permit, or any other Permit issued pursuant to the *Safety Codes Act*. After obtaining a Development Permit from Smoky Lake County, a Developer is required to obtain the applicable *Safety Codes Act* Permits (Building, Plumbing, Gas, Electrical and Private Sewage Disposal) from the County's Safety Codes inspectors The Inspections Group Inc. Please contact The Inspections Group Inc. at 780-454-5048 or by email at questions@inspectionsgroup.com.
- 6) If you have any questions regarding this application package, please contact the Smoky Lake County Planning and Development Department at 780-656-3730 or by email at pd@smokylakecounty.ab.ca. Alternatively, you may arrange a pre-application meeting with Planning and Development staff to discuss a proposed Development.

DEVELOPMENT PERMIT APPLICATION FORM

Internal Use Only

Our File Number: _____ Your File Number: _____ Roll Number: _____

Applicant Information

Applicant/Agent: _____ Phone: _____
 Address: _____ Cell Phone: _____
 City/Prov. _____ Postal Code: _____ Fax: _____
 Email address: _____ Signature: _____

Applicant/Agent Authorization: I am the applicant/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.

Registered Landowner Information

☐ *Owner same as applicant*

Registered Owner: _____ Phone: _____
 Address: _____ Fax: _____
 City/Prov. _____ Postal Code: _____ Signature: _____

Section A - Property Information

Division _____

Legal: Lot _____ Block _____ Plan _____ and Part of _____ ¼ Sec _____ Twp _____ Rge _____ W4M

Subdivision Name (if applicable) or Area of Development _____

Rural Address/Street Address _____ Parcel Size _____

Number of existing dwellings on property (please describe) _____

Has any previous application been filed in connection with this property? ☐ Yes ☐ No

If yes, please describe the details of the application and file number: _____

Is the subject property near a steep slope (exceeding 15%)? ☐ Yes ☐ No
 Is the subject property near or bounded by a body of water? ☐ Yes ☐ No
 Is the subject property within 800m of a provincial highway? ☐ Yes ☐ No
 Is the subject property near a Confined Feeding Operation? ☐ Yes ☐ No Distance: _____
 Is the subject property within 1.5km of a sour gas facility? ☐ Yes ☐ No Distance: _____
 Is the subject property within 1.5km of a sewage treatment plant/lagoon? ☐ Yes ☐ No Distance: _____
 Is the subject property immediately adjacent to the County boundary? ☐ Yes ☐ No
 If yes, the adjoining municipality is: _____

Is the property the subject of a licence, permit, approval, or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission? ☐ Yes ☐ No

If yes, please describe: _____

Is the property the subject of a licence, permit, approval, or other authorization granted by the Minister of Environment or granted under any Act the Minister is responsible for under s.16 of the Government Organization Act*? ☐ Yes ☐ No

If yes, please describe: _____

Is the subject property immediately adjacent to the County boundary? ☐ Yes ☐ No

If yes, the adjoining municipality is: _____

**The Minister is responsible for the following Acts: AB Land Stewardship Act, Environmental Protection Act, Public Lands Act, Surveys Act, Water Act. Please see attached list of resources for identifying this information.*

Section B – Proposed Development Information

Estimated Cost of Project \$ _____

Estimated Commencement Date _____ Estimated Completion Date _____

Dwelling: Floor Area _____ sq. ft. % of Lot Occupied _____ Height of Dwelling _____ ft / m

Accessory Building Floor Area _____ sq. ft. % of Lot Occupied _____ Height of Acc. Bldg _____ ft / m

Parking: No. of Off-Street Parking Stalls (if applicable) _____

Land Use District (Zoning) of Property: _____

Description of Work:

Section C – Preferred Method of Communication

When a decision has been made on your file, do you wish for us to:

☐ call you for pick up ☐ mail the decision ☐ email the decision

Section 608(1) of the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended states:

608(1) Where this *Act* or a regulation or bylaw made under this Section requires a document to be sent to a person, the document may be sent by electronic means if

- a) the recipient has consented to receive documents from the sender by those electronic means and has provided an e-mail address, website or other electronic address to the sender for that purpose.

I/we grant consent for the Development Authority to communicate information and/or the decision electronically regarding my/our application. ☐ YES ☐ NO

OFFICE USE ONLY

Type of Payment: ☐ DEBIT ☐ CASH ☐ CHEQUE

Fee \$ _____

Receipt # _____

Receipt Date _____

Date Received _____

*and deemed complete by Development Authority.

☐ Entered into MuniSight PD # _____

Authorization:

☐ Permitted Use ☐

Discretionary Use

Issuing Officer's Name _____

Issuing Officer's Signature _____

Date of Approval _____

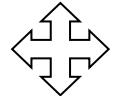
Date Issued _____

Comments and/or Variances _____

DEVELOPMENT PERMIT APPLICATION FORM

Our File Number: _____

Roll Number: _____

DEVELOPMENT PERMIT SITE PLAN

DATE:

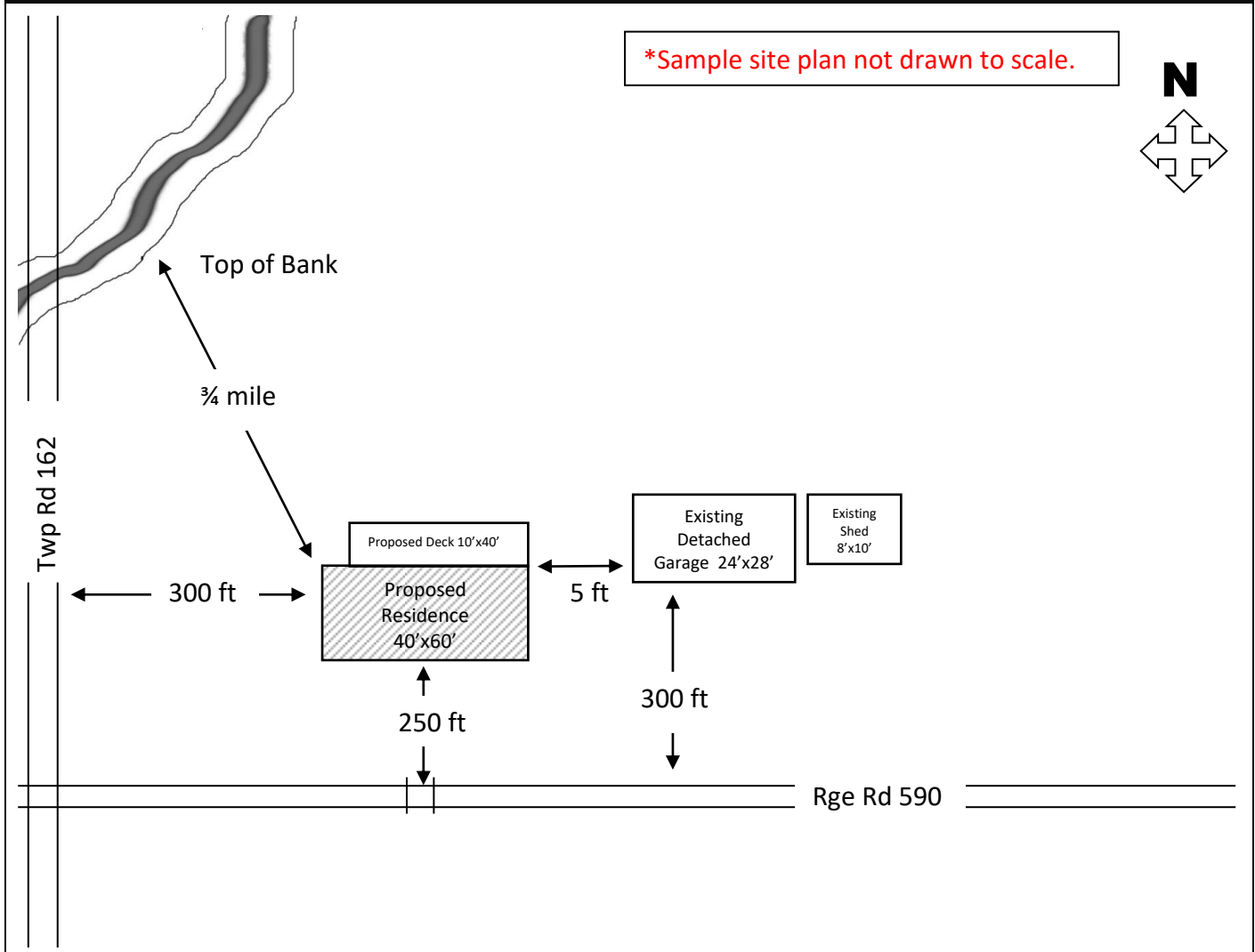
SIGNATURE OF APPLICANT:

DATE:

DEVELOPMENT AUTHORITY:

DEVELOPMENT PERMIT APPLICATION FORM

SAMPLE SITE PLAN



INCLUDE THE FOLLOWING INFORMATION IN YOUR SITE PLAN:

<ul style="list-style-type: none"> ✓ Location of existing buildings. ✓ Location of proposed buildings. ✓ Location of existing access (es). ✓ Location any proposed access (es). ✓ Location of any abandoned wells. ✓ Location of shelterbelts and dugouts ✓ Location of water well(s) 	<ul style="list-style-type: none"> ✓ Front, Side and Rear Yard setbacks from <u>property lines</u> in meters/feet. ✓ Location of any water bodies on subject property. ✓ Location of driveway. ✓ All developed/undeveloped road allowances. 	<ul style="list-style-type: none"> ✓ Location of Private Sewage Disposal System (existing and/or proposed) ✓ Indicate the North direction. ✓ Location of all right-of-way and easements within or abutting the subject property. ✓ Location of power generation facilities (if applicable).
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