

	<h1 style="margin: 0;">Planning & Design</h1> <h1 style="margin: 0;">PROCEDURES</h1>	<p style="text-align: center;">Procedure Number</p> <p style="text-align: center;">2018-09</p>
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Title of Document:	Encroachment Agreement Approval
Title of Designated Responsible Manager:	Development Manager, Planning & Design
Original Date Approved:	-
Approved By:	General Manager , Planning & Design
Last Revision:	September 14, 2018
Next Review Date:	June 1, 2019
Governing Legislation:	Council Encroachment Policy CC57

Purpose

On April 3, 2018 City Council approved Encroachment Policy CC57 which set out the general policies and high level intent for encroachments within the City of Lethbridge. This document details the procedural steps & responsibilities to receive an encroachment agreement request, process the payment of a fee, create a file in Tempest, and authorize an Encroachment Agreement.

Procedure Details / Process Steps

An Encroachment Agreement generally originates from a Development Permit application or a request for compliance. The workflow for processing common encroachments is outlined below. Please refer to ***Encroachment Policy CC57*** and the ***Encroachment Guidelines*** document for a more comprehensive list of circumstances where an Encroachment Agreement is applicable.

1. Encroachment Originating from a Development Permit application

A.) Residential:

- Upon receiving a Development permit application, a Permit Technician reviews the submission for encroachments.
- Should an encroachment of **less than 0.3m (12")** exist, the applicant must complete a *Residential Encroachment Agreement Form*.
 - No separate Tempest folder is required for the encroachment application, it shall remain as part of the primary application.
 - Encroachments with an R-L or R-SL zoning can be approved by the Permit Technician II during their residential Development review; all other zonings shall be forwarded to the *Development Officer I* for review.
 - No additional fees are required.
- When an encroachment is **greater than 0.3m (12")** a full encroachment agreement is required; the applicant must complete a *Residential Encroachment Agreement Form*.
 - Permit Technicians will forward the encroachment application form with the primary application to the *Development Officer I* for review.
 - The Development Officer I gathers all relevant information and reviews the application.

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- The Development Officer I shall circulate the encroachment information to other City departments & relevant stakeholders for comment/concerns (incl. but not limited to Infrastructure Services, Right-of-Way Coordinator, ATCO Gas).
- Following circulation of information, the Development Officer analyzes comments and information received and determines if the encroachment is granted or denied.
- If the application is denied the applicant is required to revise their plans to remove encroachment and re-submit.
- If the Development Officer grants an encroachment agreement:
 - The Development Officer I creates an EA folder in Tempest.
 - The appropriate encroachment fee is inserted to the EA folder by the Development Officer I, and the applicant & Permit Technicians are notified; fee collection is performed by Permit Technicians.
 - The decision and information is sent to the City Solicitors Office for legal drafting of the Encroachment Agreement.

B.) Commercial and Industrial:

- Development Permit application is assessed by the *Development Officer II* for an encroachment.
- For an encroachment of **less than 0.3m (12")** no encroachment agreement is required.
- **Signage automatically requires an encroachment agreement** and is circulated at the Development Officers discretion.
- When an encroachment is **greater than 0.3m (12")**:
 - The Development Officer shall circulate the encroachment information to other City departments & relevant stakeholders for comment/concerns (incl. but not limited to Infrastructure Services, Right-of-Way Coordinator, ATCO Gas).
 - Following circulation of information, the Development Officer analyzes comments and information received and determines if the encroachment is granted or denied.
 - If the application is denied the applicant is required to revise their plans to remove encroachment and re-submit.
 - If the Development Officer grants an encroachment agreement:
 - The Development Officer II creates an EA folder in Tempest.
 - The applicable encroachment fee is inserted to the EA folder by the Development Officer II, and the applicant & Permit Technicians are notified; fee collection is performed by Permit Technicians.
 - The decision and information is sent to the City Solicitors Office for legal drafting of the Encroachment Agreement.

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2. Encroachments Originating from a request for compliance

- Real Property Report is assessed by the Development Officer for an encroachment.
- For an encroachment of **less than 0.3m** (12") no encroachment agreement is required.
- When an encroachment is **greater than 0.3m** (12"):
 - The Development Officer I shall circulate the encroachment information to other City departments & relevant stakeholders for comment/concerns (incl. but not limited to Infrastructure Services, Right-of-Way Coordinator, ATCO Gas).
 - Following circulation of information, the Development Officer I analyzes comments and information received and determines if the encroachment is granted or denied.
 - If denied the applicant must remove the encroachment and bring the structure into compliance.
 - If the Development Officer grants an encroachment agreement:
 - The Development Officer I creates an EA folder in Tempest.
 - The applicable encroachment fee is inserted to the EA folder by the Development Officer I, and the applicant & Permit Technicians are notified; fee collection is performed by Permit Technicians.
 - Information indicating the new owner and their solicitor shall be collected from the applicant.
 - The decision and information is sent to the City Solicitors Office for legal drafting of the Encroachment Agreement.
 - The customer may then request an updated compliance.

Related Documents

- Encroachment Policy CC57
- Encroachment Guidelines
- Residential Encroachment Agreement Form

Responsibility

- Development Manager: ensures implementation of the policy and procedures.
- Development Officer I: performs Residential & Compliance reviews, circulations, and approvals.
- Development Officer II: performs Commercial reviews, circulations, and approvals.
- Permit Technician II: performs reviews for encroachments less than 0.3m (12") for properties with an R-L or R-SL zoning.
- Permit Technician (all): ensures collection of *Residential Encroachment Agreement Form* for applicable applications; collects payment of fees assessed.

Definitions

- All definitions are included in City Council Policy CC57.

	Planning & Design PROCEDURES	Procedure Number 2018-09
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Procedure Status

Current Status:

In effect

Date Effective:

September -, 2018

Approval Details:

General Manager, Planning & Design

Endorsement Details

General Manager, Planning & Design

Next Review Date

June 1, 2019

Procedure Author

Planning Assistant
Customer Service & Business Support Manager

Authored date

September 6, 2018

Contacts

Development Manager, Planning & Design



Residential Encroachment Agreement

Development Permit Number _____

Building Permit Number _____

Project Address _____

Application to allow structural encroachment of:

	A Distance of:		A Distance of:
Eaves		Posts	
Deck		Cantilever	
Footing		Steps	
Landing		Foundation	

As per the site plan dated _____

Required Approvals

ATCO Gas 410 Stafford Drive North
Contact: Jarvis McNabb | 403-380-5400
atcogaslethbridgeserviceapps@atco.cul.ca

Approved Not Approved

Comments _____

Signature: _____

City of Lethbridge - Electric Operations 290 7 Street North
Contact: Will Hillary | 403-320-3071
electricmetering@lethbridge.ca

Approved Not Approved

Comments _____

Signature: _____

City of Lethbridge - Infrastructure Services 1-450 4 Avenue North
Contact: Beverly-Ann Parker | 403-320-3150
rowapplications@lethbridge.ca

Approved Not Approved

Comments _____

Signature: _____

Applicant

Name (Print) _____ Signature _____ Date _____

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