

 <p>CITY OF <i>Lethbridge</i></p>	<p>Property Services</p> <p>POLICIES</p>	<p>Policy Number</p> <p>2018-07</p>
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DELEGATION OF APPROVAL AUTHORITY: RIVER VALLEY- MINOR DEVELOPMENTS

Summary

Title of Document:	Delegation of Approval Authority: River Valley – Minor Developments Policy
Title of Designated Responsible Manager:	Director, Property Services
Original Date Approved:	June 17, 2014
Approved By:	Municipal Planning Commission
Last Revision:	n/a
Next Review Date:	Not Defined

Purpose

The purpose of this Policy is to establish limited approval authority for minor developments in the V (Valley) District.

Background

Land in the river valley is governed by the River Valley Area Redevelopment Plan (RV-ARP), which intends to protect the sensitive ecologies, soils, slopes, and the overall environment of the City's largest natural area. As part of this effort the River Valley Area Redevelopment Plan zones all river valley lands as V (Valley) District primarily, and secondarily some other more specific designations are given such as 'Hazard Lands' or 'Park and Recreation'. Although these primary and secondary zonings work well to protect the sensitive lands in the River Valley, the Senior Development Officer noted in a Municipal Planning Commission on June 17, 2014 that *"The RV-ARP is quite restrictive. The sub-districts allow only limited permitted and discretionary uses and, regardless of use, if any alteration of terrain exceeding 0.5 of a metre is proposed a development permit must be obtained"* (Letter of submission to June 17, 2014 Municipal Planning Commission meeting on behalf of the Senior Development Officer). As a result of the restrictiveness of the River Valley Area Redevelopment Plan, the practice of Development Officers was to forward all development permit applications to the Municipal Planning Commission for a decision. When even any minor application was submitted (for things such as infrastructure installations) the application was automatically sent to Municipal Planning Commission, which caused greater time delays and unnecessary oversight. This issue was brought forward at the June 17, 2014 Municipal Planning Commission meeting, in which the development officers put forward a request to delegate approval authority for minor applications (see Policy Statement below). The Municipal Planning Commission agreed with the Development Officers and passed the recommendations on June 14, 2014. The detailed

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recommendations that were approved (which form this Policy) can be seen in the ‘Policy Statement’ section below.

Supporting Research and Analysis

Highlights of the research include:

- Relevant government policy and legislation:
 - River Valley Area Redevelopment Plan
 - June 17, 2014 letter of submission from Senior Development Officer to Municipal Planning Commission meeting.
 - June 14, 2017 Municipal Planning Commission meeting minutes
- The goals and objectives outlined in the River Valley ARP remain, the only thing that changed was the approving authority (which is now delegated to Development Officers)
- This will streamline any minor developments and reduce unnecessary time delays for minor development permit applications.

Supporting Information (attached)

- **Section 5.1.6: Property Development Standards** of the River Valley Area Redevelopment Plan – Appendix ‘A’
- **Section 5.4: Development Review Procedure** of the River Valley Area Redevelopment Plan – Appendix ‘B’
- **Letter of submission form the Senior Development Officer to the June 17, 2014 Municipal Planning Commission Meeting** - Appendix ‘C’
- **June 17, 2014 Municipal Planning Committee meeting minutes** – Appendix ‘D’

Policy Statement

This Policy delegate’s approval authority from the Municipal Planning Commission to Development Officer(s) for development applications that are anticipated to have little or no impact on the river valley ecology or on previously approved developments and land uses. Examples include but are not limited to:

- **Replacement of minor infrastructure installations**
- **Replacement of previously approved buildings or parks installations**
- **Minor additions to previously approved buildings or parks installations**
- **Accessory buildings and minor accessory uses**

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Process

- When the Development Officer receives a development permit application they will review to ensure applications are complete and determine whether the development application is deemed 'minor' in its effects on the river valley ecology or if it is a previously approved development or land use.
- If an application is determined to be within the Development Officers authority (as per this Policy) the Development Officer will continue to process the application in accordance with the zoning of V (Valley) District with permitted and discretionary uses outline in the sub-districts in the River Valley Area Redevelopment Plan.
- When a development permit application proposes a use that is considered to have more of a 'major' impact on the river valley ecology or on previously approved developments/land uses, the Development Officer will forward the application to the Municipal Planning Commission for decision.

Related Documents

- River Valley Area Redevelopment Plan
- June 17, 2014 letter of submission from Senior Development Officer to Municipal Planning Commission meeting.
- June 14, 2017 Municipal Planning Commission meeting minutes
- Land Use Bylaw 5700

Responsibility for Policy Implementation

Responsible for Policy Implementation

- Senior Development Officer, Property Services

Responsible for Monitoring of Implementation

- Director, Property Services

Key Functional Stakeholders

- Planning & Development Department

Key Stakeholders for Policy Development

- Municipal Planning Commission

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Definitions

- **River Valley:** means the natural channel/s which has/have been formed by a river and its tributaries. This encompasses the river banks or coulees, river terraces of flat alluvial areas deposited by the river, flood plain lands, the river and islands present.
- **Hazard Lands:** means those lands identified in the River Valley ARP as having physical or environmental hazards, including: lands within the designated flood risk area; lands with 7 slopes over 15% and lands characterized by extensive slumping, drainage or erosion problems. Undermined areas are potential hazard lands.
- Other definitions as applicable are found in the River Valley ARP and Land Use Bylaw 5700.

Policy Status

Current Status

In effect

Date Effective

June 17, 2014

Approval Details

Municipal Planning Commission made decision on June 17, 2014

Endorsement Details

Municipal Planning Commission

Next Review Date

Not Defined

Policy Author

Planning Assistant

Authored date

July 10, 2018

Contacts

Director, Property Services

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Policy Location

- File Path:
 - I:\BU\830\DEPARTMENT AREAS\DEVELOPMENT\2. POLICIES & PROCEDURES\b.
Approved and formatted PPP's\2018-07_Delegation of Approval Authority for river
valley minor dev's\Policy
- Website Page

Appendix 'A'

- (a) the land is required as a public access to the river valley, or
 - (b) the land forms a prominent scenic overlook, or
 - (c) the land area is sufficiently large to function as useable open space.
- .4 The Approving Authority may require the submission of a geotechnical study for any application for the subdivision of lands located above areas where subsidence has occurred or may be anticipated to occur due to resource extraction. The geotechnical study must address both the potential for subsidence, and the effects of potential subsidence on the proposed land use and the associated infrastructure. An outline of proposed mitigative measures and a schedule for compliance would also be required, should the study conclude mitigative measures were warranted.
- .5 Lands above the top of bank setback line which are completely surrounded and isolated by lands below the top of bank setback line may not require a geotechnical analysis to demonstrate their suitability for development. However, accesses and utilities which cross lands subject to physical constraints to serve these sites will require a geotechnical study addressing slope stability. No subdivision or development of these isolated pockets will be considered unless it can be demonstrated that access and utilities can be provided in accordance with the policies of the Plan.

5.1.6 Property Development Standards

- .1 As a part of the process of building design, siting, servicing, construction, landscaping or redevelopment or removal of structures, consideration must be shown for the following concerns: designated flood risk area and related building requirements; natural resource protection in the sensitive riverine environment; slope stability; potential subsidence; surrounding land uses; relationship to vehicular and pedestrian access; aspect; and wind. The development must comply with the policies of this plan regarding these concerns.

- .2 At the request of the Approving Authority, a condition of development approval may include a development agreement which requires the dedication by the proponent of an appropriate right-of-way in a suitable location near the river or at the top of bank or between the valley and upland for a trail to be developed by the City.
- .3 The City should revise and enforce its Minimum Property Standards By-law to ensure unsightly land uses are adequately screened and secured.
- .4 The City will develop and implement a maintenance program for river valley lands under its jurisdiction to ensure public lands are maintained in a manner appropriate to their location and role.
- .5 Existing land uses whose location, method of operation or type of activity are inconsistent with the objectives of this plan will not be allowed to expand, with the exception of essential public utilities.
- .6 The Approving Authority shall prohibit major alterations or the expansion of existing major structural facilities within the designated flood risk areas until both an adequate flood defense and the environmental impact of flood defense measures are undertaken to the satisfaction of the Engineering Services Manager. Subject to the discretion of the Approving Authority, additions and alterations are allowed provided the proponent accepts full financial liability for any damage caused by flooding.
- .7 New minor structural facilities may be situated above the 60 metre setback from the average annual high water line if they are non-obstructive to the free flow of flood waters, wildlife corridors or critical habitat and meet Approving Authority requirements. In addition, the proponent of such development must accept the risk of occasionally suffering flood damage. The title must be encumbered with a notice of this risk.
- .8 The Approving Authority may require the proponent of a proposed improvement which is deemed by the Approving Authority as likely to impact upon the river

valley to submit an Environmental Assessment Analysis report. The report must be to the satisfaction of the Approving Authority.

- .9 Any development permit application to the Approving Authority for resource extraction shall be accompanied by an E.A.A., site grading, landscaping and restoration plans for future uses consistent with this plan.
- .10 The Approving Authority shall impose restrictions concerning the length of time permitted for resource extraction and related reclamation processes.
- .11 The City may impose such conditions (e.g. a performance bond) as are deemed necessary to ensure extraction operations are undertaken in a safe, efficient manner with minimal impact on neighbouring land uses and further to ensure that restoration is carried out in accordance with reclamation plans or agreements.
- .12 The City will not permit the dumping of waste, fill, debris or other foreign materials in the river valley except where fill is necessary for construction or protection of structures, public utilities (including transportation corridors, or access routes), recreation facilities or any other use allowed within the river valley. The City will strictly control any stripping of surface cover and/or cuts and fills in the river valley and coulees and no such stripping or filling shall be permitted without development approval. Any major alteration of topography will be subject to an Environmental Assessment Analysis. Between the top of bank and bottom of slope setback lines, cuts and fills in excess of 0.5m are deemed "major." Below the bottom of slope setback line the Approving Authority will have the discretion, based on a review of the proposed depth and area of the cut or fill, to determine whether an E.A.A. is required.
- .13 The City shall undertake to provide adequate visual and physical barriers to screen from other land uses new, existing or proposed expansions to public utilities and major roads within the river valley through facility location, landscaping and site grading. In addition, acoustical impact should be minimized.

- .14 The City shall undertake to strictly control signage in the river valley. Only signs for land uses actually located in the river valley will be permitted and then only if deemed necessary. The Approving Authority will ensure that permitted signs will be built from appropriate materials and at a suitable size. Billboards will not be permitted in the redevelopment area.
- .15 The Approving Authority may require the submission of a geotechnical study for any application for development of lands located above areas where subsidence has occurred or may be anticipated to occur due to resource extraction. The geotechnical study must address both the potential for subsidence, and the effects of potential subsidence on the proposed land use and the associated infrastructure. An outline of proposed mitigative measures and a schedule for compliance would also be required should the study conclude that mitigation measures were warranted.
- .16 No development in the flood plain will be considered until the designated flood risk area has been defined.
- .17 Lands above the top of bank setback line which are completely surrounded and isolated by lands below the top of bank setback line may not require a geotechnical analysis to demonstrate their suitability for development. However, accesses and utilities which cross lands subject to physical constraints to serve these sites will require a geotechnical study addressing slope stability. No subdivision or development of these isolated pockets will be considered unless it can be demonstrated that access and utilities can be provided in accordance with the policies of this Plan.

5.2 Redevelopment Levies

The Planning Act permits City Council to designate a redevelopment area by By-law.¹³

The By-law adopting an area redevelopment plan may,

¹³ R.S.A. 1980 Chapter P.9, Section 65(a)

Appendix 'B'

5.4 Development Review Procedure

- .1 The ARP as proposed will not require adjustments to the normal process of reviewing development permits. Rather, the requirements, for example, of the Property Development Standards of this plan, may necessitate the inclusion of additional information in the development permit application. As an example, more detailed information will be needed to accurately determine the extent of the flood plain, or top-of-bank.

If by the policies outlined in Section 5 a geotechnical slope stability report is required to be submitted, the following information shall be provided:

- a) a plan, determined by field survey, showing the top of bank and bottom of slope.
- b) information on subsoil and groundwater conditions.
- c) a plan of the proposed development including:
 - o Lot lines
 - o A property outline and provisions for support on soils with FS greater than 1.5 under highest expected moisture conditions.
 - o For special land uses and large structures (such as lagoons, industrial and high rise developments, etc.), building locations and foundation designs, developed from structural working drawings and providing for support on soils with FS greater than 1.5 under highest expected moisture conditions; the effects of the subdrains shall be considered.
- d) A plan showing the top of bank and bottom of slope setback lines, using a minimum slope stability Factor of Safety of 1.5. The effect of subdrains may be included if these are included in the design recommendations.
- e) Information as to the effect of the development on other and adjacent properties and protection of same.
- f) Evidence that coal mining records have been reviewed, to determine whether old workings occur beneath the property and, if so, information where applicable on whether subsidence is anticipated and if so, how it is proposed

to mitigate any problems due to subsidence or subsidence-related instabilities.

- g) Evidence that provision has been made for disposal of storm water runoff and excess irrigation water in a manner that is acceptable to the City of Lethbridge.
- h) Where relevant, the applicant will be required to submit, at his cost, an acceptable definition of the average annual high waterline to the Approving Authority.

If the report indicates that no corrective engineering work is required for the site to conform to the City of Lethbridge Slope Stability Policy, a Development Permit may be issued. Development approvals are required for cuts and fills.

If the report indicates that the site will conform following corrective engineering work, then a Development Permit may be issued subject to the following:

- o During development on the site, all recommendations of the geotechnical engineering report must be adhered to;
- o Upon completion, the geotechnical engineer shall certify to the City of Lethbridge that all report recommendations have been adhered to;
- o The City of Lethbridge will consider means of saving itself harmless from any claims related to soils movement or erosion damage, such as a caveat to advise subsequent owners of the necessity of continued adherence to the geotechnical report recommendations.
- o The City of Lethbridge shall be saved harmless from any claims related to soils movement or erosion damage.

An amendment to the Land Use By-law is necessary to place the lands within the redevelopment area into a new district to effect the goals, objectives and policies of this Plan. The general provisions of the Land Use By-law shall apply except where contradictory definitions and policies of this Plan shall supersede the Land Use By-law.



CITY OF
Lethbridge

Municipal Planning Commission

June 17, 2014

New Business

5.3

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MEMO

FROM: Gepke Stevenson, Senior Development Officer

RE: Request for delegation of Approval Authority to the Development Officers for Minor Developments in the River Valley

The river valley is governed by the *River Valley Area Redevelopment Plan (RV – ARP)*. All lands in the river valley are, firstly, zoned “Valley” then, secondly, some other more specific designation such as “Hazard Lands” or “Park and Recreation” (a sub-district or sub-zone).

The RV-ARP is quite restrictive. The sub-districts allow only limited permitted and discretionary uses and, regardless of use, if any alteration of terrain exceeding 0.5 of a metre is proposed a development permit must be obtained. One can see the RV-ARP sets a high expectation for development control. The aim of the plan is to safeguard this valuable resource for the whole community. I believe this is why it has always been the practice to forward development applications in the river valley to the Municipal Planning Commission for a decision.

For some types of developments this practice seems excessive. Routine development applications for replacement of existing buildings and infrastructure or minor alterations or additions to existing developments do not warrant the extra oversight and time delays of an MPC hearing. It seems a poor use of everyone’s time and expertise – staff’s, the applicant’s, and, most importantly, the Commission’s.

Staff respectfully requests the Commission consider delegating to the Development Officers the approval authority for development applications which, in the opinion of the Development Officers, have little or no impact on the river valley ecology or on existing previously-approved developments and land uses.

Attached is an excerpt from the River Valley Area Redevelopment Plan. Please take note of the following sections:

- 5.1.6 Property Development Standards (see especially 5.1.6.12)
- 5.4 Development Review Procedure
- 5.5 Land Use Districts

The full plan can be found here: <http://www.lethbridge.ca/Doing-Business/Planning-Development/Documents/River%20Valley%20ARP.pdf>

Staff will make a brief presentation at the meeting.

Memo – Request for delegation of Approval Authority to the Development Officers for Minor Developments in the River Valley

Angie Olsen, Development Officer, outlined the following information:

- The River Valley is governed by the *River Valley Area Redevelopment Plan (RV – ARP)*
- All lands in river valley are firstly, zoned “Valley” then, secondly, other specific designations such as “Hazards Lands” or “Park and Recreation” (a sub-district or sub-zone)
- RV-ARP is quite restrictive. The sub-districts allow only limited permitted and discretionary uses and regardless of use, if any alteration of terrain is proposed a development permit must be obtained
- Goal of the plan is to safeguard the river valley
- Common practice is to forward all development applications in the River Valley to MPC for a decision
- Routine development applications do not warrant the extra oversight and time delays of an MPC hearing
- Development Services requests the commission consider delegating the Development Officers the approval authority for applications that have little or no impact on the river valley or previously-approved developments and land uses

Questions:

Ms. Olsen responded to questions regarding:

- If approved what would be the mechanism used to get the information out to the public
- Still would have the ability to bring forward more complicated applications for decision
- Development Services able to answer public’s questions
- How often do applications come to MPC
- Timetable to prepare application and proposal for MPC
- Municipal Government Act is in accordance with MPC’s approval
- Delegate only Senior Development Officer for authority
- MPC be informed of these decisions
- No decision needed by City Council

The following motion was presented:

K. HACHKOWSKI:

THAT APPROVAL authority for development applications that are anticipated to have little or no impact on the river valley ecology or on previously approved developments and land uses be delegated to the Development Officers.

Examples include but are not limited to:

- Replacement of minor infrastructure installations
- Replacement of previously approved buildings or parks installations
- Minor additions to previously approved buildings or parks installations
- Accessory buildings and minor accessory uses

-----CARRIED

Memo – Billboards

Maureen Gaehring, Secretary to the Commission, outlined the following information:

Memo was distributed to Commission and asked to review and will discuss at the next MPC Seminar on Wednesday, July 2, 2014
