



REFERENCE:

ADOPTED BY:

Resolution #05/213

SUPERSEDES:

E-002-018

PREPARED BY:

Engineering Department

DATE ADOPTED:

July 4, 2005

TITLE:

**DELEGATION OF DECISION MAKING FOR SPECIFIC LAND USE AND
PLANNING CIRCULATIONS AND APPLICATIONS AND AGREEMENTS**

POLICY STATEMENT:

In order to facilitate orderly development in an effective manner, the Town considers that the processing of some planning and development applications such as intermunicipal referrals; subdivision reviews; and development, easement, encroachment, pipeline crossing, license agreements, lease agreements, surface lease agreements, right of way agreements may be responded to in a more timely manner if processed directly by Administration.

1. THE PURPOSE OF THIS POLICY IS:

To streamline the processing of intermunicipal referrals, subdivision reviews and development, easement, encroachment, pipeline crossing, license agreements, lease agreements, surface lease agreements, pipeline right of way agreements.

2. DEFINITIONS:

For the purposes of this policy the following definitions apply:

- a. **Development Agreement** means a mutually agreed and legally binding document signed by the Town of Brooks and a particular party which covers specific details of a development including landscaping, utility servicing, access and egress, roads and site lighting.
- b. **Easement Agreement** means a mutually agreed and legally binding document signed by the Town of Brooks and a particular party which covers the rights of access for servicing and utilities.
- c. **Intermunicipal referral** means any notification submitted by the County of Newell informing the Town about development applications including subdivisions, statutory plan amendments and land use bylaw amendments.
- d. **Pipeline Crossing Agreements** means a mutually agreed and legally binding document signed by the Town of Brooks and a particular party which authorizes a roadway or utility connection to cross over/under the property of one of the signing parties.



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- e. **Subdivision review** means the processing of land subdivision applications by the Town of Brooks under the *Municipal Government Act*.
- f. **Surface Lease Agreements** means an agreement between the Town of Brooks and a company in which the Town receives financial compensation in return for allowing a company to construct a an oil or natural gas well, and or production facility. Normally such agreements are those which require Alberta Energy and Utilities Board (EUB) approvals and relate to the oil and natural gas industry.
- g. **Right of Way Agreements** means an agreement between the Town of Brooks and a company in which the Town receives financial compensation in return for allowing a company to create an easement or right of way for pipeline routes.
 - Such agreements are those which may require Alberta Energy and Utilities Board (EUB) approvals and relate to the oil and natural gas industry. Such pipelines link the oil and natural gas industry's "upstream" sector, which produces oil, natural gas and related products from underground reservoirs, and the "downstream" sector, which handles refining, marketing and product distribution.
 - Other right of way agreements may be those which pertain to a public utility as defined in the Municipal Government Act.
- h. **License Agreements** means an agreement whereby a personal privilege or permission with respect to some use of the land and is revocable at the will of the landowner. The privilege attaches only to the party holding it and not to the land itself.
- i. **Lease Agreement means** an agreement where by one party, the landlord, relinquishes his right to immediate possession of property while retaining ultimate legal ownership or title.
- j. **Encroachment Agreements means** an agreement between the Town of Brooks and a private landowner whereby a structure is permitted to encroach onto a public right of way or property by the municipality.



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3. ROLES AND RESPONSIBILITIES

- a. **Director, Engineering and Property Services:** reviews and approves departmental staff reports to Committees and Town Council. Reviews and approves staff responses to intermunicipal referrals. Reviews and comments on development, easement, encroachment and pipeline crossing agreements as well as on subdivision applications to ensure conformity with the Town of Brook's policy and procedures.
- b. **Manager of Planning Services & Economic Development:** reviews intermunicipal referrals from the County of Newell to determine potential impacts on the Town. Responds to such referrals where they are located within an adopted Area Structure Plan. Where no such plan exists or if the application significantly varies from an adopted plan, refers the application in a report format to the Council Committee. Submits intermunicipal responses to the Director, Engineering and Property Services for review and approval.
- c. **Manager of Development Services:** coordinates the preparation of development, easement, encroachment and pipeline crossing agreements on behalf of the Town. Ensures the timely processing and execution of development, easement, encroachment and pipeline crossing agreements. Ensures that all required off-site levies and letters of credit are processed in a timely manner.
- d. **Director of Corporate Services** coordinates the preparation of license and lease agreements for Town-owned properties, Surface Lease, and Right of Way agreements on behalf of the Town. Ensures the timely processing and execution of license and lease agreements for Town-owned properties, Surface Lease, and Right of Way agreements. Reviews and comments on license and lease agreements for Town-owned properties, Surface Lease, and Right of Way



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agreements to ensure conformity with the Town of Brooks policy and procedures.

- e. **Chief Administrative Officer (CAO):** reviews staff recommendations to ensure conformity to Town policy and procedures. Provides direction to the staff review of each application forwarded to the Council Committee and Town Council. Arrange execution of development, easement and pipeline crossing agreements.
- f. **Council Committee** reviews staff recommendations and recommends ensuring conformity to Town standards and regulations. Recommends to Town Council the Town's position on applications, policies and procedures and other related matters.
- g. **Municipal Planning Commission:** reviews subdivision applications from Town Administration and provides recommendations to Town Council.
- h. **Town Council:** reviews recommendations from Council Committee and/or the Municipal Planning Commission (MPC) on intermunicipal referrals or subdivision applications and provides a response to the County of Newell or the Intermunicipal Planning Commission (IPC). Reviews and approves, as required, development, easement, licence, lease, surface lease, pipeline crossing and right of way agreements.

4. INTERMUNICIPAL REFERRALS

- a. Applications for adoption of statutory plans or land use bylaws will be reviewed by Administration. Recommendations will be prepared for consideration by Council Committee and comments from this committee will then be forwarded as recommendations to Town Council for their review. Town Council will provide a formal response to the County of Newell.



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- b. Referrals from the County of Newell including statutory plan amendments, land use bylaw amendments and subdivision applications will be reviewed directly by Administration when the application originates in areas that are covered by an adopted Area Structure Plan. Administration will provide a formal response to the County of Newell.
- c. Administration may review applications for single lot residential, commercial or industrial development in areas outside of an adopted area structure plan or applications for home occupations that are deemed not to affect the operations of the municipality or its long-term planning.
- d. The Director, Engineering and Property Services will review and approve formal responses to the County of Newell.

5. SUBDIVISION REVIEW

- a. Subdivisions involving more than five (5) lots will be referred by Administration to the Municipal Planning Commission (MPC) and Town Council for input before referring them to the Intermunicipal Planning Commission (IPC) for final decision.
- b. Subdivisions involving less than five (5) lots will be referred by Administration directly to Town Council for input before referring them to the Intermunicipal Planning Commission (IPC) for final decision.

6. DEVELOPMENT, EASEMENT AND PIPELINE CROSSING AGREEMENTS

- a. Development, easement and pipeline crossing agreements following formally established standards will not require Town Council's approval. If these agreements deviate from formally established standards, Administration at its discretion, will forward them to Town Council for review and approval.



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- b. Upon request, a summary of the development, easement and pipeline crossing agreement, following formally established standards, will be referred to Town Council by the Manager of Development Services for information.
- c. The Manager of Development Services will be responsible for coordinating the preparation of these agreements. The Director, Engineering and Property Services may appoint this task to other staff as considered convenient.
- d. These agreements will be signed by the Chief Administrative Officer and the Mayor or their designate.

7. LICENCE , LEASE, SURFACE LEASE , RIGHT OF WAY AGREEMENTS

- a. Surface Lease, Right of Way agreements following formally established standards will not require Town Council's approval. If these agreements deviate from formally established standards, Administration at its discretion, will forward them to Town Council for review and approval
- b. Upon request, a summary of the surface lease, right of way agreements, following formally established standards, will be referred to Town Council by the Director of Corporate Services for information.
- c. The Director of Corporate Services will be responsible for coordinating the preparation of these agreements. The Director, of Corporate Services may appoint this task to other staff as considered convenient.
- d. These agreements will be signed by the Chief Administrative Officer and/or the Mayor or their designate.



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8. ENCROACHMENT AGREEMENTS

- a. Encroachment agreements following formally established standards will not require Town Council's approval. If these agreements deviate from formally established standards, Administration at its discretion, will forward them to Town Council for review and approval.
- b. Upon request, a summary of the encroachment agreements, following formally established standards, will be referred to Town Council by the Manager of Development Services for information.
- c. The Manager of Development Services will be responsible for coordinating the preparation of these agreements. The Director, Engineering and Property Services may appoint this task to other staff as considered convenient.
- d. These agreements will be signed by the Chief Administrative Officer and/or the Mayor or their designate.