

# PLANNING AND DEVELOPMENT

Planning and Development (P&D) plays a central role in the change and development of our community by establishing and administering the Town of Falher's [Land Use Planning Framework](#). P&D aims to ensure orderly, economical and beneficial development, and to maintain and improve the quality of the Town's physical environment through the application of tools and services under the land use planning framework. The scope of P&D services include:

## Land Use and Sustainability Planning

Land Use and Sustainability Planning involves the creation and administration of long-term, community vision plans, such as statutory plans (e.g., Municipal Development Plan, Intermunicipal Development Plans and Area Structure Plans), and the Land Use Bylaw, which together provide direction and the regulatory mechanism for implementing the desired change.

## Development Permitting and Subdivision Planning

This includes processing and issuing decisions on development permit and subdivision applications, based on approved plans, the Land Use Bylaw, and other applicable municipal and provincial legislation.

## Development Control

Development Control involves the use of tools such as Development Agreements, inspections and Land Use Bylaw enforcement mechanisms to achieve desirable development outcomes.

## Special Projects

Examples of special projects undertaken through P&D include Town beautification, special studies and revitalization initiatives (e.g. Main Street Revitalization Improvement Plan).

## Other services

These are services provided to the public for a fee outside the core P&D services (e.g., Compliance Report or Certificate).

The Town of Falher works closely with the [Mackenzie Municipal Services Agency](#) to implement its land use planning framework.

## New/On Going Project

Intermunicipal Development Plan (IDP) with MD of Smoky River.

## Up-coming Public Hearings

[News & Notices](#)

## General Inquiries

General inquiries about Planning and Development can be directed to Adele Parker, CAO of the Town of Falher, by phone at (780) 837-2247 or by email at [aparker@falher.ca](mailto:aparker@falher.ca)

## Municipal Government Act

The *Municipal Government Act* (MGA) is the key provincial legislation from which the Town of Falher derives its authority to undertake planning and development. The MGA establishes the powers and responsibilities of Council and administration in creating policies, plans and bylaws to regulate land use and development within their municipality, to ensure orderly physical, environmental and economical beneficial development. Specifically, the MGA allows a municipality to create four (4) types of statutory plans—namely, Municipal Development Plan (MDP), Intermunicipal Development Plan (IDP), Area Structure Plan (ASP) and Area Redevelopment Plan (ARP)—and the Land Use Bylaw. These provide a framework for coordinated land use planning and decision-making. The MGA also provides municipalities with enforcement mechanisms to ensure conformity between development and approved plans and bylaws.

### **Alberta Land Stewardship Act**

The *Alberta Land Stewardship Act* (ALSA) is a 2009 provincial legislation that establishes a regional approach to land use planning through the implementation of the Alberta Land-use Framework (LUF). It aims to achieve Alberta's long-term economic, social and environmental goals through the efficient management of public and private lands and natural resources. The ALSA divides up the province into seven "land-use regions", based on the LUF, which correspond to Alberta's major watersheds, and contemplates a regional plan for each region. The Town of Falher is located within the Upper Peace Region. Once adopted, the Upper Peace Regional Plan will provide high-level policy direction for the land use planning and decision-making within the Town of Falher.

### **Provincial Land Use Policies**

The province's Land Use Policies were created in 1996 under the MGA to guide municipalities in harmonizing provincial and municipal policy initiatives at the local land use planning level. The policies establish high-level principles, such as a collaborative approach to addressing planning issues, for better land use planning. The Provincial Land Use Policies will be replaced by regional plans once in effect.

### **Subdivision and Development Regulation**

Enacted in 2002 and amended in 2017, the Subdivision and Development Regulation outlines a number of requirements, procedures and guidelines for the referral and decision-making process on subdivision applications in Alberta, in addition to the requirements of the MGA. The Subdivision and Development Regulation prescribes the following setback distances:

- 100 metres from gas and oil wells;
- 1.5 kilometres from sour gas wells and facilities (depending on the level of the sour gas facility and the intensity of the proposed use);
- 300 metres from the working area of a wastewater treatment plant;
- 300 metres from the disposal area of an operating or non-operating landfill, or the working area of an operating storage site; and
- 450 metres from the working area of an operating landfill, the working or disposal area of a non-operating hazardous waste management facility or the working area or disposal area of an operating hazardous waste management facility.

The Subdivision and Development Regulation also requires that an applicant for subdivision or for development permit (except when the proposed building is less than 47 square metres) supply information regarding abandoned oil and gas wells on the subject parcel. If an abandoned well is identified during the application process, Alberta Energy Regulator Directive 079 (Surface Development in Proximity to Abandoned Wells) prescribes minimum setbacks and may require the applicant to contact the licensee of record.

### **Intermunicipal Development Plan**

An Intermunicipal Development Plan (IDP) is a statutory plan prepared collaboratively between two (or more) municipalities to provide direction for the future development of the lands of mutual importance. IDPs are adopted by the municipalities' party to them through marching municipal bylaws, and contain policies that address land use, environmental matters, transportation, economic development, and Intermunicipal infrastructure, services and programs, as well as procedures for administering and amending the plan. All IDPs will have to be consistent with the ALSA Regional Plans of the Provincial Land Use Framework, once those are completed. The Town of Falher is currently in the process of developing an IDP with its rural neighbour, the Municipal District of Smoky River No. 130. Once adopted, the IDP with the MD of Smoky River will provide a cooperative framework for land use planning and development decision-making for lands around the boundaries of the two municipalities. The IDP document will become available online once adopted by Council.

### **Municipal Development Plan (2016)**

The Town of Falher's Municipal Development Plan was adopted by Council in 2016 to provide a cohesive framework to guide local decision making that is necessary to achieve the Town's long term vision. The MDP guides future land use, infrastructure, environmental, social and economic policy decisions within the Town's corporate boundaries in a manner that reflects the municipality's vision. The guiding principle of the MDP is that all future growth in the Town of Falher will occur in an orderly, efficient and economically sound manner through efficient land use planning.

### **Area Structure Plans**

Area Structure Plans (ASPs) provide a framework for future subdivision and development of land, resulting in the creation of new neighbourhoods or commercial areas. ASPs identify where residential, commercial, and institutional and other land uses will be located and how services such as water, electricity, sewer systems, telecommunications, schools, fire protection and parks will be provided. ASPs are either prepared by the Town or required from a developer in advance of a subdivision proposal. Currently, the Town of Falher has two ASPs:

**Revised Central Falher ASP Bylaw 17-03 (2017)**: The Revised Central Falher ASP was adopted in 2017 to specifically provide for the development of new low, medium and high density residential development as well as intensified commercial development within the central portion of the town. These schedules for the Revised Central Falher ASP are noted below:

- [Bylaw 17-03 Sched A - Existing Condition](#)
- [Bylaw 17-03 Sched B – Existing LUB](#)
- [Bylaw 17-03 Sched C – Future Land Use](#)
- [Bylaw 17-03 Sched D – Phasing](#)
- [Bylaw 17-03 Sched E - Water Distribution](#)
- [Bylaw 17-03 Sched F - Sanitary & Stormwater](#)
- [Bylaw 17-03 Sched G - Road Hierarchy](#)

**Revised South Falher ASP Bylaw 07-06 (2007)**: The Revised South Falher ASP was adopted in 2007 to provide new and intensified development for fully serviced commercial and light industrial development within the Southern portion of the town. These schedules for the Revised South Falher ASP are noted below:

- [Bylaw 07-06 Sched A – Location Map](#)
- [Bylaw 07-06 Sched B – Plan Area](#)
- [Bylaw 07-06 Sched C - Ownership](#)
- [Bylaw 07-06 Sched D – Existing Conditions](#)
- [Bylaw 07-06 Sched E – Future Land Use Plan](#)
- [Bylaw 07-06 Sched F – Proposed Water Distribution System](#)

- [Bylaw 07-06 Sched G – Proposed Sanitary and Storm water system](#)
- [Bylaw 07-06 Sched H - Phasing](#)

### **Land Use Bylaw No. 14-05 (Consolidated 2018)**

The Land Use Bylaw can be described as the “rule book” for development within the Town of Falher. It regulates the development of land and buildings on a site-specific basis, based on the policy directions set by the MDP, IDP and ASPs. The LUB defines what constitutes development (or land use); divides up the Town into land use districts and lists the land uses allowed in each district; separates all the land uses enabled in each district into permitted and discretionary uses; and sets the development standards (e.g., size of land and buildings, building heights, setbacks and site coverage) for each land use district. It also lists the requirements for a development permit application and timelines for decision; outlines the process for appealing a development permit decision; and the process for amending the Land Use Bylaw.

### **Additional Land Use Bylaw Amendments (not in consolidated document)**

Following is a list of amendments to the Land Use Bylaw that have been passed by Council but have not yet been incorporated into the consolidated Land Use Bylaw.

- [Bylaw No. 15-02 Rezoning](#)
- [Bylaw No. 15-04 Rezoning](#)
- [Bylaw No. 15-05 LUB Amendment](#)
- [Bylaw No. 15-07 LUB Amendment](#)
- [Bylaw No. 15-08 Rezoning](#)
- [Bylaw No. 15-10 Amendment to Area Structure Plan](#)
- [Bylaw No. 15-11 Manufactured Homes](#)
- [Bylaw No. 16-01 Setbacks for Central Area Structure Plan](#)
- [Bylaw No. 16-03 Set Coverage for Central Area Structure Plan](#)
- [Bylaw No. 16-08 Repeal of Northwest Area Structure Plan](#)
- [Bylaw No. 17-03 Adopt Revised Central Area Structure Plan](#)
- [Bylaw No. 17-05 Structures with a Party Wall](#)
- [Bylaw No. 17-09 LUB Amendment](#)
- [Bylaw No. 17-11 LUB Amendment](#)
- [Bylaw No. 18-01 LUB Amendment](#)
- [Bylaw No. 18-01 LUB Amendment Schedule A](#)
- [Bylaw No. 18-03 Residential Support Home](#)
- [Bylaw No. 18-04 Rezoning](#)
- [Bylaw No. 18-10 LUB Amendment](#)
- [Bylaw No. 18-11 Accessory Dwelling Units](#)
- [Bylaw No. 18-08 Cannabis](#)
- [Bylaw No. 18-09 Cannabis Provisions](#)

### **Amending the Land Use Bylaw**

A person may apply to amend the Land Use Bylaw, in writing, to the Development Officer by completing the [Land Use Bylaw Amendment Application Form](#) together with the application fee as established by Council. All applications to amend the Bylaw shall include the following:

- A certificate of title for the subject property;
- An indication of the applicant’s interest in the subject property;
- A statement of the proposed land use change(s);
- Reasons in support of the amendment; and
- Any supporting drawings subject to the satisfaction of the Development Officer.

The process of applying for a Land Use Bylaw Amendment, including all the documents required, is detailed in the [Guide to Land Use Bylaw Amendment](#).

All amendments to the Land Use Bylaw shall be made in conformity with the provisions of the MGA and any applicable statutory plans. The Town of Falher may, at any time, also initiate an amendment to the Land Use Bylaw.

### [Public Participation Policy](#)

In addition to the provincial legislation, statutory plans and the Land Use Bylaw, the Town of Falher has a Public Participation Policy, which may be used when considering applications for development permit and subdivision. The Public Participation Policy outlines the Town's approach to public participation. It defines the role of Council and Administration in informing and engaging stakeholders in the municipal decision-making process.

### [Relationship Between Planning Documents](#)

The hierarchy of documents within the Town of Falher's land use planning framework is established by the MGA. The MGA requires that each level is consistent with the level above and below it, and that the policies or regulations within planning document(s) at each level may be implemented by those below them in the decision-making process. The MGA provides the legislative authority for municipal land use planning and decision-making, while the ALSA regional plan (or Land Use Policies in their absence) provides broad-based policy directions and principles for municipal land use planning, which are effected through statutory plans and bylaws. The statutory plans provide future direction for the development and use of lands at the fringe areas of the Town's boundaries (IDP), within the corporate boundaries of the Town (MDP), or a small area of the Town in greater detail (ASPs). The Land Use Bylaw regulates the use and development of land based on the policy directions of statutory plans, while the Subdivision and Development Regulation regulates subdivision planning in conjunction with the MGA, applicable statutory plans, and the LUB. The Public Participation Policy contains requirements for public engagement outside statutory plans, the LUB and other planning documents that may be considered when making decisions on development permit and subdivision applications. Where there is a conflict or inconsistency between a higher-level planning document and a lower-level planning document, the higher-level planning document prevails to the extent of the conflict or inconsistency.

## Development and Subdivision Application Process

### [Applying for a Development Permit](#)

Unless exempted by the Land Use Bylaw or other legislation, all developments within the Town of Falher require a development permit. A development permit provides legal authorization for a development; having it protects the property owner or renter/leasee against future legal or transactional issues. Development permits must be obtained prior to undertaking a development. The process of applying for a development permit, including all the documents required, is detailed in the [Guide to Applying for a Development Permit](#). Applicants for a development permit are advised to read the guidelines prior to completing an application.

To apply for a development permit, please download and complete the [Development Permit Application Form](#) and submit it to the Town Office. If the proposed development is not enabled in the district where your site is located, you must first apply for an amendment to the Land Use Bylaw, to enable the type of development you want and, if successful, apply for a development permit. To apply for a Land Use Bylaw Amendment, use the [Land Use Bylaw Amendment Application Form](#).

The process of applying for a Land Use Bylaw Amendment, including all the documents required, is detailed in the [Guide to Land Use Bylaw Amendment](#).

Unless extended by a written agreement between the Development Authority and the applicant, the Development Authority has 40 days to make a decision on a development permit application from the date the applicant is issued a Notice of Complete Application. To ensure timely processing of applications, it is important for applicants to submit a complete application and also provide any additional information, if required by the Development Authority during the review process. Please contact the Development Officer at the Town of Falher Municipal Office prior to submitting an application, if you have any questions about completing the application form.

Depending on the nature of the proposed development, applicants may require additional permits/licenses from external organizations before commencing or operating their development. Permits/licenses from external agencies may include building, fire, mechanical/electrical, plumbing and gas permits from an accredited Safety Codes Agency and/or license from a federal or provincial agency (e.g., Cannabis Store License from AGLC to operate a cannabis retail facility).

In addition to permits/licenses, inspections may also be conducted by the Town Office, provincial authorities or external agencies to verify that the completed development complies with applicable legislation, standards or conditions of the approved permit or license. These inspections may include fire, safety codes and health inspections.

### Applying for a Subdivision

Subdivision is the process of dividing a single parcel of land into two or more parcels, each with a separate Certificate of Title. A registered land or property owner (or their authorized agent) wishing to create two or more lots from a single parcel of land must obtain a subdivision approval prior to subdividing the land. The [Mackenzie Municipal Services Agency](#) (MMSA) is the Subdivision Authority for the Town of Falher. Applicants for subdivision can download the application package, which include the [Subdivision Application Guidelines](#) and [application form](#), which are available on the MMSA website.

Subdivision planning within the Town of Falher is guided by the MGA, the Subdivision Authority Bylaw (which designates MMSA as the subdivision authority for the Town of Falher), the Subdivision and Development Regulation, the Land Use Bylaw, any applicable statutory plans, policies, other bylaws, standards and regulations.

### Development and Subdivision Appeal

Decisions of the Development Authority and Subdivision Authority may be appealed to the Subdivision and Development Appeal Board or the Municipal Government Board (MGB). The Town of Falher's Subdivision and Development Appeal Board deals with appeals regarding development permit decisions and stop orders issued by the Development Authority as well as Subdivision Authority decisions that are outside the jurisdiction of the MGB, as per section 687(2) of the MGA. The MGB only hears subdivision appeals where the land that is the subject of the appeal is:

- within Alberta's Green Area;
- 'adjacent' to or contains a Body of Water; ('Adjacent' means contiguous or would be contiguous if not for a railway, road, utility right of way or reserve land).
- adjacent to or contains (either partially or wholly) land identified on the Listing of Historic Resources or public land set aside for use as historic resources.
- within the following distances:
  - 1600 metres of a Provincial Highway;



- 450 metres of a Hazardous Waste Management Facility;
- 450 metres of the working area of an operating Landfill;
- 300 metres of the disposal area of any Landfill;
- 300 metres of a Waste water Treatment Plant; or
- 300 metres of the working area of a Non-Hazardous Waste Storage Site.

The Town of Falher's Subdivision and Development Appeal Board and the Municipal Government Board are impartial, quasi-judicial bodies that make independent decisions on appeal cases before them, strictly based on the evidence presented to them at a hearing, and in accordance with the MGA, other provincial legislation and municipal appeal bylaw. The process for appealing a decision of the Development or Subdivision Authority, including the timelines for filing an appeal, are outlined in the [Guide to Applying for a Development Permit](#) and the [Subdivision Application Guidelines](#), respectively. The Town of Falher's [Subdivision and Development Appeal Board Bylaw](#) outlines the duties, powers and functions of the Appeal Board, including the procedures for organizing an appeal hearing and making a decision. Anyone wishing to appeal development permit decisions and stop orders must complete the [Development Appeal Form](#) and submit it with the appropriate fees to the Clerk of the Subdivision and Development Appeal Board at the Town Office within 21 days from the date of the decision or order of the Development Authority. The subdivision appeal information is included in the Subdivision Authority's decision letter.