



Town of Olds

702P

DEVELOPMENT SECURITY PROCEDURE

Prepared by: Core Services
(Planning & Development)

Effective date: Immediately

References:

- Town of Olds Land Use Bylaw
- Town of Olds Fee Schedule

Function: Administrative

APPROVALS:

CAO: 

Date signed by CAO: FEB 16/16

Leadership Approval Date: February 16, 2016

Related Policy:

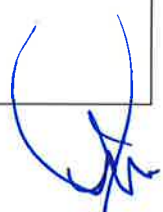
Development Security Policy 702C


PURPOSE:

This procedure provides the administrative process to implement Development Security Policy 702C. This procedure establishes the process employed by the Town of Olds for the requirement, collection, review and release/refund of Development Securities received for Development Permits, Building Permits, Utility Excavation Permits and Development Agreements, in order to ensure public and private interests, and to encourage development completion, as approved, in a timely manner.

PROCEDURES:

| Key Area of Responsibility | Responsibility |
|---|--|
| <p>Requirement & Collection of Development Security</p> <p>Applications for a Development Permit, that also require a Building Permit, shall be accompanied by a Development Security. The requirement and amount of Development Security is based on the type of development.</p> <p>Residential – Rates outlined in the Town’s Fee Schedule</p> <ul style="list-style-type: none"> - Detached Dwelling (flat rate) - Duplex (2X flat rate) - Multi-Unit (flat rate X # of units) - Detached Garage (flat rate) - Residential Additions (flat rate) <p>Residential – Apartments - 10% of Building Permit value</p> <p>Non-Residential (commercial, industrial, recreational facility/institutional) - 10% of Building Permit value</p> <p>In the sole opinion of the Development Officer, in those instances where the risk for damage to adjacent public and/or private property during construction is minimal, the Development Security levied against a Development Permit may be reduced or waived.</p> | <p>Core Services (Development Officer)</p> |



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| <p>Each application for a Utility Excavation permit that involves the excavation of a town street, boulevard, or sidewalk, shall be accompanied with a Development Security equal to the prevailing fair market value of that portion of construction that is on municipal lands.</p> <p>The requirement and amount of Development Securities for Development Agreements shall be determined at time of negotiation of the terms of the Development Agreement.</p> | |
| <p>Form of Development Security</p> <p>All Development Securities received as a written promise issued by a financial institution in the form of a letter of guarantee, credit or other form are to be irrevocable (i.e., cannot be amended or cancelled without the consent of the beneficiary and issuing financial institution), and automatically renewable.</p> <p>Development Securities in the form of cash shall be managed by Financial Services. Original copies of Development Securities received as a written promise issued by a financial institution in the form of a letter of guarantee, credit or other form, shall be stored in a secure location by Financial Services.</p> | <p>Financial Services</p> |
| <p>Review of Inventory of Development Securities</p> <ol style="list-style-type: none"> 1. Town staff will review the inventory of Development Securities retained for Development Permits/Building Permits and/or Utility Excavation permits on an on-going basis. <ol style="list-style-type: none"> a. All developments with Development Securities dated 3 years prior to the current year will be reviewed annually to establish status of development. b. A site inspection will be conducted by a Development Officer or appropriate staff member. c. If there are conditions of a Development Permit and/or Building Permit that have not been met, a letter will be sent to the applicant (or the person or entity that provided the Development Security) advising of the status (noting deficiencies) of the development and implications with regards to the retaining or refund/release of the Development Security. d. If the development is complete, proceedings for the refund/release of the Development Security will begin. e. Comments and/or reports will be recorded and/or filed in the Development Master database, the Development and Building Permit files and the appropriate Financial Services tracking system. | <p>Core Services (Development Officer)</p> |
| <p>Process to Initiate Refund/Release of Development Security</p> <p>The process for the refund/release of Development Securities for Development Permits/Building Permits and/or Utility Excavation Permits shall be initiated by the completion of a Request for Refund of Development Security form (Schedule A) and submission to the Town.</p> <p>Development Securities will be refunded or released to the applicant upon verification of completion of development, adherence to conditions of Development Permit and/or Utility Excavation Permit, compliance with the <i>Alberta Safety Codes</i></p> | <p>Core Services (Development Officer)</p>  |

Act, and verification of no damage to public infrastructure (including, but not limited to roads, boulevards, sidewalks, curb stops).

Development Securities retained for Development Permits/Building Permits and/or Utility Excavation Permits will not be refunded/released until such time the following has been completed:

1. The Town is in receipt of a Building Inspection Report from the Town's Building Safety Codes Officer indicating that the development has had final inspection and is compliant pursuant to s. 39 of the *Safety Codes Act*, or in the case of deficiencies noted on the final inspection report, that the applicant has corrected the work within the thirty (30) day period and has signed and returned the report to the Building Safety Codes Officer. It is then that the development is deemed compliant pursuant to s. 39 of the *Safety Codes Act*, and the Building Permit file is closed;
2. The Development Officer has inspected the property and confirms that the development is consistent with the approval and that all conditions specified on the development permit have been met. Because these conditions often consist of seasonal items, such as the development of parking and landscaping areas, the Town allows applicants one (1) year after construction completion to meet these conditions;
3. The Development Officer or appropriate staff member has completed an inspection of the development and determined that there is no damage to Town-owned land or infrastructure, such as curbs, sidewalks, boulevards, municipal reserves, and the municipal curb stop is visible and operational; and
4. A signed (by the engineer or applicant) building grade certificate, confirming the final landscape grade for the lot, has been returned to the Development Officer, and the final landscape grade reflects that of the approved site plan.

The Town may retain all or a portion of the Development Security under the following conditions:

1. If the final building inspection report, noted in 1 above, is not returned within 30 days, the inspection agency will issue one follow-up letter, however if no response is received within 30 days, the Town deems the development "not code compliant", and will retain one half (1/2) of the Development Security; and
2. If after one year from the date specified in 2 and 3 above are not met or that damage has been noted, the Town will issue one (1) letter advising of the deficiencies and the timeline for completion and/or in the case of damage, the entire costs to repair the damage will be deducted from the deposit. If the applicant does not complete the work within the specified time line, the Town, in writing, will advise of the decision to not refund all or part of the Development Security and advise the applicant that, the Town may issue a Stop Order under Section 645 of the *Municipal Government Act*, to complete development, and as per Section 646 of the *Municipal Government Act*, if a person fails or refuses to comply with an order, the municipality may enter on the land or building and take any action necessary to carry out the order.

Core Services



Town of Olds

4512 46 Street
 Olds AB T4H 1R5
 Main: 403.556.6981
 Fax: 403.507.4856
 Email: planning@olds.ca

Refund For: Development Permit Utility Excavation Permit

| | | |
|---------------------|-----------|--|
| Permit # | Receipt # | Address of Development or Utility Excavation |
| Type of Development | | |
| Refund Requested by | | Phone |
| Address | | Postal Code |
| E-mail | | |

Check the boxes of the items that are completed. **All items must be completed to the satisfaction of the Development Officer to receive refund of Development Security.** An inspection will be conducted by the Development Officer.

In the boxes below, check the items that apply to your permit.

CHECKLIST for Completion of DEVELOPMENT PERMIT (some items may not be applicable to the development)

- Final Building Inspection. If there are items to be corrected or completed on the Building Inspection Report, applicant will be required to complete the items & return the signed form to the Town Office _____
- Hard surfaced driveway and parking pads _____
- Approved driveway width _____
- Landscape elevations built as per site plan – Signed Building Grade Certificate _____
- Front landscaping (and side on corner lots) _____
- Front & rear house numbers _____
- Eavestroughs & downspouts _____
- Exterior building finish _____
- Curb stop (acceptably installed and fully operational) _____
- Boulevard, sidewalk gutter and water curb stops have not been damaged _____
- Water meter installed and utility account set up _____
- Other requirements as applicable for the Development Permit _____

CHECKLIST for Completion of UTILITY EXCAVATION PERMIT

- Date of inspection by Core Services for services connection: _____
- Date of paving: _____
- Date of inspection by Core Services for asphalt, sidewalk, curb, etc.: _____

NAME (Please Print) _____

SIGNATURE _____

DATE _____

Return the completed form to Planning & Development.

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|---|---|
| <p>OFFICE USE ONLY</p> <p>Approved By _____</p> <p>Date _____</p> | <p>Refund \$ _____</p> <p>Dev Security 4-0000-471-00</p> <p>Utility Ex Security 4-0000-474-00</p> <p>Chq # _____ Date _____</p> |
|---|---|

The personal information on this form is collected under the Freedom of Information and Protection of Privacy Act and will be used in order to process this form. Please forward questions or concerns to the FOIPP Coordinator at 4512 46 Street, Olds, AB T4H 1R5. Phone 403-556-6981, Fax 403-556-6537, or email FOIP@olds.ca