

## BYLAW NO. 247-19

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### **A BYLAW OF CLEAR HILLS COUNTY, IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF AMENDING CLEAR HILLS COUNTY BYLAW NO. 189-16.**

WHEREAS, pursuant to Sections 230, 606 and 692 of the *Province of Alberta Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26*, a Council may amend a Land Use Bylaw, and;

WHEREAS, the Municipal Council of Clear Hills County, in the Province of Alberta, has adopted Clear Hills County Land Use Bylaw No. 189-16, as amended, and;

WHEREAS, the Municipal Council of Clear Hills County, in the Province of Alberta, deems it necessary to amend Clear Hills County Land Use Bylaw No. 189-16, as amended, to properly refer to a Subdivision and Development Appeal Board, change the notification requirements for development permit applications, and update the Land Use Bylaw to comply with changes in the *Municipal Government Act*;

NOW THEREFORE, the Municipal Council of Clear Hills County, in the Province of Alberta, in Council duly assembled, enacts as follows:

- 1. Remove the line “DAB | Development Appeal Board” and “SAB | Subdivision Appeal Board” in Table A: Acronyms under 1.6 Acronyms.**
- 2. Add the line “SDAB | Subdivision and Development Appeal Board” in Table A: Acronyms under 1.6 Acronyms.**
- 3. Remove the definition of “Development Appeal Board” and “Subdivision Appeal Board” under Section 1.7 Definitions.**
- 4. Add the definition of Clerk under Section 1.7 Definitions:**

“CLERK” means the Clerk to the Subdivision and Development Appeal Board.
- 5. Add the definition of Subdivision and Development Appeal Board under Section 1.7 Definitions:**

“SUBDIVISION AND DEVELOPMENT APPEAL BOARD” means an Appeal Board established pursuant to the *Act*.
- 6. Replace “Development Appeal Board” with “Subdivision and Development Appeal Board” throughout the Land Use Bylaw.**
- 7. Replace “Subdivision Appeal Board” with “Subdivision and Development Appeal Board” throughout the Land Use Bylaw.**
- 8. Replace “Secretary” with “Clerk” throughout the Land Use Bylaw.**
- 9. Replace Section 2.4 Subdivision Appeal Board and Development Appeal Board with the following:**

2.4 Establishment of the Subdivision and Development Appeal Board

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- (1) The Subdivision and Development Appeal Board for the County is established by separate bylaw in accordance with Section 627 of the *Municipal Government Act*.
- (2) The Subdivision and Development Appeal Board for the County shall perform such duties as are specified in the *Act*.

**10. Replace subsection (2) under Section 2.5 The Mackenzie Municipal Services Agency (MMSA) with the following:**

- (2) MMSA also serves as an advisor to the Development Officer, Municipal Planning Commission, Subdivision and Development Appeal Board, and Council on all planning and development related matters.

**11. Remove subsection (2) under 3.5 Application for a Development Permit.**

**12. Add the following subsections to Section 3.5 Application for a Development Permit:**

- (4) Within 20 days after receipt of a development permit application, the Development Officer shall determine whether the application is complete or incomplete,
- (5) Notwithstanding subsection (5), the Development Officer may extend the time period for determining the completeness of a development permit application, based on a written agreement between the Development Authority and the applicant.
- (6) When, in the opinion of the Development Officer:
  - (a) sufficient details of a proposed development have been included with the application for a development permit, the Development Officer shall, in a form and manner appropriate, issue a notice of complete application to the applicant, advising that the application is complete within the timeline provided for in subsection (5) or (6).
  - (b) sufficient details of a proposed development have not been included with the application for a development permit, the Development Officer shall, in a form and manner appropriate, issue a notice of incomplete application to the applicant, advising that the application is incomplete within the timeline provided for in subsection (5) or (6). The notice shall outline any outstanding information and/or documentation that must be provided by the applicant for the application to be considered complete by a date stated in the notice or as agreed upon between the Development Authority and the applicant.
- (7) If the Development Officer does not issue a notice of complete or incomplete application for a development permit application within 20 days from the date

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of receipt of the application, or the extended time period agreed upon between the Development Officer and the applicant, the application is deemed to be complete.

- (8) Notwithstanding the issuance of a notice of complete or incomplete application pursuant to subsection (7), or failure to issue a notice under subsection (8), the Development Authority may request additional information or documentation from the applicant that the Development Authority considers necessary to review the application.
- (9) If an applicant who has been issued a notice of incomplete application:
  - (a) submits all the required information and/or documentation by the date given in subsection (7) (b), the Development Officer shall, in a form and manner appropriate, issue a notice of complete application to the applicant, advising that the application is now complete.
  - (b) fails to submit all the required information and/or documents by the date given in subsection (7) (b), the application is deemed refused.
- (10) Where an application for a development permit is deemed refused under subsection (10) (b), the Development Officer shall issue a notice to the applicant, stating that the application has been refused and the reason for the refusal.
- (11) Unless extended by a written agreement between the Development Authority and the applicant, the Development Authority shall decide on a development permit application either:
  - (a) within 40 days of receipt by the applicant the notice of complete application if issued under subsection (7) (a) or (10) (a), or
  - (b) within 40 days from the receipt of the application, if no notice is issued under subsection (8).

**13. Replace subsection 9 under 4.4 Development Permit: Notification with the following:**

- (9) When an application for a development permit is refused by the Development Authority or the Subdivision and Development Appeal Board, the same or another application for development, with respect to the same parcel of land and for the same or similar use of the land may not be made by the same or any other applicant within six (6) months of the refusal of the application, unless the application was deemed refused under section 3.5 (10) (b).

**14. Rename "Section 5.1 Development Appeal Procedure" to "Section 5.1 Appeal Procedure."**

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**15. Replace subsection (3) under 5.1 Appeal Procedure with the following:**

- (3) An appeal shall be made by serving a written notice of appeal, with reasons, to the Clerk of the Subdivision and Development Appeal Board within twenty-one (21) days after the date the order, decision or development permit was issued.

**16. Remove Section 5.2 Development Appeal Hearing.**

**17. Remove Section 5.3 Development Appeal Decision and Notice of Appeal.**

**18. Remove Section 5.4 Subdivision Appeal Procedure.**

**19. Remove Section 5.5 Subdivision Appeal Board Hearing and Decision.**

**20. If any portion of this bylaw is declared invalid by a court of competent jurisdiction then the invalid portion shall be severed.**

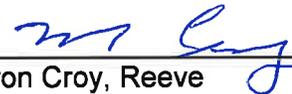
**21. That this bylaw shall take force and effect on the date of its final passage.**

First Reading given on the 26 day of November, 2019.

  
Miron Croy, Reeve

  
Allan Rowe, Chief Administrative Officer

Second Reading given on the 10 day of December 2019.

  
Miron Croy, Reeve

  
Allan Rowe, Chief Administrative Officer

Third Reading and Assent given on the <sup>10<sup>th</sup> Dec</sup> ~~December~~ day of December, 2019.

  
Miron Croy, Reeve

  
Allan Rowe, Chief Administrative Officer