

**BYLAW 836
OF THE VILLAGE OF BIG VALLEY
IN THE PROVINCE OF ALBERTA**

Being a bylaw of the Village of Big Valley to amend Land Use Bylaw 765

WHEREAS Section 639 of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 2000, and amendments thereto, provides that every municipality must pass a land use bylaw; and

WHEREAS the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 2000, and amendments thereto, permits a Council to pass a bylaw to amend the Land Use Bylaw; and

WHEREAS the Council of the Village of Big Valley deems it necessary and expedient to amend Land Use Bylaw Number 835;

NOW THERE COUNCIL OF THE VILLAGE OF BIG VALLEY DULY ASSEMBLED ENACTS AS FOLLOWS;

1. THAT Section 1.7: Definitions be amended to include the following definition, in alphabetical order:
“Subdivision Authority means the person, persons or organization appointed pursuant to the Subdivision Authority Bylaw”
2. THAT the following sections be added or replaced to Land Use Bylaw 765 as follows;

2.5.1 DEVELOPMENT PERMIT APPLICATIONS

- (1) Upon receipt of an application the development Authority shall within 20 days determine whether the application is complete. An application is complete, if in the opinion of the Development Authority, the application contains the documents and other information necessary to review the application. The 20 day timeline may be extended if agreed upon in writing between the applicant and the Development Authority.
- (2) If the Development Authority deems a development permit application to be complete, the Development Authority shall issue a letter to the applicant indicating:
 - (a) The date the application was received and complete,
 - (b) Confirmation the Development Authority will begin processing the application, and
 - (c) The date the 40 days to process the application expires.

2.5.2 INCOMPLETE APPLICATIONS

- (1) If the Development Authority determines an application is incomplete, the Development Authority shall issue a notice in writing to the applicant, indicating the following:
 - (a) The application is considered incomplete,

- (b) A detailed list of the outstanding documents and/or information required by the Development Authority in order for the application to be considered complete,
- (c) The date which the required outstanding documents and/or information must be submitted to the Development Authority, as either set out in the notice, or as agreed upon between the applicant and the Development Authority,

Prior to the expiry of the 20 day review period.

- (2) If the Development Authority determines that the information and documents submitted by the applicant at the request of the Development Authority are complete, the Development Authority must issue a letter to the applicant indicating:
 - (a) The application is complete,
 - (b) Confirmation the Development Authority will begin processing the application, and
 - (c) The date 40 days prior to process the application expires
- (3) If the applicant fails to submit the outstanding information and documents requested by the Development Authority to complete the application on or before the date referred to in the notice issued to the applicant, the application is deemed to be refused.
- (4) If the application is deemed refused because the applicant failed to provide the Development Authority with the requested information, the Development Authority shall Issue to the applicant letter indicating the application has been refused and the reason(s) for the refusal, within 7 days of the expiry date.
- (5) Despite that the Development Authority has issued a letter acknowledging an application as complete, in the course of reviewing the application, the Development Authority may request additional information or documentation from the applicant that the Development Authority considers necessary to review the application.
- (6) If the Development Authority does not make a determination of an application's completeness within 20 days of receiving the application, or within an alternative timeline agreed upon between the applicant and Development Authority, the application is deemed to be complete.

2.5.3 TIME LIMITS

- (1) The Development Authority shall, within 20 days after the receipt of an application for a development permit, determine whether the application is complete, or within such longer period as the applicant may have agreed to in writing.
- (2) The Development Authority shall consider and decide on any application for a development permit, within 40 days of the date of issuance of a letter to an applicant indicating the application is complete, or within such longer period as the applicant may have agreed to in writing.

SECTION 2.11(1) OF BYLAW 765 IS HEREBY REPEALED AND REPLACED BY;

- (1) A decision of the Development Authority on an application for a development permit shall be given in writing and a copy of it sent by ordinary mail to the applicant on the same day the written decision is given.

SECTION 2.12 OF BYLAW 765 IS HEREBY REPEALED AND REPLACED BY;

- (1) A development permit shall not become effective until 21 days after the notice of decision has been published in a newspaper or by ordinary mail

SECTION 2.14 OF BYLAW 765 IS HEREBY REPEALED AND REPLACED BY;

2.14 RESUBMISSION INTERVAL

Where an application for a development permit has been refused, except for those applications refused as incomplete applications, the Development Officer shall refuse to accept another application for the same or a similar use on the same lot or site until 6 months have passed from the date of such refusal unless in the opinion of the Development Officer the reasons for refusal have been adequately addressed or the circumstances of the application have changed significantly.

SECTION 2.15 OF BYLAW 765 IS HEREBY REPEALED AND REPLACED BY;

2.15 DEVELOPMENT PERMIT APPEALS

- (1) An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision thereon is not made by the Development Authority within forty (40) days of the date of the letter issued to the applicant acknowledging a complete application, and an applicant may appeal in writing, as provided for in this Land Use Bylaw unless the applicant enters into an agreement with the Development Officer to extend the 40 day period.
- (2) Where the Development Authority
 - (a) Fails to issue a development permit to a person, or
 - (b) Refuses an application for a development permit, or
 - (c) Issues a development permit subject to conditions, or
 - (d) Issues an order under the Municipal Government Act,

The person applying for the permit or affected by an order, a decision, or development permit may appeal to the Subdivision and Development Appeal Board in accordance with the Municipal Government Act.

- (3) An appeal to the Subdivision and Development Appeal Board is commenced by filing a notice of appeal, containing reasons for the appeal, with the Board within 21 days;
 - (a) In the case of an appeal made by the person applying for a permit or affected by the order, after
 - i. The date on which the person is notified of the order or decisions or the issues of the development permit, or

- ii. If no decision is made with respect of the application within the 40 day period or within any extension granted under the Municipal Government Act, the date the period or extension expires,

Or,

- (b) In the case of any appeal by any person affected by an order, decision or development permit made or issued by the Development Authority, after the date on which the notice of the issuance of the permit was given in accordance with Section 2.11(1).

THE FOLLOWING SECTIONS ARE HEREBY ADDED TO BYLAW 765;

2.19 SUBDIVISION APPROVAL APPLICATION

- (1) Upon receipt of an application the Subdivision Authority shall within 20 days determine whether the application is complete. An application is complete, if in the opinion of the Subdivision Authority, the application contains the documents and other information necessary to review the application. The 20 day timeline may be extended if agreed upon in writing between the applicant and the Subdivision Authority.
- (2) If the Subdivision Authority deems a subdivision application to be complete, the Subdivision Authority shall issue a letter to the applicant indicating:
 - (a) The date the application was received and deemed complete,
 - (b) Confirmation the Subdivision Authority will begin processing the application, and
 - (c) The date the 60 days to process the application expires.
- (3) If the Subdivision Authority determines an application is incomplete, the Subdivision Authority shall issue a notice in writing to the applicant, indicating the following:
 - (a) The application is considered incomplete
 - (b) A detailed list of the outstanding documents and/or information required by the Subdivision Authority in order for the application to be considered complete,
 - (c) The date which the required outstanding documents and/or information must be submitted to the Subdivision Authority, as either set out in the notice, or as agreed upon between the applicant and the Subdivision Authority,

Prior to the expiry of the 20 day review period.

- (4) If the Subdivision Authority determines that the information and documents submitted by the applicant at the request of the Subdivision Authority are complete, the Subdivision Authority shall issue a letter to the applicant indicating:
 - (a) The application is complete,
 - (b) Confirmation the Subdivision Authority will began processing the application, and
 - (c) The date the 60 days to process the application expires.

- (5) If the applicant fails to submit the outstanding information and documents requested by the Subdivision Authority to complete the application on or before the date referred to in notice issued to the applicant, the application is deemed to be refused.
- (6) If the application is deemed refused because the applicant failed to provide the Subdivision Authority with the requested information, the Subdivision Authority shall issue to the applicant a letter indicating the application has been refused and the reason for the refusal, within 7 days of the expiry date.
- (7) Despite that the Subdivision Authority has issued a letter acknowledging an application as complete, in the course of reviewing the application, the Subdivision Authority may request additional information or documentation from the applicant that the Subdivision Authority considers necessary to review the application.
- (8) If the Subdivision Authority does not make a determination of an application's completeness within 20 days of receiving the application, or within an alternative timeline agreed upon between the applicant and Subdivision Authority, the application is deemed to be complete.

2.20 SUBDIVISION TIME LIMITS

- (1) The Subdivision Authority shall, within 20 days after the receipt of an application for a subdivision approval, determine whether the application is complete, or within such longer period as the applicant may have agreed to in writing.
- (2) The Subdivision Authority shall consider and decide on any application for a subdivision approval, within 60 days of the date of issuance of a letter to an applicant indicating the application is complete, or within such longer period as the applicant may have agreed to in writing.

Read a first time on the 28 day of June, 2018.

Public Hearing held on the 26 day of July, 2018.

Read a second time on the _____ day of _____, 2018.

Read a third and final time on the _____ day of _____, 2018.

Mayor

CAO