

TOWN OF DRUMHELLER

BYLAW NUMBER 03.18

BEING A BYLAW TO AMEND LAND USE BYLAW NO. 10-08 FOR THE TOWN OF DRUMHELLER IN THE PROVINCE OF ALBERTA.

WHEREAS pursuant to the provision of Section 639 of the *Municipal Government Act*, RSA 2000, Chapter M-26, the Council of the Town of Drumheller (hereinafter called the Council), has adopted Land Use Bylaw No. 10.08;

AND WHEREAS the Council deems it desirable to amend Land Use Bylaw No. 10.08; and

NOW THEREFORE the Council hereby amends Land Use Bylaw No. 10.08 as follows:

Part III, Development Permit Application

In Section 8, Application for a Development Permit, add the following immediately after (2):

“(3) The Development Authority shall issue a notice of “Complete” or “Incomplete” application, within 20 days of the submission in accordance with the requirements of the Act.”


Part IV, Appeals

In Section 11 (3) Replace “14” with “21” days.

READ A FIRST TIME THIS 5th DAY OF February, 2018

READ A SECOND TIME THIS 19th DAY OF March, 2018.

READ A THIRD TIME AND PASSED THIS 19th DAY OF March, 2018.



MAYOR



CHIEF ADMINISTRATIVE OFFICER

**TOWN OF DRUMHELLER
NOTICE OF PUBLIC HEARING
BYLAW 03.18 PROPOSES TO AMEND LAND USE BYLAW NO. 10-08**

PURPOSE: The purpose of Bylaw 03.18 is to consider an application to amend Land Use Bylaw No.10-08, by inserting new wording into the document to bring into accordance with the recent revisions to the Municipal Government Act as follows:

Part III, Development Permit Application

In Section 8, Application for a Development Permit, add the following immediately after (2):

“(3) The Development Authority shall issue a notice of “Complete” or “Incomplete” application, within 20 days of the submission in accordance with the requirements of the Act.”

Part IV, Appeals

In Section 11 (3) Replace “14” with “21” days.

PRESENTATION: A Public Hearing will be held in the Council Chamber, Drumheller Town Hall, located at 224 Centre Street, on March 5, 2018 commencing at 4:30 p.m. Town Council will hear from any person claiming to be affected by the proposed bylaw. The time limit of oral presentations is subject to the direction of the Chairperson.

Persons wishing to submit a letter, petition or other communication concerning these matters in advance of the Public Hearing, may do so provided they are legibly written. Submissions will be received up to 4:00 p.m. on March 5, 2018. Submissions should be addressed to: The Town of Drumheller, 224 Centre Street, Drumheller, Alberta T0J 0Y4.

Please be advised that the personal information in submissions made, is collected under the authority of the Alberta Freedom of Information and Protection of Privacy Act, Section 33(c) and subsequent versions of the Act. All submissions provided to the Town Council will be publicly available, in accordance with Section 40(1) of the Freedom of Information and Protection of Privacy Act.

DOCUMENTATION: A copy of the proposed bylaw may be inspected by the public during regular office hours, from 8:00 a.m. – 4:30 p.m., at the Town Hall, located at 224 Centre Street, Drumheller. This notice is given pursuant to Sections 606 and 692 of the Municipal Government Act.

First Publication: February 14, 2018

Second Publication: February 21, 2018

Chief Administrative Officer

Town of Drumheller REQUEST FOR DECISION



SUBJECT:	MUNICIPAL GOVERNMENT ACT AMENDMENTS PERTAINING TO APPEAL TIMELINES AND DEVELOPMENT PERMIT LETTERS OF COMPLETENESS
MEETING DATE:	February 1, 2018
PRESENTED BY:	Darryl Drohomerski, C.E.T., Chief Administrative Officer
BACKGROUND/ PROPOSAL	<p>Bill 21 (Modernized Municipal Government Act) sets out the processes and the timelines for reviewing and issuing decisions on subdivision application and development permit applications. The following two amendments came into force on October 26, 2017:</p> <p>Pursuant to Section 683 of the Municipal Government Act, there is now a requirement to notify applicants for a Development Permit if their application is complete or incomplete. This letter must go out within "20" days of the submission.</p> <p>Pursuant to Section 686(1)(a)(i)(A) of the Municipal Government Act, appeals for a development permit can now be submitted within a "21" day timeframe rather than the previous "14" days.</p>
DISCUSSION/ OPTIONS/ BENEFITS/DISADVANTAGES:	The new timelines for applications and decisions on subdivision and development permits will provide more flexibility.
COSTS / SOURCE OF FUNDING:	
COMMUNICATIONS:	Following adoption, the Bylaw will be posted on the Town's website and all planning documents will be updated with the new requirements.
LINK TO STRATEGIC PLAN:	
ATTACHMENTS:	
RECOMMENDED ACTION:	
COUNCIL OPTIONS:	
MOTION:	That Council give first reading to Bylaw 03.18 to amend the Land Use Bylaw by inserting new wording into the document to bring it into accordance with recent revisions to the Municipal Government Act and to allow for a public hearing to be held on March 5, 2018.

Prepared By: Linda Handy
Executive Assistant


Approved By: Darryl Drohomerski, C.E.T.
Chief Administrative Officer

Updated MGA Excerpt

RSA 2000

Section 683

MUNICIPAL GOVERNMENT ACT

Chapter M-26

Development Permits

Permit

683 Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw. 1995 c24 s95

Development applications

683.1(1) A development authority must, within 20 days after the receipt of an application for a development permit, determine whether the application is complete.

(2) 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.

(3) The time period referred to in subsection (1) may be extended by an agreement in writing between the applicant and the development authority or, if applicable, in accordance with a land use bylaw made pursuant to section 640.1(a).

(4) If the development authority does not make a determination referred to in subsection (1) within the time required under subsection (1) or (3), the application is deemed to be complete.

(5) If a development authority determines that the application is complete, the development authority must issue to the applicant an acknowledgment in the form and manner provided for in the land use bylaw that the application is complete.

(6) If the development authority determines that the application is incomplete, the development authority must issue to the applicant a notice in the form and manner provided for in the land use bylaw that the application is incomplete and that any outstanding documents and information referred to in the notice must be submitted by a date set out in the notice or a later date agreed on between the applicant and the development authority in order for the application to be considered complete.

(7) If the development authority determines that the information and documents submitted under subsection (6) are complete, the development authority must issue to the applicant an acknowledgment in the form and manner provided for in the land use bylaw that the application is complete.

(8) If the applicant fails to submit all the outstanding information and documents on or before the date referred to in subsection (6), the application is deemed to be refused.

(9) If an application is deemed to be refused under subsection (8), the development authority must issue to the applicant a notice in the form and manner provided for in the land use bylaw that the application has been refused and the reason for the refusal.

(10) Despite that the development authority has issued an acknowledgment under subsection (5) or (7), 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.

(11) If the development authority refuses the application for a development permit, the development authority must issue to the applicant a notice in the form and manner provided for in the land use bylaw that the application has been refused and the reasons for the refusal.

Development Appeals

Permit deemed refused

684(1) The development authority must make a decision on the application for a development permit within 40 days after the receipt by the applicant of an acknowledgment under section 683.1(5) or (7) or, if applicable, in accordance with a land use bylaw made pursuant to section 640.1(b).

(2) A time period referred to in subsection (1) may be extended by an agreement in writing between the applicant and the development authority.

(3) If the development authority does not make a decision referred to in subsection (1) within the time required under subsection (1) or (2), the application is, at the option of the applicant, deemed to be refused.

(4) Section 640(5) does not apply in the case of an application that was deemed to be refused under section 653.1(8) or 683.1(8).

7. Delia B/L 588 Amendments

Part III, Development Permit Application

In Section 3, Application for a Development Permit, add the following immediately after (2):

“(3) The Development Authority shall issue a notice of “Complete” or “Incomplete” application, within 20 days of the submission in accordance with the requirements of the Act.”

Part IV, Appeals

In Section 1 (3) Replace “14” with “21” days.

8. Drumheller B/L 10-08 Amendments

Part III, Development Permit Application

In Section 8, Application for a Development Permit, add the following immediately after (2):

“(3) The Development Authority shall issue a notice of “Complete” or “Incomplete” application, within 20 days of the submission in accordance with the requirements of the Act.”

Part IV, Appeals

In Section 11 (3) Replace “14” with “21” days.

9. Empress B/L 7-2013 Amendments

Part III, Development Permit Application

In Section 3, Application for a Development Permit, add the following immediately after (2):

“(3) The Development Authority shall issue a notice of “Complete” or “Incomplete” application, within 20 days of the submission in accordance with the requirements of the Act.”

Part IV, Appeals

In Section 1 (d) Replace “14” with “21” days.

10. Halkirk B/L 2012-2 Amendments

Part III, Development Permit Application

In Section 3, Application for a Development Permit, add the following immediately after (2):

“(3) The Development Authority shall issue a notice of “Complete” or “Incomplete” application, within 20 days of the submission in accordance with the requirements of the Act.”

Part IV, Appeals

In Section 1 (d) Replace “14” with “21” days.