



Bylaw Report

Bylaw 1705-23 – Land Use Bylaw Amendment

Issue

To consider Land Use Bylaw amendments related to the proposed Development Authority Bylaw and opportunities for streamlining the development permit approval process.

Recommendations

1. That Council give first reading to Bylaw 1705-23.
2. That Council schedule a Public Hearing for Bylaw 1705-23 for August 9, 2023 at 1:00 PM.

General

Bylaw 1705-23 proposes changes to administrative provisions of the Land Use Bylaw (LUB) to be consistent with the proposed Development Authority Bylaw and proposed Subdivision Authority Bylaw and to allow for more streamlined processing of development permits.

Appendix A provides a comparison of the current text for the sections of the LUB and the proposed changes. The first changes are the addition of a definition for the term “Development Authority Bylaw” and modifying the definition of “Development Officer” to reference the Development Authority Bylaw.

The second set of changes occur in Section 11. This includes adding reference to the Development Authority Bylaw in subsection 11.1. It also includes removing the references to “notice of decision” in subsections 11.2(K) and (I).

The third change is the removal of all of Section 13 which deals with the Subdivision Authority.

The fourth set of changes are in Section 27 and involves deleting subsection 27.3 and removing reference to “notice of decision” in subsection 27.4. The current wording of subsection 27.3 prevents the changes Planning staff are proposing for development permit processing.

At present, a development permit is only issued after the appeal period has expired or select conditions of approval have been met. This can sometimes lead to a significant gap of time between the date of decision and actual issuance of the permit. It also means Planning staff effectively send out notices to applicants twice which may not assist with the ability of the average applicant to understand the process steps. Planning staff are proposing to move to a system of issuing the development permit, with any related conditions, right after a decision on the application has been made. This means that any items going before Municipal Planning Commission would have the draft development permit attached. A separate set of steps and formal letters to provide the “notice of decision” would no longer be required as the applicant would be given the signed development permit as the record of the decision.

Options

That Council give first reading to Bylaw 1705-23,

Or

That Council defeats first reading of Bylaw 1705-23.

Financial

There are no direct financial implications from the proposed change to the LUB.

Policy/Legislation

Municipal Government Act Chapter M-26 Revised Statutes of Alberta 2000, Sections 606, 639, 640 and 692.
County of Stettler Land Use Bylaw 1443-10, as amended.

Implementation/Communication

Second and third readings of this Bylaw will be considered following a Public Hearing. Notice of the bylaw and public hearing will be posted on the County website, sent to referral agencies, and advertised in the Stettler Independent.

Prepared By

Craig Teal, RPP MCIP, Director of Planning & Development

Reviewed By

Yvette Cassidy, Chief Administrative Officer

Attachments

Appendix A: Comparison of Current and Proposed Text for Land Use Bylaw

Bylaw 1705-23

Appendix A: Comparison of Current and Proposed Text for Land Use Bylaw

Current LUB Text	Proposed LUB Text
<p>Current Text - Definition "Development Officer" means:</p> <ul style="list-style-type: none"> (a) a person authorized by resolution of Council to exercise the responsibilities of a Development Officer pursuant to this Bylaw, or (b) where the Municipal Planning Commission is authorized to act as Development Officer, the Municipal Planning Commission, or (c) where the Municipal Planning Commission is authorized to act as Development Officer, in addition to a person appointed as the Development Officer, either or both of them. 	<p>Proposed Text - Definition "Development Officer" means a person authorized to exercise the responsibilities and duties of a Development Officer under the Development Authority Bylaw.</p>
<p>Current Text – Subsection 11.1 The office of Development Officer is hereby established and shall be filled by a person or persons appointed by resolution of Council.</p>	<p>Proposed Text – Subsection 11.1 The Office of Development Officer is hereby established and shall be filled by a person or persons authorized under the Development Authority Bylaw.</p>
<p>Current Text – Subsection 11.2(k) notify the applicant and adjacent landowners of and advertise through the local newspaper any Notice of Decision issued by the Municipal Planning Commission or any Development Permit issued or variance approved by the Development Officer.</p>	<p>Proposed Text– Subsection 11.2(k) notify the applicant, adjacent landowners and the public of decisions made on development permit applications.</p>
<p>Current Text – Subsection 11.2(l) issue a Development Permit for which the Municipal Planning Commission has issued a Notice of Decision and which has not been appealed.</p>	<p>Proposed Text - Subsection 11.2(l) issue a Development Permit where an approval has been granted by the Municipal Planning Commission.</p>

Current LUB Text	Proposed LUB Text
<p>Current Text - Section 13 Subdivision Authority</p> <p>13.1 The Subdivision Authority is hereby established pursuant to the Act.</p> <p>13.2 The Municipal Planning Commission is hereby appointed as the Subdivision Authority pursuant to the Act. The Municipal Planning Commission shall conduct its business as the Subdivision Authority in accordance with the provisions of Section 12 of this Bylaw.</p> <p>13.3 As the Subdivision Authority, the Municipal Planning Commission shall exercise those powers, functions and duties of the Subdivision Authority described in the Municipal Development Plan, as amended from time to time.</p> <p>13.4 The Chief Administrative Officer, or his/her designate, is the signing authority for all subdivision-related matters.</p> <p>13.5 All subdivisions shall comply with Administrative Policy 1.27 Planning and Subdivision Guidelines.</p> <p>Substandard Lots</p> <p>13.6 The Subdivision Authority may consider for approval a subdivision application that does not meet the minimum measurable standards of this Bylaw up to the variances provided for in Sections 23.3 and 23.4, except if the variance is otherwise expressly prohibited by this Bylaw or any other statute or regulation.</p> <p>13.7 The Subdivision Authority may consider for approval a subdivision application for a developed parcel that does not meet the minimum measurable standards of this Bylaw after the variances provided for in Sections 23.3 and 23.4 have been allowed for, only if the purpose of the subdivision is to accommodate a development that existed on the date of the initial adoption of this Bylaw (March 9, 2011).</p> <p>Right of Appeal</p> <p>13.8 If an Application for subdivision is refused or if a decision is not made within sixty (60) days from the date of receipt of the completed Application, or within such longer period as the Applicant may approve in writing, only the Applicant, affected government agencies and school authorities may appeal to the Subdivision and Development Appeal Board pursuant to Section 34.</p>	<p>Proposed Text- Section 13 Subdivision Authority</p> <p>Deleted - none</p>

Current LUB Text	Proposed LUB Text
<p>Current Text – Subsection 27.3</p> <p>27.3 After a Notice of the decision has been issued, an actual Development Permit shall not be issued:</p> <ul style="list-style-type: none"> (a) for a permitted use with conditions or with a variance or for a discretionary use with or without conditions until the expiration of the appeal period, provided that no notice of appeal has been filed with the Subdivision and Development Appeal Board; (b) for any use or development, until all the conditions, if any, except those of a continuing nature, have been met; (c) for any use or development on which the Development Authority has made a decision and against which an appeal is filed, until the appeal is upheld, either in whole or as varied by the Subdivision and Development Appeal Board. 	<p>Proposed Text – Subsection 27.3</p> <p>Deleted - none</p>
<p>Current Text – Subsection 27.4</p> <p>Any development or part of a development that is started or undertaken prior to the expiration of the periods outlined in Section 27.3 shall be undertaken entirely at the risk of the Applicant and with the understanding that the Applicant is liable for any costs which may be incurred in returning the parcel of land to the state it was in prior to development.</p>	<p>Proposed Text – Subsection 27.4</p> <p>Any development or part of a development that is started or undertaken prior to the expiration of the appeal period or, if appealed, the outcome of the appeal process shall be entirely at the risk of the Applicant and with the understanding that the Applicant is liable for any costs which may be incurred in returning the parcel of land to the state it was in prior to development.</p>