Part 4:
DEVELOPMENT PROCESSES

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PART 4 DEVELOPMENT PROCESS

D1 DEVELOPMENT PERMITS

D1.1 DUTIES AND RESPONSIBILITIES

1) The Development Officer shall:
   a) receive and process all applications for development permits;
   b) keep and maintain for inspection of the public during office hours, a copy of this Bylaw and all amendments thereto, and ensure that copies are available to the public at a reasonable charge;
   c) keep a permanent register of all applications for development, including the decisions thereon and the reasons therefore;
   d) consider and issue decisions on development permit applications for permitted uses;
   e) refer applications for development permits to the Municipal Planning Commission for a decision for:
      i) permitted uses where the development proposed involves a variance from the requirements of this Bylaw in excess of 25%;
      ii) work camps other than those stated in 1(e)(ii);
      iii) discretionary uses.
   f) refer applications for development permits within a Direct Control District to Council for a decision; and
   g) send a letter to the applicant indicating that their application is deemed complete.

2) The Development Officer may:
   a) refer development permit applications to the Municipal Planning Commission for those uses listed as permitted uses which the Development Officer wishes to refer to the Municipal Planning Commission; and
   b) refer any other planning or development matter to the Municipal Planning Commission for its review, support or advice.

3) The Municipal Planning Commission shall:
   a) issue decisions for development permit applications for discretionary uses;
   b) issue decisions for permitted uses which the Development Officer refers to it, including development applications that propose a variance from the requirements of this Bylaw in excess of 25%;
   c) work camps other than those stated in 1(e)(ii); and
   d) consider any other planning or development matter referred by the Development Officer.

D1.2 DEVELOPMENT PERMITS REQUIRED

1) No person shall commence or cause or allow to be commenced, or carry on, or cause to allow to be carried on, any development unless a development permit has been issued pursuant to the provisions of this Bylaw.

2) Except as provided for in Section D1.3, no person shall commence development unless they have been issued a development permit in respect thereof.

D1.3 WHEN A DEVELOPMENT PERMIT IS NOT REQUIRED

1) A development permit is not required for the following developments provided that they conform to the provisions of this Bylaw:
   a) Accessory Uses
      i) construction or installation of an accessory building that is no larger than 10.22 m^2 (110.0 $ft.^2$) nor 2.4 m (8.0 ft.) tall;
      ii) satellite dishes;
      iii) unenclosed private swimming pools, provided they comply with the requirements of Section C2.2(12);
      iv) an accessory building for an active farming operation in the Agricultural District (AG) that is to be used exclusively for agricultural purposes including, but not limited to, hay sheds, open face livestock shelters, wood storage, grain bins, silos, structures required for the confinement of livestock and other operations requisite for the continued use of that land for agricultural purposes;
      v) temporary fabric structures that are designed to shelter passenger vehicles from the elements; and
      vi) temporary fabric structures erected for special events.
   b) the construction of fences, walls, or other means of yard enclosure that is 2.0 m (6.6 ft.) or less in the side and rear yard and 1.0 m (3.3 ft.) or less in the front yard;
   c) portable sawmills;
   d) landscaping, stripping, site grading, and excavating that is required for a development for which a development permit has been issued;
   e) the parking or storage, or both, of any uninhabited recreational vehicle in a residential district subject to Section C2.21;
   f) the carrying out of works of maintenance or repair to any building, provided that such works do not include structural alterations or a change in use;
   g) a temporary building, the sole purpose of which is incidental to the erection or alteration of a permanent building, for which a development permit has been issued under this bylaw. The temporary building shall be removed from the lot within thirty (30) days of substantial completion of the permanent building; and
   h) the maintenance and repair of public works, services, and utilities carried out by or on behalf of federal, provincial, or municipal public authorities on land which is publicly owned or controlled or zoned for such use;
   i) trappers cabin on a registered trap line;
   j) the completion and use of a building which was lawfully under construction at the date of the approval of this bylaw, provided that
      i) the building is completed in accordance with the terms of any permit granted in respect of it and subject to the conditions of the permit, and
      ii) the building is completed within a period of twelve (12) months from the said date of the said approval;
   k) utility connections and maintenance, including television, telephone, electrical, or heating installation work to a building, provided that the use or intensity of use does not change;
   l) the erection of an uncovered deck which has a height of less than 0.6 m (2.0 ft.) above grade, and which is accessory to a residential structure, or the replacement of a deck using the existing footprint;
   m) the construction of a private driveway on a lot;
   n) subdivision entrance feature signs where identified in a development agreement as part of the approval of a subdivision application;

o) the demolition or removal of any building or structure, the erection of which would not require a development permit, pursuant to subsections (a) through (q) above, both inclusive;
p) the occupancy by a permitted use of a vacant space in an existing or approved commercial or industrial building, unless the new use results in an increase in parking requirements;
q) extensive agriculture in the Agricultural District (AG);
r) for a communication tower that requires a federal approval. In these cases, the applicant shall submit documentation to the County that all requirements respecting public consultation have been met.
s) hot tubs;
t) above ground pools;
u) mobile food service unit (ie. food truck);
v) temporary government services during municipal, provincial, and federal elections;
w) temporary retail sales which may include Christmas tree sales, food sales, plant sales and miscellaneous items;
x) play equipment;
y) all that is listed under Section 618 of the *Act;*
z) tents for special events under 10.22 m^2 (110.0 ft^2).

D1.4 DEVELOPMENT PERMIT APPLICATIONS

1) An application for a development permit shall be made to the County using the prescribed form and shall include:
   a) the signature of the registered owner(s) or an agent authorized by the registered owner(s) to make the application;
   b) a statement specifying the nature of the development proposed for the lot;
   c) a lot plan prepared in accordance with subsection (2);
   d) water and sanitary servicing for the proposed development;
   e) floor plans, elevation drawings, and cross-sections of any proposed building(s), as may be required by the Development Officer;
   f) a summary of existing development on the lot;
   g) a statement specifying any variances that may be required pursuant to Section D1.6;
   h) the estimated cost of the project;
   i) the estimated commencement and completion dates of the proposed development;
   j) be accompanied by an application fee as established by Council; and,
   k) Certificate of Title issued within thirty (30) days of an application deemed to be complete.

2) Lot plan
   The applicant may be required to submit in hard copy or in digital form, one (1) copy of a lot plan at a scale satisfactory to the County, showing the following:
   a) north arrow;
   b) proposed front, side, and rear yard setbacks for all new structures;
   c) legal description of the lot and adjacent lots (by lot, block, and registered plan number), roads, rights-of-way, easements, known floodplains, top of bank, and watercourses within or abutting the lot;
   d) location of existing and proposed municipal and private local improvements, principal building and other structures including accessory buildings, garages, carports, fences, driveways, paved areas, and major landscaped areas including buffering and screening areas where provided;

e) the grades of the adjacent streets, lanes, and sewers servicing the property, where available;
f) lot grading plans illustrating the proposed lot drainage and surface elevations of all new buildings; and
g) setbacks for existing and proposed development from areas of steep slope, top of bank from any watercourse, or identified high water mark of any watercourse.

3) In addition to the requirements of subsections (1) and (2), an application for development of row housing or apartment housing shall include:
   a) design plans and working drawings, including elevations; and
   b) lot plans showing the proposed:
      i) location and position of structures on the lot, including any signs;
      ii) location and number of parking spaces, exits, entries, and drives;
      iii) location of an access to garbage storage areas; and
      iv) a landscaping plan of the entire lot which shall also show intended fencing and surfacing for drives and parking areas.

4) In addition to the requirements of subsections (1) and (2), an application for industrial development may include:
   a) the location of the proposed development;
   b) the type of industry proposed;
   c) the size of all buildings;
   d) number of employees;
   e) estimated water demand and anticipated source;
   f) the type of effluent to be generated and method of treatment to be employed;
   g) transportation routes to be used (rail and road);
   h) the rationale for the proposed location; and
   i) any accessory works required (e.g. pipelines, railway spurs).

5) Supplementary reports
   In addition to the requirements outlined in subsections (1) through (4), the applicant may be required to provide the following information in support of an application:
   a) a geotechnical and/or flood plain study prepared by a qualified engineer recognized by APEGA, if a proposed development is located adjacent to the top of bank of a water body, a potentially unstable slope, or is known to be flood-prone in accordance with Section C1.16;
   b) a biophysical assessment prepared by a qualified professional registered in the province of Alberta, if a proposed development is located on or adjacent to a lot that is identified in the provincial government's or the County's Wetland Inventory, or for any multi-lot subdivision or major development located within or in close proximity to an area or lot that is determined by the Development Authority to be an environmentally significant area;
   c) a hydrogeological report prepared by a qualified engineer recognized by APEGA, to determine the potential impacts of development on area watersheds and groundwater aquifers;
   d) a reclamation plan for aggregate extraction or lot grading and excavation;
   e) a level one and/or level two environmental lot assessment, conducted in accordance with Canadian Standards Association (CSA) guidelines, to determine potential contamination and mitigation of a lot;
   f) an environmental impact assessment for a development that is deemed to generate potentially significant off-site environmental effects, or is located on lands affected by the environmentally significant area protection overlay;

g) a Traffic Impact Assessment (TIA), prepared by a qualified engineer recognized by APEGA, if a proposed development:
   i) is located adjacent to an intersection with a Provincial Highway;
   ii) generates in excess of 100 vehicle trips per hour during the AM or PM peak hour;
   iii) is located on a lot with existing traffic issues such as sightline, road geometry, or operational concerns;
   iv) does not conform to a TIA previously approved for the lot, or
   v) is a major campground or a major development;
h) a landscaping plan for the lot when required under Section C4;
i) a Stormwater Management Plan, prepared by a qualified engineer recognized by APEGA, in accordance with the GMSS, for any commercial, industrial, or multi-unit residential development;
j) a Risk Management Plan for any heavy industrial development, or any other industrial use in which dangerous goods are produced, processed, handled, stored or disposed of on-site;
k) a parking study, prepared by a qualified engineer recognized by APEGA, if a proposed development proposes a reduction in parking requirements in accordance with Section C3.

6) When required by the Development Officer, a letter from the registered owner authorizing the right of entry by the Development Authority to such lands or buildings as may be required for investigation of the proposed development.

7) Permit applications on Crown Land shall not be issued until the associated leases are approved by the Province.

8) Incomplete applications
   a) When, in the opinion of the Development Officer, an application does not include the information required under subsections (1) through (5) or is of insufficient quality to properly evaluate the application, it shall be deemed as incomplete. The application shall be processed once the missing information is provided by the applicant.
   b) In the event an application is deemed to be incomplete in accordance with (a), the Development Officer shall notify the applicant of the nature of the deficiency within seven (7) business days of receipt of the application.
   c) Notwithstanding (a), the Development Officer may process an application without all of the information required if, in the opinion of the Development Officer, a decision can be properly made on an application without such information being provided.

D1.5 DECISIONS

1) In making a decision on a development permit for a permitted use the Development Authority:
   a) shall approve, with or without conditions, the application if the proposed development complies with this Bylaw; or
   b) shall refuse the application if the proposed development does not conform to this Bylaw.

2) In making a decision on a development permit for a discretionary use the Development Authority:
   a) may approve the application if it meets the requirements of this Bylaw, with or without conditions, based on the merits of the application; or
   b) may refuse the application even though it meets the requirements of this Bylaw; or
   c) shall refuse the application if the proposed development does not conform to this Bylaw.

3) The Development Authority shall refuse a development permit for a use that is not listed as a permitted use or discretionary use in the district in which the proposed development is located.

4) Notwithstanding subsection (3), in the case where a proposed use of land or a building is not listed as a permitted use or discretionary use in this Bylaw, the Development Authority may determine that such a use is similar in character and purpose to a permitted use or discretionary use prescribed for that land use district and may allow the development as a discretionary use.

5) Notwithstanding any requirements of this Bylaw, the Development Authority may establish a more stringent standard for a discretionary use when the Development Authority deems it necessary to do so.

6) The Development Authority shall consider and decide on an application for a development permit within forty (40) days in its complete and final form. An application shall, at the option of the applicant, be deemed to be refused when a decision is not made by the Development Authority within forty (40) days after receipt of the completed application unless an agreement to extend the forty (40) day period is established between the applicant(s) and the Development Authority. In the absence of a time extension, an appeal may be filed by the applicant pursuant to Section D3.

7) When an application is refused, the decision shall outline the specific reasons for the refusal, the time periods within which an appeal can be made, and to whom the applicant can make the appeal, if so desired.

8) Where a proposed development involves the subdivision of land, no development permit shall be issued until the subdivision has been registered with Alberta Land Titles.

D1.6 VARIANCE AUTHORITY

1) Notwithstanding Sections D1.5(1)(b) and D5.1(2)(c), the Development Authority may approve an application for a development permit for a permitted use or a discretionary use, but that does not otherwise comply with this Bylaw if, in the opinion of the Development Authority:
   a) the proposed development would not:
      i) unduly interfere with the amenities of the neighbourhood; or
      ii) materially interfere with or affect the use, enjoyment or value of neighbouring properties, and
   b) the proposed development conforms with the use prescribed for that land or building in this Bylaw.

2) Variances approved by the Development Officer shall not exceed 25%, and shall be limited to setback distances, building height, lot size, and lot coverage. Any variance that exceeds these limits shall be referred to the Municipal Planning Commission for a decision.

3) The Municipal Planning Commission may grant a variance to any regulation or requirement of this Bylaw.

4) In addition to the considerations provided under subsection (1), a variance may only be granted if, in the opinion of the Development Authority approval of the proposed variance:
   a) is consistent with the purpose and intent of the Municipal Development Plan and any other applicable statutory plan;

b) maintains the purpose and intent of the applicable district and this Bylaw;
c) is desirable for the appropriate and orderly development of the use of the land;
d) is appropriate given geotechnical considerations such as flooding and slope stability;
e) includes factors unique to the development, use and lot which are not generally common to other development and land in the same district and which would result in unnecessary hardship or practical difficulties for the proposed development to comply with the provisions of this Bylaw;
f) will not cause negative impacts on community services such as schools, parks, fire protection, and health;
g) respects municipal land, right-of-way, or easement requirements;
h) can be designed to mitigate impacts on adjacent lots; and
i) is required to accommodate new development that is to be located on a pre-existing lot that does not meet the minimum lot area requirements of the subject land use district.

5) All requests for a variance shall be accompanied by a statement from the applicant stating the reasons for the proposed variance, outlining the applicable criteria in subsection (4), and the nature of the hardship incurred if the variance is not granted.

6) If a variance is granted pursuant to this section, the Development Authority shall specify its nature in the development permit approval.

D1.7 DEVELOPMENT PERMIT VALIDITY

1) When an application for a development permit has been approved, the development permit shall not be valid and come into effect unless and until:
   a) any conditions of approval, except those of a continuing nature, have been fulfilled; and
   b) the time for filing a notice of appeal to the Subdivision and Development Appeal Board as specified in Section D3.1(5) has passed. Any development proceeded with by the applicant prior to a development permit coming into effect is done solely at the risk of the applicant. For the purposes of this section, in the case of a development permit issued for a permitted use that proposes a variance, the development permit shall not be valid until fourteen (14) days have passed from the date when the notice is published in the newspaper pursuant to section D1.10(2).

2) In cases where an appeal has been served on the Subdivision and Development Appeal Board, the permit shall not be valid and come into effect until a decision is rendered by the Board and a permit issued in accordance with Section D3.2.

3) If the Subdivision and Appeal Board is served with notice of an application for leave to appeal its decision with respect to a development permit, such notice shall serve to suspend the development permit. The final determination of the leave to appeal shall serve to validate, amend, or revoke, as the case may be, the suspended development permit.

4) When an application for a development permit has been refused pursuant to this Bylaw or after appeal, the submission of another application for a permit on the same property and for the same or similar use by the same or any other applicant shall not be accepted by the Development Officer:
   a) within six (6) months after the date of the refusal by the Development Officer;

b) within six (6) months of the date of a written decision of the Subdivision and Development Appeal Board on a previous application, if the previous application was appealed to, and subsequently refused by, the Subdivision and Development Appeal Board; or
c) within six (6) months of the date of a written decision of the Alberta Court of Appeal on the previous application if the application has been appealed to the Alberta Court of Appeal; or
d) during the time prior to the decision of the Subdivision and Development Appeal Board or the Alberta Court of Appeal, if the application has been appealed to the Subdivision and Development Appeal Board or the Alberta Court of Appeal.

5) Notwithstanding subsection (4), the Development Officer shall accept a development permit application for a permitted use that complies with the Bylaw in all respects.

D1.8 COMMUNITY ENGAGEMENT PRACTICES

1) The Development Authority may refer for comment any development permit application to any external agency, neighbouring municipality, adjacent landowner(s), or persons as deemed necessary.

2) Notwithstanding subsection (1), the Development Authority shall refer development permit applications to:
   a) the Provincial Authority for the development of permanent overnight accommodation or public facilities on lands where any portion of the land that is subject to the application is within 1500.0 m (1.5 km) of a sour gas facility;
   b) the Provincial Authority for any development proposed
      i) within 300.0 m (0.3 km) of the right-of-way of a Provincial Highway, or
      ii) within 800.0 m (0.8 km) of an intersection with a Provincial Highway;
   c) all County departments and the County Fire Chief in all cases; and,
   d) comply to Table D1.1 requirements for referral of development permit applications:

Table D1.1: Minimum Public Consultation Requirements for Development Permits.

Type of Application	Form of Public Consultation	Purpose	Responsible Party
Major Projects	Public Meeting	Consult public input input/feedback on issues/options from interest parties	Applicant
	Public Engagement to solicit property owner or stakeholder input	Obtain as much public input as possible prior to formulating a decision and/or recommendation on an application	Planning Department
Discretionary Use	Circulation of application to properties before decision	Obtain as much public input as possible prior to formulating a decision and/or recommendation on an application	Planning Department
Specialized	Neighbouring	Inform neighbouring property	Applicant

Development	Properties Consultation	owners and occupants of the proposed development	
	Public Notification of Decision	Inform public of development permit decision, as per the Municipal Government Act.	Planning Department

3) Having received a reply on a matter referred under this section, the Development Authority shall make a decision giving due consideration to the recommendations and comments received. If comments not received within fourteen (14) days of the date of the referral, the Development Authority may make a decision in the absence of comments being received.

4) Pursuant to subsection (4), the Development Authority may consider but shall not be bound by the comments it receives from any referral with the exception of input that may be mandated by federal and provincial legislation with which it must comply.

5) For an application for a major development, the applicant shall be required to conduct a public meeting to solicit landowner input to the proposed development, and provide proof to the Development Authority that such consultation was carried out.

D1.9 DEVELOPMENT PERMIT CONDITIONS

1) The Development Authority may impose such conditions on approvals as, in their opinion, are necessary:
   a) to uphold the intent and objectives of any statutory plan as well as the applicable land use district; or
   b) to ensure the orderly development of land including but not limited to
      i) landscaping requirements;
      ii) noise abatement;
      iii) the location, appearance and character of buildings;
      iv) compatibility with surrounding land uses.

2) As a condition of development permit approval, the County may require that the applicant enter into an agreement to:
   a) construct or pay for the construction of roads, pedestrian walkways, or parking areas which serve the development or which connect the walkway with another walkway system that serves or is proposed to serve an adjacent development;
   b) specify the location and number of vehicular and pedestrian access points to the development from roads;
   c) install or pay for the installation of public utilities other than telecommunications systems or works;
   d) construct or pay for the construction of off-street or other parking facilities, and loading and unloading facilities;
   e) pay an off-site levy;
   f) to repair or reinstate, or to pay for the repair or reinstatement of, to original condition, any road furniture, curbing, sidewalk, boulevard landscaping, and tree planting which may be damaged, destroyed, or otherwise harmed by development or building operations on the lot;

and/or

g) give security to ensure that the terms of the agreement noted herein are carried out.

3) When an agreement is to be entered into between the County and the applicant pursuant to subsection (2), the applicant may be required to pay to the County upon execution of the agreement, a fee as determined by Council.

4) The Development Authority may require any agreement entered into pursuant to subsection (2) to be registered against the title of the lot that is the subject of the development, and must be discharged when the requirements of the agreement have been fulfilled.

5) In the absence of an agreement under subsection (2), the Subdivision Authority or the Development Authority may require as a condition of approval that a refundable security be provided to ensure:
   a) completion of the development in accordance with the conditions of the approval and/or
   b) to cover the cost of repairing local improvements which may be damaged during the process of development.

D1.10 NOTICE OF DECISION

1) When a development permit application for a permitted use is approved, with or without conditions, a notice of decision shall, within five (5) business days, be sent by ordinary mail to the applicant and the registered owner(s).

2) When an application for a development permit for a permitted use that proposes a variance, or a discretionary use is approved, the notice of decision shall be published in a newspaper circulating in the County, indicating the legal description, municipal address, the nature of the approved development, whether a variance has been issued, and the right of appeal. As a courtesy, a copy of the notice shall be sent, by regular mail, to all owners of land, located adjacent to, or wholly or partially within a distance of 60.0 m (197.0 ft.) of the lot lines of the lot that is the subject of the development permit.

3) In the case of an application for a work camp or major campground, the Development Officer may send a copy of the notice by regular mail to all owners of land, located adjacent to, or wholly or partially within a distance of 1000.0 m (1.0 km) of the lot lines of the lot on which the work camp or major campground is proposed to be located.

4) For the purpose of subsections (2)(b) and (3), the referral distance shall be measured from the respective lot lines.

5) When an application for a development permit is refused, a notice of decision shall, within five (5) business days, be delivered by ordinary mail to the applicant.

6) For the purpose of this section, the Notice of Decision shall include:

a) a description of the proposed development;
b) the legal description of the land that is the subject of the development;
c) a statement summarizing the decision; and
d) a description of the right of appeal, appeal timelines, and contact information for the Secretary of the Subdivision and Development Appeal Board.

D1.11 DEVELOPMENT COMMENCEMENT AND COMPLETION

1) Development commencement
   a) If an approved development includes construction, and the construction that is authorized by a permit is not commenced within twelve (12) months of the date of its issue, the permit is deemed void, unless an extension to this period is granted by the Development Authority.
   b) Upon application prior to expiry, the Development Authority may grant one (1) extension of the effective period of a development permit for a period not exceeding twelve (12) months, provided the plans have not changed. If the plans for the proposed lot are changed, a new permit application shall be submitted.
   c) If a development permit or time extension expires and the applicant wishes to proceed with the development, a new application shall be submitted. There shall be no obligation on the part of the Development Authority to approve a new application based on the previous approval.
   d) In cases where a use is discontinued for a period of six (6) consecutive months or more, any subsequent use of the land or building shall comply with this Bylaw and shall require a new development permit.

3) For the purpose of subsection (1), development commences when the lot is altered in furtherance of the development that was approved by the development permit. Without restricting the generality of the foregoing, development commences when excavation or lot preparation in anticipation of construction for the approved development permit occurs. The lot shall not be deemed to be altered by:
   a) fencing a lot where a development permit is not required for a fence;
   b) erecting signs, obtaining permits or conducting minor interior demolition;
   c) obtaining information in accordance with Section D1.4(5); and
   d) any development or construction that occurs without a building permit when a building permit is required.

4) Any construction that occurs as a result of a development permit approval shall be completed within two (2) years of the initial date of approval.

5) A new development permit application will be required where development is not completed within two (2) years of the initial date of approval.

D2 SUBDIVISION

D2.1 APPLICATIONS

1) A subdivision application shall include the following:
   a) a completed subdivision application form signed by the registered landowner(s), and/or authorized agent, corporation papers may be requested if the registered landowner is a company name;
   b) a tentative plan showing the proposed subdivision in detail;
   c) the application fee as established by Council; and
   d) a copy of the current certificate of title for the land that is the subject of the application, issued by a registry office no more than thirty (30) days prior to the date of application.

2) The tentative plan required under subsection (1)(b) shall:
   a) indicate the location, dimensions, and lot lines of the land to be subdivided;
   b) show the location, dimensions and boundaries of:
      i) each new lot to be created, including public utility lots, environmental reserve and municipal reserve; and
      ii) all required road and utility rights-of-way.
   c) show the location, and dimensions of any existing buildings on the land that is the subject of the application;
   e) show the location of any river, stream, watercourse, lake, or other body of water that is contained within the boundaries of the proposed parcel of land;
   f) describe the use(s) proposed for the land that is the subject of the application;
   g) identify the location of any existing or proposed wells, abandoned wells, the locations and type of any private sewage disposal systems, and the distance from these to existing or proposed buildings and property lines; and
   h) the existing and proposed access to the proposed parcels and the remainder of the titled area.

3) In addition to the information required under subsection (1), the County may also require the following:
   a) a topographic map of the land that is to be subdivided with contours of not greater than 1.5 m (5 ft.) intervals;
   b) if the proposed subdivision is not to be served by a water distribution system, a hydrogeological report prepared by a qualified engineer recognized by APEGA, respecting the provision, availability, and suitability of potable groundwater on or to the land to be subdivided, and to determine the potential impacts of development on area watersheds and groundwater aquifers;
   c) a geotechnical report as per Section D1.4(5)(a);
   d) a stormwater management plan as per Section D1.4(5)(i);
   e) if the land that is the subject of an application is located in a potential flood plain, a map showing the 1:100 year flood plain;
   f) if a proposed subdivision is not to be served by a wastewater collection system, information supported by the report of a qualified professional, registered in the province of Alberta, respecting the intended method of providing sewage disposal facilities to each lot in the proposed subdivision;
   g) information respecting the land use and land surface characteristics of land within 800 m (0.8 km) of the land proposed to be subdivided;
   h) if any portion of the parcel of land affected by the proposed subdivision is situated within

1500 m (1.5 km) of a sour gas facility, a map showing the location of the sour gas facility;

i) a conceptual scheme that relates the application to future subdivision and development of adjacent areas;

j) a land appraisal no older than thirty-five (35) days and prepared by a registered land appraiser in the Province of Alberta.

4) All proposed parcels being created shall not, in the opinion of the Subdivision Authority, prejudice the future efficient development of the remnant parcel.

5) Any Subdivision deemed to be incomplete shall be addressed in accordance with Section D1.4(8).

6) At the discretion of the Development Officer, the applicant may be required to conduct a community information meeting, at the applicant's expense, to discuss a proposed multi-lot subdivision.

7) Where a parcel of land is the subject of a subdivision application, no additional subdivision applications shall be considered for that same parcel until such time as the existing application is withdrawn or a decision is rendered and the file closed.

8) All proposed lots must have a proven building site based on the required setbacks from property lines, waste disposal facilities, oil and gas infrastructure, high voltage transmission lines, and natural features according to provincial legislation and County bylaws.

D2.2 PROCESS

1) Upon receipt of a complete subdivision application, the Development Officer shall circulate a copy of the application to Government departments and other local authorities as required by the Regulation, and all landowners located wholly or partially within a distance of 60.0 m (198.0 ft.) of the lot lines of the lands to be subdivided. The accompanying notice shall also describe the nature of the application, the method of obtaining further information about the subdivision application, and the manner in which and time within which written submissions may be made to the Subdivision Authority.

2) The Subdivision Authority shall consider the comments of those persons to whom an application for subdivision approval is referred, but is not bound by them unless required by the Regulation.

3) The Subdivision Authority shall consider and decide on an application within the time frames provided in the Regulation and/or Act. An application shall, at the option of the applicant, be deemed to be refused when a decision is not made by the Subdivision Authority within the specified period unless an agreement to extend the period is established between the applicant(s) and the Subdivision Authority and/or the Development Officer. In the absence of a time extension, an appeal may be filed by the applicant pursuant to Section D3.1.

4) A decision of a Subdivision Authority shall be provided in writing to the applicant and to the

Government departments, persons, and local authorities to whom the Subdivision Authority is required by the Regulation, to give a copy of the application. Such notice shall be sent by regular mail within five (5) business days of the date of the decision. A decision of the Subdivision Authority must state whether an appeal lies to a Subdivision and Development Appeal Board or to the Municipal Government Board, and if an application for Subdivision approval is refused, the reasons for refusal.

5) Endorsement
   a) An applicant for Subdivision approval shall submit to the County the plan of subdivision or other instrument that effects the subdivision within one (1) year of either:
      i) the date of subdivision approval;
      ii) the date of an appeal board's decision; or
      iii) the date the judgment is entered, or the appeal is discontinued by the Court of Appeal.
   b) On being satisfied that a plan of subdivision or other instrument complies with the subdivision approval and that any conditions imposed have been met, the County shall endorse the plan or other instrument in accordance with the Regulation;
   c) Council may provide an extension to the applicant for subdivision in order to meet conditions of subdivision approval whether or not the time period has expired. The application timeline may vary from file to file; and
   d) If the plan of subdivision or other instrument is not submitted within the time prescribed or further authorized by a time extension, the subdivision approval is void.

6) Registration
   a) If the plan of subdivision or other instrument is not registered in a Land Titles Office within one (1) year after the date on which it is endorsed, the subdivision approval and the endorsement are void and the plan or instrument may not be accepted by a Registrar for registration.
   b) Council may provide a one (1) year time extension to the applicant for subdivision in order to register the plan or instrument whether or not the time period has expired.

7) When an application for subdivision approval has been refused pursuant to this Bylaw or after appeal, the submission of another application for a subdivision on the same property and for the same or similar use by the same or any other applicant shall not be accepted by the Development Officer for six (6) months after the date of the refusal.

D3 APPEALS

D3.1 APPEALING A DECISION

1) The applicant for a development permit, or person affected by a stop work order may appeal to the Subdivision and Development Appeal Board, if a Subdivision or Development Authority:
   a) refuses or fails to make a decision on a development permit within forty (40) days of receipt and acceptance of a completed application;
   b) refuses or fails to make a decision on a subdivision application within sixty (60) days of receipt and acceptance of a completed application;
   c) issues a development permit subject to conditions; or
   d) issues a stop work order pursuant to this Bylaw.

2) In addition to the applicant, any person affected by an order or decision made or issued by the Subdivision or Development Authority may appeal to the Subdivision and Development Appeal Board.

3) Notwithstanding subsection (1), no appeal may be made for a development permit if a decision is made by Council in a Direct Control District.

4) Notwithstanding subsection (2) the decision of a Subdivision Authority on an application for Subdivision may only be appealed by:
   a) the applicant;
   b) a government department, if the application is required by the Regulation, to be referred to that department; or
   c) a School Authority with respect to municipal reserve.

5) An appeal on a development permit shall be commenced by filing a notice of appeal with the Secretary of the Subdivision and Development Appeal Board within fourteen (14) days of the date when the notice is published in the newspaper pursuant to section D1.10(2).

6) A notice of appeal shall be accompanied by an appeal fee as established by Council.

D3.2 THE APPEAL PROCESS

1) The Secretary of the Subdivision and Development Appeal Board shall ensure that notices of appeal are issued to all persons required to be notified under the provisions of the Subdivision and Development Appeal Board Bylaw and the Act.

2) If a notice of appeal is served on the Secretary of the Subdivision and Development Appeal Board, the permit or subdivision shall not be effective until:
   a) the decision to approve the development permit or subdivision is upheld by the Subdivision and Development Appeal Board; or
   b) the Secretary of the Subdivision and Development Appeal Board receives written notice from the appellant withdrawing the appeal.

3) In dealing with an appeal, the Subdivision and Development Appeal Board shall follow the process described in the Subdivision and Development Appeal Board Bylaw and the Act.

4) The Subdivision and Development Appeal Board shall hold an appeal hearing within thirty (30) days of receipt of a notice of appeal.

5) If a decision to approve a development permit or subdivision is reversed by the Subdivision and Development Appeal Board, the development permit or subdivision shall be null and void.

6) If a decision to refuse a development permit or subdivision is reversed or an approval is varied by the Subdivision and Development Appeal Board, the Board shall issue an approval in accordance with its decision.

7) When an application for a development permit has been approved by the Subdivision and Development Appeal Board, it shall not be valid until any conditions of approval, except those of a continuing nature, have been fulfilled.

8) The decision of the Subdivision and Development Appeal Board is binding except on a question of jurisdiction or law, in which case the matter may be appealed to the Court of Appeal as provided in the Act.

D3.3 NOTICE OF APPEAL

1) When hearing a development appeal, the Secretary of the Subdivision and Development Appeal Board shall, at least seven (7) days prior to the hearing of an appeal:
   a) send by ordinary mail, or hand deliver, written notice of the hearing to the appellant, to the Development Authority or Subdivision Authority, and any other person that the Subdivision and Development Appeal Board considers to be affected by the appeal and should be notified;
   b) post a notice of appeal on the County's website; and
   c) publish a notice of appeal in a newspaper circulating in the County.

2) The notice required under subsection (1) shall state:
   a) the subject and nature of the appeal;
   b) the time, date, and location of the hearing; and
   c) any other matters the Subdivision and Development Appeal Board considers necessary.

D4 AMENDING THE BYLAW

D4.1 BYLAW AMENDMENTS

1) Council may, from time to time, amend the text, schedules, or land use district maps of this Bylaw on its own initiative, or at the request of an applicant.

2) All amendments to this Bylaw shall be approved by Council by bylaw and in conformance with the Act.

D4.2 AMENDMENT APPLICATIONS

1) All applications for amendment shall be made to the County on the prescribed form and shall be accompanied by the following:
   i) an application fee;
   ii) if the amendment involves the rezoning of land to a different land use district, a copy of the certificate of title for the lands affected, issued by a registry office no more than thirty (30) days prior to the date of application, or other documents satisfactory to the Development Officer to verify that the applicant has a legal interest in the land for at least the period of time necessary to process the application to a final decision on the amendment;
   iii) a statement of the purpose and reasons for the proposed amendment;
   iv) a properly dimensioned map at an appropriate scale indicating the property to be amended, its relationship to existing land uses within a 1000.0 m (1.0 km) radius of the lot lines of the property, and any prominent geographic or natural features;
   v) any additional information the County may require, in order to prepare, evaluate, and make a recommendation concerning the proposed amendment. This may include an analysis by a qualified professional, registered in the province of Alberta, on the potential impact on land use, the environment, utility services, municipal facilities, and transportation networks if the amendment will result in an intensification of land use.

2) Prior to submitting an application for the rezoning of land to a different land use district, the Development Officer may require the applicant to conduct a public meeting to solicit landowner input to the proposed development.

D4.3 THE AMENDMENT PROCESS

1) The County may refer an application for a proposed amendment to any municipal, provincial, or federal department, adjacent municipality, or other external agency for comment.

2) Upon receipt of an amendment application to rezone land to a different land use district, the Development Officer shall, in addition to the notification requirements of the Act, provide affected landowners an opportunity to provide comment by sending a written notice of the application by ordinary mail to:
   a) all owners of land, located adjacent to, or wholly or partially within a distance of 60.0 m (197.0 ft.) of the lot lines of the subject lot if the proposal is located within a hamlet; or
   b) if the proposal is to rezone land to a commercial or industrial land use district outside of a hamlet all owners of land located within a minimum distance of 1000.0 m (1.0 km) of the lot

lines of the lot being rezoned.

3) For the purpose of subsection (2), the referral distance shall be measured from the respective lot lines.

4) Upon receipt of a complete amendment application, the Development Officer will complete an evaluation of the application, and prepare a report to Council outlining the amendment's compliance with all relevant statutory plans, potential land use impacts associated with the proposed amendment, a summary of landowner comments, and a recommendation to Council for consideration at the required public hearing.

5) After the date for a public hearing has been established by Council, a notice of the amendment application containing:
   a) the purpose of the proposed amendment;
   b) if the proposed amendment involves the rezoning of land to a different land use district, the legal description of the land that is the subject of the amendment;
   c) one (1) or more places where a copy of the proposed amendment may be inspected by the public during reasonable hours; and
   d) the date, time and location that Council will hold the public hearing on the proposed amendment;

   shall be published once a week for two (2) consecutive weeks in a newspaper circulating in the County, and shall be delivered by ordinary mail to those landowners referred to in subsection (2).

6) For amendment applications involving the rezoning of land to a different land use district, the Development Officer may require the applicant to conduct an open house to solicit landowner input to the proposed rezoning prior to the public hearing being convened.

7) Council, after considering any representations made at the public hearing, all policies from relevant statutory plans, any other relevant information and documents properly before Council, and reports and recommendations from the Development Officer may:
   a) approve the proposed amendment;
   b) approve the proposed amendment with modifications within the scope of the limitations of the Act;
   c) table the amendment subject to receiving further information; or
   d) refuse the proposed amendment.

8) When an application for an amendment respecting the rezoning of land has been refused, the submission of another application for an amendment on the same property and for the same or similar use by the same or any other applicant shall not be accepted by the County for six (6) months after the date of refusal.

D4.4 COMMUNITY ENGAGEMENT PRACTICES FOR AMENDING THE BYLAW

1) In addition to the process outlined in section D4.3 the Development Officer shall be aware that at a minimum community engagement process will include the following referrals outlined in Table D1.2.

Table D1.2: Minimum Public Consultation Requirements for Amending the Bylaw.

Type of Application	Form of Public Consultation	Purpose	Responsible Party
New Land Use Bylaw	Public Hearing	Inform public of formal hearing before Council, as per Municipal Government Act.	Legislative Services/Planning Department
Rezoning	Public Engagement	Consult public input/feedback on issues/options from interested parties if required by the Development Authority.	Applicant
	Public Notification of Application	Inform public an application has been received and invite feedback.	Planning Department
	Open House follow-up after application submission	Inform public of proposed rezoning incorporating changes arising from public feedback in first public consultation. This second consultation may be waived by the County if no major issues were raised in the first Open House.	Applicant
	Public Hearing Notification	Inform public of formal hearing before Council as per the Municipal Government Act.	Legislative Services/Planning Department

D5 COMPLIANCE AND ENFORCEMENT

D5.1 NON-CONFORMING BUILDINGS AND USES

1) Where a development permit has been issued prior to this Bylaw or any amendment to this Bylaw coming into effect, and the bylaw or amendment would result in the development authorized by the permit to be non-conforming, then the development permit continues to be in effect in spite of the new Bylaw coming into force.

2) Where a non-conforming use of land or building is discontinued for a period of six (6) consecutive months, any future use of the land or building must conform to the Bylaw in effect.

3) A non-conforming use may be extended throughout a building but the building may not be enlarged or added to and no structural alterations may be made to it or in it, whether or not the building is non-conforming.

4) A non-conforming use of part of a lot may not be extended to or transferred in whole or in part to any other part of the lot and no additional building may be constructed on the lot while the non-conforming use continues.

5) Non-conforming buildings may not be re-built except to make the building conform to the regulations included in this Bylaw in addition to compliance with the Alberta Building Code or to conduct routine maintenance of the building.

6) If a non-conforming building is damaged beyond seventy-five percent (75%) of the value of the building, the building may not be repaired or rebuilt except in accordance with this Bylaw.

7) The land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.

D5.2 COMPLIANCE CERTIFICATES

1) The registered owner or a person with legal or equitable interest in a property may apply for a compliance certificate or a statement respecting compliance for that property. A compliance certificate request shall be made to the Development Officer in writing, and shall include:
   a) a completed compliance certificate request form signed by all registered owners of the property in question; or
   b) a person with legal or equitable interest in a property shall provide a copy of the current certificate of title, issued by a registry office no more than thirty (30) days prior to the date of application, or a letter of authorization from the registered owner;
   c) an original real property report bearing an original signature and produced by an accredited Alberta Land Surveyor, dated no earlier than one (1) year prior to the date of submittal showing all distances of buildings on the lot from property lines, including distances in

between buildings, shown in metres. The County reserves the right to refuse an incomplete, or illegible real property report; and

d) a non-refundable application fee in accordance with a fee schedule as set from time to time by resolution of Council.

2) Within thirty (30) days of receiving a request, the Development Officer shall issue a compliance certificate if it is determined that all buildings on the property, as shown on the real property report, are in compliance with this Bylaw and all development permits previously issued on the subject property.

3) The County may issue a statement respecting compliance separate from the real property report, and based solely on the information contained within the County's records for the subject property. Such a statement will contain information and a statement that the development and/or use of the property in question may be in conformance with this Bylaw.

4) The Development Officer shall notify the owner, a person with legal or equitable interest, or the applicant if the subject property does not comply with this Bylaw, and the steps necessary to ensure compliance.

5) The Development Officer may refuse to issue a compliance certificate or statement respecting compliance when, in their opinion, there is insufficient information to determine if a building located on a lot is located in accordance with this Bylaw or the requirements of any development permit which may have been issued for the lot.

D5.3 OFFENCES

1) No person shall contravene or permit a contravention of this Bylaw.

2) No person shall contravene a condition of a development permit or subdivision approval issued under this Bylaw.

3) No person shall authorize or undertake any development that is not compliant with the description, specifications or plans that were the basis for the issuance of the development permit or subdivision approval.

4) No person shall fail to follow the directions set out in a violation notice issued pursuant to Section D5.6 or a stop order issued pursuant to Section D5.7.

5) A person who contravenes or permits a contravention of this Bylaw is guilty of an offense and is liable upon summary conviction to a fine for a first offense and for each subsequent offense as specified in the Fees and Charges Bylaw.

6) A person who is suspected of contravening this bylaw may be required to supply a new Real

Property Report to the County that is no older than thirty (30) days if requested by the Development Authority.

D5.4 SUSPENSION OR CANCELLATION OF A DEVELOPMENT PERMIT

1) The Development Authority may suspend or cancel a permit in instances where:
   a) the permit was issued on the basis of incorrect information, misrepresentation, or omission of information by the applicant;
   b) the permit was issued in error;
   c) cancellation of the permit is requested by the applicant; or
   d) the applicant fails to comply with the conditions of the approval of a permit.

2) A person whose permit is suspended or cancelled may appeal the decision to the Subdivision and Development Appeal Board.

3) If the Development Authority suspends or cancels a development permit, the Development Authority must provide written notice of the suspension or cancellation to the applicant.

4) Upon receipt of the written notice of suspension or cancellation, the applicant must cease all development and activities to which the development permit relates.

D5.5 RIGHT OF ENTRY

1) A Development Officer, Peace Officer or Development Compliance Officer is required to provide forty-eight (48) hours' notice to the owner or occupant of a property, in accordance with the Act, prior to entering a property to determine if bylaw requirements are being met.

2) A Development Officer, Peace Officer or Development Compliance Officer may enter a property at reasonable times (generally interpreted to mean between the hours of 7:00 AM and 10:00 PM) to determine if bylaw requirements are being met.

3) A person shall not prevent or obstruct a Development Officer, Peace Officer or Development Compliance Officer from carrying out any official duty under this Bylaw. If consent to enter a property is not provided, the County may apply to the Court for an authorizing order.

D5.6 VIOLATION NOTICE

1) Once a violation of this Bylaw has been found, the Development Officer, Peace Officer or the Development Compliance Officer may notify either the owner of the land, the building or the structure, the person in possession of the land, building or structure, the person responsible for the violation or any or all of them, of the contravention of this Bylaw, by:
   a) delivering a violation notice either in person or by ordinary mail:
      i) to the owner of the land, building or structure at the address listed on the tax roll for the land in question; or

ii) to the owner of the sign, at a location where the owner carries on business; or

b) in the case of temporary signs, verbal notification to the sign owner or by delivering a violation notice in person to the sign owner or by ordinary mail to an address where the sign owner carries on business.

2) A violation notice shall specify the nature of the violation, the corrective measures to be taken, and the deadline for the completion of the corrective measures.

3) The County is not required to issue a violation notice before commencing any other enforcement action under the Act, or this Bylaw, or at all.

D5.7 STOP ORDERS

1) Upon determination that a development, land use, or use of a building is not in compliance with the Act, or its regulations, this Bylaw and its regulations, or a development permit approval, the Development Officer or Development Compliance Officer may issue an order directing the owner of the property, the person in possession of the land or building, or the person responsible for a contravention to:
   a) stop the development or use of the land or building in whole or part as directed by the order;
   b) demolish, remove, or replace the development; or
   c) carry out any other actions required by the order for compliance; and
   d) if remediation of the lot is necessary, require the owner of the property, the person in possession of the land or building, or the person responsible for the contravention to cover the costs of said remediation.

2) The order shall specify the deadline for compliance.

3) A person named in a stop order may appeal to the Subdivision and Development Appeal Board.

4) In accordance with the Act, if a person fails to comply with the order of a Development Officer, a Peace Officer, a Development Compliance Officer or the Subdivision and Development Appeal Board, a Designated Officer may enter on the land or building and take any action necessary to carry out the order.

5) The County may register a caveat against the certificate of title for the land that is subject to the order, provided that the caveat is discharged when the order's requirements have been fulfilled.

6) The County's costs of carrying out any actions required for compliance with an order may be added to the tax roll of the land subject to the order.

D5.8 MUNICIPAL TAGS AND VIOLATION TICKETS

1) A Peace Officer/Development Compliance Officer is hereby authorized and empowered to issue a municipal tag to any person whom the Peace Officer/Development Compliance Officer has

reasonable grounds to believe has contravened any provision of this Bylaw.

2) A municipal tag shall be served to a person by either:
   a) leaving it with a person on the subject property who is at least eighteen (18) years of age;
   b) mailing a copy to the subject property by ordinary mail.

3) A municipal tag shall be in a form approved by the Chief Administrative Officer, and shall state:
   a) the name of the person to whom the municipal tag is issued;
   b) a description of the subject property upon which the offense has been committed, if applicable;
   c) a description of the offense and the applicable bylaw section;
   d) an appropriate penalty for the offense as specified in the Fees and Fines Schedule Bylaw, as amended;
   e) that the penalty shall be paid within thirty (30) days of the issuance of the municipal tag in order to avoid prosecution; and
   f) any other information as may be required by the Chief Administrative Officer.

4) Where a municipal tag has been issued, the person to whom the municipal tag has been issued may, in lieu of being prosecuted for the offense, pay to the County the penalty specified on the municipal tag.

5) If a municipal tag has been issued and the penalty specified on the municipal tag has not been paid within the prescribed time, a Peace Officer/Development Compliance Officer may issue a violation ticket to the person whom the municipal tag was issued.

6) Notwithstanding the above, a Peace Officer/Development Compliance Officer may immediately issue a violation ticket to any person whom the Peace Officer/Development Compliance Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

7) A Peace Officer/Development Compliance Officer is hereby authorized and empowered to issue a violation ticket pursuant to Part 2 of the Provincial Offenses Procedure Act to any person who the Peace Officer/Development Compliance Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

8) If a violation ticket is issued in respect of an offense, the violation ticket may:
   a) specify the fine amount established by this Bylaw for the offense; or
   b) require the person to appear in court without the alternative of making a voluntary payment.

9) A person who commits an offense may make a voluntary payment to a Clerk of the Provincial Court, on or before the initial appearance date indicated on the violation ticket, the specified penalty set out on the violation ticket if:
   a) a violation ticket is issued in respect of the offense; and
   b) the violation ticket specifies the fine amount established by this Bylaw for the offense.