

**COUNTY OF MINBURN NO. 27**

**BYLAW NO. 1283-19**

A BYLAW OF THE COUNCIL OF THE COUNTY OF MINBURN NO. 27, IN THE PROVINCE OF ALBERTA TO ESTABLISH A SUBDIVISION AND DEVELOPMENT APPEAL BOARD.

**WHEREAS**, Section 627 of the *Municipal Government Act*, Revised Statutes of Alberta, 2000, Chapter M-26 provides that a Council must by bylaw establish a Subdivision and Development Appeal Board.

**WHEREAS** Section 628 of the *Municipal Government Act* provides that a bylaw under Section 627 must prescribe the functions and duties of the Subdivision and Development Appeal Board.

**WHEREAS** Section 627.1(1) of the *Municipal Government Act* provides that a Council that authorizes the establishment of a Subdivision and Development Appeal Board must authorize the appointment of one or more clerks of the Subdivision and Development Appeal Board, and that the clerk appointed under this section must be a designated officer.

**WHEREAS** Council of the County of Minburn No. 27 deems it necessary to repeal and replace Bylaw No. 1117-95, the existing Bylaw that establishes the Subdivision and Development Appeal Board.

**NOW THEREFORE** the Council of the County of Minburn No. 27, in the Province of Alberta, duly assembled, hereby enacts as follows:

**1. TITLE**

- 1.1 This Bylaw may be cited as the **"Subdivision and Development Appeal Board Bylaw"**.

**2. DEFINITIONS**

In this Bylaw:

- 2.1 "*Act*" means the *Municipal Government Act*, Revised Statutes of Alberta (2000), Chapter M-26, as amended or repealed and replaced from time to time.
- 2.2 "Appellant" means a person who may appeal to the Subdivision and Development Appeal Board in accordance with the *Act*.
- 2.3 "Applicant" means the person who made the initial development or subdivision application upon which an appeal is based, or a person authorized to act on the Applicant's behalf. The Applicant may also be the Appellant.
- 2.4 "Chief Administrative Officer (CAO)" means the Chief Administrative officer of the Municipality appointed by Council pursuant to the *Act*.
- 2.5 "Clerk" means the Designated Officer appointed by Council to act as Clerk of the Subdivision and Development Appeal Board pursuant to the *Act* and who has successfully completed a training program in accordance with the regulations under the *Act*.

- 2.6 "Council" means the municipal Council of the County of Minburn No. 27.
- 2.7 "Councillor" means a member of Council.
- 2.8 "County" means the County of Minburn No. 27.
- 2.9 "Development Authority" means the person or persons appointed pursuant to the County of Minburn No. 27's Development Authority Bylaw.
- 2.10 "Member" means a member of the Subdivision and Development Appeal Board appointed pursuant to this Bylaw and who is qualified in accordance with the regulations under the *Act*.
- 2.11 "SDAB" means Subdivision and Development Appeal Board.
- 2.12 "Subdivision Authority" means the Subdivision Authority for the County of Minburn No. 27 established by the Subdivision Authority Bylaw in accordance with the *Act*.

### **3. ESTABLISHMENT, MEMBERSHIP AND TERM OF OFFICE**

- 3.1 The SDAB is hereby established to hear appeals regarding decisions made by the County's Subdivision Authority and Development Authority in accordance with the provisions of the *Act*. The SDAB will make decisions regarding appeals based on evidence presented to it during a public hearing.
- 3.2 The SDAB shall carry out their duties and responsibilities and conduct themselves in accordance with the *Act* and its regulations, and the Bylaws, policies and procedures of the County.
- 3.3 The SDAB shall consist of five (5) members appointed annually by the resolution of the Council. The members shall be appointed from the public-at-large and must be residents of the County.
- 3.4 The following persons may not be appointed as Members of the SDAB:
  - a) Members of Council;
  - b) County employees;
  - c) Individuals who carry out subdivision or development powers, duties and responsibilities on behalf of the County;
  - d) A member of a Municipal Planning Commission.

### **4. CHAIR**

- 4.1 Each year, at the first hearing of the SDAB, following the appointment of members, a Chair shall be elected by vote of the majority of the Members.
- 4.2 The Chair shall preside at the hearings of the SDAB.

## **5. VICE-CHAIR**

- 5.1 The Vice-Chair shall be elected at the same time and in the same manner as the Chair
- 5.2 The Vice-Chair shall preside at a hearing of the SDAB in place of the Chair, if the Chair for any reason does not preside at the hearing.
- 5.3 In the absence of both the Chair and the Vice-Chair, the Members present at the hearing will elect one of the other Members in attendance at the hearing to preside at the hearing.

## **6. CLERK**

- 6.1 The Clerk will be a designated officer appointed by resolution of Council who meets the qualification requirements as set out in the *Act*.
- 6.2 The Clerk shall not be a member of the SDAB.
- 6.3 The Clerk of the SDAB may delegate the powers and duties of Clerk to any employee of the County, provided that employee has the qualification requirements as set out in the *Act*.
- 6.4 The Clerk shall receive notices of appeal, ensure statutory notices and decisions of the Board are provided to such persons as the *Act* requires, schedule hearings, keep an accurate record of the SDAB, and sign orders, decision approvals, notices, and other items on behalf of the SDAB.

## **7. QUORUM AND APPEAL HEARINGS**

- 7.1 A quorum at any hearing of the SDAB shall be three (3) members.
- 7.2 The SDAB shall hold hearings when and as necessary to consider and decide appeals filed with the SDAB in accordance with the *Act*.
- 7.3 The SDAB shall hear appeals and shall make its decisions on the appeals in accordance with the *Act*.
- 7.4 The SDAB shall hear appeals in public and deliberate and reach its decision in "closed session".

## **8. SUBDIVISION AND DEVELOPMENT APPEAL FEES**

- 8.1 Subdivision and Development Appeal fees and the setting of any other fees for any matter referred to the SDAB shall be established in the County's Master Rates Bylaw.

## **9. REMUNERATION**

- 9.1 Remuneration for members of the SDAB attending hearings shall be in accordance with rates as approved by Council from time to time.


## 10. REPEAL AND COMING INTO FORCE

- 10.1 Upon coming into force of this Bylaw, Bylaw No. 1117-95 and any other amendments, as well as any previously passed motions of Council that may be in conflict with this Bylaw shall be repealed and no longer have any force or effect.
- 10.2 Bylaw No. 1283-19 comes into force on the date of the third and final reading and passed in open Council with unanimous consent of the members present the 21<sup>st</sup> day of May 2019.

FIRST READING ..... May 21, 2019

SECOND READING..... May 21, 2019

THIRD READING..... May 21 2019

  
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REEVE

  
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CHIEF ADMINISTRATIVE OFFICER