

MUNICIPALITY OF CROWSNEST PASS
BYLAW NO. 1021, 2019
SUBDIVISION AND DEVELOPMENT APPEAL BOARD

BEING a bylaw of the Municipality of Crowsnest Pass in the Province of Alberta, to establish a Subdivision and Development Appeal Board.

WHEREAS pursuant to Section 627 of the *Municipal Government Act*, RSA 2000, c. M-26, as amended from time to time, a council must by bylaw establish a subdivision and development appeal board;

AND WHEREAS pursuant to Section 628 of the *Municipal Government Act*, a council must prescribe the functions and duties of the subdivision and development appeal board;

AND WHEREAS pursuant to Section 627.1(1) of the *Municipal Government Act*, a council having established 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 individual appointed to the position of clerk must be a designated officer;

NOW THEREFORE, the Council of the Municipality of Crowsnest Pass in the Province of Alberta duly assembled, enacts as follows:

1. Short Title

1.1 This Bylaw shall be cited as the "Subdivision and Development Appeal Board Bylaw".

2. Definitions

2.1 In this Bylaw, words have the meanings set out in the Act, except that:

- (a) "**Act**" means the *Municipal Government Act*, RSA 2000, c. M-26 and regulations, as amended from time to time.
- (b) "**Clerk**" means the individual or individuals appointed by Council to act as clerk for the SDAB.
- (c) "**Council**" means the municipal council of the Municipality of Crowsnest Pass.
- (d) "**Development Authority**" means development authority for the Municipality as set out in the Land Use Bylaw.
- (e) "**Land Use Bylaw**" means the bylaw adopted from time to time as the Land Use Bylaw for the Municipality pursuant to the Act.
- (f) "**Members**" mean the members of the SDAB.
- (g) "**Municipality**" means the Municipality of Crowsnest Pass in the Province of Alberta.

(h) **“Municipal Planning Commission”** means the Municipal Planning Commission as established by the Municipality.

(i) **“Subdivision Authority”** means the subdivision authority for the Municipality as set out in the Land Use Bylaw.

(j) **“Subdivision and Development Appeal Board” or “SDAB”** means the subdivision and development appeal board of the Municipality as established pursuant to this Bylaw.

2.2 All other terms used in this Bylaw shall have the meaning as is assigned to them by the Act, to the extent that said meaning differs from the ordinary meaning of such terms.

3. Establishment

3.1 The Subdivision and Development Appeal Board of the Municipality of Crowsnest Pass hereinafter called the SDAB, established by Bylaw No. 366, 1995, is hereby continued.

4. Appointment

4.1 All Members shall be appointed by resolution of Council at the organizational meeting of Council.

4.2 The SDAB shall have six Members.

4.3 Four Members shall be appointed from the public-at-large and must be adult residents of the Municipality.

4.4 Two Councillors shall be appointed. One Councillor shall be appointed as the alternate and shall only sit if the other Councillor is unavailable to sit.

4.5 Members shall hold office for a term. The following terms of appointment shall apply:

(a) Members from the public-at-large shall be appointed for three-year terms; and

(b) Councillors shall be appointed for one-year terms.

4.6 Terms of office shall begin and expire as follows:

(a) for Members from the public-at-large, terms of office shall begin on January 1 of the year of the appointment and end on December 31 at the expiry of the term of office; and

(b) for Councillors, terms of office shall begin on January 1 of the year of appointment and end on December 31 at the expiry of the term of office, unless otherwise determined by Council.

4.7 No person who is an employee, Development Authority, Subdivision Authority or member of the Municipal Planning Commission for the Municipality shall be appointed to the SDAB.

4.8 Only Members who are qualified in accordance with the Act may participate in a hearing.

4.9 Members may be reappointed for consecutive terms.

5. Resignation

5.1 Any Member may resign at any time upon providing written notice to the Chair and the CAO.

6. Disqualification

6.1 A Member ceases to be a Member if:

- (a) the Member ceases to be a resident of the Municipality;
- (b) the Member becomes an employee of or a Councillor for the Municipality;
- (c) in the case of a Councillor, the Councillor ceases to be a Councillor; or
- (d) the Member is removed from the SDAB by a resolution of Council.

7. Vacancies

7.1 The Chair or Vice-Chair shall immediately advise Council when there is a mid-term vacancy.

7.2 Administration shall advertise the vacancy and Council shall attempt to fill the vacancy as soon as possible.

7.3 Members appointed mid-term shall hold office for the remainder of the term unless Council provides otherwise by resolution.

8. Remuneration

8.1 Members shall not be remunerated for attending hearings or meetings unless Council provides otherwise in this Bylaw.

8.2 Upon pre-approval by Council, Members may be reimbursed expenses to attend relevant training, meetings or conferences, consistent with the Municipality's policies and procedures on reimbursement.

9. Code of Conduct

9.1 Members shall abide by the Code of Conduct adopted by Council.

10. Functions and Duties of the SDAB

10.1 The SDAB has the following functions and duties:

- (a) to hear and determine appeals of decisions of the Development Authority;
 - (b) to hear and determine appeals of decisions of the Subdivision Authority; and
 - (c) to hear and determine appeals of stop orders issued by the Development Authority.
- 10.2 The SDAB shall hear appeals and make decisions in accordance with the requirements of the Act.
- 10.3 Decisions shall be in writing with reasons and signed by the Chair or the Vice Chair or their delegate.

11. Hearings and Procedures

- 11.1 At the first meeting of the SDAB, following the organizational meeting of Council, the Members shall elect one Member as Chair and one Member as Vice-Chair to hold office for a term of one year from the date of election.
- 11.2 The Chair shall preside at hearings of the SDAB and ensure hearings are conducted in a fair and impartial manner in accordance with the rules for hearings as set out in the Act and established by the SDAB.
- 11.3 In the Chair's absence, the Vice-Chair shall preside over the hearing. If both the Chair and Vice-Chair are absent, the Members present shall elect one Member of the Members present to preside over the hearing.
- 11.4 The SDAB shall hold hearings when and as necessary to consider appeals filed with the SDAB, in accordance with the Act.
- 11.5 Three Members of the SDAB shall constitute a quorum.
- 11.6 Only one Councillor shall sit at any hearing of the SDAB.
- 11.7 The decision of the majority of the Members present at a hearing shall be deemed to be the decision of the whole SDAB.
- 11.8 A Member who is, for any reason, unable to attend the whole of any hearing of an appeal shall not participate in the deliberation or decision making the SDAB on that appeal.
- 11.9 SDAB hearings shall be held in public; however, the SDAB may deliberate and make its decision in meetings that are closed to the public in accordance with the Act.
- 11.10 All Members present at a hearing are required to participate and vote. A tie vote on an appeal means the appeal is dismissed.
- 11.11 The SDAB shall establish procedures for its hearings and make such procedures available to the public.

11.12 The SDAB must make and keep a record of the proceedings, which may be in the form of a summary of the evidence presented at the hearing and shall include copies of all submissions and exhibits presented at the hearing, a copy of the notice of appeal and a copy of the decision of the SDAB.

12. Clerk for the SDAB

12.1 The position of the designated officer for the purpose of carrying out the function of Clerk for the SDAB is hereby established.

12.2 The Clerk shall be appointed by resolution of Council.

12.3 The Clerk shall not be a Member of the SDAB, a member of the Municipal Planning Commission, the Development Authority or the Subdivision Authority.

12.4 The Clerk may authorize someone to act as the Clerk provided that individual has the qualifications to be appointed as a Clerk as specified in the Act.

12.5 The Clerk shall:

- (a) ensure all statutory requirements for the SDAB are met;
- (b) ensure notices of an appeal are provided to parties and affected persons in accordance with the Act, Land Use Bylaw and this Bylaw;
- (c) prepare the SDAB agenda and the agenda package for distribution;
- (d) make and keep a record of the proceeding which may be in the form of a summary of the evidence presented at the hearing; and
- (e) undertake and complete such other tasks as the SDAB may direct.

13. Enactment

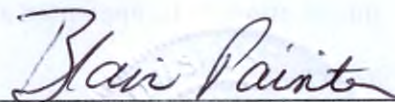
13.1 This Bylaw shall come into force and effect when it has received third reading and has been duly signed.

13.2 This Bylaw repeals and replaces Bylaw No. 366, 1995.

READ a **first** time in Council this 8th day of January, 2019.

READ a **second** time in Council this 22nd day of January, 2019.

READ a **third** and final time in Council this 22nd day of January, 2019.



Blair Painter

Mayor



Patrick Thomas

Chief Administrative Officer