



BYLAW NO. 20.18

**BEING A BYLAW TO ESTABLISH A SUBDIVISION AND
DEVELOPMENT APPEAL BOARD**

WHEREAS, the Municipal Government Act, Being Chapter M-26, R.S.A., 2000 states that a council must, by bylaw, establish a Subdivision and Development Appeal Board;

NOW THEREFORE, the Council for Yellowhead County, in the Province of Alberta, duly assembled, hereby enacts as follows:

1. Definitions

In this Bylaw:

- a) "Act" means the Municipal Government Act, R.S.A., 2000 and amendments thereto;
- b) "Appellant" means a person who may appeal to the Subdivision and Development Appeal Board in accordance with the Act or the Land Use Bylaw;
- c) "Board" means the Subdivision and Development Appeal Board established by Yellowhead County pursuant to this bylaw;
- d) "Clerk" means the Chief Administrative Officer for Yellowhead County, or designate;
- e) "Council" means the Council of Yellowhead County;
- f) "County" means Yellowhead County;
- g) "Development Officer" means any persons duly appointed as the Development Authority;
- h) "Members" means the members and alternate members of the Subdivision and Development Appeal Board duly appointed pursuant to this bylaw;
- i) All other terms in this bylaw shall have the meaning assigned to them by the Act to the extent that the said meaning differs from the ordinary meaning of such terms.

2. Establishment of Board

A Subdivision and Development Appeal Board is hereby established, and the Board shall perform such functions as may be assigned to it by this bylaw, or by Council, in accordance with the Act and amendments thereto.

3. Board Membership

- a) The Subdivision and Development Appeal Board shall consist of a pool of up to six (6) public members-at-large, and three (3) members of County Council. The members of the Subdivision and Development Appeal Board will be appointed by resolution of Council. A hearing shall be comprised of no fewer than three (3) members. At no time shall there be more than one Councillor participating in a hearing.

- b) Council may appoint additional members (alternates) in situations where it is not possible to obtain a quorum; and
- c) Alternate members will be appointed on a limited time basis for a specific appeal hearing. Alternates must have the required training as outlined in Provincial Regulations.

4. Term of Office, Replacement of Members, Vacancies, Appointments

- a) The members of the Subdivision and Development Appeal Board will hold office for a term of four (4) years. The expiry of the term of office for all members will be October 31st in the year of the general municipal election. Members may be reappointed for an additional term on the Board subject to their making written application to do so in accordance with the advertised request for board members.
- b) Upon expiry of Term of Office as Mayor and County Councillor, the Mayor and Councillors shall cease to be members on the Board, but may apply to sit on the Board as a public member at large, if there is a vacancy, and they are otherwise eligible.
- c) In the event of a vacancy occurring, the person appointed to fill such vacancy shall hold office for the remainder of the term.
- d) Council shall be at liberty to remove and replace any member of the Board at any time prior to the expiry date of the member's term of office, and any member of the Board may resign there from at any time upon sending a written notice to the Chairman of the Board and to Council.
- e) Any member of the Board who has been requested to attend three (3) consecutive hearings of the Board and has not been present (unless such absence is caused through illness or his or her absence is authorized by resolution of the Board entered upon its minutes) shall cease to be a member of the Subdivision and Development Appeal Board for the remainder of that term of office.
- f) All members of the Board shall successfully complete a training program set or approved by the Minister and every three years successfully complete a refresher training program. Any member who does not successfully complete the training program ceases to be a member of the Subdivision and Development Appeal Board.

5. Functions, Powers and Duties of the Board

- a) The Board shall hear all appeals from decisions of the Development Authority and Subdivision Authority of Yellowhead County, pursuant to the requirements of the Act.
- b) The Board shall conduct itself in accordance with all provisions set out in Part 5 and Part 17 of the Act.
- c) The Board may accept any oral or written evidence that it considers appropriate.
- d) All members of the Board (including the Chairperson) attending a hearing must vote on a matter put to a vote at the meeting unless otherwise disqualified.

6. Procedures and Conduct

- a) At the first hearing of the Board following the General Municipal Election and the Council Organizational meeting, the Board shall appoint a Chairman and Vice Chairman.
- b) In the absence of both the Chairman and the Vice Chairman, those members in attendance at a hearing may appoint an Acting Chairman from amongst those in attendance.
- c) The Clerk shall cause minutes to be kept of each hearing of the Board and shall prepare an agenda for each hearing of the Board.
- d) The Clerk shall carry out such other duties as may be designated by the Board from time to time. An order, decision, approval, notice or other thing made or given by the Board shall be signed on its behalf by the Chairperson or the Clerk of the Board.
- e) The quorum of the Board shall be three (3) members, of which no more than one member may be from Council.
- f) Board Hearings shall be held as required at the times and places determined by the Subdivision and Development Appeal Board Clerk.
- g) Once the Board has heard from all persons it is required to hear under the Act, the Board will recess the public portion of the hearing to deliberate on the matter in private. The hearing does not conclude until the date the Board concludes its private deliberations.
- h) At the hearing of the appeal, should the Board desire further technical information, legal opinions or other assistance, it may table the hearing pending receipt of such information, opinion or assistance.

7. Conflict of Interest

- a) Any member of the Board who has an interest whether direct or indirect, in a matter before the Board, shall declare that interest to the Board before the hearing commences and shall not participate in the hearing, or discuss or vote upon the matter unless the parties are advised of the interest and raise no objection. A member's declaration, the parties' positions on the member's participation and the fact that the member did not participate in the hearing will be recorded in the Minutes.

8. Remuneration and Traveling Expenses

- a) The members of the Board shall receive remuneration for performing their duties in accordance with the remuneration structure as established by Council from time to time. The remuneration shall not be connected to performance.

9. Fees

- a) The fee to be charged for any matter coming before the Board shall be as set in accordance with a fee structure bylaw that is established by Council from time to time.

10. Repeal

Bylaw No. 20.15 is hereby repealed.

This bylaw comes into force at the beginning of the day that it is passed in accordance with Section 189 of the Municipal Government Act, Being Chapter M-26, R.S.A., 2000.

READ a first time this 23 day of October, A.D., 2018

READ a second time this 23 day of October, A.D., 2018

READ a third time this 23 day of October, A.D., 2018

Signed this 23 day of October, A.D., 2018



Gerald Soroka, Mayor



Jack Ramme, Chief Administrative Officer