



BYLAW 2021/22

BYLAW 2021/22 is a Bylaw of the County of Wetaskiwin No. 10 in the Province of Alberta, for the purpose of establishing the Administration of the subdivision of lands and development approvals.

WHEREAS pursuant to Part 17, Division 3 Planning Authorities of the *Municipal Government Act* (hence known as 'the Act'), RSA 2000, Chapter M-26, as amended, requires that a municipality establish planning authorities.

NOW THEREFORE the Council of the County of Wetaskiwin No. 10 ('the County'), in the Province of Alberta, duly assembled, hereby enacts as follows:

1. That this Bylaw shall be known as the Subdivision and Development Appeal Board (SDAB) Bylaw.
- 2. Establishment of a Development Authority:**
 - 2.1 Pursuant to Section 624 of the Act and Section Two: Authorities of the County's Land Use Bylaw, grants authority to the Development Officer to carry out the functions of the Land Use Bylaw.
- 3. Establishment of a Subdivision and Development Appeal Board:**
 - 3.1 Pursuant to Section 627 of the Act, the Subdivision and Development Appeal Board (SDAB) is established.
- 4. Purpose of the Subdivision and Development Appeal Board:**
 - 4.1 To hear appeals against decisions of the subdivision authority that do not fall under the criteria of Section 678(2)(a) of the Act; and
 - 4.2 To hear and decide upon appeals from decisions of the Development Authority in respect to development permits and stop orders and in this respect perform the duties assigned to the SDAB under the Land Use Bylaw and amendments thereto unless otherwise outlined in Section 685(2.1) of the Act.
- 5. Composition of the Subdivision and Development Appeal Board:**
 - 5.1 Five members from the general public who reside in the County shall be appointed by resolution of Council.
 - 5.2 The terms of the appointed general public members who reside in the County shall include:
 - 5.2.1 One (1) member being appointed effective January 1st of the current year to serve a three (3) year term that would expire December 31st (ie: January 1st, 2015 to December 31st, 2017);
 - 5.2.2 Two (2) members being appointed January 1st previous of the current year and serving for a three (3) year term to expire December 31st (ie: January 1st, 2014 to December 31st, 2016); and



5.2.3 Two (2) members being appointed January 1st of the preceding two (2) year period of the current year and serving for a three (3) year term to expire December 31st (ie: January 1st, 2013 to December 31st, 2015).

5.2.4 All subsequent appointments will be for a three (3) year term.

5.3 Each member will sit on the SDAB at Council's pleasure.

5.4 Each member must receive training as outlined in the Subdivision and Development Appeal Board Regulation before they may sit in an appeal.

5.5 Each member must receive refresher training as outlined in the Subdivision and Development Appeal Board Regulation a minimum of every three (3) years.

5.6 A vacancy on the SDAB may be filled by resolution of Council at any time.

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

6. Subdivision and Development Appeal Board Procedures:

6.1 The members of the SDAB shall elect from its membership a Chairperson and Vice-Chairperson.

6.2 Elections of the Chairperson and the Vice-Chairperson shall occur at the first meeting of the SDAB after the annual Organizational meeting of the County.

6.3 In the event of absence or inability of the Chairperson to preside at a meeting, the Vice-Chairperson shall preside.

6.4 In the event of absence or inability of both the Chairperson and Vice-Chairperson to preside at a meeting, the members present in constituting a quorum shall elect one (1) of its members to preside as Chairperson for that meeting.

6.5 Three (3) members of the SDAB present shall constitute a quorum.

7. Subdivision and Development Appeal Board:

7.1 Has the authority to grant an adjournment without holding a hearing through electronic means, providing it is a majority decision of a quorum of the SDAB.

7.2 Has the authority to determine who is present during the 'Closed to Public' session of the SDAB to make a decision.

7.3 Has the authority to provide feedback to County Council on any concerns with the Bylaws and Policies of the County.

8. Appeal Board Clerk Shall:

8.1 Be the Chief Administrative Officer or an employee of the County, as delegated by the Chief Administrative Officer, provided they are a Designated Officer of the County.



- 8.2 Have received training as outlined in the Subdivision and Development Appeal Board Regulation.
- 8.3 Receive refresher training as outlined in the Subdivision and Development Appeal Board Regulation a minimum of every three (3) years.
- 8.4 Ensure that the appeal was properly filed on time. If not filed properly, or on time, it must be presented to the SDAB to determine the standing of the appeal.
- 8.5 Ensure that notices of the hearings of the SDAB are given to all affected parties.
- 8.6 Prepare and provide an information package for each SDAB member in advance of the hearing.
- 8.7 Ensure the appropriate material is available for public viewing.
- 8.8 Prepare an agenda and an order of presentation.
- 8.9 Notify all members of the SDAB of the arrangements for the hearings and other meetings of the SDAB.
- 8.10 Prepare and maintain a file of written minutes of the business transacted at all meetings of the SDAB, copies of which shall be regularly filed in the Board's designated file, reported in monthly CAO reports or in the respective file of the lands in question at the hearing.
- 8.11 In accordance with Section 630 of the Municipal Government Act, only a Designated Officer is authorized to issue notices of decision of the SDAB. If a Designated Officer is not available, the Chairperson of the SDAB must sign.
- 8.12 Carry out such other administrative duties as the SDAB may specify.

9. Method of Decision-Making of the Subdivision and Development Appeal Board:

- 9.1 The SDAB shall reserve the right to discuss matters presented at the appeal and take decisions in committee within fifteen (15) days of the completion of the hearing.

10. Filing and Processing of Appeals

- 10.1 The procedure for filing and processing appeals is set out in Sections 678 to 687 of the Act.

11. Establishment of Fee Schedules

- 11.1 Council may, by resolution, establish fees for subdivision and development appeals which may be sufficient to cover the cost of advertising, administration, and other expenses.

12. Remuneration of Subdivision and Development Appeal Board Members

- 12.1 Council may, by resolution, establish at the annual organization meeting the remuneration to be paid to the SDAB members hearing an appeal.



13. This Bylaw shall repeal Bylaw 2018/07 in its entirety and Section 9 of Bylaw 2020/53.

14. This Bylaw shall come into full force and effect upon passing of the third reading.

READ: First time this 15th day of April, 2021

READ: A Second time this 15th day of April, 2021

READ: A Third time and finally passed this 15th day of April, 2021

Original Signed

REEVE

Original Signed

CHIEF ADMINISTRATIVE OFFICER