

**ALBERTA BEACH
BYLAW # 279-20**

**A BYLAW OF ALBERTA BEACH IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF ESTABLISHING A
SUBDIVISION AND DEVELOPMENT APPEAL BOARD.**

WHEREAS, Section 627 of the *Municipal Government Act* Chapter M-26, RSA 2000 requires a municipality to establish a Subdivision and Development Appeal Board;

NOW THEREFORE, the Council of Alberta Beach in the Province of Alberta, duly assembled, enacts as follows:

1. **Title**
 - a) This Bylaw may be cited as the Alberta Beach "Subdivision and Development Appeal Board Bylaw".

2. **Definitions**
 - a) "Act" means the *Municipal Government Act* RSA 2000 Chapter M-26 and regulations made under the *Municipal Government Act*, as amended;
 - b) "Applicant" means a person(s) submitting a development permit application or subdivision application;
 - c) "Appellant" means the person(s) filing an appeal to the Subdivision and Development Appeal Board;
 - d) "Board" means the Subdivision and Development Appeal Board (SDAB) of Alberta Beach established pursuant to this bylaw;
 - e) "Clerk" means the person appointed to the designated officer position as Clerk of the Subdivision and Development Appeal Board;
 - f) "Council" means the municipal Council for Alberta Beach;
 - g) "Development Authority" means a Development Authority established pursuant to section 624 of the *Municipal Government Act* and includes the Designated Officer appointed to the position of Development Officer, and may include the Municipal Planning Commission, Council or any other person that has been authorized by bylaw to exercise development powers on behalf of the municipality;
 - h) "Member" means a member of the Subdivision and Development Appeal Board;
 - i) "Subdivision Authority" means a Subdivision Authority established pursuant to section 623 of the *Municipal Government Act* and includes the Designated Officer appointed to the position of Subdivision Authority and may include the Development Officer, Municipal Planning Commission, Council or any other person that has been authorized by Bylaw to exercise subdivision authority powers on behalf of the municipality; and
 - j) "Village" means the municipal corporation of Alberta Beach.

3. **Establishment of the Board**
 - a) The Subdivision and Development Appeal Board (SDAB) of Alberta Beach is hereby established.

4. **Board Members and Terms of Office**
 - a) Council shall appoint a minimum of three (3) members to the Board by resolution of Council.
 - b) No more than one member of Council shall be appointed to the Board.
 - c) No person who is empowered to make development decisions, including a Development Officer, a member of a Municipal Planning Commission, or employee of the Village shall be appointed to act as a member of the Board.
 - d) Each Board Member and the Clerk of the SDAB shall be appointed for a term not to exceed three (3) years and may be re-appointed upon the expiry of its members; and more than one clerk may be appointed.
 - e) All members may remain in office until any meeting obligations have concluded and their respective successors are appointed.
 - f) Council shall be at liberty to remove and or replace any board member before the expiry date of the member's term of office.
 - g) Any member of the Board may resign at any time upon sending written notice to Council.
 - h) Upon a vacancy caused by the death, retirement, or resignation of a member, Council shall appoint a new member to serve for the remainder of the vacating member's term by a resolution of Council.

5. **Functions, Powers, and Duties of the Board**
 - a) The Board shall hear appeals filed within the specified time in the Act from the Applicant where a Development Authority or Subdivision Authority:
 - i. fails or refuses to issue a development permit or subdivision decision to the Applicant;
 - ii. issues a development permit subject to conditions;
 - iii. issues an order under section 645 of the Act; or
 - iv. issues a decision on a subdivision application as specified in the Act.
 - b) The Board shall hear appeals filed within the specified time in the Act from any other person affected by an order, decision or development permit made or issued by the Development Authority.

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- c) The Board shall hear appeals filed within the specified time in the Act from other person(s) affected by a decision made or issued by the Subdivision Authority as specified in the Act.
- d) The Board must consider the Subdivision and Development Regulation, the Provincial Land Use Policies, the *Alberta Land Stewardship Act* (ALSA) and the applicable regional plan, the Village's Municipal Development Plan and other Village statutory plans, the Village's Land Use Bylaw and other pieces of legislation, regulation or policies when applicable.
- e) The Board may confirm, revoke or vary the order, decision or any condition imposed by the Development or Subdivision Authority or make or substitute an approval, decision or condition of its own in accordance with the Act.
- f) The Board shall hold such meetings as are necessary to fulfill the Board's responsibility.
- g) A decision of the Board shall be made only by those members present at a meeting duly convened.
- h) The Board shall give its decision in writing together with reasons for the decision within fifteen (15) working days of the conclusion of the hearing.

6. Chairperson

- a) Those members in attendance at a meeting shall appoint a Chairperson from amongst those in attendance.
- b) The appointment of Chairperson shall occur at the beginning of each meeting.
- c) The Chairperson's responsibility will be to run the meetings and conduct hearings in a fair and businesslike manner, ensuring all parties are given an opportunity to speak about the item being appealed.
- d) The Chairperson is responsible to sign orders on behalf of the SDAB.

7. Quorum

- a) There must be three (3) members of the Board to constitute a quorum for the making of all decisions and for doing any action required or permitted to be done by the Board.
- b) The Board may open a meeting where the Board does not have sufficient meeting quorum for the purpose of making a decision to adjourn the meeting to a different date and time.

8. Responsibilities of the Clerk

- a) The position of Clerk of the Subdivision and Development Appeal Board is hereby created as a Designated Officer position for the Village of Alberta Beach.
- b) The powers and duties of the Clerk shall be:
 - i. to carry out all obligations imposed upon the Clerk pursuant to the Act and regulations thereunder;
 - ii. to carry out all duties delegated to the Clerk by bylaw or resolution of Council or by any other statute, regulation, or order of the Province of Alberta, either prior to or subsequent to the passage of this bylaw; and
 - iii. to delegate the performance of any duties, powers or obligations of the Clerk to such person or corporation as the Clerk finds appropriate.
- c) 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 may be signed on its behalf by the Clerk.
- d) Hearings on appeals filed will be held at a location established by the Clerk.

9. Training

- a) Board Members and Clerks are required to undergo mandatory training based on a standard training program to be approved by the Minister of Municipal Affairs. All SDAB members and clerks must successfully complete the required training.
- b) Each Member must take a refresher course every three (3) years to stay current on appeal matters (such as changes in law, planning and/or administration).
- c) Clerks must take a refresher on the SDAB training every three (3) years to stay current with the roles and responsibilities of the position.
- d) Board Members must not participate in a hearing unless the member has successfully completed the required training program.

10. Reporting

- a) Each year the municipality must submit an annual report to the province containing information on the number of Subdivision and Development Appeal Board Clerks and Members they have appointed, and those who have completed and enrolled in the required Subdivision and Development Appeal Board training.

11. Remuneration and Traveling Expenses

- a) The rates for remuneration, traveling and other expenses of the Board Member(s) and Clerk(s) shall be established by policy of Council.

12. Appeal Fees

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a) The fee to be paid by an appellant for filing an appeal with the Subdivision and Development Appeal Board shall be as per the Fees and Rates Bylaw.

13. Severability

a) Should any provision of this Bylaw be invalid, then such invalid provision shall be severed, and the remaining Bylaw shall be maintained.

14. Rescind Bylaw

a) That Bylaw No. 201-04 is hereby rescinded with the passing of this bylaw.

15. Coming into Force

a) This Bylaw shall come into effect upon third and final reading and signing of this bylaw.


READ a first time this 15th day of December, 2020.

READ a second time this 15th day of December, 2020.

UNANIMOUS CONSENT to proceed to third reading this 15th day of December, 2020.

READ a third and final time this 15th day of December, 2020.

SIGNED by the Mayor and Chief Administrative Officer this 16th day of December, 2020.



Mayor, Jim Benedict



Chief Administrative Officer, Kathy Skwarchuk