



WESTLOCK COUNTY BY-LAW NO. 18-2018
WESTLOCK, ALBERTA

Being a bylaw of Westlock County, in the Province of Alberta, that authorizes Westlock County to establish a Subdivision and Development Appeal Board by bylaw and that Bylaw 24-1995 be rescinded.

WHEREAS pursuant to Section 7(f) of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 2000, and amendments thereto (the "MGA"), a municipality has jurisdiction to pass bylaws for municipal purposes respecting services provided by or on behalf of the municipality;

NOW, THEREFORE, THE COUNCIL OF WESTLOCK COUNTY, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. Title

This bylaw may be cited as the "Subdivision and Development Appeal Board Bylaw".

2. Definitions

In this bylaw the following words and phrases mean:

- 2.1. "Act" means the Municipal Government Act, S.A. 2000, as amended.
- 2.2. "Appellant" means a person who, pursuant to the Act, has served a notice of appeal on the SDAB.
- 2.3. "Council" means the Reeve and Councillors of Westlock County for the time being elected pursuant to the provisions of the Act, whose term is unexpired, who have not resigned and who continue to be eligible to hold office as such under the terms of the Act.
- 2.4. "Development Application" means an application made to the Development Authority in accordance with the Land Use Bylaw for the purpose of obtaining a development permit.
- 2.5. "Development Authority" means the person(s) established under Section 3 of the Development Authority Bylaw to perform the functions of a development authority under the Act.
- 2.6. "Development Permit" means a document authorizing a development issued in accordance with the Land Use Bylaw of Westlock County.
- 2.7. "Land Use Bylaw" means the Bylaw adopted as a land use bylaw pursuant to the Act or the former Act.


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- 2.8. "Subdivision Authority" means the persons established under Section 3 of the Subdivision Authority Bylaw to perform the functions of a subdivision authority under the Act.
- 2.10. "Subdivision and Development Appeal Board" or "SDAB" means the board established to hear development and subdivision appeals, pursuant to Section 3 of this Bylaw.
- 2.11. "SDAB Secretary" means the person appointed to the position established under Section 7 of this Bylaw.

3. Establishment and Membership

- 3.1. The SDAB of Westlock County is hereby established.
- 3.2. The SDAB shall consist of five (5) members and one (1) alternate member appointed annually by resolution of the Council. One (1) member shall be appointed from the Council. Four (4) members and one (1) alternate member shall be appointed from the public at large.
- 3.3. A member of the SDAB must not participate in a hearing unless the member has successfully completed mandatory training based on a standard curriculum as set out by Municipal Affairs.
- 3.4. SDAB members must take a refresher course every three (3) years to stay current on appeal matters (such as changes in law, planning and/or administration).
- 3.5. The training for SDAB members may address matters such as the board member's roles and responsibilities, and hearing process.
- 3.6. No person who is an employee of Westlock County, who is a Development Authority or a Subdivision Authority for Westlock County or who is a member of the Municipal Planning Commission for Westlock County shall be appointed to the SDAB.
- 3.7. Any vacancies caused by the death, retirement or resignation of a member may be filled by resolution of Council.
- 3.8. Council may remove a member from the SDAB by resolution at any time.
- 3.9. Under extraordinary circumstances, such as when a large number of members of the SDAB have a conflict of interest or pecuniary interest in a matter, the Council may appoint additional members of the SDAB for a specific, short period of time, as the Council sees fit, in order to ensure that the SDAB will have a quorum for a meeting and a hearing.

4. Terms of Office

- 4.1. Subject to Section 3.5. and 4.2 of this bylaw, each member of the SDAB shall be appointed at the pleasure of the Council for a term of one (1) year and may be reappointed upon the expiry of the term at the pleasure of the Council.
- 4.2. Where a member of Council is appointed as a member of the SDAB, their appointment shall terminate upon ceasing to be a member of the Council.


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5. Chair

- 5.1. At the first meeting of the SDAB (following the appointment of members each year), a Chairman shall be elected by vote of the majority of the members.
- 5.2. A member may be re-elected to the position of Chairman.
- 5.3. A Chairman shall preside at the meetings of the SDAB.

6. Vice-Chair

- 6.1. A Vice-Chairman shall be elected at the same time and under the same rules as the Chairman.
- 6.2. A member may be re-elected to the position of Vice-Chairman.
- 6.3. The Vice-Chairman shall preside at the meetings of the SDAB in place of the Chairman if the Chairman, for any reason, does not preside at the meeting.
- 6.4. In the absence of the Chairman and the Vice-Chairman, one of the other members of the SDAB shall be elected to preside.

Secretary of the Subdivision and Development Appeal Board

- 7.1. The position of designated officer for the limited purpose of carrying out the function of the Secretary to the SDAB is hereby established ("SDAB Secretary"), and they are not eligible for appointment if the mandatory training requirements based on a standard curriculum as set out by Municipal Affairs are not successfully met.
- 7.2. The training requirements and qualifications for SDAB clerks differ from the training requirements for SDAB members based on their different roles. SDAB clerks must take a refresher on the SDAB training every three (3) years to stay current with the roles and responsibilities of the position.
- 7.3. The SDAB Secretary shall be appointed by resolution of the Council and shall not be a member of the SDAB.
- 7.4. The SDAB Secretary shall have responsibilities and functions including the following:
 - 7.4.1. Makes and keeps a record of the SDAB proceedings which may be in the form of a summary of the evidence presented at a hearing.
 - 7.4.2. Compiles and provides Agenda and meeting packages to members and makes available to the public; and
 - 7.4.3. Ensures statutory notices and decisions of the SDAB are provided to such persons as the Act requires.
 - 7.4.4. Signs orders, decision, approval, notices, and other items given by the SDAB on its behalf.

8. Quorum and Meetings

- 8.1. A quorum of the SDAB shall be any three (3) members of the SDAB;


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- 8.2. The SDAB shall meet at such intervals as are necessary to consider and decide appeals filed with it in accordance with the Act.
- 8.3. The SDAB shall have prepared and maintain a file of written Minutes of the business transacted at all meetings and hearings of the SDAB, copies of which shall be regularly filed with the Council. These Minutes may be in the form of a summary of the activities undertaken, together with the motions made, at the meetings and hearings.
- 8.4. A member of the SDAB who is for any reason, unable to attend the whole or a part of any hearing of an appeal, shall not participate in the deliberations or decision of the SDAB upon that appeal.
- 8.5. The SDAB may make rules as are necessary for the conduct of its meetings, its hearings and its business that are consistent with this Bylaw, the Westlock County Land Use Bylaw, and the Act.

9. Fees and Expenses

- 9.1. The remuneration, travelling, living and other expenses of the members of the SDAB and the SDAB Secretary, shall be established by Council from time to time.
- 9.2. The fees associated with the launching of appeals, holding of hearings, and meetings of the SDAB will be set by the Council by Bylaw.

10. Development Appeals

- 10.1. Subject to Section 685(3) of the Act, the SDAB shall hear appeals where the Development Authority for Westlock County:
 - 10.1.1. refuses or fails to issue a development permit to a person.
 - 10.1.2. issues a development permit subject to conditions, or;
 - 10.1.3. issues an order under Section 645 of the Act,
 and appeals are launched within the time limitations and in the manner indicated in the Act.
- 10.2. Subject to Section 685(3) of the Act, the SDAB shall hear appeals from any person affected by an order, decision or development permit issued by the Development Authority, who appeals within the time limitations and in the manner indicated in the Act.
- 10.3. The SDAB shall hold an appeal hearing respecting any Development Appeal within 30 days of receipt of the notice of appeal.
- 10.4. The SDAB shall give at least 5 days' notice in writing of the appeal hearing to:
 - 10.4.1. the Appellant;
 - 10.4.2. the Development Authority of Westlock County
 - 10.4.3. the owners required to be notified under the Land Use Bylaw of the Westlock County; and


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10.4.4. any other person that the SDAB considers to be affected by the appeal and should be notified.

10.5. In determining an appeal, the SDAB:

10.5.1. shall comply with the Land Use Policies established pursuant to Section 622 of the Act;

10.5.2. shall comply with any statutory plan and, subject to subsection 10.5.5. of this bylaw, the Land Use Bylaw of Westlock County.

10.5.3. shall have regard to but not be bound to the Subdivision and Development Regulations established pursuant to Section 694 of the Act,

10.5.4. may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

10.5.5. may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the Land Use Bylaw if, in its opinion,

(i) the proposed development would not

(A) unduly interfere with the amenities of the neighbourhood, or

(B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land, and;

(ii) the proposed development conforms with the use prescribed for that land or building in the Land Use Bylaw.

10.6. The SDAB shall give its decision in writing together with reasons for the decision within 15 days of the conclusion of the public hearing.

11. Subdivision Appeals

11.1. Subject to Section 678 of the Act, the SDAB shall hear appeals of decisions of the Subdivision Authority for Westlock County provided an appeal is received within the time limitations and in the manner indicated in the Act.

11.2. The SDAB shall hold an appeal hearing respecting any appeal within 30 days of receipt of the notice of appeal.

11.3. The SDAB shall give at least 5 days' notice in writing of the appeal hearing to:

11.3.1. applicant for subdivision approval;

11.3.2. the Subdivision Authority of Westlock County;

11.3.3. any school authority to whom the application for subdivision approval was referred;

11.3.4. all adjacent land owners who were given notice of the application for subdivision approval pursuant to Section 653(3.b) of the Act;


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11.3.5. every Government department that was given a copy of the application for subdivision approval pursuant to the Act; and

11.3.6 if the land that is the subject of the application for subdivision approval is adjacent to the boundaries of another municipality, that municipality.

11.4. In determining an appeal, the SDAB:

11.4.1. shall be consistent with the Land Use Policies established pursuant to Section 622 of the Act;

11.4.2. shall have regard to any statutory plan which is in effect;

11.4.3. shall conform with the uses of land referred to in the Land Use Bylaw;

11.4.4. shall have regard to but not be bound to the Subdivision and Development Regulations established pursuant to Section 694 of the Act,

11.4.5. may confirm, revoke or vary the approval or decision or any condition imposed by the Subdivision Authority or make or substitute a decision or any condition of its own;

11.4.6. may exercise the same power as the Subdivision Authority is permitted to exercise pursuant to the Act or any Regulations or Bylaws adopted pursuant to the Act.

11.5 The SDAB shall give its decision in writing together with reasons for the decision within 15 days of the conclusion of the public hearing.

12. Effective Date and Repeal Date

12.1 This Bylaw shall come into force and take effect on the date of its finally being passed.

12.2 Bylaw No. 04-2018 of Westlock County is hereby repealed.

READ A FIRST TIME THIS 22 DAY OF May, 2018.



Reeve



Chief Administrative Officer


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READ A SECOND TIME THIS 22 DAY OF May, 2018

Don Hall

Reeve

[Signature]
Chief Administrative Officer

RECEIVED UNANIMOUS CONSENT FOR CONSIDERATION OF THREE READINGS IN ONE MEETING VIA COUNCIL RESOLUTION #216-2018, THIS 22 DAY OF May, 2018.

READ A THIRD TIME AND PASSED THIS 22 DAY OF May, 2018.

Don Hall

Reeve

[Signature]
Chief Administrative Officer

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