BYLAW NO. 255-2018
OF THE
SUMMER VILLAGE OF KAPASIWIN
IN THE PROVINCE OF ALBERTA

A BYLAW OF THE SUMMER VILLAGE OF KAPASIWIN 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 each municipality to establish a Subdivision and Development Appeal Board;

NOW THEREFORE, the Council of the Summer Village of Kapasiwin, in the Province of Alberta, duly assembled, hereby enacts as follows:

PART I

1. That a board known as the Subdivision and Development Appeal Board (SDAB) of the Summer Village of Kapasiwin, hereinafter called the "Board" is hereby established;

    a. The Summer Village of Kapasiwin shall appoint a minimum of three (3) members to the Board by resolution of Council;

    b. No person who is a Development Officer or a member of a Municipal Planning Commission shall be appointed to act as a member of the Board;

    c. 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; more than one clerk may be appointed;

    d. Any vacancy caused by the death, retirement or resignation of a member shall be filled by resolution of Council; and

    e. A member shall not be disbanded or discharged without cause.

2. 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.

3. A decision of the Board shall be made only by those members present at a meeting duly convened.

4. The decision of the majority of the members present at a meeting duly convened shall be deemed to be the decision of the Board.

5. The Board shall hold such meetings as are necessary to fulfill the Board's responsibility.

6. Hearings on appeals filed will be held at a location established by the Clerk.

7. The Summer Village of Kapasiwin will compensate the board members and clerk.

8. The Clerk shall prepare and maintain a record of written minutes of the business transacted at all meetings of the Board, copies of which shall be regularly filed with the Council of the Summer Village of Kapasiwin.

9. On or before January 1st each year the municipality must submit an annual report to the province containing information on the number of SDAB clerks and members they have appointed, and those who have completed and enrolled in the required SDAB training.

10. A member of any SDAB must not participate in a hearing unless the member has successfully completed a training program.

11. 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).

12. Council must appoint one or more clerks. Clerks of an SDAB must be appointed as a designated officer, and they are not eligible for appointment if the training requirements are not successfully met.

13. 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 SDAB training as approved by the Minister by April 1, 2019.

14. The SDAB Clerk administers and oversees the scheduling and recording of SDAB hearings. 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.

15. The setting of rates for remuneration, traveling and other expenses of the Board Member and Clerk shall be established by resolution of Council as it considers necessary.

16. The Board shall elect a Chairman from the Board members in attendance at any required meeting.

17. The election of Chairman shall occur at the beginning of each meeting.

PART II

18. The Board shall hear appeals where a Development Authority or Subdivision Authority or Development Officer or Council:

    a. refuses or fails to issue a development permit to a person within 40 days of receipt of the application;

    b. issues a development permit subject to conditions;

    c. issues an order under section 645 of the Municipal Government Act; or

    d. issues a decision on a subdivision application.

19. The Board shall hear appeals from any other person affected by an order, decisions on subdivision and development applications of a Development or Subdivision Authority or development permit of a Development Officer.

20. The Board Secretary or a duly appointed officer of the Summer Village of Kapasiwin shall give at least five (5) working days notice in writing of the public hearing to:

    a. the appellant;

    b. the Development or Subdivision Authority from whose order, decision or development permit the appeal is made;

    c. those owners required to be notified under the Land Use Bylaw and any other person that the Board Secretary or a duly appointed officer of the Summer Village of Kapasiwin considers to be affected by the appeal and should be notified; and

    d. the Board.

21. In determining an appeal, the Board:

    a. shall comply with any regional plan, statutory plan, and subject to clause (c), any land use bylaw or land use regulations in effect and must have regard to but is not bound by the subdivision and development regulations;

    b. 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 of its own; and

c. notwithstanding the development permit, that the proposed development does not comply with the land use bylaw or land use regulations if, in its opinion:

   i. the proposed development would not:

      a. unduly interfere with the amenities of the neighborhood; or

      b. materially interfere with or affect the use, enjoyment or value of neighboring properties; and

   ii. the proposed development or subdivision does not conflict with the use prescribed for that land or building in the Land Use Bylaw or Land Use regulations, as the case may be.

22. 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.

23. Should any provision of the Bylaw be found to be invalid, the invalid provision shall be severed and the remaining Bylaw shall be maintained.

24. This bylaw comes into effect upon the date of the passing of third and final reading.

25. Bylaw No. 248 is rescinded in its entirety upon passing of this bylaw.

READ A FIRST TIME THIS 21st **DAY OF** June, **AD 2018.**

READ A SECOND TIME 21st **DAY OF** June, **AD 2018.**

READ A THIRD AND FINAL TIME 21st **DAY OF** June, **AD 2018.**

CHIEF ELECTED OFFICIAL

CHIEF ADMINISTRATIVE OFFICER