VilBYLAW NO. 265-2019

OF THE SUMMER VILLAGE OF KAPASIWIN

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 Act requires each municipality to establish a Subdivision and Development Appeal Board;

NOW THEREFORE the Council, duly assembled, enacts as follows:

1. **Title**
   a) This Bylaw may be cited as the 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) "Board" of "SDAB" means the Subdivision and Development Appeal Board of the Village established pursuant to this bylaw;
   c) "Clerk" means the person appointed to the designated officer position as Clerk of the Board;
   d) "Council" means the Municipal Council for Village;
   e) "Member" means a member of the Board; and
   f) "Village" means the Summer Village of Kapasiwin.

3. **Establishment of the Board**
   a) The Board is hereby established

4. **Board Members and Terms of Office**
   a) The Village 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 Member and the Clerk shall be appointed for a term not to exceed three (3) years and may be re-appointed upon the expiry of their term of office; more than one Clerk may be appointed.
   e) Any vacancy caused by the death, retirement or resignation of a Member shall be filled by resolution of Council.
   f) All Members may remain in office until any meeting obligations have concluded and their respective successors are appointed.
   g) Council shall be at liberty to remove and replace any Member at any time prior to the expiry date of the Member's term of office, and any Member may resign therefrom at any time upon sending written notice to Council.

5. **Functions, Powers and Duties of the Board**
   a) The Board shall hear appeals where a Development Authority or Subdivision Authority or Development Officer or Council:
      i. refuses or fails to issue a development permit to a person within 40 days of receipt of the application;

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.

b) 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.

c) A decision of the Board shall be made only by those Members present at a meeting duly convened.

d) The decision of the majority of the Members present at a meeting duly convened shall be deemed to be the decision of the Board.

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

f) In determining an appeal, the Board must consider the Subdivision and Development Regulation, the Provincial Land Use Policies, the Alberta Land Stewardship Act and application 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.

6. Chairmanship

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.

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 is hereby created as a Designated Officer position for the Village.

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 shall 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.

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 a training program.

e) On or before January 1st each year the municipality must submit an annual report to the province containing information on the number of Clerks and Members they have appointed, and those who have completed and enrolled in the required Subdivision and Development Appeal Board training.

10. Remuneration and Traveling Expenses

a) The rates for remuneration, traveling and other expenses of the Board Member and Clerk shall be the rates prescribed in Schedule "A".

11. Appeal Fees

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 Charges Bylaw approved by Council.

12. Severability

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

13. Repeal of Bylaw

a) Bylaw No. 255-2018 is hereby rescinded.

14. Effective Date

a) This Bylaw shall come into full force and effect, on the date of third and final reading.

Read a first time this 21st day of November 2019.

Read a second time this 5th day of December 2019.

Read a third and final time this 5th day of December 2019.

Mayor

Chief Administrative Office

Schedule "A"

Fees for Subdivision and Development Appeal Board

1. Board Members

   a) Four (4) hours or less - $170.00
   b) Over four (4) hours per day - $340.00
   c) Mileage – $0.55 per kilometer

2. Clerk

   a) Hourly - $60.00
   b) Mileage – $0.55 per kilometer
   c) Reimbursement of postage, photocopying and office supplies