



## **BYLAW NO. 1780**

### **Subdivision and Development Appeal Board**

#### **A BYLAW OF KNEEHILL COUNTY, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF ESTABLISHING THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

**WHEREAS** Section 627 of the Municipal Government Act, R.S.A. 2000, as amended, provides that a Council must, by bylaw, establish a Subdivision and Development Appeal Board; and

**WHEREAS** Section 628 of the Municipal Government Act, R.S.A. 2000, as amended, provides that a bylaw under Section 627 must prescribe the functions and duties of the Subdivision and Development Appeal Board

**NOW THEREFORE** the Council of Kneehill County, duly assembled, enacts the following:

#### **SECTION 1 DEFINITIONS**

1.1 In this Bylaw:

- (a) "Act" refers to the Municipal Government Act of the Province of Alberta.
- (b) "Appellant" means the person who may appeal to the SDAB in accordance with the act.
- (c) "CAO" means Chief Administrative Officer of Kneehill County or designate to act on their behalf.
- (d) "County" means Kneehill County.
- (e) "Council" means the Council of Kneehill County.
- (f) "SDAB" refers to the Subdivision and Development Appeal Board of Kneehill County.

#### **SECTION 2 ESTABLISHMENT OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

2.1 The SDAB is hereby established and shall consist of the following:

- (a) Council may appoint up to eight members from the public at large annually by resolution at the Organizational meeting.
- (b) The SDAB shall not have more than one Councillor as a member.
- (c) Each SDAB hearing shall require 5 or fewer members providing that quorum is met.
- (d) A quorum at a hearing of the SDAB shall be three (3) members.
- (e) The term of office of the members of the SDAB shall be one year and may be renewed by further resolution of Council.
- (f) No person who is an employee of the municipality or a member of the Municipal Planning Commission shall be appointed to the SDAB.
- (g) Any vacancy caused by death, retirement or resignation of a member may be filled by resolution of Council.

- (h) The SDAB shall not be disbanded, nor a member of it discharged without just cause.

### **SECTION 3 DUTIES OF SDAB MEMBERS**

- 3.1 The SDAB shall hear all subdivision and development appeals, as required under the provision of the Act, and shall render a written decision on these appeals and reasons therefore.
- 3.2 The office of the Secretary to the SDAB is hereby constituted and shall be filled by appointment of an employee of the municipality, by Council, but that person shall not have a vote.

### **SECTION 4 DUTIES OF THE SECRETARY**

- 4.1 The Secretary of the SDAB shall:
- (a) Notify all members of the SDAB of the arrangements for the holding of each hearing and others meetings of the SDAB.
  - (b) Ensure the required notice of the hearing is given to all affected parties, as specified in the Act.
  - (c) Prepare and maintain a file of written minutes of the business transacted at all meetings of the SDAB.
  - (d) Issue to all affected parties and persons, notices of the decisions of the SDAB and reasons therefore.
  - (e) Notify the Council of the decisions of the SDAB.
  - (f) Carry out such other administrative duties as the SDAB may specify.

### **SECTION 5 CONDUCT OF BUSINESS**

- 5.1 Council shall establish the Chairperson and Vice Chairperson of the SDAB by Council resolution. Should either of those members not be in attendance, the SDAB shall elect a Chairperson and Vice Chairperson from within its members as first order of business on the appeal hearing agenda.
- 5.2 Only those members of the SDAB present at a meeting of the SDAB shall vote on any matter before it.
- 5.3 The decision of the majority of the members present at a meeting duly convened, shall be deemed to be the decision of the whole SDAB.
- 5.4 The SDAB shall hold such meetings as are necessary to fulfill the SDAB responsibilities.
- 5.5 The SDAB may make rules as are necessary for the conduct of its meetings and its business that are consistent with this Bylaw and Provincial Acts and Regulations.
- 5.6 The remuneration, travelling and other expenses of the SDAB members shall be established by Council resolution and/or policies.
- 5.7 The setting of fees for any matter coming before the SDAB shall be established by resolution of Council, as it considers necessary.
- 5.8 The decision of the SDAB shall be given in writing in accordance with the Act.

5.9 An order or decision given by the SDAB shall be signed by the Chairperson who presided at the hearing the decision was made and the Secretary.

**SECTION 6 REQUIREMENTS OF AN APPEAL TO SDAB**

6.1 A person shall appeal to the SDAB in the manner provided in the Act.

6.2 At the time of service of the Notice of Appeal, the Appellant shall pay the County, a Fee in accordance with the County's Master Rate Bylaw.

6.3 At the hearing of the Appeal, the SDAB shall hear all the persons that the SDAB is required to hear under the Act.

6.4 At the hearing of the Appeal, should the SDAB desire further technical information, legal opinions or other assistance, it may table the hearing pending receipt of such information, opinion or other assistance.

**SECTION 7 SEVERABILITY**

7.1 If any provisions of this Bylaw are declared invalid because of any word, phrase, clause, sentence, paragraph, or section of this Bylaw, or any documents which form part of this Bylaw or an application to any person or circumstance is declared invalid, the remaining provisions shall not be affected thereby, but shall remain in force.

**SECTION 8 EFFECTIVE DATE & RESCINDING BYLAWS**

8.1 This Bylaw comes into effect upon third reading of this Bylaw.

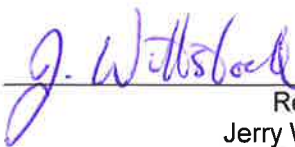
8.2 Upon the effective date of this Bylaw, Bylaw #1754 is hereby rescinded.

**READ** a first time on this 12<sup>th</sup> day of February, 2019.

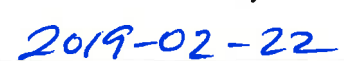
**READ** a second time on this 12<sup>th</sup> day of February, 2019.

**UNANIMOUS** permission for third reading given in Council on the 12<sup>th</sup> day of February, 2019.

**READ** a third time and final time of this 12<sup>th</sup> day of February, 2019.

  
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Reeve  
Jerry Wittstock

  
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Interim Chief Administrative Officer  
Peter Tarnawsky

  
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Date Bylaw Signed