



**BYLAW NO. 07-2015  
OF THE  
VILLAGE OF WABAMUN  
IN THE PROVINCE OF ALBERTA**

**A BYLAW OF THE VILLAGE OF WABAMUN 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;

**AND WHEREAS** Section 627 of the Municipal Government Act Chapter M-26, RSA 2000 authorizes each municipality to enter into an agreement with one or more municipalities to establish an Inter-municipal Subdivision and Development Appeal Board;

**NOW THEREFORE,** the Council of the Village of Wabamun, 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 of the Village of Wabamun, hereinafter called the "Board" is hereby established;
2. The Board shall be comprised of members of the Board Pool established through agreement with the Town of Onoway as follows:
  - a. Each Municipality (Onoway and Wabamun) shall supply Five (5) members appointed to the Board pool by resolution of Council, two shall be members of Wabamun Village Council and three (3) shall be public members;
  - 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 member shall be appointed for a term of one (1) years and may be re-appointed upon the expiry of its members;
  - 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;
3. Appointees from Onoway shall only sit as Appeal Board for Wabamun appeals and the appeals from Onoway shall only be heard by Wabamun appointees;
4. 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; at no point shall members of Council form a majority on the board
5. A decision of the Board shall be made only by those members present at a meeting duly convened;
6. The decision of the majority of the members present at a meeting duly convened shall be deemed to be the decision of the Board.
7. The Board shall hold such meetings as are necessary to fulfill the Board's responsibility;

8. The Onoway Board will sit at the Village of Wabamun Civic Centre and the Wabamun Board will sit at the Town of Onoway Civic Centre;
9. Each Municipality holding the appeal will provide the Administration Staff for carrying out the Administrative functions of the Board;
10. The Administration Staff 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 Municipality that the Board was held at;
11. The rates for remuneration, traveling and other expenses of the Board members shall be the rates prescribed in Village of Wabamun's Council Remuneration Policy L:10 which may be amended from time to time by resolution of Council;
12. The setting of fees for any matter coming before the Board is prescribed in the Village of Wabamun's Master Rates and Schedules Bylaw No. 02-2013 Section 2 (Administration) Appendix A (Office Fees) which may be amended from time to time by resolution of Council;
13. The Board shall elect a Chairman from the Board members in attendance at any required meeting; and
14. The election of Chairman shall occur at the beginning of each meeting;

## **PART II**

15. 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;
16. 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;
17. The Board Secretary or a duly appointed officer of the affected Municipality 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 affected Municipality considers to be affected by the appeal and should be notified; and
  - d. the Board;

18. 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;
- 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;

19. 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;

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

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

22. Bylaw No. 01-2014 is rescinded in its entirety upon passing of this bylaw.

**READ A FIRST TIME THIS 20<sup>TH</sup> DAY OF OCTOBER, 2015**

**READ A SECOND TIME THIS 20<sup>TH</sup> DAY OF OCTOBER, 2015**

**READ A THIRD AND FINAL TIME THIS 20<sup>TH</sup> DAY OF OCTOBER, 2015**

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Signed by the CEO this date

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CHIEF ELECTED OFFICIAL

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Signed by the CAO this date

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CHIEF ADMINISTRATIVE OFFICER