



**BYLAW NO. 03-2019
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;

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 (SDAB) of the Village of Wabamun, hereinafter called the "Board" is hereby established;
 - a. Wabamun Council shall appoint Five (5) members to the Board by resolution one (1) shall be a member of Wabamun Village Council and four (4) shall be public members from either inside or outside the municipality;
 - 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;
 - f. A panel of an SDAB which is hearing an appeal must not have more than one Councillor as a member, including Councillors appointed to the SDAB from other municipalities
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 will be held at the Village of Wabamun Civic Centre;
7. The Municipality 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 Municipality;

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 by resolution. The Clerks of an SDAB are established as a designated officer of the Village of Wabamun, and they are not eligible for appointment if the training requirements are not successfully met.
13. Board members and clerks are be 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 (one (1) year from the sections coming into force).
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 rates for remuneration, traveling and other expenses of the Board member appointed from Council 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, for members appointed from the public, the remuneration rate shall be \$160 for hearings lasting 4 hours or less plus \$30/hr for each hour after that, calculated to the closest half hour, including travel time. The Clerk shall be remunerated at a rate of \$55/hr including travel time.
16. 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;
17. The Board shall elect a Chairman from the Board members in attendance at any required meeting; and
18. The election of Chairman shall occur at the beginning of each meeting;

PART II

19. 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;
20. 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;
21. The Board Secretary or a duly appointed officer of the 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;

22. 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 or permit of its own;
- c. may make an order or decision or issue or confirm the issuing of a development permit notwithstanding that the proposed development does not comply with the land use bylaw or land use regulations if, in the opinion of the Board :
 - 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 conforms with the use prescribed for the land or building in the Land Use Bylaw or Land Use regulations, as the case may be;

23. 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;

24. If the Subdivision and Development Appeal Board upholds an appeal brought before it the Subdivision and Development Appeal Board may determine that up to one half of the appeal fee levied be returned to the appellant

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

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

27. Bylaw No. 14-2018 is rescinded in its entirety upon passing of this bylaw.

READ A FIRST TIME THIS 19th DAY OF FEBRUARY 2019
READ A SECOND TIME THIS 19th DAY OF FEBRUARY 2019
READ A THIRD AND FINAL TIME THIS 19th DAY OF FEBRUARY 2019

Signed by the CEO this date

CHIEF ELECTED OFFICIAL

Signed by the CAO this date

CHIEF ADMINISTRATIVE OFFICER