

BYLAW 56-2017

SUBDIVISION DEVELOPMENT AND APPEAL BOARD BYLAW

STRATHCONA COUNTY

WHEREAS pursuant to section 627 of the *Municipal Government Act*, RSA 2000, c M-26, Council must by bylaw establish a subdivision and development appeal board;

AND WHEREAS pursuant to section 628 of the *Municipal Government Act* a bylaw under section 627 must provide for the applicable matters described in section 145(b), and prescribe the functions and duties of the subdivision and development appeal board;

AND WHEREAS pursuant to section 145 of the *Municipal Government Act* Council may pass bylaws in relation to the procedures to be followed by Council, council committees and other bodies established by the Council;

AND WHEREAS pursuant to section 154 of the *Municipal Government Act* the chief elected official is a member of all council committees and bodies to which Council has the right to appoint members under the *Municipal Government Act* unless Council provides otherwise;

NOW THEREFORE, the Council of Strathcona County enacts as follows:

PART I

CITATION, PURPOSE, INTERPRETATION, AND DEFINITIONS

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| Citation | 1 | This bylaw may be cited as the "Subdivision and Development Appeal Board Bylaw". |
| Purpose | 2 | The purposes of this bylaw are:

(1) to establish the Subdivision and Development Appeal Board;

(2) to prescribe the functions and duties for, and to establish procedures to be followed by, the Subdivision and Development Appeal Board. |
| Interpretation | 3 | The headings in this bylaw are for reference purposes only. |
| | 4 | References to enactments and bylaws in this bylaw include amendment and replacement enactments and bylaws, and regulations and orders made in accordance with them. |

- Definitions** 5 In this bylaw, words have the meaning given to them in this section, but if not defined in this bylaw, they have the same meaning as they do in the Municipal Government Act:
- (1) "Chief Commissioner" means the chief administrative officer of the County or delegate;
 - (2) "Clerk" means the designated officer appointed as clerk of the Subdivision and Development Appeal Board accordance with section 456 of the *Municipal Government Act*;
 - (3) "Council" means the municipal council of the County;
 - (4) "County" means the municipal corporation of Strathcona County;
 - (5) "Mayor" means the chief elected official of the County;
 - (6) "Member" means an individual who is appointed to the Subdivision and Development Appeal Board;
 - (7) "Municipal Government Act" means the *Municipal Government Act, RSA 2000, c M-26*;
 - (8) "Subdivision and Development Appeal Board" means the subdivision and development appeal board established pursuant to this bylaw in accordance with section 627 of the *Municipal Government Act*.

PART II
ESTABLISHMENT AND CONDUCT OF SUBDIVISION AND DEVELOPMENT
APPEAL BOARD

- Establishment** 6 Council establishes the Subdivision and Development Appeal Board.
- Conduct and Procedures** 7 The Subdivision and Development Appeal Board will conduct itself in accordance with the *Municipal Government Act*, and County bylaws, policies and procedures.
- Functions and Duties** 8 The Subdivision and Development Appeal Board will perform the functions and duties of a subdivision and development appeal board in accordance with the *Municipal Government Act*.
- Resources** 9 Administrative support and resources will be provided to the Subdivision and Development Appeal Board as directed by

the Chief Commissioner.

PART III
MEMBERSHIP OF SUBDIVISION AND DEVELOPMENT APPEAL BOARD

- Ineligibility** 10 The following persons may not be Members:
- (1) the Mayor;
 - (2) members of Council;
 - (3) an employee of the County;
 - (4) any person who was an employee of the County in the year prior to the date of appointment as a Member;
 - (5) persons who are not resident in Strathcona County;
and
 - (6) any other person who is not eligible to be a Member as set out in the *Municipal Government Act*.
- Appointments** 11 Council will appoint Members as required by the *Municipal Government Act* and in accordance with County bylaws, policies and procedures.
- 12 Council will appoint 5 persons as Members of the Subdivision and Development Appeal Board.
- 13 Council may revoke the appointment of any Member if the Member does not comply with any term of this bylaw.
- Terms** 14 Members will be appointed at the pleasure of Council for terms of up to 3 years.
- 15 Members may be re-appointed for successive terms totalling no more than 6 consecutive years, unless otherwise directed by Council.
- Remuneration** 16 Remuneration and expenses, if any, for Members will be set by County bylaw or Council resolution.
- Training** 17 Members will meet the requirements set out in the *Municipal Government Act* to be qualified to participate in a hearing promptly after appointment or re-appointment and, in any event, must do so prior to participating in a hearing.
- Conduct** 18 Members will conduct themselves in accordance with the

Municipal Government Act, and County bylaws, policies and procedures.

**PART IV
CHAIR AND VICE-CHAIR OF SUBDIVISION AND DEVELOPMENT APPEAL
BOARD**

- Election** 19 At the first meeting of each calendar year, the Subdivision and Development Appeal Board will elect a chair and vice-chair from among the Members.
- Duties** 20 The chair shall preside at all meetings of the Subdivision and Development Appeal Board. If the chair is unable to perform the chair's duties, the vice-chair will perform them.

**PART V
MEETINGS, QUORUM AND DECISIONS**

- Meetings** 21 The Subdivision and Development Appeal Board will meet as many times as necessary to fulfill its obligations pursuant to this bylaw, and in any event at least 1 time per calendar year.
- Quorum** 22 Quorum is met by the attendance of 2 Members.
- Decisions** 23 In arriving at its decision, the majority vote of those Members present at the hearing will constitute the decision of the Subdivision and Development Appeal Board. If there are an equal number of votes for and against the appeal, the appeal is denied.

**PART VI
CLERK OF SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

- Clerk Duties** 24 The Clerk will meet the qualification requirements and fulfill their duties as set out in the *Municipal Government Act*, and will act in accordance with County bylaws, policies and procedures.

**PART VII
TRANSITIONAL PROVISIONS, REPEAL AND COMING INTO FORCE**

- Transitional** 25 On the coming into force of this bylaw, any alternate member of the SDAB is deemed to be a Member.
- Repeal** 26 County Bylaw 55-2011 is repealed.

Coming into Force 27 This bylaw comes into force on the 1st day of January, 2018.

READ A FIRST TIME THIS 31st day of October, 2017.

READ A SECOND TIME THIS 31st day of October, 2017.

READ A THIRD TIME THIS 31st day of October, 2017.

SIGNED THIS 1st day of November, 2017.

Rod Frank
MAYOR

Mavis Nathoo
DIRECTOR, LEGISLATIVE AND LEGAL
SERVICES