

**BYLAW 1900-18
OF THE
CITY OF WETASKIWIN
IN THE PROVINCE OF ALBERTA**

**BEING A BYLAW OF THE CITY OF WETASKIWIN, IN THE PROVINCE OF ALBERTA TO ESTABLISH
THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD.**

WHEREAS Section 627 of the Municipal Government Act requires the establishment of a Subdivision and Development Appeal Board;

NOW THEREFORE the Municipal Council of the City of Wetaskiwin, in the Province of Alberta, duly assembled, enacts as follows:

1. Title: This bylaw may be referred to as the “Subdivision and Development Appeal Board Bylaw”.
2. Definitions:
 - 2.1. “Act” means the Municipal Government Act, R.S.A. 2000, c.M26, as amended;
 - 2.2. “Appeal” means an appeal of a decision of a Development Officer or a subdivision authority;
 - 2.3. “Appellant” means the person who appeals to the Board in accordance with the Act;
 - 2.4. “Applicant” means the person who applied for a development permit or for subdivision;
 - 2.5. “Board” means the Subdivision and Development Appeal Board established by this bylaw;
 - 2.6. “Clerk” means the person appointed by the Chief Administrative Officer of the City of Wetaskiwin;
 - 2.7. “City” means the municipal corporation of the City of Wetaskiwin, in the Province of Alberta;
 - 2.8. “City Manager” means the Chief Administrative Officer of the City of Wetaskiwin;
 - 2.9. “Council” means the Council of the City of Wetaskiwin;
 - 2.10. “Development Officer” means a City employee who carries out development powers, duties, and functions;
 - 2.11. “Hearing” means the a convening of the Board to hear a subdivision or development appeal;
 - 2.12. “Member” means a member of the Subdivision and Development Appeal Board.
3. Establishment: The Subdivision and Development Appeal Board is hereby established.
4. Purpose of the Subdivision and Development Appeal Board
 - 4.1. The purpose of this bylaw is to hear and decide upon appeals of decisions of the subdivision authority.

4.2. To hear and decide upon appeals from decisions of a Development Officer in respect to development permits and stop orders, and in this respect to perform the duties assigned to the Development Appeal Board as outlined in the Land Use Bylaw.

5. Membership

5.1. The Subdivision and Development Appeal Board shall consist of:

5.1.1. One (1) Council Member and one (1) alternate Council Member;

5.1.2. Four (4) Members-at-Large

5.2. Members-at-Large of the Board are to be appointed by Council resolution.

5.3. City of Wetaskiwin staff, those who carry out subdivision or development duties on behalf of the City, and members of municipal planning commissions are ineligible to serve on the Board.

5.4. A vacancy on the Board may be filled by resolution of Council at any time.

5.5. Preference for membership shall be as follows:

5.5.1. Adult resident of the City of Wetaskiwin;

5.5.2. Adult resident of the County of Wetaskiwin;

5.5.3. Adult business or property owner in the City of Wetaskiwin.

5.6. If any member misses three (3) consecutive hearings without the authorization of the Board, the member is disqualified and the position becomes vacant.

5.6.1. The disqualified member may re-apply for Membership to the Board.

5.7. Section 5.6 does not apply if the member in question is a Council Member.

6. Terms of Membership

6.1. Each member of the Board can be appointed to a term of up to three (3) years, with exact terms being specified upon appointment to the Board;

6.2. Members of Council are appointed to the Board during the annual Organizational Meeting of Council and shall remain on the Board for a period of one (1) year until the subsequent Annual Organizational Meeting.

6.3. Each member of the Board shall take the prescribed training as required by the Act.

7. Quorum and Meeting Structure

7.1. A quorum at any hearing of the Board shall be three (3) members and there must be quorum to proceed with any hearing.

7.2. All members must vote unless they have a conflict of interest.

7.3. The hearing shall be held in public and structured as follows:

7.3.1. Call to Order (and selection of the Chair if necessary);

7.3.2. Introduction of members of the Board and the Clerk;

7.3.3. Declaration of any member conflict of interest;

7.3.4. Objections;

7.3.5. Purpose of the hearing;

7.3.6. Procedures to be followed;

7.3.7. Clerks announces the appeal;

7.3.8. Presentations by the appellant and those opposing the appeal;

7.3.9. Rebuttal;

- 7.3.10. Further questions from Board members;
- 7.3.11. In-Camera deliberations;
- 7.3.12. Verbal notice of Board decision;
- 7.3.13. Adjournment.
- 7.4. At the hearing of the appeal, should the Board desire further technical information, legal opinions or other assistance, it may recess the hearing pending receipt of such information, opinion, or other assistance.
- 7.5. After all submissions and rebuttals, the Board shall deliberate and reach its decision in-camera, the decision may then be communicated verbally to those present once the Board has moved out of camera.
 - 7.5.1. The decision of the board is not final or binding until written notice of the decision has been given.
 - 7.5.2. The Board shall provide a written decision and reasons for the decision to the applicant, the appellant, and any affected persons who gave their name and addresses to the Clerk during the hearing.
- 8. Role of the Chair
 - 8.1. At the first hearing of the calendar year, the members of the Board present will elect one member as Chair.
 - 8.2. The Chair shall preside at hearings.
 - 8.3. If the Chair is absent, the members of the Board present shall elect one member who is present as the Vice Chair who will preside at the hearing.
- 9. Clerk of the Subdivision and Development Appeal Board
 - 9.1. The City Manager shall designate an employee of the City to act as the Clerk of the Subdivision and Development Appeal Board.
 - 9.2. The Clerk shall take the prescribed training as required by the Act.
 - 9.3. The Clerk shall:
 - 9.3.1. Ensure that all statutory requirements of the Boards are met;
 - 9.3.2. Receive all appeals;
 - 9.3.3. Schedule and inform all affected parties of the appeal hearing;
 - 9.3.4. Compile all necessary documents for distribution to the Board;
 - 9.3.5. Keep a written record of the proceedings of the Board which shall include:
 - 9.3.5.1. The decision of the Development or Subdivision Authority;
 - 9.3.5.2. The Notice of Appeal and the Notice of Hearing;
 - 9.3.5.3. The Board's decision on the appeal;
 - 9.3.5.4. A summary of evidence presented at the hearing;
 - 9.3.5.5. A list of names and addresses of persons who participated in person or in writing of the hearing.
 - 9.3.6. Communicate the decision of the Board to affected parties.
- 10. Code of Conduct:
 - 10.1. If a member has any interest, whether direct or indirect, in any matter before the Board, the member shall declare such interest to the Board before discussion of the

appeal, and shall not participate in the hearing, or discuss or vote upon the matter, and such abstention shall be noted in the record of the proceedings;

- 10.2. Any discussions that occur during an in-camera discussion shall remain confidential and not be discussed with the appellant or those opposing the appeal, with any of the affected persons of the hearings, City staff, or with members of the general public;
- 10.3. A decision of the majority of the Board shall be deemed the decision of the Board;
- 10.4. In the event of a tied vote of the Board, the appeal is defeated;
- 10.5. In hearing an appeal, the Board must:
 - 10.5.1. Conform with uses of land referred to in the Land Use Bylaw;
 - 10.5.2. Be consistent with land use policies;
 - 10.5.3. Have regard to, but not be bound by Subdivision and Development Regulations.

11. Establishment of Fee Schedules

- 11.1. Council may by resolution establish fees for subdivision and development appeals.
- 11.2. The appeal fee may be returned to the appellant should the Board deem it appropriate to do so.

12. General

- 12.1. Bylaw 1777-11 is hereby repealed.
- 12.2. Bylaw 1900-18 shall take full force upon third and final reading of this bylaw.

Read a first time this 12th day of February, 2018.

Read a second time this 12th day of February, 2018.

Read a third time this 12th day of February, 2018.

ORIGINAL SIGNED

Mayor

ORIGINAL SIGNED

City Manager