

**BYLAW 20-029  
OF  
LAC LA BICHE COUNTY**

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**A BYLAW OF LAC LA BICHE COUNTY TO ESTABLISH A SUBDIVISION AND DEVELOPMENT APPEAL BOARD.**

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**WHEREAS** section 627 of the *Municipal Government Act* R.S.A. 2000, Chapter M-26, as amended, requires Council to establish a Subdivision and Development Appeal Board;

**NOW THEREFORE** under the authority and pursuant to the provisions of the said *Municipal Government Act*, and by virtue of all other enabling powers, the Council of Lac La Biche County, duly assembled, enacts as follows:

**Title**

1 This bylaw is called the “Subdivision and Development Appeal Board Bylaw”.

**Definitions**

2 In this bylaw, the following words and phrases shall have the following meanings:

- (a) “Act” means the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, as amended;
- (b) “Board” means the Subdivision and Development Appeal Board established by this Bylaw;
- (c) “Chair” means a Member of the Board that is designated under this Bylaw;
- (d) “Chief Administrative Officer” means the person appointed by Council as the Chief Administrative Officer pursuant to the Act;
- (e) “Clerk” means the person(s) appointed to act as Clerk for the Subdivision and Development Appeal Board;
- (f) “Council” means the Council of Lac La Biche County;
- (g) “Councillor” means an elected official of Lac La Biche County and includes the Mayor;
- (h) “Electronic Recording” means a recording that is captured through the use of audio or video recording equipment;
- (i) “Land Use Bylaw” means a bylaw adopted as a land use bylaw of Lac La Biche County and any amendments thereto;
- (j) “Member” means a Member of the Board appointed by Council;
- (k) “Member at Large” means a member of the public appointed to the Board by Council;
- (l) “Presiding Officer” means the person appointed to preside over a hearing in accordance with this Bylaw.

## **Establishment**

**3** The Subdivision and Development Appeal Board of Lac La Biche County is hereby established.

## **Functions and Duties**

**4** The function and duties of the Subdivision and Development Appeal Board are to hear and decide on appeals received by Lac La Biche County pursuant to sections 678 and 686 of the *Municipal Government Act*.

## **Membership**

**5(1)** The Subdivision and Development Appeal Board shall consist of up to ten (10) Members appointed by resolution of Council. Of the ten (10) Members, two (2) shall be Members of Council, with the remaining being Members at Large.

**(2)** The following criteria may be considered in making the appointment of Subdivision and Development Appeal Board Members:

- (a) experience and background with planning and development; equivalents may be considered;
- (b) experience on municipal boards or governance;
- (c) familiarity with the area and its history;
- (d) ability to make objective decisions;
- (e) not have an ongoing, existing, or foreseeable development or planning issue within Lac La Biche County.

**(3)** Residency within the municipality is not required to be appointed to the Board.

**(4)** The following persons may not be appointed as Members of the Subdivision and Development Appeal Board:

- (a) an employee of the municipality;
- (b) a person who carries out subdivision or development powers, duties and functions on behalf of the municipality;
- (c) a member of a municipal planning commission.

## **Term of Office**

**6(1)** Members at Large may be appointed to the Board for a term of up to three-years, effective the date of appointment, or as otherwise designated by Council.

**(2)** At an Organizational Meeting of Council, or as otherwise deemed necessary, Councillors may be appointed to the Board for a term of up to three (3) years.

**(3)** A Councillor who ceases to be a Member of Council automatically ceases to be a Member of the Subdivision and Development Appeal Board.

**(4)** If at any time, a vacancy occurs on the Subdivision and Development Appeal Board, the Council may appoint a person to fill that vacancy for a new term, up to three (3) years.

**(5)** Council may remove a Member from the Subdivision and Development Appeal Board at any time.

## **Chair and Presiding Officer**

**7(1)** Council will appoint by resolution, a Councillor appointed to the Board as Chair of the Board for a term specified by Council.

**(2)** The Chair may establish procedures and policies for the administration of the Subdivision and Development Appeal Board, provided those procedures do not conflict with the *Municipal Government Act* or this Bylaw.

**(3)** All Members shall report to the Chair concerning administrative matters.

**(4)** The Chair may delegate any of the powers, duties and functions of the Chair to another Member of the Board.

**(5)** A Councillor appointed to the Board shall serve as Presiding Officer at a hearing.

**(6)** In the event a Councillor is not able to attend a scheduled hearing, the Presiding Officer shall be appointed at the commencement of the hearing by the Board Members in attendance.

### **Panels**

**8(1)** Members of the Subdivision and Development Appeal Board may meet in panels of at least three (3), selected on a rotational and availability basis.

**(2)** A panel hearing an appeal must not have more than one Councillor as a Member.

**(3)** Two (2) or more panels may meet simultaneously.

**(4)** A panel has all of the same powers, duties and responsibilities of the Subdivision and Development Appeal Board, and a decision of a panel is deemed to be a decision of the Subdivision and Development Appeal Board.

### **Clerk**

**9(1)** The position of Clerk of the Subdivision and Development Appeal Board is hereby established, and the Chief Administrative Officer is authorized to appoint one or more employees to the position of Clerk, provided such individuals comply with all training requirements provided for in the *Municipal Government Act* and its Regulations

**(2)** The Clerk shall fulfill the duties in accordance with the Act, County bylaws, and the procedures and policies of the Board.

**(3)** In addition to the duties prescribed in this Bylaw and the *Municipal Government Act*, the Clerk shall have the following responsibilities and functions:

- (a) Ensures hearings are scheduled and statutory notices and decisions of the Subdivision and Development Appeal Board are provided to such persons as the Act requires;
- (b) Compiles and provides agenda and hearing packages to Members and makes available to the public;
- (c) The Clerk may also make a temporary electronic recording of a hearing for drafting the written decision and compiling the record of hearing.
- (d) Signs decisions made by the Subdivision and Development Appeal Board, once approved in writing by the Presiding Officer.
- (e) Makes a written record of the Board hearings, that includes:
  - (i) The notice of appeal;

- (ii) All documentary evidence filed in the appeal;
- (iii) A list of individuals that gave evidence at the hearing;
- (iv) All written arguments presented at the hearing;
- (v) A summary of the hearing; and
- (vi) The decision of the Subdivision and Development Appeal Board, including reasons.

### **Hearings and Procedures**

**10(1)** A Member of the Board may not participate in a hearing of the Subdivision and Development Appeal Board unless the Member is qualified to do so in accordance with the Regulations made under the Act.

**(2)** On receipt of a notice of appeal, the Clerk will convene a panel to hear the appeal.

**(3)** Quorum for the Board, or of a panel of the Board is three (3) Members. No more than five (5) Members may serve on a panel.

**(4)** In the event quorum is not met for a hearing, the Board may open the hearing for the purpose of deciding to adjourn the hearing to a different date and time.

**(5)** Panels may modify, waive, or supplement any hearing procedures approved by the Chair during any hearing.

**(6)** All Subdivision and Development Appeal Board hearings are open to the public, except that the Board may deliberate and make decisions in Closed Session.

**(7)** 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

### **Fees**

**11** The fees for filing an appeal are those prescribed in the Lac La Biche County Schedule of Fees and Charges Bylaw, as amended from time to time.

### **Remuneration**

**12(1)** The remuneration, traveling, and other expenses of the Members of the Board shall be in accordance with the applicable Lac La Biche County remuneration policies, as amended from time to time.

**(2)** Remuneration, traveling and other expenses of the Clerk shall be in accordance with Lac La Biche County policies, as amended from time to time.

### **Severability**

**13** All sections of this bylaw are separate and severable. Should any part, section, or subsection of this bylaw be deemed invalid or inoperative by any court or administrative body for any reason, the remaining parts, sections, and subsections shall remain valid and in full force and effect.

### **Repeal**

**14** Bylaw 07-015 of Lac La Biche County is hereby repealed upon this Bylaw coming into effect.

**Transitional**

15 All Members of the Subdivision and Development Appeal Board appointed before the effective date of this bylaw continue to be Members until their term would have expired.

**Effective Date**

16 This bylaw shall come into force and effect upon third reading.

**THAT BYLAW 20-029 BE GIVEN FIRST READING THIS 11<sup>th</sup>DAY OF August, 2020.**

**THAT BYLAW 20-029 BE GIVEN SECOND READING THIS 11<sup>th</sup>DAY OF August, 2020.**

**THAT BYLAW 20-029 BE GIVEN THIRD READING THIS 11<sup>th</sup>DAY OF August, 2020.**

Original Signed  
Mayor

Original Signed  
Chief Administrative Officer