

PARKLAND COUNTY
PROVINCE OF ALBERTA

BYLAW NO. 2018-26

BEING A BYLAW OF PARKLAND COUNTY TO ESTABLISH A SUBDIVISION AND DEVELOPMENT
APPEAL BOARD AND TO ESTABLISH THE POSITION OF CLERK

WHEREAS section 627 of the *Municipal Government Act*, Revised Statutes of Alberta, 2000, Chapter M-26, as amended, provides that a council must, by bylaw, establish a Subdivision and Development Appeal Board; and

WHEREAS section 628 of the Act provides that a bylaw under section 627 must prescribe the functions and duties of the Subdivision and Development Appeal Board; and

WHEREAS Section 210(1) provides that a council may by bylaw establish one or more positions to carry out the powers duties and functions of a designated officer under this or any other enactment or bylaw; and

NOW THEREFORE the Council of Parkland County duly assembled, enacts as follows:

TITLE

1. This bylaw shall be known as the "Subdivision and Development Appeal Board Bylaw."

DEFINITIONS

2. In this Bylaw:
 - a) "Act" means the *Municipal Government Act*, Revised Statutes of Alberta, 2000, Chapter M-26, and amendments thereto;
 - b) "Board" means the Subdivision and Development Appeal Board of the Parkland County established pursuant to this bylaw;
 - c) "Clerk" means the person appointed to the designated officer position as Clerk of the Subdivision and Development Appeal Board;
 - d) "Council" means the Council of Parkland County;
 - e) "County" means Parkland County;
 - f) "Member" means a member of the Subdivision and Development Appeal Board duly appointed pursuant to this bylaw;
 - g) "Public member" means a member who is a resident of Parkland County and not a member of Council; and
 - h) "Recording Secretary" means the person employed in the capacity of either the Subdivision and Development Appeal Board Assistant, or a staff person so delegated by the Clerk.
3. All other terms in this bylaw shall have the meaning assigned to them by the Act to the extent that the said meaning differs from the ordinary means of such terms.

ESTABLISHMENT OF THE BOARD

4. A Subdivision and Development Appeal Board is hereby established.

BOARD MEMBERS AND TERMS OF OFFICE

5. Council shall appoint a pool of up to twelve (12) public members. A Board shall consist of three (3) to five (5) members.

6. Public members shall be appointed by resolution of Council for three-year terms commencing January 1 until December 31. Adjustment of terms may be made as required by resolution of Council.
7. In the event of a vacancy occurring, the person appointed to fill such vacancy shall hold office for the remainder of the vacated term.
8. All members may remain in office until any meeting obligations have concluded and their respective successors are appointed.
9. Council shall be at liberty to remove and replace any member of the Board at any time prior to the expiry date of the member's term of office, and any member of the Board may resign therefrom at any time upon sending a written notice to Council.
10. Any public Board member who ceases to be a resident of the County must notify the County in writing, and will cease to be a member of the Subdivision and Development Appeal Board.

FUNCTIONS, POWERS AND DUTIES OF THE BOARD

11. The Board shall hear all appeals from decisions of the Development Authority and Subdivision Authority of the County, pursuant to the requirements of the Act.
12. The Board shall conduct itself in accordance with all provisions set out in Part 5 and Part 17 of the Act.
13. In determining an appeal, the Board must consider the Subdivision and Development Regulation, the provincial Land Use Policies, the *Alberta Land Stewardship Act* and applicable regional plan, the County's Municipal Development Plan and other County statutory plans, the County's Land Use Bylaw, and other pieces of legislation, regulations or policies when applicable.
14. The Board may accept any oral or written evidence that it considers appropriate.
15. All appointed Board members must complete mandatory training as per the Act.

CHAIRMANSHIP

16. During the Organizational meeting of the Subdivision and Development Appeal Board, all members of the Board shall elect up to three (3) Chairpersons to serve on a rotational basis.
17. In the absence of an elected Chairperson, those members in attendance at a meeting may appoint an Acting Chairperson from amongst those in attendance.

QUORUM

18. A quorum of the Board shall be three (3) members.
19. The Board may open a meeting where the Board does not have sufficient meeting quorum for the purpose of making a decision to adjourn the meeting to a different date and time.

RESPONSIBILITIES OF THE CLERK

20. The position of Clerk of the Subdivision and Development Appeal Board is hereby created as a Designated Officer position for Parkland County.
21. The Clerk of the Subdivision and Development Appeal Board shall be the Manager of Legislative Services or his/her designate. The powers and duties of the Clerk shall be:
 - a. to carry out all obligations imposed upon the Clerk pursuant to the Act and regulations thereunder;

- b. to carry out all duties delegated to the Clerk by bylaw or resolution of Council or by any other statute, regulation, or order of the Province of Alberta, either prior to or subsequent to the passage of this bylaw; and
 - c. to delegate the performance of any duties, powers or obligations of the Clerk to such person or corporation as the Clerk finds appropriate.
22. The Clerk shall carry out such other duties as may be designated by the Board from time to time. An order, decision, approval, notice or other thing made or given by the Board shall be signed on its behalf by the Clerk.

PROCEDURES AND CONDUCT

23. Meetings of the Board shall be held at the times and places determined by the Board.
24. The Recording Secretary shall keep minutes of each meeting of the Board and shall prepare an agenda for each meeting of the Board.
25. Audio recordings of meetings of the Board may be made by the clerk for minute-taking purposes. Recordings of the hearing will be retained for at least six (6) months following the approval of the minutes and after that time may be destroyed subject to legal and/or legislative requirements.
26. All members of the Board shall comply with Parkland County's current Meeting Procedures Bylaw for procedures regarding motions, voting, conflict of interest, and conduct.

REMUNERATION AND TRAVELING EXPENSES

27. The members of the Board shall be paid such honoraria and expenses for attending meetings as authorized by Council policy.

APPEAL FEES

28. The fee to be paid by an appellant for filing an appeal with the Subdivision and Development Appeal Board shall be as per the Fees and Charges Bylaw approved by Council.

ENACTMENT/TRANSITION

29. Should any provision of this bylaw be deemed to be invalid then such invalid provision will be severed from this bylaw and such severance will not affect the validity of the remaining portions of this bylaw, except to the extent necessary to give effect to such severance.
30. Bylaw 2015-15, Bylaw 2016-02 and Bylaw 2018-11 are hereby rescinded.
31. This bylaw shall come into force and take effect on the day of third reading and signing thereof.

READ A FIRST TIME this 23rd day of October, 2018.

READ A SECOND TIME this 23rd day of October, 2018.

READ A THIRD TIME and finally passed this 13th day of November, 2018.

SIGNED AND PASSED this 13th day of November, 2018.



Mayor



Chief Administrative Officer