

**TOWN OF CORONATION BYLAW NO. 2019 - 666**  
**SUBDIVISION AND DEVELOPMENT APPEAL BOARD BYLAW**

Being a Bylaw of the Town of Coronation, in the Province of Alberta, to establish a Subdivision and Development Appeal Board.

**WHEREAS**, Section 627 of the *Municipal Government Act*, R.S.A. 2000, C. M-26 enables a municipality to by Bylaw establish a Subdivision and Development Appeal Board;

**NOW THEREFORE**, the Municipal Council of the Town of Coronation, Alberta, duly assembled, hereby enacts as follows:

1. This Bylaw shall be cited as the **“Subdivision and Development Appeal Board Bylaw”**.

**DEFINITIONS:**

2. In this Bylaw:
  - 2.1. **“Board”** means the Subdivision and Development Appeal Board of the Town of Coronation established pursuant to this Bylaw;
  - 2.2. **“Chief Administrative Officer (CAO)”** means the Chief Administrative Officer of the Municipality appointed by Council;
  - 2.3. **“Clerk”** means the designated officer appointed as the Clerk of the Subdivision and Development Appeal Board;
  - 2.4. **“Council”** means the duly elected officers of the Town of Coronation;
  - 2.5. **“Development Authority”** means the person or persons appointed pursuant to the Municipal Planning Commission Bylaw 2019-665;
  - 2.6. **“Member”** means a member of the Subdivision and Development Appeal Board appointed pursuant to this Bylaw;
  - 2.7. **“Municipal Government Act (MGA)”** means the *Municipal Government Act, R.S.A. 2000 Chapter M-26* as amended or legislation substituted therefore;
  - 2.8. **“Pecuniary Interest”** shall have that meaning set out in Division 6 of Part 5 of the MGA as applied and adapted in the context of this Bylaw;
  - 2.9. **“Public Member”** means a member of the Subdivision and Development Appeal Board who is not a member of Council;
  - 2.10. **“Subdivision Authority”** means the person or persons appointed pursuant to the Subdivision Authority Bylaw 443-95; and
  - 2.11. **“Town”** means the Town of Coronation.

**ESTABLISHMENT, MEMBERSHIP, AND TERM OF OFFICE**

3. The Subdivision and Development Appeal Board is hereby established to hear appeals regarding decisions made by the Town's Subdivision Authority and its Development Authority in accordance with the *MGA*. The Board will make decisions regarding appeals based on evidence presented to it during a public hearing.
4. The Subdivision and Development Appeal Board shall carry out their duties and responsibilities and conduct themselves in accordance with the *MGA* and its regulations, and the Bylaws, policies and procedures of the Town of Coronation.
5. The Board shall consist of five (5) members, of which number:
  - 5.1. A maximum of one (1) member may be a member of Council; and
  - 5.2. A minimum of four (4) members shall be Public Members.
6. A Member of the Board shall not include:
  - 6.1. A member of the Municipal Planning Commission;
  - 6.2. A person who carries out development or subdivision powers on behalf of the Town;
  - 6.3. An employee of the Town.
7. Each Member of the Board shall be appointed for a three (3) year term.
8. A person may be reappointed to the Board upon the expiration of that person's term.
9. In the event of a vacancy, Council may appoint a new Member to serve for the remainder of the vacating Member's term and that Member shall be bound by the restrictions placed upon the original appointment.
10. All Member vacancies shall be advertised to request formal submission of applications from any individuals holding an interest in the region.
11. A Member of the Board may not participate in a hearing of the SDAB unless the Member has completed all training and qualification requirements in accordance with the Subdivision and Development Appeal Board Regulation, Alta Regulation 195/2017.
12. Members may be reappointed for successive terms; however there will be no automatic succession appointments.
13. Council, at its discretion, may appoint additional Members to decide on a specific appeal.
14. Remuneration and travelling expenses for Members shall be in accordance with remuneration as specified under the Town's Bylaws and shall be established by Council from time to time.

**PROCEDURE**

15. A simple majority of the Members of the Board shall constitute a quorum.
16. In accordance with the *MGA*, the Board may establish panels of the Board, but where it does, only one member of Council may sit on such panel.
17. The members of the Board shall appoint a Chairperson and a Vice-Chairperson, who shall act in the absence of the Chairperson.
18. In the event of absence or inability of the Chairperson or Vice-Chairperson to preside at a Board meeting, the Members present constituting the quorum shall elect one of its Members to act as Chair for that meeting.
19. The CAO is designated as Clerk of the SDAB, with no additional remuneration. The CAO may delegate the powers, duties and functions to an employee of the Town.
  - 19.1. Notwithstanding Section 19, no person may be appointed as Clerk of the SDAB unless that person has successfully completed a training program in accordance with the Regulations made pursuant to the *MGA* and shall maintain currency in their training.
  - 19.2. No employee of the Town who carries out the powers, duties or functions of Development Authority or Subdivision Authority shall be appointed as Clerk of the SDAB.
  - 19.3. The Subdivision and Development Appeal Board Clerk, as designated officer, shall carry out all obligations imposed upon the Clerk pursuant to the *MGA* and regulations thereunder, including:
    - 19.3.1. Perform such duties as may be necessary to ensure that the SDAB is in full compliance with its duties under the *MGA*;
    - 19.3.2. Provide notice of Hearings in accordance with Section 679 of the *MGA* respecting subdivision appeals and Section 686 (3) of the *MGA* respecting development appeals;
    - 19.3.3. Notify all members of the SDAB of the scheduling arrangements for the holding of each Hearing and other meetings of the SDAB;
    - 19.3.4. Make available for public inspection before the commencement of the Public Hearing all relevant documents and materials respecting the appeal, including:
      - a. The application for the Development Permit, the decision and the Notice of Appeal, or
      - b. The order issued under Section 645 of the *MGA*

- 19.3.5. Attend all meetings and hearings of the SDAB and keep the following records with respect thereto:
- a. All Notice of Appeal applications
  - b. Copies of all information pertaining to the order or decision being appealed
  - c. Records of all Notices of Hearings and of persons to whom they were sent
  - d. Copies of all written representations to the SDAB
  - e. The names and addresses of those making representations at the Hearing
  - f. The transcript and record of all SDAB meetings and hearings, its findings and reasons for its decision
  - g. Records of all Notices of Decisions and persons to whom they were sent, and
  - h. All notices, decisions, and orders made on such other matters as the SDAB may direct or the Clerk may determine.
- 19.3.6. For each Hearing, recording and issuing a decision of the Board and its findings with reasons, to all affected parties;
- 19.3.7. Not vote on any matters before the SDAB.

20. Only those Members present at a whole hearing of an appeal shall be able to vote on the appeal.
21. A decision of the Members forming a quorum at a duly convened meeting of the Board or committee thereof shall be deemed to be the decision of the whole Board.
22. In the event of a tie vote, the appeal shall be deemed to be denied.
23. A Member who is for any reason unable to attend the whole of the Hearing shall not participate in the Board deliberations or the decision made by the Board on that appeal.
24. For any procedures not covered in Part 17 of the *MGA* or by Bylaw of the Town, the Board may establish such other procedures as may be required for the conduct of hearings.

**SDAB FUNCTIONS AND DUTIES:**

25. Within thirty (30) days of receiving written Notice of an Appeal that is in accordance with the provisions of the *MGA*, the Board shall hold a public Hearing to hear an appeal of:
- 25.1. A decision of the Subdivision Authority or the Development Authority;

- 25.2. A refusal or failure by the Subdivision Authority or Development Authority to make a decision within the time allowed for a decision established in the *MGA*; or
- 25.3. A stop work order issued by the Development Authority.
26. The Hearings of the Board shall be in public, but the Board may at any time recess and deliberate in private.
27. A request for adjournment of a Hearing may be granted at the discretion of the Board, but any adjournment must be to a specific time and date.
28. The Board may adjourn to a specific time and date upon its own volition to continue to receive interventions and presentations or to request technical information, legal opinions or other information desired by the Board.
29. Upon conclusion of a Hearing the Board shall deliberate and reach its decision 'In Camera'.
30. The Chair, or Acting Chair:
  - 30.1. Shall be responsible for the conduct of a meeting
  - 30.2. May limit a submission if it is determined to be repetitious or inappropriate in any manner
31. If a Member has a pecuniary interest in a matter before the Board, or if a Member is aware of any reason which may lead to a possible bias when hearing the matter, the Member shall:
  - 31.1. Disclose the general nature of the pecuniary interest or likelihood of bias to the Board prior to the Board's consideration of the matter;
  - 31.2. Abstain from discussion and disposition on the matter;
  - 31.3. Leave the room in which the meeting or Hearing is taking place until discussion and disposition of the matter is completed.
32. The abstention of the member and the disclosure of the member's interest or bias shall be recorded in the minutes.
33. The Board shall issue its decision in writing, together with reasons for the decision within fifteen (15) days of the conclusion of a Hearing.
34. A decision of the Board is not final until notification of the decision is given in writing.
35. An order, decision, approval, notice or other thing made or given by the SDAB shall be signed on its behalf by the Chairperson, or a Member appointed to act as Chairperson, or the Clerk.

36. If the Subdivision Authority fails or refuses to endorse a plan of subdivision or other instrument as approved by the Board on appeal, the Chair or Vice-Chair of the Board is authorized to endorse the subdivision instrument.

**GENERAL:**

37. Subdivision and Development Appeal Board Bylaw 445-95 is hereby repealed upon passing of this Bylaw.

38. This Bylaw shall come into full force and effect upon the final passing thereof.

**SEVERABILITY:**

39. If any Section or part(s) of this Bylaw are found in any court of law to be illegal or beyond the power of Council to enact, such Section or parts shall be deemed to be severable and all other Sections or parts of this Bylaw shall be deemed to be separate and independent therefrom and to be enacted as such.

READ a first time this 11<sup>th</sup> day of February, 2019.

READ a second time this 11<sup>th</sup> day of February, 2019.

READ a third time and finally passed this 11<sup>th</sup> day of February, 2019.

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Mayor

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Chief Administrative Officer