

**BYLAW NO. 2015-15
PARKLAND COUNTY**

**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;

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" "Secretary" means the person appointed to the designated officer position as Clerk Secretary of the Subdivision and Development Appeal Board;
 - d) "Council" means the Council of Parkland County;
 - e) "County" means Parkland County;
 - f) "Members" means the members of the Subdivision and Development Appeal Board duly appointed pursuant to this Bylaw;
 - g) "Public Members" means persons who are not members of Council.
 - h) "Recording Secretary" means the person acting as Recording Secretary of the Subdivision and Development Appeal Board.
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. The Board shall consist of five (5) public members who must be residents of Parkland County. Boards shall be established from a pool of nine (9) public members. The Board shall consist of three (3) residents at large who shall be appointed by resolution of Council and three (3) members of the County Council. At no time shall there be more members of Council than public members.

- One or more alternate residents at large shall be appointed, being able to sit on the Board on an as needed basis only in the absence of one or two of the three regular residents at large. An alternate resident at large appointment may be term-specific, or open ended, and it does not negate the eligibility of the person(s) so appointed to re-apply for appointment as a full resident at large once eligible to do so.
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.
- ~~Members from Council shall be appointed annually by Council at the Organization Meeting for one year terms commencing January 1 until December 31.~~
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 ~~concerned in the vacancy that has arisen.~~
 8. All members shall **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 ceases 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 have regard to all applicable statutory plans, the Subdivision and Development Regulations; must be consistent with the provincial Land use Policies; and, must conform with the uses of land referred to in the County's Land Use Bylaw~~ **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.

PROCEDURES AND CONDUCT

15. **Council shall appoint two (2) of the nine (9) public members as Chairpersons to serve on a rotational basis.** ~~At the first meeting following the Council Organizational Meeting, the Board shall appoint a Chairman and Vice Chairman.~~
16. In the absence of ~~both the Chairperson and Vice Chairperson~~ **a Council-appointed Chairperson**, those members in attendance at a meeting may appoint an Acting Chairperson from amongst those in attendance.
17. **Three (3)** ~~Two (2)~~ County Council member and ~~two (2)~~ residents' at large members shall constitute a quorum at any meeting.
18. **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.**
19. ~~The Secretary of the Board shall be the Chief Administrative Officer (CAO) or his/her designate.~~ **The position of Clerk of the Subdivision and Development Appeal Board is hereby created as a designated officer position for Parkland County.**

20. The Clerk of the Subdivision and Development Appeal Board shall be the Manager of Legislative and Administrative Services or his/her designate;
21. 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 Recording Secretary of the Board shall be that person employed in the capacity of either the Development Clerk or Planning Clerk Subdivision and Development Appeal Board Assistant or a staff person so delegated by the Clerk within the Administrative staff complement of Parkland County.
23. The Recording Secretary shall cause to be kept minutes of each meeting of the Board and shall prepare an agenda for each meeting of the Board.
24. The Secretary 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 Secretary Clerk.
25. The Secretary Clerk may also direct and delegate, in the Secretary's Clerk's absence, persons employed in other capacities in the Planning & Development Legislative and Administrative Services Department to carry out certain duties of the Secretary Clerk.
26. The Regular Meetings of the Board shall be held at the times and places determined by the Board.
27. Audio recordings of meetings of the Board may be made by the Clerk for minute-taking purposes only. Upon approval of the minutes by the Board, the associated audio recordings will be destroyed.

~~Any Special Meetings of the Board may be called by the Chairman or Vice Chairman at a place and time appointed by the Chairperson or Vice Chairperson. Notice of such meeting to be given at least five (5) days in advance or any shorter period in which case all members are required to be present to sign waiver of the required five (5) days notice.~~

~~Decisions of the Board shall be made by way of motions carried by a simple majority vote of the Board members present at the Hearing. In the event of a tie vote, the motion shall be lost and the existing decision of either the Development Authority (regarding Development Permits or Stop Orders) or the Subdivision Authority (regarding Subdivision applications) shall stand and thus become the decision of the Board.~~

28. All members of the Board shall comply with Parkland County's Meeting Procedures Bylaw for procedures regarding motions, voting, and conflict of interest.

~~1. Conflict of Interest~~

- a) ~~Any member of the Board who has a pecuniary interest in a matter being considered by the Board shall comply with the provisions of Sections 169 through 173 of the Municipal Government Act, as amended.~~
- b) ~~Any member of the Board who fails to comply with Section 6 (a) above, is disqualified from remaining a member of the Board.~~

REMUNERATION AND TRAVELING EXPENSES

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

APPEAL FEES

30. 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 Schedule approved **annually** by Council. ~~as part of Parkland County's Capital and Operating budget~~

ENACTMENT/TRANSITION

31. 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.
32. Subdivision and Development Appeal Board Bylaw No. 34-2009 and Amending Bylaw No. 08-2012 and Amending Bylaw No. 2013-24 are hereby rescinded.
33. This bylaw shall come into force and take effect on the day of third and final reading thereof.

READ A FIRST TIME this _____ day of _____, 2015.

READ A SECOND TIME this _____ day of _____, 2015.

READ A THIRD TIME and finally passed this _____ day of _____, 2015.

Mayor

Manager, Legislative and Administrative Services