

ADMINISTRATIVE REPORT: SCHEDULE C

Village of Wabamun Planning and Development Related Bylaws for Repeal

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LIST OF BYLAWS AND RATIONALE FOR REPEAL**1. Village of Wabamun Bylaw No. 04-83: Development Appeal Board Bylaw**

Parallel Parkland County Bylaws: *Bylaw No. 2018-26: Subdivision and Development Appeal Board Bylaw*

Rationale for repeal: Parkland County operates its own Development Appeal Board. Repealing this bylaw harmonizes the County's Board and ensures equal process and application of the law across Parkland County. If this bylaw is not repealed Parkland County will have to operate two boards with different jurisdictions and governing legislation.

Bylaw document: available at [Appendix A](#)

2. Village of Wabamun Bylaw No. 14-93: Development Appeal Board Amendment Bylaw

Parallel Parkland County Bylaws: N/A

Rationale for repeal: This bylaw supplements Village of Wabamun Bylaw No. 04-83: Development Appeal Board Bylaw and should be repealed at the same time.

Bylaw document: available at [Appendix B](#)

3. Village of Wabamun Bylaw No. 15-2019: Development Authority

Parallel Parkland County Bylaws: *Bylaw No. 25-2010: A Bylaw To Establish A Development Authority*

Rationale for repeal: Parkland County operates its own Development Authority. Repealing this bylaw harmonizes the County's Authority and ensures equal process and application of the law across Parkland County. If this bylaw is not repealed Parkland County will have to operate two authorities with different jurisdictions and governing legislation.

Bylaw document: available at [Appendix C](#)

4. Village of Wabamun Bylaw No. 02-2003: Subdivision Bylaw

Parallel Parkland County Bylaws: N/A

Rationale for repeal: The bylaw was registered at Land Titles on June 18, 2003 and associated titles cancelled July 21, 2003 – the purpose of the bylaw has been fulfilled and it can be repealed.

Bylaw document: available at [Appendix D](#)

5. Village of Wabamun Bylaw No. 08-2004: Subdivision Authority Bylaw

Parallel Parkland County Bylaws: *Bylaw 2017-16: Subdivision Authority Bylaw*

Rationale for repeal: Parkland County operates its own Subdivision Authority. Repealing this bylaw harmonizes the County's Authority and ensures equal process and application of the law across Parkland County. If this bylaw is not repealed Parkland County will have to operate two authorities with different jurisdictions and governing legislation.

Bylaw document: available at [Appendix E](#)

6. Village of Wabamun Bylaw No.03-2019: Subdivision and Development Appeal Board Bylaw

Parallel Parkland County Bylaws: *Bylaw 2018-26: Subdivision and Development Appeal Board Bylaw*

Rationale for repeal: Parkland County operates its own Subdivision and Development Appeal Board. Repealing this bylaw harmonizes the County's Board and ensures equal process and application of the law across Parkland County. If this bylaw is not repealed Parkland County will have to operate two boards with different jurisdictions and governing legislation.

Bylaw document: available at [Appendix F](#)

APPENDIX A: WABAMUN BYLAW NO. 04-83: Development Appeal Board Bylaw

BY-LAW NO. 04-83

OF THE

VILLAGE OF WABAMUN

IN THE PROVINCE OF ALBERTA

DEVELOPMENT APPEAL BOARD BY-LAW

SECTION 1.0.0

GENERAL

1.0.1

This Development Appeal Board By-law may be cited as "the By-law".

SECTION 2.0.0

DEFINITIONS

2.0.1

In this By-law:

- a) "Municipality" means the Village of Wabamun.
- b) "Council" means the municipal council of the Village of Wabamun.
- c) "Members" mean the members of a Development Appeal Board duly appointed pursuant to this by-law.
- d) "Board" means the Development Appeal Board of the Village of Wabamun, established pursuant to this by-law.
- e) "Secretary" means the person appointed by Council to act as secretary of the Development Appeal Board.
- f) "Development Officer" means the person appointed by council to act as the development officer pursuant to the Planning Act, Chapter P-9 R.S.A. 1980 as amended.
- g) "Appellant" means the person who has served written notice of an appeal on the Development Appeal Board from a decision order of development permit of a development officer.
- h) All other terms used in this by-law shall have the meaning assigned to them by the Planning Act, Chapter P-9 R.S.A. 1980 as amended, to the extent that said meaning differs from the ordinary meaning.

SECTION 3.0.0

ADMINISTRATION

3.0.1

The Development Appeal Board is hereby established and shall consist of the members of Council of the Village of Wabamun.

3.0.2

The members of the Development Appeal Board are hereby considered "authorized persons".

3.1.0

Eligibility

3.1.1

A member of Council's appointment to the Board terminates upon his ceasing to be a member of the Council.

3.2.0

Remuneration, Travelling and Living Expenses

3.2.1

The Member of the Board shall be entitled to such remuneration, travelling and living expenses, as may be fixed from time to time.

3.3.0

Quorum

3.3.1

Three of the members of the Board constitute a quorum.

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3.4.0 Chairman

3.4.1 The members of the Board shall elect one of themselves as Chairman.

3.4.2 The Chairman shall hold office for a period of one year from the date of appointment.

3.5.0 Signing Authority

3.5.1 An order, decision, approval, notice or other things made, given or issued by the Board may be signed on its behalf by its Chairman, or a member elected to act as Chairman or a person authorized to sign on the Board's behalf.

3.6.0 Decisions

3.6.1 The Board shall give its decision upon an appeal in writing together with reasons for the decision within fifteen (15) days of the conclusion of the hearing.

3.6.2 The decision of the majority of the members of the Board present at a meeting duly convened is deemed to be the decision of the whole board.

3.7.0 Public Hearings

3.7.1 The hearings of an appeal pursuant to the Planning Act, Chapter P-9 R.S.A. 1980 as amended, and the provisions of this by-law shall be held in public and all persons who wish to attend shall be entitled to do so, whether or not they have a direct interest in the proceedings before the Board.

3.8.0 Hearing Meetings

3.8.1 The Board shall meet for the hearing of appeals as frequently as is necessary, and in any event within thirty (30) days of receipt of a notice of appeal duly filed pursuant to the provisions of the Planning Act, Chapter P-9 R.S.A. 1980 as amended, and of this by-law.

3.9.0 Special Meetings

3.9.1 Upon receipt of a notice of appeal duly filed pursuant to the provisions of the Planning Act, Chapter P-9 R.S.A. 1980 as amended, and of this by-law, the Secretary shall convene a special meeting of the Board to consider what persons are affected by the appeal and should be notified thereof. Such meeting shall be called not less than six (6) days prior to the date of the hearing.

SECTION 4.0.0 SECRETARY

4.0.1 The Council shall appoint a Secretary who shall be an employee of the Municipality, and the Secretary shall attend all meetings and hearings of the Board, but shall not vote on any matters before the Board.

4.1.0 Functions of the Secretary

4.1.1 The Secretary of the Board shall:

- a) Perform such functions as may be necessary to ensure that the Board is in full compliance with its duties under the Planning Act, Chapter P-9 R.S.A. 1980 as amended, and by this by-law;

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- b) Shall attend all meetings of the Board and shall keep the following records with respect thereto:
- (i) the minutes of all meetings and hearings,
 - (ii) all applications,
 - (iii) records of all notices of hearings and of persons to whom they were sent,
 - (iv) copies of all written representations to the Board,
 - (v) notes as to each representation,
 - (vi) the names and addresses of those making representations at the hearing,
 - (vii) the decision of the Board,
 - (viii) the reasons for the decision of the Board,
 - (ix) the vote of the members of the Board on the decision,
 - (x) records of all notices of decision and of persons to whom they were sent,
 - (xi) all notices, decisions and orders made on
 - (xii) such other matters as the Board may direct or the Secretary may determine;
- c) the Secretary shall:
- (i) notify all members of the Development Appeal Board of the arrangements for the holding of each hearing and other meetings of the Board,
 - (ii) shall make available for public inspection before the commencement of the public hearing all relevant documents and materials respecting the appeal including:
 - the application for the development permit,
 - its refusal and the appeal therefrom, or
 - the order of the development officer under Section 80 of the Planning Act, Chapter P-9 R.S.A. 1980 as amended, as the case may be.

SECTION 5.0.0

NOTIFICATION

5.0.1

The written notice of the appeal shall be made on the Development Appeal Form prescribed in Schedule "A", and signed by the appellant.

5.0.2

The Appellant may serve the Development Appeal Form on the Board by EITHER

- a) mailing it to:

The Secretary
 Development Appeal Board
 Village Office
 Village of Wabamun
 P.O. Box 240
 Wabamun, Alberta, T0E 2K0

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b) by registered mail, so as to reach the above address not later than twelve midnight on the fourteenth (14) day (including Saturdays, Sundays and holidays) after the date the order, decision or permit issued by the Development Officer was:

- (i) first published in a newspaper circulating in the area, or
- (ii) posted on the site of the property the subject of the application, or
- (iii) received by the appellant

whichever of these shall occur first,

OR:

delivering it in person to a responsible official at the Municipal Office no later than 12 midnight on the fourteenth (14) day (including Saturdays, Sundays and holidays) after the date the order, decision or permit issued by the Development Officer was:

- (i) first published in a newspaper circulating in the area, or
- (ii) posted on the site of the property the subject of the application, or
- (iii) received by the appellant

whichever of these shall occur first.

5.0.3 The Development Appeal Form shall be accompanied by a fee as established by resolution of Council. Where an appeal is upheld by the Board the fee shall be returned in full.

5.1.0 Notification

The Secretary, in the name of the Board shall send written notice of the time and place of the hearing of an appeal, together with a summary of the application not less than five (5) days (including Saturdays, Sundays and holidays) prior to the hearing to:

- a) The Appellant, and
- b) The Development Officer, and
- c) The Municipal Planning Commission, if it is not the Development Officer, and
- d) The owners required to be notified under the Land Use By-law and any other person that the Development Appeal Board considers to be affected by the appeal and should be notified.

5.1.2 In the case of the appellant, Notice of the Appeal Hearing shall be sent by registered mail to the address given on the appellant's Notice of Appeal.

5.1.3 In the case of those persons referred to in subclause (d) of Section 5.1.1 above, Notice of the Appeal Hearing shall be sent by registered mail to the address shown on the last revised assessment roll.

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5.1.4 In addition to the notice required by Section 5.1.3 the Board may direct that the Secretary publish notice of the hearing in such manner as the Board may determine.

5.1.5 Where a hearing is adjourned or the decision is reserved and the Board does not at the time of adjournment fix a time and place for the further hearing of the application and announce it to those in attendance, it shall be the duty of the Chairman of the Board to announce to those in attendance that notice of the time and place for further hearing will be sent to only those persons who leave their name and address with the Secretary. Thereafter only such persons as do leave their name and address shall be entitled to notice of the further hearing.

SECTION 6.0.0 DECISIONS

6.0.1 The Secretary of the Board or the Chairman may make a verbal announcement of the decision upon an appeal at the conclusion of the public hearing, but in that event shall notify the parties that the verbal decision is not final or binding, and that the parties shall not act upon it until it has been reduced to writing and signed.

6.0.2 Where the Board allows an appeal against the refusal of a permit by the Development Officer, the Development Officer shall issue a Development Permit in conformity with the Board's decision, upon receiving notice of the Board's decision.

SECTION 7.0.0 SUPREME COURT APPEALS

7.0.1 The Secretary shall keep on file all notices of applications made for leave to appeal to the Appellate Division from decisions of the Board pursuant to Section 152(2) of the Planning Act, Chapter P-9 R.S.A. 1980 as amended.

SECTION 8.0.0 EFFECTIVE DATE

8.0.1 This by-law shall come into full force and effect upon the date of the final passing thereof.

READ A FIRST TIME the 21st day of March, A.D. 1983.

READ A SECOND TIME the 21st day of March, A.D. 1983.

READ A THIRD TIME and finally passed the 21st day of March, A.D. 1983.



MAYOR



ADMINISTRATOR

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SCHEDULE "A"

DEVELOPMENT APPEAL BOARD FORMS

- Notice of Appeal
- Notice of Appeal Hearing
- Notice of Appeal Decision

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FORM A

DEVELOPMENT APPEAL FORM

OFFICE USE ONLY

NOTICE OF APPEAL
TO THE
DEVELOPMENT APPEAL BOARD

Date Received _____
Receipt No. _____
Dev. Permit No. _____
Date of Hearing _____

1. I/We _____

Address _____ Telephone No. _____
hereby give notice to the Development Appeal Board that I/We wish to appeal
against the decision of the Development Officer dated _____
Numbered _____ in which he _____ REFUSED, _____ GRANTED, _____ GRANTED
SUBJECT TO CONDITIONS an application by _____ me/us, or to* _____
_____ dated _____ for _____
_____ (brief description of proposed development)
located on Lot(s) _____ Block _____ Plan _____
Street Address _____ Neighborhood _____
2. My reasons or grounds for appealing are as follows: (please attach additional
sheets if necessary) _____

3. I enclose a _____ cheque, _____ money order for \$ _____ payable to _____
_____ as an Appeal Fee.
4. Please send notification of the time and place of the appeal hearing to me/us at
the following address: _____
5. I hereby declare that all information provided by me is to the best of my know-
ledge, true and correct in all respects.

DATE

APPELLANT

(If this appeal is being made by a
Company the President or other authorized
officer should sign here.)

EITHER MAIL TO:

The Secretary
Development Appeal Board
Village of Wabamun Office
Wabamun, Alberta

OR DELIVER TO:

Village of Wabamun Office
5124 - 53rd Avenue
Wabamun, Alberta

SO, IN EITHER EVENT, AS TO REACH HIM NO LATER THAN 14 DAYS (INCLUDING SATURDAYS,
SUNDAYS AND HOLIDAYS) AFTER THE DATE OF ISSUANCE OF THE DECISION OF THE
DEVELOPMENT OFFICER.

* Insert name of applicant, if known.

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FORM B

NOTICE OF APPEAL HEARING

APPLICATION NO. _____

NAME _____

ADDRESS _____

This is to notify you that an appeal has been made to the DEVELOPMENT APPEAL BOARD against a decision in respect of Application No. _____ which involves development described as follows:

APPROVED
The decision APPROVED WITH CONDITIONS a development permit for the
REFUSED
following reasons:

PLACE OF HEARING _____

TIME OF HEARING _____

DATE OF HEARING _____

Any persons affected by the proposed development has the right to present a written brief prior to the hearing and to be present and be heard at the hearing. Persons requiring to be heard at the meeting shall submit the written briefs to the Secretary of the Development Appeal Board not later than _____.

DATE_____
SIGNATURE OF SECRETARY
DEVELOPMENT APPEAL BOARD

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FORM C

NOTICE OF APPEAL DECISION

APPLICATION NO. _____

NAME _____

ADDRESS _____

This is to notify you that an appeal against the APPROVAL, APPROVAL WITH
CONDITIONS, REFUSAL of a development permit with regard to the following:

was considered by the DEVELOPMENT APPEAL BOARD on _____ 198 ____
and the decision of the DEVELOPMENT APPEAL BOARD with regard to the appeal
is as follows and for the following reasons:

DATE_____
SIGNATURE OF SECRETARY
DEVELOPMENT APPEAL BOARDNOTE:

A decision of the Development Appeal Board is final and binding on all parties
and persons subject only to an appeal upon a question of jurisdiction or law
pursuant to Section 152 of the Planning Act, Chapter P-9 R.S.A. 1980 as amended.
An application for leave to appeal to the Appellate Division of the Supreme
Court of Alberta shall be made:

- a) to a judge of the Appellate Division, and
- b) within 30 days after the issue of the order, decision, permit or approval
sought to be appealed.

APPENDIX B:

WABAMUN BYLAW NO. 14-93: Development Appeal Board Amendment Bylaw

BY-LAW NO. 14-93

OF THE

VILLAGE OF WABAMUN

IN THE PROVINCE OF ALBERTA

A BY-LAW TO AMEND DEVELOPMENT APPEAL BOARD BY-LAW NO. 04-83.

WHEREAS,

It is deemed proper and expedient to change the manner of sending mail respecting "Notice of the Appeal Hearing" under Development Appeal Board By-Law No. 04-83.

NOW THEREFORE,

The Municipal Council of the Village of Wabamun, duly assembled, enacts as follows:

1. That "registered" be deleted from clauses 5.1.2 and 5.1.3 of By-Law No. 04-83 and "ordinary" inserted.
2. That this By-Law shall come into force and effect on the final passing thereof.

READ A FIRST TIME IN COUNCIL THIS EIGHTEENTH DAY OF OCTOBER A.D. 1993.

READ A SECOND TIME IN COUNCIL THIS EIGHTEENTH DAY OF OCTOBER A.D. 1993.

READ A THIRD TIME IN COUNCIL AND FINALLY PASSED THIS 1st DAY OF November A.D. 1993.


MAYOR


ADMINISTRATOR

EAP:las

APPENDIX C:

WABAMUN BYLAW NO. 15-2019: Development Authority



VILLAGE OF WABAMUN
PROVINCE OF ALBERTA
BYLAW NO. 15-2019

DEVELOPMENT AUTHORITY BYLAW

Being a Bylaw of the Village of Wabamun in the Province of Alberta to establish a Development Authority to exercise development powers and duties on behalf of the municipality

WHEREAS Section 624 of the Municipal Government Act requires that a Municipal Council must by bylaw provide for a development authority to exercise development powers and perform duties on behalf of the municipality; and

AND WHEREAS, Section 624 of the Municipal Government Act allows the Council to delegate the Authority to exercise development powers and duties to a designated officer, a municipal planning commission or any other person or organization,

AND WHEREAS, Section 210(1) of the Municipal Government Act provides that a council may, by bylaw, establish one or more positions to carry out the powers, duties and functions of a designated officer;

NOW THEREFORE, the Council for the Village of Wabamun, duly assembled, enacts as follows:

1. Short Title

This bylaw may be cited as the "Development Authority Bylaw"

2. Definitions

In this Bylaw, unless the context otherwise requires:

- (a) "Chief Administrative Officer" or "C.A.O." means the individual appointed by Council as the Chief Administrative Officer of the Village or his or her delegate;
- (b) "Council" means the municipal council for the Village;
- (c) "Development Authority" - means the Development Authority established by this Bylaw;
- (d) "Development Authority Officer" - means the Development Authority Officer established by this Bylaw and appointed by Council;
- (e) "Village" means the municipal corporation of the Village of Wabamun, in the Province of Alberta or, if the context requires, the geographical area within the boundaries of the municipality;

3. The Development Authority for the Village of Wabamun is hereby established and shall consist of:

- (a) in the Direct Control District(s), the Council, and
- (b) in all other districts, the Development Authority Officer.

4. The Chief Administrative Officer of the Village is hereby appointed as a designated Officer for the purposes carrying out the role of Development Authority Officer and to administer the development approval process

5. In exercising Development Authority, the Development Authority Officer or Council shall function in accordance with the duties and powers prescribed in applicable legislation and the Land Use Bylaw.
6. Every provision in this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
7. This bylaw shall come into force when it has received third and final reading and has been signed.
8. Bylaw No. 10-95 is rescinded in its entirety upon this bylaw coming into force

READ a first time this 21st day of May, 2019

READ a second time this 21st day of May, 2019

READ a third time and final time this 21st day of May, 2019

Signed by the CEO this date

CHIEF ELECTED OFFICIAL

Signed by the C.A.O. this date

CHIEF ADMINISTRATIVE OFFICER

APPENDIX D:
WABAMUN BYLAW NO. 02-2003: Subdivision Bylaw

VILLAGE OF WABAMUN

BYLAW NO. 02-2003

BEING A BYLAW OF THE VILLAGE OF WABAMUN, IN THE PROVINCE OF ALBERTA, TO CANCEL A PLAN OF SUBDIVISION.

WHEREAS Section 658 of the Municipal Government Act, empowers a municipality to cancel a plan of subdivision in whole or in part;

AND WHEREAS the owners of the parcels of land in the portion of the plan to be cancelled have consented to the proposed cancellation;

AND WHEREAS every person shown on the certificates of title of the land in the plan of subdivision as having an estate or interest in it have consented to the proposed cancellation;

AND WHEREAS the intention of the bylaw is to close all undeveloped Streets, Avenues, Lanes, Lots, and remove any reserve designation within the lands for the purpose of redevelopment;

AND WHEREAS notice of intention to pass a bylaw has been given in accordance with Section 606 of the Municipal Government Act;

AND WHEREAS this bylaw has been executed in accordance with the requirements of Section 22 and Section 674 of the Municipal Government Act;

NOW THEREFORE, the Council of the Village of Wabamun in the Province of Alberta, duly assembled, hereby enacts as follows:

- 1) That all the lands within Plan 812 2839 are to be cancelled from the plan of subdivision which is registered in the Land Titles Office for the North Alberta Land Registration District.
- 2) Further to 1), that all Municipal Reserves contained within Plan 812 2839 are disposed including those listed as follows:
 - a) Plan 812 2839, Block 17, Lot 21MR
 - b) Plan 812 2839, Block 19, Lot 37MR
 - c) Plan 812 2839, Block 19, Lot 38MR
- 3) That all streets, avenues and lanes contained within Plan 812 2839 are closed;
- 4) That the cancelled lands be registered as Lot 1, Block 1, Plan 812 2839
- 5) That this Bylaw shall not be effective unless filed by the applicant in the office of the Registrar within ONE (1) YEAR from the date of third reading.
- 6) That all the lands shall be registered in the name of "The Village of Wabamun".

THE REGISTRAR for North Alberta Land Registration District shall make all cancellations, issue all certificates of title and do such things as necessary, in its opinion, to give effect to this bylaw, including but not restricted to, carrying forward all encumbrances, charges, liens, interests, and reservations as to mines and minerals in the existing certificates(s) of title.

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READ A FIRST TIME THIS 22ND DAY OF APRIL, 2003.

MAYOR

MUNICIPAL ADMINISTRATOR

APPROVED THIS 5TH DAY OF JUNE, 2003.

FOR: MINISTER OF TRANSPORTATION

READ A SECOND TIME THIS 2ND DAY OF SEPTEMBER, 2003.

READ A THIRD TIME THIS 2ND DAY OF SEPTEMBER, 2003.

MAYOR

MUNICIPAL ADMINISTRATOR

APPENDIX E:

WABAMUN BYLAW NO. 08-2004: Subdivision Authority Bylaw

**BY-LAW NO. 08-2004
OF THE
VILLAGE OF WABAMUN
IN THE PROVINCE OF ALBERTA**

**A BY-LAW OF THE VILLAGE OF WABAMUN IN THE PROVINCE OF ALBERTA
TO ESTABLISH A SUBDIVISION AUTHORITY.**

- WHEREAS,** Section 623 of the Municipal Government Act, RSA 1995 requires each Municipality to provide for a Subdivision Authority;
- AND WHEREAS,** Section 623 of the Municipal Government Act, RSA 1995 allows each Municipality to delegate the authority to exercise subdivision powers and duties;
- NOW THEREFORE,** The Council of the Village of Wabamun in the Province of Alberta, duly assembled, hereby enacts as follows:
- THAT** The administration of the subdivision approval process be delegated to the Administrator of the Village of Wabamun.
- THAT** The Subdivision Approving Authority be delegated to the Administrator of the Village of Wabamun.
- THAT** The Administrator for the Village of Wabamun be authorized to endorse plans of subdivision, separation documents, descriptive plans, transfers of land and any other documents required to register an approved subdivision at the Land Titles Office, on behalf of the Village of Wabamun and the Registrar of Land Titles be authorized to accept the Administrator's endorsement as if it were that of the Village of Wabamun;
- THAT** The adoption of this By-Law is effective upon the date of the passing of third and final reading of this By-Law;
- THAT** By-Law 09-95, 02-95 and 03-95 are hereby rescinded.

READ A FIRST TIME IN COUNCIL THIS 2nd DAY OF NOVEMBER, A.D. 2004.

READ A SECOND TIME IN COUNCIL THIS 2nd DAY OF NOVEMBER, A.D. 2004.

READ A THIRD TIME IN COUNCIL AND FINALLY PASSED THIS 2nd DAY OF NOVEMBER, A.D. 2004.


MAYOR


ADMINISTRATOR

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APPENDIX F:**WABAMUN BYLAW NO. 03-2019: Subdivision and Development Appeal Board Bylaw**

**BYLAW NO. 03-2019
OF THE
VILLAGE OF WABAMUN
IN THE PROVINCE OF ALBERTA**

A BYLAW OF THE VILLAGE OF WABAMUN IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF ESTABLISHING A SUBDIVISION AND DEVELOPMENT APPEAL BOARD

WHEREAS Section 627 of the Municipal Government Act Chapter M-26, RSA 2000 requires each municipality to establish a Subdivision and Development Appeal Board;

NOW THEREFORE, the Council of the Village of Wabamun, in the Province of Alberta, duly assembled, hereby enacts as follows:

PART I

1. That a board known as the Subdivision and Development Appeal Board (SDAB) of the Village of Wabamun, hereinafter called the "Board" is hereby established;
 - a. Wabamun Council shall appoint Five (5) members to the Board by resolution one (1) shall be a member of Wabamun Village Council and four (4) shall be public members from either inside or outside the municipality;
 - b. No person who is a Development Officer or a member of a Municipal Planning Commission shall be appointed to act as a member of the Board;
 - c. Each board member and the Clerk of the SDAB shall be appointed for a term not to exceed three (3) years and may be re-appointed upon the expiry of its members, more than one clerk may be appointed;
 - d. Any vacancy caused by the death, retirement or resignation of a member shall be filled by resolution of Council; and
 - e. A member shall not be disbanded or discharged without cause;
 - f. A panel of an SDAB which is hearing an appeal must not have more than one Councillor as a member, including Councillors appointed to the SDAB from other municipalities
2. There must be three (3) members of the Board to constitute a quorum for the making of all decisions and for doing any action required or permitted to be done by the Board;
3. A decision of the Board shall be made only by those members present at a meeting duly convened;
4. The decision of the majority of the members present at a meeting duly convened shall be deemed to be the decision of the Board;
5. The Board shall hold such meetings as are necessary to fulfill the Board's responsibility;
6. Hearings on appeals will be held at the Village of Wabamun Civic Centre;
7. The Municipality will compensate the board members and clerk;
8. The Clerk shall prepare and maintain a record of written minutes of the business transacted at all meetings of the Board, copies of which shall be regularly filed with the Council of the Municipality;

9. On or before January 1st each year the municipality must submit an annual report to the province containing information on the number of SDAB clerks and members they have appointed, and those who have completed and enrolled in the required SDAB training.
10. A member of any SDAB must not participate in a hearing unless the member has successfully completed a training program.
11. SDAB members must take a refresher course every three (3) years to stay current on appeal matters (such as changes in law, planning and/or administration).
12. Council must appoint one or more clerks by resolution. The Clerks of an SDAB are established as a designated officer of the Village of Wabamun, and they are not eligible for appointment if the training requirements are not successfully met.
13. Board members and clerks are be required to undergo mandatory training based on a standard training program to be approved by the Minister of Municipal Affairs. All SDAB members and clerks must successfully complete the SDAB training as approved by the Minister by April 1, 2019 (one (1) year from the sections coming into force).
14. The SDAB clerk administers and oversees the scheduling and recording of SDAB hearings. The training requirements and qualifications for SDAB clerks differ from the training requirements for SDAB members based on their different roles. SDAB clerks must take a refresher on the SDAB training every three (3) years to stay current with the roles and responsibilities of the position.
15. The rates for remuneration, traveling and other expenses of the Board member appointed from Council shall be the rates prescribed in Village of Wabamun's Council Remuneration Policy L:10 which may be amended from time to time by resolution of Council, for members appointed from the public, the remuneration rate shall be \$160 for hearings lasting 4 hours or less plus \$30/hr for each hour after that, calculated to the closest half hour, including travel time. The Clerk shall be remunerated at a rate of \$55/hr including travel time.
16. The setting of fees for any matter coming before the Board is prescribed in the Village of Wabamun's Master Rates and Schedules Bylaw No. 02-2013 Section 2 (Administration) Appendix A (Office Fees) which may be amended from time to time by resolution of Council;
17. The Board shall elect a Chairman from the Board members in attendance at any required meeting; and
18. The election of Chairman shall occur at the beginning of each meeting;

PART II

19. The Board shall hear appeals where a Development Authority or Subdivision Authority or Development Officer or Council:
 - a. refuses or fails to issue a development permit to a person within 40 days of receipt of the application;
 - b. issues a development permit subject to conditions;
 - c. issues an order under section 645 of the Municipal Government Act; or
 - d. issues a decision on a subdivision application;
20. The Board shall hear appeals from any other person affected by an order, decisions on subdivision and development applications of a Development or Subdivision Authority or development permit of a Development Officer;
21. The Board Secretary or a duly appointed officer of the Municipality shall give at least five (5) working days notice in writing of the public hearing to:

- a. the appellant;
 - b. the Development or Subdivision Authority from whose order, decision or development permit the appeal is made;
 - c. those owners required to be notified under the Land Use Bylaw and any other person that the Board Secretary or a duly appointed officer of the affected Municipality considers to be affected by the appeal and should be notified; and
 - d. the Board;
22. In determining an appeal, the Board:
- a. shall comply with any regional plan, statutory plan, and subject to clause (c), any land use bylaw or land use regulations in effect and must have regard to but is not bound by the subdivision and development regulations;
 - b. may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
 - c. may make an order or decision or issue or confirm the issuing of a development permit notwithstanding that the proposed development does not comply with the land use bylaw or land use regulations if, in the opinion of the Board :
 - i. the proposed development would not;
 - a. unduly interfere with the amenities of the neighborhood; or
 - b. materially interfere with or affect the use, enjoyment or value of neighboring properties; and
 - ii. the proposed development conforms with the use prescribed for the land or building in the Land Use Bylaw or Land Use regulations, as the case may be;
23. The Board shall give its decision in writing together with reasons for the decision within fifteen (15) working days of the conclusion of the hearing;
24. If the Subdivision and Development Appeal Board upholds an appeal brought before it the Subdivision and Development Appeal Board may determine that up to one half of the appeal fee levied be returned to the appellant
25. Should any provision of the Bylaw be found to be invalid, the invalid provision shall be severed and the remaining Bylaw shall be maintained.
26. This bylaw comes into effect upon the date of the passing of third and final reading;
27. Bylaw No. 14-2018 is rescinded in its entirety upon passing of this bylaw.

READ A FIRST TIME THIS 19th DAY OF FEBRUARY 2019
READ A SECOND TIME THIS 19th DAY OF FEBRUARY 2019
READ A THIRD AND FINAL TIME THIS 19th DAY OF FEBRUARY 2019

 Signed by the CEO this date

 CHIEF ELECTED OFFICIAL

 Signed by the CAO this date

 CHIEF ADMINISTRATIVE OFFICER