



AMENDMENT OF BYLAW – 948-19 SUBDIVISION AND
DEVELOPMENT APPEAL BOARD

Adopted March 12, 2019

AMENDED BY – 1007-21 SUBDIVISION AND DEVELOPMENT
APPEAL BOARD BYLAW

Adopted DECEMBER 14, 2021

This document is consolidated into a single publication for the convenience of users. The official bylaw and all amendments thereto are available from the Legal and Legislative Services Department and should be consulted in interpreting and applying this Bylaw. In the case of any dispute, the original Bylaw and amendments must be consulted.

**CITY OF BEAUMONT
BYLAW NUMBER 948-19**

A bylaw of the City of Beaumont in the Province of Alberta to establish and govern the operation of a SUBDIVISION AND DEVELOPMENT APPEAL BOARD.

WHEREAS, pursuant to section 627 of the *Municipal Government Act*, RSA 2000, c M-26, Council must establish a Subdivision and Development Appeal Board; and,

AND WHEREAS, pursuant to section 628 of the *Municipal Government Act* states that a bylaw under section 627 must provide for the applicable matters described in Section 145(b) of the *Municipal Government Act*; and,

AND WHEREAS, pursuant to section 628(1)(b) of the *Municipal Government Act* states that a bylaw under Section 627 of the Act must prescribe the functions and duties of the Subdivision and Development Appeal Board;

AND WHEREAS, pursuant to section 145 of the *Municipal Government Act* Council may pass bylaws in relation to procedures to be followed by Council, council committees and other bodies established by the Council; and,

AND WHEREAS, pursuant to section 154 of the *Municipal Government Act* the chief elected official is a member of council committee and bodies to which Council has the right to appoint members under the *Municipal Government Act* unless Council provides otherwise; and,

NOW THEREFORE, the Council of the City of Beaumont, duly assembled, enacts as follows:

I. Title

This bylaw may be cited as "The Subdivision and Development Appeal Board Bylaw".

II. Definitions

The following terms are defined below:

- a) "Beaumont" means the area within the legal boundaries of the City of Beaumont.
- b) "Act" means the *Municipal Government Act*, Statutes of Alberta 2000, Chapter M-26, as amended.
- c) "City" means the Municipal Corporation of the City of Beaumont.
- d) "Council" means the Council of the City of Beaumont.
- e) "Development Authority" means the person or persons appointed to the office of Development Officer pursuant to the City of Beaumont Land Use Bylaw, as amended.
- f) "Board" means the Subdivision and Development Appeal Board for the City of Beaumont, established pursuant to this bylaw.
- g) "Member" means a member of the Subdivision and Development Appeal Board appointed pursuant to this bylaw.
- h) "Panel" means a minimum of three (3) persons as drawn from the pool of members.
- i) "Applicant" means a person who made the initial development or subdivision application upon which an appeal is based, or a person authorized to act on their behalf.
- j) "Appellant" means a person who has served a written Notice of Appeal, as set out in the Act.
- k) "Mayor" means chief elected official of the City of Beaumont.

- l) "Secretary" means the person appointed to act as secretary to the Subdivision and Development Appeal Board.
- m) "Subdivision Authority" means the authority of subdivision powers and duties on behalf of Beaumont pursuant to the City of Beaumont Subdivision Authority Bylaw 903-18.

III. Establishment of Authority

A Subdivision and Development Appeal Board is hereby established.

IV. Membership, Term and Remuneration

1. The Board shall consist of five (5) members, as follows:
 - a) who is a City of Beaumont employee;
 - b) who carries out subdivision or development powers, duties and functions on behalf of the City; and
 - c) who is any other person who is not eligible to be a Member as set out in the Act.
2. No person shall be appointed as a member of the Board:
 - a) who is a City of Beaumont employee;
 - b) who carries out subdivision or development powers, duties and functions on behalf of the City; and
 - c) who is any other person who is not eligible to be a Member as set out in the Act.
3. Each member from the public shall be appointed for a term of three (3) years. A public member may serve up to two (2) consecutive terms and then may re-apply after an absence of one (1) year, or as approved by Council.
4. In the event of a vacancy, the Council may, by resolution, appoint a new member to serve for the remainder of the vacating member's term.
5. Any member of the Board may be removed from the Board at the sole discretion of the Council through a Council resolution at a Council meeting or a Special Meeting of Council.

V. Quorum, Chair and Rules of Procedure

1. A quorum is met by the attendance of three (3) members for hearing and deciding appeals.
2. A quorum at any Board Meeting shall be four (4) members for discussing Board procedures or any other matter deemed necessary by the Chair.
3. The decision of the majority of the Members who heard the appeal shall be deemed to be the decision of the whole Board. In the event of a tie vote, the appeal shall be deemed to be refused.
4. The Board will meet for an organizational meeting in November of each year, at which time the Board will, by secret ballot or other appropriate method, elect a Chair to a one (1) year term. The Board may re-elect the Chair at the Board's discretion.
5. In the absence of the Chair, the members present shall appoint a Presiding Officer to serve in this capacity during such absence.
6. For those matters not covered in Part 17 of the Act, the Regulations thereto, or this bylaw, the Board shall determine the procedures for the conduct of the Hearings. These procedures will be reviewed and amended by the Board annually at their annual organizational meeting.
7. The Chair may call a Board Meeting to discuss meeting procedures or any other issues the Chair deems necessary by advising the Board Secretary in writing.

8. Board Members are required to undergo mandatory training and successfully complete the standard training program approved by the Minister of Municipal Affairs prior to participating in a Board Hearing.
9. Board Members must take refresher courses every three (3) years to stay current on appeal matters (such as changes in law, planning and/or administration).
10. Remuneration for public members shall be as follows:
Chair: \$200 per Board Hearing/Board Meeting/Day of Mandatory Training;
Presiding Officer: \$200 per Board Hearing; and,
Board Member: \$100 per Board Hearing/Board Meeting and \$200 per Day of Mandatory Training.

Public members will also be compensated for mileage at the rate established in City policy, as amended.

VI. Fees

1. On filing an Appeal, the applicant shall pay to the City the appropriate fee in accordance with the City of Beaumont's Fees & Charges Bylaw.
2. The fee for an appeal that is abandoned shall not be refunded.

VII. Functions and Duties of the Board

1. The Board shall hear appeals from:
 - a) a decision of the Subdivision Authority, or designate; or,
 - b) a decision of the Development Authority, or designate.
2. At the Public Hearing on a Development Appeal; the Board must hear:
 - a) the appellant or any person acting on their behalf;
 - b) the Development Officer or designate, from whose order, decision or development permit the appeal is made, or a person acting on behalf of the Development Authority;
 - c) any other person who was given notice of the Hearing and who wishes to be heard, or a person acting on their behalf; and,
 - d) any other person who claims to be affected and that the Board agrees to hear.
3. At the Public Hearing on a Subdivision Appeal, the Board is not required to hear from any person other than:
 - a) the applicant or any person acting on their behalf;
 - b) the Subdivision Authority or designate, from whose order, decision or development permit the appeal is made, or a person acting on behalf of the Subdivision Authority;
 - c) a person who is given notice of the Hearing and wishes to be heard, or a person acting on their behalf; and,
 - d) those persons representing government departments if the application is required by the Subdivision and Development regulations to be referred to that department.
4. An order or decision made, given or issued by the Board shall be signed on its behalf by the Chair.
5. The Chair shall be responsible to ensure the Board carries out the responsibilities in accordance with the provisions of the Act.

6. Where, in the opinion of the Board, an adjournment is warranted, the Board may request technical information, legal opinions or other assistance, and may adjourn the Hearing for this purpose.
7. 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.
8. After hearing the appeal, the Board may deliberate and reach its decision in private.
9. The Board shall determine an appeal in accordance with the provisions of the Act.
10. A decision of the Board is not final until written notification of the decision is provided, within 15 days of the conclusion of the Hearing.
11. A member who, for any reason, is unable to attend the entire Hearing of an appeal shall not participate in the Board's deliberations or the decision made by the Board on that appeal.
12. If a member has a direct or indirect pecuniary or conflict of interest in any matter before the Board, the member shall declare such interest or likelihood of bias to the Board and shall abstain from discussion or voting upon such matter, and such abstention shall be recorded in the minutes.
13. Hearings of the Board shall be open to the public except for those matters dealt with by the Board in-camera.

VIII. Functions and Duties of the Secretary

1. The Secretary to the Board is established and shall be filled by an employee(s) of the City, unless otherwise resolved by resolution.
2. The Secretary of the Board shall:
 - a) receive, on behalf of the Board, appeals which have been served upon the Board;
 - b) to advise Board members of the appeal and ensure that the Board holds a Public Hearing within 30 days of the receipt of a Notice of Appeal;
 - c) keep proper and accurate minutes of the proceedings of all meetings, which shall be retained in the City Office;
 - d) maintain all records and correspondence that are relevant to the Board;
 - e) ensure that the decision of the Board is given to the appellant in writing within 15 days of the conclusion of the hearing;
 - f) carry out such other administrative duties as the Board may require; and,
 - g) attend all meetings and hearings of the Board, but shall not vote on any matter before the Board.
3. For development appeals, the Secretary or designate shall ensure that at least five (5) calendar days' notice of the Hearing is given in writing to:
 - a) the appellant;
 - b) the Development Officer or designate, whose order, decision or development permit is the subject of the appeal;
 - c) those owners required to be notified under the Land Use Bylaw; and,
 - d) the general public, by way of advertising in the local newspaper, advising of the date, time, location, and purpose of the Hearing.

4. For subdivision appeals, the Secretary or designate shall ensure that at least five (5) calendar days' notice of the Hearing is given in writing to:
 - a) the applicant for subdivision approval;
 - b) the Subdivision Authority or designate, whose order, decision or approval is the subject of the appeal;
 - c) adjacent municipalities, if the subject land in the application is adjacent to their boundaries;
 - d) any school authority to whom the application was referred;
 - e) any adjacent owner who was given notice;
 - f) every government department that was given a copy of the application pursuant to the Subdivision and Development regulations; and,
 - g) the general public, by way of advertising in the local newspaper, advising of the date, time, location, and purpose of the Hearing.

VII. Force and Effect

1. This bylaw shall come into effect on the final date of its passing.
2. Bylaw 854-15, a bylaw to establish the Subdivision, Development Appeal Board for the City of Beaumont is hereby repealed.

READ A FIRST TIME IN COUNCIL THIS 26th day of FEBRUARY, 2019.

READ A SECOND TIME IN COUNCIL THIS 12th day of March, 2019.

READ A THIRD AND FINAL TIME IN COUNCIL THIS 12th day of March, 2019.

John Stewart

Mayor

Chelaine Winter

Supervisor, Legislative Services