

MOUNTAIN VIEW COUNTY

BYLAW NO. 20/07

**ESTABLISHING THE SUBDIVISION AND DEVELOPMENT APPEAL
BOARD**

Consolidated February 28, 2018

Note:

All persons making use of the consolidation are reminded that it has no legislative sanction, that the amendments have been embodied for convenience of reference only, and that the original bylaws should be consulted for all purpose of interpreting and applying the bylaw.

OFFICE CONSOLIDATION

**Mountain View County
Province of Alberta**

Bylaw No. 20/07

**A BYLAW OF MOUNTAIN VIEW COUNTY IN THE PROVINCE OF ALBERTA ESTABLISHING THE
SUBDIVISION AND DEVELOPMENT APPEAL BOARD FOR MOUNTAIN VIEW COUNTY.**

SECTION 1 - AUTHORITY

1.01 Section 627(1) of the Municipal Government Act provides that Council must by bylaw establish a Subdivision and Development Appeal Board.

SECTION 2 - PURPOSE OF THE BYLAW

2.01 The purpose of this bylaw is to establish the Subdivision and Development Appeal Board for Mountain View County.

SECTION 3 - DEFINITIONS

3.01 In this Bylaw, unless the context otherwise requires:

- a. **“Act”** refers to the Municipal Government Act, SA 2000, CM-26 as amended from time to time. (Bylaw No. 12/12)
- b. **“Appellant”** means the person who may appeal to the Board in accordance with the Act.
- c. **“Board”** means the Subdivision and Development Appeal Board established by this bylaw.
- d. **“Chair”** means the person appointed pursuant to Section 5.09 of this bylaw.
- e. **“Commission”** means the Municipal Planning Commission of Mountain View County.
- f. **“Council”** means the Council of Mountain View County.
- g. **“County”** means Mountain View County.
- h. **“County CAO”** means the person appointed as the Chief Administrative Officer for Mountain View County.
- i. **“Members”** means a member of the Board.
- j. **“Secretary”** means the person appointed by Mountain View County as Secretary to the Board.

SECTION 4 - ESTABLISHMENTS/POWER

4.01 The Subdivision and Development Appeal Board is hereby established.

4.02 The Board shall deal with subdivision and development appeals in accordance with the provisions the Act and shall exercise any other powers, duties and functions given to it by any other bylaws of Council.

SECTION 5 - MEMBERSHIP

- 5.01 Council shall appoint Members of the Board by resolution.
- 5.02 Each member at large shall be appointed for a term of up to three years at the Council Organizational Meeting or from time to time should vacancies occur. (Bylaw No. 21/10)
- 5.03 A member may be reappointed on the expiry of their term.
- 5.04 Council shall appoint three members of Council annually at its Organizational meeting to the Board. (Bylaw No. 21/10)
- 5.05 The majority of Members of the Board shall not be members of Council. Only one (1) member of Council shall be permitted to preside over any hearing.. (Bylaw No. 10/18)
- 5.06 No person who is an employee of the County or is a member of the Municipal Planning Commission shall be appointed as a member of the Board.
- 5.07 The Board shall be composed of nine (9) total Members. Six (6) Members shall be members at large. (Bylaw No. 12/12)
- 5.08 The Board Chair will determine the rotation of members of the Board on a per meeting basis. (Bylaw No. 12/12)
- 5.09 The Chair will be selected by the Board Members at their first meeting following the County Organizational Meeting, the Chair shall not be a member of Council.
- 5.10 Nominations for the position of chair will be accepted by the Secretary in advance of the first meeting following the Organizational meeting of Council. (Bylaw No. 12/12)
- 5.11 Members not physically present at the first meeting following the Organizational meeting of Council may submit their vote for chair by proxy through the Secretary. (Bylaw No. 12/12)

SECTION 6 - DUTIES OF THE CHAIR

- 6.01 The Chair
 - a) shall be responsible to see that all things required to be carried out by the Board under the Act are carried out in accordance with the provisions of the Act.
 - b) is empowered to rule that evidence presented is irrelevant to the matter in issue and to direct the Members to disregard the evidence.
 - c) may limit a submission if they determine it to be repetitious.
 - d) shall, when a hearing is tabled and time is not fixed for its continuation, announce that notice of the continuation of the meeting will be sent to those persons leaving their name and address with the Secretary. Only those persons leaving their name and address shall be entitled to notice of the continuation of the hearing.

SECTION 7 - DUTIES OF THE SECRETARY

- 7.01 The County CAO must appoint a Secretary of the Board. The Secretary of the Board shall:
- a) receive notices of appeals
 - b) send notices related to hearings
 - c) answer inquiries and provide information to appellants and the public.
 - d) schedule hearings
 - e) attend hearings
 - f) keep a written record of the proceedings of the Board which shall include:
 - i) a summary of the evidence presented at the hearing
 - ii) the decision of the Municipal Planning Commission
 - iii) the Notice of Appeal and the Notice of Hearing of the Appeal
 - iv) the Board's decision on each appeal
 - v) the reasons for the Board's decision on each appeal
 - vi) draft the decision for signing by the Chair
 - vii) a list of names and addresses of persons who leave their names and addresses in accordance with Section 601(d) of this Bylaw

SECTION 8 - OPERATION OF THE BOARD

- 8.01 The Board shall meet as required.
- 8.02 A Board hearing shall require five (5) or fewer members providing that quorum is met. In the event that the Board is required to rehear an appeal, the Board shall be comprised of three (3) members, one (1) of which shall be a member of Council.
(Bylaw No. 10/18)
- 8.03 The Board shall hold public hearings respecting appeals in accordance with the Act.
- 8.04 A Member who for any reason is unable to attend the whole of the hearing of an appeal, shall not participate in the Board's deliberations or the decision made by the Board on that appeal.
- 8.05 If the Chair is unable to attend a hearing, the Members present at the hearing shall elect a Chair from amongst themselves. The Chair for the hearing may be either a public member or councillor"
(Bylaw No. 01/15)
- 8.06 If a Member has any interest, whether direct or indirect, in any matter before the Board, the Member shall declare such interest to the Board before discussion of the matter, and shall not participate in the hearing, or discuss or vote upon the matter, and such abstention shall be recorded in the minutes.
- 8.07 A quorum at a hearing of the Board shall be three (3) Members.

SECTION 9 - APPEALS

- 9.01 A person shall appeal to the Board in the manner provided in the Act..
- 9.02 At the time of service of the Notice of Appeal, the Appellant shall pay the County, a Fee in accordance with the County's Fee Bylaw.
- 9.03 At the hearing of the appeal, the Board shall hear all the persons that the Board is required to hear under the Act.
- 9.0. At the hearing of the Appeal, should the Board desire further technical information, legal opinions or other assistance, it may table the hearing pending receipt of such information, opinion or other assistance.

SECTION 10 - DECISIONS

- 10.01 After hearing all submissions and rebuttal, if any, the Board shall deliberate and reach its decision in private.
- 10.02 In arriving at its decision, the majority vote of those Members present shall constitute the decision of the Board.
- 10.03 The decision of the Board shall be given in writing in accordance with the Act.
- 10.04 The decision of the Board shall be signed by the Chair who presided at the hearing at which the decision was made.
- 10.05 The Board shall file its written decision and reasons in accordance with the Act to:
 - a) the Applicant;
 - b) the Appellant; and
 - c) those affected persons who gave their name and address to the Secretary during the public hearing.

SECTION 11 - REPEAL OF BYLAW

- 11.01 Bylaw No. 18/02 Subdivision and Development Appeal Board is repealed

SECTION 12 - EFFECTIVE DATE

- 12.01 This Bylaw shall become effective on the date on which this Bylaw is passed.

Read the first time this 14th day of October, 2007

Read the second time this 14th day of October, 2007


Read the third time this 14th day of October, 2007



 Reeve



 Chief Administrative Officer



 Date of Signing