

TOWN OF CROSSFIELD

SUBDIVISION AND DEVELOPMENT APPEAL BOARD BYLAW

BYLAW NO. 2024-05

BEING A BYLAW OF THE TOWN OF CROSSFIELD, IN THE PROVINCE OF ALBERTA, TO ESTABLISH A SUBDIVISION AND DEVELOPMENT APPEAL BOARD.

WHEREAS Section 627 of the Municipal Government Act, as amended, requires the establishment of a Subdivision and Development Appeal Board for the Town of Crossfield; and

WHEREAS Section 145 of the said Act requires Council to provide for the procedure and conduct of bodies established by council.

NOW, THEREFORE, the Council of the Town of Crossfield, duly assembled, enacts the following:

SECTION 1: TITLE

1.1 This bylaw may be called the "Subdivision and Development Appeal Board" Bylaw.

SECTION 2: DEFINITIONS

2.1 In this bylaw:

- a. **"Act"** means the Municipal Government Act, RSA 2000, Chapter M-26 with amendments,
- 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 virtue of this Bylaw,
- d. **"Chief Administrative Officer"** means the individual established by Bylaw as the Chief Administrative Officer,
- e. **"Council"** means the municipal council of the Town,
- f. **"Clerk"** means the person who has undertaken the requisite training and is appointed by Council as Clerk to the Board.
- g. **"Development Officer"** means the person authorized to exercise the power and duties as prescribed in this Bylaw and the Town of Crossfield Land Use Bylaw,

- h. **“Land Use Bylaw”** means the Town of Crossfield Land Use Bylaw No. 2018-14, as amended from time to time,
- i. **“Municipal Planning Commission”** means the commission duly established by Council,
- j. **“Town”** means the Corporation of the Town of Crossfield or where the context requires, means the area contained within the boundaries of the municipal corporate limits,
- k. **“Subdivision Authority”** means a subdivision authority as provided for in Part 17 of the Act.

SECTION 3: ESTABLISHMENT AND POWERS

- 3.1 The Subdivision and Development Appeal Board is hereby established.
- 3.2 The Board shall deal with subdivision and development appeals in accordance with the provisions of the Act and shall exercise any other powers, duties, and functions given to it by any other bylaws of Council.

SECTION 4: MEMBERSHIP

- 4.1 The Board shall be comprised of five (5) members and include residents as members at large and up to one (1) councillor. The councillor must not participate in a subdivision appeal if that councillor participated in a Subdivision Authority decision on the subdivision application.
- 4.2 No person shall be appointed as a member of the Board:
 - a. who is an employee of the Town,
 - b. who carries out subdivision or development powers, duties, and functions on behalf of the Town, or
 - c. who is a member of a municipal planning commission.
- 4.3 Council shall appoint the Members of the Board by resolution.
- 4.4 All members of the Board will elect one member to act as Chairperson and one as Vice Chairperson for the term in which they are appointed. In the event of absence or inability of the Chairperson to preside at a Board meeting, the Vice Chairperson shall preside. In the event of absence of both the Chairperson and the Vice Chairperson to preside, the members present, in constitution of a quorum, shall elect one of its members to preside as Chairperson for that meeting.

- 4.5 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.
- 4.6 All members appointed to the Subdivision and Development Appeal Board must complete the prescribed training as indicated in the Municipal Government Act, *Matters Relating to Subdivision and Development Regulation (Regulation 84/2022) Part 1*. This training is required to be renewed every three (3) years. (Training will be paid in accordance with Schedule A of this bylaw)
- 4.7 The Town compensates and reimburses resident members-at-large in accordance with Schedule A of this bylaw. A councillor member shall be compensated and reimbursed in accordance with the current council remuneration policy.

SECTION 5: TERM OF OFFICE

- 5.1 Members of the Board shall be appointed to the Board for a three (3) year term and may apply to renew the appointment for further terms.
- 5.2 If a member of the Board is absent from three (3) consecutive meetings of the Board without first providing the Chairperson with notice of and reason for the member's absence, that member of the Board shall be deemed to have resigned his or her position as member of the Board.
- 5.3 The Board may fill vacancies as they occur. Council must accept these replacements by resolution.
- 5.4 Vacancies shall be considered to have occurred upon:
- a. a member ceasing to reside in the Town,
 - b. death of a member,
 - c. resignation of a member or upon ceasing to hold office as a Councillor,
 - d. being absent for three (3) consecutive meetings as per Section 5.3 of this Bylaw,
 - e. for cause.

SECTION 6: QUORUM

- 6.1 Quorum of the Board shall be three (3) members of the Board

SECTION 7: MEETINGS

- 7.1 The Board shall meet as necessary, but it shall meet and hold a public hearing within thirty (30) days from the receipt of written notice of appeal.
- 7.2 The Board shall hold public hearings respecting appeals in accordance with the Act, although, under Section 680(1) of the Act, the Board is **not** required to hear from any person or entity other than
- a. a person or entity that was notified pursuant to section 679(1),
 - b. each owner of the adjacent land to the land that is the subject of the appeal, or a person acting on any of those person's behalf.

SECTION 8: CLERK OF THE BOARD

- 8.1 Council shall appoint the Clerk by resolution.
- 8.2 The Clerk of the Subdivision and Development Appeal Board must successfully complete the prescribed training as indicated in the Municipal Government Act, *Matters Relating to Subdivision and Development Regulation (Regulation 84/2022)* Part 1. This training is required to be renewed every three (3) years.
- 8.3 The Chief Administrative Officer or delegate will fill the role of Clerk. The Clerk 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 Development Authority of Subdivision Authority,
 - 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.
 - g. make available for public inspection, all relevant document and materials respecting the appeal, including the application for the subdivision or development permits, the Subdivision or Development Authorities decision, the letter of appeal, and any order issued by the Development or Subdivision Authorities.
 - h. draft the decision for signing by the Chair.

SECTION 9: DUTIES AND RESPONSIBILITIES

- 9.1 Upon receipt of a written notice of appeal in accordance with section 678 under the Act, the Clerk shall establish a date, time and place for the public hearing and shall give at least five (5) days notice in writing of the public hearing to:
- a. the applicant for subdivision approval,
 - b. the subdivision or development authority that made the decision,
 - c. if the land that is the subject of the applicant is adjacent to the boundaries of another municipality, that municipality,
 - d. the owners of land that is adjacent to land that is the subject of the application,
 - e. any school authority to whom the application was referred,
 - f. every Government department that was given a copy of the application pursuant to the subdivision and development regulations.
- 9.2 In determining an appeal, the Chairperson shall:
- a. preside at hearings,
 - b. ensure that all hearings are conducted in a fair and impartial manner, in accordance with the rules for such hearings as set out in the Act,
 - c. have the authority to limit verbal submissions if the chair determines it to be repetitious or unrelated to the matter, and
 - d. approve and sign the final draft of a decision.
- 9.3 In determining an appeal, the Board must:
- a. have regard to any statutory plan,
 - b. conform with the uses of land referred to in the land use bylaw,
 - c. be consistent with the land use policies,
 - d. have regard to, but is not bound by, the subdivision and development regulations,
 - e. confirm, revoke, or vary the approval or decision or any condition imposed by the subdivision or development authority or make or substitute an approval, decision or condition of its own.
- 9.4 Subject to and in accordance with the provisions of the Act, the Board shall hear and make determinations in respect of appeals brought in respect of:
- a. decisions of a Subdivision Authority which are to be heard by the Board pursuant to Section 678 of the Act,
 - b. orders, decisions or development permits made or issued by a Development Authority as contemplated by Section 685 of the Act, and
 - c. such matters as the Board may now or may hereafter be required to hear by the Act or by bylaw of the Town.

SECTION 10: DECISIONS

- 10.1 After hearing all submissions and rebuttal, if any, the Board shall deliberate and reach its decision in private.
- 10.2 In arriving at its decision, the majority vote of those Members present shall constitute the decision of the Board. If there are an equal number of votes for and against an appeal, the appeal is dismissed.
- 10.3 A verbal announcement of the Board's decision can be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the Act.
- 10.4 The Board, hearing an appeal under section 678, must hold the hearing within 30 days of receiving a notice of appeal and give a written decision together with the reasons for the decision within 15 days of concluding the hearing.

SECTION 11: SIGNING OF DECISIONS

- 11.0 An order, decision or approval, notice or other thing made, given, or issued by the Board may be signed on its behalf by the Chair, Vice Chair (if presiding), or a person authorized by the Board to sign on its behalf.
- 11.1 The Board shall give its written decision and reasons in accordance with the Act to:
 - a. the Applicant,
 - b. the Appellant,
 - c. file a copy on the relevant tax role file, and
 - d. those affected persons who gave their name and address to the clerk during the public hearings.

SECTION 12: COMMENCEMENT

- 12.1 This Bylaw shall come into force and have effect upon it being read a third time and passed.
- 12.2 This Bylaw shall come into force and effect on the final passing thereof.
- 12.3 Bylaw No. 2019-03 the "Town of Crossfield Subdivision and Development Appeal Board Bylaw" is hereby repealed.

Given first reading this 15 day of October 2024.

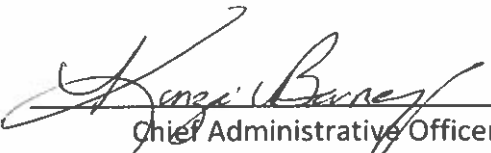
Given second reading this 15 day of October 2024.

Given unanimous consent to go to third reading on this 15 day of October 2024.

Given third and final reading this 15 day of October 2024.



Mayor Kim Harris



Chief Administrative Officer
Kirza Barney

Schedule A
Subdivision and Development Appeal Board
Member Compensation and Reimbursement

Item	Members at Large
Meeting per diem	\$175.00 – up to 4 hours \$300.00 – up to 8 hours
Training per diem	\$175.00 – up to 4 hours \$300.00 – up to 8 hours
Mileage (when required to travel outside of Crossfield for training or to attend an ISDAB)	Current Alberta Federal Rate as set by the Canadian Revenue Agency