

## **BYLAW 2685/G/24**

### **BEING A BYLAW OF THE TOWN OF STONY PLAIN IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF ESTABLISHING A SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

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WHEREAS, Section 627 of the *Municipal Government Act*, RSA 2000, c. M-26 and amendments thereto, requires that a municipality establish a Subdivision and Development Appeal Board; and

WHEREAS, Section 145 and 627 of the *Municipal Government Act* requires Council to provide for the procedure and conduct of bodies established by Council.

NOW THEREFORE, the Council of the Town of Stony Plain, in the province of Alberta, duly assembled, hereby enacts as follows:

#### **1.0.0 Title**

1.1.0 This bylaw may be cited as the “Subdivision and Development Appeal Board Bylaw”.

#### **2.0.0 Definitions**

- 2.1.0 “Act” means the *Municipal Government Act*, RSA 2000, c. M-26 and amendments thereto.
- 2.2.0 “Appellant” means a person who has served a notice of appeal on the Subdivision and Development Appeal Board.
- 2.3.0 “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 the Applicant’s behalf.
- 2.4.0 “Board” means the Town of Stony Plain Subdivision and Development Appeal Board established by this bylaw.
- 2.5.0 “Clerk” means one or more designated officers appointed as the Clerk to the Subdivision and Development Appeal Board.
- 2.6.0 “Council” means the municipal Council of the Town of Stony Plain.
- 2.7.0 “Development Authority” as defined in the *Municipal Government Act*, RSA 2000, c. M-26.
- 2.8.0 “Member” means a Member of the Subdivision and Development Appeal Board appointed pursuant to this bylaw.
- 2.9.0 “Subdivision Authority” as defined in the *Municipal Government Act*, RSA 2000, c. M-26.
- 2.10.0 “Town” means the Town of Stony Plain.

#### **3.0.0 Establishment**

3.1.0 The Subdivision and Development Appeal Board is hereby established.

#### **4.0.0 Membership**

- 4.1.0 The Board shall consist of up to eight (8) Members, including two members of Council appointed by resolution of Council.
- 4.2.0 Members must be:
- a) 18 years of age and older; and
  - b) Stony Plain residents.
- 4.3.0 No person who is an employee of the Town may be appointed as a Member of the Board.
- 4.4.0 No one serving as the Subdivision Authority, or the Development Authority for the Town may be appointed as a Member of the Board.

- 4.5.0 Effective January 1, 2025, no person serving on the Board may be appointed to any Town Planning and Development related advisory committee.

**5.0.0 Term**

- 5.1.0 Members shall be appointed for a term of three (3) years.
- 5.2.0 Members may serve a maximum of two (2) consecutive terms and may reapply after an absence of (1) year.
- 5.3.0 In the event of a vacancy, Council may by resolution, appoint a new Member to serve for the remainder of the vacating Member's Term.
- 5.4.0 Any Member may be removed from the Board by resolution at the sole discretion of Council.

**6.0.0 Training**

- 6.1.0 Members must successfully complete training, as prescribed by the Minister, prior to participating in a hearing.
- 6.2.0 Members shall participate, as required, in training provided by the Town as it relates to quasi-judicial matters and meeting process.

**7.0.0 Quorum, Chair and Rules of Procedure**

- 7.1.0 Quorum at any Board hearing shall be three (3) Members. No more than one (1) Council Member shall sit on a Board hearing at the same time.
- 7.2.0 At the beginning of each hearing, the Board members present shall appoint a Chair who will be responsible for the conduct of the hearing.
- 7.3.0 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.

**8.0.0 Clerk**

- 8.1.0 The position of Clerk of the Board is hereby established as a Designated Officer position for the Town.
- 8.2.0 The Clerk of the Board shall be the Manager of Legislative Services, and the Clerk may delegate any or all of these powers and duties specified in this bylaw to a designate
- 8.3.0 The Clerk, or designate, must successfully complete training, as prescribed by the Minister, prior to assuming the duties and responsibilities of the Clerk.
- 8.4.0 The Clerk shall carry out all powers and duties imposed upon the Clerk pursuant to the Act and regulations thereunder including but not limited to:
- a) Attend all meetings and hearings of the Board, but shall not vote on any matter before the Board;
  - b) Maintaining a record of the Board proceedings which may be in a form of minutes or a summary of evidence presented at the hearing;
  - c) Ensuring statutory notices and decisions of the Board are provided to such persons as the Act requires;
  - d) Compiling and distribution of the agenda and meeting packages to the Members and making available to the public; and
  - e) Assisting in preparing orders, decisions, approvals and notices made, given or directed by the Board.
- 8.5.0 The Clerk is the liaison between the public and the Board. Any communication with the Board shall be made directly to the Clerk.



**9.0.0 Functions and Duties**

9.1.0 The Board shall hear appeals from a decision or stop order issued by the:

- a) Development Authority, or their designate; or
- b) Subdivision Authority, or their designate.

9.2.0 Where in the opinion of the Board, an adjournment is warranted, the Board may adjourn the hearing for matters related to:

- a) Addressing duties of fair process; or
- b) Requesting technical information, legal opinions, or other assistance.

9.3.0 The Chair:

- a) Shall be responsible for the conduct of the hearing;
- b) May limit a submission if it is determined to be repetitious or in any way inappropriate; and
- c) Shall, when a hearing is adjourned and a time is not fixed for its continuation, announce that notice of the continuation of the hearing shall be sent to those persons leaving their name and address with the Clerk. Thereafter, only those persons leaving their name and address shall be entitled to notice of the continuation of the hearing.

9.4.0 Once the hearing is closed, the Board shall not hear or consider any additional verbal or written evidence.

9.5.0 After hearing the appeal, the Board shall deliberate and reach its decision in private. In arriving at its decision, the majority vote of those Members present shall constitute the decision of the Board.

9.6.0 A decision of the Board is not final until notification of the decision is given in writing.

9.7.0 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.

9.8.0 If a Member has a direct or indirect pecuniary interest in any matter before the Board, or if a Member is aware of any reason which may likely lead them to entertain a bias when hearing any matter, the Member shall declare such interest or likelihood of bias and be excused from the hearing

9.9.0 Members shall abide by the Town's established committee Code of Conduct for Committee members.

**10.0.0 Rules of Procedure**

10.1.0 For those procedural matters not covered in the Act or the regulations thereto or this bylaw, the Board shall determine the procedures for the conduct of hearings.

**11.0.0 Remuneration**

11.1.0 The members of the Board shall be paid such Honoria for attending meetings as authorized by Council policy or resolution.

**12.0.0 Appeal Fees**

12.1.0 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 Bylaw approved by Council.

**13.0.0 Review**

13.1.0 This bylaw shall be reviewed within its fifth year, being 2029, or as deemed necessary.

**14.0.0 Repeal**

14.1.0 Bylaw 2603/D&P/19 and amendments thereto are hereby repealed.

**15.0.0 Severability**

15.1.0 If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

**16.0.0 Effective Date**

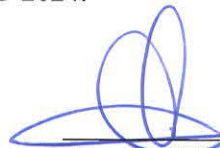
16.1.0 This bylaw shall take full force and effect on the date it is passed.

Read a first time this 25<sup>th</sup> day of March, AD 2024.

Read a second time this 25<sup>th</sup> day of March, AD 2024.

Given unanimous consent this 25<sup>th</sup> day of March, AD 2024.

Read a third time this 25<sup>th</sup> day of March, AD 2024.

  
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Mayor William Choy  
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Teresa Olsen,  
Acting General Manager, Corporate Services