

**BYLAW 21-007  
OF  
LAC LA BICHE COUNTY**

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**A BYLAW OF LAC LA BICHE COUNTY TO ESTABLISH A SUBDIVISION AND DEVELOPMENT APPEAL BOARD.**

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**WHEREAS** section 627 of the *Municipal Government Act* R.S.A. 2000, Chapter M-26, as amended, requires Council to establish a Subdivision and Development Appeal Board;

**NOW THEREFORE** under the authority and pursuant to the provisions of the said *Municipal Government Act*, and by virtue of all other enabling powers, the Council of Lac La Biche County, duly assembled, enacts as follows:

**Title**

1 This bylaw is called the “Subdivision and Development Appeal Board Bylaw”.

**Definitions**

2 In this bylaw, the following words and phrases shall have the following meanings:

- (a) “Act” means the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, as amended;
- (b) “Board” means the Subdivision and Development Appeal Board established by this Bylaw;
- (c) “Chair” means a Councillor appointed by Council to be the Chair of the Board;
- (d) “Chief Administrative Officer” means the person appointed by Council as the Chief Administrative Officer pursuant to the Act;
- (e) “Clerk” means the person(s) appointed to act as Clerk for the Board;
- (f) “Council” means the Council of Lac La Biche County;
- (g) “Councillor” means an elected official of Lac La Biche County and includes the Mayor;
- (h) “Member” means a Member of the Board appointed by Council; and
- (i) “Presiding Officer” means the person who presides over a hearing in accordance with this Bylaw.

**Establishment**

3 The Subdivision and Development Appeal Board of Lac La Biche County is hereby established.

**Functions and Duties**

4 The function and duties of the Board are to hear and decide on appeals received by Lac La Biche County pursuant to sections 678 and 686 of the Act.

**Membership**

**5(1)** The Board shall consist of up to ten Members appointed by resolution of Council. Two Members shall be Councillors and the remaining being members-at-large appointed from the public.

**(2)** Council may consider the following in making an appointment to the Board:

- (a) planning and development experience;
- (b) municipal or other board experience including experience with governance or adjudication;  
and
- (c) familiarity with the area and its history.

**(3)** Residency within the County is not required to be appointed to the Board.

**(4)** The following persons may not be appointed as Members:

- (a) an employee of the County;
- (b) a person who carries out subdivision or development powers, duties and functions on behalf of the County;
- (c) a member of a municipal planning commission.

### **Term of Office**

**6(1)** Council will, by resolution, appoint Members for a term of no more than three years, effective as of the date of appointment or some other date as determined by Council.

**(2)** A Councillor who ceases to be a Councillor automatically ceases to be a Member.

**(3)** If at any time, a vacancy occurs on the Board, Council may appoint a person to fill that vacancy for a term of no more than three years effective the date of appointment or some other date as determined by Council.

**(4)** Council may remove a Member from the Board at any time for any reason at Council's sole discretion.

**(5)** A Member may resign from the Board by giving written notice to the Chair and the Chief Administrative Officer.

### **Chair and Presiding Officer**

**7(1)** At the organizational meeting, Council will, by resolution, appoint a Chair for a term specified by Council.

**(2)** The Chair may establish administrative and hearing procedures for the Board, which are in accordance with the Act and this Bylaw as well as the principles of procedural fairness and natural justice.

**(3)** All Members shall bring administrative or procedural concerns to the attention of the Chair.

**(4)** The Chair may delegate any of the powers, duties and functions of the Chair to another Member.

**(5)** The Chair shall be the Presiding Officer at a hearing. If the Chair is unable to participate in the hearing, the Presiding Officer shall be a Councillor appointed to the Board. If neither the Chair or a Councillor is able to participate in the hearing, the Presiding Officer shall be appointed at the commencement of the hearing from among the Members on the panel for the hearing.

### **Panels**

- 8(1)** Members may meet in panels on a rotational and availability basis.
- (2)** A panel hearing an appeal must not have more than one Councillor on the panel.
- (3)** Two or more panels may meet simultaneously.
- (4)** A panel has all of the powers, duties and responsibilities of the Board, and a decision of a panel is a decision of the Board.

### **Clerk**

**9(1)** The position of Clerk is hereby established, and the Chief Administrative Officer is authorized to appoint one or more employees to the position of Clerk.

**(2)** No person is eligible for an appointment as Clerk unless that person has successfully completed the training program in accordance with the Act.

**(3)** The Clerk shall fulfill the duties and responsibilities prescribed in the Act, this Bylaw, and the hearing procedures established by the Chair, which shall include.

- (a) receive all notices of appeal;
- (b) schedule a hearing and provide notice of the hearing in accordance with the Act;
- (c) compile and provide the agenda and hearing package to Members and make the agenda and hearing package available to the public;
- (d) make and keep a written record of proceedings, which may in the form of a summary of the evidence presented, which may include:
  - (i) the notice of appeal;
  - (ii) the decision of the subdivision authority or development authority or the stop order under appeal;
  - (iii) all exhibits filed in the appeal;
  - (iv) a list of persons who gave evidence at the hearing;
  - (v) all written arguments presented at the hearing; and
  - (vi) the written decision of the Board.
- (e) communicate the decision of the Board in accordance with the Act; and
- (f) fulfill any other duties the Board may direction.

### **Hearings and Procedures**

**10(1)** No Member shall participate in a hearing unless the Member is qualified to participate in the hearing in accordance with the Act.

**(2)** On receipt of a complete notice of appeal, the Clerk will convene a panel to hear the appeal.

**(3)** Quorum for the Board, or of a panel of the Board, is three Members. No more than five Members may serve on a panel.

(4) In the event quorum is not met for a hearing, the Board may open the hearing for the purpose of deciding to adjourn the hearing to a different date and time.

(5) Panels may modify, waive, or supplement any hearing procedures approved by the Chair during any hearing.

(6) All Board hearings are open to the public, but the Board shall deliberate and make its decisions in private.

### **Decisions**

11(1) The Board shall issue a written decision with reasons in accordance with the Act.

(2) The decision of the Board shall be signed by the Presiding Officer of the panel and if the Presiding Officer cannot sign, the decision shall be signed by the Chair on behalf of the Presiding Officer.

### **Fees**

12 A notice of appeal must be accompanied by the appeal fee in order to be considered complete. The fees for filing an appeal are those prescribed in the Lac La Biche County Schedule of Fees and Charges Bylaw, as amended from time to time.

### **Remuneration**

13(1) The remuneration, traveling, and other expenses of the Members shall be in accordance with the applicable Lac La Biche County remuneration policies, as amended from time to time.

(2) Remuneration, traveling and other expenses of the Clerk shall be in accordance with Lac La Biche County policies, as amended from time to time.

### **Severability**

14 All sections of this bylaw are separate and severable. Should any part, section, or subsection of this bylaw be deemed invalid or inoperative by any court or administrative body for any reason, the remaining parts, sections, and subsections shall remain valid and in full force and effect.

### **Repeal**

15 Bylaw 20-029 of Lac La Biche County is hereby repealed upon this Bylaw coming into effect.

### **Transitional**

16 All Members appointed before the effective date of this Bylaw continue to be Members until their term expires or Council removes them.

### **Effective Date**

17 This bylaw shall come into force and effect upon third reading.

**THAT BYLAW 21-007 BE GIVEN FIRST READING THIS 23<sup>rd</sup> DAY OF MARCH, 2021.**

THAT BYLAW 21-007 BE GIVEN SECOND READING THIS 4<sup>th</sup> DAY OF MAY, 2021.

THAT BYLAW 21-007 BE GIVEN THIRD READING THIS 4<sup>th</sup> DAY OF MAY, 2021.

“Original Signed”  
Mayor

“Original Signed”  
Chief Administrative Officer