

# THE CITY OF SPRUCE GROVE

## BYLAW C-1271-23

### SUBDIVISION AND DEVELOPMENT APPEAL BOARD BYLAW

WHEREAS, pursuant to the *Municipal Government Act*, RSA 2000 cM-26, as amended a municipality shall by bylaw establish a Subdivision and Development Appeal Board;

WHEREAS, pursuant to the *Municipal Government Act*, a bylaw to establish a Subdivision and Development Appeal Board must prescribe the functions and duties of the Subdivision and Development Appeal Board;

WHEREAS, pursuant to the *Municipal Government Act*, a municipality must authorize the appointment of one or more clerks of the subdivision and development appeal board and the clerk must be a designated officer;

NOW THEREFORE, the Council of the City of Spruce Grove, duly assembled, hereby enacts as follows:

#### 1. BYLAW TITLE

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

#### 2. DEFINITIONS

2.1 "Act" means the *Municipal Government Act*, R.S.A. 2000, c.M-26, as amended.

2.2 "Appellant" means a person who, pursuant to the Act, has served a written Notice of Appeal on the Board.

2.3 "Board" means the Subdivision and Development Appeal Board of the City established pursuant to this bylaw.

2.4 "City" means the municipal corporation of the City of Spruce Grove in the Province of Alberta.

2.5 "City Manager" means the administrative head of the City.

2.6 "Clerk" means the City Manager or designate to act as Clerk of the Board.

- 2.7 “Council” means the Council of the City of Spruce Grove elected pursuant to the *Local Authorities Election Act*, R.S.A. 2000 c L-21, as amended.
- 2.8 “Designated Officer” means a Designated Officer as defined in the Act.
- 2.9 “Development Authority” means the Development Authority for the City established by the City’s Development Authority Bylaw, as amended.
- 2.10 “Half-Day” means an honorarium provided for attendance at a hearing date that is equal to or less than four (4) hours in length.
- 2.11 “Full-Day” means an honorarium provided for attendance at a hearing date that is more than four (4) hours in length.
- 2.12 “Member” means a Member of the Board appointed pursuant to this bylaw and who has received and completed the mandatory training.
- 2.13 “Spruce Grove” means the area within the legal boundaries of the City of Spruce Grove.
- 2.14 “Subdivision Authority” means the Subdivision Authority for the City established by the City’s Subdivision Authority Bylaw, as amended.

**3. ESTABLISHMENT**

- 3.1 A Subdivision and Development Appeal Board is hereby established.

**4. MEMBERSHIP**

- 4.1 The Board shall consist of not less than three (3) Members appointed by resolution of Council.
- 4.2 All Members shall be residents of Spruce Grove.
- 4.3 Members shall not be:
- (a) members of Council;
  - (b) the Mayor, including as ex-officio member;
  - (c) an employee of the City;

- (d) any other person who is not eligible to be a Member as set out in the Act.

## **5. TRAINING**

- 5.1 All appointed Members shall complete mandatory training as per the Act prior to sitting at a Board hearing.

## **6. HONORARIUM**

- 6.1 Members shall receive an honorarium as follows:
  - (a) \$100 for Half-Day;
  - (b) \$200 for Full-Day; and
  - (c) Additional \$50 for the Chair.
- 6.2 More than one hearing may occur on a specific date, and therefore Members shall be paid an honorarium per hearing date as opposed to per hearing.

## **7. TERM**

- 7.1 The term of office for all Members shall be not more than three (3) years.
- 7.2 A Member may serve more than one (1) term but in no event shall a Member serve more than three (3) consecutive terms.
- 7.3 Council shall be at liberty to remove and replace any Member of the Board at any time prior to the expiry date of the Member's term, and any Member of the Board may resign at any time upon sending written notice to the Clerk.
- 7.4 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.

## **8. QUORUM**

- 8.1 A quorum at any Board hearing shall be three (3) Members.

8.2 No more than seven (7) Members shall sit at a Board hearing.

**9. ORGANIZATIONAL MEETING**

9.1 An annual organizational meeting shall be held at the beginning of each year.

**10. CHAIR AND VICE-CHAIR**

10.1 The Members of the Board shall elect from its membership on an annual basis a Chair and Vice-Chair during the annual organizational meeting.

10.2 The Chair and Vice-Chair may be re-elected for successive years as Chair and Vice-Chair.

10.3 In the event of absence or inability of the Chair to preside at a hearing, the Vice-Chair shall preside.

10.4 In the absence or inability of both the Chair and Vice-Chair to preside at a meeting, the Members present, in constituting a quorum, shall elect one of its Members to preside as Chair for that meeting.

**11. RULES OF PROCEDURE**

11.1 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.

**12. VIRTUAL PARTICIPATION IN HEARINGS**

12.1 Subdivision and Development Appeal Board hearings may occur in Council Chambers or other City meeting spaces.

12.2 The public, applicant, Appellant, respondent, and Board Members may attend virtually by electronic means at the discretion of the Clerk.

12.3 The public, applicant, Appellant, respondent, and Board Members may only attend virtually if at minimum, the virtual attendees can be heard in

the hearing room and by other virtual attendees and the attendees in the hearing room can be heard by the virtual attendees.

- 12.4 During deliberations, a Board Member attending virtually shall confirm no one else is present in their location who is able to hear the deliberations discussion.
- 12.5 Virtual public participation procedures for verbal and written submissions are as follows:
- (a) Persons interested in making a verbal submission as part the hearing shall contact the Clerk prior to 12:00 noon the day of the hearing to register to speak virtually.
  - (b) Those who register shall be provided the information to access the hearing by virtual means.
- 12.6 Persons interested in providing a written submission may provide the Clerk with their written submission prior to 12:00 noon of the Wednesday preceding the hearing. Written submission received prior to 12:00 noon of the Wednesday preceding the hearing will become public information and be included in the agenda package. The Board will also accept written submissions during the hearing.
- 12.7 If a presenter wishes to provide visual submissions such as photos, graphics, or PowerPoint slides, they shall do so by written submission.

### **13. FUNCTIONS AND DUTIES**

- 13.1 The Board shall hear appeals from a decision of the Subdivision Authority or the Development Authority.
- 13.2 The granting and duration of an adjournment is at the discretion of the Board.
- 13.3 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.
- 13.4 The Chair:
- (a) Shall be responsible for the conduct for the hearing;

- (b) May limit a submission if it is determined to be repetitious or in any manner inappropriate; and
  - (c) Shall, when a hearing is tabled or adjourned and a time is not fixed for its continuation, announce that notice of the continuation of the meeting 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.
- 13.5 Once the hearing is closed, the Board shall not hear or consider any additional verbal or written evidence.
- 13.6 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.
- 13.7 In the event of a tie vote of the Board, an appeal shall be deemed to be denied.
- 13.8 A decision of the Board is not final until notification of the decision is given in writing.
- 13.9 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.
- 13.10 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 to the Board and shall abstain from discussion or voting upon such matter, and such abstention shall be recorded in the minutes.

**14. CLERK OF THE BOARD**

- 14.1 The position of a Designated Officer for the limited purpose of carrying out the functions of the Subdivision and Development Appeal Board Clerk is hereby established.
- 14.2 The City Manager or designate shall be the Clerk of the Board.

14.3 The powers and duties of the Clerk shall be to carry out all obligations imposed upon the Clerk pursuant to the Act and regulations thereunder.

**15. SIGNING AUTHORITY**

15.1 An order, decision, approval, notice, or other thing made or given by the Board may be signed on behalf of the Board by the Clerk.

15.2 The Clerk shall not sign an order, approval, or decision made by the Board unless the order, approval, or decision has been first approved in writing:

- (a) by the Chair or other Member of the Board who presided over the hearing to which the order, approval, or decision relates; or
- (b) in the absence or inability to act of the person who chaired or presided over such hearing, any other Member of the Board who was present at such hearing.

**16. FEES**

16.1 On filing an appeal, the Appellant shall pay to the City the fee set out in the City's Development Fees and Fines Bylaw, as amended.

**17. SEVERABILITY**

17.1 Every provision of this bylaw is independent of all other provisions and if any provision is declared invalid by a Court, then the invalid provisions shall be severed and the remainder provisions shall remain valid and enforceable.

**18. EFFECTIVE DATE**

18.1 This bylaw comes into force and effect on January 1, 2024.

**19. REPEAL OF BYLAW C-1225-22**

19.1 Bylaw C-1225-22 is hereby repealed.

First Reading Carried	25 September 2023
Second Reading Carried	25 September 2023
Third Reading Carried	25 September 2023
Date Signed	26 September 2023

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Mayor

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City Clerk

UNCERTIFIED COPY