

BYLAW NUMBER 1074
OF THE TOWN OF CASTOR

FOR THE ESTABLISHMENT OF SUBDIVISION AND DEVELOPMENT APPEAL BOARDS

IN ACCORDANCE WITH SECTION 627(1) OF THE MUNICIPAL GOVERNMENT ACT, CHAPTER M-26, REVISED STATUTES OF ALBERTA 2000, AS AMENDED, COUNCIL OF THE TOWN OF CASTOR DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the Town of Castor Subdivision and Development Appeal Board Bylaw.
2. In this Bylaw:
 - a. "Town" means the corporation of, or the area contained within the boundaries of the Town of Castor as the context requires.
 - b. "Council" means the Council of the Town of Castor
 - c. "MPC" means the Municipal Planning Commission of the Town of Castor
 - d. "SDAB" means the Subdivision and Development Appeal Board for the Town of Castor.
 - e. "ISDAB" means the Inter-municipal Subdivision and Development Appeal Board for the matters arising out of the Inter-municipal Development Plan with any bordering Municipalities or those within the boundaries of the Town of Castor.
 - f. "Parties to the Appeal" means the subdivision or development authority, as the case may be, the applicant for the subdivision approval or development permit, and the party or parties appealing the subdivision approval or development permit.

ESTABLISHMENT OF THE APPEAL BOARDS

3. The Town of Castor has responsibilities for two (2) appeal boards, the SDAB and the ISDAB, which are hereby established and shall consist as follows:
 - a. The SDAB shall be structured and consist as below:
 - i) The SDAB shall be composed of a minimum of five (5) and a maximum of ten (10) members who shall be appointed by resolution of Council and shall consist of one (1) member of Council and four (4) to nine (9) members at large;
 - ii) Each member of the SDAB shall be appointed for a two (2) year term. Appointments shall be staggered in such a manner at the annual Town Organizational Meeting that not less than four (4) members of the members appointed at large shall be serving the first year of a two (2) year term and the remaining members serving the second year of a two (2) year term;
 - iii) No person who is a Development Officer or member of the MPC shall be appointed to the SDAB;
 - iv) Subject to Section 4 of this Bylaw, the SDAB may meet and adjudicate appeals in committees (also known as panels) of from three (3) to five (5) members, in which case a decision of the committee is a decision of the SDAB;
 - v) Subject to Section 4 of this Bylaw, a simple majority of the members present shall constitute a quorum;
 - vi) Council, by resolution and at its discretion, may:
 - (A) appoint additional members to hear and decide a specific appeal;
 - (B) in the event that there are not enough persons who meet Councils requirements who are willing to act as members of the SDAB, reduce the minimum number of members or change the staggering of terms of members as contemplated by this Bylaw.
 - vii) Council, by resolution and at is discretion, must appoint a clerk to the SDAB as a designated officer, and such a clerk must also be present on the ISDAAB.
 - b. The ISDAB with any bordering Municipalities or those within the boundaries of the Town of Castor. and shall be structured and consist as below:
 - i) The ISDAB shall be composed of five (5) members who shall be appointed by resolution of their respective Councils and shall consist of one (1) member of each municipal Council and three (3) members at large;

ii) Each member of the ISDAB shall be appointed for a two (2) year term. Appointments shall be staggered in such a manner that at least one (1) member of the members appointed at large shall be serving the first year of a two (2) year term and the remaining members serving the second year of a two (2) year term;

iii) No person who is a Development Officer for their municipality or member of the municipality's MPC shall be appointed to the SDAB;

iv) A simple majority of the members present shall constitute a quorum.

4. Notwithstanding anything in this Bylaw to the contrary where an adjournment of an SDAB hearing is requested, and all Parties to the Appeal agree in writing, the SDAB may meet in a committee of one (1) member for the purpose of opening the Appeal hearing, considering the adjournment request and scheduling the continuance of the hearing, in which case the decisions of the committee are decisions of the SDAB. However, a member of Council may not constitute such a one person committee.

DUTIES OF THE APPEAL BOARDS

5. The SDAB and the ISDAB shall perform those duties required of them pursuant to Part 17 of the Municipal Government Act, RSA 2000, as amended.

SECRETARY OF THE APPEAL BOARDS

5. The office of the Secretary of the SDAB is hereby constituted and shall be appointed by the Chief Elected Officer of the Town but that person shall not have a vote.

6. The office of the Secretary of the ISDAB is hereby constituted and shall be jointly appointed by both of the Chief Elected Officers of the Town of Castor and the other participating Municipality, but that person shall not have a vote.

7. The Secretary of the Appeal Boards shall:

- a. notify members of the Board of the arrangements for the holding of hearings and other meetings of the Board;
- b. ensure that at least five (5) days notice of the hearing is given to all affected parties as specified in the Act;
- c. prepare and maintains a file of written minutes of the business transacted at all meetings of the Board, copies of which shall be regularly filed with the Council;
- d. issue to all affected parties and persons, notices of the decisions of the Board and reasons therefore;
- e. notify the Council of the decisions of the Board and the reasons therefore;
- f. carry out such other administrative duties as the Board may specify.

8. That Bylaw 847 is hereby repealed and replaced by this Bylaw. This Bylaw comes into effect upon third and final reading hereof.

Received First Reading this _____ Day of _____, 2020 on a motion of Councillor _____.
Carried.

Received Second Reading this _____ Day of _____, 2020 on a motion of Councillor _____.
Carried.

Proceed to Third Reading this _____ Day of _____, 2020 on a motion of Councillor _____.
Carried.

Read a Third Time and Finally Passed this _____ Day of _____, 2017 on a motion of Councillor _____.
Carried.

Signed by the Chief Elected Official and Chief Administrative Officer this _____ Day of _____, 2020.

“Original Signed”

Mayor

“Original Signed”

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