

**A BYLAW OF THE SUMMER VILLAGE OF CRYSTAL SPRINGS,
IN THE PROVINCE OF ALBERTA,
TO ESTABLISH AND REGULATE SUBDIVISION AND DEVELOPMENT APPLICATIONS AND
APPEALS**

BYLAW NO. 210

PURSUANT to Part 17 of the Municipal Government Act, R.S.A. 2000, Chapter M-26 as amended, Council of the Summer Village of Crystal Springs in the Province of Alberta, duly assembled, hereby enacts as follows:

WHEREAS Part 17, Division 3 of the Municipal Government Act, R.S.A. 2000, Chapter M-26 as amended, Council of the Summer Village of Crystal Springs in the Province of Alberta, duly assembled, hereby establish a Subdivision Authority, Development Authority and Subdivision and Development Appeal Board.

NOW THEREFORE the Council of the Summer Village of Crystal Springs, in the Province of Alberta, duly assembled, enacts as follows:

SECTION 1 - NAME

1.1 This Bylaw shall be known as "The Subdivision and Development Bylaw"

SECTION 2 – PURPOSE

2.1 The purpose of this Bylaw is pursuant to the Land Use Bylaw and to enable, establish and regulate subdivision and development authorities, processing applications and appeals.

SECTION 3 - DEFINITIONS

3.1 In this Bylaw the following terms (unless the context specifically requires otherwise) shall have the following meanings:

- a) "the Agency" means the West Central Planning Agency
- b) "Council" means the Council of the Summer Village of Crystal Springs.
- c) "the Act" means the Municipal Government Act, R.S.A. 2000, Chapter M-26 as amended and all the amendments hereto

SECTION 4 – ESTABLISHMENT OF A SUBDIVISION AUTHORITY

4.1 Pursuant to section 623 of the Act, Council must provide for a Subdivision Authority to exercise subdivision powers and duties on behalf of the municipality:

- a) The authority to exercise subdivision powers and duties is vested in the West Central Planning Agency ("the Agency").

- b) The Agency is authorized to collect fees for subdivision applications in the amounts set by resolution of the Agency' Board of Directors from time to time.
- c) The Agency is authorized to endorse plans of subdivision, separation documents, and transfers of land, and to sign, register and discharge deferred reserve caveats on behalf of the municipality, and the Registrar of Land Titles is authorized to accept the Agency's endorsement as if it were that of the municipality.

SECTION 5 – ESTABLISHMENT OF A DEVELOPMENT AUTHORITY

5.1 Pursuant to section 624 of the Act, Council must provide for a development authority to exercise development powers and perform duties on behalf of the Municipality:

- a) Under the Land Use Bylaw, the Development Authority is vested in the Development Officer appointed under the Land Use Bylaw or, where no such officer has been appointed, the Chief Administrative Officer of the Municipality.

SECTION 6 – ESTABLISHMENT OF A SUBDIVISION AND DEVELOPMENT APPEAL BOARD

6.1 Pursuant to section 627 and 628 of the Act, Council must establish a Subdivision and Development Appeal Board (“the Board”) appoint members, prescribe purpose, functions and duties of the Board.

SECTION 7 – PURPOSE OF THE BOARD

- 7.1 The purpose of the Board is:
- a) to hear and decide upon appeals against decisions of the subdivision authority, and
 - b) to hear and decide upon appeals from decisions of the Development Officer in respect to development permits and stop orders, and in this respect to perform the duties assigned to the Development Appeal Board under the Land Use Bylaw.

SECTION 8 – COMPOSITION OF THE BOARD

- 8.1 The Board shall consist of:
- a) One (1) member of Council, and Two (2) or more members of the public, or
 - b) Three (3) members of the public
 - c) And shall be appointed by resolution of Council.
- 8.2 Alternate members may be appointed to the Board by resolution of Council.
- 8.3 The municipality may enter into an agreement with one or more municipalities to establish an inter-municipal Subdivision and Development Appeal Board.

8.4 A member of the public need not be a resident or ratepayer of the municipality.

8.5 A vacancy on the Board may be filled by resolution of Council at any time.

8.6 Persons who shall not be appointed to the Board are:

- a) An employee of the municipality, and
- b) A person who carries out subdivision or development powers, duties and functions on behalf of the municipality, and
- c) A member of the municipal planning commission.

8.7 A quorum for holding an appeal is two (2) members of the Board.

8.8 Disqualification of Board Members:

At the beginning of each hearing, the chair of the board shall introduce the members of the board to the parties, and ask if any of the parties have any objection to any of the board members hearing the appeal or voting on it.

If a board member has

- A pecuniary interest in the matter under appeal, as defined in sections 169 and 170 of the Act, or
- A personal relationship to any of the parties which might lead to bias or a reasonable fear of bias,

He/or she shall excuse themselves from the board, and if he/she fails to do so, the other members of the board, by majority vote, may excuse him/her.

SECTION 9 – SELECTION OF COMMITTEES

9.1 A subdivision or development appeal may be heard and decided by a committee of the board provided that the number of Councillors on the committee is no greater than the number of the other members.

SECTION 10 – FILING AND PROCESSING OF APPEALS

10.1 The procedure for filing and processing appeals is set out in sections 678 to 687 of the Act.

10.2 Subdivision Appeals as pursuant to Section 678 (2) of the Act:

678(2) An appeal under subsection (1) may be commenced by filing a notice of appeal within 14 days of receipt of the written decision of the subdivision authority or deemed refusal by the subdivision authority, in accordance with section 681

- (a) with the Municipal Government Board if the land that is the subject of the application is within the Green Area, as classified by the Minister responsible for the Public Lands Act, or is within the distance of a highway, a body of water or a sewage treatment or waste management facility set out in the subdivision and development regulations; or
- (b) in all other cases, with the Subdivision and Development Appeal Board.

SECTION 11 - NOTIFICATION OF AFFECTED PARTIES

- 11.1 Any person affected by an order, decision, or development permit made or issued by a development authority may upon paying the required fee, appeal to the subdivision and development appeal board.
- 11.2 Notice of Appeal shall be addressed to the Subdivision and Development Appeal Board, shall contain reasons for the appeal, and shall be served by mail or by delivery at the municipal office.
- 11.3 In administering the appeal process, the Development Authority shall follow the procedure set out in Section 686 of the Act.

SECTION 12 – EVIDENCE

- 11.1 Pursuant to section 629 of the Act, the Subdivision and Development Appeal Board may, while carrying out its powers, duties and responsibilities:
 - a) accept any oral or written evidence that it considers proper, whether admissible in a court of law or not, and is not bound by the laws of evidence applicable to judicial proceedings, and
 - b) must make and keep a record of its proceedings, which may be in the form of a summary of the evidence presented at the hearing.

SECTION 13 - ESTABLISHMENT OF FEES

- 12.1 Pursuant to section 630.1 of the Act, Council may establish and charge for subdivision and development appeals, which shall be sufficient to cover the cost of advertising, administration, and other expenses of Board members.
 - a) Subdivision application fees. The Agency is authorized to charge fees for administering the subdivision process. This is to be paid by the applicant for subdivision approval at rates determined by the Agency's Board of Directors.
 - b) Board Members shall be paid an honorarium as established by council resolution and reimbursed related travel expenses at the approved mileage rate.

SECTION 14 – SEVERABILITY

- 13.1 Should any section or part of this Bylaw be found to have been improperly enacted, then such section or part shall be regarded as being severable from the rest of this Bylaw and the Bylaw remaining after such severance shall be effective and enforceable as if the section found to be improperly enacted had not been enacted as part of this Bylaw.


SECTION 15 – EFFECTIVE DATE

- 14.1 This Bylaw repeals Bylaw #189 and shall come into force and effect on final passing thereof.

READ a first time this 14th day of June, 2012.

READ a second time 27th day of July, 2012

READ a third time and finally passed this 11th day of September, 2012.



Doris Bell, Mayor
Summer Village of Crystal Springs



Sylvia Roy, Chief Administrative Officer
Summer Village of Crystal Springs

