

BYLAW NO. 3408/2008

Being a bylaw of the City of Red Deer, in the Province of Alberta, to establish an Intermunicipal Subdivision and Development Appeal Board for the City of Red Deer and Red Deer County.

WHEREAS on July 5, 2007, the City of Red Deer enacted Bylaw 3393/2007 and Red Deer County enacted Bylaw 2007/29, whereby the two municipalities adopted an Intermunicipal Development Plan;

AND WHEREAS the City of Red Deer and Red Deer County have agreed in the Intermunicipal Development Plan to establish an Intermunicipal Subdivision and Development Appeal Board and Intermunicipal Disagreement Resolution Board;

COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:

1. This Bylaw shall be called the “Intermunicipal Subdivision and Development Appeal Board Bylaw”.

Definitions

2. In this Bylaw, the following definitions shall apply:

“Board” means the Intermunicipal Subdivision and Development Appeal Board and the Intermunicipal Disagreement Resolution Board, as the context requires.

“Councils” means the Red Deer County Council and the City of Red Deer Council.

“Intermunicipal Development Plan” or “IDP” means the Red Deer County and City of Red Deer Intermunicipal Development Plan adopted on July 5, 2007 by Red Deer County Bylaw No. 2007/29 and City of Red Deer Bylaw No. 3393/2007.

PART I – Intermunicipal Subdivision & Development Appeal Board

Purpose

- ¹3. The purpose of the Board is to hear appeals from subdivision and development permit decisions made under the provisions of the Intermunicipal Development Plan within the City's Growth Area (Map 1) prior to annexation; and within the Collaborative Planning Areas and the Agricultural and Open Space Area (Map 1) until more detailed policies are adopted as part of the Intermunicipal Development Plan.

Membership and Term

4. The Board shall consist of seven (7) members appointed for a term not to exceed three (3) years, as follows:
 - (a) Three (3) members from each Municipality; notwithstanding the provisions of the IDP, neither Council shall appoint a County or City Councillor to sit on the Board unless the two municipalities sign a separate agreement allowing for the appointment of one Councillor from each municipality;
 - (b) A Chairperson agreed upon by both Municipal Councils, or where Councils cannot agree, appointed by a judge of the Court of Queen's Bench of Alberta;
 - (c) No person who is a County or City staff member or a member of the Municipal Planning Commission or a member of the Subdivision Authority of either municipality shall be appointed as a member of the Intermunicipal Subdivision and Development Appeal Board; and
 - (d) The appointing Municipality shall be entitled to appoint a replacement member at any time in accordance with section 4(a) for members or 4(b) in the case of the Chairperson.

¹ 3408/A-2012

- (e) ¹The terms of appointment to the board shall not exceed 3 years; and
- (f) ²No member shall serve more than two consecutive terms without authorization of both municipal Councils.

Payment to Board

- 5. Each member of the Board shall be paid an honorarium by the municipality he/she represents and the Chairperson shall be paid an honorarium by both municipalities on an equal cost share basis, for each day or partial day the Board meets.

Procedure

- 6. The Chairperson:
 - (a) Will preside over and be responsible for the conduct of the meeting of the Board;
 - (b) May set time limits or prescribe the manner in which submissions are to be made, accepting either oral or written submissions or both and setting reasonable limits for such submissions; and
 - (c) Will vote on all matters before the Board.
- 7. The Board may determine its own procedure and make procedural rules in respect of matters not provided for in this Bylaw, by Statute or under the Intermunicipal Development Plan.

Quorum

- 8. A quorum shall consist of an equal number of members appointed by the County and the City, plus the Chairperson.

¹ 3408/A-2012, ² 3408/A-2012

- ¹8.1 Provided that there are an equal number of County members and City members in attendance, and notwithstanding sections 4(a), 4(b) and 8, in the event that a Intermunicipal Subdivision and Development Appeal Board hearing has been scheduled and the Chairperson is not available to attend, the Panel Members shall choose an alternate Chairperson from among those present and this shall constitute quorum.

Decision

9. Any order or decision by the Board shall be signed by the Chairperson or by the Secretary of the Board.

Commencement of Appeal

10. An appeal is to commence by:
- (a) The appellant mailing or delivering to the Secretary of the Board at Red Deer County offices a Notice of Appeal in the form established by the Board from time to time; and
 - ²(b) Paying a fee of Four Hundred Dollars (\$400), which will be retained by the County. The appeal fee is refundable if the appeal is successful.

Notice and Time for Hearing

11. Notice of an appeal shall be given in accordance with the provisions of the Municipal Government Act applicable to Subdivision and Development Appeal Boards.

Decision of the Board

12. (a) The Board must give its decision in writing together with reasons for the decision within 15 days after concluding the hearing.
- (b) As soon as reasonably possible after a hearing, the Secretary of the Board shall prepare minutes of the hearing, including the particulars of the appeal.

¹ 3408/A-2015

² 3408/A-2012

The Board minutes shall be maintained at Red Deer County Municipal Offices and the City of Red Deer Municipal Offices and be available for public inspection at all reasonable times.

Secretary of the Board

14. The Secretary of the Board shall be appointed by Red Deer County from its administrative staff.

PART II – Intermunicipal Disagreement Resolution Board

15. This Bylaw also applies to the establishment of an Intermunicipal Disagreement Resolution Board as provided for in the Intermunicipal Development Plan.

Membership

16. The Intermunicipal Subdivision & Development Appeal Board shall also act and sit as the Intermunicipal Disagreement Resolution Board.
17. This Bylaw shall in every respect apply to the Intermunicipal Disagreement Resolution Board except as further set out as follows:

Purpose of the Intermunicipal Disagreement Resolution Board

18. The purpose of the Intermunicipal Disagreement Resolution Board is to hear any matters of disagreement relative to the interpretation of the Intermunicipal Development Plan disagreed to as between Red Deer County and the City of Red Deer.

Filing Disagreement with the Intermunicipal Disagreement Resolution Board

19. A disagreement is commenced by a written referral to the Board from either the Manager for Red Deer County or the Manager of the City of Red Deer, or both.
20. There is no appeal fee payable.

- 21. Any matter referred to the Intermunicipal Disagreement Resolution Board shall be heard by the Board within thirty (30) days of the date that the referral is received by the Secretary of the Board.
- 22. The Intermunicipal Disagreement Resolution Board shall conduct its deliberations *in camera* and only representatives of Red Deer County and the City of Red Deer and their witnesses may appear.
- 23. The Intermunicipal Disagreement Resolution Board shall make a decision and provide in writing the decision of the Board and reasons for the decision to each Municipality within fifteen (15) days after the conclusion of the hearing.
- 24. The Secretary of the Intermunicipal Disagreement Resolution Board shall be appointed by the City of Red Deer from its administrative staff.

READ A FIRST TIME IN OPEN COUNCIL this 5th day of May 2008.
 READ A SECOND TIME IN OPEN COUNCIL this 5th day of May 2008.
 READ A THIRD TIME IN OPEN COUNCIL this 5th day of May 2008.
 AND SIGNED BY THE MAYOR AND CITY CLERK this 5th day of May 2008.

“Morris Flewwelling”

“Kelly Kloss”

MAYOR

CITY CLERK