

# CITY OF GRANDE PRAIRIE

## BYLAW C-1444A

### A Bylaw to amend Bylaw C-1444 Being the Subdivision and Development Appeal Board

**NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE CITY OF GRANDE PRAIRIE,  
IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:**

1. Bylaw C-1444 is hereby amended as follows:

- a) Delete the definition for “Board” in its entirety and replace with the following:

“Board” means the Subdivision and Development Appeal Board established by this Bylaw.  
[s. 627(1)(a)(b) M.G.A.]”

- b) Delete the definition “Clerk” in its entirety and replace with the following:

“Clerk” means one or more designated officers appointed as the Clerk to the Subdivision and Development Appeal Board pursuant to Section 6.1 of this Bylaw. [s. 671.1(1) M.G.A.]”

- c) Delete the definition “Development Appeal” in its entirety and replace with the following:

“Development Permit” means a document that is issued under [Land Use Bylaw C-1260](#) and authorizes a development or use of a site”.

- d) In Section 3.2 delete “up to” and replace with “a maximum of”.

- e) In subsection 3.2.1 delete “up to” and replace with “a maximum of”.

- f) In subsection 3.2.2 delete “at least five (5)” and replace with “a minimum of three (3)”.

- g) In Section 3.4 delete “Legislative Services Manager” and replace with “Clerk”.

- h) Delete Section 3.8 in its entirety and replace with the following:

“Notwithstanding subsection 3.2 of this Bylaw, Council may appoint a person for a specific period or a specific appeal to sit as an Alternate Member, if the Clerk anticipates that there is or may be an issue obtaining quorum.”

- i) In Section 4.2 delete “two (2)” and replace with “three (3) consecutive”.

- j) Delete Section 5.1 in its entirety and replace with the following:

“The Chair will be appointed annually by resolution of Council from the members appointed to the Board.”

- k) Add subsection 5.1.1 as follows:

“If the Chair is unavailable for an appeal hearing the members present and constituting a quorum for a public hearing shall have a preliminary meeting to appoint the alternate Chair from amongst the members in attendance.”

- l) In Section 6.1 delete “The Clerk shall” and replace with “One or more clerks must”.

- m) Delete subsection 6.2.3 in its entirety and replace with the following:

“compiling and providing agenda packages to members of the Board and making available for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal;”

- n) Delete subsection 6.2.4 in its entirety and replace with the following:

“assist in preparing orders, decisions, approvals and notices made, given or directed by the Board; and”

- o) In subsection 6.2.5 delete “and 3.9”.

- p) Add Sections 9.3, 9.4, 9.5 and 9.6 as follows:

“9.3 If the Board makes a decision in favour of the Appellant, the fees paid under Section 9.1 of this Bylaw shall be refunded.

9.4 If the Board makes a decision that is not in favour of the Appellant, and on judicial review, the Court of Appeal makes a decision in favour of the Appellant the fee paid by the Appellant, under Section 9.1 of this Bylaw shall be refunded.

9.5 The fee referred to in Section 9.1 of this Bylaw shall be refunded if the notice of appeal is withdrawn within five (5) business days of submitting a complete application.

9.6 The refund referred to in Sections 9.3, 9.4 and 9.5 shall be issued within forty-five (45) days from the final appeal decision being issued in writing.”

- q) Delete subsection 11.3.6 in its entirety.

- r) Delete Sections 11.4, 11.5, 11.6 and 11.7 in their entirety and replace with the following:

“11.4 The board shall give all adjacent landowners five (5) days public notice for the scheduled public hearing in accordance with 653(4.2) of the Act.

11.5 In determining a Subdivision Appeal, the Board hearing the appeal:

11.5.1 is not required to hear from any person or entity other than a person or entity that was notified under Section 679(1) of the Act and each owner of adjacent land to the land that is the subject of the appeal;

11.5.2 must have regard to any statutory plan;

11.5.3 must conform with the uses of land referred to in the LUB;

11.5.4 must be consistent with the land use policies established;

11.5.5 must have regard to, but is not bound by, the subdivision and development regulations;

11.5.6 may confirm, revoke or vary the approval or decision or any condition imposed by the Subdivision Authority or make or substitute an approval, decision or condition of its' own; and

11.5.7 may, in addition to the other powers it has, exercise the same power as a Subdivision Authority is permitted to exercise pursuant to the Act or the regulations or bylaws under the Act. [s. 680(2) M.G.A.]

11.6 The Board must give its' decision in writing together with reasons for the decision within fifteen (15) days of the conclusion of the public hearing. [s. 680(3) M.G.A.]

11.7 If there is an appeal of the Boards decision, any member of the Board who voted on the decision shall not participate in the appeal hearing.

11.8 The Chair of the Board which heard a Subdivision Appeal is authorized to endorse the Plan of Subdivision or other instrument. [s. 682(2) M.G.A.]"

2. This Bylaw shall take effect on the date it is passed.

**READ** a first time this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**READ** a second time this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**READ** a third time and finally passed this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk