

Bylaw No. 2021 – 69

RM of Edenwold No. 158

A Bylaw to Establish a Development Appeals Board

(Consolidated with Bylaw Amendments 2022-15*, 2022-47**, 2022-63^ & 2026-09^^)

Whereas, pursuant to Section 214 of the *Planning and Development Act*, Council is authorized to establish a development appeals board for the municipality.

The purpose of this Bylaw is to create a development appeals board to adjudicate planning and development appeals as outlined in Sections 219 to 227 of the *Planning and Development Act*.

The Council of the Rural Municipality of Edenwold No. 158, in the Province of Saskatchewan, enacts as follows:

1. DEFINITIONS

In this Bylaw, including this section:

- 1.1 **Act** shall mean the *Planning and Development Act, 2007*, as amended or repealed and replaced from time to time.
- 1.2 **Administrator** shall mean the employee or representative of the municipality tasked with enforcing this Bylaw, or their delegate.
- 1.3 **Appeal Form** shall mean the form labelled “Development Appeals Board Application Form” in the municipality’s Form Policy.
- 1.4 **Council** shall mean the elected representatives of the Rural Municipality of Edenwold No. 158 consisting of Councillors and Reeve.
- 1.5 **Development Appeals Board** shall mean a board of persons appointed by Council pursuant to the Act;
 - a. the Development Appeals Board may also be referred to as the ‘Board’.
- 1.6 **Member** shall mean a person sitting on the Development Appeals Board.
- 1.7 **Municipality** shall mean the Rural Municipality of Edenwold No. 158.
- 1.8 **Secretary** shall mean a person responsible for performing the duties outline in the Act and this Bylaw.*

2. DEVELOPMENT APPEALS BOARD

- 2.1 The municipality is hereby authorized to establish a Development Appeals Board.
- 2.2 All persons wishing to file an appeal to the Board shall complete and submit to the municipality an Appeal Form, alongside a development appeal fee in the amount set by the Board, payable to the municipality pursuant to Section 220(1)(ii) of the Act*.
- 2.3 The municipality shall provide honorariums to Members and the Secretary as follows:
 - a. Members of the Board:
 - i. \$150.00 per appeal hearing^^;
 - ii. \$25.00 per hour for the initial review of appeal submissions;^^^
 - iii. \$25.00 per hour for additional meetings after hearings, including, but not limited to, decisions, further discussion, and review;^
 - iv. \$25.00 per hour for Administrator-approved training, seminars, and workshops; and
 - v. \$0.59 per km for travel.
 - b. Secretary:
 - i. \$45.00 per hour;

- ii. \$25.00 per hour for Administrator-approved training, seminars, and workshops; and
 - iii. \$0.59 per km for travel.
- 2.4 The municipality may also reimburse other expenses as follows:
 - a. Breakfast – Up to \$15.00 per day;
 - b. Lunch – Up to \$20.00 per day; and
 - c. Dinner – Up to \$25.00 per day.
- 2.5 With Administrator approval, the Board may hear development appeals from other municipalities.
- 2.6 Pursuant to 2.5, any other municipality hiring the Board shall sign an agreement, attached to and forming part of this Bylaw as Appendix A.*

3. BOARD MEMBERS

- 3.1 Council shall appoint no fewer than three (3) members to the Development Appeals Board.
- 3.2 Pursuant to 3.1, Council is encouraged to appoint five (5) members to the Board.
- 3.3 Pursuant to 3.1, Council may appoint an unlimited number of members to the Board.
- 3.4 Members shall sit on the Board for a two (2)-year term, commencing January 1st or at the next Council meeting, as determined by Council.
- 3.5 Members shall attend all Administrator-approved training, seminars, and workshops.
- 3.6 Council may, by resolution, remove a member from the Board.
- 3.7 Members may resign at any time upon submittal of written notice to the Secretary.
- 3.8 Any Member who believes they may be in conflict of interest with an appeal shall recuse themselves from the Board while it hears that appeal.

4. BOARD SECRETARY

- 4.1 Council shall appoint a Secretary to the Development Appeals Board.
- 4.2 In addition to those duties prescribed in the Act, the Secretary shall:
 - a. Review appeal forms for completeness and request additional information if required;
 - b. Ensure the fee outlined in 2.2 has been paid to the municipality;
 - c. Identify and communicate deadlines with Members, appellants;*
 - d. Set date, time, and location for Board hearings and provide notice of this information at least ten (10) days before the hearing to Members, appellants, the owner of the property (if the owner and appellant are not the same person), and all adjacent properties within a 75-meter radius of the property;*
 - e. Submit a statutory declaration to the Board confirming mailing of the notices, and include a list of addresses and the mailing date;
 - f. Prepare hearing agendas;
 - g. Receive evidence including zoning maps, site plans, drawings, photos, applications, letters, development officer reports, and any other relevant material and make this information available to the Board and public at least five (5) days before the hearing;*
 - h. <amended by 2022-15*>
 - i. Hold Board hearings in Council chambers;
 - j. Maintain a record of attendance of Members, and record the names of speakers and list of exhibits;*
 - k. <amended by 2022-15*>
 - l. Review Board written decisions, including reasons;*

- m. Serve decision by registered mail within 10 days of the date on which the decision is made to Members, appellants, the Director of Community Planning, and all persons who made representations at the public hearing, including information regarding the ability to appeal to the Saskatchewan Municipal Board Planning Appeals Committee;*
- n. Submit records to the Saskatchewan Municipal Board, upon request;
- o. Store Board records in accordance with the municipality's records retention and disposal regulations;
- p. Coordinate the activities of the Board;*
- q. Attend all training sessions; and
- r. Reschedule Board hearings as needed.*

5. SEVERABILITY

- 5.1 If a court of competent jurisdiction should declare any part, section, sentence, clause, phrase, or other portion of this Bylaw to be invalid, that portion shall not be construed as having persuaded or influenced Council to pass the remainder of this Bylaw. The part, section, sentence, clause, phrase, or other portion of this Bylaw is to be deemed a separate, distinct, and independent provision, and the holding of the Court shall not affect the validity of the remaining portions of this Bylaw.

6. COMING INTO FORCE

- 6.1 This Bylaw shall come into force and take effect on the final passing thereof.

1st Reading: **November 23rd, 2021**

2nd Reading: **December 14th, 2021**

3rd Reading: **December 21st, 2021**

Reeve: **Mitch Huber**

SEAL

Administrator: **Karen Zaharia**

This document is a consolidated version of the bylaw and is provided for convenience and reference purposes only. It incorporates amendments made up to the date noted above. In the event of any discrepancy between this consolidated version and the original bylaw and amending bylaws, the original enacted versions shall prevail.

Appendix "A"

Development Appeals Board Agreement

This Agreement made this _____ day of _____, 20____,

BETWEEN:

The Rural Municipality of Edenwold No. 158

100 Hutchence Road

Emerald Park, SK S4L 1C6

(hereinafter referred to as the "Board Organizer")

OF THE FIRST PART

- AND -

(hereinafter referred to as the "Hiring Municipality")

OF THE SECOND PART

Whereas the Hiring Municipality seeks to appoint a Development Appeals Board made up of members selected by the Board Organizer pursuant to RM of Edenwold No. 158 Bylaw No. 2021-69.

AND Whereas pursuant to section 214(1) of the *Planning and Development Act, 2007* (the Act), a council shall appoint not less than three persons to constitute the development appeals board for the municipality.

NOW THEREFORE THIS AGREEMENT WITNESSED AS FOLLOWS:

1. The Hiring Municipality agrees to appoint to its Development Appeals Board those persons selected by the Board Organizer.
2. The Hiring Municipality agrees to appoint as secretary to its Development Appeals Board that person selected by the Board Organizer.
3. The Hiring Municipality agrees to collect a development appeal fee of three-hundred (\$300.00) dollars from appellants.
4. The Hiring Municipality agrees to provide honorariums to Members of the Development Appeals Board and Secretary, paid through the Board Organizer, in the following amounts:
 - a. Members of the Board:
 - i. \$160.00 per appeal hearing^^;
 - ii. \$35.00 per hour for the initial review of appeal submissions;^^ and
 - iii. \$35.00 per hour for additional meetings after hearings, including, but not limited to, decisions, further discussion, and review;^ and
 - iv. \$0.59 per km for travel.
 - b. Secretary:
 - i. \$55.00 per hour; and
 - ii. \$0.59 per km for travel.
5. The Board Organizer assumes no legal responsibility or liability for any decision made by the Development Appeals Board appointed pursuant to this agreement.

IN WITNESS WHEREOF the parties hereto have executed this agreement as of the day and year first written above.

SIGNED, SEALED AND DELIVERED

in the presence of

_____, Chief Administrative Officer
RM of Edenwold No. 158

SEAL

_____, Reeve
RM of Edenwold No. 158

_____, Administrator
[Hiring Municipality]

SEAL

_____, Reeve / Mayor
[Hiring Municipality]