

| City of Prince Albert Statement of POLICY & PROCEDURE | | | |
|---|--|----------------------|-------------------|
| Department: | Economic Development & Planning | Policy No. | 39.1 |
| Section: | Planning | Issued: | Oct. 5, 1998 |
| Subject: | Development Appeals Board | Policy Effective: | April 26, 2010 |
| Council Resolution # and Date: | Council Resolution No. 0279 of April 26, 2010 | Page: | 1 of 7 |
| | | Replaces: | 39 |
| Issued by: | Yves Richard, Planning Manager | Dated: | November 23, 2009 |
| Approved by: | Joan Corneil, Director of Econ. Dev. & Planning Department | Procedure Amendment: | |

1. **POLICY**

- 1.01 Pursuant to Section 214 of *The Planning and Development Act, 2007* (hereafter called The Act); a Development Appeals Board is appointed by City Council within 90 days after a zoning bylaw comes into effect.

2. **PURPOSE**

- 2.01 The Development Appeals Board (hereafter called the Board) is established by City Council to hear and determine appeals in accordance with the Zoning Bylaw and The Act.

3. **SCOPE**

- 3.01 This Statement of Policy and Procedure applies to the Development Appeals Board members, the Secretary of the Board and City Council.

4. **RESPONSIBILITY**

4.01 Council:

- Determine the term of office of each member of the Board.
- Determine the manner in which vacancies are to be filled; and the remuneration and expenses, if any, payable to each member.
- Appoint a secretary of the Board.

4.02 Chairperson:

- Serve as Chairperson at the hearings.
 - Attend hearings and vote on appeal decisions.
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- Provide leadership to the Board, ensure that the hearings are conducted in a timely and orderly fashion, and that irrelevant matter and statements are excluded.
- In collaboration with the Board members, dictate the decision of the appeal to the secretary.
- Ensure that legal council is provided to the Board if required regarding hearings, consideration of evidences and decision procedure.
- Ensure proper training is provided to the Board members and require training if necessary.
- Declare any personal or pecuniary interest as described in subsection 2(2) of The Act.
- Shall provide for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal as described in Section 223(3) of The Act.

4.03 Board Members:

- Attend hearings and vote on appeal decisions.
 - In collaboration with the other Board members and Chairperson, dictate the decision of the appeal to the secretary.
 - Act as the Chairperson when required.
 - Declare any personal or pecuniary interest as described in subsection 2(2) of The Act.
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- Shall provide for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal as described in Section 223(3) of The Act.

4.04 Secretary:

- Ensure that the Board elect a chairperson and an alternative chairperson.
- Collect appeal fees and process applications.
- Serve notice of hearing as required under Section 222(3) of The Act.
- Schedule hearings and provide all documents and materials respecting the appeal to the Board members.
- Write down the Notice of Decision as dictated by the Board.
- Sign and provide the Notice of Decision to the Chairperson for signature.
- Forward copy of the Notice of Decision as required under Section 225(5) of The Act and informing that:
 - (1) A decision of the Board does not take effect until the expiration of 30 days from the date on which the decision is made (Section 225(6));
 - (2) The minister, the council, the appellant or any other person may, within 20 days appeal a decision of the Development Appeals Board to the Saskatchewan Municipal Board (Section 226(1)).

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5. DEFINITIONS

- 5.01 The Board: means The City of Prince Albert Development Appeals Board.
- 5.02 The Act: means *The Planning and Development Act, 2007*.
- 5.03 The Zoning Bylaw: means The City of Prince Albert Zoning Bylaw No. 1 of 1987 as amended from time to time.

6. REFERENCES & RELATED STATEMENTS OF POLICY & PROCEDURE

- 6.01 City of Prince Albert Zoning Bylaw No. 1 of 1987, Sections 3.16 to 3.20, as amended from time to time.
- 6.02 *The Planning and Development Act, 2007*, Section 49, and Sections 213 to 227, as amended from time to time.
- 6.03 The City of Prince Albert Policy Plan, being Bylaw No. 2 of 1987, as amended from time to time.
- 6.04 Regulations respecting the subdivision or re-subdivision of land within the City of Prince Albert, Schedule "A" to Bylaw No. 37 of 1960, as amended from time to time.
- 6.05 Policy and Procedures Manual dated October 5, 1998.

7. PROCEDURE

- 7.01 The applicant makes an appeal in writing to the Development Appeals Board within thirty (30) days of receiving Council's (or the Economic Development and Planning Department's) decision.

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- The applicant must provide an application to the secretary of the Board including:
 - the reasons for the appeal along with the supporting facts for each reason;
 - the relief sought; and
 - payment of \$50 to the City of Prince Albert.

7.02 Setting the Appeal date:

Pursuant to Section 222 of The Act:

- The Development Appeals Board will set a hearing date within 30 days of receipt of the applicant's request for appeal.
- No later than ten (10) days before the hearing, the Development Appeals Board will provide a written notification, by registered mail, to:
 - the applicant;
 - the owner, if different from the applicant;
 - the Council; and
 - all area landowners within a 75 metre radius of the development in question.

7.03 Determining the Appeal:

The Development Appeals Board as required by Section 221 of The Act:

- is bound by the Official Community Plan in effect;
 - must ensure that its decision conforms to the uses of land, intensity of use, and density of development in the Zoning Bylaw;
 - must ensure its decisions are consistent with any provincial land use
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policies and statements of provincial interest; and

- may uphold, reject, or amend Council's and Economic Development and Planning Department decisions, provided:
 - it does not grant special privileges that are inconsistent with a specific zone;
 - it does not relax the standards to such an extent that it defeats the purpose of the Zoning Bylaw; or
 - it does not negatively affect the neighbouring properties.
- The Board will render its decision in writing signed by the chairperson, or in his absence, the acting chairperson and the secretary within 30 days after the hearing.
- The Board will forward a copy of its decision by registered mail to all parties involved within 10 days after the date on which the decision is made as required by Section 225(5) of The Act.
- The decision of the Board does not take into effect until 30 days after the decision is made, unless the applicant appeals to the Saskatchewan Municipal Board.

7.04 Appeal of Board's Decision to Saskatchewan Municipal Board:

Pursuant to Section 226 of The Act, the:

- applicant can appeal the Board's decision to the Saskatchewan Municipal Board within twenty (20) days after receiving the Board's written decision.
 - Board will submit all records of the case to the Saskatchewan Municipal Board within ten (10) days of receiving the notice.
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In determining the appeal, the Saskatchewan Municipal Board can:

- dismiss the appeal; or
- make any decision that the Development Appeals Board could have made.

8. REMUNERATION

8.01 Remuneration paid to members of the Development Appeals Board shall be as approved by a Resolution of City Council.