

BYLAW 20579 - SUBDIVISION AND DEVELOPMENT APPEAL BOARD BYLAW AMENDMENT NO. 1

RECOMMENDATION

That Bylaw 20579 be given the appropriate readings.

Purpose

Bylaw 20579 amends Bylaw 18307 - Subdivision and Development Appeal Board to:

- Extend the maximum term length for Subdivision and Development Appeal Board (SDAB) members from nine to 12 years;
- Change the residential zoning and low density residential development appeal fees from \$37 to \$100.
- Change the stop orders, subdivision, high density residential and commercial development appeals fees from \$72 to \$100.

Readings

Bylaw 20579 is ready for three readings.

If Council wishes to give three readings during a single meeting, then prior to moving third reading, Council must unanimously agree “That Bylaw 20579 be considered for third reading.”

REPORT

Subdivision and Development Appeal Board (SDAB)

The SDAB is a civic agency that requires City Council to appoint members to the board. As required under the *Municipal Government Act*, the SDAB hears appeals on stop orders, development permits and subdivision applications.

Bylaw 18307 establishes the SDAB, the terms and conditions of membership, fees for appeals, a Clerk of the SDAB and SDAB hearing procedures.

Bylaw 20579 amends Bylaw 18307 to change the maximum term length for SDAB members so that the term length is the same as Assessment Review Board members, which is 12 years.

Bylaw 25079 - Subdivision and Development Appeal Board Bylaw Amendment No. 1.

Bylaw 20579 also amends Bylaw 18307 to change the SDAB appeal fees from \$37 and \$72 to one standard \$100 fee so that the fee is comparable to other municipal jurisdictions.

Proposed Amendments in Bylaw 20579

Maximum Term Length for SDAB Members

- Bylaw 25079 amends Bylaw 18307 to extend a member's maximum number of consecutive years from nine to 12 years. This will provide a larger pool of experienced board members for hearings.
 - It is anticipated that up to fifty per cent of the current SDAB members will be leaving the board in the next two years. Extending the maximum length will ensure newer members are mentored and supported as they grow into their roles while maintaining the desired level of experience.
- In other municipalities, the maximum number of consecutive years ranges from six years to no maximum. For example:
 - City of Edmonton's Assessment Review Board members have a 12 consecutive year maximum.
 - City of Calgary's SDAB members have a 10 consecutive year maximum, and allow an extension of two years.
 - Land and Property Rights Tribunal (Government of Alberta appeal board) hears municipal subdivision and development appeals when there is a provincial impact. The maximum number of consecutive years for this board is 12 years.
 - See Attachment 4 for additional information.

Appeal Fees

- Bylaw 18307 sets the appeal fees for the SDAB. The current appeal fees have remained the same since 1995.
- The current appeal fees vary on the proposed development and the property zoning. The fees are as follows:
 - Residential zoning and low density residential development appeal fees are \$37.
 - Stop orders, subdivision, high density residential and commercial development appeals are \$72.
- Bylaw 20579 amends Bylaw 18307 to establish one standard fee for all types of appeals heard by the SDAB. Appeal fees would no longer be linked to specific zones or uses in the Edmonton Zoning Bylaw. Bylaw 20579 also amends Bylaw 18307 to increase the appeal fees to \$100.
 - Other municipalities in Alberta have appeal fees that range from \$0 to \$1,000 for development permit appeals and from \$0 to \$3,569 for subdivision appeals. See Attachment 3 for additional information.

Bylaw 25079 - Subdivision and Development Appeal Board Bylaw Amendment No. 1.

- The proposed appeal fee of \$100 is at the low end of fees charged in other municipalities and is comparatively low given the costs associated with holding a hearing. The increased fee is not expected to be a barrier to an Edmontonian's right to appeal.
- Given the stable volume of appeals year over year, the fee increase is expected to have a nominal revenue impact.

	2021	2022	2023 (to October)
Number of Appeals	211	194	191
Approximate Revenue	\$11,500	\$10,573	\$10,409

- The new Zoning Bylaw (Charter Bylaw 20001) is in effect as of January 1, 2024. As such, this presents an opportunity to simplify the fee structure into a single fee regardless of appeal type.

COMMUNITY INSIGHT

Public engagement was not undertaken for Bylaw 20579; however cross-jurisdictional research of other municipalities across the province was conducted.

Administration reviewed the SDAB bylaws of eight Cities, one Town, three Counties and one Regional Municipality. These communities are in the Edmonton Region or other large urban centres in Alberta.

These Bylaw amendments were discussed with the Chair of the SDAB.

ATTACHMENTS

1. Bylaw 20579
2. Bylaw 18307 Redline
3. Other Municipality Appeal Fees
4. Other Municipal SDAB Term Length and Maximum Length on Board

OTHERS REVIEWING THIS REPORT

- M. Plouffe, City Solicitor