

#### WHAT IS THE SUBDIVISION & DEVELOPMENT APPEAL BOARD?

- The Kneehill County SDAB is a quasi-judicial board established in accordance with the Municipal Government Act.
- It is independent from the Planning and Development Department and Municipal Planning Commission.
- The Board hears appeals with respect to decisions regarding:
  - \* development permits
  - \* subdivisions (only the applicant can appeal a subdivision decision)
  - \* enforcement orders
- The SDAB is comprised of citizens that bring a wide range of experience.
- They hear appeals regarding decisions made by the Development or Subdivision Authority.
- In Kneehill County these decisions would have been made by the Municipal Planning Commission.
- The SDAB deliberates the outcome of all appeals in private. At the conclusion of the hearing, the SDAB may render its decision immediately with a summary of the reasons and issue a written decision in due course  
OR
- Reserve its decision and issue a written decision within 15 days.

#### SHOULD I APPEAL?

As an affected landowner, you have the right to appeal a development. They can be a lot of work and there is no guarantee of the outcome. However, if circumstances warrant, you may want to appeal a Development Authority decision to the Subdivision and Development Appeal Board (SDAB).

Neighbors and community associations can appeal a discretionary use development permit approval. An applicant can appeal a refusal, conditions of approval or an enforcement order.

#### LANDOWNER/APPLICANT CAN APPEAL

##### **Subdivision Appeals:**

- ⇒ your subdivision or a condition of your subdivision approval
- ⇒ your subdivision refusal
- ⇒ your subdivision is deemed refused
  - \* *Deemed refusal of a subdivision application is when a decision is not made within the 60-day legislated timelines of receipt of a complete application.*
- ⇒ Note: Some government departments may also appeal subdivision decisions.

##### **Development Appeals:**

- ⇒ your permitted or discretionary development permit issued, with or without conditions;
- ⇒ refusal of your development permit
- ⇒ your development is deemed refused
  - \* *Deemed refusal of a development application is when a decision is not made within the 40-day legislated timelines of receipt of a complete application.*
- ⇒ enforcement order.

#### AFFECTED LANDOWNER CAN APPEAL

##### **Development Appeals:**

- ⇒ A discretionary development permit that is issued, with or without conditions.

Appeals must be received on or before the final date of the appeal period. The period is 21 days and cannot be extended. The fee to file an appeal is \$300.00.

## APPEAL PROCESS

1. **Decision is issued.**
2. **File an appeal** with the \$300 fee and within the appropriate filing period (21 days for developments and 14 days for subdivisions).
3. **A Hearing** is scheduled within 30 days.
4. **Notice of Hearing** provides the location, date, & time of hearing.
5. **Prepare** information and evidence to support the appeal.
6. **Evidence** to be included in the public package must be received by the date set by the Secretary to the Board.
7. **A copy** of any additional information presented at the hearing must be submitted to the Secretary at the hearing.
8. **Attend** your hearing.
9. **Those who filed an appeal are encouraged to make a verbal presentation. Those who have been notified of the appeal also have the right to present to the SDAB.**
10. **The Board will deliberate** and a written decision will be issued.

**The SDAB deliberates the outcome of all appeals in private. At the conclusion of the hearing, the SDAB may render its decision immediately with a summary of the reasons and issue a written decision in due course;**

**OR**

**Reserve its decision and issue a written decision in due course.**



## APPEAL OF SDAB'S DECISION

- An appeal of the decision of the SDAB can be made to the Alberta Court of Appeal if the SDAB made an error in the way it made a decision, rather than the decision itself, or on other matters of jurisdiction or law. If you are considering a court appeal, it is recommended you consult with legal counsel. If an appeal is being considered, it must be filed within 30 days of receipt of the SDAB decision.

## For more information:

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