

**BYLAW NO. 1005
OF THE MUNICIPAL DISTRICT OF STARLAND NO. 47
IN THE PROVINCE OF ALBERTA, CANADA.**

A Bylaw of the Municipal District of Starland No. 47 to provide for the establishment of the Subdivision Authority, and to delegate certain subdivision administrative functions to the Palliser Regional Municipal Services Agency.

WHEREAS Section 623 of the Municipal Government Act, 1994 as amended requires that a Municipal Council must by bylaw establish a Subdivision Authority;

AND WHEREAS Section 625 of the Municipal Government Act allows delegation of subdivision powers and duties on behalf of the municipality;

NOW THEREFORE, the Council of the Municipal District of Starland No. 47, duly assembled enacts as follows:

1. NAME:

1.1 This Bylaw shall be cited as the "Subdivision Authority Bylaw."

2. DEFINITIONS:

2.1 "Act" - means the Municipal Government Act, S.A. 1994, as amended.

2.2 "Council" - means the Reeve and Councillors of the Municipal District of Starland No. 47 for the time being elected pursuant to the provision of the Act, whose term is unexpired, who have not resigned and who continue to be eligible to hold office as such under the terms of the Act.

2.3 "Municipal Government Board" - means the Board established under Section 486 of the Act.

2.4 "Regional Services Commission" - means the Palliser Regional Municipal Services Agency.

2.5 "Subdivision and Development Appeal Board" - means the board established to hear development and subdivision appeals pursuant to Section 4 of the Subdivision and Appeal Board Bylaw No. 1004.

2.6 "Subdivision Authority" - means the persons established under Section 3 of the Subdivision Authority Bylaw to perform the functions of a Subdivision Authority under the Act.

2.7 "Municipal Planning Commission" - means the Municipal Planning Commission established under Bylaw No. 919 of the Municipal District of Starland No. 47.

2.8 "Regulations" - means the Regulations proclaimed pursuant to the Municipal Government Act, S.A. 1994, as amended, Part 17.

3. ESTABLISHMENT OF SUBDIVISION AUTHORITY:

3.1 The Subdivision Authority of the Municipal District of Starland No. 47 is hereby established.

- 3.2 In accordance with Section 623(2)(c) of the Municipal Government Act, the Subdivision Authority for the Municipal District of Starland No. 47 shall be the members of the Municipal Planning Commission.
- 3.3 Any vacancies caused by the death, retirement or resignation of a member may be filled by resolution of the Council.
- 3.4 Council may remove a member from the Subdivision Authority by resolution at any time.

4. TERM OF OFFICE:

- 4.1 Subject to Section 3.4, each member of the Subdivision Authority shall be appointed at the pleasure of the Council for a term of one year, and may be reappointed upon the expiry of the term at the pleasure of Council.

5. CHAIRPERSON:

- 5.1 At the first meeting of the Subdivision Authority, following the appointment of members each year, a Chairperson shall be elected by vote of the majority of the members.
- 5.2 A member may be re-elected to the position of Chairperson.
- 5.3 A Chairperson shall preside at the meetings of the Subdivision Authority.

6. VICE-CHAIRPERSON:

- 6.1 In the absence of the Chairperson, one of the other members of the Subdivision Authority shall be elected to preside.

7. SUBDIVISION AUTHORITY SECRETARY:

- 7.1 The position of designated officer for the limited purpose of carrying out the function of the Secretary to the Subdivision Authority is hereby established (the "Subdivision Authority Secretary").
- 7.2 The Subdivision Authority Secretary shall be appointed by resolution of the Council, and shall not be a member of the Subdivision Authority.
- 7.3 The Secretary of the Subdivision Authority shall have the following responsibilities and functions:
 - 7.3.1 Make and keep a record of the Subdivision Authority proceedings which may be in the form of a summary of the evidence presented or decisions made at any meeting or hearing held by the Authority. The record for the Subdivision Authority is herein authorized to be contained in the summary of minutes prepared for the Municipal Planning Commission.
 - 7.3.2 Compiles and provides an agenda and meeting packages to members of the Subdivision Authority, and makes them available to the public at a fee prescribed by Council.

8. QUORUM AND MEETINGS:

- 8.1 A quorum of the Subdivision Authority shall be two members of the committee.
- 8.2 The Subdivision Authority shall meet at such intervals as are necessary to consider and decide appeals filed with it in accordance with the Act.
- 8.3 The Subdivision Authority may make rules as are necessary for the conduct of its meetings, its hearings and its business that are consistent with this Bylaw, the Municipal District of Starland Land Use Bylaw, and the Act.

9. FEES AND EXPENSES:

- 9.1 The remunerations, travelling, living and expenses of the members of the Subdivision Authority Bylaw and the Subdivision Authority Bylaw Secretary, shall be established by Council resolution from time to time.
- 9.2 The fees associated with the holding of hearings, and meetings of the Subdivision Authority Bylaw may be set by resolution of Council.

10. RESPONSIBILITIES AND FUNCTIONS:

- 10.1 The Subdivision Authority shall exercise those functions and powers within the Municipal District of Starland No. 47 as are described in the Act and the Regulations.
- 10.2 The Subdivision Authority may delegate any of its responsibilities as provided for under the Act or the Regulations to another person by resolution of the Subdivision Authority.
- 10.3 The Subdivision Authority is not required to hold a hearing in considering an application for subdivision.
- 10.4 The Subdivision Authority must not approve an application for subdivision approval unless:
 - 10.4.1 the land that is proposed to be subdivided is, in the opinion of the Subdivision Authority, suitable for the purpose for which the subdivision is intended.
 - 10.4.2 the proposed subdivision confirms to the provisions of any statutory plan and, subject to subsection 10.4.5 any land use bylaw that affects the land proposed to be subdivided.
 - 10.4.3 the proposed subdivision complies with Part 17 of the Act, and any Regulations passed pursuant to the Act.
 - 10.4.4 all outstanding property taxes on the land proposed to be subdivided have been paid to the municipality where the land is located or arrangements satisfactory to the municipality have been made for their payment pursuant to Part 10 of the Act.

10.4.5 the Subdivision Authority may approve an application for subdivision approval even though the proposed subdivision does not comply with the land use bylaw of the Municipal District of Starland No. 47 if, in its opinion:

- (a) the proposed subdivision would not:
 - (i) unduly interfere with the amenities of the neighbourhood, or
 - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

and

- (b) the proposed subdivision conforms with the use prescribed for that land in the land use bylaw of the Municipal District of Starland No. 47.

10.4.6 The Subdivision Authority may approve or refuse an application for subdivision approval.

10.5 A decision of the Subdivision Authority must be given in writing to the applicant and to the Government departments, persons and local authorities to which the Subdivision Authority is required by the Regulations to give a copy of the application.

10.5.1 The decision of the Subdivision Authority must state:

- (a) whether an appeal lies to the Subdivision and Development Appeal Board or to the Municipal Government Board, and
- (b) if an application for subdivision approval is refused, the reasons for the refusal.

10.6 The power to extend the periods pursuant to Section 657(6) of the Act is delegated by the Council to the Subdivision Authority. The Subdivision Authority may further delegate this power to any other official deemed appropriate by the Subdivision Authority.

11. ESTABLISHMENT OF SUBDIVISION APPROVAL:

11.1 In accordance with Section 625 of the Act, the Council herein delegates to the Regional Services Commission the following powers, duties and functions:

11.1.1 Receipt of the application for Subdivision Approval, including the receipt of any monies required to initiate the application process;

11.1.2 Processing the application for Subdivision Approval including but not limited to:

- (a) sending a copy of the application for Subdivision Approval to the Government departments, persons and local authorities required by the subdivision and development regulations;

- (b) sending a notice of the application to owners of adjacent land (for the purposes of this section, "adjacent land" and "owner" have the same meanings as in Section 692(7) of the Act);
- (c) the notice required in Sections (a) and (b) above must describe the nature of the application, the method of obtaining further information about the application and the manner in which and time within which written submissions may be made to the Regional Services Commission;
- (d) sending out the decision of the Subdivision Authority to the applicant and to the Government departments, persons and local authorities to which the subdivision authority is required by the subdivision and development regulations to give a copy of the application;
- (e) the decision referred to in Section (d) above must state:
 - i) whether an appeal lies to a subdivision and development appeal board or to the Municipal Government Board, and
 - ii) if an application for subdivision approval is refused, the reasons for the refusal;
- (f) receipt and endorsement, including the receipt of any fees required for endorsement of the plan of subdivision or other instrument that effects the subdivision within the dates outlined in Section 657(1) of the Act;
- (g) making and keeping a record of all applications for subdivision approval received, and the decisions made thereon by the Subdivision Approval Authority;
- (h) signing orders, decisions, approvals, notices and other any other items given by the Subdivision Authority Bylaw on its behalf.

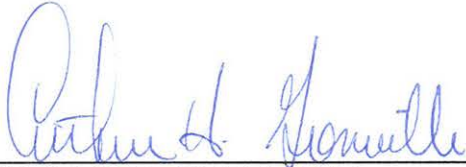
12. EFFECTIVE DATE:

12.1 This Bylaw shall come into effect on December 01, 1995.

First reading on motion of Deputy Reeve Thompson, this 28th day of November, 1995.

Second reading on motion of Councillor Wilson, this 28th day of November, 1995.

Third and final reading on motion of Councillor McLeod, done and passed in Council of the Municipal District of Starland No. 47, duly assembled, this 28th day of November, A.D., 1995.



ARTHUR H. GRENVILLE
REEVE



ROSS D. RAWLUSYK
MUNICIPAL ADMINISTRATOR