

**BYLAW NO. 1174
OF STARLAND COUNTY
IN THE PROVINCE OF ALBERTA, CANADA**

A Bylaw of Starland County, in the Province of Alberta, repealing and replacing Bylaw No. 1004 in its entirety and to authorize the County to establish a Subdivision and Development Appeal Board.

WHEREAS Section 627 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 as amended (“the Act”) requires that the Council establish a Subdivision and Development Appeal Board by Bylaw;

NOW THEREFORE, THE Council of Starland County, duly assembled, enacts as follows:

1. NAME:

- 1.1 This Bylaw may be cited as the “Subdivision and Development Appeal Board Bylaw”.

2. DEFINITIONS:

- 2.1 “**ACT**” means the Municipal Government Act, R.S.A. 2000, Chapter M-26 as amended.
- 2.2 “**APPEAL**” means the filing of a notice of appeal in accordance with the Act.
- 2.3 “**APPELLANT**” means a person who, pursuant to the Act, has served a notice of appeal on the Subdivision and Development Appeal Board.
- 2.4 “**BOARD**” means the Subdivision and Development Appeal Board established under this Bylaw to hear subdivision and development appeals, pursuant to Part 17 of the Act.
- 2.5 “**COUNCIL**” means the Reeve and Councillor’s of Starland County duly assembled and acting as such.
- 2.6 “**COUNTY**” means Starland County.
- 2.7 “**DEVELOPMENT PERMIT**” means a document authorizing a development issued in accordance with the Land Use Bylaw of Starland County.
- 2.8 “**LAND USE BYLAW**” means the Bylaw adopted as a land use bylaw pursuant to the Act.
- 2.9 “**SUBDIVISION OR DEVELOPMENT APPLICATION**” means an application made to the Subdivision or Development Authority in accordance with the Land Use Bylaw for the purpose of obtaining a decision.
- 2.10 “**SUBDIVISION AND DEVELOPMENT AUTHORITY**” means the persons or body established under the Subdivision and Development Authority Bylaw to perform the functions of a subdivision and development authority under the Act.
- 2.11 “**SUBDIVISION AND DEVELOPMENT APPEAL BOARD**” means the board established to hear subdivision and development appeals, pursuant to Section 4 of this Bylaw.
- 2.12 “**SUBDIVISION AND DEVELOPMENT APPEAL BOARD SECRETARY**” means the person appointed to the position established under Section 8 herein.

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3. ESTABLISHMENT:

3.1 The Subdivision and Development Appeal Board of Starland County is hereby established.

4. MEMBERSHIP:

4.1 The Subdivision and Development Appeal Board shall consist of six members appointed by resolution of the Council. Three members shall be appointed from the Council of Starland County and three members shall be appointed from the public-at-large. In accordance with the Municipal Government Act only one Councillor may sit on the Subdivision and Development Appeal Board at any one time or hearing. The Chairperson shall be elected at the first hearing of the Board by a vote of the majority of the members.

4.2 The Council may choose to appoint a total of more than three members from the public-at-large, to act as a pool of membership for the Subdivision and Development Appeal Board.

4.3 No person who is an employee of Starland County, or a Development Officer, or who is a member of the Development Authority or Subdivision Authority, or who is a member of the Municipal Planning Commission shall be appointed to the Subdivision and Development Appeal Board.

4.4 Any vacancies caused by the death, retirement or resignation of a member may be filled by resolution of the Council.

4.5 Council may remove a member from the Subdivision and Development Appeal Board by resolution at any time.

4.6 All members appointed to the Subdivision and Development Appeal Board shall participate in and complete the mandatory training required for all Subdivision and Development Appeal Board members.

5. TERM OF OFFICE:

5.1 Subject to Sections 4.5 and 5.2 of this bylaw, each member of the Subdivision and Development Appeal Board shall be appointed at the discretion of the Council for a term of one year and may be reappointed upon the expiry of the term at the discretion of the Council.

5.2 Where a member of Council is appointed as a member of the Subdivision and Development Appeal Board, his/her appointment shall terminate upon his/her ceasing to be a member of Council.

6. CHAIRPERSON:

6.1 The Chairperson of the Subdivision and Development Appeal Board shall be elected at the first hearing of the Board by vote of the majority of the members sitting on the hearing.

6.2 A Chairperson shall preside at the meetings of the Subdivision and Development Appeal Board.

7. VICE-CHAIRPERSON:

7.1 A Vice-Chairperson shall be elected by the members of the Subdivision and Development Appeal Board, only if the appointed Chairperson is unable to attend any hearing of the Board.

7.2 A Vice-Chairperson elected in accordance with clause 7.1 shall have all the powers, duties and functions of the Chairperson as outlined in this bylaw.

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8. SECRETARY OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD:

- 8.1 The Secretary of the Board shall be the Chief Administrative Officer or his/her designate of the County. This position for the limited purpose of carrying out the function of the Secretary to the Subdivision and Development Appeal Board is hereby established (“Subdivision and Development Appeal Board Secretary”).
- 8.2 The Secretary must complete the mandatory training required for Subdivision and Development Appeal Board Secretary training.
- 8.3 The Subdivision and Development Appeal Board Secretary shall have responsibilities and functions including the following:
 - 8.31 Refer appeals to the appropriate jurisdiction; either the Subdivision and Development Appeal Board or the Municipal Government Board, as per Section 678(2) of the Act. All appeals filed with the Secretary of the Subdivision and Development Appeal Board shall be accompanied by the fee as specified in the Starland County Municipal Services Fees Bylaw.
 - 8.32 Schedule a public hearing for appeal(s) to be heard before the Subdivision and Development Appeal Board.
 - 8.33 Ensure statutory notices and decisions of the Subdivision and Development Appeal Board are provided to such persons as the Act requires.
 - 8.34 Compiles and provides agenda and meeting packages to members and ensures that the necessary information is available to the public.
 - 8.35 Ensure a record is kept of the Subdivision and Development Appeal Board proceedings, including a summary of the evidence presented at a hearing and written decisions of the Board are issued as required by the Act.
 - 8.36 Signs orders, decisions, approvals, notices and other items given by the Subdivision and Development Appeal Board on its behalf.

9. QUORUM AND MEETINGS:

- 9.1 A quorum of the Subdivision and Development Appeal Board shall be three (3) members. In accordance with the Municipal Government Act only one Councillor may sit on the Subdivision and Development Appeal Board at any one time or hearing. Therefore a quorum may consist of three (3) members from the public-at-large or two (2) members from the public-at-large and one (1) Council member.
- 9.2 The Subdivision and Development Appeal Board may meet in a committee of not less than three members.
- 9.3 When the Subdivision and Development Appeal Board meets in Committee, the Committee has any and all the powers, duties and responsibilities of the Subdivision and Development Appeal Board.
- 9.4 The Subdivision and Development Appeal Board shall meet at such intervals as are necessary to consider and decide appeals filed with it in accordance with the Act.
- 9.5 The Subdivision and Development Appeal Board shall have prepared and maintain a file of written Minutes of the business transacted at all

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meetings and hearings of the Subdivision and Development Appeal Board, copies of which shall be regularly filed with the Council.

9.6 A member of the Subdivision and Development Appeal Board who is for any reason, unable to attend the whole or a part of any hearing of an appeal, shall not participate in the deliberations or decision of the Subdivision and Development Appeal Board upon that appeal.

9.7 The Subdivision and Development Appeal Board may make rules as are necessary for the conduct of its meetings, its hearings and its business that are consistent with this Bylaw, Starland County Land Use Bylaw and the Act.

10. FEES AND EXPENSES:

10.1 The remuneration, travelling, living and other expenses of the members of the Subdivision and Development Appeal Board and the Subdivision and Development Appeal Board Secretary, shall be as established by Council and specified in the Starland County Municipal Services Fees Bylaw.

10.2 The fees associated with the holding of hearings and meetings of the Subdivision and Development Appeal Board will be established by Council and outlined in the Starland County Municipal Services Fees Bylaw.

11. DEVELOPMENT APPEALS:

11.1 Subject to Sections 641(4) and 685(3) of the Act, the Subdivision and Development Appeal Board shall hear appeals where the Development Authority for Starland County:

11.1.1 refuses or fails to issue a development permit to a person;

11.1.2 issues a development permit subject to conditions; or

11.1.3 issues an order under Section 645 of the Act;

And appeals within the time limitations and in the manner indicated in the Act.

11.2 Subject to Sections 641(4) and 685(3) of the Act, the Subdivision and Development Appeal Board shall hear appeals from any person affected by an order, decision or development permit issued by the Development Authority, who appeals within the time limitations and in the manner indicated in the Act.

11.3 The Subdivision and Development Appeal Board shall hold an appeal hearing respecting any Development Appeal within 30 days or receipt of the notice of appeal.

11.4 The Subdivision and Development Appeal Board shall give at least 5 days notice in writing of the appeal hearing to:

11.4.1 the Appellant;

11.4.2 the Development Authority of Starland County;

11.4.3 the owners required to be notified under the Land Use Bylaw of Starland County; and

11.4.4 any other person that the Subdivision and Development Appeal Board considers to be affected by the appeal and should be notified.

11.5 In determining an appeal, the Subdivision and Development Appeal Board:

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- 11.5.1 shall comply with the Land Use Policies established pursuant to Section 622 of the Act;
- 11.5.2 shall comply with any statutory plan and subject to clause five (5) hereof, the Land Use Bylaw of Starland County;
- 11.5.3 shall have regard to but not be bound to the Subdivision and Development Regulations established pursuant to Section 694 of the Act;
- 11.5.4 may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order decision or permit of its own;
- 11.5.5 may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the Land Use Bylaw if, in its opinion:
 - (i) the proposed development would not:
 - (a) unduly interfere with the amenities of the neighbourhood,
 - (b) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land, and;
 - (ii) the proposed development conforms with the use prescribed for that land or building in the Land Use Bylaw.

11.6 The Subdivision and Development Appeal Board shall give its decision in writing together with reasons for the decision within 15 days of the conclusion of the public hearing.

12. SUBDIVISION APPEALS:

- 12.1 Subject to Section 678 of the Act, the Subdivision and Development Appeal Board shall hear appeals of decisions of the Subdivision Authority for Starland County provided an appeal is received within the time limitations and in the manner indicated in the Act.
- 12.2 The Subdivision and Development Appeal Board shall hold an appeal hearing respecting any appeal within 30 days of receipt of the notice of an appeal.
- 12.3 The Subdivision and Development Appeal Board shall give at least 5 days notice in writing of the appeal hearing to:
 - 12.3.1 applicant for subdivision approval;
 - 12.3.2 the Subdivision Authority of Starland County;
 - 12.3.3 any school authority to whom the application for subdivision approval was referred;
 - 12.3.4 all adjacent landowners who were given notice of the application for subdivision approval pursuant to Section 653(4) of the Act;

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- 12.3.5 every Government department that was given a copy of the application pursuant to the subdivision and development regulations;
 - 12.3.6 the Director of the Palliser Regional Municipal Services Agency; and
 - 12.3.7 if the land that is the subject of the application for subdivision approval is adjacent to the boundaries of another municipality, that municipality.
- 12.4 In determining an appeal, the Subdivision and Development Appeal Board:
- 12.4.1 shall be consistent with the Land Use Policies established pursuant to Section 622 of the Act;
 - 12.4.2 shall have regard to any statutory plan which is in effect;
 - 12.4.3 shall conform with the uses of land referred to in the Land Use Bylaw;
 - 12.4.4 shall have regard to but not be bound to the Subdivision and Development Regulations established pursuant to Section 694 of the Act;
 - 12.4.5 may confirm, revoke or vary the approval or decision of any condition(s) imposed by the Subdivision Authority or make or substitute a decision or any condition(s) of its own;
 - 12.4.6 may exercise the same power as the Subdivision Authority is permitted to exercise pursuant to the Act or any Regulations or Bylaws adopted pursuant to the Act;
 - 12.4.7 The Subdivision and Development Appeal Board shall give its decision in writing together with reasons within 15 days of the conclusion of the public hearing.

13. EFFECTIVE DATE:

- 13.1 This Bylaw shall come into effect on May 26th, 2021.

14. REPEAL OF PREVIOUS BYLAWS:

- 14.1 Bylaw No. 1004 of the Municipal District of Starland No. 47, being a bylaw to establish the Subdivision and Development Appeal Board is repealed herein in its entirety.

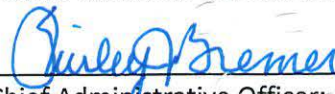
First reading on motion of Councillor Watts, this 26th day of May, 2021.

Second reading on motion of Councillor Rew, this 26th day of May, 2021.

Third and Final reading on motion of Reeve Wannstrom, done and passed in a Council Meeting of Starland County, duly assembled, this 26th day of May, A.D., 2021.



Reeve: Steven J. Wannstrom



Chief Administrative Officer:

Shirley J. Bremer