

TOWN OF HIGH RIVER

BYLAW 3829/95

Being a Bylaw of the Town of High River to establish a Subdivision and Development Authority.

WHEREAS

the Municipal Government Act, Chapter M-26.1, 1994 as amended, requires that a Council of a municipality must establish a Subdivision and Development Authority to perform such functions relating to the subdivision and development of land as Council may delegate;

WHEREAS

the Corporation of the Town of High River must pass a by-law to establish a Subdivision and Development Authority;

NOW THEREFORE

the Council of the Corporation of the Town of High River in the Province of Alberta enacts as follows:

1. This Bylaw may be cited as the Town of High River Subdivision and Development Authority Bylaw.

2. In this Bylaw:

(a) "Act" means the Municipal Government Act, Chapter M-26.1, 1994, as amended.

(b) "Town Manager" means the person authorized to exercise duties and responsibilities on behalf of the Municipality in the administration of the affairs of Council.

(c) "Council" means the Council of the Town of High River.

(d) "Development Officer" means that person, agency or authority authorized as the authority on behalf of the Municipality in the issuance of permits for development in accordance with the statutory plans and bylaws of the Town of High River.

(e) "Municipality" means:

(i) the Corporation of the Town of High River;

(ii) where the context requires, means the area of land contained within the boundaries of the Municipality's corporate limits.

(f) "Subdivision Officer" means the person or firm designated and authorized to act on behalf of the Municipality in those matters delegated to that person or firm in the performance of processing applications for subdivision approval.

(g) "Subdivision and Development Authority" means the authority authorized to exercise power and duties on behalf of the Municipality in the approval or refusal of applications for subdivision and development.

(h) "Subdivision and Development Appeal Board" means the authority authorized to hear appeals on decisions of the Subdivision and Development Authority or Development Officer on applications for subdivision and development.

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ESTABLISHMENT OF THE SUBDIVISION AND DEVELOPMENT AUTHORITY

3. That an authority known as the Town of High River Municipal Planning Commission (*hereinafter called the Commission*) is hereby established and shall consist of the following:

(a) The Commission shall be composed of not less than three (3) members who shall be appointed by resolution of Council upon the adoption of this Bylaw.

(b) No person who is a Subdivision or Development Officer, or a Member of the Subdivision and Development Appeal Board shall be appointed to the Commission.

(c) Each member of the Commission shall be appointed for a term of one (1) year, but in no case shall the appointment be for more than three (3) years.

(d) Notwithstanding clause (c), a person may be re-appointed upon the expiry of his term.

(e) Vacancies shall be filled by resolution of Council.

(f) Vacancies shall be considered to have occurred upon:

- (i) a member ceasing to reside in the Municipality;
- (ii) death of a member;
- (iii) resignation of a member or upon ceasing to hold office as a Councillor;
- (iv) retirement of a member;
- (v) being absent for three (3) consecutive meetings;
- (vi) for cause.

(g) The members of the Commission shall elect from its membership a Chairman and a Vice-Chairman.

(h) Elections of the Chairman and Vice-Chairman shall occur at the first meeting of the Commission after the adoption of this Bylaw, and the first meeting following the annual organizational meeting of Council.

(i) In the event of absence or inability of the Chairman to preside at a meeting, the Vice-Chairman shall preside.

(j) In the event of absence or inability of both the Chairman and Vice-Chairman to preside at a meeting, the members present, in constituting a quorum shall elect one of its members to preside as Chairman for that meeting.

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- (k) Three (3) members of the Commission present shall constitute a quorum.
- (l) Only those members present at any meeting of the Commission may vote on any matter before it.
- (m) The Subdivision Officer, Development Officer, and the Town Manager shall be advisors to the Commission and shall be invited to attend at all meetings but shall not have a vote.
- (n) When the Commission deems it desirable it may request a person or persons to attend its meetings in an advisory capacity but such person or persons shall not be members of the Commission and shall not have a vote.
- (o) Meetings of the Commission shall be at the call of the Chairman.
- (p) The setting of fees for the matter coming before the Commission shall be established by resolution of Council as it considers necessary.

DUTIES AND RESPONSIBILITIES

4. The Commission:

- (a) shall receive, consider and decide on applications for subdivision or development within the limits of the Act, Subdivision and Development Regulation, Municipal Development Plan, Land Use Bylaw, and other statutory documents and regulations;
- (b) may decide on all applications properly submitted to it and, in making its decision, may refuse the application or approve it with or without conditions.
- (c) may impose a condition of approval that an applicant enter into an agreement with the Council in accordance with Sections 650, 651, or 655 of the Act;
- (d) shall impose such conditions of approval as may be necessary to ensure compliance with the Act, the Subdivision and Development Regulation, Municipal Development Plan, Land Use Bylaw, or land use regulations affecting the land proposed to be subdivided or developed;
- (e) is authorized on applications for subdivision, to decide on land to be provided for roads, public utilities, and environmental reserves in accordance with the Act;
- (f) must determine on applications for subdivision, the location and allocation of municipal and school reserves in accordance with the Act.
- (g) may request the applicable Government department to grant a waiver of any Subdivision and Development Regulation prior to making a decision on a proposed subdivision or development;

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(h) on request of Council, shall comment on subdivision or development, or redesignation applications, referred to the municipality by other authorities;

(i) on request of Council, shall assist with regard to the planning of the orderly and economical development within the Municipality;

(j) on request of Council, shall make recommendations on amendments to the Municipality's statutory plans.

5. The Development Officer or Subdivision Officer shall:

(a) notify all applicants, members and advisors of the Commission of the arrangements for the holding of each regular and special meetings of the Commission.

(b) notify such persons as the Commission may designate of the decisions of the Commission and the reasons therefore;

(c) keep and maintain on file for inspection by the public during office hours the following official records:

(i) a register of all applications for subdivision including the decisions thereon and the reasons therefore;

(ii) records of all decisions and the reasons therefore, written minutes of all meetings and business transacted by the Commission;

(d) carry out such other administrative duties as the Commission may specify.


6. All applications for subdivision and other matters and proceedings pending before the Calgary Regional Planning Commission may be taken up, continued under, and completed by the Commission established by this Bylaw.

7. Bylaw No. 3548/85 as amended, being the Municipal Planning Commission Bylaw is repealed.

8. This Bylaw comes into full force and effect upon Third and Final Reading.

READ A FIRST, SECOND AND BY UNANIMOUS CONSENT OF ALL COUNCIL PRESENT, THIRD AND FINAL READING THIS 11th DAY OF DECEMBER, 1995 A.D.


MAYOR


TOWN MANAGER