

**BY-LAW NO. 35-99
PARKLAND COUNTY**

**BEING A BY-LAW OF PARKLAND COUNTY FOR THE PURPOSES OF
ESTABLISHING A SUBDIVISION AUTHORITY, AND SETTING FORTH THE
DUTIES AND RESPONSIBILITIES THEREOF**

WHEREAS Section 623 of the Municipal Government Amendment Act, 1995 provides that a council, must by by-law, establish a Subdivision Authority; and

WHEREAS the Council of Parkland County wishes to amend the Subdivision Authority By-Law on the terms and conditions hereinafter set forth;

NOW THEREFORE the Council of Parkland County duly assembled, enacts as follows:

1. Definitions

In this By-Law:

- a.) "Act means the Municipal Government Act, Chapter M-26.1, 1994 and Bill 32, Municipal Government Amendment Act, 1995;
- b.) "Applicant" means any person who has applied for a subdivision approval;
- c.) "Authority" means the Subdivision Authority of Parkland County established pursuant to this By-Law;
- d.) "Council" means the Council of Parkland County;
- e.) "County" means Parkland County;
- f.) "Director of Public Services" means that person employed in the capacity of Director of Public Services within the Administrative staff complement of Parkland County;
- g.) "Members" means the members of the Subdivision Authority duly appointed pursuant to this By-law;
- h.) "Planning Officer" means the person employed by the County in the capacity of Planning Officer within the Administrative staff complement of Parkland County;
- i.) All other terms used in this By-law shall have the meaning assigned to them by the Act to the extent that the said meaning differs from the ordinary meaning of such terms.

2. Subdivision Authority

- a). The Subdivision Authority shall consist of three (3) County Councillors, the Director of Public Services and two residents at large who shall be appointed by resolution of Council.
- b). The Director of Public Services shall have only those duties and responsibilities specified under Section 5 of this By-law.

3. Board Membership and Terms of Office

- a). All members of the Authority shall hold office at the pleasure of Council.
- b). The members of County Council shall be appointed at the annual organizational meeting.
- c). The residents at large shall be appointed for a period of three years. Readjustment of a period of appointment may be made as required by resolution of Council. The term of memberships shall commence in January following appointment and shall terminate in December of the third year.
- d). The residents at large may be appointed for a maximum of two consecutive full terms.

- e). In the event of a vacancy occurring, the person appointed to fill such vacancy shall hold office for the remainder of the term concerned in the vacancy which has arisen.
 - f). All residents at large shall take the Oath of Acknowledgement of Terms of Appointment as required by County policy.
 - g). All members shall remain in office until their respective successors are appointed.
 - h). Council shall be at liberty to remove and replace any member of the Authority at any time prior to the expiry date of the member's term of office, and any member of the Authority may resign therefrom at any time upon sending a written notice to Council.
 - i). Any member of the Authority who is absent from three consecutive meetings of the Authority shall (unless such absence is caused through illness or if he/she is authorized by resolution of the Authority entered upon its minutes) forfeit his/her place for the remainder of that term of office.
 - j). Any member of the Authority who is chosen from the public at large shall, upon ceasing to be a resident of Parkland County, cease also to be a member of the Authority.
4. **Functions and Duties of the Authority** (excepting Director of Public Services)
- a). The Subdivision Authority shall exercise subdivision powers and duties on behalf of Parkland County, in accordance with Part 17 of the Act.
5. **Functions and Duties of Director of Public Services**
- a). The Director of Public Services shall act as a Subdivision Authority for simple and straight forward subdivision application approvals and, mandatory subdivision application refusals only as prescribed and defined by County policies/by-law, in respect of lands within the boundaries of Parkland County.
 - b). The Director of Public Services may act as a Subdivision Authority for any subdivision that has received approval in principal at a Subdivision Authority meeting as set out in Section 5 (a) if cash-in-lieu of reserve is the only remaining issue with respect to a subdivision application.
 - c). The Director of Public Services shall be able to act as a Subdivision Authority independent of other Authority members and without the requirement of calling a meeting.
6. **Chairman and Vice-Chairman**
- a). The Chairman and Vice-Chairman shall be appointed by the Authority.
 - b). In the absence of both the Chairman and Vice-Chairman, those members in attendance at a meeting may appoint an Acting Chairman from amongst those in attendance.
7. **Secretary**
- a). The Secretary of the Authority shall consist of that person employed by Parkland County in the capacity of Planning Clerk.
 - b). The Secretary shall cause to be kept minutes of each meeting of the Authority and shall prepare an agenda for each meeting of the Authority.
8. **Meetings and Business**
- a). Three (3) members shall constitute a quorum at any meeting of the Authority.
 - b). The meetings of the Authority shall be held at the times and places determined by the Authority.
 - c). Any Special Meeting of the Authority may be called by the Chairman or Vice-Chairman at a place and time appointed by the Chairman or Vice-Chairman.
 - d). Decisions of the Authority shall be made by way of motions carried by a simple majority vote of the Authority members present at the meeting. In the event of a tie vote, the motion shall be lost and a decision on the matter tabled until the next meeting of the Authority.

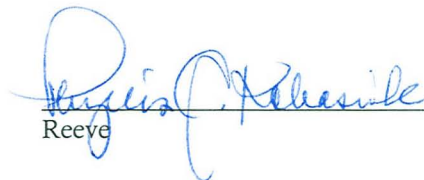
- e). Written decisions of the Authority shall be sent under the signature of the Planning Officer of Parkland County on behalf of the Subdivision Authority.
 - f). The Authority shall be bound in its decisions by the requirements of the Act, the Subdivision and Development Regulations, applicable statutory plans and land use regulations, and the adopted policies of the County of Parkland County.
 - g). The Authority shall not be required to hear any submissions with respect to an application for a subdivision approval unless the applicant requests an appearance before the Authority prior to the Authority having made its decision. In that case, the applicant shall be allowed to make a submission on the application and speak to the matter. Adjacent landowners who wish to appear before the Authority to speak in regards to a proposed subdivision application may only do so at the discretion of the Authority.
9. **Remuneration and Travelling Expenses**
- a). Members of the Authority, except the Director of Public Services, shall be paid such honoraria and expenses for attending meetings as Council by policy may authorize.
10. **Fees**
- a). The fee to be charged for any matter coming before the Authority shall be as determined from time to time by resolution of Council.

BY-LAW NO. 30-99 IS HEREBY RESCINDED

READ A FIRST TIME this 12TH day of October, 1999.

READ A SECOND TIME this 12th day of October, 1999.

READ A THIRD TIME by unanimous consent of the Councillors present and finally passed this 12th day of October, 1999.



Reeve



Manager, Administration Services