



**TOWN OF CARDSTON  
IN THE PROVINCE OF ALBERTA**

**BYLAW 1478**

**MUNICIPAL SUBDIVISION AND DEVELOPMENT  
AUTHORITY**

**(Consolidated with amendments 2022-04-26)**

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# **TOWN OF CARDSTON IN THE PROVINCE OF ALBERTA**

## **BYLAW 1478**

### **MUNICIPAL SUBDIVISION AND DEVELOPMENT AUTHORITY**

A BY-LAW OF THE TOWN OF CARDSTON, IN THE PROVINCE OF ALBERTA, TO ESTABLISH A MUNICIPAL SUBDIVISION AND DEVELOPMENT AUTHORITY

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**AND WHEREAS**, the Municipal Government Act, Chapter M-2&.1, 1994 as amended from time to time requires the municipality to adopt a by-law to establish a Municipal Subdivision and Development Authority by December 1, 1995;

**AND WHEREAS**, the Subdivision and Development Authority is authorized to make decisions on applications for development approval in accordance with the administrative procedures, land uses and schedules established in the municipal land use bylaw;

**AND WHEREAS**, this bylaw may be cited as the Town of Cardston Subdivision and Development Authority Bylaw;

**NOW THEREFORE**, the Council of the Town of Cardston in the Province of Alberta duly assembled, enacts as follows:

#### **1) DEFINITIONS:**

- (a)** Act means the Municipal Government Act, Chapter M-2&.1, 1994 as amended from time to time.
- (b)** Municipality means the Town of Cardston in the Province of Alberta.
- (c)** Council means the Municipal Council of the Town of Cardston.
- (d)** Subdivision and Development Authority means the person or persons appointed, by bylaw, to exercise only such powers and perform duties as are specified.
  - i.** in the Act; or
  - ii.** in the Town of Cardston Land Use Bylaw; or
  - iii.** in this bylaw; or
  - iv.** by resolution of council
- (e)** Municipal Planning Commission means the Municipal Planning Commission of the Town of Cardston as established by bylaw.
- (f)** Designated officer means a person or persons authorized to act as the designated officer for the municipality as established by bylaw.
- (g)** Members means the members of the Subdivision and Development Authority.

- (h)** Secretary means the person or persons appointed by council to act as secretary of the Subdivision and Development Authority.
  - (i)** Authorized persons means a person or organization authorized by the council to which the municipality may delegate any of its Subdivision and Development Authority powers, duties or functions.
  - (j)** All other terms used in this bylaw shall have the meaning as is assigned to them in the Municipal Government Act, as amended from time to time.
- 2)** For the purpose of this bylaw, the Subdivision and Development Authority for the municipality shall be the Municipal Planning Commission, except in such instances whereby the designated officer may be the Development Authority in accordance with the land use by-law. The functions and duties of the municipal planning commission shall be prescribed in the Land Use Bylaw No. 1647.
- (Amended by Bylaw #1478A)*
- 3)** The Subdivision and Development Authority shall be composed of not more than five persons who are adult residents of the Town of Cardston of which two are elected councillors.
- 4)** Appointments to the Subdivision and Development Authority shall be made by resolution of council.
- 5)** For the purpose of this bylaw, appointments to the Subdivision and Development Authority shall, in the first year, be made on a staggered basis whereby two members are appointed for a three-year term, two members are appointed for a two-year term and one member is appointed for a one-year term. After the first year, all appointments will be for three-year terms.
- 6)** When a person ceases to be a member of the Subdivision and Development Authority before the expiration of his term, council shall appoint another person for the unexpired portion of that term within 60 days of receiving notice of the vacancy.
- 7)** The members of the Subdivision and Development Authority shall elect one of themselves as chairman, and one of themselves as vice chairman to hold office for a term of one year from the date of election.
- 8)** Each member of the Subdivision and Development Authority shall be entitled to such remuneration, travelling and living expenses as may be fixed from time to time by council; and the remuneration, travelling, and living expenses shall be paid by the Town of Cardston.
- 9)** The council may, by resolution, appoint a secretary who shall be an employee of the municipality and shall attend all meetings of the Subdivision and Development Authority, but shall not vote on any matter before the Subdivision and Development Authority.
- 10)** The Subdivision and Development Authority shall hold regular meetings at least 12 times per year on a date to be determined by the Subdivision and Development Authority, and it may also hold special meetings at any time at the call of the chairman.
- (a)** The rules and procedures for conducting meetings and maintaining order during regular meetings shall be governed by the terms of reference in Schedule “A” – Subdivision and Development Authority Meeting Terms of Reference, hereto attached to this bylaw.

*(Amended by Bylaw #1478B)*

- 11)** Three of the members of the Subdivision and Development Authority shall constitute a quorum.
- 12)** The decision of the majority of the members present at a meeting shall be deemed to be the decision of the whole Subdivision and Development Authority.
- 13)** The Subdivision and Development Authority may make its orders, decisions, development permits, and approvals; and may issue notices with or without conditions.
- 14)** The Subdivision and Development Authority may make rules to govern its hearings.
- 15)** Members of the Subdivision and Development Authority shall not be members of the Subdivision and Development Appeal Board.
- 16)** The secretary of the Subdivision and Development Authority shall attend all meetings of the Subdivision and Development Authority and shall keep the following records with respect thereto:
  - (a)** the minutes of all meetings;
  - (b)** all applications;
  - (c)** records of all notices of meetings and of persons to whom they were sent;
  - (d)** copies of all written representations to the Subdivision and Development Authority;
  - (e)** notes as to each representation;
  - (f)** the names and addresses of those making representations at the meeting;
  - (g)** the decision of the Subdivision and Development Authority;
  - (h)** the reasons for the decision of the Subdivision and Development Authority;
  - (i)** the vote of the members of the Subdivision and Development Authority on the decision;
  - (j)** records of all notices of decision and of persons to whom they were sent;
  - (k)** all notices, decisions and orders made on appeal from the decision of the Subdivision and Development Authority;
  - (l)** such other matters as the Subdivision and Development Authority may direct.
- 17)** When a person ceases to be a member of the Subdivision and Development Authority before the expiration of his/her term the council may, by resolution, appoint another person for the unexpired portion of that term.
- 18)** This bylaw comes into effect upon the third and final reading thereof.

Received First Reading this 10<sup>th</sup> day of October, 1995.

Received Second Reading this 10<sup>th</sup> day of October, 1995.

Received Third & Final Reading this 10<sup>th</sup> day of October, 1995.

Amended (1478A) this 27<sup>th</sup> of October, 2020.

Amended (1478B) this 26<sup>th</sup> day of April, 2022.

TOWN OF CARDSTON

Maggie Kronen

MAYOR – *Maggie Kronen*

Jeff Shaw

CHIEF ADMINISTRATIVE OFFICER – *Jeff Shaw*



## **SCHEDULE “A”**

### **SUBDIVISION AND DEVELOPMENT AUTHORITY MEETING TERMS OF REFERENCE**

#### **APPLICABILITY**

1. Pursuant to Section 14 of Town of Cardston Bylaw No. 1478, which establishes the Municipal Planning Commission (“MPC”), the MPC may make rules to govern its hearings.
2. These rules and procedures apply to all MPC members (“members”) who are in attendance at a meeting of the MPC, regardless of whether the meeting is held in-person or by electronic means pursuant to an authorizing bylaw passed by the Town of Cardston pursuant to s. 199 of the *Municipal Government Act*.

#### **PURPOSE**

3. The purpose of these rules and procedures is to specify general protocols and rules of conduct for MPC meetings, as well as procedures governing such meetings in order to provide for orderly and democratic proceedings in respect of subdivision, development and other land use matters.

#### **GENERAL PROTOCOL AND RULES OF CONDUCT**

4. Any person has a right to be present at a MPC meeting held in public. Where a meeting is held by electronic means, the public must be able to watch or listen to the meeting.
5. All persons shall act in an orderly and respectable manner, and shall direct all comments to the Chair, who shall preside over speaking privilege and the proceedings of the MPC.
6. The Chair may direct that a person be removed from the meeting if they display disruptive, disrespectful or threatening behaviour.
7. Notwithstanding Section 3, the Chairman of the MPC may expel a person from a meeting on the grounds of improper conduct.
8. Affected persons shall be given a reasonable opportunity to present their views.
9. Members shall have sufficiently open minds as to be capable of persuasion by the views expressed.
10. Members having a pecuniary interest respecting a matter on the agenda shall disclose the general nature of the interest, abstain from voting on the matter and leave the room until discussion and voting on the matter are concluded.
11. The MPC shall otherwise conduct its meetings in accordance with procedural fairness.

#### **DECISION ITEM REVIEW PROCEDURE**

12. Decision items, including development permits and subdivision applications, shall be generally dealt with in the order as follows:
  - a. The Development Officer, Planning Advisor or other municipal employee provides an overview of the application on the agenda;
  - b. Members have the opportunity to ask questions of the presenter pertaining to the application;
  - c. The applicant is given the opportunity to speak to the application;

## **SCHEDULE “A”**

- d. Members have the opportunity to ask questions of the applicant pertaining to the application.
- e. Members of the public are afforded the opportunity to make representation. Each person must begin by stating his/her name for the minutes. All statements must be directed to the Chairman;
- f. The applicant is given an opportunity to address any submissions made;
- g. After all persons have had the opportunity to make representation, a motion is made to approve or refuse the subject application, either with specific conditions or without any conditions.

### **DECISION MAKING PROCEDURE**

13. When a motion is made respecting a decision on a development permit or subdivision application it may be:
  - a. Debated (ie. may be spoken on);
  - b. Amended (ie. modified by a subsidiary motion);
  - c. Approved (ie. carried);
  - d. Negated (ie. defeated).
14. A defeated positive or negative motion shall not stand as a decision. In the event of a defeated motion, another motion should be brought forward to approve or refuse an application.
15. In a refusal scenario, reasons for refusal must be presented as part of the motion.
16. A motion may be made to table a decision item (ie. in order to obtain more information) until a subsequent meeting of the MPC.
17. A motion is lost where a tie-vote occurs.
18. All members must vote on a motion unless having recused themselves.

### **PROTOCOL RESPECTING CLOSED MEETINGS**

20. The MPC may deliberate and make its decisions in meetings closed to the public pursuant to s. 197(2.1) of the *Municipal Government Act*.
21. Before closing all or part of a meeting to the public, the MPC must by resolution approve the part of the meeting that is to be closed.
22. Where the MPC closes all or part of a meeting to the public, the MPC may allow one or more other persons to attend as it considers appropriate.
23. The MPC may pass a resolution while a meeting is closed to the public including the resolution to revert to a meeting held in public.
24. After the closed meeting discussions are completed, any members of the public who are present outside the meeting room may be notified that the rest of the meeting is now open to the public.