

COUNTY OF ST. PAUL NO. 19

BY-LAW NO. 1586

A By-law of the County of St. Paul No. 19 in the Province of Alberta to establish the Subdivision Authority of the County of St. Paul No. 19

WHEREAS Section 623 of the Municipal Government Act, S.A. 1994, as amended (“the Act”) requires that a Municipal Council must establish a Subdivision Authority by bylaw;

NOW THEREFORE the Council of the County of St. Paul No. 19, duly assembled, enacts as follows.

1. Name

1.1 This Bylaw may be cited as the “Subdivision Authority Bylaw”.

2. Definitions

The following words and phrases mean:

2.1 “Act” means the Municipal Government Act, R.S.A. 1994, Ch. M-26.

2.2 “Council” means the Reeve and Councillors of the County of St. Paul No. 19 for the time being elected pursuant to the provisions of the Act, whose term is unexpired, who have not resigned and who continue to be eligible to hold office as such under the term of the Act.

2.3 “Municipal Government Board” means the Board established under section 486 of the Act.

2.4 “Subdivision and Development Appeal Board” means the Board established to hear development and subdivision appeals pursuant to section 3 of the Subdivision and Development Appeal Board Bylaw.

2.5 “Subdivision Authority” means the persons established under section 3 of this bylaw to perform the functions of a Subdivision Authority under the Act.

2.6 “Regulations” means the Regulations proclaimed pursuant to the Act.

3. Establishment of Subdivision Authority

3.1 The Subdivision Authority of the County of St. Paul No. 19 is hereby established.

3.2 The Subdivision Authority shall consist of up to 2 persons appointed by resolution of the council.

3.3 If the appointed person shall die, retire or resign, another person may be appointed by resolution of the Council.

3.4 Council may remove the person from the position of Subdivision Authority by resolution at any time.

4. Fees and Expenses

4.1 The fees and applications to the Subdivision Authority for all manner of activities and approvals within the purview of the Subdivision Authority may be set by bylaw.

5. Responsibilities and Functions

- 5.1 The Subdivision Authority shall exercise those functions and powers within the County of St. Paul No. 19 as are described in the Act and the Regulations.
- 5.2 The Subdivision Authority may delegate any of its responsibilities as provided for under the Act or the Regulations, except for the responsibility to approve, approve subject to conditions, or refuse subdivision applications, to another person or company.
- 5.3 The Subdivision Authority shall ensure statutory notices and decisions are provided to such persons as the Act and the Regulations require.
- 5.4 The Subdivision Authority is not required to hold a hearing in considering an application for subdivision.
- 5.5 The Subdivision Authority shall have prepared an maintain a file for each application made to it, including a record of its decision, copies of which shall be available to the Chief Administrative Officer of the County of St. Paul No. 19 and the Council at their request at all times.
- 5.6. The Subdivision Authority may make rules as are necessary for the conduct of its business that are consistent with this Bylaw, the County of St. Paul No. 19 Land Use Bylaw, and the Act.
- 5.7 The Subdivision Authority must not approve an application for subdivision approval unless:
 - 5.7.1 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.
 - 5.7.2 The proposed subdivision conforms to the provisions of any statutory plan and, subject to section 6.8 of this bylaw, and Land Use Bylaw that affects the land proposed to be subdivided.
 - 5.7.3 The proposed subdivision complies with the Act and the Regulations, and
 - 5.7.4 All outstanding property taxes on the land proposed to be subdivided have been paid to the County of St. Paul No. 19 or arrangements satisfactory to the County of St. Paul No. 19 have been made for their payment pursuant to Part 10 of the Act.
- 5.8 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 County of St. Paul No. 19 if, in its opinion:
 - (a) The proposed subdivision would not:
 - (i) unduly interfere with the amenities of the neighborhood, or
 - (ii) materially interfere with or affect the use, enjoyment or value of neighboring parcels of land, and
 - (b) the proposed subdivision conforms with the use prescribed for that land in the Land Use Bylaw of the County of St. Paul No. 19.

- 5.9 The Subdivision Authority may approve, approve subject to conditions, or refuse an application for subdivision approval.
- 5.10 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.
- 5.11 A 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.
- 5.12 The power to extend the periods pursuant to Section 657(6) of the Act is delegated by the Council to the Subdivision Authority.
- 5.13 The power to decide if any environmental reserve easement is to be applied to a parcel of land which is subject to a subdivision rather than an environmental reserve pursuant to Section 664(2) of the Act is delegated by the Council to the Subdivision Authority.
6. Bylaw No. 1554 dated September 14, 2010 is hereby rescinded.

Read a first time in Council this 8th day of November, A.D. 2011.

Read a second time in Council this 8th day of November, A.D. 2011.

Read a third time in Council this 8th day of November, A.D. 2011.

(Original signed by Reeve S. Upham)

Reeve

(Original Signed by CAO S. Kitz)

Chief Administrative Office