

## **BYLAW NO. 829/95**

A BY-LAW OF LACOMBE COUNTY, IN THE PROVINCE OF ALBERTA, TO ESTABLISH THE SUBDIVISION AUTHORITY BY-LAW OF LACOMBE COUNTY.

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

NOW THEREFORE THE COUNCIL of Lacombe County, duly assembled, enacts as follows:

### **1. NAME**

This By-Law shall be cited as the "Subdivision Authority By-Law".

### **2. DEFINITIONS**

The following words and phrases mean:

- 2.1 "Act" means the Municipal Government Act, S.A. 1994, as amended.
- 2.2 "Council" means the Reeve and Councillors of Lacombe County 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 terms 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 subdivision and development appeals pursuant to Section 3 of the Subdivision and Development Appeal Board By-Law.
- 2.5 "Subdivision Authority" means the persons established under Section 3 of the Subdivision Authority By-Law to perform the functions of a Subdivision Authority under the Act.
- 2.6 "Chief Administrative Officer" means the person occupying the position of County Commissioner.
- 2.7 "Municipal Planning Commission" means the Municipal Planning Commission established under the Land Use By-Law of Lacombe County.
- 2.8 "Regulations" means the Regulations proclaimed pursuant to the Municipal Government Act, S.A. 1994, as amended, Part 17.
- 2.9 "Statutory Plan" means the Lacombe County Municipal Development Plan, and any Intermunicipal Development Plan, Area Structure Plan or Area Redevelopment Plan adopted by Council pursuant to the Act.

### **3. ESTABLISHMENT OF SUBDIVISION AUTHORITY**

- 3.1 The Subdivision Authority of Lacombe County is hereby established.
- 3.2 The Subdivision Authority shall consist of all duly elected members of Council.
- 3.3 The Subdivision Authority shall be the Council.

### **4. TERM OF OFFICE**

- 4.1 Each member of Council shall be a member of the Subdivision Authority, and will only terminate upon his/her ceasing to be a member of the Council.

**5. CHAIRPERSON**

5.1 The Reeve of the Council shall be the Chairperson.

**6. VICE CHAIRPERSON**

The Deputy Reeve of the Council shall be the Vice Chairperson.

**7. QUORUM AND MEETINGS**

7.1 A quorum of the Subdivision Authority shall be four (4) members of Council.

7.2 The Council, being the Subdivision Authority, may transact any affairs and responsibilities of the Subdivision Authority in conjunction with regular and/or special Council meetings.

7.3 Written minutes of the business transacted at all meetings and hearings of the Subdivision Authority shall be recorded within and be part of the minutes of Council meetings.

7.4 The Council may make rules as are necessary for the conduct of its meetings, its hearings, and its business that are consistent with this By-Law, the Lacombe County Land Use By-Law, and the Act.

**8. FEES AND EXPENSES**

The fees associated with the processing and approval of subdivision applications may be set from time to time by resolution of Council.

**9. RESPONSIBILITIES**

9.1 The subdivision Authority shall exercise subdivision powers and duties within Lacombe County as are described in the Act and the Regulations.

9.2 The Subdivision Authority may delegate any of its responsibilities as provided under the Act or the Regulations to the Chief Administrative Officer.

9.3 The Subdivision Authority is not required to hold a hearing in considering an application for subdivision.

9.4 The Subdivision Authority must not approve an application for subdivision approval unless:

9.4.1 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.

9.4.2 the proposed subdivision conforms to the provisions of any statutory plan and, subject to section 9.5, any Land Use By-Law that affects the land proposed to be subdivided.

9.4.3 the proposed subdivision complies with Part 17 of the Act and the Regulations under that Part, and

9.4.4 all outstanding property taxes on the land proposed to be subdivided have been paid to the County or arrangements satisfactory to the County have been made for their payment pursuant to Part 10 of the Act.

- 9.5 The Subdivision Authority may approve an application for subdivision approval even though the proposed subdivision does not comply with the Lacombe County Land Use By-Law if, in its opinion:
- 9.5.1 the proposed subdivision would not:
- (a) unduly interfere with the amenities of the neighbourhood, or
  - (b) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land, and
- 9.5.2 the proposed subdivision conforms with the use prescribed for that land in the Lacombe County Land Use By-Law.
- 9.6 The Subdivision Authority may approve or refuse an application for subdivision approval.
- 9.7 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.
- 9.7.1 A decision of the Subdivision Authority must state:
- (a) whether an appeal lies to the Subdivision and Development Appeal Board or the Municipal Government Board, and
  - (b) if an application for subdivision approval is refused, the reasons for the refusal.
- 9.8 The power to extend the subdivision approval periods referred to in Section 657 of the Act is delegated by Council to the Chief Administrative Officer. The Chief Administrative Officer may further delegate this power.
- 9.9 The Chief Administrative Officer or his/her designate shall exercise the following powers, duties and functions:
- 9.9.1 Receives and processes subdivision applications for consideration by Council and in accordance with policies and procedures adopted by Council.
- 9.9.2 Makes and keeps a record of the Subdivision Authority's proceedings.
- 9.9.3 Ensures statutory notices and decisions of the Subdivision Authority are provided to such persons as the Act and the Regulations require.
- 9.9.4 Signs orders, decisions, approval notices, and other items given by the Subdivision Authority on its behalf.

Received first reading this 5<sup>th</sup> day of October, A.D. 1995.

A.D. 1995. Received second and third readings and finally passed this 12<sup>th</sup> day of October,

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Reeve

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County Commissioner