

BYLAW NO. 1110/10

A BYLAW OF LACOMBE COUNTY, IN THE PROVINCE OF ALBERTA, TO ESTABLISH THE SUBDIVISION AUTHORITY OF LACOMBE COUNTY.

WHEREAS Section 623 of the Municipal Government Act, RSA 2000, Chapter M-26 and amendments thereto, ("the Act") requires that a Municipal Council must by bylaw establish a Subdivision Authority;

AND WHEREAS Section 203(1) of the Municipal Government Act allows a Council by bylaw to delegate any of its powers, duties or functions to a Council Committee, the Chief Administrative Officer or a designated officer.

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

1. NAME

- 1.1 This Bylaw shall be cited as the "Subdivision Authority Bylaw".

2. DEFINITIONS

The following words and phrases mean:

- 2.1 "Act" means the Municipal Government Act, RSA 2000, Chapter M-26 and amendments thereto.
- 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 "County Commissioner" means the Chief Administrative Officer for Lacombe County.
- 2.4 "Municipal Government Board" means the Board established under Section 486 of the Act.
- 2.5 "Subdivision and Development Appeal Board" means the Board established to hear subdivision appeals pursuant to Section 3 of the Lacombe County Subdivision and Development Appeal Board Bylaw.
- 2.6 "Subdivision Authority" means the person or persons established under Section 3 of the Subdivision Authority Bylaw to perform the functions of a Subdivision Authority under the Act.
- 2.7 "Municipal Planning Commission" means the Municipal Planning Commission established under the Land Use Bylaw of Lacombe County.
- 2.8 "Regulations" means the Regulations proclaimed pursuant to Part 17 of the Act.
- 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 unless Council delegates all or part of this authority to the County Commissioner or designate.
- 3.3 The Subdivision Authority shall be the Council or in the case where Council delegates subdivision authority to the County Commissioner, the Subdivision Authority shall be the County Commissioner or designate pursuant to Section 10.

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

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

7. QUORUM AND MEETINGS

- 7.1 A quorum shall be four (4) members of Council.
- 7.2 The Council, as 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 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 and its business that are consistent with this Bylaw, the Lacombe County Land Use Bylaw, and the Act.

8. FEES AND EXPENSES

- 8.1 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 is not required to hold a hearing in considering an application for subdivision.
- 9.3 The Subdivision Authority must not approve an application for subdivision approval unless:
- 9.3.1 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,
- 9.3.2 the proposed subdivision conforms to the provisions of any statutory plan and, subject to section 9.4 of this bylaw, the Land Use Bylaw of Lacombe County,
- 9.3.3 the proposed subdivision complies with Part 17 of the Act and the Regulations under that Part; and
- 9.3.4 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.

9.4 The Subdivision Authority may approve an application for subdivision approval even though the proposed subdivision does not comply with the Lacombe County Land Use Bylaw if, in its opinion:

9.4.1 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

9.4.2 the proposed subdivision conforms with the use prescribed for the land in the Lacombe County Land Use Bylaw.

9.5 The Subdivision Authority may approve or refuse an application for subdivision approval.

9.6 A decision of the Subdivision Authority must be given in writing to the applicant and to the Government departments, persons and local authorities to whom the Subdivision Authority is required by the Regulations to give a copy of the application.

9.7 A decision of the Subdivision Authority must state:

9.7.1 whether an appeal lies to the Subdivision and Development Appeal Board or the Municipal Government Board, and

9.7.2 the reasons for its decision.

10 DELEGATION OF AUTHORITY

10.1 The County Commissioner is hereby delegated authority to act as the Subdivision Authority for the purpose of considering the following types of subdivision applications:

10.1.1 "first parcel out" subdivisions pursuant to Section 3 of the Lacombe County Municipal Development Plan

10.1.2 boundary adjustments

10.1.3 requests for approval pursuant to section 652(4) of the Act

10.1.4 re-division of existing subdivided parcels

10.1.5 fragmented parcels

10.1.6 agricultural subdivisions

The County Commissioner is authorized to further delegate, and authorize further delegation of the delegated authority to act as the Subdivision Authority.

10.2 In addition to the powers set out in section 10.1 of this bylaw, the County Commissioner is authorized to exercise the following powers, duties and functions:

10.2.1 receive and process subdivision applications for consideration by Council;

10.2.2 keep a record of the Subdivision Authority's proceedings;

10.2.3 ensure statutory notices and decisions of the Subdivision Authority are provided to such persons as the Act and the Regulations require;

10.2.4 sign orders, decisions and other items on behalf of the Subdivision Authority; and

10.2.5 extend the subdivision approval periods referred to in Section 657 of the Act.

The County Commissioner is authorized to further delegate, and authorize further delegation of the authority to exercise the powers, duties and functions described in sections 10.2.1, 10.2.2, 10.2.3, 10.2.4 and 10.2.5 of this bylaw.

10.3 When a registerable instrument is submitted for endorsement, the County Commissioner or designate is authorized to accept minor modifications to the related registerable instrument from that approved by the Subdivision Authority provided:

10.3.1 the number of parcels does not increase;

10.3.2 reserves are not compromised; and

10.3.3 municipal roads and standards are not compromised.

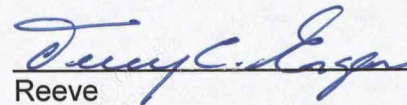
11 RESCINDING OF BYLAWS

11.1 Bylaws 829/95, 960/03 and 1015/06 are hereby rescinded.

Read for a first time this 11th day of March, 2010.

Read for a second time this 11th day of March, 2010.

Read for a third time and finally passed this 11th day of March, 2010


Reeve


County Commissioner