

BYLAW NO. 11/99

BEING A BYLAW OF FLAGSTAFF COUNTY, PROVINCE OF ALBERTA TO ESTABLISH THE SUBDIVISION AUTHORITY OF FLAGSTAFF COUNTY.

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 Flagstaff County, 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, S.A. 1994, as amended.
- 2.2 "Council" means the Reeve and Councillors of Flagstaff County 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 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 development and subdivision appeals pursuant to the Subdivision and Development Appeal Board Bylaw of Flagstaff County.
- 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 "Subdivision Authority Officer" means the person occupying the position established under section 4 herein.
- 2.7 "Regulations" means the Regulations proclaimed pursuant to the Act.

3. Establishment of Subdivision Authority

- 3.1 The Subdivision Authority of Flagstaff County is hereby established.
- 3.2 The Subdivision Authority shall be the Council.

4. Subdivision Authority Officer

- 4.1 The position of designated Officer for the limited purpose of carrying out the function of the Officer to the Subdivision Authority is hereby established ("the Subdivision Authority Officer").
- 4.2 The Subdivision Authority Officer shall be appointed by resolution of the Subdivision Authority and shall not be a member of the Subdivision Authority.
- 4.3 The Subdivision Authority shall have responsibilities and functions including the following:
 - 4.3.1 Undertakes all those responsibilities and functions delegated to the Subdivision Authority Officer by the Subdivision Authority.
 - 4.3.2 Ensures applications to the Subdivision Authority and statutory notices and decisions of the Subdivision Authority are provided to such persons as the Act and the Regulations require.
 - 4.3.3 Signs orders, decision, approvals, notices, and other items given or done by the Subdivision Authority on its behalf.

5. Fees

- 5.1 The fees payable to the Subdivision Authority for all manner of applications, activities and approvals within the preview of the Subdivision Authority may be set by the Council.

6. Responsibilities and Functions

- 6.1 The Subdivision Authority shall exercise those functions and powers within Flagstaff County as are described in the Act and the Regulations.
- 6.2 The Subdivision Authority may delegate any of its responsibilities as provided for under the Act or the Regulations to a Subdivision Authority Officer or to another person by resolution of the Subdivision Authority.
- 6.3 The Subdivision Authority is not required to hold a hearing in considering an application for subdivision.
- 6.4 The Subdivision Authority must not approve an application for subdivision approval unless:
 - 6.4.1 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.
 - 6.4.2 the proposed subdivision confirms to the provisions of any statutory plan and, subject to subsection 6.5 of this bylaw, any land use bylaw that affects the land proposed to be subdivided.
 - 6.4.3 The proposed subdivision complies with the Act and the Regulations, and
 - 6.4.4 All outstanding property taxes on the land proposed to be subdivided have been paid to the municipality where the land is located or arrangements satisfactory to the municipality have been made for their payment pursuant to the Act.
- 6.5 The Subdivision Authority may approve an application for subdivision approval even though the proposed subdivision does not comply with the land use bylaw of Flagstaff County if, in its opinion;
 - (a) the proposed subdivision would not:
 - (i) unduly interfere with the amenities of the neighbourhood, or
 - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,and
 - (b) the proposed subdivision conforms with the use prescribed for that land in the land use bylaw of Flagstaff County.
- 6.6 The Subdivision Authority may approve or refuse an application for subdivision approval.
- 6.7 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.
- 6.8 A decision of the Subdivision Authority must state:
 - (a) whether an appeal lies to the Subdivision and Development Appeal Board of Flagstaff County or to the Municipal Government Board, and
 - (b) if an application for subdivision approval is refused, the reasons for the refusal.
- 6.9 The power to extend the periods pursuant to Section 657 (6) of the Act is delegated by the Council to the Subdivision Authority. The Subdivision Authority may further delegate this power to a Subdivision Authority Officer.
- 6.10 The power to decide if an 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.

7. Repeal

This bylaw repeals Bylaw 10/95 dated April 5th, 1995.

READ a first and second time, and by unanimous consent a third reading, and finally passed this 8 day of December, A.D. 1999.



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Reeve



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County Manager