

BYLAW 83-2003

A BYLAW OF STRATHCONA COUNTY IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF ESTABLISHING A SUBDIVISION AUTHORITY AND SETTING FORTH THE DUTIES AND RESPONSIBILITIES THEREOF

WHEREAS the *Municipal Government Act, R.S.A. 2000, c M-26*, provides that a Council, must by Bylaw, establish a Subdivision Authority;

AND WHEREAS the Council of Strathcona County wishes to adopt the Subdivision Authority Bylaw on the terms and conditions hereinafter set forth;

NOW THEREFORE the Council of Strathcona County duly assembled, enacts as follows:

1. **Definitions**

In this Bylaw:

- a) "Act means the *Municipal Government Act, R.S.A. 2000, c M-26* and amendments thereto;
- b) "Applicant" means any person who has applied for a subdivision approval;
- c) "Authority" means the Subdivision Authority of Strathcona County established pursuant to this Bylaw;
- d) "Council" means the Council of Strathcona County;
- e) "County" means Strathcona County;
- f) Executive Team means the Chief Commissioner, Deputy Commissioner and Associate Commissioners.
- g) "Manager of Planning and Development Services" means the employee appointed as Manager of Planning and Development Services;
- h) All other terms used in this Bylaw shall have the meaning assigned to them by the Act to the extent that the said meaning differs from the ordinary meaning of such terms.

2. **Subdivision Authority**

- a) The Executive Team and the Manager of Planning and Development Services are appointed as the Subdivision Authority for the County.

3. **Functions and Duties of the Authority**

- a) The Subdivision Authority shall exercise subdivision powers and duties on behalf of Strathcona County, in accordance with the Act.
- b) The Manager of Planning and Development Services shall act as a Subdivision Authority for subdivision application approvals and, mandatory subdivision application refusals only as prescribed in accordance with the Act, the Subdivision and Development Regulations and defined by County policies and bylaws, in respect of lands within the boundaries of Strathcona County.
- c) The Manager of Planning & Development Services shall refer applications to Executive Team to act as Subdivision Authority in the following instances:
 - (i) Where the proposed subdivision involves a relaxation, or a reduction, in the subdivision standards of the Land Use Bylaw and the Manager of Planning & Development Services finds merit in supporting such a relaxation, or reduction; or
 - (ii) Where the proposed subdivision involves the creation of more than one additional lot in a location where an Area Structure Plan has not been adopted.

- d) The Manager of Planning & Development Services may, at his discretion, refer any subdivision application to Executive Team for a decision.
- e) The Subdivision Authority must not approve an application for subdivision approval unless:
 - i) the land that is proposed to be subdivided is, in the opinion of the Subdivision Authority, suitable for the purpose of which the subdivision is intended.
 - ii) the proposed subdivision conforms to the provision of any statutory plan and, subject to variance powers of the Act, the Land Use Bylaw of Strathcona County;
 - iii) the proposed subdivision complies with the Act and the Subdivision and Development Regulations, and
 - iv) all outstanding property taxes on the land proposed to be subdivided have been paid to the Strathcona County, or arrangements satisfactory to the municipality have been made for their payment pursuant the Act.

4. Decisions of the Authority

- a) 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 Subdivision and Development Regulations to give a copy of the application.
- b) A decision of the Subdivision Authority must state:
 - i) whether an appeal lies to the Subdivision and Development Appeal Board or to the Municipal Government Board; and
 - ii) if an application for subdivision approval is refused, the reasons for the refusal.

5. Time Extensions

- a) The Manager of Planning & Development Services or his designate is authorized to grant or refuse an extension of the time period for:
 - i) the submission of a plan of subdivision or other instrument to the Subdivision Authority, or
 - ii) the registration of a plan of subdivision or other instrument.
- b) In considering the time extension, the Manager of Planning & Development Services or his designate shall take into account all relevant considerations, including the following:
 - i) Whether the applicant for subdivision approval has exercised reasonable efforts in meeting the time periods set out in the Act for registration or submission of plans or instruments,
 - ii) Whether the applicant for subdivision approval intentionally delayed in submitting or registering the plan of subdivision plan or instrument,
 - iii) Whether the affected persons or government agencies have expressed concerns to Strathcona County relating to a subdivision approval, claiming that a further extension of a time period hereunder would be prejudicial, or
 - iv) Whether any of the conditions of the subdivision approval are no longer relevant.

6. **Endorsement**

- a) The Manager of Planning & Development Services or his designate is hereby authorized to endorse, on behalf of the Subdivision Authority any plan of subdivision or other instrument required to complete the registration, at the Alberta Land Titles Office, of a subdivision approval issued by the Subdivision Authority.


7. **Repeal**

- a) Bylaw No. 9-2001 is hereby repealed.

Read a first time this 24 day of June, 2003.

Read a second time this 24 day of June, 2003.

Read a third time and finally passed this 24 day of June, 2003.



Mayor



Manager,
Legislative and Legal Services

Date Signed: July 4, 2003