



PUBLIC NOTICE

Take notice that the Council of the Town of St. Paul is proposing to pass a bylaw pursuant to the Municipal Government Act. Council passed 1st Reading of **Bylaw 2022-04: Subdivision Authority** at their Regular Council Meeting held on March 14, 2022. The summary of changes include:

- Process and timelines in dealing with subdivision applications;
- Responsibilities of the Subdivision Officer;
- Subdivision Authority meeting procedures;
- Change of reference to the Schedule of Fees Policy.

To obtain a copy of the proposed bylaw, you may go to: <https://townstpaul.civicweb.net>, then click Document Center>Bylaws-Proposed.

Residents are encouraged to present a written submission no later than **March 25, 2022 at 4 p.m.** Written submissions will be included in the Council agenda package and should be clearly marked to include the Bylaw number. To continue to provide a safe environment during the COVID-19 pandemic, methods for citizen input have been modified. Alternative methods to submit input could be provided if a resident does not have access to a computer or email.

The names and addresses of persons providing comments will become part of the public record. Other personal information is protected by the privacy provisions of the Freedom of Information and Protection of Privacy (FOIP) Act. For more information please contact Aline Brousseau, Director of Planning & Legislative Services at 780-645-8540 or pd@town.stpaul.ab.ca.

**BYLAW 2022-04
OF THE
TOWN OF ST. PAUL**

A BYLAW OF THE TOWN OF ST. PAUL IN THE PROVINCE OF ALBERTA, TO ESTABLISH THE SUBDIVISION AUTHORITY.

WHEREAS pursuant to Section 623 of the Municipal Government Act, Part 17 a Council must by Bylaw provide for a subdivision authority to exercise subdivision powers and duties on behalf of the ~~municipality~~ **Town of St. Paul.**

WHEREAS Council deems it appropriate to implement this bylaw in order to assign and define the powers associated with a subdivision authority on behalf of the Town of St. Paul.

NOW THEREFORE under the authority and subject to the provision of the Municipal Government Act, R.S.A. 2000, Chapter M-26 as amended and by virtue of all other powers in the Town of St. Paul; the Council of the Town of St. Paul duly assembled enacts as follows.

1. TITLE

1.1 This Bylaw may be referred to as the "Subdivision Authority Bylaw".

2. DEFINITIONS

2.1 "Act" means the Municipal Government Act, Chapter M-26 R.S.A. 2000 and amendments thereto.

2.2 "**Chief Administrative Officer**" means the person appointed to the position of Chief Administrative Officer for the Town of St. Paul, within the meaning of the Municipal Government Act.

2.3 "Council" means the Mayor and Councillors of the Town of St. Paul.

2.4 "Land Use Bylaw" means the Land Use Bylaw of the Town of St. Paul **as amended from time to time.**

2.5 "Regulations" means ~~the Regulations proclaimed pursuant to the Act~~ means the Subdivision and Development Regulations pursuant to the Act.

2.6 "**Secretary**" means the Subdivision Officer.

2.7 "Subdivision Authority" means the subdivision authority established under Section 3 of this Bylaw to exercise subdivision powers and duties on behalf of the Subdivision Authority under the Act.

2.8 "Subdivision Officer" means the Director of Planning who is designated by the ~~Town~~ Chief Administrative Officer to exercise subdivision powers and duties as identified in the Bylaw on behalf of the Town or in the absence of the Director any person acting as the Director of Planning.

2.9 "Town" means the Corporation of the Town of St. Paul.

2.10 Any word defined in the Act or Regulation, or in the Condominium Property Act, R.S.A. 2000, c. 22, as amended, shall have the same meaning and interpretation in this Bylaw, and in the event of any conflict, the meaning in the statutory enactment shall prevail.

3. **SUBDIVISION AUTHORITY**

3.1 The Subdivision Authority shall consist of the members of Council, being the Mayor and 6 Councillors.

4. **CHAIRPERSON**

4.1 The Mayor shall be appointed as Chairperson.

4.2 In the absence of the Mayor, the Deputy Mayor shall be appointed as Chairperson.

5. **RESPONSIBILITIES AND FUNCTIONS OF THE SUBDIVISION AUTHORITY**

5.1 The Subdivision Authority shall exercise those functions and powers within the Town of St. Paul as described in the Act and the Regulations unless delegated to other persons under this Bylaw.

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.

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

5.4 The Subdivision Authority must not approve an application for subdivision unless the subdivision meets the requirements of Section 654.1 of the Act.

5.5 The Subdivision Authority may approve an application for subdivision even though the proposed subdivision does not comply with the Land Use Bylaw of the Town of St. Paul in accordance with Section 654.2 of the Act.

5.6 ~~In accordance with s.657(6) of the Act the Subdivision Authority may extend the one period year period for endorsement and registration. (move to Subdivision Officer duties)~~

Mayor Initials: ____

CAO Initials: ____

- 5.7 A decision on a subdivision application may be made:
- By a quorum of the Subdivision Authority.

6. SUBDIVISION AUTHORITY MEETINGS

- 6.1 A quorum of the Subdivision Authority shall be four members. A meeting shall not be cancelled due to a lack of quorum until 10 minutes after the scheduled time of the meeting has elapsed.
- 6.2 The Subdivision Authority shall meet as needed in a closed meeting, without delegations, to deliberate and make decisions accordance with Section 197 2.1 of the Act. In arriving at its decision, the majority vote to those members present shall constitute the decision of the Subdivision Authority. If the vote results in a tie, the motion is defeated. For further clarity, in the event of a tie vote with respect to a subdivision application, the subdivision application shall be refused.
- 6.3 No member of the Subdivision Authority shall consider or make a decision on a subdivision application where that person may have a pecuniary interest in the matter as defined in Part 5, Division 6 of the Act.
- 6.4 ~~The Subdivision Authority shall prepare and maintain a file of written minutes of the business transacted at all meetings. (move to Subdivision Officer duties)~~
- 6.5 The Subdivision Authority may make rules as are necessary for the conduct of its meetings, its hearings and its business that are consistent with this Bylaw, the Land Use Bylaw, the Act, and the Regulations.

7. RESPONSIBILITIES AND FUNCTIONS OF THE SUBDIVISION OFFICER

- 7.1 The Subdivision Authority hereby delegates the following duties and functions to the Subdivision Officer:
- 7.1.1 ~~Accept~~ Receive and review applications submitted in accordance with Section 653 of the Act and Section 4 of the Regulations including determining if the application is complete or incomplete.
- 7.1.2 ~~Enter into written time extension agreements pursuant to S. 680(1)(b) of the Act. Extend the time period to determine if an application is complete under Section 653.1 of the Act if agreed to by the Applicant.~~
- 7.1.3 Extend the time period to render a decision on a subdivision application under Section 681.2 of the Act if agreed to by the Applicant.
- 7.1.4 Extend the time periods for endorsement or registration of a plan of subdivision or other instrument in accordance with Section 657 of the Act.
- 7.1.5 Refer applications to agencies in accordance with the Act and Regulations.

- 7.1.6 Provide notice to such persons as the Act and Regulations require.
 - 7.1.7 Present proposed subdivisions and make recommendations to the Subdivision Authority at Subdivision Authority meetings.
 - 7.1.8 ~~Coordinate the review of the subdivision application by the Town departments and other agencies.~~
 - 7.1.9 ~~The decision of the Subdivision Authority shall be signed by the Subdivision Officer.~~
 - 7.1.10 Prepare and maintain a file for each application made to it, including a record of the Subdivision Authority's decisions.
 - 7.1.11 ~~Prepare and maintain a file of written of the agenda and minutes of the business transacted at all meetings. The minutes of the business transacted at a Subdivision Authority Meeting shall be adopted at the earlier of the next Subdivision Authority Meeting or the next Regular Council Meeting.~~
 - 7.1.12 ~~Signing authority for the endorsement of a Subdivision Plan or Instrument upon being satisfied that the conditions of approval are satisfied or will be fulfilled.~~
- 7.2 When a Subdivision Plan or Instrument is submitted for endorsement the Subdivision Officer is authorized to endorse the Subdivision Plan or Instrument provided that the Subdivision Plan or Instrument complies with the subdivision approval and any conditions have been imposed or the Subdivision Officer is satisfied that the conditions will be met. Modifications to the approved plan may be endorsed provided:
- 7.2.1 ~~The number of parcels does not increase.~~ No more than 1 lot is created and no less than 1 lot is removed from the approved plan (this exception does not apply to single lot subdivision approvals).
 - 7.2.2 Municipal, school, municipal and school or environmental reserves are not reduced, or compromised.
 - 7.2.3 Municipal roads and standards are not compromised.
 - 7.2.4 It allows for conditions of the subdivision approval to be met.

8. **FEES**

8.1 ~~Subdivision application and endorsement fees are established from time to time by policy adopted by Council. Fees and charges payable under this Bylaw shall be as prescribed for Subdivision Application(s) in the Schedule of Fees Policy.~~

9. **EFFECTIVE DATE/REPEAL**

9.1 This Bylaw repeals the Town of St. Paul Bylaw ~~992~~ 1255.

9.2 This Bylaw becomes effective upon third and final reading.

MOTION BY COUNCILLOR _____ THAT BYLAW 2022-04 BE GIVEN FIRST READING THIS _____ DAY OF _____, 2022.

MOTION BY COUNCILLOR _____ THAT BYLAW 2022-04 BE GIVEN SECOND READING THIS _____ DAY OF _____, 2022.

MOTION BY COUNCILLOR _____ THAT BYLAW 2022-04 BE GIVEN THIRD AND FINAL READING THIS _____ DAY OF _____, 2022.

Maureen Miller
Mayor

Steven Jeffery
Chief Administrative Officer

Mayor Initials: ____

CAO Initials: ____