

BYLAW C-7546-2015

OFFICE CONSOLIDATION

A Bylaw of Rocky View County to Establish the Subdivision Authority.

PREAMBLE

Section 623 of the *Municipal Government Act*, R.S.A. 2000 Chapter M-26 requires Council, by Bylaw, to provide for a Subdivision Authority to exercise subdivision powers and duties on behalf of the municipality;

A Subdivision Authority may include one or more of a) any or all members of Council; b) a Designated Officer; c) a Municipal Planning Commission; and d) any other person or organization.

The Council of Rocky View County enacts as follows:

PART 1 – PURPOSE AND TITLE

1.1 The purpose of this Bylaw is to establish the Subdivision Authority of the Municipality pursuant to the *Municipal Government Act* or any successor legislation to exercise subdivision powers and duties on behalf of the Municipality.

1.2 This Bylaw shall be known as the, ‘Subdivision Authority Bylaw.’

PART 2 – DEFINITIONS

2.1 “**Act**” means the *Municipal Government Act*, R.S.A. 2000 Chapter M-26, as amended from time to time.

2.2 “**Authority**” means the Subdivision Authority for the County as established pursuant to this Bylaw.

2.3 “**Boundary Adjustments**” refers to a Subdivision Application proposing the adjustment of the territorial boundaries of a parcel or parcels of land without creating additional parcels.

2.4 “**Chief Administrative Officer (CAO)**” means the individual appointed by Council into the position of Chief Administrative Officer for the County in accordance with the Act or his/her designate.

2.5 “**Council**” means the Council of Rocky View County, duly assembled.



- 2.6 “**County**” means Rocky View County and the area within its jurisdictional boundaries.
- 2.7 “**County Infrastructure**” means infrastructure owned, operated or under the direction and control of the County including Roads and Public Utilities;
- 2.8 “**County Servicing Standards**” means the County Servicing Standards approved by Council Resolution No. 188-13 or such other County Servicing Standards as may be approved by Council from time to time.
- 2.9 “**Office of Secretary**” means the individual appointed by the Chief Administrative Officer into the position of “Office of Secretary to the Authority” for the purpose of carrying out the administrative functions relating to the processing and issuing of decisions with respect to subdivision applications by the Authority.
- 2.10 “**Off-Site Levy**” has the same meaning as defined in Part 17 of the Act.
- 2.11 “**Public Utilities**” has the same meaning as defined in the Act.
- 2.12 “**Reserve Land**” means lands dedicated as municipal reserve pursuant to Section 661 of the Act.
- 2.13 “**Roads**” has the meaning as defined in the Act.
- 2.13 “**Municipal Planning Commission**” has the same meaning as defined in the Act.¹

PART 3 – SUBDIVISION AUTHORITY

- 3.1 The Subdivision Authority shall consist of:
- a) Municipal Planning Commission, and²
 - b) the Chief Administrative Officer, in circumstances prescribed in this Bylaw.
- 3.2 Municipal Planning Commission and the Chief Administrative Officer are authorized to exercise subdivision powers and duties on behalf of the County in accordance with the Act and the provisions of this Bylaw.³

PART 4 – SUBDIVISION APPLICATION DECISIONS

- 4.1 The Chief Administrative Officer may consider a subdivision application and render a decision on the application where the application:
- a) Does not establish more than six (6) lots,

¹ Bylaw C-7968-2019

² Bylaw C-7968-2019

³ Bylaw C-7968-2019



- b) Does not affect boundary adjustments for more than six (6) lots,
 - c) Does not involve a requirement to pay an Off-Site Levy,
 - d) Does not require County Infrastructure construction, expansion or upgrades with the exception of:
 - i) Road widening
 - e) Does not require provision of Reserve Lands or payment of cash-in-lieu of the provision of Reserve Lands pursuant to the Act,
 - g) Does not require the dedication of land for roads or Public Utilities with the exception of:
 - i) Road widening, or
 - ii) Public Utility easements or rights of way
 - g) Does not require the relaxation of applicable non-statutory plans and policies adopted by Council, and
 - h) Satisfies the criteria established in Section 654 of the Act.
- 4.2 In circumstances involving an application to modify an approved subdivision application, the Chief Administrative Officer may consider the application and make a decision on the application where the application to modify the approved subdivision:
- a) Does not create more than one (1) additional lot,
 - b) Does not impact County infrastructure, public utility lots, or Reserve Lands as established in the original approval, and
 - c) Satisfies the criteria of Section 4.1 (c) – (h), all as may have been varied in the original subdivision application approval by the Authority or, in the event of an appeal, by the Subdivision Appeal Board or Municipal Government Board.
- 4.3 The Chief Administrative Officer may attach conditions to a subdivision approval issued by him/her in accordance with Section 655 of the Act.
- 4.4 Notwithstanding Section 4.1 and 4.2, the Chief Administrative Officer may refer any subdivision application to the Municipal Planning Commission to render a decision.⁴

⁴ Bylaw C-7968-2019



- 4.5 In all circumstances where the subdivision application does not satisfy Section 4.1 or 4.2 criteria or where the Chief Administrative Officer otherwise refers the application to the Municipal Planning Commission, the Municipal Planning Commission shall consider the subdivision application and render the decision with respect to the application in accordance with the Act.⁵
- 4.6 The Municipal Planning Commission may attach conditions to a subdivision approval issued by the Municipal Planning Commission in accordance with the Act.⁶
- 4.7 In all cases, the Chief Administrative Officer is authorized to:
- a) Make a decision with respect to a request to extend the time that a Plan of Subdivision is required to be submitted to the Authority,
 - b) Make a decision with respect to a request to extend the time that a Plan of Subdivision must be registered with the Land Titles Office, and
 - c) Sign a decision issued by the Authority.
- 4.8 The Authority shall prepare and issue decisions in accordance with the Act. Where the subdivision application is refused, the Authority shall issue written reasons for the refusal in accordance with the Act.

PART 5 – AUTHORITY MEMBERSHIP AND VOTING

- 5.1 No person 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 regardless if the person is a Councillor or not.
- 5.2 Deleted.⁷
- 5.3 Office of Secretary is not a voting member of the Authority.
- 5.4 The Office of Secretary to the Authority shall:
- a) Notify all members and advisors of the Authority of the arrangements for the holding of each regular and special meeting of the Authority,
 - b) Issue the decisions and, where applicable, the reasons for decision of the Authority in accordance with the Act and the *Subdivision and Development Regulations*,
 - c) Keep and maintain on file for the inspection by the public during all reasonable hours subject to the requirements of the Act, records of all

⁵ Bylaw C-7968-2019

⁶ Bylaw C-7968-2019

⁷ Bylaw C-7968-2019



decisions in the case of refusals, the reasons therefor; written minutes of all meetings; and business transacted by the Authority, and

- d) Carry out other administrative duties as the Authority may specify.

PART 6 – TRANSITIONAL

- 6.1 Bylaw C-4550-95 is hereby repealed upon passing of this Bylaw.
- 6.2 Bylaw C-7546-2015 is passed when it receives third reading, and is signed by the Reeve/Deputy Reeve and the Chief Administrative Officer or designate, as per the *Municipal Government Act*.

Division: All

File: 1015-5560

<i>PUBLIC HEARING WAS HELD IN COUNCIL this</i>	<i>8th day of December, 2015</i>
READ A FIRST TIME IN COUNCIL this	8 th day of December, 2015
READ A SECOND TIME IN COUNCIL this	8 th day of December, 2015
<i>UNANIMOUS PERMISSION FOR THIRD READING</i>	<i>8th day of December, 2015</i>
READ A THIRD TIME IN COUNCIL this	8 th day of December, 2015

“Greg Boehlke”

Reeve

“Nona Housenga”

CAO or Designate

“December 8, 2015”

Date Bylaw Signed