

# BYLAW C-8275-2022

## A bylaw of Rocky View County, in the Province of Alberta, to establish the Subdivision Authority

**WHEREAS** section 623 of the *Municipal Government Act* requires that Council provide for a Subdivision Authority to exercise subdivision powers and duties on behalf of the municipality;

**NOW THEREFORE** the Council of Rocky View County enacts as follows:

### Title

1 This bylaw may be cited as the *Subdivision Authority Bylaw*.

### Definitions

2 Words in this bylaw have the same meaning as set out in the *Municipal Government Act* except as follows:

- (1) “**Chief Administrative Officer**” means the Chief Administrative Officer of Rocky View County pursuant to the *Municipal Government Act* or their authorized delegate;
- (2) “**Circulation and Notification Standards Policy**” means Rocky View County Policy C-327, being the *Circulation and Notification Standards Policy*, as amended or replaced from time to time;
- (3) “**Council**” means the Council of Rocky View County, duly assembled;
- (4) “**Land Use Bylaw**” means Rocky View County Bylaw C-8000-2020, being the *Land Use Bylaw*, as amended or replaced from time to time;
- (5) “**Municipal Government Act**” means the *Municipal Government Act*, RSA 2000, c M-26, as amended or replaced from time to time, and includes the *Subdivision and Development Regulation*;
- (6) “**Subdivision and Development Regulation**” means the *Subdivision and Development Regulation, Alberta Regulation 43/2002*, as amended or replaced from time to time; and
- (7) “**Rocky View County**” means Rocky View County as a municipal corporation and the geographical area within its jurisdictional boundaries, as the context requires.

### Subdivision Authority

3 The Subdivision Authority consists of:

- (1) The Chief Administrative Officer; and
- (2) Council in the circumstances prescribed by this bylaw.



- 4 The Chief Administrative Officer and Council are authorized to exercise subdivision powers and duties on behalf of Rocky View County in accordance with the *Municipal Government Act* and this bylaw.
- 5 The Chief Administrative Officer is the Subdivision Authority and may consider and render a decision on a subdivision application except in the following circumstances, in which case Council is the Subdivision Authority and will consider and render a decision on the subdivision application:
  - (1) an applicant requests that their subdivision application be considered by Council;
  - (2) a landowner within the application circulation area prescribed by Rocky View County's *Circulation and Notification Standards Policy*, a provincial agency, an adjacent municipality, or a school board objects to the application;
  - (3) approval of the subdivision application would require the relaxation of any applicable non-statutory plan, policy, or standard adopted by Council;
  - (4) the subdivision application does not satisfy the criteria for approval set out within section 654(1) of *Municipal Government Act*; or
  - (5) Council passes a resolution or bylaw directing that Council is the Subdivision Authority for all subdivision applications relating to a specific amendment to the *Land Use Bylaw*.
- 6 Applications to modify an approved subdivision application are subject to the same criteria established in section 5 of this bylaw.
- 7 The Chief Administrative Officer may refer any subdivision application to Council to consider and render a decision on the application.
- 8 The Chief Administrative Officer in all cases, regardless of whether the Chief Administrative Officer is the Subdivision Authority or not, is authorized to:
  - (1) make a decision with respect to a request to extend the time that a plan of subdivision is required to be submitted to the Subdivision Authority; and
  - (2) 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.

#### **Decisions of the Subdivision Authority**

- 9 The Subdivision Authority will prepare and issue decisions in accordance with the *Municipal Government Act*, including attaching conditions when a subdivision application is approved and providing written reasons when a subdivision application is refused.
- 10 The Chief Administrative Officer, when acting as the Subdivision Authority, may attach conditions to a subdivision application approval issued in accordance with the *Municipal Government Act*.
- 11 Council, when acting as the Subdivision Authority, may attach conditions to a subdivision application approval issued in accordance with *Municipal Government Act*.



- 12 The Chief Administrative Officer in all cases, regardless of whether the Chief Administrative Officer is the Subdivision Authority or not, is responsible for:
- (1) scheduling meetings and preparing the agenda and minutes for each meeting of the Subdivision Authority;
  - (2) preparing, issuing, and signing decisions of the Subdivision Authority, including any conditions or reasons attached to the decision, in accordance with the *Municipal Government Act* and *Subdivision and Development Regulation*; and
  - (3) all other administrative duties required or desired for the Subdivision Authority to exercise its powers and duties.
- 13 No person shall consider or make a decision on a subdivision application when that person has a pecuniary interest in the matter as defined in the *Municipal Government*, whether that person is a councillor or not.

#### **Severability**

- 14 If any provision of this bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this bylaw will remain valid and enforceable.

#### **Repeal and Effective Date**

- 15 Rocky View Bylaw C-7546-2015, being the *Subdivision Authority Bylaw*, and all amendments thereto are repealed upon this bylaw passing and coming into full force and effect.
- 16 Bylaw C-8275-2022 is passed when it receives third reading and is signed in accordance with the *Municipal Government Act*.
- 17 Bylaw C-8275-2022 comes into full force and effect on May 26, 2022.

READ A FIRST TIME this

22<sup>nd</sup> day of march, 2022

READ A SECOND TIME this


22<sup>nd</sup> day of march, 2022

UNANIMOUS PERMISSION FOR THIRD READING this

22<sup>nd</sup> day of march, 2022

READ A THIRD AND FINAL TIME this

22<sup>nd</sup> day of march, 2022

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Chief Administrative Officer or Designate

march 22, 2022  
\_\_\_\_\_  
Date Bylaw Signed