

**PARKLAND COUNTY
PROVINCE OF ALBERTA**

BYLAW 2017-16

**BEING A BYLAW TO ESTABLISH A SUBDIVISION AUTHORITY AND SET FORTH THE POWERS
AND DUTIES THEREOF.**

WHEREAS Council wishes to establish a Subdivision Authority as required under the Municipal Government Act RSA 2000, c. M-26;

NOW THEREFORE the Council of Parkland County, duly assembled and under the authority of the Municipal Government Act, as amended, hereby enacts the following:

TITLE

1. This bylaw shall be known as the "Subdivision Authority Bylaw".

DEFINITIONS

2. The following definitions will apply to the corresponding words in this bylaw:
 - (1) "Act" means the Municipal Government Act, RSA 2000, c.M-26, as amended;
 - (2) "Authority" means the Subdivision Authority established pursuant to this Bylaw;
 - (3) "Council" means the Council of Parkland County;
 - (4) "County" means Parkland County;
 - (5) "Director" means a person designated to the office of Planning and Development Services Department Director by Council;
 - (6) "Land Use Bylaw" means the Parkland County Land Use Bylaw;
 - (7) "Municipal Government Board" means the Municipal Government Board established by the Minister of Municipal Affairs in accordance with Section 486 of the Act;
 - (8) "Regulations" means the Regulations proclaimed pursuant to the Act; and
 - (9) "Statutory Plan" means a County plan approved in accordance with Part 17 of the Act.

INTERPRETATION

3. The headings in this bylaw are for reference purposes only.

ESTABLISHMENT OF AUTHORITY

4. The Subdivision Authority of Parkland County is the Director or Acting Director of the Planning and Development Services Department, or any other person designated by the Director.

POWERS AND DUTIES

5. The Subdivision Authority has those powers and duties as set out in the Act and any regulations made thereunder, and as further set out in statutory plans and the Land Use Bylaw.
6. The Subdivision Authority shall ensure statutory notices and decisions are provided to such persons as the Act and the Regulations require.
7. The Subdivision Authority shall have prepared and maintain a file for each application made to it, including a record of its decisions. All decisions shall be signed by the Subdivision Authority.
8. The fees to be charged by the Subdivision Authority for the subdivision of land in the County shall be as determined by Council.
9. The power to extend the periods for subdivision endorsement is delegated by Council to the Subdivision Authority in accordance with Section 657(6)) of the Act. Time extensions, up to a maximum of three one-year periods, will be considered based on:

<i>Statutory Plans</i>	<i>The approved subdivision still meets the requirements of the Municipal Development Plan or Area Structure Plan.</i>
<i>Land Use Bylaw</i>	<i>The approved subdivision remains consistent with the current requirements of the Land Use Bylaw.</i>
<i>Progress on meeting conditions</i>	<i>The developer reasonably demonstrates they have been actively working towards satisfying each condition.</i>
<i>On-site Development</i>	<i>Development or servicing works have occurred on the approved subdivision site that would result in the need to modify any of the conditions of the subdivision.</i>
<i>Adjacent Land Uses</i>	<i>Developments have occurred on the adjacent property that might potentially impact the intended use or development of the site.</i>
<i>Plan Dimensions</i>	<i>New or updated plans have been submitted that modify the number of lots produced or the dimensions of the lots.</i>
<i>Standards</i>	<i>The plan of subdivision does not meet the current servicing and engineering standards.</i>
<i>Market Considerations</i>	<i>The developer demonstrates the economic climate is not favourable and can demonstrate why the approved subdivision should not be registered due to economic climate or labour conditions.</i>
<i>Additional Information</i>	<i>New information is provided that suggests the subdivision approved should be re-circulated and reviewed further.</i>

10. Additional time extensions, beyond three one-year extensions, may be considered based on the criteria in Subsection 8 and if the developer can demonstrate, in the opinion of the County, extenuating circumstances.
11. Time extensions will not be supported if the conditional subdivision was approved by the Municipal Government Board.
12. The Subdivision Authority shall provide a recommendation to Council for decision, if required, for a plan cancellation.

ENACTMENT/TRANSITION

13. Should any provision of this bylaw be deemed invalid then such invalid provision will be severed from this bylaw and such severance will not affect the validity of the remaining portions of this bylaw, except to the extent necessary to give effect to such severance.
14. Council Policy C-PD-19, Plan Cancellation and Consolidation, is hereby repealed.
15. Council Policy C-PD-21, Extension of Subdivision Endorsement and Registration periods, is hereby repealed.
16. This bylaw shall come into force and take effect on the day of third reading and signing thereof.

READ A FIRST TIME this _____ day of _____, 2017.

READ A SECOND TIME this _____ day of _____, 2017.

READ A THIRD TIME and finally passed this _____ day of _____, 2017.

SIGNED AND PASSED this _____ day of _____, 2017.

Mayor

Chief Administrative Officer