

## BYLAW # 3222

### Subdivision Authority Bylaw

**A bylaw of the County of Grande Prairie No. 1 in the Province of Alberta for the purpose of establishing a Subdivision Authority.**

**WHEREAS:** pursuant to the Municipal Government Act, RSA 2000, c. M-26 and amendments thereto, a Council must by bylaw establish a Subdivision Authority to exercise subdivision powers and duties on behalf of the municipality; and

**NOW THEREFORE,** under the authority of the Municipal Government Act, the Council of the County of Grande Prairie No. 1, in the Province of Alberta, hereby enacts as follows:

#### **INTERPRETATION**

1. This Bylaw shall be cited as "Subdivision Authority Bylaw".
2. Headings in this Bylaw are for reference purposes only.
3. Words in the masculine gender will include the feminine gender whenever the context so requires and vice versa.
4. Words in the singular shall include the plural or vice versa whenever the context so requires.

#### **DEFINITIONS**

5. In this Bylaw:
  - 5.1. "Act" means the *Municipal Government Act* RSA. 2000, C.M-26 and amendments thereto.
  - 5.2. "Council" means the duly elected Council members of the County of Grande Prairie No. 1.
  - 5.3. "County" means the municipality of the County of Grande Prairie No. 1 having jurisdiction under the Municipal Government Act and other applicable legislation.
  - 5.4. "Land Use Bylaw" means the Land Use Bylaw of the County, as amended from time to time.
  - 5.5. "Municipal Planning Commission" means the commission established by the County in the Municipal Planning Commission Bylaw.
  - 5.6. "Regulations" means the Matters Related to Subdivision and Development Regulation pursuant to the Act.

5.7. "Secretary of the Commission" means the Secretary of the Municipal Planning Commission as defined in the Municipal Planning Commission Bylaw.

5.8. "Subdivision Authority" has the same meaning pursuant to the Act.

5.9. "Subdivision Officer" means the person or persons designated by Council to exercise subdivision powers and duties on behalf of the County, as described in the Act and any other Regulations or bylaws of the County.

### **ESTABLISHMENT OF THE SUBDIVISION AUTHORITY**

6. The Subdivision Authority of the County of Grande Prairie No. 1 is hereby established.

7. The Subdivision Authority shall be the following with the powers and authority outlined in the Duties and Responsibilities section:

7.1. the Subdivision Officer;

7.2. the Municipal Planning Commission; or

7.3. Council.

### **OFFICE OF SUBDIVISION OFFICER**

8. The position of the Subdivision Officer is hereby established and the Subdivision Officer or Subdivision Officers shall be appointed by Council motion.

### **ENDORSEMENT AND SIGNING AUTHORITY**

9. The signing authority for the registration of a Subdivision Plan or Instrument is the Subdivision Officer and/or the Secretary of the Commission.

10. When a Subdivision Plan is submitted for endorsement the Subdivision Officer and/or the Secretary of the Commission is authorized to accept modifications to the approved plan, provided:

10.1. The number of parcels do not increase, except where the addition of a Public Utility Lot or Lots is required to meet the conditions of subdivision approval;

10.2. The area of municipal, school, or environmental reserves do not change, except where the change is required for another modification allowable under this section and does not compromise the purpose of the reserve;

10.3. Roadway and infrastructure standards of the County are not compromised; and



- 10.4. Such adjustments comply with municipal bylaws and adopted plans, with the exception that minor changes to the Land Use Bylaw standards may be included as provided for in section 654(2) of the Act.

### **SUBDIVISION ENDORSEMENT AND REGISTRATION TIME EXTENSIONS**

11. For an Approved Subdivision, the County will not grant more than three (3) one-year extensions within four (4) years of the original decision by the Subdivision Authority.
  - 11.1. Notwithstanding Section 11, "Council may consider a fourth one-year time extension for subdivisions where extenuating circumstances have prevented the applicant from meeting the conditions of approval."
12. For an Endorsed Subdivision, the County will not grant more than one (1) one-year extension within two (2) years of the original Subdivision endorsement.
13. The power to extend the periods for subdivision endorsement and registration pursuant to Section 657(6) of the Act is delegated by Council to the Subdivision Officer.
14. Time extension requests are subject to payment of the required fee.

### **DUTIES AND RESPONSIBILITIES**

15. The Subdivision Officer:
  - 15.1. Shall receive and consider applications for subdivision;
  - 15.2. Shall refer all applications for subdivision to the Municipal Planning Commission, except:
    - 15.2.1. Applications to subdivide one (1) lot from a previously unsubdivided quarter section for residential purposes, including farmstead separations and boundary adjustments to the first lot, where:
      - a. No variance is required to County, Provincial, or other Regulations including bylaws, acts, statutory plans, and any other applicable regulation;
      - b. no landowner, provincial agency, adjacent municipality, or school board objects to the application;
      - c. the applicant does not object to the proposed conditions; and
      - d. the subdivision application satisfies the criteria for approval set out within section 654(1) of the Municipal Government Act.

- 15.3. Notwithstanding section 15.2.1., may refer any subdivision application to the Municipal Planning Commission.
  - 15.4. Shall receive and consider applications for subdivision endorsement time extensions.
  - 15.5. Shall make decisions on applications for subdivision endorsement time extension requests.
  - 15.6. Notwithstanding section 15.5, may refer any subdivision endorsement time extension application to Council for decision.
  - 15.7. Shall notify applicant of the decision made on subdivision endorsement time extension applications.
16. The Municipal Planning Commission:
- 16.1. Shall make decisions with respect to all subdivision applications, except those identified in section 15.2.1.; and
  - 16.2. Notwithstanding section 16.1, the Municipal Planning Commission may refer any application to Council for consideration.
17. The Secretary of the Commission shall carry-out all responsibilities established in the Municipal Planning Commission Bylaw.
18. Council shall make decisions with respect to any subdivision application referred to it by the Municipal Planning Commission.

### **DECISIONS OF THE SUBDIVISION AUTHORITY**

19. 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.
20. A Subdivision Officer or the Secretary of the Commission shall prepare and issue decision notices on behalf the Municipal Planning Commission and Council.

### **SEVERABILITY**

21. Every provision of this bylaw is independent of all other provisions and if any provision is declared invalid by a Court, then the invalid provisions shall be severed and the remaining provisions shall remain valid and enforceable.

### EFFECTIVE DATE

This Bylaw shall come into force and effect on the third and final reading thereof.

Read a FIRST time this 26<sup>th</sup> day of February, 2024.

Read a SECOND time this 26<sup>th</sup> day of February, 2024.

Read a THIRD time and finally passed this 26<sup>th</sup> day of February, 2024.



Robert G. Marshall  
Reeve



Joulia Whittleton  
County Manager



February 16, 2024

**TO WHOM IT MAY CONCERN:**

I hereby appoint **Ryan Konowalyk** as Acting Administrator for the County of Grande Prairie No. 1 in my absence from February 16 – March 4, 2024.

16<sup>th</sup> day of February 2024.



Joulia Whittleton, CLGM  
County Manager