



Bylaw Report

Bylaw: 1704-23 – Municipal Development Plan Amendment

Issue

To consider first reading of Bylaw 1704-23 to amend the Municipal Development Plan (MDP) regarding the duties, functions and powers of the Subdivision Authority.

Recommendation

1. That the County of Stettler give first reading to Bylaw 1704-23 as presented.
2. That the County of Stettler schedule a Public Hearing for Bylaw 1704-23 for 1:00 pm during the August 9, 2023 Regular Council meeting.

General

Bylaw 1704-23 proposes to remove the description of the duties, functions and powers of the Subdivision Authority, which is Section 3, from the MDP. The proposed Subdivision Authority Bylaw (Bylaw 1703-23) will satisfy the legislative requirement to establish a subdivision authority.

Appendix A contains the current text of Section 3 of the MDP. Many of the policy statements overlap with clauses contained in the Municipal Government Act (MGA) and the Matters Relating To Subdivision and Development Regulation (Regulation). Unlike the Development Authority, which relies on the Council approved Land Use Bylaw to provide authority to make decisions, the Subdivision Authority derives its powers directly from the MGA and the Regulation. The repetition in the MDP is not needed and may lead to inconsistencies.

Options

That Council give first reading to Bylaw 1704-23,

Or

That Council defeats first reading of Bylaw 1704-23.

Financial

There are no direct financial implications from the proposed change to the MDP.

Policy/Legislation

Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, Section 632(1) every council of a municipality must by bylaw adopt a municipal development plan.

Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, Section 692(1)...before giving second reading to...a proposed bylaw amending a municipal development plan...council must hold a public hearing...

Implementation/Communication

Proposed Bylaw 1704-23 and the Public Hearing will be advertised using a variety of media tools and posting on the County website. Referrals will be sent to interested groups, agencies, neighbouring municipalities, local authorities and Government departments. Input that is received will be presented at the Public Hearing.

Prepared By

Craig Teal, RPP MCIP, Director of Planning & Development

Reviewed By

Yvette Cassidy, Chief Administrative Officer

Attachments

Appendix A: Current Text of Section 3 of the Municipal Development Plan

Bylaw 1704-23

Appendix A: Current Text of Section 3 of the Municipal Development Plan

3.0 DUTIES, FUNCTIONS AND POWERS OF THE SUBDIVISION AUTHORITY

- 3.1 The County's Subdivision Authority is established by Bylaw No. 857-95, pursuant to the *Municipal Government Act*, and its powers and duties of subdivision are thereby delegated to the County's Municipal Planning Commission.
- 3.2 Council hereby further delegates to the Director of Planning and Development (i.e. the Director) the duty to receive and process all subdivision applications on behalf of the Municipal Planning Commission and, in consultation with the Chief Administrative Officer, to make subdivision recommendations to the Municipal Planning Commission. Further, a subdivision application for:
- a) the separation of a farmstead parcel up to five acres; or
 - b) a bare parcel that complies with the criteria listed in Policy 4.6 of this Plan; or
 - c) a boundary adjustment, that does not affect more than one acre of land, to a parcel that has not been the subject of a boundary adjustment within the previous ten years;
- and against which no objections have been received and which is supported by the divisional Councillor ***may*** be approved by the Director, acting on behalf of and with delegation from the Municipal Planning Commission, in consultation with the Chief Administrative Officer and the Councillor for the relevant division. The Director ***shall*** refer any application that does not comply with the criteria in Policy 4.6 or that proposes a parcel in the Agricultural District in excess of five acres pursuant to Policy 4.7 to the Municipal Planning Commission for consideration, and ***may*** refer any other application, whether or not it complies with the criteria of Policy 4.6, to the Municipal Planning Commission.
- 3.3 A subdivision application must be made to the Director on the prescribed form and must be signed by the applicant or his agent.
- 3.4 In addition to the completed application form and application fee, the applicant must provide such information and in a format as may be required to the satisfaction of the Director, pursuant to the County's *Planning and Subdivision Guidelines*.
- 3.5 Pursuant to the Land Titles Act a bare land condominium requires approval from the Subdivision Authority.
- 3.6 Subject to the *Municipal Government Act*, this Plan, the Land Use Bylaw or any statutory plan the Subdivision Authority, or the Director acting on its behalf, may impose conditions it considers appropriate to a subdivision approval, including but not limited to the following:
- a) that the developer enter into a subdivision agreement pursuant to Policy 3.7;
 - b) legal and physical access to a public road;
 - c) the registration of the subdivision and consolidation of parcels;
 - d) the status of existing services and structures;
 - e) payment of outstanding property taxes;
 - f) payment of off-site levies;
 - g) road widening;
 - h) the registration of agreements and restrictive covenants on the title of land;
 - i) municipal and/or school reserves and environmental reserve dedication; or

- j) any other matter that the Subdivision Authority considers necessary to ensure appropriate subdivision.

3.7 Pursuant to the *Municipal Government Act* a subdivision agreement may, in addition to other matters, require the applicant:

- a) to construct or pay for the upgrading of:
 - (i) any roads required to give access to the development;
 - (ii) a pedestrian walkway system to serve the development or to give access to an adjacent development, or both; and,
 - (iii) off-street or other parking facilities and loading and unloading facilities;
- b) to construct, install or pay for any local improvements and utilities which are needed to serve the development including, but not limited to, on-site storm water management facilities and any required easements, and joint drainage and access requirements;
- c) to pay an off-site levy or redevelopment levy;
- d) to repair or reinstate, to original condition, any ditch, municipal landscaping or trees which may be damaged or destroyed or otherwise harmed by development or building operations upon the site;
- e) to provide an irrevocable letter of credit, or other form of security acceptable to the County, to guarantee performance of the conditions of the Development Permit; and
- f) to attend to all other matters the County considers appropriate.

3.8 Pursuant to the *Municipal Government Act* in order to ensure compliance with the conditions of preliminary subdivision approval the Subdivision Authority, or the Director acting on its behalf, may register a caveat or a restrictive covenant in favour of the County against the property being subdivided which shall be discharged upon the conditions or other terms being met.

3.9 Pursuant to the *Municipal Government Act* the Subdivision Authority must state a reason for refusing a subdivision application.

3.10 Pursuant to the *Municipal Government Act* a preliminary subdivision approval is void if:

- a) the applicant does not submit the plan of subdivision to the County within one year from the date on which the preliminary subdivision approval was given to the applicant;

and a subdivision approval and an endorsement are void if:

- b) the applicant does not register the plan of subdivision in a land titles office within one year after the date on which it was endorsed.

3.11 Pursuant to the *Municipal Government Act* Council hereby designates the Subdivision Authority to extend a preliminary subdivision approval or plan registration deadline. In the event that a request to extend a deadline complies with the criteria listed below, the Director may extend the deadline:

- a) The original deadline has not been extended previously;
- b) The original deadline has not expired more than one year ago, and
- c) The extension is required for a further one year period or less.