



BYLAW 2024-80

BEING A BYLAW OF THE TOWN OF DIAMOND VALLEY IN THE PROVINCE OF ALBERTA, TO ESTABLISH A SUBDIVISION AUTHORITY

WHEREAS pursuant to section 623 of the *Municipal Government Act*, RSA 2000, Chapter M-26 as amended, a municipal council must, by bylaw, provide for a subdivision authority to exercise subdivision powers and duties on behalf of the municipality;

THEREFORE, BE IT RESOLVED THAT the Council of the Town of Diamond Valley, duly assembled in Council Chambers in Diamond Valley, Alberta, enacts as follows:

1.0 TITLE AND PURPOSE

1.1 This bylaw may be cited as the "Subdivision Authority Bylaw".

2.0 INTERPRETATION AND DEFINITIONS

2.1 In this bylaw and any schedules to this bylaw, the following terms, phrases, words and their derivations have the following meanings:

- (a) **Act** means the *Municipal Government Act*, RSA 2000, Chapter M-26, as amended;
- (b) **Chief Administrative Officer (CAO)** means the person appointed by the Council of the Town to carry out the powers, duties and functions of the Chief Administrative Officer;
- (c) **Council** means the elected officials for the Town of Diamond Valley;
- (d) **Planning and Development Manager** means the person employed by the Town in the role of Planning and Development Manager;
- (e) **Reserve land** means community reserve, conservation reserve, environmental reserve, municipal reserve, municipal and school reserve, or school reserve.
- (f) **Town** means the municipality of the Town of Diamond Valley in the Province of Alberta.

2.2 The headings in this bylaw do not form part of this bylaw and do not affect its interpretation.

2.3 Any references in this bylaw to any Statutes are to the *Province of Alberta Statutes* as amended or replaced from time to time and any amendments thereto.

2.4 Within the text of this Bylaw;

- (a) use of a pronoun or determiner which indicates one gender includes all genders, unless the context requires otherwise, and
- (b) use of the singular includes the plural and the plural includes the singular, as the context requires.

2.5 The word "may," when used in this Bylaw, is to be construed as permissive and empowering, and the words "must" or "will" when used in this Bylaw, are to be construed as imperative.

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3.0 ESTABLISHMENT

3.1 The Subdivision Authority for the Town is:

- (a) The CAO or the Planning and Development Manager for an application for subdivision approval which is consistent with any statutory plan affecting the lands proposed for subdivision and which complies with the Land Use Bylaw;
- (b) Notwithstanding Section 3.1, the CAO or the Planning and Development Manager may delegate authority in respect to any specific application for subdivision approval; and
- (c) Council for all other applications for subdivision approval.

3.2 The Planning and Development Manager, or designate under section 3.1(b), will advise Council and the Subdivision and Development Appeal Board on matters relating to the subdivision of land.

4.0 SIGNING AUTHORITY

4.1 The signing authority for all subdivision matters is the CAO or Planning and Development Manager.

5.0 POWERS AND DUTIES

5.1 The Subdivision Authority has those powers and duties as set out in the Act and any regulation made thereunder.

5.2 The Subdivision Authority may extend timelines associated with subdivision application, approval, and endorsement, in accordance with the Act.

5.3 The Subdivision Authority, or delegate, may request a waiver pursuant to the Matters Related to Subdivision and Development Regulation, Alta Reg 84/2022, as amended from time to time, prior to deciding on a subdivision application.

5.4 Prior to the endorsement of a plan of subdivision, the Planning and Development Manager is authorized to accept minor modifications to the approved tentative plan of subdivision, provided:

- (a) no additional lots are created;
- (b) the area for reserve land is not decreased;
- (c) the design and construction standards for the infrastructure of the Town are not compromised; and
- (d) such modifications comply with municipal bylaws and adopted plans.

6.0 GENERAL PROVISIONS AND COMING INTO FORCE

6.1 If any term, clause or condition of this bylaw or the application thereof is found to be invalid or unenforceable, the remainder of this bylaw or application of such term, clause or condition must not be affected and remains in force and effect.

6.2 Nothing in this bylaw relieves any person from compliance with any other bylaw or any applicable federal or provincial law, regulation or enactment.

6.3 In the event of a conflict between this bylaw and any other bylaw or any applicable federal or provincial law, regulation or enactment respecting public health and safety, the other bylaw, law, regulation or enactment must prevail to the extent of the conflict.

6.4 This bylaw comes into force and effect on the date of third and final reading.

READ A FIRST TIME on the 16 day of OCTOBER, 2024

READ A SECOND TIME on the 6 day of November, 2024

READ A THIRD AND FINAL TIME on the 6 day of November, 2024



Mayor

Chief Administrative Officer

