



## TOWN OF CLARESHOLM

### BYLAW No. \_\_\_\_\_

BEING A BYLAW IN THE TOWN OF CLARESHOLM IN THE PROVINCE OF ALBERTA FOR THE PURPOSES OF ESTABLISHING A SUBDIVISION AND DEVELOPMENT AUTHORITY AND MUNICIPAL PLANNING COMMISSION BYLAW.

**WHEREAS**, the Municipal Government Act, Revised Statutes of Alberta 2000 Chapter M-26, as amended, pursuant to Section 623, requires the municipality to adopt a bylaw to establish a municipal Subdivision Authority and a municipal Development Authority; and

**WHEREAS**, the Municipal Government Act, Revised Statutes of Alberta 2000 Chapter M-26, as amended, pursuant to Section 625(1)(a), may adopt a bylaw establish a Municipal Planning Commission; and

**WHEREAS**, the Municipal Planning Commission is authorized to make decisions on applications for subdivision and development approval in accordance with the administrative procedures, land uses and schedules established in the municipal land use bylaw; and

**WHEREAS**, this bylaw may be cited as the Town of Claresholm Subdivision and Development Authority Bylaw;

**PURPOSE**, the purpose of this bylaw is to establish the authority of the Municipal Planning Commission and Designated Officer to carry out the duties of the Development Authority and the Subdivision Authority;

**NOW THEREFORE**, the Council of the Town of Claresholm in the Province of Alberta duly assembled, enacts as follows:

1. Definitions:

- a) **Act** means the Municipal Government Act, Revised Statutes of Alberta 2000 Chapter M-26, as amended.
- b) **Authorized persons** means a person or organization authorized by council to which the municipality may delegate any of its Development Authority powers, duties or functions.
- c) **CAO** means the Chief Administrative Officer of the Town of Claresholm.
- d) **Council** means the Municipal Council of the Town of Claresholm.
- e) **Designated officer** means a person or persons authorized to act as the designated officer for the municipality as established by bylaw pursuant to Section 210 of the Act.
- f) **Development Authority** means the person or persons appointed, by bylaw, to exercise only such powers and perform duties as are specified:
  - i) in the Act; or
  - ii) in the Town of Claresholm Land Use Bylaw; or
  - iii) in this bylaw; or
  - iv) by resolution of council.
- g) **Development Officer** means the person appointed by the Chief Administrative Officer into the position of Development Officer for the Municipality and who is authorized to act as a designated officer for the purposes authorized in this bylaw and the Land Use Bylaw.
- h) **Discretionary Use** has the same meaning as the Land Use Bylaw.
- i) **Land Use Bylaw** means the Town of Claresholm Land Use Bylaw 1525, as amended or replaced by Council from time to time.
- j) **Member** means the members of the Development Authority.
- k) **Municipal Planning Commission** ("MPC") means the Municipal Planning Commission of the Town of Claresholm as established by this bylaw.
- l) **Municipality** means the Town of Claresholm in the Province of Alberta.
- m) **Permitted Use** has the same meaning as the Land Use Bylaw.
- n) **Pecuniary Interest** has the same meaning as prescribed in Part 4, Division 9 of the Act.
- o) **Planning Advisor** means the person appointed to act as the land use planning and development advisor for the municipality and shall include the person assigned to act as the planning advisor by the Oldman River Regional Services Commission.
- p) **Secretary** means the person or persons authorized to act as secretary for the Development Authority.

- q) **Subdivision Authority** means the person or persons who exercise subdivision powers and duties on behalf of the municipality.
- r) All other terms used in this bylaw shall have the meaning as is assigned to them in the Municipal Government Act, as amended from time to time.

## **Part 1 – Development Authority**

### **Establishment**

- 2. This bylaw hereby establishes the Development Authority in the Town of Claresholm.
- 3. The Development Authority for the Municipality is the Development Officer, the Municipal Planning Commission, the Chief Administrative Officer, and Council, as defined by the Land Use Bylaw.

### **Powers and Duties**

- 4. The Development Authority has those powers and duties as set out in the MGA, the Land Use Bylaw and this bylaw, and any regulations made thereunder.

### **Functions and Duties**

- 5. The Development Authority for the Municipality is:
  - a. The Development Officer as the Designated Officer, for an application for development approval which is:
    - i. A permitted use under the Land Use Bylaw and which complies with the requirements and regulations set out in the Land Use Bylaw;
    - ii. A permitted use under the Land Use Bylaw and which requests up to two minor waivers not in excess of the defined percent of a measurable standard or any other waiver as specifically authorized in the Land Use Bylaw;
    - iii. A development officer discretionary use and which complies with the requirements and regulations set out in the Land Use Bylaw; and
    - iv. A development officer discretionary use under the Land Use Bylaw and which may request up to two minor waivers not in excess of the defined percent of a measurable standard or any other waiver as specifically authorized in the Land Use Bylaw.
  - b. The Municipal Planning Commission established under this bylaw, when the application for development permit is:
    - i. A discretionary use under the Land Use Bylaw;
    - ii. A permitted use under the Land Use Bylaw which requires a variance in excess of the authority granted to the Development Officer as set out in the Land Use Bylaw; and
    - iii. A development officer discretionary use which requires a variance in excess of the authority granted to the Development Officer as set out in the Land Use Bylaw.
- 6. Council may delegate or authorize the CAO to delegate any of its Development Authority powers, duties or function to an authorized person, delegated Planning Advisor, agency or a regional services commission.
- 7. Notwithstanding Section 5, the Development Officer may forward any application for development approval to the Municipal Planning Commission for a decision.
- 8. Council will act as the Development Authority for any development on land designated as Direct Control unless Council subdelegates any of the decision-making duties to the MPC or Development Officer in accordance with the MGA.

### **Appointment of Development Officer**

- 9. Council may, by resolution, appoint a designated officer as Development Officer(s). The powers and duties of the Development Officer shall be outlined in the Town of Claresholm Land Use Bylaw and this bylaw.
- 10. The Development Officer(s) shall only be a designated officer on behalf of the municipality as it relates to carrying out the development powers and duties as authorized in The Town of Claresholm Land Use Bylaw and this bylaw.
- 11. In the absence of a designated Development Officer for the municipality, the Town of Claresholm CAO shall act as development officer.

## **PART 2 – Subdivision Authority**

## **Establishment**

12. This bylaw hereby establishes the Subdivision Authority in the Town of Claresholm.
13. The Subdivision Authority for the Municipality is the Municipal Planning Commission for all applications for subdivision approval.

## **Powers and Duties**

14. The Subdivision Authority has those powers and duties as set out in the MGA, the Land Use Bylaw, this bylaw, and any regulation thereunder.

## **Administration**

15. The signing authority for all subdivision decisions and related matters is the MPC Chair or delegate except in such instances whereby the CAO, Planning Advisor or regional services commission may be the Subdivision Authority as delegated by Council or per an agreement or in accordance with the land use bylaw and the powers and duties as set out.
16. When a registerable instrument is submitted for endorsement, the signing authority is authorized to accept minor modifications from that approved by the Subdivision Authority provided:
  - a) there is no increase to the number of parcels;
  - b) municipal, school or environmental reserves are not compromised;
  - c) municipal roads and standards are not compromised;
  - d) changes comply with municipal bylaws, with the exception that minor changes to the Land Use Bylaw standards may be included as provided in Section 654(2) of the MGA.

## **Functions and Duties**

17. The MPC acting as the Subdivision Authority has the following functions and duties:
  - a) to serve as a Subdivision Authority pursuant to Part 17 of the MGA and this bylaw; and
  - b) to make decisions on subdivision applications pursuant to Part 17 of the MGA, the Land Use Bylaw, the Municipal Development Plan, the Intermunicipal Development Plan, and this bylaw; and
  - c) provide written reasons for its decisions on subdivision applications.
18. Applications for subdivision approval shall be considered by the Subdivision Authority and either approved, with or without conditions, or refused, in accordance with the Land Use Bylaw, any relevant statutory plan, provincial regulations, and the MGA Part 17 and any regulations made thereunder.
19. Council may delegate or authorize the CAO to delegate any of its Subdivision Authority or Development Authority powers, duties or function to an authorized person, delegated Planning Advisor, agency or a regional services commission.
20. Council hereby delegates the following subdivision powers, duties or functions to the delegated Planning Advisor and regional services commission by agreement:
  - a) the providing of advice to applicants for subdivision approval;
  - b) the processing of applications for subdivision, including deeming applications complete as per section 653.1 of the Municipal Government Act, Statutes of Alberta 2000, Chapter M-26;
  - c) the collecting of all pertinent subdivision fees;
  - d) the requirements for notification of applicants, pertinent agencies, government departments and adjacent land owners;
  - e) the preparation of draft resolutions for consideration by the Subdivision Authority;
  - f) the appearance at meetings of the Subdivision Authority as requested to do so from time to time;
  - g) the compilation and documentation of all pertinent comments of those persons and local authorities to which the notice of application was given;
  - h) the conduction of a site inspection (where feasible to do so) at the location of the proposed application for subdivision approval;
  - i) the finalization and required signed endorsement of final subdivision approvals, plans of survey or other instruments for registration purposes at Land Titles Office;
  - j) the registration and discharging of deferred reserve caveats;
  - k) the conveyance of notification of final subdivision approval to the registered owner and/or the authorized agent;
  - l) the maintenance of a subdivision file and corresponding archival information relating to the application for subdivision approval on behalf of the municipality;
  - m) the providing of all pertinent information for consideration at a hearing of the appropriate subdivision appeal board;
  - n) the appearance, for the purpose of providing pertinent information, at a hearing of a subdivision appeal board;

- o) the performance of any other duties or functions as requested, by resolution of council, as agreed to by the designated Planning Advisor and regional services commission.

## **PART 3 – Municipal Planning Commission**

### **Establishment of the Municipal Planning Commission**

21. That a Commission known as the Municipal Planning Commission of the Town of Claresholm, hereinafter called "MPC" is hereby established.

### **Membership**

22. The MPC shall be composed of not less than five (5) persons as follows:

- 2 members at large, who are adult residents of the Town of Claresholm; and
- 3 members of council;

All appointed by resolutions of Council.

23. Three (3) of the members of the MPC shall constitute a quorum.
24. No person who is a member of the Subdivision and Development Appeal Board or an employee of the Town of Claresholm shall be appointed to act as a member of the MPC.
25. Appointments to the MPC shall be made for a term of 3 years.
26. When a person ceases to be a member of the MPC before the expiration of his term, council shall appoint another person for the unexpired portion of that term within 60 days of receiving notice of the vacancy.

### **Chairperson and Vice-Chairperson**

27. The MPC shall elect a Chairperson and Vice-Chairperson from its members to preside for a term of one year from the date of election.
28. Where the Chairperson and Vice-Chairperson are both absent from a meeting of the MPC, one of the other members shall be elected by a simple majority to preside over that meeting.

### **Secretary**

29. The Designated Officer(s) shall serve as Secretary to the MPC, and shall:
- a. not have a vote;
  - b. notify all members of meetings of the MPC;
  - c. notify the public pursuant to the notification procedure of the Land Use Bylaw and the MGA;
  - d. ensure there is quorum for all meetings;
  - e. prepare and maintain a file of written minutes of the business transacted at all meetings of the MPC;
  - f. record decisions of the MPC and issue the decision and/or permit forthwith to all parties affected;
  - g. keep record of the names and addresses of those making representations at the meeting;
  - h. undertake other duties as the MPC may require in the conduct of its business.

### **Functions and Duties**

30. The Municipal Planning Commission has the following functions and duties:
- a. upon request of Council, to advise Council with respect to achieving the orderly, economical and beneficial development, use of land and pattern of settlement in the Municipality
  - b. to serve as a Subdivision Authority pursuant to Part 17 of the MGA and of this bylaw; and
  - c. to serve as a Development Authority pursuant to Part 17 of the MGA and of this bylaw.
31. The Municipal Planning Commission shall hold meetings monthly or as required, and undertake such actions as are necessary to fulfill the powers and duties of the MPC.
32. Applications for subdivision approval shall be considered by the MPC and either approved, with or without conditions, or refused in accordance with the MGA Part 17 and any regulations made thereunder.

33. Development permit applications referred to the MPC shall be considered and either approved, with or without conditions, or refused in accordance with the Land Use Bylaw and the MGA Part 17 and any regulations made thereunder.
34. A decision of the Municipal Planning Commission is not considered final until notification of the decision is given in writing.
35. If a member has a pecuniary interest in the matter before the MPC, the member shall:
  - a. disclose the general nature of the pecuniary interest to the MPC prior to the MPC's consideration of the matter;
  - b. abstain from discussion and disposition on the matter; and
  - c. leave the room in which the meeting is taking place until discussion and disposition of the matter is completed.
36. The abstention of the member and the disclosure of the member's interest shall be recorded in the minutes.
37. Members may attend meetings and hearings by electronic means provided that notice is provided in accordance with Section 199 of the MGA.
38. Only those Members of the MPC who attend a meeting shall be present to vote on any matter before it.
39. The decision of the majority of the members present at a meeting shall be deemed to be the decision of the whole MPC.
40. In the event of a tie vote, any motion of the MPC shall be deemed defeated. In such an event the MPC shall provide reasons for the decision.

**Severability**

1. If any portion of this Bylaw is deemed invalid by a court of competent jurisdiction, then the valid portion must be severed and the remainder of the Bylaw is deemed valid.

**Repeal**

2. Bylaw No.1530, being the former municipal Subdivision and Development Authority bylaw, is hereby repealed.

READ a **first** time this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
*Mayor*

\_\_\_\_\_  
*Chief Administrative Officer*

READ a **second** time this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
*Mayor*

\_\_\_\_\_  
*Chief Administrative Officer*

READ a **third** time and finally passed this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
*Mayor*

\_\_\_\_\_  
*Chief Administrative Officer*