

**TOWN OF MAGRATH
IN THE PROVINCE OF ALBERTA
BYLAW # 1285
(Subdivision and Development Authority)**

BEING a bylaw of the Town of Magrath in the Province of Alberta, to establish a subdivision authority, development authority and municipal planning commission;

AND WHEREAS, the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26 as amended requires a municipality to adopt a bylaw to establish municipal authorities to make decisions respecting subdivision and development;

AND WHEREAS, a subdivision authority is authorized to decide on applications for subdivision approval in accordance with the *Municipal Government Act*, the *Subdivision and Development Regulation*, local statutory plans and the governing land use bylaw;

AND WHEREAS, a development authority is authorized to decide on applications for development approval in accordance with the uses of land, standards of development and procedural requirements specified in the governing land use bylaw;

AND WHEREAS, the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26 as amended permits a municipality to adopt a bylaw to establish a municipal planning commission to act as the subdivision authority and development authority;

AND WHEREAS, this bylaw may be cited as the "Town of Magrath Subdivision and Development Authority Bylaw;"

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

1. Terms appearing in this bylaw that are not defined in this section shall have the meaning assigned to them in the *Municipal Government Act*.
 - (a) **ACT** means the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26..
 - (b) **AUTHORIZED PERSON** means a regional services commission or any other person authorized by Council to which the Town may delegate any of its Subdivision Authority and/or Development Authority powers, duties or functions.
 - (c) **COUNCIL** means the municipal Council of the Town of Magrath.
 - (d) **DESIGNATED OFFICER** means a person authorized to act as the designated officer for the Town as established by bylaw.
 - (e) **DEVELOPMENT OFFICER** means a person or persons authorized to act as the Development Officer for the Town as established by the Town of Magrath Land Use Bylaw.
 - (f) **MEMBERS** means the members comprising the Municipal Planning Commission.
 - (g) **MUNICIPAL PLANNING COMMISSION** means the committee appointed to exercise and perform Development Authority and Subdivision Authority powers, duties and functions on behalf of the Town as are specified:
 - (i) in the Act;
 - (ii) in the *Subdivision and Development Regulation*;
 - (iii) in the Town of Magrath Land Use Bylaw;
 - (iv) in this bylaw; or
 - (v) by resolution of Council.
 - (h) **PERSON** includes a body corporate as defined in the provincial statutes.
 - (i) **SECRETARY** means the person appointed by Council to act as Secretary of the Municipal Planning Commission.


- (j) **REGIONAL SERVICES COMMISSION** means an intermunicipal partnership incorporated under Part 15.1 of the *Municipal Government Act* that leverages collective resources to realize economies of scale respecting the delivery of planning, mapping and other regional services.
 - (k) **SUBDIVISION AND DEVELOPMENT REGULATION** means provincial regulations governing subdivision and development brought into force under s. 694 of the Act.
 - (l) **TOWN** means the Town of Magrath.
2. In accordance with the Act, this bylaw hereby establishes the Subdivision Authority, Development Authority and Municipal Planning Commission for the Town of Magrath.
 3. The Municipal Planning Commission shall be the Subdivision Authority for the Town, and is authorized to evaluate subdivision applications, make decisions and attach conditions to approvals.
 4. The Municipal Planning Commission shall be the Development Authority for the Town, except in such scenarios where the Development Officer is authorized to act as the Development Authority pursuant to the Town of Magrath Land Use Bylaw. The Development Authority is empowered to evaluate development applications, make decisions, attach conditions to approvals, and issue notices and orders.
 5. The Town may, by bylaw, delegate any of the subdivision authority or development authority powers, duties or functions to a regional services commission or to any other person.
 6. The Municipal Planning Commission shall be composed of five (5) persons along with one (1) alternate.
 7. All members of the Municipal Planning Commission shall be appointed by a resolution of Council. Three (3) of the persons shall be members of Council and the remaining two (2) shall be residents of the Town.
 8. A member of the Municipal Planning Commission shall not be a member of the Subdivision and Development Appeal Board.
 9. Appointments to the Municipal Planning Commission shall be made for a term of four (4) years and shall dissolve upon the next municipal election.
 10. Council may terminate any appointment at any time during the four (4) year term, provided that it appoints another person for the unexpired portion of that term within sixty (60) days of issuing the termination.
 11. Should an elected official not remain as a member of Council then he/she ceases to be a member of the Municipal Planning Commission. Council, shall, by resolution, appoint another elected official for the unexpired portion of that term within sixty (60) days of receiving notice of the departure.
 12. When a member of the Municipal Planning Commission voluntarily revokes his/her membership before the expiration of his/her term, Council shall, by resolution, appoint another person for the unexpired portion of that term within sixty (60) days of receiving notice of the revocation.
 13. Following the organizational meeting of Council each year, the members of the Municipal Planning Commission shall elect, among themselves, a Chairman and a Vice-Chairman to hold office for a term of one year.
 14. Three (3) members of the Municipal Planning Commission shall constitute a quorum, where those three (3) members include at least two (2) members of Council.
 15. The decision of the majority of the members present at a meeting shall be deemed to be the decision of the whole Municipal Planning Commission.
 16. The Municipal Planning Commission shall hold regular meetings twelve (12) times per year on a date determined by the Municipal Planning Commission. Meetings may be cancelled if no applications for consideration are received prior to notification requirements.

17. The Municipal Planning Commission may hold special meetings at any time at the request of the Chairman.
18. Each member of the Municipal Planning Commission may be entitled to such remuneration, travelling, and living expenses as may be fixed from time to time by Council; and the remuneration, travelling, and living expenses shall be paid by the Town of Magrath.
19. Council shall, by resolution, appoint an employee of the Town as Secretary of the Municipal Planning Commission, who shall attend all meetings of the Municipal Planning Commission and shall abstain from voting on all matters requiring a decision from the Municipal Planning Commission.
20. The Secretary shall attend all meetings of the Municipal Planning Commission and shall keep the following records with respect thereto:
 - (a) the minutes of all meetings;
 - (b) all applications;
 - (c) records of all notices of meetings and or persons to whom they were sent;
 - (d) copies of all written representations to the Municipal Planning Commission;
 - (e) notes as to each representation;
 - (f) the names and addresses of those making representations at the meeting;
 - (g) the decision of the Municipal Planning Commission;
 - (h) the reasons for the decision of the Municipal Planning Commission;
 - (i) the vote of the members of the Municipal Planning Commission on the decision;
 - (j) records of all notices of decision and of persons to whom they were sent;
 - (k) all notices, decisions and orders made on appeal from a decision of the Municipal Planning Commission; and
 - (l) such other matters as the Municipal Planning Commission may direct.
21. The Municipal Planning Commission may make rules to govern its meetings.
22. This bylaw shall come into effect upon third and final reading thereof and repeals Bylaw #918.

READ a **first** time this 12th day of October, 2021.



Mayor – Russ Barnett




Chief Administrative Officer – James Suffredine

READ a **second** time this 12th day of October, 2021.



Mayor – Russ Barnett



Chief Administrative Officer – James Suffredine

READ a **third** time and finally PASSED this 12th day of October, 2021.



Mayor – Russ Barnett



Chief Administrative Officer – James Suffredine