



Bylaw: 02-2025

Approving Authorities and Municipal Planning Commission Bylaw

BEING A BYLAW OF THORHILD COUNTY IN THE PROVINCE OF ALBERTA TO ESTABLISH A SUBDIVISION AUTHORITY, DEVELOPMENT AUTHORITY AND MUNICIPAL PLANNING COMMISSION.

WHEREAS, Section 623 (a) of the *Municipal Government Act*, RS.A. 2000 Chapter M-26 as amended, a council must, by bylaw, provide for a subdivision authority to exercise subdivision powers and duties on behalf of the municipality, and

AND WHEREAS, Section 623 (b) of the *Municipal Government Act*, RS.A. 2000 Chapter M-26 as amended, a council must, by bylaw, provide for subject to section 641, a development authority to exercise development powers and perform duties on behalf of the municipality.

AND WHEREAS, Section 625 (1), (a) of the *Municipal Government Act*, RS.A. 2000 Chapter M-26 as amended, council of a municipality may, by bylaw, establish a municipal planning commission.

WHEREAS, NOW THEREFORE, The Council for Thorhild County in the Province of Alberta, duly assembled, enacts as follows:

TITLE

- 1) This bylaw may be cited as the "Approving Authorities and Municipal Planning Commission Bylaw".

DEFINITIONS

- 2) The following words and phrases mean:
 - a) "Act" means the *Municipal Government Act*, RS.A. 2000, as amended
 - b) "Chief Administrative Officer" shall be the Chief Administrative Officer, as appointed by Council.
 - c) "Council" means the Council of Thorhild County.
 - d) "Development Application" means an application made in accordance with the Land Use Bylaw for the purpose of obtaining a development permit.

- e) "Development Authority" means the authority established under this bylaw to perform the duties and functions of a Development Authority under the Act.
- f) "Development Authority Officer" means the Development Authority Officer as established under the Land Use Bylaw.
- g) "Development Permit" means a document authorizing development issued in accordance with the Land Use Bylaw.
- h) "Land Use Bylaw" means the current Thorhild County Land Use Bylaw, as amended or replaced from time to time.
- i) "Member" means a member of the Municipal Planning Commission.
- j) "Municipal Planning Commission" means the Municipal Planning Commission as established by this Bylaw.
- k) "Municipal Planning Commission Secretary" means the person appointed to the position established under Section 18 of this Bylaw.
- l) "Regulations" means the Regulations proclaimed pursuant to the Act.
- m) "Schedule of Fees" means the current Schedule of Fees as amended or replaced from time to time.
- n) "Subdivision Authority" means the person(s) established under this bylaw to perform the duties and functions of a Subdivision Authority under the Act.
- o) "Subdivision Approving Authority Officer" means a person appointed by the Subdivision Authority to perform all the powers, duties and functions of the Subdivision Authority.
- p) "Subdivision and Development Appeal Board" means the Thorhild County Subdivision and Appeal Board established under the Subdivision and Development Appeal Board Bylaw, as amended or replaced from time to time and in accordance with the Act.

PART 1 - DEVELOPMENT AUTHORITY

- 3) The Development Authority is hereby established.
- 4) The Development Authority for the County is:
 - a) The Chief Administrative Officer for an application for development approval which is a permitted use under the Land Use Bylaw and which complies with the requirements and regulations set out in the Land Use Bylaw;
 - b) The Chief Administrative Officer for an application for development approval which is a permitted use under the Land Use Bylaw and which requests a minor waiver not in excess of 10 percent of a measurable standard or any other waiver as specifically authorized in the Land Use Bylaw;
 - c) The Municipal Planning Commission when the application for development approval for development is:
 - i) A discretionary use under the Land Use Bylaw; or
 - ii) A permitted use under the Land Use Bylaw which does not otherwise comply with the requirements and regulations as set out in the Land Use Bylaw, except where the Development Authority is authorized as per Section 4(b).
- 5) Notwithstanding Section 4(c), the Development Authority may forward applications for development approval to the Municipal Planning Commission for a decision.
- 6) The Development Authority may delegate all the powers, duties and functions of the Development Authority to a Development Authority Officer, as established under the Land Use Bylaw.
- 7) Unless otherwise specified in the Land Use Bylaw, Council is the Development Authority for all Development Permit applications in Direct Control Districts.

DUTIES OF THE DEVELOPMENT AUTHORITY

- 8) The powers and duties of the Development Authority shall include the powers, duties and functions as described in the Act, the Subdivision and Development Regulation, Municipal Development Plan, the Land Use Bylaw, this Bylaw and any other applicable legislation.

PART 2 - MUNICIPAL PLANNING COMMISSION

ESTABLISHMENT AND MEMBERSHIP

- 9) The Municipal Planning Commission is hereby established.
- 10) The Municipal Planning Commission shall consist of three (3) council members appointed by resolution of Council for a term of one (1) year.
- 11) Member's shall be appointed at the annual Organizational meeting of Council and may be reappointed upon the expiry of the term.
- 12) A Member's appointment shall terminate upon his/her ceasing to be a member of Council.
- 13) In the event of a vacancy, Council may appoint by resolution a new member of Council to serve for the remainder of the vacating Member's term.
- 14) When two (2) or more Members of the Municipal Planning Commission may have a potential conflict of interest, the Council may appoint additional Members of the Municipal Planning Commission for a specific, short period of time, as the Council see fit, in order to attempt to ensure that the Municipal Planning commission will have a quorum for a meeting.
- 15) A Member shall not include the Development Authority, Subdivision Authority, member of the Subdivision and Appeal Board or an employee of the County.

APPOINTMENT OF CHAIR AND VICE-CHAIR

- 16) At the first meeting of the Municipal Planning Commission following the appointment of Members each year, a Chair and Vice-Chair shall be elected.
- 17) A Member may be re-elected to the position of Chair or Vice-Chair.

SECRETARY OF THE MUNICIPAL PLANNING COMMISSION

- 18) The position for the limited purpose of carrying out the function of the Secretary to the Municipal Planning Commission is hereby established. ("Municipal Planning Commission Secretary")
- 19) The Chief Administration Officer shall appoint the Municipal Planning Commission Secretary and shall not be a Member of the Municipal Planning Commission.

- 20) The Municipal Planning Commission Secretary shall have the following responsibilities and functions:
- a) Makes and keeps a record of the Municipal Planning Commission proceedings which may be in the form of a summary of the evidence presented at a hearing;
 - b) Compiles and provides Agenda and meeting packages to Members and makes available to the public; and
 - c) Signs orders, decision, approvals, notices, and other items given by the Municipal Planning Commission on its behalf.
- 21) The Municipal Planning Commission Secretary shall have prepared and maintain a file of written Minutes of the business transacted at all meetings and hearings of the Municipal Planning Commission, copies of which shall be regularly filed with the Council. These Minutes may be in the form of a summary of the activities undertaken, together with the motions made, at the meetings and hearings.

QUORUM AND MEETINGS

- 22) A quorum of the Municipal Planning Commission shall be two (2) Members of the Municipal Planning Commission.
- 23) The Municipal Planning Commission shall meet at such intervals as are necessary to consider and decide on matters before it.

PROCEDURE MATTERS

- 24) If any Member has any interest, whether direct or indirect, in any matter before the Municipal Planning Commission, the Member shall declare such interest to the Municipal Planning Commission before discussion of the matter, and shall not participate in the deliberations or vote upon the matter. The abstention shall be recorded in the minutes.
- 25) A Member who is for any reason unable to attend the whole or part of the deliberations on a particular application, shall not participate in the continued deliberations or in the decision of the Municipal Planning Commission on that application.
- 26) The Municipal Planning Commission may make rules as are necessary for the conduct of its business that are consistent with the Act, Regulations, the Land Use Bylaw and this Bylaw.

- 27) The decision of the majority of the Members present at a meeting duly convened shall be deemed the decision of the whole Municipal Planning Commission. A Decision of the Municipal Planning Commission is not final until it is issued in writing.
- 28) In the event of a tie vote, the matter before the Municipal Planning Commission shall be deemed to be denied or defeated

RESPONSIBILITIES

- 29) The Municipal Planning Commission shall:
 - a) Advise and assist the Council with regards to the planning of orderly and economic development within the County; and
 - b) Act as Development Authority where provided for in this bylaw.

PART 3 - SUBDIVISION AUTHORITY

- 30) The Subdivision Authority is hereby established.
- 31) The Subdivision Authority shall be the Chief Administrative Officer.

RESPONSIBILITIES AND FUNCTIONS

- 32) The powers and duties of the Subdivision Authority shall include the powers, duties and functions as described in the Act, the Subdivision and Development Regulation, Municipal Development Plan, the Land Use Bylaw, this Bylaw and any other applicable legislation.
- 33) The Subdivision Authority may make rules as are necessary for the conduct of its business that are consistent with the Act, the Subdivision and Development Regulations, Municipal Development Plan, the Land Use Bylaw, this Bylaw and any other applicable legislation.
- 34) The Subdivision Authority may delegate all the powers, duties and functions of the Subdivision Authority to the Subdivision Approving Authority Officer as established by this Bylaw.

FEES AND EXPENSES

- 35) Expenses incurred by the Member's of the Municipal Planning Commission, the Municipal Planning Commission Secretary, the Development Authority and/or the Subdivision Authority shall be compensated as established by Thorhild County policy.
- 36) The fees associated with the launching of all applications shall be set out in the Schedule of Fees.

EFFECTIVE DATE AND REPEAL DATE

- 37) Bylaw 02-2020 of Thorhild County is hereby repealed.
- 38) This Bylaw comes into effect upon the date of the final reading.

READ A FIRST TIME IN COUNCIL THIS 14th DAY OF January 2025



Reeve



Chief Administrative Officer

READ A SECOND TIME IN COUNCIL THIS 14th DAY OF January 2025



Reeve



Chief Administrative Officer

READ A THIRD TIME IN COUNCIL THIS 14th DAY OF January 2025



Reeve



Chief Administrative Officer