

TOWN OF DRUMHELLER
BYLAW NUMBER 01.25
DEPARTMENT: DEVELOPMENT AND PLANNING

DEVELOPMENT AUTHORITY BYLAW

BEING A BYLAW OF THE TOWN OF DRUMHELLER, IN THE PROVINCE OF ALBERTA,
PURSUANT TO THE PROVISIONS OF THE MUNICIPAL GOVERNMENT ACT, BEING
CHAPTER M26.1 OF THE REVISED STATUTES OF ALBERTA 2000 AND AMENDMENTS
THERE TO, TO PROVIDE FOR THE APPOINTMENT OF A DEVELOPMENT AUTHORITY

WHEREAS, section 625 of the Municipal Government Act, R.S.A. 2000, c. M-26, and amendments thereto, provides that a council must, by bylaw, provide a development authority to exercise development powers and perform duties on behalf of the municipality;

AND WHEREAS, section 625 (1) of the Municipal Government Act, provides that a council may by bylaw establish a Municipal Planning Commission;

AND WHEREAS, section 625 (3) of the Municipal Government Act provides that a bylaw establishing a Municipal Planning Commission must prescribe the functions and duties of the commission;

NOW THEREFORE the Council of the Town of Drumheller enacts the following:

1. CITATION

1.1 This Bylaw shall be cited as the "Development Authority Bylaw."

2. DEFINITIONS

2.1 For the purposes of this Bylaw, the following definitions shall apply:

- a) "Chief Administrative Officer" or "CAO" means the person appointed as Chief Administrative Officer of the *Town of Drumheller*, or their designate;
- b) "*Commission*" means the Municipal Planning Commission of the *Town of Drumheller*;
- c) "*Council*" means the Mayor and Councillors of the *Town of Drumheller*;
- d) "*Council & Committee Meeting Procedure Bylaw*" means the *Council & Committee Meeting Procedure Bylaw #04.21*, as amended from time to time, and its successor legislation;
- e) "*Development Authority*" means a designated body or board which is authorized and assigned by *Council* to enforce the provision of the *Act* and its regulations, the Subdivision and Development Regulation, a subdivision approval, the conditions of a development permit, and the *Land Use Bylaw*;
- f) "*Development Officer*" means the *Development Officer* of the *Town of Drumheller* established pursuant to the *Land Use Bylaw*;
- g) "*Intermunicipal Subdivision and Development Appeal Board*" means the appeal

board as outlined within the *Palliser Intermunicipal Development and Subdivision Appeal Board Bylaw #17.21*, as amended from time to time, and its successor legislation;

- h) “*Land Use Bylaw*” means the *Land Use Bylaw #16.20*, as amended from time to time, and its successor legislation;
- i) “*Land Use District*” means the areas within the jurisdiction of the *Town* that have been delineated in accordance with the *Land Use Bylaw*, and in accordance with the *Act*;
- j) “*Member*” shall mean a member of the *Commission* appointed pursuant to this Bylaw;
- k) “*Member-at-large*” shall mean a member of the general public appointed by *Council* to a committee of *Council*;
- l) “*Municipal Government Act*” or “*MGA*” or “*Act*” means the *Municipal Government Act, RSA 2000 c. M-26*, as amended from time to time, and its successor legislation;
- m) “*Town of Drumheller*” or “*Town*” means the *Town of Drumheller*, a municipal corporation in the Province of Alberta, and includes the area contained within the corporate boundaries of the *Town of Drumheller*, as the context may require;
- n) “*Planner*” means a person or organization hired by the *Town* to perform duties of a Professional Planner for the *Town*;
- o) “*Regulations*” means the *Subdivision and Development Regulation, AP 43/2002*, as amended from time to time, and its successor legislation.

3. DEVELOPMENT AUTHORITY

- 3.1 The office of the *Development Officer* is hereby constituted and shall be appointed by the CAO of the Town of Drumheller.
- 3.2 The *Development Officer* shall act as a *Development Authority* as outlined in this Bylaw and shall review and render decisions on Development Permit Applications which:
 - a) are deemed permitted uses; and
 - b) require a setback relaxation as outlined in the *Land Use Bylaw*.
- 3.3 The *Commission* is hereby established as a committee of *Council* and shall operate in accordance with the *Council & Committee Meeting Procedure Bylaw*, except for where otherwise provided within this Bylaw.
- 3.4 The *Commission* shall act as a *Development Authority* as outlined in this Bylaw and shall review and render decision on Development Permit Applications which:
 - a) require a variance for setbacks, building heights, and site coverage up to 50%, as outlined in each specific *Land Use District*, which are deemed by the *Development Officer* not to have a negative impact on adjacent lands or uses; and

- b) are considered discretionary uses of land and/or buildings as outlined each specific *Land Use District*, which are deemed by the *Development Officer* not to have a negative impact on adjacent lands or uses.

4. MEMBERSHIP

4.1 The *Commission* shall consist of:

- a) no less than two (2) elected officials of *Council*; and
- b) up to five (5) *members-at-large* appointed by *Council*;

4.2 No *member* of the *Commission* may be;

- a) an employee of the *Town of Drumheller*;
- b) a person that carries out subdivision or development powers, duties, and functions on behalf of the *Town*; or
- c) a person who is a member of the *Intermunicipal Subdivision and Development Appeal Board*.

4.3 The appointment of a *member-at-large* terminates:

- a) upon the expiry of their term as established as a resolution of *Council*;
- b) if the *member* ceases to be a resident of the *Town*;
- c) if the *member* becomes a Councillor for the *Town*;
- d) if the *member* meets any of the conditions outlined in section 4.2 of this Bylaw; or
- e) if the *member* is removed from the *Commission* by a resolution of *Council*.

4.4 The following shall serve as non-voting advisors to the *Commission* and shall attend *Commission* meetings as required:

- a) The *Development Officer*;
- b) A *Planner*; and
- c) The *CAO*.

4.5 Where necessary, the *Commission* may invite other persons to attend its meetings in an advisory capacity, but such persons may not vote nor take part in the decision making of the *Commission*.

4.6 No *member* shall discuss, debate, or be involved in the decision-making matter before the *Commission* where the *member* has bias in relation to that matter. The *member* shall declare their bias before any discussion of the matter and shall remove themselves from

the meeting for the discussion, debate, and decision of the matter, and their declaration shall be recorded in the meeting minutes.

5. MUNICIPAL PLANNING COMMISSION SECRETARY

5.1 The *Commission* Secretary shall be appointed by the *CAO* or their designate.

5.2 The *Commission* Secretary shall:

- a) ensure that all circulation requirements of the *Act, Regulations, Land Use Bylaw*, and any other municipal bylaws are adhered to;
- b) ensure that all noticing and advertising requirements of the *Act, Regulations, Land Use Bylaw*, and any other municipal Bylaws are adhered to;
- c) ensure there is quorum for all meetings;
- d) prepare all decisions and reasons for the decision of the *Commission* for execution by the Chair or Vice Chair;
- e) send out all decisions of the *Commission* to relevant parties in accordance with the *Act* and the *Land Use Bylaw*;
- f) record, prepare, and maintain minutes of the *Commission* meetings;
- g) ensure *Council* is presented with signed *Commission* meeting minutes within two (2) weeks of approval;
- h) keep and maintain on file for inspection by the public during office hours the following documentation and information:
 - i) A register of all applications for development permits and subdivision approvals including the supporting documentation;
 - ii) Records of all *Commission* decisions and reasons thereto; and
 - iii) *Commission* agenda packages and meeting minutes;
- i) carry out such other administrative duties and functions that the *Commission, CAO, or Development Officer* may direct.

6. CONDUCT OF BUSINESS

6.1 *Council* members of the *Commission* shall be appointed at *Council's* annual Organizational meeting for a one (1) year term. Any member of *Council's* appointment to the *Commission* shall terminate upon ceasing to be a member of *Council*.

6.2 *Council* shall appoint an alternate member of *Council* to act when any of the *Council* members are unable to attend a *Commission* meeting.

6.3 The *Commission* shall elect a Chairperson and a Vice Chairperson from its *members*.

- 6.4 Three (3) *members* of the *Commission* shall constitute a quorum for the making of all decisions and for doing any action required or permitted to be done by the Chairman.
- 6.5 Only those *members* of the *Commission* present at a meeting of the *Commission* shall vote on any matter before it.
- 6.6 *Members* of the *Commission* will be deemed present at a meeting if attending either in person, or via an online video call.
- 6.7 The decision of the majority of the *members* present at a meeting duly convened shall be deemed to be the decision of the whole *Commission*. If there are an equal number of votes for or against a resolution, the resolution is defeated.
- 6.8 The *Commission* shall hold such meetings as are necessary to fulfill the *Commission's* responsibility.
- 6.9 The *Commission* may make rules as are necessary for the conduct of its meetings and its business that are consistent with this bylaw, Municipal Development Plan, *Land Use Bylaw*, Area Structure Plans and Provincial Acts and Regulations.
- 6.10 The remuneration, travelling, and other expenses of the Chairperson and other *members* of the *Commission* shall be established by *Council* resolution and/or policies.
- 6.11 When rendering a discussion of any development permit application the *Commission* may;
- a) issue a permit with or without conditions;
 - b) defer the application and request further information; or
 - c) refuse the application, stating reasons for the refusal.
- 6.12 The *Commission* shall give its decisions in writing, including reasons for approval or refusal, and must state whether the appeal lies with the;
- a) *Intermunicipal Subdivision and Development Appeal Board*; or
 - b) Municipal Government Board.
- 6.13 An order, decision, notice, approval, endorsement, or any other thing issued by the *Commission* may be signed on its behalf by its Chairperson, Vice-Chairperson, a *Development Officer* or the *CAO*.

7. SEVERABILITY

- 7.1 If any portion of this Bylaw is found to be invalid, that portion shall be severed from the remainder of the Bylaw and shall not invalidate the whole Bylaw.

8. TRANSITIONAL

- 8.1 Upon third reading of Bylaw 01.25 – Development Authority Bylaw, Bylaw #32.08 and all amendments thereto are hereby repealed.

8.2 This Bylaw comes into full force and effect upon third and final reading and when duly signed and sealed.

8.3 Upon the coming into force of this Bylaw, the *members* appointed pursuant to Bylaw #32.08 are continued as *members* under this Bylaw until new *members* are appointed in accordance with this Bylaw.

READ A FIRST TIME THIS 20th DAY OF JANUARY 2025.

READ A SECOND TIME THIS 20th DAY OF JANUARY 2025.

READ A THIRD AND FINAL TIME THIS 20th DAY OF MAY 2025.

The original document, duly signed and executed, is retained on file.