



Corporation of the Town of Bow Island  
Bylaw 2024:11  
Subdivision and Development Authority

**BEING A BYLAW IN THE TOWN OF BOW ISLAND IN THE PROVINCE OF ALBERTA FOR THE PURPOSES OF ESTABLISHING A DEVELOPMENT AUTHORITY, SUBDIVISION 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, allows for a municipality to 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 Bow Island 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 Bow Island 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 or Subdivision Authority powers, duties or functions.
- c) **CAO** means the Chief Administrative Officer of the Town of Bow Island.
- d) **Council** means the Municipal Council of the Town of Bow Island.
- 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 Bow Island 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 Town and who is authorized to act as a designated officer for the purposes authorized in this bylaw and the Land Use Bylaw.
- h) **Member** means a member of the Subdivision Authority or the Development Authority.
- i) **Municipal Planning Commission** ("MPC") means the Municipal Planning Commission of the Town of Bow Island as established by this bylaw.
- j) **Municipality** means the Town of Bow Island in the Province of Alberta.

- k) **Secretary** means the person or persons authorized to act as secretary for the Municipal Planning Commission and the Subdivision Authority.
- l) **Subdivision and Development Authority** means the person or persons appointed, by bylaw, to exercise only such development and subdivision powers and perform duties as are specified:
  - i) in the Act; or
  - ii) in the Town of Bow Island Land Use Bylaw; or
  - iii) in this bylaw; or
  - iv) by resolution of council.
- m) **Subdivision Authority** means the person or persons who exercise subdivision powers and duties on behalf of the municipality and perform duties as are specified:
  - i) in the Act; or
  - ii) in the Town of Bow Island Land Use Bylaw; or
  - iii) in this bylaw; or
  - iv) by resolution of council.
- n) 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 – Subdivision Authority**

### **Establishment**

- 2. This bylaw hereby establishes the Subdivision Authority the Town of Bow Island.
- 3. The Subdivision Authority for the Municipality is the Town of Bow Island Municipal Council, excepting any Council members appointed to the Subdivision and Development Appeal Board, for all applications for subdivision approval.
- 4. Four (4) of the members of the Council shall constitute a quorum.
- 5. No person who is a member of the Subdivision and Development Appeal Board shall be appointed to act as a member of the Subdivision Authority.
- 6. Should an elected official not remain as a member of Council then he/she ceases to be a member of the Subdivision Authority.

### **Powers and Duties**

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

### **Administration**

- 8. The signing authority for all subdivision related matters is the Mayor or delegate except in such instances whereby the CAO or Planning Advisor may be the Subdivision Authority as delegated by Council or in accordance with the land use bylaw and the powers and duties as set out.
- 9. 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;



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- 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**

10. 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.
11. If a member has a pecuniary interest in the matter before the Subdivision Authority, the member shall:
  - a. disclose the general nature of the pecuniary interest to the other Subdivision Authority members prior to the Subdivision Authority'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.
12. The abstention of the Subdivision Authority member and the disclosure of the member's interest shall be recorded in the minutes.
13. The Subdivision Authority shall hold meetings as required and undertake such actions as are necessary to fulfill the powers and duties of the Subdivision Authority.
14. Members may attend meetings and hearings by electronic means provided that notice is provided in accordance with Section 199 of the MGA..
15. Only those Members of the Subdivision Authority who are present at a meeting shall be present to vote on any matter before it.
16. 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.
17. The decision of the majority of the members present at a meeting shall be deemed to be the decision of the whole Subdivision Authority.
18. In the event of a tie vote, any motion of the Subdivision Authority shall be deemed defeated. In such an event, the Subdivision Authority is obligated to provide reasons for the decision.
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. The municipality hereby delegates the following subdivision powers, duties or functions to the delegated Planning Advisor and/or the CAO:
  - (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 endorsement of plans of survey or other instruments for registration purposes at Land Titles Office;
- (j) the conveyance of notification of final subdivision approval to the registered owner and/or the authorized agent;
- (k) the maintenance of a subdivision file and corresponding archival information relating to the application for subdivision approval on behalf of the municipality;
- (l) the providing of all pertinent information for consideration at a hearing of the appropriate subdivision appeal board;
- (m) the appearance, for the purpose of providing pertinent information, at a hearing of a subdivision appeal board;
- (n) the performance of any other duties or functions as requested, by resolution of council, as agreed to by the designated Planning Advisor.

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

- 21. The Mayor shall be the Chairperson to preside over Subdivision Authority meetings.
- 22. Where the Mayor is absent from a meeting of the Subdivision Authority, the Deputy Mayor, or in their absence, one of the other members of Council shall be elected to preside over that meeting.

#### **Secretary**

- 23. The CAO, Designated Officer(s) or person as designated by CAO shall serve as Secretary to the MPC, and shall:
  - a. not have a vote;
  - b. notify all members of meetings of the Subdivision Authority;
  - c. notify the public pursuant to the notification procedure of the Land Use Bylaw and the MGA;
  - d. prepare and maintain a file of written minutes of the matters transacted at all meetings of the Subdivision Authority;
  - e. record decisions of the Subdivision Authority and advise the Planning Advisor, or any other Subdivision Authority designate delegated subdivision process functions and duties, of the decision in order to notify forthwith all parties affected;
  - f. be authorized to sign on behalf of the Subdivision Authority any notice, decision, or other thing made, given or issued by the Subdivision Authority;
  - g. keep record of the names and addresses of those making representations at the meeting;
  - h. undertake other duties as the Subdivision Authority may require in the conduct of its business.

#### **Part 2 – Development Authority**

- 24. This bylaw hereby establishes the Development Authority the Town of Bow Island.
- 25. The Development Authority for the Municipality is:



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- a) The Development Officer as a Designated 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 Development 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 the defined percent of a measurable standard or any other waiver as specifically authorized in the Land Use Bylaw.
  - c) The Municipal Planning Commission established under this Bylaw (Part 3), when the application for development permit 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 Officer is authorized as per Section 2(b); or
    - iii. Where any development permit has been referred to them from the Development Officer.
26. Notwithstanding Section 21, the Development Officer may forward any application for development approval to the Municipal Planning Commission for a decision.
27. 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.

**Powers and Duties**

28. 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.

**Appointment of Development Officer**

29. 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 Bow Island Land Use Bylaw and this Bylaw.
30. 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 Bow Island Land Use Bylaw and this Bylaw.
31. In the absence of a designated development officer for the municipality, the Town of Bow Island CAO shall act as development officer.

**PART 3 – Municipal Planning Commission**

**Establishment of the Municipal Planning Commission**

32. That a Commission known as the Municipal Planning Commission of the Town of Bow Island, hereinafter called "MPC" is hereby established.

**Membership**

33. A resolution of council is necessary for appointment to the MPC.
34. The MPC shall be comprised of five (5) to seven (7) persons. A minimum of two (2) shall be elected members of Council and three (3) to five (5) shall be appointed by Council from the citizens of the Town at large. Council may appoint as many alternate members as deemed appropriate by Council from the citizens at large.

35. A simple majority of the appointed members of the MPC shall constitute a quorum.
36. No person who is a member of the Subdivision and Development Appeal Board shall be appointed to act as a member of the MPC. No Town employee shall be appointed as voting member.
37. Appointments to the MPC shall be conducted annually during the Town's Organizational Meeting and shall be for a period of one (1) year.
38. When a person ceases to be a member of the MPC before the expiration of his/her term, council shall, by resolution, appoint another person for the unexpired portion of that term within 60 days of receiving notice of the vacancy.
39. Should an elected official not remain as a member of Council then he/she ceases to be a member of the MPC. Council, shall, by resolution, appoint another elected official for the unexpired portion of that term.
40. Council may by Resolution remove any citizen member of the Town at large if the majority of Council is of the opinion the appointed member is not fulfilling their duties as an MPC member or is not acting in a professional manner on behalf of the municipality.
41. Each member of the MPC shall be entitled to such remuneration, travelling, and living expenses as may be fixed from time to time by Council and in accordance with Council policy; and the remuneration, travelling, and living expenses shall be paid by the Town of Bow Island.

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

42. The MPC shall elect a Chairperson from its members to preside for a term of one year from the date of election. The MPC may elect a vice-chairman for the same term as the Chair.
43. Where the Chairperson is absent from a meeting of the MPC, the vice-chairman shall preside if one is appointed, or if in their absence, one of the other members shall be elected to preside over that meeting.

#### **Secretary**

44. The CAO, Designated Officer(s) or person as designated by CAO 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. prepare and maintain a file of written minutes of the business transacted at all meetings of the MPC;
  - e. records of all notices of meetings and or persons to whom they were sent;
  - f. copies of all written representations to the MPC;
  - g. record decisions of the MPC, the reasons for the decision, and issue the decision and/or permit forthwith to all parties affected;
  - h. be authorized to sign on behalf of the MPC any order, decision, approval, notice or other thing made, given or issued by the MPC;
  - i. keep record of the names and addresses of those making representations at the meeting;
  - j. undertake other duties as the MPC may require in the conduct of its business;
  - k. keep a file record of the development permit applications and permit decisions on behalf of the MPC and the municipality.

#### **Functions and Duties**



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45. The Municipal Planning Commission has the following functions and duties:
  - a. upon request of Council, to advise Council with respect to the implementation of the land use bylaw and achieving the orderly, economical and beneficial development, use of land and pattern of settlement in the Municipality;
  - b. to serve as a Development Authority pursuant to Part 17 of the MGA, the Land Use Bylaw and this bylaw; and
  - c. to advise, direct, or carry out enforcement duties regarding development and violations or non-compliance with the Land Use Bylaw.
46. Members may attend meetings and hearings by electronic means provided that notice is provided in accordance with Section 199 of the MGA.
47. Only those Members of the Municipal Planning Commission who are present at a meeting shall be present to vote on any matter before it.
48. The Municipal Planning Commission has no authority to make financial decisions on behalf of the Town. Any matter before the MPC that contemplates financial considerations must be presented to Council for a decision.
49. The decision of the majority of the members present at a meeting shall be deemed to be the decision of the whole MPC.
50. In the event of a tie vote, any motion of the MPC shall be deemed defeated. In such an event, the MPC is obligated to provide reasons for the decision.
51. The Development Officer and the MPC are authorized to act as Designated Officer for the purposes of the land use bylaw.
52. The MPC shall hold meetings monthly or as required and undertake such actions as are necessary to fulfill the powers and duties of the MPC.
53. The MPC shall hold its meetings in public but may go into a closed meeting to discuss and debate any development matter or development application submitted to them; however, the MPC must revert to an open session to make its formal decisions.
54. 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, any relevant statutory plan, and the MGA Part 17 and any regulations made thereunder.
55. A decision of the MPC is not considered final until notification of the decision is given in writing.
56. 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.
57. The abstention of the member and the disclosure of the member's interest shall be recorded in the minutes.
58. Notwithstanding Section 18(f) of this bylaw, any order, decision or approval made, given or issued by the MPC may be signed by the Chairperson of the MPC.
59. The MPC shall hold meetings as required on a date to be determined by the MPC, and it may also hold special meetings at any time at the call of the chairman or vice-chairman or upon request of the CAO.

60. The MPC may make rules to govern its meetings, upon which agreed to by the majority of MPC members, the MPC members shall respectfully adhere to such rules.
61. Members of the MPC may make orders, decisions, and approve or deny development permits, and may issue notices with or without conditions.
62. Council may direct the CAO that the municipality may delegate any of its development authority powers, duties or function to an authorized person, delegated Planning Advisor, agency or a regional services commission.

### **Severability**

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**

63. Bylaw No. 1113, being the former Municipal Planning Commission bylaw is hereby repealed.

READ a **first** time this 27<sup>th</sup> day of May, 2024.

READ a **second** time this 10<sup>th</sup> day of June, 2024.

READ a **third** time and finally passed this 10<sup>th</sup> day of June, 2024.

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Mayor Gordon Reynolds

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CAO David Matz