

BYLAW NO. 20-61-450

COUNTY OF NORTHERN LIGHTS
IN THE PROVINCE OF ALBERTA

BEING A BYLAW FOR THE ESTABLISHMENT OF A DEVELOPMENT AUTHORITY
AND MUNICIPAL PLANNING COMMISSION BYLAW

WHEREAS the Municipal Government Act, Chapter M-26, RSA 2000 as amended, pursuant to Section 624, requires the municipality to adopt a bylaw to establish a Municipal Development Authority; and

WHEREAS, under the Municipal Government Act, Chapter M-26, RSA 2000, as amended, Section 626, a Council may, by bylaw, establish a Municipal Planning Commission; and

WHEREAS the Municipal Planning Commission is authorized to make decisions on applications for development approval in accordance with administrative procedures, the Municipal Government Act, the Subdivision and Development Regulation, any statutory plan of the municipality, and the municipal land use bylaw; and

WHEREAS 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.

NOW THEREFORE, under the authority and subject to the provisions of the Municipal Government Act, RSA 2000, Chapter M-26, as amended, the Council of the County of Northern Lights duly assembled hereby enacts as follows:

01. **PURPOSE**

The purpose of this Bylaw is to establish the Municipal Planning Commission and Development Authority of the County of Northern Lights.

02. **DEFINITIONS**

- a. **“Act”** means the Municipal Government Act, Chapter M26, RSA 2000, 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. **“Council”** means the municipal council of the County of Northern Lights.
- d. **“Designated officer”** means a person or persons authorized to act as the designated officer for the municipality as established by bylaw.
- e. **“Development Authority”** means the person or persons appointed, by bylaw, to exercise only such powers and perform duties as are specified:
 - 1) in the Act; or
 - 2) in the County of Northern Lights Land Use Bylaw; or
 - 3) in this bylaw; or
 - 4) by resolution of Council.
- f. **“Member”** means the members of the Municipal Planning Commission.
- g. **“Municipal Planning Commission (MPC)”** means the Municipal Planning Commission of the County of Northern Lights as established by this bylaw.
- h. **“Municipality”** means the County of Northern Lights in the Province of Alberta.
- i. **“Secretary”** means the person or persons authorized to act as secretary for the Development Authority.

- j. 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

03. The Development Authority for the Municipality is:
 - a. The 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 Municipal Planning Commission established under this Bylaw, when the application for development permit is:
 - 1) A discretionary use under the Land Use Bylaw; or
 - 2) A use within a Direct Control District
04. Notwithstanding Section 3, the Designated Officer may forward any application for development approval to the Municipal Planning Commission for a decision.

Powers and Duties

05. The Development Authority has those powers and duties as set out in the Act, the Land Use Bylaw and this Bylaw, and any regulations made thereunder.

Appointment of Development Officer

06. 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 County of Northern Lights Land Use Bylaw.

Part 2 – Municipal Planning Commission

Establishment of the Municipal Planning Commission

07. That a Commission known as the Municipal Planning Commission of the County of Northern Lights, is hereby established.

Membership

08. The MPC shall be composed of seven (7) members of Council.
09. Four (4) members of the MPC shall constitute a quorum.
10. A member of the MPC shall not be appointed to a local or intermunicipal Subdivision and Development Appeal Board.

Chairperson and Vice-Chairperson

11. 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.
12. 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

15. 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 Act;
 - d. prepare and maintain a file of written minutes of the business transacted at all meetings of the MPC;
 - e. record decisions of the MPC and issue the decision and/or permit forthwith to all parties affected;

- f. be authorized to sign on behalf of the MPC any order, decision, approval, notice or other thing made, given or issued by the MPC;
 - 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.
16. In the event of a tie vote, any motion of the MPC shall be deemed defeated.

Functions and Duties

17. The Municipal Planning Commission has the following functions and duties:
- a. to ensure the orderly, economical, and beneficial development, use of land and pattern of settlement in the Municipality; and
 - b. to serve as a Development Authority pursuant to Part 17 of the Act, and of this bylaw.
18. The MPC shall hold regular meetings on a monthly basis on a date to be determined by the Council and it may also hold special meetings at any time at the call of the Chairperson. Where a monthly meeting is not warranted, it can be cancelled or re-scheduled at the direction of the Chairperson.
19. 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 Act Part 17 and any regulations made thereunder.
20. A decision of the MPC is not considered final until notification of the decision is given in writing.
21. 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.
22. The abstention of the member and the disclosure of the member's interest shall be recorded in the minutes.
23. Notwithstanding Section 15 (f) of this bylaw, any order, decision or approval made, given or issued by the MPC may be signed by the Chairperson or Vice-Chairperson of the MPC.
24. This Bylaw shall have force and take effect on the Third and Final reading thereof.


READ a first time this 24 day of November, A.D., 2020

READ a second time this 24 day of November, A.D., 2020

READ a third time this 24 day of November, A.D., 2020



Chief Elected Official



Chief Administrative Officer