



BYLAW NO. 23.22

BEING A BYLAW OF YELLOWHEAD COUNTY,

IN THE PROVINCE OF ALBERTA,

FOR THE PURPOSE OF ESTABLISHING A MUNICIPAL PLANNING COMMISSION

WHEREAS, the Municipal Government Act, R.S.A., 2000, C M-26, authorizes a Council to establish a subdivision and development authority, which may include a Municipal Planning Commission;

AND WHEREAS Section 625 of the Municipal Government Act, R.S.A., 2000 C M-26, authorizes a Council to establish a Municipal Planning Commission;

AND WHEREAS the Yellowhead County Council wishes to amend Bylaw 3.07.

NOW THEREFORE, the Yellowhead County Council, in the Province of Alberta, duly assembled, hereby enacts the following:

1. **NAME**

1.1. This Bylaw shall be cited as the "Municipal Planning Commission Bylaw".

2. **DEFINITIONS**

2.1. In this Bylaw, unless the context otherwise requires:

2.1.1. **"Act"** means the Municipal Government Act, R.S.A. 2000, C M-26 as amended from time to time;

2.1.2. **"Municipal Planning Commission"** means the Municipal Planning Commission for Yellowhead County as established by this Bylaw;

2.1.3. **"Council"** means the Council of Yellowhead County;

2.1.4. **"Chief Administrative Officer"** means the Chief Administrative Officer of the County as appointed by Council or their designate, and;

2.1.5. **"Secretary to the Commission"** means the Secretary to the Municipal Planning Commission as described in this Bylaw.

3. **ESTABLISHMENT AND MEMBERSHIP**

3.1. The Municipal Planning Commission for Yellowhead County is hereby established. The Municipal Planning Commission shall act as a development authority for Yellowhead County as outlined in this Bylaw.

- 3.2. The Municipal Planning Commission shall consist of five (5) Council members appointed by Council to serve as members of the Municipal Planning Commission from time to time. Any Councillor that has been appointed to serve as a member of the Subdivision and Development Appeal Board shall not be eligible to serve on the Municipal Planning Commission.
- 3.3. The Chief Administrative Officer shall serve as an advisor to the Municipal Planning Commission and may attend all meetings.
- 3.4. Membership on the Municipal Planning Commission shall terminate at such time as a member ceases to be a member of Council.
4. **SECRETARY OF THE COMMISSION**
- 4.1. The office of Secretary to the Commission is hereby constituted and shall be appointed by the Chief Administrative Officer of Yellowhead County, but that person shall not have a vote.
- 4.2. The Secretary of the Commission shall have the following duties and responsibilities:
- 4.2.1. Notify all members of the Municipal Planning Commission of the arrangements for the holding of each meeting of the Municipal Planning Commission;
- 4.2.2. Ensure the required notice of the meeting is given to all affected parties;
- 4.2.3. Prepare and maintain a file of the written minutes of the business transacted at all meeting of the Municipal Planning Commission;
- 4.2.4. Issue to all affected parties and persons, notices of the decisions of the Municipal Planning Commission; and
- 4.2.5. Carry out such other duties as the Municipal Planning Commission may specify.
5. **CONDUCT OF THE BUSINESS OF THE COMMISSION**
- 5.1. The Chairperson of the Municipal Planning Commission will be appointed by the Council at its annual organizational meeting.
- 5.2. A quorum of the Municipal Planning Commission for the making of all decisions and for doing any action required or permitted to be done by the Chairperson shall be three (3).
- 5.3. Only those members of the Municipal Planning Commission present at a meeting of the Municipal Planning Commission shall vote on any matter before it.
- 5.4. The decision of the majority of the members present at a meeting duly convened shall be deemed to be the decision of the whole Municipal Planning Commission. If there are an equal number of votes for or against a development permit application, the application is refused.



- 5.5. The Municipal Planning Commission shall meet at such intervals as are necessary to consider and decide on development permit applications referred to the Municipal Planning Commission by the Chief Administrative Officer.
- 5.6. The Municipal Planning Commission shall have prepared and maintained a file of written minutes of the business transacted at all meetings.
- 5.7. The Municipal Planning Commission will conduct its meetings in accordance with procedures established by the Municipal Planning Commission from time to time.

6. **RESPONSIBILITIES AND FUNCTIONS**

- 6.1. The Municipal Planning Commission shall act as the Development Authority for those development permit applications referred to it by the Chief Administrative Officer.
- 6.2. The Chief Administrative Officer shall be authorized to sign orders, decisions, approvals, notices, and other items given by the Municipal Planning Commission on its behalf.
- 6.3. The Municipal Planning Commission may make orders, decisions, approvals, and issue notices with or without conditions.

7. **AMENDING THE DEVELOPMENT AUTHORITY BYLAW**

- 7.1. Bylaw No. 3.07 the Development Authority Bylaw is amended as follows:
 - 7.1.1. By adding the following section under section 5 and renumbering the existing sections accordingly:
 - 6) The Chief Administrative Officer may refer the following development permit applications to the Municipal Planning Commission as Development Authority:
 - a) Permitted or discretionary uses where a variance exceeding 30% to the requirements of the Land Use Bylaw is sought;
 - b) Discretionary uses where:
 - a. The proposed use is not the primary land use contemplated by the district;
 - b. Where sufficient opposition to the development has been received, which for the purposes of this Bylaw means three (3) or more letters or concern from adjacent landowners; or
 - c. The proposed conditions of approval extend beyond the standard conditions contemplated by the Land Use Bylaw.
 - c) Same or similar uses.

8. **SEVERABILITY**

- 8.1. Each provision of this Bylaw is independent of all other provisions. If any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw will remain valid and enforceable.



This bylaw comes into force at the beginning of the day that it is passed in accordance with Section 189 of the Municipal Government Act, Being Chapter M-26, R.S.A., 2000

READ a first time this 10 Day of January A.D., 2023

READ a second time this 10 Day of January A.D., 2023

READ a third time this 24 Day of January A.D., 2023

SIGNED this 24 Day of January A.D., 2023

A handwritten signature in cursive script, appearing to read "Wade Williams".

Mayor, Wade Williams

Chief Administrative Officer, Luc Mercier