



BYLAW 2024-01

A BYLAW OF THE MUNICIPAL DISTRICT OF LESSER SLAVE RIVER NO.124 IN THE PROVINCE OF ALBERTA FOR THE PURPOSE 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

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 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 to 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;

WHEREAS this bylaw may be cited as the Municipal District of Lesser Slave River No.124 Subdivision and Development Authority Bylaw; and

NOW THEREFORE, the Council of the Municipal District of Lesser Slave River No.124 in the Province of Alberta duly assembled, enacts as follows:

1.0 TITLE

1.1 This Bylaw may be cited as the Municipal District of Lesser Slave River No.124 Establishment of Subdivision Authority, Development Authority and Municipal Planning Commission Bylaw 2024-01.

2.0 DEFINITIONS

2.1 **Act** means the *Municipal Government Act*, Revised Statutes of Alberta 2000 Chapter M-26, as amended.

2.2 **Bias** means a situation where a Member's personal or private interests may or may be perceived as influencing the Member on a matter before the Board including but not limited to direct or indirect Pecuniary Interest, pre-judgement, closed mindedness, undue influence, relationship with any of the parties involved in the matter including family members, close friends, and business associates.

2.3 **Council** means the duly elected Council of the Municipal District of Lesser Slave River No.124.

2.4 **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.

2.5 **Development Authority** means the person or persons appointed, by resolution of Council, to exercise the powers and perform duties of the development authority as are specified:

2.5.1 in the Act; or

2.5.2 in the Municipal District of Lesser Slave River Land Use Bylaw; or

2.5.3 in this bylaw; or

2.5.4 by resolution of council.

2.6 **Development Permit** means a document authorizing development issued in accordance with the Land Use Bylaw of the MD of Lesser Slave River.

2.7 **Land Use Bylaw** means the Municipal District of Lesser Slave River No. 124 Land Use Bylaw, pursuant to the Act.

2.8 **Member** means a member of the Municipal Planning Commission.

2.9 **Municipal Planning Commission ("MPC")** means the Municipal Planning Commission of the Municipal District of Lesser Slave River No.124 as established by this Bylaw.



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- 2.10 **Municipality** means the Municipal District of Lesser Slave River No.124 in the Province of Alberta.
- 2.11 **Pecuniary Interest** means a pecuniary interest as defined in s. 170 of the Act.
- 2.12 **Statutory Plan** means:
- 2.12.1 Intermunicipal Development Plan; or
 - 2.12.2 Area Structure Plan; or
 - 2.12.3 Area Redevelopment Plan; or
 - 2.12.4 Municipal Development Plan.
- 2.13 **Subdivision Authority** means the person or persons appointed, by resolution of Council, to exercise subdivision powers and duties on behalf of the municipality.
- 2.14 All other terms used in this Bylaw shall have the meaning as is assigned to them in the Act, as amended from time to time.
- 2.15 Words importing male persons include female persons; words importing female persons include male persons and words importing either sex include corporations pursuant to Section 26 *Interpretation Act*, R.S.A. 2000, c. I-8.

3.0 DEVELOPMENT AUTHORITY ESTABLISHMENT

- 3.1 The Development Authority for the Municipality is hereby established and shall consist of the Planning & Development Officer, which shall be one (1) or more persons appointed by resolution of the Council and the Municipal Planning Commission.
- 3.2 If the appointed person or persons shall die, retire, or resign, another person shall be appointed by resolution by Council.
- 3.3 Council may remove the appointed person or persons from the position of Planning & Development Officer by resolution at any time.
- 3.4 The Development Authority has those powers and duties as set out in the Act, the Land Use Bylaw, this Bylaw, and any regulations made thereunder.
- 3.5 The Planning & Development Officer is authorized to approve a development permit application for a permitted use under the Land Use Bylaw that complies with the requirements and regulations set out in the Land Use Bylaw.
- 3.6 The Planning & Development Officer is permitted to approve a development permit application for a permitted use under the Land Use Bylaw that complies with the requirements and regulations set out in the Land Use Bylaw with a variance not in excess of 10 percent of a measurable standard, or any other waiver as specifically authorized for the Planning & Development Officer in the Land Use Bylaw.
- 3.7 The Municipal Planning Commission will be the Development Authority when the development permit application is for:
- 3.7.1 a discretionary use under the Land Use Bylaw; or
 - 3.7.2 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 Planning & Development Officer is authorized as per subsection 3.6.
- 3.8 Notwithstanding subsections 3.5 and 3.6, the Planning & Development Officer may forward any development permit application for approval to the Municipal Planning Commission for a decision.
- 3.9 Notwithstanding subsections 3.4 – 3.7, Council shall act as the Development Authority and make decisions with respect to lands designated under the Land Use Bylaw as Direct Control District.

4.0 SUBDIVISION AUTHORITY ESTABLISHMENT



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- 4.1 The Subdivision Authority for the Municipality is hereby established and is the Municipal Planning Commission for all applications for subdivision approval.
- 4.2 Notwithstanding Subsection 4.1, Council shall act as the Subdivision Authority for lands designated under the Land Use Bylaw as Direct Control District.
- 4.3 The Subdivision Authority has those powers and duties as set out in the Act and any regulation thereunder, the Land Use Bylaw and this Bylaw.
- 4.4 The position of Designated Officer for the limited purpose of carrying out the function of Signing Authority to the Municipal Planning Commission is hereby established ("Municipal Planning Commission Signing Authority").
- 4.5 The Municipal Planning Commission Signing Authority shall be appointed by resolution of the Council and shall not be a Member of the Municipal Planning Commission.
- 4.6 When a registerable instrument is submitted for endorsement, the Municipal Planning Commission Signing Authority is authorized to accept minor modifications (e.g., to make the proposed parcel comply with private sewer standards) from that approved by the Subdivision Authority provided:
 - 4.6.1 there is no increase to the number of parcels;
 - 4.6.2 municipal, school, or environmental reserves are not compromised;
 - 4.6.3 municipal roads and standards are not compromised;
 - 4.6.4 conditions from referral agencies are not compromised; and
 - 4.6.5 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 Act.
- 5.0 **MUNICIPAL PLANNING COMMISSION**
- 5.1 A commission known as the Municipal Planning Commission of the Municipal District of Lesser Slave River No.124, is hereby established.
- 5.2 The Municipal Planning Commission will be composed of seven Members as follows:
 - 5.2.1 four Members from Council; and
 - 5.2.2 three Members from the public at large.
- 5.3 The Municipal Planning Commission Members will be appointed annually by resolution of Council at the annual Organizational Meeting of Council.
- 5.4 No person who is an administrative staff member or a member of the Subdivision and Development Appeal Board shall be appointed to act as a Member of the Municipal Planning Commission.
- 5.5 Where a member of Council is appointed as a Member of the Municipal Planning Commission, their appointment shall terminate upon his ceasing to be a member of Council.
- 5.6 In the event a vacancy occurs on the Municipal Planning Commission, Council shall fill the vacancy within sixty (60) days.
- 5.7 All Members shall adhere to the Municipal District's Code of Conduct and pecuniary interest provision of Part 5, Division 6 of the Act, as applicable.
- 5.8 No Member shall discuss, debate nor be involved in the decision making of a matter before the Municipal Planning Commission where the Member has a Bias or Pecuniary Interest in relation to that matter. The Member shall declare his/her Bias or Pecuniary Interest before any discussion of the matter and shall remove him or herself from the Meeting for the discussion, debate and decision of the matter and his/her declaration shall be recorded in the Meeting minutes.
- 5.9 Under extraordinary circumstances, such as when a large number of Members of the Municipal Planning Commission have a potential Bias or Pecuniary Interest, the Council may appoint additional Members of the



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Municipal Planning Commission for a specific, short period of time, as the Council deems necessary, in order to ensure that the Municipal Planning Commission will have quorum for a meeting or hearing.

- 5.10** Council may remove any Member of the Municipal Planning Commission from office if:
- 5.10.1** in the opinion of the Council, a Member is not performing their duties satisfactorily,
 - 5.10.2** a Member is absent for more than three (3) consecutive meetings of the Municipal Planning Commission without reasonable cause, or
 - 5.10.3** a member fails to disclose Bias or Pecuniary Interest.
- 5.11** In the event of actions occurring in subsection 5.10.1, 5.10.2, 5.10.3, the chairperson of the Municipal Planning Commission shall report the circumstances warranting removal of any Member from office to the Council who shall:
- 5.11.1** make a decision thereon, and
 - 5.11.2** advise the Member concerned of the decision in writing stating the reasons, therefore.
- 5.12** Annually at the first meeting following the Organizational Meeting of Council, the Municipal Planning Commission shall elect a Chairperson and a Vice-Chairperson from its members to preside for a term of one year from the date of election.
- 5.13** The position of Chairperson and Vice-Chairperson must be members of Council
- 5.14** In the absence of the Chairperson or Vice-Chairperson, the Municipal Planning Commission Members present shall elect a member of Council to act as Chairperson at the meeting.
- 5.15** The position of Designated Officer for the limited purpose of carrying out the function of Secretary to the Municipal Planning Commission is hereby established ("Municipal Planning Commission Secretary").
- 5.16** The Municipal Planning Commission Secretary shall be appointed by resolution of Council and shall not be a Member of the Municipal Planning Commission.
- 5.17** The Municipal Planning Commission Secretary shall have the following responsibilities and functions:
- 5.17.1** make 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;
 - 5.17.2** compile and provide Agenda and meeting packages to Members and makes same available to the public; and
 - 5.17.3** sign orders, decisions, approvals, notices, and other items given by the Municipal Planning Commission on its behalf.
- 5.18** Four (4) or more Members shall constitute a quorum for the making of all decisions and performing any action required or permitted to be done by the Municipal Planning Commission.
- 5.19** Only Members present at a Municipal Planning Commission meeting shall have a vote on any matters before it.
- 5.20** The Municipal Planning Commission shall hold meetings monthly or as required, and undertake such actions as are necessary to fulfill the powers and duties of the Municipal Planning Commission.
- 5.21** A Member of the Municipal Planning Commission 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.
- 5.22** 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.
- 5.23** In the event of a tie vote, any motion of the Municipal Planning Commission shall be deemed defeated.



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- 5.24 The Municipal Planning Commission has the following functions and duties:
- 5.24.1 upon request of Council, to advise Council with respect to achieving the orderly, economical, and beneficial development, use of land and pattern of settlement in the Municipality;
 - 5.24.2 to serve as a Subdivision Authority pursuant to Part 17 of the Act, the Land Use Bylaw, and this Bylaw; and
 - 5.24.3 to serve as a Development Authority pursuant to Part 17 of the Act, the Land Use Bylaw, and this Bylaw.
- 5.25 Applications for subdivision approval shall be considered by the Municipal Planning Commission and either approved, with or without conditions, or refused, in accordance with the Land Use Bylaw, any relevant statutory plans, and Part 17 of the Act and any regulations made thereunder.
- 5.26 Development permit applications referred to the Municipal Planning Commission shall be considered and either approved, with or without conditions, or refused, in accordance with the Land Use Bylaw, any relevant statutory plan, and Part 17 of the Act and any regulations made thereunder.
- 5.27 A decision of the Municipal Planning Commission is not considered final until notification of the decision is given in writing.
- 5.28 The Members of the Municipal Planning Commission shall be entitled to such remuneration, travelling and other expenses adjusted time to time by Council.
- 6.0 **SEVERABILITY**
- 6.1 If any clause in this Bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole Bylaw.
- 7.0 **REPEAL**
- 7.1 Bylaw 2021-18, being the former Establishing a Development Authority, Subdivision Authority and MPC bylaw, is hereby repealed.
- 8.0 **EFFECTIVE DATE**
- 8.1 This Bylaw takes effect immediately after third reading and upon being signed.

READ for a first time this 24th day of January 2024.

READ for a second time this 24 day of January, 2024.

APPROVED UNANIMOUSLY to proceed to third reading this 24th day of January, 2024

READ for a third and final time this 24th day of January, 2024.

"Original Signed"

Murray Kerik, Reeve

"Original Signed"

Barry Kolenosky, Chief Administrative Officer