

BYLAW NO. 1353-24

**BEING A BYLAW OF MACKENZIE COUNTY
IN THE PROVINCE OF ALBERTA**

FOR THE ESTABLISHMENT OF A MUNICIPAL PLANNING COMMISSION

WHEREAS, under the provisions of the Municipal Government Act MGA Revised Statutes of Alberta 2000, being Chapter M-26 and amendments thereto, to provide for the establishment of a Subdivision Authority, a Development Authority and Municipal Planning Commission for Mackenzie County.

NOW THEREFORE, the Council of Mackenzie County, in the Province of Alberta, duly assembled enacts as follows:

TITLE:

1. This bylaw may be cited as the **Subdivision and Development Authorities Bylaw**.

DEFINITIONS:

2. In this bylaw, unless the context otherwise requires:

“CAO” means the Chief Administrative Officer of Mackenzie County appointed by Council under Bylaw 1303-23;

“Council”, means the Council of Mackenzie County, duly assembled and acting as such;

“Land Use Bylaw” means the Current Land Use Bylaw and amendments thereto;

“Member” means a member of the Municipal Planning Commission appointed pursuant to this Bylaw;

“MGA” means the Municipal Government Act, Revised Statutes of Alberta, 2000, C. M-26 and amendments thereto;

“MPC” means the Municipal Planning Commission as established by this Bylaw;

“Pecuniary Interest” shall have the meaning as set out in Division 6 of Part 5 of the MGA as applied and adapted in the context of this Bylaw;

“Public Member” means a person who is not a member of Council and who otherwise qualifies as an elector in Mackenzie County;

PART 1 – Subdivision Authority

Establishment

3. The Subdivision Authority for Mackenzie County is the Municipal Planning Commission for all applications for subdivision approval.

Powers and Duties

4. The Subdivision Authority has those powers and duties as set out in the MGA and any regulation thereunder.

Administration

5. The signing authority for all subdivision related matters is the CAO or delegate.
6. 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;
 - 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.

Part 2 – Development Authority

7. The Development Authority for Mackenzie County is:
 - a. The CAO or delegate, 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:
 - 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.

8. Notwithstanding Section 7, the CAO or delegate may forward any application for development approval to the Municipal Planning Commission for a decision.

Powers and Duties

9. 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.

Part 3 – Municipal Planning Commission

Establishment

10. The Municipal Planning Commission is hereby established.

Membership and Term

11. The MPC shall consist of two (2) members of Council and three (3) Members at Large.
12. A member of the MPC shall not include:
 - a. a member of the Subdivision and Development Appeal Board.
13. Each member of the MPC shall be appointed annually in conjunction with the Organizational Meeting.
14. If a member misses three (3) consecutive meetings without the authorization of the MPC, the person is disqualified and the position becomes vacant.
15. The Chairperson and Vice-Chair of the MPC shall be appointed from among the members of the MPC.

Procedure

16. A quorum of the MPC shall consist of a majority of the members.
17. In the absence or inability of the Chairperson to preside at an MPC meeting, the Vice-Chair shall preside; in the event or absence of both the Chair and Vice-Chair to preside at a meeting of the MPC, the members present in constituting a quorum shall elect one of its members to act as Chairperson at that meeting.
18. The Chief Administrative Officer or delegate shall serve as Secretary to the Board, and shall:

- a. not have a vote;
 - b. notify all members of meetings of the Commission;
 - c. notify the public pursuant to Section 195 of the MGA;
 - d. prepare and maintain a file of written minutes of the business transacted at all meetings of the Commission;
 - e. record decisions of the Commission 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. undertake other duties as the MPC may require in the conduct of its business.
19. In the event of a tie vote, any motion of the MPC shall be deemed defeated.

Functions and Duties

20. The Municipal Planning Commission has the following functions and duties:
- a. 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 Mackenzie County.
 - b. to serve as a Subdivision Authority pursuant to Part 17 of the MGA and of this bylaw; and
 - c. to serve as a Development Authority pursuant to Part 17 of the MGA and of this bylaw.
21. 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 MPC.
22. Applications for subdivision approval shall be considered by the MPC and either approved, with or without conditions, or refused in accordance with the MGA Part 17 and any regulations made thereunder.
23. 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 MGA Part 17 and any regulations made thereunder.
24. A decision of the Municipal Planning Commission is not considered final until notification of the decision is given in writing.
25. 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.
26. The abstention of the member and the disclosure of the member's interest shall be recorded in the minutes.
27. Bylaw No. 563/06 is hereby repealed and replaced.

READ a first time this 27th day of November, 2024.

READ a second time this 27th day of November, 2024.

READ a third time and finally passed this 27th day of November, 2024.

(original signed)

Joshua Knelsen
Reeve

(original signed)

Darrell Derksen
Chief Administrative Officer