

**TOWN OF NOBLEFORD
IN THE PROVINCE OF ALBERTA**

BYLAW NO. 691

BEING A BYLAW IN THE TOWN OF NOBLEFORD 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 Nobleford 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 Nobleford 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 powers, duties or functions.
- c) **Council** means the Municipal Council of the Town of Nobleford.
- d) **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.
- e) **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 Nobleford Land Use Bylaw; or
 - iii) in this bylaw; or
 - iv) by resolution of council.
- f) **Member** means a member of the Subdivision Authority or the Development Authority.
- g) **Municipal Planning Commission** ("MPC") means the Municipal Planning Commission of the Town of Nobleford as established by this bylaw.
- h) **Municipality** means the Town of Nobleford in the Province of Alberta.
- i) **Secretary** means the person or persons authorized to act as secretary for the Municipal Planning Commission.
- j) **Subdivision Authority** means the person or persons who exercise subdivision powers and duties on behalf of the municipality.
- k) 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

2. 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 Designated 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 10 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, 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 Designated Officer is authorized as per Section 2(b).
3. Notwithstanding Section 2, the Designated Officer may forward any application for development approval to the Municipal Planning Commission for a decision.

Powers and Duties

4. 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

5. 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 Nobleford Land Use Bylaw.

PART 2 – Subdivision Authority

Establishment

6. The Subdivision Authority for the Municipality is the Municipal Planning Commission for all applications for subdivision approval.

Powers and Duties

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

Administration

8. The signing authority for all subdivision related matters is the Chairperson of the Municipal Planning Commission or delegate.
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;
 - 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 3 – Municipal Planning Commission

Establishment of the Municipal Planning Commission

10. That a Commission known as the Municipal Planning Commission of the Town of Nobleford, hereinafter called "MPC" is hereby established.

Membership

11. The MPC shall be composed of five (5) members of council. A resolution of council is necessary for appointment to the MPC.
12. Three (3) of the members of the MPC shall constitute a quorum.
13. No person who is a member of the Subdivision and Development Appeal Board shall be appointed to act as a member of the MPC.
14. Appointments to the MPC shall be conducted annually during the Town's Organizational Meeting and shall be for a period of one (1) year.

15. When a person ceases to be a member of the MPC before the expiration of his/her term, council shall appoint another person for the unexpired portion of that term within 60 days of receiving notice of the vacancy.

Chairperson and Vice-Chairperson

16. The MPC shall elect a Chairperson from its members to preside for a term of one year from the date of election.
17. Where the Chairperson is absent from a meeting of the MPC, one of the other members shall be elected to preside over that meeting.

Secretary

18. A 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 MGA;
 - 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.
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 the Municipality
 - b. to serve as a Subdivision Authority pursuant to Part 17 of the MGA and this bylaw; and
 - c. to serve as a Development Authority pursuant to Part 17 of the MGA, the Land Use Bylaw and 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 Land Use Bylaw, any relevant statutory plan, and 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, any relevant statutory plan, 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. 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.


Repeal

28. Bylaw No. 559, being the former Municipal Development Authority bylaw, is hereby repealed.
29. Bylaw No. 600, being the former Municipal Subdivision Authority bylaw is hereby repealed.
30. Bylaw No. 634, being the former Subdivision and Development Authority bylaw is hereby repealed.

READ a **first** time this 22nd day of November, 2022.



Mayor – Joan Boeder




Administrator – Joe Hutter

READ a **second** time this 22nd day of November, 2022.



Mayor – Joan Boeder




Administrator – Joe Hutter

READ a **third** time and finally passed this 22nd day of November, 2022.



Mayor – Joan Boeder



Administrator – Joe Hutter