

MOUNTAIN VIEW COUNTY

BYLAW NO. 10/23

**ESTABLISHING THE MUNICIPAL PLANNING COMMISSION
AND
ADMINISTRATIVE SUBDIVISION AND DEVELOPMENT APPROVING AUTHORITY**

Mountain View County
Province of Alberta

Bylaw No. 10/23

A BYLAW OF MOUNTAIN VIEW COUNTY IN THE PROVINCE OF ALBERTA, TO ESTABLISH THE MUNICIPAL PLANNING COMMISSION, ADMINISTRATIVE SUBDIVISION AND DEVELOPMENT APPROVING AUTHORITY, DEVELOPMENT OFFICER AND DESIGNATED OFFICER FOR MOUNTAIN VIEW COUNTY.

SECTION 1 - AUTHORITY

- 1.01 The Municipal Government Act, Chapter M-26 Statues of Alberta 2000, and amendments authorizes Council to establish a subdivision and development authority.
- 1.02 Mountain View County hereby enacts that this bylaw may be cited as the Approving Authorities Bylaw.

SECTION 2 - DEFINITIONS

- 2.01 In this Bylaw, unless the context otherwise requires:
- a. **“Act”** refers to the Municipal Government Act, R.S.A. 2000, M-26 as amended from time to time.
 - b. **“Administrative Authority”** means the Administrative Subdivision and Development Approving Authority for Mountain View County.
 - c. **“Commission”** means the Municipal Planning Commission of Mountain View County.
 - d. **“Council”** means the Council of Mountain View County.
 - e. **“Designated Officer”** means a Development Officer, Bylaw Enforcement Officer, Peace Officer, or any other official appointed by Council to enforce the provision of the Land Use Bylaw and additional authorities as outlined in this Bylaw or roles as determined in separate Bylaws.
 - f. **“Development Authority”** means a Designated Officer, Administrative Subdivision and Development Approving Authority, or Municipal Planning Commission, which is authorized and assigned by Council to enforce the provision of the Act and its regulations, the Subdivision and Development Regulation, a subdivision approval, the conditions of a development permit, and the Land Use Bylaw.
 - g. **“Development Officer”** means the Development Officer of Mountain View County.
 - h. **“Municipality”** means Mountain View County, a municipal corporation in the Province of Alberta, and where the context requires, means the area contained within the corporate boundaries of the said Municipality.

SECTION 3 - APPROVING AUTHORITY, DEVELOPMENT OFFICER AND DESIGNATED OFFICER

- 3.01 That a Commission known as the Municipal Planning Commission of Mountain View County, hereinafter called "the Commission", is hereby established to act as a subdivision and development authority as outlined in this Bylaw
- 3.02 The Commission shall consist of:
- a. Not less than seven (7) members appointed by Council;
 - b. No person who is a member of the Subdivision and Development Appeal Board shall be a member of the Commission
- 3.03 That an Administrative Authority known as the Administrative Subdivision and Development Approving Authority of Mountain View County, hereinafter called "the Administrative Authority", is hereby established to act as a subdivision and development authority as outlined in this Bylaw.
- 3.04 The Administrative Authority shall be the Chief Administrative Officer of Mountain View County as appointed by Council.
- 3.05 The office of the Development Officer is hereby constituted and shall be appointed by the Chief Administrative Officer of Mountain View County.
- 3.06 The Development Officer shall act as a development authority as outlined in this Bylaw.
- 3.07 The Designated Officer shall act as a development authority as outlined in this Bylaw.

SECTION 4 - ADMINISTRATIVE AUTHORITY, DEVELOPMENT OFFICER AND DESIGNATED OFFICER

- 4.01 The Commission, Administrative Authority and Development Officer shall seek to ensure that any subdivision and development approved is in accordance with the purpose, scope or intent of the Municipal Development Plan, Land Use Bylaw, Area Structure Plans and Provincial Acts and Regulations.
- 4.02 The Commission, Administrative Authority and the Development Officer are hereby authorized and assigned by Council to act as a Development Authority and to receive, consider and decide on applications for development permits received by the Municipality.
- 4.03 The Commission and Administrative Authority are hereby authorized and assigned by Council to act as a Subdivision Authority and to receive, consider and decide on subdivision applications received by the Municipality.
- 4.04 The Commission and Administrative Authority are hereby authorized and assigned by Council to issue subdivision time extensions in accordance with the Land Use Bylaw.
- 4.05 The Designated Officer and Development Officer hereby authorized and assigned by Council to act as the Development Authority to enforce the provision of the Act and its regulations, the Subdivision and Development Regulation, a subdivision approval, the conditions of a development permit, and the Land Use Bylaw.

SECTION 5 - SECRETARY OF THE COMMISSION

- 5.01 The office of Secretary to the Commission is hereby constituted and shall be appointed by the Chief Administrative Officer of Mountain View County, but that person shall not have a vote.
- 5.02 The Secretary of the Commission shall:
- a. Notify all members of the Commission of the arrangements for the holding of each meeting of the Commission.
 - b. Ensure the required notice of the meeting is given to all affected parties.
 - c. Prepare and maintain a file of the written minutes of the business transacted at all the meetings of the Commission.
 - d. Issue to all affected parties and persons, notices of the decisions of the Commission.
 - e. Carry out such other duties as the Commission may specify.

SECTION 6 - CONDUCT OF BUSINESS OF THE COMMISSION

- 6.01 The Commission shall elect a Chairperson and a Vice Chairperson from its members at the annual organizational meeting of the Commission.
- 6.02 Four members of the Commission shall constitute a quorum for the making of all decisions and for doing any action required or permitted to be done by the Chairman.
- 6.03 Only those members of the Commission present at a meeting of the Commission shall vote on any matter before it.
- 6.04 The decision of the majority of the members present at a meeting duly convened shall be deemed to be the decision of the whole Commission. If there are an equal number of votes for or against a resolution, the resolution is defeated.
- 6.05 The Commission shall hold such meetings as are necessary to fulfill the Commission's responsibility.
- 6.06 The Commission may make rules as are necessary for the conduct of its meetings and its business that are consistent with this Bylaw, Municipal Development Plan, Land Use Bylaw, Area Structure Plans and Provincial Acts and Regulations.
- 6.07 The remuneration, traveling and other expenses of the Chairperson and other members of the Commission shall be established by Council resolution and/or policies.
- 6.08 Parties to the application may be permitted to participate in Commission meetings via electronic means. Although the preference is for Members of the Commission to participate in-person, in the event that a Member is unavailable to attend in-person they may be permitted to participate through electronic means if they are able to appropriately carry out their duties. In the event that in-person attendance is not permitted due to Provincial or Municipal orders, the Commission shall be permitted to conduct their operations in accordance with this Bylaw through electronic means.

SECTION 7 - CONDUCT OF BUSINESS OF THE ADMINISTRATIVE AUTHORITY

- 7.01 Administrative Authority shall hold such meetings as are necessary to fulfill the Administrative Authority's responsibility.
- 7.02 The Administrative Authority shall review and render decision on Development Permit Applications which:
- a. require a setback relaxation of the required setbacks as outlined in the Site Regulations of each specific district, which are deemed by the Administrative Authority not to have a negative impact on adjacent lands or uses;
 - b. discretionary uses of land and/or buildings as outlined each specific district, which are deemed by the Administrative Authority not to have a negative impact on adjacent lands or uses.
- 7.03 The Administrative Authority shall review and render decisions on Subdivision Applications which:
- a. are the first parcel out of a quarter section;
 - b. has been redesignated by Council previously;
 - c. redesignation was refused by Council and the Applicant chooses to pursue Subdivision despite the application not conforming to statutory plan policies; or
 - d. meets the requirements of any approved Area Structure Plan.
- 7.04 The Administrative Authority holds the right to refer any Development or Subdivision application to the Commission to render a decision.

SECTION 8 - CONDUCT OF BUSINESS OF THE DEVELOPMENT OFFICER

- 8.01 The Development Officer shall review and render decisions on Development Permit Applications which:
- a. are deemed permitted uses;
 - b. require a setback relaxation up to 20% of the required setbacks as outlined in the Land Use Bylaw.

SECTION 9 - OTHER MATTERS

- 9.01 The setting of fees for any matter coming before the Commission, Administrative Authority, Development Officer and Designated Officer, shall be established by resolution of Council, as it considers necessary.
- 9.02 The Commission, Administrative Authority, Development Officer and Designated Officer, may make orders, decisions, and issue notices with or without conditions.
- 9.03 The Chief Administrative Officer, or designate, are hereby authorized to sign decisions, instruments for endorsement, easements, caveats, development permits, time extensions

permitted by the Act and other documents as may be required to conduct the business of the Commission, Administrative Authority, Development Officer and/or Designated Officer.

SECTION 10 - REPEAL OF BYLAW

10.01 Bylaw No. 17/18 and all associated amending bylaws are hereby repealed.

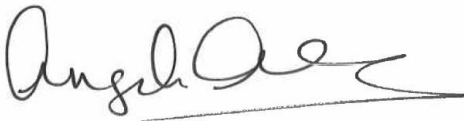
SECTION 11 - EFFECTIVE DATE

11.01 This Bylaw shall come into effect at such time as it has received third (3rd) reading and has been signed in accordance with the *Municipal Government Act*.

Read the first time this 12th day of April 2023.

Read the second time this 12th day of April 2023.

Read the third time this 26th day of April 2023.



Reeve

May 3, 2023

Date of Signing



Chief Administrative Officer