

**TOWN OF CROSSFIELD  
MUNICIPAL PLANNING COMMISSION BYLAW  
BYLAW NO. 2018-02**

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Being a Bylaw of the Town of Crossfield, in the Province of Alberta, to establish a Municipal Planning Commission.

WHEREAS Section 623, 624, and 626 of the Municipal Government Act, Chapter M-26, Revised Statutes of Alberta, as amended, provides for the establishment of a development authority for the Town of Crossfield to exercise development powers and duties on behalf of the municipality.

NOW, THEREFORE, the Council of the Town of Crossfield, duly assembled, enacts the following:

**SECTION 1 - TITLE**

1.0. This bylaw may be called the "Municipal Planning Commission Bylaw".

**SECTION 2 - DEFINITIONS**

2.0. In this bylaw:

- a) "Act" means the Municipal Government Act, Chapter M-26, Revised Statutes of Alberta, as amended,
- b) "Chief Administrative Officer" means the individual established by bylaw as the Chief Administrative Officer for the Town of Crossfield,
- c) "Council" means the Municipal Council of the Town of Crossfield,
- d) "Development Authority" means a development authority as provided for in Part 17 of the Act,
- e) "Development Officer" means the person (or their delegate) authorized to exercise the power and duties as prescribed in this bylaw and the Town of Crossfield Land Use Bylaw,
- f) "Land Use Bylaw" means the Town of Crossfield most current Land Use Bylaw, as amended from time to time,

- g) **“Municipal Planning Commission”** means the commission duly authorized by Council by this bylaw,
- h) **“Town”** means the Corporation of the Town of Crossfield or where the context requires, means the area contained within the boundaries of the municipal corporate limits,
- i) **“Subdivision and Development Appeal Board”** means the board duly authorized by Council.

### **SECTION 3 - ESTABLISHMENT AND POWERS**

- 3.0. The Municipal Planning Commission is hereby established.
- 3.1. The Municipal Planning Commission shall deal with “Applications for a Development Permit” in accordance with the provisions of the Act and the Land Use Bylaw and shall exercise any other powers, duties, and functions given to it by the Land Use Bylaw and this bylaw.

### **SECTION 4 - MEMBERSHIP**

- 4.0. The Municipal Planning Commission shall be comprised of seven (7) members:

**NON VOTING:** The Chief Administrative Officer / Development Officer OR The Assistant Development Officer;

**VOTING MEMBERS:** one (1) member of Council as appointed at the yearly Council Organizational meeting and five (5) public at large that Council shall appoint by resolution.

- 4.1. No member of the Municipal Planning Commission shall be a member of the Subdivision and Development Appeal Board.
- 4.2. No member of the “public at large” shall be appointed as a member of the Municipal Planning Commission who is an employee of the Town, or by virtue of an employment agreement and/or other contractual arrangement with the Town, carries out subdivision or development powers, duties, and functions on behalf of the Town.
- 4.3. If a member of the Municipal Planning Commission has any interest, whether direct or indirect, in any matter before the Municipal Planning Commission, the member shall declare such interest to the Municipal Planning Commission before discussion of the matter, and shall not participate in the Municipal Planning Commission meeting in which the matter is considered, or discuss or vote upon the matter, and such abstention shall be recorded in the minutes.

- 4.4. No member of the Municipal Planning Commission shall be a member of the Subdivision and Development Appeal Board.
- 4.5. Only those members present at a Municipal Planning Commission meeting may vote on any matter under consideration at the meeting.
- 4.6. A member of Council shall hold the Chair position while they hold an elected position.
- 4.7. If the Commission deems it desirable, they may request a person(s) to attend its meetings in an advisory capacity, but such person(s) shall not be members of the Municipal Planning Commission and shall not have a vote on matters under consideration by the Municipal Planning Commission.

#### **SECTION 5 - TERM OF OFFICE**

- 5.0. Members of the Board who are not members of Council shall be appointed to the Board for a four (4) year term. At the end for the four (4) year term, with consent from the board member, Council will renew their term for another four (4) years.
- 5.1. Following a one-year absence from service as a member of the Board, a member of the Board who is not a member of Council shall be fully eligible for consideration to again serve as a member of the Board.
- 5.2. If a member of the Board is absent from three (3) consecutive meetings of the Board without first providing the Chairperson with notice of and reason for the member's absence, that member of the Board shall be deemed to have resigned his or her position as member of the Board.
- 5.3. Vacancies created by the resignation of a "public at large" member shall require that the vacancy be advertised in local newspaper circulating in the Municipality prior to any appointment of a "public at large" member by Council.
- 5.4. The Board may fill vacancies as they occur. Council must accept these replacements by resolution.
- 5.5. Vacancies shall be considered to have occurred upon:
  - a. a member ceasing to reside in the Town,
  - b. death of a member,
  - c. resignation of a member or upon ceasing to hold office as a Councillor,
  - d. being absent for three (3) consecutive meetings as per Section 5.2 of this Bylaw,
  - e. for cause.

### **SECTION 6 - QUORUM**

- 6.0. A quorum of the Municipal Planning Commission shall be three (3) members.

### **SECTION 7 - MEETINGS**

- 6.0. The Municipal Planning Commission shall meet as necessary at the call of the Development Officer/Assistant Development Officer or Chairperson.

### **SECTION 8 - DUTIES AND RESPONSIBILITIES**

- 7.0. It is the duty and responsibility of the Municipal Planning Commission to consider "Applications for a Development Permit" and render decisions in accordance with the provisions of the Land Use Bylaw, the Municipal Government Act, and any other relevant bylaws or Provincial Legislation and Regulations.

### **SECTION 9 - DECISIONS**

- 8.0. The Municipal Planning Commission shall consider and decide on "Applications for a Development Permit":
- a) Which are contained under the "List of Discretionary Uses (Municipal Planning Commission)" in the Land Use Bylaw;
  - b) Which have been referred to it by the Development Officer; or
  - c) Which are for a temporary use (as defined by the Land Use Bylaw) and which are not listed as either a "Permitted" or "Discretionary Use" in the land use district of the Land Use Bylaw in which the development is to occur.
- 8.1. The Municipal Planning Commission shall have forty (40) days to meet and render a decision to approve or deny a complete "Application for a Development Permit" unless the applicant has entered into an agreement with the development authority to extend the forty (40) day period.
- 8.2. If the Municipal Planning Commission denies an "Application for a Development Permit" or approves an "Application for a Development Permit" with conditions, the applicant shall have fourteen (14) days from the date on which the Applicant is notified in writing of the decision of the Municipal Planning Commission (receipt of the decision is deemed to be five (5) days from the date the decision is mailed to the Applicant) to appeal the

decision of the Municipal Planning Commission to the Subdivision and Development Appeal Board.

- 8.3. If the Municipal Planning Commission has rendered a decision to approve an "Application for a Development Permit" (with or without conditions), a "Notice of the Decision" of the Municipal Planning Commission shall be advertised in a local newspaper circulating in the Municipality stating the legal description of the site of the development, identifying the use which has been approved for the site and giving notice to any person affected by the decision of the Municipal Planning Commission of their right to appeal the decision of the Municipal Planning Commission within fourteen (14) days from the date of the last advertisement to the Subdivision and Development Appeal Board.
- 8.4. If the Municipal Planning Commission refuses an "Application for a Development Permit", the decision must be provided in writing to the applicant and include reasons for the refusal.
- 8.5. If the Municipal Planning Commission approves an "Application for a Development Permit", it shall where it deems appropriate, impose a condition of development approval that the Applicant enters into an agreement with Council in accordance with Sections 650 and 651 of the Act.
- 8.6. The Municipal Planning Commission shall impose such conditions of approval as it considers necessary to ensure compliance with the Act, the Land Use Bylaw, or any other Town of Crossfield bylaw, Provincial Legislation and regulations affecting the land proposed to be developed.
- 8.7. The Municipal Planning Commission shall consider and decide on requests for time extensions to "Development Permits", which have been referred to it by the Development Officer.

#### **SECTION 9 - CLERK OF THE MUNICIPAL PLANNING COMMISSION**

- 9.0. The Development Officer (or designate) will provide clerical services to the Municipal Planning Commission including:
  - a) The receiving and processing of Development Permits;
  - b) Answering inquiries and providing information of the Development Permit process;
  - c) Scheduling and attending Municipal Planning Commission meetings;
  - d) Keeping a written record of the meeting of the Commission which shall include:

- e) The decision of the Municipal Planning Commission,
- f) The conditions of development approval where Municipal Planning Commission has made a decision to approve an "Application for a Development Permit";
- g) The reasons for the Municipal Planning Commission's decision on each "Application for a Development Permit".
- h) Making available for public inspection, all relevant document and materials respecting the "Application for a Development Permit" and any order issued by the Municipal Planning Commission.

### **SECTION 10 - ISSUING OF DEVELOPMENT PERMITS**

- 10.0. A "Development Permit" which has been approved the Municipal Planning Commission shall not be issued until nineteen (19) days after the "Notice of Decision" has been provided to the Applicant and the decision has been advertised in two (2) consecutive editions of a local newspaper circulating in the Municipality pursuant to the Land Use Bylaw and this Bylaw.
- 10.1. When a Municipal Planning Commission has rendered a decision to approve an "Application for a Development Permit" and the decision has been appealed to the Subdivision and Development Appeal Board, the "Development Permit" shall not be issued unless and until the decision of the Municipal Planning Commission has been upheld by the Subdivision and Development Appeal Board.
- 10.2. The issuing of "Development Permits" shall be the responsibility of the Chief Administrative Officer and/or Development Officer (or their designate).
- 10.3. The Chief Administrative Officer and/or Development Officer (or their designate) when issuing a "Development Permit" shall notify the Applicant and the registered owners of the land proposed to be developed in writing outlining the conditions of the "Development Permit Approval and Issuing". Copies of all issued "Development Permits" shall being placed on the tax role file located in the Municipal Office.

### **SECTION 11 – EFFECTIVE DATE**

- 11.0. This Bylaw shall come into force and have effect upon it being read a third time and passed.
- 11.1. This Bylaw shall come into force and effect on the final passing thereof.

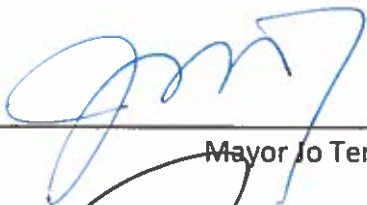
**SECTION 12 - REPEAL**

12.0. Bylaw No. 2009-19 the "Town of Crossfield Municipal Planning Commission Bylaw" is hereby repealed.

READ a first time this 9<sup>th</sup> day of January 2018;

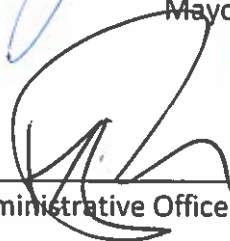
READ a second time this 23<sup>rd</sup> day of January 2018;

READ a third time and finally passed this 23<sup>rd</sup> day of January, 2018.



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Mayor Jo Tennant



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Chief Administrative Officer Ken Bosman