

**WHEATLAND COUNTY  
BYLAW # 2018-11**

**Being a Bylaw of Wheatland County, in the Province of Alberta, to establish a Municipal Planning Commission and Subdivision Authority.**

**WHEREAS** Section 626 of the *Municipal Government Act* R.S.A. 2000, Chapter M-26 authorizes Wheatland County Council to establish a Municipal Planning Commission by bylaw;

**AND WHEREAS** Section 623 of the *Municipal Government Act* R.S.A. 2000, Chapter M-26 requires Wheatland County Council to provide for a subdivision authority to exercise subdivision powers and duties on behalf of Wheatland County by bylaw;

**AND WHEREAS** Section 624 of the *Municipal Government Act* R.S.A. 2000, Chapter M-26 requires Wheatland County Council to provide for a development authority to exercise development powers and duties on behalf of Wheatland County by bylaw;

**AND WHEREAS** Wheatland County Council deems it desirable and necessary to establish a Municipal Planning Commission which will be the Wheatland County subdivision authority and will also be one of the Wheatland County development authorities;

**NOW THEREFORE** the Council of Wheatland County, duly assembled, enacts as follows:

**1. TITLE**

1.1 This Bylaw may be referred to as the "Municipal Planning Commission Bylaw."

**2. PURPOSE**

2.1 The purposes of this Bylaw are to establish the Municipal Planning Commission and to provide that the Municipal Planning Commission will exercise subdivision and development powers and duties on behalf of Wheatland County as prescribed within this Bylaw.

**3. DEFINITIONS**

3.1 In this Bylaw, the following words and phrases have the following meaning:

- a) "**Act**" means the *Municipal Government Act* R.S.A. 2000, Chapter M-26, as amended from time to time;
- b) "**Bias**" means both Common Law Bias and Pecuniary Interest;
- c) "**Chief Administrative Officer**" means that person appointed by Council to the position of Chief Administrative Officer in accordance with the Act or his/her designate;
- d) "**Code of Conduct**" means the Councillor code of conduct adopted by Council by bylaw from time to time in accordance with the Act;
- e) "**Common Law 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 Municipal Planning Commission including situations which include but are not limited to: direct or indirect Pecuniary Interest, pre-judgment, close mindedness, undue influence or relationship with the parties involved in the matter before the Municipal Planning Commission;
- f) "**Council**" means the duly elected Council of Wheatland County;
- g) "**Councillor**" means a duly elected member of Council;
- h) "**County**" means the municipal corporation of Wheatland County together with its jurisdictional boundaries, as the context requires;
- i) "**Development**" has the same meaning as prescribed in Part 17 of the Act;

- j) "**Development Officer**" means the person hired by the Chief Administrative Officer to perform the duties of the Development Officer as outlined in the County's Land Use Bylaw;
- k) "**Land Use Bylaw**" means the County's Land Use Bylaw No. 2016-01, as amended or replaced by Council from time to time;
- l) "**Meeting**" means a meeting of the Municipal Planning Commission;
- m) "**Member**" means a member of the Municipal Planning Commission;
- n) "**Municipal Planning Commission**" means the body appointed by Council to:
  - i. Serve as subdivision authority pursuant to Section 623 of the Act,
  - ii. Serve as development authority as referenced in the Land Use Bylaw pursuant to Section 624 of the Act; and
  - iii. Advise and assist on other planning and development matters as authorized within this Bylaw.
- o) "**Organizational Meeting**" has the same meaning as prescribed in Part 5, Division 9 of the Act;
- p) "**Pecuniary Interest**" has the same meaning as prescribed in Part 5, Division 6 of the Act;
- q) "**Planner**" means a person hired by the Chief Administrative Officer to perform the duties of a professional planner for the County;
- r) "**Procedure Bylaw**" means the bylaw governing Council and Council committee meetings as adopted by Council from time to time;
- s) "**Regulations**" means the *Subdivision and Development Regulation*, AR 43/2002, as amended or replaced from time to time;
- t) "**Subdivision**" has the same meaning as prescribed in Part 17 of the Act; and
- u) "**Subdivision and Development Appeal Board**" means the County's Subdivision and Development Appeal Board established by Council in accordance with Section 627 of the Act.

#### 4. ESTABLISHMENT OF THE MUNICIPAL PLANNING COMMISSION

- 4.1 The County's Municipal Planning Commission is hereby established.
- 4.2 The Municipal Planning Commission is the County's Subdivision authority for the purposes of the Act and Regulations.
- 4.3 The Municipal Planning Commission is a County Development authority for the purposes of the Act with respect to matters as prescribed in the Land Use Bylaw to be determined by the Municipal Planning Commission.

#### 5. MEMBERSHIP

- 5.1 The Municipal Planning Commission shall be composed of all Councillors sitting on Council from time to time.
- 5.2 The Development Officer shall serve as a non-voting advisor to the Municipal Planning Commission and shall attend Municipal Planning Commission meetings as required.
- 5.3 A Planner shall serve as a non-voting advisor to the Municipal Planning Commission and shall attend Municipal Planning Commission meetings as required.



- 5.4 The County Chief Administrative Officer may serve as a non-voting advisor to the Municipal Planning Commission and may attend any or all meetings.
- 5.5 The Municipal Planning Commission shall appoint its own chairperson and vice-chairperson from amongst its Members for a term of not more than one (1) year at the first Meeting following the Organizational Meeting of Council.
- 5.6 All Members shall adhere to the County's Code of Conduct and the pecuniary interest provisions in Part 5, Division 6 of the Act, as applicable.
- 5.7 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 in relation to that matter. The Member shall declare his/her Bias before any discussion of the matter and shall remove him/herself from the Meeting for the discussion, debate and decision of the matter and his/her declaration shall be recorded in the Meeting minutes.

## **6. QUORUM**

- 6.1 Quorum shall consist of four (4) voting Members.

## **7. MEETINGS, VOTING AND CONDUCT OF BUSINESS**

- 7.1 The Municipal Planning Commission shall adhere to the County's Procedure Bylaw, as applicable.
- 7.2 In the absence of any applicable provision of the Procedure Bylaw, the Municipal Planning Commission may establish its own procedure.
- 7.3 The Municipal Planning Commission shall normally meet at least once per month and may hold other Meetings as may be required from time to time in order to effectively carry out its business, operations and functions.
- 7.4 Only those Members in attendance at a Meeting may vote on any matter before the Municipal Planning Commission at that Meeting.
- 7.5 All decisions of the Municipal Planning Commission shall be determined by a simple majority vote.
- 7.6 The Municipal Planning Commission may deliberate and makes its decisions in meetings closed to the public in accordance with the Act.
- 7.7 The Municipal Planning Commission shall give its decisions in writing together with the reasons for approval or refusal and must state whether an appeal lies to the Subdivision and Development Appeal Board or to the Municipal Government Board.
- 7.8 An order, decision, notice, approval, Subdivision endorsement or other thing issued by the Municipal Planning Commission shall be signed on its behalf by its chairperson or vice chairperson, a Development Officer or the County's General Manager of Agriculture, Community and Protective Services.
- 7.9 Where the Municipal Planning Commission deems it necessary, it may request any person or persons to attend its Meetings in an advisory non-voting capacity.

## **8. FUNCTIONS AND DUTIES**

- 8.1 The Municipal Planning Commission shall adhere to the Act and the Regulations at all times.
- 8.2 The Municipal Planning Commission shall:
- a) exercise the Subdivision authority powers and duties on behalf of the County pursuant to Section 623 of the Act;
  - b) exercise the Development authority powers and duties on behalf of the County pursuant to Section 624 of the Act and the Land Use Bylaw; and

- c) perform such other duties and functions of the Municipal Planning Commission as may be assigned by Council from time to time.

## **9. MUNICIPAL PLANNING COMMISSION SECRETARY**

9.1 The Chief Administrative Officer shall appoint a County employee to fulfill the role of Municipal Planning Commission Secretary.

9.2 The Municipal Planning Commission Secretary shall carry out the following duties:

- a) ensure that all circulation requirements of the Act, Regulations and Land Use Bylaw are adhered to,
- b) ensure that all notice and advertisement requirements of the Act, Regulations and Land Use Bylaw are adhered to,
- c) ensure there is quorum for all meetings,
- d) prepare all decisions and reasons for decision of the Municipal Planning Commission for execution by the Chair or Vice Chair,
- e) send out all decisions of the Municipal Planning Commission to relevant parties in accordance with the Act and the Land Use Bylaw,
- f) record, prepare and maintain minutes of Municipal Planning Commission meetings,
- g) keep and maintain on file for inspection by the public during office hours the following documents and information:
  - i) a register of all applications for development permits and subdivision approvals including supporting documentation,
  - ii) records of all evidence presented at Municipal Planning Commission meetings,
  - iii) records of all Municipal Planning Commission decisions and reasons therefore,
  - iv) Municipal Planning Commission agenda packages and meeting minutes, and
- h) carry out such other administrative duties and functions as the Municipal Planning Commission or Chief Administrative Officer may direct.

## **10. REPEAL**

10.1 Bylaw 2017-63 is hereby rescinded upon the passing and signing of Bylaw No. 2018-11.

## **11. EFFECTIVE DATE**

This Bylaw shall be in full force and effect upon Third Reading.

**LINK MOVED** first reading of Bylaw 2018-11 on May 15, 2018, this being a Bylaw of Wheatland County, in the Province of Alberta, to establish a Municipal Planning Commission and Subdivision Authority.

Carried.

**WILSON MOVED** second reading of Bylaw 2018-11 on May 15, 2018, and it was

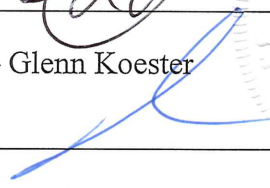
Carried.

**ARMSTRONG MOVED** that permission be granted to hold third and final reading of Bylaw 2018-11.

Carried Unanimously.

**LINK MOVED** third and final reading of Bylaw 2018-11 on May 15, 2018, and it was

Carried.

  
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Reeve – Glenn Koester  
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Chief Administrative Officer – Alan Parkin