TOWN OF WESTLOCK

CONSOLIDATED SUBDIVISION AND DEVELOPMENT AUTHORITIES

BYLAW NO. 2015-14

EFFECTIVE DATE – June 22, 2015

CONSOLIDATED FOR CONVENIENCE ONLY

This is a consolidation of the bylaws below. The amendment bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws on this subject.

AMENDMENT BYLAW	DATE OF ADOPTION	EFFECTIVE DATE (If different from Date of Adoption)
Bylaw No. 2023-02	January 23, 2023	
Bylaw No. 2026-17	November 9, 2026	

Town of WESTLOCK Bylaw 2015-14

Province of Alberta

BEING A BY-LAW OF THE TOWN OF WESTLOCK IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF ESTABLISHING SUBDIVISION AND DEVELOPMENT AUTHORITIES

WHEREAS, under the provisions of *Division 3, Part 17, Municipal Government Act, Chapter M-26, R.S.A. 2000*, and amendments thereto, to provide for the establishment of a Subdivision Authority, a Development Authority and a Municipal Planning Commission for the Town of Westlock.

NOW THEREFORE, the Town of Westlock Council enacts as follows:

SECTION 1 - SHORT TITLE

1.1 This Bylaw may be cited as the "Subdivision and Development Authorities Bylaw".

1.2 Where the provisions of this Bylaw conflict with the provision of any other Bylaw of the Town of Westlock, this Bylaw shall prevail.

SECTION 2 - DEFINITIONS

1.2 **CAO** - means the Chief Administrative Office of the Town of Westlock;

1.3 **COUNCIL** - means the Town of Westlock Council;

1.4 **DEVELOPMENT OFFICER** - means the individual delegated by the CAO to act in the capacity of Development Officer;

1.5 **LAND USE BYLAW** - means the current Land Use Bylaw and amendments;

1.6 **MEMBER** - means a Member of the Municipal Planning Commission appointed pursuant to this Bylaw;

1.7 **MGA** means the *Municipal Government Act, Chapter M-26, R.S.A. 2000*, and amendments;

1.8 **PECUNIARY INTEREST** - shall have that meaning as set in *Division 6 of Part 5 of the MGA* as applied an adapted in the context of this Bylaw;

1.9 **PUBLIC MEMBER** - means a person who is not a member of Council and who otherwise qualifies as a resident of the Town of Westlock;

1.10 **TOWN** - means the Town of Westlock.

SECTION 3 - DEVELOPMENT AUTHORITY

3.1 The Development Authority of the Town is:

a) The Development Officer, for an application for development approval which is:

i. a permitted use under the Land Use Bylaw and which complies with regulations and requirements set out in the Land Use Bylaw.

ii. a discretionary use in a Residential Land Use District under the Land Use Bylaw or

iii. a variance of 10% or less under the regulations and requirements as set out in the Land Use Bylaw

b) The Municipal Planning Commission established under this Bylaw for an application for development approval which is;

i. a discretionary use in a Non-Residential Land Use District under the Land Use Bylaw or

ii. a variance of greater than 10% under the regulations and requirements as set out in the Land Use Bylaw.

c) In the case of Direct Control Districts, the Council of the Town of Westlock.

3.2 Notwithstanding Section 3.1 the Development Officer may forward any application for development approval to the Municipal Planning Commission.

3.3 Notwithstanding Section 3.1, the Development Officer is responsible for deeming all development applications complete within the timelines prescribed in the MGA, regardless of type.

3.4 The Development Authority has those powers and duties set out in the MGA and the Land Use Bylaw and this Bylaw.

SECTION 4 -SUBDIVISION AUTHORITY

4.1 The Subdivision Authority for the Town is the Municipal Planning Commission.

4.2 Notwithstanding Section 4.1, the Development Officer is responsible for deeming all subdivision applications complete within the timelines prescribed in the MGA.

4.3 The Subdivision Authority has those powers and duties as set out in the *MGA.*

4.4 When a registerable instrument is submitted for endorsement, the signing authority is authorized to accept minor modifications to the related registerable instrument from that approved by the Subdivision Authority provided;

a) the number of parcels does not increase;

b) municipal, school, municipal and school or environmental reserves are not compromised;

c) municipal roads and standards are not compromised;

d) such adjustments comply with municipal bylaws, except that minor changes to the Land Use Bylaw standards may be included as provided in the *MGA.*

SECTION 5 - MUNICIPAL PLANNING COMMISSION

5.1 The Municipal Planning Commission (Commission) is hereby established.

5.2 The Development Officer shall serve as non – voting advisor to the Municipal Planning Commission and shall attend all meetings.

5.3 The CAO or designate may serve as non – voting advisor to the Municipal Planning Commission and shall attend all meetings

5.4 Where the Commission deems it necessary it may request any person or person to attend its meetings in an advisory non-voting capacity.

SECTION 6 - MEMBERSHIP and TERMS

6.1 The Commission shall be compromised of seven (7) members, appointed by Council as follows;

a) Two (2) Members of Council
b) Five (5) Public Members

6.2 A member of the Commission shall not include:
a) a member of the Subdivision and Development Appeal Board.
b) an employee of the Town.

6.3 Members of Council shall be appointed annually at the Organizational Meeting of Council.

6.4 Public Members appointment where possible shall be made at the Organizational Meeting of Council and shall be appointed for an initial term of not more than four (4) years. Public Members may be reappointed for additional terms at the discretion of Council. New Public Members shall take office at the first meeting following the official effective date of their appointment.

6.5 Any vacancy of a Public Member will be filled through Council resolution, and the Member shall hold office for the remainder of the term of the vacated office.

6.6 A Public Member shall be deemed to have vacated his position if he ceases to reside in the Town.

6.7 If any Public Member is absent from three (3) consecutive regular meetings without the

authorization of the Commission, Council shall replace the Member with a representative, appointed by Council resolution.

6.8 Any Public Member of the Commission may resign by sending written notice to the CAO. The date the resignation is received by the CAO shall be the effective date of the resignation.

6.9 Council may remove of its own initiative or, at the request of the Commission any Public Member of the Commission for any reason the Council deems sufficient.

SECTION 7 - OPERATION and CONDUCT of BUSINESS

7.1 A quorum of the Commission shall consist of four (4) Members.

7.2 At the first meeting of the calendar year, the Commission shall hold an Organizational Meeting at which time a Chairperson and Vice – Chairperson of the Municipal Planning Commission shall be selected.

7.3 A Public Member of the Commission shall hold the position of Chairperson and Vice Chairperson.

7.4 In the absence of the Chairperson and Vice – Chairperson, those Members present and constituting a quorum shall elect one of the Members to preside as Chairperson of the meeting.

7.5 The Commission shall normally meet at least once a month at a time set by resolution of the Commission. The Commission may hold such other meetings as may be required from time to time in order to effectively carry out Commission business. These meeting will be called by the Chairperson or his designate in his absence.

7.6 Only those Members of the Commission in attendance at a meeting of the Commission may vote on any matter then before the Commission.

7.7 In the event of a tie vote, any motion before the Commission shall be deemed to be lost.

7.8 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.

7.9 The Commission shall give its decision in writing together with the reasons for approval or refusal and must state whether an appeal lies to the Subdivision and Development Appeal Board (SDAB) or to the Land and Property Rights Tribunal (LPRT).

7.10 An order, decision notice, approval or other thing given by the Commission may be signed on its behalf by its Chairperson, a member elected to act as Chairperson, or the Development Officer authorized by Council pursuant to the *MGA*.

7.11 If a Member has Pecuniary Interest in a matter before the Commission, the Member shall:

- **a)** Disclose the general nature of the Pecuniary Interest to the Commission prior to the Commission's consideration of the matter.
- **b)** Abstain from discussion and disposition of the matter.
- **c)** Leave the room in which the meeting is taking place until discussion and disposition of the matter is completed.
- **d)** The abstention of the Member and the disclosure of the Member's interest shall be recorded in the minutes.

7.12 The Commission shall have no power to neither raise funds nor to expropriate land.

7.13 The setting of fees for any matter coming before the Commission shall be established by resolution of Council.

7.14 Remuneration for travel and subsistence expense, if and where applicable, shall be in accordance with Town policy.

7.15 The Commission is authorized within approve Town budget to retain the services of a consultant or advisors as it deems necessary for any of its purposes provide.

7.16 All other conduct of the meetings and business of the Commission shall be subject to the Town's Council Procedure Bylaw.

SECTION 8 - FUNCTIONS and DUTIES

8.1 The Commission shall:

- **a)** Advise and assist Council on planning for orderly, economical and beneficial development and use of land within the Town.
- **b)** Serve as Subdivision Authority to exercise subdivision powers and duties on behalf of the Town pursuant *Part 17 of the MGA* and the Town Land Use Bylaw and this Bylaw.
- **c)** Serve as Development Authority to exercise development powers and duties on behalf on the Town for those matters referred to it by the Development Officer pursuant to the *Part 17 of the MGA*, Town Land Use Bylaw and this Bylaw.
- **d)** Perform any other duties or functions assigned by the Council.

8.2 Applications for subdivision approval shall be considered by the Commission and either approved, with or without conditions, or refused in accordance with *Part 17 of the MGA.*

8.3 A decision on an application for subdivision approval must be given without delay to the applicant and any other person and bodies required in the *MGA.*

8.4 Development permit applications referred to the Commission shall be considered and

either approved with or without conditions, or refused in accordance with Town Land Use Bylaw and *Part 17 of the MGA.*

8.5 A decision of the Commission is not final until notification of the decision is given in writing.

SECTION 9 - SECRETARY TO COMMISSION

9.1 The CAO or delegate shall serve as Secretary to the Board and shall;

- **a)** Not have a vote;
- **b)** Notify all Members and advise of the Commission of the arrangements of the holding of each regular and special Commission meeting;
- **c)** Notify all applicants of the date of the meeting at which their application will be dealt with;
- **d)** Notify such persons in writing as the Commission may designate of Commission decisions and the reasons;
- **e)** Keep and maintain on file for inspection by the public during all reasonable hours the following official records:
  - **i)** A register of all applications for development permits, including the decisions and the reasons,
  - **ii)** Records of all evidence presented at the meeting by the applicant or an advisor,
  - **iii)** Records of all decisions and the reasons in the meeting minutes along with any other business transacted by the Commission;
- **f)** Carry out such other administrative duties as the Commission may specify;
- **g)** Take minutes for all regular and special Commission meetings.
- **h)** Regularly file with Council the Commission meeting minutes.

SECTION 10 - REPEALED

By-law 2014-01 and amendments is hereby repealed.

SECTION 11.0 SEVERABILITY

Should any provision of this Bylaw be invalid, then such invalid provision shall be severed and the remaining Bylaw shall be maintained.

SECTION 12.0 SCHEDULES

The Council of the Town of Westlock may, by by-law or resolution in Council, alter, amend or repeal any or all of the Schedules, which form part of the by-law.

SECTION 13.0 EFFECTIVE DATE

Province of Alberta

BEING A BY-LAW OF THE TOWN OF WESTLOCK IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF ESTABLISHING SUBDIVISION AND DEVELOPMENT AUTHORITIES

This Bylaw shall take full force and effective upon third and final reading and upon signing in accordance with *Section 213, Municipal Government Act, Statues of Alberta 2000.*

READ A FIRST TIME THIS 22ND DAY OF JUNE, 2015.

READ A SECOND TIME THIS 22ND DAY OF JUNE, 2015.

UNANIMOUS CONSENT FOR THIRD AND FINAL READING THIS 22ND DAY OF JUNE, 2015.

READ A THIRD AND FINAL TIME AND PASSED THIS 22ND DAY OF JUNE, 2015.

Signed by Mayor and CAO this 22nd day of June, 2015.

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MAYOR, Ralph Leriger

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CAO, Dean Krause