

Bill No. 58 of 1950.

A BILL TO AMEND THE TOWN PLANNING ACT.

NOTE.

This Bill amends *The Town Planning Act*, being chapter 169 of the Revised Statutes of Alberta, 1942.

The Act is not restricted to planning in urban areas so the name of the Act, both in the long and short titles, is amended. The new name is "*The Town and Rural Planning Act*".

Several expressions which occur in numerous sections throughout the Act are amended. The term "general plan" is substituted for the term "official town plan" as the former expression is more closely descriptive of the nature of a plan of this type. The expression "technical planning board" is substituted for the expression "town planning commission" wherever it occurs. The term "Provincial Planning Advisory Board" is substituted for the term "Town and Rural Planning Advisory Board". This term is more descriptive of the generality of the Board's duties. Similarly, the title "Director of Town Planning" is changed throughout the Act to "Director of Town and Rural Planning". The terms "plan" and "planning" are substituted for the terms "town plan" and "town planning" because plans prepared under the Act may be applied in rural areas.

Section 2 which is the interpretation section is amended by the addition of three new definitions defining the terms "general plan", "official scheme" and "interim development".

The heading of Part I is changed from "Preservation of Natural Beauty" to "Provincial Planning Advisory Board" since the main purport of this Part is a description of the duties and authority of the Board.

Section 3 sets out various specific duties and powers of the Board. A new clause (g) is added to provide that the Board shall be generally responsible for administration of the Act.

Clause (f) of section 4 is deleted. This clause gives the Board power to make regulations with regard to the administration and use of parks. As this power is now vested in the Provincial Parks Board under the provisions of *The Provincial Parks and Protective Areas Act* this clause is no longer applicable.

The heading of Part II is altered to conform with the proposed changes in terminology introduced elsewhere in the Act.

Sections 10 and 11 have been struck out and several new sections have been substituted.

The new section 10 provides that the council of any local or rural authority may appoint a Planning Advisory Commission. Its purpose is to advise the council with respect to general planning matters.

The new section 11 provides that the council of any local or rural authority may appoint a Technical Planning Board. The powers of the Technical Planning Board are substantially the same as those appearing in the present section 10 of the Act although they have been revised in some particulars for purposes of clarification.

The new section 11*a* provides that the by-law appointing a Board or Commission may provide for the terms of office of the members, the filling of vacancies, the holding of meetings, the keeping of minutes and other matters pertaining to the organization of the Board or Commission. A majority of the members of the Board or Commission form a quorum.

The new section 11*b* enables the Lieutenant Governor in Council to establish a District Planning Commission at the request of two or more adjoining municipalities and upon the recommendation of the Provincial Planning Advisory Board. The members of the District Planning Commission are appointed by the represented municipalities and by the Provincial Planning Advisory Board. The order establishing the District Planning Commission may describe the proportions in which any funds required to meet the expenses of the Commission shall be contributed by the represented municipalities and the Province.

Section 11*c* provides that the function of the District Planning Commission is to prepare and recommend to the councils concerned plans or schemes of development of common concern to two or more of the represented municipalities. These Commissions would be set up chiefly in metropolitan areas where planning for future city development will affect and require the co-operation of the Province and adjacent municipalities.

The new section 11*d* provides for modification or variation of the organization and financing of a District Planning Commission if additional municipalities become represented on it. Either an adjoining municipality or the District Planning Commission itself may make application to the Lieutenant Governor in Council for extensions of the District Planning Area. The Lieutenant Governor in Council may revise, amend or modify the provisions pertaining to operation, financing and organization of a District Planning Commission in such manner as may be requested by resolution of the represented municipalities.

The new section 11*e* provides that if a municipality fails or neglects to comply with an order providing for its participation in a District Planning Commission the Minister

shall publish notice of the default and may authorize the Commission to act on behalf of the defaulting municipality.

Section 12 is amended. Clauses (a) and (c) are struck out and new clauses are substituted for purposes of clarification. Two new clauses (j) and (k) are also added. These clauses give to the municipalities the necessary authority to apply for the establishment of or for representation on a District Planning Commission and to pay to the Commission its proportionate share of the expenses of the Commission.

A new section 12a is added immediately after section 12. This section will enable a local or rural authority to control development within its territory during the interval between the time of its decision to prepare a general plan and the time of coming into effect of the general plan. The section authorizes the Minister to make an interim development order suspending existing zoning by-laws in the area and authorizing the local or rural authority to exercise control over interim development.

Section 17 (2) is amended by the correction of an omission.

Section 20 is amended. The reference to a regional planning commission is replaced by a reference to a district planning commission which is provided for in the new section 11.

Section 42 is amended. The section presently gives four months' time to complete replotting schemes. This has proved to be inadequate so the time provided is increased to six months.

A new subsection (2) is also added to section 42. This new subsection provides that if a replotting scheme is adopted and a plan of subdivision filed the plan is required to be signed on behalf of the local authority by its proper officers and it is not necessary to obtain on the plan the signatures of the owners of the land included.

Section 57(2) is struck out and a new subsection is substituted. The new subsection provides that the Lieutenant Governor in Council may appoint the Provincial Planning Advisory Board. The Director of Town and Rural Planning is to be the chief executive member of the Board and the remaining members will represent such Departments of the Provincial Government as may be concerned with aspects of urban and rural development within the Province.

KENNETH A. MCKENZIE,
Acting Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 58 of 1950.

An Act to amend The Town Planning Act.

(Assented to _____, 1950.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Town Planning Act*, being chapter 169 of the Revised Statutes of Alberta, 1942, is hereby amended as to its long title by adding immediately after the word "**Town**" the words "**and Rural**".

2. The said Act is further amended as to section 1 by adding immediately after the word "*Town*" the words "*and Rural*".

3. The said Act is further amended,—

- (a) by striking out the expression "official town plan" wherever it occurs in this Act and by substituting the expression "general plan";
- (b) by striking out the expression "town planning commission" wherever it occurs in this Act and by substituting the expression "technical planning board";
- (c) by striking out the words "Town and Rural" wherever they occur in this Act in the expression "Town and Rural Planning Advisory Board" and by substituting the word "Provincial";
- (d) by adding immediately after the word "Town" wherever it occurs in this Act in the expression "Director of Town Planning" the words "and Rural";
- (e) by striking out the word "town" wherever it occurs in this Act in the expression "town plan" or "town planning".

4. The said Act is further amended as to section 2,—

- (a) by adding immediately after clause (b) the following new clauses:

"(bb) 'general plan' means a plan or plans prepared for the purpose of providing for the development of the territory of a municipality or two or more adjoining municipalities or any part or parts thereof in an orderly, economical and convenient manner;

“(bbb) ‘interim development’ means development which takes place between the date on which the resolution of a local authority to prepare a general plan becomes effective and the date of coming into operation of a general plan;”;

(b) by adding immediately after clause (f) the following new clause:

“(ff) ‘official scheme’ means a plan or scheme for specific public improvements not inconsistent with the general plan;”.

5. The said Act is further amended by striking out the heading “**Preservation of Natural Beauty**” at the beginning of Part I and by substituting the heading “**Provincial Planning Advisory Board**”.

6. The said Act is further amended as to section 3 by adding immediately after clause (f) the following new clause:

“(g) administer the provisions of this Act.”.

7. The said Act is further amended as to section 4 by striking out clause (f).

8. The said Act is further amended by striking out the heading “**Official Town Plan or Scheme and Zoning By-law**” at the beginning of Part II and by substituting the heading “**General Plan, Official Scheme and Zoning By-law**”.

9. The said Act is further amended by striking out sections 10 and 11 and by substituting the following:

“10.—(1) The council of any local or rural authority by by-law may appoint a commission representative of the citizens at large to be known as a Planning Advisory Commission for the purpose of advising the council with respect to general planning matters.

“(2) The council may delegate to the Planning Advisory Commission such powers as it may deem necessary, other than the power of raising money, expropriating land or preparing a general plan, official scheme or zoning by-law.

“11.—(1) The council of any local or rural authority by by-law approved by the Minister may appoint a board to be known as a Technical Planning Board and may delegate to it such powers, other than the power of raising money or expropriating land, as may be necessary for the purposes, of,—

“(a) preparing a general plan or scheme of development and a zoning by-law or any plan or official scheme authorized by the provisions of section 12;

“(b) acting in an advisory capacity in matters pertaining to planning;

“(c) promoting public interest in planning.

“(2) The by-law may authorize the Board to appoint such planning engineers, consultants or other officers as

may be necessary for any of its purposes and to expend such funds as may be furnished by the council.

"11a.—(1) The by-law appointing a Board or Commission as aforesaid may provide for the terms of office of the members thereof, the filling of vacancies caused by the retirement or resignation of members, the holding of meetings, the keeping of minutes and any other matters pertaining to the organization of the Board or Commission and the transaction of its business.

"(2) A majority of the members of the Board or Commission shall form a quorum for the transaction of business.

"11b.—(1) The Lieutenant Governor in Council, upon receipt of a resolution passed by the councils of two or more adjoining municipalities and upon the recommendation of the Provincial Planning Advisory Board, may,—

"(a) establish a Commission to be known as a 'District Planning Commission'; and

"(b) designate the area to be known as a District Planning Area with respect to which the Commission shall exercise its powers.

"(2) The District Planning Commission shall consist of,—

"(a) such number of members to be appointed by and to represent each of the municipalities as may be provided for in the order establishing the Commission; and

"(b) not more than three members representing the Province and appointed by the Provincial Planning Advisory Board.

"(3) The order establishing a District Planning Commission may,—

"(a) prescribe the proportions in which any funds required to meet the expenses of the Commission shall be contributed by the represented municipalities and the Province; and

"(b) make regulations governing the organization of the Commission and the transaction of its business.

"11c.—(1) The District Planning Commission may,—

"(a) act in an advisory capacity on any matters pertaining to planning which may be of common concern to any two or more of the represented municipalities or to any municipality or municipalities and the Province;

"(b) prepare and recommend to each council represented a general plan and a zoning by-law;

"(c) prepare and recommend to each council concerned any official scheme of development of common concern to two or more of the represented municipalities or to any municipality or municipalities and the Province;

"(d) appoint such planning engineers, consultants or other officers as may be necessary for any of its

purposes and expend such funds as may be furnished by the represented municipalities and the Province for this or for any other of its purposes;

“(e) promote public interest in district or regional planning;

“(f) exercise such rights and powers and perform such duties as may be vested in it by the Lieutenant Governor in Council or delegated to it by the councils represented, other than the power of raising money or expropriating land.

“(2) A majority of the members of the Commission shall form a quorum but no business relating to any matter of specific concern to a particular municipality shall be transacted at any meeting which is not attended by at least one representative of that municipality.

“**11d.**—(1) The Lieutenant Governor in Council, upon receipt of a resolution passed by the council of a municipality adjoining a municipality represented on a District Planning Commission or upon receipt of a resolution of the Commission, may make an order providing for representation of that municipality on the Commission and for an extension or extensions of the District Planning Area.

“(2) The order may,—

“(a) provide for the number of members to be appointed by and to represent the municipality so added; and

“(b) vary the number of members representing each other municipality;

“(c) adjust the proportions in which the funds required to meet the expenses of the Commission shall be contributed.

“(3) The Lieutenant Governor in Council, from time to time, may revise, amend or modify the terms and provisions pertaining to the operation, financing or organization of a District Planning Commission in such manner as may be requested by resolutions of the represented municipalities or in such other manner as may be equitable and convenient.

“**11e.** If a municipality fails or neglects to comply with an order providing for its participation in a District Planning Commission, the Minister shall give notice of the default by publishing it in *The Alberta Gazette* and may thereupon authorize the Commission to act on behalf of the defaulting municipality.”

10. The said Act is further amended as to section 12,—

(a) by striking out clause (a) and by substituting the following:

“(a) for the purpose of providing for the development of its municipal territory or any part thereof in an orderly and convenient manner, provide by resolution for the preparation of a plan or plans for development either as to the whole or any part or parts thereof, which plan or plans shall be known as the ‘General Plan’;”;

(b) by striking out clause (c) and by substituting the following:

“(c) prepare official schemes;”;

(c) by adding immediately after clause (i) the following clauses:

“(j) apply by resolution to the Lieutenant Governor in Council for the establishment of or for representation on a District Planning Commission;

“(k) pay to a District Planning Commission on which it is represented such proportion of the funds required to meet the expenses of the Commission as may be prescribed by order in council.”.

11. The said Act is further amended by adding immediately after section 12 the following new section:

“**12a.**—(1) Upon the passage of a resolution providing for the preparation of a general plan, the local or rural authority shall forward to the Minister,—

“(a) a certified copy of the resolution; and

“(b) a description of the area for which the plan is to be prepared.

“(2) Upon receipt of the resolution and description, the Minister may make an order to be known as an interim development order suspending the operation of any existing zoning by-law and authorizing the local or rural authority to exercise control over such development as may take place within the described area prior to the coming into effect of the general plan.

“(3) An interim development order shall,—

“(a) prescribe the powers to be exercised by the local or rural authority; and

“(b) prescribe the manner in which the order is to be administered with respect to the control of interim development; and

“(c) contain provision for appeal to the Board against any decision of the local or rural authority.”.

12. The said Act is further amended as to section 17 by adding at the beginning of subsection (2) the words “A general plan or official scheme”.

13. The said Act is further amended as to section 20, subsection (1) by striking out the word “regional” and by substituting the word “district”.

14. The said Act is further amended as to section 42,—

(a) by renumbering the same as subsection (1);

(b) by striking out the word “four” where it occurs in subsection (1) and by substituting the word “six”;

(c) by adding immediately after subsection (1) the following new subsection:

“(2) Notwithstanding the provisions of section 78 of *The Land Titles Act*, the plan of subdivision shall be signed on behalf of the local authority by its proper officers and it shall not be necessary to obtain on the plan the signatures of the owners of the land included therein or their agents.”.

15. The said Act is further amended as to section 57 by striking out subsection (2) and by substituting the following:

- “(2) There shall be a Provincial Planning Advisory Board which shall consist of,—
- “(a) the Director of Town and Rural Planning who shall be the executive member of the Board;
- “(b) such representatives of Departments of the Provincial Government concerned with any aspects of urban and rural development within the Province as may be appointed by the Lieutenant Governor in Council.”.

16. This Act shall come into force on the day upon which it is assented to.

THIRD SESSION
ELEVENTH LEGISLATURE
14 GEORGE VI
1950

BILL

An Act to amend The Town Planning
Act.

Received and read the

First time

Second time

Third time

HON. MR. MACMILLAN.
