

CAPITAL REGIONAL DISTRICT

BYLAW NO. 2945

**A BYLAW TO ESTABLISH ADVISORY PLANNING COMMISSIONS
IN THE JUAN de FUCA ELECTORAL AREA**

***CONSOLIDATED FOR PUBLIC CONVENIENCE
with Bylaw Nos. 3151, 3303& 3735***

WHEREAS the Board may, by bylaw, pursuant to Section 898 (2) of the Local Government Act establish an Advisory Planning Commission for one or more electoral areas or portions of the electoral area;

AND WHEREAS the Board wishes to establish Advisory Planning Commissions to advise the Board's Land Use Committees; *Bylaw No. 3151*

NOW THEREFORE the Board of the Capital Regional District in open meeting assembled, enacts as follows:

SECTION 1 DEFINITIONS

In this bylaw the following definitions apply:

Agent

means the individual the applicant has authorized to act on their behalf, with respect to the land use application or referral. A written copy of this authorization must be sent in with any Part 26 land use application;

Alternate Director

means the individual appointed by the Juan de Fuca Electoral Area Director to act in the Director's absence in accordance with the Local Government Act;

Applicant

means the owner of the parcel of land in respect of which an application has been made;

Application

means an application to:

- (a) Amend an Official Community Plan, a zoning bylaw, or other bylaw, or
- (b) To issue a permit,

under Part 26 of the Local Government Act and for which a fee has been paid to the Capital Regional District;

Board

means the Board of Directors of the Capital Regional District;

Commission Area

means that part of the Juan de Fuca Electoral Area in respect of which a Commission established under this bylaw has jurisdiction;

Commission

means an Advisory Planning Commission, established by the Board, as outlined in the Local Government Act and under Section 2.1 of this bylaw;

Conflict of Interest

means when a Commission Member has a direct or indirect pecuniary interest in the matter or any other reason;

Council Member

means an individual elected as either a Councillor or Mayor for a municipality within or adjacent to the Capital Regional District region;

Director

means the individual elected the Juan de Fuca Electoral Area Director of the Regional District;

Electoral Area

means the Juan de Fuca Electoral Area of the Regional District;

Land Use Committee

means individuals appointed by the Board, to advise the Board on matters associated with Part 26 of the Local Government Act involving land within the Electoral Area.

Bylaw No. 3151

Bylaw No. 3303

Meeting

means a regularly scheduled meeting of the Commission;

Member

means a member of the Commission as appointed by the Board;

Public Facility

means a school, fire hall, community hall, municipal office, church hall or any other public assembly area;

Regional District

means the Capital Regional District;

Special Meeting

means a non-scheduled meeting of the Commission, that is set at the call of the Chairperson of the respective Commission, by a two-thirds (2/3's) majority vote of the respective Commission Members, the Land Use Committee or the Board;

Year

means a twelve month period starting on January 1 of a year and ending on December 31 of the same year.

SECTION 2 ESTABLISHMENT, APPOINTMENTS AND TERMS OF THE COMMISSIONS

- 2.1. The Board hereby establishes for each of those portions of the Juan de Fuca Electoral Area described below, the following:
- (a) A Commission to be known as the "East Sooke Advisory Planning Commission" for that portion of the Electoral Area shown as East Sooke on Map 1, which is attached to and forms a part of this bylaw.
 - (b) A Commission to be known as the "Otter Point Advisory Planning Commission" for that portion of the Electoral Area shown as Otter Point on Map 1, which is attached to and forms a part of this bylaw.
Bylaw No. 3151
 - (c) A Commission to be known as the "Port Renfrew Advisory Planning Commission" for that portion of the Electoral Area shown as Port Renfrew on Map 1, which is attached to and forms a part of this bylaw.
 - (d) A Commission to be known as the "Willis Point Advisory Planning Commission" for that portion of the Electoral Area shown as Willis Point on Map 1, which is attached to and forms a part of this bylaw.
 - (e) A Commission to be known as the "Malahat Advisory Planning Commission" for that portion of the Electoral Area shown as the Malahat on Map 1, which is attached to and forms a part of this bylaw.
 - (f) A Commission to be known as the "Shirley/Jordan River Advisory Planning Commission" for that portion of the Electoral Area shown as Shirley/Jordan River on Map 1, which is attached to and forms a part of this bylaw.
Bylaw No. 3151

- 2.2 The names of the nominees to a commission must come forward to the Board through the assent of the electors of the area for consideration, for appointment by the Board. The Board has the option of appointing one or more of these nominees to their respective Advisory Planning Commission or asking for further recommendations from the Director.
- 2.3 All members of their Commission must be residents of the respective Commission area as outlined on Map Number 1, which is attached to and forms a part of this bylaw.
- 2.4 No Electoral Area Director, Alternate Director or Council Member is eligible to be appointed as a member of any Commission. The Juan de Fuca Electoral Area Director or his or her Alternate can attend any meeting or special meeting of the Commission in a resource capacity.
- 2.5 No officer, employee of the Regional District or any Approving Officer is eligible to be appointed as a member of any Commission, but they can attend any meeting or special meeting of the Commission in a resource or administrative support capacity.
- 2.6 Trustees of a School Board having jurisdiction within a Commission Area or an employee or agent of either the provincial or federal governments may attend any meeting or special meeting in a resource capacity.
- 2.7 Each Commission must consist of not less or more than five (5) members.
- 2.8 Commission members must serve without remuneration but they may be paid reasonable and necessary expenses that arise directly out of the performance of their duties.
- 2.9 The first term of the Commissions must commence on January 1, 2003 and end on December 31st of 2005. Each successive Commission must be for a four (4) year term. Notwithstanding Section 2.11 of this bylaw, each successive Commission appointee must be appointed as outlined in Section 2.2 of this bylaw.
- 2.10 Notwithstanding anything elsewhere contained within this bylaw, the Board may at any time or from time to time, terminate the appointment of any member of any Commission appointed pursuant to this bylaw. This will include any Commission member, who fails to attend three (3) consecutive meetings of the Commission without leave of the Commission, a Commission member who moves out of their Commission area during their term of appointment or any Commission member who fails to declare a conflict of interest prior to a question being called during a Commission meeting or special meeting.
- 2.11 If a Commission position is not filled after seeking the assent of the electors or is declared vacant during their term, the Director may either submit the name of the Commission member to the Board to fill that position or call for a byelection for the respective vacant Commission position. If a byelection is held then the appointee must be appointed as outlined in Section 2.2 of this bylaw.

SECTION 3 COMMISSION PROCEDURES

- 3.1 The Commission must elect one (1) of its members as Chairperson, another as Vice-Chairperson to act in the absence of the Chairperson. The Chairperson and Vice Chairperson will hold these positions for a term of one (1) year or until their successors are elected. Such elections must take place at the first meeting of each new calendar year.
- 3.2 The Secretary to each of the Commissions will be an individual from the Juan de Fuca Electoral Area Land Use Planning Department. The Secretary must attend meetings of the Commission, take minutes of the meetings, record expenses and perform other administrative support duties reasonably required for the efficient functioning of a Commission.
- 3.3 In the absence of the Chairperson or Vice Chairperson the Commission must select from the members present a meeting or special meeting Chairperson, before commencing the meeting.
- 3.4 A majority of members of a Commission constitutes a quorum, for either a meeting or special meeting. If a quorum is not present within fifteen (15) minutes after the time appointed for a meeting or special meeting, the names of those present will be recorded and the meeting or special meeting will be adjourned.
- 3.5 A Commission may hold a special meeting at the call of the Commission Chairperson, by a two-thirds (2/3) vote of the Commission members at a meeting, or as required by the Land Use Committee or the Board.
- 3.6 All meetings and special meetings of each Commission must be held in a public facility and must be open to all members of the public. No in-camera meetings are allowed.
- 3.7 The Regional District must send copies of the agendas to the respective Commission members at least 7 days prior to any meeting or special meeting. The delivery of the agendas may be by email, regular mail, registered mail, courier, fax or by hand. Each Commission member must advise the appointed Secretary on his or her preferred method of delivery.
- 3.8 All Commission meeting and special meeting minutes must be kept and, on request, made available to the public.
- 3.9 Each Commission must submit to the Juan de Fuca Electoral Area Director and the Regional District at the end of October of each year an annual budget estimate for the upcoming year, to cover reasonable and necessary expenses that arise directly out of the performance of their duties to the Regional District.
- 3.10 Each Commission Chairperson, in consultation with the Juan de Fuca Electoral Area Director, is responsible for developing the agenda for each meeting or special meeting. If at the start of the meeting or special meeting the Commission members wish to amend the agenda, a two-thirds (2/3) vote of the members present is required to approve the agenda change.

- 3.11. Each Commission Chairperson may also post the meeting or special meeting notices on any community bulletin boards within areas of the Commission's jurisdiction. The Regional District may advertise the date, time, location and issues to be considered at this meeting, in a local newspaper, if applicable.
- 3.12. Each Commission Chairperson must arrange, through the Commission Secretary, for the contact of an owner or his or her agent at least seven (7) days prior to any meeting or special meeting of a Commission at which the owner's application will be heard.
- 3.13. Any member of the public, who wishes to be heard on any land use planning referral, may do so by making a written request to the Commission Chairperson, through the Commission Secretary, at least five (5) days prior to the meeting or special meeting taking place. A member of the public may also be heard at a meeting or special meeting by permission of a majority of the Commission members present. Each member of the public speaking at the meeting or special meeting must keep his or her presentation to three (3) minutes or less. The Chairperson shall ensure that this time limit is followed and that proper order is maintained at every meeting and special meeting.
- 3.14. A member of the Commission present at a meeting or special meeting at the time of a vote who abstains from voting must be deemed to have voted in the affirmative.
- 3.15. All matters brought before the Commission must be decided by a simple majority vote of all members of the Commission present at the meeting or special meeting.
- 3.16. In the case of a tie vote the question is defeated.
- 3.17. The Commission Chairperson must decide any point of procedure, which arises during any meeting or special meeting of the Commission.
- 3.18. Where any member of the Commission challenges any ruling of the Chairperson, the Chairperson's ruling shall immediately be put to a vote without a debate and the results of the vote must govern.
- 3.19. Where any member of the Commission considers that they are not entitled to participate in the discussion of a matter or to vote on a question in respect of that matter, the member must declare this and state the general nature of why the member considers this to be the case. After making this declaration the member must not take part in either the discussions or vote on any question in respect to this matter. The member must also leave the meeting or special meeting or part of the meeting or special meeting during which the matter is under consideration. The Commission Secretary must record the member's declaration, the reasons given and the time that the member departed from the meeting or the special meeting and if applicable the member's return. If after the meeting or special meeting the Commission member is deemed to be in a conflict of interest position, by the Board, and has voted on the question, their vote will not be counted in the affirmative or the negative and the Board has the option to remove the Commission member immediately and reappoint a new Commission member.

- 3.20 The Commission may adopt rules for its procedure and may from time to time vary such rules by the affirmative vote of a majority of all members of the Commission present at a meeting. Procedural rules cannot be changed during a special meeting. Where no rule has been made then the rules of the Capital Regional District's Procedural Bylaw No. 1, 1999 and amendments thereto must apply to the meeting or special meeting.
- 3.21 Commission minutes must include the following:
- (a) Date, time and location of the meeting or special meeting
 - (b) Members of the Commission present and absent
 - (c) Other persons in an official capacity present for the duration of the meeting
 - (d) Items dealt with by the Commission - agenda additions/deletions
 - (e) Delegations who made representations to the Commission
 - (f) Discussions of the items dealt with by the Commission
 - (g) Recommendations of the Commission, which may include:
 - (i) Approval with reasons
 - (ii) Approval subject to conditions, and conditions to be stated
 - (iii) Refusal and reasons for the refusal
 - (h) The Mover and Seconder of a motion
 - (i) Commissioner's roundtable discussions

The Commission Chairperson and the Secretary of the Commission must sign the minutes. The meeting minutes must be completed within ten (10) days from the end of the meeting or special meeting.

SECTION 4 POWERS OF THE COMMISSIONS

- 4.1 A Commission may make recommendations to the Land Use Committee on land use planning matters referred to them relating to Part 26 of the Local Government Act: *Bylaw No. 3151*
- The development of or any amendment to any Official Community Plan
 - The development of or any amendment to any Zoning Bylaw
 - The issuance of a temporary commercial or industrial use permit
 - The issuance of a development permit or development variance permit
 - Any other land use planning matter referred to the Commission by either the Land Use Committee or the Board

SECTION 5 SEVERABILITY

- 5.1 If any section, subsection, sentence, clause, definition, phrase or map in this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this bylaw.

SECTION 6 REPEAL

6.1 The following bylaws are hereby repealed:

- Capital Regional District Bylaw No. 2407 cited as the "East Sooke Commission Bylaw No.1, 1996",
- Capital Regional District Bylaw No. 2367 cited as the "Otter Point and Shirley Commission Bylaw No. 1, 1996",
- Capital Regional District Bylaw No. 2300 cited as the "Port Renfrew Area Advisory Planning Commission Bylaw No.1, 1995", and
- Capital Regional District Bylaw No. 2192 cited as the "Malahat Willis Point Commission Bylaw No.1 1994".

SECTION 7 INCORPORATION OF MAPS

7.1 Map No. 1 attached hereto is hereby made a part of this bylaw.

SECTION 8 BYLAW COMES INTO EFFECT

8.1 This bylaw comes into effect on January 1, 2003

SECTION 9 TITLE

This bylaw may be cited for all purposes as the "Capital Regional District Advisory Planning Commission Bylaw No. 1, 2002".

READ A FIRST TIME THIS	14 th	day of	August	2002
READ A SECOND TIME THIS	14 th	day of	August	2002
READ A THIRD TIME THIS	14 th	day of	August	2002
ADOPTED THIS	14 th	day of	August	2002

C. Causton
Chair

S.M. Norton
Secretary

