



Making a difference...together

BYLAW NO. 3166

JUAN DE FUCA LAND USE COMMITTEE BYLAW NO. 1, 2004

**Consolidated for Public Convenience
(This bylaw is for reference purposes only)**

ORIGINALLY ADOPTED APRIL 28, 2004

(Consolidated with Amending Bylaws 3302, 3459, 3601, 3608, 3826, 3983, 4037 & 4271)

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**CAPITAL REGIONAL DISTRICT
BYLAW NO. 3166**

A BYLAW TO ESTABLISH THE JUAN DE FUCA LAND USE COMMITTEE

WHEREAS the Board wishes to establish a Juan de Fuca Land Use Committee to make land use recommendations to the Board;

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

1.0 DEFINITIONS

1.1 In this bylaw

Alternate Director means the person appointed under Section 201 of the *Local Government Act* for the Electoral Area; *(Bylaw 4271)*

Board means the Board of Directors of the Capital Regional District;

Commission means either an Advisory Planning Commission established by the Board or the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission; *(Bylaws 3608, 4271)*

Committee means the Juan de Fuca Land Use Committee established under this bylaw;

Committee Member means a person appointed by the Board; *(Bylaw 3061)*

Director means the person elected as the Director for the Electoral Area;

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

Meeting means a regularly scheduled meeting of the Committee;

Regional District means the Capital Regional District;

Special Meeting means a meeting other than a regularly scheduled meeting of the Committee;

Sub Region means the Official Community Plan Areas listed in Section 2.1 (b) of this bylaw. *(Bylaw 3608)*

2.0 ESTABLISHMENT, APPOINTMENT AND TERM OF THE COMMITTEE

2.1. The Board hereby establishes the Juan de Fuca Land Use Committee for the Juan de Fuca Electoral Area consisting of

- (a) the Director,
- (b) a person appointed by the Board as a sub regional Committee Member from each of the following Official Community Plan (OCP) Areas of the Electoral Area:
 - Willis Point OCP
 - Malahat OCP
 - East Sooke OCP
 - Otter Point OCP
 - Shirley/Jordan River OCP
 - Port Renfrew OCP

(Bylaw 3601)

- 2.2 The electors of each Sub Region shall elect a nominee to be considered by the Board for appointment to the Committee.
- 2.3 The sub regional Committee Members must be qualified under the *Local Government Act* as resident electors of their respective Sub Region.
- 2.4 A Commission member is not eligible to be appointed as a Committee Member.
- 2.5 An officer, employee, contractor or agent of the Regional District or an Approving Officer is not eligible to be appointed as a Committee Member, but may attend any Meeting or Special Meeting in a resource or administrative support capacity.
- 2.6 A trustee of a School Board having jurisdiction within the Electoral Area or an employee or agent of either the provincial or federal government may attend any Meeting or Special Meeting in a resource capacity only.
- 2.7 The Committee must consist of not less than seven (7) members. *(Bylaw 3601)*
- 2.8 The following costs will be those of the Juan de Fuca Electoral Area:
 - (a) Sub regional Committee Members shall be remunerated for attendance at meetings on the same basis as alternate directors, in accordance with any applicable board remuneration resolution or bylaw, and, in addition, they may be paid their reasonable and necessary expenses arising from the performance of their duties. *(Bylaw 3459)*
- 2.9 Appointments shall be for four (4) calendar years expiring on December 31st in the fourth year of the appointment. *(Bylaws 3302, 3983)*
- 2.10 Despite any other provision of this bylaw, the Board may, at any time or from time to time, terminate the appointment of a sub regional Committee Member for any reason including, but not limited to, failure to attend three (3) consecutive Meetings of the Committee without leave of the Committee and ceasing to reside in their respective Sub Region during the term of their appointment.
- 2.11 If the electors of a Sub Region fail to elect a nominee or a sub regional seat becomes vacant during the term of the Committee, the Director may submit to the Board the name of a person who is willing to serve as sub regional Committee Member for that Sub Region or call a by-election for a nominee. *(Bylaw 3608)*
- 2.12 In the absence of the Electoral Area Director, the Alternate Director shall take his or her place as a committee member, but does not assume the role of Chair. *(Bylaw 4037)*

3.0 CHAIR

- 3.1 The Director is ex officio the Chair of the Committee.
- 3.2 At the first Meeting in each calendar year, the Committee must elect one (1) of its members as Vice Chair to act in the absence of the Chair.
- 3.3 The Chair may call a Special Meeting. *(Bylaw 4271)*

4.0 POWERS OF THE COMMITTEE

- 4.1 The Committee may make recommendations to the Board on any of the following matters for the Electoral Area:
 - (a) the preparation, adoption, amendment or repeal of an Official Community Plan.

- (b) the preparation, adoption, amendment or repeal of a Land Use Bylaw. (Bylaw 4271)
 - (c) the issuance or refusal of a temporary use permit. (Bylaw 4037)
 - (d) the issuance or refusal of a development permit or development variance permit.
 - (e) the granting or refusal of a floodplain exemption under the *Local Government Act*. (Bylaw 4037)
 - (f) the granting or refusal of a frontage exemption under the *Local Government Act*. (Bylaw 4037)
 - (g) the issuance or refusal of a soil deposit or removal permit pursuant to the Juan de Fuca Soil Removal or Deposit Bylaw, Bylaw No. 3941, as amended. (Bylaw 4037)
 - (h) providing comments and recommendations on a retail cannabis application under the *Cannabis Control and Licensing Act*; (Bylaw 4271)
 - (i) providing comments and recommendations on a liquor application under the *Liquor Control and Licensing Act*; (Bylaw 4271)
 - (j) the approval or refusal of an application for conversion of previously occupied buildings to strata under section 242 of the *Strata Property Act*; (Bylaw 4271)
 - (k) recommending concurrence or non-concurrence on an application for a radiocommunication and broadcasting antenna system under Innovation, Science and Economic Development Canada's circular CPC-2-0-03; (Bylaw 4271)
 - (l) providing comments and recommendations on application under the *Agricultural Land Commission Act and Agricultural Land Reserve Use, Subdivision and Procedure Regulation*. (Bylaw 4271)
- 4.2 The responsibilities include making recommendations: (Bylaw 4037)
- (a) regarding who will be consulted on the preparation, adoption, amendment or repeal of an Official Community Plan Bylaw, and (Bylaw 4037)
 - (b) regarding who will be consulted on the preparation, adoption, amendment, or repeal of a Land Use Bylaw. (Bylaw 4037)
 - (c) regarding who will be consulted on the preparation and issuance of a temporary use permit. (Bylaw 4037)
- 4.3 With the exception of minor housekeeping amendments, all Official Community Plan bylaw amendments that alter the use or density of a designated parcel will be referred to the full CRD Board for a determination of consistency with the Regional Growth Strategy. (Bylaw 4037)
- 4.4 With the exception of minor housekeeping amendments, all amendments to the Land Use Bylaw for the Rural Resource Lands that alter the use or density of a designated parcel will be referred to the full CRD Board for a determination of consistency with the Regional Growth Strategy. (Bylaws 4037, 4271)

5.0 SEVERABILITY

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

6.0 TITLE

6.1 This bylaw may be cited for all purposes as the "Juan de Fuca Land Use Committee Bylaw No. 1, 2004". *(Bylaws 3608, 4037)*

READ A FIRST TIME THIS	28 th	day of	April	2004
READ A SECOND TIME THIS	28 th	day of	April	2004
READ A THIRD TIME THIS	28 th	day of	April	2004
ADOPTED BY 2/3 VOTES CAST THIS	28 th	day of	April	2004

Original signed by Don Amos
Chair

Original signed by Carmen Thiel
Secretary