

CAPITAL REGIONAL DISTRICT

BYLAW NO. 3517

CONSOLIDATED FOR PUBLIC CONVENIENCE WITH BYLAW NOS. 3538 and 3611

**A BYLAW TO ESTABLISH AN AGRICULTURAL ADVISORY PLANNING
COMMISSION
IN THE JUAN de FUCA ELECTORAL AREA**

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 an Agricultural Advisory Planning Commission to advise the Board's Land Use Committee or the Juan de Fuca Electoral Area Director on any land use planning matter referred to a Commission under Section 898 (2) of the *Local Government Act*;

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

means the Agricultural 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;

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 as a result of Order-in-Council No. 1048, to administer matters associated with Part 26 of the *Local Government Act* involving land within the Electoral Area;

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 COMMISSION

- 2.1. The Board hereby establishes for the Juan de Fuca Electoral Area, the following:
- A Commission to be known as the “Agricultural Advisory Planning Commission” for the Electoral Area including those areas known as Malahat, Willis Point, East Sooke, Otter Point, Shirley/Jordan River, Port Renfrew and the remainder of lands known as the Resource Lands as shown on Map 1, which is attached to and forms a part of this bylaw.
- 2.2 The names of the nominees to the Commission shall come forward for appointment by the Board. The Board has the option of appointing these nominees to the Agricultural Advisory Planning Commission or asking for further recommendations from the Director. *Bylaw 3538*
- 2.3 All members of the Commission must be an elector of the Juan de Fuca Electoral Area. *Bylaw 3611*
- 2.4 No Electoral Area Director, Alternate Director or Council Member is eligible to be appointed as a member of the 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 the 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 The Commission will consist of up to nine (9) members. *Bylaw 3538*

- 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 terms of office of Commission members shall be as follows: up to five (5) members from June 1, 2008 to December 31, 2009 and up to four (4) members from June 1, 2008 to December 31, 2010. Thereafter, the Board shall appoint or reappoint members to the Commission to fill the term of office of those members whose terms expire as of December 31st in each year. Notwithstanding Section 2.11 of this bylaw, each successive Commission appointee must be appointed as outlined in Section 2.2 of this bylaw. *Bylaw 3538*
- 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 applications or is declared vacant during their term, the Director may submit the name of a Commission member to the Board to fill that position.

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 the Commission 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, 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 The 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.
- 3.10 The 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.
- 3.11 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.
- 3.12 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.
- 3.13 In the case of a tie vote the question is defeated.
- 3.14 The Commission Chairperson must decide any point of procedure, which arises during any meeting or special meeting of the Commission.
- 3.15 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.

- 3.16 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.
- 3.17 The Commission shall operate under the rules of the Capital Regional District's Procedural Bylaw No. 1, 2004 and amendments thereto must apply to the meeting or special meeting.
- 3.18 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 The Agricultural Advisory Planning Commission may make recommendations to the Land Use Committee or the Juan de Fuca Electoral Area Director on land use planning matters referred to them relating to Part 26 of the *Local Government Act*:

- 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 and in particular those that may involve agricultural issues.

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 BYLAW COMES INTO EFFECT

- 7.1 This bylaw comes into effect on June 1, 2008

SECTION 7 TITLE

This bylaw may be cited for all purposes as the "Capital Regional District Agricultural Advisory Planning Commission Bylaw No. 1, 2008".

READ A FIRST TIME THIS 12th day of March, 2008.

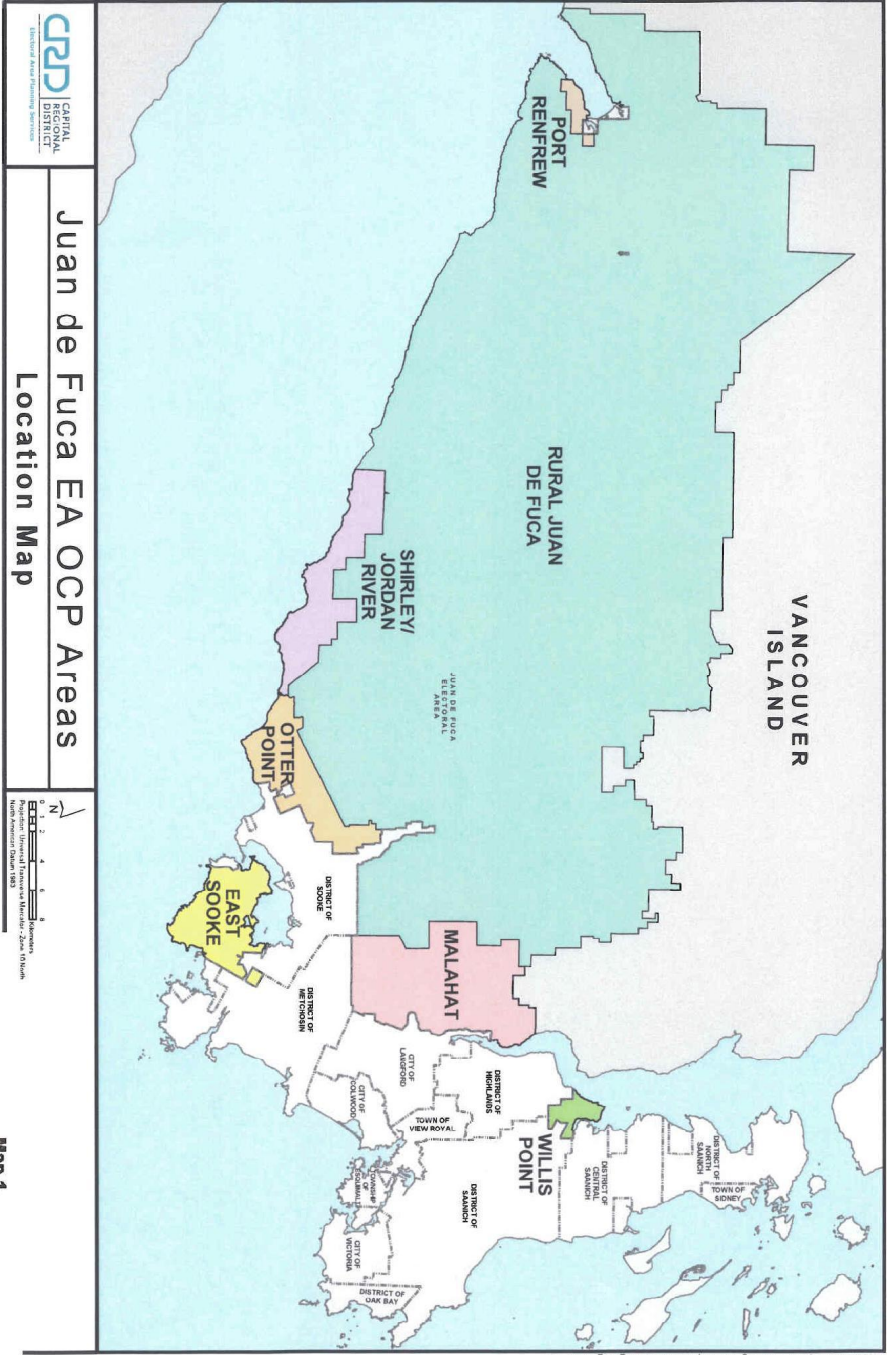
READ A SECOND TIME THIS 12th day of March, 2008.

READ A THIRD TIME THIS 12th day of March, 2008.

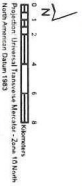
ADOPTED THIS 12th day of March, 2008.

Denise Blackwell
Chair

Carmen Thiel
Secretary



**Juan de Fuca EA OCP Areas
 Location Map**



Map 1
 Attached to and forming part of Bylaw 3517,
 cited as the Capital Regional District
 Agricultural Advisory Planning Commission
 Bylaw #1, 2008.

File Date: March 13, 2007 - Technology: SR - Map Document: JDFEA_OCP_Location.mxd