

## **COMOX VALLEY REGIONAL DISTRICT**

### **BYLAW NO. 36**

#### **A BYLAW TO ESTABLISH ADVISORY PLANNING COMMISSIONS**

**WHEREAS** the board may establish advisory planning commissions for one or more electoral areas or portions of an electoral area pursuant to section 898 of the *Local Government Act*;

**NOW THEREFORE** the board of the Comox Valley Regional District in open meeting assembled enacts as follows:

#### **Establishment**

1. (1) The board of the Comox Valley Regional District hereby establishes the legislative framework for advisory planning commissions for its electoral areas.
- (2) Subsequent to the adoption of this bylaw,
  - (a) Advisory planning commissions may be brought into effect for one or more electoral areas by the appointment of members under section 3 (membership and term of appointment); or
  - (b) The board may resolve to not implement an advisory planning commission for a particular electoral area, upon the recommendation of the electoral area director.

#### **Function**

2. (1) The function of an advisory planning commission shall be to advise the board on all matters referred to it by the board or by the electoral area director as referred to in section 898 of the *Local Government Act*.
- (2) The board, standing committee responsible for planning and land use management, or the director representing an electoral area may refer to the advisory planning commission for that electoral area, those matters referred to in section 898 of the *Local Government Act*.

#### **Membership and term of appointment**

3. (1) Each advisory planning commission shall consist of a minimum of three (3) and a maximum of nine (9) appointed members.
- (2) The regional district will provide training for prospective advisory planning commission members.
- (3) Expressions of interest from members of the public will be solicited through a public process.
- (4) The appointment of members to an advisory planning commission shall be by resolution of the board upon the recommendation of the electoral area director.
- (5) The term of office for advisory planning commission members shall commence at the time of appointment by resolution and end on the date of general local government elections or upon the resignation or removal of the electoral area director. Members may be reappointed for a further term or terms. The board may, in its sole discretion, terminate the appointment of any member at any time.
- (6) Employees, directors, alternate directors, and approving officers of the regional district may not be appointed as members of an advisory planning commission, but they may attend meetings of the commission in a resource capacity.
- (7) All members of an advisory planning commission shall serve without remuneration.

- (8) Upon resignation, death, or removal of a member during his/her term of office, the director of the electoral area may recommend a successor to the board and the board may appoint by resolution a successor upon the recommendation by the director and the successor shall hold office during the remainder of the term of the vacating member.
- (9) As a condition of appointment, each member shall acknowledge in writing his or her obligations under this bylaw, the bylaws of the regional district, and all applicable provisions of the *Community Charter* and *Local Government Act*, including but not limited to the conflict of interest requirements contained in division 6 of the *Community Charter*.
- (10) Each member shall attend each duly called meeting of the advisory planning commission. Any member who fails to attend three (3) consecutive meetings, unless the absence is because of illness or injury or is with leave of the board, will be deemed to have resigned from the commission.

### **Meetings**

4. (1) Meetings shall be called within one month of any application referred to an advisory planning commission by the board, planning committee, or electoral area director of the regional district. The commission must consider any application referred to the advisory planning commission and a recommendation made to the board within 90 days of the date of referral to the commission, unless the application has been withdrawn. If no recommendation is made within that time, the board will consider the application without a recommendation from the commission. Nothing in this section precludes the board from considering any application at any time whether or not the application has been referred to the commission.
- (2) The secretary of the advisory planning commission shall forward copies of notices of, and agendas for, meetings of the advisory planning commission to all members of the commission, the electoral area director, and the manager of legislative services of the regional district.
- (3) A majority of an advisory planning commission shall be deemed to be a quorum.
- (4) In the event that a quorum is not present within 30 minutes after the time appointed for a meeting, the names of those present will be recorded and the meeting shall be adjourned.

### **Chair and secretary**

5. (1) An advisory planning commission shall choose, at the first meeting in each and every year, a chair from among its appointed members.
- (2) An advisory planning commission shall choose, at the first meeting in each and every year, a secretary.
- (3) In the event the chair or secretary or both are not in attendance within 15 minutes after the time appointed for a meeting, an advisory planning commission shall appoint an acting chair and secretary or both for the duration of the meeting.

### **Public representation**

6. The planning department shall contact an applicant for a bylaw amendment or a permit, prior to the meeting of the advisory planning commission at which the bylaw amendment or the permit is to be considered, to advise the applicant of his entitlement to appear before the advisory planning commission. The planning department will forward the information to the applicant and the applicant will contact the advisory planning chair.

**Minutes and recommendations**

7. (1) Minutes of the advisory planning commission shall contain the following information:
  - (a) Date, time and location of the meeting;
  - (b) Members of the advisory planning commission, both present and absent;
  - (c) Other persons present for the duration of the meeting (i.e. electoral area director, planning staff member);
  - (d) Items dealt with by the advisory planning commission;
  - (e) Delegations who have made representation to the advisory planning commission;
  - (f) Discussion of the item dealt with by the advisory planning commission;
  - (g) Recommendations stating the following:
    - (i) Item to be approved, with stated reasons; or
    - (ii) Item to be recommended subject to various conditions, with conditions stated; or
    - (iii) Item to be denied, with reasons stated;
  - (h) The mover and seconder of each recommendation recorded;
- (2) Minutes of the advisory planning commission shall be submitted to the manager of legislative services of the regional district within ten (10) days following the meeting of the advisory planning commission and are to be signed by the chair and secretary of the commission.
- (3) Minutes of the advisory planning commission shall be kept and maintained pursuant to the regional district procedure bylaw.
- (4) Recommendations shall be adopted by a majority of the advisory planning commission members present.

**Representation**

8. (1) The chair or his/her delegate of the advisory planning commission may, on behalf of the advisory planning commission, make representation, either verbally or in writing, to the regional district board or the standing committee responsible for planning and land use management.
- (2) No member of the advisory planning commission shall, on behalf of the advisory planning commission, make representation, either verbally or in writing, to any member of the public, government agency or other meeting, unless they have been directed to do so by the regional district board.

**Expenses**

9. (1) Members of the advisory planning commission shall serve without remuneration except that any reasonable and necessary expenses that arise directly out of the performance of their duties may be reimbursed to them from the annual budget of the advisory planning commission that has received approval of the regional district board.
- (2) Advisory planning commission expenses may include hall rentals for commission meetings, postage, photocopying, other general expenses, and reasonable expenses for educational purposes.

- (3) Advisory planning commission expenses shall be reimbursed at rates provided for in the regional district remuneration bylaw.
- (4) A \$25.00 stipend will be paid to the secretary of the advisory planning commission upon receipt of each set of minutes to the manager of legislative services.

**Repeal**

10. Bylaw No. 2861 cited as "Advisory Planning Commission Bylaw 2006" and all amendments thereto is hereby repealed.

**Citation**

11. This Bylaw No. 36 may be cited for all purposes as "Advisory Planning Commission Bylaw 2009".

<b>READ A FIRST AND SECOND TIME THIS</b>	<b>27<sup>TH</sup></b>	<b>DAY OF</b>	<b>JANUARY</b>	<b>2009.</b>
<b>READ A THIRD TIME THIS</b>	<b>27<sup>TH</sup></b>	<b>DAY OF</b>	<b>JANUARY</b>	<b>2009.</b>
<b>ADOPTED THIS</b>	<b>27<sup>TH</sup></b>	<b>DAY OF</b>	<b>JANUARY</b>	<b>2009.</b>

*F. Bates*  
 Chair

*J. Warren*  
 Manager of Legislative Services

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 36 being "Advisory Planning Commission Bylaw 2009" as adopted by the board of the Comox Valley Regional District on the 28<sup>th</sup> day of January, 2009.

*J. Warren*  
 Manager of Legislative Services