

The following is a consolidated copy of the Advisory Planning Commission Bylaw and includes the following bylaws:

Bylaw No.	Bylaw Name	Adopted	Purpose
750	Advisory Planning Commission Bylaw No. 750, 2023	February 28, 2023	To establish advisory planning commissions.

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COMOX VALLEY REGIONAL DISTRICT
BYLAW NO. 750

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 461 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, 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); at the discretion of the electoral area director(s)

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 461 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 461(1) 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) At least two-thirds of the members of an Electoral Area advisory planning commission must be residents of that electoral area in accordance with section 461(4) of the *Local Government Act*.
- (3) The regional district will provide training for prospective advisory planning commission members.
- (4) Expressions of interest from members of the public will be solicited through a public process.
- (5) The appointment of members to an advisory planning commission shall be by resolution of the board upon the recommendation of the electoral area director.
- (6) 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.
- (7) 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.
 - (8) All members of an advisory planning commission shall serve without remuneration.
 - (9) Upon resignation, death, or removal of a member during their 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.
 - (10) All members of the advisory planning commission are bound by the regional district’s Staff and Volunteer Code of Conduct Policy, the bylaws and policies of the regional district, and all applicable provisions of the *Community Charter* and *Local Government Act* (RSBC, 2015, c. 1), including but not limited to the conflict of interest requirements contained in division 6 of the *Community Charter*.
 - (11) 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 60 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) Meetings of the commission shall be held in a public facility, by means of electronic or other communication facilities, or by a combination of both.
- (3) The CVRD will provide reasonable administrative support for each APC, including provision of meeting space, notices of upcoming meetings, construction and circulation of agendas, formatting minutes and submitting minutes to the board or standing committee of the board.
- (4) In accordance with the *Interpretation Act* at least half of the number of members of the commission constitutes a quorum at a meeting.
- (5) 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.

- (6) APC meetings will be held in accordance with the open meeting rules in section 89 of the *Community Charter*.
- (7) Where not otherwise covered in this bylaw, the rules of procedure governing APC meetings will be those of the current Procedure Bylaw of the Comox Valley Regional District.

Chair and secretary

5. (1) An advisory planning commission shall choose, at the first meeting in each and every year, a chair and a recording secretary from among its appointed members.
- (2) 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. (1) The CVRD shall notify an applicant with a matter before the advisory planning commission to advise the applicant of their entitlement to appear before the advisory planning commission.
- (2) As commission members may be privy to confidential information, such as personal information regarding applicants, property owners, or others, members shall faithfully, honestly, respectfully and impartially perform their duties and will not, except in the proper performance of their duties, disclose to any person any confidential information obtained as a member.

Voting

7. (1) Recommendations shall be adopted by a majority of the advisory planning commission members present.
- (2) All members of the advisory planning commission, including the Chair, must vote on every motion unless they have declared a conflict of interest and left the meeting.
- (3) Any member present who does not vote is counted as having voted in the affirmative.
- (4) A tie vote on a motion results in that motion being defeated.

Minutes and recommendations

8. (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) Applicants or proponents in attendance who have a matter before the commission;
 - (e) Items dealt with by the advisory planning commission;

- (f) Recommendations, stated in the form of a motion, including 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;
 - (g) The mover and seconder of each recommendation and dissenting votes recorded upon request;
- (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 approved 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.

Representation

- 9. (1) The chair or their 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

- 10. (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 \$30.00 stipend for each set of minutes submitted will be paid to the recording secretary of the advisory planning commission on a semi-annual basis.

Repeal

Bylaw No. 36 being “Advisory Planning Commission Bylaw 2009” and all amendments thereto is hereby repealed.

Citation

This Bylaw No. 750 may be cited for all purposes as “Advisory Planning Commission Bylaw No. 750, 2023”.