



## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW NO. 4408

#### A Bylaw to Establish Advisory Planning Commissions within the Cowichan Valley Regional District

---

**WHEREAS** section 461 of the *Local Government Act* allows the Regional Board to establish one or more Advisory Planning Commissions for one or more electoral areas;

**AND WHEREAS** the Regional Board is authorized by section 229 of the *Local Government Act* to delegate its powers, duties and functions to an officer or employee of the Regional District, and the Regional Board wishes to delegate to an employee its power to refer a matter to an Advisory Planning Commission;

**AND WHEREAS** this bylaw received the required two-thirds majority vote of those present and eligible to vote at the meeting at which the vote on the bylaw was taken, as required by the *Act*;

**NOW THEREFORE** the Board of the Cowichan Valley Regional District in open meeting assembled, hereby enacts as follows:

#### 1. CITATION

This bylaw may be cited for all purposes as “**CVRD Bylaw No. 4408 – Advisory Planning Commission Establishment Bylaw, 2022**”.

#### 2. DEFINITIONS

In this bylaw:

“APC” means Advisory Planning Commission;

“Applicant” means the owner(s) of lands that are the subject of an application or person(s) authorized by the owner(s) to represent the owner(s) interests in respect of an application;

“Board” means the Board of Directors of the Cowichan Valley Regional District;

“CVRD” means the Cowichan Valley Regional District;

“Director” means a member of the Board of Directors of the Cowichan Valley Regional District representing an electoral area.

“Electoral Area APC” means an APC established by section 3.1 of this bylaw; and

“General Manager” means the person employed by the CVRD in the position of General Manager, Land Use Services and any person appointed by the General Manager or Chief Administrative Officer to perform the duties of the position during the temporary absence of the General Manager.

### **3. ESTABLISHMENT AND APPOINTMENT**

1. An Advisory Planning Commission is established for each CVRD electoral area.
2. The Board may, by resolution, appoint members to an Electoral Area APC on the recommendation of the Director.
3. At least two-thirds of the members of an Electoral Area APC must be residents of that electoral area.
4. The Director and Alternate Director are not eligible to be members of the Electoral Area APC but may attend APC meetings in a resource capacity.
5. In making appointments to an Electoral Area APC, the Board will consider membership that is representative of the people and geographic zones in the electoral area for which the appointments are sought.
6. Each Electoral Area APC will consist of a minimum of five and not more than 11 members.
7. APC appointments may be for terms of up to four years, expiring not later than December 31 in a local government election year.
8. The Board may remove any member from an APC at any time by an affirmative vote of not less than two-thirds of the Directors entitled to vote.
9. APC members will serve without remuneration.

### **4. REFERRALS**

1. The General Manager may refer matters respecting land use, community planning or proposed bylaws and permits under Divisions 4 to 14 of Part 14 and section 546 of the *Local Government Act*, to one or more Electoral Area APCs in order that the APC may advise the General Manager, Board or Director on those matters.
2. The General Manager will notify the Director when a referral is made to their Electoral Area APC.

3. The Board may refer a matter described in section 4.1 to one or more Electoral Area APCs if the General Manager has not done so and the Board wishes to have the advice of the APC on the matter.
4. A Director may refer a matter described in section 4.1 to the Director's APC if the General Manager has not done so and the Director wishes to have the advice of the APC on the matter.
5. The APC to which a matter is referred will provide its recommendation within 40 days of the date of referral unless a longer period of time is specified in the referral, in which case the recommendation must be provided within that specified period.
6. In the event that the Board refers a matter to more than one Electoral Area APC, the APCs may convene a joint meeting to consider the matter and provide a recommendation, and Part 5 of this bylaw will apply to the meeting except that the APC members will together elect from the members present, for the purpose of that meeting only, a Chairperson and a Secretary unless a CVRD representative has been assigned to this role.
7. The obligation to deliver notice under this bylaw is satisfied if reasonable effort was made to mail or otherwise deliver the notice.

## 5. APC PROCEDURES

1. At the first meeting of each new year, which will be convened by the General Manager, the APC will elect one of its members as Chairperson and another as Vice-Chairperson to act in the absence of the Chairperson. The Chairperson and Vice-Chairperson will hold these positions for one year or until their successors are elected.
2. In the absence of the Chairperson and Vice-Chairperson, the APC will elect from the members present a temporary Chairperson for that meeting only.
3. The General Manager may assign a CVRD representative to serve as a Recording Secretary for an APC.
4. In the absence of the Recording Secretary, the APC will elect from the members present a temporary Recording Secretary for that meeting only.
5. A majority of the members of an APC will be deemed a quorum.
6. Following the first meeting of each calendar year, each APC will forward a schedule of regular meetings including dates, times and location to the General Manager.

7. The Chairperson of an APC may, by notice in writing to each of its members, schedule a special meeting of the APC to consider a matter that has been referred to the APC if the matter cannot conveniently be dealt with in accordance with the APC's schedule of regular meetings.
8. APC meetings will be held in accordance with the open meeting rules in section 89 of the *Community Charter*.
9. An APC will hear all applicants who wish to make representations on an application referred to it by the General Manager, Board or Director.
10. Where not otherwise covered in this bylaw, the rules of procedure governing APC meetings will be those of the current Committee and Committee Meeting Procedures Bylaw of the Regional District.
11. Within 14 days of an APC meeting, the Secretary or Land Use Services staff member who took the minutes must submit them to the General Manager.
12. The draft minutes of the APC will be made public upon publication of the meeting agenda on which the draft APC minutes are provided as information to the Electoral Area Services Committee.
13. The General Manager will provide reasonable administrative support for each APC in respect of any referral of a matter pursuant to this bylaw, including without limitation the provision of a public meeting space, delivery of notices of upcoming meetings to APC members and applicants, preparation and circulation of meeting agendas, production and circulation of minutes as recorded by the APC Secretary or Land Use Services staff member, and the submission of APC recommendations to the board or a committee of the Board.

## **8. REPEAL AND TRANSLATION**

1. CVRD Bylaw No. 3544 – Advisory Planning Commission Establishment Bylaw, 2011, is repealed.
2. Persons appointed to an Electoral Area APC pursuant to Bylaw No. 3544, 2011, are deemed to have been appointed to the corresponding Electoral Area APC pursuant to this bylaw.
3. Matters referred to an Electoral Area APC prior to the adoption of this bylaw, in respect of which the APC had not yet provided advice to the Board, are deemed to have been referred pursuant to this bylaw.

READ A FIRST TIME this 8<sup>th</sup> day of June, 2022

READ A SECOND TIME this 8<sup>th</sup> day of June, 2022

READ A THIRD TIME this 8<sup>th</sup> day of June, 2022

ADOPTED this 8<sup>th</sup> day of June, 2022

Lou L. Jannadmano  
Chairperson

Waterbury  
Corporate Officer