



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 (CVRD), 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;

“Director” means a member of the Board of Directors of the Cowichan Valley Regional District.

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

“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;

“Owner” means, in respect of property, the holder or occupier of land as defined in the *Land Title Act*; and

“Regional APC” means an APC established by section 4.1 of this bylaw.

3. ESTABLISHMENT AND APPOINTMENT OF THE ELECTORAL AREA APCs

1. An Advisory Planning Commission is established for each Electoral Area as follows:
 - Electoral Area A – Mill Bay/Malahat
 - Electoral Area B – Shawnigan Lake
 - Electoral Area C – Cobble Hill
 - Electoral Area D – Cowichan Bay
 - Electoral Area E – Cowichan Station/Sahtlam/Glenora
 - Electoral Area F – Cowichan Lake South/Skutz Falls
 - Electoral Area G – Saltair/Gulf Islands
 - Electoral Area H – North Oyster/Diamond
 - Electoral Area I – Youbou/Meade Creek
2. The Board may, by resolution, appoint members to an Electoral Area APC on the recommendation of the Director.
3. At least two-thirds (2/3) 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 (5) and not more than nine (9) members.
7. APC appointments may be for terms of up to four (4) 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 (2/3) of the Directors entitled to vote.
9. APC members will serve without remuneration.

4. REGIONAL APC

1. A regional Advisory Planning Commission is established for the regional district.
2. The Board may, by resolution, appoint up to two (2) members from each Electoral Area to the Regional APC for a term that is not longer than each member's term on the

Electoral Area APC, based on recommendations from each Electoral Area Director. If the Board makes appointments to the Regional APC it must appoint at least one member from each of the Electoral Area APCs, and must appoint the same number of members from each of the Electoral Area APCs.

3. A person appointed to the Regional APC must be a resident of an Electoral Area within the Cowichan Valley Regional District.
4. For certainty, nothing in this bylaw obliges the Board to make appointments to the Regional APC in respect of any period of time during which the Board does not require advice on matters of regional significance.
5. Sections 3.4, 3.5, 3.7, 3.8 and 3.9 of this bylaw apply to the Regional APC.

5. 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 Board or Director on those matters.
2. The General Manager shall notify the Director for the Electoral Area when a referral is made to the Electoral Area's APC.
3. The General Manager may refer matters respecting land use, community planning or proposed official community plan bylaws, to the Regional APC in order that it may advise the Board on those matters.
4. The Board may refer a matter described in Section 5.1 or 5.3 to one or more Electoral Area APCs or the Regional APC if the General Manager has not done so and the Board wishes to have the advice of the APC or APCs on the matter.
5. A Director may refer a matter described in Section 5.1 to the APC for the Director's Electoral Area if the General Manager has not done so and the Director wishes to have the advice of the APC on the matter.
6. The APC to which a matter is referred shall 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.
7. In the event that a matter is referred to more than one Electoral Area APC, the APCs shall convene a joint meeting to consider the matter and provide a recommendation, and Part 6 of this bylaw shall apply to the meeting except that the APC members shall together elect from the members present, for the purpose of that meeting only, a Chairperson and a Secretary unless a CVRD staff person has been assigned to this role.

6. APC PROCEDURES

1. Each APC will elect one (1) of its members as Chairperson, another as Vice-Chairperson to act in the absence of the Chairperson, and a Secretary to take minutes

of the meetings, unless a CVRD staff person has been assigned to this role as per Section 6.3. The Chairperson, Vice-Chairperson and Secretary will hold these positions for one (1) year or until their successors are elected. Such election will take place at the first meeting of each new year, at which a referral is received.

2. In the absence of the Chairperson and Vice-Chairperson or Secretary, the APC will elect from the members present, a temporary Chairperson or Secretary for the purpose of that meeting only.
3. The General Manager may assign a Land Use Services staff member to take minutes of a meeting of an Electoral Area APC or a Regional APC.
4. A majority of the members of an APC, will be deemed to be a quorum.
5. 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.
6. 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.
7. APC meetings will be held in accordance with the open meeting rule in section 89 of the *Community Charter*.
8. An APC will hear all applicants who wish to make representations on an application referred to it by the General Manager, Board or the Electoral Area Director.
9. Where not otherwise covered in this bylaw, the rules of procedure governing APC meetings will be those of the current Committee and Commission Meeting Procedures Bylaw of the Regional District.
10. Within fourteen (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.
11. 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.
12. The General Manager may arrange 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 advice and recommendations to a Committee or the Board.

8. REPEAL AND TRANSITION

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 Regional Board, are deemed to have been referred pursuant to this bylaw.

READ A FIRST TIME this _____ day of _____, 2022

READ A SECOND TIME this _____ day of _____, 2022

READ A THIRD TIME this _____ day of _____, 2022

ADOPTED this _____ day of _____, 2022

Chairperson

Corporate Officer