



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3544

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

WHEREAS Section 898(2) of the *Local Government Act* allows the Regional Board to establish one or more advisory planning commissions for one or more electoral areas or portions of an electoral area;

AND WHEREAS the Regional Board voted on and received the required majority vote of those present and eligible to vote at the meeting at which the vote is 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 the "**CVRD Bylaw No. 3544 - Advisory Planning Commission Establishment Bylaw, 2011**".

2. DEFINITIONS

In this bylaw:

"**APC**" means Advisory Planning Commission;

"**Board**" means the Board of Directors of the Cowichan Valley Regional District;

"**Commission**" means an Advisory Planning Commission established pursuant to this bylaw;

"**Community Plan**" means an Official Community Plan defined under the Local Government Act or an Official Settlement Plan adopted prior to December 2, 1985;

"**Joint APC Meeting**" means a joint Advisory Planning Commission meeting composed of Advisory Planning Commission members of Electoral Area A – Mill Bay Malahat, Electoral Area B – Shawnigan Lake, and Electoral Area C – Cobble Hill;

"**Director**" means a member of the Board of Directors of the Cowichan Valley Regional District;

3. ESTABLISHMENT AND APPOINTMENT OF THE COMMISSION

1. An Advisory Planning Commission is established for each Electoral Area:
 - 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, by resolution, shall appoint members to the Advisory Planning Commission on the recommendation of the Electoral Area Director.
3. At least two-thirds of the members of an Advisory Planning Commission for an Electoral Area or part thereof shall be residents of that electoral area.
4. The Electoral Area Director and Alternate Director are not eligible to be members of the Commission but may attend a meeting of the Commission in a resource capacity.
5. In making appointments to the Commissions, the Board shall attempt to ensure that the membership is balanced to represent a cross-section of the people and geographic zones in its area of jurisdiction.
6. Each Commission shall consist of not more than fifteen (15) members.
7. Advisory Planning Commission appointments may be for terms of up to three (3) years expiring on November 30th.
8. No term of appointment shall extend beyond the three (3) year term of the Electoral Area Director unless re-appointed by the Regional Board.
9. The Board shall have the power by an affirmative vote of not less than two-thirds (2/3) of the Directors to remove any member from a Commission at any time.
10. In the event of the resignation or death of a member of the Commission, the Board may appoint by recommendation of the Electoral Area Director, a successor to serve the balance of the term of appointment.
11. Advisory Planning Commission members shall serve without remuneration but they may be paid reasonable and necessary expenses that arise directly out of the performance of their duties.

4. REFERRALS TO THE COMMISSION

1. The Board or an Electoral Area Director of the Board may refer matters respecting land use, community planning or proposed bylaws and permits under Divisions 2, 7, 9 and 11 of Part 26 of the *Local Government Act*, to an Advisory Planning Commission in order that it may advise the Board or Electoral Area Director on those matters.
2. The Board or an Electoral Area Director of the Board may refer matters respecting land use, community planning or proposed bylaws and permits under Divisions 2, 7, 9 and 11 of Part 26 of the *Local Government Act*, to a Joint Advisory Planning Commission Meeting, composed of APC members from Electoral Areas A (Mill Bay/Malahat), B (Shawnigan Lake) and C (Cobble Hill).

5. COMMISSION PROCEDURES

1. The Commission shall 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 and record expenses as well as to perform such other secretarial duties as may be required by the Commission. The Chairperson, Vice-Chairperson and Secretary shall hold these positions for one (1) year or until their successors are elected. Such election shall take place at the first meeting of each new year.
2. In the absence of the Chairperson and Vice-Chairperson or Secretary, the Commission shall elect from the members present a temporary Chairperson or Secretary for the purpose of that meeting only.
3. At the first meeting of each new year, each APC shall elect five (5) members to sit as their representatives on the Joint APC to consider matters referred to the Joint APC which are within their Electoral Area.
4. On matters referred to the Joint APC that are located in another Electoral Area, the Chair and Vice-Chair of the APC shall be delegated as representatives on the Joint APC.
5. In addition, at the first meeting of each new year, each APC shall elect an alternate in the event that the Chair and Vice-Chair are unable to attend the Joint APC meeting to consider matters referred to the Joint APC which are unable to attend the Joint APC meeting to consider matters referred to the Joint APC which are located outside their Electoral Area.
6. A majority of an Advisory Planning Commission shall be deemed to be a quorum.
7. A schedule of regular meetings including dates, times and location may be forwarded to the Regional Board at the first meeting of each new year.
8. Extraordinary meetings may be scheduled.
9. Meetings may be held in a public facility at a time which is convenient for the general public to attend.

10. An Advisory Planning Commission shall hear all applicants who wish to make representations on matters referred to it by the Board or the Electoral Area Director, and it shall be the responsibility of the Chairperson or Secretary of the Advisory Planning Commission to contact those persons for the purpose of informing them of the date, time and location of the meeting at which they will be heard.
11. Where not otherwise covered in this bylaw, the rules of procedure governing Commission meetings shall be those of the current Procedural Bylaw of the Cowichan Valley Regional District.
12. Within fourteen days of a meeting of the Advisory Planning Commission, the Secretary shall forward the minutes of the meeting to the Electoral Area Services Committee of the CVRD.
13. The minutes of the Advisory Planning Commission will be made public after they have been officially received by the Electoral Area Services Committee of the CVRD.

6. PROCEDURES AT JOINT APC MEETINGS

1. At a Joint APC Meeting, the Electoral Area A - Mill Bay/Malahat, Electoral Area B - Shawnigan Lake and Electoral Area C - Cobble Hill Advisory Planning Commissions shall elect from the members present a temporary Chairperson and Secretary for the purpose of that meeting only.
2. A majority of an Advisory Planning Commission shall be deemed to be a quorum.
3. A schedule of regular meetings including dates, times and location may be forwarded to the Regional Board at the first meeting of each new year.
4. Extraordinary meetings may be scheduled.
5. Meetings may be held in a public facility at a time which is convenient for the general public to attend.
6. The Advisory Planning Commissions at a Joint APC Meeting shall hear all applicants who wish to make representations on matters referred by the Board or an Electoral Area Director, and it shall be the responsibility of the Chairperson or Secretary of an APC, elected in accordance with Section 5.1 of this Bylaw, to contact those applicants for the purpose of informing them of the date, time and location of the meeting at which they will be heard.
7. Where not otherwise covered in this bylaw, the rules of procedure governing Commission meetings shall be those of the current Procedural Bylaw of the Cowichan Valley Regional District.
8. Within fourteen days of a Joint APC Meeting, the Secretary of that Meeting shall forward the minutes of the meeting to the Electoral Area Services Committee of the CVRD.
9. The minutes of the Joint Advisory Planning Commission Meeting will be made public after they have been officially received by the Electoral Area Services Committee of the CVRD.

7. SEVERABILITY

If any section, sentence, clause, phrase, or word of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this Bylaw.

8. REPEAL

Advisory Planning Commission Establishment Bylaw No. 2147, 2000, and its amendments, are hereby repealed.

9. ADOPTION

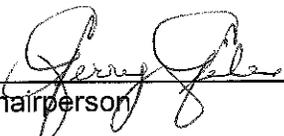
This bylaw shall take effect upon its adoption by the Regional Board.

READ A FIRST TIME this 12th day of October, 2011.

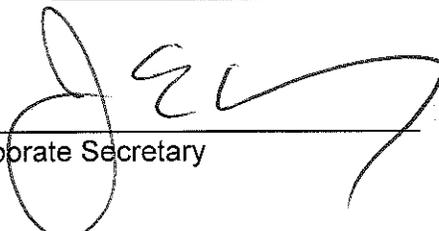
READ A SECOND TIME this 12th day of October, 2011.

READ A THIRD TIME this 12th day of October, 2011.

ADOPTED this 12th day of October, 2011.



Chairperson



Corporate Secretary