

SUNSHINE COAST REGIONAL DISTRICT

BYLAW NO. 453

(consolidated for convenience only to include 453.5)

A Bylaw to establish Advisory Planning Commissions in the Electoral Areas of Egmont/Pender Harbour, Halfmoon Bay, Roberts Creek, Elphinstone and West Howe Sound in the Sunshine Coast Regional District

WHEREAS Section 898(2) of the *Local Government Act* provides that a Regional Board may, by bylaw, establish an Advisory Planning Commission for one or more electoral areas or portions of an electoral area to advise the board, or a director of the board representing the electoral area, on all matters referred to it by the board or by that director respecting land use, the preparation and adoption of a community plan, or a rural land use bylaw or a proposed bylaw or permit that may be enacted or issued under Part 26 of the *Local Government Act*,

AND WHEREAS Section 898(3) of the *Local Government Act* provides that the bylaw establishing Advisory Planning Commissions must provide for

- (a) the composition of and the manner of appointing members to the commissions,
- (b) the procedures governing the conduct of the commissions, and
- (c) the referral of matters to the Advisory Planning Commissions.

NOW THEREFORE the Board of the Sunshine Coast Regional District in open meeting assembled, enacts as follows:

1. Citation

This bylaw may be cited as *Sunshine Coast Regional District Advisory Planning Commissions Bylaw No. 453, 1998*.

2. Interpretation

In this bylaw:

- (i) "Board" means the Board of Directors of the Sunshine Coast Regional District;
- (ii) "Regional District" means the Sunshine Coast Regional District.

3. Establishment and Names of Commissions

In accordance with Section 898 of the *Local Government Act*, the Board hereby establishes Advisory Planning Commissions for the following areas:

- (i) all of the Electoral Area of Pender Harbour /Egmont to be known as Pender Harbour/Egmont Advisory Planning Commission;
- (ii) all of the Electoral Area of Halfmoon Bay to be known as Halfmoon Bay Advisory Planning Commission;
- (iii) all of the Electoral Area of Roberts Creek to be known as Roberts Creek Advisory Planning Commission;
- (iv) all of the Electoral Area of Elphinstone to be known as Elphinstone Advisory Planning Commission;
- (v) all of the Electoral Area of West Howe Sound to be known as West Howe Sound Advisory Planning Commission.

4. Powers of the Advisory Planning Commissions

Advisory Planning Commissions are hereby empowered to advise the Board or their respective Director on all matters referred to them by the Board or their Director, respecting land use, the preparation and adoption of a community plan, or a rural land use bylaw, or a proposed bylaw or permit, that may be enacted or issued under Part 26 of the *Local Government Act*.

5. Composition of the Commissions

- (i) The members of each Advisory Planning Commission shall be appointed by resolution of the Board.
- (ii) Each Advisory Planning Commission shall consist of not less than six and no more than twelve members.
- (iii) Any person, other than a corporation, who is qualified as an elector within the meaning of the *Local Government Act* is eligible for appointment to an advisory planning commission, provided that at least two-thirds of the members of each commission shall be residents of the electoral area which that commission represents.

6. Ineligibility for Appointment to Advisory Planning Commissions

A Council Member, Board Director, Employee or Officer of the Regional District, or an Approving Officer, is not eligible to be a member of an Advisory Planning Commission but they may attend at a meeting of a commission in a resource capacity.

7. Times and Terms of Appointment of Advisory Planning Commission Members

- (i) Members of an Advisory Planning Commission shall be appointed for two years, except as otherwise provided herein.
- (ii) An advertisement for new members will be published annually.
- (iii) The term of one-half of the members of an Advisory Planning Commission shall expire in each year in order to ensure continuity of experience among the members.
- (iv) If the number of members of an Advisory Planning Commission is increased, the one-half rule in subsection (iii) shall be maintained. If the increase results in an odd number of members on the Advisory Planning Commission, the extra member shall be appointed for an initial term of two years.
- (v) If the one-half rule in subsection (iii) has not been maintained for an Advisory Planning Commission as of the date of adoption of this bylaw, the Board, at its meeting in January 2005, shall appoint one half of the members of the Advisory Planning Commission for one year, the other half for two years and thereafter subsections (i) and (iii) shall apply.
- (vi) The Board shall make appointments to each Advisory Planning Commission at the last Board meeting in January of each year.
- (vii) Every member appointed to the Advisory Planning Commission shall continue to hold office until his successor is appointed, if the appointment of a successor has not been made before the expiration of the term of such member.
- (viii) The Board shall have the power, by an affirmative vote of not less than two-thirds of all the members thereof, to remove any member of the Advisory Planning Commission from office at any time upon the recommendation of the Area Director.
- (ix) Upon the resignation, death or removal of any member during their term of office, the Board, on the recommendation of the Area Director, shall appoint a successor who shall hold office during the remainder of the term of the vacating member.

8. Rules and Regulations Governing Meetings

- (i) Each Advisory Planning Commission shall at its first regular meeting of the term appoint a Chair from among its members. The Chair shall hold office for one year or until a successor has been appointed.
- (ii) The Advisory Planning Commission Secretary shall be appointed by the Sunshine Coast Regional District as a non-voting member.
- (iii) At all meetings, three members of each Advisory Planning Commission shall constitute a quorum.
- (iv) Recommendations of the Advisory Planning Commission must be adopted by a majority vote of the members present at the meeting, and the Chair of the commission shall be a voting member.

- (v) An Advisory Planning Commission shall hear all applicants who wish to make representations on permits or bylaws referred to it by the Board or the Electoral Area Director, and it shall be the responsibility of such applicants wishing to make representation to contact the Chair of an Advisory Planning Commission for the purpose of attending a meeting.
- (vi) Discussion and deliberation leading to recommendations of the Advisory Planning Commission shall be open to the public, which would include the applicant, unless the subject matter being considered relates to one or more of the conditions set out in Sections 90 or 91 of the *Community Charter*.
- (vii) Each Advisory Planning Commission may reserve the right to invite non-members to attend meeting in a resource capacity, as needed.
- (viii) The secretary shall keep proper records of the meetings in accordance with “Schedule “A” - Form of Advisory Planning Commission Meeting Minutes” of this bylaw and provide such minutes to the Advisory Planning Commission members within three days of the meeting requesting changes be received by the Planning and Development Division within a further period of three days thereafter for inclusion on the Planning and Development Committee meeting agenda.

9. Conflict of Interest

Where a member, his or her family, employer or business associate has any interest in a matter being considered by the Advisory Planning Commission, that member shall absent him or herself from the discussion.

10. Remuneration

- (i) Members of each commission shall serve without remuneration, but they may be paid reasonable and necessary expenses that arise directly out of the performance of their duties.
- (ii) The Regional District shall, in its annual budget, provide for the necessary funds to pay for the costs of each commission.

11. Repeal

Roberts Creek Advisory Planning Commission Bylaw No. 231, 1981, Area “E” Advisory Planning Commission Bylaw No. 257, 1983, Area “F” Advisory Planning Commission Bylaw No. 259, 1983, Area “B” Advisory Planning Commission Bylaw No. 260, 1983 and Area A Advisory Planning Commission Bylaw No. 272, 1984 are hereby repealed.

SUNSHINE COAST REGIONAL DISTRICT

SCHEDULE "A"

FORM OF ADVISORY PLANNING COMMISSION MEETING MINUTES

The minutes submitted to the Sunshine Coast Regional District Board must generally contain the following information for each meeting of an Advisory Planning Commission:

- a) members of the Advisory Planning Commission present;
- b) other persons present for the duration of the meeting;
- c) items dealt with by the Advisory Planning Commission;
- d) delegations who have made representation to the Advisory Planning Commission;
- e) discussion of the items dealt with by the Advisory Planning Commission;
- f) recommendations to the Sunshine Coast Regional District Board stating one of the following:
 - X items to be approved, with reasons stated
 - X items recommended subject to various conditions, with conditions stated
 - X items to be denied, with reasons stated