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**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, JUNE 21, 2022**

SUBJECT New Bylaw for Juan de Fuca Electoral Area Advisory Planning Commissions

ISSUE SUMMARY

To update the role of the Advisory Planning Commissions (APCs) and continue their operation in the Juan de Fuca Electoral Area under a new bylaw.

BACKGROUND

The Advisory Planning Commissions (APCs) in the Juan de Fuca Electoral Area (JdF EA) were established by bylaw between 1994 and 1996 to make recommendations to the Board on land use matters related to Part 14 of the *Local Government Act (LGA)*. The initial bylaws were replaced by a single bylaw for the JdF EA, Bylaw No. 2945, in 2002.

Bylaw No. 2945 (Appendix B) no longer reflects the actual working relationship between the APCs, the Juan de Fuca Land Use Committee (LUC) and the CRD Board. Furthermore, Bylaw No. 2945 does not reflect the current corporate procedures in the CRD Board Procedures Bylaw, Bylaw No. 3828, or CRD Board policy *Guidelines for the Preparation of Minutes of CRD Board, Committee and Commission Meetings*.

Staff have drafted a new APC Bylaw, Bylaw No. 4120, to update the role of the APCs and to reflect current CRD procedures (Appendix A).

ALTERNATIVES

Alternative 1

The Juan de Fuca Land Use Committee recommends to the CRD Board:

1. That Bylaw No. 4120, "Juan de Fuca Advisory Planning Commission Bylaw No. 1, 2022", be introduced, read a first time, a second time and a third time; and
2. That Bylaw No. 4120, "Juan de Fuca Advisory Planning Commission Bylaw No. 1, 2022" be adopted.

Alternative 2

That the CRD Board not proceed with proposed Bylaw No. 4120.

IMPLICATIONS

Legislative Implications

Pursuant to Section 461 of the *LGA*, a board may establish an advisory planning commission for portions of an electoral area to advise the board, or a regional district director, on all matters referred to the commission respecting land use, the preparation and adoption of an official community plan or a proposed bylaw or permit under Part 14.

The APCs were first established in the 1990s to advise the CRD Board's Land Use Committees that were created by Order-in-Council No. 1048. Changes to the CRD's governance structure have occurred since that time, due in part to municipal incorporations and boundary adjustments.

The current CRD Advisory Planning Commission Bylaw, Bylaw No. 2945, was adopted in 2002 and established advisory planning commissions in six communities of the Juan de Fuca Electoral Area: Willis Point, Malahat, East Sooke, Otter Point, Shirley/Jordan River and Port Renfrew. The primary role of the APC is to provide recommendations to the Juan de Fuca Land

Use Committee on land use matters including zoning and official community plan amendments. Bylaw No. 2945 has been amended three times to update the function of the Commission; however, more significant changes are proposed in Bylaw No. 4120 in order to reflect the current decision-making structure, Board procedures and CRD policies (Appendix A).

A notable change proposed in Bylaw No. 4120 is to have members appointed through a process of community notification and recommendation by the electoral area director, rather than through election and appointment. The Land Use Committee, which receives input from the APCs and makes recommendations to the Regional Board on land use matters in the Electoral Area, would continue to have its members appointed following election by the communities they represent. The proposed Bylaw also reduces the minimum number of commission members from five to three and sets a maximum of five.

Other proposed updates to the APC bylaw are intended to clarify that all meetings of an APC are open to the public, that APCs consider items referred to them by the LUC or Board, and to ensure alignment with the CRD Procedures Bylaw No. 3828 and Board guidelines for preparation of meeting minutes.

The Agricultural Advisory Planning Commission (AAPC) was established for the Juan de Fuca Electoral Area in 2008 by Bylaw No. 3517 (Appendix C). The AAPC's primary role at that time was to undertake an agricultural inventory project and to provide ongoing advice to the LUC on Agricultural Land Reserve applications. The AAPC consists of up to nine members, but the Commission is currently inactive due to a lack of expressions of interest in membership and of items for the Commission's consideration. Proposed Bylaw No. 4120 would include the AAPC among the six general APCs and set a maximum of five members, in keeping with the other APCs.

Public Consultation Implications

This is an administrative bylaw and, therefore, does not require public consultation.

Financial Implications

The election process is currently budgeted at \$6,500; however, this does not reflect the true cost of the service, which has been subsidized during past municipal elections by CRD Legislative Services under its larger election budget. The portion covered by the Juan de Fuca Community Planning service is funded through tax requisition.

The proposed change to replace election of members with a process of notification and JdF EA director recommendation would result in an annual reduction to the Juan de Fuca Community Planning operational budget.

CONCLUSION

The current APC bylaws, Bylaw No. 2945 and Bylaw No. 3517, reflect the roles and responsibilities of the commissions prior to the establishment of the LUC and current Board voting structure. A new APC bylaw has been prepared, Bylaw No. 4120, to reflect the current role of the APCs, to have the members appointed rather than elected, to align with current CRD Board procedures and meeting practices, and to update the AAPC membership. Staff recommend that Bylaw No. 4120 be read a first, second and third time, and that Bylaw No. 4120 be adopted.

RECOMMENDATION

The Juan de Fuca Land Use Committee recommends to the CRD Board:

1. That Bylaw No. 4120, "Juan de Fuca Advisory Planning Commission Bylaw No. 1, 2022", be read a first time, a second time and a third time; and
2. That Bylaw No. 4120, "Juan de Fuca Advisory Planning Commission Bylaw No. 1, 2022" be adopted.

Submitted by:	Iain Lawrence, RPP, MCIP, Senior Manager, JdF Local Area Services
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Robert Lapham, RPP, MCIP, Chief Administrative Officer

ATTACHMENT

- Appendix A: Proposed Bylaw No. 4120
- Appendix B: CRD Advisory Planning Commission Bylaw No. 2945
- Appendix C: CRD Agricultural Advisory Planning Commission Bylaw No. 3517