

Appendix A: Proposed Bylaw No. 4120

CAPITAL REGIONAL DISTRICT  
BYLAW NO. 4120

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A BYLAW TO ESTABLISH ADVISORY PLANNING COMMISSIONS  
IN THE JUAN DE FUCA ELECTORAL AREA  
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WHEREAS:

- A. The Board may, by bylaw, pursuant to Section 461(2) of the *Local Government Act* establish an Advisory Planning Commission for one or more electoral areas or portions of an electoral area;
- B. The Board wishes to establish Advisory Planning Commissions to advise the Juan de Fuca Land Use Committee and the Board;

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

1. DEFINITIONS

In this bylaw the following definitions apply:

**Advisory Planning Commission** means one or more of the bodies created under Section 2 of this bylaw;

**Agent** means a person or registered corporate entity, who has been authorized in writing by the owner(s) of a parcel to make an application and to act on an owner's behalf;

**Alternate Director** means the individual appointed by the Juan de Fuca Electoral Area Director to act in the Director's absence in accordance with the *Local Government Act*;

**Applicant** means an owner, or their agent, who has submitted an application;

**Application** means an application to amend an official community plan, a zoning bylaw or other bylaw, or to issue a permit under Part 14 of the *Local Government Act*;

**Board** means the Capital Regional District Board;

**Commission** means an Advisory Planning Commission, established by the Board, as outlined in the *Local Government Act* and under Section 2 of this bylaw;

**Commission Area** means that part of the Juan de Fuca Electoral Area in respect of which a Commission is established under Section 2 of this bylaw;

**Commission Member** means a resident appointed by the Board;

**Community Planning** means the Juan de Fuca Community Planning Division of the Capital Regional District;

**Director** means the individual elected as the Juan de Fuca Electoral Area Director of the Regional District;

**Electoral Area** means the Juan de Fuca Electoral Area of the Capital Regional District;

**General Manager** means the Regional District's General Manager, Planning and Protective Services Department;

**Land Use Committee Member** means an individual appointed by the Board to the Juan de Fuca Land Use Committee pursuant to CRD Bylaw No. 3166, as amended;

**Meeting** means a scheduled meeting of the Commission;

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**Member** means a member of the Commission as appointed by the Board;

**Public Facility** means a school, fire hall, community hall, municipal office, church hall or any other public assembly area;

**Regional District** means the Capital Regional District;

**Resident** means a person who has lived at least 30 days within a Commission Area, as determined in accordance with Section 67 of the *Local Government Act*.

## 2. ADVISORY PLANNING COMMISSIONS

The Board hereby establishes for each of those portions of the Juan de Fuca Electoral Area described below, the following:

- (a) A Commission to be known as the "East Sooke Advisory Planning Commission" for that portion of the Electoral Area shown as "East Sooke" on Map 1, which is attached to and forms a part of this bylaw.
- (b) A Commission to be known as the "Malahat Advisory Planning Commission" for that portion of the Electoral Area shown as the "Malahat" on Map 1, which is attached to and forms a part of this bylaw.
- (c) A Commission to be known as the "Otter Point Advisory Planning Commission" for that portion of the Electoral Area shown as "Otter Point" on Map 1, which is attached to and forms a part of this bylaw.
- (d) A Commission to be known as the "Port Renfrew Advisory Planning Commission" for that portion of the Electoral Area shown as "Port Renfrew" on Map 1, which is attached to and forms a part of this bylaw.
- (e) A Commission to be known as the "Shirley-Jordan River Advisory Planning Commission" for that portion of the Electoral Area shown as "Shirley-Jordan River" on Map 1, which is attached to and forms a part of this bylaw.
- (f) A Commission to be known as the "Willis Point Advisory Planning Commission" for that portion of the Electoral Area shown as "Willis Point" on Map 1, which is attached to and forms a part of this bylaw.
- (g) A Commission to be known as the "Agricultural Advisory Planning Commission" for the Juan de Fuca Electoral Area as shown on Map 2, which is attached to and forms a part of this bylaw.

## 3. COMPOSITION

- (a) Not more than five members may be appointed to each Commission in accordance with Section 5 of this bylaw.
- (b) Where a Commission for a Commission Area is composed of fewer than three members, the Commission is deemed to be inactive for the Commission Area.
- (c) Members must be residents of the Commission Area.
- (d) In accordance with Section 461(5) of the *Local Government Act*, the Director, Alternate Director, officer or employee of the CRD, or a Provincial approving officer are not eligible to be appointed as a member of any Commission.
- (e) In addition to the statutory prohibitions referred to in Subsection (c), a Land Use Committee member is not eligible for appointment to an advisory planning commission.

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**4. TERM OF OFFICE**

- (a) A Commission member's term of office is for a period of up to four (4) years in conjunction with the local government general election cycle. The term will begin upon appointment by the Board after January 1 of the year subsequent to the local government general election and ends on December 31 of the year during which a local government general election is held.
- (b) Notwithstanding anything elsewhere contained within this bylaw, the Board may at any time, or from time to time, terminate the appointment of any member of any Commission for any reason, including but not limited to: failure to attend three (3) consecutive meetings of the Commission without leave of the Commission; ceasing to reside in their respective Commission Area during their term of appointment; or, failing to declare a conflict of interest prior to a question being called during a Commission meeting.
- (c) The terms of office of the existing members of the Commissions continues until their expiry under Bylaw No. 2945.

**5. APPOINTMENT**

- (a) The Regional District will advertise or post locally all vacancies on a Commission for at least 30 days prior to an appointment being made.
- (b) To be eligible for appointment to a Commission, an individual must be a resident of the Commission Area of the respective Commission.
- (c) Residents interested in becoming a member of a Commission must provide an expression of interest in the form of a letter and supporting information to the Community Planning office outlining their interests and experience, and requesting consideration for appointment on the Commission.
- (d) All expressions of interest will be forwarded to the Director. The Director will review the expressions of interest and make recommendations to the Board for all Commission appointments.
- (e) The Board will appoint all members of a Commission.
- (f) A member of a Commission may not appoint an alternate to take his or her place.
- (g) In the event of the death, resignation or disqualification of a member of a Commission, the Board may appoint a successor for the remainder of such member's term in accordance with Section 5(a-e).

**6. COMMISSION PROCEDURES**

- (a) The rules and procedures which govern the Board apply to the Commission where applicable.
- (b) A majority of members of a Commission constitutes a quorum.
- (c) All Commission meetings must be held in a public facility, must be open to all members of the public, and must not be closed to the public except as permitted by law.
- (d) The Regional District will notify the Commission of any matter referred to it by the Board or by the Director.
- (e) The Regional District must notify an applicant at least seven days prior to a Commission meeting at which the application will be heard.
- (f) When a Commission makes a motion, it is decided by a simple majority vote of all members present at the meeting. In the case of a tie vote, the question is defeated.
- (g) The Secretary to a Commission will be a staff member from Community Planning.

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- (h) The General Manager or designate may attend any meeting of the Commission in a resource capacity.
- (i) The Director or his or her alternate can attend any meeting of the Commission in a resource capacity.

**7. POWERS OF THE COMMISSION**

- (a) A Commission may make recommendations on all matters referred to the Commission by the Board or by the Director respecting land use, the preparation and adoption of an official community plan, or a proposed bylaw or permit that may be enacted under Part 14 of the *Local Government Act*.

**8. SEVERABILITY**

- (a) If any section, subsection, sentence, clause, definition, phrase or map in this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.

**9. REMUNERATION AND EXPENSES**

- (a) The members of a Commission must serve without remuneration.
- (b) Expenses incurred by a Commission while engaged in the business of the Commission will be reimbursed in accordance with the policies of the Board.

**10. INCORPORATION OF MAPS**

- (a) Map Nos. 1 and 2 attached hereto are hereby made a part of this bylaw.

**11. REPEAL**

- (a) The following bylaw is hereby repealed:
  - 1. Capital Regional District Bylaw No. 2945, cited as the "Capital Regional District Advisory Planning Commission Bylaw No. 1, 2002".
  - 2. Capital Regional District Bylaw No. 3517, cited as the "Capital Regional District Agricultural Advisory Planning Commission Bylaw No. 1, 2008".

**12. CITATION**

This bylaw may be cited as "Juan de Fuca Advisory Planning Commission Bylaw No. 1, 2022."

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

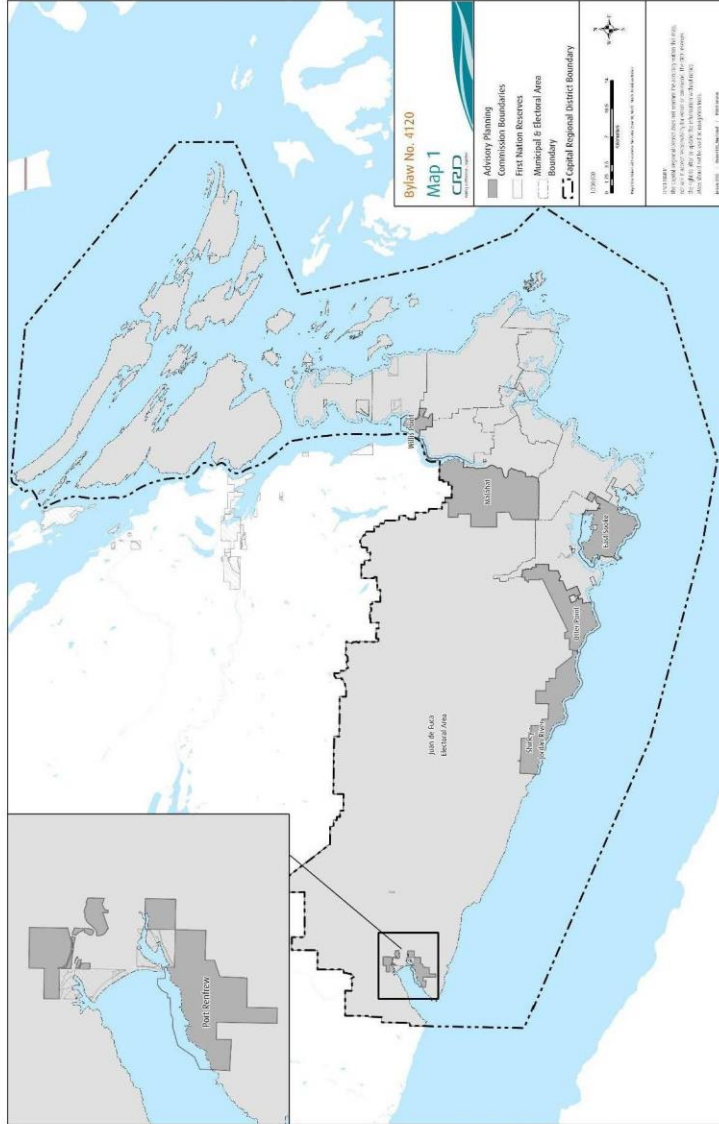
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CHAIR

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CORPORATE OFFICER

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Map No. 1



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Map No. 2

