

## BYLAW NO. 493

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### A BYLAW TO ESTABLISH AN ADVISORY PLANNING COMMISSION FOR ELECTORAL AREA D (OYSTER BAY-BUTTLE LAKE) OF THE REGIONAL DISTRICT

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**WHEREAS** the Regional District may, by bylaw, establish an advisory planning commission for an electoral area or portions thereof to advise the Regional Board or a director representing that area on all matters referred to the commission by the Board or the director respecting land use, the preparation and adoption of an official community plan or a proposed bylaw or permit that may be enacted or issued under Part 14 of the *Local Government Act*;

**AND WHEREAS** a bylaw establishing an advisory planning commission must provide for the composition and manner of appointing members to the commission, the procedures governing the conduct of the commission and the referral of matters to the commission;

**AND WHEREAS** at least 2/3 of the members of an advisory planning commission must be residents of the electoral area for which the commission has been established;

**AND WHEREAS** the Regional District wishes to re-establish an advisory planning commission for Electoral Area D (Oyster Bay-Buttle Lake).

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

#### **Interpretation**

1. In this bylaw, unless the context otherwise requires:

**"application"** means a written application from an owner of land, a landowner's authorized representative or the Regional District proposing that:

- a) a zoning designation,
- b) an official community plan designation,
- c) a development variance permit, or
- d) a temporary use permit,

applicable to the owner's land be amended, repealed, issued or otherwise considered in accordance with Part 14 of the *Local Government Act*.

**"appointment"** means the appointment or reappointment of a person as a member of the Advisory Planning Commission.

**"Board"** or **"Regional Board"** means the Board of Directors of the Strathcona Regional District.

**"Commission"** means the Advisory Planning Commission established by this bylaw.

**"Chair"** means the Chair of the Advisory Planning Commission.

“**director**” means the director representing the electors of Electoral Area D.

“**electoral area**” means Electoral Area D of the Strathcona Regional District.

**Re-establishment of Advisory Planning Commission**

2. There is hereby re-established an advisory planning commission to be known as the Electoral Area D Advisory Planning Commission.

**Jurisdiction of Commission**

3. The area of jurisdiction of the Commission re-established by this bylaw is coterminous with the boundaries of Electoral Area D.

**Commission Membership**

4. The Commission shall comprise not more than 8 persons appointed by resolution of the Board to represent a cross-section of the ratepayers within the electoral area.

**Appointment of Members**

5. (1) Before appointing persons to the Commission, the Regional District shall invite applications from the general public interested in serving as members of the Commission.  
  
(2) Members of the Commission shall serve at the pleasure of the Board.  
  
(3) The Board shall not appoint or dismiss a member, or otherwise change the composition of the Commission, if such action would result in less than 2/3 of the members being residents of the electoral area.

**Oath of Office**

6. Before taking up their duties the members of the Commission shall make an oath of office in the form prescribed by Appendix ‘A’, attached to and forming part of this bylaw.

**Term of Office for Members**

7. Members of the Commission may be appointed to any term not exceeding 3 years and may be appointed to additional terms of office at the Board’s discretion.

**Attendance at Meetings**

8. Members are expected to attend every meeting of the Commission unless the absence is due to sickness or injury, or with leave from the Commission Chair.

**Election and Term of Chair**

9. The members of the Commission shall elect a Chair at their first meeting each year who shall hold office for the remainder of the year.

**Commission Secretary**

10. The corporate officer for the Regional District, or that person’s designate, shall perform the duties of secretary to the Commission.

**Commission Procedures**

11. (1) Except as otherwise provided, and to the extent applicable, the Commission shall be governed by the procedures set out in the Regional Board's meeting procedures bylaw.
- (2) Despite any rule to the contrary, the Chair of the Commission may second a motion proposed to be considered by the Commission.

**Matters to be Considered Expeditiously**

12. The Commission shall consider such applications as may be referred to it by the Regional District and provide its recommendations as soon as reasonably possible.

**No Additional Fees Required**

13. The Commission shall not require that any fee, charge or other payment be required in connection with its consideration of an application.

**Notice of Application**

14. Following receipt of an application by the Commission, the secretary shall ensure that a notice advising of the time, date and location of the meeting at which the application is to be considered is mailed or otherwise delivered to the applicant at least 10 days prior the meeting.

**Report to be Prepared**

15. A report containing an analysis of the land use policies and regulations applicable to the application shall be prepared by the Regional District for each application and provided to the Commission for placement on a meeting agenda.

**Process for Consideration of Applications**

16. (1) Before finalizing its recommendation on an application the Commission shall consider the report under section 15 and provide an opportunity for the applicant to address the Commission orally or in writing.
- (2) If a written submission is received from the applicant prior to publication of the agenda for the meeting at which the application is to be considered, the submission shall be included on the meeting agenda.
- (3) If a written submission is received from the applicant following publication of the meeting agenda but prior to the meeting at which the application is to be considered, it shall be read aloud at the meeting by the applicant, the applicant's representative or the Commission secretary.
- (4) Written submissions received after the Commission has finished considering an application will be provided to the Regional District.

**Matters Referred by Director**

17. If the Commission is asked to consider a matter referred to it by the director, the Commission shall ensure that a copy of the request and any related records are provided to the Regional District following consideration by the Commission.

**Previous Bylaw of no Effect**

18. Upon adoption of this bylaw, Bylaw No. 2861, being Advisory Planning Commission Bylaw 2006, as adopted by the Comox-Strathcona Regional Board on January 30, 2006, shall cease to have any force or effect within Electoral Area D.

**Citation**

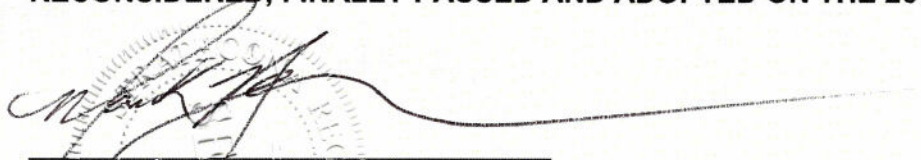
19. This bylaw may be cited for all purposes as Bylaw No. 493, being Electoral Area D Advisory Planning Commission Establishing Bylaw 2023.

**READ A FIRST TIME ON THE 26<sup>TH</sup> DAY OF APRIL, 2023**

**READ A SECOND TIME ON THE 26<sup>TH</sup> DAY OF APRIL, 2023**

**READ A THIRD TIME ON THE 26<sup>TH</sup> DAY OF APRIL, 2023**

**RECONSIDERED, FINALLY PASSED AND ADOPTED ON THE 26<sup>TH</sup> DAY OF APRIL, 2023.**



Chair



Corporate Officer

**APPENDIX 'A'**  
**ELECTORAL AREA D ADVISORY PLANNING COMMISSION**

**OATH OF OFFICE**

I, \_\_\_\_\_, do solemnly affirm that:

1. I am qualified to hold the office of commissioner for the Electoral Area D Advisory Planning Commission to which I have been appointed.
2. I am not an employee, officer or elected representative of the Strathcona Regional District or an approving officer appointed under the provisions of the *Land Title Act*.
3. I will faithfully perform the duties of my office, and will not allow any personal interest to influence my conduct in public matters.
4. I will disclose any direct or indirect pecuniary interest I have in a matter and will not participate in the discussion of the matter and will not vote in respect of the matter.

\_\_\_\_\_

(Signature of Appointee)

Affirmed before me at \_\_\_\_\_, B.C.  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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(Corporate Officer or Commissioner)