

DISTRICT OF HIGHLANDS

BYLAW NO. 209

**** OFFICE CONSOLIDATION
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A bylaw for the establishment of an Advisory Planning Commission

WHEREAS the Local Government Act provides that Council may, by bylaw, establish an Advisory Planning Commission.

NOW THEREFORE Council of the District of Highlands in open meeting assembled hereby enacts as follows:

1.0 TITLE

1.1 This bylaw may be cited for all purposes as the “Advisory Planning Commission Bylaw No. 209, 2003”

2.0 DEFINITIONS

2.1 In this bylaw:

Commission means the Advisory Planning Commission established by this bylaw.

Council means the Municipal Council of the District of Highlands.

District means the District of Highlands.

3.0 ESTABLISHMENT

3.1 There is hereby established an Advisory Planning Commission which shall be known as the “District of Highlands Advisory Planning Commission”

4.0 APPOINTMENT

4.1 The Commission shall consist of seven (7) persons appointed by Council resolution.

4.2 At least five (5) members of the Commission shall be residents of the District.

4.3 Members shall be appointed for a two-year term on a staggered basis.

- 4.4 On or before the first day of April in each year, the Council shall appoint or reappoint members of the Commission to fill the office of those members whose terms have expired or will expire on the last day of March of that year.
- 4.5 Council may revoke the appointment of any member of the Commission at any time by a vote of two-thirds of Council.
- 4.6 One member of Council shall be appointed by Council as a non-voting liaison to the Commission.
- 4.7 In the event a vacancy arises on the Commission, Council may appoint a person to fill the vacancy for the balance of the term.
- 4.8 In the event a member fails to attend three consecutive meetings of the Commission, the member's seat shall be deemed vacant unless they have been excused by resolution of the Commission. (***amended by Bylaw No. 260, adopted June 6, 2005*)

5.0 CHAIRPERSON OF COMMISSION

- 5.1 The Commission members shall, before the 30th day of April in each year, elect a Chairperson and Vice-Chairperson from its members.
- 5.2 The Chairperson of the Commission shall be responsible for the execution of documents on behalf of the Commission, including the signing of the minutes.

6.0 MEETING PROCEDURES

- 6.1 Meetings of the Commission shall take place as determined by District Administration with consultation of the Chairperson, as required to accomplish the business of the Commission. (***added by Bylaw No. 260, adopted June 6, 2005*)
- 6.2 A majority of the members (4) of the Commission, one of whom is the Chairperson or Vice-Chairperson, shall constitute a quorum. The Council member appointed as a liaison to the Commission shall not be included when determining a quorum. If a quorum is not present within thirty minutes after the time fixed for a meeting, the Secretary shall record the names of the members present and the Commission shall stand adjourned until the next meeting.
- 6.3 Meetings of the Commission must be open to the public unless the subject matter being considered relates to one of more or the matters referred to in Section 242.2 of the Local Government Act.

- 6.4 Before a meeting, or portion of a meeting, is closed to the public, the Commission must state by resolution the fact the meeting is to be closed, and the basis under the Local Government Act on which the meeting, or portion of a meeting, is to be closed.
- 6.5 When the Commission is considering an amendment to a plan or bylaw, the applicant or his agent for the amendment is entitled to attend the meeting and to be heard.
- 6.6 After the applicant or his agent has addressed the Commission, the Commission may hear from any person who deems they are affected by the proposal or who have an interest in the proposal. No person, other than the applicant or his agent for an amendment or permit, shall be allowed to speak more than once without the consent of the Chairperson and the Chairperson may disallow repetitious speeches.
- 6.7 All persons wishing to speak at a meeting of the Commission must have the permission of the Chairperson, and all persons in attendance shall maintain order and quiet and shall not interrupt any speech or action of the assembly. Public addressing the Commission will be given a limitation of ten minutes each to make their presentation.
- 6.8 Voting:
- (a) All members of the Commission, including the Chairperson, must vote on every question unless they have declared a conflict and left the meeting.
 - (b) Any member of the Commission present at a meeting at the time of a vote who abstains from voting shall be deemed to have voted in the affirmative.
 - (c) Any member who does not indicate how they vote is counted as having voted for the question.
 - (d) All matters brought before the Commission shall be decided by a simple majority vote of the members of the Commission present at the meeting.
 - (e) If the votes are equal for and against, the question is defeated.
- 6.9 The Commission will not receive any representations from the applicant, his agent, or the public after they have rendered their decision on a particular matter, unless the matter has been referred back to the Commission by Council for further consideration.
- 6.10 Any point of procedure which arises during any meeting of the Commission shall be decided by the Chairperson.
- 6.11 Where any ruling of the chairperson is challenged by any member of the Commission, the Chairperson's ruling shall immediately be put to a vote without debate and the result of such vote shall govern.

7.0 CONFLICT OF INTEREST

- 7.1 If a member of the Commission attending a Commission meeting, considers that he or she is not entitled to
- (a) participate in the discussion of the matter; or
 - (b) vote on a question in respect of a matter because the member has a direct, or indirect, pecuniary interest in the matter or for any other reason including acting as an agent or consultant for an applicant, the member must declare this and state the general nature of which the member considers this to be the case.
- 7.2 After making the declaration, the member:
- (a) must immediately leave the meeting or that part of the meeting during which the matter is presented and under consideration,
 - (b) must not take part in the discussion of the matter and is not entitled to vote on any question in respect of the matter, and
 - (c) must not attempt in any way, whether before, during or after the meeting, to influence the voting on any question in respect of the matter.
- 7.3 When the declaration is made:
- (a) The Secretary must record the member's declaration and the reasons for it; and
 - (b) The person presiding at the meeting must ensure the member is not present at the meeting at the time of discussion or voting on the matter.

8.0 MINUTES

- 8.1 The District shall supply a secretary for the Commission who shall be responsible for the preparation of the minutes of the meetings of the Commission and attend to all correspondence and clerical duties on behalf of the Commission.
- 8.2 Minutes of the Commission shall be signed by the Chairperson, or the Vice- Chairperson presiding at the meeting, and the Secretary.
- 8.3 Minutes and all of the documents considered by the Commission shall be available for public inspection at the District office during normal business hours. This does not apply to the minutes of that portion of a meeting that has been closed to the public under Section 242.2 of the Local Government Act.
- 8.4 Applicants of matters considered by the Commission shall be notified in writing of the decision of the Commission within ten working days of the Commission meeting. The notification shall include the recommendation adopted by resolution of the Commission.

8.5 The Commission shall forward their recommendation to the District office for submission to Council.

9.0 ROLE OF THE COMMISSION

9.1 The role of the Commission shall be to advise Council on all matters referred to the Commission from time to time by the Council respecting land use, community planning or a proposed bylaw or permit that may be enacted or issued under Part 26, Divisions 2, 7, 9 and 11 of the Local Government Act.

9.2 In support of applications, consideration may be given a variety of principles including but not limited to:

- (a) The promotion of health, safety convenience and the welfare of the public;
- (b) The preservation of the land peculiar to any zone;
- (c) The intent of the District’s Official Community Plan policies;
- (d) The securing of adequate light, air and access;
- (e) The sustainability of the District’s natural environment;
- (f) The value of the land and the nature of its present and prospective use and occupancy;
- (g) The character of the zone, the buildings already erected and the suitability of the zone for the projected use;
- (h) The preservation of property values;
- (i) Site development, including landscaping and preservation of natural amenities; and
- (j) Outdoor lighting, signs and garbage enclosures.

10.0 REPEAL

10.1 “District of Highlands Advisory Planning Commission Bylaw No. 12, 1994” is hereby repealed.

Read a first time this 15TH DAY OF DECEMBER, 2003

Read a second time this 15TH DAY OF DECEMBER, 2003

Read a third time this 15TH DAY OF DECEMBER, 2003

Reconsidered and finally passed and adopted this 19TH DAY OF JANUARY, 2004

Original Signed

Original Signed

Mayor

Administrator