

**THE VILLAGE OF PEMBERTON**  
**BYLAW NO. 626, 2009**  
**Advisory Planning Commissions Bylaw**

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**WHEREAS** pursuant to Section 898 (1) of the *Local Government Act* a Council may, by bylaw, establish an advisory planning commission to advise council on matters respecting land use, community planning or proposed bylaws and permits under Divisions 2, 7, 9 and 11 of the *Local Government Act*,

**AND WHEREAS** pursuant to Section 898 (3) of the *Local Government Act* a bylaw establishing an advisory planning commission must provide for the commission's composition, method for the appointment of members, the procedures governing the commission's conduct and referral of matters to be considered;

**THEREFORE BE IT RESOLVED** that the Municipal Council of the Village of Pemberton enacts an Advisory Planning Commission Bylaw as follows:

**1. This Bylaw may be cited as the "ADVISORY PLANNING COMMISSIONS BYLAW NO. 626, 2009".**

**2. The Village hereby establishes two distinct Advisory Planning Commissions known as: "Design Review APC" and "Land Use APC".**

**3. Composition**

(1) The "Design Review APC" shall be composed of six (6) members. One (1) member shall be a Director of the Pemberton and District Chamber of Commerce as selected by this organization.

(2) The background and qualifications of the remaining five (5) members of the "Design Review APC" should provide design and development expertise that is appropriate to the Pemberton context. Council should make best efforts to appoint the following professionals and/or community members with specific knowledge of:

- architectural design;
- community planning;
- construction/development; and
- landscape design.

(3) Two thirds (2/3<sup>rds</sup>) of the individuals appointed as members to the "Design Review APC" shall be qualified as follows:

- a resident of the Village; or
- a resident of Squamish Lillooet Regional District's Area C; or
- a property owner in the Village for a minimum of one year.

- (4) The “Land Use APC” shall be composed of six (6) members.
- (5) The background and qualifications of the members should be reflective of an array of interests and perspectives within the Pemberton community. Council should make best efforts to balance the make-up of the “Land Use APC” and appoint members that have specific knowledge in one or more of the following areas:
  - agriculture;
  - children and youth;
  - environment stewardship;
  - land development/ construction;
  - local education;
  - recreation;
  - seniors/accessibility; and
  - tourism.
- (6) All individuals appointed as members to the “Land Use APC” shall be qualified as follows:
  - a resident of the Village; or
  - a resident of Squamish Lillooet Regional District’s Area C; or
  - a property owner in the Village for a minimum of one year.

#### **4. Appointments**

- (1) Members of the “Design Review APC” and “Land Use APC” shall be appointed by council for a term of two years. Appointments will be staggered by one year and members will be appointed in conjunction with council’s committee appointments that occur annually in December. Notwithstanding, the inaugural Commission will appoint half of its members to a one year term to facilitate staggered appointments in the future.
- (2) Members of the “Design Review APC” and the “Land Use APC” should not be appointed to more than three (3) consecutive terms.
- (3) Council may assign a member of council to both the “Design Review APC” and the “Land Use APC”, however, the council representative is not considered a member of the Commissions and therefore shall not be eligible to be an official (voting) member, but may attend in a resource capacity between council and the Commissions.
- (4) All members of the “Design Review APC” and the “Land Use APC” shall serve without remuneration, but may be paid reasonable and

necessary expenses that arise directly out of the performance of their duties.

## 5. Procedures for Governing Conduct

(1) Members of the “Design Review APC” and “Land Use APC” shall abide by the following Code of Ethics:

- attend all meetings except for reasons beyond their control, whether or not they feel that they have any useful input into the subjects under discussion;
- accept that if they miss more than three (3) meetings in any twelve (12) month period, they may be asked to resign;
- make best efforts to become fully informed of the possible effects of decisions related to proposed developments, policy or guidelines amendments or other specific planning directions; and
- hold themselves free of any conflicts of interest.

Any member who fails to adhere to the Code of Ethics will be asked to resign from the respective Commission.

(2) Meetings of the “Design Review APC” and the “Land Use APC”:

- shall be held in a timely manner as needed to address issues that arise from time to time or as referred by the Village;
- may set a regular meeting date and time, if deemed necessary;
- shall be open to the public;
- shall provide notice posted on the Village Notice Board and website, at least twenty-four hours in advance of the meeting, indicating the day, hour and place of the meeting;
- shall have a Village appointed Recording Secretary to keep the minutes of all meetings. The minutes shall be legibly recorded, signed by the chair or member presiding, and open for public inspection in accordance with the *Local Government Act*.
- may make rules by majority resolution, as it sees fit to govern its conduct noting that in so doing the intent is that in general the rules of parliamentary debate shall apply: members will address the chair, motions will be made and seconded, the Chairperson will call the question and the vote will be recorded.

- (3) The Chairperson of the “Design Review APC” and the “Land Use APC” shall be elected by vote of the members at the first meeting of the year.

The Chairperson:

- shall preside, when present, at any meeting and generally shall fulfill all of the duties usually performed by the Chairperson; and
  - shall have the same right of voting as the other members of the “Design Review APC” or “Land Use APC” and in case of an equality of votes for and against the question, the question is resolved in the negative and the Chairperson shall so declare.
- (4) The “Design Review APC” and the “Land Use APC” may elect one (1) of its members to be Vice-Chairperson, who in the absence of the Chairperson shall preside at meetings of the Commissions. In case the Chairperson is absent from a meeting and no Vice-Chairperson has been elected, the members present, if a quorum is present, shall elect one (1) of their members to act as Chairperson of that meeting.
- (5) Four (4) voting members constitutes a quorum for each the “Design Review APC” or the “Land Use APC”. A quorum is required to undertake:
- the transaction of business, and the decision;
  - all acts whatsoever authorized or required to be done, except as otherwise provided for; and
  - all questions of adjournment and others that may come before the Commissions.
- (6) Applicants for a particular bylaw amendment or permit are entitled to be given notice, attend and be heard at the corresponding Commission meetings.

## **6. Matters for Referral**

- (1) The “Design Review APC” shall review and provide council with recommendations on matters respecting Village design related issues particular to the following:
- Development permit and development variance permit applications;
  - Reports and policy analysis, notably development permit applications and guidelines;

- Planning and design documents (i.e. Official Community Plan, Village Vision and Zoning Bylaw), rezoning applications and reports that specifically relate to the form and character of a building, outdoor spaces and landscaping; and
  - Any other matters referred by council.
- (2) The “Land Use APC” shall review and provide Council with recommendations on matters respecting land use, community planning, major policy issues and proposed land use bylaws, permits and other applicable regulations, particular to the following:
- Reports and policy analysis including community and neighbourhood planning, housing, and economic development;
  - Applications for amendment of the Official Community Plan and Zoning Bylaw;
  - Major development applications; and
  - Any other matters referred by council.

## **7. Reporting Procedure**

- (1) The “Design Review APC” shall:
- provide input at early stages in the design review process, the timing of which will be determined on a case by case basis by the Manager of Development Services.
  - provide recommendations and comments with respect to matters outlined in Paragraph 6 (1) of this Bylaw. Recommendations shall be in the form of formal resolutions and shall be specific in their direction. The recommendations will be used by Village staff and their consultants when discussing a project with an applicant, and may be used by council when making decisions on development applications.
- (2) The “Land Use APC” shall
- provide input at early stages with regard to community planning and land use matters, the timing of which will be determined on a case by case basis by the Manager of Development Services.
  - provide recommendations and comments to the Village with respect to the matters outlined in Paragraph 6(2) of this Bylaw. Recommendations shall be in the form of formal resolutions and shall be specific in their direction. The recommendations will be used by Village staff and their consultants when discussing a

project with an applicant, and may be used by council when making decisions on land use and community planning issues.

- (3) Council will inform the “Design Review APC” and the “Land Use APC” of its decisions, yet council is in no way bound to the advice or recommendations of the commissions. Decisions not conforming to the “Design Review APC” and/or “Land Use APC” recommendations may be further discussed by the commissions should it be deemed appropriate or necessary by council.

#### **8. Staff Resources and Support**

- (1) The Manager of Development Services or their designate shall serve as a resource person.
- (2) The Manager of Development Services shall appoint a Recording Secretary to document the minutes of the meetings.

#### **9. General**

- (1) If any section, subsection or clause of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.
- (2) This bylaw may not be amended or repealed and substituted unless Council first gives notice in accordance with section 94 of the *Community Charter*.

**READ A FIRST TIME** this 20<sup>th</sup> day of January, 2009

**READ A SECOND TIME** this 20<sup>th</sup> day of January, 2009

**READ A THIRD TIME** this 20<sup>th</sup> day of January, 2009

**RECONSIDERED, FINALLY PASSED and ADOPTED** this 3<sup>rd</sup> day of February, 2009

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Mayor

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Administrator