

VILLAGE OF PEMBERTON

BYLAW No. 815, 2017

Being a bylaw to create the Village of Pemberton Agricultural Enhancement Advisory Commission

WHEREAS pursuant to Section 461 (1) of the *Local Government Act RS2015* 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 4-14 of Part 14 – Planning and Land Use Management – and Section 546 that are referred to the commission by the council;

WHEREAS pursuant to Section 461 (3) of the *Local Government Act RS2015* a bylaw establishing an advisory planning commission must provide for the commission's composition and the 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 the Council of the Village of Pemberton deems it desirable to seek input from the agricultural community on land use on, and general enhancements to, lands within the Provincial Agricultural Land Reserve (ALR) throughout and surrounding the Village;

NOW THEREFORE the Council of the Village of Pemberton in open meeting assembled **ENACTS AS FOLLOWS:**

1. **This Bylaw may be cited as “Agricultural Enhancement Advisory Commission” Bylaw No. 815, 2017”.**
2. There is hereby established the “Village of Pemberton Agricultural Enhancement Advisory Commission”.
3. **Purpose**

The purpose of the Commission is to:

1. Review and provide recommendations to Council on applications received through the Pemberton Music Festival Agricultural Enhancement Program on projects within the Village of Pemberton and Pemberton Valley
2. Provide comments and recommendations to Council on agriculture related matters as referred to the Commission.

4. Definitions

In this Bylaw:

- a) **“Bone-fide Farmer”** means an individual who owns a farm and is actively engaged in farming and earns at least \$10,000 or 25% of their gross annual income from farming;
- b) **“Council”** means the Council of the Village of Pemberton;
- c) **“Commission”** means the Village of Pemberton Agricultural Enhancement Advisory Commission;
- d) **“Member”** means a person appointed to the Commission by the Council;
- e) **“Planning Staff”** means an employee of the Village employed in the Development Services Department.
- f) **“SLRD”** means Squamish-Lillooet Regional District

5. Composition

- a) The “Agricultural Enhancement Advisory Commission” shall be composed of a minimum of seven (7) and a maximum of nine (9) members.
 - i. One member shall be a member of the SLRD Electoral Area C Agricultural Advisory Commission as selected by this organization.
 - ii. One member shall be a member of the Pemberton Farmers Institute as selected by this organization.
 - iii. One member shall be a member of the Lil’wat Nation farming community as selected by the Band.
 - iv. Two members shall be a bone-fide farmer that owns property within the Pemberton Valley and been farming for a minimum of five (5) years.
 - v. The remainder of the members shall be members at large that meet with the background and/or qualifications as set out in section 5 (b).
- b) The background and qualifications of the remaining members of the “Agricultural Enhancement Advisory Commission” shall have expertise in farming or agricultural production in the Pemberton context. Council should make best efforts to appoint local professionals and/or community members with specific knowledge and who are preferably:
 - i. Members of the farming, ranching, or other agricultural production and distribution community; and/or
 - ii. Persons with knowledge in land and soil management, community and/or environmental planning; and/or
 - iii. Persons with a keen interest in agricultural sustainability and resource management.

- c) Two thirds of the individuals appointed as members to the "Agricultural Enhancement Advisory Commission", shall be qualified as follows:
- i. A resident of the Village for at least five years;
 - ii. A resident of the SLRD Electoral Area C for at least five years;
 - iii. A member of the Lil'wat Nation;
 - iv. A property owner of ALR land in the Village or the Pemberton Valley (within SLRD Electoral Area C) for a minimum of five (5) years.
- d) A member may not sit on other advisory commissions or commissions as established by the Village of Pemberton.

6. Matters that may be considered:

Council may refer the following matters to the Commission:

- a) Applications made under the Pemberton Music Festival - Agricultural Enhancement Fund Program;
- b) Applications initiated under the *Agricultural Land Commission Act*;
- c) Applications to amend Official Community Plans and Zoning Bylaws that affect agricultural lands, the Agricultural Land Reserve, or that may have implications for the agriculture sector;
- d) Agricultural related components of comprehensive reviews or development of:
 - i. Zoning and other Bylaws;
 - ii. Official Community Plans;
 - iii. Agricultural Area plans;
 - iv. Park and Recreation plans; and
 - v. Servicing and Infrastructure plans.
- e) Subdivision applications for lot line adjustments in the Agricultural Land Reserve which have been submitted to the Village Approving Officer under Part 5 of the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*;
- f) Provincial crown land referrals for non-farm uses within, adjacent to or potentially impacting on agricultural areas;
- g) Variance requests regarding the size, siting, etc. of buildings and structures in agricultural areas;
- h) Building permit applications for additional dwellings for farm help within the Agricultural Land Reserve;

- i) Major development proposals with potential impacts on agriculture in Pemberton;
- j) Other matters which Council may consider appropriate.

The Commission may make recommendations to Council, for Council's consideration, on matters that deal with the ongoing viability of commercial farming and farm land usage.

7. Focus of Commission Reviews

- a) The Commission shall consider the following in its review of the Pemberton Music Festival – Agricultural Enhancement Fund Program applications:
 - i) Meeting the criteria as established the granting policy in relation to Agricultural Enhancements in the Pemberton Valley related to infrastructure improvements (drainage, ditching, irrigation, fencing, etc.)
- b) The Commission shall consider the following in its review of referrals from Council:
 - i) The effect of the proposal on the agricultural potential of the subject property;
 - ii) The effect of the proposal on adjacent Agricultural Land Reserve properties and surrounding agricultural production;
 - iii) The effect of the proposal on water resources and transportation issues;
 - iv) Possible alternatives to the proposal, where appropriate; and
 - v) The identification of issues relating to the protection of the Agricultural Land Reserve lands specific to the application, including the use of appropriate buffering techniques aimed at enhancing land use compatibility.

8. Term of Appointment

- a) Appointments to the Commission shall be for a term of up to two (2) years.
- b) If appointments to the Commission have not been reviewed by Council before the expiration of the term of the members, members appointed to the Commission shall continue to hold office until the annual membership has been determined.
- c) Council shall have the power, by an affirmative vote of not less than two-thirds of all the members, to remove any member from the Commission at any time upon the recommendation of the Chief Administrative Officer.
- d) Upon the resignation, death or removal of a member during a term of office, Council shall appoint a new member, who shall hold office during the remainder of the term of the vacating member.

9. **Procedures for Governing Conduct**

- a) Members of the Commission shall abide by the following Code of Ethics:
 - i. 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;
 - ii. accept that if they miss more than three (3) meetings in any twelve (12) month period, they may be asked to resign;
 - iii. 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
 - iv. Where a member, his or her family, employer or business associate has any interest in a matter being considered by the Commission, that member shall absent themselves from any discussion on that matter.
- b) Any member who fails to adhere to the Code of Ethics will be asked to resign from the respective Commission.

10 **Appointment of Chair**

- a) A Commission shall elect, from its members at the first meeting of each year, a Chair who shall hold office for one year or until their successor has been appointed.
- b) The Chair shall preside at meetings of the Commission and in his or her absence those present may appoint an Acting Chair for the duration of that meeting.

11. **Quorum**

- a) In the case that the Commission is comprised of an odd number of members, a majority of the members shall constitute a quorum. In the case that the Commission is comprised of an even number of members, half or more of the members shall constitute a quorum.
- b) A quorum is required to undertake:
 - i. the transaction of business, and the decision;
 - ii. all acts whatsoever authorized or required to be done, except as otherwise provided for; and
 - iii. all questions of adjournment and others that may come before the Commissions.

12. Voting

Each Commission member who is present is entitled to vote and has one vote. Recommendations of the Commission must be adopted by a majority affirmative vote of the members present at the meeting. A commission member present at a meeting who abstains from voting is deemed to have voted in the affirmative.

13. Meetings Open to the Public

- a) Commission meetings shall be open to the public and may be closed under Section 90 of the *Community Charter* if required.
- b) The Commission shall hear all applicants who wish to make representations on applications, bylaws or other matters referred to it by Council and it shall be the responsibility of such applicants wishing to make representation to contact Planning Staff or the purpose of attending a meeting.
- c) The Agricultural Enhancement Advisory Commission may invite persons to attend meetings in a resource capacity.

14. Notice of Meeting and Other Matters

Notice of meeting and all other procedures of the Commission not specifically provided for shall be in accordance with the provisions of Village of Pemberton Council Procedure Bylaw No. 788, 2015, as amended or re-enacted from time to time.

15. Voting and Recording Protocols

- a) Staff may attend Commission meetings and participate in discussions but shall not be entitled to vote on any matter.
- b) A Recording Secretary shall be provided by the Village and will be responsible for preparing the meeting agenda, posting notifications and shall record the proceedings of the Commission.
- c) 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 a matter.
- d) The minutes of the proceedings of all meetings of the Commission shall be legibly recorded, signed by the Chair or member presiding and open for public inspection in accordance with the *Local Government Act*. The minutes shall be certified and adopted by the Commission at its next meeting.

16. Remuneration and Expenses

Commission members shall serve without remuneration. Commission members shall be reimbursed reasonable and necessary expenses that arise directly out of the performance of their duties.

17. Severability

If a section, subsection, paragraph, subparagraph or phrase of this bylaw is for any reason declared invalid by a Court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this bylaw.

READ A FIRST TIME this 2nd day of May, 2017.

READ A SECOND TIME this 2nd day of May, 2017.

READ A THIRD TIME this 2nd day of May, 2017.

ADOPTED this 4th day of May, 2017.



[Redacted signature area]

Mayor
Mike Richman

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Corporate Officer
Sheena Fraser