

VILLAGE OF PEMBERTON ADVISORY PLANNING COMMISSIONS BYLAW NO. 626, 2009

**Fourth & Final Readings
February 3, 2009**



OFFICE CONSOLIDATION: November 1, 2021

This document is an office consolidation of the Village of Pemberton Advisory Planning Commissions Bylaw No. 626, 2009 (adopted February 3, 2009) and subsequent amendments adopted by Village Council as noted below:

Bylaw No	Section Amendment	Council Meeting	Date
Village of Pemberton Advisory Planning Commissions Amendment Bylaw No. 878, 2020	Preamble – replacement Section 3 – replacement of subsections (3) and (6)	Regular Council Meeting No. 1512	April 21, 2020
Village of Pemberton Advisory Planning Commissions Amendment Bylaw No. 911, 2021	Section 5 – addition of new clause 5 (3) Electronic Meetings and 5 (4) Electronic Participation. Section 9 General – removes 9 (2)	Special Council Meeting No. 1548	October 21, 2021

All persons making use of this consolidation are reminded that it has no Council sanction, that amendments have been incorporated only for convenience of reference, and that for all purposes of interpretation and application that original bylaw should be consulted.

The Village of Pemberton will, in no event, be liable or responsible for damages of any kind arising out the use of this consolidation.

This is not the official version of the Village of Pemberton Advisory Planning Commissions Bylaw No. 626, 2009, nor is it admissible in a court of law. For such purposes, official certified copies can be obtained from the Village Office or by contacting us at: admin@pemberton.ca.

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

WHEREAS pursuant to Section 461 (1) of the *Local Government Act*, as amended, 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 to 14 of Part 14 and Section 546 of the *Local Government Act*, as amended; *(Amendment Bylaw No. 878, 2020)*

AND WHEREAS pursuant to Section 461 (3) of the *Local Government Act*, as amended, a bylaw establishing an advisory planning commission must provide for the commission's composition, manner of appointing members, the procedures governing the commission's conduct and referral of matters to be considered; *(Amendment Bylaw No. 878, 2020)*

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.
 - (4) Two thirds (2/3rds) of the individuals appointed as members to the Design Review APC shall be qualified as follows: *(Amendment Bylaw No. 878, 2020)*
 - a resident of the Village; or
 - a resident of Squamish Lillooet Regional District's Area C; or
 - a property owner in the Village.
 - (6) The “Land Use APC” shall be composed of six (6) members.

- (7) 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.
- (8) Two thirds (2/3rds) of the individuals appointed as members to the Land Use APC shall be qualified as follows:
- resident of the Village; or
 - resident of Squamish Lillooet Regional District’s Area C; or
 - property owner in the Village.

(Amendment Bylaw No. 878, 2020)

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) Electronic Meetings *(Amendment Bylaw No. 911, 2021)*

- a) A meeting of the Design Review APC or the Land Use APC may be conducted by means of electronic or other communication facilities, if:
 - i. the Chair, or in the absence of the Chair, the Acting Chair, determines it is advisable; or
 - ii. the electronic meeting format is necessitated by a health, safety, or environmental emergency or urgent Village business that prevents all members from attending in person.
- b) Advance notice of a meeting to be conducted pursuant to section 5) (3) a) will be provided advising that the meeting will

be conducted by means of electronic or other communication facilities, as follows:

- i. the agenda cover sheet will include that the meeting is being held electronically; and
 - ii. details will be included on the agenda cover sheet and on the Village's website with instructions to participate electronically or by telephone; and
- (4) Electronic Participation at Meetings *(Amendment Bylaw No. 911, 2021)*
 - a) A member of the Design Review APC or the Land Use APC who is unable to attend a meeting may participate in the meeting by means of electronic or other communications facilities.
 - b) Members of the Design Review APC and the Land Use APC who are participate in a meeting under this section are deemed to be present at the meeting.
- (5) 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.
- (7) 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.
- (8) 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.
- (9) 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.
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- (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) *(Amendment Bylaw No. 911, 2021)*

READ A FIRST TIME this 20th day of January 2009

READ A SECOND TIME this 20th day of January 2009

READ A THIRD TIME this 20th day of January 2009

RECONSIDERED, FINALLY PASSED and ADOPTED this 3rd day of February 2009

Mayor

Administrator