



**ADVISORY PLANNING AND HERITAGE COMMISSIONS BYLAW NO.
1477, 2003**

CONSOLIDATED FOR CONVENIENCE ONLY

Adopted January 25, 2003

**REGIONAL DISTRICT OF CENTRAL KOOTENAY
ADVISORY PLANNING AND HERITAGE COMMISSIONS BYLAW NO. 1477, 2003
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THIS CONSOLIDATED COPY IS FOR CONVENIENCE ONLY AND HAS NO LEGAL SANCTION

LIST OF AMENDMENTS TO ADVISORY PLANNING AND HERITAGE COMMISSIONS BYLAW NO. 1477, 2003, UP TO (see date at bottom of last page of amendments), WHICH ARE INCLUDED IN THIS CONSOLIDATED VERSION OF THE BYLAW

Bylaw No. File No.	Adopted	Amendment	Purpose
1853	2006-11-25	Amending Sections 2 & 3	To create 2 APC's in Area H, South and North.
1937	2007-11-24	Amending Sections 2 & 3	Area H South a maximum of 7 members and Area H North a maximum of 8 members.
2348	2013-05-16	Amending Sections 10 (e) and 11.3	To enable closed to the public meetings and to clarify roles and responsibilities
2357	2013-06-20	Amending Section 10 (e)	To enable and clarify process for closed meetings.
2716	2020-06-18	Amending multiple sections. Adding Sections 4.1.a, 11.3.a and 11.3.b. Replacing reference of Commission from 'Advisory Planning Commissions' to 'Advisory Planning and Heritage Commissions'.	To create a new integrated advisory body, the Advisory Planning and Heritage Commissions and align procedures with Regional District of Central Kootenay Procedure Bylaw No. 2576, 2019.

June, 2020

REGIONAL DISTRICT OF CENTRAL KOOTENAY

ADVISORY PLANNING AND HERITAGE COMMISSIONS BYLAW NO. 1477, 2003

A bylaw to establish and regulate Advisory Planning and Heritage Commissions pursuant to Section 461 and 597 of the *Local Government Act*.

The Board of the Regional District of Central Kootenay, in open meeting assembled, enacts as follows:

Title

1. This bylaw may be cited as the “**Regional District of Central Kootenay Advisory Planning and Heritage Commissions Bylaw No. 1477, 2003**”.

Establishment

2. The Advisory Planning and Heritage Commissions for Electoral Areas ‘A – Wynndel/East Shore – Kootenay Lake’, ‘B’, ‘C’, ‘D’, ‘E’, ‘F’, ‘G’, ‘H – The Slocan Valley’ (Slocan Lake North), ‘H – The Slocan Valley’ (South of Slocan Lake), ‘I’, ‘J – Lower Arrow/Columbia’ and ‘K – The Arrow Lakes’, herein referred to as the Commission(s), are hereby established. Advisory Planning and Heritage Commissions for each Electoral Area will become active as members are duly appointed.

Composition

3. The Commissions are comprised of a maximum of fifteen (15) members for Electoral Areas ‘A – Wynndel/ East Shore – Kootenay Lake’, ‘B’, ‘C’, ‘D’, ‘E’, ‘F’, ‘G’, ‘I’, ‘J – Lower Arrow/Columbia’ and ‘K – The Arrow Lakes’ and a maximum of seven (7) members for Electoral Areas ‘H – The Slocan Valley’ and a maximum of eight (8) for Electoral Area ‘H-Slocan Lake North’.

The Director and/or the Alternate Director of the applicable Electoral Area may attend Commission meetings in a resource capacity.

Qualifications for Appointment

- 4.1 Eligibility for appointment to a Commission shall be in accordance with Section 461 of the *Local Government Act*.

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- 4.1.a. Each Commission may consist of at least one (1) and not more than two (2) members with an understanding of heritage and community heritage registers, preferably members of local heritage societies.
 - 4.2 The appointed members shall be appointed by the Board for a term commencing from the date of appointment until the date determined by the Board; in no case, later than noon of the thirty-first day of December following the completion of the tenure of the incumbent Director of each of the Electoral areas (i.e. the term of appointment of each member shall coincide to expire with the term of office of the Electoral Area Director).
 - 4.3 Every person appointed to the Commission shall continue to hold office until a successor has been appointed, if the appointment of a successor has not been made at the expiration of the term of such member.
 - 4.4 The Director of each of the Electoral Areas shall submit, for consideration of the Board of the Regional District of Central Kootenay, the name(s) of those person(s) the respective Director recommends to be appointed by the Board to the Advisory Planning and Heritage Commission for the applicable electoral area.

Vacancy

5. A vacancy created by death or resignation shall be reported by the chair of the Commission to the Board, who shall as soon as practically possible appoint a replacement for the unexpired term of the former member.

Absenteeism

6. A member who is absent, except for reasons of illness or with the leave of the Commission, from three consecutive, or five in any twelve consecutive, regular meetings of the commission is deemed to have resigned effective at the end of the third or fifth such meeting, as the case may be.

Referrals to the Advisory Planning and Heritage Commission

- 7.1 The Board or the Director of the applicable Electoral Area may refer matters respecting the preparation and adoption of a community plan or a rural land use bylaw or a proposed bylaw or permit enacted or issued under Part 14 of the *Local Government Act*, and heritage conservation to the Advisory Planning and Heritage Commission in order that it may make recommendations to the Board or Director of the applicable Electoral Area on those matters.
- 7.2 In order to enable the Commission to perform its functions and to carry out its duties in accordance with the true intent of the purposes for which it was created, every official

employed by the Regional District of Central Kootenay, shall whenever required, give to the Commission such assistance as may be reasonably required of staff without direct instruction of the Board.

Chair and Secretary

- 8.1 The Advisory Planning and Heritage Commission shall, at its first meeting in each calendar year, elect from amongst its appointed members a Chair and a Vice-Chair to act in the absence of the Chair.
- 8.2 The Advisory Planning and Heritage Commission shall cause proper records to be kept of its proceedings, and shall appoint a member to be responsible for the duties of the Secretary.
- 8.3 In case the Advisory Planning and Heritage Commission Chair does not attend within thirty minutes after the time appointed for a meeting, the Vice-Chair shall take the chair and call the members to order, or if the Vice-Chair is absent, the Secretary shall appoint an Acting Chair who shall preside during the meeting or until the arrival of the Chair or Vice-Chair. Such person appointed as Acting Chair has all the powers and is subject to the same rules as the Chair or the Vice-Chair.

Quorum

- 9.1 Quorum shall be a majority of the appointed members.
- 9.2 Should there be no quorum present within thirty minutes after the time appointed for the meeting, the Secretary shall record in the minute book the names of the members present at the expiration of such thirty minutes and the meeting shall stand adjourned until the next meeting.

Rules of Procedure

10. The Commission shall observe the following rules of procedure in the calling of and conduct in its meetings:

Inaugural Meeting

- (a) The Advisory Planning and Heritage commission shall, at its first meeting in each calendar year, as the first order of business, call to order the meeting and select of a chair from amongst the appointed members, during which the secretary shall preside. The selection of a vice-chair shall follow.

Regular Meetings

- (b) Except as otherwise provided, all meetings shall be held within the Electoral Area for which the Advisory Planning and Heritage Commission was established.
- (c) Meetings may be held beyond the boundaries of the said Electoral Area only upon adoption of a resolution at an earlier meeting or as may be determined by the Chair of the Advisory Planning and Heritage Commission.

Special Meetings

- (d) The Chair of the Advisory Planning and Heritage Commission or any two appointed members may summon a special meeting of the Advisory Planning and Heritage Commission by giving at least two days notice in writing to each appointed member, stating the time, place and purpose for which the meeting is called.

Public Attendance

- (e) All meetings of the Advisory Planning and Heritage Commission shall be open to the public, with the exception of those meetings or parts of meetings closed to the public for the purposes of discussing matters within Section 90 of the Community Charter.

Closed meetings shall be determined by the Advisory and Heritage Planning Commission by Resolution in open meeting and must disclose the basis under which Section 90 of the Community Charter is applicable.

Schedule and Notice of Meetings

- (f) To ensure that applications for amendment to a plan or bylaw, or the issue of a permit are processed in a timely manner, the Chair of the Commission or the Secretary of the Advisory Planning and Heritage Commission, shall contact the applicant as soon as a referral is received and invite the applicant to meet with the Advisory Planning and Heritage Commission within the referral period specified on the referral documents.
- (g) Notice of a meeting, together with the agenda and available staff reports for the meeting, shall be delivered to each member with copies to the Board Secretary as soon as scheduled to allow posting of a notice in accordance with Regional District of Central Kootenay Procedure Bylaw No. 2576, 2019 as amended from time to time.

Delegation

- (h) The Advisory Planning and Heritage Commission may invite person(s) to attend Advisory Planning and Heritage Commission meetings in accordance with the general provisions for Delegations and Presentations in Regional District of Central Kootenay Procedure Bylaw No. 2576, 2019 as amended from time to time.
- (i) If an Advisory Planning and Heritage Commission is considering
 - (a) an amendment to an official community plan or a bylaw, or
 - (b) the issue of a permit,the applicant for the amendment or permit is entitled to attend meetings of the commission and be heard.

Conduct of Meeting

- (j) The Chair or, in his/her absence, the Vice-chair, shall preside at all meetings, and shall be guided by the following rules:
 - (i) The order of business shall be as set out in the agenda, except that items may be added to the agenda by majority vote of the members present.
 - (ii) Each appointed member shall have one (1) vote.
 - (iii) All questions before an Advisory Planning and Heritage Commission shall be decided by a majority vote of the votes cast.
 - (iv) Dissenting votes, upon request by the member who so voted, shall be recorded as opposed.
 - (v) All appointed members, including the presiding member, may vote on the question before the Advisory Planning and Heritage Commission.
 - (vi) In all cases where the votes of appointed members present are equal for and against the question, the question shall be negated.
 - (vii) An appointed member who abstains from voting shall be deemed to have voted in the affirmative.
 - (viii) Voting shall be conducted by a simple show of hands unless otherwise determined by a majority of the appointed members.

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- (ix) The Director, Alternate Director, an employee or officer of the Regional District of Central Kootenay are not eligible to vote on questions before the Advisory Planning and Heritage Commission, but may attend in a resource capacity and participate in discussion prior to the vote.
 - (x) The Chair shall generally conduct the meeting in accordance with the Debate and Conduct in Regional District of Central Kootenay Procedure Bylaw No. 2576, 2019 as amended from time to time.

Minutes

- (k) Minutes shall be taken of all meetings of the Commission(s), and shall
 - (i) [deleted by Bylaw 2716]
 - (ii) be legibly recorded and signed by the Chair or presiding Member of the Meeting;
 - (iii) be distributed within one week after the meeting to the Commission members, the Planning Department and the Board Secretary;
 - (iv) Minutes, upon being forwarded to the Board, shall be open for inspection by any person at all reasonable times. Copies of minutes shall be made available to the public;
 - (v) Recommendations arising from meetings shall be embodied within the minutes; however, recommendations for Board consideration shall be listed on a separate page and attached as the last page of the minutes so forwarded.

Mandate

- 11.1 The mandate of the Advisory Planning and Heritage Commission is to provide the Board, other Committees and the staff advice on policy or policy changes for consideration by the Board, on regional planning and heritage related issues with emphasis on how these issues might affect the entire electoral area.
- 11.2 The Advisory Planning and Heritage Commission receives its authorities, responsibilities and instructions from the Board upon adoption by the Board of resolution(s) and bylaw(s) consistent with the intent of the various planning related sections of the *Local Government Act*.

11.3 The Advisory Planning and Heritage Commission will consider a wide range of issues regarding the following planning items:

- Community Planning (Official Community Plans and Zoning);
- Community Plan and Zoning Amendments;
- Development Permits;
- Development Variance Permits;
- Board of Variance;
- Site Specific Floodplain Exemptions;
- Temporary Use Permits; and
- Regional Strategic Plans.

11.3.a. The Advisory Planning and Heritage Commission will consider a wide range of issues regarding the following heritage conservation items:

- Advise on the management and implementation of the Regional District of Central Kootenay Community Heritage Register;
- Prepare or review Statements of Significance for identified Heritage resources;
- Advise the Board on heritage planning matters referred to it by the Board; and
- Undertake or support heritage activities authorized by the Board.

11.3.b. The Commission will, annually, review the Regional District of Central Kootenay Community Heritage Register and make recommendations for changes, if appropriate, to the Board.

11.4 While the Board may consider the recommendation(s) arising from the Advisory Planning and Heritage Commission, the Board retains ultimate responsibility for making the decision relative to the recommendation(s).

11.5 It shall be the duty of the Advisory Planning and Heritage Commission to bring to the attention of the Board by means of a written communication to the Secretary of the Board, any matters coming within the scope of the duties and the powers reposed in the Commission.

Annual Budget

12.1 No later than October 31st in each year, the Advisory Planning and Heritage Commission shall cause to be placed before the Regional Board a statement showing in detail an estimate of the amount which the Advisory Planning and Heritage Commission considers to be necessary to meet the expenses of the Advisory Planning and Heritage Commission during the ensuing year and, until an appropriation has been made by the Regional board to meet the expenses of

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- the Advisory Planning and Heritage Commission, it shall not incur expenses in that year beyond an amount equivalent to one-quarter of the appropriation made for a similar purpose in the previous year, and the expenditures of the Advisory Planning and Heritage Commission for all purposes shall be kept within the sum appropriated by the Regional Board for the expenses of the Advisory Planning and Heritage Commission.
- 12.2 The members of an Advisory Planning and Heritage Commission must serve without remuneration, but may be paid reasonable and necessary expenses that arise directly out of the performance of their duties, and the reasonableness and necessity of such expenses shall be to the satisfaction of the Chair.
- 12.3 All accounts for expenses incurred by the Advisory Planning and Heritage Commission shall be authenticated by or on behalf of the Advisory Planning and Heritage Commission and after being so authenticated all such accounts shall be passed to the Regional Board for approval before payment in the same manner as other accounts of the Regional District are passed through for payment.

Conflict of Interest

13. A member of the Advisory Planning and Heritage Commission must not participate in a discussion or vote on a matter where to do so would be contrary to Section 100 of the Community Charter. Processes regarding conflicts of interest shall be in accordance with Conflicts of Interest in Regional District of Central Kootenay Procedure Bylaw No. 2576, 2019 as amended from time to time.

Repealed Bylaws

14. The following bylaws are hereby repealed:

Advisory Planning Commission for Electoral Area A Bylaw No. 18, 312, 477, 627 and 852

Advisory Planning Commission for Electoral Area B Bylaw No. 19 and No. 175

Advisory Planning Commission for Electoral Area C Bylaw No. 20 and No. 858

Advisory Planning Commission for Electoral Area D Bylaw No. 21 and No. 315

Advisory Planning Commission for Electoral Area E Bylaw No. 20 and No. 743

Advisory Planning Commission for Electoral Area F Bylaw No. 23 and No. 697

Advisory Planning Commission for Electoral Area G Bylaw No. 24

Advisory Planning Commission for Electoral Area H Bylaw No. 697 and No. 1036

Advisory Planning Commission for Electoral Area I Bylaw No. 26, 102, 345 and No. 1166

Advisory Planning Commission for Electoral Area J Bylaw No. 27, 52, 106 and No. 1029

Advisory Planning Commission for Electoral Area K Bylaw No. 28, 744 and No. 1194

READ A FIRST TIME this 25th day of January, 2003.

READ A SECOND TIME this 25th day of January, 2003.

READ A THIRD TIME this 25th day of January, 2003.

ADOPTED this 25th day of January, 2003.

"H. Cunningham"

Chair

"C. McGowan"

Secretary

I hereby certify that this is a true and correct copy of **"Regional District of Central Kootenay Advisory Planning Commissions Bylaw No. 1477, 2003"**.