



## **BYLAW NO. 1777**

### **ADVISORY PLANNING COMMISSION**

*A bylaw to provide for establishment and terms of reference for an  
Advisory Planning Commission*

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**WHEREAS** pursuant to the *Local Government Act*, Council may, by bylaw, establish an Advisory Planning Commission to advise the Council on matters respecting land use, community planning or proposed bylaws under Part 26 of the *Local Government Act* and may set out the composition and conduct of such Commission and provide for the referral of matters to the Commission;

**NOW THEREFORE**, the Council of the Town of Smithers, in open meeting assembled, hereby enacts as follows:

#### **1 - ADMINISTRATION PROVISIONS**

- 1.1 This bylaw may be cited as "Bylaw No. 1777 - Advisory Planning Commission" and takes effect as of the date of adoption.
- 1.2 "Bylaw No. 1751 - Advisory Planning Commission" and all amendments are hereby repealed.
- 1.3 There is hereby established a Commission known as the "Advisory Planning Commission", hereinafter referred to as the Commission.
- 1.4 The Terms of Reference for the Commission shall be as specified in the Terms of Reference attached hereto as Schedule "A".

#### **2 - SEVERABILITY**

- 2.1 If any section, subsection, sentence, clause, or phrase in this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid portion thereof shall be severed and the decision that it is invalid shall not affect the validity of the remaining portions of the Bylaw.

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READ A FIRST TIME THIS 28<sup>TH</sup> DAY OF JULY, 2015.

READ A SECOND TIME THIS 28<sup>TH</sup> DAY OF JULY, 2015.

READ A THIRD TIME THIS 28<sup>TH</sup> DAY OF JULY, 2015.


ADOPTED THIS 11<sup>TH</sup> DAY OF AUGUST, 2015

The Corporate Seal of the Town of Smithers  
was hereto affixed in the presence of

  
\_\_\_\_\_  
Taylor Bachrach  
Mayor

  
\_\_\_\_\_  
Deborah Sargent  
Chief Administrative Officer

**CERTIFIED A TRUE AND CORRECT  
COPY** of Bylaw No. 1777, cited as  
"Bylaw No. 1777 – Advisory Planning  
Commission".

  
\_\_\_\_\_  
Deborah Sargent  
Corporate Administrator

## SCHEDULE "A"

### Advisory Planning Commission Terms of Reference

#### Role of the Commission

The role of the Advisory Planning Commission (APC) is to represent the community's interest in planning-related issues affecting the Town of Smithers.

#### Purpose

The purpose of the APC is to advise Council on all matters referred to it in relation to land use, community planning, proposed permits and bylaws under Part 26 of the *Local Government Act*. Specifically, the APC will evaluate the merits of applications, designs and plans as part of:

- Zoning Amendment Applications where an Official Community Plan Amendment is also required;
- Development Permit Applications where variances are included;
- Development Variance Permit Applications;
- Temporary Use Permit Applications;
- Community planning projects.

While performing their duties, the APC shall refer to, and support the intent of:

- Town of Smithers Official Community Plan;
- Town of Smithers Architectural Design Guidelines Alpine Theme.

#### Membership & Appointment

The APC will be composed of a maximum of ten (10) members of the public whose qualifications, interests and background cover one or more of the following areas, providing an appropriate balance of interests within the Commission. The areas of interest and expertise are:

- Environmental matters;
- Land development industry;
- Local business community;
- Law enforcement;
- Social planning and housing;
- Representative of a specific population demographic, such as youth or seniors in the community;
- Representative of the community at large.

Section 898 of the *Local Government Act* outlines requirements for membership. At least two-thirds (2/3) of the members of the APC must be residents of the municipality. In addition, a Council member, board director, employee or officer of the local government is not eligible to be a member of an APC, but may attend at a meeting of the Commission in a resource capacity.

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The Mayor will appoint members of the APC for a minimum term of one year and a maximum term of three years. Members may serve a maximum of seven consecutive years. Terms are to be confirmed and renewed on a yearly basis.

The RCMP representative to the Advisory Planning Commission will be exempt from regulations, which apply to all other APC members, regarding annual appointment and length of terms, as that member is selected by the Staff Sergeant.

The Chair and Alternate Chair will be selected by the membership for the term of the APC at the inaugural meeting.

#### **Meetings**

A quorum shall consist of at least half of the members appointed to the Advisory Planning Commission and will be required for decision-making.

Meetings will be at the call of the Chair.

The Town of Smithers staff will prepare the minutes of all meetings. The minutes shall be made available to the public, members and Council.

Attendance at meetings will be encouraged for all members. The Commission member is responsible for informing staff if members will be absent at the next meeting. Frequent non-attendance will be reviewed by Council and may warrant a replacement being sought.