
PART 1 - GENERAL PROVISIONS
Division 6 - Advisory Planning Commission

Subdivision 1 - The Commission

- 1.6.1. 1. An Advisory Planning Commission (the "Commission") is hereby established for the District of Kitimat.

Subdivision 2 - Referrals and Duties of the Commission

- 1.6.2. 1. The Commission shall advise Council on all matters respecting land use, community planning or proposed bylaws and permits as authorized under the Local Government Act and:
- a. as referred to the Commission in accordance with subsection 1.6.2.2; and
 - b. as additionally referred to the Commission by Council by Resolution.
2. Staff are directed to refer the following matters to the Commission, unless Council identifies otherwise by resolution:
- a. Official Community Plan amendment applications;
 - b. Zoning amendment applications;
 - c. Development Permit applications, except:
 - i. Applications where staff have been delegated decision-making authority;
 - ii. Amendment applications where only an extension of time is under consideration or where the development proposal has not substantially changed from the original proposal;
 - iii. Applications dealing with hazardous conditions pursuant to section 488(1)(b) of the Local Government Act.
 - d. Temporary Use Permit applications, except applications where staff have been delegated decision-making authority.
3. Staff that have been delegated decision-making authority for matters under s.1.6.2.2. have the option, but not the obligation, to additionally refer matters under their authority provided such does not unduly delay processing time of the application. In these cases, the Commission shall advise staff who shall include the information in a report to Council if the applicant seeks reconsideration of staff's decision.
4. The Commission shall provide its advice to Council by way of resolution voted upon by eligible Commission members.
5. The referral of a matter to the Commission does not preclude Council from deciding on the matter referred prior to receiving the advice of the Commission.

Subdivision 3 - Composition, Appointment and Tenure of Membership

- 1.6.3.
1. The Commission shall consist of up to seven (7) persons who reside or are employed within the municipality who are not:
 - a. Council members;
 - b. Regional District board directors;
 - c. employees or officers of the local government;
 - d. subdivision approving officers; or
 - e. otherwise ineligible because of statutory restrictions.
 2. In addition to appointed members, the following may attend a meeting of the Commission in a resource capacity:
 - a. Mayor or a Council member appointed by the Council to represent the Council;
 - b. the Chair of the School Board or a Board member appointed by the School Board to represent the School Board;
 - c. District staff; and
 - d. other persons invited by the Commission.
 3. Commission members shall be appointed by Council resolution.
 4. Council may, in its sole discretion, terminate the appointment of any Commission member at any time.
 5. Members of the Commission shall otherwise hold office for two (2) years in the normal course.
 6. No member shall serve more than two (2) consecutive terms but shall be eligible for reappointment after being off the Commission for twelve (12) months.

Subdivision 3 - Composition, Appointment and Tenure of Membership (Continued)

1.6.3.

7. As a condition of appointment, each member shall:
 - a. acknowledge in writing their obligations under this Division, the bylaws of the District, and all applicable provisions of the Community Charter and Local Government Act, including but not limited to the conflict of interest requirements contained in Division 6 of the Community Charter;
 - b. attend training sessions given from time to time, at the request of Council or staff.
8. Each member shall attend each duly called meeting of the advisory planning commission. A member who fails to attend three (3) successive meetings of the Commission, except because of illness or with leave of Council, shall be deemed to have resigned from the Commission.

Subdivision 4 - Chair and Officers

1.6.4.

1. The Commission shall, annually, elect one member as Chair and another member Vice-Chair.
 - a. The Chair shall preside and regulate the order of business at all meetings.
 - b. In the absence of the Chair, the Vice-Chair shall preside at any Commission meeting.
 - c. If the Chair or Vice-Chair are not present FIFTEEN (15) minutes after an appointed meeting time the members shall choose a Commission member to act as Acting Chair.
2. The Chief Administrative Officer shall appoint a Commission Secretary who shall prepare and retain custody of the minutes and proceedings of Commission meetings.

Subdivision 4 - Chair and Officers (Continued)

1.6.4.

3. In addition to conflict of interest provisions applicable to Commission members in accordance with provincial legislation, where any member of the Advisory Planning Commission or their family or their employer or their business associates has any interest in any matter being considered by the Commission that member shall absent themselves from all aspects of that consideration.
4. No member of the Commission shall, on behalf of the Commission, District or Council, make representation, either verbally or in writing, to any member of the public, press, government agency or otherwise, unless they have been given permission to or have been directed to do so by Council resolution.

Subdivision 5 - Meetings and Procedures

1.6.5.

1. All meetings of the Commission shall be at the call of the Chair, and shall only be held as required to deal with matters that have been referred to the Commission.
2. When a matter has been referred to the Commission, notice of a meeting and meeting agenda including relevant documentation shall be sent by the Secretary to each Commission member, as well as to any person whose application is being considered.
3. The quorum necessary for the transaction of the business of the Commission shall be at least half of the total number of appointed Commission members at any given time. In the event that a quorum is not present within 30 minutes after the time appointed for a meeting, the names of those present shall be recorded and the meeting shall be adjourned.
4. Questions arising at any meetings shall be decided by a majority of votes of Commission members. In case of an equality of votes, the question shall be lost.
5. Persons attending meetings in a resource capacity shall not vote on matters under consideration.
6. The Commission shall provide its advice by formulating and voting upon a Resolution at the meeting called to consider the matter.

Subdivision 5 - Meetings and Procedures (Continued)

1.6.5.

7. The Commission shall otherwise meet and dispatch business, adjourn and otherwise regulate their meetings by adopting procedural rules, and may from time to time vary such rules, by the affirmative vote of a majority of all Commission members. Where no rule has been made then the rules of procedure applicable to District Council shall apply.
8. The Commission may conduct all or part of a meeting by means of electronic or other communication facilities, subject to and in accordance with applicable provincial requirements.
9. All meetings shall be open to the public.
10. Where the Commission is considering an amendment to a plan or bylaw, or the issue of a permit, the applicant for the amendment or permit and persons reasonably affected by the matter are entitled to attend Commission meetings and be heard.
11. The Commission shall cause proper minutes to be kept of their proceedings. Commission minutes shall be made available to the public on request.