



Memorandum

Date June 20, 2016 File Number

To Mayne Island Local Trust Committee
For the meeting of June 27, 2016

From Gary Richardson
Island Planner

Re **Proposed Bylaws No. 165 (OCP) and 166 (LUB) – Post Public Hearing Procedures**

The Local Trust Committee is considering a bylaw to allow cottages to be used as commercial vacation rentals. A public hearing is scheduled for June 27, 2016. A public hearing is a quasi-judicial process within and following which specific procedures must be followed.

Following the hearing, the LTC may choose to give further readings to a bylaw, defeat a bylaw, or alter a bylaw within certain parameters. The procedural steps following the close of the hearing are as follows:

1. Consideration of Second Reading (this may include amendments to alter a bylaw).
2. Consideration of Third Reading.
3. Forwarding of the bylaw to Executive Committee for approval.
4. Forwarding of the bylaw to the Minister's office for approval (OCP amendment bylaws only).
5. Reconsideration and adoption.

Following the close of the hearing, the LTC may not hear further submissions without holding a new hearing. The principle is that if new information is considered by the LTC, all other interested parties also need to have the opportunity to consider any new relevant material and to make further representations to the LTC. The courts have clarified that this does not open the door to endless public hearings: a local government body can legitimately decide that after a hearing it wishes to hear further from staff on issues raised at the hearing.

A bylaw may be altered after the hearing, based on information received or heard by the LTC at any point prior to the close of the hearing, provided that the amendments do not alter use or increase density, or decrease density without a landowner's consent.

If the Executive Committee and Minister approve the bylaw, the next step for the LTC would be to adopt the bylaw.

RECOMMENDATIONS:

1. THAT the Mayne Island Local Trust Committee proposed Bylaw No. 165, cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2015” be read a Second time.
2. THAT the Mayne Island Local Trust Committee proposed Bylaw No. 165, cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2015” be read a Third time.
3. THAT the Mayne Island Local Trust Committee proposed Bylaw No. 165, cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2015” be forwarded to the Secretary of the Islands Trust for Executive Committee approval.
4. THAT the Mayne Island Local Trust Committee proposed Bylaw No. 165, cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2015” be forwarded to the Minister of Community, Sport and Cultural Development for approval.
5. THAT the Mayne Island Local Trust Committee proposed Bylaw No. 166, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 2, 2015” be read a Second time.
6. THAT the Mayne Island Local Trust Committee proposed Bylaw No. 166, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 2, 2015” be read a Third time.
7. THAT the Mayne Island Local Trust Committee proposed Bylaw No. 166, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 2, 2015” be forwarded to the Secretary of the Islands Trust for Executive Committee approval.

Attachments:

Proposed Bylaw 165 (OCP)
Proposed Bylaw 166 (LUB)

pc Robert Kojima, Regional Planning Manager