

MAYNE ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 139

*

A BYLAW TO ESTABLISH AN ADVISORY PLANNING COMMISSION FOR THE MAYNE ISLAND LOCAL TRUST AREA PURSUANT TO THE *LOCAL GOVERNMENT ACT* AND THE *ISLANDS TRUST ACT*

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The Mayne Island Local Trust Committee being the Local Trust Committee having jurisdiction on and in respect of the Mayne Island Local Trust Area in the Province of British Columbia, pursuant to the *Islands Trust Act*, R.S.B.C., 1989, enacts as follows:

1. Establishment

- (a) The Mayne Island Local Trust Committee may appoint one or more Advisory Planning Commissions (APC) for the Mayne Island Local Trust Area to advise as follows:
 - i) If one Advisory Planning Commission (APC) is appointed, that Commission shall advise the Local Trust Committee on matters respecting land use, community planning, or proposed bylaws and permits, pursuant to the *Local Government Act* that are referred to it by the Local Trust Committee.
 - ii) If a second or additional Advisory Planning Commission (APC) is appointed, those Commission(s) shall advise the Local Trust Committee on matters respecting one or more special projects that are matters respecting land use, community planning, or proposed bylaws and permits, pursuant to the *Local Government Act* that are referred to it by the Local Trust Committee

2. Appointment of Members

- (a) The Advisory Planning Commission(s) consists of not more than nine members for each Commission. Every member must be an elector of the Local Trust Committee, as defined in Section 5 of the *Local Government Act*, and at least 2/3 of the members must be residents of the Local Trust Area.
- (b) A Local Trustee, officer or employee of the Islands Trust, or an approving officer is not eligible to be a member of the APC.
- (c) The Local Trust Committee shall by resolution appoint members to serve up to a three year term commencing January 30th.
- (d) The Local Trust Committee may, by resolution, remove a member at any time.
- (e) Where a member resigns or an appointment is otherwise terminated, the Local Trust Committee may appoint a member to serve the balance of the term of the appointment.
- (f) The members must, during the first meeting after their appointment, from among the members elect a Chairperson, and a Deputy Chairperson to act in the place of the Chairperson in the absence of the Chairperson.

- (g) The Deputy Chairperson shall, in the absence of the Chairperson, serve as described in Section 3(b).
- (h) In the event that the Chairperson resigns or the Chairperson position is otherwise terminated, the Secretary shall write the Mayne Island Local Trust Committee to advise them and the Deputy Chairperson shall serve until a Chairperson is elected in accordance with Section 2 (f).

3. Roles

(a) Secretary

- (1) The Local Trust Committee may appoint a Secretary to the Advisory Planning Commission. For certainty a Secretary appointed by the Local Trust Committee is not a member of the APC.
- (2) The Secretary is to:
 - i) assist the Chairperson, as required, in arranging meetings of the APC;
 - ii) ensure that proper notification of meetings is given in compliance with this Bylaw;
 - iii) keep legible minutes of all meetings;
 - iv) provide copies of all minutes and recommendations of the APC to the Local Trust Committee and the Secretary of the Islands Trust; and
 - vi) maintain an annual record book of approved minutes to be available to the public upon request.
- (3) If a Secretary has not been appointed under Section 3(a)(1), the APC may continue to meet provided the Chairperson appoints or acts as a Secretary pursuant to Section 3(b)iv) or v). For certainty the Secretary who is a member of the APC will serve without remuneration.

(b) Chairperson

- (1) The Chairperson is to:
 - i) receive referrals from the Local Trust Committee and, in response, decide when and where meetings shall be held;
 - ii) ensure proper conduct of all meetings in accordance with the requirements of this Bylaw, the principles of procedural fairness, and in accordance with the requirements of the *Islands Trust Act*, the *Local Government Act*, the Community Charter or regulations under those Statutes;
 - iii) sign the minutes certifying that they are true and correct after they have been approved by the APC;
 - iv) in the absence of a Secretary, appoint a member of the APC to record the minutes of the meeting; and
 - v) in the absence of a Secretary, to act in the capacity of a Secretary for purposes established in this Bylaw, unless another member of the APC is appointed by the Chair to undertake such responsibilities.

4. Referrals to the Commission

- (a) The Local Trust Committee may by resolution, refer any matter respecting land use, community planning or proposed bylaws and permits under Divisions 2, 7, 9 and 11 of Part 26 of the *Local Government Act*.
- (b) The APC must meet, when there is a need to consider a referral, at a duly constituted meeting as defined under this Bylaw and as called by the Chairperson.
- (c) At its first meeting, the APC shall select a regular monthly meeting day to consider referrals.
- (d) In the event that no referral is received by the Secretary at least 7 calendar days prior to the date of the next regular meeting, then no meeting need be held.
- (e) A meeting of the APC on any particular referral must be held not more than 40 days after the date of receipt of that referral unless the Local Trust Committee has requested a response by an earlier specified date.
- (f) The Local Trust Committee may refer a plan or bylaw amendment or permit that has been partially processed and seen at the application stage by the Advisory Planning Commission for additional recommendations if it feels changes to the application warrant the review. In these cases the APC may be asked to respond in a briefer than normal time period.
- (g) The Chairperson may call an extraordinary meeting after consultation with the Secretary and all other members of the APC to deal with any matter for which a quick response is requested.
- (h) Although the recommendations of the APC must be received by the Local Trust Committee, the Local Trust Committee is not bound by the recommendations.

5. Notice of Meeting

- (a) An employee of the Islands Trust shall mail or otherwise deliver documentation associated with any referral from the Local Trust Committee to all members and the Secretary of the APC.
- (b) The Secretary must send a notice of meeting upon receipt of a referral to be discussed to each APC member at least 5 calendar days prior to the regularly scheduled meeting.
- (c) The Secretary must confirm by telephone or note, the date and time of any extraordinary meetings with each member of the APC.
- (d) The Secretary must ensure an applicant is notified of the date, time and place of the APC meeting at which his or her application or proposal will be discussed at least five calendar days prior to the meeting.
- (e) The Secretary shall post a schedule of the date, time and place of any regular APC meeting at least five calendar days prior to the meeting on a bulletin board on island that is accessible to the public, such bulletin board to be the same as is used by the Local Trust Committee for the posting any schedule of Local Trust Committee meetings.
- (f) The Secretary must ensure the Local Trustees and the employee as referred to in Section 5.(a) are notified of each APC meeting at least five calendar days prior to the day of the meeting.

- (g) Where a matter upon which a recommendation has been made is referred back to the APC for further comment within a limited time period, the Secretary must notify the Local Trust Committee of an extraordinary meeting. The Secretary may invite the applicant if further information is required at least two days prior to the meeting unless the applicant agrees to a lesser notice.

6. Conduct of Meeting

- (a) All deliberations of the APC must take place in a meeting, and all APC meetings must be open to the public with the exception that the meeting may be closed if it relates to a matter specified in S.90(1) of the Community Charter.
- (b) A quorum of the APC is 50% of those appointed.
- (c) The Chairperson is to convene the meeting and may adjourn it from time to time.
- (d) An applicant must be afforded the first opportunity to present his or her proposal and to answer any questions asked by APC members.
- (e) If the applicant or his or her agent fails to appear and was duly notified as required by this Bylaw, the APC may proceed to reach its recommendation in his or her absence.
- (f) At the request of any member of the APC, the Chairperson must invite any elected official, staff or resource person present or member of the public at the meeting to comment on the matters before the APC. Any Local Trustee, officer or employee of the Islands Trust may attend at a meeting of the APC in a resource capacity.
- (g) The APC must not receive development proposals and other applications directly from applicants.
- (h) The APC must not consult directly with other government agencies.
- (i) The Chairperson shall make provision for a public participation period within each meeting.
- (j) If the Chairperson considers that another person at the meeting is acting improperly, the Chairperson may order that the person is expelled from the meeting.

7. Notice of Recommendation

- (a) If a Local Trustee did not attend an APC meeting, the Local Trustee may require a verbal report from the Chairperson.
- (b) The Secretary must ensure minutes of each meeting of the APC are recorded and approved by the APC at its subsequent meeting.
- (c) The Secretary must ensure a completed referral form recording the response of the APC and a copy of the draft minutes are submitted to the Local Trust Committee and Islands Trust office within seven calendar days of the meeting.
- (d) A recommendation of the APC may be in the form of recorded commentary, in the form of minutes or in the form of a resolution, provided that, where requested by any member, all dissenting opinions are also recorded.

8. Transition

- (a) Mayne Island Local Trust Committee Bylaw No. 89 cited as the "Mayne Island Local Trust Committee Advisory Planning Commission Bylaw, 1994" is repealed.

9. This Bylaw may be cited as the "Mayne Island Local Trust Committee Advisory Planning Commission Bylaw, 2005".

READ A FIRST TIME THIS 3RD DAY OF AUGUST , 2005

READ A SECOND TIME THIS 3RD DAY OF AUGUST , 2005

READ A THIRD TIME THIS 3RD DAY OF AUGUST , 2005

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
30TH DAY OF AUGUST , 2005

ADOPTED THIS 26th DAY OF October , 2005

DEPUTY SECRETARY

CHAIRPERSON