

w e l c o m e t o I s l a n d s T r u s t

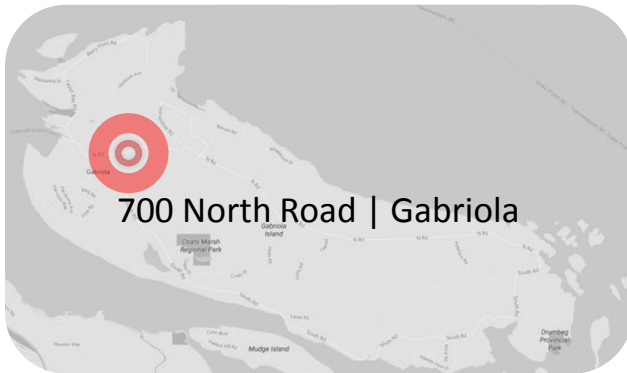
ADVISORY PLANNING COMMISSION

Northern Region Orientation 2017

Preserving Island Communities, Culture and Environment

Bowen Denman Hornby Gabriola Gambier Lasqueti Mayne North Pender Salt Spring Saturna South Pender Thetis

1. Northern Contacts
2. Bylaws and Legislation
 - Role of the Chair and Commission Members
3. Duties Responsibilities
 - Referrals
 - FOI
4. Conflict of Interest and Bias Guidelines
5. Terms of Reference
6. Operating Guidelines
7. Minute | Meeting Guidelines
8. Local Government Act
9. Islands Trust Policy Statement
10. Directives Only Checklist
11. What is an OCP?
12. What is an LUB?



- Northern Office
- Victoria Office
- Northern Region Local Trustees
- Islands Trust Northern Office Staff
- Islands Trust Website, Etc.
- Advisory Members (Local)

APC BYLAW AND TERMS OF REFERENCE = GUIDING DOCUMENTS

The Local Government Act specifies that:

- A Local Trust Committee (LTC) may, by bylaw, establish an Advisory Planning Commission (APC) to advise the LTC on all matters referred to it by the LTC respecting:
 - land use
 - preparation and adoption of an Official Community Plan or
 - proposed bylaw or permit
- At least 2/3 of the APC members must be residents of the local trust area
- Trustees, employees/officers or an approving officer not eligible APC members
 - Can attend Commission meetings in a resource capacity

ROLE OF CHAIR INCLUDES:

- Call meeting to order at appointed time [provided there is a quorum]
 - Announce business of meeting according/adhering to agenda
 - Recognize members who wish to speak, keep list [in order of identification]
 - Include themselves in speakers list
 - Facilitate and clarify points of discussion for benefit of all members
 - ENSURE MEMBERS WITH DECLARED CONFLICT OF INTEREST ARE NOT PRESENT AT TIME OF VOTE on the pertinent matter

- RESTATE (or ask recorder or mover to repeat) MOTION ON THE FLOOR before the vote is taken

- Enforce rules of debate and decorum

ROLE OF COMMISSION MEMBERS INCLUDES:

- PRIMARY ROLE of an APC is to respond to referrals from the LTC
- ELECT A CHAIR from its members annually (Deputy Chair is Chair absent)
- Expectations include:
 - Preparing for meetings by reading package material
 - Attend meetings in timely fashion, or notify secretary/Chair if unable
 - Arrive with an open mind
 - Consider input from professionals, Staff and fellow Commissioners
- Make RECOMMENDATIONS to the LTC IN THE FORM OF MOTIONS
 - Bring suggested resolution to meetings
 - Drafting and moving resolutions at meetings, ensuring focused debate, etc

WHEN THE APC GETS A REFERRAL:

- LTC passes a resolution , refers an application or project to the APC
- Planner and Assistant prepare referral package
- Referral package sent to Chair and Secretary

SCHEDULE A MEETING

- Chair and Secretary work together to schedule a meeting date | time

MEETING NOTIFICATION

- Secretary notifies each APC member of meeting date and referral to be discussed in advance of the meeting. * Note number of days in bylaw

CONDUCT OF MEETING

- Chair call meeting to order
- Quorum (refer to APC bylaw)

MEETING MINUTES

- See MEETING MINUTES GUIDELINES of this presentation - section 7

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

A provincial Act requiring public bodies to give the public a right of access to records in their custody or under their control.

This applies to the APC in regard to all public records information that may be accessed/released upon a request under the Act:

- referral responses
- meeting minutes
- maps, drawings
- photographs
- letters, memos, hand written notes, vouchers
- Email
- Post-it Notes
- electronic records
- Social Media Sites

Exceptions may include 3rd party business interests, personal/private and unreasonable invasion of privacy

Conflict of interest may exist when an APC member has a personal, pecuniary (financial), or other non-financial interest in a particular development application or other matter referred to the APC.

Some examples which may qualify as conflict of interest situations include:

- employer/employee relationships
- professional/client relationships
- business or land interests
- contractual relationships
- family relationships
- law suits
- being the recipient of an Islands Trust Notice of Development Variance Permit where the permit is on the APC agenda
- membership in local groups where the APC could make recommendations pertaining to the interests of those groups

TO MAINTAIN FAIR PROCESS, APC MEMBERS SHOULD ENSURE THEY DO NOT HAVE A CONFLICT OF INTEREST OR PERCIEVED CONFLICT IN REGARD TO TOPICS CONSIDERED BY THE APC.

- Whether an APC member has a conflict of interest doesn't depend on whether the member considers that their special interest would influence their position on the matter
- What matters is whether a reasonable observer would consider that the APC member's special interest could influence their position

If a member determines that he or she has a conflict of interest or a perceived or possible conflict, the member must declare this and state the general nature of why he or she considers this to be the case.

AFTER MAKING SUCH A DECLARATION, THE MEMBER MUST NOT:

Remain at the part of the meeting where the matter is under consideration (i.e. physically leave the room);

Take part in the discussion of the matter nor vote in respect of the matter; and

Attempt to influence the voting on the matter

THE APC IS ESTABLISHED TO ADVISE THE LTC ON MATTERS REFERRED IN WRITING TO THE APC BY THE LTC, INCLUDING:

BYLAWS

- Official Community Plans
- Land Use and Rural Land Use Bylaws
- Zoning, parking, drainage, signs, screening, and floodplain elevations
- Subdivision servicing

PERMITS

- Development Variance Permits
- Temporary commercial and industrial permits
- Development permits
- Intensive agriculture permits
- Tree cutting permits

MATTERS RESPECTING LAND USE and COMMUNITY PLANNING generally

NOT within ISLAND TRUST JURISDICTION

REGIONAL DISTRICTS

- Building inspections
- Transportation Commissions
- Parks and Recreation Commissions
- Sewer Commissions, etc

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE [MOTI]

- Approving authority for subdivisions
- Jurisdiction over public roads and pathways

VANCOUVER ISLAND HEALTH AUTHORITY

- Public health
- Septic systems

MINISTRY OF FORESTS LAND AND NATURAL RESOURCES [FLNRO]

- Crown leases
- Use of foreshore

MINISTRY OF MINES

- Aggregate extraction

CONTAINS GUIDELINES REGARDING:

- LTC | APC referral process
- Notification of APC meetings
- Minutes guidelines
- APC response direction (including application consideration and bylaw referral)
- Public meetings
- Public hearings
- Communications

PURPOSE OF MINUTES

Minutes are a formal public record of all proceedings passed at meetings of Trust bodies. The minutes shall record every resolution of the body including every resolution closing a meeting to the public, the reading and adoption of every bylaw, and every declaration made in relation to a conflict of interest

- The standard for Islands Trust minutes is *anecdotal* = decisions/actions, and objective summaries of discussion or debate leading to decisions, as deemed necessary.

AGENDA

Commission secretary must send out referral material to Commissioners at least 5 days before the meeting which should include background material on complex issues

RECOMMENDATIONS

of the APC to the LTC must be in the form of resolutions (motions) which are recorded in the minutes

Where requested by any member, all dissenting opinions are also to be recorded in the minutes

MOTIONS & DEBATE:

Motions must be Moved and Seconded

All questions are decided by a vote on a motion

Motions should be phrased in a clear and concise manner to express an opinion or achieve a result

- * Amendments to motions must be strictly relevant to the main motion and not alter or be contrary to the principle of the main motion
- * Amendments also require a Mover and a Secunder and are voted on prior to voting on the main motion, as amended
- * Debate on a motion should be strictly relevant to the motion
- * No member should speak until recognized by the Chair

VOTING

- On a vote in a Commission, each person has one (1) vote
- The Chair votes at the same time as the other members of the Commission
- In the case of a tie vote the question is defeated
- Where a member abstains from voting, that member is deemed to have voted in the affirmative (i.e. the abstention is counted as a YES vote)
- The vote count is not recorded; only the result of the vote, i.e. CARRIED or DEFEATED. Any members can request his/her negative (or contrary) vote to be recorded

RULES DURING DEBATE INCLUDE:

- Mover of a motion has the right to speak to it first
- Mover may speak to a motion a second time after other members have had the chance to speak a first time
- The Chair can alternate between proponents and opponents of motion if debate is lengthy or contentious

RULES OF DECORUM INCLUDE:

- Members remaining courteous and avoiding personal attacks; and
- Remarks being confined to the motion on the floor

A QUORUM FOR COMMISSION MEETINGS IS 50% OF THOSE APPOINTED:

- Quorum for an 11 member commission is 6
- Quorum for a 7 member commission is 4

All commission business must take place at a meeting which is conducted in a public building and is open to the public

LEGISLATION

Please refer to the LOCAL GOVERNMENT ACT [RSBC 2015] EXCERPTS provided in section 8 of the APC reference binder for legislation regarding:

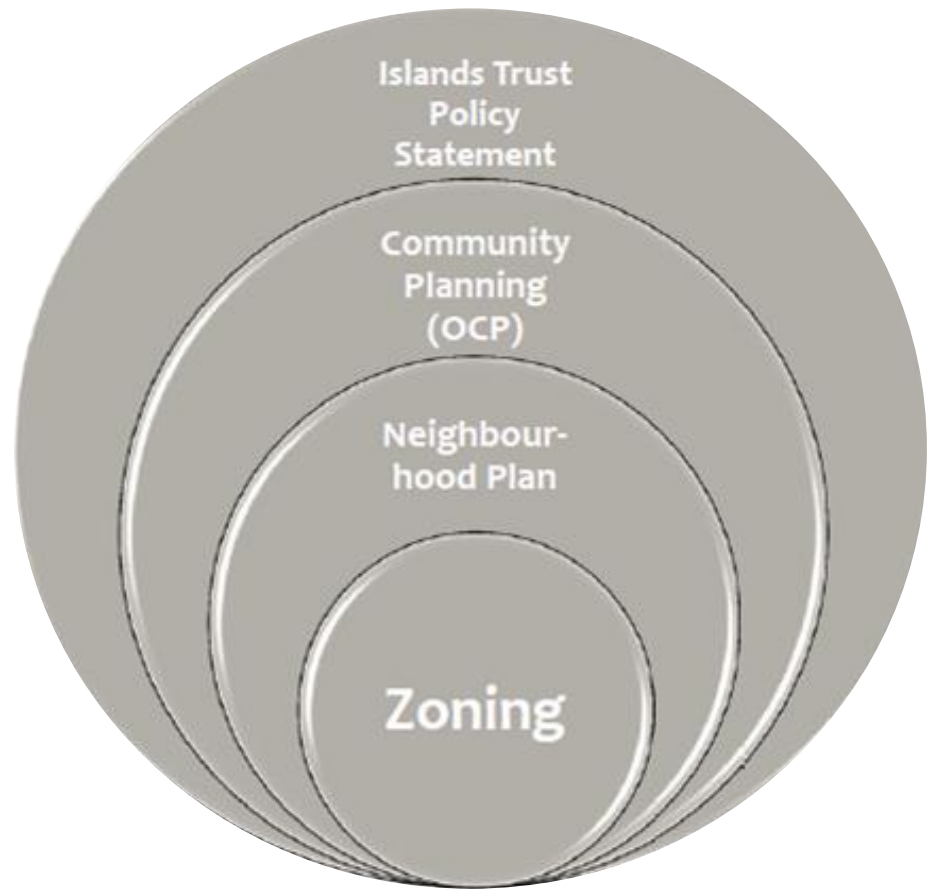
Part 14 - Planning and Land Use Management

Division 2 – Responsibilities, Procedures and Authorities

- Official Community Plans
- Zoning Bylaws
- Development Permits
- Temporary Use Permits
- Other Land Use Regulation Powers
- Non-Conforming Use and Other Continuations

ISLANDS TRUST POLICY STATEMENT [ITPS]

provides general policy to which all bylaws in the Islands Trust Area must conform. Directive Policies require LTCs address certain issues.



THE POLICY STATEMENT DIRECTIVES ONLY CHECKLIST ...

... is based on the directive policies from the ITPS (consolidated April, 2003) which requires LTCs and Island Municipalities to address certain matters in their OCPs and associated bylaws in a way that implements the ITPS.

3 kinds of ITPS Policies

1. Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
2. Recommendations of Council to other government agencies , NGOs, property owners, residents and visitors, and;
3. Directive Policies which direct LTCs and Island Municipalities to address certain matters

WHAT IS AN OCP



Zoning and Specific Regulations are set out in the LUB

WHAT IS A LUB



Must be consistent with the policies in the Official Community Plan