

4.2.i. Guidelines

ADVISORY PLANNING COMMISSION TERMS OF REFERENCE

Trust Council: September 25, 1993

Amended: June 17, 2000

A: PURPOSE:

1. To provide guidance to Local Trust Committees in the establishment of Terms of Reference for Advisory Planning Commissions.

B: REFERENCES:

1. *Islands Trust Act*: Sections 3 and 29.
2. *Local Government Act*: Sections 898, 237 and 242.7.

C: GUIDELINE:

1. Advisory Planning Commission Terms of Reference should be:
 - 1.1. incorporated with amendments or elaboration as required into the respective Local Trust Committee Advisory Planning Commission Bylaws.
 - 1.2. circulated to all prospective Advisory Planning Commission (APC) members before they are considered for nomination and/or appointed to ensure that APC members are thoroughly familiar with the mandate and responsibilities associated with APC membership.
 - 1.3. circulated to all Local Trust Committee (LTC) members upon their election to ensure that LTC members are thoroughly familiar with the mandate and responsibilities of APC members.

2. The following Terms of Reference are proposed for incorporation into the respective Local Trust Committee Advisory Planning Commission Bylaws pursuant to s.29 of the *Islands Trust Act* and s.898 of the *Local Government Act*:

D: TERMS OF REFERENCE:

1. Purpose of Advisory Planning Commission

The purpose for which the Advisory Planning Commission (the "APC") is established is to advise the Local Trust Committee (the "LTC") on matters referred in writing to the APC by the LTC, including:

- 1.1. proposed bylaws under Divisions 2, 3, 7, and 11 of Part 26 of the *Local Government Act*, being bylaws respecting:
- i. official community plans.
 - ii. land use and rural land use bylaws.
 - iii. zoning, parking, drainage, signs, screening, and floodplain elevations.
 - iv. subdivision servicing.
- 1.2. proposed permits under Division 9 of Part 26 of the *Local Government Act*, being:
- i. development variance permits.
 - ii. temporary commercial and industrial permits.
 - iii. development permits.
 - iv. intensive agriculture permits.
 - v. tree cutting permits.
- 1.3. matters respecting land use and community planning generally.

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2. APC Public Consultation

- 2.1. In referring a matter to the APC for its advice, the LTC primarily seeks the individual or collective advice of APC members on the matter being referred. In cases where the LTC wishes the APC to consult broadly with members of the community or specifically with particular stakeholders in the community before formulating its advice, the LTC will make such wishes known to the APC in its referral of the matter.
- 2.2. Despite paragraph 2.1., the APC must in accordance with s.898(9) of the *Local Government Act* provide an opportunity for an applicant for an amendment to a plan or bylaw or the issuance of a permit to attend at its meetings and be heard, and the APC may take the views of the applicant into consideration in formulating its advice to the LTC.
- 2.3. All meetings of the APC shall be in public and minutes must be recorded and made available to the public in accordance with sections 237, 242.7, and 898(9) of the *Local Government Act*.
3. In referring a matter respecting land use and community planning generally, including major revisions to an official community plan, the LTC may appoint committees from the general public or subcommittees to work with or separately from the APC.
 - 3.1. Notwithstanding such appointments, the APC must still provide its own review of the matter being referred.
 - 3.2. All meetings of the advisory committee shall be in public and minutes must be recorded and made available to the public in accordance with sections 237, 242.7, and 898(9) of the *Local Government Act*.
4. In preparing its advice to the LTC, the APC must have regard to:
 - 4.1. the object of the Islands Trust as set out in s.3 of the *Islands Trust Act*;
 - 4.2. the Trust Council Policy Statement;
 - 4.3. the applicable official community plan; and
 - 4.4. any applicable regulatory bylaws.
5. In preparing its advice to the LTC, the APC should take into account the interests of the community at large when making recommendations.

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6. In preparing its advice to the LTC with respect to applications for development permits, the APC must have regard to the applicable guidelines specified in the official community plan for the relevant development permit area.
7. In preparing its advice to the LTC with respect to applications for temporary commercial and industrial permits, the APC must have regard to the applicable general conditions specified in the official community plan for the issuance of such permits.
8. The APC must provide its advice to the LTC on each matter that has been referred:
 - 8.1. in writing, except that in circumstances of urgency the LTC may request the APC to make its views on a particular matter known to the Chair of the LTC verbally in advance of submitting its written advice.
 - 8.2. within any time period that is specified by the LTC in its referral of the matter.
9. The LTC has under the *Islands Trust Act* and the *Local Government Act* the authority to make decisions on the matters set out in paragraph 1. of these Terms of Reference, and in doing so must exercise its independent, unfettered discretion. Accordingly, the advice of the APC on any particular matter cannot be binding on the LTC or any of its members. The nature of any advice provided by the APC will, however, be accurately set out in the minutes of the proceeding in which the advice is considered by the LTC.