

**SALT SPRING ISLAND LOCAL TRUST COMMITTEE**

**BYLAW NO. 467**

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A BYLAW TO ESTABLISH ADVISORY PLANNING COMMISSIONS FOR THE SALT SPRING ISLAND LOCAL TRUST AREA PURSUANT TO THE *LOCAL GOVERNMENT ACT* AND THE *ISLANDS TRUST ACT*

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The Salt Spring Island Local Trust Committee being the Local Trust Committee having jurisdiction on and in respect of the Salt Spring 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**

The Salt Spring Island Local Trust Committee hereby establishes one or more Advisory Planning Commissions (APC) for the Salt Spring Island Local Trust Area to advise as follows:

- BL522 (04/21) 1.1 An Advisory Planning Commission to 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.
- BL522 (04/21) 1.2 An Agricultural Advisory Planning Commission to advise the Local Trust Committee on all matters respecting agriculture referred to it by the Local Trust Committee.
- 1.3 Any Special Projects Advisory Planning Commission(s) to advise the Local Trust Committee on 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.
- BL522 (04/21) 1.4 The provisions of Parts 2 through 9 of this Bylaw apply to each APC continued and established by this Bylaw, unless otherwise specified.

**2. Appointment of Members**

- BL522 (04/21) 2.1 The Advisory Planning Commission shall consist of not more than eleven members. Every member must be an elector of the Local Trust Area, as defined in Section 461 of the *Local Government Act*, and at least 2/3 of the members must be residents of the Local Trust Area.
- 2.2 Membership of the Advisory Planning Commission shall seek to achieve representation from the following areas of specialization:
  - 2.2.1 Approximately three members with expertise or a background in planning, development, engineering, community engagement, policy development, public administration, or a related field.
  - 2.2.2 Approximately three members with expertise or a background in environmental policy, or with specific expertise in geology, soil science, hydrology, climatology, biology, zoology, ecology and forestry, or a related field.

2.2.3 Approximately three members with expertise or a background in the principles of urban design, or with specific expertise in architecture, landscape architecture, and building contracting.

2.2.4 Approximately two members from the community-at-large.

BL522 (04/21) 2.3 The Agricultural Advisory Planning Commission shall consist of not more than seven members. Every member must be an elector of the Local Trust Area, as defined in Section 461 of the *Local Government Act*, and at least 2/3 of the members must be residents of the Local Trust Area.

2.4 Membership of the Agricultural Advisory Planning Commission is to be comprised of those with expertise in agricultural policy, or with specific experience in agriculture, animal husbandry, drainage engineering, horticulture, soil engineering and forestry, or a related field.

2.5 Special Projects Advisory Planning Commission(s) will be appointed based on a Terms of Reference endorsed by the Local Trust Committee which will outline the number of members, the terms of the appointment and the scope and role of that Special Projects Advisory Planning Commission.

BL522 (04/21) 2.6 A Local Trustee, regional district director, officer or employee of the Islands Trust, or an approving officer is not eligible to be a member of any APC.

2.7 The Local Trust Committee shall, by resolution, appoint members to serve up to a two-year term commencing from the date of appointment.

*Information Note: Appointment terms may vary to allow for alteration in 50% of membership on an annual basis.*

2.8 Notwithstanding anything elsewhere contained within this bylaw, the Local Trust Committee may at any time or from time to time, terminate the appointment of any member of any Commission appointed pursuant to this bylaw. This will include any Commission member who fails to attend three (3) consecutive meetings of the Commission without leave of the Commission, a Commission member who moves out of the Salt Spring Island Local Trust Area during their term of appointment, or any Commission member who fails to declare a conflict of interest prior to a question being called during a Commission meeting or special meeting.

2.9 Where a vacancy occurs, the Local Trust Committee may appoint a person to fill the vacancy.

2.10 A Commission must, from amongst its members, elect a Chairperson on an annual basis.

2.11 In the absence of the Chairperson, the Commission shall appoint a Deputy Chairperson who shall serve as described in Section 3.2.

2.12 In the event that the Chairperson resigns, or the Chairperson position is otherwise terminated, the Secretary shall write to the Salt Spring Island Local Trust Committee to advise them, and the Deputy Chairperson shall serve until a Chairperson is elected in accordance with Section 2.10.

### **3. Roles**

#### **3.1 Secretary**

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3.1.1 The Local Trust Committee shall appoint one or more Secretaries to the APC. For certainty, a Secretary appointed by the Local Trust Committee is not a member of the APC. The role of the Secretary can also be performed by an employee or a contractor of the Islands Trust.

3.1.2 The Secretary shall:

- (a) assist the Chairperson, as required, in arranging meetings of the APC;
- (b) ensure that proper notification of meetings is given in compliance with this Bylaw;
- (c) keep legible minutes of all meetings; and
- (d) provide copies of all minutes and recommendations of the APC to the Local Trust Committee and the Secretary of the Islands Trust.

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3.1.3 If a Secretary has not been appointed under Subsection 3.1.1, the APC may continue to meet provided the Chairperson appoints a Secretary pursuant to Article 3.2.1(d). For certainty, a Secretary who is a member of the APC will serve without remuneration.

## 3.2 Chairperson

3.2.1 The Chairperson shall:

- (a) receive referrals from the Local Trust Committee;
- (b) 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;
- (c) sign the minutes certifying that they are true and correct after they have been approved by the APC;
- (d) in the absence of a Secretary, appoint a member of the APC to record the minutes of the meeting;
- (e) record a member's declaration of conflict of interest or potential conflict of interest, once a member has declared it; and
- (f) liaise with the Secretary to seek to achieve a meeting quorum that includes at least one member present at the meeting with the relevant expertise to address a specific matter of consideration in the referral(s), including planning, environmental or form and character considerations.

## 4. Referrals to the Commission

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4.1 The Local Trust Committee may by resolution, refer any matter respecting land use, community planning or proposed bylaws and permits under Divisions 4 to 14 of Part 14 and Section 546 of the *Local Government Act*.

4.2 The Local Trust Committee may, by resolution, refer a plan, or bylaw amendment, or permit that has been partially processed, and seen at the application stage by the APC, 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.

- 4.3 The Local Trust Committee may, by resolution, refer a project in support of the Local Trust Committee's work program or other item of Local Trust Committee business to the APC with a request for a recommendation.
- 4.4 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.
- 4.5 A regular scheduled meeting day will be established.
- 4.6 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 will be held.
- 4.7 A meeting of the APC on any particular referral must be held not more than 30 days after the date of receipt of that referral, and sooner if the Local Trust Committee requests a response by an earlier specified date.
- 4.8 The Chairperson may call a special 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.
- 4.9 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**

- 5.1 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.
- 5.2 The Secretary must give 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.
- 5.3 The Secretary must confirm the date and time of any special meetings with each member of the APC.
- 5.4 The Secretary must ensure an applicant is notified of the date, time and place of an APC meeting at which his or her application or proposal will be discussed, at least five calendar days prior to the meeting.
- 5.5 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 Salt Spring 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 of any scheduled Local Trust Committee meeting.
- 5.6 The Secretary must ensure the Local Trustees, and the employee referred to in Section 5.1, are notified of each APC meeting at least five calendar days prior to the day of the meeting.
- 5.7 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 a special 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**

- 6.1 All deliberations of the APC must take place in a meeting. All meetings and special meetings of the APC must be held in a public facility and must be open to the public.
- 6.2 A quorum of the APC is 50% of those appointed.
- 6.3 The Chairperson is to convene the meeting and may adjourn it from time to time.
- 6.4 An applicant must be afforded the first opportunity to present his or her proposal and to answer any questions asked by APC members.
- 6.5 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.

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- 6.6 At the request of any member of the APC, the Chairperson must invite any elected official, staff resource person, or member of the public present at the meeting, to comment on the matters before the APC. Any Local Trustee, regional district director, officer or employee of the Islands Trust, or approving officer may attend a meeting of the APC in a resource capacity.
- 6.7 The APC must not receive development proposals and other applications directly from applicants.

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- 6.8 *Deleted*
- 6.9 If the Chairperson considers that another person at the meeting is acting improperly, the Chairperson may order that person expelled from the meeting.

## **7. Notice of Recommendation**

- 7.1 If a Local Trustee did not attend an APC meeting, the Local Trustee may require a verbal report from the Chairperson.
- 7.2 The Secretary must ensure minutes of each meeting of the APC are recorded and approved by the APC at a subsequent meeting. Adopted APC minutes must be made available to the public upon request.
- 7.3 The Secretary must ensure that a copy of the draft minutes is submitted to the Local Trust Committee and Islands Trust office within seven calendar days of the meeting.
- 7.4 A recommendation of the APC shall be in the form of resolutions, and recorded by the minutes, provided that where requested by any member all dissenting opinions are also recorded.

## **8. Transition**

Salt Spring Island Local Trust Committee Bylaw No. 427, cited as "Salt Spring Island Local Trust Committee Advisory Planning Commission Bylaw, 2007", is repealed.

**9. Citation**

This Bylaw may be cited as "Salt Spring Island Local Trust Committee Advisory Planning Commission Bylaw, 2013".

READ A FIRST TIME THIS	21 <sup>ST</sup> DAY OF MARCH,	2013
READ A SECOND TIME THIS	21ST DAY OF MARCH,	2013
READ A THIRD TIME THIS	21ST DAY OF MARCH,	2013
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	23RD DAY OF APRIL,	2013
ADOPTED THIS	2ND DAY OF MAY,	2013

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SECRETARY

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CHAIRPERSON