

BOWEN ISLAND TRUST COMMITTEE

BYLAW NO. 131

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A BYLAW TO ESTABLISH AN ADVISORY PLANNING COMMISSION FOR BOWEN ISLAND PURSUANT  
TO SECTION 955 OF THE MUNICIPAL ACT AND SECTION 27 OF THE ISLANDS TRUST ACT  
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The Bowen Island Trust Committee being the Local Trust Committee having jurisdiction on and in respect of Bowen Island in the Province of British Columbia, pursuant to the *Islands Trust Act*, R.S.B.C., 1989, enacts as follows:

1. Establishment

There is established an Advisory Planning Commission for Bowen Island to advise the Trust Committee on all matters respecting land use, community planning, or proposed bylaws and permits under Divisions (1), (2), (4), (5) and (7) of Part 29 of the *Municipal Act*, R.S.B.C. 1979, c. 290 that are referred to it by the Trust Committee.

2. Appointment of Members

- (a) The Advisory Planning Commission consists of not more than eight members. Every member must be an elector of the Trust Committee, as defined in Section 1 of the *Municipal Act*, and at least six of the members must be residents of the Trust Committee Trust Area.
- (b) The Trust Committee must, by resolution, appoint the members to three-year terms prior to June 30th of the year during which the term of appointment commences.
- (c) The Trust Committee may, by resolution, remove a member at any time.
- (d) Where a member resigns or an appointment is otherwise terminated, the Trust Committee may appoint a member to serve the balance of the term of the appointment.
- (e) The members must during the first meeting of a calendar year 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.
- (f) The Deputy Chairperson shall, in the absence of the Chairperson, serve as described in Section 3(b).
- (g) In the event that the Chairperson resigns or the Chairperson position is otherwise terminated, the Advisory Planning Commission shall write the Bowen Island Trust Committee to advise them and the Trust shall appoint an interim Chairperson who shall serve until a Chairperson is elected in accordance with Section 2(f).

3. Roles

(a) Secretary

- (1) The Trust Committee must appoint a Secretary to the Advisory Planning Commission.
- (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 proper records of the APC proceedings;
  - iv) provide copies of all minutes and recommendations of the APC to the Local Trustees and the Secretary of the Trust;
  - v) maintain financial records and conduct financial transactions with the Islands Trust; and
  - vi) maintain an annual record book of approved minutes to be available to the public upon request and shall provide a copy of minutes when requested upon receipt of a sum of money sufficient to pay the cost of copying those minutes.

(b) Chairperson

- (1) The Chairperson is to:
  - i) receive referrals from the 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 and the principles of procedural fairness;
  - iii) rule on the existence of a conflict or potential conflict of interest of an APC member when requested to do so; and
  - iv) prepare, in consultation with all other members of the APC, an annual budget to be submitted for approval to the Trust Committee by December 15 of each year.

4. Referrals to the Commission

- (a) The Trust Committee may by resolution refer an application for an amendment to the plan, a bylaw, or a permit, under divisions (1), (2), (4), (5) or (7) of Part 29 of the *Municipal Act*, or may refer a proposed bylaw or permit to the Chairperson of the APC with a request for a recommendation.
- (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) The Advisory Planning Commission shall select a regular monthly meeting day to consider referrals at its first meeting.
- (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 30 days after the date of receipt of that referral unless the Trust Committee has requested a response by an earlier specified date.
- (f) The Bowen Island 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 Advisory Planning Commission 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 Advisory Planning Commission to deal with any matter for which a quick response is requested.
- (h) Although the recommendations of the APC must be received by the Trust Committee, the Trust Committee is not bound by the recommendations.

5. Notice of Meeting

- (a) The Secretary must send a notice of meeting including a description of all referrals to be discussed to each APC member at least 5 calendar days prior to the regularly scheduled meeting.
- (b) The Secretary must confirm by telephone or note, the date and time of any extraordinary meetings with each member of the APC.

- (c) 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.
- (d) The Secretary must ensure the Local Trustees are notified of each APC meeting at least five days prior to the day of the meeting.
- (e) Where a matter upon which a recommendation has been made is referred back to the Advisory Planning Commission for further comment within a limited time period, the Secretary must notify the Trust Committee of an extraordinary meeting. The Secretary may invite the applicant if further information is required at least 2 days prior to the meeting unless the applicant agrees to a lesser notice.

6. Conduct of Meeting

- (a) A quorum of the APC is the lesser of four members, or 50% of those appointed.
- (b) The Chairperson is to convene the meeting and may adjourn it from time to time.
- (c) An applicant must be afforded the first opportunity to present his or her proposal and to answer any questions asked by Commission members.
- (d) If the applicant or his agent fails to appear and was duly notified as required by this Bylaw, the APC may proceed to reach its recommendation in his absence.
- (e) At the request of any member of the APC, the Chairperson must invite any elected official staff or resource person present at the meeting to comment on the matters before the Commission.
- (f) The APC must not receive development proposals and other applications directly from applicants.
- (g) The APC must not consult directly with other government agencies.

7. Notice of Recommendation

- (a) If the Local Trustees did not attend an APC meeting, they may require a verbal report from the Chairperson.
- (b) The Secretary must ensure minutes of each meeting of the APC be 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 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 all dissenting opinions are also recorded.

8. Transition

(a) Bowen Island Trust Committee Bylaw No. 113 cited for all purposes as the "Bowen Island Trust Committee Advisory Planning Commission Bylaw, 1992", is repealed.

(b) Notwithstanding Section 2 of this Bylaw, the Trust Committee shall appoint eight members to the Advisory Planning Commission to serve a one year term commencing July 1, 1994 only and expiring July 1, 1995.

(c) The first appointments under Section 2(b) must be made prior to July 1, 1995 for a two year term with all subsequent appointments to be for a three year term.

9. This Bylaw may be cited as the "Bowen Island Trust Committee Advisory Planning Commission Bylaw, 1994".

READ A FIRST TIME THIS 25th DAY OF June , 1994

READ A SECOND TIME THIS 25th DAY OF June , 1994

READ A THIRD TIME THIS 25th DAY OF June , 1994

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS 28th DAY OF June , 1994

RECONSIDERATION AND FINALLY ADOPTED THIS 4th DAY OF July , 1994

Linda Prowse  
DEPUTY SECRETARY

Graeme A. Dinsdale  
CHAIRPERSON

