

Electoral Area C
(Discovery Islands-Mainland Inlets)

Advisory Planning Commission Guide



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INTRODUCTION

Many local governments in British Columbia use an advisory planning commission (APC) structure to assist in the process for considering planning and land use management. The role of an APC is to provide input on those land use planning matters authorized by the local government. That input is given as advice and recommendations and does not form policy or set direction for the local government. At the Strathcona Regional District (SRD), the Regional Board may, by bylaw, choose to establish an APC for one or more electoral areas. The Regional Board has adopted Bylaw No. 505 to establish an APC for Electoral Area C (Discovery Islands-Mainland Inlets) and to define the types of land use matters for which advice is desired.

This guide has been developed for a number of reasons:

- to provide context for the Electoral Area C advisory planning commission within the broader scope of planning and land use management issues;
- to identify the roles and responsibilities of the Electoral Area C advisory planning commission at both the individual and collective levels;
- to provide guidance for the advisory planning commission members in carrying out their duties;
- to help advisory planning commission members and the public to better understand the process for considering applications.

The guide is a living document and will change as procedures and practices change to reflect legislative or policy amendments.

LEGISLATIVE AUTHORITY

Section 461 of the *Local Government Act* of BC provides that “a board may, by bylaw, establish an advisory planning commission for one or more electoral areas or portions of an electoral area to advise the board, or a regional district director representing the electoral area, on all matters referred to the commission by the board or by that director respecting land use, the preparation and adoption of an official community plan or a proposed bylaw or permit that may be enacted or issued” under Part 14 of that Act.

ESTABLISHING BYLAW

Bylaw No. 505, being Electoral Area C Advisory Planning Commission Establishing Bylaw 2023, was adopted on June 28, 2023 and provides for:

- the composition of and the manner of appointing members to the commission;
- the procedures governing the conduct of the commission; and
- the referral of matters to the advisory planning commission.

APC MEMBERSHIP

Bylaw No. 505 limits the composition of the APC to not more than 11 persons representing a cross-section of the persons within Electoral Area C. Appointments to the APC are made by the Regional Board based on applications from the general public. Appointments may be made for a term not to exceed 3 years, but members may be appointed to additional terms of office at the Board’s discretion provided that no member may serve more than 6 years in the aggregate. Members must make an Oath of Office before taking up their duties. Appointed members act in a volunteer capacity meaning that they are not paid for their time but may be reimbursed for reasonable expenses incurred in performing their duties. Members are expected to attend all meetings of the APC unless the absence is due to sickness, injury or with the approval of the Chair of the APC.

APC MANDATE

The mandate of the Electoral Area C APC is to provide advice and recommendations to the Regional Board on matters that have been referred to the APC including official community plan, zoning, development variance and temporary use applications. The APC is neither a political nor technical body but rather is intended as a body able to provide a local perspective on matters that may come before it.

COMMISSION CHAIR

At its first meeting each year the APC will elect a Chair who will be the spokesperson for the APC. It is the responsibility of the Chair to ensure that proper decorum is maintained at meetings and that the procedures for input by members, applicants and staff are administered effectively and fairly. The APC may also decide at that time to elect a Vice Chair who would take the place of the Chair in the event the Chair was absent or unable to attend meetings of the APC.

COMMISSION SECRETARY

The Commission secretary is the corporate officer for the Regional District or that person's designate. Typically, the duties of APC secretary will be fulfilled by a different staff member from the Regional District or the APC may wish to nominate a person from the local area who understands the role and is prepared to take on the responsibilities of the position. Those responsibilities would include taking the minutes and recording the motions at APC meetings, ensuring that applicants are notified prior to their applications being considered by the APC, maintaining the contact information for APC members, and working with the APC Chair to ensure that scheduling and location details for meetings are finalized well before meeting dates. Having a calendar of meeting dates for the year (eg. the 2nd Tuesday every month) will be helpful from a scheduling perspective.

MEETING COORDINATION

At the beginning of each year, the Commission members should determine the APC meeting dates for the rest of the year based on practicality and availability. Ideally, the Commission will decide to hold meetings on the same day of the same week of each month, for example, the second Tuesday of each month. The Commission should consult with Regional District staff who are expected to attend its meetings to ensure their availability. The APC can then rely on the Commission secretary to book the meeting dates and times with various venues within the electoral area, and to advise local media and others regarding the meeting dates, times and locations for the benefit of local community members.

APPLICATION PROCESS

To some extent the process for dealing with land use applications may vary according to the type of application being made and the complexity of the issues that must be considered for the application. In general, the process for applications referred by the Regional District will resemble the following:

Step 1 – an applicant submits an application to the Regional District seeking approval for an official community plan redesignation, a rezoning, a development variance permit or a temporary use permit. In conjunction with the submission of the application, the applicant may meet with planning staff at the Regional District to explain the application and the reasons why they are seeking approval.

Step 2 - the planning staff will conduct research related to the application and prepare a report summarizing the findings of that research. The report will make reference to any policies or regulations (bylaws) of the Regional District that may be relevant to the application.

Step 3 – the staff report will be placed on the agenda for the next available meeting of the APC. The schedule for the APC meetings will be a factor in determining how quickly the application can be reviewed by the APC. There may be other agencies and government organizations that will be asked to provide input on the application.

Step 4 – the agenda for the APC is published and the applicant is advised of the date, time and place for the APC meeting in case they wish to address the APC regarding their application. As with other Regional District bodies, meetings of the Commission are open to the public and agendas are available for public inspection.

Step 5 – the APC meeting is held and the application is reviewed. Bylaw No. 505 requires that applications be considered by the APC as soon as reasonably possible. When the meeting has been terminated, the secretary of the APC will prepare the minutes of the meeting and, when confident of their accuracy, the minutes will be published as part of the public record.

Step 6 – the APC secretary advises the Regional District of any recommendations or comments made by the APC with respect to applications considered at the meeting. Depending on when that is done, the staff report may or may not include that information.

Step 7 – the Regional Board reviews the application including any comments or recommendations from the APC.

EFFECTIVE MEETINGS

Where appropriate, the Commission will be governed by the procedures set out in the Regional Board's meeting procedures bylaw. Following are some brief guidelines that may help to ensure that meetings are effective and make the best use of time and resources of all participants.

An effective Chair commits to the position. The role of Chair can be time-consuming and challenging and it is important that the Chair understands the commitments involved when accepting the role. An effective Chair needs to make the time to understand the issues before they are discussed in a meeting. A Chair also needs to provide a meeting environment that is fair to all parties.

Commission members have an interest in the organization and its goals. The APC members should understand the process the Regional District follows in its planning and land use management functions and be interested in being a part of that process. Members should also be aware of how the organization's process relates to goals and regulations that are contained in official community plans and zoning bylaws.

An effective Chair exhibits leadership and develops collaboration in an open and fair manner. The Chair must guide fellow commission members through the variety of processes put before them. Decisions are sometimes difficult to achieve and the Chair must clearly direct how the results are to be met, but not necessarily what those results will be. The Chair should also try to bring disparate views together so that a more rounded perspective can be developed. Every member of the Commission has important views and will aid in the evaluation process. The Chair needs to recognize that all viewpoints should be considered, regardless of political allegiances or special interests.

An effective Chair motivates peers and encourages participation. The Chair should seek out and identify members who do not actively participate in meetings. Too often, more aggressive members will dominate a meeting, which can leave some participants feeling intimidated or left out of the evaluation process. Additionally, those participants may leave meetings feeling unappreciated because they have not been heard. The effective Chair needs to recognize this and balance discussion at meetings.

Members can develop connections between the organization and the community. Advisory planning commissions are an effective way to discuss planning and land use management issues at a local level with people who are immediately affected. The members can facilitate discussion and support for the APC activities by developing relations with neighborhood groups, the business community and individuals.

An effective Chair adheres to strict ethical standards: As the Chair of a public body, ethical standards must be followed so that public confidence in the role of the APC is maintained. One way to achieve this is to set out ground rules of individual conduct at meetings and establish the type of

behaviour that will be allowed in order that a positive and respectful working environment can exist. By having the group endorse a code of conduct at the outset, the members will be much more successful in addressing inappropriate behaviour. As an example, the directors on the Regional Board have adopted Bylaw No. 330 which defines a code of conduct for interactions with each other and with staff.

AGENDA PRODUCTION

Agendas are collated and published on average 10 days prior to the meeting date. The Regional District produces agendas in electronic format and an email is sent to advise members once the agenda has been published. Hardcopies of the complete agenda package can be mailed to the homes of Commission members or picked up from the Regional District office if requested. Commission members will also be able to receive meeting agendas in electronic format.

REVIEWING APPLICATIONS

Before finalizing its comments and recommendation on an application, the Commission should consider the information available to it, including any local knowledge of the land in question and its history, and provide an opportunity for the applicant to address the Commission orally or in writing. If a written submission is received from the applicant prior to publication of the agenda for the meeting at which the application is to be considered, the submission will be included on the meeting agenda. However, if a written submission is received from the applicant following publication of the meeting agenda but prior to the meeting at which the application is to be considered, it should be read aloud at the meeting by the applicant, the applicant's representative or the Commission secretary.

If a written submission is received by the Commission after it has finished considering an application it must be provided to the Regional District.

PROVIDING RECOMMENDATIONS

It is important that the APC recognizes how best to fulfill its role in the planning and land use management process. The commission is most effective when its recommendations can be acted upon or considered by the Board in making a decision. For example, recommendations could do one of the following:

- support an application, with stated reasons;
- support an application subject to various conditions, with stated reasons; or
- withhold support for an application, with stated reasons.

Further, the following template can be used for recommendations:

THAT the John Doe application to rezone property at 1234 Main Street be supported for the following reasons:

- *Proposed development is environmentally sustainable; and*
- *The rezoning is in accordance with the local area plan.*

By wording resolutions in a clear and concise manner, the electoral area director and the Board can readily determine the views of the Commission and choose to incorporate those views in its decision-making process. It is also important to note that any information about an application that the Commission wishes to convey to the Regional District will ideally be contained in a recommendation. Where Commission minutes report on a discussion rather than provide recommendations, it is not always clear what the Commission's position is, which may lead to misunderstandings about the issues. And to ensure that the Commission acts in a democratic fashion, it must be clear to anyone reviewing Commission minutes that a majority of the members supported the statements. For this reason, it is also important that the minutes provide an accurate view of the members who were in attendance or absent from the meeting.

PRODUCTION OF MINUTES

As stated earlier, the minutes of advisory planning commission meetings are the primary means by which commissions record their activities and submit recommendations to the Regional District to assist in the planning and land use management decision-making process. The required content for the minutes can be found listed above or within the Board's procedure bylaw.

Minute notes, in a draft form, should be submitted to the Regional District as soon as possible after the Commission meeting. Regional District staff will transcribe the meeting notes into the minutes database and provide a copy to the Commission secretary for review before publication. Commission minutes are also utilized in preparing staff reports regarding planning and land use management applications.

OPENNESS AND TRANSPARENCY

Advisory planning commission meetings are open to the public and the agendas and minutes are available for public scrutiny following publication. The members of the APC have specific roles and responsibilities including the need to ensure that their position on land use matters is not compromised by private interests. As a public official, APC members are subject to the same rules of ethical conduct as other Regional District representatives and therefore must recuse themselves from debate and voting when that member has a direct or indirect pecuniary interest in a matter under consideration. A member must also declare a conflict if he or she has some other, non-pecuniary type of interest that places the person in a conflict position. The Province of British Columbia provides further detail about ethical conduct and conflict of interest on its website at: <https://www2.gov.bc.ca/gov/content/governments/local-governments/governance-powers/conduct-of-locally-elected-officials/ethical-standards/recognizing-potential-conflicts-of-interest>

It is expected that APC members will attend all meetings and be familiar with agenda items in order that they can participate in discussions about the applications. Members must also be respectful of other members and the public in their deliberations.

MATTERS REFERRED BY DIRECTOR

If the Commission is asked to consider a matter referred to it by the Director for Electoral Area C, the Commission must provide a copy of the request and any related records to the Regional District following consideration by the Commission.

ADDITIONAL SOURCES

There are other sources of information that are important to advisory planning commissions. These are included in the appendix to this guide as follows:

- Appendix A– Bylaw No. 505 (Electoral Area C Advisory Planning Commission Bylaw)
- Appendix B – Area C Integrated Community Sustainability Plan
- Appendix C – Desolation Sound Rural Land Use Bylaw
- Appendix D – Quadra Island Official Community Plan
- Appendix E – Quathiaski Cove Village Plan
- Appendix F – Quadra Island Zoning Bylaw
- Appendix G – Bylaw No. 1 being the Regional Board Procedure Bylaw