



NORTH COAST

REGIONAL DISTRICT



APC 101

A GUIDE FOR ADVISORY PLANNING COMMISSIONS AT THE NCRD

NORTH COAST REGIONAL DISTRICT | 2018



Introduction

The role of an Advisory Planning Commission (APC) is to provide input on matters relating to land use planning and management at the local government level. That input is given as advice, and does not form policy or set direction for the local government. At the North Coast Regional District (NCRD), electoral area directors may choose to establish an APC within their jurisdiction. An APC is not mandatory.

This guide has been developed for the following reasons:

- To provide context for APCs within the broader scope of planning and land use management;
- To identify roles and responsibilities of APCs;
- To provide guidance of APC members to carry out their duties;
- To help APC members and the public to decipher meeting procedures; and
- To provide links to relevant bylaws and policy.



The NCRD is made up of four electoral areas five municipalities. While municipalities conduct their own planning services, the NCRD conducts land use management and planning in electoral areas to varying degrees depending on whether or not bylaws exist.

APC Related Bylaws and Policy

Bylaw

The NCRD *Moresby Island Advisory Planning Commission (MIAPC) Bylaw No. 547, 2012* and *Graham Island Advisory Planning Commission (GIAPC) Bylaw No. 548, 2012* were adopted in 2012. These bylaws are a requirement of the *Local Government Act* when establishing an APC and provide for: procedures governing the conduct of the commission; referral matters to the APC; and, expenditures of the APC. Both the MIAPC and GIAPC bylaws are attached as an addendum to this document.



Policy

The NCRD *Advisory Planning Commission Policy* recognizes the need to provide APC support and provides context for APCs within the broader scope of planning and land use management. The policy also identifies roles and responsibilities of APCs while providing guidance to APC members to carry out their duties efficiently. The current policy was approved on January 23, 2015. The policy is attached as an addendum to this document.

Procedures Bylaw

The NCRD *Development Approval Procedures Bylaw No. 549, 2013* was adopted in 2013 and sets out the procedures for the processing of land development applications including amendments to an Official Community Plan, Zoning Bylaw, land use contract, site specific exemptions to a floodplain or to issue permits under Part 14 of the *Local Government Act*. Below is a summary outlining how different applications are referred to the APC.

Type of Application	APC Involvement	
Zoning/OCP amendment	To APC	To Board
Development Permit (form & character)	To APC	To Board
Development Permit (WDP/ESDP)	Delegated to staff	
Temporary Use Permits	To Board	Director may refer to APC
Agricultural Land Commission	Director notified, if proposal triggers land use amendment: to Board for authorization	Director may refer to APC
Crown referral	Director and APC notified, sent as FYI	Director may refer to APC
Development Variance Permits	To Board	Board of Variance

Planning and Land Use Management

APCs play an important role in the planning and land use management process by making recommendations to the NCRD from an independent body composed of local residents. To understand that role and to be as effective as possible in the process, it is important to understand the overall context of land use and planning in B.C.

Planning and land use management in B.C. is governed by Part 14 of the *Local Government Act*. This legislation provides for official community plans (OCPs) and zoning bylaws to be established to guide and regulate development. As such, the NCRD has adopted a number of OCPs and zoning bylaws for its electoral areas. From time to



time, applications to amend OCPs or rezone properties are made to the regional district, and the board of directors must determine whether or not to approve the applications. There are many resources available to the Board in making its decisions, including best practices from other jurisdictions, common knowledge and personal history, comments from external agencies and the APC, and reports from professional planners at the regional district. APCs should be using the OCP and zoning bylaws, when available in their area, as guidelines when making decisions.

An Official Community Plan	A Zoning Bylaw
<ul style="list-style-type: none"> • Provides the longer term vision for the community • Is a statement of objectives and policies to guide decisions on planning and land use management • Provides for orderly development in the community • Two components: map and text • Should be reviewed every 5-10 years 	<ul style="list-style-type: none"> • Puts the vision of the OCP into practical, legalistic terms • Is used to regulate use and density • Prescribes: <ul style="list-style-type: none"> ○ The siting, size and dimensions of buildings and structures ○ Minimum parcel sizes ○ Conditions for the provisions of amenities ○ May set different standards for works and services

The APC only makes recommendations on planning and land use matters referred to them. Other issues raised at meetings related to the NCRD may be referred to the Area Director for their consideration and action.

Roles and Responsibilities

APC members must be appointed by the Board and while there is no established protocol for recruiting members, most Directors seek to have members that generally represent the diversity of their community. At least 2/3 of the members must be residents of the Electoral Area. A Board Director, employee or officer of the NCRD is not eligible to be a member; however, they may attend meetings in a resource capacity.

Meetings

A typical meeting would include: a call to order; a count of members present; approval of previous minutes; discussion of reports on the agenda; recommended motions; adjournment.



All members of the APC, including the Chair, must vote on every question unless they have declared a conflict of interest and left the room. Any member who abstains from voting will be deemed to have voted in the affirmative and a tie on a vote shall be considered defeated.

If a quorum (more than 50% of members) is not present within 30 minutes after the fixed time of the meeting, that meeting shall be adjourned.

To support the APCs at meetings, the NCRD staff:

- Prepare reports for APC members that will provide an assessment of applications to be considered; and
- Deliver (email) a reference package of material to be considered at a forthcoming meeting.

Meetings are conducted using *Robert's Rules of Order* which is a parliamentary procedure for conducting meetings that allows everyone to be heard and to make decisions without confusion.

A motion is a proposal that the entire membership take action or a stand on an issue. Motions must be 'seconded', they can be debated, and they are voted on. When there is an application on the agenda, the applicants are invited to attend and speak to the proposal. APC members can listen and ask questions of the applicant. Any member then makes a motion regarding that application. A motion is made in the positive (e.g. "I move that we.."). Recommended motions by staff form a part of the report forwarded to the APC. That motion must be seconded, if not, it is lost. Once the motion is on the floor, it can be debated and when ready, the Chair will ask "are you ready to vote on the question?" and a vote is taken. If the motion is defeated, an alternative is made, seconded, discussed and voted on as with the previous one. A motion can be amended when a member states: "I move to amend the motion by..", it must be seconded, debated and voted upon.

Making Recommendations

In reviewing a proposal, the APC must arrive at a decision and make a recommendation to the NCRD, which is often complicated. These decisions will be much easier if the community has a well-crafted OCP which the APC can consistently use as a guideline. While it may sound easy to use the OCP and follow its guidance, in practice many APCs fail to do so. There are a number of reasons why this may happen and these pressures should be recognized as members may face them on different occasions.



PEER PRESSURE

APC members do not want to offend their colleagues or appear to be unconventional or uncooperative. Commission members should be appointed to represent a variety of views and there is no reason why decisions should always be unanimous.

PUBLIC PRESSURE

It is difficult to make a decision unpopular with a room full of people. Commission members should remember that an audience represents particular viewpoints and may not represent the community as a whole. Many times people fear consequences that will not occur. Proposed land use changes often generate emotional rather than rational response from many people.

DEVELOPER AND BUSINESS PRESSURE

Developers and business people also often represent a particular view, one aimed at profitability. All statements must be carefully evaluated. Comments such as “we must have this many lots in order to make profit” are not necessarily realistic. Additionally, even if the developer were to share their business ‘pro-forma’, the community does not have to accept inappropriate development. The commission needs to review each proposal on its merits.

POLITICAL PRESSURE

While a Director cannot be a member of an APC, he/she may attend in a resource capacity. APCs are intended to be independent bodies and commission members should still cast their votes that, in their judgment, promote good planning.

DESIRE FOR COMPROMISE

APC members may have a natural desire for compromise. While such a compromise may seem desirable, it often has a negative effect. Neither side wins. Compromise is not always bad, but regular and predictable compromise does not lead to good development.

OUTSIDE INFLUENCES

Commission members are usually active in the community. They interact with a wide variety of people who may discuss and influence decisions that need to be made.



Chair and Recording Secretary Roles

Each year, within the APC, a Chair is elected and a recording secretary is appointed. The recording secretary may be a member of the APC or an outside person employed to take minutes.

Chair Responsibilities

In addition to being a member of the APC, the Chair is tasked with conducting meetings in a fair and effective manner. The following are some guidelines that may assist in carrying out the duties of a Chair:

- Commit to the position and recognize the time it takes.
- Know and show interest in the NCRD and understand the process the regional district follows in its planning and land use management.
- Exhibit leadership and develop collaborations in an open and fair manner.
- Ensure that discussions at meetings focus on the issue at hand and the facts.
- Seek out and identify members who not actively participate in meetings to balance the views of more aggressive members.
- Adhere to strict ethical standards. As the Chair of a public group, ethical standards must be followed so that discrimination and harassment do not occur.

Recording Secretary Responsibilities

The recording secretary is responsible for recording the minutes at each commission meeting and submitting minutes to the NCRD. A 'minutes' template is available to assist in recording minutes. When the recording secretary is a member they should also continue to be an active participant during meetings. The content requirements of APC minutes (clearly eligible) are generally as follows:

- Date, time, and location of the meeting;
- Members of the APC, both present and absent;
- Other persons present for the duration of the meeting (ie. Electoral Area Director, planning staff);
- Delegations who have made representation to the APC;
- Recommendations clearly stating support, conditional support, or non-support for an application.



Agenda and Discussion Items

As the commissions are tasked with considering planning and land use management applications and then making recommendations to the NCRD on those matters, the meeting agenda is the sole mechanism by which a commission can provide its comments. It is imperative that the commission provide recommendations that are useful to and can be implemented by the NCRD.

Action Items

The commission is most effective when its recommendations can be acted upon or considered by the Board in making a decision. Recommendation alternatives as normally presented in staff reports do one of the following:

- Recommend to the Board to approve an application;
- Recommend to the Board to approve an application subject to various conditions, with stated reasons;
- Recommend to the Board to not approve an application, with stated reasons.

It is important to note that any information about an application that a commission wishes to convey to the NCRD can be contained in a recommendation. Where commission minutes report on discussion rather than provide a recommendation, it is not always clear what the commission's position is, which may lead to misunderstandings about the issue.

Public Attendance at Meetings

All APC meetings are open to the public and there is no provision for those meetings to be closed. Any information that is distributed to the commissions on meeting agendas is public, and available on the NCRD website. **An APC meeting is not a public hearing.** The Chair may or may not allow audience members to speak.

Additional Information

The NCRD website (www.ncrdbc.com) provides a great deal of information for the public, including APC members, about what is going on at the NCRD.



PLANNING

Use the planning function to find relevant information on APCs, permits, zoning, OCPs, government agency referrals, and active applications.

BYLAWS

Check the bylaws tab for links to many of the NCRD bylaws including land use bylaws, emergency protective services, and others.

AGENDAS/MINUTES FOR BOARD AND APC

Under the tab ‘meetings’ are links to the Board and APC agendas and minutes.

ADDITIONAL SITES

- Agricultural Land Commission: www.alc.gov.bc.ca/alc/content/home
- Integrated Land & Resource Registry: www2.gov.bc.ca/gov/content/data/geographic-data-services/land-use/integrated-land-resource-registry
- Riparian Area Regulations: www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/fish/riparian-areas-regulation
- Part 14, *Local Government Act*: www.bclaws.ca/civix/document/id/complete/statreg/r15001_14