

APC 101:
A guide to Advisory Planning Commissions at the
Comox Valley Regional District

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Legislative Services

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INTRODUCTION

Some local governments in British Columbia utilize the advisory planning commission (APC) structure to assist in the decision-making process respecting planning and land use management. The role of an APC and its members is to provide input on matters related only 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 Comox Valley Regional District (CVRD), electoral area directors may choose to establish an APC in their jurisdiction for this purpose. This guide has been developed for a number of reasons:

- to provide context for advisory planning commissions within the broader scope of planning and land use management;
- to identify the roles and responsibilities of advisory planning commissions at both the individual and collective levels;
- to provide guidance for advisory planning commission members in carrying out their duties;
- to help advisory planning commission members and the public in deciphering meeting procedures; and,
- to provide a direct link to relevant official community plans, zoning bylaws and other legislation.

The guide is a living document and will change as procedures and practices change to reflect current trends.

ADVISORY PLANNING COMMISSIONS

The CVRD is made up of three electoral areas and three municipalities. While the municipalities conduct their own planning and land use management, the regional district conducts the planning and land use management in the electoral areas, with the exception of the Islands Trust which is within Electoral Area A and which has its own planning service. In each of the three electoral areas for which planning is conducted, the electoral area director may opt to establish an advisory planning commission. APC members are recruited through advertisement in the local paper and are considered for appointment by the CVRD Board.

Bylaw

On February 28, 2023, the CVRD Board adopted Bylaw No. 750 being the “Advisory Planning Commission Bylaw No. 750, 2023” and Bylaw No. 751 being the “Agricultural Advisory Planning Commission Bylaw No. 751, 2023”. These bylaws are a requirement of section 461 of the *Local Government Act* and provide for the following:

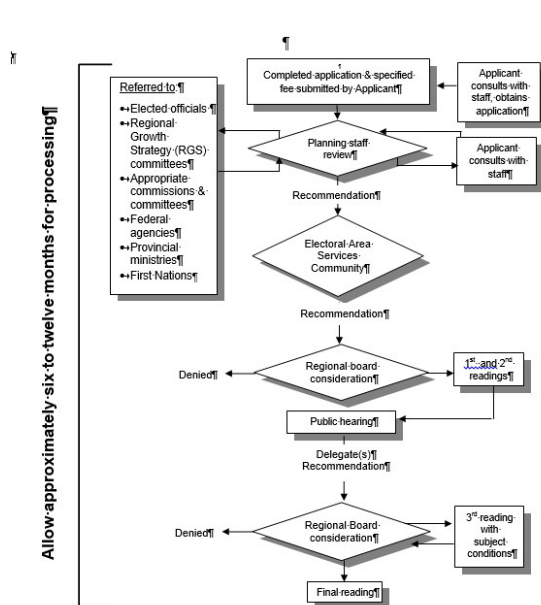
- a) the composition of and the manner of publicly appointing members to the commission;
- b) the procedures governing the conduct of the commission; and
- c) the referral of matters to the advisory planning commission.

Some of the highlights of the bylaw include the following:

- APCs can have appointments of between three and nine members of the public.
- Appointments are made to coincide with a director’s term in office.
- The *Local Government Act* does not allow for APC members to receive remuneration; therefore, APC members are volunteers and are not paid for their time.

- Meetings are to be held within one month of an application being referred to the APC.
- Recommendations from an APC must be made within 60 days of having received an application.
- The chair and secretary of each APC are chosen from within its members.
- Meeting minutes are to record members present, items dealt with and most importantly, recommendations from the APC to the electoral area director or the standing planning committee of the board.
- Expenses such as venue rentals, postage and other general costs shall be reimbursed or paid for by the regional district.
- A \$30.00 stipend shall be paid to the recording secretary for each set of meeting minutes.
- Commissions are to consider and make recommendations respecting the following:
 - land use;
 - the preparation and adoption of an official community plan; or
 - the preparation and adoption of a proposed bylaw or permit that may be enacted or issued under Divisions 4 to 14 of Part 14 of the Local Government Act and section 546 that are referred to the commission by the board.

For clarification of matters contained in the advisory planning commission bylaw, please contact the Manager of Legislative Services at the regional district.



OCP/Zoning Amendment Process

Planning and land use management

APCs play an important role in the planning and land use management process. To understand that role and to be as effective as possible in the process, it is important that the overall context of planning and land use management is provided.

Planning and land use management in British Columbia is governed by part 14 of the *Local Government Act*. This legislation requires that official community plans (OCPs) and zoning bylaws be established to guide and regulate development. As such, the CVRD has adopted a rural Comox Valley OCP and zoning bylaw for its electoral areas. From time to time, applications to amend the OCP

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 reports from professional planners at the regional district. The reports from regional district planners most often incorporate comments from external agencies, best practices and recommendations from advisory planning commissions. Figure 1 illustrates the typical OCP amendment and rezoning process.

The board may also seek opinion from external agencies and advisory planning commissions about other processes that require board consideration including the approval of development permits in environmentally sensitive areas, development variance permits and floodplain relaxations. Other types of applications, including those made to the Agricultural Land Commission, may be addressed in a similar manner.

Roles and responsibilities

It is important that the roles and responsibilities of APC members are clearly understood, as advisory planning commissions are important elements in the planning and land use management process. As mentioned earlier, the recommendations of advisory planning commissions are incorporated into planning staff reports and may be considered by the board as a whole.

Timely and effective response

One of the most important roles that an APC has is to respond to applications in a timely manner and to be effective in the response. The advisory planning commission bylaw requires that an APC meets within one month of being referred a planning application. Following this, the APC must respond to the application within 60 days. The response must be in the form of a recommendation within a set of minutes and clarify that the commission:

- supports the application (with stated reasons if appropriate);
- supports the application subject to possible conditions (with stated reasons if appropriate); or
- does not support the application (with stated reasons if appropriate).

This should address the various positions that an advisory planning commission may have on an application. Additional information may be requested from the regional district although due to timing and resource constraints, the commission should expect to make recommendations based on the initial staff report it receives.

Note that nothing prevents the board from considering an application at any time whether or not the matter has been referred to the APC or the APC has provided a recommendation.

Individual members

Advisory planning commission members have very specific roles and responsibilities. In particular, members must attend APC 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, the applicant(s) and staff in their deliberations. Additionally, members must be aware of real or perceived conflicts of interest during their discussions. APC members are subject to the rules of ethical conduct as outlined in the “CVRD Staff and Volunteer Code of Conduct Policy” and provincial legislation; therefore, members must excuse themselves from meetings when they have a direct or indirect pecuniary interest in a matter under consideration. A member must also declare a conflict if they have some other, non-pecuniary type of interest that places the person in a conflict position.

The Ministry of Municipal Affairs & Housing 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-oflocally-elected-officials/ethical-standards>

Chair responsibilities

At the first meeting of each year, the APC shall choose from amongst its members, a chair. In addition to being a member of the APC, the chair is tasked with conducting meetings in a fair and effective manner

There are many resources available that describe how to be an effective chair. The following are some brief guidelines that may assist in carrying out the duties of the chair:

1. **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 prior to accepting the role. An effective chair needs to make the time to understand issues before they are discussed in a meeting. A chair also needs to commit to providing an environment that is fair to all parties.
2. **An effective chair has knowledge of and interest in the organization and its goals:** The chair of an APC must understand the process the regional district follows in its planning and land use management. The chair 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.
3. **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 the commission. Objectives and decisions are sometimes difficult to achieve and the chair must clearly direct how the results are met, but not necessarily what the results are. The chair should also 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 decision-making process. The chair needs to recognize that all viewpoints need to be considered, regardless of political representation or any special interests.
4. **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 dominate a meeting, which can leave some participants feeling intimidated. Additionally, those participants leave the meeting feeling unappreciated because they have not been heard. The effective chair needs to recognize this and balance discussion at meetings.
5. **An effective chair adheres to strict ethical standards:** As the chair of a public group, ethical standards must be followed so that discrimination and harassment do not occur. An easy way to achieve this is to set out ground rules of individual conduct at meetings and establish the type of language allowed in order that a positive and respectful working environment can exist. By having the group endorse a code of conduct at the outset of a discussion or meeting, the chair will be much more successful in addressing inappropriate behavior. As an example, the CVRD Board of Directors uses the following code of conduct in its meetings:
 - Discussions at the board and committee meetings will be focused on the issues and the facts.
 - The diverse perspectives of each director, as they reflect the interests of their own communities, will be respected.
 - Strong disagreements and conflicts will be seen as a natural part of board and committee work.
 - Directors can expect courteous behavior from each other.
 - No director will speak publicly in a way that denigrates the regional district, other directors or staff.
 - Assumptions will not be made about what a particular director means when they speak. Each director has a responsibility to ask for clarification.
 - Disagreements will not be taken personally, nor made personal.

- Directors have the right and responsibility to speak, explain their position, and agreement or disagreement with the overall board's decision.
- Directors, when speaking at board and committee meetings, and publicly, will avoid inflammatory language. They are expected to speak in an objective manner.

Recording secretary

In addition to the annual appointment of a chair for each advisory planning commission, a recording secretary must be appointed from among the APC members. The recording secretary is responsible for recording the minutes at each commission meeting and submitting the minutes to the regional district. It is important to note that the recording secretary is a member of the APC and should continue to be an active participant during meetings in addition to taking minutes.

The content requirements of APC minutes can be found in the commission bylaw and are generally as follows:

- (a) Date, time and location of the meeting;
- (b) Members of the advisory planning commission, both present and absent;
- (c) Other persons present for the duration of the meeting (i.e. electoral area director, planning staff);
- (d) Applicants or proponents in attendance who have a matter before the commission;
- (e) Items dealt with by the advisory planning commission;
- (f) Recommendations, stated in the form of a motion, including the following:
 - (i) Item to be approved, with stated reasons; or
 - (ii) Item to be recommended subject to various conditions, with conditions stated; or
 - (iii) Item to be denied, with reasons stated;
- (g) The mover and seconder of each recommendation and dissenting votes recorded upon request.

The role of recording secretary requires a few important steps prior to a meeting. Those steps include the following:

- reviewing the agenda to become familiar with the discussion items;
- showing up at the meeting location five or 10 minutes before the start of the meeting to be prepared; and
- recording the relevant details of the meeting, as noted above. A minutes template is available to assist in recording minutes of advisory planning commission meetings and is also included in Appendix B.

PROCEDURES

Meeting coordination (dates, times, advertising)

At the beginning of each year regional district staff will determine meeting dates. If possible, the meetings will be scheduled on the same day of the same week of each month, for example the first Tuesday of each month. The meetings will generally be held in the Comox Valley Regional District Civic Room and include the availability of electronic participation. From time to time it may be necessary to conduct some meetings via electronic means only. The regional district will post the meeting dates, times and locations to its website.

Agendas and discussion items

One of the most important aspects of advisory planning commissions is the meeting agenda. As the commissions are tasked with considering planning and land use management applications and then making recommendations to the regional district on those matters, the meeting agenda is the sole mechanism by which a commission can provide its comments. As such, the construction of commission agendas is key to enabling a commission to provide comment, and subsequently, it is imperative that commissions provide recommendations that are useful to and can be implemented by the regional district.

Agenda construction

The three ways in which planning and land use management matters can be included on an advisory planning commission agenda are as follows:

1. referred to the commission by the regional district board of directors;
2. referred to the commission by the planning committee; or
3. referred to the commission by the electoral area director for the area.

The regional district will provide some background information on each application for the APC to consider. Staff seeks to provide as much information as possible to each application although due to limitations, including from a resource, information or jurisdiction perspective, commissions should be prepared to make recommendations at their meetings based on the initial staff reports provided.

Notice of the agenda availability and the link to the agenda on the CVRD website will be provided one week prior to the meeting. Hard copies can be picked up from the CVRD Information Centre upon request.

Action items

It is important that APCs recognize their role in the planning and land use management process as supporting the decisions that are made by electoral area directors and the board of directors. Therefore, a commission is most effective when its recommendations can be acted upon or considered by the board or a board committee in making a decision. For example, recommendations should do one of the following:

- recommend support for an application, with stated reasons if appropriate;
- recommend support an application subject to various conditions, with stated reasons; or
- recommend denial of an application, with stated reasons.

EXAMPLE:

“THAT the Area X Advisory Planning Commission support the application for the following reasons:

- proposed development is environmentally sustainable; and
- the rezoning is in accordance with the local area plan.”

By wording recommendations in a clear and concise manner, the electoral area director, planning committee or 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 a commission wishes to convey to the regional district 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. To ensure commissions act in a democratic fashion, it must be clear to anyone reviewing commission minutes that a majority of commission members supported the statements.

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 commissions on meeting agendas is public. Meeting times and dates are published on the regional district website.

From time to time, issues at APC meetings may attract public interest and members of the public may attend and want to speak at APC meetings. The applicant is entitled to speak to the commission but the general public is not. While the APC chair may allow members of the public to speak, caution is expressed as managing such a process in a fair and orderly manner can be challenging. The public should be advised that the APC is an advisory body and does not make decisions. In this regard, members of the public should be encouraged to speak to staff on process requirements and opportunities for input.

Minutes

As stated earlier, the minutes of advisory planning commission meetings are the means by which commissions submit recommendations to the regional district to assist in the planning and land use management decision-making process. The content requirements of minutes are noted in the recording secretary section of this guide.

Minutes, in a draft form, are to be submitted to the regional district as soon as possible after the commission meeting. Regional district staff members format commission minutes and then forward to the chair and recording secretary for approval. Commission minutes are also utilized in preparing staff reports regarding planning and land use management applications.

RELEVANT DOCUMENTS

There are numerous pieces of legislation that are important to advisory planning commissions, which include the [Procedure Bylaw](#) and the following planning bylaws that can be accessed through our website at <https://www.comoxvalleyrd.ca/planning-building/planning/planning-bylaws-0>:

- Bylaw No. 750 being the “Advisory Planning Commission Bylaw No. 750, 2023”
- Bylaw No. 751 being the “Agricultural Advisory Planning Commission Bylaw No. 751, 2023”
- Bylaw No. 337 being the “Rural Comox Valley Official Community Plan Bylaw No. 337, 2014”
- Bylaw No. 520 being the “Rural Comox Valley Zoning Bylaw No. 520, 2019”

Appendix A – Advisory planning commission minutes template sample (attached)

Appendix B – Section 461 of the *Local Government Act* (attached)

APPENDIX A – Minutes Template Sample

DATE: _____

AREA X APC

START TIME: _____

Attendance:	Chair:	NAME	
	Members:	NAME	
		NAME	
		NAME	
		NAME	
	Area X Director:		
	Area X Alternate Director:		
	Staff:		
	Staff:		
	Proponent/Applicant:		
	Proponent/Applicant:		
	Proponent/Applicant:		

Agenda Items

Call to Order and Recognition of Traditional Territories

The Chair called the meeting to order and acknowledged that the meeting was being held on the unceded traditional territory of the K'ómoks First Nation.



Minutes of Advisory Planning Commission Meeting

THAT the minutes of the Electoral Area X Advisory Planning Commission meeting held on Tuesday, _____ be received.

MOVER: _____ SECONDER: _____ CARRIED

APPLICATION _____

THAT the Area X Advisory Planning Commission support/oppose the application for the following reasons:

MOVER: _____ SECONDER: _____ CARRIED

APPLICATION _____

THAT the Area X Advisory Planning Commission support/oppose the application for the following reasons:

MOVER: _____ SECONDER: _____ CARRIED

Other Items:

Status update on APC recommendations

T. Trieu, Manager of Planning Services, provided an update regarding Electoral Area Services Committee and board decisions related to APC recommendations.



New Business

Termination

THAT the meeting terminate.

MOVER: _____ SECONDER: _____ CARRIED

TIME: _____

Recording Secretary: _____ Chair: _____

APPENDIX B

Section 461 of the Local Government Act (SBC, 2015, c.1)

Advisory planning commission

- 461** (1) A council may, by bylaw, establish an advisory planning commission to advise council on all matters respecting land use, community planning or proposed bylaws and permits under Divisions 4 to 14 of this Part and section 546 that are referred to the commission by the council.
- (2) 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 this Part.
- (3) The bylaw establishing an advisory planning commission must provide for
- (a) the composition of and the manner of appointing members to the commission,
 - (b) the procedures governing the conduct of the commission, and
 - (c) the referral of matters to the commission.
- (4) At least 2/3 of the members of an advisory planning commission must be residents of the municipality or the electoral area.
- (5) The following are not eligible to be a member of an advisory planning commission, but may attend a meeting of the commission in a resource capacity:
- (a) a council member;
 - (b) a regional district director;
 - (c) an employee or officer of the local government;
 - (d) an approving officer.
- (6) The members of an advisory planning commission must serve without remuneration, but may be paid reasonable and necessary expenses that arise directly out of the performance of their duties.
- (7) If an advisory planning commission is established, minutes of all of its meetings must be kept and, on request, made available to the public.
- (8) If an advisory planning commission is considering
- (a) an amendment to an official community plan or a bylaw, or
 - (b) the issue of a permit,
- the applicant for the amendment or permit is entitled to attend meetings of the commission and be heard.