

# APC 101

## A Guide for Advisory Planning Commissions at the RDOS



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## Introduction

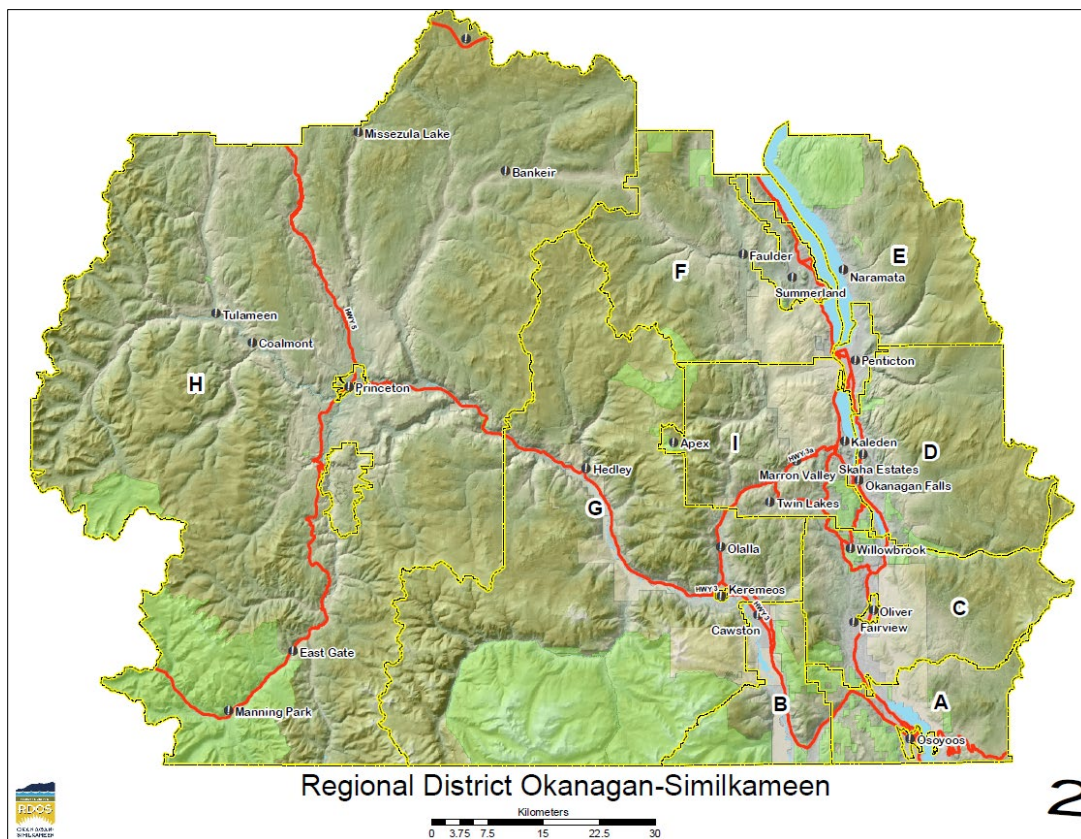
The role of an Advisory Planning Commission (APC) is to provide input on matters relating to land use planning and management at the local government level. That input is given as advice, and does not form policy or set direction for the local government. At the RDOS, Electoral Area Directors may choose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

This guide has been developed for a number of 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 provide links to relevant bylaws, policies and other information

The RDOS is made up of nine Electoral Areas and six municipalities. Six of the Electoral Areas have land use bylaws, with rural Cawston (Electoral Area “B”) and Heldey/Olalla (Electoral Area “G”) being the exceptions. Municipalities generally have established their own planning services and may or may not have APCs. The RDOS also provides planning services for the Village of Keremeos, Town of Princeton, and the Town of Oliver.

The number of items that are referred to the APC depends on number of applications that are received. Those areas without land use bylaws would not see any land use applications but the Director may forward Agricultural Land Commission or Crown land referrals to the APC.



# Advisory Planning Commissions

## Regional District APC Bylaw and Policy

### Bylaw

The RDOS “Advisory Planning Commission Bylaw No. 2339, 2006” was adopted in 2006. This bylaw is a requirement of the *Local Government Act* when establishing an APC and provides for: procedures governing the conduct of the commission; referral of matters to the APC; and, expenditures of APC. The Bylaw establishes that a maximum of 12 members may be appointed to an APC. An amendment has been made to this Bylaw reflecting the new Electoral Area “I”.

### Board Policy

The current RDOS Advisory Planning Commission Policy, was passed on August 21, 2014. The policy establishes direction to Commissions to facilitate delivery of recommendations to the Board.

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 RDOS is not eligible to be a member; however, they may attend meetings in a resource capacity.

## Making Recommendations

The APC only makes recommendations on planning and land use matters referred to them. Other issues raised at meetings may be referred to the Area Director for their consideration and action. Staff work and capacity is directed by both Board priorities and ongoing current projects and applications.



It is recognized that making a decision on a recommendation can be a complex matter and Commission members may feel pressured for numerous reasons. Knowledge of the Electoral Area’s strategic direction, as shown in the Regional Growth Strategy, the Official Community Plan, and the Electoral Area Zoning Bylaw assist with these decisions. In reality APC members face pressures that may be difficult and should be recognized, these may include the following:

**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 (e.g. “if you approve this, my property value will drop”). Proposed land use changes often generate emotional rather than rational response from many people.

**Developer & 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 a profit” may not necessarily be accurate. 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 and may be seen as being persuasive. APCs are intended to be independent bodies and commission members should still cast their votes that in their judgement 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 usually are active in the community. They interact with a wide variety of people who may discuss and influence decisions that need to be made.

## Roles and Responsibilities

### Chair and Recording Secretary

Each year a Chair, a Vice-Chair to act in the absence of the Chair, and a recording secretary are chosen and appointed by the APC. 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.

An effective Chair:

1. Commits to the position and recognizes the time it takes.
2. Knows and has interest in the RDOS and understands the process the regional district follows in its planning and land use management.
3. Exhibits leadership and develops collaborations in an open and fair manner. The Chair also ensures that discussions at meetings focus on the issue at hand and the facts.



4. Seeks out and identifies members who do not actively participate in meetings to balance the views of more vocal members.
5. 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.

### **Recording Secretary Responsibilities**

The recording secretary is responsible for recording the minutes at each commission meeting and submitting minutes to the Regional District. Minutes of APC meetings are public and posted on the RDOS website, by RDOS staff, after they are submitted.

An electronic template for minutes has been sent to all APCs to assist in recording minutes. When the recording secretary is a member of the APC they should also continue to be an active participant during meetings. The content requirements of APC minutes (clearly legible) 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 (e.g. 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;

### **Planning Staff Responsibilities**

Planning staff will provide a report to the APC that provides an assessment of the proposal and a recommendation. Planning recommendations are made after reviewing the intention of the proposal in relation to the existing zoning, the strategic direction for the community provided in the OCP and the Regional Growth Strategy, benefits to the community, impacts to the environment, best planning practises, and against any other issues that may affect the public interest.

The APC recommendation is summarized in the Planner's report that goes forward to the Board and the minutes of the APC are also included in Board agenda and minutes. The recommendation of the APC may differ than that of the Administration recommendation.

## **Public Information Meetings**

APC members will note that a Public Information Meeting (PIM) may be held immediately prior to an APC meeting. A PIM is held prior to the APC and prior to any file being considered by the Regional Board. It is an opportunity for the public to learn what is being proposed and the applicant to learn how people may feel about a proposal. The applicant may chose to re-design or make amendments to a proposal based on the PIM. APC members are encouraged to attend the PIM to hear how the community responds to the ideas presented. The PIM is generally a

more informal style of meeting, with the proponent providing information usually resulting in a number of Q & A's.

A PIM may be held on different dates if it is anticipated that the application is controversial or may take longer than 30 minutes.

## APC 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 including having a delegation present; 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.

A majority of a Commission is deemed to be a quorum. If a quorum is not present within 30 minutes after the fixed time of the meeting, that meeting shall be adjourned.

To support the APCs at its meetings, Regional District staff:

- Prepare an agenda, contact applicants and invite them to attend, post the agenda and all associated reports on the RDOS website;
- Prepare reports for APC members that will provide an assessment of applications to be considered;
- Deliver (email) a reference package of material to be considered at a forthcoming meeting (extra background information is provided to the Chair)

*A motion is a proposal that the entire membership take action or a stand on an issue. Motions must be 'seconded' or they are lost, they can be debated, and they are voted on. A motion is made in the positive (e.g. "I move that we..."). Recommended motions by staff form part of the report forwarded to the APC. 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.*

Meetings are usually run through the use of 'Robert's Rules of Order' which is a parliamentary procedure (eg a set of rules) for conducting meetings that allows everyone to be heard and to make decisions without confusion.

### Agenda and Discussion Items

As 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. It is imperative that the commission provide recommendations that are useful and can be clearly understood by the regional district.

## 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:

1. Recommend to the Board to approve an application;
2. Recommend to the Board to approve an application subject to various conditions, with stated reasons;
3. 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 regional district be contained in a recommendation. Where commission minutes report on discussion rather than provide a recommendation, it is not always clear what is the commission's position, which may lead to misunderstandings about the application.

## Public attendance at APC 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 also available on the RDOS website.

## Public participation at APC meetings

Under the Regional District's Advisory Planning Commission (APC) Bylaw, Commission's are authorized to only hear from an applicant or agent for a land use planning application referred to it by the Regional District Board.

The Board has not authorized Commission's to hear from residents who may wish to speak to a specific land use application or other land use matter.

For residents wishing to submit comments on a land use planning matter, there are other venues for them to do this (see Public Information Meeting reference above).

## Staff attendance at APC meetings

Planning staff generally may attend an APC meeting. If it is felt that an agenda item is complex and requires staff to provide further information and clarification, they will be in attendance. The Chair of an APC may request staff attend a meeting once they see the agenda, if they feel it is useful for the APC.





# Planning and Land Use Matters

## What is Planning?

Planning is the scientific, aesthetic, and orderly disposition of land, resources, facilities and services with a view to securing the physical, economic and social well-being for urban and rural communities.



*Many of the agricultural lands in the south Okanagan face pressure for additional urbanization.*



*Agricultural and residential development encroaches on riparian lands in several parts of the Okanagan and Similkameen valleys.*

The primary responsibility of the planner is to define and serve the interests of the public. This responsibility is addressed in the *Canadian Institute of Planners Code of Professional Practice* which governs Canadian planning professionals. In addressing our region's issues, both new and old, planners play a critical role. Not only do planners deal with land use, but they also influence:

- social and community services;
- local economic capacity and,
- transportation and infrastructure.

Planning decisions can also have very real and powerful effects on individuals and families. If residential development is permitted to occur in hazardous areas, the safety of the individuals residing there may be at risk. If development contributes to the degradation of air or water quality, the health of our region's citizens and their quality of life may be impacted.

Clearly articulated and thoughtful planning objectives and policies provide the public, and consequently, the

marketplace with a high degree of certainty for the future.

Planning and land use management in BC 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. From time to time, applications are made to amend an Electoral Area's OCP or Zoning Bylaws and the Board of Directors must consider the application and make a decision to approve or not.

APCs play an important role in the planning and land use management process by making recommendations to the RDOS 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 BC.

## Planning Tools

There are a number of planning tools available for local government, these include Regional Growth Strategies, Official Community Plans and supplementary Development Permits. These are described briefly below:

### South Okanagan Regional Growth Strategy (RGS)

In 2010, the Regional Board originally adopted a RGS for the South Okanagan. The RGS covers Electoral Areas “A”, “C”, “D”, “E”, “F” and “I” as well as member municipalities of Osoyoos, Oliver, Penticton, and Summerland. A minor amendment in 2016 updated the RGS and resulted in the current RGS Bylaw No. 2770, 2017.

The purpose of the RGS is to create a ‘big picture’ vision of sustainable development in the south Okanagan and contains goals and policies to ensure this happens. Under local government legislation, all bylaws and services in the south Okanagan region must not contradict the RGS; member municipalities must amend their OCPs to include a Regional Context Statement that outlines how their OCP meets the goals of the RGS.

### Official Community Plans

An Official Community Plan (OCP) is a provincially mandated, legal document containing objectives and policies to guide decisions on planning and land use management. It establishes land use, environmental, social and economic policy directions to support the plan’s larger objectives.

### Zoning Bylaws

A Zoning Bylaw is used to implement the policies of an Official Community Plan (OCP) by establishing and regulating the use of land. Zoning Bylaws provide a way to co-ordinate land uses and to protect areas by preventing incompatible uses, and to establish appropriate standards for development.

Where a zoning bylaw is in effect, its regulations apply to all lands, including the surface of water and to all uses, buildings and structures. Although the RDOS maintains zoning over Crown lands, neither the Province nor the Federal Government are legally obligated to adhere to zoning bylaw regulations.

### Development Permits

A Development Permit (DP) can be used to supplement a regulatory bylaw and can impose conditions respecting the location, extent, appearance, sequence and timing of development. While zoning bylaws deal primarily with issues of uses and siting, development permits can address more specifically a wider range of issues, such as form and character, landscaping, protection of farming, and environmental and riparian protection.

An Official Community Plan	A Zoning Bylaw
<ul style="list-style-type: none"><li>• Provides the longer term vision for the community</li><li>• Is a statement of objectives and policies to guide decisions on planning and land use management</li></ul>	<ul style="list-style-type: none"><li>• Puts the vision of the OCP into regulatory terms;</li></ul> Zoning regulates: <ul style="list-style-type: none"><li>• Use of land, buildings and structures</li></ul>

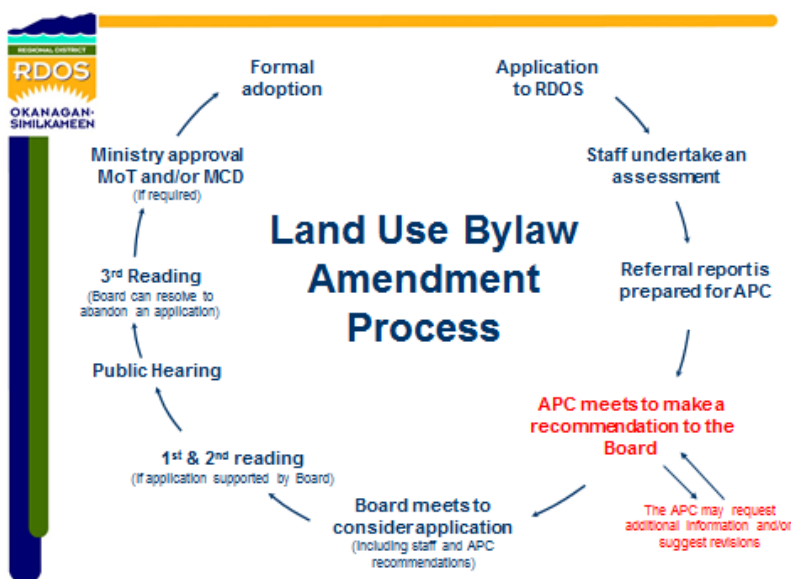
<ul style="list-style-type: none"> <li>• Provides for orderly development in the community</li> <li>• Two components: map and text</li> <li>• Should be reviewed every 5-10 years</li> <li>• Proactive community tool</li> </ul>	<ul style="list-style-type: none"> <li>• Density of land, buildings and structures</li> <li>• Siting, sizing and dimensions of buildings and structures</li> <li>• Minimum parcels sizes that may be created by subdivision</li> <li>• Provisions for parking, landscaping, floodplain</li> </ul>
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## Amending Bylaws

Land owners who wish to develop their land in a manner that is not currently permitted may apply to the Regional District to make amendments to the OCP or zoning bylaw. The RDOS follows procedures described in Procedures Bylaw No. 2500, 2011 to process land development applications that are received. Referrals to the APC are included with some types of applications.

Type of Application	APC involvement	
Zoning / OCP amendment	To APC	To Board
Development Permits (form & character, protection of farming)	To APC	To Board
Development Permit (WDP/ESDP)	Delegated to staff (CAO approval)	
Temporary Use Permits, including Vacation Rentals	To APC	To Board
Agricultural Land Commission	Director notified, if proposal triggers land use amendment: to Board for authorization	Director may refer to APC
Crown referrals	Director and APC Chair notified, sent as FYI only	Director may refer to APC
Development Variance Permits	To Board	Director may refer to APC

The following chart shows a typical process for amending an OCP or Zoning Bylaw:



## Additional Information

The RDOS website provides a great deal of information for the public, including APC members, about what is going on at the RDOS. RDOS Website: [www.rdos.bc.ca](http://www.rdos.bc.ca)

Below are some key pages related to Planning Services:

### **Current Applications** (home/Planning/Current Applications & Decisions)

This site provides information on the status and information related to all Rezoning and Temporary Use Permit applications, by Electoral Area. It also provides basic application information on all Development Variance Permits (as of 2019), and as well you can find decisions and information on all completed rezoning applications. This is a way that APC members can track an application as it moves through the approval process.

### **Mapping** (home/Internet Mapping/ Parcel Information Maps)

Use the 'Mapping' function to find parcels, check zoning, and identify watercourse, environmentally sensitive and other development permit areas. The 'Regional Bylaws' tab has links to many of the RDOS bylaws including land use bylaws, noise control, emergency protective services, subdivision servicing, and untidy and unsightly premises, amongst others. Land use Bylaws (OCP and Zoning) are updated and consolidated after an amendment has been approved. APC member may wish to periodically check the Bylaws for their area for the most updated version. The title page of each Bylaw will have a statement on when it was consolidated.

### **Agenda / minutes for Board and APC** (home/minutes and agendas/RDOS Board Minutes *or* RDOS Board Schedule of Meetings and Agendas)

Under the tab 'minutes and agenda' are links to the Board agendas and minutes and to the APC minutes. Reports going to the Board also contain all of the information pertaining to a particular file, for example, referral responses and public hearing minutes.

### **Planning** (home/planning)

Under this tab there is information on a number of planning resources and projects, including application forms, property information, bylaws,. As well there are links to all of the strategic projects the RDOS is or has undertaken, for example, the consolidated zoning bylaw, retaining walls, and OCP reviews.