



Advisory Planning Commissions in the RDBN

What is an Advisory Planning Commission?

An Advisory Planning Commission (APC) is a group of local citizens who advise the Board on land use matters. APC members are nominated by the Electoral Area Director and appointed by the Regional District Board of Directors. APCs are a valuable part of the planning process as they provide a local perspective on land use matters.

The RDBN has established an APC in each of its seven Electoral Areas. APCs consist of four to eight members and meet on an as-needed basis. At least two-thirds of the members of an APC must be residents of the Electoral Area that they represent. Board Directors, their Alternates and Regional District staff are not eligible to be voting members of an APC but commonly attend meetings in a resource capacity.

APC members are appointed for a term of four years following the swearing in of the Electoral Area Director.

APCs advise the Board and Planning Department Staff on matters that have been referred to them. The Board or the Electoral Area Director may refer any matter respecting land use, the preparation and adoption of an Official Community Plan or a proposed bylaw or permit enacted or issued under Part 26 of the *Local Government Act*.



As part of the normal application process, Regional District Staff will refer Zoning and/or Official Community Plan amendment applications, Agricultural Land Reserve applications, and Temporary Use Permit applications to the appropriate Advisory Planning Commission. All other items shall be referred to the Advisory Planning Commissions at the request of the Board or Electoral Area Director.

If an APC is considering an amendment to a plan or bylaw, or the issuance of a permit, the applicant for the amendment or permit is entitled to attend meetings of the APC and be heard.

The recommendation of APCs to the Board, Electoral Area Director and Planning Department Staff are highly valued and given due consideration. Also, the Board can consider an application at any time whether or not the application has been referred to the APC. Referrals to the APC are ultimately at the discretion of the Board.

In addition, the RDBN, as required by the *Local Government Act*, has established an APC bylaw that provides for:

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

Chairperson and Secretary

Each APC must elect one of its members to be Chairperson and one of its members to be Secretary. If the Chairperson or Secretary are absent at a meeting, the APC may appoint an acting chair and/or secretary at that meeting for the duration of the meeting.

- The Chairperson is responsible for calling, arranging and running APC meetings, advising applicants of meetings, and liaising with RDBN Staff and the Electoral Area Director. It is important that the Chairperson call a meeting to discuss applications referred to the APC in a reasonable amount of time.
- The Secretary is responsible for recording expenses and taking minutes at APC meetings and providing those minutes to the RDBN Planning Department in a timely manner. The Planning Department provides a form for the APC Secretary to use for the minutes. It is important that the minutes contain the reasoning behind all recommendations.

Open Meetings

Like Board meetings, APC meetings must be open to the public. The 'open meeting' rule applies to all parts of the meeting including deliberations on applications and making decisions. This means that an applicant cannot be asked to leave an APC meeting. Please note that the *Local Government Act* explicitly states that an applicant is entitled to attend meetings of the APC and be heard. Therefore, applicants should be invited to the meeting where their application is to be considered. Discussing an application with the applicant can provide useful information.

Staff Attendance

Planning Department Staff will attend APC meetings upon the request of the Chairperson. Staff attend meetings at their discretion.

Conflict of Interest

If any member of an APC has a conflict of interest with any matter being considered by an APC, that member shall declare their interest prior to the meeting or at the meeting when the matter comes up and refrain from participating in the discussion of or influencing the vote on the matter as a member of the APC. However, an APC member, once having declared a conflict, may provide any input as a community member.



Application Referrals

Most referrals to the APC consist of Rezoning/OCP or ALR applications. These items are sent directly to the APC from the Planning Department and copies are provided to the applicant and the Electoral Area Director. Referrals generally include a Planning Department Staff Report, a copy of the application and the applicant's contact information. Applications are also referred out to various government agencies who also make recommendations. Planning Staff consider all recommendations when formulating their position on an application. It is not uncommon for the Planning Department's position to differ from the APC's recommendation. All written APC recommendations are presented to the Board when an application is considered.

Quorum

The Regional District APC bylaw states that three members of an APC constitute a quorum.

Additional Procedures

Each APC may establish additional procedures provided they are not inconsistent with the RDBN APC Bylaw or the *Local Government Act*.



Remuneration and Expenses

The *Local Government Act* states that APC members must serve without remuneration, but may be paid reasonable and necessary expenses that arise directly out of the performance of their duties. Expense claim forms can be obtained from RDBN Staff. It is the APC Secretary's responsibility to collect expense claims and submit them to RDBN Staff.

Liability

APC members are protected from most forms of liability that may arise in the conduct of their duties. For example, APC members may receive statutory immunity from damages claims. This protection excludes liability with respect to dishonesty, gross negligence or malicious or willful misconduct, as well as libel and slander.



Items Commonly Referred to APCs

What is an Official Community Plan?

Currently, the RDBN has seven different Official Community Plans (OCP's) which cover most of the privately owned land within the RDBN. An OCP sets out the community vision for the plan area, and contains statements of goals and objectives identified by the community. An OCP also contains policies and direction specific to the objectives of the plan. These policies are used to guide decisions on planning and land use management.

APCs play a key role in the preparation and review of OCPs. The APC typically oversees the structure of the OCP review process, and provided input into the content of the draft OCP documents.

What is Rezoning?

Rezoning is the process to amend the zone applied to a specific property. A rezoning application is typically made to the RDBN by a property owner when they want to

use the land for a use that is not permitted in the zone for their property. When a rezoning application is made the RDBN looks to the policies in the OCP to help evaluate the application to change the use of the land. The application is also reviewed for its potential impact on the immediate area.



All zoning changes must be consistent with the policies in the applicable OCP otherwise an amendment to the OCP is also required. The Regional District Board is the approving authority for all applications.

An application to amend a zoning bylaw or an Official Community Plan must follow a process that is outlined in the *Local Government Act* and in the Regional District's Development Approval Procedures and Notification Bylaw.

What is the Agricultural Land Reserve?

The Agricultural Land Reserve (ALR) can be thought of as a provincial land use zone in which agriculture is recognized as the priority use. Farming is encouraged and non-agricultural uses are regulated. If one wishes to subdivide or use land for non-farm purposes or exclude land from the ALR, an application must be submitted to the Commission to obtain its approval. The Agricultural Land Reserve takes precedence over, but does not replace other legislation and bylaws that may apply to the land.

Through the Regional District a Landowner may apply to:

- Include land in the ALR
- Exclude land from the ALR
- Subdivide land in the ALR
- Use land in the ALR for non-farm purposes

What is a Temporary Use Permit?

Temporary Use Permits (TUPs) allow a short-term variance of a zoning bylaw for commercial or industrial use. A TUP can only apply to land identified for such purpose in an OCP. All RDBN OCPs allow TUPs and each OCP outlines different restrictions on their issuance.

The RDBN Board may allow commercial or industrial uses for a period of four years or less, extendable for up to another two years, through the issuance of a TUP by Board resolution.

Need More Information?

Contact the Planning Department at the RDBN Office at 37 3rd Avenue, PO Box 820, Burns Lake, BC.

Call us at: (250) 692-3195 or toll free in BC 1-800-320-3339 Fax: (250) 692-3305

Visit our website at: www.rdbn.bc.ca