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Prepared By:

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Date of Issue:

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Council

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**Purpose:**

The purpose of this Policy is to provide additional information for the Advisory Planning Commission with regards to the administration and procedures of the Commission meetings.

**Governance:**

The Advisory Planning Commission is governed by the applicable provisions in the *Local Government Act* and Part 1 Division 6 of the *Kitimat Municipal Code*.

**Mandate:**

The mandate of the Advisory Planning Commission is to provide advice to Council on land use applications, policies, regulations and initiatives referred directly by Council.

**Decision Making and Recommendations:**

1. The Advisory Planning Commission must consider and address the matters that are referred to them by Council as per the *Kitimat Municipal Code*.
2. All decisions and communications from the Advisory Planning Commission to Council must be in the form of a motion carried by the majority of members.
3. Decisions of the Advisory Planning Commission are not binding on the District.
4. The Advisory Planning Commission will provide recommendations to Council on the following referrals using the process principles outlined in Schedule A where applicable.
  - Amendments to the Official Community Plan (OCP) where a change in land use designation or policy amendments are proposed.
  - Amendments to the Zoning in Part 9, *Kitimat Municipal Code*, where a change in zone, land use and/or density is proposed.
  - Applications for Development Permits, Development Variance Permits and Temporary Use Permits.
  - Federal, provincial, regional, or neighbouring municipality development plans which may affect the District of Kitimat's Official Community Plan.
  - District plans or strategies, such as transportation plans, economic development

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- Strategies, housing strategies or other strategic plans which may affect the District's Official Community Plan.
  - Any other matter referred by Council.

The Advisory Planning Commission will provide feedback and recommendations to Council on:

- Other matters related to community planning or land use that the Commission considers relevant to the District and that they wish to bring to Council's attention.

### **Reporting**

Advisory Planning Commission recommendations related to development applications will be conveyed to Council through the established development review process, and generally contained in staff reports to Council. Commission meeting minutes will be provided to Council after they are approved at the following Commission meeting and signed by the Chair or Vice Chair.

### **Meeting Management**

#### (a) Chair and Vice-Chair

- The Chair and Vice-Chair will be elected annually by the members.
- The Chair and Vice-Chair will be elected at the first meeting of the Commission, and annually thereafter at the first meeting following July 1<sup>st</sup>.
- In the absence of the Chair, the Vice-Chair shall preside at any Commission meeting.

#### (b) Meeting times and Location

- The Commission will meet once a month if there are referrals from Council to consider.
- Meetings will take place in a location that is designated by District Staff.
- District Council procedures apply to meetings of the Commission.

### **Public Involvement**

All meetings of the Advisory Planning Commission shall be open to the public. Members of the public who attend the meetings are present as observers. It will be at the discretion of the Chair if the public will be allowed to ask questions. Commission members cannot meet In-Camera and cannot request members of the public or a developer to leave the meeting during its deliberations unless that person is disruptive to the meeting.

### **Applicant Involvement**

When considering a proposal from an applicant referred by Council, the applicant or their designate may make a presentation to the Advisory Planning Commission. After the Presentation, Commission Members may ask questions of the applicant, however, during the

Commission deliberations, the applicant may not take part in the discussion unless they have been requested to do so by the Chair.

## **Council Liaison**

A member of Council and an alternate, will be appointed to act as the Liaison between the Advisory Planning Commission and Council. The Council Liaison is not a voting member of the Commission. The primary role of the Council Liaison is to provide information and act as a resource to the Commission in its deliberations, if needed.

## **Staff Involvement**

District Staff will attend the Advisory Planning Commission meetings and provide technical support where required and when necessary. Staff will request motions from the Commission, which will be included in the minutes in order to provide formal responses to Council's referrals.

## **Agenda and Minutes**

- Staff will prepare the Agenda in consultation with the Chair, which will be provided to Commission members at least one week prior to the scheduled meeting date. Agendas will be posted to the District website.
- The order of business for the meeting shall be governed by the agenda. Late agenda items will be determined at the call of the Chair.
- The Agenda may include a business section which allows for members to put forward a request to the Chair to bring forward a topic, which relates to community planning or land use, to the next meeting for discussion.
- Minutes of all Advisory Planning Commission meetings shall be electronically recorded and every effort by Staff will be made to ensure the Minutes are prepared for the next Advisory Planning Commission meeting. Draft minutes will be reviewed by the Chair. Draft minutes will be distributed with the meeting agenda package.
- Minutes of the Commission meetings will be posted on the District's website and included in Council agenda packages.

## **Meeting Procedures**

- The quorum necessary for the transaction of the business of the Commission shall be at least half of the total number of appointed Commission members at any given time. In the event that a quorum is not present within 30 minutes after the time appointed for a meeting, the names of those present shall be recorded and the meeting shall be adjourned.
- Where quorum is not obtained the agenda items referred from Council may be returned to Council without Advisory Planning Commission comment.
- All decisions of the Commission will be reached by a majority vote of the members present.
- The Commission shall otherwise meet and dispatch business, adjourn and otherwise regulate their meetings by adopting procedural rules, and may from time to time vary such rules, the affirmative vote of a majority of all Commission members. Where no rule has been made, the rules of procedure applicable to District Council shall apply.

- A Commission member present at the meeting at the time of the vote who does not raise their hand either in favour or in opposition of the matter is deemed to have voted in the affirmative.
- District staff will initiate the review of applications in front of Commission members by providing a brief background of the application and a summary of any issues applicable to the proposal.
- The applicant and/or representative shall be given the opportunity to address the Commission, following which the members will have an opportunity to address questions to the applicant and Staff.
- The Commission will then formulate its position in relation to the application and provide its recommendation to Council in a motion.
- A member of the Advisory Planning Commission who has a direct or indirect pecuniary or other personal interest in an application must declare a conflict of interest and step away from the review before the discussion begins.
- Commission members must ensure that discussion and decisions are based on the application and the planning, design and land use under review. Land use approvals are tied to the land, the applicant or landowner submitting or involved with the application are not relevant to the discussion or the decision.
- Commission members must ensure that their discussions and review are kept within the scope of the application before them. Bringing in other subject information or introducing topics that are irrelevant may cause confusion and indecision for the members and the applicant and may result in a resolution being prepared based on information outside of the *Local Government Act* application review requirements or the District's OCP Development Permit Area Guidelines.

### **Application Review Process Principles**

- (a) OCP or Zoning Bylaw Application Review
  - Staff will provide a report outlining the general proposal which will be included in the meeting agenda package.
  - The Advisory Planning Commission will:
    - Refer to the Official Community Plan and Council's strategic priorities in the review of the proposal.
    - Hear from the applicant through a brief presentation to summarize the proposal.
    - Consider each proposal on its own merits.
    - Provide its advice to Council in the form of a motion.
- (b) Development Permit and Development Variance Permit Application Review
  - Staff will provide a report outlining the general proposal which will be included in the meeting agenda package.

- The Advisory Planning Commission will:
  - Use the development permit area design guidelines contained within the Official Community Plan in the review of development permit proposals.
  - For development permits in the Downtown core use the Downtown Design Guidelines in the review of development permit proposals.
  - Hear from the applicant through a brief presentation to summarize their proposal and design criteria.
  - Consider each proposal on its own merits.
  - Provide its advice to Council in the form of a motion.