

Date: Tuesday, January 21, 2025

To: Elizabeth Tracy, Chief Administrative Officer

From: Scott McRae, Manager of Development Services

Subject: Advisory Planning Commissions – Updates and Changes

PURPOSE

The purpose of this report is to update Committee of the Whole on recent events and statutory changes related to the Village of Pemberton's advisory planning commissions (APCs). The report seeks the Committee's input on proposed changes to the Village's advisory bodies.

BACKGROUND

[Village of Pemberton Advisory Planning Commissions Bylaw No. 626, 2009](#) enabled the Village to establish two distinct advisory planning commissions (APCs) known as the Advisory Design Review Commission (ADRC) and the Advisory Land Use Commission (ALUC). These bodies were established to provide recommendations to staff and Council regarding land use matters, community planning, and proposed development projects. The bylaw specifies the composition, appointment of members, governing procedures, and referral of matters to be considered by each commission.

Membership on each commission is for a two-year period and the term is established on a rotating basis for ease of recruitment. Due to the difficulty in recruiting local residents for commission membership, on April 21, 2020, Village of Pemberton Advisory Planning Commission Amendment Bylaw No. 878, 2020, was adopted, relaxing the residency requirements.

As described in the bylaw, the mandate of the ALUC is to review matters related to community and neighbourhood planning, housing, and economic development, and applications for amendment of the Official Community Plan and Zoning Bylaw. The mandate of the ADRC is intended to review development permit and development variance permit applications.

DISCUSSION & COMMENTS

The Village's APCs have served the municipality for many years, providing recommendations for staff and council with respect to a range of issues. Over time, as the community has grown, recurring patterns have become clear that highlight some of the weaknesses of the current arrangement.

It has proved persistently challenging to find qualified individuals to volunteer for either body. Staff advertise vacancies every year but typically do not receive any applications. Members are actively sought by staff based on community involvement and relationships. As a result, maintaining the two commissions costs staff time annually regardless of the meeting schedule.

Recently, two scheduled meetings of the ALUC had to be cancelled as too few members attended to achieve quorum. This was partly due to some members being on out-of-town work assignments and partly due to overcommitments by some members who may feel unqualified for the role. The applicant whose project was scheduled for review was understandably frustrated by both the delay caused by the meeting cancellations and the cost incurred. Depending on the level of effort and supporting professionals in attendance, each meeting of the commissions costs applicants thousands of dollars. Beyond the applicants, other members of the commission are understandably frustrated to attend a meeting that does not achieve quorum, both for their time wasted and for the perceived negative impact on the reputation of the community.

New legislation prohibiting public hearings for certain types of applications (section 464 of the *Local Government Act*) has implications for APCs, especially the ALUC in its current form. For development applications where public hearings are now prohibited, additional caution is warranted as the application is processed to avoid any semblance of a public hearing. For example, best practice suggests local governments should be cautious about entertaining "delegations" from citizens at council meetings at which readings or adoption of the bylaw are under consideration. There is a risk that the prohibition in section 464 could be interpreted broadly to include any proceeding at which the council is exposed to representations from members of the public on the merits of the amendment. Conceptually, this extends to ALUC meetings where the majority of the members are local residents and the matter of business is a zoning amendment where a public hearing would be prohibited. These commission meetings could be construed as 'pseudo' public hearings and challenged on procedural grounds. The ADRC is of lesser concern as the primary subject matter is development permits and design guidelines.

When the advisory planning commissions were initially established, they were intended to address a few areas of concern. At that time, Pemberton was a smaller community with less development activity, less policy guidance, and fewer specialized staff. The ADRC and ALUC were created to achieve greater public engagement and interest in land use planning and development matters, help address policy gaps, and compensate for the lack of specialized staff. As the community has grown and witnessed technological and social change, public engagement in land use planning processes is more robust. Online tools and in person events are generally well subscribed channels for residents to participate in planning processes. New policies have been developed and continue to be updated and modernized at a faster pace than in the past. The Development Services team has grown to include full-time community planning resources, and cost recovery mechanisms have enabled the Village to support complex development processes with highly qualified consultants.

While the policy foundation and staff capacity have grown, gaps remain. The Village does not have professional design expertise in-house, nor does it make sense for a small municipality to do so. In addition, the volume of development applications is more than in the past. Most communities with a comparable level of development activity are larger towns or similarly desirable places to live and work. These communities have shifted toward advisory design panels (ADPs) where professional experience is prioritized over local resident bona fides. The Architectural Institute of British Columbia (AIBC) and the British Columbia Society of Landscape Architects (BCSLA) encourage members to volunteer on ADPs to demonstrate to the public the philosophies, objectives and capabilities of their members. As detailed in the AIBC's [Bulletin 65: Advisory Design Panels – Standards for Procedure and Conduct](#), these societies provide detailed guidelines for establishing ADPs, including criteria for nomination that require candidates to have

familiarity with (but not necessarily residence in) that jurisdiction. These bodies have at the core of their mission a desire to help them arrive at the best decisions possible in the public interest in matters relating to the physical environment. The professional societies maintain lists of eligible and interested applicants and thereby help municipalities access valuable design expertise for their own ADPs.

Based on the above analysis, staff present the following recommendations to streamline the implementation of advisory bodies and better match contemporary needs:

- Phase out the ALUC. Fewer meetings of the ALUC can be expected due to the provincial statutory changes and a desire to avoid pseudo public hearings. For development applications where a public hearing is permitted, the public hearing is broadly expected to satisfy the same goals as an ALUC meeting. This diminishes the role of the ALUC without reducing the administrative cost.
- Redefine the ADRC as an ADP. Staff recognize that lack of professional design support remains a gap; some sort of professional design review body would be a practical solution. Shifting to an ADP would reduce local residence requirements while increasing professional design expertise requirements, although the preference would remain to appoint local residents who hold design expertise.

Should Committee of the Whole agree with these changes, a resolution directing staff to prepare the necessary bylaw amendments would be appropriate.

COMMUNICATIONS

No communications element is anticipated until Council directs staff to amend bylaws.

LEGAL CONSIDERATIONS

Section 461 of the *Local Government Act* regulates the use of advisory planning commissions (APCs). Section 143 of the *Community Charter* authorizes the establishment of commissions such as ADPs.

BUDGET & STAFFING

Populating and managing two advisory planning commissions requires ongoing staff time.

INTERDEPARTMENTAL IMPACT

This item does not have significant interdepartmental impact.

COMMUNITY CLIMATE ACTION PLAN

This item does not relate directly to the actions in the Community Climate Action Plan.

STRATEGIC PRIORITIES

The proposed changes to the advisory planning commissions could reduce administration costs and streamline development processes, thereby supporting Council's vision to create a community where residents thrive and businesses prosper.

IMPACT ON THE REGION

This initiative has no impact on other jurisdictions.

ALTERNATIVE OPTIONS

There are no alternative options for consideration.

RECOMMENDATIONS

THAT the Committee of the Whole directs staff to complete the necessary bylaw changes to phase out the ALUC and redefine the ADRC as an ADP as outlined in the January 21, 2025 staff report to the Committee of the Whole and present the updated bylaws to Council for readings at a future regular meeting of Council.

ATTACHMENTS:

None

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CAO approval:	Elizabeth Tracy, Chief Administrative Officer