



ALBERNI-CLAYOQUOT REGIONAL DISTRICT



ADVISORY PLANNING COMMISSION HANDBOOK

UPDATED NOVEMBER 2022

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ALBERNI-CLAYOQUOT REGIONAL DISTRICT ELECTED OFFICIALS

November 2022

John Jack, Chairperson	Councillor, Huu-ay-aht First Nations
Debbie Haggard	Vice-Chair, Councillor, City of Port Alberni
Bob Beckett	Director, Electoral Area "A" (Bamfield)
Fred Boyko	Director, Electoral Area "B" (Beaufort)
Vaida Siga	Director, Electoral Area "C" (Long Beach)
Penny Cote	Director, Electoral Area "D" (Sproat Lake)
Susan Roth	Director, Electoral Area "E" (Beaver Creek)
-	Director, Electoral Area "F" (Cherry Creek)
Sharie Minions	Mayor, City of Port Alberni
Marilyn McEwen	Mayor, District of Ucluelet
Tom Stere	Councillor, District of Tofino
Wilfred Cootes,	Councillor, Uchucklesaht Tribe Government
Kirsten Johnsen	Member of Council, Toquaht Nation
Alan McCarthy	Member of Legislature, Yuuʔuʔiʔatʔ Government

BOARD OF VARIANCE

Bob Cole - Chairperson	Appointed by the Board of Directors
Gary Haggard	Appointed by the Board of Directors
Bob Haynes	Appointed by the Board of Directors

ADVISORY PLANNING COMMISSIONS

There are 6 Advisory Planning Commissions with up to 11 members on each Commission. If you require a list of your Advisory Planning Commission, the Planning Department will supply you with this information.

AGRICULTURE ADVISORY COMMITTEE

There are 6 members on the Agriculture Advisory Committee. If you require a list of these members, the Planning Department will supply you with this information.

ALBERNI-CLAYOQUOT REGIONAL DISTRICT STAFF LIST

A current staff listing may be found on the Alberni-Clayoquot Regional District website at [District Staff List \(acrd.bc.ca\)](#).

PURPOSE OF THE ADVISORY PLANNING COMMISSION HANDBOOK

This handbook has been prepared to act as a resource to assist the Advisory Planning Commissions (APCs) in achieving a greater understanding of their role and responsibilities in planning applications and initiatives. Although the Commissions have no decision-making power, their comments and recommendations to the Board of Directors can influence decisions and policies. On behalf of the Alberni-Clayoquot Regional District Board of Directors and staff, we would like to thank you for volunteering as an APC member. The time and commitment to our region is greatly appreciated.

ADVISORY PLANNING COMMISSIONS

The provincial *Local Government Act* sets out the procedures under which Regional Districts operate. The authority to establish an Advisory Planning Commission is contained in Section 461 of the Act and the Regional District's Advisory Planning Commission Bylaw No. A1045 (shown below). Although it is not compulsory to have APCs, many Regional Districts choose to do so. In the Alberni-Clayoquot Regional District (ACRD), they provide invaluable local input into planning decisions and are heavily relied upon by both the Regional Board and Planning staff.

There are 6 electoral areas within the Alberni-Clayoquot Regional District. Each area has its own Advisory Planning Commission consisting of 5 – 11 members. At least two-thirds of the Commission members must be residents of the electoral area that the Commission represents. Regional Board Directors, Alternate Directors, or staff members are not eligible to sit on an Advisory Planning Commission although they may attend the meetings in a resource capacity. APC members serve as volunteers but in some circumstances may be reimbursed for expenses.

APC members are appointed by the Board of Directors. Each member appointed is expected to serve a two-year term although their term can be reduced if circumstances affecting their abilities to participate change.

SECTION 461 - EXTRACT FROM THE *LOCAL GOVERNMENT ACT*:

Section 461 – Advisory Planning Commission

- (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 director of the board representing the electoral area, on all matters referred to it 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 advisory planning 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 the 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.

REGIONAL DISTRICT’S ADVISORY PLANNING COMMISSION BYLAW NO. A1045

A BY-LAW TO ESTABLISH ADVISORY PLANNING COMMISSIONS IN ELECTORAL AREAS “A”, “B”, “C”, “D”, “E” AND “F” OF THE REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT

The Board of Directors of the Regional District of Alberni-Clayoquot, in open meeting assembled, enacts as follows:

1. Title

This by-law may be cited as the "Regional District of Alberni-Clayoquot Advisory Planning Commission By-law No. A1045, 2002".

2. Interpretation

In this by-law:

- (i) “Board” or “Regional Board” means the Board of Directors of the Regional District of Alberni Clayoquot;
- (ii) “Commission” means Bamfield Advisory Planning Commission, Beaufort Advisory Planning Commission, Long Beach Advisory Planning Commission, Sproat Lake Advisory Planning Commission, Beaver Creek Advisory Planning Commission and Cherry Creek Advisory Planning Commission;
- (iii) “Director” means a municipal Director or an electoral area Director elected pursuant to the *Local Government Act*, and includes an alternate director when acting on behalf of a Director;
- (iv) “Meeting” means a meeting of an advisory planning commission;
- (v) “Member” means a member of an advisory planning commission appointed by the Regional Board;
- (vi) “Regional District” means the Regional District of Alberni-Clayoquot.

3. Establishment and Names of Commissions

In accordance with the *Local Government Act*, the Regional Board hereby establishes Advisory Planning Commissions for the following areas:

- (i) all of Electoral Area “A” (Bamfield) to be known as Bamfield Advisory Planning Commission
- (ii) all of Electoral Area “B” (Beaufort) to be known as Beaufort Advisory Planning Commission;
- (iii) all of Electoral Area “C” (Long Beach) to be known as Long Beach Advisory Planning Commission;

- (iv) all of Electoral Area “D” (Sproat Lake) to be known as Sproat Lake Advisory Planning Commission;
 - (v) all of Electoral Area “E” (Beaver Creek) to be known as Beaver Creek Advisory Planning Commission;
 - (vi) all of Electoral Area “F” (Cherry Creek) to be known as Cherry Creek Advisory Planning Commission;
4. Power of Commissions
 Commissions are hereby empowered to advise the Board or their respective electoral area Director on all matters referred to them relating to:
- (i) the preparation and adoption of community plans or amendments thereto;
 - (i) the preparation and adoption of rural land use by-laws or amendments thereto;
 - (ii) proposed by-laws or permits, that may be enacted or issued under Part 26 of the *Local Government Act*;
 - (iii) any other planning-related matters that have been referred to them by the Board or by the Director for their respective electoral areas.
5. Composition of Commissions
- (i) The members of each commission shall be appointed by resolution of the Board.
 - (ii) Each commission shall consist of not less than five and not more than eleven members.
 - (iii) Subject to subsection 6 below, any person, other than a corporation, who is qualified as an elector within the meaning of the *Local Government Act* is eligible for appointment to a commission, provided that at least two-thirds of the members of each commission shall be residents of the electoral area which that commission represents.
6. Ineligibility for Appointment to Commissions
 A council member, board director, alternate director, employee or officer of the Regional District, or an Approving Officer, is not eligible to be a member of an advisory planning commission but may attend at a meeting of a commission in a resource capacity.
7. Terms of Appointment of Commission Members
- (i) Commission members shall hold office for two years, with one-half the members of each commission being appointed on alternate years.
 - (ii) Appointments to a commission shall be made annually by the Regional Board. Any member whose term has expired may be reappointed for a further term.
 - (iii) The Board shall have the power, by an affirmative vote of not less than two-thirds of all members thereof, to replace any member of a commission at any time and such an appointment shall be for the unexpired term of office of the member being replaced.
8. Public Notice of Meetings
 At least twenty-four hours before a commission meeting, advance notice of the time, place and date of the meeting shall be given by way of a notice posted on the notice board at the Regional District Office.
9. Rules and Regulations Governing Meetings
- (i) Each commission shall at its first regular meeting each year appoint a chairman and a secretary from among its members. The chairman and secretary shall hold office for one year or until successors have been appointed.
 - (ii) At all meetings, a majority of the members of the commission shall constitute a quorum.
 - (iii) Each commission shall keep minutes of all its meetings. These minutes shall be filed in the Regional District Office and made available to the public upon request.
 - (iv) Each commission may adopt rules for its procedures not inconsistent with the provisions of this by-law or with the Regional District of Alberni-Clayoquot Procedures By-law or with the *Local Government Act*.

- (v) Commission meetings shall be open to the public except for matters authorized by the *Local Government Act* to be dealt with in-camera.
- (vi) Where a commission is considering an amendment to a plan or by-law, or the issuance of a permit, the applicant for the amendment or permit is entitled to be heard at the meeting.
- (vii) Each commission may invite non-members to attend meetings in a resource capacity.
- (viii) A commission's report and advice to the Board shall be in writing accompanied by its recommendations and such other information as the circumstances require, or that the commission may deem necessary.

10. Remuneration

Commission members shall serve without remuneration, but they may be paid reasonable and necessary expenses that arise directly out of the performance of their duties.

11. Repeal

By-law No. A1032, cited as the "Regional District of Alberni-Clayoquot Advisory Planning Commission By-law No. A1032, 2000", is hereby rescinded.

12. This By-law shall come into force and take effect upon the adoption thereof.

Read a first time this 24th day of April 2002.

Read a second time this 24th day of April 2002.

Read a third time this 24th day of April 2002.

Reconsidered and adopted this 24th day of April 2002.

DUTIES OF THE ADVISORY PLANNING COMMISSIONS

APC members advise the electoral area Directors on planning matters referred to them for review. These include preparation and review of community plans and amendments, rezoning applications, temporary use permit applications, parcel frontage waiver applications, development variance permit applications, form and character development permit applications and in some circumstances, aspects of subdivision proposals and Crown lease referrals.

A Chairperson and Secretary must be appointed annually from among APC members. Either Regional District planning staff or the Secretary are responsible for keeping records and minutes of the meetings and forwarding them to their Director and APC members. APC meeting minutes and recommendations must be in writing. After they have been received by planning staff, copies are kept in the Regional District office where they are available to the public for inspection.

In undertaking their duties, APC members are expected to conduct themselves with professionalism, and adhere to procedural rules while providing well-considered input to the ACRD Board, staff and electoral area Director as appropriate. Member participation in meetings is to be conducted with fairness, objectivity and the avoidance of conflicts of interest.

CONFLICT OF INTEREST

Conflicts can occur between a member and their personal relationships, interests, business or property. When a conflict of interest arises, an APC member should declare to the APC a conflict exists and state the reason why, then remove themselves from the meeting during consideration of the issue or application and not attempt to influence the vote.

CONFLICT OF INTEREST POLICY

Policy Issued by: ACRD Board of Directors

Date Adopted: October 25, 2017

1.0 PURPOSE

In order to maintain impeccable governance of and strong public confidence in the Alberni-Clayoquot Regional District, persons elected to office and serving on Board appointed committees and commissions must be free of conflict and from personal interest when carrying out their duties and exercising their authority.

This Policy is intended to establish guidelines to identify conflict of interest and potential conflict of interest for Members and to define responsibilities of and steps for Members and those supporting them in relation to conflict of interest.

The facts of each situation will be unique and will need to be considered when determining if a Member is in a conflict of interest situation. Accordingly, an overriding principle of this policy is that the Board approaches each situation openly, with a complete examination of the facts and without premature judgement, giving each Member support in making his or her own determination of conflict of interest.

It is important to recognize that there is nothing improper if a Member is in a conflict of interest situation so long as that Member conducts himself or herself appropriately in relation to the matter that gives rise to the conflict of interest.

2.0 POLICY

The Alberni-Clayoquot Regional District is committed to impeccable governance and stewardship that protects the interests of the ACRD and the communities it serves. Each Member commits to removing himself or herself from decisions or deliberations in which that Member has a conflict of interest. This policy is not a substitute for qualified legal advice based upon a full examination of the facts and circumstances surrounding a matter.

2.1 APPLICATION

This policy applies every Member of the Board, committee or commission of the Board.

2.2 RESPONSIBILITY

Members are responsible to:

- Familiarize themselves with the legislation applicable to conflict of interest and this policy including the meaning and nature of conflict of interest and the actions to take in circumstances of conflict of interest;
- Not ignore/ leave unaddressed a violation (discussing, voting after declared conflict) by any Member; and
- Follow this policy and the provisions of the *Community Charter* and its regulations as they relate to conflict of interest.

The CAO is responsible to:

- Provide orientation to the Board in relation to conflict of interest;
- Bring attention to the Board Chair or Vice Chair any matters that may come to the attention of the CAO in relation to a potential conflict of interest for a Member; and
- Support the direction of the Board in relation to any conflict situation.

3.0 DEFINITIONS

The definitions related to Conflict of Interest contained in this policy are presented for convenience and general awareness only. They are not definitive and legal advice should be sought where appropriate. Members must be vigilant in familiarizing themselves with their obligations of office including relating to conflict of interest.

The Board: The Board of Directors of the Alberni-Clayoquot Regional District.

Member: A member of the ACRD Board or any of its Committees or Commissions.

Conflict of Interest: A conflict of interest is a situation in which an individual may have competing interests or loyalties. A conflict of interest will still exist where an outcome may affect (either negatively or positively) both interests.

Pecuniary Conflict of Interest: A conflict of interest in which the Board member has a direct or indirect financial interest in the matter.

Non-pecuniary Conflict of Interest: A type of interest that places the person in a conflict position without direct or indirect financial interest for the Member. This could include any benefit or detriment affecting relatives, close friends, or associates of a member who is in conflict. Examples may include a rezoning application by a relative or close personal friend or a competitor business to one operated by a relative or close friend.

Exemptions to a Conflict of Interest include:

- A pecuniary interest in common with electors of the municipality generally, also referred to as a “community of interest”. An example is a Board member who is a property owner and a ratepayer in a water system while voting on a water rates bylaw;
- The remuneration of elected officials;
- An interest so “remote or insignificant” that it “cannot reasonably be regarded as likely to influence the member;” and
- Any other exemption established by legislation, regulation or the common law.

4.0 PROCEDURES

- Each Member must evaluate a matter being considered by the Board or committee against his/her own interests to determine if a conflict of interest exists;
- A Member may approach the Chief Administrative Officer to discuss a matter in which s/he may be in a conflict of interest for the purposes of complying with this policy;
- Where a Member considers that he or she may be in a conflict of interest on a matter and wishes to determine if it is appropriate to participate, he or she should obtain a legal opinion either directly at his/her own cost or, for an ACRD Board Director, in accordance with the ACRD Board Policy on Legal Advice for Potential Conflict of Interest;
- Where a Member considers that he s/he may be in a conflict of interest on a matter and does not want to obtain a legal opinion, s/he should not participate in the matter;
- Where a Member considers that he s/he is in a conflict of interest, the Member must in accordance with Section 101 of the *Community Charter*:
- Declare that he or she is in a conflict of interest in the matter;
- Describe the general nature of conflict;
- Not take part in discussion relating to the matter nor vote on the matter;
- Immediately after declaring the conflict of interest, leave the meeting while the matter is being discussed;
- Not attempt to influence the vote on the matter; and
- Refrain from any discussions with other Members or with staff in any venue on the matter (before or after making formal declaration of the conflict of interest);
- Not re-engage in the matter in any way unless the Member, following legal advice, determines that he or she is not in conflict; and
- Before or after declaring a conflict of interest on a matter, in relation to that matter, the
- Member must obtain a legal opinion if he or she wishes to reverse a prior declaration of conflict of interest on a matter.
- Members are encouraged to engage one another directly in relation to possible conflicts of interest for matters going before the Board or committee.

- Members must respectfully inquire at a meeting of the Board or Committee if he or she believes another Member has a conflict of interest (and has not declared the conflict) regarding a matter being considered by the Board or one of its Committees.

5.0 REFERENCES / POLICY INTEGRATION

Ministry of Community, Sport and Cultural Development, “Ethical Conduct”:

http://www.cscd.gov.bc.ca/lgd/gov_structure/community_charter/governance/ethical_conduct.htm and references therein.

- ACRD Board Policy on Legal Advice for Potential Conflict of Interest
- Part 4: Division 6 – Conflict of Interest of the *Community Charter* (attached for convenience, current as at 2017 October 20)
- Conflict of Interest Exceptions Regulation 91/2016 to the *Community Charter* (attached for convenience, current as at 2017 October 20)

APC MEETINGS

Meetings are held on a monthly basis as long as there are applications in that electoral area prepared by staff for APC review. If there are no applications, there will not be a meeting unless staff or the Area Director has other issues or land use policy projects to discuss. Meeting agenda packages will be emailed to each member along with a personal Zoom Webinar link to attend the meeting. Paper copies of the meeting packages are also available in person at the ACRD office. Notices of meetings are posted on our website at www.acrd.bc.ca. Members of the public are welcome to attend but do not provide input unless invited by the Commission to speak.

Following the Covid-19 pandemic, the ACRD has adopted virtual hybrid meetings, enabling participants to connect to APC meetings by web conference or conference call. Meetings are now typically held virtually using Zoom Conferencing streamed from the Alberni-Clayoquot Regional District boardroom, allowing in person attendance as well. In person meetings may also be held in the Electoral Area. ACRD planning staff will be discussing APC meeting procedures with members and will be seeking input on meeting format and location to ensure that participation and inclusivity for all members is prioritized. Meetings are generally scheduled as follows however dates and times often vary.

APC	DAY	TIME	PLACE
NOTE: APC meetings are currently conducted by Zoom Webinar with Planning staff participating from the ACRD Board Room with the option for APC members and applicants to participate from the Board Room as well.			
“A” Bamfield	Thursday, before 2 nd Board Meeting	5:30 pm	Bamfield Fire Hall
“B” Beaufort	Varies depending on availability	7:00 pm	Beaver Creek Community Hall
“C” Long Beach	Monday, before 2 nd Board Meeting	7:00 pm	Ucluelet Community Center
“D” Sproat Lake	3 rd Monday each month	7:00 pm	Harold Bishop Fire Hall
“E” Beaver Creek	Monday, before 2 nd Board Meeting	7:00 pm	Alberni-Clayoquot Regional District Office
“F” Cherry Creek	Monday, before 2 nd Board Meeting	7:00 pm	Cherry Creek Fire Hall

Note: The 2nd Board meeting is held on the 4th Wednesday of every month.

Anyone whose application is to be reviewed by an APC has the right to attend and be heard at the APC meeting. Planning staff will notify the applicant of the date, time, and Zoom Webinar links or the location of the meeting.

WHAT IS A ZONING BYLAW?

A Zoning Bylaw regulates and implements land use planning policies outlined in the Official Community Plans (OCPs), and regulates how land, buildings, and other structures may be used. Zoning in the ACRD is regulated by Zoning Bylaw No. 15, which applies to all 6 Electoral Areas in the ACRD: 'A' - Bamfield, 'B' - Beaufort, 'C' - Long Beach, 'D' - Sproat Lake, 'E' - Beaver Creek, and 'F' - Cherry Creek. The Zoning Bylaw does not apply to those parts of the ACRD that are located within the City of Port Alberni, District of Tofino, District of Ucluelet, Huu-ay-aht First Nations, Uchucklesaht Tribe, Toquaht Nation and Yuułu?it?ath Government lands. A copy of the Zoning Bylaw is available on our website at acrd.bc.ca/zoning-bylaw.

Each property in the ACRD is assigned a specific zone or zoning district as described in the Zoning Bylaw. These zones help support the appropriate land uses and densities set out in the OCP, protect the natural and built environment, promote standards of development for health, safety and the welfare of the public, and maintain order in the use of land within the community.

The ACRD is currently in the process of updating the Zoning Bylaw. Staff have been working on a comprehensive update to the Zoning Bylaw along with proposed amendments to the six Electoral Area (EA) Official Community Plans. Over the course of the Zoning Bylaw Review project staff have undertaken a number of activities to gain feedback on the draft documents at various stages. Most notably, staff have had many informative discussions with the public, property owners, various agencies, First Nations, EA Directors, the Regional Board, committees, and organizations and a number of engagement opportunities with each of the 6 Electoral Area APCs. The feedback received through these discussions have resulted in updated documents that are restructured and modernized to be reflective of community-minded land use policies and maps that are more clear and easier to understand, with improved spatial accuracy, as compared to the current Zoning Bylaw No. 15 from 1973. The Zoning Bylaw Review Project is ongoing and the most up to date information on project status is available online on the project website: acrd.bc.ca/zbreview

REZONING PROCEDURE

Rezoning is the process of changing the zoning of a property. The property owner or applicant can apply to have a property rezoned by an amendment to the Zoning Bylaw to obtain a different use or density that is not permitted under the current zone. The proposal must be consistent with the Official Community Plan or an amendment to the OCP will be required at the same time.

Once an application and all required information is received, a report and a specific zoning amendment bylaw is prepared by ACRD staff, then presented to the relevant electoral area APC for review. A recommendation is presented at a future Board of Directors Meeting for consideration by the Board of Directors. The bylaw is given first reading at this meeting. Following first reading, the documentation package is forwarded to all relevant technical agencies such as Island Health, Provincial Ministries, First Nations along with a referral request for their consideration of the proposal. A public hearing is scheduled at this time.

The public hearing provides an opportunity for anyone interested and/or affected by the proposal to

provide their comments and/or concerns. Notification of the hearing is sent to all owners and occupiers of properties within 100 metres of the subject property. Notice of public hearing is posted on the subject property as well as placed as an advertisement in the local newspaper. The hearing is typically chaired by the electoral area Director and is attended by ACRD planning staff along with the applicant. Copies of the technical agency referral responses and any other written correspondence received related to the proposal are provided at this meeting.

Following public hearing, Planning staff will prepare a report and minutes of the hearing. These documents along with the bylaw are then forwarded to a second Board meeting where the bylaw will receive second and third readings. If applicable, any recommendations and/or requirements must be fulfilled by the applicant prior to the adoption of the bylaw. When all items have been addressed, the bylaw will be forwarded to a third Board meeting where it will be adopted.

Further rezoning information can be found on our website at acrd.bc.ca/process.

DEVELOPMENT PERMIT APPLICATIONS

An Official Community Plan may designate areas of land as Development Permit Areas (DPAs) for protection of the natural environment and eco systems, protection for development from hazardous conditions, or establish objectives for the form and character of development. Each electoral area designates different DPAs. There are currently 4 DPA categories: Riparian Areas Protection, Natural Hazard Areas Protection, Coastal Protection and Form and Character. The APC is only required to review form and character development permit applications.

Once an application and all required information is received for a form and character development application, a report is prepared by ACRD staff, including recommendations and requirements to ensure compliance with all relevant regulations, which is then presented to the relevant electoral area APC for review. The application is then considered by the Regional Board. It will be the decision of the Board as to whether the permit is approved or denied.

Once the permit is issued, a Notice of the Development Permit is forwarded to the Victoria Land Title Office for registration onto the Certificate of Title for the subject property. The development permit remains registered to the subject property throughout ownership changes and is valid for two years.

Development permit information is available on our website at acrd.bc.ca/process. Summaries of development permit requirements and the geographic boundaries of each development permit area can be found in the maps of each electoral area OCP at acrd.bc.ca/ocp.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

A development variance permit is a permit that varies a regulation of a bylaw. Included in these regulations are building setbacks from property lines and water features, and height restrictions. Property features such as topography, rock, wetlands, and creeks can impact the available building envelope on a piece of land. Previous development of neighbouring properties can also pose a challenge when planning construction. In these cases, the property owner has the option to apply to the ACRD for a development variance permit. A variance cannot be issued to increase/decrease permitted density or change permitted uses on a piece of land. A variance is very specific, is registered to the property certificate of title, applies only to the particular project that is proposed and remains with the property through ownership changes.

The application, including report and application documents will be submitted to the electoral area APC and Director for their review and recommendation to the Board of Directors. The application is then

forwarded to the Regional Board of Directors' meeting for their first consideration.

If the variance is supported by the Board, notification including details of the variance is sent by mail, and sometimes by hand delivery, to all property owners and occupants within 100 metres of the subject property. This is the public's opportunity to provide feedback, positive or negative, to the ACRD planning staff and Board members. If the variance is not supported by the Board, the applicant is notified and given the opportunity to amend their application and present their case at a following Board meeting. If the Board continues to oppose the variance, it is denied at this meeting.

The development variance permit, along with a memorandum and any input received from the public, is forwarded to the Board for their second (and sometimes third) consideration. The Board considers issuing the permit taking into consideration the public input received. If the Board chooses to support the variance at this time, Planning staff forwards the completed development variance permit to the Victoria Land Title Office for registration onto the subject property.

Further information can be found on our website at acrd.bc.ca/process

OFFICIAL COMMUNITY PLAN AMENDMENT APPLICATIONS

The Official Community Plans were developed by the Planning Department in conjunction with the area Director and Advisory Planning Commission members as well as consultation through open houses and public hearings with members of the general public, area residents and property owners, and technical agencies such as the Vancouver Island Health Authority, Provincial Ministries, and First Nations who provided valuable direction and vision for future development of each of the electoral areas.

As the OCPs were developed on a broad community scale, it is sometimes necessary to make amendments based on individual development proposals on specific properties. These amendments may be required to facilitate subdivision, business development, and or community services. This is where an application for an amendment to an Official Community Plan would be required.

Once an application and all required information is received, a report and a specific zoning amendment bylaw is prepared by ACRD staff, then presented to the relevant electoral area APC for review. A recommendation is presented at a future Board of Directors Meeting for consideration by the Board of Directors. The bylaw is given first reading at this meeting. Following first reading, the documentation package is forwarded to all relevant technical agencies including Island Health, Provincial Ministries, First Nations along with a referral request for their consideration of the proposal. A public hearing is scheduled at this time.

The public hearing provides an opportunity for anyone interested and/or affected by the proposal to provide their comments and/or concerns. Notification of the hearing is sent to all owners and occupiers of properties within 100 metres of the subject property. Notice of public hearing is posted on the subject property as well as placed as an advertisement in the local newspaper. The hearing is typically chaired by the electoral area Director and is attended by ACRD planning staff along with the applicant. Copies of the technical agency referral responses and any other written correspondence received, related to the proposal are provided at this meeting.

Following public hearing, the Planning Department will prepare a report and minutes of the hearing. These documents along with the bylaw are then forwarded to a second Board meeting where the bylaw will receive second and third readings. If applicable, any recommendations and/or requirements must be fulfilled by the applicant prior to the adoption of the bylaw. When all items have been addressed, the bylaw will be forwarded to a third Board meeting where it will be adopted. Further information is available on our website at acrd.bc.ca/process

SHORT TERM VACATION RENTAL

A short-term vacation rental (STR) is the use of a dwelling unit for a temporary commercial accommodation for less than a month. In 2018, the Board of Directors adopted a policy to consider Temporary Use Permit (TUP) applications to allow STRs in areas where zoning does not permit them. A business license is not required. These permits can be applied for through the ACRD and, if issued, permit a STR to operate on the property for up to three years. The adopted policy can be found at acrd.bc.ca/str

TEMPORARY USE PERMIT APPLICATION

A Temporary Use Permit is a type of permit issued by the ACRD after approval from the Board of Directors that allows a short-term use on a property that would otherwise not be zoned for that use.

Once an application and all required information is received, a report is prepared by ACRD staff, then presented to the relevant electoral area APC and the Board of Directors. The application will need to appear before the Board of Directors twice before it is issued, the first time to be considered, and the second time to be issued or denied. During the first meeting the application is presented, the Board of Directors may choose to either consider issuing the TUP or deny it. If the Board passes a resolution to consider issuing a TUP, notice is given to all neighbouring property owners and residents within 100m and placed in the community newspaper, giving the public an opportunity to comment. During the second meeting the application is presented, the Board of Directors will either issue or deny the permit. A public information meeting may also occur prior to the issuance of a TUP, if deemed necessary by the APC or Board of Directors.

In evaluating a TUP application, the ACRD may include conditions to a TUP and how the conditions for which the use may be carried. Conditions could include that the use must be clearly temporary or seasonal in nature, must not alter the residential appearance of the property, use of the buildings, area and hours of use to be used, the availability of owner or caretaker, the form and character of the rental and environmental protection.

A TUP can be issued up to 3 years and renewed once for another 3 years for all electoral areas with the exception of Long Beach which is issued for 2 years and another 2-year renewal. After which the property owner would need to either cease to use or apply to rezone to allow the use on a permanent basis. Further information can be found on our website at acrd.bc.ca/process

SUBDIVISION APPLICATIONS

Subdivision is the process of altering legal property boundaries, usually dividing the property into smaller independent lots. This process may include several steps such as ALR approval, rezoning, official community plan amendment, development variance permit, development permit, and/or minimum parcel frontage waiver. If any of these steps are necessary, it will be mandatory for them to be completed and approved prior to subdivision approval. Provision and/or proof of potable water and septic capabilities are also crucial when considering subdivision. It is recommended that applicants confirm these requirements can be met prior to submitting applications for subdivision or other related developments.

Subdivision applications are made directly to the Ministry of Transportation and Infrastructure (MoTI) and referred back to the ACRD. ACRD staff will review the subdivision application and prepare a planning report. Planning staff will ensure it complies with all ACRD bylaws and then provide comments and recommendations to the MoTI. Subdivision applications are not referred to the APC and do not require

Board approval. Although in some cases, additional applications are required to complete a subdivision application, including a parcel frontage waiver application and/or parkland dedication or cash-in-lieu, which require a review from the relevant electoral area APC and the Board of Directors.

Subdivision information can be found on our website at acrd.bc.ca/process

PARK LAND DEDICATION

Section 510 of the *Local Government Act* requires park land dedication for subdivisions where 3 or more additional would be created lots (where the new lots are smaller than 2 hectares (5 acres) or where the parcel proposed to be subdivided was itself created by subdivision within the past five years. Where an Official Community Plan contains policies respecting location and type of future parks, the local government may determine whether the owner must provide park land or cash in lieu. To meet its parkland needs, a Regional District has the authority to require the dedication of up to 5% of the total land area being proposed for subdivision or 5% of the assessed market value of the property as cash-in-lieu to be dedicated for future park land acquisition. Applications will be presented to the relevant electoral area APC, then to the Board of Directors for consideration with a full staff report.

PARCEL FRONTAGE WAIVER APPLICATION

The lot frontage required for a subdivision must not be less than 10% of the perimeter of the lot in accordance with the Zoning Bylaw. For proposed subdivisions which do not meet the road frontage requirements, an application for a parcel frontage waiver is required. Applications will be forwarded to the relevant electoral area APC, then to the Board of Directors for consideration with a full staff report.

CROWN LEASE REFERRALS

Crown land is available for a wide range of purposes to provide opportunities for sustainable economic development. Applications to request permission for the use of Provincial Crown land in British Columbia may be submitted for a variety of uses including agriculture, aquaculture, commercial and industrial uses, and recreation and tourism. Applications for land tenures are made directly to the [Front Counter BC](#) office. The Province will refer the proposal to all affected agencies including the ACRD. Planning staff will review the application and prepare a report to ensure it complies with all ACRD bylaws and provide comments and recommendations. In some cases, applications may require approval from the Board of Directors and may also be submitted the APC for review.

AGRICULTURAL LAND COMMISSION

The Provincial government introduced British Columbia's Land Commission Act on April 18, 1973 to protect prime farm land. The Agricultural Land Commission (ALC) was created to administer the Act and the Agricultural Land Reserve (ALR) was established. The ALC is an independent body appointed by the Province.

Within the ALR, agriculture is recognized as the priority use. Farming is encouraged and non-agricultural uses are controlled. The ALR includes private and public lands that may be farmed, forested or vacant. The ALR takes precedence over but does not replace other legislation and bylaws that may apply to the land. Most development applications received for properties within the ALR require approval of the ALC prior to Regional District approval.

The types of applications include subdividing land within the ALR, non-farm uses of land in the ALR, placement or removal of soil or fill applications, or applications to include land into the ALR. All

applications to the ALC are now done electronically. ALC applications are not referred to the area APC and are instead considered by the ACRD's Agricultural Advisory Committee.

Further information can be found on our website at acrd.bc.ca/process and acrd.bc.ca/agriculture

POPULATION AND VOTING STRENGTHS

AREA	2021 CENSUS POPULATION	# OF DIRECTORS	VOTING STRENGTH****
City of Port Alberni	18,259	2	10
District of Tofino	2,516	1	2
District of Ucluelet	2,066	1	2
Area "A" Bamfield	256	1	1
Area "B" Beaufort	531	1	1
Area "C" Long Beach	875	1	1
Area "D" Sproat Lake	1,843	1	2
Area "E" Beaver Creek	2,946	1	2
Area "F" Cherry Creek	1,977	1	1
Huu-ay-aht First Nations*	104	1	1
Yuułuʔiłʔatḥ Government*	321	1	1
Uchucklesaht Tribe**	10	1	1
Toquaht Nation***	27	1	1
Alberni-Clayoquot Regional District Totals	33,521	14	23

* On April 1, 2012, the Huu-ay-aht First Nations and Yuułuʔiłʔatḥ Government joined the ACRD Board of Directors as full voting members.

** On February 12, 2014, the Uchucklesaht Tribe Government joined the ACRD Board.

*** On October 1, 2016, the Toquaht Nation joined the ACRD Board.

Individual First Nations' population totals were collected from census information relating to specific Treaty Lands. The numbers do not include members that live in other areas of the Regional District.

****Population figures used only to determine voting strength and Director representation are certified by the Minister of Municipal Affairs.



REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT
LONG BEACH ADVISORY PLANNING COMMISSION
MEETING MINUTES
ELECTORAL AREA "C" – LONG BEACH

EXAMPLE TEMPLATE

Minutes of the *<Electoral Area>* Advisory Planning Commission meeting held *<Month> <Day>*, *<Year>* at *<time>* via Zoom videoconferencing. *<or place>*

IN ATTENDANCE:

Director:

Alternate Director:

APC Members Present:

Staff:

Agenda items: *<Owner name, agent name, application #>*

Members of the public: *<#>*

1. The meeting was called to order at *<time>*.
2. *<Staff member>* introduced the *<application file number>*. *<applicant &/or agent names>* added additional comments.
3. Items discussed included: *<brief description of topics discussed>*
4. *Motion to support the application by <APC member>, seconded by <APC member>. All in favour. Carried.*
5. *<Staff member>* introduced the *<application file number>*. *<applicant &/or agent>* added additional comments.
6. Items discussed included: *<brief description of topics discussed>*
7. *Motion to support the application by <APC member>, seconded by <APC member>. All in favour. Carried.*
8. **(add additional applications if necessary)**
9. General conversation surrounding: *<brief description of topics discussed>*
10. Motion to adjourn the meeting by *<APC member>* at *<time>*.

Minutes taken by: _____
<Name & position>