

# SCRD ADVISORY PLANNING COMMISSIONS

## Orientation 2021

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## LAND USE PLANNING IN BC

Land use planning matters in BC are governed by Federal and Provincial legislation as well as local policies and regulation. Professional planning staff are trained and obligated by their professional designation to ensure development and land use planning meets the requirements of all Federal, Provincial and local legislation. Local Government Elected Officials are required to ensure their decisions meet the legislated requirements, and depend on their staff for this counsel.

For complex development applications and long-range planning, local government also depends on community feedback to make informed decisions. Many development processes have legislated requirements embedded in the process to gather feedback.

Some local governments choose to create a 'standing' source of feedback, in addition to legislated requirements, by creating Advisory Planning Commissions (APCs). The APC(s) may be created to serve one individual electoral area and Elected Director, they may serve several or may serve the whole geographic area and Board. The structure of an APC is a governance decision made by local Elected Officials and implemented by local government staff through regulatory bylaw.

### Legislation Governing APCs

The [Local Government Act Section 461](#) sets out how a local government can establish an APC if it so chooses. SCR D directs the purpose and work of the APCs with [SCR D Bylaw No. 453](#) APCs.

## ADVISORY PLANNING COMMISSIONS (APC)

An APC is a group of appointed community volunteers who provide review of specific land use planning matters such as proposed changes to Official Community Plans or Zoning Bylaws. The APC meets to discuss applications referred to them by the SCR D Board and makes recommendations that are captured in the APC meeting minutes. These minutes are received by the SCR D Electoral Areas Service Committee which considers the recommendations as part of its decision-making process. An APC review takes place after the technical review has been conducted by professional planning staff and in advance of the decision by the SCR D Board.

The APC plays an important role in the system of land use planning, by adding a different perspective to the land use planning subject ahead of decision making, with the goal of serving the public interest. While the APC's role is to collectively provide input and advice, members do not speak on behalf of the community, nor do they have responsibility to consult with the community or collect community feedback. Community engagement is a local government responsibility.

Members of the APC are appointed to form a Commission with the intention that their collective feedback adds value to the decision-making process on items that are referred to them by the SCR D Board.

The APC is not a decision maker.

***The APC is a valued source of community input and, through the time and expertise contributions of its members, provides a service to the community. A strong working relationship between the APC and local government staff is important to the efficiency and impact of the Commission's work to advise the Board. This orientation package is designed to support APC members with core information relating to the role and function of the APC. Open communication and ongoing learning will help strengthen the important relationship between APCs and local government staff.***

## APC COMPOSITION AND RESPONSIBILITIES

### APC Composition

As set out in SCRD APC Bylaw No. 453, the APCs are composed of at least six and not more than twelve members, each appointed by the SCRD Board. At least two-thirds of the APC must be residents of the Electoral Area in which they serve. An APC member's term is 2 years. Appointments of new members and re-appointments of expired members are made at the discretion of the Electoral Area Director.

### Individual APC Member Responsibilities

- commitment to review documents in advance of meetings
- to be fair and respectful in all communications relating to SCRD APC
- to act as an ambassador of SCRD process
- to be familiar with the community's OCP and zoning bylaw(s)
- to contribute knowledge of local land use patterns and conditions
- to contribute perspective that is free from bias
- to provide objective review of items referred to them by SCRD as they relate to the community's OCP
- Free of Conflict of Interest: Bylaw 453 includes the following section regarding conflicts of interest:

*Where a member, his or her family, employer or business associate has any interest in a matter being considered by the Advisory Planning Commission, that member shall absent him or herself from the discussion.*

### APC Responsibilities

An APC is responsible for acting as one committee while advising the SCRD on matters referred to them, such as the preparation and adoption of a community plan, rural land use bylaw, a proposed land use bylaw or permit.

In order to accomplish this goal, APCs are responsible for:

- Conducting safe, respectful meetings, free from discrimination, bullying, harassment (SCRD Respectful Workplace Policy attached)
- Bringing forward local knowledge about items referred to APC for review
- Contributing knowledge of historical development patterns
- Considering potential benefits and impacts of the referred proposal upon the community
- Being uninfluenced by personal knowledge of the applicant.

## APC MEETINGS

### Meeting schedule

- APC meets on a regularly scheduled day each month, as scheduled by SCRD.
- The meeting proceeds when there are referral items for review. Otherwise the meeting is cancelled by SCRD and APC members are notified.

### Agenda

- Agenda is set by SCRD and agenda packages are prepared by SCRD Planning Division
- APC members receive the agenda by email one week in advance of the scheduled meeting as per SCRD APC Communication Policy – (Attachment C)
- The agenda package includes staff reports with all information required for APC review.
- Minutes from previous APC, other advisory committees and Electoral Areas Service Committee will be included in the agenda
- If the applicants of the development proposal wish to speak on the agenda, preferred practice is that they initiate contact through SCRD, not directly to APC.

### APC Chair

- A Chairperson of each APC is elected by the members at the first meeting of a new term.
- The Chair's responsibility is to conduct safe, public meetings, to assist the APC in their process of reviewing all items on the agenda, ensuring that the commission concludes discussion on each referral item with a recommendation for the SCRD
- The Chair reviews the minutes before submission to the SCRD
- The Chair is also the point of contact between the APC and the SCRD if questions / clarifications are needed

### Meeting Conduct

As required by legislation, APC meetings are open to the public.

- Quorum: The meeting may take place with three or more members present.
- The APC Chair conducts the meeting.
- Roberts Rules of Order: APC motions/recommendations are reached by vote to recommend that the SCRD:
  - support the proposal.
  - object to the proposal (please identify reason.
  - request additional information before a conclusion can be made.
- Members must abstain from discussion and voting where they have a conflict of interest.
- Development applicants are entitled to attend, present information and hear APC deliberations.
- With the approval of the Chair, the SCRD will provide the Chair's contact details to applicant(s) wishing to speak at a meeting.
- An applicant or applicant's agent may attend and hear the APC's discussion and motion. The Chair may take questions or comments from members of the public in attendance, however this is not a requirement.
- Members of the public may speak at the Chair's discretion, though APC meetings are not a public information meeting or public hearing.
- Staff may attend the meeting if requested by the Director, APC or if there is an item of complex or significant community interest on the agenda.

## Minute Taker

- Hired and trained by SCR D to take minutes according to the legislated requirements the SCR D is obligated to.
- APC minute taker records and distributes the minutes.

## Minutes

- APC minutes are the official record of the meeting.
- Minutes have legislated requirements of format and content
- Minutes must receive Chair's approval prior to their delivery to the SCR D
- Minutes should be received by the SCR D within three days of the meeting
- SCR D committee agendas and minutes are legally administered by the SCR D and remain at all times the property of the SCR D as an official record of SCR D's APC guidance to the Board
- After minute submission to SCR D: If amendments to minutes are required, they are at the sole discretion of the Corporate Officer who has statutory responsibility for all SCR D records of minutes.
- The APC minutes are received by the SCR D at the Electoral Area Service Committee (EAS) and posted to the SCR D website as part of EAS agenda package as well as on the APC page of the website.
- The APC input is considered in advance of Board decisions.

## Elected Director

- May attend APC meetings in listening role.
- Does not engage in discussion about referrals or voting.

## Site Visits

- APC members are discouraged from meeting individually or as a group with the applicant on site as this has the potential to introduce bias into the consideration and recommendation by the APC. If a site visit is deemed necessary the following should be considered:
  - Get permission from owner (or their agent) if the visit is on site and ask to be left to observe the situation and reflect on information provided by Staff.
  - No permission necessary if viewing from a public road.
  - BE CAREFUL –if the site looks dangerous (barking dog, construction, etc.) or you feel uncomfortable **DO NOT ENTER THE PROPERTY.**
  - Do not go alone.

## THE WORK OF SCRD APCS

SCRD refers a range of subjects/applications to the APC for their review, comments/recommendations ahead of decision making.

Applications that are always referred to APC:

- Official Community Plan Development and amendments
- Zoning Bylaw Development and amendments
- Subdivisions greater than 10 proposed lots or 10 hectares in area

Applications that are referred to APC as per specific SCRD Board Direction:

- Development Variance Permits
- Development Permits for Form and Character (Building Design)
- Temporary Use Permits
- Referrals from other agencies as needed
- Other items referred by SCRD Board

A short summary of each application type is provided below, with common areas where APCs provide guidance. For more detailed information about specific application types please visit [www.scrd.ca/planning](http://www.scrd.ca/planning).

### Bylaw and OCP Amendment Applications

Amendment applications are required when a property owner or developer proposes a land use or development that is inconsistent with the Zoning Bylaw or OCP.

- The purpose of an OCP amendment application is to request a change in policy to enable a specific land use or process, or a mapping amendment to re-designate land to accommodate a proposed land use. When the latter occurs, it may be associated with a Zoning Bylaw amendment.
- The purpose of a zoning amendment application is to request a change in use or density to enable a specific land use proposal. Staff work with the customer in the pre-application stages to encourage fitting the use into an existing zone. When this is not possible, staff may work with the applicant to develop a new zone or site-specific regulations within an existing zone.

The legislative requirements for Bylaw and OCP amendments stem from *Local Government Act, Part 14*. SCRD implements this requirement through Planning and Procedures Bylaw No. 522 and APC Bylaw No. 453.

#### **When referred OCP or zoning bylaw amendment applications, the APC role is to:**

- Consider the proposal against the policies outlined in the OCP and the regulations in the zoning bylaw (This is where APC needs staff guidance in a report with analysis. It is unproductive to refer raw materials to APC without a staff report. This has not been done consistently and should be formalized after DAPR).
- Contribute any known site-specific issues
- Contribute known historical development pattern information
- Make a recommendation regarding whether SCRD should support or deny the application and provide a rationale.

## Subdivision

The purpose of a subdivision application is to consider the division of a parcel of land into two or more parcels, including lot line adjustments, and frontage waivers as defined in the [Land Title Act](#), or the [Strata Property Act](#).

The decision maker for subdivision applications is the Approving Officer of Ministry of Transportation and Infrastructure (MOTI). Vancouver Coastal Health Authority provide recommended septic system requirements via referral in the subdivision process. Roads, infrastructure (except water or community sewer system), engineering standards, and storm water management are the responsibility of MOTI.

SCRD is the regulator of land use and establishes use policies and regulations to manage them through Official Community Plans and zoning bylaws, respectively. In addition, further process requirements are contained within SCRD Planning and Procedures Bylaw No. 522 and Subdivision Servicing Bylaw No. 320. SCRD requirements are based on the direction set out in these documents.

There is no legislative requirement in BC for public consultation during any phase of a subdivision application. The lot area requirements, including frontage and depth, are established within the Zoning Bylaw.

Public consultation and APC involvement regarding subdivision and minimum lot area requirements is accomplished during OCP and Zoning Bylaw renewal and development.

If more than two additional parcels are proposed, with the smallest lot being created not greater than 2 hectares, then provincial legislation requires a maximum of 5% of the land or cash value being given to the local government for park or in park acquisition funds.

**When referred a subdivision application for review, the APC role is generally limited to:**

- Recommendations for the location of parkland
- Providing information about site-specific issues that staff / MOTI may not be aware of.

## Development Variance Permit (DVP)

The purpose of a DVP application is to vary a provision in the zoning bylaw, such as a required setback or height. Density and use on a parcel cannot be varied through this process.

The legislative requirements for DVP stem from the *Local Government Act* (LGA) section 498. SCRD implements this requirement through Planning and Procedures Bylaw No. 522 and APC Bylaw No. 453. A key step in the DVP process is the statutory requirement of notification to owners and tenants within a specific radius of the property (as per LGA and Bylaw No. 522) at least 10 days prior to the meeting where the resolution is passed to authorize the permit.

**When referred DVP application for review, the APC role is to:**

- Contribute any known site-specific issues
- Consider the proposed variance(s) with respect to:
  - The variance should not defeat the intent of the bylaw standard or significantly depart from the planning principle or objective intended by the bylaw;
  - The variance should not negatively affect adjacent or nearby properties or public lands
  - The variance should not be considered a precedent, but should be considered as a unique solution to a unique situation or set of circumstances;
  - The proposed variance represents the best solution for the proposed development after all other options have been considered;
  - The variance should not negatively affect the natural site characteristics or environmental qualities of the property.
- Make recommendation that SCR D support or deny the application and provide rationale.

**Temporary Use Permits (TUP)**

The *Local Government Act* allows a temporary use permit to be issued for a use that is not permitted by zoning. A TUP is valid for up to three years (or less as determined by the Board), can be renewed only once, and requires public notification before the Board issues the permit. The permit can set out specific conditions and require a security. Locations where temporary uses may be considered may be set out in an OCP or zoning bylaw. Most OCPs in the SCR D have identified where TUPs may be considered (Area A –Resource and Industrial land use designations; Area B – specific uses on Resource land designation; Area D – range of agricultural related uses; Hillside/Port Mellon - Comprehensive Industrial and Rural Resource designations; Twin Creeks - Rural, Private Forest Land, and Crown Forest Land designations).

**When referred TUP application for review, the APC role is to:**

- Contribute any known site-specific issues
- Consider local community context as it relates to the proposal
- Make recommendation that SCR D support or deny the application and provide rationale.



## Referrals from other agencies as needed

Private Use of Public Land: Use of public (Provincial) land by private individuals or businesses requires permission from the Province such as lease, licence of occupation or other form of tenure. The application is made through Front Counter BC and the review is managed by the Ministry of Forests Lands Natural Resources and Rural Development.

The community may observe and comment on current applications via the Provincial information platform, as well as view the Provincial decision: [Applications, Comments and Reasons for Decisions](#)

The SCRDR is referral agency and has no decision-making role. SCRDR may provide comment to the Province about impacts to SCRDR service areas or land use regulations.

## Other Items Referred by the Board

From time to time the SCRDR Board may refer other items to the APC to help gather community input.

## INTRODUCTION TO SCRD

The **Sunshine Coast Regional District** (SCRD) is the regional government serving the residents of the Sunshine Coast.

Formed in 1967, the SCRD is one of 27 regional districts that were designed to establish a partnership between electoral areas and member municipalities within their boundaries. Regional districts are governed by the *Local Government Act* and *Community Charter* and are run by a Board of Directors.

The municipalities and electoral areas in the SCRD are:

- The District of Sechelt
- Town of Gibsons
- shishalh nation Government District
- Electoral Area A – Egmont/Pender Harbour
- Electoral Area B - Halfmoon Bay
- Electoral Area D - Roberts Creek
- Electoral Area E - Elphinstone
- Electoral Area F - West Howe Sound

[Get to Know the SCRD](#) by watching this short video. Visit this webpage for more information about the SCRD, our services and structure <http://www.scrd.ca/Our-Role>. **A Primer on Regional Districts in British Columbia** is also available on this page.

Board and Committee schedule, agendas, live watching links and recordings can be found at:

<https://www.scrd.ca/agendas>

SCRD's strategic Plan reflects the collective vision of the SCRD Board of Directors and provides strategies to guide the SCRD's decisions and allocation of resources <http://www.scrd.ca/strategic-plan>

### Other SCRD Policy and Service Plans

Other policy and service plans may inform land use planning direction and decision. Staff may make reference to these documents in reports provided to APCs.

- *We Envision, Regional Sustainability Plan (2013)* <http://www.scrd.ca/Regional-Sustainability-Plan>
- *BC Transit Futures Plan* <https://bctransit.com/sunshine-coast/transit-future>
- *Sunshine Coast Agricultural Area Plan (2014)* <http://www.scrd.ca/Ag-Plan>.
- *Sunshine Coast Regional District Integrated Transportation Study (2011)*
- *Solid Waste Management Plan (2011)* <https://www.scrd.ca/swmp>
- *Comprehensive Regional Water Plan 2013* <https://www.scrd.ca/Water>
- *Parks and Recreation Master Plan 2014* <https://www.scrd.ca/parks>

## SCRD LAND USE PLANNING

The provincial *Local Government Act* provides the legislative framework for local government land use planning in BC.

The section of the *Local Government Act* that relate to [Planning and Land Use Management is Part 14](#). The full Act can be found here. The regulations about Advisory Planning Commission can be found in [Section 461](#). Land use planning in BC is guided through these sections of the Local Government Act as well:

- Division 2      Official Community Plans
- Division 7      Zoning and Other Development Regulation
- Division 9      Permits and Fees
- Division 11     Subdivision and Development Requirements

The SCRD Planning and Development Division acts in the public interest to prepare plans and policies to guide development while balancing the needs of the community with economic, social and environmental considerations to protect the unique character of the area and quality of life for existing and future generations of the Sunshine Coast.

The SCRD does not oversee land use in the [shishalh nation Government District](#), [Islands Trust](#) (Gambier, Keats and other islands from Halfmoon Bay to West Howe Sound), in [Gibsons](#), or in [Sechelt](#). Land use applicants or inquiries in the are directed to the corresponding authority.

The SCRD adopted a bylaw that established the APCs; the composition, time and terms of appointment; rules and regulations governing meetings, conflict of interest, remuneration and the format of meeting minutes. A copy of the bylaw is included in Attached B.

There are other bylaws that relate to the SCRD's planning activity:

- Bylaw 453 (Advisory Planning Commissions) – copy attached
- Bylaw 522 (Procedures and Fees)
- Bylaw 320 (Subdivision Servicing)
- Bylaw 350 (Tree Cutting)

They can be found here: <http://www.scrd.ca/bylaws>

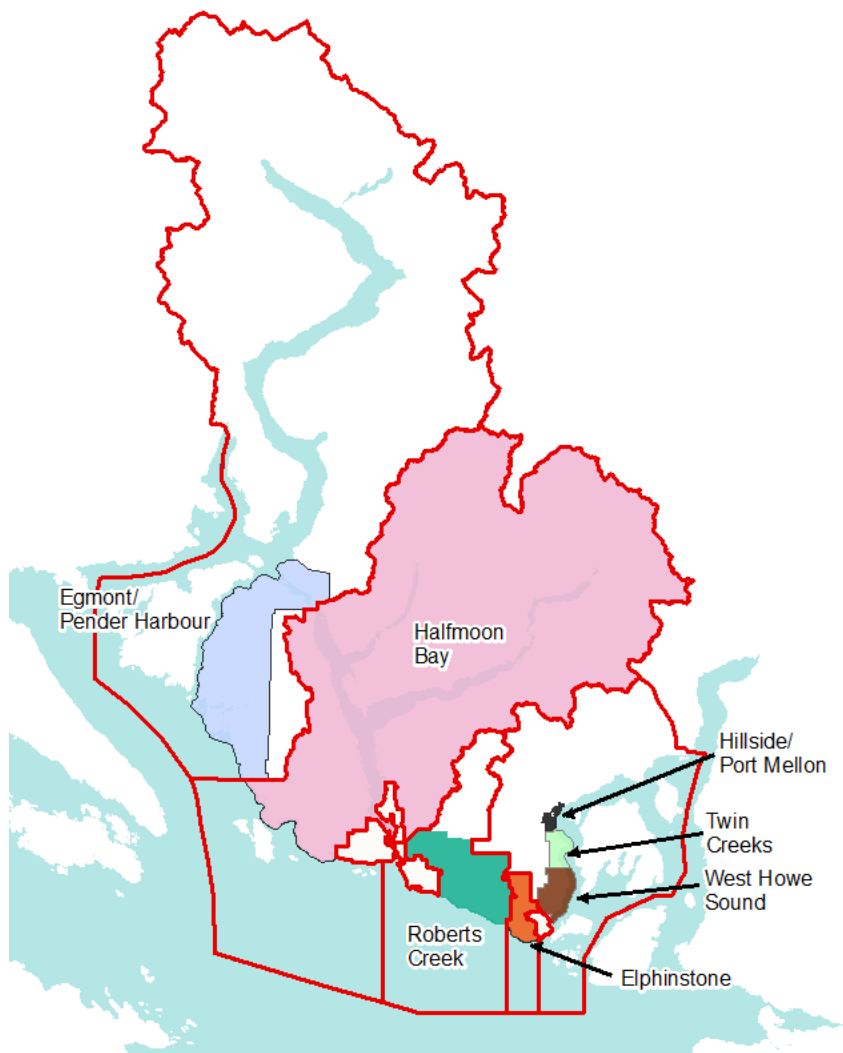
### Official Community Plans

An Official Community Plan (OCP) is a statement of objectives and policies to guide decisions on planning, land use and development, within the area covered by the OCP and provides the longer-term vision for the community.

The OCP is not a regulatory bylaw.

While not a legal requirement, OCPs are typically updated every five to ten years, but their long-term vision sets a course for many decades.

There are seven OCPs in the SCRD:



Copies of the OCPs can be found here:

<http://www.scrd.ca/EgmontPender-Harbour>

<http://www.scrd.ca/Halfmoon-Bay>

<http://www.scrd.ca/Roberts-Creek>

<http://www.scrd.ca/Elphinstone->

<http://www.scrd.ca/Roberts-Creek>

<http://www.scrd.ca/Twin-Creeks>

<http://www.scrd.ca/HillsidePort-Mellon>

Every OCP is slightly different, but each are required to address core aspects of a community such as:

- Proposed land use and density;
- Transportation, water and wastewater infrastructure;
- Parks and open space;
- Housing needs and policies;
- Public facilities, including schools, health care, etc.
- Neighbourhood character (such as development permit areas for form and character);
- Social policies;
- Economic development;
- Targets, policies and actions for the reduction of Greenhouse Gas (GHG) emissions.
- The regulation of development such as development permit areas for geotechnically and environmentally sensitive locations.

### **Consultation during the development of an OCP**

Consultation can include written referrals, open houses, information meetings, focus/community working groups, workshops, newsletters, questionnaires, etc. This consultation is in addition to the requirements for a public hearing.

When developing or updating an OCP, the Regional District must provide one or more opportunities for consultation with persons, organizations and authorities which will be affected, for example:

- local residents, property owners, businesses and community groups;
- local governments that are adjacent to the plan area;
- First Nations;
- school district board; and
- Provincial and federal governments and their agencies.

A draft OCP will be presented to the community at a public meeting and a comment period will be set to allow for feedback. The feedback will be considered by staff and the working group. The draft OCP could be amended and will then be presented to the SCR D Board to initiate the formal bylaw approval process.

### **SCR D Adoption of the OCP**

The OCP bylaw adoption process is a formal process that must follow requirements set out in the *LGA* and procedures set out by the SCR D. The OCP may be adjusted based upon the comments received from the community, First Nations and provincial agencies and the SCR D Board will be asked to approve the next draft for a public hearing. The SCR D Board may move to adopt the OCP, make some minor changes and adopt it, or to make significant changes and re-consult and then hold another public hearing.

Once an OCP is adopted as a bylaw, the Community Plan becomes “official”, and all future land use decisions made by the Board must be consistent with the Plan’s objectives and policies.

### **The OCP is Living Document**

An Official Community Plan sets the vision for how development of a community should be guided and directed. There are, however, occasions where new opportunities come forward that were not envisioned by the OCP either in the proposed location or the type or scale of development. Which can be considered through an application to amend the OCP. The process to change an OCP is the same as adopting it: SCR D Board adopting a bylaw amendment after consultation, public information meeting(s) and public hearing(s).

### **How is the OCP implemented?**

The OCP establishes objectives, goals and policies. Policies are implemented through the regulatory framework of the Zoning Bylaw.

### **Zoning Bylaws**

There are two zoning bylaws. Bylaw 310 covers West Howe Sound, Elphinstone, Roberts Creek and Halfmoon Bay. Bylaw 722 covers Egmont/Pender Harbour.

The Zoning Bylaws divide areas into zones and within each zone regulate:

- use of land, buildings and structures
- density of the use of land, buildings and structures
- siting, size and dimensions for uses and buildings
- the location of uses on the land
- size of parcels to be created through subdivision

Copies of Bylaw 722 and Bylaw 337 can be found here: <http://www.scrd.ca/bylaw-zoning->