

Advisory Planning Commission Handbook

Cowichan Valley Regional District, 2023



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ADVISORY PLANNING COMMISSIONS

INTRODUCTION

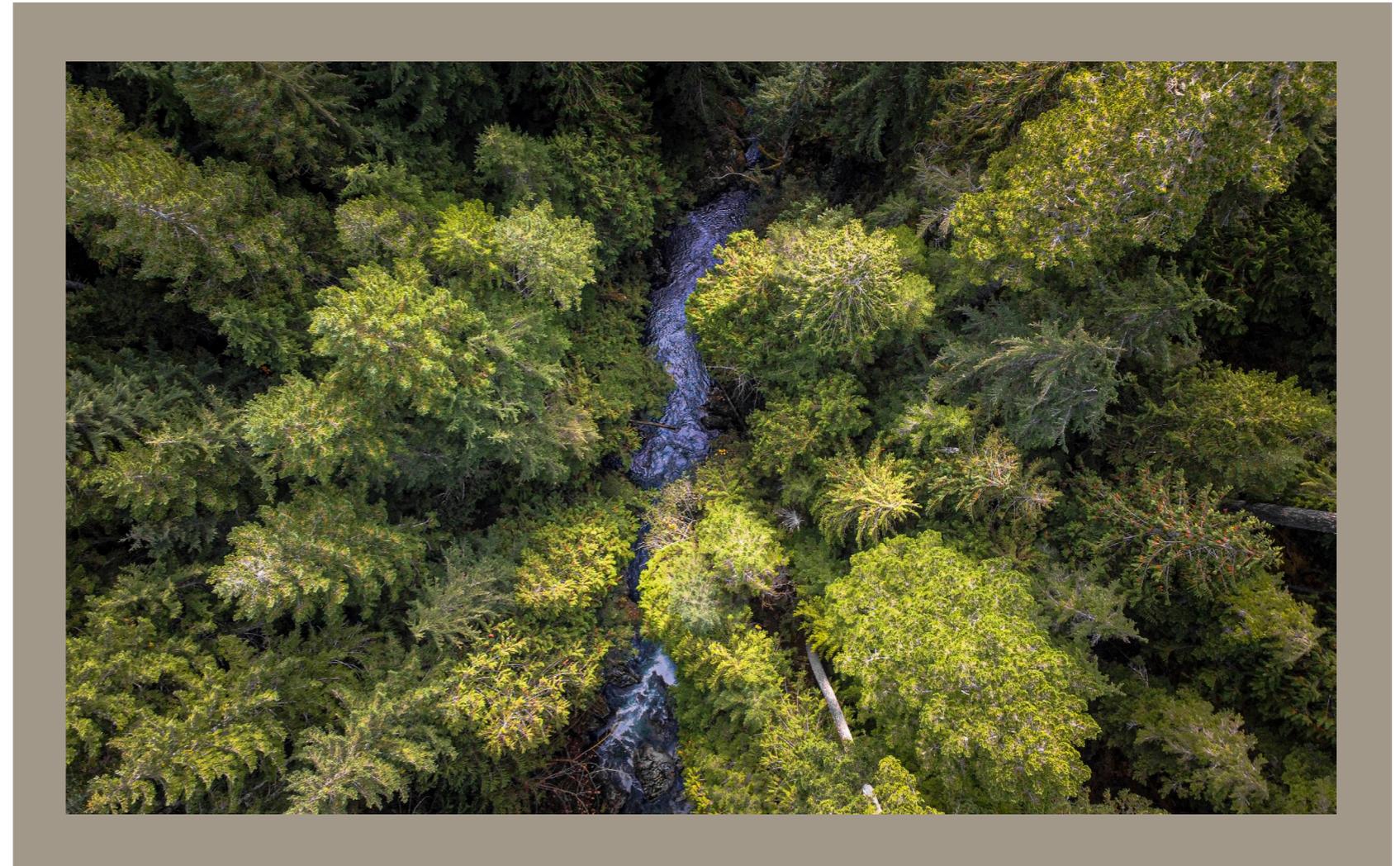
This handbook is meant to serve as a reference guide for the Cowichan Valley Regional District (CVRD) Electoral Area Advisory Planning Commission (APC) members.

The APC is an independent forum for generating citizen input into the planning process. An APC member is a citizen who has been appointed in a volunteer capacity by the CVRD Board.

The APC considers proposed land use bylaws, permits and other matters deemed appropriate that are referred by the CVRD Board, General Manager of the Land Use Services Department (LUSD) or Electoral Area Director. As members of the APC, you will have the opportunity to engage in dialogue with fellow citizens that will help shape the community's future.

There is no requirement that APC members have previous knowledge of operating procedures, structure of the CVRD or of the service being delivered by the APC. The level of experience among APC members varies greatly. This manual is intended to provide specific information about CVRD procedures, as well as roles and responsibilities for APC members.

Should any APC members have any questions on process, procedure or otherwise, please feel free to contact the LUSD Management.



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ADVISORY PLANNING COMMISSIONS

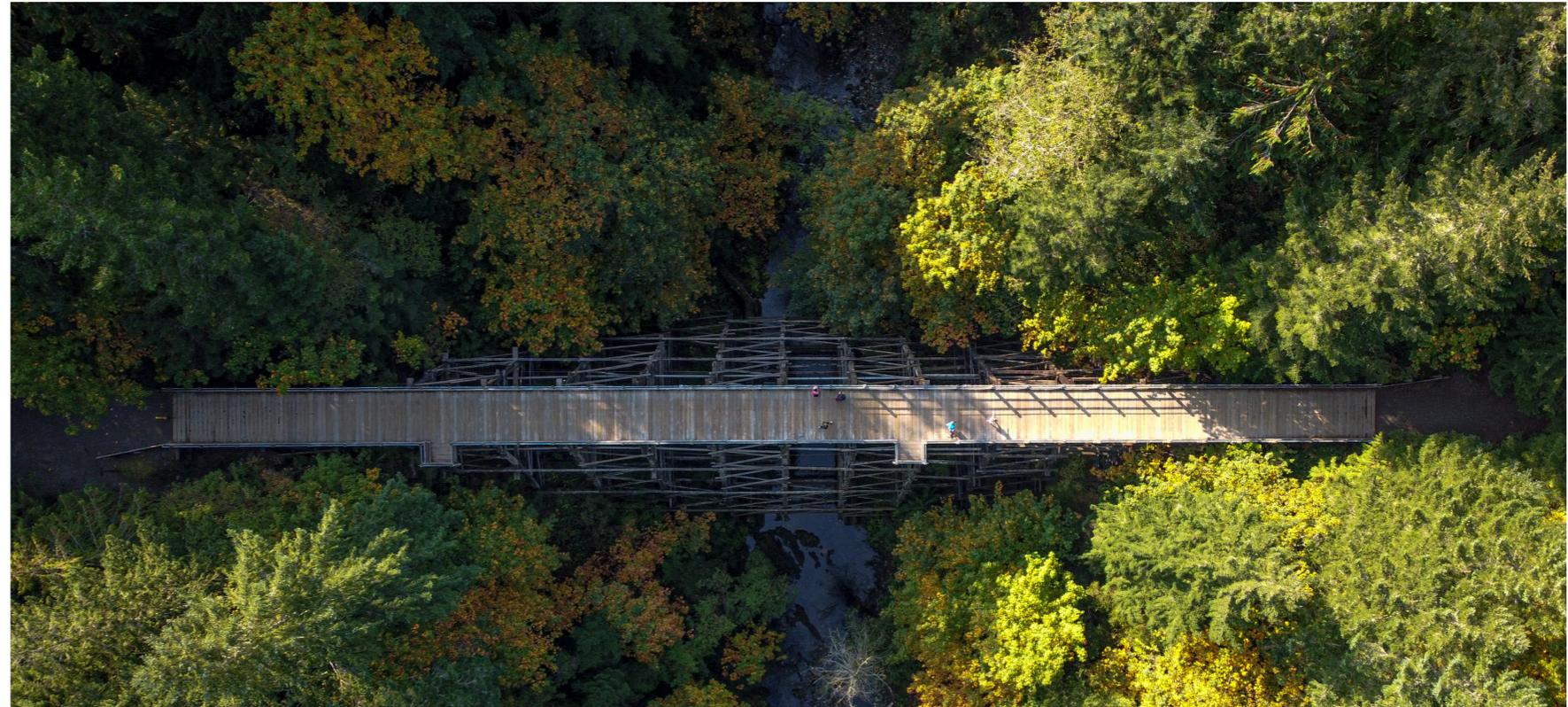
PURPOSE

An APC is an independent body of local residents who provide input into land use decisions. Members of each commission are appointed and participate on a volunteer basis.

Although the Commission has no particular decision making powers of its own, its comments and recommendations to the Board can influence the Board's decisions and policies. The purpose of the APC is to advise the Board, when requested, on matters respecting land use, community planning, or proposed bylaws and permits, from a community perspective.

In general terms, APCs are advisory in nature and as such, they do not have any direct approval, ownership, or authority over matters that are referred to them. APCs have no decision making responsibility and do not establish CVRD policy.

Consistent with the *Local Government Act*, an APC receives its authority, responsibilities and instructions from the Board upon the adoption of resolution(s) and bylaw(s). These may be amended or repealed at the discretion of the Board. The formal legislated authority for the establishment of the APC is set out in [CVRD Bylaw No. 4408 - Advisory Planning Commission Establishment Bylaw, 2022](#), as amended.



Local Government Act, section 461(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 regional district director representing the electoral area, on all matters referred to the commission 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.”

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ADVISORY PLANNING COMMISSIONS

ROLE AND FUNCTION

One of the main services provided by local governments is land use planning which is enacted in several documents such as official community plans and zoning bylaws. The CVRD Board is the decision-making body however their decisions can benefit from receiving recommendations from an APC. Technical research and advice is typically provided to the APC by the CVRD Development Services Division, primarily from planning staff.

The APC has the responsibility of providing recommendations to the Board and acting as the citizens' voice in the planning process. While the APC's role in the planning process is only advisory, it involves a unique set of responsibilities and is crucial in enabling well-informed decision making. Through their recommendations, they can play an important part in ensuring appropriate policies are developed within the electoral areas.

THE CHAIR

At the first meeting of each year, the APC shall choose from amongst its members, a chair. The Area Director may join an APC meeting in a resource capacity but they are not members of the APC and cannot be the chair or assume the position of the chair, should the chair be absent. In addition to being a member of the APC, the chair is tasked with conducting meetings in a fair and effective manner and also coordinating requests from applicants and the public to address the advisory planning commission at its meetings. The following are some guidelines that may assist in carrying out the duties of the chair:

1. An effective chair commits to the position: The role of chair can be time-consuming and challenging and it is important that the chair understands the commitments involved prior to accepting the role. An effective chair needs to make the time to understand issues before they are discussed in a meeting. A chair also needs to commit to providing an environment that is fair to all parties.

2. An effective chair has knowledge of and interest in the organization and its goals: The chair of an APC must understand the process the regional district follows in its planning and land use management. The chair should also be aware of how the organization's process relates to goals and regulations that are contained in official community plans and zoning bylaws.
3. An effective chair exhibits leadership and develops collaboration in an open and fair manner: The chair must guide fellow commission members through the variety of processes put before the commission. Objectives and decisions are sometimes difficult to achieve and the chair must clearly direct how the results are met, but not necessarily what the results are. The chair should also bring disparate views together so that a more rounded perspective can be developed. Every member of the commission has important views and will aid in the decision-making process. The chair needs to recognize that all viewpoints need to be considered, regardless of political representation or any special interests.

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ADVISORY PLANNING COMMISSIONS

THE CHAIR CONT'D

4. An effective chair motivates peers and encourages participation: The chair should seek out and identify members who do not actively participate in meetings. Too often, more extroverted members dominate a meeting, which can leave some participants feeling intimidated. Additionally, those participants leave the meeting feeling unappreciated because they have not been heard. The effective chair needs to recognize this and balance discussion at meetings.
5. An effective chair develops connections between the organization and the community: APCs are an effective way to discuss planning and land use management issues at a local level with people who are immediately affected. The chair can facilitate discussion and support for the APC activities and the regional district as a whole by developing ties with neighbourhood groups, the business community and individuals.
6. An effective chair adheres to strict ethical standards: As the chair of a public group, ethical standards must be followed so that discrimination and harassment do not occur. An easy way to achieve this is to set out ground rules for conduct at meetings and establish the type of language allowed in order to achieve a respectful work environment. By having the group endorse a code of conduct at the outset of a discussion or meeting, the chair will be much more successful in addressing inappropriate behavior.

RECORDING SECRETARY

In addition to the annual appointment of a chair for each advisory planning commission, a recording secretary should be appointed from among the APC members. The recording secretary is responsible for recording the minutes at each commission meeting and submitting the minutes to the regional district. CVRD staff may fill this position if necessary. It is important to note that the recording secretary is a member of the APC and should continue to be an active participant during meetings in addition to taking minutes.



The content requirements of APC minutes are generally as follows:

- date, time and location of the meeting;
- members of the advisory planning commission, both present and absent;
- other persons present for the duration of the meeting (i.e. electoral area director, planning staff member);
- delegations who have made representation to the advisory planning commission;
- recommendations clearly stating support, conditional support or non-support for an application.

The role of recording secretary requires a few important steps prior to a meeting. Those steps include the following:

- » reviewing the agenda to become familiar with the discussion items;
- » showing up at the meeting location five or 10 minutes before the start of the meeting to be prepared; and
- » using the CVRD prepared meeting minutes template, found [here](#).

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DUTIES AND LIABILITIES

CONFLICT OF INTEREST

A conflict of interest exists where an APC member is a director, member or employee of an organization seeking benefit upon which the APC will make a recommendation; and/or, the APC member has a direct or indirect financial interest in the outcome of APC deliberations. Where a conflict of interest exists, the following applies to APC members:

1. Must declare to the APC that a conflict exists;
2. Are not entitled to participate in the discussion of the matter or to vote on a question in respect of the matter; and,
3. Must excuse themselves from the meeting during consideration of the issue to which the conflict relates and not attempt to influence the vote (this needs to be reflected in the meeting minutes).

Relationships that may constitute a conflict of interest include, but are not limited to: kinship; legal guardian; trustee; estate administrator; appointment on retainer, whether or not service was provided; consultantship;

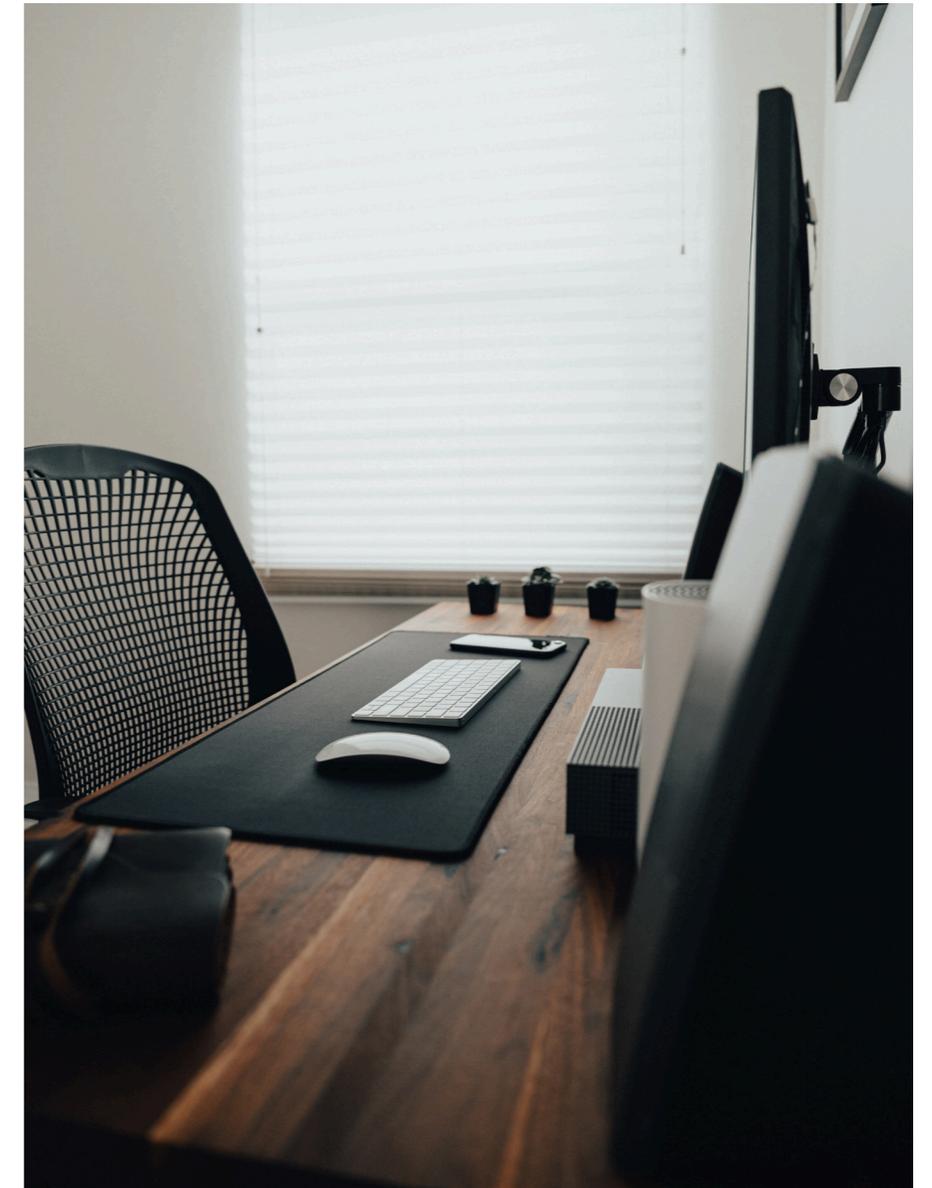
contracts for services; interest in real property enjoyed by a corporation, of which an APC member is an officer or Board member, affected by the decisions of the Commission.

SOURCES OF LIABILITY AND PROTECTION

The *LGA* provides immunity from personal liability for APC members for claims for damages arising from anything done or said in the performance of their duties. There are, however, some exceptions to this; dishonesty, gross negligence, malicious or wilful misconduct, libel or slander.

Given that APC's are advisory bodies, it is unlikely that the members of an APC would be sued for damages by an applicant or member of the public, as a result of a recommendation made by the APC.

In the unlikely event of a lawsuit the *LGA* would protect APC members against personal liability in most cases. Members should avoid personal comments about applicants (or anyone else) that could be defamatory – focus your comments on the substance of the matter.



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ADVISORY PLANNING COMMISSIONS

PROCEDURES

It is the responsibility of all APC members, and most particularly the Chair, to ensure meetings are run effectively. The following suggestions are intended to provide the framework for effective meetings:

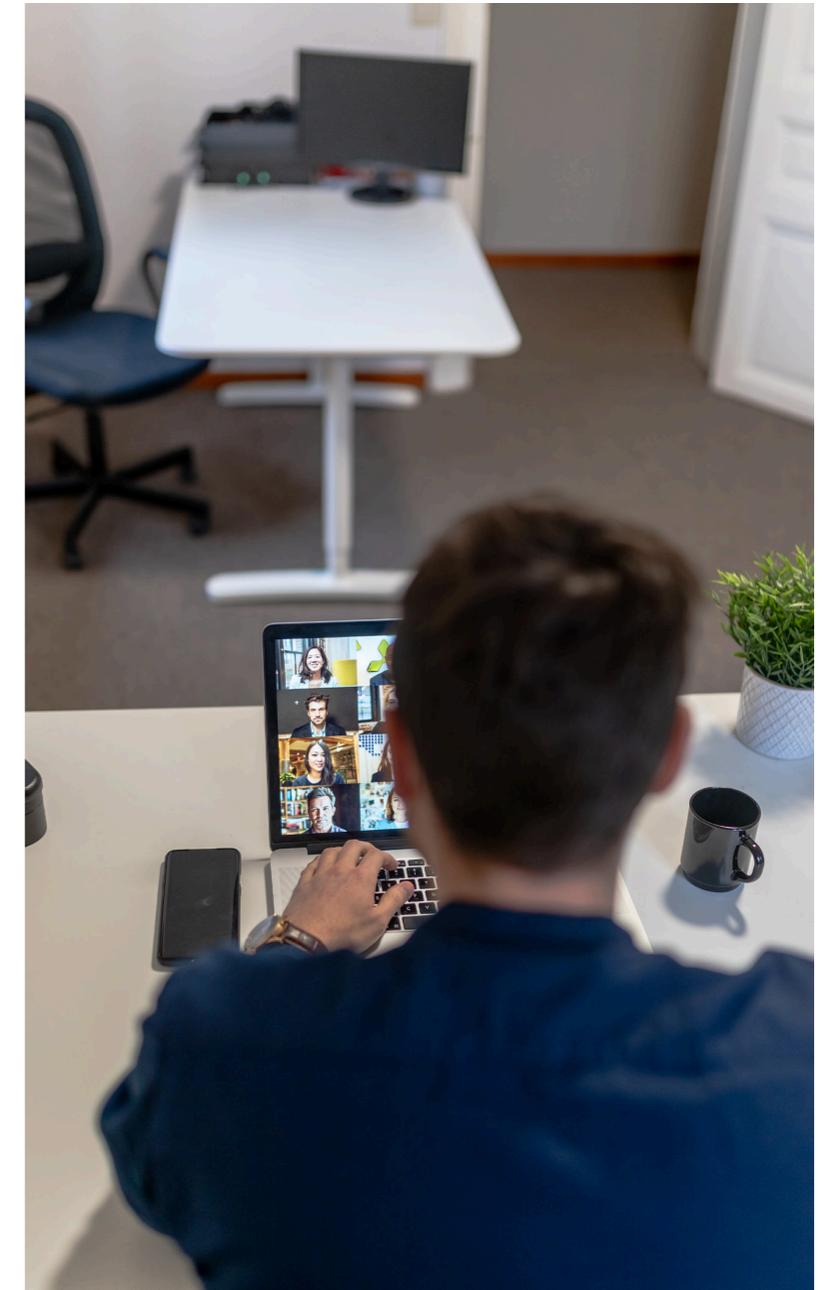
- » All members should prepare in advance for the business of the meeting by reviewing published agenda and referral information - found on the PrimeGov portal, located on the CVRD website [here](#);
- » Discussion should be directed so as to allow all agenda items the opportunity to receive equal attention and consideration, avoid discussion of unimportant details;
- » Decisions should be made by the traditional procedure of Motion – Secunder – Discussion – Vote;
- » Set specific adjournment time;
- » Ensure fairness and accord equal and orderly treatment to all members;
- » Minutes of the meeting MUST follow the format outlined by the CVRD. However, should any APC member wish to detail their own meeting notes they may do so for their own records. Those meeting notes will not be accepted as official meeting minutes.

PUBLIC ATTENDANCE AT MEETINGS

All APC meetings are open to the public and there is no provision for those meetings to be closed. Public attendance at APC meetings helps to ensure open and transparent government. Any information that is distributed to commissions on meeting agendas is public. Meeting times and dates are published on the regional district website.

From time to time, issues at APC meetings may attract public interest and members of the public may attend and want to speak at APC meetings. Typically, a CVRD representative and the Electoral Area Director are in attendance and can be available to speak with the public following the meeting. Members of the Public should be encouraged to follow up with the CVRD representative and/or Area Director at the close of the meeting.

The public must always be advised that the APC is an advisory body and does not make decisions. The public should be advised that there are further opportunities to engage with the CVRD through the application process, and that while public attendance is permitted at APC meetings, it is not a place for the general public to debate the merits of a proposal. The public should be encouraged to follow up with the CVRD representative on process requirements and future opportunities to engage with the CVRD before decisions are made.



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ADVISORY PLANNING COMMISSIONS

PROCEDURES

1. At the first meeting of each new year, which will be convened by the General Manager, the APC will elect one of its members as Chairperson and another as Vice-Chairperson to act in the absence of the Chairperson. The Chairperson and Vice-Chairperson will hold these positions for one year or until their successors are elected.
2. In the absence of the Chairperson and Vice-Chairperson, the APC will elect from the members present a temporary Chairperson for that meeting only.
3. The General Manager may assign a CVRD representative to serve as a Recording Secretary for an APC.
4. In the absence of the Recording Secretary, the APC will elect from the members present a temporary Recording Secretary for that meeting only.
5. A majority of the members of an APC will be deemed a quorum.
6. The APC does not meet unless there is a referral from LUSD or Area Director.
7. The Chairperson of an APC may, by notice in writing to each of its members, schedule a special meeting of the APC to consider a matter that has been referred to the APC if the matter cannot conveniently be dealt with in accordance with the APC's schedule of regular meetings.
8. APC meetings will be held in accordance with the open meeting rules in section 89 of the [Community Charter](#).
9. An APC will hear all applicants who wish to make representations on an application referred to it by the General Manager, Board or Director.
10. Where not otherwise covered in this bylaw, the rules of procedure governing APC meetings will be those of the current [Committee and Commissions Meeting Procedures Bylaw No. 2922](#) of the Regional District.
11. Within 14 days of an APC meeting, the Secretary or Land Use Services staff member who took the minutes must submit them to the General Manager.
12. The draft minutes of the APC will be made public upon publication of the meeting agenda on which the draft APC minutes are provided as information to the Electoral Area Services Committee.
13. The General Manager will provide reasonable administrative support for each APC in respect of any referral of a matter pursuant to this bylaw, including without limitation the provision of a public meeting space, delivery of notices of upcoming meetings to APC members and applicants, preparation and circulation of meeting agendas, production and circulation of minutes as recorded by the APC Secretary or LUS staff member, and the submission of APC recommendations to the board or a committee of the Board.

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ADVISORY PLANNING COMMISSIONS

PROCEDURES

The functions of the APC include advising the Board, when requested, on matters respecting land use, community planning, or proposed bylaws and permits. These matters can include the following major applications:

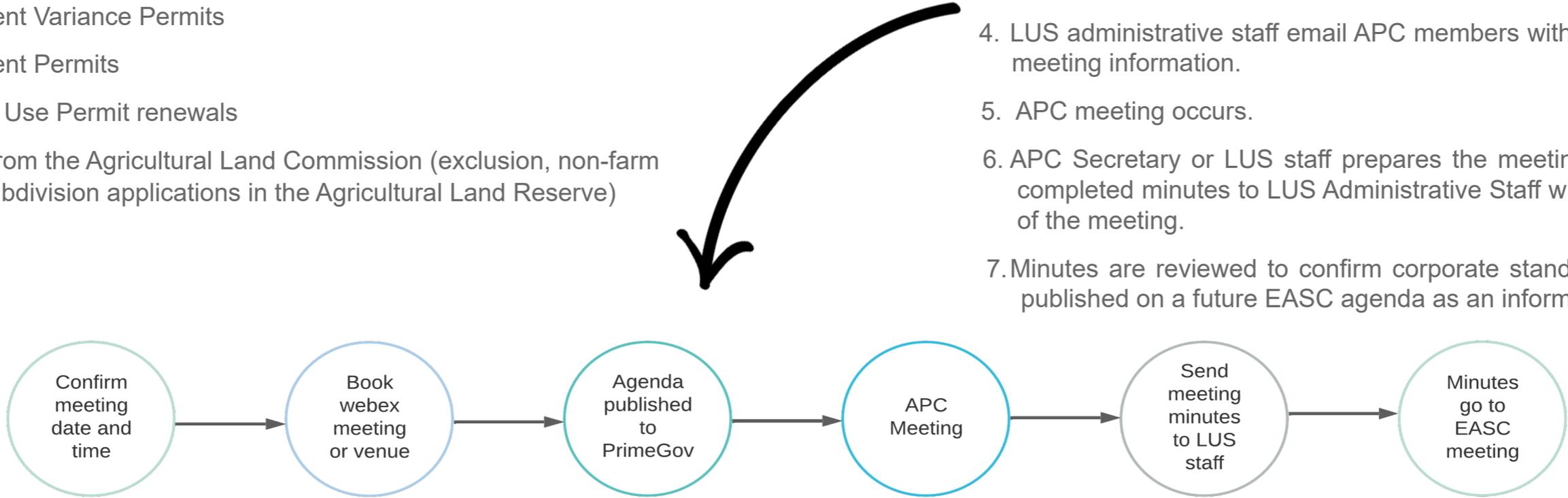
- » Official Community Plan amendments
- » Major zoning bylaw amendments
- » Temporary Use Permit initial applications

The following minor applications may be referred at the discretion of the Electoral Area Director:

- » Minor zoning bylaw amendments consistent with the Official Community Plan
- » Development Variance Permits
- » Development Permits
- » Temporary Use Permit renewals
- » Referrals from the Agricultural Land Commission (exclusion, non-farm use and subdivision applications in the Agricultural Land Reserve)

STEPS FOR APPLICATION REFERRALS TO THE APCS

1. LUS administrative staff contacts APC chair to confirm meeting date and time.
2. For electronic meetings, administrative staff will book a virtual meeting for the APC. If the APC wishes to meet in person, the chair must organize the booking of a meeting space and notify the APC members and LUS administrative staff.
3. Administrative staff creates agenda and publishes to Primegov meeting portal on CVRD website found [here](#). It is the responsibility of all APC members to retrieve all referral information from the portal. Staff does not email or mail referral contents.
4. LUS administrative staff email APC members with link to Primegov and meeting information.
5. APC meeting occurs.
6. APC Secretary or LUS staff prepares the meeting minutes and sends completed minutes to LUS Administrative Staff within 14 business days of the meeting.
7. Minutes are reviewed to confirm corporate standards are met and are published on a future EASC agenda as an information item.



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MEETING MINUTES

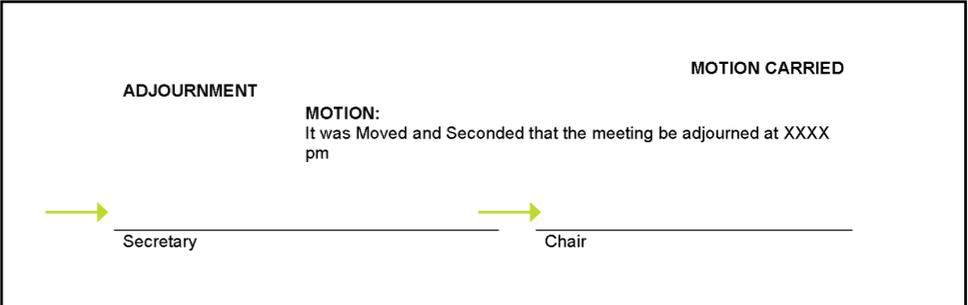
A CVRD issued template has been prepared for use by the Recording Secretary, or designate, for all meeting minutes. The minutes template can be easily downloaded from the CVRD website on the APC webpage, located [here](#). If there are any issues with the template, please contact LUS Administrative staff immediately.

It is important that all APCs use the template provided for consistency and efficiency. Meeting minutes must be provided to LUS Administrative staff no later than 14 business days after the APC meeting is held.

The LGA requires that all APC meeting minutes be kept and made available to the public. For this reason, all meeting minutes are required to follow the same template.

HOW TO USE THE MEETING MINUTES TEMPLATE

1. Select meeting date and time;
2. Choose applicable Electoral Area APC from the drop down menu;
3. Identify who is present and who is absent from the meeting;
4. Approve agenda and accept minutes of past meeting;
5. Record motion to 'approve' or 'deny' and recommendations to staff;
6. The Recording Secretary and APC Chair must sign the meetings and send to CVRD Administrative Staff.



DATE: 2022-06-24

TIME:

MINUTES of the Select Electoral Area, Advisory Planning Commission held on the above-noted date and time (location where meeting occurred).

PRESENT: Chair:
Vice Chair:
Secretary:
Members:

ALSO PRESENT: Director:
Guests:

ABSENT:

APPROVAL OF AGENDA:

ACCEPTANCE OF MINUTES:

ORDER OF BUSINESS:

1. Referral Item

MOTION:
It was Moved and Seconded that it be recommended that (referral item/application no.) be (approved/denied).

MOTION CARRIED
2. Referral Item

MOTION:
It was Moved and Seconded that it be recommended that the following be considered with respect to (name the item/matter)

 - XXXX
 - XXXX
 - XXXX

MOTION CARRIED
3. Election of Chair/Vice-Chair/Secretary

MOTION:
It was Moved and Seconded that (Name) be appointed to the role of Advisory Planning Commission (position).

BYLAWS AND POLICIES

DEVELOPMENT APPLICATION REFERRALS POLICY

Upon receipt of a complete application, the Planner will undertake a preliminary review and assess whether, in their professional opinion, the application is major or minor. The following types of applications will generally be deemed major:

- Official Community Plan Amendment;
- Phased development agreement; and
- Rezoning

The following types of applications will generally be deemed minor:

- Temporary use permit;
- Development variance permit;
- Permit amendment, renewal or extension;
- Minimum parcel frontage exemption; and
- Covenant amendment or discharge.

Major applications will proceed directly to the EASC. Staff will prepare a preliminary report with a list of recommended referral agencies. Upon receipt of the preliminary report, the EASC may decide to refer the application back to staff to be forwarded to their APC. Minor applications will proceed directly to the EASC unless first referred to an APC by the Area Director.

Click [here](#) for the full Policy.

ADVISORY PLANNING COMMISSION ESTABLISHMENT BYLAW

The [APC Establishment Bylaw No. 4408](#) details the conditions for which APC members are appointed, when and how APCs will receive referrals from the planning divisions, and procedures for APC business.

APC appointments may be for terms up to four years and expire no later than December 31 in a local government election year. The Board may, by resolution, appoint members to an Electoral Area APC on the recommendation of the Director. When considering appointments, the Board will consider membership that is representative of the people in that electoral area. Each APC will consist of a minimum of five and not more than 11 members, of which at least two-thirds must be residents of that electoral area.

A Director may refer a matter to their APC for advice. If the Board decides to refer a matter to more than one Electoral Area APC, the APCs may convene a joint meeting to consider the matter and provide a recommendation.

APC procedures are detailed on pages 6 - 8 of this handbook.

Click [here](#) for the full Bylaw.



BYLAWS AND POLICIES

DEVELOPMENT APPLICATION PROCEDURES BYLAW

[Development Application Procedures Bylaw No. 4483](#) details the delegation of authority, submission requirements, fees, public notification, decisions, and performance security for each type of application.

The Bylaw provides the General Manager the authority to issue development permits and some Liquor and Cannabis Regulation Branch applications, and to discharge covenants. The Bylaw also provides the Corporate Officer and Chief Administrative Officer the authority to execute legal agreements.

An application made pursuant to this Bylaw must be authorized in writing by all property owner(s) of the lands that are subject to the application. Upon receipt, staff will assess the application. Once staff deem the application to be complete, and all application fees are received, an application file will be opened.

Staff will prepare a report to the General Manager or the CVRD Board for consideration. Depending on the type of application, and the requirements for public notification (i.e. requirement to post a notice sign), staff will work with the applicant to notify the public of the application. The Board may also require that a public information meeting be held. The CVRD will hold public hearings in accordance with the *LGA*.

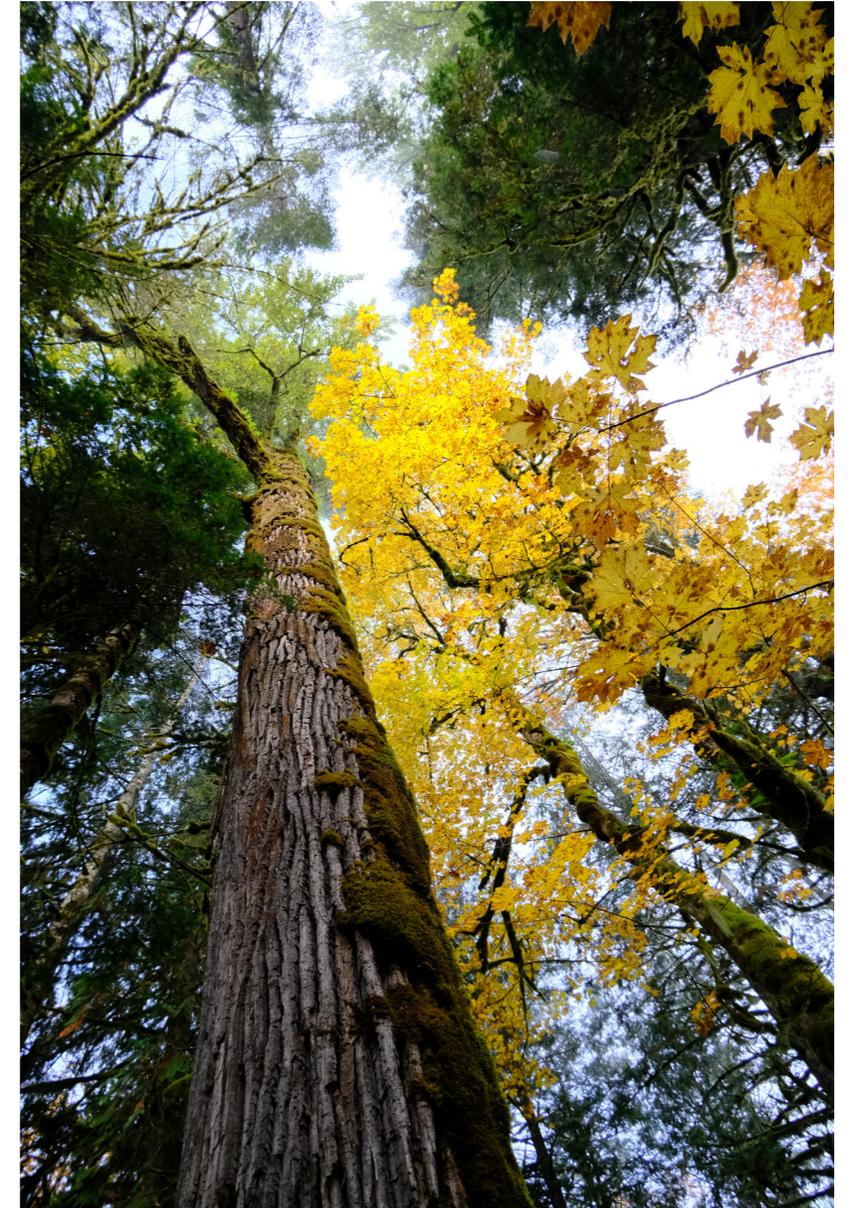
After a decision has been made by either the General Manager or the Board, written notice of the decisions will be mailed or otherwise delivered to the applicant. Should the General Manager deny an application, an applicant has the ability to request (in writing) for the decision to be reconsidered by the Board. Where an application, under this Bylaw, has been denied, an applicant may re-apply.

ZONING BYLAWS

Zoning implements the land use visions expressed in the Official Community Plan. Zoning regulates how land, buildings and other structures may be used, and divides the whole or part of an area (or a part of an area) into zones. Each zone has a name, permitted land uses, and conditions for those uses (i.e. setbacks & height restrictions).

OFFICIAL COMMUNITY PLAN

The Official Community Plan describes the long-term vision of a community. The plan includes statements of objectives and policies that guide decisions on planning and land use management. OCPs must include certain plan statements and map designations and may also contain optional policy statements and development permit area designations.



DEVELOPMENT APPLICATIONS

DEVELOPMENT PERMIT

A Development Permit (DP) is a land use permit used by local governments to review proposed developments to ensure they meet the policies and objectives of the Official Community Plan, and to satisfy all required regulations in the zoning bylaw.

Development Permit Areas (DPAs) are identified in the OCP and need special treatment for certain purposes including the protection of development from hazards, the protection of natural ecosystems and farm land. These areas are also identified to maintain the existing character of the Cowichan Valley.

For properties located within a DPA, a permit may be required prior to the issuance of a building permit, or completion of a subdivision. A DP may also be required prior to any site disturbance on a property, including the clearing of land.

All DPs have been delegated to the General Manager of the Land Use Services Department for approval.

DEVELOPMENT VARIANCE PERMIT

A Development Variance Permit (DVP) is a land use permit used by local governments to ‘vary’ or relax a regulation. Examples of regulations that may be varied include building setbacks, height or site coverage.

If a proposed development does not conform to certain zoning regulations, a DVP may be a potential path forward. DVPs, however, cannot be used to vary land use or density (e.g. minimum parcel size for subdivision). DVPs are discretionary in that they should be accompanied by a strong rationale for the application and should be used as a last resort. DVP applications are referred to adjacent property owners and occupants and may be referred to the local Advisory Planning Commission at the direction of, and prior to, a decision by the CVRD Board.

TEMPORARY USE PERMIT

A Temporary Use Permit (TUP) can authorize a particular use to occur, temporarily, in a zone where it is not usually permitted. The permit is issued for a specified period of time not exceeding 3 years, and establishes the conditions under which the temporary use may be carried on. TUPs are not intended to be a substitute for a rezoning application and are approved by the CVRD Board.

OFFICIAL COMMUNITY PLAN AMENDMENT

An Official Community Plan (OCP) amendment is required for any proposed policy changes, such as when a proposed development does not conform to the land use designation(s) of the OCP. An amendment is the process of legally changing the land use designation on a property through an amending bylaw.

When the EASC considers an amendment to the OCP, they are required to determine whether the proposal achieves the goals and policy objectives of the OCP. Every proposal is considered on its own merits and should always contribute to achieving the community’s vision.

There will be situations where a proposal is consistent with the goals and vision of the OCP, but is in conflict with the existing OCP land use designation or specific OCP policies. In this instance, an OCP amendment may be required.

ZONING BYLAW AMENDMENT

A Zoning Bylaw Amendment, or Rezoning, is an application to amend the zoning bylaw. While conditions such as building setbacks or height can be varied through a DVP, changing the permitted uses or allowable density in a particular zone requires a change to the zoning bylaw through a rezoning application. If the intention is to use a property for a use not currently listed under the permitted uses in the zone, a rezoning will be required.

The goal is to support proposed developments, the use of which has not been otherwise identified in the zoning bylaw, and aligns with CVRD Board priorities and policy goals found in the OCP.

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COMMONLY USED ACRONYMS AND TERMS

ACRONYMS

ALC	Agricultural Land Commission
ALR	Agricultural Land Reserve
APC	Advisory Planning Commission
CP	Community Planning Division of Land Use Services Dept.
CVRD	Cowichan Valley Regional District
DP	Development Permit
DS	Development Services Division of Land Use Services Dept.
DVP	Development Variance Permit
EASC	Electoral Area Services Committee
FCL	Flood Construction Level
LCRB	Liquor and Cannabis Regulation Branch
LGA	Local Government Act
LUS	Land Use Services
LUSD	Land Use Services Department
MOE	Ministry of Environment
MOTI	BC Ministry of Transportation and Infrastructure
OCP	Official Community Plan
RAA	Riparian Assessment Area
RAPR	Riparian Areas Protection Regulation
SI	Planning - Strategic Initiatives Division of Land Use Services Dept.
SPEA	Streamside Protection and Enhancement Area

TERMS

Applicant	means the owner(s) of lands that are the subject of an application or person(s) authorized by the owner(s) to represent the owner(s) interests in respect of an application;
Board	means the Board of Directors of the Cowichan Valley Regional District;
Chief Administrative Officer	means the officer responsible for the overall management of the operations of the Cowichan Valley Regional District, pursuant to the <i>Local Government Act</i> ;
Committee	means a committee of the Board;
Corporate Officer	means the officer responsible for the corporate administration of the Cowichan Valley Regional District, pursuant to the Local Government Act;
Delegate	means an individual who has been authorized by the Board to undertake one or more powers of the Board, as set out in Development Procedures Bylaw No. 4483 ;
Director	means a member of the Board of Directors of the Cowichan Valley Regional District representing an electoral area;
General Manager	means the person employed by the CVRD in the position of General Manager, Land Use Services and any person appointed by the General Manager or Chief Administrative Officer to perform the duties of the position during the temporary absence of the General Manager;
Owner	means, in respect of property, a person listed in the land titles office as the owner of a parcel;
Parcel	means a lot, block or other area of land in which land is held or into which land is subdivided, and includes a strata lot or strata unit;
Qualified Professional	means a professional engineer, geoscientist, architect, landscape architect, biologist, planner or other professional licensed to practice in British Columbia, and includes a Qualified Environmental Professional with experience relevant to the applicable matter, as determined by the General Manager;
Subject Property	means all lands that are the subject of an application to the CVRD;
Staff	means an employee of the Land Use Services Department of the CVRD.