



THE CITY OF PORT ALBERNI ADVISORY PLANNING COMMISSION ORIENTATION INFORMATION

Role of the Advisory Planning Commission

The Advisory Planning Commission is to make recommendations to City Council respecting land use issues in the City and is empowered by the Advisory Planning Commission Bylaw and the Local Government Act.

The majority of items presented to the APC involve applications to amend bylaws such as the Official Community Plan bylaw or Zoning bylaw. Other common applications include Development Variance Permits.

Composition of the Advisory Planning Commission

There are nine Voting Members on the Advisory Planning Commission:

- Six members at large appointed by City Council
- One representative of the School Board of School District No. 70.
- One representative of the Tseshaht First Nation
- One representative of the Hupacasath First Nation.

Three Non-Voting Liaisons complete the APC:

- City Council Liaison
- RCMP Liaison
- Port Alberni Fire Department Liaison
- Parks Operations Liaison.

Advisory Planning Commission Meetings

The APC typically meets once a month on the 3rd Thursday at 12:00 p.m. at the City Hall Committee Room. Agenda's are sent out to each member before the scheduled meeting. Meetings are open to the public and agenda's are posted on the Bulletin Board in the Lobby at City Hall at least 24hrs before each meeting.

Development Services Department Staff

Scott Smith - Director of Development Services	Direct Line – 250-720-2808
Cara Foden – Development Services Technician	Direct Line – 250-720-2850

The Director of Development Services would be pleased to meet with anyone serving or considering serving on the Advisory Planning Commission to provide further information. The following attachments are designed to help new Advisory Planning Commission members become familiar with the planning tools and processes followed as they relate to the APC.

**CITY OF PORT ALBERNI
2018 ANNUAL REGULAR MEETING SCHEDULE
ADVISORY PLANNING COMMISSION**

(Held in the Committee Room of City Hall, 4850 Argyle Street, Port Alberni BC at 12:00 pm)

Meetings are open to the public.

Thursday, January 18
Thursday, February 15
Thursday, March 15
Thursday, April 19
Thursday, May 17
Thursday, June 21
Thursday, July 19
Thursday, August 16
Thursday, September 20
Thursday, October 18
Thursday, November 15
Thursday, December 20

**ABOUT THE
CITY OF PORT ALBERNI OFFICIAL COMMUNITY PLAN
BYLAW NO. 4602
(adopted April 10, 2007)**

Why do we have an Official Community Plan Bylaw?

The Official Community Plan is a general statement of the broad objectives and policies of the local government respecting existing and proposed land use and servicing requirements in the area covered by the plan.

- It serves as a framework whereby the Council may be guided in making decisions
- It identifies factors relevant to the use and development of land
- It helps to avoid inconsistencies in decision making that may lead to inefficient resource allocation or land use conflicts
- It provides a base for consensus between civic officials and the groups of individuals they represent, regarding overall objectives and strategies for community action

The OCP is not a static plan. Its objectives and policies may change over time as the community's needs and aspirations change.

Why and How can the Official Community Plan be changed?

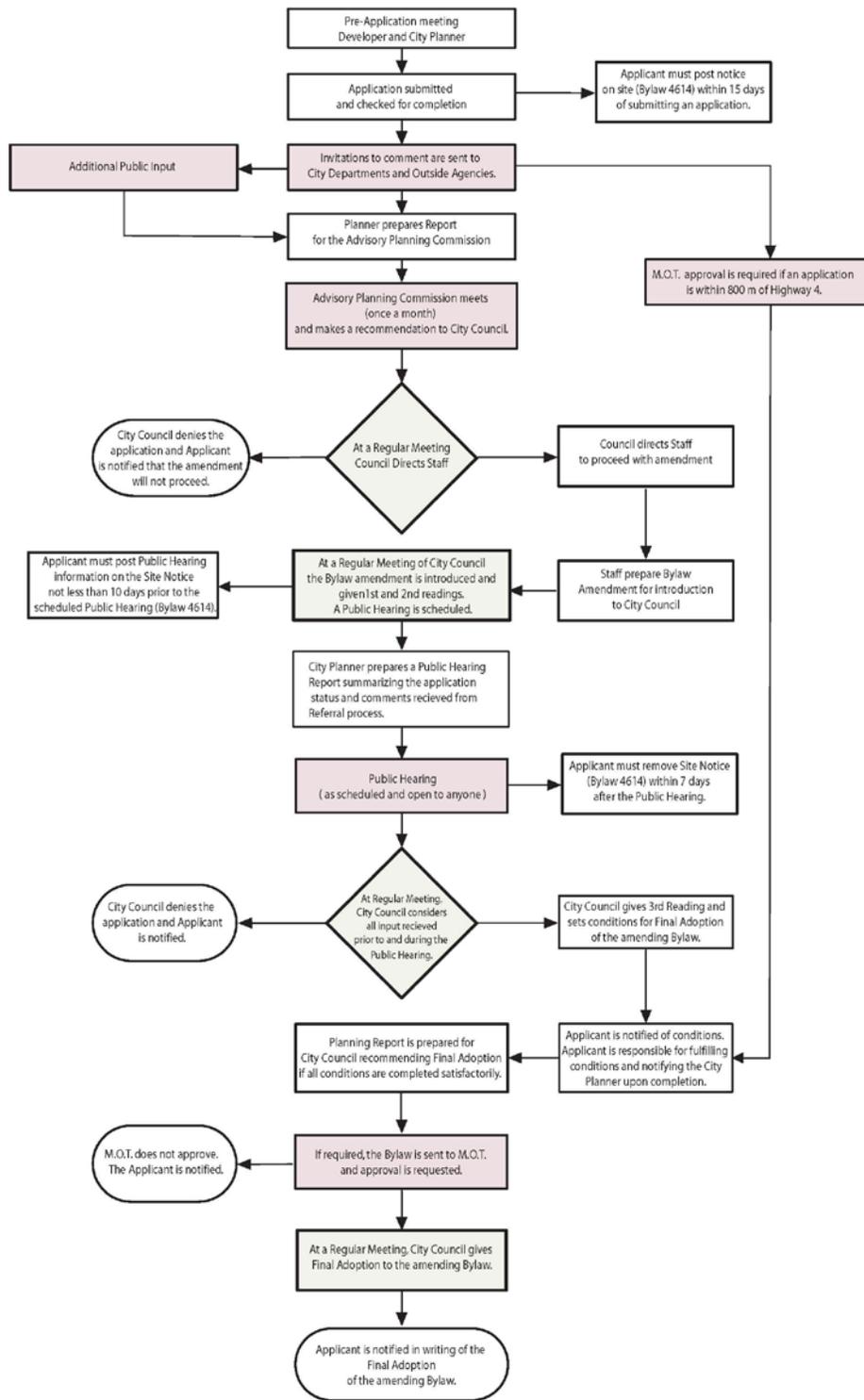
Official Community Plan amendments are usually triggered by rezoning proposals that are inconsistent with the Plan. Other general changes to the Official Community Plan may be proposed to keep the Plan up-to-date and to meet changing needs of the community. Any proposed change to the Official Community Plan must be passed by City Council as a Bylaw and must have a Public Hearing. A developer or individual who is proposing a change to the Official Community Plan Bylaw should note the following explanation of the process:

- Applicant should consult with the Director of Development Services to accurately determine the current property designations in the Official Community Plan. If a development proposal does not comply with the Official Community Plan, the applicant must apply for an amendment to the Official Community Plan Bylaw. The Planner will help determine the appropriate designation and any amendments required.
- It is rare that an Official Community Plan amendment is required without a related Zoning Bylaw amendment. In the City of Port Alberni, Official Community Plan amendments may be jointly processed with pertinent Zoning Bylaw amendments.
- Applicant must file a complete application for an Official Community Plan Amendment at City Hall and pay the application fee. The application must be accompanied by accurate drawings detailing the proposed changes and a detailed written description of the proposed change. **All registered owners of the property must sign the application and a copy of a current Land Title document (current within 30 days) must be included with the application.** In addition the applicant is required to erect signage on the property giving notice of the proposed change and the Public Hearing information.
- The Planning Development Services Department refers the application to all appropriate city departments, as well as to other government agencies and/or community groups, asking for input or comments pertaining to the proposed amendment.

- The *Local Government Act* requires local government to provide one or more opportunities for consultation with persons, organizations and authorities it considers will be affected when developing, amending or repealing an Official Community Plan. This consultation is additional to the legislative requirement for a public hearing.
- The Director of Development Services prepares a report with recommendations to the Advisory Planning Commission. The APC will discuss the proposed amendments and provide a recommendation (including any specific conditions of approval) to City Council.
- If City Council makes the decision to proceed with the amendment process City staff will be directed to prepare the amending bylaw.
- The amending Bylaw is introduced to City Council for 1st and 2nd reading at a regular Council meeting and a Public Hearing is scheduled.
- A Notice of the Public Hearing including details of the proposed amendment is sent to owners and occupiers of properties within 75m of the subject property. The Notice is also published in the newspaper prior to the Public Hearing. In addition the applicant is required to amend the signage posted on the property to give notice of the Public Hearing information.
- The Director of Development Services prepares a report to Council summarizing the status of the application and all comments and concerns to date.
- The Public Hearing is open to all members of the public who deem their interest in property to be affected by the proposed amendment. The Public Hearing affords all citizens an opportunity to be heard by Council or to make written submissions to Council pertaining to the proposed amendment.
- Following the Public Hearing the amending bylaw will go back to Council for a 3rd reading. Council may decide to deny the proposed amendment at this time or to proceed. If Council decides to proceed they may make final adoption of the amending bylaw subject to the applicant fulfilling specific conditions. The applicant is then notified of the conditions that Council has specified.
- Final adoption of the Bylaw by City Council will not take place until all conditions have been fulfilled by the applicant. Once all conditions of approval have been fulfilled the applicant must notify City staff (Director of Development Services). If the Min. of Transportation has approved the Bylaw in principal, they will be asked to sign the Bylaw at this time.
- The Director of Development Services will prepare a report to City Council making a recommendation in regards to final adoption of the amending bylaw.
- Council makes a decision on final adoption of the amending bylaw at the next regular Council meeting.

City of Port Alberni - Official Community Plan Bylaw Amendment Process

(Often done concurrently with a Zoning Bylaw Amendment)



**ABOUT THE
CITY OF PORT ALBERNI ZONING BYLAW 2014, NO.4832
(adopted March 10, 2014)**

Why do we have a Zoning Bylaw?

The Zoning Bylaw is a document for regulating development and land use in the community. While the Official Community Plan is a statement of the City's broad objectives and policies, the City's development regulations are contained in the Zoning Bylaw. The Bylaw consists of text and maps detailing regulations that apply to different zones throughout the City. The Bylaw details the types of uses permitted on a given piece of land and sets out requirements for density, setbacks, off-street parking, fencing, accessory buildings and home occupations among other things.

How can the Zoning Bylaw be changed?

Any proposed change to the Zoning Bylaw must be passed by City Council as a bylaw following a Public Hearing. A developer or individual who is proposing a change to the Zoning Bylaw should note the following explanation of the process:

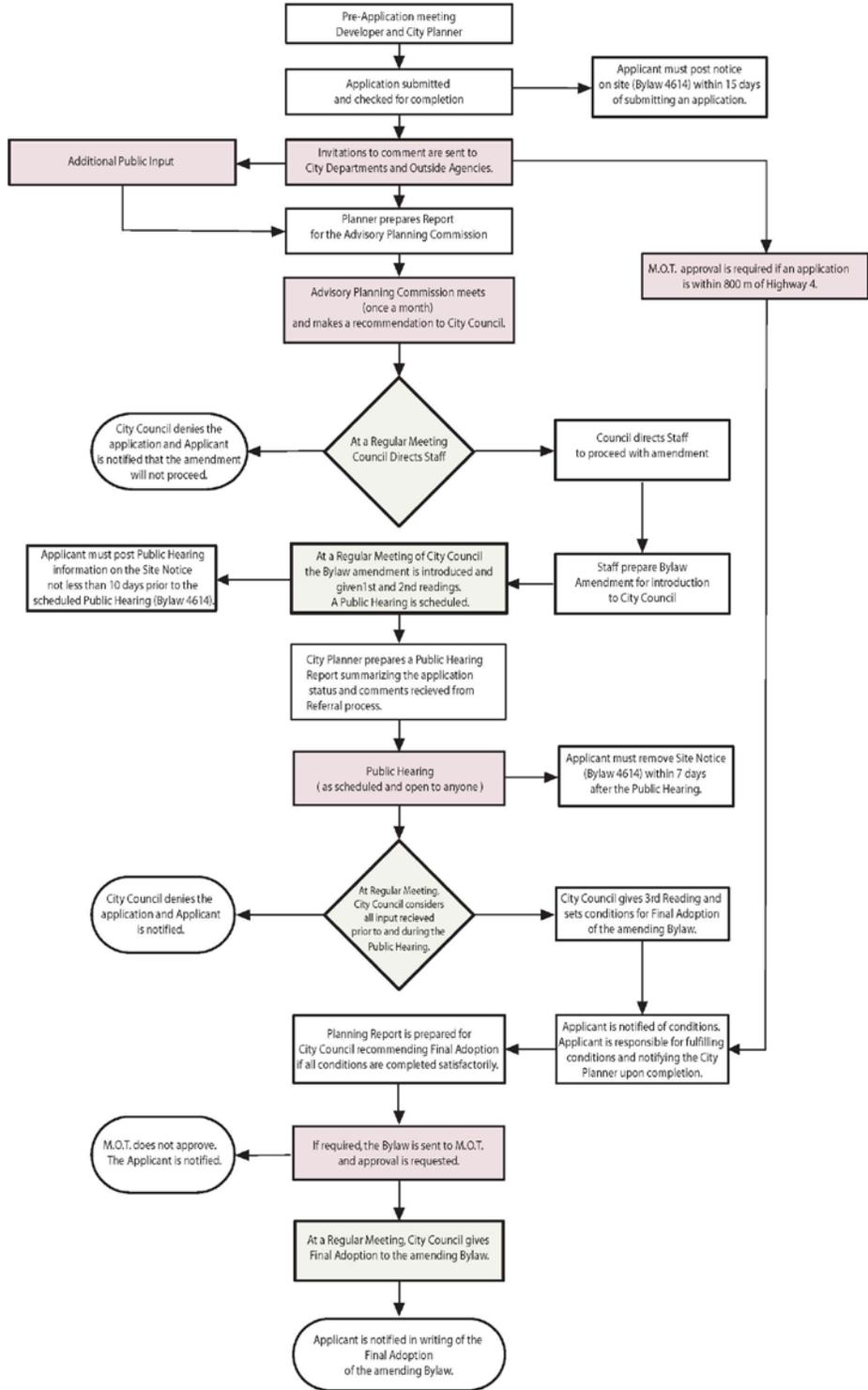
- Applicant should consult with the Director of Development Services to accurately determine the current property designations in the Official Community Plan and in the Zoning Bylaw. The Planner will help determine the appropriate designations and amendments required. Changes must comply with the Official Community Plan otherwise the applicant must apply for an amendment to the Official Community Plan Bylaw that may be processed in conjunction with the Zoning Bylaw amendment application. If an Official Community Plan amendment is required, additional opportunity must be provided for public input prior to a Public Hearing (see OCP process).
- Applicant must file a complete application for a Zoning Bylaw Amendment at City Hall and pay the application fee. The application must be accompanied by the required fees, accurate drawings, detailing the proposed changes and a detailed written description of the project. **All registered owners of the property must sign the application and a copy of a current Land Title document (current within 30 days) must be included with the application.** In addition the applicant is required to erect signage on the property giving notice of the proposed change and the Public Hearing information.
- The Development Services Department refers the application to all appropriate city departments, as well as to other government agencies and/or community groups, asking for input or comments pertaining to the proposed amendments. **Note:** If an application regards a property that falls within 800m of Provincial Highway No. 4, approval from the Ministry of Transportation is required before the Bylaw can be adopted by City Council.
- The Director of Development Services prepares a report with recommendations to the Advisory Planning Commission. The APC will discuss the proposed amendments and provide a recommendation (including any specific conditions of approval) to City Council. The applicant is invited to attend the APC meeting which is also open to the public.
- If City Council makes the decision to proceed, with the amendment process City staff will be directed to prepare the amending bylaw.

- The amending Bylaw is introduced to City Council for 1st reading at a regular Council meeting. Council may decide not to proceed with the Bylaw. If Council decides to proceed with the Bylaw, a Public Hearing date and time are scheduled. 2nd reading of the Bylaw may also be given at this time.
- A Notice of the Public Hearing including details of the proposed amendment is sent to owners and tenants of properties within 75m of the subject property. The Notice is also published in the newspaper prior to the Public Hearing. In addition the applicant is required to amend the signage posted on the property to give notice of the Public Hearing information.
- The Director of Development Services prepares a report to Council summarizing the status of the application and all comments and concerns to date.
- The Public Hearing is open to all members of the public who deem their interest in property to be affected by the proposed amendment. The Public Hearing affords all citizens an opportunity to be heard by Council or to make written submissions to Council pertaining to the proposed amendment. The applicant is encouraged to attend the Public Hearing.
- Following the Public Hearing the amending bylaw will go back to Council for a 3rd reading. Council may decide to deny the proposed amendment at this time or to proceed. If Council decides to proceed they may make final adoption of the amending bylaw subject to the applicant fulfilling specific conditions. The applicant is then notified of the conditions that Council has specified.
- Final adoption of the Bylaw by City Council will not take place until all conditions have been fulfilled by the applicant. Once all conditions of approval have been fulfilled the applicant must notify City staff (Director of Development Services). If the Min. of Transportation has approved the Bylaw in principal, they will be asked to sign the Bylaw at this time.
- The Director of Development Services will prepare a report to City Council making a recommendation in regards to final adoption of the amending bylaw.
- Council makes a decision on final adoption of the amending bylaw at the next regular Council meeting.

**For more information contact:
 Scott Smith, Director of Development Services
 Development Services Department (lower floor at City hall)
 4850 Argyle Street
 Port Alberni, BC, V9Y 1V8
 Phone (250) 720-2808
 Fax (250) 723-3402
 Email: Scott_Smith@portalberni.ca**

City of Port Alberni - Zoning Bylaw Amendment Process

(Often done concurrently with OCP Bylaw Amendment)



ABOUT THE PORT ALBERNI VARIANCE PROCESS

When is a Variance needed?

When a particular application by virtue of a site regulation such as a setback, site coverage, height, or other regulation will not comply with a development (i.e Zoning Bylaw, Sign Bylaw etc.) bylaw a Variance may be pursued.

There are two different Variance procedures:

1. **Board of Variance Application**

The Board of Variance is formed pursuant to the provisions of the *Local Government Act* and deals with applications for minor variances in situations where compliance with a Bylaw will cause undue hardship. The Board may also allow additions and alterations to “non-conforming” buildings.

2. **Development Variance Application**

Development Variance Permits are *dealt with by City Council*. If an application does not fall within the jurisdiction of the Board of Variance or if the variance is required for a new or re-development in conjunction with a bylaw (i.e. Zoning Bylaw) amendment, a Development Variance Permit should be pursued.

A VARIANCE MUST NOT VARY THE USE OR THE DENSITY OF LAND OR A FLOODPLAIN SPECIFICATION. Please read each description to see which type of Variance Application applies to your situation!

1. **The Board of Variance Process**

A person may apply for a **Board of Variance Order if;**

- there is **Undue Hardship** caused by a Bylaw regulation as to the siting, size, or dimension of a building, the prohibition against structural additions or alterations to a legal non-conforming use or subdivision servicing requirements in an area zoned for agricultural or industrial use;
- the development is **minor** in nature;
- an individual feels there has been an error in judgement by the Building Inspector as to the extent of damage to a non-conforming structure.

What is Undue Hardship?

Hardship is related to aspects of the particular site (i.e. topography) as opposed to general hardships in the area, or hardships generated by the owner. Expense is not a hardship.

What is a Minor Variance?

Minor variances are determined by the Board and are not defined in legislation in British

Columbia. Recently, courts have upheld Board decisions where considerable variances from the bylaw were granted. The Board may grant a minor variance provided, in the Board's opinion, the variance does not:

- result in inappropriate development of the site
- substantially affect the use and enjoyment of adjacent lands
- vary permitted uses or densities under the applicable Bylaw
- defeat the intent of the bylaw; or
- adversely affect the natural environment

Application Process and Fees

- Applicant should consult with the City Building Inspector to make an accurate determination of the Variance required.
- Applicant must file an application at City Hall. Application forms may be obtained from the Building department at City Hall. The application must be accompanied by:
 - **Application fee**
 - Current (within 30 days) copy of **Land Title**
 - Letter explaining **why there is hardship** in complying with the Zoning Bylaw
 - Detailed sketch or plans showing the lot and all existing structures with **appropriate measurements** (Site Survey if necessary) and which **clearly identifies the requested variance** (with elevation view if applicable)
 - A completed Site Profile if necessary
 - **Signatures of all Registered Owners of the property**
- All correspondence for the Board or Board Members should be directed to the Building Inspector. Notice of the application will be sent to adjacent landowners and occupants at least 7 days before a Board of Variance Hearing.
- Applicants should expect Board Members to visit the site and should ensure the property can be clearly identified from the road.

Board of Variance Decisions

The Board of Variance is usually able to give the applicant a decision approximately 30 days from the date the application is received. Decisions run with the land, are tied to plans submitted by the applicant, and expire if not acted upon within two years.

Procedure for Board Meetings

Meetings are at the call of the chair and are open to the public. They are usually attended by the applicant and any interested neighbours. Following the Meeting, the Board will deliberate a decision. Decisions can be obtained from the Building Inspector the day after the meeting.

Can decisions be Appealed?

Decisions of the Board are final and cannot be appealed, however a court of law can require a Board to re-hear an appeal on the basis of a “procedural error of law” under the Judicial Review Procedure Act. In the case of an appeal to the Board on the basis of an “error in judgment” by the Building Inspector, the decision of the Board can be appealed to the Supreme Court.

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Port Alberni, BC, V9Y 1V8
Phone (250) 720-2832
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2. The Development Variance Process

People apply for a **Development Variance Permit** if;

- the development is ***not considered minor*** in nature; and/or
- not undue hardship

A developer or individual who is applying to vary a regulation in a Bylaw should note the following explanation of the process:

Application Process and Fees

- Before submitting an application the applicant should consult with the Director of Development Services to make an accurate determination of the Variance that will be required.
- The applicant must file an application for a Development Variance Permit at City Hall. The application must be accompanied by:
 - **Application fee**
 - Detailed **reasons for and description of the variance requested**
 - Current (within 30 days) copy of the **Land Title**
 - Detailed sketch or plans showing the lot and all existing structures with **appropriate measurements** (Site Survey if necessary) and the proposed Variance
 - A completed Site Profile if necessary
 - **Signatures of all Registered Owners of the property**
- The Director of Development Services will prepare a report with recommendations to the Advisory Planning Commission. At a scheduled meeting the APC will discuss the proposed Variance. APC meetings are open to the public and the applicant may wish to be there to answer questions. The APC will provide a recommendation (including any

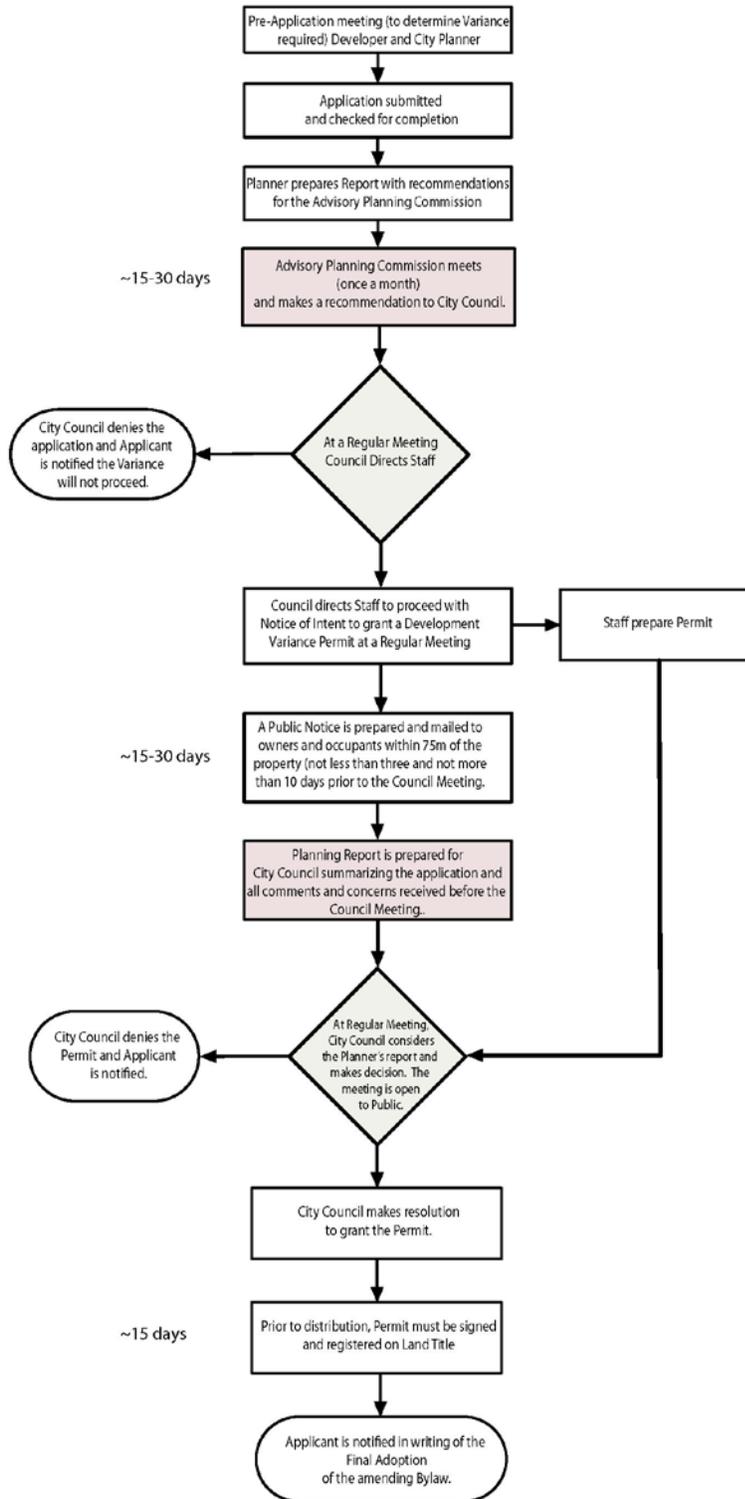
specific conditions of approval) to City Council that the Development Variance Permit be issued or denied. The recommendations will be received by Council at a subsequent regular Council Meeting.

Applicants should expect members of the Advisory Planning Commission, City Council and the Public to visit the site and should ensure the property can be clearly identified from the road.

- Council will review the recommendations of the APC. Council **may** decide to adopt a resolution to direct staff to send a written “**Notice of intent to pass a resolution to grant a Development Variance Permit**” to owners and occupants of property within 75m of the subject property. The Notice will advise of the date and time of the Council meeting at which Council intends to approve or deny the Permit.
- The Notice is sent to properties within 75m of the subject property at least 10 days before the meeting of Council at which the decision will be made and invites comment and input from all interested persons.
- Prior to the Council meeting the Director of Development Services prepares a report to Council summarizing the application and all comments and concerns received.
- The Meeting of Council is open to all members of the public who deem their interest in property to be affected by the proposed Variance. City Council will consider the application and any public input at the meeting and will adopt a resolution to either approve or deny the Development Variance Permit.
- If the Development Variance Permit is approved by Council, the applicant is notified and the Permit is registered on the Land Title.
- The application process may take six weeks or more from the time the application is submitted until the time a final decision is made.

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Email: Scott_Smith@portalberni.ca

City of Port Alberni - Development Variance Process



ABOUT THE CITY OF PORT ALBERNI DEVELOPMENT PERMIT AREAS

What is a Development Permit?

The City of Port Alberni has three Development Permit Areas at this time (Multi-Family Residential, Commercial (includes two types – general and highway) and Industrial). The areas and accompanying regulations are established by Official Community Plan Bylaw No.4602. In a Development Permit Area a permit is required prior to the development or redevelopment of the site or area. There are specific goals for each Development Permit Area and guidelines which development proposals are expected to comply with before a Permit can be issued.

Why do we have Development Permit Areas?

As provided in the *Local Government Act*, **Section 919.1**, Development Permit Areas may be designated for the following purposes:

- (a) protection of the natural environment, its ecosystems and biological diversity;
- (b) protection of development from hazardous conditions;
- (c) protection of farming;
- (d) revitalization of an area in which a commercial use is permitted;
- (e) establishment of objectives for the form and character of intensive residential development;
- (f) establishment of objectives for the form and character of commercial, industrial or multi-family residential development.**
- (g) in relation to an area in a resort region, establishment of objectives for the form and character of development in the resort region;
- (h) establishment of objectives to promote energy conservation;
- (i) establishment of objectives to promote water conservation;
- (j) establishment of objectives to promote the reduction of greenhouse gas emissions.

The City of Port Alberni has Development Permit Areas designated under Section 919.1 (f) as above.

What conditions can be specified in a Development Permit?

If land has been designated under section **919.1 (1) (f)**, a development permit may include requirements respecting the character of the development, including landscaping, and the siting, form, exterior design and finish of buildings and structures.

Application Process and Fees:

A developer or individual who is proposing a change to the Official Community Plan Bylaw should note the following explanation of the process:

- Applicant should consult with the Director of Development Services.
- Applicant must file an application for a Development Permit at City Hall and pay the administration fees. The application must be accompanied by a written description of the project and detailed drawings of the project. **All registered owners of the property must sign the application and a copy of a current Land Title document (current within 30 days) must be included with the application.**
- The Director of Development Services prepares a report with recommendations to City Council.
- If the Development Permit is approved by Council, the applicant is notified and the Permit is registered on the Land Title.
- The application process may take six weeks or more from the time the application is submitted until the time a final decision is made.

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