



File # 11.60.00

To: Port Alberni Advisory Planning Commission

Chris Colclough - Chair
Linda Kelsall – Vice Chair
Shelley Chrest
Vern Barnett
Seva Dhaliwal
Wes Hewitt

Larry Ransom - (SD #70)
Cindy Stern (Tseshah First Nation)
Brenda Sayers (Hupacasath First Nation)
S.Sgt. Mike Coady - (R.C.M.P. Liaison)
Councillor Hira Chopra - (Council Liaison)
Randy Thoen (P.A.F.D. Liaison)

From: Scott Smith, City Planner

Copy: Councillor Rob Cole - (Alternate - Council Liaison)
John Bennie - (Alternate - School District #70)
Cara Foden - Planning Technician
Digital Copy - Davina Hartwell - City Clerk
Digital Copy - Jane MacNaughton/Tanis Feltrin - Clerks Department

Date: March 20, 2013

Re: **Advisory Planning Commission Meeting**
Thursday, March 28, 2013 at 12:00 pm in the Committee Room at City Hall

A meeting of the Advisory Planning Commission has been scheduled for **Thursday, March 28, 2013 at 12:00 pm in the Committee Room at City Hall**. If you have any questions or are unable to attend please contact Scott Smith at 250-720-2808 (voice mail available).

AGENDA

- 1. Minutes of the January 17, 2013 meeting of the Advisory Planning Commission.**
- 2. Development Application:**
Official Community Plan Amendment - Policy Statements for Temporary Use Permits
Applicant: Harjodan Rai
- 3. Update - City Planner - Status of current projects.**
- 4. Other business.**
- 5. Adjournment. The next regular meeting is scheduled for Thursday, April 18, 2013.**



**Summary Report / Minutes of the Advisory Planning Commission Meeting
(Held on January 17, 2013
in the Committee Room at City Hall at 12:00 p.m.)**

Advisory Planning Commission

Chris Colclough (Chair)
Linda Kelsall (Vice-Chair)
Vern Barnett
Shelley Chrest (participated via conf. call)
Seva Dhaliwal
Wes Hewitt
Brenda Sayers (Hupacasath First Nation)
Councillor Hira Chopra - (Council Liaison)
S. Sgt. Mike Coady - (R.C.M.P. Liaison)
Randy Thoen (P.A.F.D.)
Councillor Rob Cole - Joined the meeting at
12:30 pm. (Alternate Council Liaison)

Staff

Scott Smith, City Planner

Guests

Interested members of public = 0

Regrets

C. Foden, Planning Technician
Larry Ransom (S.D.70)
Cindy Stern (Tseshah First Nation)

Alternates (not in attendance)

John Bennie (Alternate S.D.70)



1. Adoption of November 15, 2012 Minutes

- Brenda Sayers was introduced and welcomed to the APC as a representative of the Hupacasath First Nation.
- The Minutes of the November 15, 2012 meeting of the Advisory Planning Commission were adopted.

(V.Barnett / W. Hewitt) CARRIED

2. Elections – Chair and Vice Chair

- Chris Colclough was elected as Chair for 2013.
- Linda Kelsall was elected as Vice-Chair for 2013.

3. Development Application: Development Variance Permit

4831 Beaver Creek Road (PID: 028-977-319)

Lot A, District Lot 11, Alberni District, Plan EPP26856

Applicant: D. Anderson (for Will Pulford dba Van Isle Ford)

- The City Planner summarized his report to the APC dated January 10, 2013.
- The APC discussed the application with respect to the following:
 - If Ford has different formats for the signs.
 - What other freestanding signs are in the area.
 - Some concern that the proposed Ford sign not block the Co-op gas sign further down on Beaver Creek Road.
 - The commission thought that the applicant should submit a location plan for the proposed sign.
 - The requirements of the Floodplain bylaw were discussed. The City Planner explained that the Floodplain bylaw does not regulate for a Tsunami hazard.
 - The recommended conditions required for the floodplain exemption were reviewed and discussed.

MOTIONS:

1. *That the City of Port Alberni Advisory Planning Commission recommends to City Council that the City proceed with the necessary Development Variance Permit to vary Sign Bylaw No. 4578 as follows:*
 - a. *Vary Section 5.5.9.4, maximum height of a Freestanding Sign in the Highway Commercial District **from 8 metres to 9.7 metres for the subject Freestanding Sign** ; and*
2. *That City Council gives notice of intent to consider the issuance of a Development Variance Permit for Lot A, District Lot 11, Alberni District, Plan EPP26856.*
3. *That the City of Port Alberni Advisory Planning Commission recommends to City Council that the City require the applicant to submit a detailed site plan showing the proposed location of the freestanding sign and that it not block the sight lines of the existing Co-op gas sign.*
4. *That the City of Port Alberni Advisory Planning Commission recommends to City Council that the City proceed with an exemption from Floodplain Bylaw No.4288 for Lot A, District Lot 11, Alberni District, Plan EPP26856 subject to the following :*
 - a. *Submission of Stormwater Management and Lot Grading Plans that are acceptable to the City Engineer ; and*
 - b. *Submission of a report from a Professional Engineer or Geoscientist, experienced in geotechnical engineering, that certifies that the land may be used safely for the intended use on the subject property; and*
 - c. *Registration of a Restrictive Covenant on title that will save the City of Port Alberni harmless from any flooding damage.*

(L. Kelsall / W. Hewitt) CARRIED

4. Status Update – Current Projects - City Planner

- The first public input meetings for the Waterfront North Study are scheduled for February 19th and 21st.

- Reviewed the Development Variance Permit approval for the Tim Hortons on 10th and Redford Street.

4. **Adjournment** – The meeting adjourned at 1:05 p.m. The next regularly scheduled meeting will be **February 21, 2013** at 12:00 pm in the Committee Room at City Hall.

(L. Kelsall / V. Barnet) CARRIED



City Clerk

Chair



CITY OF PORT ALBERNI

PLANNING DEPARTMENT REPORT TO ADVISORY PLANNING COMMISSION

TO: Advisory Planning Commission

FROM: Scott Smith, City Planner

DATE: March 20, 2013

SUBJECT: DEVELOPMENT APPLICATION
Official Community Plan Text Amendment – Temporary Use Permits
Applicant: Harjodhan Rai

ISSUE

The City has received an application to amend the text of the Official Community Plan to include text and policy statements that would support the implementation of Temporary Use Permits (TUP). The APC and City Council will consider **whether Temporary Use Permits are appropriate for the community and whether the City should support the implementation of Temporary Use Permits.**

BACKGROUND

The property at 3868 Wood Avenue currently has several trailers and recreational vehicles on the site (photos attached) with people living in them. The property is zoned C4 – Highway Commercial (see attached) and the zoning does not permit this use.

The property owner has not determined a long term use for the land and would like to continue to have the trailers on the site. The City does not have a zoning district that allows for long term or residential use of trailers and recreational vehicles.

In order to allow the current use to continue, a two-step process is required. Firstly (step1) the City of Port Alberni must consider an amendment to the OCP to support the application process for TUP's. The OCP amendment would designate areas (ie currently commercially or industrially zoned lands) where temporary uses may be allowed and would specify general conditions regarding the issue of Temporary Use Permits in those areas.

The Local Government Act (Section 921) allows a local government to approve Temporary Use Permits for commercial or industrial purposes. These permits may be issued for a three year term, with the possibility of an additional three year renewal.

A Temporary Use Permit may do one or more of the following:

- Allow a use not permitted by a zoning bylaw;
- Specify conditions under which the temporary use may be carried on;
- Allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued.

If the APC and Council do not feel it is appropriate to consider TUP's in the City of Port Alberni, then this proposal will not proceed. If the City decides to consider TUP's and approves a supporting OCP amendment then the applicant will be permitted to apply for a TUP (step 2) that would permit the current use for three years to a maximum of 6 years.

DISCUSSION

The proposal for the use of the land for trailers and recreational vehicles for residential purposes is discussed in this report however any recommendations will respect only the potential inclusion of text and policy statement to support TUP's in the OCP. If the OCP amendment is approved, the details, and any conditions related to an actual permit, will be the subject of a further process (step 2).

The City does not have a zoning district that allows for long term or residential use of trailers and recreational vehicles. The conditions of use in the C5 – Tourist Campground District do not permit occupation of a site for more than 90 days in any calendar year. Trailers and recreational vehicles are not intended for, nor constructed for, long term residential use. The Planning department would not support an amendment to the Zoning Bylaw to allow this type of permanent use in the C5 – Tourist Campground District.

The primary issue to be considered by the APC and City Council at this time is whether Temporary Use Permits are appropriate for the community and whether the City should support the implementation of Temporary Use Permits. The permitted uses on any property are fundamental and mainly regulated through the Zoning Bylaw. They are foundational to a decision to purchase land for an intended purpose. In most cases a change of use would require a rezoning (public) process and a permanent or long term change to the land use.

Temporary Use Permits would allow uses, that are not permitted in the Zoning Bylaw, to occur for a limited time period where it is either not appropriate, or not desirable, to consider a zoning change. When issuing a TUP, Council may require conditions, including security, to guarantee performance of the terms of the Permit. Public notice is also required as part of the process for a TUP. If the City wishes to consider TUP's, the Planning Department recommends that they be considered under limited circumstances and when no other practical option exists.

CONCLUSIONS

In considering the Official Community Plan amendment, the Advisory Planning Commission and City Council should consider whether Temporary Use Permits are appropriate for the community.

Other municipalities that have provisions in their OCP for Temporary Use Permits, allow them to be considered on lands that are zoned commercial or industrial. They have very general guidelines for the permit such as a short term nature of the use and a compatibility with the surrounding area. The Planning Department does not object to amendments to the OCP to allow City Council to consider issuance of Temporary Use Permits.

RECOMMENDATIONS

1. *That the City of Port Alberni Advisory Planning Commission recommends to City Council that the City proceed with an amendment to the Official Community Plan to add the following text to Section C - Plan Goals and Land Use Designations:*

"2.1 Temporary Use Permits

The Local Government Act (Section 921) allows a local government to issue a Temporary Use Permit. The permits may be issued for a three year term, with the possibility of a renewal for an additional three years.

Council Policy

1. *Temporary Use Permits may be considered on all lands designated Industrial and Commercial.*
2. *The issuance of a Temporary Use Permit is intended to provide a short term opportunity for uses that either relocate or cease to exist within a maximum of a six year period.*
3. *Ensure long-term public policy for the area is not changed.*
4. *Maintain a reasonable level of compatibility with the surrounding development."*

Respectfully submitted



Scott Smith, MCIP
City Planner



3868 Wood Avenue

6.19 C4 - HIGHWAY COMMERCIAL DISTRICT

6.19.1 General Purpose

To establish and maintain areas offering a high level of visibility which provide services for vehicular traffic and tourists.

6.19.2 Permitted Uses

- Motels and Motor Hotels
- Gasoline Service Stations
- Car Washes
- Motor Vehicle Dealers
- Motor Vehicle Repair Shops
- # 4581 Mar 14-05 ~~Boat or Recreational Vehicle Sales~~
- # 4581 Mar 14-05 *Boat or Recreational Vehicle Sales & Repair*
- Household Appliance and Furniture Stores
- Convenience Stores
- Home and Auto Supply Stores
- General Merchandise Stores
- Garden Supply Shops
- Gift Shops
- Personal Services Shops
- Self-Service Laundries and Dry Cleaners
- Tourist Guide Services
- Restaurants including Drive-Thru, Drive-In and Take-Out
- Banks and Other Financial Institutions
- Accessory Buildings and Uses
- #4459 Oct 23-00 *Video Rental Stores*
- #4459 Oct 23-00 *Retail Stores*
- #4757 Sep 13-10 *Hotels*
- #4524 July 14-03 *Notwithstanding any provisions of this Bylaw, Liquor, Wine and Beer Stores is a permitted use of Lot 1, District Lot 45, Alberni District, Plan 50735 and Lot A, District Lot 1, Alberni District, Plan 33048.*
- #4594 Dec 18-06 *Notwithstanding any provisions of this Bylaw, a Liquor, Wine and Beer Store is a permitted use of Lots 8-18, Block 2, District Lot 11, Alberni District, Plan 618B.*

6.19.3 Bulk and Site Regulations

Minimum Lot Area	930 m ²	(10011 ft ²)
Minimum Frontage	30 m	(98.4 ft)
Maximum Coverage	40%	
Minimum Setbacks:		
Front Yard	9 m	(29.5 ft)
Rear Yard	6 m	(19.7 ft)
Side Yard	6 m	(19.7 ft)
Maximum Building Height	9 m	(29.5 ft)
Maximum Number of Principal Building Storeys	2	

6.19.4 Conditions of Use

Notwithstanding the provisions of 6.19.3,

- a) All business activity, including the servicing and repair of automobiles, shall be conducted within a completely enclosed building except for drive-in and drive-thru businesses, fruit and vegetable markets, ice dispensaries and vending machines, activities that are normally done at a gasoline service pump, outdoor garden shops and parking and loading facilities.



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