



**Summary Report / Minutes of the Advisory Planning Commission Meeting
(Held on February 21, 2019,
in the Council Chambers at City Hall, at 12:00 p.m.)**

Advisory Planning Commission Present

Ken McRae (Chair)
John Douglas (Vice-Chair)
Jeannette Nichols
Amy Anaka
Sandy McRuer
Don Ferster
Rob Gaudreault, Parks Liaison
S. Sgt. Terry Smith, R.C.M.P. Liaison
Councillor Deb Haggard, Council Liaison
Rick Newberry, P.A.F.D. Liaison

Staff

Katelyn McDougall, Manager of Planning
Cara Foden, Dev. Services Technician
Flynn Scott, Manager of Bylaw Services

Regrets

Chris Washington, SD #70 Liaison
Jim Tatoosh, Hupačasath First Nation
Cynthia Dick, Tseshah (č išaaʔath) First Nation

Alternates (not in attendance)

Councillor Helen Poon (Alternate–Council)
To be determined (Alternate–R.C.M.P.)
Larry Ransom (Alternate S.D.70)
Steve Tatoosh (Alternate Hupačasath First Nation)

Guests

Members of the Public – none present
Calum Adams - Applicant



1. Adoption of December 20, 2018 Minutes

- The Chair acknowledged that this meeting is taking place within the un-ceded traditional territories of the Hupačasath and the Tseshah (č išaaʔath) First Nations.
- Introductions were made and those in attendance were welcomed by the Chair.
- The minutes of the December 20, 2018 meeting of the Advisory Planning Commission were adopted.

(Douglas / Ferster) CARRIED

2. DEVELOPMENT APPLICATION – Development Variance

3541 10th Avenue - Lot 8, District Lot 1, Alberni District, Plan 5750, PID: 005-926-513

Applicant: C. Adams

- The Manager of Planning summarized her report to the APC dated February 14, 2019.
- The APC discussed the application as follows:
 - Discussion regarding the ramifications of granting a Variance for fence height - It was noted that a Variance could open a “can of worms” for the community by making an exception for an individual for front yard height.
 - Since this is a common request in Port Alberni, a relaxation on one property may result in other residents applying for higher fences in the Front Yard.
 - The Bylaw Manager spoke to the concern, agreeing that it would be problematic from an enforcement perspective. There are already existing challenges enforcing the bylaw, and there are many examples of non-compliance in the community.
 - Commission members agreed that there are fences and hedges in many locations in town that exceed height limits due to a lack of enforcement of existing regulations, therefore the suggestion was made that doing a review of the Fences and Hedges regulations would be desirable.

- Safety considerations were discussed, and it was noted that the current regulations are in place to improve safety through increased visibility (therefore increasing the chances that a fire, attempted break-ins, or other issues would be seen and emergency response called for sooner.)
- A 1.25 m (4.1ft) fence allows the emergency response services such as Ambulance, Fire Department or RCMP, to see house numbers from the street.
- It was noted that the community could take on the appearance of an “armed camp” if fence heights were increased.
- APC members discussed the addition of “lattice” to a shorter fence as an option for the applicant. The applicant did not feel that would permit enough privacy. APC suggested the use of shrubs to provide privacy.
- The Bylaw Manager did not feel that the discussed items would be practical to enforce.
- Corner lot fence and hedge heights were discussed. Some felt that higher fence heights might be appropriate in specific zones, or possibly along arterial roads but this should be the subject of a thorough review.
- RCMP commented that obstruction of views at intersections was very problematic.
- The applicant reiterated his concerns regarding privacy, yard space for tenants, protection of property and quiet enjoyment of their yard. He also stated that he would like to see universal enforcement of the bylaws.
- The Manager of Planning reported an inaccuracy in the report, clarifying that the owner does not have a suite. The tenants share the living space in the home.
- Discussion on the recommendations - It was expressed by the APC that they felt the City should do a review of Fence and Hedge regulations and that it may be appropriate to recommend a Variance for Mr. Adams property in the interim.
- The Chair called for a motion to deny the recommendations. There was considerable discussion to clarify the final motions that the APC members would like to support. Several motions were put forward and discussed, withdrawn and revised.
- A motion to allow the owner to add a standard 4ft fence with strip (2 ft) of lattice to the top, bringing the total height to 6 ft. With the 2 ft retaining wall that the fence will be erected on the top of the lattice will be approximately 8 ft from the street level.

MOTIONS:

1. *That the City of Port Alberni Advisory Planning Commission recommends to City Council that the City proceed with the Development Variance Permit to vary Zoning Bylaw #4832 as follows:*

- a) *To permit the addition of a standard dimension strip of lattice, having a maximum width of 0.6 m (2 ft), to the top of a 1.25 metres (4.1 ft) fence by varying Fences and Hedges Section 6.7.3, the height permitted within a required Front Yard, from 1.25 metres (4.1 ft) to 1.8 metres (6 ft), a Variance of 0.55 metres (1.8 ft), on Lot 8, District Lot 1, Alberni District, Plan 5750, PID: 005-926-513 (3541 10th Avenue).*

(Nichols / Ferster) CARRIED

2. *That the City of Port Alberni Advisory Planning Commission recommends to City Council that the City proceed with a review of the Zoning Bylaw regulations with respect to Fences and Hedges with special attention to arterial roads, corner lot visibility, fencing and hedging materials and location.*

(McRuer / Douglas) CARRIED

3. APPLICATION – Zoning Bylaw Text Amendments

a. **Hedges** - City Wide amendment T18

b. **Family, Dwelling Unit, Parking** - City Wide amendment T19

Applicant: City of Port Alberni

- The Manager of Planning summarized her report to the APC dated February 14, 2019.
- The APC discussed the application as follows:
 - Definition of Hedge- Discussion regarding need for clarity of definition of Hedge as there have been a number of Bylaw complaints.
 - Definition of Family – Manager of Bylaw summarized the rationale behind the proposed changes to the Bylaw.
 - The P.A.F.D. liaison expressed a number of safety related concerns regarding the proposed change to the definition of ‘Family’. It is the opinion of the P.A.F.D. that life safety issues may be created by sanctioning the changes as the changes would remove the ability of the P.A.F.D. to do inspections if a complaint is made about a high occupancy residence. He indicated that the situations exist in the community but with the current regulations in place there is the ability to inspect for life safety standards and enforce occupancy regulations when necessary. The Building and Fire Codes do not provide for a cap on occupancy loads in a residential home. The definition of ‘Family’ is the existing mechanism by which occupancy loads can be maintained at reasonable levels.
 - The proposed change will essentially enable every Single Family Dwelling to become a Multi-family dwelling. The implications regarding Fire Code are significantly large.
 - Kitchen fires were noted as one of the most frequent causes of residential fires.
 - Members of APC expressed the concern that the proposed changes would result in unlimited occupancy levels and there would be a rise in occurrences of ‘flop houses’ and unsafe living conditions.
 - Manager of Bylaw agreed that the Fire Code and Building Codes did not provide for the ability to cap occupancy in residential dwellings.
 - The APC asked whether or not the City had considered having the changes reviewed to obtain legal advice. It was indicated that no legal advice had been obtained and the APC member expressed that obtaining a legal opinion would be advisable.
 - APC indicated that difference between Rooming / Boarding house and Single Family Dwelling would be impossibly vague.
 - The R.C.M.P liaison was in agreement that the proposed change was problematic and creates overcrowding situations.
 - APC members discussed their concern expressed that the changes felt “knee jerk” in nature and rushed. They felt there should be a thorough review of the implications to changing a key definition within the Zoning Bylaw and that a long term approach should be considered when making changes.
 - APC noted that a report dated December 25, 2018, from consultant Joe Calenda and titled “The Next 1400 Days”, was presented to Council at the last regular meeting. A primary purpose of that report was the presentation of a strategy for growing Port Alberni by providing for affordable housing and attainable housing through ERD – Environmentally Responsible Development. APC members expressed their desire for an opportunity to review the report.

- APC members felt that changing the definition of a pivotal definition, such as that of 'Family', prior to reviewing the recommendations in Mr. Calenda's report, could be premature in light of key concerns expressed during this meeting.

MOTIONS:

a) *That the Advisory Planning Commission recommends to City Council that the City proceed with the proposed text amendment to Zoning Bylaw 2014, Bylaw No. 4382 as presented in the attached draft bylaw "Zoning Text Amendment No. T18 (Hedges), Bylaw No. 4981"*

(McRuer / Douglas) CARRIED

b) *That the Advisory Planning Commission recommends to City Council that the City does not proceed with the proposed text amendment to Zoning Bylaw 2014, Bylaw No. 4382 as presented in the attached draft bylaw "Zoning Text Amendment No. T19 (Family, Dwelling Unit, Parking), Bylaw No. 4982"*

(McRuer / Ferster) CARRIED

- Two voting members of the APC were unable to stay past 1:30 and had to leave the meeting. This resulted in a loss of quorum and postponement of discussion on the fourth Agenda item. It was determined that another meeting would be held when a quorum was available. The Planning Department will work to schedule a meeting at a time when a quorum of members is available.

4. Other business The Manager of Planning updated the APC regarding the following:

- Public consultation program for the "Harbourview" lands located at 5350 Argyle Street and 3050 Kingsway Avenue - the City is currently looking for community feedback regarding the possibility of developing the site, and a report will go to Council for consideration on March 11, 2019 with a summary of the feedback received.
- The project to redevelop the former Fairway Market building will not proceed at this time.
- Anderson Hill development – Phase 1 lots are for sale and Phase 2 bylaws are coming forward for adoption.

5. Adjournment – The chair adjourned the meeting at 1:45 p.m. The next regular meeting scheduled for March 21, 2019 will be rescheduled to a date TBA.

Davina Hartwell - City Clerk



Ken McRae – Chair