



**Summary Report / Minutes of the Advisory Planning Commission Meeting
(Held on May 23, 2019
in the Committee Room at City Hall, at 12:00 p.m.)**

Advisory Planning Commission Present

Ken McRae (Chair)
John Douglas (Vice-Chair)
Sgt. Clive Seabrook (R.C.M.P.)
Sandy McRuer
Jeannette Nichols
Amy Anaka
Councillor Deb Haggard, Council Liaison
Rick Newberry, P.A.F.D. Liaison
Rob Gaudreault, Parks Liaison
Chris Washington, S.D.70 Liaison

Staff

Katelyn McDougall, Manager of Planning
Alicia Puusepp, Manager of Communications

Guests

Mark and Melissa Trowbridge – Applicant
Cheryl MacLean – Member of the Public

Regrets

Larry Ransom (Alternate S.D.70)
Jim Tatoosh, Hupačasath F. N.
Cynthia Dick, Tseshahṭ (č išaaʔath) F. N.
S. Sgt. Terry Smith, R.C.M.P. Liaison
Don Ferster

Alternates (not in attendance)

Councillor Helen Poon (Alternate–Council)
Peter Dione (Alternate–R.C.M.P.)
Darren Mead-Miller (Alternate – Tseshahṭ F.N.)



1. Adoption of April 18, 2019 Minutes

- The Chair acknowledged that this meeting is taking place within the un-ceded traditional territories of the Hupačasath and the Tseshahṭ (č išaaʔath) First Nations. The applicant present was welcomed by the Chair.
- Roundtable of introductions. Three guests were in attendance to observe the meeting.
- The minutes of the April 18, 2019 meeting of the Advisory Planning Commission were adopted.
(McRuer / Douglas) CARRIED

2. DEVELOPMENT APPLICATION - Development Variance Permit

3510 12th Avenue

Lot 3, District Lot 1, Alberni District, Plan VIP6084 (PID: 001-314-009)

Applicant: Mark Trowbridge

- The Manager of Planning summarized her report to the APC dated May 16, 2019.
- The APC discussed the application as follows:
 - It was noted that the new *R3 – Small Lot Single Family Residential* zone has a minimum front yard setback of 5 m (16.4 ft) and there are many properties zoned R3 in the surrounding area. Therefore the application is consistent with what is already permitted in other areas of the community.
 - APC members expressed their satisfaction with the application, noting that it is a positive addition to the property and the neighborhood.

- The Manager of Planning noted that this applicant is positive because of its height and relative placement to the sidewalk. Sometimes the department receives inquiries about front yard decks and porches on the second story of a single family home, and those are not typically something the department would support for various reasons including the impact to the neighborhood.
- The applicant confirmed that their house a prewar home.

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 Zoning Bylaw 4832 as follows:*

Vary Section 5.12.2 R2 - One and Two Family Residential Minimum Setbacks, Front Yard, from 7.5 m to 5.4 m, a variance of 2.1 m (6.9 ft) for the property located at 3510 12th Avenue and legally described as Lot 3, District Lot 1, Alberni District, Plan VIP6084 (PID: 001-314-009.

2. *That City Council direct staff to give notice of intent to consider the issuance of Development Variance Permit No. 93 for 3510 12th Avenue.*

(Washington / McRuer) CARRIED

3. Review of Zoning Bylaw – Fence and Hedge Regulations

- The Manager of Planning summarized her report to the APC dated May 13, 2019.
- The APC discussed the application as follows:
 - It was asked how the City Planning Department could go about rezoning corridors to permit less sensitive uses, and encourage commercial, institutional, and higher density uses, to which the Manager of Planning provided three options:
 - Through the OCP update, which is currently scheduled for next year
 - If directed by Mayor and Council to upzone/rezone corridors as a separate initiative
 - Or as a consideration on a case-by-case basis as applications are processed
 - Questions were raised about what qualified as a side yard vs a front yard on a corner lot, and it was noted that the front yard is typically the side of the property that is less wide to provide a smaller frontage
 - Some discussion was had about how the Zoning Bylaw regulates fence height in relation to property grade, specifically when the property requires a retaining wall
 - Members of the APC thought that hedges are similar to fences and walls because they have visibility implications, and as such they should be regulated in the same fashion
 - It was noted that some properties will be grandfathered (legally non-conforming) if changes are made
 - Some discussion was had about how a hedge is different from a tree, and it was noted that the definition of hedge was recently reviewed by staff/APC/Council and changes were made to provide clarification about what a tree was and what a hedge was
 - Hedge height is something that fire and police note as being important with regards to visibility, security, and safety

- Most APC members acknowledge that our bylaws are relatively consistent with other municipalities. As the Manager of Planning included in her report, it was highlighted that this matter has come forward because bylaw enforcement for these matters have not yet been prioritized. Council has prioritized enforcement around other matters first, but if city beautification is deemed a priority of Council then these matters will likely receive more attention from bylaw enforcement. It was suggested that any changes to the Zoning Bylaw should be straightforward and not complex if the City expects compliance.
- Since sometimes a property sits below natural grade the height of a fence/wall/hedge permitted would not be effective for privacy screening in these instances. A friendly amendment to the motion was moved to include the following text at the end of section 6.7.4 *“as measured from average natural grade”*.
- One member mentions that in Port Alberni many property owners have had free reign to do what they like, and the City hasn't been able to keep up. Bylaw enforcement was emphasized as an important tool the City should use for implementing the Zoning Bylaw regulations.
- It was suggested that members of the public may not be aware of the Zoning Bylaw requirements and public education will be important for getting people to comply. The City should look for opportunities to educate the public on City bylaws and enforcement (i.e. using City Connect, utility bills, guidelines, infographics, videos, etc.).

MOTIONS:

1. *That the City of Port Alberni Advisory Planning Commission recommends to City Council that the City proceed with amending section 6.7.1, 6.7.2 and 6.7.4 of the Zoning Bylaw by removing the current text and adding the following:*

6.7.1 *The height of a fence, hedge or wall shall be determined by measurement from ground level at the average grade level within 1 m (3.28 ft) of both sides of such fence, **hedge**, or wall.*

6.7.2 *Notwithstanding 6.7.1, the height of a fence, hedge or wall erected along a retaining wall shall be determined by measurement from the ground level at the average grade within 1 m (3.28 ft) of the side which is supported by the retaining wall. **Where a fence is erected or placed above a retaining wall or within 1 m of a retaining wall, the maximum permissible height of a fence shall be reduced by half the height of the retaining wall.***

6.7.4 *Fences, **hedges**, or walls not greater than 1.8 m (6 ft) in height are permitted from the rear of the required front yard setback to the rear of the property, **as determined by measurement from ground level at the average grade level within 1 m (3.28 ft) of both sides of such fence, hedge, or wall***

(Douglas / Washington) CARRIED

4. **Update** - Manager of Planning have a status update on current projects.
 - Public Hearing held May 13th for 2940 Bellshill Road and 3512 Gagne Rd (a PLA is required before both rezoning applications can proceed)
 - Upcoming Public hearing scheduled for June 24th for 5189 Compton Rd
 - Development Permits for 4721 Johnston Rd. and for 4000 Burde St. (Portview Apartments) have been approved by Council
 - Staff have begun working on cannabis cultivation planning process (project timeline TBD)

- RFP for Harbourview Lands has been reviewed by Council, some changes will be made before it is made public
- Several rezoning and variance applications have been submitted in the past month
- Upcoming for June APC meeting:
 - 4202/4238 8th Ave– Zoning Amendment application
 - 4730 Cherry Creek Rd – Development Variance application
 - Update on the Cannabis Cultivation planning process and timeline

5. **Other business** – No other business

6. **Adjournment** – The meeting adjourned at 1:05 p.m. The next regular meeting is scheduled for Thursday, June 27, 2019.

(Nichols / Washington) CARRIED



Davina Hartwell - City Clerk

Ken McRae – Chair