
PUBLIC HEARING – AGENDA
Monday, August 10, 2020 @ 6:30 PM
At Glenwood Centre – 4480 Vimy Road, Port Alberni, BC

CALL TO ORDER & APPROVAL OF THE AGENDA

1. Recognition of unceded Traditional Territories.

This Public Hearing is held pursuant to section 464 of the *Local Government Act*.

Introductory Remarks by the Chair:

1. **Description of the Application** *(To be read by the City Clerk)*

Applicant: K. Murphy - Page

The applicant is applying to amend the Official Community Plan and the Zoning Bylaw to facilitate the construction of a second dwelling unit on the subject property.

The proposed bylaws are:

“Official Community Plan Amendment No.30 (5269 Pineo Road – Murphy), Bylaw No. 5006”

The Bylaw, if amended, will change the designation of the subject property from Residential to Multi-Family Residential as well as a map amendment identifying the subject property in the DP Area No. 1 – Multiple Family Residential; and

“Zoning Bylaw Amendment No.39 (5269 Pineo Road – Murphy), Bylaw No. 5007”

The Bylaw, if amended, will rezone the subject property from RR2 Semi Rural Residential to RM2 – Medium Density Multiple Family Residential.

2. **Background Information from the Manager of Planning report dated July 29, 2020.**
3. **Correspondence**
4. **Late Correspondence Regarding the Matter** *(To be read by the City Clerk)*
5. **Input from the Public regarding the Bylaw**
6. **Questions from Council:** (Members of Council may ask questions, through the Chair, of the Manager of Planning or the applicant or the public who have spoken.)

7. Closing Remarks by the Chair:

As noted in my opening statement, Council may, without further notice, give whatever effect Council believes proper to the representations made at this Hearing. In most cases, the Report of this Hearing will be presented to the next Regular Meeting of Council, where Council will decide whether or not to proceed with approving the application by way of passing further readings to the Bylaws.

Once this Public Hearing has terminated, members of Council may not, as a group or as individuals, receive any further oral or written presentations on this matter, including what might be perceived of as informal discussions immediately after the termination of this meeting. I ask all parties to comply with this.

Before closing the Public Hearing, I am going to call three times for any further speakers on any of the matters contained in the proposed bylaws.

For the first time, is there anyone who wishes to make any further representation?

For the second time, is there anyone who wishes to make any further representation?

For the third and final time, is there anyone who wishes to make any further representation?

There being no further speakers, I declare this Public Hearing Closed.

8. Termination of the Public Hearing:

It was moved and seconded:

That this Public Hearing terminate at _____ pm.



CITY OF PORT ALBERNI NOTICE OF PUBLIC HEARING

Pursuant to Sections 464, 465, and 466 of the Local Government Act, Notice is hereby given that a Public Hearing will be held at **Glenwood Centre, 4480 Vimy Road, Port Alberni, BC** on **Monday, August 10, 2020 at 6:30 pm** to hear representation about the following proposed bylaws:

- A. "Official Community Plan Amendment No.30 (5269 Pineo Road - Murphy), Bylaw No. 5006"
- B. "Zoning Bylaw Amendment No.39 (5269 Pineo Road - Murphy), Bylaw No. 5007".

APPLICANT: K. Murphy - The applicant is applying to amend the Official Community Plan Bylaw and the Zoning Bylaw to facilitate the construction of a second dwelling unit on the subject property. The amendments being considered are as follows:

A. Official Community Plan Map Amendments:

1. Applying to amend the **Schedule A (Future Land Use Map)** that forms an integral part of Official Community Plan Bylaw, No. 4602 is hereby amended to change the designation of Lot C, District Lot 11, Alberni District, Plan VIP59655 (PID: 018-933-891), located at **5269 Pineo Road**, from 'Residential' to '**Multi-Family Residential**' as shown outlined on the map below.
2. Applying to amend the **Schedule B (Development Permit Areas Map)** that forms an integral part of Official Community Plan Bylaw, No. 4602 by including Lot C, District Lot 11, Alberni District, Plan VIP59655 (PID: 018-933-891), located at **5269 Pineo Road**, in '**Development Permit Area No. 1 Multiple Family Residential**' as shown outlined on the map below.

B. Zoning Bylaw Map Amendment:

1. Applying to amend the **Schedule A Zoning District Map** which forms an integral part of Port Alberni Zoning Bylaw 2014, No. 4832 by re-zoning Lot C, District Lot 11, Alberni District, Plan VIP59655 (PID: 018-933-891), located at **5269 Pineo Road**, from 'RR2 Semi Rural Residential' to '**RM2 – Medium Density Multiple Family Residential**' as shown outlined on the map below.

At the Public Hearing, persons who believe that their interest in property is affected by the proposed bylaws will have the opportunity to be heard.

Written submissions are encouraged and may be submitted as follows:

- By mail addressed to City Council, 4850 Argyle Street, Port Alberni, BC, V9Y 1V8 or dropped off at City Hall via the drop box at the front entrance
- Via email to council@portalberni.ca

You may attend in-person to speak without registering in advance, however **procedures will be in place in order to adhere to the Provincial Government's 2 metre physical distancing and 50 person maximum gathering requirements. Please do not attend if you are feeling unwell.**

To view the staff report, draft permit and other supporting documentation being considered by Council, please visit the Public Notice Posting Place on the City website (at <https://www.portalberni.ca/public-notice-posting-place>) or contact the Planning Department at 250-720-2806 on weekdays from Monday through Friday between the hours of 8:30 am to 4:30 pm. The meeting agenda will be available on the City's website on Friday, August 7, 2020 - visit <http://portalberni.ca> and select "Your Government, Council Meetings" from the drop down menu.

DATED AT PORT ALBERNI, B.C. this 28th day of July, 2020.

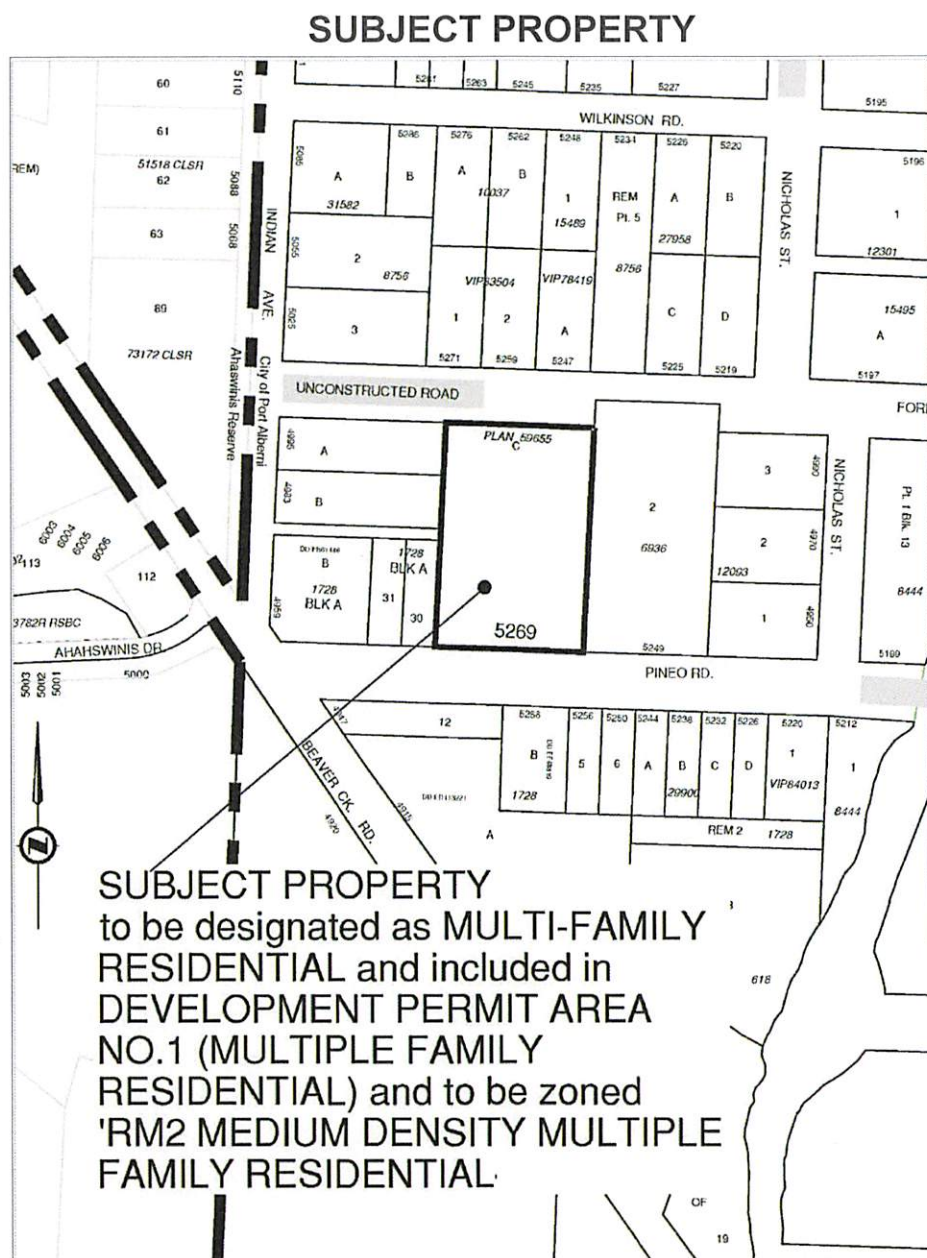
Katelyn McDougall, M.Urb., Manager of Planning

To see the relevant **report** to the Advisory Planning Commission visit:

https://www.portalberni.ca/sites/default/files/council_mtg/APC-Agenda-April9-2020.pdf

To see **recommendations** to Council from the Advisory Planning Commission visit:

https://www.portalberni.ca/sites/default/files/council_mtg/APC-SummaryMinutes-April9-2020.pdf





CITY OF PORT ALBERNI

PLANNING DEPARTMENT PUBLIC HEARING REPORT

TO: Tim Pley, CAP
FROM: Katelyn McDougall, Manager of Planning
DATE: July 29, 2020

SUBJECT: DEVELOPMENT APPLICATION – Proposed Official Community Plan bylaw and Zoning Bylaw Amendments
5269 Pineo Road
Lot C, District Lot 11, Alberni District, Plan VIP59655 (PID: 018-933-891)
Applicant: K. Murphy

ISSUE

The purpose of this report is to consider amendments to the Official Community Plan Bylaw and to the Zoning Bylaw for 5269 Pineo Road.

BACKGROUND

The City has received a development application to amend the OCP and Zoning bylaw for 5269 Pineo Road in order to facilitate the construction of a small second principal dwelling unit on the subject property, which would provide accommodations for a family member. There is currently one single family home and a shed located on the subject property.

Official Community Plan (OCP) and Zoning Bylaw designations

1. The subject property, is currently designated '**Residential**' on the Official Community Plan Schedule A – Land Use Map. An amendment is requested to change the designation to '**Multi-Family Residential**'
2. The property is not within a Development Permit Area on the Schedule B – Development Permit Areas Map. An amendment is required to include the property in **Development Permit Area No. 1 Multiple Family Residential**.
3. The subject property, is currently zoned '**RR2 Semi Rural Residential**' on the Zoning Bylaw Schedule A – Zoning Map. An amendment is requested to rezone the property to '**RM2 Medium Density Multiple Family Residential**' zone.

DISCUSSION

Official Community Plan Policy Objectives:

The City's Official Community Plan (OCP) policy states that the City will consider the following criteria for any proposed multi-family designated property:

"Should be located within walking distance (approx. 800 m) of commercial, recreational, public/institutional nodes, or community scale parks"

The subject property meets the above criteria. The property is located within walking distance to the public trails, and there are some nearby commercial amenities. The lower Johnston Road Northport Commercial area is located approximately 1000 m away from the subject properties (see map attached). Gradual densification can both directly and indirectly contribute to land use strategies that result in more mixed-use, walkable, and pedestrian friendly neighbourhoods overtime.

"Should be located on or in proximity to major collectors or arterial roads in order to reduce traffic impacts on local roads"

The subject property meets the above criteria. The property is located in close proximity to Beaver Creek Road (main arterial roads), which would help mitigate traffic impacts on local roads.

"An adequate transition between lower density housing and compatibility with adjacent land uses must be provided."

The subject property meets the above criteria, specifically because the proposed development is an additional small single-family dwelling unit on a large lot. The proposed siting and style of development provides an adequate transition and maintains the overall single family neighborhood feel.

Development Permit Area No.1 – Multiple Family

Section 4.3 – Multi-Family Residential (MFR) of the OCP states that:

"Land designated Multi-Family Residential (MFR) on Schedule "A" (Land Use Map) shall be designated as a Development Permit Area to control the form and character of development in order to ensure an appropriate fit with the adjacent neighbourhood."

As part of the OCP amendment and rezoning the property must be included in Development Permit Area No. 1 – Multiple Family Residential. The building design (such as massing, siting, and form), landscaping, parking, and other factors will be considered during the development permit process to ensure that the development appears to be cohesive and compatible with the existing neighbourhood.

Zoning and Site Analysis:

The subject property is a large, rectangular parcel. The property is currently zoned RR2 – Semi Rural Residential and has one single family home and a shed located on site. The applicant is requesting that the property be rezoned to 'RM2 – Medium Density Multiple Family Residential'. The purpose of the RM2 – Medium Density Multiple Family Residential zone is to provide for medium density multiple family residential development. In this instance, the purpose of rezoning the property is to allow for an additional small detached dwelling to be constructed at the rear of the property.

The property has approximately 53.5 m (175.6 ft) of frontage on Pineo Road, and 53.5 m of frontage facing the road allowance for Forrest Road. The lot is approximately 80.5 m deep with a total area of 0.431 hectares (1.06 acres). With regards to the Site Development Regulations, the subject lot meets both the minimum area and frontage requirements in the RM2 Zone. While the existing structure appears to be legally non-conforming with regards to the front yard setback, the proposed structure will be required to meet the RM2 Zone site regulations. A Building Location Certificate will be required at the time of Building Permit to help confirm siting compliance.

Site Regulations	RR2 Semi-Rural	RM2 Medium Multi-Fam	Current Site
Minimum Lot Area	1160 sqm	840 sqm	4310 sqm
Minimum Frontage	23 m	25 m	53.5 m
Maximum Coverage	33%	50%	N/A
Front Yard Setback	7.5 m	6 m	5.5 m (approx.)
Side Yard Setback	9 m	9 m	9.2 m (approx.)
Rear Yard Setback	1.5 m	5 m	61.8 (approx.)
Floor Area Ratio	0.4	0.8	N/A
Max # of Storeys	2	3	2

The current 'RR2 Semi Rural Residential' zone only permit one principal building per lot. Within the Zoning Bylaw, under Section 6.1 General Regulations – Number of Principal Buildings on a Site explains that *"No more than one residential building shall be located on a lot, except as otherwise provided in this Bylaw."* It is in section 5.15.3 (b) of the RM2 Zone that states that *"Groups of single and two family or multiple family dwellings are permitted, as an exception to Section 6.1 of this bylaw."* The RM zones allow for multiple principal buildings on one site, and therefore would accommodate a second dwelling unit on the subject property.

Surrounding Area

The surrounding area contains several uses. Closest to the subject property are semi-rural and single-family residential lots. A mix of parks and open space, agricultural, and commercial properties can also be found nearby. The Kitsuksis Dyke public walking trail is easily accessible from the area, and the Lower Johnston Road Northport Commercial within 1 km of the property.

North: Predominately a mix of semi-rural and single family residential.

South: A combination of rural, semi-rural, agricultural, service commercial, and parks and open space.

East: A combination of semi-rural and single family residential, and parks and open space.

West: A few semi-rural residential properties, and the Ahaswinis Reserve.

Infrastructure

The adequacy of the services must be determined by the developer's Engineer. Any required upgrades are to be approved by the City's Engineering department and will be at the developers cost. The private utility lines are located in the paved lanes.

Water: City records indicate the property is presently serviced with a 19mm water connection and a 100mm sanitary connection.

Sewer: If existing services don't meet standards, new services will need to be purchased and existing decommissioned.

Storm: No record of a storm-drain connection.

Parking and Access:

The property is accessed off of Pineo Road, which is classified as a local road. Pineo Road is accessed via Beaver Creek Road (arterial road). There is no traffic signalization at the Beaver Creek/Pineo Road intersection. Forrest Road is located to the rear of the property, but is unconstructed.

The Ministry of Transportation and Infrastructure will be required to sign off on the bylaw amendments since the subject property is located within 800 m of a provincial highway. These approvals must be given before final adoption of the bylaw can be considered. To date, they have provided no objections to the bylaw amendments.

Parking areas are not clearly delineated on the attached Site Plan. For an additional dwelling unit two parking spaces will be required on the site, as per the City's Parking and Loading regulations. Through the Development Permit process the applicant will be required to submit a detailed site plan showing access and parking spaces that meet the approval of the Director of Engineering and Public Works and the Manager of Planning.

Floodplain

Port Alberni is vulnerable to tsunami inundation as illustrated by the 1964 tidal wave generated by a powerful earthquake in Alaska. The OCP has reflected this hazard in the land use designations by identifying a "tsunami inundation zone" below the 6.0 meter contour line. The OCP provides the following policy context statement:

To protect against the loss and to minimize property damage associated with flooding events the Council encourages agricultural, park and open space recreational uses of flood susceptible lands. Where floodable lands are required for development, the construction and siting of buildings and manufactured homes to be used for habitation, business or the storage of goods damageable by floodwaters shall be flood proofed to those standards specified by the City of Port Alberni Floodplain Bylaw.

The property is located within the Tsunami Hazard Area and is covered by the City of Port Alberni Floodplain Bylaw. The Floodplain Bylaw has a building elevation requirement of 3.65 metres for the underside of any floor system, supporting a habitable area. The subject property has an approximate elevation of 3.1 m G.S.C.

The floodplain bylaw relates to providing regulations to protect from potential river flood hazards and was not intended to provide regulations to protect against potential tsunami events. Although the floodplain bylaw does not provide regulations to protect from potential tsunami events, with the relative low increase in density and the natural elevation of the land the Planning department does not object to the rezoning.

Referral Comments:

Agency/department	Comments
RCMP	Our only concern is safety with respect to sight lines and visibility from the street (hedges, fences, etc). This is usually addressed through existing bylaws, the Port Alberni RCMP have no issues with the proposed amendment.
PARKS	Interests unaffected by Bylaw.
BUILDING	Approval recommended.
ENGINEERING	Approval recommended subject to conditions: <ul style="list-style-type: none"> • CPA records indicate the property is presently serviced with a 19mm water connection and a 100mm sanitary connection. • No record of a storm-drain connection. Will the existing water and sanitary connections be sized to meet the new build? If existing services don't meet standards, new services will need to be purchased and existing decommissioned. • The storm water from the new build could exit into the open ditch along the West P/L of the property. Do not connect to sanitary service. • Limited driveway access off Forrest Rd due to the elevation difference between Forrest Rd and the property. • Bylaw restricting importing fill into the Floodplain could be an issue for the driveway access off Forrest.
FIRE	No Comments received.
Hupacasath First Nation	No comments received.
Tseshah First Nation	No Comments received.
FORTIS	No conflict with gas.
BC Hydro	No comments received.
Shaw Cable	No comments received.
TELUS	No comments received.
CANADA POST	No comments received.
ISLAND HEALTH	No concerns with the proposed OCP and Zoning amendments.
Department of Fisheries and Oceans	No comments received.
Min. Transportations and Infrastructure	MoTI has no objections to the proposed zoning map amendment.

STATUS OF THE APPLICATION

The Advisory Planning Commission reviewed the application at the April 9, 2020 meeting. The APC indicated their support but recommended that a 219 Covenant be registered on the property

to restrict development to no more than one additional dwelling, in addition to the principal dwelling, and that the additional dwelling must not exceed 700 ft².

City Council gave 1st and 2nd reading to the proposed Bylaw amendments at the May 11, 2020 Regular Council Meeting. At that time, the following conditions were requested of the applicant:

- a. Provide security for the required water, sewer and storm connections.
- b. That a Covenant be registered on the property to restrict development of the property to no more than one additional dwelling, in addition to the principal dwelling, and that the additional dwelling must not exceed 700 ft².

The applicant has worked with staff to address all outstanding conditions, but made a specific request for City Council to allow the an addition 50 ft² for the second principal dwelling. At the July 27, 2020 Regular Council meeting, City Council approved the following amendment to condition (b):

That a Covenant be registered on the property to restrict development of the property to no more than one additional dwelling, in addition to the principal dwelling, and that the additional dwelling must not exceed 750 ft².

Public notice has been given in accordance with the requirements of the Local Government Act, advising of the Public Hearing scheduled for August 10, 2020 at Glenwood Centre.

CONCLUSIONS

In considering the OCP amendments, City Council should consider how those amendments may impact long term visions and goals expressed by the community in the OCP. Likewise, City Council should consider whether the proposed amendment is appropriate for the site and how a change may impact the immediate neighborhood.

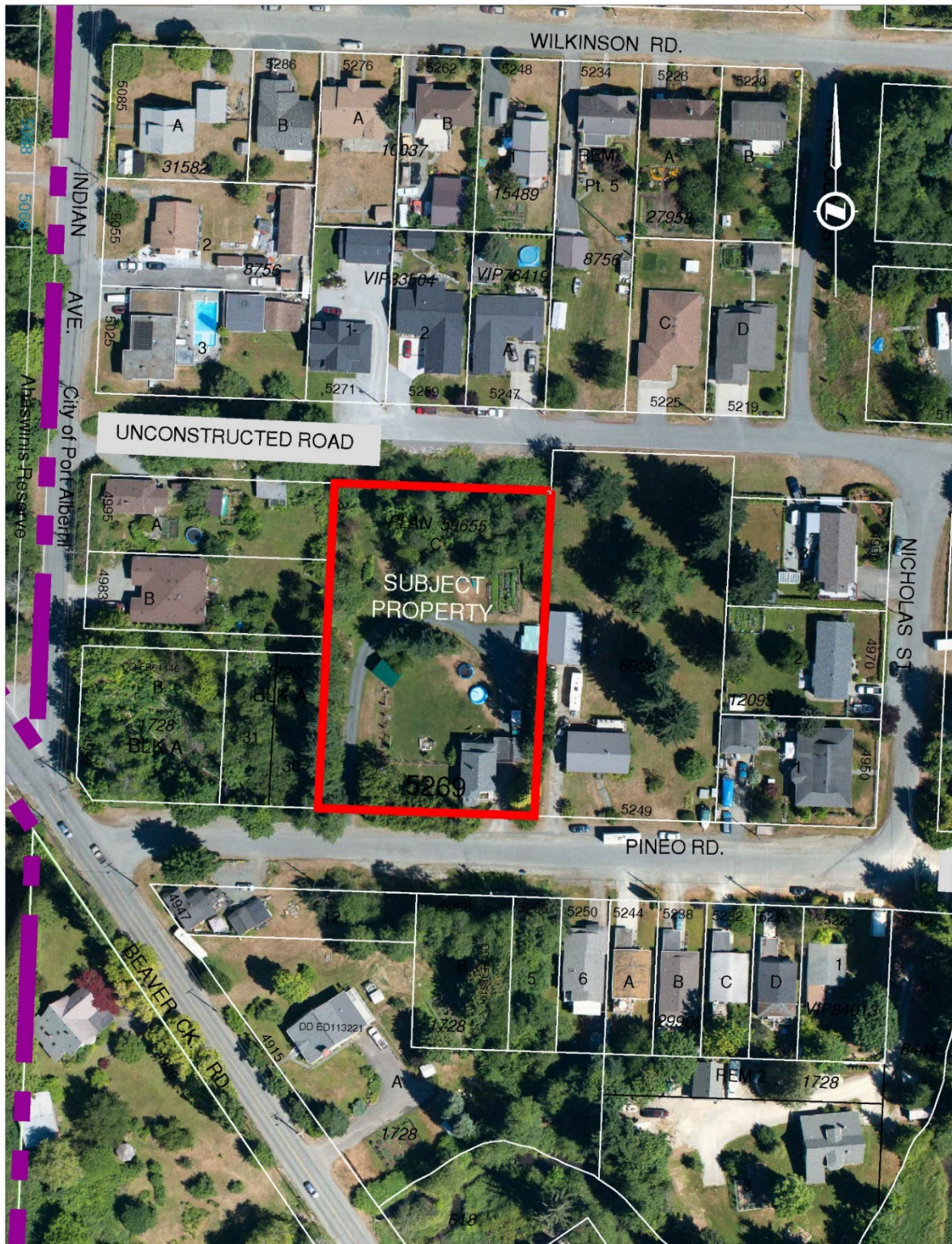
The change from semi-rural single family to medium density multi-family may appear to be a significant change, however the proposed development keeps the intent of the single-family neighborhood character. It also ensures low density residential infill within the floodplain area. Overall, the proposed land use meets the strategic objectives of the OCP.

Respectfully submitted,

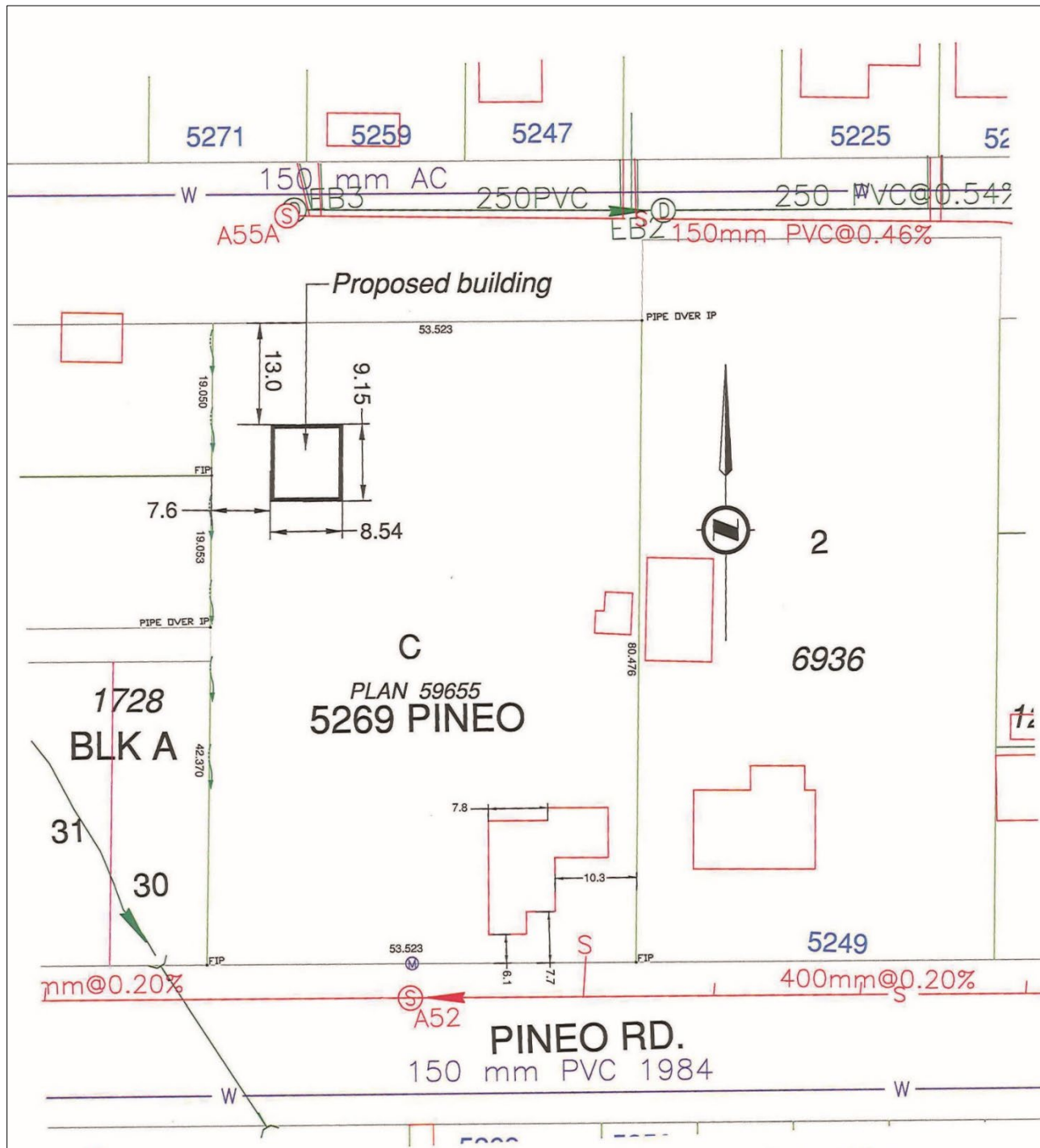


Katelyn McDougall, M.Urb
Manager of Planning

SUBJECT PROPERTY – 5269 PINEO ROAD



PROPOSED ADDITIONAL BUILDING



PROPOSED ZONE:**RM2 – MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL**

5.15 The purpose of this *zone* is to provide for medium density multiple *family* residential development.

5.15. Permitted uses

1

Principal Uses*Boarding and lodging**Community care facility**Multiple family dwellings**Single family dwelling**Two family dwelling*Accessory Uses*Home occupation*5.15. Site Development Regulations

2

Minimum <i>Lot Area</i>	840 m ²	(9,043 ft ²)
Minimum <i>Frontage</i>	25 m	(82.0 ft)
Maximum <i>Coverage</i>	50%	
Minimum <i>Setbacks</i> :		
<i>Front yard</i>	6 m	(19.7 ft)
<i>Rear yard</i>	9 m	(29.5 ft)
<i>Side yard</i>	5 m	(16.4 ft)
Maximum <i>Floor Area Ratio</i>	0.8	
Maximum Height, <i>Principal Building</i>	12.5 m	(41.0 ft)
Maximum Number of <i>Principal Building Storeys</i>	3	

5.15. Conditions of Use

3

- (a) Notwithstanding the provisions of 5.15.2, *useable open space* shall be provided on the *lot* of not less than 45 m² (484.4 ft²) for each *dwelling* unit containing 3 or more bedrooms, and not less than 18 m² (193.3 ft²) for each *dwelling* unit of smaller size.
- (b) Groups of single and two *family* or multiple *family* dwellings are permitted, as an exception to Section 6.1 of this bylaw.
- (c) *Density bonusing* may be utilized as follows:
 - (i) Where greater than seventy-five (75%) of the required off-*street* parking is provided *underground* or enclosed underneath the principal *building*, the maximum *floor area ratio* may be increased by 0.1 , and
 - (ii) Where elevators are provided and a minimum of ten percent (10%) of the *dwelling* units are designed as *accessible*, the

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- maximum permitted *floor area ratio* may be increased by a maximum of 0.1; and
- (iii) Where a minimum of ten percent (10%) of the dwelling units are designated as affordable, as specified in a Housing Agreement and where the owners enter into a Housing Agreement with the City, and where this Agreement is filed with the Land Title Office, the permitted maximum floor area ratio of the principal building may be increased by a maximum of 0.1.
 - (iv) Notwithstanding (i), (ii), and (iii) above, the total increase to the maximum permitted floor area ratio deriving from density bonusing may not exceed 0.25.
- (d) In multi-family residential zones, home occupation as a permitted use is restricted to office space for a business which is lawfully carried on at another location.
 - (e) Site development for single family and two family dwellings must be in accordance with the R2 zone regulations provided in Sections 5.12.2 and 5.12.3.

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CITY OF PORT ALBERNI

BYLAW NO. 5006

A BYLAW TO AMEND THE OFFICIAL COMMUNITY PLAN
FOR THE CITY OF PORT ALBERNI

The Municipal Council of the City of Port Alberni in Open Meeting Assembled Enacts as follows:

1. Title

This Bylaw may be known and cited for all purposes as "**Official Community Plan Amendment No.30 (5269 Pineo Road - Murphy), Bylaw No. 5006**".

2. Official Community Plan Amendments

2.1 **Schedule A (Future Land Use Map)** that forms an integral part of Official Community Plan Bylaw, No. 4602 is hereby amended to change the designation of Lot C, District Lot 11, Alberni District, Plan VIP59655 (PID: 018-933-891), located at **5269 Pineo Road**, from 'Residential' to '**Multi-Family Residential**' as shown outlined in bold on Schedule "A" attached hereto and forming part of this bylaw.

2.2 **Schedule B (Development Permit Areas Map)** that forms an integral part of Official Community Plan Bylaw, No. 4602 is hereby amended to include Lot C, District Lot 11, Alberni District, Plan VIP59655 (PID: 018-933-891), located at **5269 Pineo Road**, in **Development Permit Area No. 1 – (Multi-Family Residential)** as shown outlined in bold on Schedule "A" attached hereto and forming part of this bylaw.

READ A FIRST TIME THIS 11TH DAY OF MAY, 2020.

READ A SECOND TIME THIS 11TH DAY OF MAY, 2020.

A PUBLIC HEARING WAS HELD THIS DAY OF , 2020.

READ A THIRD TIME THIS DAY OF , 2020.

APPROVED BY THE MINISTRY OF TRANSPORTATION THIS DAY OF , 2020.

FINALLY ADOPTED THIS DAY OF , 2020.

Mayor

Clerk

COPY



CITY OF PORT ALBERNI

BYLAW NO. 5007

A BYLAW TO AMEND PORT ALBERNI ZONING BYLAW 2014, NO. 4832

The Municipal Council of the City of Port Alberni in Open Meeting Assembled Enacts as follows:

1. Title

This Bylaw may be known and cited for all purposes as "**Zoning Bylaw Amendment No. 39 (5269 Pineo Road - Murphy), Bylaw No. 5007**".

2. Zoning Amendment

2.1 That Lot C, District Lot 11, Alberni District, Plan VIP59655 (PID: 018-933-891), located at **5269 Pineo Road**, as shown outlined in bold on Schedule A attached hereto, and forming part of this bylaw, is hereby rezoned from 'RR2 Semi Rural Residential' to '**RM2 – Medium Density Multiple Family Residential**'.

3. Map Amendment

Schedule "A" (Zoning District Map) which forms an integral part of Port Alberni Zoning Bylaw 2014, No. 4832 is hereby amended to denote the zoning outlined in Section 2 above.

READ A FIRST TIME THIS 11TH DAY OF MAY, 2020.

READ A SECOND TIME THIS 11TH DAY OF MAY, 2020.

A PUBLIC HEARING WAS HELD THIS DAY OF , 2020.

READ A THIRD TIME THIS DAY OF , 2020.

FINALLY ADOPTED THIS DAY OF , 2020.

Mayor

Clerk

Schedule "A" to Bylaw No. 5007

