



**SPECIAL MEETING OF COUNCIL
Tuesday, May 16, 2023 @ 5:00 PM
Ucluelet Community Centre,
500 Matterson Drive, Ucluelet**

AGENDA

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1. CALL TO ORDER	
1.1. ACKNOWLEDGEMENT OF THE YUULU?I?ATH Council would like to acknowledge the Yuulu?i?ath, on whose traditional territories the District of Ucluelet operates.	
1.2. NOTICE OF VIDEO RECORDING Audience members and delegates are advised that this proceeding is being video recorded and broadcast on YouTube on Zoom which may store data on foreign servers.	
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Monica Whitney-Brown, Planning Assistant

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Monica Whitney-Brown, Planning Assistant

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Monica Whitney-Brown, Planning Assistant

[RTC - TUP23-04](#)

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7. ADJOURNMENT

DISTRICT OF UCLUELET

Zoning Amendment Bylaw No. 1327, 2023

A bylaw to amend the “District of Ucluelet Zoning Bylaw No. 1160, 2013”.
(2108 Peninsula Road)

WHEREAS the District of Ucluelet Council by Bylaw No. 1160, 2013, adopted the Zoning Bylaw and now deems it appropriate to amend the Zoning Bylaw;

NOW THEREFORE the Council of the District of Ucluelet, in open meeting assembled, enacts as follows:

1. Text Amendment:

The District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended as follows:

- A. By adding within Division 100 - Enactment and Interpretation, Section 103 definitions, such that a new definition is added in alphabetical order reading as follows:

“**Tourist Accommodation Suite** means the accessory use of a portion of a single family dwelling where a single bedroom is used as a guest room, provided in accordance with Section 409 of this Bylaw;

- B. By adding Section 409 numerically to Division 400 – Supplemental Regulations such that the new section reads as follows:

“409 TOURIST ACCOMMODATION SUITE

409.1 One *tourist accommodation suite* use is permitted within a *single family dwelling* if all the following conditions are satisfied for the establishment and continued use and operation of the *tourist accommodation suite*:

- 1) *Tourist Accommodation Suites* are only permitted:
 - a) In the Zones where *single family dwelling* is listed as a *principal permitted use* and *tourist accommodation suite* is identified as a *secondary permitted use*;
 - b) *accessory* to a permanent *residential* use and must be administered by an occupant of the *single family dwelling* for whom the *single family dwelling* is their *principal residence*;
 - c) occupying a maximum of one *tourist accommodation suite* as long as the *principal dwelling* and a minimum of one (1) *secondary suite* in the *single-family dwelling* are occupied by permanent and present residential uses; and
 - d) within one *single family dwelling* per lot.
- 2) A maximum of one (1) guest room may be used for *the tourist accommodation suite* with a maximum of two (2) guests per room.

- 3) The gross floor area devoted to the *tourist accommodation suite* use must not exceed 20% of the habitable area of the *single family dwelling* in which it is located, or a maximum of 45 m², whichever is less.
- 4) The area designated for *tourist accommodation suite* use (including guest room and any common room provided outside of the *residential* occupant's personal area) must not contain the following.
 - a) Cooking facilities or appliances, with the exception of a microwave, toaster, kettle and/or coffee maker;
 - b) 220-volt supply which could be used for larger appliances;
 - c) Refrigerators in excess of 5.0 cubic feet capacity
- 5) A valid District of Ucluelet Business License is required in order to register a *tourist accommodation suite*.
- 6) Off-street parking must be provided in accordance with Division 500.

409.2 For greater certainty, notwithstanding other provisions of this Bylaw, *Tourist Accommodation Suites*:

- 1) must not be located in an *accessory residential dwelling unit*, in a *secondary suite* or in the area of a *single family dwelling* which was formerly a *secondary suite*."

- C. By adding a parking requirement category in the chart found in Section 505.1 immediately following "*Guest Cottage*" such that the chart now reads as follows:

"

<i>Tourist Accommodation Suite</i>	1 space per suite
------------------------------------	-------------------

"

- D. By designating Lot 22, District Lot 282, Clayoquot Land District, Plan VIP76147 (PID: 025-926-861 at 2108 Peninsula Road), shown shaded on the map attached to this Bylaw as Appendix "A", on the Comprehensive Development ("CD-1 Zone Eco-Industrial Park") subzone plan as "Industrial Residential - CD-1.1.5".
- E. By adding the following subsection (5) to Section CD-1.1 Permitted Uses that directly follows Subsection CD-1.4 as follows:

"(5) On Lot 22 District Lot 282 Clayoquot Land District Plan VIP76147 (PID: 025926861at 2108 Peninsula Road) the following uses are permitted in the area labeled "Industrial Residential", but secondary permitted uses are only permitted in conjunction with a principal permitted use.

(1) Principal Uses:

- a) *Single Family Dwelling*
- b) *Light Industry*
- c) *Service Industry*

THE CORPORATE SEAL of the
District of Ucluelet was hereto
affixed in the presence of:

Duane Lawrence
Corporate Officer

APPENDIX A





Public Notice: Zoning Amendment Bylaws & Temporary Use Permit

Notice is hereby given pursuant to Section 464 and 466 of the *Local Government Act* that Public Hearings will be held on the following proposed Bylaws during a Special Council Meeting at the **George Fraser Room** in the **Ucluelet Community Centre, 500 Matterson Drive, Ucluelet B.C., May 16, 2023**, commencing at **5:00 pm**. Pursuant to Section 494 of the *Local Government Act*, public notice is hereby given that the District of Ucluelet will consider the following Temporary Use Permit during the same Special Council Meeting.

District of Ucluelet Zoning Amendment Bylaw 1327, 2023
Application Number: RZ22-08
Location: 2108 Peninsula Road **Legal Description:** PID 025926861, Lot 22, Plan VIP76147, District Lot 284, Clayoquot Land District
Purpose: In general terms, the purpose of this bylaw is to amend the District of Ucluelet Zoning Bylaw No. 1160, 2013 by changing the designation of this property from CD.1 “Industrial” to CD-1 “Industrial Residential”, removing some industrial uses and permitting Secondary Suite and Tourist Accommodation Suite as secondary uses on the property.
Site Map

District of Ucluelet Zoning Amendment Bylaw 1328, 2023
Application Number: RZ23-02
Location: 1633 Holly Crescent **Legal Description:** PID 001197843, Lot 22, Plan VIP30931, District Lot 282, Clayoquot Land District
Purpose: In general terms, the purpose of this bylaw is to amend the District of Ucluelet Zoning Bylaw No. 1160, 2013 by changing the designation of this property from R-1 “Single-Family Residential” to R-2 “Medium Density Residential”, allowing one secondary suite in each duplex unit.
Site Map

District of Ucluelet Zoning Amendment Bylaw 1326, 2023
Application Number: RZ23-03
Purpose: In general terms, the purpose of this bylaw is to amend the District of Ucluelet Zoning Bylaw No. 1160, 2013 by adding *Daycare Center* as a permitted use in the CS-2 “Service Commercial” zone, and by removing duplicate and outdated language from S. 404 “Secondary Suites”.

District of Ucluelet Temporary Use Permit 23-07
Application Number: TUP23-07
Location: 1633 Holly Crescent **Legal Description:** PID 001197843, Lot 22, Plan VIP30931, District Lot 282, Clayoquot Land District
Purpose: In general terms, the purpose of this permit is to allow a vacation rental use in a proposed secondary suite at 1633 Holly Crescent for a period of three years.

Anyone who believes these applications will affect their interests may make a written submission and/or will be given an opportunity to be heard at the Public Hearing and Special Council Meeting as follows:

- | | | | | | |
|--|---|-------------------------|------------------------------------|--|--|
| Participate by Written Submission: | All written submissions must include your name and street address. Subject line should contain the application number you are responding to. Any submissions dropped-off or mailed to the District office, must be received before the start of the Council Meeting. Written submissions are considered part of the public record pursuant to the <i>Freedom of Information and Protection of Privacy Act</i> . | | | | |
| Drop-off at the District Office | <table border="0"> <tr> <td style="vertical-align: top;">Mail</td> <td style="vertical-align: top;">Email</td> </tr> <tr> <td>District of Ucluelet
P.O. Box 999, Ucluelet B.C. VOR 3A0</td> <td>communityinput@ucluelet.ca</td> </tr> </table> | Mail | Email | District of Ucluelet
P.O. Box 999, Ucluelet B.C. VOR 3A0 | communityinput@ucluelet.ca |
| Mail | Email | | | | |
| District of Ucluelet
P.O. Box 999, Ucluelet B.C. VOR 3A0 | communityinput@ucluelet.ca | | | | |
| Attend the Council Meeting in-person or by Zoom: | <table border="0"> <tr> <td style="vertical-align: top;">Attend In-Person</td> <td style="vertical-align: top;">Attend by Zoom or Telephone</td> </tr> <tr> <td>George Fraser Room, Ucluelet Community Centre,
500 Matterson Drive, Ucluelet B.C.</td> <td>To attend the public hearing and Special Council Meeting by zoom or telephone visit the “Upcoming Public Hearings” section of the District of Ucluelet web page:
https://ucluelet.ca/community/district-of-ucluelet-council/public-hearings or the “Upcoming Meetings – Zoom Webinar Details” section of the Communicating with Council web page:
https://ucluelet.ca/community/district-of-ucluelet-council/communicating-with-council</td> </tr> </table> | Attend In-Person | Attend by Zoom or Telephone | George Fraser Room, Ucluelet Community Centre,
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https://ucluelet.ca/community/district-of-ucluelet-council/communicating-with-council | | | | |

If you cannot access this web page or need more information on how to participate, please visit the District Office or contact the Corporate Services Department at 250-726-7744. Please also note that Council Meetings are live streamed on the District’s YouTube Channel.

Review the application: The Temporary Use Permit and Rezoning application materials and draft bylaws may be inspected at the District of Ucluelet office at 200 Main Street from the date of this notice, until the Council Meeting, between regular office hours (Monday to Friday, 8:30 am to 4 pm, excluding holidays).

Questions? Contact the District of Ucluelet’s Planning Department at 250-726-7744 or mwhitneybrown@ucluelet.ca



REPORT TO COUNCIL

Council Meeting: December 13th, 2022
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: MONICA WHITNEY-BROWN, PLANNING ASSISTANT

FILE NO: 3360-20 RZ22-08

SUBJECT: ZONING AMENDMENT FOR 2108 PENINSULA ROAD

REPORT NO: 22-172

ATTACHMENT(S): APPENDIX A – APPLICATION

RECOMMENDATION(S):

THAT Council indicate to the applicant that rezoning the property at 2108 Peninsula Road to permit a tourist accommodation suite would not align with community needs, and direct staff to work with the applicant to:

1. draft a zoning amendment bylaw to tailor the zoning of the property to allow for the other commercial uses sought by the owner; and,
2. pursue the tourist accommodation use through a temporary-use permit.

BACKGROUND:

The applicant is seeking a rezoning of their property at 2108 Peninsula Road (PID 025926861, Lot 22, Plan VIP76147, District Lot 284, Clayoquot Land District - the “**subject property**”) to allow additional secondary permitted uses on the property, including a secondary suite and a tourist accommodation suite.

The property is currently zoned CD-1 (Eco-Industrial Park). The CD zoning was created in the early 2000’s and this property formed part of the Forbes Road development by the Mamook Development Corporation. Analysis of older planning documents and records assessed during a building permit review for the property found that the property use is industrial (CD-1.1.3). Single-family dwelling is a [primary permitted use in this subzone](#).

The applicant previously received a variance to alter the exterior side-yard setback to 3 m and provided a report by a Qualified Environmental Professional confirming the minimal impacts of locating a single-family dwelling within a 30 m setback from the watercourse running through the property. The applicant received both variances for this property through a Board of Variance proceeding in 2014.

The applicant has an open building permit, approved in 2020, to build a modest single-family dwelling, with an internal workshop and a secondary suite.

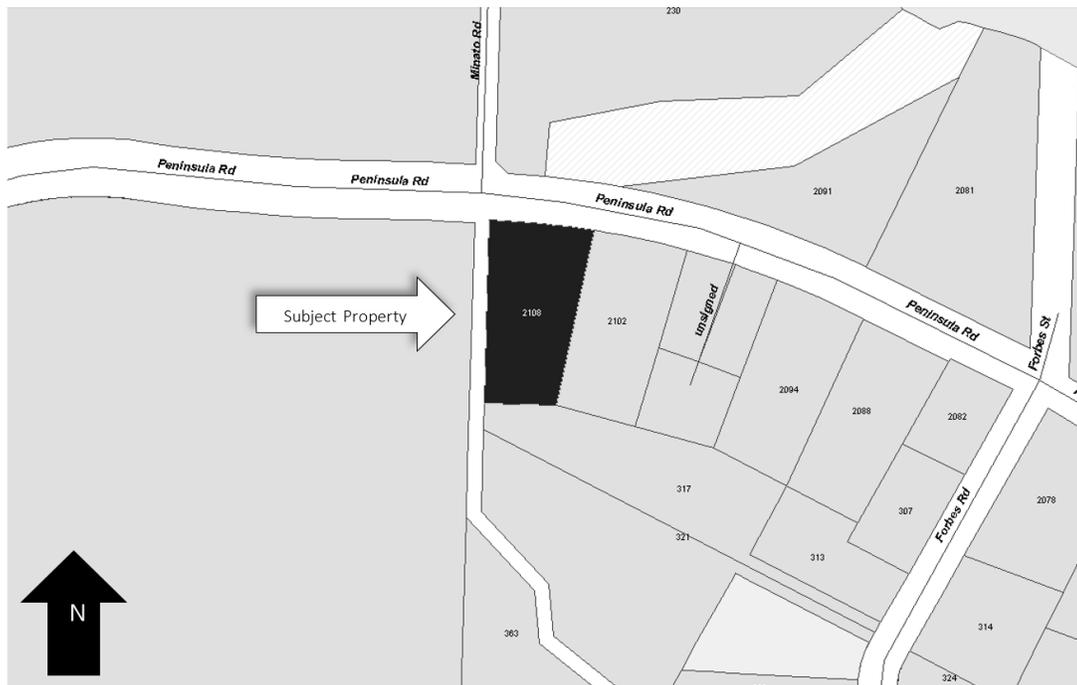


Figure 1– Subject Property

DISCUSSION:**Site Context and Applicant Intention:**

This property has a variety of unusual characteristics which make it unique in the District of Ucluelet. The industrial zoning allows a wide variety of light to medium industrial uses, which could include a service station, auto repair shop or heavy equipment display. However, the property has a fish-bearing stream running directly through it, making it a less suitable site for these types of uses (Figure 2). The applicant has taken additional precautions to protect the watercourse and would seek to ensure any further development of their site is particularly attentive to environmental best practices for a fish-bearing watercourse.

The zoning regulations apply to the subject property as a corner lot with *external* side-yard setbacks because it borders a District right-of-way on the west. Dedicated at the time of subdivision, this right-of-way may eventually be developed as a trail following the stream corridor (it is too small to be developed for road access).

As the property is surrounded by largely industrial and commercial uses, the desired mixed-use zoning with an addition of a tourist accommodation suite and maintenance of other industrial and residential uses may have less impact to the neighbours than if this property were in a residential zone. It also has frontage on Peninsula Road, the main commercial thoroughfare of Ucluelet. This site context may mean it is suitable for a unique spot zone.

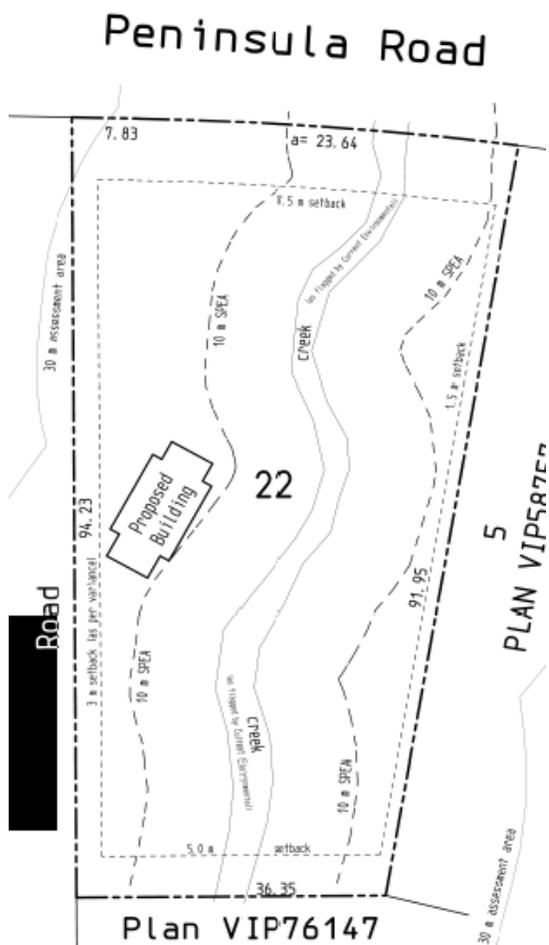


Figure 2 - Site plan

The applicant currently has a building permit for a single-family dwelling, with a secondary suite and a workshop. The applicant has indicated that as a long-term resident in town, they wish to be able to provide a long-term housing unit to the community, recognizing the challenges in Ucluelet regarding this type of housing. The current housing situation in Ucluelet makes the addition of long-term rental suites desirable.

However, the applicant has indicated that rising construction costs and other factors have made the construction of this long-term suite considerably more expensive than originally contemplated. They are seeking a rezoning to allow them to also build a tourist accommodation suite to help offset the costs of the long-term suite, which would only be permitted to operate if the long-term suite is occupied.

This tourist accommodation suite would be beside the secondary suite, located in the area labelled as workshop in their original building plan, and be separate from the main house, with a separate, external

access. In addition, they are seeking to retain some light industrial uses to allow a cabinet-making shop and small jewellery studio to operate on the property.

Short-Term Rentals:

The occurrence and proliferation of short-term rentals within residential zones has been the topic of significant community debate, Council scrutiny and policy development over the past few years. The Official Community Plan (2020) outlines in the Short-term Housing Action Plan ([Policy 3.131](#)) a number of policies, including amending the bylaw to prioritize long-term tenancy and restrict the growth and scope of short-term rentals.

The OCP also has a policy to commission a community housing needs assessment report, which was completed in December, 2021. The [Report](#) found that growth in STRs was impacting local rental availability and housing prices. It included recommendations for priority actions including restricting zones in which STRs are permitted, amending zoning to permit new STRs only through temporary use permit, or permitting only a certain number of STRs at any given time.

In response to the preliminary findings of the housing assessment, Council adopted a [resolution](#) in September, 2021 to prioritize long-term residential housing and slow and contain the proliferation of short-term vacation rentals within residential neighbourhoods. Residential rezonings which have taken place in the wake of these Council decisions have largely removed B&B uses as a permitted secondary use on rezoned residential properties (e.g.: Lot 16 development, Minato Bay development).

After two public hearings, Committee of the Whole meetings, and Council discussions in the Spring and Summer of 2022, Council adopted a bylaw amendment in September 2022 which made changes to the definition and regulations for Bed & Breakfast uses on lands in single-family residential zones. In broad terms the new bylaw clarifies the definition for Bed and Breakfast uses, constraining them mostly to traditional form Bed and Breakfast rooms and removing provisions which allowed for the creation of separate, externally-accessed tourist accommodation suites. These regulations were intended to limit the development of new tourist accommodation suites.

Based on these guiding documents and previous Council decisions, a rezoning to add an additional tourist accommodation suite in a single-family dwelling would not be consistent with previous direction. The recommended motion instead is to direct the applicant to work with staff to pursue a rezoning which is more consistent with the Official Community Plan and other documents, and pursue the tourist accommodation suite use through a temporary use permit (TUP).

Safety Considerations:

One of the issues staff have recognized with the proliferation of externally accessed, separate tourist units is the impact on code-related safety measures. In form and function, these units are most similar to a hotel or motel room. However, hotel or motel uses require higher safety measures such as fire resistance rating than rooms in single-family dwelling do. Application of the BC Building Code is clear for what is required in a hotel and motel, and clear on requirements for a secondary suite, but the tourist accommodation suite units are not well defined, and therefore not as clear for code application.

In applying the building code to tourist accommodation suites, District of Ucluelet building officials have found that while some applicants are willing to provide the higher life-safety precautions required by hotel rooms, it is not a code requirement if considered part of a single-family dwelling. Houses with these types of units are interpreted as a single-family dwelling, assuming the lowest level of risk associated with residential use. Unlike a normal single-family dwelling with bedrooms used for a B&B, tourist commercial suites have unrelated parties occupying a separate suite without oversight from hosts. This means that guest suites have many of the same risks as hotel rooms, without guaranteeing the same safety precautions and requirements.

If Council wishes to proceed with a rezoning to allow a tourist commercial accommodation suite, Option B recommends that a covenant be established on the property to ensure that the tourist commercial accommodation suite be built to the same BC Building Code standard as motel rooms, to ensure user safety moving forward.

Temporary Use Permits: a path to Short-Term Rental uses?

Temporary Use Permits (**TUPs**) are a tool available to all residents in Ucluelet to pursue a short-term nightly rental use on a property when it is not otherwise supported by their underlying zoning. TUPs can be for up to 3 years, with the ability to renew for three additional years. TUPs offer a great deal of flexibility and can be adapted to the applicant's unique situation.

A benefit of this process for residents is that TUPs involve a public notice component, allowing community members who would be affected by the use to raise their concerns. This gives a voice to Ucluelet residents to help guide Council decisions on what uses are suitable in their neighbourhood. The use can be pursued and operated according to the wishes of the applicants but would not be "permanently" allowed by zoning, and therefore would not automatically continue should the property be sold. This may also discourage housing speculation for short-term rental investments. This speculative purchase of housing units for investment purposes has been a factor in rising property values and competition which makes it increasingly difficult for purchase property in Ucluelet.

The use of TUPs for short-term rentals is becoming a common practice in other BC municipalities. [Sun Peaks Mountain Resort Municipality](#) has recently adapted their approach to short-term rentals, and now only permits them through TUP. Squamish-Lillooet Regional District, Sechelt, some Gulf Islands and other municipalities also use TUPs to help regulate and manage short-term nightly rentals in their communities.

ANALYSIS OF OPTIONS:

A	Reject the addition of a tourist accommodation use in the zoning, and instead direct staff to draft a bylaw to achieve other applicant goals and pursue a tourist accommodation suite through temporary-use permit.	<u>Pros</u>	<ul style="list-style-type: none"> Consistent with the OCP and Housing Needs Study recommendations. Consistent with recent changes to short-term rentals in the Zoning Bylaw No. 1160. Does not add any additional short-term rentals in a single-family dwelling. No additional tourist traffic on this site, minimal use changes for neighbouring properties.
		<u>Cons</u>	<ul style="list-style-type: none"> Would not allow the applicant to have all their desired uses. May reduce the applicant's ability to complete a long-term rental suite on their property.
		<u>Implications</u>	<ul style="list-style-type: none"> Staff time required to revise the application, draft bylaw and follow-up report.
B	Direct Staff to draft a bylaw to allow the uses on the subject property as requested and explore mechanisms to ensure a suitable level of life-safety requirements for any suites.	<u>Pros</u>	<ul style="list-style-type: none"> Would allow the applicant to use their property as desired. Would help ensure a long-term rental unit is built for the community. Would ensure tourist accommodation unit is built to a level of safety consistent with the use.
		<u>Cons</u>	<ul style="list-style-type: none"> May be perceived as encouraging rezonings to allow tourist accommodation suite uses in single-family dwelling. Would not be consistent with the Housing Needs Report recommendations and other guiding documents, or recent rezonings. Would allow a use which was purposefully removed through Bylaw No. 1310.
		<u>Implications</u>	<ul style="list-style-type: none"> Staff time required to revise the application, draft bylaw and follow-up report.
		<u>Suggested Motion</u>	<i>THAT Council direct staff to draft a zoning bylaw amending the uses at 2108 Peninsula Road as requested by applicant and explore mechanisms to ensure a suitable level of life-safety requirements for any suites.</i>
C	Direct Staff to draft a bylaw to allow the uses on the subject property as requested	<u>Pros</u>	<ul style="list-style-type: none"> Would allow the applicant to use their property as desired. Would help ensure a long-term rental unit is built for the community.
		<u>Cons</u>	<ul style="list-style-type: none"> May be perceived as encouraging rezonings to allow tourist accommodation suite uses in single-family dwelling. Would not be consistent with the Housing Needs Report recommendations and other guiding documents, or recent rezonings. Would allow a use which was purposefully removed through Bylaw No. 1310. Would not ensure the tourist accommodation suite is built to a higher level of safety consistent with its use.

		<u>Implications</u>	<ul style="list-style-type: none"> Staff time required to revise the application, draft bylaw and follow-up report.
		<u>Suggested Motion</u>	<i>THAT Council direct staff to draft a zoning bylaw amending the uses at 2108 Peninsula Road as requested by applicant.</i>
C	Reject the application.	<u>Pros</u>	<ul style="list-style-type: none"> Would not result in a larger building than was originally permitted on the property.
		<u>Cons</u>	<ul style="list-style-type: none"> The applicant will not be able to build their desired addition.
		<u>Implications</u>	<ul style="list-style-type: none"> The application would not proceed to public hearing. No further input from Staff. Public hearing fee would be returned to applicant.
		<u>Suggested Motion</u>	<i>That the application associated with RZ22-08 for 2108 Peninsula Road be rejected.</i>

NEXT STEPS:

Should Council direct it, staff would draft a bylaw to allow the applicant’s desired uses on the subject property, and bring the draft Temporary Use Permit forward for Council’s consideration at a future date.

Respectfully submitted:

Monica Whitney-Brown, Planning Assistant
 Bruce Greig, Director of Community Planning
 Duane Lawrence, CAO

APPENDIX A

Development Application

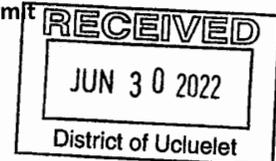
District of Ucluelet

Planning Department
 200 Main Street, Ucluelet, BC
 VOR 3A0, P.O. Box 999
 tel 250-726-4770 fax 250 726 7335

Type of Application

An application is submitted for one or more of the following:

- Official Community Plan Amendment
- Zoning Bylaw Amendment
- Development Permit (no variances)
- Development Permit (with variances)
- Development Permit Amendment
- Development Variance Permit
- Temporary Use Permit
- Board of Variance
- Strata Conversion
- Subdivision



Description of Property

Civic Address (es): 2108 Peninsula Rd. Ucluelet B.C.
 Legal Description: Lot 22 Plan VIP76147 Block _____ Section _____ DL _____

Applicant Information

Notice of Disclosure to Applicant(s): The following contact information will be available to the public and may be posted on the Districts' website to allow interested parties to contact you about this application.

Applicant name: Shane Hilder Company name: _____
 Mailing address: 2108 Peninsula Rd _____ Postal Code: VOR 3A0
 Tel: _____ Cell: _____
 Email: _____ Fax: _____

The undersigned owner/authorized agent of the owner makes an application as specified herein, and declares that the information submitted in support of the application is true and correct in all respects.

Applicant Signature: [Signature] Date: June 30, 2022

Registered Owner(s)

List all registered owners. For strata properties, provide accompanying authorization from all strata owners (not just strata corp.). If the owner is an incorporated company/society, attach a current corporate/society search or "notice of directors".

Registered Owner (s) name: Same As Above
 Mailing address: _____ Postal Code: _____
 Tel: _____ Cell: _____
 Email: _____ Fax: _____

Freedom of Information and Protection of Privacy Act (FOIPPA): Personal information is collected, used and disclosed under the authority of the Local Government Act, and section 26 (c) of the FOIPPA. The information will be used for the purpose of processing this application.

Owner Signature: _____ Date: _____

Office Use Only:

Folio No.: <u>181-122</u>	File No.: <u>R722-08</u>	Date: <u>June 30/22</u>	Receipt No.: <u>71414</u>	Fee: <u>\$2200 + 30 = \$2230</u>
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APPENDIX A

Dear District staff and Council,

I am composing this letter to confirm my intentions to rezone my property from Industrial to Single Family Residential. I have lived on the west coast between Tofino and Ucluelet for over 10 years and have owned this property since 2014.

This property is located on the edge of the Eco-Industrial park along Peninsula Rd. It was originally zoned Industrial but I feel that due to its limited building area, and proximity to a salmon bearing stream that dissects the property, the Industrial use isn't practical. Portions of the Eco-Industrial park development were zoned Single Family Residential and I feel that use is better suited here. I am currently building a single family dwelling on the property and feel that aligns with my intentions and vision with the property. I had previous discussion over a year ago with John Towgood. He confirmed that a better use for the property is Single Family Residential, and a change would be supported by district staff. This is reflected in the updated OCP 2020 as the property is shown as Single Family not Industrial. I have had the intention to re-zone to Single Family for over a year after my discussions with John in April 2021.

I am building a 1400 sqft single family home above, with a 500 sqft basement suite, and a 500 sqft workshop below. The build is still 2 years from completion, as it is a complicated timber frame design, and I am the only builder on site most days. It would be my ideal scenario to eventually convert the workshop space into an additional rental unit for short term use, while still maintaining a full time tenant in the suite beside. I would like to contribute to the local community and provide full time accommodation to a community member. While at the same time having a much needed mortgage help with a B&B suite. As the cost of construction is skyrocketing, and the prospects of starting a family are becoming more likely, this would be a huge help for my partner and I to afford to stay in the community. I'm aware this isn't currently within the zoning but I feel this scenario allows for owners to feel they are contributing locally, while still getting the much needed financial support of a B&B suite while raising a family, or paying for the high cost of construction and living on the coast. I can provide ample off-street parking for all units. Either way, I am happy to conform to the local bylaws of single family, I would hope my ideal situation could be achieved through future bylaw changes or variance applications.

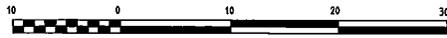
Please reach out if you have any additional questions. I appreciate your consideration in my application and look forward to further discussions.

Be well, Shane Hilder

Site Plan of:
Lot 22, District Lot 284
Clayoquot District, Plan VIP76147

Parcel Identifier: 025-926-861

SCALE - 1 : 6 0 0



All distances are in metres and decimals thereof

(plot on 8.5" x 11" sheet)

FILE : 116-Peninsula
DWG/DATE: 2020-05-03
AG Surveys
545 - 110 Marine Drive
Ucluelet, BC V0R 3A0
phone (250) 266-4536

The following non-financial charges are shown on the current title and may affect the property

EHS1473 - Covenant

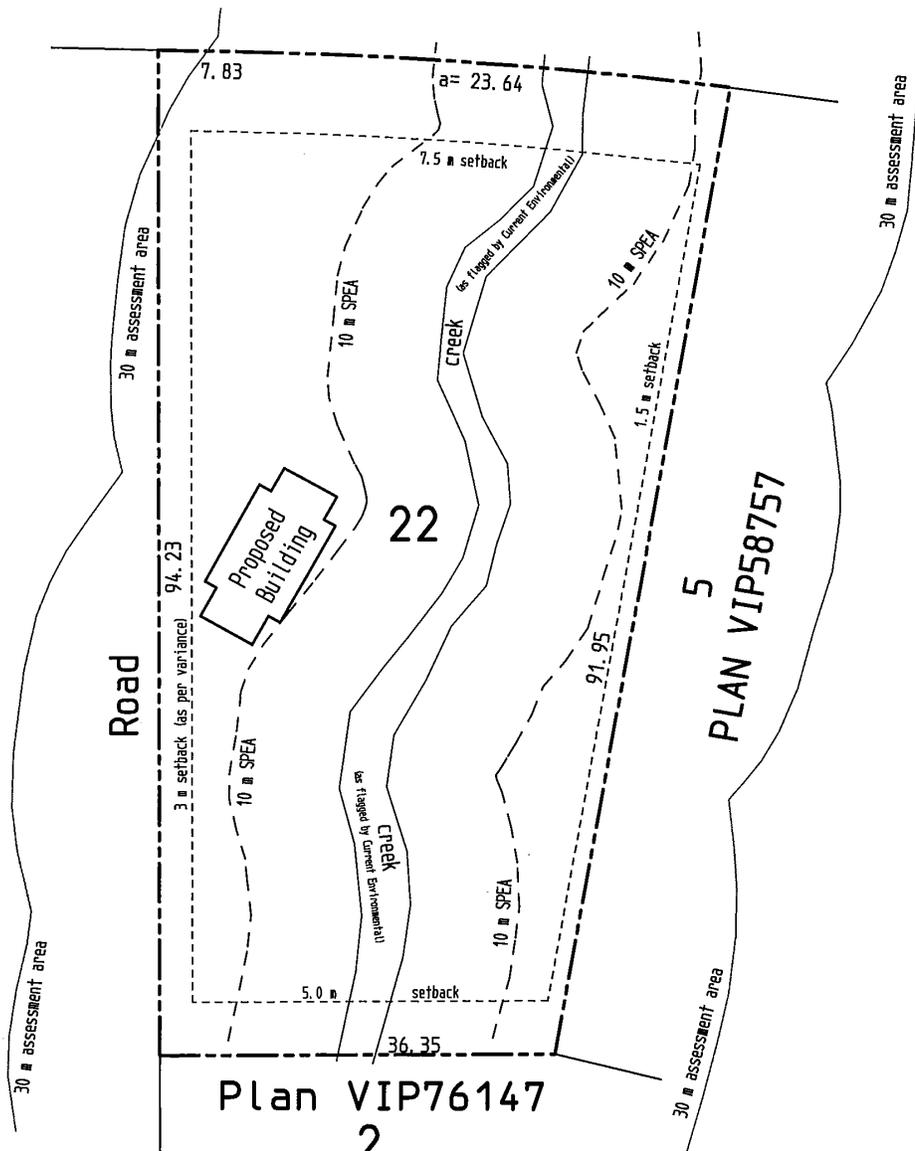
EHS1474 - Covenant

EG25117 - Covenant

EX6444 - Statutory Building Scheme

Parcel dimensions shown hereon are derived from Land Title Office records.

Peninsula Road





DISTRICT OF UCLUELET

Minutes Excerpts from the December 13, 2022 Regular Council Meeting

8.2 Zoning Amendment for 2108 Peninsula Road Monica Whitney-Brown, Planning Assistant

Bruce Greig, Director of Community Planning, presented this report. Ms. Whitney-Brown presented this report.

Mr. Greig, addressed Council questions about mechanisms that could be used to require a long-term tenant be on site. Mr. Greig also addressed questions about the uses allowed under the property's current zoning.

The Applicant, Shane Hilder, 2108 Peninsula Road, noted that the requested zoning amendment would create a long-term tenancy and a short-term rental accommodation which would help to fund the construction of the home. He also outlined the planned industrial uses, which would be a workshop which would not be used for retail purposes. Mr. Hilder clarified the location of the proposed workshop, and noted that he does not intend to rent the workshop space out.

Option C was moved, seconded, discussed and defeated.

The Applicant noted that Option B presented in the report was workable.

Option B was moved, seconded, discussed and defeated.

Mr. Greig answered Council questions related to the term, renewal and applying for a fresh temporary use permit after the renewal expires.

Option A was moved, seconded, discussed and carried.

2022.2242.REGULAR *It was moved and seconded **THAT** Council direct staff to draft a zoning bylaw amending at 2108 Peninsula Road as requested by the applicant.*

DEFEATED.

2022.2243.REGULAR *It was moved and seconded **THAT** Council direct staff to draft a zoning bylaw amending the uses at 2108 Peninsula Road as requested by applicant and explore mechanisms to ensure a suitable level of life-safety requirements for any suites.*

DEFEATED.

2022.2244.REGULAR *It was moved and seconded **THAT** Council indicate to the applicant that rezoning the property at 2108 Peninsula*

Road to permit a tourist accommodation suite would not align with community needs, and direct staff to work with the applicant to:

- 1. draft a zoning amendment bylaw to tailor the zoning of the property to allow for the other commercial uses sought by the owner; and,*
- 2. pursue the tourist accommodation use through a temporary-use permit.*

CARRIED.



REPORT TO COUNCIL

Council Meeting: April 11th, 2023
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: MONICA WHITNEY-BROWN, PLANNING ASSISTANT **FILE NO:** 3360-20 RZ22-08
SUBJECT: REZONING APPLICATION 22-08 ON 2108 PENINSULA ROAD **REPORT NO:** 23-50
ATTACHMENT(s): APPENDIX A - APPLICATION
 APPENDIX B - UCLUELET ZONING AMENDMENT BYLAW NO. 1327, 2023

RECOMMENDATION(S):

1. **THAT** Council give first and second reading to *District of Ucluelet Zoning Amendment Bylaw No. 1327, 2023*.
2. **THAT** Council refer *District of Ucluelet Zoning Amendment Bylaw No. 1327, 2023* to a public hearing.

BACKGROUND:

The applicant first sought a rezoning by submitting an application in June 2022 for the property at 2108 Peninsula Road (PID 025926861, Lot 22, Plan VIP76147, District Lot 284, Clayoquot Land District - the "subject property").

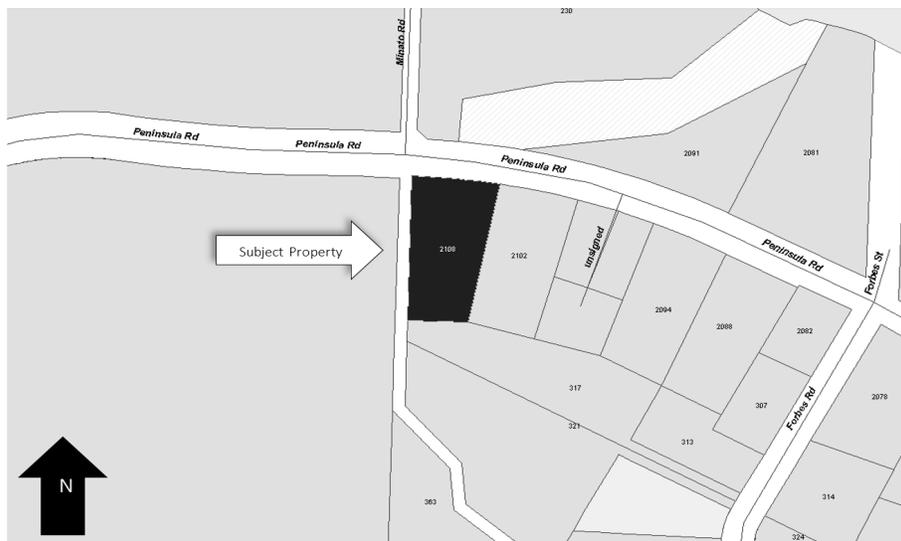


Figure 1– Subject Property

1 |

Staff brought an initial information report to Council in December 2022 based on the applicant's desired uses. Council passed a motion directing staff to draft a zoning amendment bylaw to add commercial uses on the subject property but pursue additional tourist accommodation uses through Temporary Use Permit. In follow-up discussions, the applicant has clarified their intention for the property and offered some additional flexibility on uses. Given the changes in this proposal, as well as the robust discussion and questions from Council on this topic in December, staff have deemed it appropriate to return this matter for Council's consideration in its current form.

The property is currently zoned CD-1 (Eco-Industrial Park). The CD zoning was created in the early 2000's and this property formed part of the Forbes Road development by the Mamook Development Corporation. Analysis of older planning documents and records assessed during a building permit review for the property found that the current property designation is Industrial (CD-1.1.3). Single-family dwelling is a primary permitted use in this subzone, as is a variety of higher-intensity industrial uses, including medium industry, service station, auto-repair shop, outdoor display and heavy equipment display.

Zoning approach:

Based on Council input and additional information from the applicant, staff have drafted a bylaw amendment for the subject property which would allow revised uses to meet both the applicant needs and community priorities on this lot.

The proposed rezoning would remove a number of higher impact industrial uses which may not be suitable for this location. The rezoning as proposed would add additional possible long-term residential uses, as well as a unique tourist commercial use, newly defined as a *Tourist Accommodation Suite*. This use is similar to a *Bed and Breakfast* use, permitting only one bedroom with a maximum 2-person occupancy, and restricting cooking facilities. However, a *Tourist Accommodation Suite* does not have the same restrictions on form, and can be accessed through an external door as a separate suite. The use would only be permitted in conjunction with a long-term residential use.

Adoption of this rezoning would result in a site-specific zoning designation on the subject property, tailored to allow mixed-uses appropriate and complementary to the surrounding properties, and which create an effective transition between land-uses to minimize potential for land-use conflict.

The novel zoning mechanism explored in this bylaw amendment proposal would give effect for the first time to Policy 3.131(E) in the *Ucluelet Official Community Plan*, Bylaw No. 1306, 2022, to "amend the zoning bylaw to ensure that the first rental unit on single-family residential lots is for long-term tenancy, with any additional short-term rental uses to depend on the continued existence of the long-term rental".

DISCUSSION:

Distinguishable features of the subject property:

The [previous report](#) on this rezoning proposal outlined the site's physical context in some detail. As mentioned, the property is zoned to allow the same industrial uses as those in the Forbes Road area, which houses much of Ucluelet's industrial uses. However, the subject property has a fish-

bearing stream running through a portion of it. The lot has frontage along Peninsula Road, the main commercial thoroughfare of Ucluelet, and is located right at the entrance to town.

While the subject property backs onto other Eco-Industrial Park properties, the immediate neighbouring properties sharing frontage are zoned CS-2 – Service Commercial to the south, with the subject property sitting as an outlier in terms of zoning and uses (fig.2). These properties permit a variety of tourist commercial uses, including hotel, motel and resort condo, and preliminary development conversations with nearby owners indicate a likely growth in tourist commercial and residential uses along this stretch. The subject property is also adjacent to a large future-development area zoned CD-5 to the North, which contemplates mixed uses including light industrial and residential.

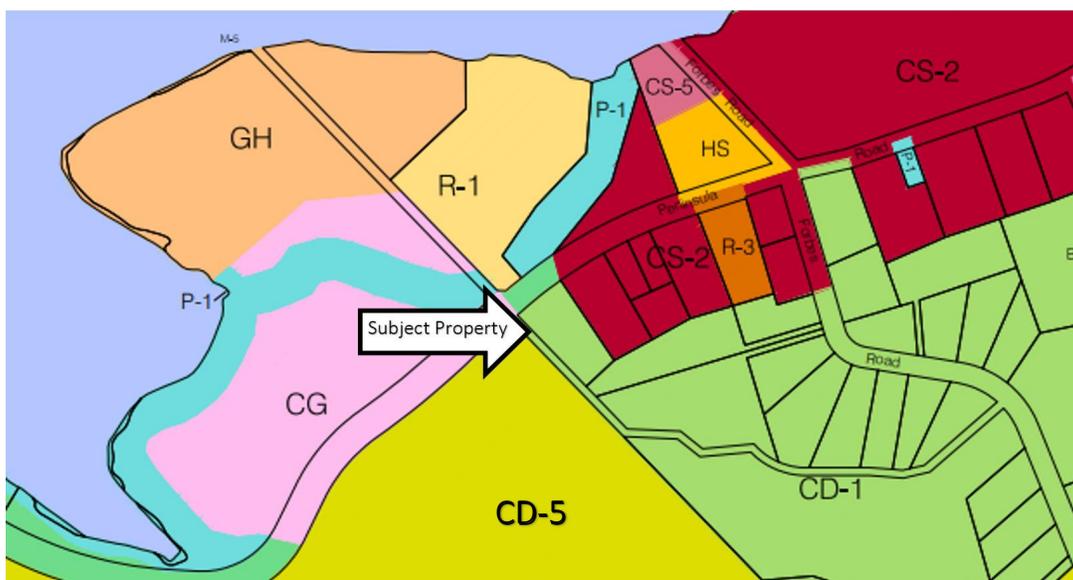


Figure 2- Zoning Map Snippet

Development of the subject property to make use of the currently permitted industrial uses could cause conflict with the neighbouring properties regarding noise, odours, etc. It would be beneficial for the community for the subject property to develop in a way that is complementary to the adjacent uses. The subject property owner is amenable to the removal of most of the industrial uses permitted on the property in favour of more residential-focused uses.

Advantages to this rezoning:

The subject property would be an appropriate location for mixed uses featuring some light industrial or service industrial uses, residential uses, and one tourist commercial unit. With this zoning the subject property could develop as a valuable buffer and transition zone between the neighbouring land uses. The specific characteristics of this property could support a spot zone, a unique set of permitted uses which would not be replicated on other lots. It is unlikely that other CD-1 (Eco-Industrial Park) properties share these unique characteristics.

The proposed rezoning would increase the potential long-term residential uses on the subject property. The applicant currently has a building permit for a single-family dwelling with a long-term suite, which was permitted as an “accessory residential dwelling unit” under the existing zoning. Since issuance of the building permit, the definition of *Accessory Dwelling Unit* has been amended in Zoning Bylaw No. 1160 to mean an accessory building, meaning this use within the SFD is a legal non-conforming use. This rezoning would add *secondary suite* as a permitted use, removing the legal non-compliant status, and additionally permit an *accessory dwelling unit* on the property for long-term residential uses.

The proposed zoning also adds a *tourist accommodation suite* as a permitted use and defines it. This zoning amendment ties the creation of a *tourist accommodation suites* to the establishment and continued occupation of a long-term secondary suite use on the property. The long and short-term accommodation uses are intertwined, with the short-term rental only able to lawfully operate in conjunction with the long-term rental. This guarantees a long-term residential use for the community prior to any tourist commercial use.

In brief, the proposed rezoning would remove the less desirable industrial uses from this site, permit light industrial and artisan uses, and allow up to three different long-term residential uses, as well as one tourist accommodation suite which can only operate when the single-family dwelling and secondary suite both are occupied by long-term residents.

ANALYSIS OF OPTIONS:

A	Give first and second reading of Bylaw No. 1327, 2023 and direct staff to give notice for a public hearing.	<u>Pros</u>	<ul style="list-style-type: none"> • Would allow increased long-term residential uses and improved industrial uses on the subject property. • Supports the creation of long-term rental housing. • Would allow public feedback on the proposed rezoning.
		<u>Cons</u>	<ul style="list-style-type: none"> • Would result in one additional tourist commercial use where none is permitted under the current zoning.
		<u>Implications</u>	<ul style="list-style-type: none"> • Staff time required to arrange public hearing and follow up reports.
B	Amend the draft zoning bylaw prior to 2nd reading by stating which and how elements or features are to be modified.	<u>Pros</u>	<ul style="list-style-type: none"> • Modifying the zoning bylaw could ensure Council’s intent for the bylaw is met (if required).
		<u>Cons</u>	<ul style="list-style-type: none"> • Unknown at this time.
		<u>Implications</u>	<ul style="list-style-type: none"> • Modifying the zoning bylaw would require additional staff time.
		<u>Suggested Motion</u>	THAT Council direct staff to modify the draft District of Ucluelet Zoning Amendment Bylaw No. 1327, 2023, to (state desired outcome of amendments).
C		<u>Pros</u>	<ul style="list-style-type: none"> • Would maintain the zoning bylaw as written. • Would not add additional tourist commercial uses.

Reject the application.	Cons	<ul style="list-style-type: none"> • Would not increase the long-term residential uses permitted on site. • May result in delay or no development of a long-term rental suite. • Would maintain permitted industrial uses which may cause land-use conflict with neighbouring properties and reduce the visual appeal of Peninsula Road frontage.
	Implications	<ul style="list-style-type: none"> • The rezoning proposed at 2108 Peninsula Road could not proceed as presented.
	Suggested Motion	No motion is required.

POLICY OR LEGISLATIVE IMPACTS:

The application is consistent with the *Official Community Plan* and *Local Government Act*.

NEXT STEPS:

- If Council gives first and second readings to Zoning Amendment Bylaw No. 1327, 2023, staff will undertake the necessary notification for a public hearing to be held on the Bylaw at a date to be determined.

Respectfully submitted: Monica Whitney-Brown, Planning Assistant
 Bruce Greig, Director of Community Planning
 Duane Lawrence, CAO

District of Ucluelet

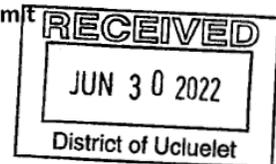
Planning Department
 200 Main Street, Ucluelet, BC
 VOR 3A0, P.O. Box 999
 tel 250-726-4770 fax 250 726 7335

Development Application

Type of Application

An application is submitted for one or more of the following:

- Official Community Plan Amendment
- Zoning Bylaw Amendment
- Development Permit (no variances)
- Development Permit (with variances)
- Development Permit Amendment
- Development Variance Permit
- Temporary Use Permit
- Board of Variance
- Strata Conversion
- Subdivision



Description of Property

Civic Address (es): 2108 Peninsula Rd. Ucluelet B.C.
 Legal Description: Lot 22 Plan VIP76147 Block _____ Section _____ DL _____

Applicant Information

Notice of Disclosure to Applicant(s): The following contact information will be available to the public and may be posted on the Districts' website to allow interested parties to contact you about this application.

Applicant name: Shane Hilder Company name: _____
 Mailing address: 2108 Peninsula Rd Ucluelet B.C. Postal Code: VOR 3A0
 Tel: _____ Cell: _____
 Email: _____ Fax: _____

The undersigned owner/authorized agent of the owner makes an application as specified herein, and declares that the information submitted in support of the application is true and correct in all respects.

Applicant Signature: [Signature] Date: June 30, 2022

Registered Owner(s)

List all registered owners. For strata properties, provide accompanying authorization from all strata owners (not just strata corp.). If the owner is an incorporated company/society, attach a current corporate/society search or "notice of directors".

Registered Owner (s) name: Same As Above
 Mailing address: _____ Postal Code: _____
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Freedom of Information and Protection of Privacy Act (FOIPPA): Personal information is collected, used and disclosed under the authority of the Local Government Act, and section 26 (c) of the FOIPPA. The information will be used for the purpose of processing this application.

Owner Signature: _____ Date: _____

Office Use Only:

Folio No.: <u>181-122</u>	File No.: <u>R722-08</u>	Date: <u>June 30/22</u>	Receipt No.: <u>71414</u>	Fee: <u>\$2200 + 30 \$2230</u>
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Dear District Staff and Council,

I am composing this letter to confirm my intentions to rezone my property to allow one guest suite as an allowable use. I have lived on the west coast between Tofino and Ucluelet for 12 years and have owned this property since 2014. Ucluelet is home and I intend to stay in the community for many years to come, I am currently building my forever home here. I have spent the better part of 2 years planning for this build and am now a year and a half into construction. I suspect I have another 2 years to completion. The house is a complicated timber frame design, and I am the only builder on site most days. With ever increasing construction costs and interest rates rising, the only way I can feasibly complete the build at this point is by building primarily myself, only subcontracting minimal trades. This is the current reality of being a median income earner and trying to afford to build in these economic times. I have been a salmon troller my whole life on this coast and have continued on with that career path. With ever changing income, fluctuating with the seasons, it's very difficult to plan financially. A guest suite would help substantially in stabilizing and justifying the build process to suit not only my interests, but also those of the community as a whole.

When designing this house I wanted to include a 500 sqft secondary suite in the basement which allows me to house a community member. This would create housing for my family upstairs, and long term stable housing for a community member in the lower basement suite. As someone who has lost stable housing rentals, this is very important to me to create this stable housing. The costs of building this long term rental suite have become substantial since originally budgeting years ago. Building and finishing out the 500sqft rental suite is now an estimated \$130,000. Originally I designed the house to include an additional 500 sqft area in the basement for future use as a workshop or STR. My hope and intentions at this stage is to use this space as a guest suite rental. The goal in this is to create a STR suite which enables me to afford to complete the original LTR and cover my added monthly mortgage expenses, thus I am seeking a re-zoning to allow the long term suite and guest suite. A TUP is an uncomfortable scenario for me, as it doesn't allow for sufficient financial planning for the long term, as my mortgage costs outlast any temporary use permit length. A TUP would help to cover these costs for the next 3-6 years; however knowing that it may not be renewed in the future would not assure me the stability to complete the Long Term Rental as currently planned. As the priority is to create a long term rental primarily, I am proposing that in order for me to be granted a business license for the guest suite, I must have occupancy in the long term suite. This guarantees a long term suite to be completed and added for the community. Without this re-zoning request granted, I likely will be forced to leave both basement suites unfinished, and use the entire basement as my cabinetmaking shop, and my partners jewelry studio. This would save me the huge expense in finishing two suites, and in building a separate shop/studio for these uses in the future. However, it would leave the community without additional housing, which I

truly wish to provide. I strongly feel the use of the STR will allow me to justify the expenditure in finishing both these basement suites and to stabilize the whole process. This proposed layout provides 80% of the house to be long term accommodation for my family (1400 sqft Upstairs), and a secondary suite (500sqft Basement) for a couple in the community, and 20% dedicated to short term use (500sqft Basement). I strongly believe this is the model that Ucluelet should be employing moving forward. Allowing one suite to be used as short term, but the majority dedicated to long term. This provides ample accommodation for community members, while also allowing community members/local home owners to benefit, and sustain themselves, from the influx of tourism we see on the coast. As the cost of construction is skyrocketing, and the prospects of starting a family are becoming more likely, this would be a huge help for my partner and I to afford to build a home, and work to create a community we can all be proud of.

Additional to the benefit of creating a long term housing unit, I wish to maintain the current industrial zoning as I would like to create economic growth within the community beyond tourism. With this proposed application, I would retain the possibility of creating a cabinet making shop to assist in further diversifying the economy of this community. This would be in the form of a small cabinet/furniture making woodshop, and a small jewelry making studio. These would be light duty industrial uses and impact would be very minimal. The property is an acre and is quite unique, both in layout and in location. I don't feel this is a negative precedent to set for the community, as this zoning is unique in its own circumstances, and is not duplicated throughout town. With the large property I am able to separate the house from a small workshop. Sandwiched between industrial/commercial properties I feel there is minimal impact in the proposed scenario on this property beyond what is currently allowed.

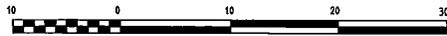
I greatly appreciate your consideration in my proposal. I'm aware this is a unique situation but I strongly feel there is ample benefit for the community in this proposal. Please reach out if you have further questions. [REDACTED]

Be well, Shane Hilder.

Site Plan of:
Lot 22, District Lot 284
Clayoquot District, Plan VIP76147

Parcel Identifier: 025-926-861

SCALE - 1 : 6 0 0



All distances are in metres and decimals thereof

(plot on 8.5" x 11" sheet)

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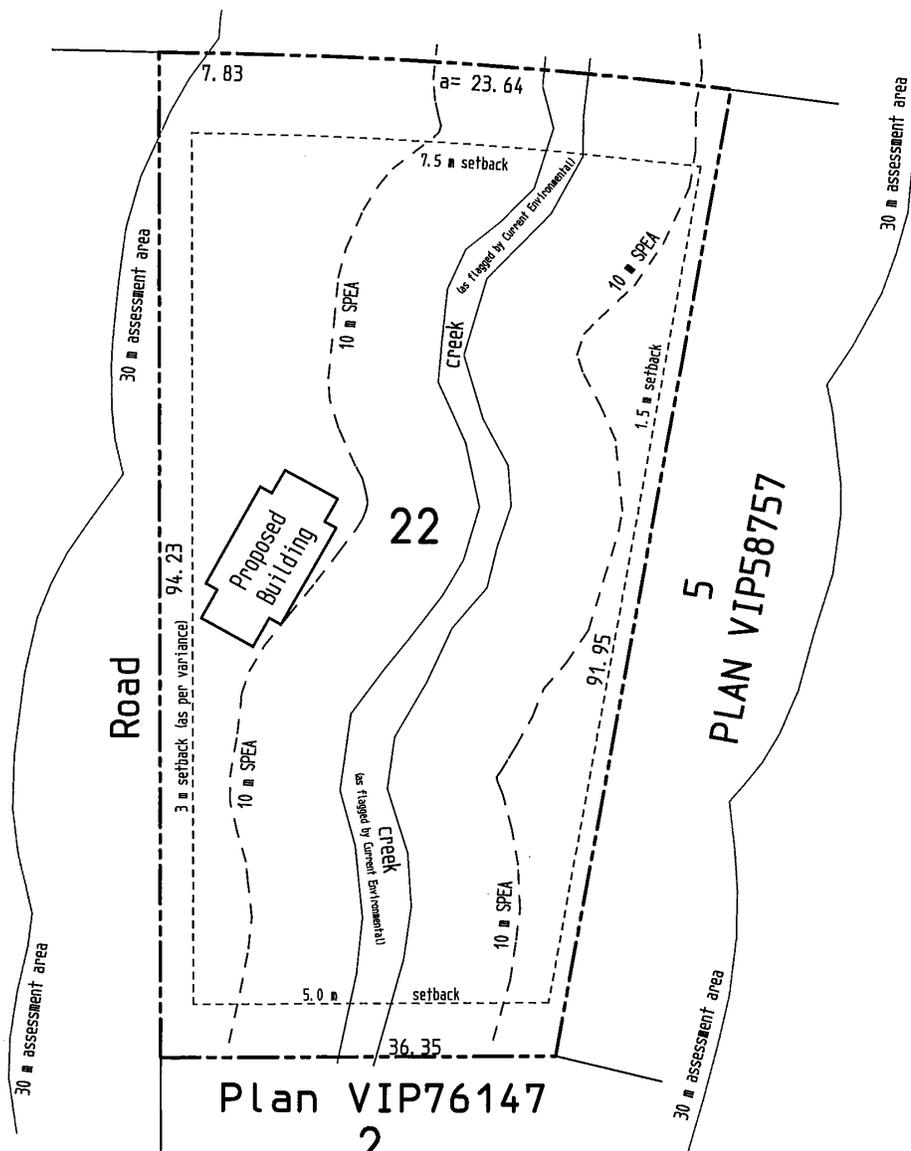
EHS1474 - Covenant

EG25117 - Covenant

EX6444 - Statutory Building Scheme

Parcel dimensions shown hereon are derived from Land Title Office records.

Peninsula Road





DISTRICT OF UCLUELET

Minutes Excerpts from the April 11, 2023 Regular Council Meeting

6.1 Rezoning Application 22-08 on 2108 Peninsula Road *Monica Whitney-Brown, Planning Assistant*

Ms. Whitney-Brown presented this report to council.

Council discussed the proposed amendment bylaw and noted that the short-term rental being contingent on the long-term rental weighs in favour of advancing the proposed bylaw to public hearing.

The applicant, Shane Hilder noted the rising costs of construction.

2023.2113.REGULAR *It was moved and seconded **THAT** Council give first and second reading to District of Ucluelet Zoning Amendment Bylaw No. 1327, 2023;*

CARRIED.

2023.2114.REGULAR *It was moved and seconded **THAT** Council refer District of Ucluelet Zoning Amendment Bylaw No. 1327, 2023 to a public hearing.*

CARRIED.

DISTRICT OF UCLUELET
Zoning Amendment Bylaw No. 1326, 2023

A bylaw to amend the “District of Ucluelet Zoning Bylaw No. 1160, 2013”.
 (Addition of *Daycare Center* use to the CS-2 zone and a cleanup of Section 403 in regards
 to B&B use)

WHEREAS the District of Ucluelet Council by Bylaw No. 1160, 2013, adopted the Zoning Bylaw and now deems it appropriate to amend the Zoning Bylaw;

NOW THEREFORE the Council of the District of Ucluelet, in open meeting assembled, enacts as follows:

1. Text Amendment:

Schedule B of the District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by:

- A. adding the following subsection (p) to section CS-2.1.1(1) in alphanumerical order as follows:

“(p) *Daycare Centre.*”

- B. Replacing subsection 403.2 (2) with the following:

“(2) must not be established or operate in a *single family dwelling* that is being used as a *Guest House.*”

2. Citation:

This bylaw may be cited as “District of Ucluelet Zoning Amendment Bylaw No. 1326, 2023”.

READ A FIRST TIME this 25th day of **April, 2023.**

READ A SECOND TIME this 25th day of **April, 2023.**

PUBLIC HEARING this day of , **2023.**

READ A THIRD TIME this day of , **2023.**

ADOPTED this day of , **2023.**

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Amendment Bylaw No. 1326, 2023.”

Marilyn McEwan
Mayor

Duane Lawrence
Corporate Officer

THE CORPORATE SEAL of the
District of Ucluelet was hereto
affixed in the presence of:

Duane Lawrence
Corporate Officer



Public Notice: Zoning Amendment Bylaws & Temporary Use Permit

Notice is hereby given pursuant to Section 464 and 466 of the *Local Government Act* that Public Hearings will be held on the following proposed Bylaws during a Special Council Meeting at the **George Fraser Room** in the **Ucluelet Community Centre, 500 Matterson Drive, Ucluelet B.C., May 16, 2023**, commencing at **5:00 pm**. Pursuant to Section 494 of the *Local Government Act*, public notice is hereby given that the District of Ucluelet will consider the following Temporary Use Permit during the same Special Council Meeting.

District of Ucluelet Zoning Amendment Bylaw 1327, 2023
Application Number: RZ22-08
Location: 2108 Peninsula Road **Legal Description:** PID 025926861, Lot 22, Plan VIP76147, District Lot 284, Clayoquot Land District
Purpose: In general terms, the purpose of this bylaw is to amend the District of Ucluelet Zoning Bylaw No. 1160, 2013 by changing the designation of this property from CD.1 "Industrial" to CD-1 "Industrial Residential", removing some industrial uses and permitting Secondary Suite and Tourist Accommodation Suite as secondary uses on the property.

Site Map

District of Ucluelet Zoning Amendment Bylaw 1328, 2023
Application Number: RZ23-02
Location: 1633 Holly Crescent **Legal Description:** PID 001197843, Lot 22, Plan VIP30931, District Lot 282, Clayoquot Land District
Purpose: In general terms, the purpose of this bylaw is to amend the District of Ucluelet Zoning Bylaw No. 1160, 2013 by changing the designation of this property from R-1 "Single-Family Residential" to R-2 "Medium Density Residential", allowing one secondary suite in each duplex unit.

Site Map

District of Ucluelet Zoning Amendment Bylaw 1326, 2023
Application Number: RZ23-03
Purpose: In general terms, the purpose of this bylaw is to amend the District of Ucluelet Zoning Bylaw No. 1160, 2013 by adding *Daycare Center* as a permitted use in the CS-2 "Service Commercial" zone, and by removing duplicate and outdated language from S. 404 "Secondary Suites".

District of Ucluelet Temporary Use Permit 23-07
Application Number: TUP23-07
Location: 1633 Holly Crescent **Legal Description:** PID 001197843, Lot 22, Plan VIP30931, District Lot 282, Clayoquot Land District
Purpose: In general terms, the purpose of this permit is to allow a vacation rental use in a proposed secondary suite at 1633 Holly Crescent for a period of three years.

Anyone who believes these applications will affect their interests may make a written submission and/or will be given an opportunity to be heard at the Public Hearing and Special Council Meeting as follows:

- | | | | | | |
|--|---|-------------------------|------------------------------------|--|--|
| Participate by Written Submission: | All written submissions must include your name and street address. Subject line should contain the application number you are responding to. Any submissions dropped-off or mailed to the District office, must be received before the start of the Council Meeting. Written submissions are considered part of the public record pursuant to the <i>Freedom of Information and Protection of Privacy Act</i> . | | | | |
| Drop-off at the District Office | <table border="0"> <tr> <td style="vertical-align: top;">Mail</td> <td style="vertical-align: top;">Email</td> </tr> <tr> <td>District of Ucluelet
P.O. Box 999, Ucluelet B.C. VOR 3A0</td> <td>communityinput@ucluelet.ca</td> </tr> </table> | Mail | Email | District of Ucluelet
P.O. Box 999, Ucluelet B.C. VOR 3A0 | communityinput@ucluelet.ca |
| Mail | Email | | | | |
| District of Ucluelet
P.O. Box 999, Ucluelet B.C. VOR 3A0 | communityinput@ucluelet.ca | | | | |
| Attend the Council Meeting in-person or by Zoom: | <table border="0"> <tr> <td style="vertical-align: top;">Attend In-Person</td> <td style="vertical-align: top;">Attend by Zoom or Telephone</td> </tr> <tr> <td>George Fraser Room, Ucluelet Community Centre,
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REPORT TO COUNCIL

Council Meeting: April 25, 2023

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: JOHN TOWGOOD, MUNICIPAL PLANNER

FILE NO: 3360-20 RZ23-03

SUBJECT: ADDITION OF DAYCARE CENTRE USE TO THE CS-2 ZONE AND A CLEANUP OF SECTION 403 **REPORT NO:** 23- 56

ATTACHMENT(S): APPENDIX A – UCLUELET ZONING AMENDMENT BYLAW NO. 1326, 2023

RECOMMENDATION(S):

THAT Council, give first and second reading to *District of Ucluelet Zoning Amendment Bylaw No. 1326, 2023*, and direct staff to give notice for a public hearing.

DISCUSSION:

The proposed bylaw attached in **Appendix "A"** contemplates two separate amendments to *District of Ucluelet Zoning Bylaw 1160, 2013*:

Allow a Secondary suite use to coexist with a Bed and Breakfast (B&B) use

Ucluelet Zoning Amendment Bylaw No. 1310, 2022, was adopted on September 6, 2022. One of the goals of this amendment bylaw was to allow a secondary suite to coexist on a property with an ADU or a B&B. Bylaw 1310 replaced Section 404 of the zoning bylaw with a new set of regulatory text that among other things allowed a secondary suite to coexist on a property with an ADU or a B&B.

Planning and Building staff recently noted that Section 403.2 of the zoning bylaw still includes a restrictive clause that prohibits a secondary suite from coexisting with a B&B use:

"(2) must not be established or operate in a single-family dwelling that is used as a Bed & Breakfast or Guest House."

The draft Bylaw No. 1326 would amend the zoning bylaw to reflect the intent of the changes enacted with Bylaw No. 1310 including allowing a secondary suite use to coexist with a B&B use. The following clause would replace the existing clause 403.2 above to remove reference to Bed and Breakfast as follows:

"(2) Must not be established or operate in a single family dwelling that is being used as a Guest House."

Allow the Daycare Centre use in the CS-2 zone

Planning Staff have received a Development Permit application for a multi-use building that would include a *Daycare Centre* use located at 2091 Peninsula Road. It was noted that the *Daycare Centre* use is not

currently an allowable use in the CS-2 Service Commercial zone. Daycare Centre is a permitted use in the CS-1 Village Square Commercial zone, but the use was not previously included in CS-2. Allowing a Daycare Centre use in the entire CS-2 zone would broaden the potential sites for adding much-needed childcare facilities in town. This would be a net benefit to the community and has no anticipated negative outcomes. Building a new daycare centre would still require a Development Permit on any commercial property. The draft zoning amendment Bylaw 1326 includes the following:

- A. *Add the following subsection (p) to section CS-2.1.1(1) in alphanumerical order as follows: “(p) Daycare Centre.”*

POLICY OR LEGISLATIVE IMPACTS:

These zoning amendments are consistent with the overall objectives of the Official Community Plan.

ANALYSIS OF OPTIONS

A	Give first and second reading of Bylaw No. 1326, 2023 and direct staff to give notice for a public hearing.	<u>Pros</u>	<ul style="list-style-type: none"> • Would allow Secondary Suites and B&B’s to coexist where permitted in residential zones. • Would extend Daycare Centre use in the CS-2 zone.
		<u>Cons</u>	<ul style="list-style-type: none"> • Unknown at this time.
		<u>Implications</u>	<ul style="list-style-type: none"> • Would allow the bylaw to proceed to a public hearing. • Staff time required to arrange public hearing and follow-up report.
B	Amend the draft zoning bylaw prior to 2 nd reading by stating which and how elements or features are to be modified.	<u>Pros</u>	<ul style="list-style-type: none"> • Modifying the zoning bylaw would ensure Council’s intent for the bylaw is met.
		<u>Cons</u>	<ul style="list-style-type: none"> • Unknown at this time.
		<u>Implications</u>	<ul style="list-style-type: none"> • Modifying the zoning bylaw would require additional staff time.
		<u>Suggested Motion</u>	THAT Council direct staff to modify the draft District of Ucluelet Zoning Amendment Bylaw No. 1326, 2023, to (state desired outcome of amendments).
C	Reject the application.	<u>Pros</u>	<ul style="list-style-type: none"> • Would maintain zoning bylaw as written.
		<u>Cons</u>	<ul style="list-style-type: none"> • Would prohibit Secondary Suites and B&B’s to coexist – which could result in the loss of secondary suites. • Would continue to prohibit Daycare Centre use in the CS-2 zone.
		<u>Implications</u>	<ul style="list-style-type: none"> • The proposed daycare at 2091 Peninsula Road could not proceed as presented.

		<u>Suggested Motion</u>	<i>No motion required.</i>
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NEXT STEPS:

If Council gives first and second readings to Zoning Amendment Bylaw No. 1326, 2023, staff will undertake the necessary notification for a public hearing to be held on the bylaw at a date to be determined.

Respectfully submitted: John Towgood, Municipal Planner
 Bruce Greig, Director of Community Planning
 Duane Lawrence, CAO



DISTRICT OF UCLUELET

Minutes Excerpts from the April 25, 2023 Regular Council Meeting

7.3 Addition of Daycare Centre use to the CS-2 Zone and a Cleanup of Section 403

John Towgood, Municipal Planner

Bruce Greig, Director of Community Planning, presented this report and outlined the proposed Amendment Bylaw.

Councillor Kennington recused himself at 4:50 PM due to a conflict of interest.

2023.2128.REGULAR

It was moved and seconded **THAT** Council, give first and second reading to District of Ucluelet Zoning Amendment Bylaw No. 1326, 2023, and direct staff to give notice for a public hearing.

CARRIED.

DISTRICT OF UCLUELET**Zoning Amendment Bylaw No. 1328, 2023**

A bylaw to amend the "District of Ucluelet Zoning Bylaw No. 1160, 2013".

(R-2 Zone - 1633 Holly Crescent)

WHEREAS the District of Ucluelet Council by Bylaw No. 1160, 2013, adopted the Zoning Bylaw and now deems it appropriate to amend the Zoning Bylaw;

NOW THEREFORE the Council of the District of Ucluelet, in open meeting assembled, enacts as follows:

1. Map Amendment:

Schedule A (Zoning Map) of District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by changing the zoning designation of Lot 22 District Lot 282 Clayoquot Land District Plan VIP30931 (PID: 001-197-843 at 1633 Holly Crescent), shown shaded on the map attached to this Bylaw as Appendix "A", from R-1 Single Family Residential to R-2 Medium Density Residential.

2. Text Amendment:

Schedule B of the District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by replacing section R-2 – Medium Density Residential as follows:

"R-2 Zone – MEDIUM DENSITY RESIDENTIAL**R-2.1 Permitted Uses:**

R-2.1.1 The following uses are permitted, but secondary permitted uses are only permitted in conjunction with a principal permitted use:

- 1) Principal:
 - a. Single Family Dwelling
- 2) Secondary:
 - a. Bed and Breakfast
 - b. Home Occupation
 - c. Secondary Suite
 - d. Accessory Residential Dwelling Unit

R-2.1.2 The following uses are permitted, but secondary permitted uses are only permitted in conjunction with a principal permitted use:

- 1) Principal:
 - a. Duplex Dwelling
 - b. Multiple Family Residential

- i. Despite the above, Multiple Family Residential is not permitted on Lots 3, 4, 5 and 6 of Plan VIP76238.

2) Secondary:

- a. Home Occupation

R-2.1.3 The following uses are permitted, with no secondary permitted uses:

1) Principal:

- a. Moderate Level Support Services Housing

R-2.1.4 Notwithstanding other regulations in this bylaw, on the lands legally described as Lot 22 District Lot 282 Clayoquot Land District Plan VIP30931 (PID: 001-197-843, 1633 Holly Crescent) only the following uses are permitted but *secondary permitted uses* are only permitted in conjunction with a *principal permitted use*:

1) Principal:

- a) Duplex Dwelling

2) Secondary Uses:

- a) One secondary suite in conjunction with each Duplex dwelling unit
- b) Home occupation

R-2.2 Lot Regulations:

R-2.2.1 Minimum Lot Size:

- 1) Single Family Dwelling: 650 m² (7,000 ft²)
- 2) Duplex Dwelling: 750 m² (8,075 ft²)
 - a. Despite the above, the minimum lot size is 734 m² (7,901 ft²) for a Duplex Dwelling on Strata Plan 1004 containing the following Strata lots:
 - i. Strata Lot 1, District Lot 282, Clayoquot District, Strata Plan 1004 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1 (PID 000-856-258); and
 - ii. Strata Lot 2, District Lot 282, Clayoquot District, Strata Plan 1004, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1 (PID 000-856-282). [Zoning Amendment Bylaw No. 1261, 2020]
- 3) Multiple Family Residential: 1,000 m² (¼ acre), but 878 m² for a “Moderate Level Support Services Housing” development on PID: 002-407-299 Lot 11, District Lot 282, Clayoquot District, Plan 26711 (1686 Bay Street).

R-2.2.2 Minimum Lot Frontage:

- 1) Single Family Dwelling: 18 m (60 ft)
- 2) Duplex Dwelling: 20 m (66 ft)
- 3) Multiple Family Residential: 23 m (75 ft)

R-2.2.3 Minimum Lot Width: N/A

R-2.2.4 Minimum Lot Depth: N/A

R-2.3 Density:

R-2.3.1 Maximum Density:

- 1) Single Family Dwelling: 1 per lot, or
- 2) Duplex Dwelling: 1 per lot, or
- 3) Multiple Family Residential
 - a) Base Density: 30 units/hectare per lot
 - b) Bonus Density – Level 1: 40 units/ hectare per lot on the provision of minimum 70% of the required off-street parking being provided underground or concealed within the building on the lot.
 - c) Despite the above, four (4) units are permitted for a “Moderate Level Support Services Housing” development on PID: 002-407-299 Lot 11, District Lot 282, Clayoquot District, Plan 26711 (1686 Bay Street).

R-2.3.2 Maximum Floor Area Ratio:

- 1) Single Family Dwelling: 0.50
- 2) Duplex Dwelling: 0.70
- 3) Multiple Family Residential: 0.70

R-2.3.3 Maximum Lot Coverage:

- 1) Single Family Dwelling: 35%
- 2) Duplex Dwelling: 35%
- 3) Multiple Family Residential: 40%

R-2.4 Maximum Size (Gross Floor Area):

R-2.4.1 Principal Building: N/A

R-2.4.2 Accessory Buildings: 60 m² (645 ft²) combined total**R-2.5 Maximum Height:**

R-2.5.1 Principal Buildings & Structures:

- 1) Single Family Dwelling: 8.5 m (28 ft) or 2 ½ storey
- 2) Duplex Dwelling: 8.5 m (28 ft) or 2 ½ storey
- 3) Multiple Family Residential: 11 m (36 ft) or 3 storey

R-2.5.2 Accessory Buildings & Structures: 5.5 m (18 ft)

R-2.6 Minimum Setbacks:

R-2.6.1 The following minimum setbacks apply, as measured from the *front lot line, rear lot line* and *side lot lines(s)*, respectively:

	a) Front Yard Setback	b) Rear Yard Setback	c) Side yard – Interior Setback	d) Side yard – Interior Setback
1) Principal SFD/ Duplex	7.5 m (25 ft)	6 m (20 ft)	1.5 m (5 ft)	5 m (16.5 ft)
2) Principal Other	6 m (20 ft)	6 m (20 ft)	6 m (20 ft)	6 m (20 ft)
3) Accessory	7.5 m (25 ft)	1.5 m (5 ft)	5 m (16.5 ft)	1.5 m (5 ft)

Schedule A to District of Ucluelet Zoning Amendment Bylaw No. 1328, 2023

From: R-1 zone Single-Family Residential
To: R-2 zone Medium Density Residential





Public Notice: Zoning Amendment Bylaws & Temporary Use Permit

Notice is hereby given pursuant to Section 464 and 466 of the *Local Government Act* that Public Hearings will be held on the following proposed Bylaws during a Special Council Meeting at the **George Fraser Room** in the **Ucluelet Community Centre, 500 Matterson Drive, Ucluelet B.C., May 16, 2023**, commencing at **5:00 pm**. Pursuant to Section 494 of the *Local Government Act*, public notice is hereby given that the District of Ucluelet will consider the following Temporary Use Permit during the same Special Council Meeting.

District of Ucluelet Zoning Amendment Bylaw 1327, 2023
Application Number: RZ22-08
Location: 2108 Peninsula Road **Legal Description:** PID 025926861, Lot 22, Plan VIP76147, District Lot 284, Clayoquot Land District
Purpose: In general terms, the purpose of this bylaw is to amend the District of Ucluelet Zoning Bylaw No. 1160, 2013 by changing the designation of this property from CD.1 "Industrial" to CD-1 "Industrial Residential", removing some industrial uses and permitting Secondary Suite and Tourist Accommodation Suite as secondary uses on the property.

Site Map

District of Ucluelet Zoning Amendment Bylaw 1328, 2023
Application Number: RZ23-02
Location: 1633 Holly Crescent **Legal Description:** PID 001197843, Lot 22, Plan VIP30931, District Lot 282, Clayoquot Land District
Purpose: In general terms, the purpose of this bylaw is to amend the District of Ucluelet Zoning Bylaw No. 1160, 2013 by changing the designation of this property from R-1 "Single-Family Residential" to R-2 "Medium Density Residential", allowing one secondary suite in each duplex unit.

Site Map

District of Ucluelet Zoning Amendment Bylaw 1326, 2023
Application Number: RZ23-03
Purpose: In general terms, the purpose of this bylaw is to amend the District of Ucluelet Zoning Bylaw No. 1160, 2013 by adding *Daycare Center* as a permitted use in the CS-2 "Service Commercial" zone, and by removing duplicate and outdated language from S. 404 "Secondary Suites".

District of Ucluelet Temporary Use Permit 23-07
Application Number: TUP23-07
Location: 1633 Holly Crescent **Legal Description:** PID 001197843, Lot 22, Plan VIP30931, District Lot 282, Clayoquot Land District
Purpose: In general terms, the purpose of this permit is to allow a vacation rental use in a proposed secondary suite at 1633 Holly Crescent for a period of three years.

Anyone who believes these applications will affect their interests may make a written submission and/or will be given an opportunity to be heard at the Public Hearing and Special Council Meeting as follows:

- | | | | | | |
|--|---|-------------------------|------------------------------------|--|--|
| Participate by Written Submission: | All written submissions must include your name and street address. Subject line should contain the application number you are responding to. Any submissions dropped-off or mailed to the District office, must be received before the start of the Council Meeting. Written submissions are considered part of the public record pursuant to the <i>Freedom of Information and Protection of Privacy Act</i> . | | | | |
| Drop-off at the District Office | <table border="0"> <tr> <td style="vertical-align: top;">Mail</td> <td style="vertical-align: top;">Email</td> </tr> <tr> <td>District of Ucluelet
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- Questions?** Contact the District of Ucluelet's Planning Department at 250-726-7744 or mwhitneybrown@ucluelet.ca



REPORT TO COUNCIL

Council Meeting: April 25th, 2023
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: MONICA WHITNEY-BROWN

FILE NO: 3360-20 RZ23-02

SUBJECT: REZONING APPLICATION 23-02 – 1633 HOLLY CRESCENT

REPORT NO: 23- 55

ATTACHMENT(s): APPENDIX A – APPLICATION
APPENDIX B – UCLUELET ZONING AMENDMENT BYLAW NO. 1328, 2023

RECOMMENDATION(S):

1. **THAT** Council give first and second reading to *District of Ucluelet Zoning Amendment Bylaw No. 1328, 2023*.
2. **THAT** Council refer *District of Ucluelet Zoning Amendment Bylaw No. 1328, 2023* to a public hearing.

BACKGROUND:

The applicant first contacted the District in January 2023, to discuss options for permitting secondary suites or B&B suites to be constructed on the property at 1633 Holly Crescent (PID 001197843, Lot 22, Plan VIP30931, District Lot 282, Clayoquot Land District – the “**subject property**”).

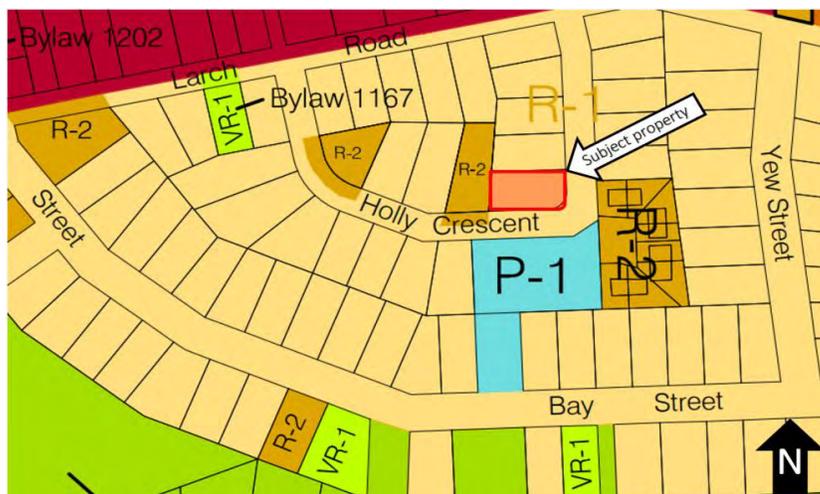


Figure 1- Subject Property

The property is currently zoned R-1 Single Family Residential. This zone allows a principal permitted use of Single-Family Dwelling, with secondary Bed and Breakfast, Home Occupation, Secondary Suite and Accessory Residential Dwelling Unit uses. The house on site was lawfully constructed in 1979 as a duplex. In 1999 Bylaw No. 800 was adopted, rezoning the subject property (as well as multiple other properties) to R-1 single-family dwelling in a blanket rezoning - placing these properties into a lawfully non-conforming status by applying zoning for other uses. The long-standing duplex use on the subject property is therefore not a permitted use under the current zoning, but can continue as a lawfully non-conforming use under Section 528 of the *Local Government Act*.

The applicant's family members live in one half of the duplex, and the other half is rented-long term to a tenant who has lived there for some time. The applicant was originally hoping to renovate a carport area within their duplex unit to build a suite for long- or short-term rental, as permitted under the R-1 zoning. However, section 404(3) of the *Ucluelet Zoning Bylaw No. 1160, 2013*, specifically states that B&B uses must not be located in a duplex, and secondary suites are not a permitted accessory use to a duplex in the R-1 zone.

In order to pursue their desired uses under the current zoning, the applicant would be required to renovate and remove the duplex use, which would displace their tenant. The applicant would prefer to keep a long-term Ucluelet resident housed in the other half of their duplex. They are seeking a rezoning to R-2 Medium Density Residential, to allow *Duplex Dwelling* as the primary permitted use, with accessory secondary suite uses.

DISCUSSION:

While the applicant initially planned to develop a B&B suite, after discussing the options they have chosen to pursue a rezoning which will better support their needs and provide benefit to the community. The applicants are seeking to rezone to R-2 and add site-specific zoning to allow one secondary suite to be built in conjunction with each duplex unit. At maximum buildout, this property could then have four dwelling units: two principal duplex units and two secondary suites.

While the proposed rezoning represents an increase from R-1 to R-2, including a corresponding increase in Floor Area Ratio (FAR), the increased density of the potential number of dwellings is minor. Under current zoning, properties with the R-1 designation can have a single-family dwelling, up to three B&B suites, a secondary suite, and an accessory dwelling unit (provided they meet parking and siting requirements). This represents a potential density of three dwelling units plus three guest accommodation units - a greater density of total uses and impacts than is being proposed for 1633 Holly Crescent.

The neighbourhood context supports the rezoning to an R-2 zone, with the adjacent property as well as others on the street already zoned R-2, including a townhouse development directly across the street (see **Figure 1**). The rezoning of this lot to permit up to four dwellings would not be out of step with nearby properties and neighbourhood characteristics.

BC Building Code Implications:

Permitting secondary suites within a duplex is in line with recent updates to the BC Building Code. In 2019, the Province of British Columbia amended the BC Building Code to allow secondary suites to be built in a variety of housing types, including duplexes and row housing, and removed size restrictions for secondary suites (**Fig. 2**). The BC Code historically limited the size of secondary suites and only permitted them in single detached houses. These changes were made to encourage creation of more affordable and rental housing units while still providing an acceptable level of health and fire safety to occupants.

Many municipalities throughout BC have taken steps to amend their zoning bylaws to mirror these changes, permitting secondary suites as accessory uses to duplexes. While the District of Ucluelet has not yet taken these steps, Council may wish to consider this use throughout the District as one more potential tool to address much-needed long-term housing units. The application at hand is in line with the current BC Building Code and provincial policy on secondary suites and duplex housing. The applicants will apply for a building permit should they be successful in obtaining rezoning.

Proposed Zoning BylawAmendment (and housekeeping)

Although the proposed rezoning would require only the addition of a new subsection R-2.1.4 to the R-2 zone in Bylaw No. 1160, the amendment bylaw attached replaces Section R-2 entirely. In the current version of the consolidated zoning bylaw there are numbering errors. The bylaw notes the following in Section R-2: “Please note that the numbering is inconsistent for this zone and will be corrected in future bylaws”. The current amendment is an opportunity to make these corrections, and the attached bylaw creates proper numbering for the R-2 section and subsections.

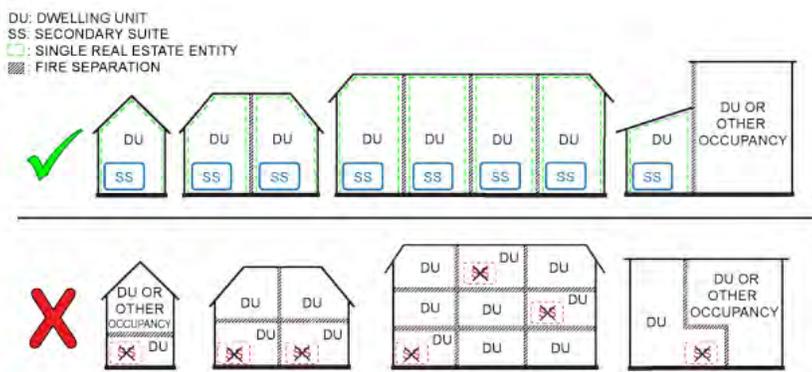


Figure 2 – BC Building Code Updates to Secondary Suite Formations

Temporary Use Permit:

The applicant has stated that their intent in seeking this rezoning is to permit secondary suite uses on their property in order to eventually provide long-term housing to a resident in the District of Ucluelet and/or provide options for aging-in-place and inter-generational living within their household. The applicants are long-term Ucluelet residents, and their application would help ensure they can remain in the community. However, they would like to seek a Temporary Use Permit to allow them to rent one secondary suite in their home as a short-term rental for a temporary period, to help cover the cost of the renovation.

The applicants are seeking a Temporary Use Permit in conjunction with this rezoning application, to allow them to operate a short-term rental for a period of up to three years. Temporary Use Permits are an effective way to manage tourist commercial accommodations in residential zones, as they are subject to public comment and additional Council scrutiny, and are merely temporary uses, so do not alter the underlying value of the home.

If Council gives first and second reading to the proposed rezoning bylaw, Staff will give notice and bring the Temporary Use Permit application to Council for consideration at a future date (at the same meeting as the public hearing for this rezoning).

ANALYSIS OF OPTIONS:

A	Give first and second reading of Bylaw No. 1328, 2023 and direct	<u>Pros</u>	<ul style="list-style-type: none"> Would allow increased long-term residential uses on the subject property. Would remove legal non-conforming use on the property and establish compliance with the current zoning bylaw. Aligns with current BC Building Code standards. Would allow public feedback on the proposed rezoning.
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	staff to give notice for a public hearing.	<u>Cons</u>	<ul style="list-style-type: none"> • Would result in increased density on the property.
		<u>Implications</u>	<ul style="list-style-type: none"> • Staff time required to arrange public hearing and follow up reports, including Temporary Use Permit for this property.
B	Amend the draft zoning bylaw prior to 2nd reading by stating which and how elements or features are to be modified.	<u>Pros</u>	<ul style="list-style-type: none"> • Modifying the zoning bylaw could ensure Council's intent for the bylaw is met (if required).
		<u>Cons</u>	<ul style="list-style-type: none"> • Unknown at this time.
		<u>Implications</u>	<ul style="list-style-type: none"> • Modifying the zoning bylaw would require additional staff time.
		<u>Suggested Motion</u>	THAT Council direct staff to modify the draft District of Ucluelet Zoning Amendment Bylaw No. 1328, 2023, to (state desired outcome of amendments).
C	Reject the application.	<u>Pros</u>	<ul style="list-style-type: none"> • Would maintain the zoning bylaw as written.
		<u>Cons</u>	<ul style="list-style-type: none"> • Would not increase the long-term residential uses permitted on site. • Would maintain legal non-conforming use.
		<u>Implications</u>	<ul style="list-style-type: none"> • The rezoning proposed at 1633 Holly Crescent could not proceed as presented.
		<u>Suggested Motion</u>	No motion is required.

POLICY OR LEGISLATIVE IMPACTS:

The application is consistent with the *Official Community Plan* and *Local Government Act*.

NEXT STEPS:

- If Council gives first and second readings to Zoning Amendment Bylaw No. 1328, 2023, staff will undertake the necessary notification for a public hearing to be held on the Bylaw at a date to be determined. Staff will also give notice and draft a Temporary Use Permit for Council's consideration at the same meeting.

Respectfully submitted: Monica Whitney-Brown, Planning Assistant
Bruce Greig, Director of Community Planning
Duane Lawrence, CAO

Development Application

District of Ucluelet

Planning Department
 200 Main Street, Ucluelet, BC
 VOR 3A0, PO. Box 999
 tel 250-726-4770, fax 250 726 7335



Type of Application

An application is submitted for one or more of the following:

- | | |
|--|--|
| <input type="checkbox"/> Official Community Plan Amendment | <input type="checkbox"/> Development Variance Permit |
| <input type="checkbox"/> Zoning Bylaw Amendment | <input type="checkbox"/> Temporary Use Permit |
| <input type="checkbox"/> Development Permit (no variances) | <input type="checkbox"/> Board of Variance |
| <input type="checkbox"/> Development Permit (with variances) | <input type="checkbox"/> Strata Conversion |
| <input type="checkbox"/> Development Permit Amendment | <input type="checkbox"/> Subdivision |

Description of Property

Civic Address (es): 1633 Holly Crescent

Legal Description: Lot 22 Plan VIP30931 Block _____ Section _____ DL 282

Applicant Information

Notice of Disclosure to Applicant(s): The following contact information will be available to the public and may be posted on the Districts' website to allow interested parties to contact you about this application.

Applicant name: Vaida Siga Company name: _____
 Mailing address: _____ Postal Code: VOR 3A0
 Tel: _____ Cell: _____
 Email: _____ Fax: _____

The undersigned owner/authorized agent of the owner makes an application as specified herein, and declares that the information submitted in support of the application is true and correct in all respects.

Applicant Signature: Vaida Siga Date: 27 Feb 2023

Registered Owner(s)

List all registered owners. For strata properties, provide accompanying authorization from all strata owners (not just strata corp.). If the owner is an incorporated company/society, attach a current corporate/society search or "notice of directors".

Registered Owner (s) name: Vaida Colleen Siga
 Mailing address: _____ Postal Code: VOR 3A0
 Tel: _____ Cell: _____
 Email: _____ Fax: _____

Freedom of Information and Protection of Privacy Act (FOIPPA): Personal information is collected, used and disclosed under the authority of the Local Government Act, and section 26 (c) of the FOIPPA. The information will be used for the purpose of processing this application.

Owner Signature: Vaida Siga Date: 27 Feb 2023

Office Use Only:

Folio No.: <u>128-071</u>	File No.: <u>RZ 23-02</u>	Date: <u>Feb 27/23</u>	Receipt No.:	Fee: <u>\$ 2230-00</u>
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Schedule A, Bylaw 1164, 2015

June 2015

(\$ 2200 RZ
 \$ 30 title
 fee)



Statement of Intent for Rezoning of 1633 Holly Crescent – Lot 22, Plan VIP30931, District Lot 282

27 February 2023

The existing structure on 1633 Holly Crescent is a duplex built in 1972 by [REDACTED] on a corner lot on Holly Crescent. I, Vaida Colleen Siga, purchased the duplex in 1985. Intent of the purchase was to provide rental housing locally and eventually provide retirement income as I had withdrawn my federal nursing pension contributions to purchase the property.

Renovations are again needed and I asked my son Jamieson Cole Nauffts to have plans drawn up for the renovation and submit them to the Municipality of Ucluelet for approval. The existing carport area is seldom used as a carport and allows cold and moisture to seep up to the unit above so the plan was to enclose this area and thus expand the rentable space while improving the heat retention of the existing unit upstairs. The existing rental units are 3 bedroom and are mirror images on one another. My plan was to complete renovations on one side and then the other. Since my son currently lives in one side and identified the need for renovations I proposed to have his side completed first since he has some background in construction and electrical and I am old and have absolutely none. Based on how this renovation goes I would then hope to proceed to upgrade the other side.

Currently there are two people living in one side of the duplex and one living in the other side. The lower floor of each side of the duplex has a single small bathroom and bedroom and the rest is carport and storage. Enclosing and developing the downstairs area on each side of the duplex would provide 4 long term rental units on the property. My plan was to renovate one side, seek a temporary use permit to allow my son and his partner to rent the new unit as a B&B to recoup funds, then renovate the other side. Once renovation is complete there would be 4 longterm rental units instead of 2.

My son had discussions with a local contractor and proceeded to have plans drawn up for the renovation on my behalf and a development permit was submitted. Unfortunately I was unaware that the zoning on the duplex is now R1 under the OCP and is considered non-conforming. This rezoning application is being submitted to address the existing non-conforming status, allow me to do much needed upgrades to the rental and have the upgrades eventually allow 4 rental units. The plan fits with using existing infrastructure to increase rental availability.

The property has ample space to create the 6 parking spaces as required. Current driveways are large and could accommodate 3 vehicles.

R.N. ACRES, B.C.L.S.
RESIDENCE: 724-3754

SITE CERTIFICATE

4710 ROGER STREET
PORT ALBERNI, B.C.
V9Y 3Z

APPENDIX A

D.M. POLLOCK, B.A., B.C.L.S.
RESIDENCE: 723-7760

723-541

Acres & Pollock

BRITISH COLUMBIA LAND SURVEYORS
LEGAL, TOPOGRAPHICAL, RIGHT OF WAY AND FORESHORE SURVEYS
SUB-DIVISION DESIGN

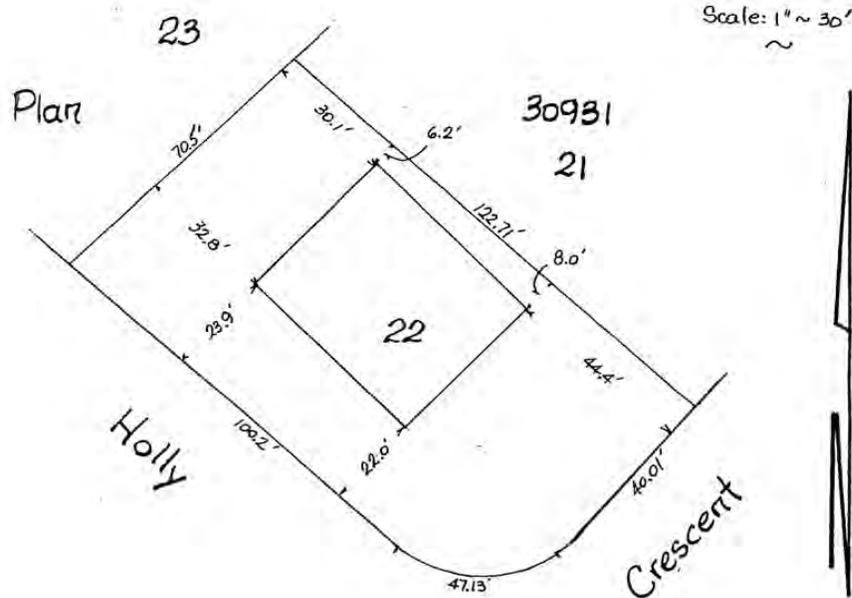
SEP 26 2022

Jim Roth,
Barrister and Solicitor,
Box 909,
Ucluelet, B.C.
V0R 3A0

RE: House constructed on Lot 22, D.L. 282,
Clayoquot District, Plan 30931.
(Nauffts) 347 Holly Crescent

OUR FILE : 11024

LOT
SURVEY
PLAN



©1992 THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED

CERTIFIED CORRECT THIS 16th DAY OF April, 1992.

R.N. Acres
B.C.L.S.

NOTE: The measurements shown are the shortest distances between the foundation of the building and the adjacent boundaries of the parcel. This document is not intended for property line re-establishment and we accept no responsibility for unauthorized use.

DISTRICT OF UCLUELET**Zoning Amendment Bylaw No. 1328, 2023**

A bylaw to amend the “District of Ucluelet Zoning Bylaw No. 1160, 2013”.

(R-2 Zone - 1633 Holly Crescent)

WHEREAS the District of Ucluelet Council by Bylaw No. 1160, 2013, adopted the Zoning Bylaw and now deems it appropriate to amend the Zoning Bylaw;

NOW THEREFORE the Council of the District of Ucluelet, in open meeting assembled, enacts as follows:

1. Map Amendment:

Schedule A (Zoning Map) of District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by changing the zoning designation of Lot 22 District Lot 282 Clayoquot Land District Plan VIP30931 (PID: 001-197-843 at 1633 Holly Crescent), shown shaded on the map attached to this Bylaw as Appendix "A", from R-1 Single Family Residential to R-2 Medium Density Residential.

2. Text Amendment:

Schedule B of the District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by replacing section R-2 – Medium Density Residential as follows:

“R-2 Zone – MEDIUM DENSITY RESIDENTIAL**R-2.1 Permitted Uses:**

R-2.1.1 The following uses are permitted, but secondary permitted uses are only permitted in conjunction with a principal permitted use:

- 1) Principal:
 - a. Single Family Dwelling
- 2) Secondary:
 - a. Bed and Breakfast
 - b. Home Occupation
 - c. Secondary Suite
 - d. Accessory Residential Dwelling Unit

R-2.1.2 The following uses are permitted, but secondary permitted uses are only permitted in conjunction with a principal permitted use:

- 1) Principal:
 - a. Duplex Dwelling
 - b. Multiple Family Residential

- i. Despite the above, Multiple Family Residential is not permitted on Lots 3, 4, 5 and 6 of Plan VIP76238.

2) Secondary:

- a. Home Occupation

R-2.1.3 The following uses are permitted, with no secondary permitted uses:

1) Principal:

- a. Moderate Level Support Services Housing

R-2.1.4 Notwithstanding other regulations in this bylaw, on the lands legally described as Lot 22 District Lot 282 Clayoquot Land District Plan VIP30931 (PID: 001-197-843, 1633 Holly Crescent) only the following uses are permitted but *secondary permitted uses* are only permitted in conjunction with a *principal permitted use*:

1) Principal:

- a) Duplex Dwelling

2) Secondary Uses:

- a) One secondary suite in conjunction with each Duplex dwelling unit
- b) Home occupation

R-2.2 Lot Regulations:

R-2.2.1 Minimum Lot Size:

- 1) Single Family Dwelling: 650 m² (7,000 ft²)
- 2) Duplex Dwelling: 750 m² (8,075 ft²)
 - a. Despite the above, the minimum lot size is 734 m² (7,901 ft²) for a Duplex Dwelling on Strata Plan 1004 containing the following Strata lots:
 - i. Strata Lot 1, District Lot 282, Clayoquot District, Strata Plan 1004 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1 (PID 000-856-258); and
 - ii. Strata Lot 2, District Lot 282, Clayoquot District, Strata Plan 1004, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1 (PID 000-856-282). [Zoning Amendment Bylaw No. 1261, 2020]
- 3) Multiple Family Residential: 1,000 m² (¼ acre), but 878 m² for a “Moderate Level Support Services Housing” development on PID: 002-407-299 Lot 11, District Lot 282, Clayoquot District, Plan 26711 (1686 Bay Street).

R-2.2.2 Minimum Lot Frontage:

- 1) Single Family Dwelling: 18 m (60 ft)
- 2) Duplex Dwelling: 20 m (66 ft)
- 3) Multiple Family Residential: 23 m (75 ft)

R-2.2.3 Minimum Lot Width: N/A

R-2.2.4 Minimum Lot Depth: N/A

R-2.3 Density:**R-2.3.1 Maximum Density:**

- 1) Single Family Dwelling: 1 per lot, or
- 2) Duplex Dwelling: 1 per lot, or
- 3) Multiple Family Residential
 - a) Base Density: 30 units/hectare per lot
 - b) Bonus Density – Level 1: 40 units/ hectare per lot on the provision of minimum 70% of the required off-street parking being provided underground or concealed within the building on the lot.
 - c) Despite the above, four (4) units are permitted for a “Moderate Level Support Services Housing” development on PID: 002-407-299 Lot 11, District Lot 282, Clayoquot District, Plan 26711 (1686 Bay Street).

R-2.3.2 Maximum Floor Area Ratio:

- 1) Single Family Dwelling: 0.50
- 2) Duplex Dwelling: 0.70
- 3) Multiple Family Residential: 0.70

R-2.3.3 Maximum Lot Coverage:

- 1) Single Family Dwelling: 35%
- 2) Duplex Dwelling: 35%
- 3) Multiple Family Residential: 40%

R-2.4 Maximum Size (Gross Floor Area):

R-2.4.1 Principal Building: N/A

R-2.4.2 Accessory Buildings: 60 m² (645 ft²) combined total**R-2.5 Maximum Height:****R-2.5.1 Principal Buildings & Structures:**

- 1) Single Family Dwelling: 8.5 m (28 ft) or 2 ½ storey
- 2) Duplex Dwelling: 8.5 m (28 ft) or 2 ½ storey
- 3) Multiple Family Residential: 11 m (36 ft) or 3 storey

R-2.5.2 Accessory Buildings & Structures: 5.5 m (18 ft)

R-2.6 Minimum Setbacks:

R-2.6.1 The following minimum setbacks apply, as measured from the *front lot line, rear lot line* and *side lot lines(s)*, respectively:

	a) Front Yard Setback	b) Rear Yard Setback	c) Side yard – Interior Setback	d) Side yard – Interior Setback
1) Principal SFD/ Duplex	7.5 m (25 ft)	6 m (20 ft)	1.5 m (5 ft)	5 m (16.5 ft)
2) Principal Other	6 m (20 ft)	6 m (20 ft)	6 m (20 ft)	6 m (20 ft)
3) Accessory	7.5 m (25 ft)	1.5 m (5 ft)	5 m (16.5 ft)	1.5 m (5 ft)

Schedule A to District of Ucluelet Zoning Amendment Bylaw No. 1328, 2023

From: R-1 zone Single-Family Residential
To: R-2 zone Medium Density Residential





DISTRICT OF UCLUELET

Minutes Excerpts from the April 25, 2023 Regular Council Meeting

7.1 **Rezoning Application 23-02 - 1633 Holly Crescent** *Monica Whitney-Brown, Planning Assistant*

Councillor Kennington recused himself due to a conflict of interest and left the meeting at 4:26 PM.

Ms. Whitney-Brown presented this report.

The Applicant, Vaida Siga, provided background on the purchase of the property which is intended to create sustainable housing for applicant to age in.

Council discussed the blanket rezoning referred to in the report and Staff responded to questions related to this blanket rezoning.

A member of the public named Erik Larsen was invited to provide background about the blanket rezoning because he was a Council member when it was adopted. Mr. Larsen provided background on the blanket rezoning and its relationship the Official Community Plan adopted in 1999. He noted that his property on Eber Road is also affected by the blanket rezoning.

Council discussed the value of creating additional long-term housing as well as the proposed temporary use permit for one Bed and Breakfast unit on site, to be considered at a later date.

2023.2124.REGULAR It was moved and seconded THAT Council give first and second reading to District of Ucluelet Zoning Amendment Bylaw No. 1328, 2023.

CARRIED.

2023.2125.REGULAR It was moved and seconded THAT Council refer District of Ucluelet Zoning Amendment Bylaw No. 1328, 2023 to a public hearing.

CARRIED.



REPORT TO COUNCIL

Council Meeting: May 16, 2023

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: MONICA WHITNEY-BROWN, PLANNING ASSISTANT **FILE NO:** 3360-20 RZ23-02

SUBJECT: DISTRICT OF UCLUELET ZONING AMENDMENT BYLAW
No. 1328, 2023 (1633 HOLLY CRESCENT) **REPORT NO:** 23-70

ATTACHMENT(S): APPENDIX A - UCLUELET ZONING AMENDMENT BYLAW NO. 1328, 2023

RECOMMENDATION(S):

THAT Council give third reading to *District of Ucluelet Zoning Amendment Bylaw No. 1328, 2023*.

THAT Council adopt *District of Ucluelet Zoning Amendment Bylaw No. 1328, 2023*.

BACKGROUND:

District of Ucluelet Zoning Amendment Bylaw No. 1328, 2023, received first and second reading at the April 25, 2023, Regular Council meeting. Notification was completed and a public hearing on the bylaw was held prior to this report as part of this Council Meeting. For background information please see the public hearing agenda item related to this Bylaw.

ANALYSIS OF OPTIONS

Since a public hearing has been conducted, Council is in a position to consider third reading and adoption of Bylaw No. 1328.

A	Consider 3 rd reading and adoption of <i>District of Ucluelet Zoning Amendment Bylaw No. 1328, 2023</i> .	<u>Pros</u>	<ul style="list-style-type: none"> Adopting the bylaw would allow the applicant to proceed with their home renovation and use as described.
		<u>Cons</u>	<ul style="list-style-type: none"> No negative consequences are anticipated.
		<u>Implications</u>	<ul style="list-style-type: none"> Additional staff time to review building permits as they are submitted.

B	Provide alternative direction or reject the proposed zoning amendment.	<u>Pros</u>	<ul style="list-style-type: none"> Ensures the zoning continues to meet the objectives of Council. If rejected, the original intent of the zoning will be maintained.
		<u>Cons</u>	<ul style="list-style-type: none"> Unknown at this time.
		<u>Implications</u>	<ul style="list-style-type: none"> Staff time to prepare an amended bylaw. If the bylaw is amended a new public hearing would be required.
		<u>Suggested Motion</u>	THAT Council direct staff to (amend/reject) <i>Ucluelet Zoning Amendment Bylaw No. 1328, 2023</i> .

POLICY OR LEGISLATIVE IMPACTS:

The adoption of *District of Ucluelet Zoning Amendment Bylaw No. 1328, 2023*, would amend *District of Ucluelet Zoning Bylaw No. 1160, 2013*.

Respectfully submitted: MONICA WHITNEY-BROWN, PLANNING ASSISTANT
 BRUCE GREIG, DIRECTOR OF COMMUNITY PLANNING
 DUANE LAWRENCE, CAO

DISTRICT OF UCLUELET
Zoning Amendment Bylaw No. 1328, 2023

A bylaw to amend the "District of Ucluelet Zoning Bylaw No. 1160, 2013".
(R-2 Zone - 1633 Holly Crescent)

WHEREAS the District of Ucluelet Council by Bylaw No. 1160, 2013, adopted the Zoning Bylaw and now deems it appropriate to amend the Zoning Bylaw;

NOW THEREFORE the Council of the District of Ucluelet, in open meeting assembled, enacts as follows:

1. Map Amendment:

Schedule A (Zoning Map) of District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by changing the zoning designation of Lot 22 District Lot 282 Clayoquot Land District Plan VIP30931 (PID: 001-197-843 at 1633 Holly Crescent), shown shaded on the map attached to this Bylaw as Appendix "A", from R-1 Single Family Residential to R-2 Medium Density Residential.

2. Text Amendment:

Schedule B of the District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by replacing section R-2 – Medium Density Residential as follows:

"R-2 Zone – MEDIUM DENSITY RESIDENTIAL

R-2.1 Permitted Uses:

R-2.1.1 The following uses are permitted, but secondary permitted uses are only permitted in conjunction with a principal permitted use:

- 1) Principal:
 - a. Single Family Dwelling
- 2) Secondary:
 - a. Bed and Breakfast
 - b. Home Occupation
 - c. Secondary Suite
 - d. Accessory Residential Dwelling Unit

R-2.1.2 The following uses are permitted, but secondary permitted uses are only permitted in conjunction with a principal permitted use:

- 1) Principal:
 - a. Duplex Dwelling
 - b. Multiple Family Residential

- i. Despite the above, Multiple Family Residential is not permitted on Lots 3, 4, 5 and 6 of Plan VIP76238.

2) Secondary:

- a. Home Occupation

R-2.1.3 The following uses are permitted, with no secondary permitted uses:

1) Principal:

- a. Moderate Level Support Services Housing

R-2.1.4 Notwithstanding other regulations in this bylaw, on the lands legally described as Lot 22 District Lot 282 Clayoquot Land District Plan VIP30931 (PID: 001-197-843, 1633 Holly Crescent) only the following uses are permitted but *secondary permitted uses* are only permitted in conjunction with a *principal permitted use*:

1) Principal:

- a) Duplex Dwelling

2) Secondary Uses:

- a) One secondary suite in conjunction with each Duplex dwelling unit
- b) Home occupation

R-2.2 Lot Regulations:

R-2.2.1 Minimum Lot Size:

- 1) Single Family Dwelling: 650 m² (7,000 ft²)
- 2) Duplex Dwelling: 750 m² (8,075 ft²)
 - a. Despite the above, the minimum lot size is 734 m² (7,901 ft²) for a Duplex Dwelling on Strata Plan 1004 containing the following Strata lots:
 - i. Strata Lot 1, District Lot 282, Clayoquot District, Strata Plan 1004 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1 (PID 000-856-258); and
 - ii. Strata Lot 2, District Lot 282, Clayoquot District, Strata Plan 1004, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1 (PID 000-856-282). [Zoning Amendment Bylaw No. 1261, 2020]
- 3) Multiple Family Residential: 1,000 m² (¼ acre), but 878 m² for a “Moderate Level Support Services Housing” development on PID: 002-407-299 Lot 11, District Lot 282, Clayoquot District, Plan 26711 (1686 Bay Street).

R-2.2.2 Minimum Lot Frontage:

- 1) Single Family Dwelling: 18 m (60 ft)
- 2) Duplex Dwelling: 20 m (66 ft)
- 3) Multiple Family Residential: 23 m (75 ft)

R-2.2.3 Minimum Lot Width: N/A

R-2.2.4 Minimum Lot Depth: N/A

R-2.3 Density:

R-2.3.1 Maximum Density:

- 1) Single Family Dwelling: 1 per lot, or
- 2) Duplex Dwelling: 1 per lot, or
- 3) Multiple Family Residential
 - a) Base Density: 30 units/hectare per lot
 - b) Bonus Density – Level 1: 40 units/ hectare per lot on the provision of minimum 70% of the required off-street parking being provided underground or concealed within the building on the lot.
 - c) Despite the above, four (4) units are permitted for a “Moderate Level Support Services Housing” development on PID: 002-407-299 Lot 11, District Lot 282, Clayoquot District, Plan 26711 (1686 Bay Street).

R-2.3.2 Maximum Floor Area Ratio:

- 1) Single Family Dwelling: 0.50
- 2) Duplex Dwelling: 0.70
- 3) Multiple Family Residential: 0.70

R-2.3.3 Maximum Lot Coverage:

- 1) Single Family Dwelling: 35%
- 2) Duplex Dwelling: 35%
- 3) Multiple Family Residential: 40%

R-2.4 Maximum Size (Gross Floor Area):

R-2.4.1 Principal Building: N/A

R-2.4.2 Accessory Buildings: 60 m² (645 ft²) combined total**R-2.5 Maximum Height:**

R-2.5.1 Principal Buildings & Structures:

- 1) Single Family Dwelling: 8.5 m (28 ft) or 2 ½ storey
- 2) Duplex Dwelling: 8.5 m (28 ft) or 2 ½ storey
- 3) Multiple Family Residential: 11 m (36 ft) or 3 storey

R-2.5.2 Accessory Buildings & Structures: 5.5 m (18 ft)

R-2.6 Minimum Setbacks:

R-2.6.1 The following minimum setbacks apply, as measured from the *front lot line, rear lot line* and *side lot lines(s)*, respectively:

	a) Front Yard Setback	b) Rear Yard Setback	c) Side yard – Interior Setback	d) Side yard – Interior Setback
1) Principal SFD/ Duplex	7.5 m (25 ft)	6 m (20 ft)	1.5 m (5 ft)	5 m (16.5 ft)
2) Principal Other	6 m (20 ft)	6 m (20 ft)	6 m (20 ft)	6 m (20 ft)
3) Accessory	7.5 m (25 ft)	1.5 m (5 ft)	5 m (16.5 ft)	1.5 m (5 ft)

Schedule A to District of Ucluelet Zoning Amendment Bylaw No. 1328, 2023

From: R-1 zone Single-Family Residential
To: R-2 zone Medium Density Residential





REPORT TO COUNCIL

Council Meeting: May 16, 2023

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, DIRECTOR OF COMMUNITY PLANNING

FILE NO: 3360-20 RZ23-03

SUBJECT: DISTRICT OF UCLUELET ZONING AMENDMENT BYLAW NO. 1326, 2023
(MINOR AMENDMENTS) - ADDITION OF DAYCARE CENTER USE TO CS-2 ZONE
AND A CLEANUP OF SECTION 403

REPORT NO: 23-71

ATTACHMENT(S): APPENDIX A - UCLUELET ZONING AMENDMENT BYLAW NO. 1326, 2023

RECOMMENDATION(S):

THAT Council give third reading to *District of Ucluelet Zoning Amendment Bylaw No. 1326, 2023*.

THAT Council adopt *District of Ucluelet Zoning Amendment Bylaw No. 1326, 2023*.

BACKGROUND:

District of Ucluelet Zoning Amendment Bylaw No. 1326, 2023, received first and second reading at the April 25, 2023, Regular Council meeting. Notification was completed and a public hearing on the bylaw was held prior to this report as part of this Council Meeting. For background information please see the public hearing agenda item on this Bylaw.

ANALYSIS OF OPTIONS

Having conducted a public hearing, Council is now in a position to consider third reading and adoption of Bylaw No. 1326.

A	Consider 3 rd reading and adoption of <i>District of Ucluelet Zoning Amendment Bylaw No. 1326, 2023</i> .	<u>Pros</u>	<ul style="list-style-type: none"> Adopting the bylaw would allow a daycare use in the CS-2 zone and cleanup of section 403 in regard to B&B use.
		<u>Cons</u>	<ul style="list-style-type: none"> No negative consequences are anticipated.
		<u>Implications</u>	<ul style="list-style-type: none"> None.
B	Provide alternative direction or reject the proposed zoning amendment.	<u>Pros</u>	<ul style="list-style-type: none"> Ensures the zoning continues to meet the objectives of Council. If rejected, the original intent of the zoning would be maintained.

	<u>Cons</u>	<ul style="list-style-type: none"> • Would retain a contradiction in the regulations within section 403.
	<u>Implications</u>	<ul style="list-style-type: none"> • Staff time to prepare an amended bylaw. • If the bylaw is amended a new public hearing would be required.
	<u>Suggested Motion</u>	<p>THAT Council direct staff to (amend/reject) <i>Ucluelet Zoning Amendment Bylaw No. 1326, 2023</i>.</p>

POLICY OR LEGISLATIVE IMPACTS:

The adoption of *District of Ucluelet Zoning Amendment Bylaw No. 1326, 2023*, would amend *District of Ucluelet Zoning Bylaw No. 1160, 2013*.

Respectfully submitted:

BRUCE GREIG, DIRECTOR OF COMMUNITY PLANNING

DUANE LAWRENCE, CAO

Appendix A

DISTRICT OF UCLUELET
Zoning Amendment Bylaw No. 1326, 2023

A bylaw to amend the "District of Ucluelet Zoning Bylaw No. 1160, 2013".
 (Addition of *Daycare Center* use to the CS-2 zone and a cleanup of Section 403 in regards
 to B&B use)

WHEREAS the District of Ucluelet Council by Bylaw No. 1160, 2013, adopted the Zoning Bylaw and now deems it appropriate to amend the Zoning Bylaw;

NOW THEREFORE the Council of the District of Ucluelet, in open meeting assembled, enacts as follows:

1. Text Amendment:

Schedule B of the District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by:

- A. adding the following subsection (p) to section CS-2.1.1(1) in alphanumerical order as follows:

“(p) *Daycare Centre.*”

- B. Replacing subsection 403.2 (2) with the following:

“(2) must not be established or operate in a *single family dwelling* that is being used as a *Guest House.*”

2. Citation:

This bylaw may be cited as "District of Ucluelet Zoning Amendment Bylaw No. 1326, 2023".

READ A FIRST TIME this 25th day of **April, 2023.**

READ A SECOND TIME this 25th day of **April, 2023.**

PUBLIC HEARING this day of , **2023.**

READ A THIRD TIME this day of , **2023.**

ADOPTED this day of , **2023.**

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Amendment Bylaw No. 1326, 2023.”

Marilyn McEwan
Mayor

Duane Lawrence
Corporate Officer

THE CORPORATE SEAL of the
District of Ucluelet was hereto
affixed in the presence of:

Duane Lawrence
Corporate Officer



REPORT TO COUNCIL

Council Meeting: May 16, 2023

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: MONICA WHITNEY-BROWN, PLANNING ASSISTANT **FILE NO:** 3360-20 RZ22-08

SUBJECT: DISTRICT OF UCLUELET ZONING AMENDMENT
BYLAW No. 1327, 2023 (2108 PENINSULA ROAD) **REPORT No:** 23- 69

ATTACHMENT(s): APPENDIX A - UCLUELET ZONING AMENDMENT BYLAW NO. 1327, 2023

RECOMMENDATION(S):

THAT Council give third reading to *District of Ucluelet Zoning Amendment Bylaw No. 1327, 2023*.

THAT Council give adopt *District of Ucluelet Zoning Amendment Bylaw No. 1327, 2023*.

BACKGROUND:

District of Ucluelet Zoning Amendment Bylaw No. 1327, 2023, received first and second reading at the April 11, 2023, Regular Council meeting. Notification was completed and a public hearing on the bylaw was held prior to this report as part of this Council Meeting. For background information please see the public hearing agenda item related to this Bylaw.

ANALYSIS OF OPTIONS

Since a public hearing has been conducted, Council is in a position to consider third reading and adoption of Bylaw No. 1327.

A	Consider 3 rd reading and adoption of <i>District of Ucluelet Zoning Amendment Bylaw No. 1327, 2023</i> .	<u>Pros</u>	<ul style="list-style-type: none"> Adopting the bylaw would allow the applicant to proceed with their home expansion as presented.
		<u>Cons</u>	<ul style="list-style-type: none"> No negative consequences are anticipated.
		<u>Implications</u>	<ul style="list-style-type: none"> Additional staff time to review building permits as they are submitted.
B	Provide alternative	<u>Pros</u>	<ul style="list-style-type: none"> Ensures the zoning continues to meet the objectives of Council.

direction or reject the proposed zoning amendment.		<ul style="list-style-type: none"> If rejected, the original intent of the zoning will be maintained.
	<u>Cons</u>	<ul style="list-style-type: none"> Unknown at this time.
	<u>Implications</u>	<ul style="list-style-type: none"> Staff time to prepare an amended bylaw. If the bylaw is amended a new public hearing would be required.
	<u>Suggested Motion</u>	<p>THAT Council direct staff to (amend/reject) <i>Ucluelet Zoning Amendment Bylaw No. 1327, 2023</i>.</p>

POLICY OR LEGISLATIVE IMPACTS:

The adoption of *District of Ucluelet Zoning Amendment Bylaw No. 1327, 2023*, would amend *District of Ucluelet Zoning Bylaw No. 1160, 2013*.

Respectfully submitted: MONICA WHITNEY-BROWN, PLANNING ASSISTANT
 BRUCE GREIG, DIRECTOR OF COMMUNITY PLANNING
 DUANE LAWRENCE, CAO

DISTRICT OF UCLUELET**Zoning Amendment Bylaw No. 1327, 2023**

A bylaw to amend the “District of Ucluelet Zoning Bylaw No. 1160, 2013”.
(2108 Peninsula Road)

WHEREAS the District of Ucluelet Council by Bylaw No. 1160, 2013, adopted the Zoning Bylaw and now deems it appropriate to amend the Zoning Bylaw;

NOW THEREFORE the Council of the District of Ucluelet, in open meeting assembled, enacts as follows:

1. Text Amendment:

The District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended as follows:

- A. By adding within Division 100 - Enactment and Interpretation, Section 103 definitions, such that a new definition is added in alphabetical order reading as follows:

“**Tourist Accommodation Suite** means the accessory use of a portion of a single family dwelling where a single bedroom is used as a guest room, provided in accordance with Section 409 of this Bylaw;

- B. By adding Section 409 numerically to Division 400 – Supplemental Regulations such that the new section reads as follows:

“409 TOURIST ACCOMMODATION SUITE

409.1 One *tourist accommodation suite* use is permitted within a *single family dwelling* if all the following conditions are satisfied for the establishment and continued use and operation of the *tourist accommodation suite*:

- 1) *Tourist Accommodation Suites* are only permitted:
 - a) In the Zones where *single family dwelling* is listed as a *principal permitted use* and *tourist accommodation suite* is identified as a *secondary permitted use*;
 - b) *accessory* to a permanent *residential* use and must be administered by an occupant of the *single family dwelling* for whom the *single family dwelling* is their *principal residence*;
 - c) occupying a maximum of one *tourist accommodation suite* as long as the *principal dwelling* and a minimum of one (1) *secondary suite* in the *single-family dwelling* are occupied by permanent and present residential uses; and
 - d) within one *single family dwelling* per lot.
- 2) A maximum of one (1) guest room may be used for *the tourist accommodation suite* with a maximum of two (2) guests per room.

- 3) The gross floor area devoted to the *tourist accommodation suite* use must not exceed 20% of the habitable area of the *single family dwelling* in which it is located, or a maximum of 45 m², whichever is less.
- 4) The area designated for *tourist accommodation suite* use (including guest room and any common room provided outside of the *residential* occupant's personal area) must not contain the following.
 - a) Cooking facilities or appliances, with the exception of a microwave, toaster, kettle and/or coffee maker;
 - b) 220-volt supply which could be used for larger appliances;
 - c) Refrigerators in excess of 5.0 cubic feet capacity
- 5) A valid District of Ucluelet Business License is required in order to register a *tourist accommodation suite*.
- 6) Off-street parking must be provided in accordance with Division 500.

409.2 For greater certainty, notwithstanding other provisions of this Bylaw, *Tourist Accommodation Suites*:

- 1) must not be located in an *accessory residential dwelling unit*, in a *secondary suite* or in the area of a *single family dwelling* which was formerly a *secondary suite*."

- C. By adding a parking requirement category in the chart found in Section 505.1 immediately following "*Guest Cottage*" such that the chart now reads as follows:

"

<i>Tourist Accommodation Suite</i>	1 space per suite
------------------------------------	-------------------

"

- D. By designating Lot 22, District Lot 282, Clayoquot Land District, Plan VIP76147 (PID: 025-926-861 at 2108 Peninsula Road), shown shaded on the map attached to this Bylaw as Appendix "A", on the Comprehensive Development ("CD-1 Zone Eco-Industrial Park") subzone plan as "Industrial Residential - CD-1.1.5".
- E. By adding the following subsection (5) to Section CD-1.1 Permitted Uses that directly follows Subsection CD-1.4 as follows:

"(5) On Lot 22 District Lot 282 Clayoquot Land District Plan VIP76147 (PID: 025926861at 2108 Peninsula Road) the following uses are permitted in the area labeled "Industrial Residential", but secondary permitted uses are only permitted in conjunction with a principal permitted use.

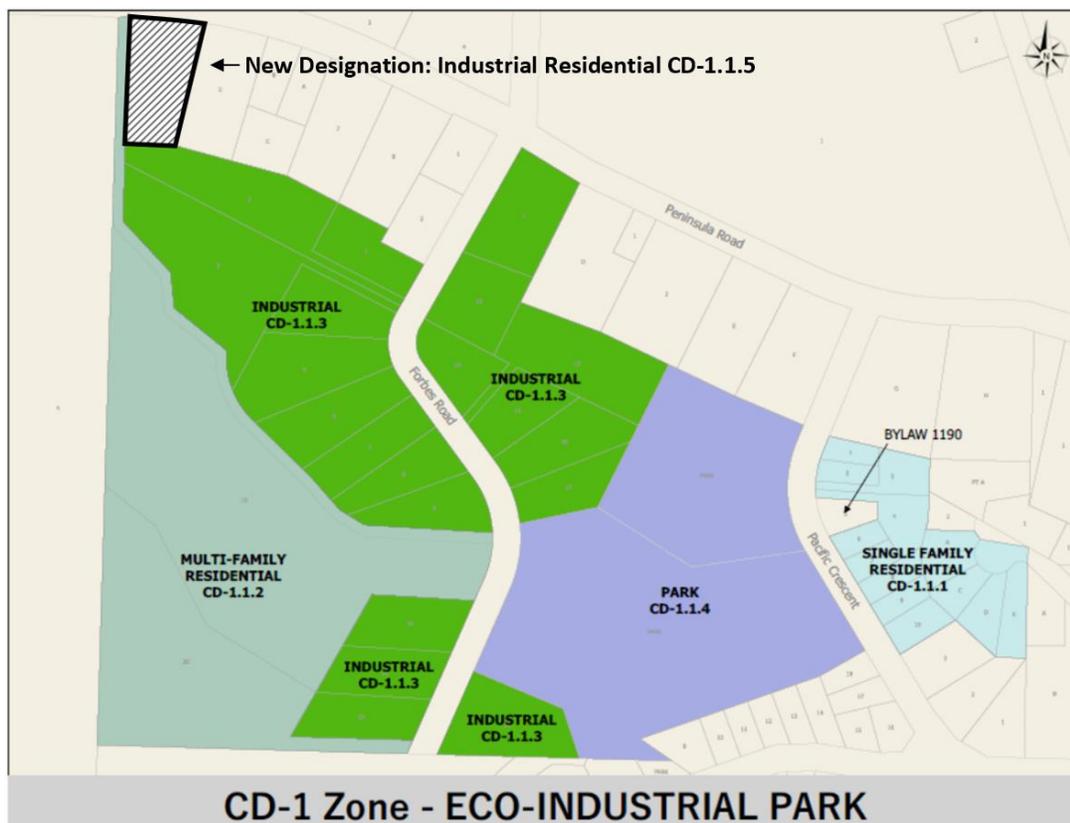
(1) Principal Uses:

- a) *Single Family Dwelling*
- b) *Light Industry*
- c) *Service Industry*

THE CORPORATE SEAL of the
District of Ucluelet was hereto
affixed in the presence of:

Duane Lawrence
Corporate Officer

APPENDIX A





REPORT TO COUNCIL

Council Meeting: May 16th, 2023
 500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: MONICA WHITNEY-BROWN, PLANNING ASSISTANT **FILE NO:** 3070-TUP23-07

SUBJECT: **TEMPORARY USE PERMIT 23-07 (1633 HOLLY CRESCENT) - APPLICATION NUMBER: TUP 23-07** **REPORT NO:** 23- 74

ATTACHMENT(s): APPENDIX A - APPLICATION
 APPENDIX B – REPORT No. 23-55
 APPENDIX C - TEMPORARY USE PERMIT 23-07
 APPENDIX D - WRITTEN PUBLIC INPUT

RECOMMENDATION:

THAT Council authorize the Director of Community Planning to execute and issue Temporary Use Permit 23-07 to allow the applicant to operate a Vacation Rental use in the secondary suite of a duplex unit at 1633 Holly Crescent for a period of three years.

BACKGROUND:

This application was originally received in January of 2023 for the property at 1633 Holly Crescent (PID 001197843, Lot 22, Plan VIP30931, District Lot 282, Clayoquot Land District – the “**subject property**”).



Figure 1 - Subject Property

1 |

The property is currently undergoing a rezoning application to change the zoning designation from R-1 Single-Family Dwelling to R-2 Medium Density Residential, and to allow additional secondary uses of a secondary suite associated with each duplex unit. This application received first and second reading on April 25th at the Regular Council Meeting (see **Appendix “B”**). As Council is aware, the applicant is seeking allowance through a Temporary Use Permit to operate a Vacation Rental in one of these suites for a three-year period to help defray costs of the renovation.

DISCUSSION:

The applicants are long-term Ucluelet residents, and their application would help ensure they can remain in the community. However, they would like to seek a Temporary Use Permit to allow them to rent one secondary suite in their home as a short-term rental for a temporary period, to help cover the cost of the renovation. They have provided a letter of intent to Council regarding this proposed temporary use.

A Council motion to approve this Temporary Use Permit would authorize the Director of Community Planning to execute and issue the permit. Note the timing of issuance of this Temporary Use Permit would be delayed for a six-month period in order to give the applicant a chance to substantially complete their proposed renovations to build the suite, prior to beginning their three-year TUP.

ANALYSIS OF OPTIONS:

A	Authorize the issuance of Temporary Use Permit 23-07	<u>Pros</u>	<ul style="list-style-type: none"> Allows the applicant to achieve their desired land uses and helps offset the costs of adding long-term housing units for a temporary period. Allows the community to have input on the proposed use, and permits it on a temporary basis subject to conditions.
		<u>Cons</u>	<ul style="list-style-type: none"> Unknown at this time.
		<u>Implications</u>	<ul style="list-style-type: none"> Staff time would be required to process the permit. The applicant will be required to apply for and pay a business license fee to the District of Ucluelet in order to operate.
B	Authorize the issuance of Temporary Use Permit 23-07 subject to conditions.	<u>Pros</u>	<ul style="list-style-type: none"> Council can add conditions to address any additional concerns community members or Council may have with respect to the issuance of the TUP.
		<u>Cons</u>	<ul style="list-style-type: none"> Unknown at this time.
		<u>Implications</u>	<ul style="list-style-type: none"> Unknown at this time.
		<u>Suggested Motion</u>	<p>THAT Council amend Temporary Use Permit 23-07 by adding the following conditions _____.</p> <p>THAT Council authorize Staff to issue Temporary Use Permit 23-07 as amended.</p>

C	Reject the application	<u>Pros</u>	<ul style="list-style-type: none"> Unknown at this time.
		<u>Cons</u>	<ul style="list-style-type: none"> Would not allow the Vacation Rental use as a temporary use. Would not allow the applicant to achieve their desired land uses, or allow them to fund their long-term housing renovation.
		<u>Implications</u>	<ul style="list-style-type: none"> Staff time may be required to follow up with applicant.
		<u>Suggested Motion</u>	No motion is required.

POLICY OR LEGISLATIVE IMPACTS:

This application is compliant with the Official Community Plan and relevant provisions of the *Local Government Act*. The required statutory notification for this application has been completed, and Council should provide an opportunity for public comment.

NEXT STEPS:

If this application is approved

- The attached TUP would be signed by the Director of Community Planning, issued to the applicant, and then a notice would be filed with the Land Title Office.
- The applicant of the subject property would be required to meet all conditions of the permit and any other conditions set out by Council.
- The applicant would be able to apply for a business license to commence the temporary use on the subject property once the permit is issued.

Respectfully submitted: Monica Whitney-Brown, Planning Assistant
 Bruce Greig, Director of Community Planning
 Duane Lawrence, Chief Administrative Officer

Statement of Intent for Temporary Use Permit for 1633 Holly Crescent – Lot 22, Plan VIP30931, District Lot 282

27 February 2023

I respectfully ask that the Mayor and Council consider granting a Temporary Use Permit for the planned lower unit of 1633A Holly Crescent once renovations are complete. Since 1985 the duplex at 1633 Holly Crescent has been used to provide rental housing locally. Each side currently has two bedrooms, bathroom, living room and kitchen upstairs and a single bedroom/bathroom downstairs. I have always ensured renters were local and that rents were reasonable given the existing economy. Over the years I have felt good about renting to young families who have gone on to build or purchase their own homes. The carport area downstairs creates issues with heat retention and moisture. I need to renovate the duplex and am seeking a Temporary Use Permit for what will be the newly renovated downstairs unit of Side A.

My son and his partner currently live in Side A and I have asked them to stay in their unit and oversee the renovations if approved. Both are longterm residents of the area and contribute to the local domestic economy. Cole has a tree removal business and tops up his income working for a local electrical company. He volunteers his time and truck for clean up of the local local forestry areas. Josie works in tourism as a captain for Jamies Whaling Station and tops up her income by teaching gymnastics. She volunteers with the Ucluelet Marine Rescue Squad. Once renovations are complete they are willing to run the lower level as a B&B to raise capital for the renovations of Side B. Both will be living upstairs of Side A.

The temporary use permit will provide income during renovation of Side B. Short term stays at the B&B could be managed to ensure those staying there are not disturbed by renovations. It could also provide supplementary income for Josie and Cole as they oversee the renovation. The objective of the renovation is to maintain the integrity of the building while maximizing housing using existing municipal infrastructure.

Thanks you for your consideration.

Vaida Siga



REPORT TO COUNCIL

Council Meeting: April 25th, 2023

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: MONICA WHITNEY-BROWN, PLANNING ASSISTANT

FILE NO: 3360-20 RZ23-02

SUBJECT: REZONING APPLICATION 23-02 – 1633 HOLLY CRESCENT

REPORT NO: 23- 55

ATTACHMENT(s): APPENDIX A - APPLICATION

APPENDIX B – UCLUELET ZONING AMENDMENT BYLAW NO. 1328, 2023

RECOMMENDATION(S):

1. **THAT** Council give first and second reading to *District of Ucluelet Zoning Amendment Bylaw No. 1328, 2023*.
2. **THAT** Council refer *District of Ucluelet Zoning Amendment Bylaw No. 1328, 2023* to a public hearing.

BACKGROUND:

The applicant first contacted the District in January 2023, to discuss options for permitting secondary suites or B&B suites to be constructed on the property at 1633 Holly Crescent (PID 001197843, Lot 22, Plan VIP30931, District Lot 282, Clayoquot Land District – the “**subject property**”).

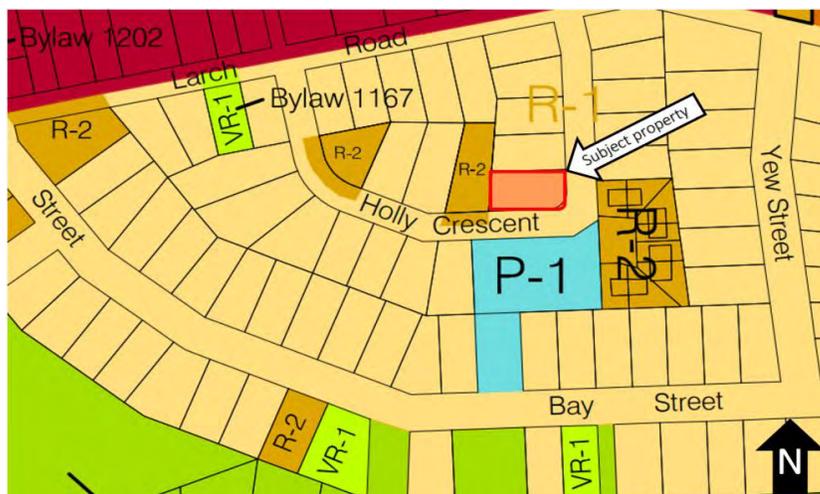


Figure 1- Subject Property

The property is currently zoned R-1 Single Family Residential. This zone allows a principal permitted use of Single-Family Dwelling, with secondary Bed and Breakfast, Home Occupation, Secondary Suite and Accessory Residential Dwelling Unit uses. The house on site was lawfully constructed in 1979 as a duplex. In 1999 Bylaw No. 800 was adopted, rezoning the subject property (as well as multiple other properties) to R-1 single-family dwelling in a blanket rezoning - placing these properties into a lawfully non-conforming status by applying zoning for other uses. The long-standing duplex use on the subject property is therefore not a permitted use under the current zoning, but can continue as a lawfully non-conforming use under Section 528 of the *Local Government Act*.

The applicant's family members live in one half of the duplex, and the other half is rented-long term to a tenant who has lived there for some time. The applicant was originally hoping to renovate a carport area within their duplex unit to build a suite for long- or short-term rental, as permitted under the R-1 zoning. However, section 404(3) of the *Ucluelet Zoning Bylaw No. 1160, 2013*, specifically states that B&B uses must not be located in a duplex, and secondary suites are not a permitted accessory use to a duplex in the R-1 zone.

In order to pursue their desired uses under the current zoning, the applicant would be required to renovate and remove the duplex use, which would displace their tenant. The applicant would prefer to keep a long-term Ucluelet resident housed in the other half of their duplex. They are seeking a rezoning to R-2 Medium Density Residential, to allow *Duplex Dwelling* as the primary permitted use, with accessory secondary suite uses.

DISCUSSION:

While the applicant initially planned to develop a B&B suite, after discussing the options they have chosen to pursue a rezoning which will better support their needs and provide benefit to the community. The applicants are seeking to rezone to R-2 and add site-specific zoning to allow one secondary suite to be built in conjunction with each duplex unit. At maximum buildout, this property could then have four dwelling units: two principal duplex units and two secondary suites.

While the proposed rezoning represents an increase from R-1 to R-2, including a corresponding increase in Floor Area Ratio (FAR), the increased density of the potential number of dwellings is minor. Under current zoning, properties with the R-1 designation can have a single-family dwelling, up to three B&B suites, a secondary suite, and an accessory dwelling unit (provided they meet parking and siting requirements). This represents a potential density of three dwelling units plus three guest accommodation units - a greater density of total uses and impacts than is being proposed for 1633 Holly Crescent.

The neighbourhood context supports the rezoning to an R-2 zone, with the adjacent property as well as others on the street already zoned R-2, including a townhouse development directly across the street (see **Figure 1**). The rezoning of this lot to permit up to four dwellings would not be out of step with nearby properties and neighbourhood characteristics.

BC Building Code Implications:

Permitting secondary suites within a duplex is in line with recent updates to the BC Building Code. In 2019, the Province of British Columbia amended the BC Building Code to allow secondary suites to be built in a variety of housing types, including duplexes and row housing, and removed size restrictions for secondary suites (**Fig. 2**). The BC Code historically limited the size of secondary suites and only permitted them in single detached houses. These changes were made to encourage creation of more affordable and rental housing units while still providing an acceptable level of health and fire safety to occupants.

Many municipalities throughout BC have taken steps to amend their zoning bylaws to mirror these changes, permitting secondary suites as accessory uses to duplexes. While the District of Ucluelet has not yet taken these steps, Council may wish to consider this use throughout the District as one more potential tool to address much-needed long-term housing units. The application at hand is in line with the current BC Building Code and provincial policy on secondary suites and duplex housing. The applicants will apply for a building permit should they be successful in obtaining rezoning.

Proposed Zoning Bylaw Amendment (and housekeeping)

Although the proposed rezoning would require only the addition of a new subsection R-2.1.4 to the R-2 zone in Bylaw No. 1160, the amendment bylaw attached replaces Section R-2 entirely. In the current version of the consolidated zoning bylaw there are numbering errors. The bylaw notes the following in Section R-2: "Please note that the numbering is inconsistent for this zone and will be corrected in future bylaws". The current amendment is an opportunity to make these corrections, and the attached bylaw creates proper numbering for the R-2 section and subsections.

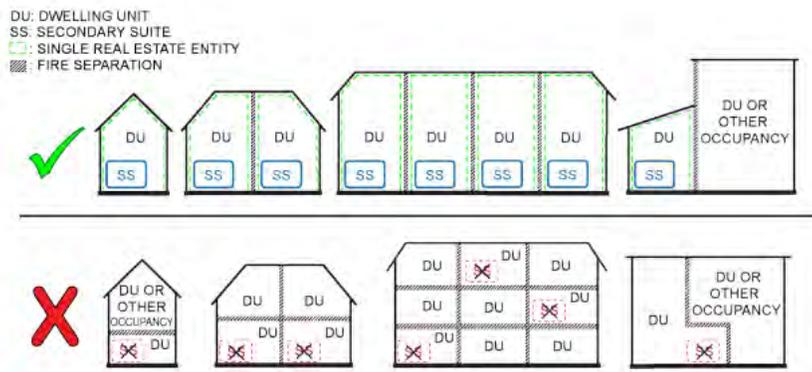


Figure 2 – BC Building Code Updates to Secondary Suite Formations

Temporary Use Permit:

The applicant has stated that their intent in seeking this rezoning is to permit secondary suite uses on their property in order to eventually provide long-term housing to a resident in the District of Ucluelet and/or provide options for aging-in-place and inter-generational living within their household. The applicants are long-term Ucluelet residents, and their application would help ensure they can remain in the community. However, they would like to seek a Temporary Use Permit to allow them to rent one secondary suite in their home as a short-term rental for a temporary period, to help cover the cost of the renovation.

The applicants are seeking a Temporary Use Permit in conjunction with this rezoning application, to allow them to operate a short-term rental for a period of up to three years. Temporary Use Permits are an effective way to manage tourist commercial accommodations in residential zones, as they are subject to public comment and additional Council scrutiny, and are merely temporary uses, so do not alter the underlying value of the home.

If Council gives first and second reading to the proposed rezoning bylaw, Staff will give notice and bring the Temporary Use Permit application to Council for consideration at a future date (at the same meeting as the public hearing for this rezoning).

ANALYSIS OF OPTIONS:

A	Give first and second reading of Bylaw No. 1328, 2023 and direct	Pros	<ul style="list-style-type: none"> Would allow increased long-term residential uses on the subject property. Would remove legal non-conforming use on the property and establish compliance with the current zoning bylaw. Aligns with current BC Building Code standards. Would allow public feedback on the proposed rezoning.
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APPENDIX B

	staff to give notice for a public hearing.	Cons	<ul style="list-style-type: none"> Would result in increased density on the property.
		Implications	<ul style="list-style-type: none"> Staff time required to arrange public hearing and follow up reports, including Temporary Use Permit for this property.
B	Amend the draft zoning bylaw prior to 2nd reading by stating which and how elements or features are to be modified.	Pros	<ul style="list-style-type: none"> Modifying the zoning bylaw could ensure Council's intent for the bylaw is met (if required).
		Cons	<ul style="list-style-type: none"> Unknown at this time.
		Implications	<ul style="list-style-type: none"> Modifying the zoning bylaw would require additional staff time.
		Suggested Motion	THAT Council direct staff to modify the draft District of Ucluelet Zoning Amendment Bylaw No. 1328, 2023, to (state desired outcome of amendments).
C	Reject the application.	Pros	<ul style="list-style-type: none"> Would maintain the zoning bylaw as written.
		Cons	<ul style="list-style-type: none"> Would not increase the long-term residential uses permitted on site. Would maintain legal non-conforming use.
		Implications	<ul style="list-style-type: none"> The rezoning proposed at 1633 Holly Crescent could not proceed as presented.
		Suggested Motion	No motion is required.

POLICY OR LEGISLATIVE IMPACTS:

The application is consistent with the *Official Community Plan* and *Local Government Act*.

NEXT STEPS:

- If Council gives first and second readings to Zoning Amendment Bylaw No. 1328, 2023, staff will undertake the necessary notification for a public hearing to be held on the Bylaw at a date to be determined. Staff will also give notice and draft a Temporary Use Permit for Council's consideration at the same meeting.

Respectfully submitted: Monica Whitney-Brown, Planning Assistant
Bruce Greig, Director of Community Planning
Duane Lawrence, CAO

TEMPORARY USE PERMIT

TEMPORARY USE PERMIT TUP23-07**General Terms**

1. This Temporary Use Permit is issued to:
Vaida Siga,
[REDACTED]
(the "Permittee")
as the registered owner of, and shall apply only to, the lands and premises situate in the District of Ucluelet, in the Province of British Columbia, and more particularly described as:
1633 Holly Crescent, PID 001197843, Lot 22, Plan VIP30931, District Lot 282, Clayoquot Land District (the "Lands").
2. This Temporary Use Permit is issued pursuant to section 492 to 497 of the *Local Government Act*.
3. This Temporary Use Permit is issued subject to compliance with all applicable District of Ucluelet Bylaws.
4. This Temporary Use Permit authorizes the following uses on the portion of the Lands identified in Schedule A:
One Vacation Rental in a secondary suite for a period of three years, administered by the full-time and present resident occupying the duplex unit where the Vacation Rental use is located.
5. This permit does not relieve an owner or occupier from obtaining any other approvals required by any other jurisdiction, or from meeting any other applicable regulations.
6. The permit holder, as a condition of issuance of this Permit, agrees to comply with the requirements and conditions of **Schedules 1-3**, which are attached hereto and form part of this permit.
7. The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit.
8. Notice shall be filed in the Land Title Office under section 503 of the *Local Government Act*, and upon such filing, the terms of this Permit or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
9. This Permit is NOT a Building Permit.
10. This Permit is NOT a Development Permit.

TEMPORARY USE PERMIT

- 11. Provisions of sections 495, 496 and 502 of the *Local Government Act* requiring security applies to this permit as set forth in **Schedule 2**.

AUTHORIZING RESOLUTION passed by the Municipal Council on the **of** , **2023**.

IN WITNESS WHEREOF this Temporary Use Permit is hereby executed and issued by the Municipality the of , **2023**.

THIS PERMIT SHALL EXPIRE on the day of the **of** , **2026 (3 years)**.

ISSUED the day of , **2023**.

Bruce Greig - Director of Community Planning

TEMPORARY USE PERMIT

Schedule 1 Required Undertaking

TO THE DISTRICT OF UCLUELET:

I, Vaida Siga, representing *the Lands* hereby undertake as a condition of issuance of this Temporary Use Permit to:

- a) Cease use and remove any structures built to support the temporary use from the subject property not later than 1 month after the termination date set out on the Temporary Use Permit.
- b) Abide by all conditions of the Temporary Use Permit.

I(We) understand that should we not fulfill the undertakings described herein, the District of Ucluelet or its agents may enter upon *the Lands* and perform such work as is necessary to eliminate the temporary use and bring the use and occupancy of the property into compliance with the District of Ucluelet bylaws, and that any securities submitted to the District pursuant to the Temporary Use Permit shall be forfeited and applied to the cost of restoration of *the Lands* as herein set out.

This undertaking is attached hereto and forms part of the Temporary Use Permit.

DATE: _____

OWNERS: _____

WITNESS: _____

TEMPORARY USE PERMIT

Schedule 2 Terms of Temporary Use Permit Conditions

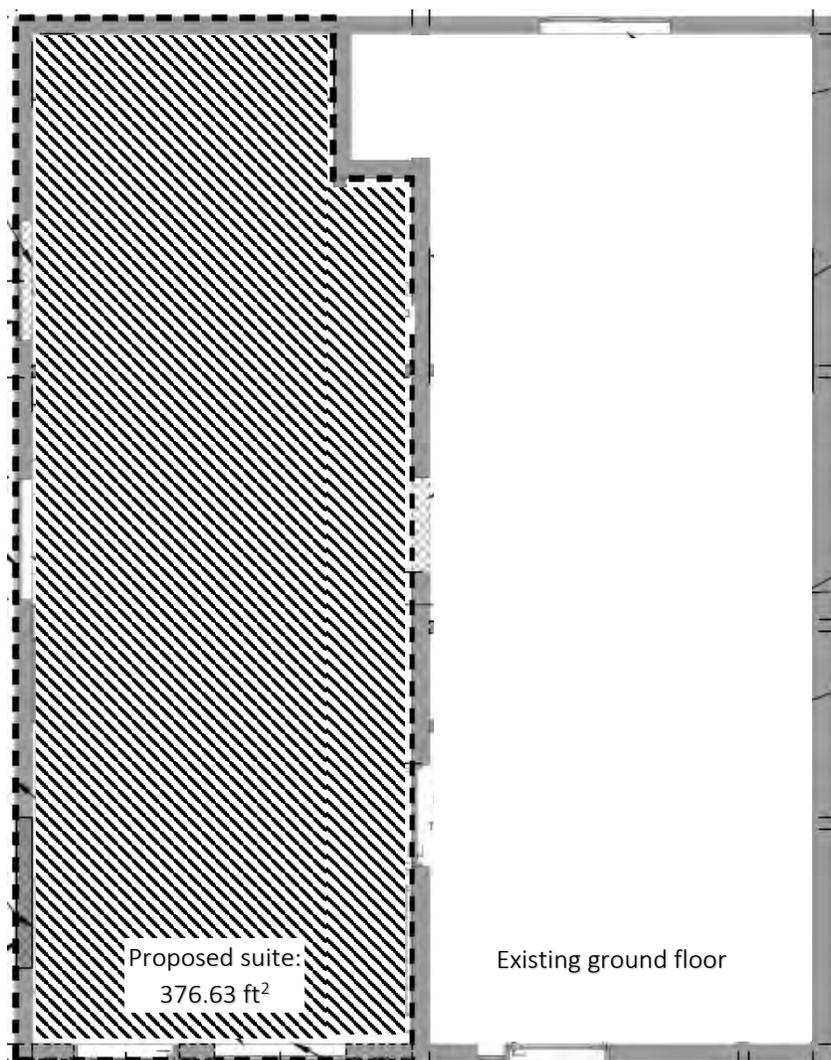
- a) The permitted temporary use shall be limited to the following uses;
- Vacation rental in the portions of the property identified in Schedule 3.*
- b) The vacation rental uses and all other site modifications are to be located as indicated on the site plan (**Schedule 3**).
- c) No other temporary uses other than the above-mentioned uses shall be permitted.
- d) The Permittee or their authorized agents will abide by the following conditions;
- i. The Permittees must comply with the BC building code and obtain a building permit to make all necessary upgrades and comply with any conditions deemed necessary by the District of Ucluelet building official prior to commencing the use.
 - ii. The Permittee must successfully complete a fire inspection with the District of Ucluelet Fire Chief prior to commencing the proposed use.
 - iii. The Permittee must obtain a District of Ucluelet Business License prior to commencing the use.
 - iv. The Permittee must, as part of their Business License Application, provide contact information for the business operator and consent to allow this contact information to be made publicly available, including on-line and to guests of the Vacation Rental.
 - v. The permittee must remain available to respond to inquiries or problems raised by guests by phone within 15 minutes and in person within six hours.
- e) The Permittee shall comply with all other requirements in the District of Ucluelet Zoning Bylaw No. 1160, including parking requirements for the temporary use.
- f) The municipal Bylaw Enforcement Officer may arrange for site inspection at any time, in a reasonable manner, to monitor compliance with the terms of the Temporary Use Permit.
- g) Failure of the Permittee to meet and maintain any of the terms listed above may result in suspension of the permit and forfeiture of the security deposit.

TEMPORARY USE PERMIT

Schedule 3 Portion of 1950 Peninsula Road where temporary uses are permitted

(Internal partitions and floorplan details deleted for privacy)

Ground floor plan, proposed secondary suite location, 1633 Holly Crescent (West side duplex unit)



Appendix D

Joseph Rotenberg

From: Diane Arentsen [REDACTED]
Sent: May 8, 2023 4:09 PM
To: Community Input Mailbox
Subject: District of Ucluelet Temporary use Permit 23-07

[External]

Diane Arentsen
3-1626 Holly Crescent
Ucluelet

To District of Ucluelet Mayor and Council,

I am against granting a temporary use permit at 1633 Holly Crescent to allow vacation rentals. Our community is in dire need of long term rentals. There are many people seeking a "home" to live in. There is an abundance of nightly rentals already available. There must be housing available for the individuals who work in the service industry as well as other jobs. There are far too many people desperately seeking housing, living in rvs, cars and couch surfing. Furthermore, 1633 Holly Crescent is situated on a very sharp corner with poor visibility, across from Edna Batchelor Park. There are many children crossing to and from the park. Nightly vacation rentals would create more traffic on this already hazardous corner.

With respect,
Diane Arentsen



REPORT TO COUNCIL

Council Meeting: May 16, 2023

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, DIRECTOR OF COMMUNITY PLANNING **FILE NO:** 3070-TUP23-08

SUBJECT: **TEMPORARY USE PERMIT 23-08 (1341 EBER ROAD) – APPLICATION NUMBER: 23-08** **REPORT NO:** 23- 75

ATTACHMENT(S): APPENDIX A – TEMPORARY USE PERMIT 23-08
APPENDIX B - REPORT DATED APRIL 25, 2023

RECOMMENDATION:

THAT Council authorize the Director of Community Planning to execute and issue Temporary Use Permit 23-08 to allow fish processing and sales in a proposed new 84m² building on the Neptune Ice wharf at 1341 Eber Road for a period of three years.

Background:

At its April 25, 2023, regular meeting Council passed the following motion:

“THAT Council direct staff to give notice of its intent to consider issuance of Temporary Use Permit 23-08 to allow fish processing and sales in a proposed new 84m² building on the Neptune Ice wharf at 1341 Eber Road for a period of three years, while a broader update to the marine industrial zones in Ucluelet proceeds.”

The required statutory notification for the TUP application has been completed, and Council should provide an opportunity for public comment.

ANALYSIS OF OPTIONS:

A	Issue Temporary Use Permit 23-08	<u>Pros</u>	<ul style="list-style-type: none"> • Would enable Neptune Ice to proceed with expanding and diversifying their business operation. • Would support local food security. • Would provide a new visitor experience of the Ucluelet marine industry.
		<u>Cons</u>	<ul style="list-style-type: none"> • None identified at this time.
		<u>Implications</u>	<ul style="list-style-type: none"> • Staff would issue TUP23-08.

B	Defer the issuance of a TUP for Neptune Ice, until the review and update of marine industrial zones is complete	<u>Pros</u>	<ul style="list-style-type: none"> Addresses all of the marine industrial zone uses at the same time.
		<u>Cons</u>	<ul style="list-style-type: none"> Would delay the expansion and diversification of a local business.
		<u>Implications</u>	<ul style="list-style-type: none"> Staff would focus efforts on bringing forward bylaw amendments to clean up the marine industrial zoning. Other projects would be reprioritized.
		<u>Suggested Motion</u>	<p>THAT Council direct staff to prioritize updating the marine industrial zoning of existing Ucluelet businesses, and update the strategic priorities chart to reflect this work.</p>

POLICY OR LEGISLATIVE IMPACTS:

For the long term, updating the zoning of properties where marine businesses operate would be consistent with the Official Community Plan bylaw; as discussed in the staff report on April 25, 2023, that work is underway. The Temporary Use Permit is an interim measure to enable Neptune Ice to proceed with their immediate plans - and is fully supported by staff.

Respectfully submitted:

BRUCE GREIG, DIRECTOR OF COMMUNITY PLANNING
DUANE LAWRENCE, CAO

TEMPORARY USE PERMIT TUP23-08

General Terms

1. This Temporary Use Permit is issued to:

**Neptune Ice Ltd.
1341 Eber Road
Ucluelet BC V0R 3A0**

(the "Permittee")

as the registered owner and tenant of, and shall apply only to, the lands and premises situate in the District of Ucluelet, in the Province of British Columbia, and more particularly described as:

**Lot 19, Block 1, Section 21, Clayoquot Land District, Plan VIP9200; and,
District Lot 808, Clayoquot District
(1341 Eber Road)**

(the "Lands").

2. This Temporary Use Permit is issued pursuant to section 492 to 497 of the *Local Government Act*.
3. This Temporary Use Permit is issued subject to compliance with all applicable District of Ucluelet Bylaws.
4. This Temporary Use Permit authorizes the following uses on the Lands:
Fish processing, retail and wholesale seafood sales within one new 84m2 (30 ft. x 30 ft.) fish processing and sales building to be located on the existing Neptune Ice wharf at 1341 Eber Road.
5. This permit does not relieve an owner or occupier from obtaining any other approvals required by any other jurisdiction, or from meeting any other applicable regulations.
6. The permit holder, as a condition of issuance of this Permit, agrees to comply with the requirements and conditions of **Schedules 1-3**, which are attached hereto and form part of this permit.
7. The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit.
8. Notice shall be filed in the Land Title Office under section 503 of the *Local Government Act*, and upon such filing, the terms of this Permit or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
9. This Permit is NOT a Building Permit.
10. This Permit is NOT a Development Permit.
11. Provisions of sections 495, 496 and 502 of the *Local Government Act* requiring security applies to this permit as set forth in **Schedule 2**.

AUTHORIZING RESOLUTION passed by the Municipal Council on the _____, **2023**.

IN WITNESS WHEREOF this Temporary Use Permit is hereby executed and issued by the Municipality the _____, **2023**.

THIS PERMIT SHALL EXPIRE on the day of _____, **2026 (3 years)**.

THE DISTRICT OF UCLUELET

by its authorized signatories:

OWNER

by its authorized signatory

Barb Farrington

ISSUED the _____ day of _____, 2023.

Bruce Greig - Manager of Community Planning

Schedule 1 Required Undertaking

TO THE DISTRICT OF UCLUELET:

I (We), Barb Farrington, representing *the Lands* hereby undertake as a condition of issuance of this Temporary Use Permit to:

- a) Cease use and remove any structures built to support the temporary use from the subject property not later than 1 month after the termination date set out on the Temporary Use Permit unless otherwise authorized prior to that date.
- b) Abide by all conditions of the Temporary Use Permit.

I(We) understand that should we not fulfill the undertakings described herein, the District of Ucluelet or its agents may enter upon *the Lands* and perform such work as is necessary to eliminate the temporary use and bring the use and occupancy of the property into compliance with the District of Ucluelet bylaws, and that any securities submitted to the District pursuant to the Temporary Use Permit shall be forfeited and applied to the cost of restoration of *the Lands* as herein set out.

This undertaking is attached hereto and forms part of the Temporary Use Permit.

DATE: _____

OWNERS: _____

WITNESS: _____

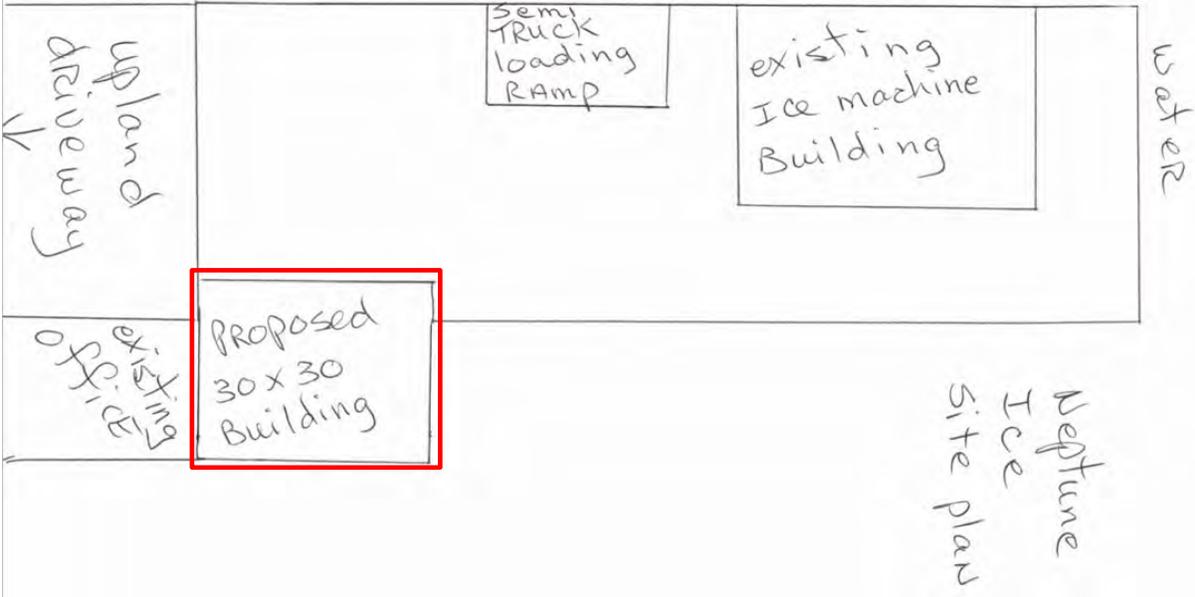
Schedule 2 Terms of Temporary Use Permit Conditions

- a) The permitted temporary use shall be limited to the following uses;

Fish processing, retail and wholesale seafood sales within one new 84m² (30 ft. x 30 ft.) fish processing and sales building to be located on the existing Neptune Ice wharf at 1341 Eber Road.

- b) No other temporary uses other than the above-mentioned uses shall be permitted.
- c) The building is to be located as indicated on the site plan (**Schedule 4**)
- d) The permittee is responsible to obtain all other permits required by municipal, provincial or federal jurisdiction. Failure of the Permittee to meet and maintain any of the terms listed above may result in suspension of the permit.

Schedule 4 Site Plan



Appendix B



REPORT TO COUNCIL

Council Meeting: April 25, 2023

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM:	BRUCE GREIG, DIRECTOR OF COMMUNITY PLANNING	FILE NO: 3070-TUP23-08
SUBJECT:	TEMPORARY USE PERMIT 1341 EBER ROAD – NEPTUNE ICE	REPORT NO: 23-58
ATTACHMENT(S):	APPENDIX A – TEMPORARY USE PERMIT 23-08 APPENDIX B - BACKGROUND ON NEPTUNE ICE	

RECOMMENDATION:

THAT Council direct staff to give notice of its intent to consider issuance of Temporary Use Permit 23-08 to allow fish processing and sales in a proposed new 84m² building on the Neptune Ice wharf at 1341 Eber Road for a period of three years, while a broader update to the marine industrial zones in Ucluelet proceeds.

BACKGROUND:

A. Marine business uses:

Ucluelet has one of the strongest concentrations of marine industrial businesses on the BC coast, supporting a diverse fishing and marine industry. However most existing marine industrial businesses in Ucluelet are located on land that is zoned for other uses. A blanket rezoning in 1999 placed most marine businesses into a lawfully non-conforming status by applying zoning for other uses. The 2022 Official Community Plan (OCP) bylaw recognizes this disconnect, and designates these properties as Marine Industrial on the Schedule A Long-Range Land Use Plan. Adoption of the OCP bylaw does not, in itself, change the zoning designation and permitted uses on these properties; a zoning bylaw amendment would be necessary to align the existing uses with the zoning regulations. The OCP includes the following policies:

“2.104 Recognize the contribution marine services industries make to the local economy and ensure existing marine service businesses are zoned appropriately.

3.96 Support the long-term presence of the ice plants and marine services industries located on Eber Road. Recognizing the surrounding residential neighbourhood context, continue to mitigate conflicts in this area.”

Staff have begun research into the existing marine industrial properties in town, their current uses, zoning and options for more appropriate zoning designations. A report with draft options for zoning amendments to clean up the zoning of marine industrial properties will be brought to Council in the near future. Staff

Appendix B

will recommend that communication and feedback from property owners, business owners and neighbours should be initiated early in the process.

B. Lawfully non-confirming status:

A business that was initiated and operating lawfully before zoning bylaw changes were enacted is not restricted in continuing its activities under Section 528 of the *Local Government Act*. A lawfully non-conforming use is restricted, however, from expanding or making structural alterations or additions. This status can severely restrict an existing business operation.

C. Neptune Ice:

Neptune ice has been operating on the upland property and within a foreshore lease at 1341 Eber Road since 1977. The adoption of Ucluelet Zoning Bylaw No. 800 in 1999 designated the Neptune Ice property as R-1 Single-Family Residential. Other marine industrial service businesses were similarly rezoned at the time.

A description of the Neptune Ice operation and history is found in **Appendix "B"**.

The owner of Neptune Ice is planning to construct a new 30' x 30' (84m²) building to enable the diversification of their current operation. The plan is to provide "dock to table" fish processing and local sales – to locals, visitors, markets and restaurants – from their location at 1341 Eber Road (see **Figure 1**). Plans for the steel building are attached in **Appendix "B"**. Staff are unable to issue a building permit for the new fish processing and sales building under the current R-1 zoning designation.



Figure 1 – Site Context

Appendix B

DISCUSSION:

A broad look at the current and future marine industrial uses is overdue, and has begun. Amending the zoning bylaw to recognize existing business operations - and to allow for diversification and expansion of the marine sector in Ucluelet - is fully supported by staff and the adopted policies in the OCP. To clean up the zoning of the various properties that are home to marine industries could involve amending half a dozen zoning designations.

Staff have been in contact with some of the marine business owners, who so far are fully supportive of this effort, but have not yet been in contact with all property and business owners to make them aware of the current situation and potential changes. It is best not to rush that process of consultation.

In the meantime, the request from Neptune Ice to construct a new building to expand their business is fully supported. The “dock to table” concept is consistent with District policies supporting both business diversification and local food security. Staff recommend that Council consider issuing a Temporary Use Permit, to enable a building permit to be issued. Neptune Ice could then proceed while we continue to work on a long-term solution to cleaning up the zoning bylaw.

A draft Temporary Use Permit is attached as **Appendix “A”**.

ANALYSIS OF OPTIONS:

A	Give notice of intent to consider authorizing the issuance of Temporary Use Permit 23-08	<u>Pros</u>	<ul style="list-style-type: none"> • Allows for public comment • Would enable Neptune Ice to proceed with expanding and diversifying their business operation • Would support local food security • Would provide a new visitor experience of the Ucluelet marine industry
		<u>Cons</u>	<ul style="list-style-type: none"> • None
		<u>Implications</u>	<ul style="list-style-type: none"> • Staff would give notice to seek public input before Council considers issuing the TUP
B	Defer the issuance of a TUP for Neptune Ice, until the review and update of marine industrial zones is complete	<u>Pros</u>	<ul style="list-style-type: none"> • Addresses all of the marine industrial zone as at the same time.
		<u>Cons</u>	<ul style="list-style-type: none"> • Would delay the expansion and diversification of a local business
		<u>Implications</u>	<ul style="list-style-type: none"> • Staff would focus efforts on bringing forward bylaw amendments to clean up the marine industrial zoning. • Other projects would be reprioritized.
		<u>Suggested Motion</u>	THAT Council direct staff to prioritize updating the marine industrial zoning of existing Ucluelet businesses, and update the strategic priorities chart to reflect this work.

Appendix B

POLICY OR LEGISLATIVE IMPACTS:

Updating the zoning of properties where marine businesses operate would be consistent with the Official Community Plan bylaw.

NEXT STEPS:

If so directed, staff would prepare and give notice to enable public input on Temporary Use Permit 23-08. Subject to public comment, Council could then issue the TUP and Neptune Ice could then proceed with their building permit application. Review of access, services, etc., would all be completed as part of the normal building permit process.

Respectfully submitted:

BRUCE GREIG, DIRECTOR OF COMMUNITY PLANNING
DUANE LAWRENCE, CAO



REPORT TO COUNCIL

Council Meeting: May 16th, 2023

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM:	MONICA WHITNEY-BROWN, PLANNING ASSISTANT	FILE NO: 3070-TUP22-10
SUBJECT:	TEMPORARY USE PERMIT 22-10 (1295 EBER ROAD) APPLICATION NUMBER: TUP 22-08	REPORT NO: 23- 72
ATTACHMENT(s):	APPENDIX A - APPLICATION APPENDIX B – TEMPORARY USE PERMIT 22-10	

RECOMMENDATION(S):

THAT Council authorize the Director of Community Planning to execute and issue Temporary Use Permit 22-10 to allow the applicant to operate a Vacation Rental use in the secondary suite of the single-family dwelling at 1295 Eber Road for a period of three years, and administer this use from a lawful non-conforming duplex located on the same property.

BACKGROUND:

This application was originally received on August 25th, 2022, for the property located at 1295 Eber Road (PID 001147994, Lot 1, Plan VIP31470, Section 21, Clayoquot Land District - the “subject property”).



Figure 1 - Subject Property

1 |

This property is zoned R-1 Single-Family Residential, which allows a principal permitted use of a Single-Family Dwelling with secondary uses including Bed and Breakfast. A number of nearby properties also operate tourist commercial accommodations in the neighbourhood. The former Russel Marine and then privately owned property, 1295 Eber Road contains a marine ways and wharf in addition to the residential buildings. The property currently has four dwellings on site: an existing single-family dwelling with an attached secondary suite, plus a lawfully non-conforming duplex (two apartments built above a machine shop in the 1960's on the lower part of the site, prior to the 1999 zoning amendment which designated this property as R-1).

The applicant originally intended to operate a B&B in the secondary suite. However, the applicant currently lives in the duplex building, and rents out the single-family dwelling long-term. Therefore, the applicant is not eligible to run a bed and breakfast in the Single-Family Dwelling as Section 404(1)(b) of the *Ucluelet Zoning Bylaw No. 1160* states that a B&B must be "accessory to a permanent residential use and must be administered by an occupant of the single-family dwelling for whom the single-family dwelling is their principal residence". The applicant does not currently meet this requirement and is therefore seeking a commercial tourist accommodation use in the secondary suite of the single-family dwelling through a Temporary Use Permit.

DISCUSSION:

Since the initial application, the applicant has clarified their intention for the property, and changed their approach to best fit their desired uses as well as community needs. The applicant lives in one half of the on-site duplex and rents the other half as well as the single-family dwelling as long-term residential units. The applicant has been renting out the secondary suite to an individual that works seasonally in the community for the winter months. This large R-1 property hosts a high number of long-term residential uses, a beneficial arrangement given the current housing shortage.

Moving forward, the applicant is seeking authorization to rent out the secondary suite as a short-term rental via temporary use permit. The permit would allow the applicant to continue to use the suite as a long-term residential unit through the winter; the applicant is regularly away during the winter months for work, precluding vacation rentals in the unit through the winter season when they are not present. In the summer, they wish to rent it out as a vacation rental while their tenant (an individual that works locally in the winter) is away on summer vacation. The flexibility of seeking this use rather than renovating the suite to comply with B&B requirements means the applicant can retain the kitchen and easily switch seasonally between long-term residential and short-term rental use without requiring extensive renovations.

As Council has previously discussed, Temporary Use Permits can be an effective way of managing short-term rental businesses in residential areas, as they allow community consultation and do not impact the underlying zoning or change the value of the property. In order to renew this permit and allow the vacation rental use to continue, the applicant would need to apply for a renewal in three years' time, prompting additional opportunity for public feedback and offering a chance for Council to check-in on any impacts felt by the neighbourhood for this additional use.

Granting of the Temporary Use Permit would result in three long-term residential units on the subject property, plus one short-term vacation rental use which is likely to be seasonal and host a long-term resident through the winter months. This represents a supportable ratio of housing modes (when compared to residential properties operating three B&B units), and the revenue from this use would help the applicant fund property upgrades. The applicant has provided a detailed statement of intent, and a letter of support from a neighbouring property owner (see Appendix A).

ANALYSIS OF OPTIONS:

A	Authorize the issuance of Temporary Use Permit 22-10	<u>Pros</u>	<ul style="list-style-type: none"> Allows the applicant to achieve their desired land uses. Provides flexibility of use, allowing the applicant to continue to offer the suite as long-term housing to the tenant in the winter season, and operate a vacation rental in the summer months without requiring renovations or building permits. Allows the community to have input on the proposed use, and permits it on a temporary basis subject to conditions.
		<u>Cons</u>	<ul style="list-style-type: none"> Unknown at this time.
		<u>Implications</u>	<ul style="list-style-type: none"> Staff time would be required to process the permit. The applicant will be required to apply for and pay a business license fee to the District of Ucluelet in order to operate.
B	Authorize the issuance of Temporary Use Permit 22-10 subject conditions	<u>Pros</u>	<ul style="list-style-type: none"> Council can add conditions to address any additional concerns community members or Council may have with respect to the issuance of the TUP.
		<u>Cons</u>	<ul style="list-style-type: none"> Unknown at this time.
		<u>Implications</u>	<ul style="list-style-type: none"> Unknown at this time.
		<u>Suggested Motion</u>	<p>THAT Council amend Temporary Use Permit 22-10 by adding the following conditions _____.</p> <p>THAT Council authorize Staff to issue Temporary Use Permit 22-10 as amended.</p>
C	Reject the application	<u>Pros</u>	<ul style="list-style-type: none"> Unknown at this time.
		<u>Cons</u>	<ul style="list-style-type: none"> Would not allow the Vacation Rental use as a temporary and flexible use. Would not allow the applicant to achieve their desired land uses. The applicant may seek to establish a compliant B&B use, resulting in the loss of housing for the tenant.
		<u>Implications</u>	<ul style="list-style-type: none"> Staff time may be required to follow up with applicant.
		<u>Suggested Motion</u>	No motion is required.

POLICY OR LEGISLATIVE IMPACTS:

This application is compliant with the Official Community Plan and relevant provisions of the *Local Government Act*. The required statutory notification for this application has been completed, and Council should provide an opportunity for public comment.

NEXT STEPS:

If this application is approved

- The attached TUP would be signed by the Director of Community Planning, issued to the applicant, and a notice would be filed with the Land Title Office.
- The applicant of the subject property would be required to meet all conditions of the permit and any other conditions set out by Council.
- The applicant would be able to apply for a business license to commence the temporary use on the subject property.

Respectfully submitted: Monica Whitney-Brown, Planning Assistant
Bruce Greig, Director of Community Planning
Duane Lawrence, Chief Administrative Officer

APPENDIX A

To Whom it May Concern,

This is an official Letter of Intent for our property on 1295 Eber Road in Ucluelet, BC. We are applying for a Temporary Use Permit to operate a BnB from the Accessory Dwelling on my property instead of the Single Family Home (SFH) attached to our Secondary Suite (Unit B)

I had recently applied for a Secondary Suite BnB attached to our SFH which is Zoned as R-1. We were denied the business license application as we are currently living in the accessory dwelling and not the Single Family dwelling which is currently rented long term. Both my partner and I had the intention of Owner Occupying the Single Family Home in Spring 2023, however since we are a small family unit at the moment we thought it might be more beneficial to the community and its housing crisis to keep the Single Family Home (which has 4 bedrooms) as a long term rental opening up more opportunity for long term housing. Operating the Secondary suite as a BnB from the accessory dwelling is a divergent from how the Bylaw is written and is non-compliant at this time.

We would like to operate the BnB from the Accessory Unit which is within 100m to suite B instead of the Single Family home attached to the suite. We had pushed moving into the SFH as to allow our current tenants more time to find suitable housing. We added 1.5 years to the agreement currently in place. The accessory dwelling is currently our primary and permanent residence and we share a driveway with Unit B. The secondary suite (Unit B) also faces the neighbouring property which is zoned for VR-1 and currently operates as such. There are no neighbours on the other side of the home where the SFH is located. The SFH attached to Suite B will be unoccupied as of November 1st, and we would like to find suitable long term tenants for Spring 2023. The SFH has its own driveway and private space. Unit B shares a driveway and with our primary residence (the accessory dwelling) so the management and exposure of tourists or nightly renters will rest on our side of the property (see plans). Our accessory unit is within 60m of Unit B.

To further help with the housing shortage, we would like to keep the full kitchen and the laundry in the unit that exists so that when it is not occupied by short term rental, we have the option to rent to local residents. As of right now, we have [REDACTED] who is a permanent resident of Tofino, renting Unit B for the winter to avoid the drive in winter months. We would like to continue to do this with her in the coming years (renting to her in the winter) and in doing so would like to keep the unit functional for long term rental. Since this is just a TUP lasting 3 years, I would ask that we be able to keep the kitchen and laundry as is so that when the permit is expired we are ready to rent long term again without adding an incredible amount of renovation.

Currently we have 4 units total on the property, we are planning to keep 2 of those as long term rentals serving the community housing needs. We are hoping that with 1 out of 4 suites becomes a nightly rental to help us financially to be able to develop the property with more housing long term. We have so much space on our property to accommodate more housing without disrupting the neighbourhood or the tenants. We will be living and managing all suites on the property and see the secondary suite completely undisruptive to the neighbourhood. We have consulted with our only neighbour and they are in support of this application (see letter attached). On top of that the secondary suite business license would be a financial means to help us with rezoning in the future to meet the desires of the OCP, which is in our long term plan.

APPENDIX A

We are fully aware of the amended bylaw 1310 and in the event that the bylaw is adopted we are also hoping that we can operate a non-compliant use from the accessory dwelling we currently live in while still providing long term rentals from all other suites on the property.

Thank you so much for the consideration on this matter.

Robin Van Gyn



APPENDIX A

August 13, 2022

District of Ucluelet
200 Main Street,
Ucluelet BC
V0R 3A0

Re: Temporary Use Permit to operate Suite B as a Secondary suite at 1295 Eber Road

To Whom it May Concern,

We, Jessica and Jason Hutchinson, are the owners of the residential property located at 1271 Eber Road, Ucluelet. Our property is adjacent to Unit B at 1295 Eber Road.

As neighbours we are aware that Robin Van Gyn, the owner of the neighbouring property, has applied for a Temporary Use Permit to operate Suite B as a Secondary suite out of their accessory dwelling and have no issues with the suite being a nightly rental. There is ample parking and space to allow for all visitors to have privacy and ensure no disruption to the other long-term tenants. In summary, we have no concerns with her application and are in support of operating a nightly rental in this unit.

If you have questions or concerns, please feel free to reach us at [REDACTED]

Sincerely,



Jessica Hutchinson

APPENDIX A



TEMPORARY USE PERMIT

TEMPORARY USE PERMIT TUP22-10**General Terms**

1. This Temporary Use Permit is issued to:

Robin Van Gyn,
Unit 1, 1295 Eber Rd., Ucluelet. BC V0R 3A0

(the "Permittee")

as the registered owner of, and shall apply only to, the lands and premises situated in the District of Ucluelet, in the Province of British Columbia, and more particularly described as:

1295 Eber Road, PID 001147994, Lot 1, Plan VIP31470, Section 21, Clayoquot Land District (the "Lands").

2. This Temporary Use Permit is issued pursuant to section 492 to 497 of the *Local Government Act*.
3. This Temporary Use Permit is issued subject to compliance with all applicable District of Ucluelet Bylaws.
4. This Temporary Use Permit authorizes the following uses on the portion of the Lands identified in Schedule A:
One Vacation Rental in a secondary suite in the single-family dwelling for a period of three years, administered by the full-time and present resident occupying the legal non-conforming duplex on the Lands.
5. This permit does not relieve an owner or occupier from obtaining any other approvals required by any other jurisdiction, or from meeting any other applicable regulations.
6. The permit holder, as a condition of issuance of this Permit, agrees to comply with the requirements and conditions of **Schedules 1-4**, which are attached hereto and form part of this permit.
7. The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit.
8. Notice shall be filed in the Land Title Office under section 503 of the *Local Government Act*, and upon such filing, the terms of this Permit or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
9. This Permit is NOT a Building Permit.
10. This Permit is NOT a Development Permit.

TEMPORARY USE PERMIT

- 11. Provisions of sections 495, 496 and 502 of the *Local Government Act* requiring security applies to this permit as set forth in **Schedule 2**.

AUTHORIZING RESOLUTION passed by the Municipal Council on the **of** , **2023**.

IN WITNESS WHEREOF this Temporary Use Permit is hereby executed and issued by the Municipality the **of** , **2023**.

THIS PERMIT SHALL EXPIRE on the day of the **of** , **2026 (3 years)**.

ISSUED the **day of** , **2022**.

Bruce Greig - Director of Community Planning

TEMPORARY USE PERMIT

Schedule 1 Required Undertaking

TO THE DISTRICT OF UCLUELET:

I, Robin Van Gyn, representing *the Lands* hereby undertake as a condition of issuance of this Temporary Use Permit to:

- a) Cease use and remove any structures built to support the temporary use from the subject property not later than 1 month after the termination date set out on the Temporary Use Permit.
- b) Abide by all conditions of the Temporary Use Permit.

I(We) understand that should we not fulfill the undertakings described herein, the District of Ucluelet or its agents may enter upon *the Lands* and perform such work as is necessary to eliminate the temporary use and bring the use and occupancy of the property into compliance with the District of Ucluelet bylaws, and that any securities submitted to the District pursuant to the Temporary Use Permit shall be forfeited and applied to the cost of restoration of *the Lands* as herein set out.

We further understand that in the event of a default of the conditions contained within the Temporary Use Permit, we shall forfeit the securities submitted to the District of Ucluelet.

This undertaking is attached hereto and forms part of the Temporary Use Permit.

DATE: _____

OWNERS: _____

WITNESS: _____

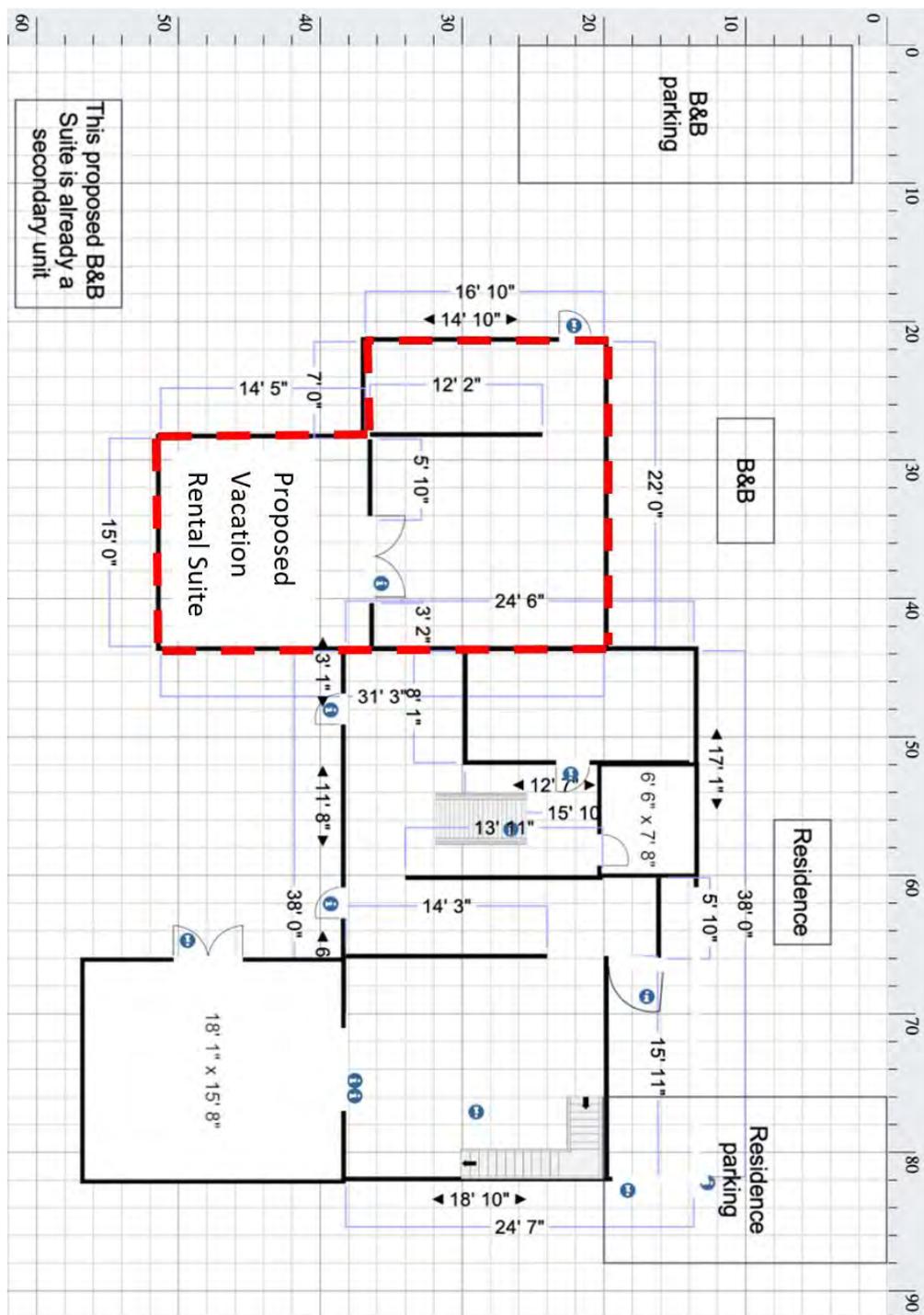
TEMPORARY USE PERMIT

Schedule 2 Terms of Temporary Use Permit Conditions

- a) The permitted temporary use shall be limited to the following uses;
- Vacation rental in the portions of the property identified in Schedule 3.*
- b) The vacation rental uses and all other site modifications are to be located as indicated on the site plan (**Schedule 4**).
- c) No other temporary uses other than the above-mentioned uses shall be permitted.
- d) The Permittee will abide by the following conditions;
- i. The Permittees must comply with the BC building code and obtain a building permit to make all necessary upgrades and comply with any conditions deemed necessary by the District of Ucluelet building official prior to commencing the use.
 - ii. The Permittee must successfully complete a fire inspection with the District of Ucluelet Fire Chief prior to commencing the proposed use.
 - iii. The Permittee must obtain a District of Ucluelet Business License prior to commencing the use.
 - iv. The Permittee must, as part of their Business License Application, provide contact information for the business operator and consent to allow this contact information to be made publicly available, including on-line and to guests of the Vacation Rental.
 - v. The permittee must remain available to respond to inquiries or problems raised by guests by phone within 15 minutes and in person within six hours.
- e) The Permittee shall comply with all other requirements in the District of Ucluelet Zoning Bylaw No. 1160, including parking requirements for the temporary use.
- f) The municipal Bylaw Enforcement Officer may arrange for site inspection at any time, in a reasonable manner, to monitor compliance with the terms of the Temporary Use Permit.
- g) Failure of the Permittee to meet and maintain any of the terms listed above may result in suspension of the permit and forfeiture of the security deposit.

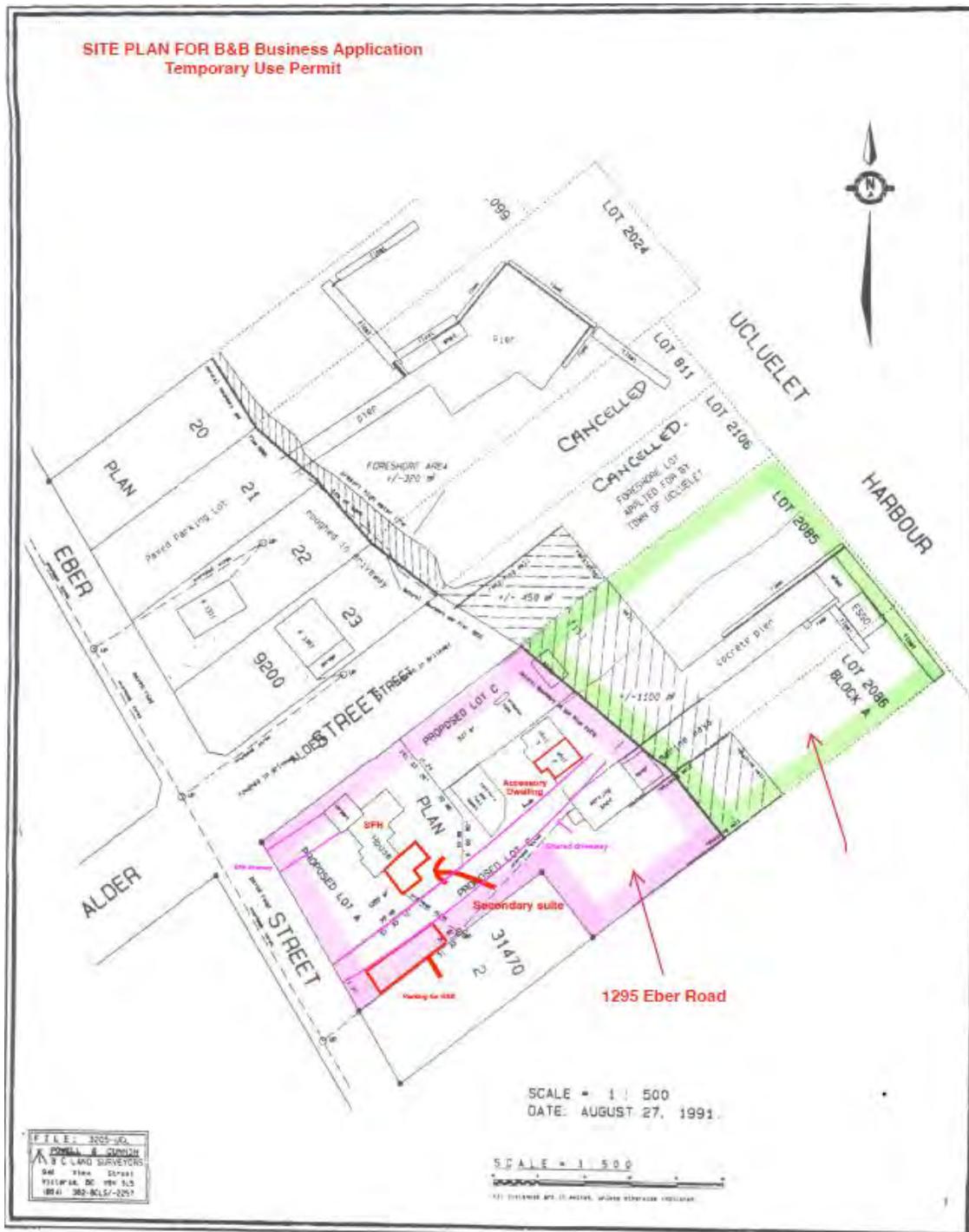
TEMPORARY USE PERMIT

Schedule 3 Portion of 1295 Eber Road where temporary uses are permitted



TEMPORARY USE PERMIT

Schedule 4: Site plan





REPORT TO COUNCIL

Council Meeting: May 16th, 2023

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM:	MONICA WHITNEY-BROWN, PLANNING ASSISTANT	FILE NO: 3070-TUP23-01
SUBJECT:	TEMPORARY USE PERMIT 23-01 (1970 HARBOUR CRESCENT) - APPLICATION NUMBER: TUP23-01	REPORT No: 23-77
ATTACHMENT(s):	APPENDIX A - APPLICATION APPENDIX B – TEMPORARY USE PERMIT 23-01	

RECOMMENDATION(S):

THAT Council authorize the Director of Community Planning to execute and issue Temporary Use Permit 23-01 to allow a maximum of 18 Recreational Vehicle units to be used as seasonal employee accommodation on the property at 1970 Harbour Crescent; and,

THAT Council direct staff to advise Ucluelet Harbour Seafoods of Council’s desire to see a long-term solution to their worker housing challenges rather than issuing temporary use permits on an ongoing basis.

BACKGROUND:

The applicant is seeking a temporary use permit to allow up to 18 seasonal Recreational Vehicles (RVs) to house Ucluelet Harbour Seafoods Ltd. (UHS) employees on the property at 1970 Harbour Crescent (PID 003527867, Lot 5, Plan VIP20323, District Lot 806&1991, Clayoquot Land District - the “subject property”).

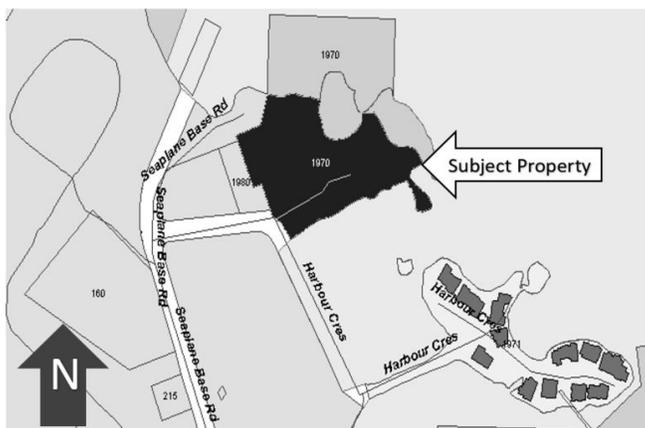


Figure 1- Subject Property

The applicant, Pacific Seafoods, previously applied for a Temporary Use Permit (TUP) for this use on this property in 2019. At that time (as now), UHS was struggling to find accommodation necessary to keep up with demand for their workforce. The TUP was approved by Council, but there were a number of conditions which the applicant failed to meet, resulting in non-compliance with the past permit.

In June, 2022, the District of Ucluelet Bylaw Officer responded to complaints regarding the site and noted a number of unauthorized land uses as well as health and safety concerns. A fire inspection was completed, and the Bylaw officer provided a letter to the applicant in July, 2022, outlining the infractions noted on site and providing a list of requirements for the applicants to meet in order to establish compliance. These included planning and implementing fencing and landscaping, providing proof of certified installation of water and sewer services, providing a manager's contact information to residents at Water's Edge to address any nuisance issues, and ensuring the civic address was visible from the street.

At that time there was also a requirement that the applicant obtain a new and updated Temporary Use Permit. Over the following months, the applicant established compliance with the majority of these requirements (Appendix A) and commenced the process of applying for an updated Temporary Use Permit.

DISCUSSION:

The applicant operates the Ucluelet Harbour Seafood fish processing plant, a large-scale local employer experiencing significant difficulty in obtaining employee accommodation for their work force - particularly in the busy summer season. This use has previously caused some conflict with adjacent residents, particularly at the Water's Edge development. In summer of 2022, several measures were improved on site, including fencing and screening and providing a direct means of contact for residents to the site manager. There have been no incidents of bylaw complaints for this property since these steps have been taken.

The site as proposed does not offer particularly high-quality amenities or living conditions to workers, but it does provide a safe, temporary mechanism of providing employee accommodation to UHS employees, many of whom operate on a shift system and return home on their time off. Should Council approve this application, the site will receive minor upgrades as specified in the permit (Appendix B) and be able to house a maximum of 18 RV units and 36 workers. This will help address UHS's staff employee accommodation stock and bring a complex site with a history of compliance issues into good standing with the District.

This Temporary Use Permit for the site does not present a permanent solution for the applicant to address their long-standing staff housing shortages. The applicant has several temporary use permits for staff housing options currently in effect, and the subject property has been the source of some community conflict and District enforcement over the past five years. The issuance of this TUP would allow Ucluelet Harbour Seafoods to provide temporary housing to their workers on the subject property and continue operations.

Council should note however, that the permit is envisioned as a temporary measure. The amenities and living conditions proposed by this TUP do not suggest the site is an appropriate

long-term solution to staff housing challenges for UHS. Ucluelet Harbour Seafood should be working towards developing and providing long-term and permanent staff housing to accommodate their workforce. At the time of renewal of this Temporary Use Permit in three years, it would be expected and important for the applicant to have developed a permanent staff housing strategy and be working towards these goals, rather than relying on the subject property site to continue in the form proposed for an indefinite time period.

District staff would welcome proposals from Ucluelet Harbour Seafoods for plans on how to address their staff housing issues. In the short term there is merit in allowing the applicant to provide employee accommodation according to the conditions within this permit, provided they are working on developing a more comprehensive solution.

ANALYSIS OF OPTIONS:

A	Authorize the issuance of Temporary Use Permit 23-01	<u>Pros</u>	<ul style="list-style-type: none"> Allows the applicant to provide safe accommodation to employees of UHS for a temporary three-year period. Ensures upgrades and safety improvements to an existing site of seasonal RV use. Provides a path for the applicant to ensure the site is managed and in good-standing with the District of Ucluelet. Sets expectations for the applicant to develop more long-term and comprehensive staff housing solutions during the three-year TUP period.
		<u>Cons</u>	<ul style="list-style-type: none"> Unknown at this time.
		<u>Implications</u>	<ul style="list-style-type: none"> Staff time to conduct follow-up inspections and monitor compliance. Applicant will be required to pay \$18,000 security deposit.
B	Authorize the issuance of Temporary Use Permit 23-01 subject to conditions	<u>Pros</u>	<ul style="list-style-type: none"> Council can add conditions to address any additional concerns community members or Council may have with respect to the issuance of the TUP.
		<u>Cons</u>	<ul style="list-style-type: none"> Unknown at this time.
		<u>Implications</u>	<ul style="list-style-type: none"> Unknown at this time.
		<u>Suggested Motion</u>	<p>THAT Council amend Temporary Use Permit 23-01 by adding the following conditions _____.</p> <p>THAT Council authorize Staff to issue Temporary Use Permit 23-01 as amended.</p>
C	Reject the application	<u>Pros</u>	<ul style="list-style-type: none"> Unknown at this time.
		<u>Cons</u>	<ul style="list-style-type: none"> Staff would have to ensure all existing RVs and related equipment were removed, and the site returned to its initial state. The site would not be used to house workers, and the applicant would be required to find additional staff housing in a difficult environment.
		<u>Implications</u>	<ul style="list-style-type: none"> Staff time would be required to follow up with the applicant and establish next steps or compliance.

	<u>Suggested Motion</u>	No motion is required.
--	-------------------------	------------------------

POLICY OR LEGISLATIVE IMPACTS:

This application is compliant with the *Official Community Plan* and relevant provisions of the *Local Government Act*. The required statutory notification for this application has been completed, and Council should provide an opportunity for public comment.

NEXT STEPS:

If this application is approved

- The attached TUP would be signed by the Director of Community Planning, issued to the applicant, and then a notice would be filed with the Land Title Office.
- The applicant of the subject property would be required to meet all conditions of the permit, including providing a security deposit and any other conditions set out by Council prior to occupancy being approved.

Respectfully submitted: Monica Whitney-Brown, Planning Assistant
 Bruce Greig, Director of Community Planning
 Duane Lawrence, Chief Administrative Officer



BOX 1000
1661 Cedar Road
Ucluelet, B.C., V0R 3A0
Tel: (250) 726 7768 or 250 266 0511

APPENDIX A



April 6, 2023

District of Ucluelet
200 Main St.
Ucluelet, BC
V0R 3A0

RE: Ucluelet Harbour Seafoods, a member of Pacific Seafood group, **Statement of Intent**

Consideration of UHS's proposal of a Temporary Use Permit for a period of 3 years which is as follows:

- District of Ucluelet would issue a Temporary Use Permit allowing UHS to use a portion of the Trappa Property for Staff Housing for up to 3 years (see attached for location).
- The Staff Housing will be a common area with up to 18 Travel Trailers/5th Wheels with no more than 2 staff members per unit.
- UHS has installed a septic system to adequately service Housing Site.
- UHS had an approved electrician install power outlets for trailer plug-ins.
- UHS had an approved plumbing company run the water supply to the trailer sites.
- UHS has onsite garbage collection and services set up to remove all waste with Ozzard.
- Construction of a fence along the Northeast property line and planting of trees was completed to provide screening for neighboring properties.
- UHS has assigned an on-site manager to monitor the site to control noise levels.

It cannot be emphasized enough the importance of staff housing to the success of UHS. Time is of the essence as we will need to start housing team members to prepare the plant for our May-November fishing season. Thank you for your consideration and support in this matter.

Sincerely,

S&S Seafood Co. Canada


****Name of signator****

Written statement of intent



BOX 1000
1661 Cedar Road
Ucluelet, B.C., V0R 3A0
Tel: (250) 726 7768 or 250 266 0511



APPENDIX A

April 6, 2023

District of Ucluelet
200 Main St.
Ucluelet, BC
V0R 3A0

RE: Ucluelet Harbour Seafoods, *a member of Pacific Seafood group*, **Contact Information**

Information provided to Waters Edge and Embarc

Gregg Hardy, General Manager

1-709-690-8836

Information provided to the District of Ucluelet

Kevin Lee, On-site Manager for 1970 Harbour Crescent

1-250-266-1441

Christian Sampson, Workforce Coordinator

1-250-266-3538

Sincerely,

S&S Seafood Co. Canada


****Name of signator****

Written statement of intent



Schedule 4 Site Plan

PROJECT:
UCLUELET HARBOUR
SEAFARERS
TEMPORARY USE
PERMIT
STAFF ACCOMMODATION

DRAWING TITLE:
LAND USE
CONCEPT PLAN

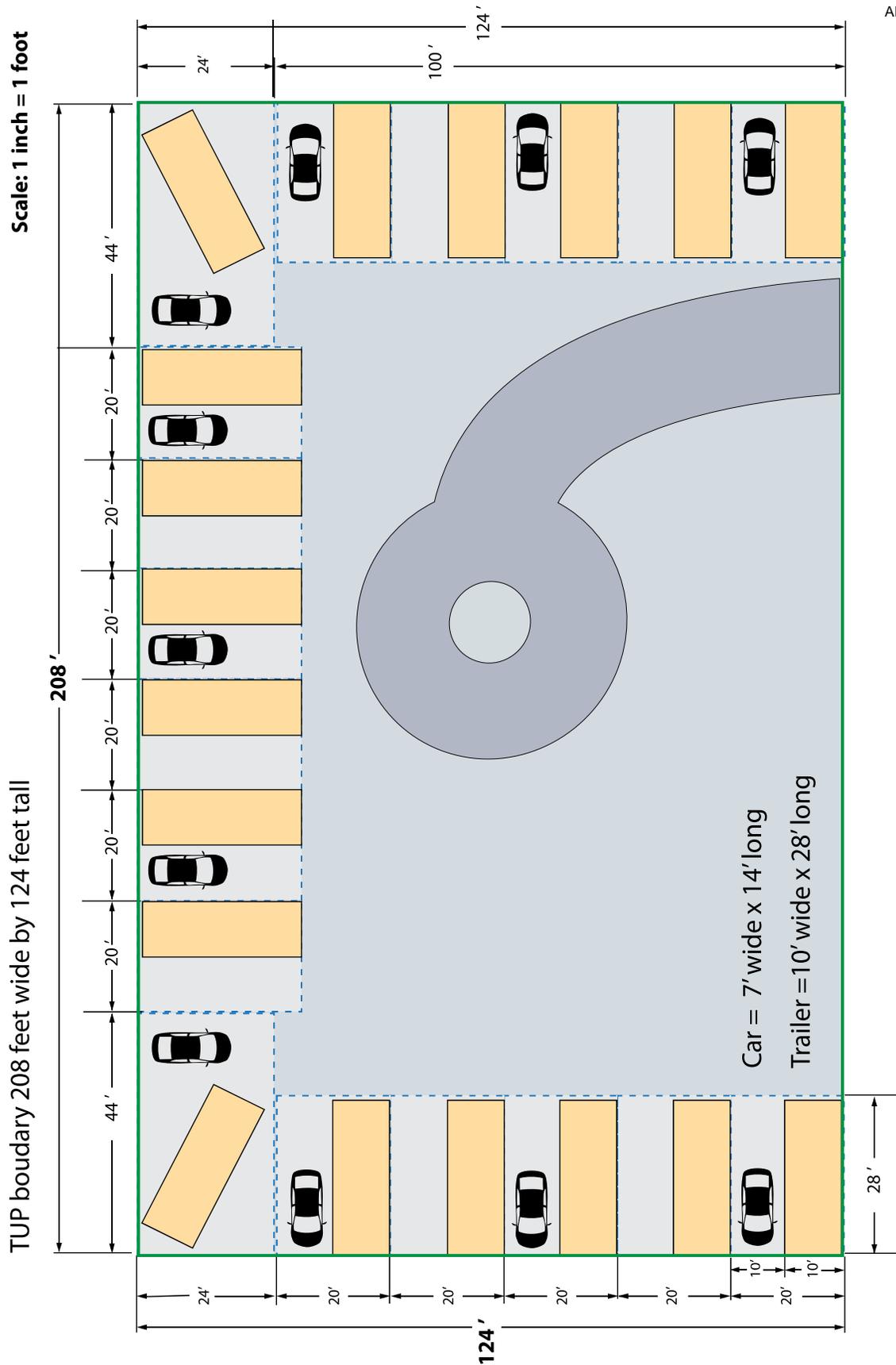
SCALE: 1:500
DATE: JUN 24 2018

PREPARED FOR:
UCLUELET HARBOUR
SEA FCODE

PREPARED BY:



AREA OF SEASONAL EMPLOYEE CAMPING:



[Order History](#)

[My Account](#)

Logged in as csampson@pacificseafood.com

[Logout](#)



- Parcel Identifier (PID)
- Parcel Identification Number (PIN) [?](#)
- Jurisdiction and Roll Number
- Short Legal Description

1970 Harbour Cres, Ucluelet, BC

- Add to Existing Search Results [?](#)
- Include Fabric History [?](#)

[Q Search](#)

+ Crown Features by

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Site Plan of Proposed Onsite Sewerage System

Site Assessment info and proposed construction

Client: Leader Fishing Ltd.

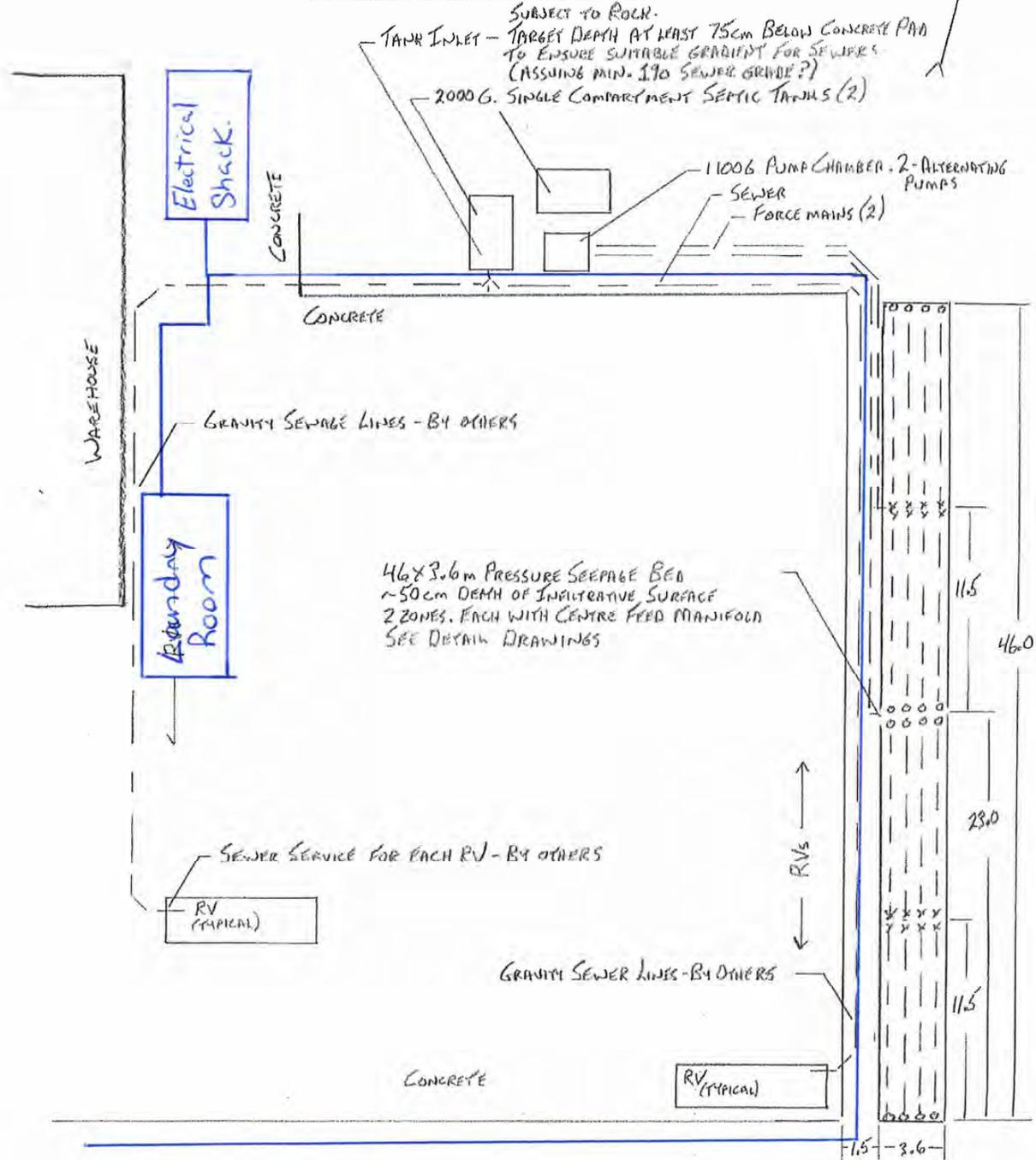
Location: 1970 Harbour Crescent, Ucluelet, BC

Drawn By: Jim Andersen, ASCT, ROWP

Date: April 26, 2021

Scale: 1:300

All dimensions are in metres unless otherwise noted



Jim Andersen Ltd.
Onsite Sewerage Consultants
Cel. 250 954 7769 Office 250 468 9772
websites <https://jimandersenltd.com/>
<https://equiptraining.ca/>
email jaldt@shaw.ca

Onsite Sewerage Assessment Report – 1970 Harbour Crescent, Ucluelet, BC

Subject property:

Lot 5, District Lots 806 and 1991, Clayoquot District, Plan 20323
 PID 003-527-867 Assessment Roll: 04-583-00181.100
 1970 Harbour Crescent, Ucluelet, BC

Client: Leader Fishing Ltd., INC.NO. BC0992586 (c/o Nick)

Date: March 12, 2023

By email: c/o terry@rotorootervi.com

BACKGROUND:

The onsite sewerage system was designed and certified by Jim Andersen Ltd., with installation by Coastal Drain Cleaning (RotoRooter), May 2021.

The client wishes to add new units for temporary housing at the subject property. I have been engaged to provide a conclusion regarding suitability of the sewerage system for additional usage, additional sewage flows.

SUMMARY

The existing system has been operating with sewage flow volumes significantly below the design capacity and is completely suitable for tie-in of additional sources, easily accommodating the proposed four-additional RVs or similar uses.

CONCLUSIONS:

Design capacity:

- The design flow allowance was based on guidelines of the BC Sewerage System Standard Manual, as per SPM Table III- 11, conservatively based on the 'work camps' category, peak flow allowance of 338 L per person for typical total occupancy of 20 persons.
- Thirteen RVs were anticipated, with average 1.5 persons occupancy.
- The total daily design flow was 6580 L/day (peak flow allowance); the allowable average flow within any 30-day period is 4,400 L/day.
- Note that the anticipated number of units or occupants is used only as engineering guidance to determine the design capacity of the sewerage system, not to establish a regulatory or operational constraint. The owner's regulatory obligation (as per the Sewerage System Regulation) is to ensure the system is operated with the allowable average flow allowance - not exceeding 4,400 L/day on average within any 30-day period.
- The most recent flow monitoring records (February 6, 2023) reveal average daily flow of 460 L/day, with the top ten peak flow days not greater than 680 L/day ... significantly less than the 4,400 L/day allowable flow volume.

Condition and Performance:

- Our technicians have attended the site on a regular basis, including the latest maintenance and monitoring service by Terry Kelloway, ROWP (owner of Coastal Drain Cleaning) on February 6, 2023. I have also attended the site (summer 2022) for a cursory inspection. Our conclusions are that the system is performing properly, is in excellent condition, is being used at far less than maximum capacity, with no indications of problematic sewage inflows, and with treated effluent quality meeting type 1 treatment parameters. The sewerage system is **operating in a normal manner as intended by its design**.

If you have any questions or require any further information, please do not hesitate to contact me.



Jim Andersen, ASCT, ROWP





Operating Permit Number: EL-415670-2018

(When inquiring always refer to this number.)

Expiry Date: July 31, 2022

ELECTRICAL OPERATING PERMIT

GENERAL USER

June 26, 2021

Leader Fishing Ltd
522 7TH STREET
NEW WESTMINSTER BC V3M 5T5

LOCATION OF OPERATION

Coastal Seafood Products - CSP
1970 HARBOUR DRIVE
UCLUELET BC V0R 3A0

Designated FSR Information:

FSR Name - Kurtis Ocean

FSR No. - CEL000229857

FSR Class - FSR Class B

Your permit application has been assessed. For information about your roles and responsibilities as an asset owner and to learn about Technical Safety BC's Resource Allocation Program (RAP), visit www.technicalsaftybc.ca/owners-responsibilities.

BC Safety Authority is now **Technical Safety BC**. While we have changed our name, we remain committed to our vision of *Safe Technical Systems. Everywhere.* Learn more about our evolving services and how we share safety knowledge at www.technicalsaftybc.ca.

Suite 600 - 2889 East 12th Avenue Vancouver, BC V5M 4T5 T 1 866 566 7233 E contact@technicalsaftybc.ca www.technicalsaftybc.ca

FRM-1397-00

Page 1 of 3

APPENDIX A

Temporary Use Permit 23-01 (1970 Harbour Crescent) - Application Number:...



Operating Permit Number: EL-415670-2016

(When inquiring always refer to this number.)

Expiry Date: July 31, 2022

The Permit holder is permitted to operate or maintain electrical equipment at this location of operation within the voltage and amperage class listed below, subject to the listed Terms & Conditions:

Volts	Amps	Phase	KVA
24900	60	3	2,587.00

TERMS & CONDITIONS

The following Terms & Conditions are attached to this Operating Permit:

1. Technical Safety BC must be advised in writing of any change in owner or agent within 72 hours of the change coming into effect.
2. For Permit Class: "Temporary Construction Service" the Permit holder is authorized to install and operate the temporary service for a period not to exceed one year from original installation.
3. For Permit Class: "Temporary Operating" the Permit holder is authorized to install and operate the temporary system at the location(s) and date(s) declared on the application.
4. For permit classes other than "Temporary Construction" and "Temporary Operating", this permit does not authorize the installation of electrical equipment except as permitted by the Directive titled "Electrical Operating Permit Requirements".

GENERAL REQUIREMENTS & INFORMATION

The Following General Requirements apply to this Operating Permit:

1. Operation is to be discontinued immediately if this operating permit is suspended, revoked or otherwise rendered invalid by Technical Safety BC.
2. Electrical systems must be operated and maintained in accordance with the Safety Standards Act ("the Act") and Regulations.
3. Technical Safety BC is to be notified of any incident that results in an injury to any person or damage to the regulated equipment. To report an incident, go to www.technicalsafteybc.ca (search: "report an incident").
4. The holder of this permit must not allow regulated work to be undertaken by individuals under the permit unless they are authorized under the Safety Standards Act.
5. The holder of this permit must maintain a log of all work performed under this permit.
6. The holder of this permit must inform Technical Safety BC if the named field safety representative ceases to be contracted or employed by the permit holder.
7. The holder of this permit must renew the permit upon receipt of renewal notice.
8. Variances must be obtained prior to the applicable changes of the operation.

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FRM-1397-00

Page 2 of 3

APPENDIX A



Operating Permit Number: EL-415670-2016

(When inquiring always refer to this number.)

Expiry Date: July 31, 2022

If you disagree with a term or condition applied to this permit, you may request, in writing, a Safety Manager review within 30 days from the date of issue. A Review Request Form can be obtained from any Technical Safety BC office or online at: www.technicalafetybc.ca (search: "manager review").

For information on the Safety Standards Act, Regulations, and the Review/Appeal process, please visit www.technicalafetybc.ca

BC Safety Authority is now **Technical Safety BC**. While we have changed our name, we remain committed to our vision of *Safe Technical Systems. Everywhere.* Learn more about our evolving services and how we share safety knowledge at www.technicalafetybc.ca.

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FRM-1397-00

Page 3 of 3

APPENDIX A

Temporary Use Permit 23-01 (1970 Harbour Crescent) - Application Number:...

TEMPORARY USE PERMIT TUP23-01

General Terms

1. This Temporary Use Permit is issued to:

Leader Fishing Ltd. Inc. No. BC0992586
320-522 7th Street
New Westminster, BC V3M 5T5

and

S&S Seafood Co. (Canada)
12 Orwell Street, Suite 200
North Vancouver, BC V7J 2G1
 (the "Permittee")

as the registered owner and tenant of, and shall apply only to, the lands and premises situate in the District of Ucluelet, in the Province of British Columbia, and more particularly described as:

Lot 5, District Lots 806 and 1991 Clayoquot District, Plan 20323
PID 003-527-867 (1970 Harbour Crescent)

(the "Lands").

2. This Temporary Use Permit is issued pursuant to section 492 to 497 of the *Local Government Act*.
3. This Temporary Use Permit is issued subject to compliance with all applicable District of Ucluelet Bylaws.
4. This Temporary Use Permit authorizes the following uses on the Lands, despite the regulations adopted in Ucluelet Zoning Bylaw 1160, 2013, as amended:

A maximum of eighteen (18) long-term seasonal recreational vehicles (RV) units for local Ucluelet Harbour Seafoods employees to be located at 1970 Harbour Crescent, subject to conditions as authorized by Council.

5. This permit does not relieve an owner or occupier from obtaining any other approvals required by any other jurisdiction, or from meeting any other applicable regulations.
6. The permit holder, as a condition of issuance of this Permit, agrees to comply with the requirements and conditions of **Schedules 1-3**, which are attached hereto and form part of this permit.
7. The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit.



- 8. Notice shall be filed in the Land Title Office under section 503 of the *Local Government Act*, and upon such filing, the terms of this Permit or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
- 9. This Permit is NOT a Building Permit.
- 10. This Permit is NOT a Development Permit.
- 11. Provisions of sections 495, 496 and 502 of the *Local Government Act* requiring security applies to this permit as set forth in **Schedule 2**.

AUTHORIZING RESOLUTION passed by the Municipal Council on _____, **2023**.

IN WITNESS WHEREOF this Temporary Use Permit is hereby executed and issued by the Municipality on _____, **2023**.

THIS PERMIT SHALL EXPIRE on the day of _____, **2026 (3 years)**.

ISSUED the _____ day of _____, 2023.

Bruce Greig - Manager of Community Planning

Schedule 1 Required Undertaking

TO THE DISTRICT OF UCLUELET:

I (We), Christian Sampson, representing *the Lands* hereby undertake as a condition of issuance of this Temporary Use Permit to:

- a) Cease use and remove any structures built to support the temporary use from the subject property not later than 1 month after the termination date set out on the Temporary Use Permit unless otherwise authorized prior to that date.
- b) Remove any RV's, Trailers, or other vehicles or structures used or capable of being used for camping purposes from *the Lands* immediately upon expiry or revocation of the Temporary Use Permit.
- c) Abide by all conditions of the Temporary Use Permit.

I(We) understand that should we not fulfill the undertakings described herein, the District of Ucluelet or its agents may enter upon *the Lands* and perform such work as is necessary to eliminate the temporary use and bring the use and occupancy of the property into compliance with the District of Ucluelet bylaws, and that any securities submitted to the District pursuant to the Temporary Use Permit shall be forfeited and applied to the cost of restoration of *the Lands* as herein set out.

I further understand that in the event of a default of the conditions contained within the Temporary Use Permit, I shall forfeit the securities submitted to the District of Ucluelet.

This undertaking is attached hereto and forms part of the Temporary Use Permit.

Contact Information for the Site Manager

Cell: _____

Email: _____

DATE: _____

OWNERS/
AUTHORIZED AGENT: _____

WITNESS: _____

Schedule 2 Security

As a condition of the issuance of this Permit, the District of Ucluelet is holding a security set out below to ensure that development is carried out and operated in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to use the land as authorized according to the terms and conditions of the Permit and within the time provided, the District of Ucluelet may use the security to carry out the work by its servants, agents, or contractors, and any surplus shall be paid over to the Permittee; or should the Permittee carry out the development permitted by this Permit within the set time set out above, the security shall be returned to the Permittee. There is filed accordingly:

- a) A Letter of Credit or cash to be deposited into a specified bank account, to be held for the term of the permit in the amount of \$18,000. The purpose of the security is to cover any associated costs to the District of Ucluelet with respect to the removal of recreational vehicle units and associated structures or services.

Schedule 3 Terms of Temporary Use Permit Conditions

- a) The permitted temporary use shall be limited to the following uses;
A maximum of eighteen (18) long-term seasonal recreational vehicles (RV) for staff accommodation.

The following improvements on the Lands are also permitted in association with this Temporary Use Permit:

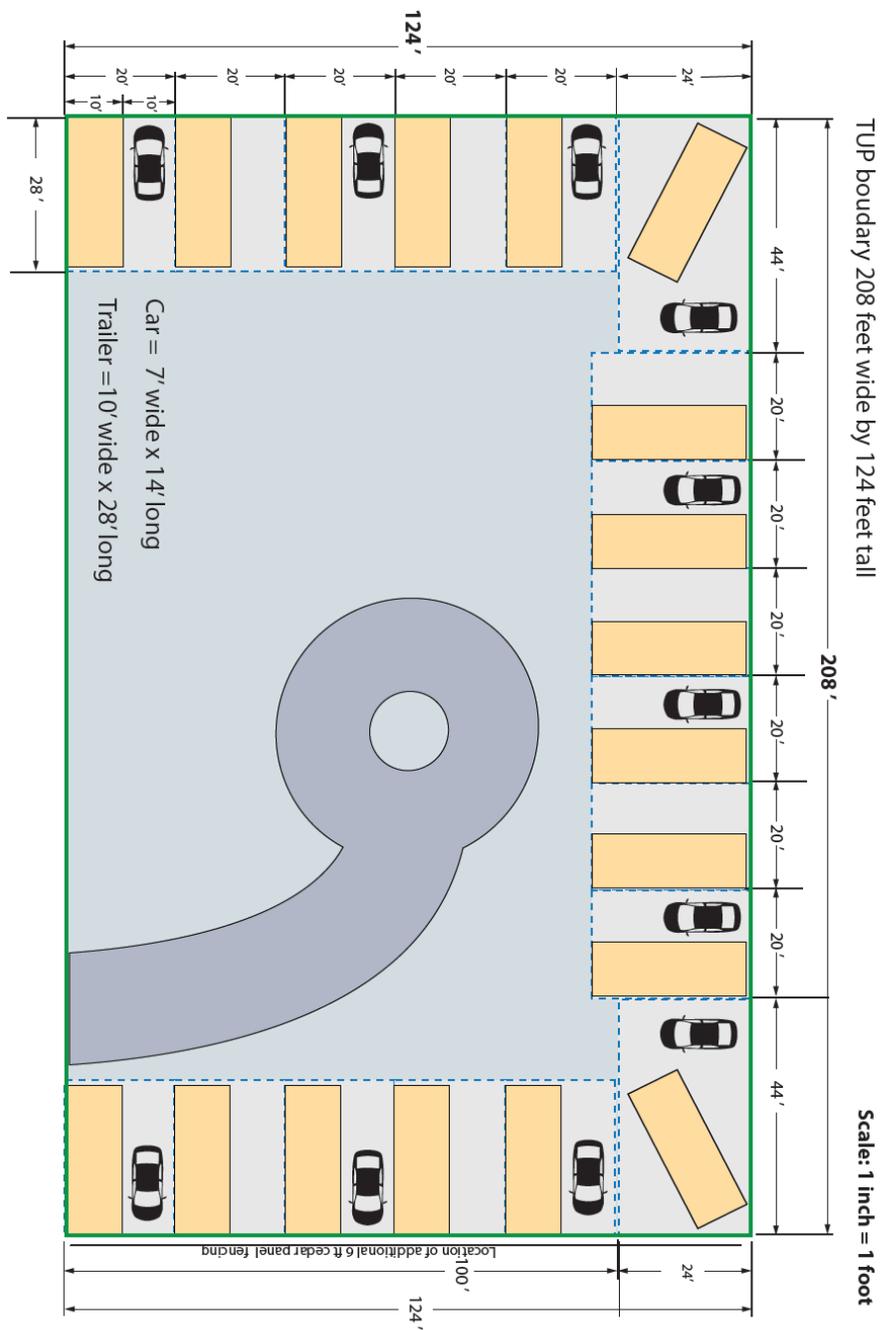
***Removal of existing metal storage and debris from the southern side of the RV site area.
 Development of a 1 ft x 1 ft trench for an electrical cable along the edge of the existing paved RV site area.***

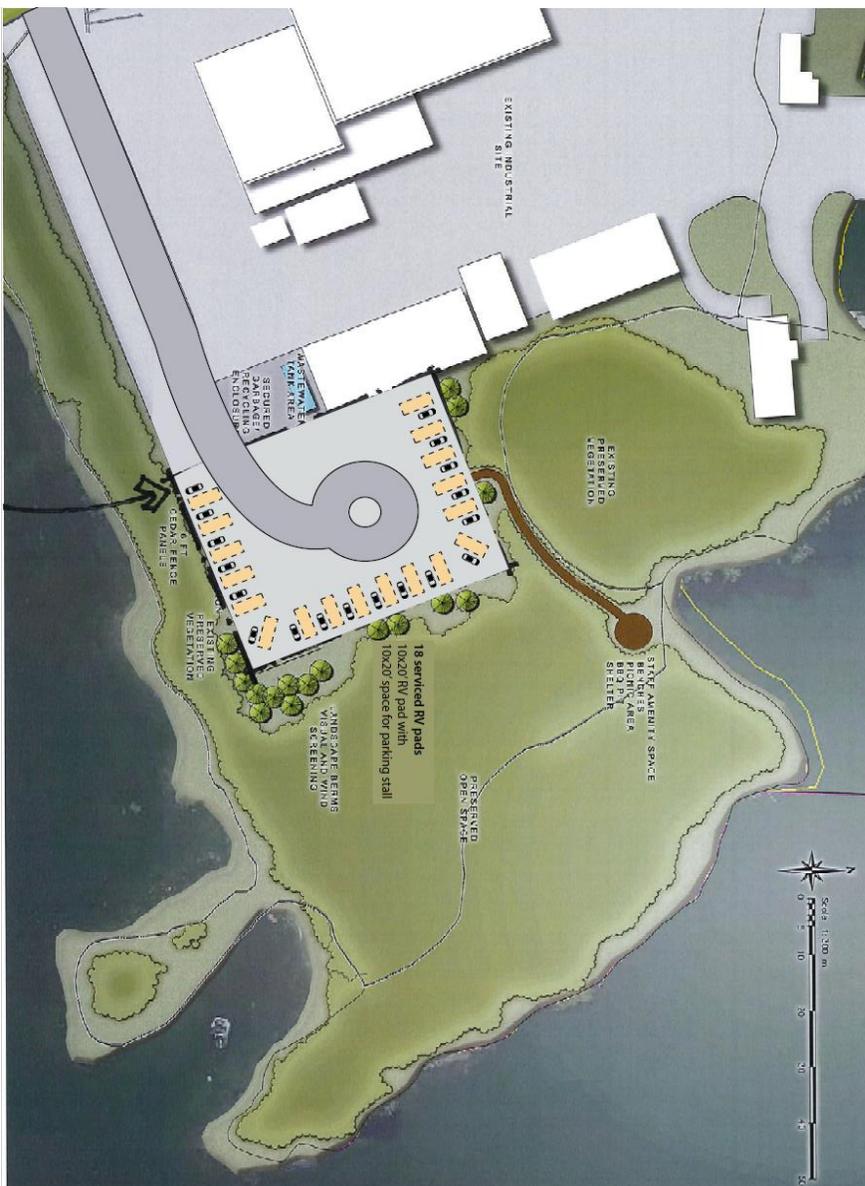
- b) Prior to the lawful occupation of the seasonal RV units, the Permittee must
 Within six weeks of issuance of this permit:
- i. Provide a current and valid Electrical Operating Permit, and provide a copy of any renewed permits to the District of Ucluelet for the duration of the Temporary Use.
 - ii. Arrange the RV units according to the site plan (Schedule 4), with a minimum of 3 m of clear space between each unit. Insured vehicles may be parked in this space but no other items or structures may be stored between RV units.
 - iii. Arrange and pass a fire inspection with the Ucluelet Fire Chief and Bylaw Officer to inspect final layout and confirm compliance with all permit conditions. Final site layout is subject to approval by the Fire Chief, and the Permittee must abide by any additional conditions which the Fire Chief deems necessary to ensure safety of the site.
 - iv. Complete a screening fence along the southern edge of existing pavement to match existing 6 ft cedar fence panels erected on site. Minimal disturbance and maintenance of vegetation to complete and upkeep the fencing requirements is permitted , but vegetation beyond the edge of the paved area should be left undisturbed. Any excavation or major disturbance outside of the existing developed area may require a Marine Shoreline Development Permit
- Within twelve weeks of issuance of this permit:
- v. Complete road painting to delineate turn-around and access/ egress lanes to ensure emergency access aisles remain clear.
- c) The RV spaces are to be located only as indicated on the site plans (**Schedule 4**).
- d) The Permittee must oversee the use of the Lands and identify a manager / caretaker to be available to respond to any inquiries or concerns during any period when the seasonal employee units are occupied. The manager's telephone and email contact shall be provided to the District and updated as required.
- e) The proposed seasonal RV space is for staff accommodation, to be inhabited by employees working for the Permittee. For clarity, this permit does not authorize short-term commercial tourist accommodation use of the proposed RV space. The minimum length of stay is 30 consecutive days. The maximum length of stay is 6 months.
- f) At the end of each seasonal stay, or within 6 months (whichever is less), the Permittee shall notify the Bylaw Services Officer in writing that the unit has been vacated.
- g) No person shall make, allow, or cause to be made any loud, objectionable, or unnecessary noise anywhere within the seasonal camping area which may disturb the peace, quiet, rest,

enjoyment, comfort, and/or convenience of the neighborhood between the hours of 10 pm of one day and 7 am of the next day.

- h) The Permittee shall provide for collection and pickup of garbage and recycling in appropriate wildlife-proof containers.
- i) No RV spaces are to be occupied unless they are serviced by approved potable water and sewage disposal systems. Any failure to properly collect and dispose of septic waste will result in suspension of this permit and forfeit of the security deposit.
- j) No RV spaces are to be occupied until the access drive aisles, parking spaces, trailer pads and fire lanes are delineated to the satisfaction of the District. Access aisles and vehicle turnarounds are to be kept free at all times, for emergency access.
- k) No RV spaces are to be occupied until the Permittee has provided the site amenities and landscaping as shown on Schedule 4. The Permittee is to provide a detailed plan for fencing, landscaping and site amenities prior to construction, for approval by District staff.
- l) An on-site parking space shall be provided for each seasonal RV pad, in addition to the required parking for all other uses on site.
- m) No other temporary uses other than the above-mentioned uses shall be permitted. To be clear, no other camping or storing of RV's is allowed on the property, except as authorized by this permit and only in the locations shown on Schedule 4 of this permit.
- n) The municipal Bylaw Services Officer may arrange for site inspection at any time, in a reasonable manner, to monitor compliance with the terms of the Temporary Use Permit. The permittee is responsible to obtain all other permits required by municipal, provincial or federal jurisdiction. Failure of the Permittee to meet and maintain any of the terms listed above may result in suspension of the permit.

Schedule 4 Site Plans







REPORT TO COUNCIL

Council Meeting: May 16th, 2023
 500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: MONICA WHITNEY-BROWN, PLANNING ASSISTANT

FILE NO: 3070-20 TUP23-04

SUBJECT: **TEMPORARY USE PERMIT 23-04 (250 MAIN STREET) - APPLICATION NUMBER TUP23-04**

REPORT NO: 23-73

ATTACHMENT(s): APPENDIX A - APPLICATION
 APPENDIX B - TUP23-04 REPORT TO COUNCIL APRIL 25TH, 2023
 APPENDIX C – TEMPORARY USE PERMIT 23-04

RECOMMENDATION:

THAT Council direct Staff to authorize the Director of Community Planning to execute and issue Temporary Use Permit 23-04 to allow a cannabis sales use at 250 Main Street for a period of three years.

BACKGROUND:

This application for a Temporary Use Permit (TUP) was received in February, 2023, for the property located at 250 Main Street (the “Ucluelet Lodge”: PID 005455405, Lot 4, Plan VIP10123, District Lot 282, Clayoquot Land District - the “subject property”).

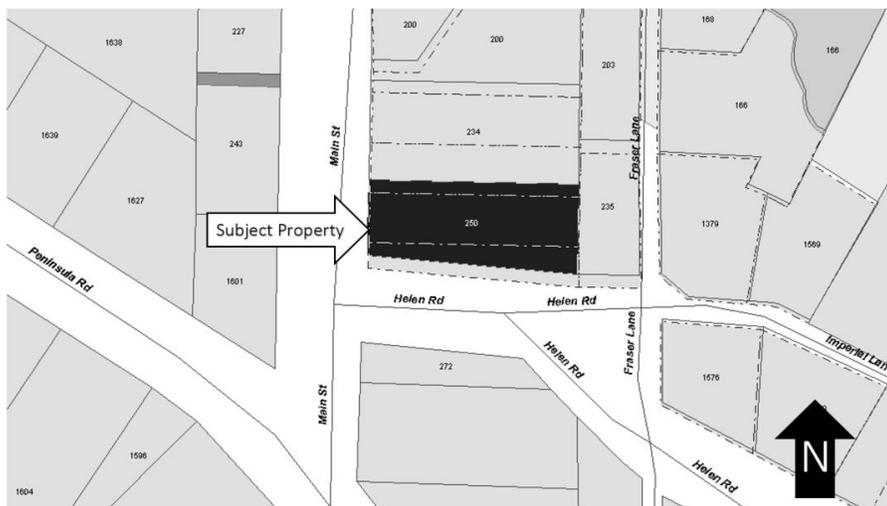


Figure 1- Subject property



Figure 2 - Proposed location of temporary use

The applicant is seeking a Temporary Use Permit to allow a cannabis sales use in a commercial unit in the central, Helen Road-fronting portion of the Ucluelet Lodge building (see **Fig. 2**). The applicant is seeking a permit for up to three-years to allow operation of a licensed, non-medical cannabis retail store.

Council initially saw this application and the accompanying report which contained greater detail and history on this topic (see **Appendix "B"**) at the Regular Council meeting held on April 25th, 2023. At that meeting, Council directed Staff to give notice of this application. Notice has now been given, and Council should provide an opportunity to hear from the applicant and any members of the public who wish to speak.

Council will note that Staff have not added specific conditions to the temporary use permit restricting things like advertising and promotions. The applicant will have to comply with all federal and provincial regulations relating to cannabis sales. The federal [Cannabis Act](#) and [Cannabis Regulations](#) have strict rules around promotions and advertising of cannabis, cannabis accessories and services related to cannabis. The provincial [Cannabis Control and Licensing Act](#) regulates licensee requirements, determinants for granting licenses, compliance and reporting requirements, consumption in public, etc.

Information from Health Canada states that "these prohibitions help meet the purpose of the Act in protecting public health and public safety. In particular... to help protect young persons and others from inducements to use cannabis". For concerns of a suspected non-compliance with the *Cannabis Act* or its regulations, individuals may report them to Health Canada through the [Cannabis Reporting Form](#). [District of Ucluelet Bylaw No. 1187, 2016](#) prohibits smoking or vaping of cannabis in any part of a municipal park (such as Village Green, Wild Pacific Trail, Big

Beach, Lighthouse Loop, etc.), any restaurant, and within 8 metres of any opening of any building including any door or window, and within 8 m of “customer service areas”.

If Council issues this Temporary Use Permit, the applicant would be required to obtain a license from the Province of BC to operate as a cannabis retailer.

ANALYSIS OF OPTIONS:

A	Approve Temporary Use Permit 23-04	<u>Pros</u>	<ul style="list-style-type: none"> • Would allow the applicant to pursue their desired retail use. • Would potentially introduce this use in a temporary way, to be reconsidered in a three-year term.
		<u>Cons</u>	<ul style="list-style-type: none"> • Potentially divisive issue in the community
		<u>Implications</u>	<ul style="list-style-type: none"> • Staff time required to process building permit and business license application.
B	Direct Staff to prepare a report for Council with additional information	<u>Pros</u>	<ul style="list-style-type: none"> • Could provide additional information which Council deems necessary to make a decision
		<u>Cons</u>	<ul style="list-style-type: none"> • Would delay the Temporary Use Permit process
		<u>Implications</u>	<ul style="list-style-type: none"> • Staff time would be required to conduct research and prepare a report • Council should identify priorities for Staff time to determine how to complete this request
		<u>Suggested Motion</u>	THAT Council direct staff to conduct research and prepare a report to Council to [state desired outcome of research and report].
C	Reject the application	<u>Pros</u>	<ul style="list-style-type: none"> • Would maintain current commercial uses and approach to cannabis sales in the District of Ucluelet
		<u>Cons</u>	<ul style="list-style-type: none"> • Would not introduce cannabis sales on a temporary basis.
		<u>Implications</u>	<ul style="list-style-type: none"> • The application would not proceed as presented.
		<u>Suggested Motion</u>	No motion is required.

POLICY OR LEGISLATIVE IMPACTS:

The application is consistent with the *Official Community Plan* and *Local Government Act*.

NEXT STEPS:

If Council approves the application, the applicant will need to receive a provincial license to sell cannabis, and apply for a building permit for interior renovations and then a business license prior to commencing the use.

Respectfully submitted: Monica Whitney-Brown, Planning Assistant

Bruce Greig, Director of Community Planning
Duane Lawrence, CAO

Ucluelet
BC
VOR 3A0

January 9, 2023

Dear Mayor and Council

Congratulations on your new positions as Ucluelet Council.

Since legalization in October 2018, our province has opened 36 government operated cannabis stores and over 400 private stores. These past four years have given us the opportunity to observe the benefits of the legalization of cannabis – these include the ability to educate consumers and to supply quality-controlled, contaminant free products, plus new employment, tax revenue and lessening of organised crime. Legalisation has also created better barriers to youth access through government and in store education. These legal stores have a responsibility to keep cannabis product away from youth. The federal government released a 2021 survey showing that, since legalisation, the use of cannabis among youth has not increased with legal accessibility. The survey also highlights that when given the option, consumers now prefer to shop legally when buying cannabis. The National Institute of Medicine has also published a paper on the use of cannabis in young people showing that usage has not increased.

Links to these two surveys are provided below.

Canada Cannabis survey summary 2021

<https://www.canada.ca/en/health-canada/services/drugs-medication/cannabis/research-data/canadian-cannabis-survey-2021-summary.html>



National Institute of Medicine – Youth cannabis use and legalization in Canada- Reconsidering fears, Myths and Facts three years in. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8315217/>



We opened a cannabis store in the Port Alberni area in March 2020. In the store all our staff are trained in the BC Selling It Right program, with senior staff members having completed their Level 2 Cannabis Sommelier courses. These courses give them more tools to educate customers. In addition to that, the store uses our policies and procedures which have been developed over 20 plus years of liquor sales. Our team continuously share this knowledge with old and new cannabis customers. We have had positive feedback from the local community on our products, pricing, and customer guidance. Our goal is always customer satisfaction and protection of youth.

We would like to bring our experience and expertise to Ucluelet by requesting a 3-year Temporary Use Permit for a legal, non-medical cannabis store, located at 250 Main St, Unit 6, Ucluelet. We would ask that if, after 3 years, the TUP is removed, we would be granted an additional term to relocate or wind up the business.

We feel a TUP will give the council and community a chance, over 3 years, to decide if they are ready and comfortable with allowing legal cannabis sales in Ucluelet. And if we are the right team for the job.

The proposed Ucluelet location is currently being renovated from a pub to retail spaces. The space that was once the Ucluelet Lodge is being given a facelift and transformed into 3 units. They will range in size from 1000ft to 1400ft and we are proposing 1200 ft for the cannabis store - in the unit that is closest to the south end of the building - beside Zoe's Bakery (see attached renderings). We understand that there will be some concern around public usage. A study by New Frontier Data reported that nearly 80% of cannabis usage occurs at home. As retailers of alcohol and cannabis products, we support the provincial and local laws for public use in zoned areas only. Our stores provide this information both verbally and through signage to customers.

As a local business owner, we are pleased to be able provide staff housing opportunities for our own staff and 5 other local businesses and we also offer competitive wages with benefits. We are a community minded company and have also provided storage free of cost for many years to the Ucluelet Aquarium, PRAS and Pacific Rim Whalefest. We donate \$1200 annually to the Pacific Rim Arts Society, along with supporting the Fire Department annual ball, the Edge to Edge Marathon and Ukee Days. The community uses our vacant lot for much needed downtown parking. We are also proud that during the initial wave of COVID-19, we reduced rents for all our small business tenants to support them during the uncertain time, before the government stepped in. Looking forward, we plan to financially support the revitalization of the downtown core.

We would like to thank the council for its consideration of this TUP. We feel that British Columbia is moving forward with a legal form of cannabis access and now could be the time for Ucluelet to be included in these changes through a temporary use permit.

Sincerely

Andrew Hanson
Harbour Cannabis



REPORT TO COUNCIL

Council Meeting: April 25th, 2023
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: MONICA WHITNEY-BROWN, PLANNING ASSISTANT

FILE NO: 3070-20 TUP23-04

SUBJECT: TEMPORARY USE PERMIT 23-04 – 250 MAIN STREET

REPORT NO: 23- 57

ATTACHMENT(S): APPENDIX A - APPLICATION
APPENDIX B - REPORT NO. 18-35, APRIL 24, 2018

RECOMMENDATION(S):

THAT Council direct Staff to give notice for public input and draft Temporary Use Permit 23-04 to allow a cannabis sales use at 250 Main Street for a period of three years.

BACKGROUND:

This application for a Temporary Use Permit (TUP) was received in February 2023 for the property located at 250 Main Street (“Ucluelet Lodge”), PID 005455405, Lot 4, Plan VIP10123, District Lot 282, Clayoquot Land District (the “subject property”).

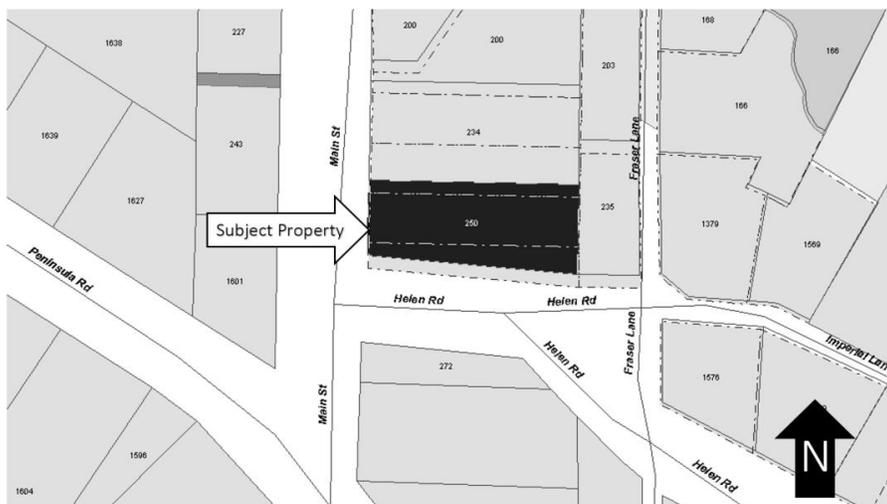


Figure 1- Subject property



Figure 2 - Proposed location of temporary use

The applicant is seeking a Temporary Use Permit to allow a cannabis sales use in a commercial unit in the central, Helen Road-fronting unit of the Ucluelet Lodge building (see **Fig. 2**). The applicant is seeking a permit for up to three-years to allow operation of a licensed, non-medical cannabis retail store.

With the legalization of recreational cannabis use by the federal government in 2018, many municipalities have amended their zoning bylaws to manage the production, distribution and sale of this product. *Ucluelet Zoning Bylaw No. 1160, 2013* provides a definition for *cannabis sales*. Section 303.3(6) prohibits cannabis sales anywhere in the District unless expressly authorized elsewhere in the bylaw. Therefore, any potential applicants wishing to engage in this use on their property must either seek a rezoning or apply for a Temporary Use Permit.

History:

In 2018, Council adopted Bylaw No. 1228, which provided definitions for ACMPR (Access to Cannabis for Medical Purposes Regulations), “Cannabis”, “Cannabis Sales”, and “Cannabis Production”, and prohibited both commercial cannabis sales and cannabis production within the municipality. In addition, at the regular Council meeting on April 24th, 2018, Council adopted a motion to indicate to future applicants what was to be expected in consideration of rezoning applications for cannabis sales. This criterion included location from other community services, storefront design considerations, and public benefit. The policy is outlined in detail in that report (see **Appendix “B”**).

In 2019, three applications for rezonings to allow cannabis sales were received by the District of Ucluelet. The public hearings associated with these applications were well attended and prompted significant community debate and discussion on the merits and drawbacks of the use. Ultimately,

based on community feedback and Council discussion, Council did not adopt a zoning amendment to allow this use on any site in the District of Ucluelet.

DISCUSSION:

Application:

The applicant is proposing to open a cannabis sales store in the Ucluelet Lodge building, as part of their current renovation project to transform the former “Official’s” space on the Helen Road frontage into three retail units. The proposed use would be located in a 1200 ft² retail unit located at the south end of the building beside the former Zoe’s bakery location (see **Appendix “A”**). The applicants are experienced cannabis retailers, with an active licence in the Port Alberni area in operation since March of 2020. The applicant and their staff are trained and experienced in education and sales to consumers of controlled substances, both alcohol and cannabis. They have provided a statement of intent which outlines their application goals in further detail (see **Appendix “A”**). The applicant is also proposing modest landscaping and streetscape improvements of Fraser Lane adjacent to the rear parking/ loading area of this property.

Temporary Use Permit:

Rather than seek a rezoning, the applicant has applied to pursue this use via TUP (see **Appendix “A”**). Given that this use would be new to Ucluelet, a Temporary Use Permit may be advantageous, as it would allow Council to set conditions, seek public input, and wouldn’t commit to the use with the permanence of a rezoning. The three-year TUP term could function as a trial period for this use, with Council able to consider renewing the TUP, not renewing it, or supporting a rezoning for the use in the future - based on how the three-year TUP term has gone. If Council supports this TUP moving forward, Staff will draft a permit and conditions based on Council discussion and give public notice as required, for consideration by Council at a future date.

Current Context:

Since the community discussion surrounding this use and rezoning proposals in 2018 and 2019, the landscape of cannabis sales throughout British Columbia has changed. Cannabis retail stores are now common in many downtown retail locations throughout BC and Island communities, including in Tofino and Port Alberni. The factors and considerations which were top of mind for municipalities at the advent of legalization may have changed and evolved as the use has become more commonplace within the retail fabric of most communities.

As a starting point, Council may wish to look to the initial policy recommendations which accompanied Bylaw No. 1228, 2018 (see **Appendix “B”**). This policy can provide some initial guidance on previous Council and community discussion, noting that criteria developed at that time may not be entirely relevant to the current cannabis sales market. Council may wish therefore to bring additional or alternative considerations to this discussion. The application before Council is also for a Temporary Use Permit, rather than a rezoning.

In recognition of previous robust community and Council discussion regarding cannabis sales in the District, staff have brought forward this application in advance of giving public notice, to give

Council an opportunity to discuss the application and direct staff on next steps. If Council directs, staff will give notice per requirements of the *Local Government Act* for a Temporary Use Permit, and allow community input on the proposed permit.

ANALYSIS OF OPTIONS:

A	Direct Staff to draft a Temporary Use Permit and give notice for public input	Pros	<ul style="list-style-type: none"> • Would allow public input on the proposed cannabis sales use • Would allow the applicant to diversify their business • Would potentially introduce this use in a temporary way, to be reconsidered in a three-year term
		Cons	<ul style="list-style-type: none"> • Potentially divisive issue in the community
		Implications	<ul style="list-style-type: none"> • Staff time required to complete public notice and follow-up reports
B	Direct Staff to prepare a report for Council with additional information	Pros	<ul style="list-style-type: none"> • Could provide additional information which Council deems necessary to make a decision
		Cons	<ul style="list-style-type: none"> • Would delay the Temporary Use Permit process
		Implications	<ul style="list-style-type: none"> • Staff time would be required to conduct research and prepare a report • Council should identify priorities for Staff time to determine how to complete this request
		Suggested Motion	THAT Council direct staff to conduct research and prepare a report to Council to [state desired outcome of research and report].
C	Reject the application	Pros	<ul style="list-style-type: none"> • Would maintain current commercial uses and approach to cannabis sales in the District of Ucluelet
		Cons	<ul style="list-style-type: none"> • Would not result in a new commercial use in the District of Ucluelet • Would not introduce cannabis sales on a temporary basis • Would not result in opportunity for public input on this topic
		Implications	<ul style="list-style-type: none"> • The application would not proceed as presented
		Suggested Motion	No motion is required.

POLICY OR LEGISLATIVE IMPACTS:

The application is consistent with the *Official Community Plan* and *Local Government Act*.

NEXT STEPS:

If Council directs, staff will draft Temporary Use Permit 23-04 and undertake the necessary notification for a public hearing to be held at a date to be determined.

Respectfully submitted: Monica Whitney-Brown, Planning Assistant
Bruce Greig, Director of Community Planning
Duane Lawrence, CAO

TEMPORARY USE PERMIT

TEMPORARY USE PERMIT TUP23-04

General Terms

1. This Temporary Use Permit is issued to:

Andrew Hanson,
[REDACTED],
BC VOR 3A0

(the "Permittee")

as the agent and the registered owner of, and shall apply only to, the lands and premises situate in the District of Ucluelet, in the Province of British Columbia, and more particularly described as:

250 Main Street ("Ucluelet Lodge"), PID 005455405, Lot 4, Plan VIP10123, District Lot 282, Clayoquot Land District

(the "Lands").

2. This Temporary Use Permit is issued pursuant to section 492 to 497 of the *Local Government Act*.
3. This Temporary Use Permit is issued subject to compliance with all applicable District of Ucluelet Bylaws.
4. This Temporary Use Permit authorizes the following uses on the portion of the Lands identified in Schedule A:
Cannabis sales for a period of three years within one 1200 ft² commercial unit to be located in south end of the existing Ucluelet Lodge Building at 250 Main Street.
5. This permit does not relieve an owner or occupier from obtaining any other approvals required by any other jurisdiction, or from meeting any other applicable regulations, including provincial and federal regulations on the sale of cannabis.
6. The permit holder, as a condition of issuance of this Permit, agrees to comply with the requirements and conditions of **Schedules 1-4**, which are attached hereto and form part of this permit.
7. The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit.
8. Notice shall be filed in the Land Title Office under section 503 of the *Local Government Act*, and upon such filing, the terms of this Permit or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.

TEMPORARY USE PERMIT

- 9. This Permit is NOT a Building Permit.
- 10. This Permit is NOT a Development Permit.
- 11. Provisions of sections 495, 496 and 502 of the *Local Government Act* requiring security applies to this permit as set forth in **Schedule 2**.

AUTHORIZING RESOLUTION passed by the Municipal Council on the of , 2023.

IN WITNESS WHEREOF this Temporary Use Permit is hereby executed and issued by the Municipality the of , 2023.

THIS PERMIT SHALL EXPIRE on the day of the of , 2026 (3 years).

ISSUED the day of , 2023.

Bruce Greig - Director of Community Planning

TEMPORARY USE PERMIT

Schedule 1 Required Undertaking

TO THE DISTRICT OF UCLUELET:

I, Andrew Hanson, representing *the Lands* hereby undertake as a condition of issuance of this Temporary Use Permit to:

- a) Cease use and remove any structures built to support the temporary use from the subject property not later than 1 month after the termination date set out on the Temporary Use Permit.
- b) Abide by all conditions of the Temporary Use Permit.

I(We) understand that should we not fulfill the undertakings described herein, the District of Ucluelet or its agents may enter upon the Lands and perform such work as is necessary to eliminate the temporary use and bring the use and occupancy of the property into compliance with the District of Ucluelet bylaws, and that any securities submitted to the District pursuant to the Temporary Use Permit shall be forfeited and applied to the cost of restoration of the Lands as herein set out.

This undertaking is attached hereto and forms part of the Temporary Use Permit.

DATE: _____

OWNERS: _____

WITNESS: _____

TEMPORARY USE PERMIT

Schedule 2 Terms of Temporary Use Permit Conditions

- a) The permitted temporary use shall be limited to the following uses;
- Cannabis sales in the portions of the property identified in Schedule 3.*
- b) The warehousing, wholesale and manufacturing uses and all other site modifications are to be located as indicated on the site plan (**Schedule 4**).
- c) No other temporary uses other than the above-mentioned uses shall be permitted.
- d) The Permittee will abide by the following conditions;
- i. The Permittees must comply with the BC building code and obtain a building permit to make all necessary upgrades and comply with any conditions deemed necessary by the District of Ucluelet building official prior to commencing the use.
 - ii. The Permittee must successfully complete a fire inspection with the District of Ucluelet Fire Chief prior to commencing the proposed use.
- e) The municipal Bylaw Enforcement Officer may arrange for site inspection at any time, in a reasonable manner, to monitor compliance with the terms of the Temporary Use Permit.
- f) The permittee is responsible to obtain all other permits required by municipal, provincial or federal jurisdiction. Failure of the Permittee to meet and maintain any of the terms listed above may result in suspension of the permit.

TEMPORARY USE PERMIT

Schedule 3 Portion of 1950 Peninsula Road where temporary uses are permitted



TEMPORARY USE PERMIT

Schedule 4 Site Plan

1200 ft² retail unit closest to South end of the building, as shown below:

