



PUBLIC HEARING
Tuesday, August 7, 2018 @ 7:00 PM
George Fraser Room, Ucluelet Community Centre,
500 Matterson Drive, Ucluelet

AGENDA

	Page
1. CALL TO ORDER	
2. EXPLANATION OF PUBLIC HEARING PROCESS	
2.1. Rules Governing Public Hearing	
1. As provided for in the Local Government Act, the Council is required to hold a Public Hearing before adopting an Official Community Plan Bylaw, Zoning Bylaw or amendments thereto.	
2. At a Public Hearing all persons who deem their interest in property affected by the proposed bylaws shall be afforded an opportunity to be heard on matters contained in the bylaw.	
3. The Council may give such effect, as it deems fit, to representations made at a Public Hearing, in the bylaws as adopted.	
4. At a Public Hearing the Council is under no obligation to enter into a debate on any issue. The purpose of a hearing is to hear representations, which will later be considered by the Council in their regular meeting.	
5. Following the Public Hearing, Council will not accept further communications or presentations from the public or the applicant respecting this bylaw.	
3. NOTICE OF PUBLIC HEARING	
3.1. Notice	3
RZ18-03 - Notice of Public Hearing	
4. PUBLIC HEARING - UCLUELET ZONING AMENDMENT BYLAW 1234, 2018	
4.1. Presentation of Bylaw No.1234, 2018	5 - 6
Bylaw 1234 - Zoning Amendment Bylaw Temporary Use Permits	
4.2. Reports and Materials for Bylaw No.1234, 2018	7 - 10
Report - June 26, 2018 Regular Council	
4.3. Excerpts from Previous Council Meetings	11
Excerpts - June 26, 2018 Regular Minutes	
4.4. Public Representations for Bylaw No. 1234, 2018	
5. ADJOURNMENT	



NOTICE OF PUBLIC HEARING

Notice is hereby given that a Public Hearing will be held at the Ucluelet Community Centre, located at 500 Matterson Drive, Ucluelet B.C., on **August 7th, 2018** commencing at **7:00 p.m.**, with regards to the following proposed Bylaw to amend the District of Ucluelet Zoning Bylaw No. 1160, 2013 (the “**Zoning Bylaw**”) pursuant to Sections 464 and 466 of the Local Government Act.

Ucluelet Zoning Amendment Bylaw No. 1234, 2018

In general terms the purpose of the proposed bylaw is to amend the Zoning Bylaw as follows:

Adding a new subsection 204 Temporary Use Permits to Division 200 – Creation of Zoning Districts in appropriate numerical order:

“204 Temporary Use Permits

204.1 In accordance with Section 492 of the Local Government Act, all properties within the District of Ucluelet are designated as an area where Temporary Use Permits may be issued to allow for short-term land uses and development opportunities.

204.2 Objectives

- (1) Provide flexibility to achieve short-term economic and social goals.*
- (2) Ensure long-term public policy for the area is not changed.*
- (3) Balance public and private interests.*
- (4) Maintain a reasonable level of compatibility with surrounding development.*

204.3 Permit Guidelines

- (1) Permits can be issued for any period up to three years and could be considered for renewal once for any further period up to three years.*
- (2) No public health and safety problems or environmental degradation shall be created.*
- (3) Where warranted, environmental protection, post-development site restoration and nuisance abatement measures, including noise abatement, duration of operation hours and season, duration of permitted use, traffic management, parking, performance security, and establishing buffers and screens, may be required.”;*

Adding the words “unless authorized by a Temporary Use Permit approved by the District Council” to the end of section 303.1(3).

Anyone who believes the proposed bylaw will affect their interests will be given an opportunity to be heard at the public hearing. Inquiries, comments and concerns may also be directed to District of Ucluelet’s Planning Department by telephone at (250) 726-7744 or email: info@ucluelet.ca. Written submissions may also be mailed to the District of Ucluelet, P.O. Box 999, Ucluelet B.C., V0R 3A0, or faxed to (250)-726-7335 but must be received before the commencement of the Public Hearing. Written submissions must include your name and street address and will be considered public information pursuant to the Freedom of Information and Protection of Privacy Act. A copy of the proposed bylaw and other relevant information may be inspected at the District of Ucluelet office at 200 Main Street from the date of this notice until the public hearing between the hours of 8:30 a.m. to 4:00 p.m. weekdays except statutory holidays.

This notice is dated July 17th, 2018

DISTRICT OF UCLUELET

Bylaw No. 1234, 2018

A bylaw to amend the District of Ucluelet Zoning Bylaw (Temporary Use Permits).

WHEREAS the District of Ucluelet Council by Bylaw No. 1160 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 a new subsection 204 Temporary Use Permits to Division 200 – Creation of Zoning Districts in appropriate numerical order:

“204 Temporary Use Permits

204.1 In accordance with Section 492 of the *Local Government Act*, all properties within the District of Ucluelet are designated as an area where Temporary Use Permits may be issued to allow for short-term land uses and development opportunities.

204.2 Objectives

- (1) Provide flexibility to achieve short-term economic and social goals.
- (2) Ensure long-term public policy for the area is not changed.
- (3) Balance public and private interests.
- (4) Maintain a reasonable level of compatibility with surrounding development.

204.3 Permit Guidelines

- (1) Permits can be issued for any period up to three years and could be considered for renewal once for any further period up to three years.
- (2) No public health and safety problems or environmental degradation shall be created.
- (3) Where warranted, environmental protection, post-development site restoration and nuisance abatement measures, including noise abatement, duration of operation hours and season, duration of permitted use, traffic management, parking, performance security, and establishing buffers and screens, may be required.”; and,

b) by adding the words “unless authorized by a Temporary Use Permit approved by the District Council” to the end of section 303.1(3).

2. Citation:

This bylaw may be cited for all purposes as the “District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1234, 2018”.

READ A FIRST TIME this 26th day of **June, 2018**.

READ A SECOND TIME this 26th day of **June, 2018**.

PUBLIC HEARING held this day of , 2018.

READ A THIRD TIME this day of , 2018.

ADOPTED this day of , 2018.

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1234, 2018.”

Dianne St. Jacques
Mayor

Mark Boysen
Corporate Officer

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

Mark Boysen
Corporate Officer



STAFF REPORT TO COUNCIL

Council Meeting: June 26, 2018
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, MANAGER OF COMMUNITY PLANNING **REF NO:** RZ18-03 **FILE NO:** 3360-20
SUBJECT: ZONING BYLAW AMENDMENT FOR TEMPORARY USE PERMITS **REPORT NO:** 18-68
APPENDICES: APPENDIX A – ZONING BYLAW AMENDMENT BYLAW NO. 1234, 2018

RECOMMENDATION:

1. **THAT** District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1234, 2018 be given first and second reading and advanced to a public hearing.

PURPOSE:

As part of Planning Staff's internal review of its policies and procedures it was identified that the process and guidelines around temporary use permits (**TUP**) should be amended.

BACKGROUND:

Section 492 of the Local Government Act enables the issuance of a TUP for a use which is not otherwise permitted to occur on a property according to the zoning bylaw. The legislation enabling TUP's is as follows:

"492 Designation of temporary use permit areas

For the purposes of section 493, an official community plan or a zoning bylaw may

- (a) designate areas where temporary uses may be allowed, and*
- (b) specify general conditions regarding the issue of temporary use permits in those areas. Temporary use permits for designated areas and other areas*

493 Temporary use permits for designated areas and other areas

(1) On application by an owner of land, a local government may issue a temporary use permit as follows:

- (a) by resolution, in relation to land within an area designated under section 492;*
- (b) by bylaw, in relation to land within an area outside a municipality, if there is no official community plan in effect for the area.*

(2) A temporary use permit may do one or more of the following:

- (a) allow a use not permitted by a zoning bylaw;*
- (b) specify conditions under which the temporary use may be carried on;*
- (c) allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued.*

(3) If a local government delegates the power to issue a temporary use permit under this section, the owner of land that is subject to the decision of the delegate is entitled to have the local government reconsider the matter.

494 Public notice and hearing requirements

(1) If a local government proposes to pass a resolution under section 493 (1) (a), it must give notice in accordance with subsections (2) to (4) of this section.

(2) The notice must state

(a) in general terms, the purpose of the proposed permit,

(b) the land or lands that are the subject of the proposed permit,

(c) the place where and the times and dates when copies of the proposed permit may be inspected, and

(d) the place where and the time and date when the resolution will be considered.

(3) The notice must be published in a newspaper at least 3 days and not more than 14 days before the adoption of the resolution to issue the permit.

(4) Section 466 (4) to (8) [specific requirements in relation to notice of public hearing] applies to the notice as if the resolution were a bylaw.

(5) If a local government proposes to adopt a bylaw under section 493 (1) (b), the following sections apply:

(a) section 464 [requirement for public hearing];

(b) section 465 [public hearing procedures];

(c) section 466 [notice of public hearing];

(d) section 469 [delegating the holding of public hearings];

(e) section 470 [procedure after public hearing].

495 Permit conditions: undertakings respecting land

(1) As a condition of issuing a temporary use permit, a local government may require the owner of the land to give an undertaking to

(a) demolish or remove a building or other structure, and

(b) restore land described in the permit to a condition specified in the permit by a date specified in the permit.

(2) An undertaking under subsection (1) must be attached to and forms part of the permit.

(3) If the owner of the land fails to comply with all of the undertakings given under subsection (1), the local government may enter on the land and carry out the demolition, removal or restoration at the expense of the owner.

496 Permit conditions: additional security requirements

(1) In addition to any security required under section 502, a local government may require, as a condition of issuing a temporary use permit, that the owner of the land give to the local government security to guarantee the performance of the terms of the permit.

(2) If there is a requirement for security under subsection (1), the permit may provide for

(a) the form of the security, and

(b) the means for determining

(i) when there is default under the permit, and

(ii) the amount of the security that forfeits to the local government in the event of default.

497 Term of permit and renewal of permit

(1) The owner of land in respect of which a temporary use permit has been

issued has the right to put the land to the use described in the permit until the earlier of the following:

(a) the date that the permit expires;

(b) 3 years after the permit was issued.

(2) A person to whom a temporary use permit has been issued may apply to have the permit renewed, subject to the restriction that a temporary use permit may be renewed only once.

(3) Subsection (1) and sections 495 [permit conditions: undertaking respecting land] and 496 [permit conditions: additional security requirements] apply in relation to a renewal under subsection (2).”

Currently neither our Official Community Plan (**OCP**) or the Zoning Bylaw No.1160 (**Zoning Bylaw**) address TUP's.

DISCUSSION:

Staff have drafted a zoning amendment which would designate the area where temporary uses may be allowed, and that specifies general guidelines.

Designated Temporary Use Areas

Temporary use permit applications can be unique, with each application and specific location having its own merits and considerations. Although Staff did consider the creation of specific TUP areas and specialized conditions for those specific areas, it was deemed that this approach was not appropriate for Ucluelet at this time. Staff encounter a number of situations where a TUP may be warranted – be it for staff housing, social housing, to increase the scale of a home-based business, or allow a novel land use not anticipated in the zoning, etc. – these circumstances could come up anywhere in Ucluelet. That being the case, Staff consider the best approach would be to enable property owners to apply for a temporary use permit anywhere in the District. This would provide the flexibility for an owner to apply to Council for a TUP based on the merits of that specific application. Public notification is required for each application, so that any potential impacts can be identified and considered prior to making a decision on whether to issue or place conditions on a TUP.

Temporary Use Conditions

Considering the potential uniqueness of every application Planning Staff considered the less rigid approach of providing objectives and guidelines to be more appropriate than pre-defining conditions for any class of uses. The following are the guidelines proposed:

Objectives

1. Provide flexibility to achieve short-term economic and social goals.
2. Ensure long-term public policy for the area is not changed.
3. Balance public and private interests.
4. Maintain a reasonable level of compatibility with surrounding development.

Permit Guidelines

1. Permits can be issued for any period up to three years and could be considered for renewal once for any further period up to three years.
2. No public health and safety problems or environmental degradation shall be created.

3. Where warranted, environmental protection, post-development site restoration and nuisance abatement measures, including noise abatement, duration of operation hours and season, duration of permitted use, traffic management, parking, performance security, and establishing buffers and screens, may be required.

FINANCIAL IMPACTS AND FUTURE WORK:

The adoption of this bylaw should have no significant financial impact. The volume of permit applications and demand on staff resources would be monitored and brought to Council's attention if warranted.

POLICY OR LEGISLATIVE IMPACT:

The adoption of this bylaw should have no direct policy or legislative impact. The use of TUP's can be a tool for testing out new land uses where a "permanent" rezoning might not be supported.

SUMMARY:

This proposed bylaw is intended to solidify our process around temporary use permits and to add objectives and guidelines to help direct future applications.

OPTIONS:

1. That District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1234, 2018 be given first and second reading and advanced to a public hearing. (**Recommended**)
2. That Council defer the readings and advancement of Bylaw No. 1234, 2018 to seek further information from Staff.

Respectfully submitted: Bruce Greig, Manager of Planning
John Towgood, Planner
Mark Boysen, Chief Administrative Officer



DISTRICT OF UCLUELET

Excerpts from the June 26, 2018 Regular Council Meeting

13.4 REPORT - Zoning Bylaw Amendment for Temporary Use Permits
Bruce Greig, Manager of Community Planning

2017-020 **It was moved by Councillor Oliwa and seconded by Councillor Noel**
THAT Council approve recommendation 1 of legislation item, "Zoning Bylaw Amendment for Temporary Use Permits" which states:
1. *THAT District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1234, 2018 be given first and second reading and advanced to a public hearing.*

CARRIED.

13.5 BYLAW - Zoning Bylaw Amendment Bylaw No. 1234, 2018

2017-021 **It was moved by Councillor Oliwa and seconded by Councillor McEwen**
THAT Zoning Amendment Bylaw 1234, 2018 be given First reading.

CARRIED.

2017-022 **It was moved by Councillor McEwen and seconded by Councillor Noel**
THAT Zoning Amendment Bylaw 1234, 2018 be given Second reading.

CARRIED.