



**PUBLIC HEARING**  
**Tuesday, September 10, 2019 @ 2:00 PM**  
**George Fraser Room, Ucluelet Community Centre,**  
**500 Matterson Drive, Ucluelet**

**AGENDA**

Page

1. CALL TO ORDER

2. ACKNOWLEDGEMENT OF FIRST NATIONS TERRITORY

Council would like to acknowledge the Yuułu?if?atḥ First Nations on whose traditional territories the District of Ucluelet operates.

3. LATE ITEMS

4. EXPLANATION OF PUBLIC HEARING PROCESS

4.1. 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, or to present written submissions, 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 public input, 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.

5. NOTICE OF PUBLIC HEARING

5.1. Notice

3

[N-1 RZ19-03, Zoning Amendment Bylaw No. 1253, 2019](#)

6. PUBLIC HEARING - DISTRICT OF UCLUELET ZONING BYLAW AMENDMENT BYLAW NO. 1253 (1557 LARCH ROAD)

6.1. Presentation of Bylaw No. 1253, 2019

5 - 7

[Bylaw No. 1253, 2019](#)

6.2.	Reports and Materials for Bylaw No. 1253, 2019 <a href="#">R-1 August 13, 2019 Report</a>	9 - 16
6.3.	Excerpts from Previous Council Meetings <a href="#">E-1 August 13, 2019 Regular Minutes</a>	17
6.4.	Written Submissions for Bylaw No. 1253, 2019 <a href="#">2019-09-02 Darcey Bouvier</a>	19
6.5.	Public Comments for Bylaw No. 1253, 2019	
7.	ADJOURNMENT	

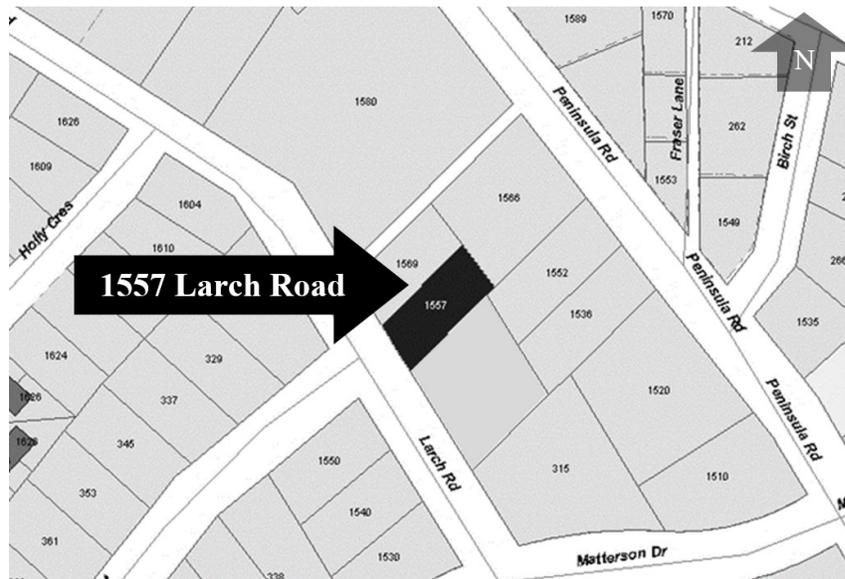


## NOTICE OF PUBLIC HEARING

**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 **Tuesday, September 10, 2019**, commencing at **2:00 p.m.** on the following proposed Bylaw pursuant to Sections 464, 466 and 499 of the *Local Government Act*.

### **District of Ucluelet Zoning Amendment Bylaw No. 1253, 2019**

In general terms the purpose of this proposed bylaw is to amend the Schedule A (Zoning Map) of District of Ucluelet Zoning Bylaw No. 1160, 2013, to change the zoning designation of the property at 1557 Larch Road (Lot 2, District Lot 282, Clayoquot District, Plan 33084), shown shaded on the map below, from CS-2 Service Commercial to R-2 Medium Density Residential:



**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 the District of Ucluelet's Planning Department by telephone at 250-726-7744 or email: [jtowgood@ucluelet.ca](mailto:jtowgood@ucluelet.ca). Written submissions may 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. Submissions received after the Public Hearing can not be accepted. Written submissions must include your name and street address and will be considered part of the public record pursuant to the *Freedom of Information and Protection of Privacy Act*.

A copy of the proposed bylaws, application materials, staff reports 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.

Notice dated August 23, 2019, at Ucluelet, BC



**DISTRICT OF UCLUELET**  
**Zoning Amendment Bylaw No. 1253, 2019**

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

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**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 2, District Lot 282, Clayoquot District, Plan 33084 (PID 000-226-467 at 1557 Larch Road), shown shaded on the map attached to this Bylaw as Appendix "A", from CS-2 Service Commercial to R-2 Medium Density Residential.

2. This bylaw may be cited as "District of Ucluelet Zoning Amendment Bylaw No. 1253, 2019".

**READ A FIRST TIME** this 13<sup>th</sup> day of August, 2019.

**READ A SECOND TIME** this 13<sup>th</sup> day of August, 2019.

**PUBLIC HEARING** this    day of            , 2019.

**READ A THIRD TIME** this    day of            , 2019.

**ADOPTED** this    day of            , 2019.

**CERTIFIED A TRUE AND CORRECT COPY** of “District of Ucluelet Zoning Amendment Bylaw No. 1253, 2019.”

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Mayco Noël  
Mayor

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Mark Boysen  
Corporate Officer

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

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Mark Boysen  
Corporate Officer

Appendix 'A'

District of Ucluelet Zoning Amendment Bylaw No. 1253, 2019







**BACKGROUND:**

An application to rezone the subject property to R-2 was received May 21, 2019. The subject property was, prior to the 1999, zoned (under Zoning Bylaw No. 514) as R-2 Two-Family Residential. At the time this zoning designation allowed the following:

**112.1 Uses Permitted**

- (1) Single family dwellings.
- (2) Two family dwellings.
- (3) Home occupations.
- (4) Accessory buildings and uses.

**112.2 Conditions of Use**

*Side yards shall be provided, the total of both of which shall not be less than 20% of lot width, provided that a yard not less than 3.7 meters (12 feet) wide shall adjoin any flanking street. In no case shall the width of any side yard fall below the minimum yard dimensions contained in Schedule No. II.*

In 1999, Zoning Bylaw No. 800 was adopted. The new zoning bylaw changed the zoning designations of numerous properties and water areas. This community-wide blanket zoning was intended to encourage commercial development in the centre of town, by removing the need for individual properties to rezone prior to redeveloping. This approach was presumably taken in an attempt to accelerate the transition of the area to higher densities and more commercial uses. Adopting a blanket “pre-zoning” in this way can be a bit of a blunt tool; as executed it has had the effect of placing many existing uses in the position of being lawfully non-conforming.

“Lawful non-conforming” status:

The *Local Government Act* (LGA) protects existing uses from zoning changes. If land or buildings are lawfully in use prior to the adoption of a new zoning bylaw or a zoning amendment which would remove that use; then that use may be continued as a non-conforming use:

**Division 14 of the LGA, Non-conforming Use and Other Continuations**

- 528** (1) *Subject to this section, if, at the time a land use regulation bylaw is adopted,*
- (a) *land, or a building or other structure, to which that bylaw applies is lawfully used, and*
  - (b) *the use does not conform to the bylaw, the use may be continued as a non-conforming use.*

Shifting properties into a non-conforming status has significant consequences. Lawfully non-conforming uses can continue but cannot expand or rebuild (without first obtaining a variance); the legal framework recognizes an expectation that non-conforming uses are expected to disappear over time. Lawfully non-conforming uses can affect the resale of property, and may limit an owner’s ability to get insurance and financing.

A more usual process to direct the long-term shift of land uses in a community-wide context is through the Official Community Plan bylaw (“OCP”), by designating future land uses within the mapping of a long-range land use plan. Subsequent property re-zonings are then usually initiated by a property owner when they have plans to re-develop their properties; those subsequent changes in the zoning designation must then align with the broad land-use categories defined in the OCP bylaw.

**DISCUSSION:**

The current owner has expressed that they would like to run a Bed and Breakfast (B&B) in their home. The current CS-2 zoning designation of the subject property does not include B&B as a permitted use. Since a B&B was not running on the property prior to 1999, the lawful non-conforming status which this property enjoys only covers the existing single-family residential (SFD) use. To facilitate the allowance of the B&B use, to remove the complications of having this property in a lawful non-conforming status, and to align with uses proposed for this area in the draft OCP Long-Range Land Use Map, Staff support the requested rezoning of the property. The current definition of the R-2 Zone would permit the establishment of a B&B on the property as an accessory use to the existing dwelling. Currently defined in the Zoning Bylaw No. 1160, 2013, the R-2 land use regulations are as follows:

***R-2 Zone – MEDIUM DENSITY RESIDENTIAL,***

*This Zone is intended for low to medium density residential uses in a variety of housing types.*

***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***

***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***

As mentioned above, this designation would allow either a SFD or Multiple Family Residential use of the property at 1557 Larch Road.

**TIME REQUIREMENTS – STAFF & ELECTED OFFICIALS:**

Should the application proceed, staff time will be required to process this Zoning Bylaw Amendment, including giving notice of a Public Hearing.

**FINANCIAL IMPACTS:**

There are no direct financial implications to the District by advancing a proposed Bylaw and taxation of the property will not change as the property assessment is based on the use of a property not its zoning.

**POLICY OR LEGISLATIVE IMPACTS:**

The SFD use proposed is an existing use occurring on the property and the proposed R-2 zoning contains the Multi-Family Residential use which is consistent with the new draft OCP currently at first reading.

**SUMMARY**

The proposed zoning change to the R-2 Zone is a recognition of the existing SFD use occurring now and into the immediate future. As the R-2 Zone contains a Multi-Family Residential use, this change also works toward the land use envisioned in the Draft OCP Proposed Land Use Map.

**OPTIONS:**

Staff recommend that Council consider giving first and second reading to the attached Zoning Amendment Bylaw No. 1953, 2019, and advance the bylaw to a public hearing to gather community input. Alternatively, Council could consider the following:

2. **THAT** Council provide alternative direction to Staff and/or the applicant; **or,**
3. **THAT** Council reject the application.

**Respectfully submitted:** John Towgood, Planner 1  
Bruce Greig, Manager of Planning  
Mark Boysen, Chief Administrative Officer

APPENDIX A

District of Ucluelet

Hand delivered

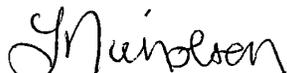
May 5, 2019

Dear Sirs,

I would like to apply to change my zoning from CS2 – Service Commercial to R1 Residential. It was an oversight when we purchased. We have a residential home with commercial zoning and wish residential zoning.

Our application, cheque and title search are attached.

Kindest Regards,

  
Lesley Nicholson

APPENDIX B

**DISTRICT OF UCLUELET**

**Zoning Amendment Bylaw No. 1253, 2019**

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

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Mayor

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Mark Boysen  
Corporate Officer

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District of Ucluelet was hereto  
affixed in the presence of:

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Mark Boysen  
Corporate Officer

Appendix 'A'

District of Ucluelet Zoning Amendment Bylaw No. 1253, 2019





## DISTRICT OF UCLUELET

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Excerpts from the August 13, 2019 Regular Council Meeting

### **13.4 Zoning Bylaw Amendment for 1557 Larch Road** *John Towgood, Planner 1*

Bruce Greig, Manager of Community Planning, noted the following about this item:

- The property is commercially zoned because of blanket a rezoning bylaw that was passed in the 1990s.
- The property is used for residential purposes, which is a legal non-conforming use, and the owners want to use the property for B&B purposes, which is not a legal non-conforming use.
- Since the property is legal non-conforming, it cannot be expanded without a Board of Variance ruling or a bylaw that rezones the property to accommodate the current use.
- The rezoning is consistent with the Draft OCP.

Council noted that this may be one of many properties in town that are legally non-conforming as a result of the blanket rezoning. In response, Mr. Greig, indicated that the Planning Department is keeping a list of affected properties as they come to their attention.

#### **It was moved by Councillor Cole and seconded by Councillor McEwen**

*THAT Council approve recommendation 1 of the report item, "Zoning Bylaw Amendment for 1557 Larch Road" which states:*

1. *THAT District of Ucluelet Zoning Amendment Bylaw No. 1253, 2019, be given first and second reading and advanced to a public hearing.*

CARRIED.



2019-09-02

Darcey Bouvier

Ucluelet, BC V0R 3A0

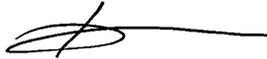
Attn: John Towgood, Planner 1  
District of Ucluelet  
PO Box 999  
Ucluelet, BC V0R 3A0

Dear Mr. Towgood,

**Re: District of Ucluelet Zoning Amendment Bylaw No. 1253, 2019**

I live in the neighbouring complex to this property, and my only concern would be the issue of parking as there is limited space on the street to park. If the applicants have a parking plan in place for this application, then I fully support this amendment.

Regards,



Darcey Bouvier