



**SPECIAL MEETING OF COUNCIL
Tuesday, May 4, 2021 @ 4:30 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 Yuułuᑭiᑭᑭᑭ First Nation, on whose traditional territories the District of Ucluelet operates.

3 NOTICE OF VIDEO RECORDING

Audience members and delegates are advised that this proceeding is being broadcast on YouTube and Zoom, which may store data on foreign servers.

4 LATE ITEMS

5 APPROVAL OF AGENDA

6 CLOSED SESSION

Procedural Motion to Move In-Camera:

THAT the meeting be closed to the public pursuant to Section 90(1)(e) and (i) of the Community Charter in order to consider matters related to:

- the acquisition, disposition or expropriation of land or improvements; and*
- the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.*

7 MAYOR'S ANNOUNCEMENTS

8 LEGISLATION

81. OCP and Zoning Amendments: CD-5A and CD-6 Areas to RU Residential

Bruce Greig, Manager of Community Planning

[L - Bylaw Nos. 1292 and 1293](#)

3 - 17

9 OTHER BUSINESS

10 ADJOURNMENT



STAFF REPORT TO COUNCIL

Council Meeting: MAY 4TH, 2021
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, MANAGER OF COMMUNITY PLANNING **FILE NO:** 3360-20-RZ21-04

SUBJECT: OCP AND ZONING AMENDMENTS: CD-5A AND CD-6 AREAS TO RU RURAL RESIDENTIAL **REPORT NO:** 21-58

ATTACHMENTS: APPENDIX A – UCLUELET OCP AMENDMENT BYLAW No. 1292, 2021
APPENDIX B – UCLUELET ZONING AMENDMENT BYLAW No. 1293, 2021
APPENDIX C – DESCRIPTIVE EXCERPTS FROM EXISTING CD-5A AND CD-6 SECTIONS OF ZONING BYLAW No. 1160, 2013
APPENDIX D – EXCERPT OF RU ZONE FROM BYLAW No. 800, 1999

RECOMMENDATIONS:

1. **THAT** Council introduce and give first reading to *District of Ucluelet Official Community Plan Amendment Bylaw No. 1292, 2021*;
2. **THAT** Council introduce and give first reading to *District of Ucluelet Zoning Amendment Bylaw No. 1293, 2021*; and,
3. **THAT** Council direct staff to advise all owners of land affected by the amendments in Bylaw Nos. 1292 and 1293 of the proposed changes, and provide 30 days to provide written comment before bringing the bylaws back for consideration of second reading.

PURPOSE:

The purpose of this report is to provide information on draft Official Community Plan (OCP) and Zoning amendment bylaws in response to the following motion passed by Council at its April 14, 2021, regular meeting:

“THAT Council direct staff to prepare a zoning amendment bylaw to return the zoning of the CD-5A and CD-6 lands, north of Ancient Cedars and the current end of the Wild Pacific Trail, to a Rural zoning designation like they held previously – to, for now, allow a single residential use on large rural lots.”

BACKGROUND:

The District of Ucluelet Official Community Plan Bylaw No. 1140, 2011, contains the following in the discussion of Comprehensive Development areas in section 3.9(i):

“...Projects must not become exclusive but rather allow ease of public access to the extent experienced in the rest of the community.

The Wild Pacific Trail is a crucial, integral component of the comprehensive development areas. The Wild Pacific Trail is a first-class, world renowned facility, similar in stature to Stanley Park in Vancouver.

Amendments to each Master Development Agreement may be considered without amendment of the OCP provided the overall density is not increased and the Wild Pacific Trail is not compromised. MDA amendments may become necessary in response to, for example, changing market conditions, demise of the original developer(s), preparation of environmental, archaeological and other studies, public consultation or further consideration of the community's vision. Where development has not proceeded in accordance with MDAs in a timely manner (within 5 years of execution), has stalled for extended periods of time (5 years or longer) or the original landowner has not fulfilled obligations in the expected timeframes expected, the District may, but is not obligated to, reconsider the MDA-approach and revert zoning to pre-MDA conditions without amendment of the OCP; future development can then proceed either in accordance with pre-CD zoning or on application for new zoning based on the policies in this section and OCP.

MDAs are identified as only one approach to achieve comprehensive development goals and policies. The District may also consider and implement density-for-amenity bonusing bylaws under section 904 of the *Local Government Act*, or phased development agreements under LGA s.905.1, or other mechanisms and authority and combinations thereof, without further amendment of this OCP..."

[emphasis added]

The motion passed by Council at its April 14, 2021, meeting directed staff to begin the process of acting on the underlined section of the 2011 OCP, above. This section of the OCP also highlights flexibility in considering other approaches to achieve the community's comprehensive development goals and policies.

Some background narrative on the CD-5 and CD-6 Comprehensive Development zones is included in the zoning bylaw (see excerpts in **Appendix 'C'** for reference,). The Rural District RU Zone regulations were originally found in Zoning Bylaw No. 800, 1999; an excerpt is included in **Appendix 'D'**.

DISCUSSION:

The majority of land within the CD-5A and CD-6 zoned areas is owned by the Onni Group. Presenting a comprehensive plan and rezoning application is anticipated as the next step for the developer, as noted within the "next steps" presented by Onni to the community in a Public Information Meeting held in 2018. At that time, Onni's concept plan showed the following:

- extension of the Wild Pacific Trail to the north through Signature Circle;
- development of inland portions of the site (previously disturbed by the former gold course development) would be the first phase of their development, with Signature Circle and the remaining coastal portions to the west following as a second phase.

The letters from the Onni Group received by Council at its April 14, 2021, meeting indicate that selling the Signature Circle bare land strata lots is now a priority for the developer.

The Vacation Rental (VR-2) use permitted under the CD-5A zoning of the 30 Signature Circle lots could allow up to three units on each parcel: a residential unit and two short-term vacation rental units.

Correspondence from the Ministry of Transportation and Infrastructure confirms that intersection improvements to ensure safety are necessary where the CD lands are accessed from the Peninsula Highway via Florencia Drive. Until a comprehensive development plan is approved, and the highway connection to these lands has been resolved, reducing the allowable density of uses would lessen the potential for negative impacts from traffic or other activities.

The development of these lands has clearly stalled for more than 5 years, and the original landowner did not fulfill its obligations. Until such time as a comprehensive plan has been developed for this area which achieves approval from the community and its elected Council, Council could consider a zoning amendment to revert the zoning to Rural Residential to lessen the potential for negative impact.

Staff have prepared the attached zoning amendment bylaw. Included in the bylaw are text amendments to reduce the uses on the Signature Circle lots to a single modest residential use. This is consistent with the April 14th Council motion. The draft new RU zone regulations as they would apply to Signature Circle would permit one residence per lot with a maximum area of 100m². The minimum setback from the natural boundary would be 30m.

Also, because the existing RU regulation include a large (10m) side setback, reducing the minimum side yard interior setbacks to 5m within the RU zone is necessary to ensure that no existing lots within the Signature Circle subdivision are left without a buildable area. The draft Bylaw No. 1293 includes these zoning text amendments specific to Signature Circle – see **Appendix 'B'**.

The 2011 OCP policy refers to “revert zoning to pre-MDA conditions”. Because the Signature Circle lots are smaller than other RU-zoned parcels, the side yard setbacks would need to be reduced to maintain the ability for these lots to be used under the RU designation. This is not as simple as “reverting” the zoning as the 2011 OCP anticipates. Following the advice of the municipal solicitors, amending the OCP bylaw to clarify this amendment as it applies to Signature Circle would remove potential doubt about consistency with the OCP. The draft Bylaw No. 1292 provides this amendment for Council to consider ahead of Bylaw No. 1293.

Staff recommend that Council consider giving first reading to the draft *Ucluelet Official Community Plan Amendment Bylaw No. 1292, 2021*, and *Ucluelet Zoning Amendment Bylaw No. 1293, 2021*, found in **Appendices 'A' and 'B'**. Rather than considering second reading immediately and referring the bylaw to a public hearing, staff recommend that these changes be brought to the attention of all owners of lands which would be affected. This would enable input from property owners early in the process.

TIME REQUIREMENTS – STAFF & ELECTED OFFICIALS:

Staff time will be necessary for collecting and presenting feedback to Council, and for coordinating next steps in the bylaw process including a public hearing.

SUMMARY:

Staff recommend that Council could consider the initial reading of Bylaw Nos. 1292 and 1293, and referral to property owners for feedback as recommended at the outset of this report.

Alternatively, Council could consider the following:

4. **THAT** Council give first and second readings to District of Ucluelet Official Community Plan Amendment Bylaw No. 1292, 2021;
5. **THAT** Council give first and second readings to District of Ucluelet Zoning Amendment Bylaw No. 1292, 2021; and,
6. **THAT** the Bylaws be referred to a public hearing;
or,
7. **THAT** Council direct amendments to the draft bylaw(s) before considering reading(s) as amended;
or,
8. **THAT** Council provide alternative direction to staff.

Respectfully submitted: Bruce Greig, Manager of Community Planning
Andy Laidlaw, Acting CAO

Appendix A

DISTRICT OF UCLUELET**Official Community Plan Amendment Bylaw No. 1292, 2021**

A bylaw to amend the District of Ucluelet Official Community Plan
(Rural Land Use designation change – Signature Circle lands).

WHEREAS Section 471 of the Local Government Act identifies the purposes of an Official Community Plan as “a statement of objectives and policies to guide decisions on planning and land use management, within the area covered by the plan, respecting the purposes of local government”, and the District has adopted an Official Community Plan;

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

1. Text Amendments:

Schedule “1” of *District of Ucluelet Official Community Plan Bylaw No. 1140, 2011*, as amended, is hereby further amended by inserting the following policy in alphanumerical order within section 3 Land Use Policies:

“3.9(i)(10) Despite any other policies or designations in this OCP, the 30 subdivided lots known as Signature Circle (Strata Lots 1 through 30, Plan VIS6504, District Lot 473, Clayoquot Land District, together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form V) are designated for low-density rural residential development, with no more than one dwelling per parcel to a maximum size of 100m², no ancillary commercial tourist accommodation or vacation rental uses, and a minimum setback of 30m from the natural boundary of the sea”.

2. Citation:

This bylaw may be cited as “District of Ucluelet Official Community Plan Amendment Bylaw No. 1292, 2021”.

READ A FIRST TIME this day of , 2021.

Considered in conjunction with the District of Ucluelet Financial Plan and Waste Management Plan under Section 477 of the *Local Government Act* this day of , 2021.

READ A SECOND TIME this day of , 2021.

PUBLIC HEARING held this day of , 2021.

READ A THIRD TIME this day of , 2021.

ADOPTED this day of , 2021.

CERTIFIED A TRUE AND CORRECT COPY of “Official Community Plan Amendment Bylaw No. 1292, 2021”

Mayco Noël
Mayor

Joseph Rotenberg
Corporate Officer

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

Joseph Rotenberg
Corporate Officer

Appendix B

DISTRICT OF UCLUELET
Zoning Bylaw Amendment Bylaw No. 1293, 2021

A bylaw to amend the “District of Ucluelet Zoning Bylaw No. 1160, 2013”.
 (Zoning amendments to the RU zone - Rural Residential and areas of CD-5A and CD-6
 zoned lands).

WHEREAS Section 479 and other parts of the *Local Government Act* authorize zoning and other development regulations;

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.** within the regulations for the RU Zone – RURAL RESIDENTIAL in Schedule B – The Zones by inserting the following in alphanumerical order:

RU.7.1 “Other Regulations:

Despite any other regulations within this Bylaw, the following shall apply to lots 1 through 30, Signature Circle (Strata Lots 1 through 30, Plan VIS6504, District Lot 473, Clayoquot Land District, together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form V):

- (1) The sole principal use shall be *Single Family Dwelling*;
- (2) *Home Occupation is permitted as a secondary use in conjunction with a principal permitted use*;
- (3) The following regulations shall apply:
 - (i) **Maximum Density:** 1 *single family dwelling* per lot
 - (ii) **Maximum Size (Gross Floor Area):**
 - (A) Principal Building: 100 m² (1,076 ft²)
 - (B) Accessory Buildings: 100 m² (1,076 ft²) combined total

(iii) 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 – Exterior Setback
(1) Principal	10 m (33 ft)	10 m (33 ft)	5 m (16 ft)	15 m (49 ft)
(2) Accessory	10 m (33 ft)	10 m (33 ft)	5 m (16 ft)	15 m (49 ft)

(iv) The minimum setback from the natural boundary of the sea for all buildings and structures is 30m (98 ft).”;

- B.** by deleting section CD-5A SubZone (Development Area #1) WYNDANSEA / SIGNATURE CIRCLE including the CD-5A SubZone Plan and Sections CD-5A.1 through CD-5A.7; and,
- C.** by deleting section CD-6 Zone – OLSEN BAY (Lot 5, Plan VIP75113) including the CD-6 Plan and Sections CD-6.2 through CD-6.7.

2. 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 the following parcels to “RU Zone - Rural Residential” as outlined in black on the map attached to this Bylaw as Appendix “A”:

Legal Description	PID	Zoning
Lot A, Plan VIP77604, District Lot 472, Clayoquot Land District	026-046-024	CD-5A
Lot A, Plan VIP80031, District Lot 286, Clayoquot Land District, Except Plan VIP84561, & OF DL 471, 472 & 473	026-508-486	CD-5A
Lot 1, Plan VIP84561, District Lot 286, Clayoquot Land District, & DL 473	027-416-046	CD-5A
Lot 2, Plan VIP84561, District Lot 286, Clayoquot Land District	027-416-054	CD-5A
Lot 3, Plan VIP84561, District Lot 286, Clayoquot Land District	027-416-062	CD-5A
Strata Lots 1 through 30, Plan VIS6504, District Lot 473, Clayoquot Land District, TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V		CD-5A
Lot 5, Plan VIP75113, District Lot 286, Clayoquot Land District, Except Plan VIP79908, & DLS 471, 472 & 473	025-635-751	CD-6

3. Citation:

This bylaw may be cited as “District of Ucluelet Zoning Amendment Bylaw No. 1293, 2021”.

READ A FIRST TIME this day of , 2021.

READ A SECOND TIME this day of , 2021.

PUBLIC HEARING held this day of , 2021.

READ A THIRD TIME this day of , 2021.

ADOPTED this day of , 2021.

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Amendment Bylaw No. 1293, 2021.”

Mayco Noël
Mayor

Joseph Rotenberg
Corporate Officer

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

Joseph Rotenberg
Corporate Officer

APPENDIX 'A' to District of Ucluelet Zoning Amendment Bylaw No. 1292, 2021
(CD-5A and CD-6 lands rezoned to RU Rural Residential)

From: CD5-A and CD-6
To: RU



Appendix C - excerpts from Zoning Bylaw

Updated April 2021

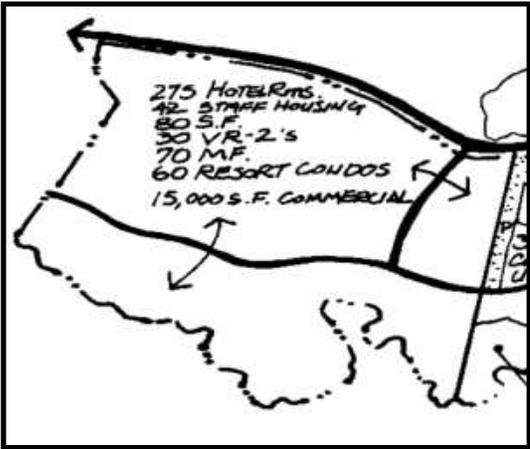
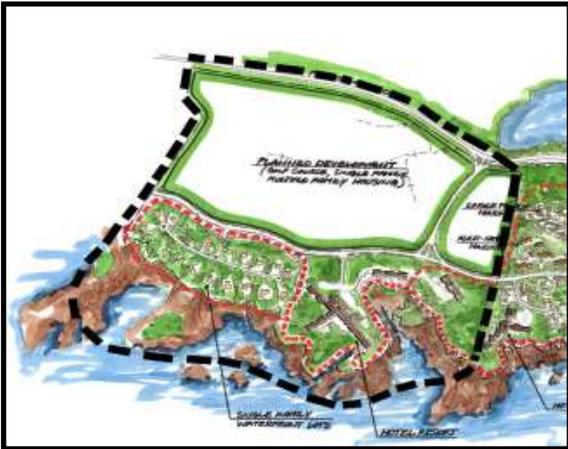
CD-5A SubZone (Development Area #1)
WYNDANSEA/ SIGNATURE CIRCLE

2014 Update: Most of this area was subdivided into 5 development parcels being Lots 1-4, Plan VIP84561 and Remainder Lot A. As detailed below:

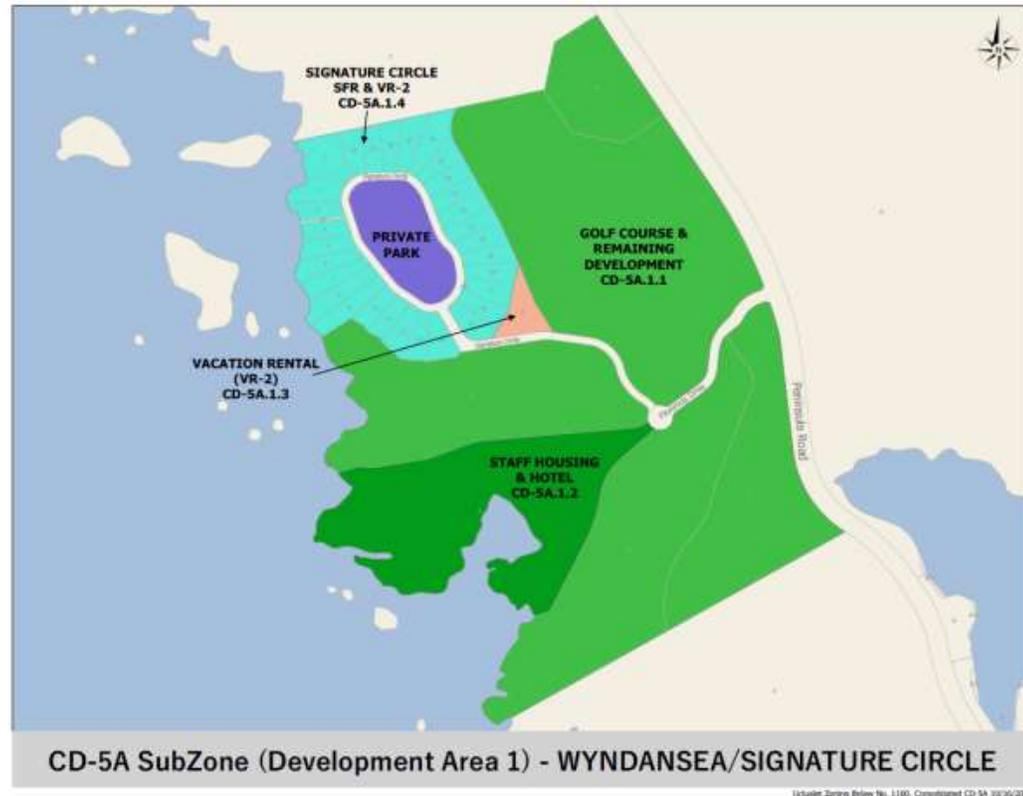
- Lot 2 was designated for a Hotel development with on or off-site Staff Housing.
- Lot 3 was designated for a Vacation Rental (VR-2) lot.
- Lot 4 was subdivided as the 30-lot "Signature Circle" bare land Strata Plan VIS6504, for single family residential lots, though could also contain Vacation Rental (VR-2) lots.
- Lot 1, the Remainder Lot A and the Adjacent Lot A, Plan VIP77604 is intended to include the proposed golf course (with holes also on CD-6 Zone), and may include further single family residential lots and/or VR-2s, multiple family residential and resort condominium. Note that density is limited for the multiple family residential, resort condo or combination, until affordable housing is provided off-site (in the CD-5C SubZone, on either Lot 13 Plan VIP84686, or another yet-to-be created lot appropriately zoned for affordable housing or both)

The development stalled, and went into receivership, after initial subdivision. In 2013, the developer made arrangements to reacquire control and proposed amendments were expected in 2014, in particular with respect to anticipated road configurations, but this appears in doubt.

CD-5 Development Area #1 Plan - Original



(Updated April 2021)

CD-5A SubZone Plan (Development Area #1) - Updated**CD-5A.1 Permitted Uses:**

CD-5A.1.1 The following uses are permitted on Lot 1, Plan VIP84561, Remainder Lot A, Plan 80031 and Adjacent Lot A, Plan VIP77604, in the areas of the CD-5A SubZone Plan labeled “Golf Course & Remaining Development”, but *secondary permitted uses* are only permitted in conjunction with a *principal permitted use*:

- (1) Principal #1:
 - (a) Golf Course
- (2) Secondary to Subsection (1) *Golf Course*:
 - (a) Golf Course Clubhouse
 - (b) *Retail*

(Updated April 2021)

CD-6 Zone – OLSEN BAY (Lot 5, Plan VIP75113)

This Comprehensive Development Zone was intended as an extension of and complement to Development Area #1 of the CD-5 Zone (now CD-5A SubZone), with golf course crossing Peninsula Road into both zones and trails expected to connect, but can be developed on its own. The densities identified below were bonused and based on a 15% open space dedication/ amenity contribution, provided in the form of the park dedication (minimum 12.9 ha), cash contributions, public recreational amenities and open space, green space and trail areas secured by either dedication on a plan of subdivision or statutory right of way, further to Section 203 of this Bylaw, along with requirements for staff housing, with development (other than the golf course) at 5 units/hectare base density if amenities not provided.

2014 Update: There has been no subdivision or development and amenities remain outstanding and, in some cases, overdue. In 2013, the original developer made arrangements to reacquire control, but as of the date of Second Reading the matter has not been advanced and the amenities have not been provided.

The regulations and requirements of this Zone are supplemented with Master Development Agreement and S.219 Covenant registered on title under FA102255 (August 22, 2006) as amended.

The below Overall Land Use Concept Plan, intended as the CD-6 Comprehensive Development Plan (“CD-6 Plan”), dictates and confines the location of permitted uses and density, with variations to require amendment of the Zoning Bylaw. However, exact configuration of roads and buildings may be determined at subdivision and development permit stage of development without bylaw amendment.

CD-6 Plan per Zoning Amendment Bylaw 1030, 2006



2.17 Rural District RU Zone

This zone provides for residential uses and activities requiring large parcels of land.

2.17.1 Permitted Land Uses

Permitted Uses	Minimum Lot Size
Single Family Dwelling	10 Ha.
Kennel	
Home Occupation	
Secondary Suites	
Accessory Buildings	

2.17.2 Building and Structure Specifications

Maximum number of Single Family Dwellings (excluding secondary suites)	Two (2) per lot
Total Floor Area for all Accessory Buildings	100 m ² (1076 ft ² .)
Maximum Height and Storey's of Principle Building	8.5 m (28 ft.)2½ storey's
Maximum Height of Accessory Buildings and Structures	5.5 m (18 ft.)
Maximum Lot Coverage	3%
Minimum Lot Frontage	60 m (196 ft.)
Maximum Floor Area Ratio	0.50

2.17.3 Minimum Building Setbacks

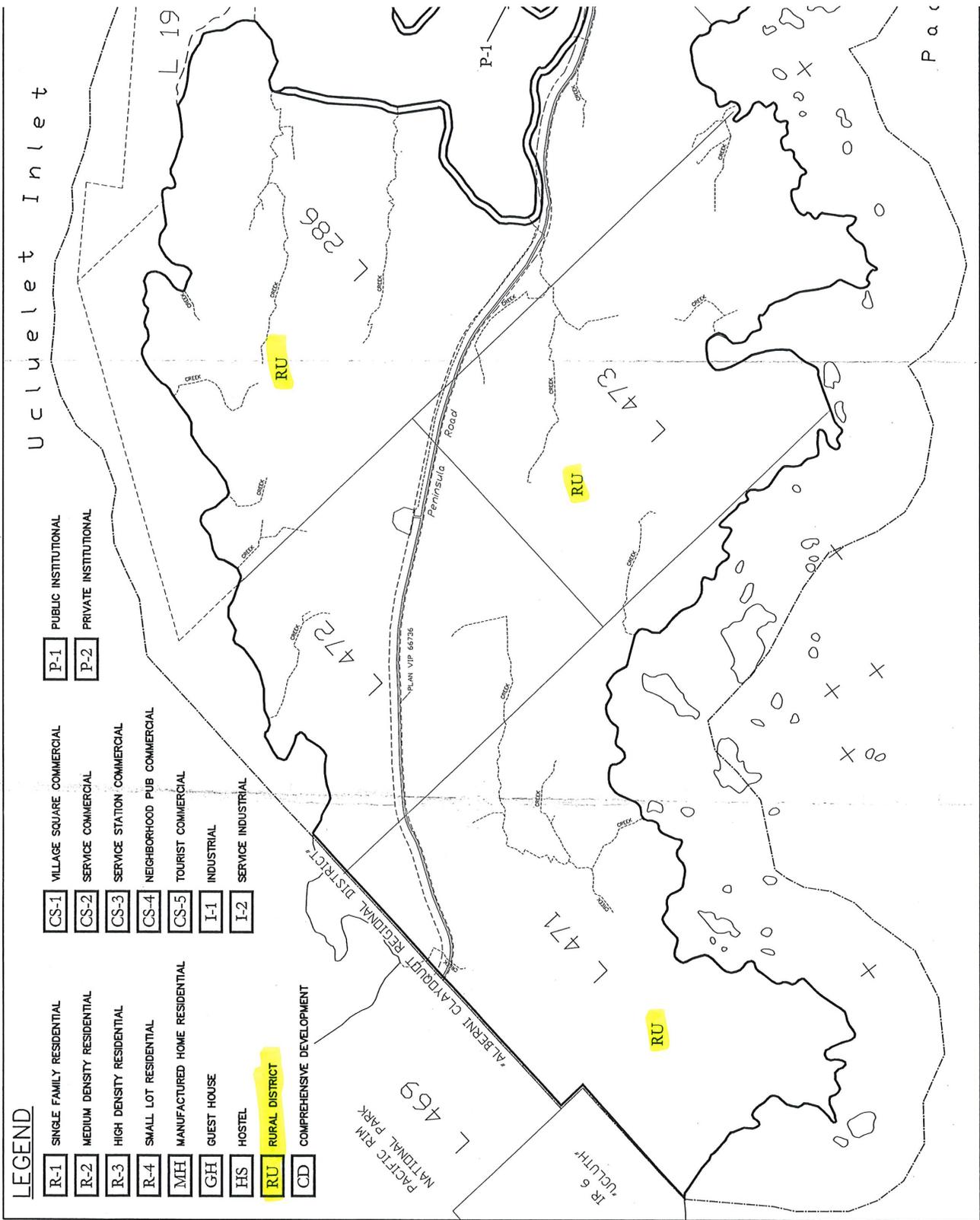
Use	Front lot line setback	Rear lot line setback	Exterior lot line setback	Interior lot line setback
Principle Building	10 m (33 ft.)	10 m (33 ft.)	15 m (50 ft.)	10 m (33 ft.)
Accessory buildings and structures	10 m (33 ft.)	10 m (33 ft.)	15 m (50 ft.)	10 m (33 ft.)

2.17.4 Off-Street Parking and Loading

Off-street parking and loading shall be provided according to Part IV of this Bylaw.

2.17.5 Landscaping and Screening

Landscaping and Screening shall comply with the requirements outlined in Part VI of this Bylaw.



LEGEND

- | | | |
|---|---|----------------------------------|
| R-1 SINGLE FAMILY RESIDENTIAL | CS-1 VILLAGE SQUARE COMMERCIAL | P-1 PUBLIC INSTITUTIONAL |
| R-2 MEDIUM DENSITY RESIDENTIAL | CS-2 SERVICE COMMERCIAL | P-2 PRIVATE INSTITUTIONAL |
| R-3 HIGH DENSITY RESIDENTIAL | CS-3 SERVICE STATION COMMERCIAL | |
| R-4 SMALL LOT RESIDENTIAL | CS-4 NEIGHBORHOOD PUB COMMERCIAL | |
| MH MANUFACTURED HOME RESIDENTIAL | CS-5 TOURIST COMMERCIAL | |
| GH GUEST HOUSE | I-1 INDUSTRIAL | |
| HS HOSTEL | I-2 SERVICE INDUSTRIAL | |
| RU RURAL DISTRICT | | |
| CD COMPREHENSIVE DEVELOPMENT | | |