



PUBLIC HEARING
Tuesday, August 23, 2022 @ 5:30 PM
Ucluelet Community Centre,
500 Matterson Drive, Ucluelet

AGENDA

Page

1. CALL TO ORDER
2. ACKNOWLEDGEMENT OF THE YUULU?I?ATH

Council would like to acknowledge the Yuulu?i?ath, 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 video recorded and broadcast on YouTube and Zoom which may store data on foreign servers.
4. LATE ITEMS
5. STATEMENT OF THE CHAIR
 - 5.1. Review of the Public Hearing Process
6. PUBLIC HEARING - DISTRICT OF UCLUELET ZONING AMENDMENT BYLAW NO. 1303, 2022
 - 6.1. Proposed Bylaw & Background Information 3 - 94
[District of Ucluelet Zoning Amendment Bylaw No. 1303, 2022](#)
[Notice of Public Hearing - Bylaw No. 1303, 2022](#)
[June 14, 2022 - Report to Council](#)
[March 15, 2022 - Report to Council](#)
[June 14, 2022 - Regular Council Minutes](#)
[March 15, 2022 - Regular Council Minutes](#)
 - 6.2. Related Written Correspondence Received During Notice Period
 - 6.3. Applicant Presentation
 - 6.4. Public Input
7. PUBLIC HEARING - DISTRICT OF UCLUELET ZONING AMENDMENT BYLAW NO. 1310, 2022
 - 7.1. Proposed Bylaw & Background Information 95 - 215
[District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022](#)
[Notice of Public Hearing - Bylaw No. 1310, 2022](#)

[FAQ for Bylaw No. 1310, 2022](#)
[August 2, 2022 - Report to Council](#)
[July 19, 2022 - Report to Committee of the Whole](#)
[June 29, 2022 - Report to Council](#)
[May 31, 2022 - Report to Council](#)
[August 2, 2022 - Draft Special Council Minutes](#)
[July 19, 2022 - Regular Council Minutes](#)
[June 29, 2022 - Special Council Minutes](#)
[May 31, 2022 - Regular Council Minutes](#)

- 7.2. Related Written Correspondence Received After the June 28, 2022 Public Hearing which was held on a Previous Version of the Bylaw 217 - 243

[2022-08-02 - D. Dievert](#)
[D. McColm & S. Benassini](#)
[E. Chernis](#)
[2022-08-02 - H. Nicholls](#)
[2022-08-02 - J. Cove & H. Cove](#)
[2022-08-01 - J. Greenglass & R. Ross](#)
[2022-07-30 - J. Bloedorn](#)
[2022-08-02 K. Emond & M. Buchanan](#)
[2022-08-02 - T. Nestoruk & T. Touserani](#)
[2022-08-02 - P. de Jong](#)
[2022-08-02 - Q. Lai & R. Macleod](#)
[2022-08-02 - S. King](#)
[2022-08-07 - S. Hilder](#)

- 7.3. Written Submissions Received During the Notice Period

- 7.4. Public Input

8. ADJOURNMENT

DISTRICT OF UCLUELET
Zoning Bylaw Amendment Bylaw No. 1303, 2022

A bylaw to amend the District of Ucluelet Zoning Bylaw (354 Forbes Road).

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 and Map Amendment:

Schedule B of the District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by adding the following subsection (3) to section CD-1.1.3 in alphanumerical order, as follows:

“(3) On Lot 17 District Lot 284 Clayoquot District Plan VIP76147 (PID: 025-926-811, 354 Forbes Road) the following uses are permitted:

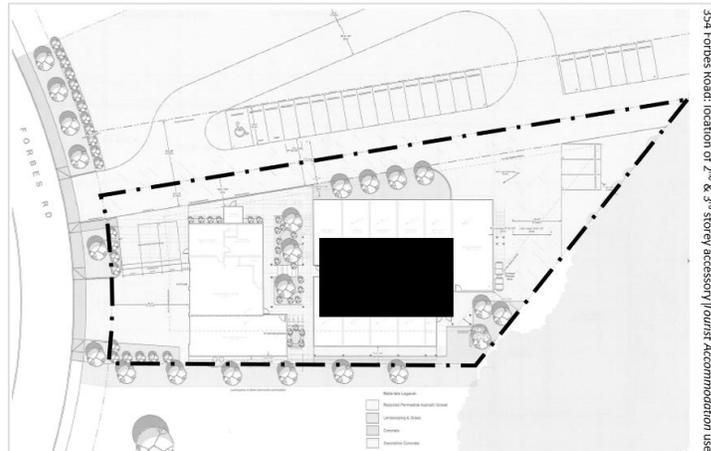
Principal Uses:

- (a) *Recreational Services* limited to marine-related guiding, tours or charters;
- (b) *Light Industry*;
- (c) *Staff Housing*, subject to the terms of a Housing Agreement with the District pursuant to section 483 of the *Local Government Act*;

Accessory Uses:

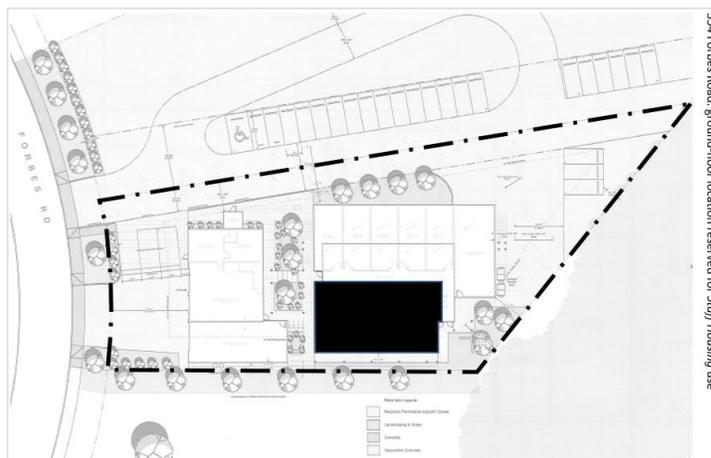
- (a) *Single-Family Residential*;

(b) *Commercial Tourist Accommodation* is permitted as an accessory use on the second and third levels of a mixed-use building on the area of the Lot shaded in black on the site plan below, so long as marine-related *Recreational Services* is active as the principal use of the property:



Limitation on ground-floor use of the rear of the property, adjacent to park:

(a) The ground-floor area of the Lot shaded in black on the site plan below may only be used for *Staff Housing*, or left vacant:



2. Citation

This bylaw may be cited as “District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1303, 2022”.

READ A FIRST TIME this 14th day of **June, 2022**.

READ A SECOND TIME this 14th day of **June, 2022**.

PUBLIC HEARING held this day of , 2022.

READ A THIRD TIME this day of , 2022.

ADOPTED this day of , 2022.

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1303, 2022.”

Mayco Noël
Mayor

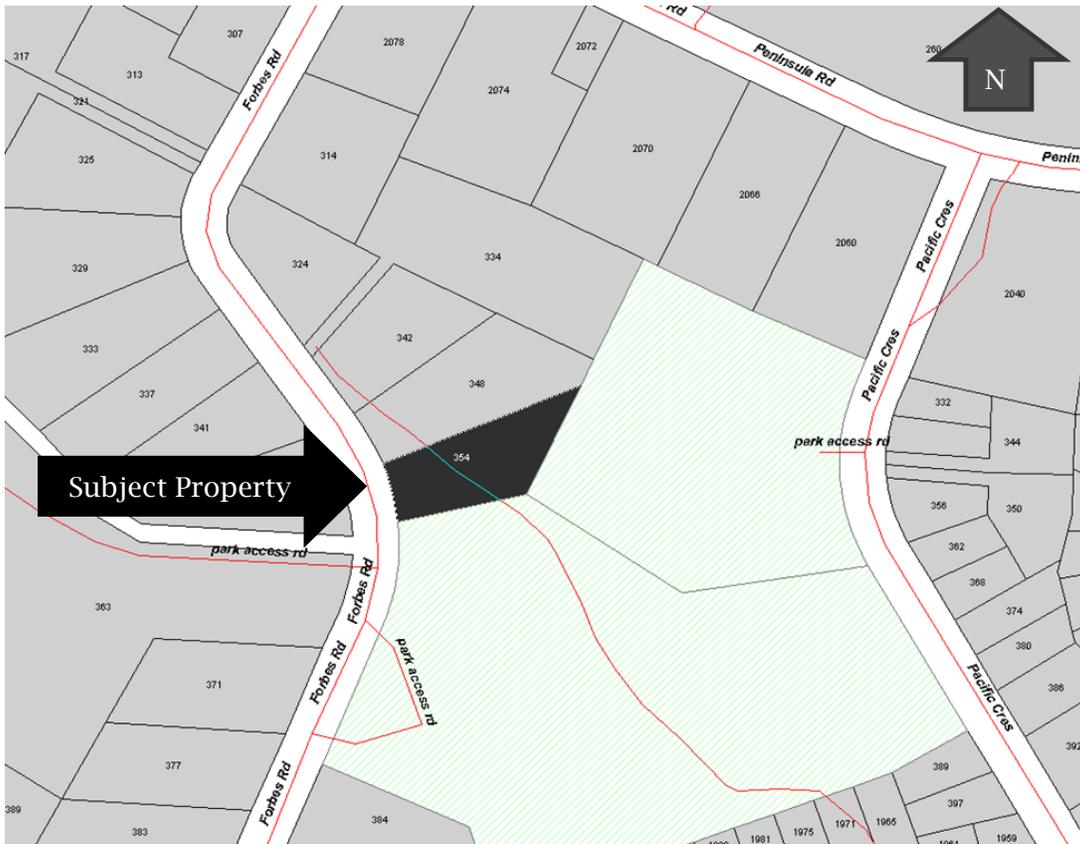
Duane Lawrence
Corporate Officer

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

Duane Lawrence
Corporate Officer

SCHEDULE 'A'
Bylaw No. 1303, 2022

Subject property:
Lot 17, District Lot 281, Clayoquot District, Plan VIP76147 (354 Forbes Road)



NOTICE OF PUBLIC HEARING

Notice is hereby given that pursuant to Sections 464 and 466 of the *Local Government Act* a Public Hearing will be held for District of Ucluelet Zoning Amendment Bylaw No. 1303, 2022, at the **Ucluelet Community Centre, located at 500 Matterson Drive, Ucluelet B.C. on Tuesday, August 23, 2022, commencing at 5:30 p.m.**

The **purpose** of this proposed bylaw, in general terms, is to amend the Eco-Industrial Park CD-1 regulations within Schedule B of the Ucluelet Zoning Bylaw No. 1160, 2013, to allow *Commercial Tourist Accommodation* as a secondary use on the second and third levels, and *Staff Housing* on any level of an existing mixed-use building on the property at 354 Forbes Road (Lot 17, District Lot 284, Clayoquot District, Plan VIP76147).

Site Map



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

Participate by Written Submission: All Written submissions must include your name and street address. Any submissions dropped-off or mailed to the District office, must be received before the start of the Public Hearing. Submissions sent by email or dropped-off at the Public Hearing may be submitted until the hearing is closed. Written submissions are considered part of the public record pursuant to the *Freedom of Information and Protection of Privacy Act*.

Drop-off at the District Office
200 Main Street
Ucluelet B.C.
(there is a drop-box on site)

Drop-off at the Public Hearing
Ucluelet Community Centre
500 Matterson Drive
Ucluelet B.C.

Mail
District of Ucluelet
P.O. Box 999
Ucluelet B.C.
VOR 3A0

Email
communityinput@ucluelet.ca

Attend In-Person, by Telephone or Using Zoom Online:
Attend In-person
Ucluelet Community Centre,
500 Matterson Drive, Ucluelet B.C.

If you do plan to attend in-person, we ask that you follow all current Provincial Health guidance and protocols.

Attend by Telephone Through Zoom Webinar

One tap mobile:
• +17789072071,,81133515485#
Telephone:
• +1 778 907 2071
Webinar / Meeting ID: 811 3351 5485
International numbers available at:
<https://us02web.zoom.us/j/81133515485>

Attend Using Zoom Webinar Online URL:
<https://us02web.zoom.us/j/81133515485>

For more information about how to participate via Zoom visit <https://ucluelet.ca/community/district-of-ucluelet-council/public-hearings> or contact the Corporate Service Department at 250-726-7744. Public Hearings are also livestreamed on the District of Ucluelet's YouTube Channel.

Review related materials: Copies of the proposed Bylaws and other relevant materials may be inspected online at <https://ucluelet.ca/community/district-of-ucluelet-council/public-hearings>. Paper copies are also available for inspection at the District of Ucluelet Office, 200 Main St., Ucluelet B.C. (Monday to Friday, 8:30 a.m. - 4:00 p.m., excluding statutory holidays).

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



REPORT TO COUNCIL

Council Meeting: June 14, 2022

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM:	BRUCE GREIG, DIRECTOR OF COMMUNITY PLANNING	FILE NO: 3360-20-RZ17-04
SUBJECT:	ZONING AMENDMENT APPLICATION PACIFIC RIM CHARTERS & GUEST LODGE (354 FORBES ROAD)	REPORT NO: 22-77
Attachment(s):	APPENDIX A – STAFF REPORT MARCH 15, 2022	

RECOMMENDATIONS:

THAT Council consider the motions in Option A from the staff report of March 14, 2022.

BACKGROUND:

At the May 31, 2022, Regular Council Meeting the owners of Pacific Rim Charters, Glenn and Dianna Kaczmar, requested that Council re-visit the staff report first considered on March 15, 2022, and their request regarding their property at 354 Forbes Road.

The background is provided in the March staff report (and its appendices) in **Appendix “A”**.

DISCUSSION:

The following excerpts are pulled from the March 15, 2022, report:

RESTRICTIVE COVENANT:

“The Owners have now asked that the zoning amendment be adjusted to achieve much of the same assurances that the restrictive covenant provides, with the hope that Council would adopt the zoning amendment without the restrictive covenant being registered on title. Staff have therefore drafted a new *Ucluelet Zoning Amendment Bylaw No. 1303, 2022* (“Bylaw No. 1303”), which is presented for Council’s consideration in **Appendix A** [to the March staff report]. This new zoning amendment bylaw more closely defines the site-specific uses and defines areas within the property where the *tourist accommodation* and *staff housing* uses can occur. The effect is that the area where 6 staff accommodation units had been proposed could only be put to that use, or left vacant. Note this approach would not guarantee or compel the owners to construct staff accommodation units. Should the property change ownership, the zoning limitations would still apply. Council should consider whether the new Bylaw No. 1303 satisfies the public interest; i.e., whether it meets the intent of condition b(iii) from the Council motion of October 19, 2018.”

FIRE ACCESS:

“An item which arose from the code review of the building is that fire access is required over a portion of the neighbouring lot, which is under the same ownership. A typical way to address this type of deficiency would be for the Owner to register an access easement on the title of their

neighbouring property. As with the restrictive covenant, the Owners indicate they are not willing or able to register such an easement on title at this time.

The occupancy permit for the building would remain provisional until such time as the access easement were registered. In addition, should the zoning be adopted to authorize the *Commercial Tourist Accommodation* use, then any business license issued for such use could contain a condition explicitly noting that the fire access be maintained and kept clear. In that case, should the ownership of the adjacent lot change and block that access, the business license could be suspended – providing a mechanism if necessary to ensure the accommodation units are not occupied without the necessary fire access. To avoid putting the municipality in a position where it is responsible for monitoring the fire access, staff recommend a condition on the business license stipulating that it would not be renewed without the easement in place. This would give the Owners one year to arrange to either consolidate their lots or register the appropriate easement.”

ANALYSIS OF OPTIONS

With respect to the addition of *Commercial Tourist Accommodation* to the uses permitted by the zoning of the property at 354 Forbes Road, Council can consider the following:

A	That Council abandon the previous Zoning Amendment Bylaw No. 1248, 2019, and proceed with first readings of Zoning Amendment Bylaw No. 1303, 2022, and amendment of the Housing Agreement.	<u>Pros</u>	<ul style="list-style-type: none"> • For the Owners, allows them to move forward toward obtaining a business licence for their guest lodge. • Would enable a degree of closure on a longstanding bylaw infraction with the subject property. • The narrowly-defines uses in the zoning would create a high likelihood of staff housing being eventually developed on the site as proposed.
		<u>Cons</u>	<ul style="list-style-type: none"> • Would not guarantee a timeline for constructing a minimum of 6 employee housing units. • Would not necessarily see the landscape improvements previously proposed for the public boulevard and neighbouring park.
		<u>Implications</u>	<ul style="list-style-type: none"> • This appears to be the best option at this point for moving forward and addressing the minimum health and safety issues with the use of the building, while enabling the fishing charter business to proceed with providing accommodation for its clients. • The zoning amendment, as drafted, would leave the door open for staff accommodation units and would create a situation where the use of the building for accommodating staff is likely.
		<u>Suggested Motion</u>	<ol style="list-style-type: none"> 1. THAT Council give first and second readings to <i>Ucluelet Zoning Amendment Bylaw No. 1303, 2022</i>; 2. THAT Council refer <i>Ucluelet Zoning Amendment Bylaw No. 1303, 2022</i>, to a public hearing; 3. THAT Council rescind third reading of <i>Ucluelet Housing Agreement Bylaw No. 1249, 2019</i>; 4. THAT Council amend <i>Ucluelet Housing Agreement Bylaw No. 1249, 2019</i>, to include the new section 3 in Schedule A and to replace Schedule B as shown in Appendix B to the staff report dated March 15, 2022;

			<p>5. THAT Council give <i>Ucluelet Housing Agreement Bylaw No. 1249, 2019</i>, third reading as amended; and,</p> <p>6. THAT Council direct that any business license issued for <i>Commercial Tourist Accommodation</i> use on the property at 354 Forbes Road contain the condition that the business license would not be renewed unless an appropriate fire access easement is first registered on the title of the neighbouring vacant lot.</p>
B	That Council indicate to the Owners its expectation that the conditions for adopting the requested zoning amendment remain unchanged.	<u>Pros</u>	<ul style="list-style-type: none"> • May result in the covenant being registered and, by extension, could ensure the provision of 6 staff accommodation units. • May result in the landscape improvements being installed sooner.
		<u>Cons</u>	<ul style="list-style-type: none"> • More likely would result in a bylaw enforcement issue demanding District resources to resolve.
		<u>Implications</u>	<ul style="list-style-type: none"> • A business licence could not be issued for the operation of the guest lodge at this time. If the owners were to proceed with accommodating guests, it would then become a matter of bylaw enforcement.
		<u>Suggested Motion</u>	THAT Council direct staff to advise the applicant to arrange for the registration of the section 219 restrictive covenant and access easement on the title of the property at 354 Forbes Road, and defer further consideration of amending the zoning designation of the property until such time as the conditions stated by Council in October 2018 are met.

POLICY OR LEGISLATIVE IMPACTS:

If Council gives first and second readings to the zoning amendment Bylaw No. 1303, a public hearing would be scheduled and the statutory notification would be completed.

If Council directs that the original conditions be met, then once the Owners have completed the outstanding items the original Zoning Amendment Bylaw No. 1248, 2019, would be brought back to Council for adoption.

RESPECTFULLY SUBMITTED:

BRUCE GREIG, DIRECTOR OF COMMUNITY PLANNING

DUANE LAWRENCE, CAO



REPORT TO COUNCIL

Council Meeting: March 15, 2022

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, DIRECTOR OF COMMUNITY PLANNING **FILE NO:** 3360-20-RZ17-04

SUBJECT: ZONING AMENDMENT APPLICATION **REPORT NO:** 22-29
PACIFIC RIM CHARTERS & GUEST LODGE (354 FORBES ROAD)

Attachment(s): APPENDIX A – UCLUELET ZONING AMENDMENT BYLAW NO. 1303, 2022
APPENDIX B – UCLUELET HOUSING AGREEMENT BYLAW NO. 1249, 2019
APPENDIX C – S.219 COVENANT
APPENDIX D – STAFF REPORT OCTOBER 9, 2018
APPENDIX E – STAFF REPORT APRIL 9, 2019
APPENDIX F – NOTES ON LANDSCAPE PLAN

RECOMMENDATION(S):

Staff are not making a recommendation in this case. Council may consider options A and B as presented below.

BACKGROUND:

Council received a report on the past uses and request to rezone the property at 354 Forbes Road at its October 9, 2018, meeting. The background on the application is found in the staff report presented at that meeting (see **Appendix D**). Following discussion, Council passed the following motion:

“THAT Council indicate support for the concept of adding 12 commercial tourist accommodation rooms and a minimum of 6 staff housing units as permitted uses on the property at 354 Forbes Road and:

- a. indicate to the applicant that detailed building, site, and landscape plans are required to show the impact of the proposal on the surrounding industrial lands, public streetscape and park land;*
- b. indicate that adoption of a zoning amendment bylaw would be subject to the following:*
 - i. the owners first obtaining a building permit, then completing the necessary building renovations to bring the building up to code and finally obtaining an occupancy permit to clarify that the building is safe for its intended use;*
 - ii. the owners entering into a Housing Agreement to ensure that the employee housing units are occupied by seasonal or long-term resident workers;*
 - iii. to owners providing a restrictive covenant to ensure the provision of staff housing and that occupancy of the guest accommodation units is tied to the ongoing operation of a fishing guide business from the property; and,*
- c. once a complete set of rezoning plans has been submitted by the owners, direct staff to prepare the zoning amendment and housing agreement bylaws for consideration by Council at a future meeting.”*

The owners of Pacific Rim Charters, Glenn and Dianna Kaczmar, subsequently submitted the necessary plans prepared under the guidance of their architect. Accordingly, staff drafted *Ucluelet Zoning Amendment Bylaw No. 1248, 2019* (“Bylaw No. 1248”) and *Ucluelet Housing Agreement Bylaw No. 1249, 2019* (“Bylaw No. 1249”) for Council consideration (see **Appendix E**). On April 9, 2019, Council then passed the following:

“THAT Council, with regard to the proposal to renovate the building on Lot 17, District Lot 281, Clayoquot District, Plan VIP76147 (354 Forbes Road) and request for zoning amendments to permit commercial tourist accommodation on the property:

- a. give first and second readings to Ucluelet Zoning Amendment Bylaw No. 1248, 2019;*
- b. give first and second readings to Ucluelet Housing Agreement Bylaw No. 1249, 2019;*
- c. indicate support, subject to public comment, to issue a Development Variance Permit to vary the following aspects of the Eco-Industrial Park (CD-1) zoning regulations for the existing building:*
 - i. reduce the side yard setback per CD-1.6.1(3) on the south side from a minimum of 5m to 1.22m;*
 - ii. reduce the rear yard setback per CD-1.6.1(3) from a minimum of 6m to 4.05m;*
 - iii. reduce the parking setback per 503.2(1) from a minimum of 3m to 1.5m, subject to the owner installing the proposed landscaped screening within the reduced setback area;*
 - iv. increase the permitted building height per CD-1.5.1(4) from a maximum of 12m to 12.95m; and,*
 - v. waive the requirement per 602.1(1) for screening of waste and recycling bins, located at the rear of the building;*
- d. direct staff to give notice of a public hearing to receive comment on the requested bylaws and Development Variance Permit.”*

Notification was given and a public hearing was held on April 30, 2019. At its regular meeting held May 14, 2019, Council gave third reading to Bylaw No. 1248 and Bylaw No. 1249. At that meeting Council also authorized issuance of Development Variance Permit 3090-20-DVP19-03.

In June of 2019 the owners applied for a building permit to undertake the renovations identified by their architect as necessary to bring the building into compliance - meeting the minimum health and safety standards of the building code for the intended use.

On December 21, 2021, the owners obtained a provisional occupancy permit for the building, conditional on the following:

1. Fire department access must be maintained to the building at all times to the satisfaction of the Fire Inspector.
2. All areas on the Architectural drawing dated December 18, 2021, noted as having no occupancy and not permitted to be used for storage are to remain empty and clear from all combustible materials.
3. The building is to be used only in accordance with the phasing plan approved by the Professional of Record.

DISCUSSION:

A few items are outstanding which, back in 2018, were expected to be completed prior to the rezoning bylaw being adopted. These items are discussed below.

RESTRICTIVE COVENANT:

The Owners have signed the restrictive covenant (see **Appendix C**), but the covenant has not been registered on the title of the subject property. The Owners have indicated that their bank is not willing or able to assent to having the covenant registered in priority on the property title. In effect, the covenant is a binding agreement between the Owners and the District, but without being registered it would not transfer with the land if the property were sold.

The salient sections of the restrictive covenant are shown in the excerpt below:

The effect of the covenant is threefold: to connect the Commercial Tourist Accommodation to the ongoing operation of the existing Guide and Charter business, to ensure that the staff housing proposed by the Owners would be constructed according to their proposed timeline, and to ensure it would only be used for the proposed staff accommodation purpose.

<p>Restriction on Commercial Tourist Accommodation</p> <p>3. The Grantor will not use the Land for the purpose of providing Commercial Tourist Accommodation unless such use is operated as an integral component to provide accommodation for guests of a commercial fish guiding business also operating from the Land;</p>
<p>Page 6</p> <p>Provision of Staff Housing</p> <p>4. The Grantor will not use the Land for Commercial Tourist Accommodation unless:</p> <ul style="list-style-type: none">(a) the Grantor applies for and obtains a building permit from the District for the construction of a minimum of six (6) staff housing units on the Land by May 1, 2022;(b) the Grantor obtains an occupancy permit for a minimum of six (6) staff housing units on the Land by May 1, 2024; and(c) upon completion of (a) and (b), a minimum of six (6) staff housing units built in conformance with (a) are made available to local workers and operated according to the terms of a Housing Agreement between the Grantor and the District authorized by <i>Ucluelet Housing Agreement Bylaw No. 1249, 2019</i>.

The Owners have now asked that the zoning amendment be adjusted to achieve much of the same assurances that the restrictive covenant provides, with the hope that Council would adopt the zoning amendment without the restrictive covenant being registered on title. Staff have therefore drafted a new *Ucluelet Zoning Amendment Bylaw No. 1303, 2022* (“Bylaw No. 1303”), which is presented for Council’s consideration in **Appendix A**. This new zoning amendment bylaw more closely defines the site-specific uses and defines areas within the property where the *tourist accommodation* and *staff housing* uses can occur. The effect is that the area where 6 staff accommodation units had been proposed could only be put to that use, or left vacant. Note this approach would not guarantee or compel the owners to construct staff accommodation units. Should the property change ownership, the zoning limitations would still apply.

Council should consider whether the new Bylaw No. 1303 satisfies the public interest; i.e., whether it meets the intent of condition b(iii) from the Council motion of October 19, 2018.

FIRE ACCESS:

An item which arose from the code review of the building is that fire access is required over a portion of the neighbouring lot, which is under the same ownership. A typical way to address this type of deficiency would be for the Owner to register an access easement on the title of their neighbouring property. As with the restrictive covenant, the Owners indicate they are not willing or able to register such an easement on title at this time.

The occupancy permit for the building would remain provisional until such time as the access easement were registered. In addition, should the zoning be adopted to authorize the *Commercial Tourist Accommodation* use, then any business licence issued for such use could contain a condition explicitly noting that the fire access be maintained and kept clear. In that case, should the ownership of the adjacent lot change and block that access, the business licence could be suspended – providing a mechanism if necessary to ensure the accommodation units are not occupied without the necessary fire access. To avoid putting the municipality in a position where it is responsible for monitoring the fire access, staff recommend a condition on the business licence stipulating that it would not be renewed without the easement in place. This would give the Owners one year to arrange to either consolidate their lots or register the appropriate easement.

LANDSCAPING:

With their original application, the Owners had proposed to install landscape screening along Forbes Road and new trees along the edge of the adjacent park. Back in 2019 staff provided notes on what planting might be acceptable on the public boulevard and within the park (see **Appendix F**). While the restrictive covenant (unregistered) commits the Owners to construct the development according to the plans they submitted for the rezoning – including the landscape improvements - staff suggest that this be treated as a desirable but not crucial addition. Staff support moving forward with the zoning amendment and focus on bringing all aspects of the building and its uses into compliance for health and safety purposes, and leave the landscape treatment for another phase.

HOUSING AGREEMENT BYLAW:

The Housing Agreement attached to Bylaw No 1249 has been amended to include a new section 3. This section provides that if at some future date the current or future owners of the property wished to discontinue the *Commercial Tourist Accommodation* use, then the dwelling units could be used as additional *Staff Accommodation* under the same terms as the previous draft of the Housing Agreement.

ANALYSIS OF OPTIONS

With respect to the addition of *Commercial Tourist Accommodation* to the uses permitted by the zoning of the property at 354 Forbes Road, Council can consider the following:

	<u>Pros</u>	<ul style="list-style-type: none">• For the Owners, allows them to move forward toward obtaining a business licence for their guest lodge.• Would enable a degree of closure on a longstanding bylaw infraction with the subject property.
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A	That Council abandon the previous Zoning Amendment Bylaw No. 1248, 2019, and proceed with first readings of Zoning Amendment Bylaw No. 1303, 2022, and amendment of the Housing Agreement.		<ul style="list-style-type: none"> The narrowly-defines uses in the zoning would create a high likelihood of staff housing being eventually developed on the site as proposed.
		Cons	<ul style="list-style-type: none"> Would not guarantee a timeline for constructing a minimum of 6 employee housing units. Would not necessarily see the landscape improvements previously proposed for the public boulevard and neighbouring park.
		Implications	<ul style="list-style-type: none"> This appears to be the best option at this point for moving forward and addressing the minimum health and safety issues with the use of the building, while enabling the fishing charter business to proceed with providing accommodation for its clients. The zoning amendment, as drafted, would leave the door open for staff accommodation units and would create a situation where the use of the building for accommodating staff is likely.
		Suggested Motion	<ol style="list-style-type: none"> THAT Council give first and second readings to <i>Ucluelet Zoning Amendment Bylaw No. 1303, 2022</i>; THAT Council refer <i>Ucluelet Zoning Amendment Bylaw No. 1303, 2022</i>, to a public hearing; THAT Council rescind third reading of <i>Ucluelet Housing Agreement Bylaw No. 1249, 2019</i>; THAT Council amend <i>Ucluelet Housing Agreement Bylaw No. 1249, 2019</i>, to include the new section 3 in Schedule A and to replace Schedule B as shown in Appendix B to the staff report dated March 15, 2022; THAT Council give <i>Ucluelet Housing Agreement Bylaw No. 1249, 2019</i>, third reading as amended; and, THAT Council direct that any business licence issued for <i>Commercial Tourist Accommodation</i> use on the property at 354 Forbes Road contain the condition that the business licence would not be renewed unless an appropriate fire access easement is first registered on the title of the neighbouring vacant lot.
B	That Council indicate to the Owners its expectation that the conditions for adopting the requested zoning amendment remain unchanged.	Pros	<ul style="list-style-type: none"> May result in the covenant being registered and, by extension, could ensure the provision of 6 staff accommodation units. May result in the landscape improvements being installed sooner.
		Cons	<ul style="list-style-type: none"> More likely would result in a bylaw enforcement issue demanding District resources to resolve.
		Implications	<ul style="list-style-type: none"> A business licence could not be issued for the operation of the guest lodge at this time. If the owners were to proceed with accommodating guests, it would then become a matter of bylaw enforcement.

	<u>Suggested Motion</u>	THAT Council direct staff to advise the applicant to arrange for the registration of the section 219 restrictive covenant and access easement on the title of the property at 354 Forbes Road, and defer further consideration of amending the zoning designation of the property until such time as the conditions stated by Council in October 2018 are met.
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POLICY OR LEGISLATIVE IMPACTS:

If Council gives first and second readings to the zoning amendment Bylaw No. 1303, a public hearing would be scheduled and the statutory notification would be completed.

If Council directs that the original conditions be met, then once the Owners have completed the outstanding items the original Zoning Amendment Bylaw No. 1248, 2019, would be brought back to Council for adoption.

RESPECTFULLY SUBMITTED:

BRUCE GREIG, DIRECTOR OF COMMUNITY PLANNING

DUANE LAWRENCE, CAO

Appendix A

DISTRICT OF UCLUELET

Zoning Bylaw Amendment Bylaw No. 1303, 2022

A bylaw to amend the District of Ucluelet Zoning Bylaw (354 Forbes Road).

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 and Map Amendment:

Schedule B of the District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by adding the following subsection (3) to section CD-1.1.3 in alphanumerical order, as follows:

“(3) On Lot 17 District Lot 284 Clayoquot District Plan VIP76147 (PID: 025-926-811, 354 Forbes Road) the following uses are permitted:

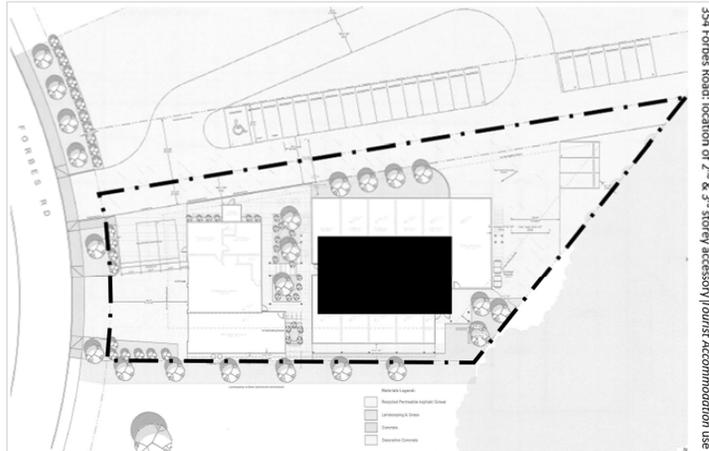
Principal Uses:

- (a) *Recreational Services* limited to marine-related guiding, tours or charters;
- (b) *Light Industry*;
- (c) *Staff Housing*, subject to the terms of a Housing Agreement with the District pursuant to section 483 of the *Local Government Act*;

Accessory Uses:

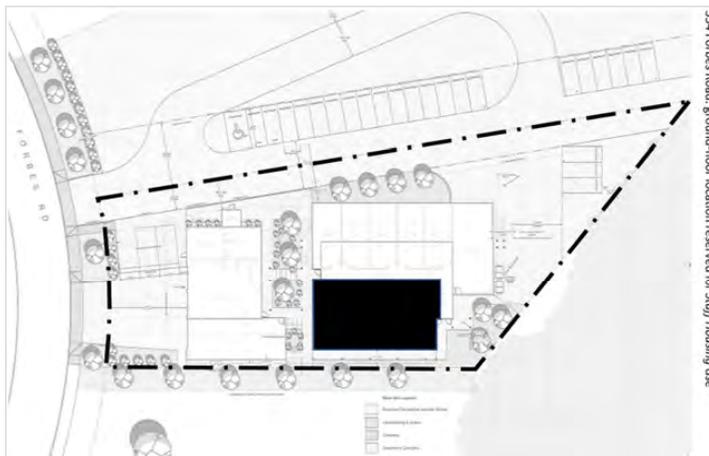
- (a) *Single-Family Residential*;

(b) *Commercial Tourist Accommodation* is permitted as an accessory use on the second and third levels of a mixed-use building on the area of the Lot shaded in black on the site plan below, so long as marine-related *Recreational Services* is active as the principal use of the property:



Limitation on ground-floor use of the rear of the property, adjacent to park:

(a) The ground-floor area of the Lot shaded in black on the site plan below may only be used for *Staff Housing*, or left vacant:



2. Citation

This bylaw may be cited as “District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1303, 2022”.

READ A FIRST TIME this day of , 2022.

READ A SECOND TIME this day of , 2022.

PUBLIC HEARING held this day of , 2022.

READ A THIRD TIME this day of , 2022.

ADOPTED this day of , 2022.

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Amendment Bylaw No. 1248, 2019.”

Mayco Noël
Mayor

Paula Mason
Deputy Corporate Officer

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

Paula Mason
Deputy Corporate Officer

SCHEDULE 'A'
Bylaw No. 1303, 2022

Subject property:
Lot 17, District Lot 281, Clayoquot District, Plan VIP76147 (354 Forbes Road)



Appendix B

DISTRICT OF UCLUELET

Bylaw No. 1249, 2019

A Bylaw to Authorize the District of Ucluelet to Enter into a Housing Agreement.
(the 354 Forbes Road staff housing)

WHEREAS the Municipality may, by Bylaw, under Section 483 of the *Local Government Act* enter into a Housing Agreement which may include terms and conditions agreed to by the Municipality and the Owner regarding the occupancy of the housing units identified in the Agreement;

AND WHEREAS the Municipality has rezoned the property at 354 Forbes Road to enable the Owner to rectify building construction issues and add new tourist accommodation units on upper floors, and as a part of that rezoning the owner has proposed that the lower level of the building be used for employee housing with a proposed timeline for constructing and making the employee housing available to Ucluelet workers;

AND WHEREAS the Owner has offered to register a Housing Agreement to ensure that staff housing units are maintained on the Lands described in this Bylaw, and the Municipality has deemed it expedient to require the Owner to enter into a Housing Agreement with the Municipality pursuant to Section 483 of the *Local Government Act*;

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

1. The Municipality is authorized to enter into a Housing Agreement pursuant to Section 483 of the *Local Government Act*, in substantially the form attached to this Bylaw as Schedule "A", with respect to the land located in the District of Ucluelet having a civic address of 354 Forbes Road and being more particularly known and described as:

Lot 17, District Lot 281, Clayoquot District, Plan VIP76147

as shown shaded on the map attached to this bylaw as Appendix "A".

2. The Mayor and the Chief Administrative Officer of the Municipality are authorized to execute the Housing Agreement on behalf of the Municipality.

CITATION

3. This bylaw may be known and cited for all purposes as the "**Ucluelet Housing Agreement Bylaw No. 1249, 2019**".

READ A FIRST TIME this 9th day of **April**, 2019.

READ A SECOND TIME this 9th day of **April**, 2019.

PUBLIC HEARING held this 30th day of **April**, 2019.

READ A THIRD TIME this 14th day of **May**, 2019.

THIRD READING RESCINDED this day of , 2022.

AMENDED this day of , 2022.

READ A THIRD TIME AS AMENDED this day of , 2022.

ADOPTED this day of , 2019.

CERTIFIED CORRECT: "Ucluelet Housing Agreement Bylaw No. 1249, 2019"

Mayco Noël
Mayor

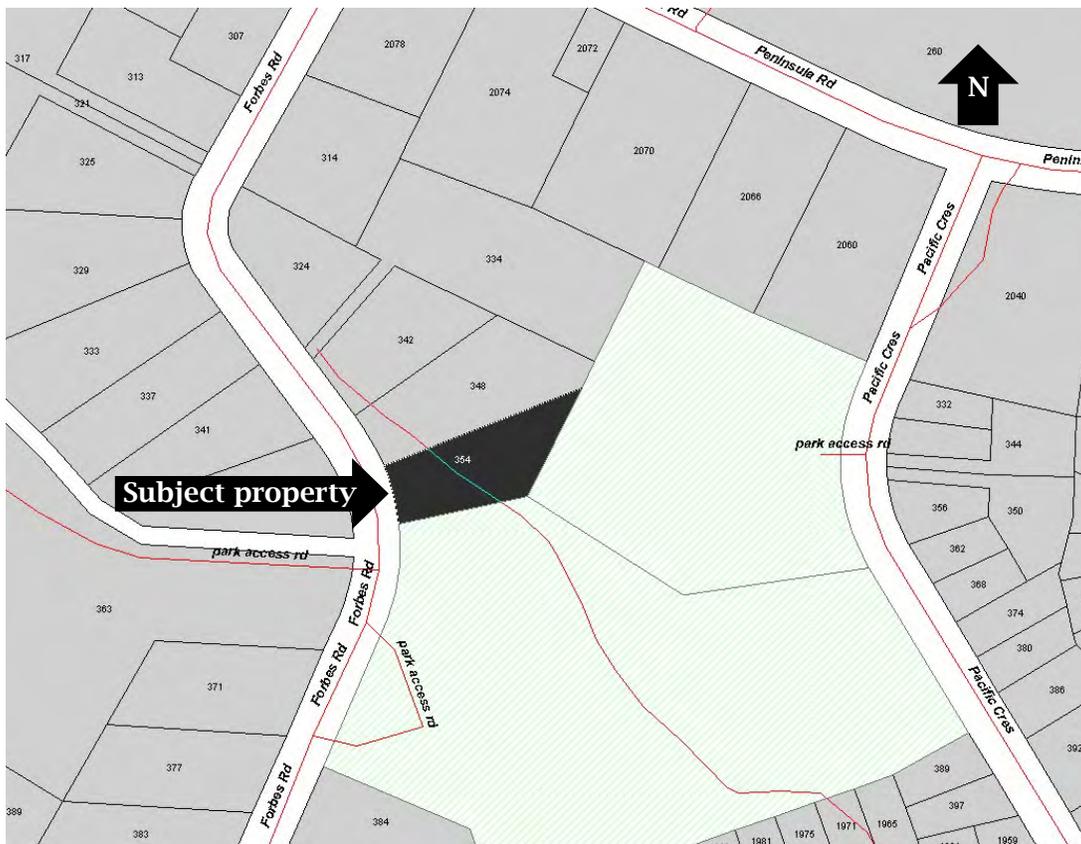
Paula Mason
Deputy Corporate Officer

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

Paula Mason
Deputy Corporate Officer

Appendix "A" to Ucluelet Housing Agreement Bylaw No. 1249, 2019

Subject property: Lot 17, District Lot 281, Clayoquot District, Plan VIP76147 (354 Forbes Road)



Schedule “A” to Bylaw No. 1249

HOUSING AGREEMENT

(Section 483, *Local Government Act*)

This Agreement, dated for reference the ___ day of _____, 2022 is

BETWEEN:

The District of Ucluelet
200 Main Street (PO Box 999)
Ucluelet, BC
V0R 3A0

(the “District”)

and:

William Glenn Kaczmar and Dianna Kacsmar
P.O. Box 1143
Ucluelet, BC
V0R 3A0

(the “Owner”)

WHEREAS:

- A. The Owner is the registered owner of land located at 354 Forbes Road in the District of Ucluelet, which land is within the CD-1 Zone under the District’s Zoning Bylaw 1160, and is more particularly described as:

PID: 025-926-811

Lot 17 District Lot 284 Clayoquot District Plan VIP76147

(the “Land”);

- B. The Owner has offered to enter into this agreement restricting the occupancy of the proposed staff housing unit to employees of “Pacific Rim Fishing Charters” business operating on the Land, or other employees of light industrial, tourist accommodation, commercial or service businesses operating within the boundaries of the District of Ucluelet;
- C. The District may, pursuant to Section 483 of the *Local Government Act*, enter into a housing agreement with an owner of land that includes terms and conditions regarding the

occupancy, tenure and availability to specified classes of persons of the housing that is subject to the agreement; and,

- D. The Council of the District has, by Housing Agreement Bylaw No. 1249, 2019, authorized the District to enter into this Agreement with the Owner,

THIS AGREEMENT is evidence that in consideration of \$2.00 paid by the District to the Owner, the receipt and sufficiency of which are acknowledged by the Owner, and in consideration of the promises exchanged below, the parties agree, as a housing agreement between the Owner and the District under s. 483 of the *Local Government Act*, as follows:

STAFF HOUSING UNITS

1. **Occupancy Restriction.** The Owner agrees that any housing units located on the lower floor of the mixed-use building located on the Land, as indicated in Schedule B to this Agreement, will be occupied only by the employees of the Owner or employees of light industrial, tourist accommodation, commercial or service businesses located within the boundaries of the District of Ucluelet, and the children and spouses of those employees, provided that children and spouses are only allowed to occupy a unit while the unit is occupied by the employee.
2. **Annual Verification.** No later than January 15 of each year beginning in 2023 the Owner will provide to the District, substantially in the form attached as Schedule A to this Agreement unless the District agrees to accept another form, a written statement of the Owner confirming the occupancy in respect of each employee housing unit on the Land complies with section 1, above.
3. **Conversion of Tourist Accommodation.** At any time, the Owner has the option to convert Tourist Accommodation units on the upper levels of the mixed-use building located on the Land into additional Staff Housing, in which case the Owner agrees that any such housing units would follow the same occupancy restrictions and annual verification as set out in sections 1 and 2 above.

DEFAULT AND REMEDIES

4. The Owner agrees that any breach or default in the performance of this Agreement on its part must be corrected, to the satisfaction of the District, within the time stated in any notice of default provided to the Owner by the District.
5. The Owner acknowledges that an award of damages may be an inadequate remedy for a breach of this Agreement and that the District is entitled in the public interest to an order for specific performance of this Agreement, a prohibitory or mandatory injunction to cure any breach of this Agreement, and a declaration that a residential tenancy agreement or any portion of such an agreement or a strata corporation bylaw constitutes a breach of this Agreement and is unenforceable.

GENERAL PROVISIONS

6. **Housing Agreement.** The Owner acknowledges that this Agreement constitutes a housing agreement under s.483 of the *Local Government Act* and that the District will register a notice of this housing agreement against title to the Land.
7. **Indemnity.** The Owner shall indemnify and save harmless the District and each of its elected officials, officers, directors, employees and agents from and against all claims, demands, actions, loss, damage, costs and liabilities for which any of them may be liable by reason of any act or omission of the Owner or its officers, directors, employees, agents or contractors or any other person for whom the Owner is at law responsible, that constitutes a breach of this Agreement.
8. **Release.** The Owner releases and forever discharges the District and each of its elected officials, officers, directors, employees and agents and each of their heirs, executors, administrators, personal representatives, successors and assigns from all claims, demands, damages, actions or causes of action arising out of the performance by the Owner of its obligations under this Agreement.
9. **Survival.** The obligations of the Owner set out in sections 10 and 11 shall survive any termination of this Agreement.
10. **Municipal Powers Unaffected.** This Agreement does not limit the discretion, rights, duties or powers of the District under any enactment or the common law, impose on the District any duty or obligation, affect or limit any enactment relating to the use or subdivision of the Land, or relieve the Owner from complying with any enactment.
11. **No Public Law Duty.** Where the District is required or permitted by this Agreement to form an opinion, exercise a discretion, express satisfaction, make a determination or give its consent, the District is under no public law duty of fairness or natural justice in that regard and the Owner agrees that the District may do any of those things in the same manner as if it were a private party and not a public body.
12. **Notice.** Notice required or permitted to be served under this Agreement is sufficiently served if delivered in person or mailed to the postal address of the Owner or the District, as the case may be, at the address set out above, and in the case of mailed notice shall be deemed to have been received on the third day following mailing.
13. **Enuring Effect.** This Agreement is binding upon, and enures to the benefit of the parties and their respective successors and permitted assigns.
14. **Severability.** If any provision of this Agreement is found to be invalid or unenforceable, it shall be severed from this Agreement and the remainder shall remain in full force and effect.
15. **Remedies and Waiver.** All remedies of the District under this Agreement are cumulative, and

may be exercised in any order or concurrently, any number of times. Waiver of or delay by the District in exercising any remedy shall not prevent the later exercise of any remedy for the same or any similar breach.

- 16. **Sole Agreement.** This Agreement represents the entire agreement between the parties respecting the tenure, use and occupancy of the housing units to be located on the Land, and there are no representations, conditions or collateral agreements on the part of the District other than those set out in this Agreement.
- 17. **Further Assurance.** The Owner must forthwith do all acts and execute such instruments as may be reasonably necessary in the opinion of the District to give effect to this Agreement.
- 18. **Runs with the Land.** This Agreement runs with the Land, including any part into which the land may be subdivided, and is binding on the Owner and all persons who acquire an interest in the Land.
- 19. **No Joint Venture.** Nothing in this Agreement will constitute the District as the joint venturer, agent or partner of the Owner or give the Owner any authority to bind the District in any way.

Owners:

William Glenn Kaczmar
Dianna Kacsmar

Date:

The Corporation of the District of Ucluelet,
by its authorized signatories:

Mayor:

Date:

Corporate Officer:

Date:

Schedule "B" to Housing Agreement

EMPLOYEE HOUSING UNITS

(354 Forbes Road – Pacific Rim Fishing Charters)



Appendix C

LAND TITLE ACT
 FORM C (Section 233) CHARGE
 GENERAL INSTRUMENT - PART 1 Province of British Columbia

PAGE 1 OF 2 PAGES

Your electronic signature is a representation that you are a designate authorized to certify this document under section 168.4 of the *Land Title Act*, RSBC 1996 c.250, that you certify this document under section 168.41(4) of the act, and that an execution copy, or a true copy of that execution copy, is in your possession.



1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

Kurt Meyer, Notary Public
 Kurt Meyer Notary Corporation
 4201 Johnston Rd.
 Port Alberni

Phone No. (778) 421-2526
 File No. 20-297

BC V9Y 5M8

Deduct LTSA Fees? Yes

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID] [LEGAL DESCRIPTION]
025-926-811 LOT 17 DISTRICT LOT 284 CLAYOQUOT DISTRICT PLAN VIP76147

STC? YES

3. NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

Covenant

s. 219 Land Title Act Covenant

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) Filed Standard Charge Terms D.F. No.

(b) Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

**WILLIAM GLEN KACZMAR AND DIANNA KACZMAR AS TO COVENANT
 ROYAL BANK OF CANADA AS TO PRIORITY AGREEMENT**

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

DISTRICT OF UCLUELET

BOX 999, 200 MAIN STREET
 UCLUELET

BRITISH COLUMBIA
 CANADA

V0R 3A0

7. ADDITIONAL OR MODIFIED TERMS:

N/A

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

KURT WILLIAM MEYER

Notary Public

4201 Johnston Rd.
 Port Alberni, BC V9Y 5M8
 Ph. (778) 421-2526

Execution Date

Y	M	D
20	11	05

Transferor(s) Signature(s)

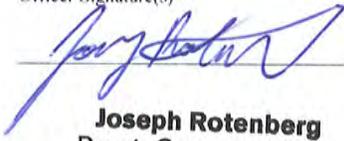
WILLIAM GLEN KACZMAR

DIANNA KACZMAR

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

Officer Signature(s)



Joseph Rotenberg
Deputy Corporate Officer
District of Ucluelet
200 Main St., PO Box 999
Ucluelet, B.C. V0R 3A0

A Commissioner for
taking affidavits in the
Province of British Columbia

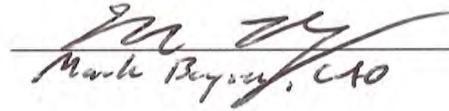
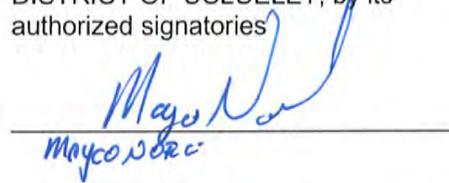
(As to both signatures)

Execution Date

Y	M	D
20	11	24

Transferor / Borrower / Party Signature(s)

DISTRICT OF UCLUELET, by its
authorized signatories



ROYAL BANK OF CANADA, by its
authorized signatories:

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

TERMS OF INSTRUMENT – PART 2

COVENANT (Section 219 *Land Title Act*)

THIS COVENANT dated for reference the 5 day of November, 2020 is

BETWEEN:

William Glen Kaczmar and Dianna Kaczmar

P.O. Box 1346

Ucluelet, BC

VOR 3A0

(the "Grantor")

AND:

DISTRICT OF UCLUELET

Box 999

200 Main Street

Ucluelet BC VOR 3A0

(the "District")

WHEREAS:

- A. The Grantor is the registered owner of land located at 354 Forbes Road in Ucluelet, British Columbia and more particularly described as:

PID: 025-926-811

Lot 17 District Lot 284 Clayoquot District Plan VIP76147

(the "Land");

- B. Section 219 of the *Land Title Act* permits the registration of a covenant of a negative or positive nature in favour of the District, in respect of the use of land or buildings, or the building on land;
- C. The Grantor has applied to the District for a rezoning of the Land to permit the development of non-residential, daily or short-term accommodation for paying guests ("Commercial Tourist Accommodation") on the Land, and in connection with the

Grantor's application for rezoning the Grantor has offered grant this Covenant to the District;

- D. The Grantor wishes to grant this Covenant to the District to confirm it will not develop the Land except in accordance with the development plan prepared in conjunction with the Grantor's rezoning application and presented to the District Council and the public in connection with the application, and in particular that it will provide the landscaping and screening presented with the rezoning application;
- E. The Grantor wishes to grant this Covenant to the District to confirm that the Commercial Tourist Accommodation will not operate except as an integrated component of a fish guiding business operating from the same property; and,
- F. The Grantor wishes to grant this Covenant to the District to confirm that the Commercial Tourist Accommodation will only operate if the staff housing is provided as proposed.

THIS COVENANT is evidence that in consideration of the payment of TWO DOLLARS (\$2.00) by the District to the Grantor, and other good and valuable consideration (the receipt and sufficiency of which are acknowledged by the parties), the Grantor covenants and agrees with the District, in accordance with section 219 of the *Land Title Act*, as follows:

Restriction on Development of the Land

- 1. The Grantor will not alter the Land, or construct or place any building or structure on the Land, nor apply for any building permit from the District in relation to the Land, except to the extent that the alteration, construction or placement is in accordance with, or is to facilitate the implementation of, the plan(s) for the development of the Land attached to this Covenant as Schedule A (the "Development Plan(s)").

Amendments to Development Plans

- 2. The Grantor may request, and the District's Manager of Planning may, in his or her sole discretion, approve minor deviations from the Development Plan(s), provided that any such requests or approvals must be made in writing.

Restriction on Commercial Tourist Accommodation

- 3. The Grantor will not use the Land for the purpose of providing Commercial Tourist Accommodation unless such use is operated as an integral component to provide accommodation for guests of a commercial fish guiding business also operating from the Land;

Provision of Staff Housing

4. The Grantor will not use the Land for Commercial Tourist Accommodation unless:
 - (a) the Grantor applies for and obtains a building permit from the District for the construction of a minimum of six (6) staff housing units on the Land by May 1, 2022;
 - (b) the Grantor obtains an occupancy permit for a minimum of six (6) staff housing units on the Land by May 1, 2024; and
 - (c) **upon completion of (a) and (b)**, a minimum of six (6) staff housing units built in conformance with **(a)** are made available to local workers and operated according to the terms of a Housing Agreement between the Grantor and the District authorized by *Ucluelet Housing Agreement Bylaw No. 1249, 2019*.

Subject to Bylaws

5. This Covenant does not relieve the Grantor in any way from complying with all applicable bylaws of the District or other enactments applicable to the Land.

Inspections

6. The District and any of its officers and employees may enter on the Land at all reasonable times, to inspect the Land for the purpose of ascertaining compliance with this Covenant.

Amendment

7. This Covenant may be altered or amended only by an agreement in writing signed by the parties.

No Public Law Duty

8. Whenever in this Covenant the District is required or entitled to exercise any discretion in the granting of consent or approval, or is entitled to make any determination, take any action or exercise any contractual right or remedy, the District may do so in accordance with the contractual provisions of this Covenant only and will not be bound by any public law duty, whether arising from the principles of procedural fairness or the rules of natural justice or otherwise.

No Obligations on District

9. The rights given to the District by this Covenant are permissive only and nothing in this Covenant:

- (a) imposes any duty of care or other legal duty of any kind on the District to the Grantor or to anyone else;
- (b) obliges the District to enforce this Covenant, which is a policy matter within the sole discretion of the District; or
- (c) obliges the District to perform any act, or to incur any expense for any of the purposes set out in this Covenant.

No Effect on Laws or Powers

10. This Covenant does not,
- (a) affect or limit the discretion, rights or powers of the District under any enactment or at common law, including in relation to the use or subdivision of the Land;
 - (b) affect or limit any law or enactment relating to the use or subdivision of the Land; or
 - (c) relieve the Grantor from complying with any law or enactment, including in relation to the use or subdivision of the Land.

District's Right to Equitable Relief

11. The Grantor agree that the District is entitled to obtain an order for specific performance or a prohibitory or mandatory injunction in respect of any breach by the Grantor of this Covenant.

Covenant Runs With the Land

12. Every obligation and covenant of the Grantor in this Covenant constitutes both a contractual obligation and a covenant granted under section 219 of the *Land Title Act* in respect of the Land and this Covenant burdens the Land and runs with it and binds the successors in title to the Land. For certainty, unless expressly stated otherwise, the term "Grantor" refers to the current and each future owner of the Land. This Covenant burdens and charges all of the Land and any parcel into which it is subdivided by any means and any parcel into which the Land is consolidated.

Registration

13. The Grantor agrees to do everything necessary, at the Grantor's expense, to ensure that this Covenant is registered against title to the Land with priority over all financial charges,

liens and encumbrances registered, or the registration of which is pending, at the time of application for registration of this Covenant.

Waiver

14. An alleged waiver by the District of any breach of this Covenant by the Grantor is effective only if it is an express waiver in writing of the breach in respect of which the waiver is asserted. A waiver by the District of a breach by the Grantor of this Covenant does not operate as a waiver of any other breach of this Covenant.

Notice

15. Any notice to be given pursuant to this Covenant must be in writing and must be delivered personally or sent by prepaid mail. The addresses of the parties for the purpose of notice are the addresses on the first page of this Covenant and in the case of any subsequent owner, the address will be the address shown on the title to the Land in the Land Title Office.

If notice is delivered personally, it may be left at the relevant address in the same manner as ordinary mail is left by Canada Post and is to be deemed given when delivered. If notice is sent by mail, it is to be deemed given 3 days after mailing by deposit at a Canada Post mailing point or office. In the case of any strike or other event causing disruption of ordinary Canada Post operations, a party giving notice for the purposes of this Covenant must do so by delivery as provided in this section.

Either party may at any time give notice in writing to the other of any change of address and from and after the receipt of notice the new address is deemed to be the address of such party for giving notice.

Enurement

16. This Covenant binds the parties to it and their respective corporate successors, heirs, executors, administrators and personal representatives.

Joint and Several

17. If at any time more than one person (as defined in the *Interpretation Act* (British Columbia) owns the Land, each of those persons will be jointly and severally liable for all of the obligations of the Grantor under this Covenant.

Further Acts

18. The Grantor must do everything reasonably necessary to give effect to the intent of this Covenant, including execution of further instruments.

As evidence of their agreement to be bound by the terms of this instrument, the parties hereto have executed the Land Title Office Form C which is attached hereto and forms part of this Covenant.

PRIORITY AGREEMENT

This Priority Agreement is between ROYAL BANK OF CANADA (the "Prior Chargeholder"), being the registered owner and holder of Mortgage No. FB423654 (the "Prior Charge"), and the District of Ucluelet, being the registered owner and holder of the covenant under section 219 of the *Land Title Act* (British Columbia) to which this Priority Agreement is attached (the "Subsequent Charge").

In consideration of the sum of ten dollars (\$10.00) now paid to the Prior Chargeholder and other good and valuable consideration, the receipt and sufficiency of which the Prior Chargeholder acknowledges, the Prior Chargeholder hereby approves of and consents to the granting of the Subsequent Charge and hereby postpones all of the Prior Chargeholder's rights under the Prior Charge to the rights of the Municipality under the Subsequent Charge in the same manner and to the same extent as if the Prior Charge had been registered immediately after the Subsequent Charge.

As evidence of its agreement to be bound by this Priority Agreement, the Prior Chargeholder has executed the General Instrument – Part 1 (*Land Title Act* - Form C) attached to and forming part of this Priority Agreement dated for reference November 5, 2020.

END OF DOCUMENT

Schedule A - Development Plans



April 1, 2019
A1.1

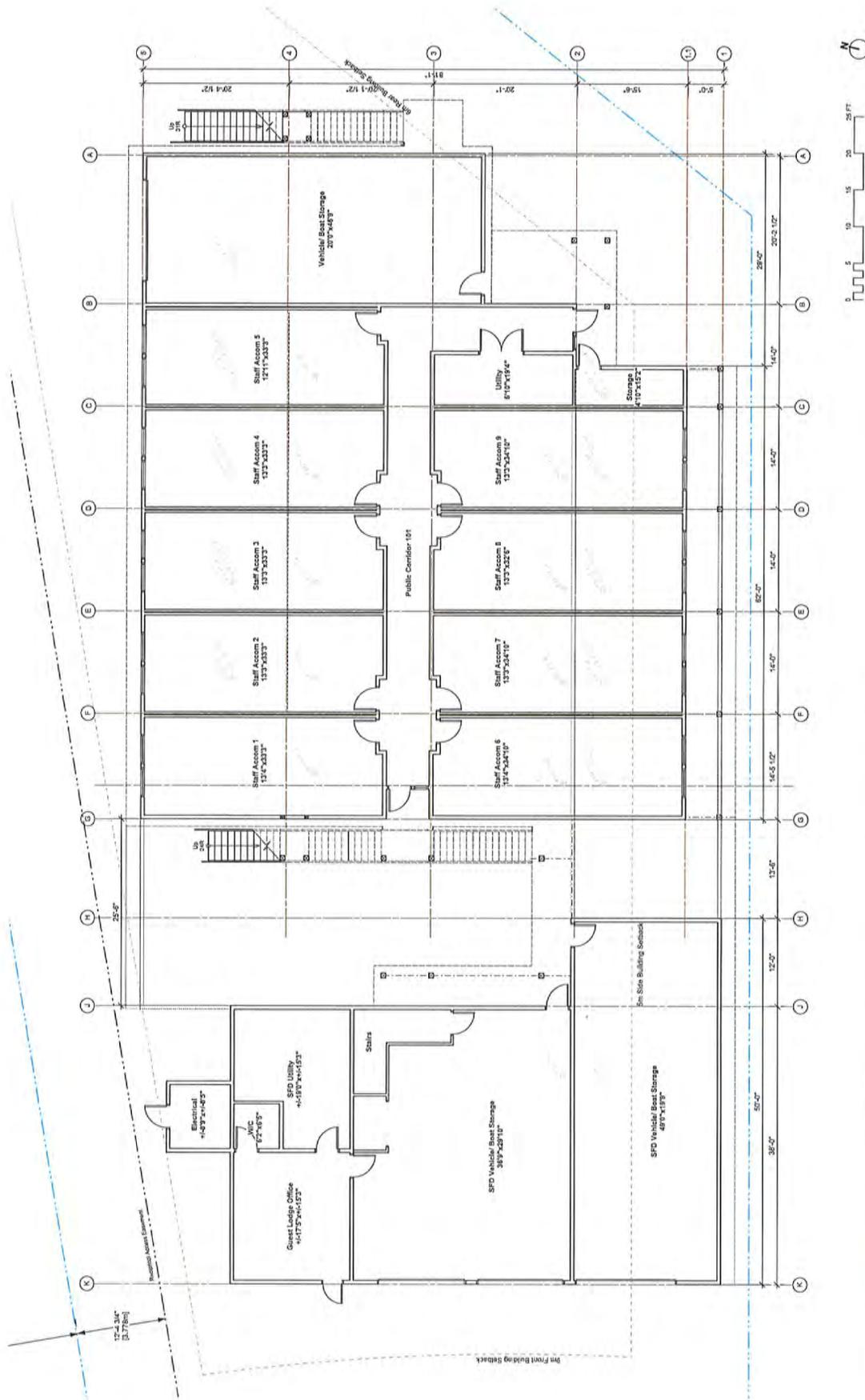
Site Plan

- Materials Legend:**
- Recycled Permeable Asphalt/Gravel
 - Landscaping & Grass
 - Concrete
 - Decorative Concrete

354 Forbes Rd, Ucluelet, BC

Pacific Rim Fishing Charters





A2.1

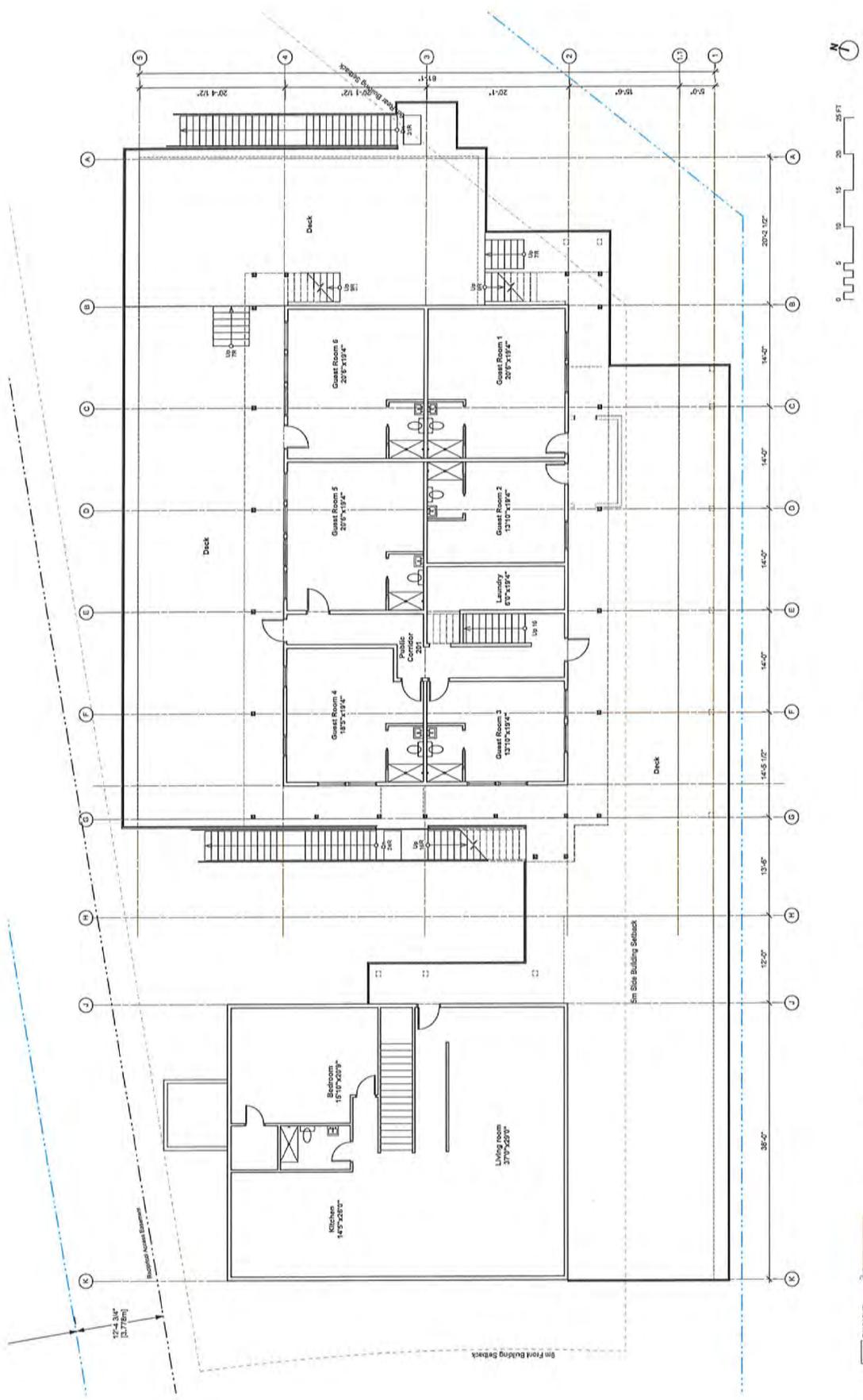
April 11, 2018

L1 Plan

354 Forbes Rd, Uclualtel, BC

Pacific Rim Fishing Charters





A2.2

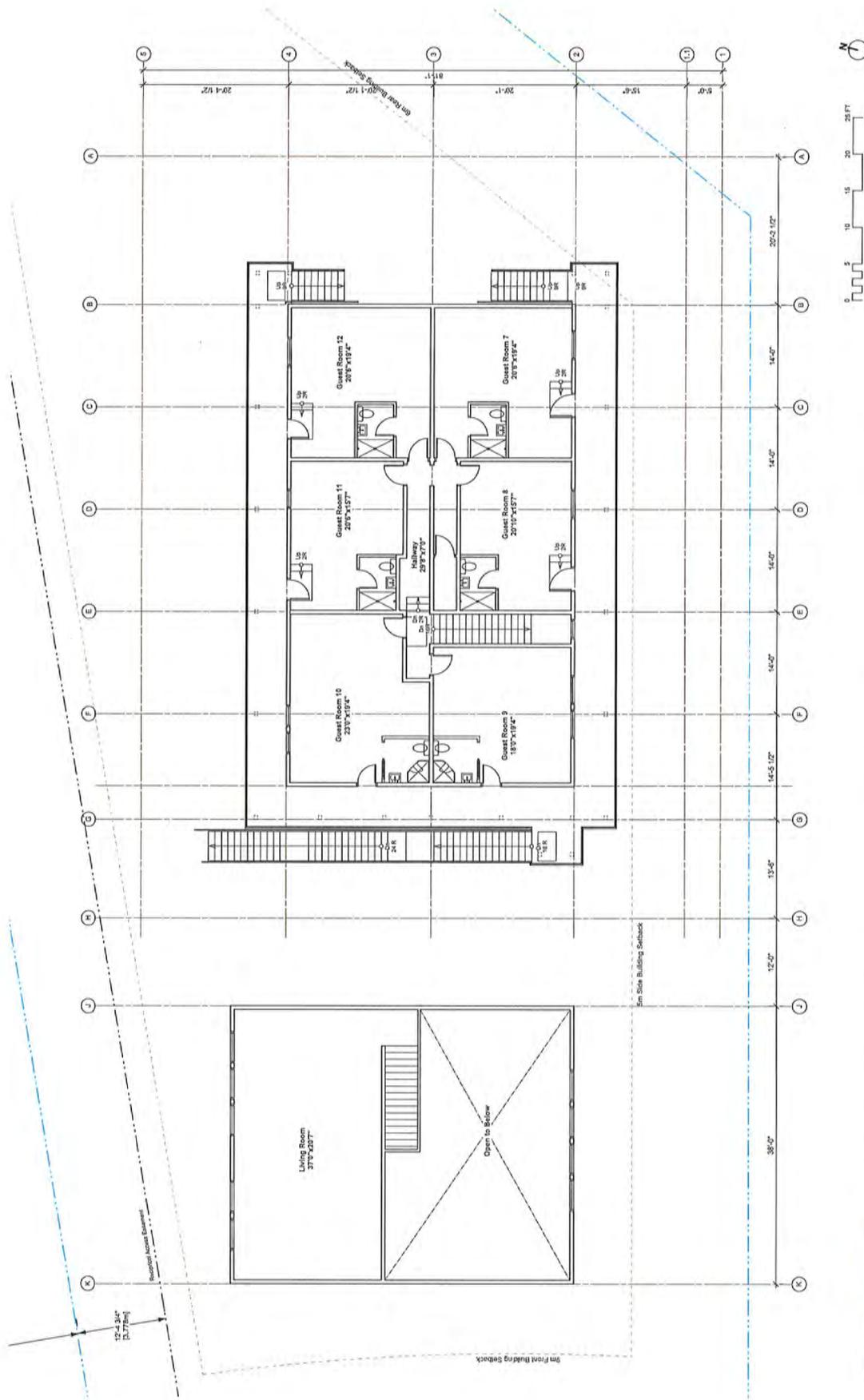
April 1, 2019

L2 Plan

354 Forbes Rd, Ucluelet, BC

Pacific Rim Fishing Charters





North Arrow

Scale: 0 to 25 FT

April 1, 2019

A2.3

L3 Plan

354 Forbes Rd, Udualeit, SC

Pacific Rim Fishing Charters





1 North West Perspective



2 South East Perspective

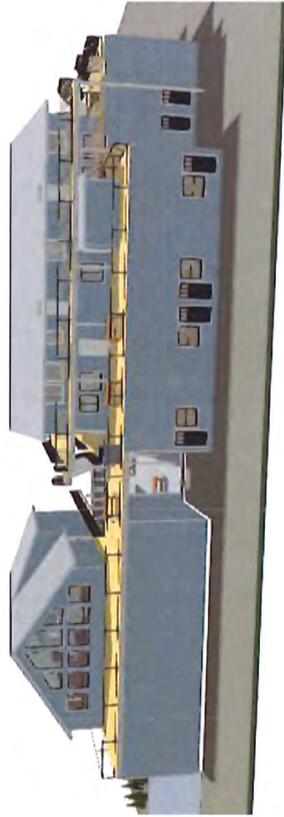
3 Project Data

Project Information		Project Location	
Project Name	354 Forbess Road, Uluqalet, BC	Project Address	354 Forbess Road, Uluqalet, BC
Project Number	2018-001	Project City	Uluqalet, BC
Project Status	Proposed	Project Date	April 1, 2018
Project Type	Commercial	Project Owner	Pacific Rim Fishing Charters
Project Description	Construction of a new building at 354 Forbess Road, Uluqalet, BC.	Project Architect	Raymond Ho, BEBED Inc.
Project Budget	\$1,000,000	Project Engineer	Raymond Ho, BEBED Inc.
Project Risk	Low	Project Consultant	Raymond Ho, BEBED Inc.
Project Impact	Minimal	Project Reviewer	Raymond Ho, BEBED Inc.
Project Compliance	Compliant	Project Approver	Raymond Ho, BEBED Inc.
Project Notes	See attached documents for project details.	Project Contact	Raymond Ho, BEBED Inc.

<p>Client: Pacific Rim Fishing Charters 201 Forbess Rd, Uluqalet, BC V8L 4P7 Tel: 250-754-2471 Email: info@prfc.com</p>	<p>General Contractor: General Contractor 1000-1000-1000-1000 Tel: 250-754-2471 Email: info@prfc.com</p>	<p>Architect: Raymond Ho, BEBED Inc. 1000-1000-1000-1000 Tel: 250-754-2471 Email: info@prfc.com</p>	<p>Engineer: Raymond Ho, BEBED Inc. 1000-1000-1000-1000 Tel: 250-754-2471 Email: info@prfc.com</p>	<p>Surveyor: Raymond Ho, BEBED Inc. 1000-1000-1000-1000 Tel: 250-754-2471 Email: info@prfc.com</p>	<p>Other: Raymond Ho, BEBED Inc. 1000-1000-1000-1000 Tel: 250-754-2471 Email: info@prfc.com</p>
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1 South Perspective



2 South-East Perspective



3 North Perspective



4 South-West Perspective



Pacific Rim Fishing Charters

354 Forbes Rd, Uclulel, BC

Perspectives/ Project Data

April 1, 2018

A0.1

Appendix D



STAFF REPORT TO COUNCIL

Council Meeting: OCTOBER 9TH, 2018
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, MANAGER OF COMMUNITY PLANNING

FILE NO: 3360-20-RZ17-04

SUBJECT: ZONING AMENDMENT APPLICATION –
PACIFIC RIM CHARTERS & GUEST LODGE (354 FORBES ROAD)

REPORT NO: 18-103

ATTACHMENT(S): APPENDIX A – APPLICATION MATERIALS
APPENDIX B – BUILDING ASSESSMENT BY RAYMOND DE BEELD ARCHITECT INC.

RECOMMENDATION(S):

1. **THAT** Council indicate support for the concept of adding 12 *commercial tourist accommodation* rooms and a minimum of 6 *staff housing* units as permitted uses on the property at 354 Forbes Road and:
 - a. indicate to the applicant that detailed building, site, and landscape plans are required to show the impact of the proposal on the surrounding industrial lands, public streetscape and park land;
 - b. indicate that adoption of a zoning amendment bylaw would be subject to the following:
 - i. the owners first obtaining a building permit, then completing the necessary building renovations to bring the building up to code and finally obtaining an occupancy permit to clarify that the building is safe for its intended use;
 - ii. the owners entering into a Housing Agreement to ensure that the employee housing units are occupied by seasonal or long-term resident workers;
 - iii. to owners providing a restrictive covenant to ensure the provision of staff housing and that occupancy of the guest accommodation units is tied to the ongoing operation of a fishing guide business from the property; and,
 - c. once a complete set of rezoning plans has been submitted by the owners, direct staff to prepare the zoning amendment and housing agreement bylaws for consideration by Council at a future meeting.

PROPOSAL:

The purpose of this report is to advise Council of the current proposal for amending the zoning of the property at 354 Forbes Road and seek direction on next steps. Glenn and Dianna Kaczmar, owners of Pacific Rim Fishing Charters and Guest Lodge, have applied to amend the permitted uses in section CD-1.1.3 of the CD-1 Eco-Industrial Park zoning to enable the addition of up to 12 *commercial tourist accommodation* units and a minimum of 6 *staff housing* units in the existing building on the subject property (see Appendix 'A'). The single-family residence, office and storage uses would continue on the property as well. There are a number of elements to consider with this application including the history of the building and bylaw compliance, how the requested uses are

proposed to support the existing fishing charter business, and how the proposed uses would fit in this location.

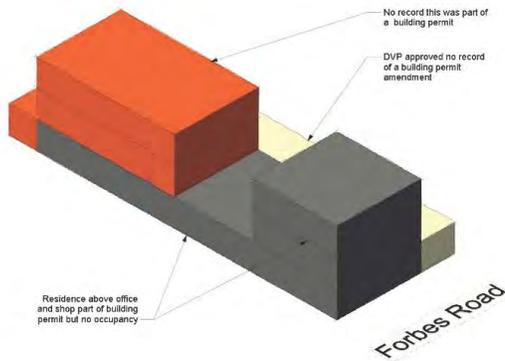
BACKGROUND:

The following provides a brief outline of the steps leading to the current zoning amendment application:

- A Building Permit (permit U-06-41) was issued in 2006 for a grade-level storage building plus a single-family dwelling over an office space on the west end, in the areas indicated in red below:



- There is record that some building inspections were done during construction but there is no record of final inspection and no Occupancy Permit issued for Building Permit U-06-41;
- A Development Variance Permit application was considered by Council in June of 2007 to reduce the side and rear setbacks, to allow for an additional 2,500 sq.ft. of additional storage space to be added to the building (which was then under construction). The variances were granted by Council at its June 26, 2007, meeting but there is no record that the building permit was subsequently amended to include the additional building area;
- There is no record of a building permit for the eastern addition of a second and third storey over the storage garage containing tourist accommodation units;
- BC assessment, business license and servicing records do not reflect multiple guest suites being located on the property.
- In June of 2016 the District received a bylaw complaint that an unauthorized guest lodge was operating on the property. Staff follow-up revealed that a business licence was valid for the fishing charter business, but not guest accommodation. The owners were forthcoming that the guest lodge had been in operation since 2010 and inquired about steps to obtain an updated business licence reflecting the intended use.



- Since the CD-1 zoning does not permit *tourist accommodation* as a permitted use, the owners were advised that a zoning amendment would be necessary before a business licence could be issued for the guest lodge use.
- The owners submitted a rezoning application in late 2016 / early 2017 requesting that the guest lodge use be added to the uses permitted on the property at 354 Forbes Road.
- A file review revealed the incomplete building permit status of the building; this information was communicated to the owners along with the request to provide record of an occupancy permit if

they in fact received one.

- A site visit and walk-through of the building was arranged with staff from the planning and building departments in November of 2017.
- In December, 2017, staff notified the owner of concerns that the building does not meet the minimum health and safety standards of the BC Building Code, and the guest suite addition of the building was posted with No Occupancy notices. At the time (the off-season) there was no indication that the guest suites were being occupied. In the letter to the owners, staff suggested that the following steps would be necessary to seek approval for operating a tourist accommodation business in the building:
 - Have the building assessed by a qualified coordinating professional;
 - Show how the building could be brought up to code by providing detailed plans for the upgrades;
 - Complete the rezoning of the property;
 - Obtain a Building Permit to authorize the previous construction and all necessary upgrades;
 - Complete the building upgrades;
 - Obtain an Occupancy Certificate for the building and its intended use; and,
 - Obtain an updated Business Licence.

The letter also suggested that alternative arrangements be made for accommodating guests for the 2018 season while the above steps were completed.

- In mid-June, 2018, staff became aware that the building is being used for guest accommodation. After investigating, the owners were subsequently issued tickets for non-compliance with the zoning bylaw and for ignoring the “do not occupy” notices. The owners immediately paid the fines.
- In August, 2018, the owners submitted a building assessment completed by Raymond de Beeld, Architect (see Appendix ‘B’). The assessment identifies a number of areas which require upgrade to meet the minimum standards of the BC Building Code. Some of the options are significant, such as demolishing a portion of the building to separate the single-family residence from the portion of the building now proposed to contain the tourist accommodation and staff housing suites.
- Planning and building staff met with the owner and architect on August 20, 2018, to discuss the findings of the building assessment and the path forward. It was agreed that the owner would clarify the intended use of the building(s) and on that basis a report on the requested

rezoning would be prepared for consideration by Council. At that time, a set of revised drawings was anticipated to accompany the application.

The owners face significant costs to bring the building up to code for its intended use. The owners have been clear that they will not invest further to upgrade the building unless, at the end of the process, they are able to legally rent out tourist accommodation units as part of a package with their fishing charter business. At this point, the owners are seeking an indication of whether their requested zoning amendment will find support, before they commission more detailed architectural and engineering plans to define the building upgrades.

DISCUSSION:

A. Proposed Uses:

Tourist accommodation is not generally considered the most compatible land use in an industrial area. That said, there are a couple aspects to this proposal which set it apart. First, the location of the building on the edge of the Forbes Road industrial area, immediately next to the Tugwell Field park, is a different and better context for the proposed use compared to other locations. A site in the middle of the industrial park would not be supported by staff, where the tourist accommodation use would be expected to be surrounded by active businesses generating noises, sights and smells which could be found objectionable to guests and become a point of conflict.

A second consideration is that the use of the property for the storage and maintenance of boats for the fishing charter business is a permitted and valid use of this industrial property. The tourist accommodation is proposed to be co-located on property as an integrated part of the business. This lends support for the proposal that a standalone motel, for example, would not enjoy. Generally the community value of having adequate land designated for industrial uses comes from the support it provides for businesses and the jobs they create. The proposed tourist accommodation use would see the continued use of the property to support the fishing guide business. Staff are recommending that if approved on this basis, a restrictive covenant would be appropriate to ensure that the tourist accommodation remains as an integrated component of a fish guiding business, and is also only operated if the staff housing is provided as proposed.

Staff support the inclusion of six staff housing units as a part of this proposal. The CD-1 zoning currently permits "*mixed industrial / residential*" uses, but the definition limits the residential component to the second storey or higher. The proposal in this case is to re-purpose a portion of the large ground floor of the building to create six staff accommodation units. Including staff housing on site would benefit both the business and the community. Providing this additional housing would be a positive step and staff suggest that, if this forms part of Council's support for the rezoning, a Housing Agreement would be an appropriate instrument to ensure the terms and availability of the staff housing as intended.

B. Process:

As noted above, approval of the requested zoning amendment would be just one step toward bringing the building and property uses in compliance with the municipal bylaws and provincial code. Fundamentally, this is about confirming that the building meets the minimum health and safety standards for its intended use.

Should the zoning amendment be supported in concept, the owner should then provide zoning-level drawings showing the location of all intended uses within the building, access, parking and

landscaping. Improved landscaping and screening along the Tugwell Field and Forbes Road edges of the property would be appropriate elements to include with the overall building upgrades.

Once a full set of drawings is received, the application along with draft bylaws would be brought back to a future meeting of Council for further consideration. Should a rezoning bylaw proceed through the steps of a public hearing and receive third reading (often considered approval in principle), the owners would then need to apply for the appropriate building permits and complete the necessary building alterations. Once the building was renovated, certified as safe for its intended use and an Occupancy Certificate were issued, then the bylaw would return to Council for final adoption. At that point, the District could issue a business licence for the tourist accommodation component of the Pacific Rim Fishing Charters and Guest Lodge business.

The guest accommodation suites are to remain unoccupied until the municipality issues a Certificate of Occupancy. Even if the rezoning is supported and proceeds quickly, given the amount of work required to bring the building up to code it is extremely unlikely that the building would be ready for occupancy in time for the 2019 summer fishing season. Therefore, staff recommend that the owners make alternative arrangements for accommodating their guests for the 2019 season.

Should the requested rezoning not proceed, the building will remain posted with “do not occupy” notices. The owners would then need to decide whether to re-purpose the building for a different use (with the necessary building permits, of course), demolish the building, or leave it vacant.

FINANCIAL IMPACTS:

A building permit fee would be charged based on the construction value. The value of the property would be expected to increase with the proposed improvements, and additional commercial tax assessment would result. Water and sewer fees would be collected based on metered usage. These additional revenues are expected to offset the incremental increase in municipal services and infrastructure.

OPTIONS REVIEW:

1. **THAT** Council indicate support for the concept of adding 12 *commercial tourist accommodation* rooms and a minimum of 6 *staff housing* units as permitted uses on the property at 354 Forbes Road and:
 - a. indicate to the applicant that detailed building, site, and landscape plans are required to show the impact of the proposal on the surrounding industrial lands, public streetscape and park land;
 - b. indicate that adoption of a zoning amendment bylaw would be subject to the following:
 - i. the owners first obtaining a building permit, then completing the necessary building renovations to bring the building up to code and finally obtaining an occupancy permit to clarify that the building is safe for its intended use;
 - ii. the owners entering into a Housing Agreement to ensure that the employee housing units are occupied by seasonal or long-term resident workers;
 - iii. to owners providing a restrictive covenant to ensure the provision of staff housing and that occupancy of the guest accommodation units is tied to the ongoing operation of a fishing guide business from the property; and,

- c. once a full set of plans has been submitted by the owners, direct staff to prepare the necessary zoning amendment and housing agreement bylaws for consideration by Council at a future meeting.

(Recommended)

or;

- 2. **THAT** Council defer consideration of the rezoning application for the property at 354 Forbes Road at this time;

or;

- 3. **THAT** Council reject the rezoning application for the property at 354 Forbes Road at this time, and indicate to the owners that obtaining a certificate of occupancy is required before the unauthorized guest suite addition area of the building can be occupied for any use.

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

Appendix E



STAFF REPORT TO COUNCIL

Council Meeting: APRIL 9, 2019
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, MANAGER OF COMMUNITY PLANNING

FILE NO: 3360-20-RZ17-04

SUBJECT: ZONING AMENDMENT APPLICATION –
PACIFIC RIM CHARTERS & GUEST LODGE (354 FORBES ROAD)

REPORT NO: 19-42

ATTACHMENT(S): APPENDIX A – ADDITIONAL APPLICATION MATERIALS
APPENDIX B – STAFF REPORT FROM OCTOBER 9, 2018
APPENDIX C – UCLUELET ZONING AMENDMENT BYLAW NO. 1248, 2019
APPENDIX D – UCLUELET HOUSING AGREEMENT BYLAW NO. 1249, 2019

RECOMMENDATION(S):

1. **THAT** Council, with regard to the proposal to renovate the building on Lot 17, District Lot 281, Clayoquot District, Plan VIP76147 (354 Forbes Road) and request for zoning amendments to permit *commercial tourist accommodation* on the property:
 - a. give first and second readings to Ucluelet Zoning Amendment Bylaw No. 1248, 2019;
 - b. give first and second readings to Ucluelet Housing Agreement Bylaw No. 1249, 2019;
 - c. indicate support, subject to public comment, to issue a Development Variance Permit to vary the following aspects of the Eco-Industrial Park (CD-1) zoning regulations for the existing building:
 - i. reduce the side yard setback per CD-1.6.1(3) on the south side from a minimum of 5m to 1.22m;
 - ii. reduce the rear yard setback per CD-1.6.1(3) from a minimum of 6m to 4.05m;
 - iii. reduce the parking setback per 503.2(1) from a minimum of 3m to 1.5m, subject to the owner installing the proposed landscaped screening within the reduced setback area;
 - iv. increase the permitted building height per CD-1.5.1(4) from a maximum of 12m to 12.95m; and,
 - v. waive the requirement per 602.1(1) for screening of waste and recycling bins, located at the rear of the building;
 - d. direct staff to give notice of a public hearing to receive comment on the requested bylaws and Development Variance Permit.

BACKGROUND:

Council received a report on the past uses and current request to rezone the property at 354 Forbes Road at its October 9, 2018, meeting. The full background on this application is attached in the staff report presented at that meeting (see **Appendix B**). Following discussion, Council passed the following motion:

1 |

“THAT Council indicate support for the concept of adding 12 commercial tourist accommodation rooms and a minimum of 6 staff housing units as permitted uses on the property at 354 Forbes Road and:

- a. *indicate to the applicant that detailed building, site, and landscape plans are required to show the impact of the proposal on the surrounding industrial lands, public streetscape and park land;*
- b. *indicate that adoption of a zoning amendment bylaw would be subject to the following:*
 - i. *the owners first obtaining a building permit, then completing the necessary building renovations to bring the building up to code and finally obtaining an occupancy permit to clarify that the building is safe for its intended use;*
 - ii. *the owners entering into a Housing Agreement to ensure that the employee housing units are occupied by seasonal or long-term resident workers;*
 - iii. *to owners providing a restrictive covenant to ensure the provision of staff housing and that occupancy of the guest accommodation units is tied to the ongoing operation of a fishing guide business from the property; and,*
- c. *once a complete set of rezoning plans has been submitted by the owners, direct staff to prepare the zoning amendment and housing agreement bylaws for consideration by Council at a future meeting.”*

The owners of Pacific Rim Charters, Glenn and Dianna Kaczmar, have now submitted the necessary plans prepared under the guidance of their architect (see **Appendix A**). Accordingly, staff have drafted Zoning Amendment Bylaw No. 1248 and Housing Agreement Bylaw No. 1249 for Council consideration.

DISCUSSION:

A. Building Plans and Proposed Uses:

The October 2018 staff report discussed the pros and cons of locating tourist accommodation within a light industrial area, and noted the context of this particular site and the integration of accommodation with the existing fishing charter business:

“... the use of the property for the storage and maintenance of boats for the fishing charter business is a permitted and valid use of this industrial property. The tourist accommodation is proposed to be co-located on property as an integrated part of the business. This lends support for the proposal that a standalone motel, for example, would not enjoy. Generally the community value of having adequate land designated for industrial uses comes from the support it provides for businesses and the jobs they create. The proposed tourist accommodation use would see the continued use of the property to support the fishing guide business. Staff are recommending that if approved on this basis, a restrictive covenant would be appropriate to ensure that the tourist accommodation remains as an integrated component of a fish guiding business, and is also only operated if the staff housing is provided as proposed.”

The plans now submitted show a section of the building being removed to create a courtyard separating the existing house / office portion from the building which contained workshop space, storage and guest suites. The plans show new stairs built to service the guest rooms (providing multiple points of egress) and the ground level is now shown with 9 potential future staff accommodation residential units. A vehicle / boat storage space is still shown located at the rear of the building, but overall the majority of the floor area is proposed to be used for accommodation purposes of one sort or another. Adding staff accommodation could be a positive step in providing

needed housing in the community; at the same time, staff note that this proposal essentially removes light industrial uses from the property. The owner notes that the staff accommodation could serve to support other local businesses including light industrial use on nearby properties – including the neighbouring lots which are under the same ownership. On balance, the addition of staff accommodation units could be a positive and pragmatic addition if this building is to be renovated for the purpose of the requested tourist accommodation use. Staff consider that other compatible light industrial uses of the lower floor of the building are also possible and would in the long term be the preferred pattern of land use for the diversity of the local economy.

Staff note that the applicant has submitted letters of support from neighbouring residents (see **Appendix A**).

A number of variances are being requested to reflect the size and location of the existing building. Staff note that the encroachments within zoning setbacks are primarily at the side and rear of the building, and given the location next to Tugwell Field will not likely impact neighbouring properties. The parking setback variance is reasonable if the proposed landscaping is installed in the reduced setback area. Subject to public comment, staff can recommend support for the requested variances for this proposal.

B. Housing Agreement Bylaw:

Ucluelet Housing Agreement Bylaw No. 1249, 2019, would authorize the District to enter into a housing agreement with the property owner. This would be registered on title and govern the use and occupancy of the staff accommodation units (i.e. to ensure that these units can not be used for short-term rentals). The owners are proposing that constructing the staff accommodation units would be started within three years, with all units available for occupancy within 5 years. If this commitment is part of the consideration for adopting the requested zoning bylaw, it can be ensured by covenant as indicated in the October 9, 2018, Council motion.

C. Process:

As noted previously, approval of the requested zoning amendment is the first step toward bringing the building and property uses in compliance with the municipal bylaws and provincial code. The owner has now provided zoning-level drawings showing the location of all intended uses within the building, access, parking and landscaping. Improved landscaping and screening along the Tugwell Field and Forbes Road edges of the property are shown at a conceptual level. Security to ensure completion of the proposed landscaping can be included with the covenant which will be brought forward to Council prior to adoption of the rezoning bylaw.

Should the rezoning bylaw proceed through the steps of a public hearing and receive third reading (often considered approval in principle), the owners could then obtain a building permit and complete the necessary building alterations. Once the building was renovated, certified as safe for its intended use and an Occupancy Certificate were issued, then the bylaw would return to Council for final adoption. At that point, the District could issue a business licence for the tourist accommodation component of the Pacific Rim Fishing Charters and Guest Lodge business.

The existing guest accommodation suites are to remain unoccupied until the municipality issues a Certificate of Occupancy. Therefore, staff again recommend that the owners make alternative arrangements for accommodating their guests for the 2019 season.

Should the requested rezoning not proceed, the building will remain posted with “do not occupy” notices. The owners would then need to decide whether to re-purpose the building for a different use (with the necessary building permits, of course), demolish the building, or leave it vacant.

FINANCIAL IMPACTS:

A building permit fee would be charged based on the construction value. The value of the property would be expected to increase with the proposed improvements, and additional commercial tax assessment would result. Water and sewer fees would be collected based on metered usage. These additional revenues are expected to offset the incremental increase in municipal services and infrastructure.

The Forbes Road light industrial area currently enjoys an exemption from the collection of Development Cost Charges.

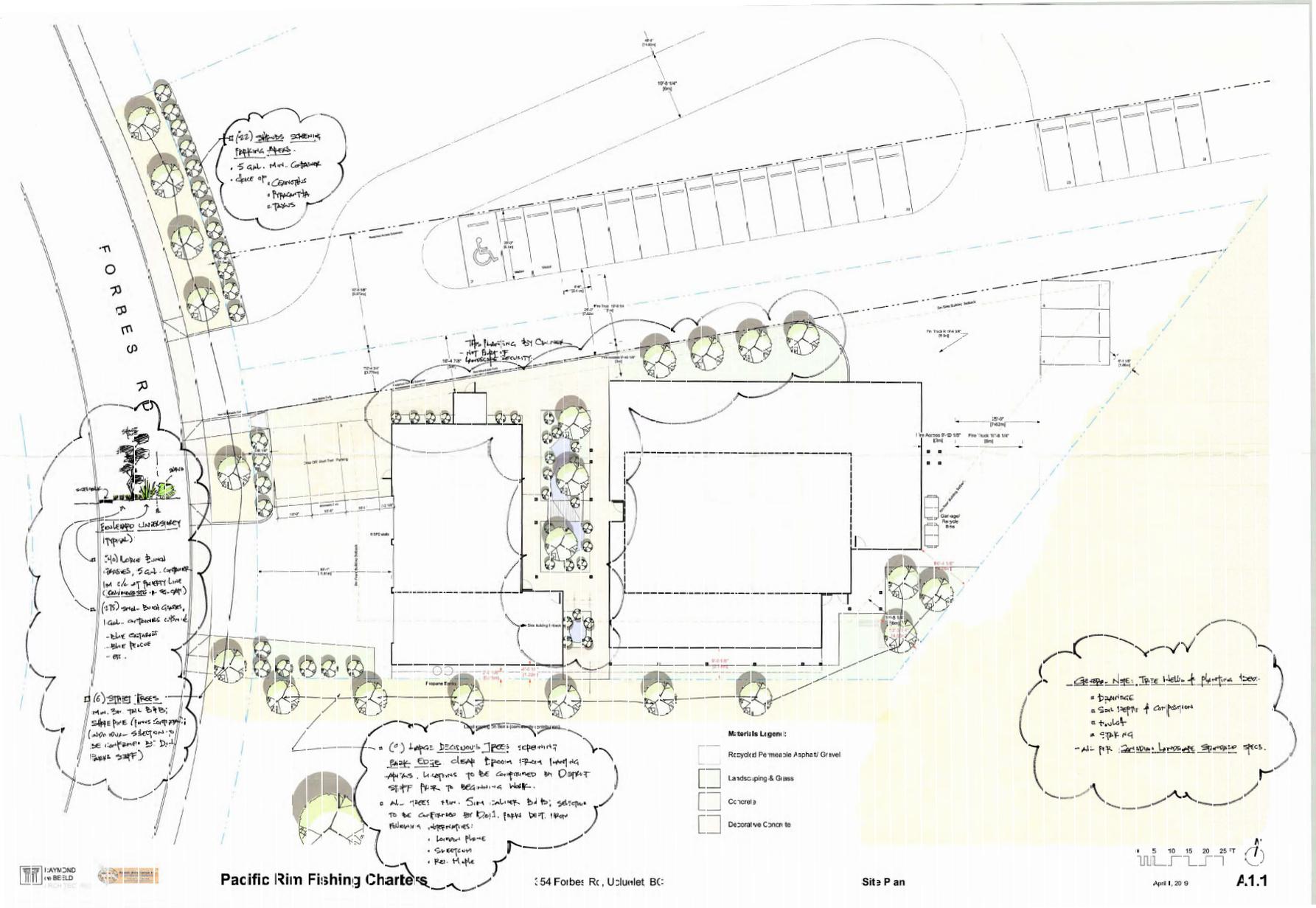
OPTIONS REVIEW:

Per the recommended motions listed at the start of this report, staff suggest that Council give initial readings to the attached bylaws and advance the application to a public hearing to gather views on the requested change of use proposed by this application. Alternatively, Council could consider the following options:

2. **THAT** Council defer consideration of the rezoning application for the property at 354 Forbes Road at this time.
3. **THAT** Council reject the rezoning application for the property at 354 Forbes Road at this time, and indicate to the owners that obtaining a certificate of occupancy is required before the unauthorized guest suite addition area of the building can be occupied for any use.

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

Appendix F



DISTRICT OF UCLUELET
MINUTES OF THE REGULAR COUNCIL MEETING
HELD IN THE UCLUELET COMMUNITY CENTRE, 500 MATTERSON DRIVE
Tuesday, June 14, 2022 at 4:00 PM

Present: **Chair:** Mayor Noël
 Council: Councillors Cole, Hoar, Kemps, and McEwen
 Staff: Duane Lawrence, Chief Administrative Officer
 Bruce Greig, Director of Community Planning
 Abby Fortune, Director of Parks and Recreation
 James MacIntosh, Director of Engineering Services
 John Towgood, Municipal Planner
 Donna Monteith, Chief Financial Officer
 Paula Mason, Manager of Corporate Services

Regrets:

Page

1 CALL TO ORDER

1.1 The meeting was called to order at 4:00pm.

2 ACKNOWLEDGEMENT OF THE YUULU?IL?ATH

2.1 Council acknowledged the Yuulu?il?ath, on whose traditional territories the District of Ucluelet operates.

3 NOTICE OF VIDEO RECORDING

3.1 Audience members and delegates were advised that the proceeding was being video recorded and broadcast on YouTube and Zoom, which may store data on foreign servers.

4 LATE ITEMS

4.1 Add the following items to Regular Agenda Item 10.7 "Temporary Use Permit 912 Barclay Place - Correspondence Items received."

9 - 27

[TUP 22-04 correspondence](#)

5 APPROVAL OF AGENDA

5.1 June 14, 2022 Regular Agenda

2022.2118.REGULAR *It was moved and seconded THAT Council adopt the June 14, 2022 Regular Agenda as amended.*

CARRIED.

6 ADOPTION OF MINUTES

6.1 May 31, 2022 Regular Minutes

2022.2119.REGULAR *It was moved and seconded THAT Council approve the May 31, 2022 Regular Minutes as presented.*

CARRIED.

7 PUBLIC INPUT & DELEGATIONS

71 Public Input

Matt Harbidge - 1816 Peninsula Road - In Person
Expressed concerns for the lack of affordable housing in Ucluelet and suggested that Council put a focus on coming up with solutions.
There was no further public input.

72 Delegations

Wild Pacific Trail Society overview
Barbara Schramm

Ms. Schramm provided an update and overview of the Wild Pacific Trail Society via slideshow presentation. Mr. Ferris provided a financial overview. Ms. Ellen Kimoto advised that one of the benches on the trail had been vandalized.

8 UNFINISHED BUSINESS

8.1 There was no unfinished business.

9 BYLAWS

9.1 Zoning Amendment Application - Pacific Rim Charters & Guest Lodge (354 Forbes Road)
Bruce Greig, Director of Community Planning

Mr. Greig provided a summary of his report. The applicant, Mr. Kaczmar also presented to Council.

2022.2120.REGULAR *It was moved and seconded THAT Council give first and second readings to Ucluelet Zoning Amendment Bylaw No. 1303, 2022;
THAT Council refer Ucluelet Zoning Amendment Bylaw No. 1303, 2022, to a public hearing;
THAT Council rescind third reading of Ucluelet Housing Agreement Bylaw No. 1249, 2019;
THAT Council amend Ucluelet Housing Agreement Bylaw No. 1249, 2019, to include the new section 3 in Schedule A and to replace Schedule B as shown in Appendix B to the staff report dated March 15, 2022;*

*THAT Council give Ucluelet Housing Agreement Bylaw No. 1249, 2019, third reading as amended; and,
THAT Council direct that any business license issued for Commercial Tourist Accommodation use on the property at 354 Forbes Road contain the condition that the business license would not be renewed unless an appropriate fire access easement is first registered on the title of the neighbouring vacant lot.*

CARRIED.

10 REPORTS

10.1 Trail Right of Way over 348 Pass of Melfort Bruce Greig, Director of Community Planning

Mr. Greig gave an overview of his report.

2022.2121.REGULAR *It was moved and seconded THAT Council, for the purposes of creating a public pathway over 348 Pass of Melfort, Strata Lot 10, Plan VIS5896, Section 1, Barclay Land District:
1. Direct District of Ucluelet staff to execute and register the S.218 Statutory Right of Way attached as Appendix A of staff report 22-78.
2. Direct District of Ucluelet staff to coordinate the environmental and estimating work required so that a public pathway over 348 Pass of Melfort and relocated elements of the Wild Pacific Trail can be considered and prioritized in future budgeting process. It was moved and seconded THAT a letter of appreciation be forwarded to the property owners and some form of tribute to them be included in the trail construction.*

CARRIED.

10.2 Approval to proceed to an Alternative Approval Process Paula Mason, Manager of Corporate Services

Ms. Mason gave a brief overview of the Alternate Approval Process.

2022.2122.REGULAR *It was moved and seconded WHEREAS the District of Ucluelet has given three readings to Loan Authorization Bylaw No. 1304, 2022 which proposes that authorization be given to borrow upon the credit of the municipality a sum not exceeding thirteen million dollars (\$13,000,000) to finance the costs of the development of a water treatment system for the District's well fields, surface water supply and increasing of the District's water storage capacity, which will be repaid over a period not to exceed thirty (30) years;
AND WHEREAS the District of Ucluelet cannot adopt Bylaw No. 1304, 2022 until the approval of the electors has been obtained;
THEREFORE BE IT RESOLVED THAT Council direct the Corporate Officer to undertake an Alternative Approval Process to determine the opinion of the electors with regard to the matter; and*

THAT Council establish a period of 30 days, from July 7, 2022 to August 8, 2022, for the submitting and receiving of Elector Response Forms; and THAT Council approve the Elector Response Form, attached to Staff Report number 22-75 for conducting the Alternative Approval Process for Loan Authorization Bylaw No. 1304, 2022; and THAT Council establish 2060 electors as the number of electors for the District of Ucluelet.

CARRIED.

**10.3 MRDT - Designated Recipient
Duane Lawrence, Chief Administrative Officer**

Mr. Lawrence provided an overview of how MRDT funds are currently handled and how they would be handled if Tourism Ucluelet became the designated recipient going forward.

2022.2123.REGULAR *It was moved and seconded THAT Council approve option A, to designate Tourism Ucluelet as the Designated Recipient of the Municipal Resort Development Tax.
It was moved and seconded THAT Council take a brief recess at 5:27pm, returning at 5:36pm.*

CARRIED.

**10.4 Canada Day Road Closure
Abby Fortune, Director of Parks & Recreation**

Ms. Fortune requested the authorization of Council to close Fraser Lane on July 1, 2022.

2022.2124.REGULAR *It was moved and seconded THAT Council approve Option A, to authorize the closure of Fraser Lane from 8:00 a.m. to 4:00 p.m. in front of the Village Green on Friday, July 1, 2022.*

CARRIED.

**10.5 Temporary Use Permit 1632 Bay Street
Bruce Greig, Director of Community Planning**

Councillor Kemps recused herself from the meeting at 5:39pm as her employer was the applicant.

Mr. Greig gave a summary of his report. Members of the public were given the opportunity to comment, as was the applicant.

2022.2125.REGULAR *It was moved and seconded THAT Council, subject to public comment and provided that the applicant reorient the trailer to be perpendicular to the residence, authorize the issuance of Temporary Use Permit 22-02 to allow one seasonal RV camping space for local workers in the front yard of 1632 Bay Street for a period of 6 months.*

CARRIED.

10.6 Temporary Use Permit 1992 Peninsula Road

Bruce Greig, Director of Community Planning

Councillor Kemps rejoined the meeting at 5:50pm.

Mr. Greig gave a summary of his report. Members of the public were given the opportunity to comment, as was the applicant.

2022.2126.REGULAR *It was moved and seconded That Council, subject to public comment authorize;*
1. Amend Temporary Use Permit 19-04 by adding two new seasonal RV camping spaces for local workers to the rear of the Howlers Restaurant to the existing permit allowance of one space; and
2. Renew Temporary Use Permit 19-04, as amended, for a total of three seasonal RV camping spaces for local workers to the rear of the Howlers Restaurant for a period of 3 Years.

CARRIED.

**10.7 Temporary Use Permit 912 Barclay Place
Bruce Greig, Director of Community Planning**

Mr. Greig gave a summary of his report. Members of the public were given the opportunity to comment, as was the applicant. The following members of the public spoke in-person:

1. Ellen Kimoto - 855 Peninsula Road
2. Don Ferris - 855 Barkley Place
3. Jonathan Greenglass - 917 Barkley Place

Letters in opposition to the application from the following members of the public were read into the record:

1. Joe Soltysik - 952 Peninsula Road
2. Daniel Rodriguez - 897 Barclay Place
3. Kellyanne & Rod Faulkner - 966 Peninsula Road

**10.8 2022 UBCM Community Excellence Awards
Paula Mason, Manager of Corporate Services**

Ms. Mason presented her report.

2022.2127.REGULAR *It was moved and seconded THAT Council authorize staff to submit a joint application in collaboration with the District of Tofino, for consideration for UBCM's 2022 Community Excellence Awards - Excellence in Sustainability category, for the bylaw amendments banning Single-Use Plastic Utensils in both municipalities, as recently adopted in the Spring of 2022.*

CARRIED.

11 NOTICE OF MOTION

11.1 There were no Notices of Motions.

12 CORRESPONDENCE

**12.1 With Thanks re: May 31st meeting
Rebecca Hurwitz, Ucluelet resident**

Councillor McEwen read the email aloud and thanked the writer for the appreciation given.

13 INFORMATION ITEMS

13.1 Clean Drinking Water Action Plan Update James MacIntosh, Director of Engineering Services

Mr. MacIntosh provided Council with an update concerning Ucluelet's Clean Drinking Water Action Plan, specifically the results of the water distribution flushing and what can be expected in the year ahead. Council commended Mr. MacIntosh and the Public Works team for their hard work, positive solutions and high level of direct communication with both Council and the community.

13.2 Wayfinding Standards Abby Fortune, Director of Parks & Recreation

Ms. Fortune provided Council with information regarding the Improvement of the community Wayfinding System.

14 MAYOR'S ANNOUNCEMENTS

14.1 Mayor Noël noted two upcoming Community events: 1. Saturday June 18, 2022 at 11:00am Celebration of Life for Dustin Riley 2. Saturday June 18, 2022 at 2:00pm Ucluelet Secondary School graduation ceremony

15 COUNCIL COMMITTEE REPORTS

15.1 Councillor Marilyn McEwen *Deputy Mayor January 1 - March 15, 2022*

June 11, 2022: Sooke opened their new library

15.2 Councillor Lara Kemps *Deputy Mayor March 16 - May 31, 2022*

June 8, 2022: Attended the Alberni Clayoquot Regional District meeting
June 15, 2022: Will be attending the Ucluelet Secondary School PAC meeting

15.3 Councillor Jennifer Hoar *Deputy Mayor June 1 - August 15, 2022*

15.4 Councillor Rachelle Cole *Deputy Mayor August 16 - October 31, 2022*

June 1, 2022: Attended the Westcoast Committee meeting
June 8-10, 2022: Attended the 2022 Climate Leaders Institute
June 15, 2022: Will be attending the UES PAC meeting
June 21, 2022: Community Skate Fundraiser for Cops for Cancer 5:00pm - 9:00pm

15.5 Mayor Mayco Noël

16 QUESTION PERIOD

16.1 Nora O'Malley, Westerly News reporter, spoke in person asking Mr. MacIntosh some questions related to his earlier Clean Drinking Water Action Plan Update report. Mr. MacIntosh responded in detail. There was no further public input.

17 CLOSED SESSION

17.1 Procedural Motion to Move In-Camera

2022.2128.REGULAR *It was moved and seconded*

THAT the meeting be closed to the public in order to address agenda items under following Section of the Community Charter:

Section 90 (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality; and Section 90 (e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the municipality.

CARRIED.

18 RECONVENE FROM CLOSED SESSION

19 ADJOURNMENT

19.1 The meeting was adjourned at 7:51pm.

CERTIFIED CORRECT: Minutes of the Regular Council Meeting held on Tuesday, June 14, 2022 at 4:00 pm in the Ucluelet Community Centre, 500 Matterson Road, Ucluelet, BC.

Mayco Noël, Mayor

Duane Lawrence, Corporate Officer

From: [REDACTED]
To: [Community Input Mailbox](#); [John Towgood](#); [Bruce Greig](#)
Subject: 912 barclay place temporary use application input.
Date: June 13, 2022 9:27:49 PM

[External]

Hello Mayor and Council,

I'm Nick Haisch, resident and owner of 920 Amphitrite place and also owner and operator of Surf Junction Campground. I am writing to express my opposition to the Temporary Use Application submitted for 912 Barclay Pl. First I would like to acknowledge the need and the difficulties for staff housing. It is something that I have been investing in and working on for the past 6 years. I house almost 20 of my own staff at Surf Junction and have also provided housing for businesses that include, Tofino Nature Kids, Black Rock Resort, Ucluelet Brewery, Long Beach Surf Shop, Ucluelet Distillery, Yayu Cafe, Wick'd Surf School, Ucluelet Aquarium and others. So I know full well the challenges of the situation and am working to make it better.

With this application I was never contacted by the applicants, asked if I would support their application or asked for input. My house looks directly at the applicant's property and I will have full view of any campers living there. Looking over the application I see that the applicants are applying to use portable toilets. As a campground owner, I would strongly advise against this. I know the "thwang" and "clunk" of the portable toilet doors well and it's something that most of the surrounding neighbors will be able to hear many times a day within their homes. On top of that, because the applicant's property is located right next to a public park with no public bathroom, I think it would be highly likely that those portable toilets will get used by visitors to the park, and the public will be trespassing on the applicants property. If approved, I would ask that campers be tied into the sewer system on the lot.

As a campground owner that provides both seasonal and long term campsites, I would advise against allowing 3 campers on such residential lots anywhere in Ucluelet. A single camper outside of a house can be easily maintained using the garbage, storage, and utilities of that house. Allowing 3 campers, even seasonally, requires a significant investment in infrastructure on the property to make sure there are no conflicts with wildlife, no unsightly mess, proper garbage disposal, barriers if pets would be onsite, safe drinking water, sewer disposal and safe utilities. Because the applicant's property is located right next to and in direct sight of a public park, these issues are all the more important for the applicants to address before any Temporary Use Application could be considered.

Lastly, my concern is for traffic in the area and around the park. This is a neighborhood full of young families, kids and a park. There have been many instances of cars and large trucks speeding and driving erratically through the Kimoto/Barclay/Amphitrite intersection. Adding more drivers in and out of the area many times a day will add to my worries that a child will get injured there.

In conclusion I am opposed to the application for this property. I do not believe this residential property could support 3 campers without having a very negative effect on the rest of the residents of the neighborhood. Had the applicants asked me for input this is what I would have provided to them.

Thanks,

Nick Haisch
Resident of 920 Amphitrite Place
Owner Surf Junction Campground

Sent from my iPhone

June 11, 2022

Re: Application For A Temporary Use Permit No. TUP22-04

To: The District Of Ucluelet Council

My name is John McQuaid and I own the property at 883 Barkley Place.

I purchased the lot in 1999 with the clear understanding that the Edge Subdivision required permanent fixed homes that met a minimum square footage. When the district decided to allow an additional mobile dwelling located on a property with a fixed dwelling to relieve the housing shortage for seasonal workers, I agreed with this decision. In fact, the applicants 878 Barkley Pl. appear to have taken advantage of this with an Airstream Trailer in their driveway providing seasonal accommodations.

Their application for the lot at 912 Barkley Pl. does include a fixed dwelling that meets the covenant for this Subdivision but proposes 3 mobile dwellings on lot which would be a trailer park and negatively changes the character our neighbourhood.

Could the applicants not have these mobile seasonal accommodations located on their Howler's Restaurant Property?

I strongly object to the approval of this application.

John McQuaid

883 Barkley Place, Ucluelet, BC V0R 3A0

To: District of Ucluelet

From: Urgel/Helen Ruel

866 Barclay Place, Ucluelet, B.C.

Re: Temporary Use Permit No. TUP22-04 Meeting - June 14/22 4:00 p.m.

We understand about the housing shortage in Ucluelet. But don't agree the addition of three trailers on a lot in our subdivision is a good idea.

When we purchased our property many years ago, the original plan for the subdivision did not include that lots be used for a number of trailers.

Will change the whole dynamic of our neighborhood, which has single family homes many with young children as well as retired individuals. Definitely family orientated.

There are safety issues, traffic issues, possible wildlife issues. Also possible noise issues.

In addition to the large concentration of homes in our area, we also have tourists with children stopping by to use neighborhood playground (Kimoto Park) exploring the beach and close by trails. Which adds to foot traffic and number of cars. Our roads are not very wide.

There is already an increase in traffic on the roads, as well as unleashed dogs running in the meadow chasing deer and disturbing the natural habitat of waterfowl and resident herons.

If three trailers are allowed, how would you control number of people living in each trailer and if they have pets. How would you know if each person is actually working for the restaurant. Would trailers be removed at end of each season (if not, how would you know if other people haven't moved in) and how long is the season. Ucluelet has a long tourist season.

There might be another piece of property that would be better suited to have three trailers placed on it, where they would blend in better with the surrounding area, and be closer to the restaurant.

Think anyone who has spent time in our subdivision would agree that it wouldn't be suitable to let the Temporary Use Permit to go forward.

Thanks

Urgel and Helen Ruel

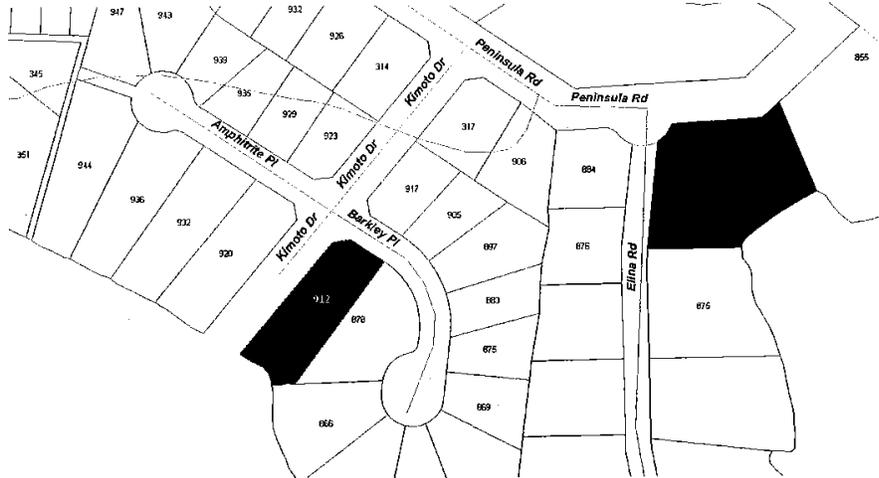
Public Notice – Temporary Use Permit

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 Permits at a regular meeting of Council held at the Ucluelet Community Centre, located at 500 Matterson Drive, Ucluelet B.C., on **June 14, 2022, commencing at 4:00 p.m.**

Temporary Use Permit No. TUP22-04

Applicant: KENT FUREY; AMIE SHIMIZU **Location:** 912 BARCLAY PL **Legal Description:** PID 023196424, Lot 27, Plan VIP61995, Section 1, Barclay Land District, (SITUATED IN CLAYOQUOT DISTRICT).

Purpose: In general terms, the purpose of this application is to allow three seasonal RV camping space for local workers in the vacant property of 912 Barkley Place of Howlers Restaurant for a period of 3 Years.



Site Map

Anyone who believes this application will affect their interests may make a written submission and/or will be given an opportunity to be heard at the Council meeting as follows:

Participate by Written Submission: All written submissions must include your name and street address. 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 *Freedom of Information and Protection of Privacy Act*.

Drop-off at the District Office
200 Main Street
Ucluelet B.C.

Mail
District of Ucluelet
P.O. Box 999, Ucluelet B.C. VOR 3A0

Email
communityinput@ucluelet.ca

Attend the Council Meeting in-person or by Zoom:
Attend In-person
Ucluelet Community Centre,
500 Matterson Drive, Ucluelet
B.C.

If you plan to attend in-person, we ask that you follow all current Provincial Health guidelines and protocols.

Attend by Zoom and Telephone
To attend by zoom or Telephone please visit the upcoming meetings section of the Communicating with Council web page:

<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 or pmason@ucluelet.ca.

Council Meetings are also live streamed on the District of Ucluelet's YouTube Channel.

Review the application: The application, permit and other relevant materials 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. COVID-19 protocols apply.

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

From: [REDACTED]
To: [Community Input Mailbox](#)
Subject: Fwd: Opposition to Temporary Use Permit at 912 Barclay Place
Date: June 14, 2022 9:23:10 AM

[External]

Hi there,

Having just heard back from the District regarding my questions, my revised letter is attached below.

Thank you kindly,
Heather Bettger

Ucluelet Council,

This letter is to express concern and disapproval of the temporary use permit for 912 Barclay, submitted by Kent Fury and Amie Shimizu. **I am not in approval of this project for the following reasons;**

- 1) When looking to settle in Ucluelet, we specifically sought out a safe, quiet, family friendly, well-kept neighbourhood with residential zoning. We knew once we toured the neighbourhood that this was where we wanted to raise our future family. Since moving here 11 years ago, our decision has been reaffirmed, as we know all of the neighbours and there is a true sense of community in the neighbourhood. It is our opinion that introducing temporary workers to this neighbourhood is unlikely to add to the sense of community that we have helped create.
- 2) Our three kids very regularly play at the Kimoto playground, located beside 912 Barclay Place. Whereas we have just begun to allow our oldest son to go to the park on his own with friends, we would no longer feel comfortable doing so, knowing that there are now multiple, temporary workers living directly adjacent to the one and only play area at the south end of Ucluelet.
- 3) Ucluelet's Municipal Planner has informed me that the driveway for this property is proposed to stay where it is currently located. As a neighbourhood that has no sidewalks, this location beside the park has always been the most well used and safest area for neighbourhood kids bike and play most evenings. If you visit the site in question, you will note that the current driveway entrance is right at the gate entrance to Kimoto park, which is unquestionably and highly dangerous. The salmon berry bushes at the side of the driveway result in no way for a vehicle to be able to safely check for children before exiting, or even nosing out of the driveway. If council is not familiar with the location of the driveway in proximity to the park, please visit the site in question, as this one item alone is highly concerning to me and all other parents who frequent this park and constitutes a very real safety hazard for our children. Note that concerns regarding vehicle traffic at this particular intersection were raised with the District last year, yet to my understanding the concerns were not addressed.

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4) I have been informed by Ucluelet's Munciple Planner on June 14th that two individuals may reside in each RV. That could amount to 6 temporary workers and potentially 6 more vehicles. The application states that this accommodation is for fishing guides. Given that guides typically leave for fishing at daybreak, this could result in up to 6 vehicles starting up and driving through our quiet, end of the road residential neighbourhood every morning in the summer before sunrise.

5) Under District of Ucluelet Bylaw No. 1164, it is stated under s. 5.3(a)(iv) the requirement to 'provide 'Any consultations the Applicant has undertaken or proposes to undertake with neighbours and the community'. Having reviewed the application in person I noted the Applicants had included the statement 'I have spoken almost all of the neighbours 100 paces around and they have all shown support to our application'. Having personally spoken with the residents of the 5 properties in closest proximity to 912 Barclay myself, I have reason to believe the Applicants statement was false and was meant to mislead the District by proposing there is support when the neighbourhood is overwhelmingly opposed. My understanding is that letters from most of these neighbours have already been submitted, opposing this permit.

6) My understanding from adjacent neighbours is that Bylaw concerns have previously been raised regarding the Applicant's conduct after having moved to this neighbourhood. Concerns regarding late night noise, revving car engines, and fast driving have left me with little confidence that the Applicant will help ensure respectful conduct from their employees who may reside on the site, which is situated between the Applicant's property and the kids park.

7) This lot in question is an Oceanfront lot. Despite the Applicant pointing out that there is 'hedging that covers entire area, providing privacy', they failed to note that the majority of this vegetation is salmonberry, which do not grow to great heights. Given the elevation of some of the surrounding homes, they will have 3 RVs visible in the forefront of their oceanview.

8) Though the application states this property will be used during the summer months, there is nothing holding the applicant to this and nothing prohibiting them from housing numerous employees from their other business outside of tourist fishing season, up to the 6 month maximum.

9) It is my understanding that the Applicant has other properties that could be used to accommodate temporary RVs, situated in areas where early morning noise and traffic will not impact as many residents as it would in a residential area.

Whereas I recognize the need for staff accommodation, this needs to be done in a way that ensures that it will not negatively impact the many existing residents who have chosen this neighbourhood and pay significant property taxes to live in this desirable neighbourhood. For all of the reasons listed above, **we strongly oppose the issuance of a temporary use permit at 912 Barclay Place.**

I appreciate you giving thought to our considerations.

Regards,
Heather Bettger, Dan Smith, Jack, Reef & Benson Smith
932 Peninsula Road, Ucluelet, BC

From: [REDACTED]
To: [Community Input Mailbox](#)
Subject: Opposition to Temporary Use Permit at 912 Barclay Place
Date: June 14, 2022 7:22:54 AM

[External]
Ucluelet Council,

This letter is to express concern and disapproval of the temporary use permit for 912 Barclay, submitted by Kent Fury and Amie Shimizu. I am not in approval of this project for the following reasons;

1) When looking to settle in Ucluelet, we specifically sought out a safe, quiet, family friendly, well-kept neighbourhood with residential zoning. We knew once we toured the neighbourhood that this was where we wanted to raise our future family. Since moving here 11 years ago, our decision has been reaffirmed, as we know all of the neighbours and there is a true sense of community in the neighbourhood. It is our opinion that introducing an unknown number of temporary workers to this neighbourhood is unlikely to add to the sense of community that we have helped create.

2) Our three kids very regularly play at the Kimoto playground, located beside 912 Barclay Place. Whereas we have just begun to allow our oldest son to go to the park on his own with friends, we would no longer feel comfortable doing so, knowing that there are now multiple, temporary workers living directly adjacent to the one and only play area at the south end of Ucluelet.

3) Under District of Ucluelet Bylaw No. 1164, it is stated under s. 5.3(a)(iv) the requirement to 'provide 'Any consultations the Applicant has undertaken or proposes to undertake with neighbours and the community'. Having reviewed the application in person I noted the Applicants had included the statement 'I have spoken almost all of the neighbours 100 paces around and they have all shown support to our application'. Having personally spoken with the residents of the 5 properties in closest proximity to 912 Barclay myself, I have reason to believe the Applicants statement was false and was meant to mislead the District by proposing there is support when the neighbourhood is overwhelmingly opposed. My understanding is that letters from most of these neighbours have already been submitted, opposing this permit.

4) I contacted the District on June 8 for clarification around whether there are occupancy or vehicle stipulations that would be tied to this permit. As of the morning of June 14th, I have not yet received a response. My concern is that if there is not an occupancy limit on the 3 proposed RVs, there is no control over the number of people who may live there over the next 3-6 years, and the number of vehicles they may have. If two individuals were to live in each, that would amount to 6 temporary workers and potentially 6 more vehicles. Who is to say there couldn't be 4 workers sleeping in each RV, which would amount to 12 people and potentially 12 vehicles.

5) The application states that this accommodation is for fishing guides. Given that guides typically leave for fishing at daybreak, this will result in vehicles starting up and driving through our quiet residential neighbourhood every morning in the summer before sunrise. Will it be 3 cars driving by or 12? We don't know and have no control over this.

Page 15 of 27

6) My understanding from adjacent neighbours is that Bylaw concerns have previously been raised regarding the Applicant's conduct after having moved to this neighbourhood. Concerns regarding late night noise, revving car engines, and fast driving have left me with little confidence that the Applicant will help ensure respectful conduct from their employees who may reside on the site, which is situated between the Applicant's property and the kids park.

7) This lot in question is an Oceanfront lot. Despite the Applicant pointing out that there is 'hedging that covers entire area, providing privacy', they failed to note that the majority of this vegetation is salmonberry,, which do not grow to great heights. Given the elevation of some of the surrounding homes, they will have 3 RVs visible in the forefront of their oceanview.

8) Though the application states this property will be used during the summer months, there is nothing holding the applicant to this and nothing prohibiting them from housing numerous employees from their other business year round.

9) It is my understanding that the Applicant has other properties that could be used to accommodate temporary RVs, situated in areas where early morning noise and traffic will not impact as many residents as it would in a residential area.

Whereas I recognize the need for staff accommodation, this needs to be done in a way that ensures that it will not negatively impact the many existing residents who have chosen this neighbourhood and pay significant property taxes to live in this desirable neighbourhood. For all of the reasons listed above, we strongly oppose the issuance of a temporary use permit at 912 Barclay Place.

I appreciate you giving thought to my considerations.

Regards,
Heather Bettger, Dan Smith, Jack, Reef & Benson Smith.

June 12, 2022

Chris & Jeannette Garcia
929 Amphitrite Place
Ucluelet, BC
VOR 3A0

Re: Temporary Use Permit TUP22-04

Dear Mayor, Council and District of Ucluelet Planning Department,

Upon first learning about this application through the notice we receive in our mailbox, we feel it's necessary to express our concerns regarding this. Our understanding that one of the requirements necessary is to receive verbal approval from surrounding neighbours. We have not been approached by Kent or Amie to be asked our position about this potential request.

We feel that an RV park, big or small, is not suitable for our location. This is a Cula sac with residential zoned properties and adding RV rentals would be an additional strain. Proper services such as sewer, water and electrical are sanitary and safety concerns in addition to increased wildlife attractants. There is no limit on how many people can live in each unit which could mean that up to four people per unit would add considerable density and an increased amount of traffic/parking issues. This also has the potential to create noise issues with people congregating outdoors as a communal gather place. At this time, we have a number of building projects going one with trades living onsite along with vacation rentals that already add to our density and adding three RV's on one residential building lot is not in the best interest of this neighborhood.

Our understanding is that Kent and Amie have been granted similar permission to have RV's behind Howler's restaurant and we question why this is necessary in addition to that?

We know there is a housing crisis in Ucluelet but putting in a make shift campground on empty residential lots in the community is not the answer to our housing crisis. This creates shanti towns with poor sanitation. Portable porta potties are not a suitable sanitation option. They are for temporary use on building sites, not for long-term living over multiple years. We also question the electrical situation of using generators and extension cords for power in the same capacity are not safe for any residential neighborhoods in Ucluelet.

It's for these reasons that we are not in agreement of this proposal of any amount of RV living in our neighborhood.

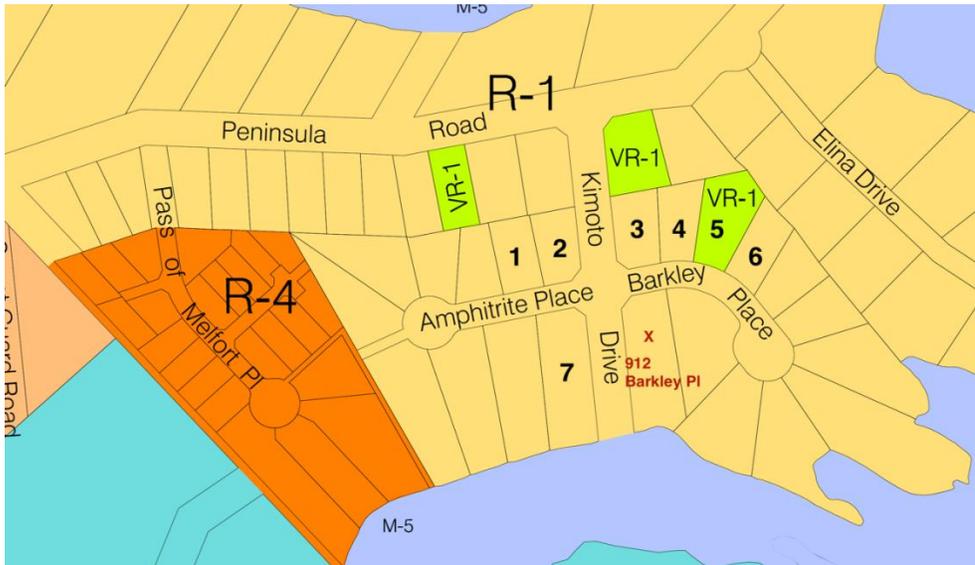
Thanks,

Chris & Jeannette Garcia

From: Laura Noges, 897 Barclay Place, Ucluelet, BC V0R 3A0

Re: Temporary Use Permit No. TUP22-04 - 912 Barclay Pl

Legal Description: PID 023196424, Lot 27, Plan VIP61995, Section 1, Barclay Land District



Screen shot from owners Application letter:

I have spoken almost all of the neighbours 100 paces around us and they have all shown support to our application, I will continue to communicate/canvas the remainder neighbors.

Regards,

Amie Shimizu

May, 1 2022

Every numbered lot on the map above is approximately 100 paces from 912 Barkley Place. Amie Shimizu DID NOT take any initiative to communicate with ANY of the residents in these numbered lots regarding TUP22-04. All residents within 100 paces who strongly oppose are listed below, along with their signatures:

1. Chris Garcia
2. Paul & Nicole Bussey
3. John Greenglass & Robyn Ross
4. Jared Mallory
5. Laura Noges & Daniel Rodriguez
6. John McQuaid
7. Nick & Kaleigh Haisch

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June 13th, 2022

District of Ucluelet
200 Main St
P.O. Box 999
Ucluelet, BC
V0R3A0

Dear District counselors and Mayor

Regarding Temporary land use permit: TUP22-04

My wife and I are opposed to the request for a temporary land use permit put forward in our neighbourhood. In 2016 we purchased our lot located at 923 Amphitrite Pl with our plan to build our dream home in a quite family neighbourhood close to the ocean. Since then, we have done so, started our family, and now have two beautiful young boys aged 5 and 1yrs old.

We feel that the request for three (3) temporary RVs, for **three (3) years** is not the right fit for our neighbourhood. The land should be developed as it is zoned. It should be developed with a single-family home with a secondary rental suite. Not a trailer park business.

If we allow permits like this in the neighbourhood and approve lot rentals for multiple campers for multiple years without the correct civil services, it will lead to contamination, fire hazards, and major conflicts between transient seasonal people and long-term residences.

Thank you for your time,

Paul and Nicole Bussey

From: [REDACTED]
To: [Community Input Mailbox](#)
Subject: Temporary Use Permit No. TUP22-04 - OPPOSED
Date: June 13, 2022 8:45:14 PM

[External]

Re: Temporary Use Permit No. TUP22-04

We are local property owners and reside at the below address and am providing written comments related to the Temporary Use Permit: TUP22-04.

We understand that the council is looking for solutions to local worker housing, and that this is an issue that profoundly affects business and tourism in this town. We believe the solution to this issue involves larger scale solutions, and should not rely on local landowners to turn vacant lots into campsites or trailer parks. For the following reasons we believe that this Temporary Use Permit is not a suitable use:

- Additional traffic - the TUP Property is located next to a children's playground, and there are often children playing in the space around the playground in addition to the playground itself. Additional traffic and use could potentially lead to dangerous situations and hazards. It is not clear where the additional daily driven vehicles will park in relation to the RVs and we already have a congested street.
- Additionally, as septic services are required, we have concerns about having portable toilets next to a children's park in the summer. This does not seem to be a good solution to wastewater.
- While the application states that these RV spots will only be used in the summer, the TUP does not require that they are only occupied 6 months of the year, only that they be occupied seasonally, and we are concerned that this will become a year round solution for 3-6 years. Additionally, as the Howler's TUP spots behind the restaurant seem to be occupied outside of times with an active TUP we worry that these will become a permanent fixture in our neighbourhood.

This solution is not compatible with regard to use, design, and operation of this neighbourhood. We do hope that solutions are found to house a larger number of seasonal workers - but turning existing lots in quiet residential neighbourhoods into small scale RV parks is not the solution to this.

Thank you,
Joe Barnett and Ailsa Terry
861 Barkley Place

From: [REDACTED]
To: [Community Input Mailbox](#)
Subject: Temporary Use Permit Input
Date: June 13, 2022 12:03:23 AM

[External]

Hello,

We are the owners of 317 Kimoto Drive and would like to offer our input on the proposed temporary use permit by Kent Furey and Amy Shimizu to allow RV housing for seasonal workers on their property at the bottom of Kimoto Drive. We are not in favour of this application. There are a number of reasons for our opposition to the application.

The idea of what is essentially a small RV park/campground does not fit with the family friendly residential neighborhood feel in the Edge subdivision.

Increased traffic, particularly right next to Kimoto park would increase risk for children playing at/near the park

Sanitation, parking, and increased noise from what is essentially three residences on one property would have a negative impact on the neighbourhood

We have had a smaller scale version of this happening in our neighborhood while a house was being built across the street from us when one trailer was set up on the property and would have people 'temporarily' staying on the property. There were issues with noise, parking and overall aesthetic but we didn't lodge any formal complaints as we understood it to be a permissible situation during construction, though it did continue on far longer than it should have. To now ask the neighbourhood to have this same 'temporary' situation, only multiplied three fold at least, is certainly not desirable.

We like Kent, Amy and Khan as neighbours and respect their business interests in wanting to provide temporary housing for seasonal workers but this does not supersede our misgivings around having this type of usage in the location requested in their application.

We hope that the district of Ucluelet will be able to work with the applicants, and others with similar interests, to find not only temporary solutions but also longer term solutions to staff, seasonal and affordable housing options for business owners and residents of Ucluelet but feel that this application is not an appropriate solution to these issues. We are opposed to the application.

Sincerely,
Mike and Jennifer Rhodes
317 Kimoto Dr

From: [REDACTED]
To: [Community Input Mailbox](#)
Subject: Temporary Use Permit TUP22-04
Date: June 13, 2022 7:16:42 PM

[External]

We are the registered owners and permanent residents of 844 Elina Rd in Ucluelet. This email will serve as our objection to temporary use permit TUP22-04. Our objection pertains to both the specifics of the proposed development under TUP22-04 and the more general implications regarding appropriate and sustainable development of our community.

Our specific concerns are as follows:

1. The proposed development differs significantly from the land use permitted under current zoning, which was in place when local property owners (including the proponents of TUP22-04) purchased their properties, constructed their homes and, in several cases, established B&B businesses. A permitting variance of this nature will negatively affect local residents' enjoyment of their respective properties (noise, traffic, aesthetics, etc.), will negatively affect the ability of local B&B owners to offer a premium Ucluelet experience and will inevitably affect the value of adjacent properties.
2. The proposed development is directly adjacent to a local park used by children from throughout the district and will present safety concerns due to increased traffic, on-street parking and access-egress requirements.
3. Operating a temporary septic system for a facility of this nature, in an established residential neighbourhood and an ecologically sensitive area, for a period of three years (or more) is an unacceptable proposition. Further, Schedule 3 Temporary Use Permit Conditions is wholly inadequate to address this key aspect of the application.
4. As the TUP is intended to cater to seasonal workers, and the minimum occupancy is only 30 days, it is reasonable to assume that users of the facility will have limited interest in promoting/supporting the quality of life in the neighbourhood.

Our concerns extend well beyond the current TUP request. Ukee has been grappling with a chronic housing deficiency for several years, the consequences of which are increasingly borne by seasonal workers. Adhoc responses like this TUP are not the answer and will only serve to exacerbate the impact on the community. We acknowledge the complexity of this issue, but believe that it is imperative that residential zoning is not sacrificed in pursuit of quick fixes.

Best Regards,

Nancy and Kevin Brown
844 Elina Road

From: [REDACTED]
To: [REDACTED]
Subject: [REDACTED]
Date: June 11, 2022 12:08:11 PM

[External]

To the Major and Members of Council of the District of Ucluelet:
We, the homeowners of 947 Amphitrite Place, Ucluelet, strongly oppose the use of the vacant lot at 912 Barkley Place as a seasonal campsite for local workers. This proposed campground is in a residential neighbourhood and is adjacent to a very popular children's playground, frequented daily by the many children in the neighbourhood, as well as a place for parents to socialize while watching their children play. The proposed entrance on Kimoto Rd. would create a safety hazard for children and adults using the facility by increasing traffic in the area. The entrance that has been excavated is directly across from the parking area for the playground. We were first alerted about the proposal by a neighbour when the applicant had started to clear the site without an excavation permit, and the work was stopped. There didn't appear to be any effort to determine if there were any birds nesting on the site, nor was an environmental assessment done on the property, which is within a hundred metres of the ocean. At that time, no application for the use of this site as temporary worker housing had been received by the District Offices. Emails to the Planning Department confirmed this, and neighbours were told that we would be advised when an application was received, which eventually happened. The application states that the sites would be for fishermen, not howlers workers, but there are no details as to whether these are commercial fishermen, or sports fishermen. It is our understanding that the purpose behind the temporary use permit is to allow for temporary housing for an employer's seasonal staff, but these workers don't appear to be working at Howlers. The "seasonal" aspect is rather vague. There is no indication as to the timeline when the site will be open for camping, and when it will be closed. Are these campers to be there permanently, or will they be removed after whatever timeline for opening is decided? Where will these fishermen park? It has come to light that the accommodation is to be for a local charter sports fishing company, who have been in business here for some time, and should have by now arranged for their seasonal requirements. On street parking would cause problems for residents who may have friends and family come to visit, not to mention those who come to use the playground. Parking on the lot would mean that dirt and mud would be tracked out onto the street. Fishermen of any kind come and go and all times of day and night, and this will cause noise and disturbance in this family neighbourhood. The presence of a portable toilet next to a children's playground is unacceptable for us. The applicant has stated that he will provide electricity to the campers but has given no details on how they would be connected. Will it be installing electrical service to the site? The site is not screened from public view and can be easily seen into from the playground. While we appreciate that there is a great need for temporary worker housing, and we commend the applicant for attempting to find creative solutions for the problem, we feel that the location for this application is totally inappropriate for this residential area, and a three year time span doesn't create any urgency to find a more permanent solution to our local worker housing crisis. Attached are photos of the area.
Best regards,
Ed and Sula Chernis
947 Amphitrite Place







From: [REDACTED]
To: [Community Input Mailbox](#)
Subject: TUP22-04 Community Feedback
Date: June 12, 2022 9:45:10 AM

[External]

Dear Ucluelet Council,

As a resident of the surrounding area to lot 912 Barclay Place, I am writing this letter to voice my opposition to the requested temporary use permit for 3 seasonal RVs. One of the main reasons we bought and built out home in this neighbourhood, was because of its family orientation and relative quiet. I believe that if this TUP were granted, this would be greatly altered.

My understanding is that the RV camping would be utilized by out of town fishing guides to stay in, as they had previously camped at the lot owners previous camp ground. The RVs not being used as staff housing to actual local residents of the community, provides no positives for our community and feels like a close step to just being more short term rentals.

I have also heard that the lot owner is not planning to plumb in actual sewer for these RVs and only outhouses would be provided for the residents of the RVs. To not provide proper facilities for three years, seems both irresponsible and unseemly for what is a nice and upscale neighbourhood.

Since moving to our neighbourhood we have found it to be a warm and welcoming place, that we feel lucky to raise our infant daughter in. However, the owners of the lot in question have consistently let it be known that they do not care or respect the well being of their neighbours, from consistent noise violations to reckless driving. This gives me no belief that granting this TUP would provide any positives to our neighborhood, furthered by the complete lack of communication taken by the lot owners with their neighbours for this development.

While I understand that our community is in desperate need for staff housing, I do not believe that this temporary use permit in question addresses this issue. I also believe that granting a permit for a campground in a residential neighbourhood, especially without proper sanitation, sets a bad precedent for what can be done on undeveloped land in Ucluelet.

It is for all of the above listed reasons that I strongly oppose the requested Temporary Use Permit and hope the council will take this into consideration when making their decision.

Thank you for your time,
Hannah Nicholls & CC Unger
935 Amphitrite Place

District of Ucluelet

June 11, 2022

RE Temporary Use Permit TUP22-04

To whom it may concern:

I am Dave Nichol, a registered property owner and resident of 322 Pass of Melfort.

I note and commend the District's efforts to alleviate the housing shortage with the Temporary Use Permits policy.

I was given a copy of of the public notice for TUP22-04 from one of my neighbours that lives on Barkley Place and asked to support their objection to this permit.

After reviewing Bylaw No. 1234, 2018 and TUP22-04 I support their concerns and would NOT be in favour of this application.

The following are my concerns:

1. One of the objectives of the by-law is to "maintain a reasonable level of compatibility with surrounding development". I fail to see how allowing 3 RV's to be situated on a lot within a residential subdivision would honour that objective. Especially with a portable toilets being visually distracting.
2. It's very likely that parking will be an issue with that many RV's on one lot. Will the applicant be required to provide parking on the lot as well? Kimoto park is adjacent to the property with 4 parking spots and there is concern that they will be used by the occupants of these RV's.
3. There are also environmental concerns. How will grey water be taken care of? How will power be provided and will it be subject to electrical code requirements?
4. The TUP states the application is for "seasonal" RV camping space. Does that mean the RV's are on site for part of the year and removed and returned each season?
5. Is there guarantees that the people using these spaces are actually employees of Howler's restaurant? Will that be monitored?

In summary I am not in favour of approving TUP22-04. In my opinion I think it will have a negative impact on the surrounding properties and residents. If it does get approved and turns out to be a mistake how difficult and time consuming will it be for the permit to be revoked?

I want to repeat that I commend the District in their attempts to alleviate a serious problem in the community and thank them for their attention to this issue.

Thank you

Dave Nichol

DISTRICT OF UCLUELET
MINUTES OF THE REGULAR COUNCIL MEETING
HELD IN THE UCLUELET COMMUNITY CENTRE, 500 MATTERSON DRIVE
Tuesday, March 15, 2022 at 4:00 PM

Present: **Chair:** Mayor Noël
 Council: Councillors Cole, Hoar, Kemps, and McEwen
 Staff: Donna Monteith, Acting Chief Administrative Officer, Chief Financial Officer
 Bruce Greig, Director of Community Planning
 Abby Fortune, Director of Parks and Recreation
 James MacIntosh, Director of Engineering Services
 Paula Mason, Manager of Corporate Services
 Samantha McCullough, Executive Assistant

Regrets:

1 CALL TO ORDER

The meeting was called to order at 4:00pm.

2 ACKNOWLEDGEMENT OF THE YUULU?I?ATH

Council acknowledged the Yuulu?i?ath, on whose traditional territories the District of Ucluelet operates.

3 NOTICE OF VIDEO RECORDING

Audience members and delegates were advised that the proceeding was being video recorded and broadcast on YouTube and Zoom, which may store data on foreign servers.

4 LATE ITEMS

There were no late items.

5 APPROVAL OF AGENDA

- 5.1 The second scheduled delegation, Mr. McLane of First Light Developments, was unexpectedly unable to attend but looks forward to presenting at a future Council meeting. Item 10.1 was deferred to a future meeting of Council, when Mr. Lawrence is available to attend.**

2022.2051.REGULAR *It was moved and seconded **THAT** Council adopt the March 15, 2022 Regular Agenda as amended.*

CARRIED.

6 ADOPTION OF MINUTES

6.1 February 22, 2022 Regular Minutes

2022.2052.REGULAR *It was moved and seconded THAT Council adopt the February 22, 2022 Regular Minutes as presented.*

CARRIED.

6.2 February 24, 2022 Special Budget Minutes

2022.2053.REGULAR *It was moved and seconded THAT Council adopt the February 24, 2022 Special Budget Minutes as presented.*

CARRIED.

7 PUBLIC INPUT & DELEGATIONS

71 Public Input

- a) Patricia Sieber - 1058 Helen Road: Ms. Sieber asked how the goals, actions and prioritizing improvements in both communication and community engagement (as quoted from the Strategic Plan) were used to guide the Village Green or Peninsula Road projects.
- b) Jan Draeseke - The Crow's Nest: Ms. Draeseke of the Ucluelet Concerned Citizens group, asked when the public has access to information at the design level, before projects are finalized, and when do they get to put forth suggestions and give input?
- c) Bruce Forrest - 372 Marine Drive: Mr. Forrest asked who paid for the survey work that was done on the Peninsula Road project.
- d) Rina Vigneault - 926 Peninsula Road: Ms. Vigneault spoke to previous Town Hall meetings that were used in past years to provide a forum for public input.

72 Delegations

**Marcie DeWitt, Alberni Clayoquot Health Network
Re: Building Prosperity in the Alberni Clayoquot - Poverty Reduction Action Plan**

Ms. DeWitt provided a presentation reporting on the findings and recommendations of the Poverty Reduction Action plan. The ACHN's goal is to work regionally to action recommendations around poverty reduction and equity.

**Andrew McLane, APMC Holdings Ltd - First Light
Developments
Re: Lot 13 Affordable Housing Project**

Mr. McLane was unable to attend the meeting, but looks forward to presenting at a future meeting of Council.

8 UNFINISHED BUSINESS

There was no unfinished business.

9 BYLAWS

**9.1 Zoning Amendment Application - Pacific Rim Charters & Guest
Lodge (354 Forbes Road)
Bruce Greig, Director of Community Planning**

The applicant was given the opportunity to address Council.

2022.2054.REGULAR *It was moved and seconded **THAT** Council direct staff to advise the applicant to arrange for the registration of the section 219 restrictive covenant and access easement on the title of the property at 354 Forbes Road, and defer further consideration of amending the zoning designation of the property until such time as the conditions stated by Council in October 2018 are met.*

CARRIED.

**9.2 Development Variance Permit and Covenant modification - 848
Marine Drive
John Towgood, Municipal Planner**

The applicant was given the opportunity to address Council. Members of the public were also allowed to comment to the proposed DVP. Mr. Lane of 847 Marine Drive, spoke in opposition to the development variance permit being issued.

2022.2055.REGULAR *It was moved and seconded **THAT** Council reject DVP21-03.*

CARRIED.

2022.2056.REGULAR *It was moved and seconded **THAT** Council take a brief recess beginning at 5:37pm. Council returned at 5:45pm.*

CARRIED.

**9.3 Loan Authorization Bylaw No. 1304, 2022 Water System and
Filtration improvements project
Donna Monteith, Chief Financial Officer**

Ms. Monteith provided a detailed report regarding the borrowing of the funds required for the completion of the Water System and Filtration

Improvements project. She explained how this borrowing would affect our yearly debt servicing, and how it would be in the District's best interest to begin collecting extra property taxes now, in order to meet the payments later on. Ms. Monteith then detailed how the borrowing process would proceed.

- 2022.2057.REGULAR *It was moved and seconded **THAT** Council abandon District of Ucluelet Loan Authorization Bylaw No. 1268, 2020.*
CARRIED.
- 2022.2058.REGULAR *It was moved and seconded **THAT** Council approve Option A, to give first, second and third reading of Loan Authorization Bylaw No. 1304, 2022.*
CARRIED.
- 2022.2059.REGULAR *It was moved and seconded **THAT** Council direct staff to submit District of Ucluelet Loan Authorization Bylaw No. 1304, 2022 to the Inspector of Municipalities for approval.*
CARRIED.
- 2022.2060.REGULAR *It was moved and seconded **THAT** Council direct staff to revise the District of Ucluelet's five-year financial plan to include a 3% property tax increase to be placed into the Water Capital Reserve fund for future debt servicing of the water system and filtration improvements project.*
CARRIED.

**9.4 Single-Use Item Regulation Bylaw Amendment No. 1298, 2022
Paula Mason, Manager of Corporate Services**

Ms. Mason presented a report regarding adding plastic utensils to the list of regulated single-use items in our existing Single-Use Item Regulation bylaw.

- 2022.2061.REGULAR *It was moved and seconded **THAT** Council approve Option A, to adopt the Single-Use Item Regulation Amendment Bylaw No. 1298, 2022 as presented.*
CARRIED.

10 REPORTS

**10.1 Amphitrite Point House Funding
Abby Fortune, Director of Parks & Recreation**

This report was deferred to a future meeting of Council, when Mr. Lawrence is available to attend.

**10.2 2022-2027 MFA Equipment Financing Loan Authorization
Donna Monteith, Chief Financial Officer**

Ms. Monteith provided a report seeking a special resolution from Council for an equipment financing loan from the Municipal Finance Authority in

the amount of up to \$350,000 for the purposes of purchasing fleet equipment and vehicles.

2022.2062.REGULAR *It was moved and seconded **THAT** the Council of the District of Ucluelet authorize up to \$350,000 be borrowed, under section 175 of the Community Charter, from the Municipal Finance Authority, for the purpose of purchasing fleet vehicles and equipment; and **THAT** the loan be repaid within 5 years, with no rights to renew.*

CARRIED.

10.3 Contract Authorization for Peninsula Road Safety and Revitalization Project
James MacIntosh, Director of Engineering Services

Mr. MacIntosh provided a summary of his report. Councilor Hoar asked for clarification whether Option A would include the design of Larch Road in the overall design, thus making Larch Road "shovel ready" and available for staff to apply for the Active Transportation Grant that potentially has a Spring 2022 intake. Mr. MacIntosh confirmed that Councilor Hoar was seeing that clearly.

2022.2063.REGULAR *It was moved and seconded **THAT** Council approve Option A, to the Mayor and Corporate Officer to execute a contract between McElhanney and the District of Ucluelet for the design and construction management services of the Peninsula Road Safety and Revitalization Project in an amount of \$330,000 plus tax.*

CARRIED.

10.4 YG Referral – Amendments to Zoning and Structures Act and Official Community Plan
Bruce Greig, Director of Community Planning

Mr. Greig presented a referral that had been received from the Yuułu?iŋ?ath Government and a draft response letter for Council's consideration.

2022.2064.REGULAR *It was moved and seconded **THAT** Council direct staff to issue a response to the Yuułu?iŋ?ath Government request for comment on the proposed amendments to the Yuułu?iŋ?ath Government Zoning and Structures Act Amendment Act No. 3 and Official Community Plan Act as presented in the attached letter to staff in Report No. 22-37.*

CARRIED.

10.5 2022 Grants in Aid and In-Kind Contributions
Donna Monteith, Chief Financial Officer

Council approved \$17,750 in Grant in Aid contributions and \$53,721 in In-Kind contributions.

2022.2065.REGULAR *It was moved and seconded **THAT** Council authorize the Grants in Aid and In-Kind contributions for 2022 as presented in the approved Schedule of 2022 Grants in Aid and Council Contribution Requests; and, **THAT** Council direct staff to amend the draft Five Year Financial Plan by increasing the property tax requisition by an amount equal to the increase in grant in aid contributions as approved in the Schedule of 2022 Grants in Aid and Council Contribution Requests.*

CARRIED.

11 NOTICE OF MOTION

11.1 There were no Notices of Motion.

12 CORRESPONDENCE

**12.1 Housing Needs Report comments
Art Skoda, Ucluelet Resident**

Mayor Noel advised that the Housing Needs Report was funded by grant funding, not taxpayer funds. He also spoke to the fact that when matters regarding re-zoning come before Council, our community's housing needs are certainly taken into consideration during the decision making process. Mayor Noel also mentioned that discussions regarding a road extension between Cedar Street and Lyche Road have been ongoing before Council since the 1980's.

**12.2 Village Green Proposal
Patricia Sieber, Ucluelet Resident**

Mayor Noel assured Ms. Sieber who was in the audience, that her concerns are heard, that there will be upcoming community engagement where appropriate during project development and that there are bathrooms already approved for the Cedar Hub parking lot. Ms. Sieber was invited back to the microphone to continue her comments. Her overall concern was the distance of the bathrooms from the children's playground in the Village Green area. Councilor McEwen confirmed that the land that will hold the Cedar Hub bathrooms was actually purchased by the previous Council with the specific intention of having bathrooms, parking and lighting available in its specific location.

13 INFORMATION ITEMS

**13.1 City of Maple Ridge to Minister Dix - Vaccine Restrictions
Stephanie Nichols, Corporate Officer, City of Maple Ridge**

**13.2 C.A.R.E. Network - Letters of Support
Ucluelet/Tofino Residents**

13.3 February 2022 Regional Meetings update

Tara Faganello, Assistant Deputy Minister, Ministry of Municipal Affairs

13.4 AVICC 2022 Convention brochure
AVICC President Morrison

13.5 Presentation to Federal Justice Committee re: prostitution in Canada
Cathy Peters, BC anti-human trafficking educator, speaker, advocate

14 MAYOR'S ANNOUNCEMENTS

14.1 Mayor Noel asked Councilor McEwen to give an update on the upcoming Whale Festival. Councilor McEwen highlighted that although planning has been focused on both virtual and outdoor events due to health restrictions, with the recent change to PHO's there will now be some additional indoor events planned. Heartwood will be hosting two events, Dinner in the Gardens, as well as a cooking demonstration called Marvelous Mollusks. There will be Uzume Taiko Drummers performing and hosting workshops at the Community Centre. Barnacle Ballads with Tiller's Folly will be performing at Long Beach Lodge Resort. PRAS event Art Splash will be held in the ballroom at Black Rock Resort.

15 COUNCIL COMMITTEE REPORTS

15.1 Councillor Marilyn McEwen
Deputy Mayor January 1 - March 15, 2022

February 24: District of Ucluelet Special Budget Meeting
March 1: Harbour Authority Meeting
March 18: In-camera meeting with Vancouver Island Regional Library re: strike action

15.2 Councillor Lara Kemps
Deputy Mayor March 16 - May 31, 2022

February 24: District of Ucluelet Special Budget Meeting
March 1: Harbour Authority Meeting
March 8: Chamber of Commerce AGM

15.3 Councillor Jennifer Hoar
Deputy Mayor June 1 - August 15, 2022

February 24: District of Ucluelet Special Budget Meeting
March 1: Harbour Authority Meeting

15.4 Councilor Rachelle Cole

Deputy Mayor August 16 - October 31, 2022

February 23: ACRD Regular Board Meeting
February 28: Back Roads Task Force meeting
March 2: West Coast Committee meeting
March 9: Alberni Clayoquot Regional Hospital District meeting

NB: BC Ambulance Service's Ucluelet station is looking for Class 4 drivers.

15.5 Mayor Mayco Noël

16 QUESTION PERIOD

16.1 The Clerk read aloud correspondences by the following people that were submitted via email to communityinput@ucluelet.ca:

Pieter Timmermans

Nora O'Malley x 2

Whitney Tilson (nee Touserhani)

Staff and Council addressed some of the issues raised.

The following members of the audience had the opportunity to address Council:

Patricia Sieber

Rena Vigneault

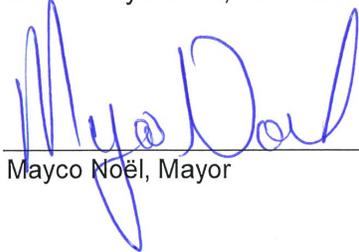
Bruce Forrest

Jan Draeseke

17 ADJOURNMENT

The meeting was adjourned at 7:51pm.

CERTIFIED CORRECT: Minutes of the Regular Council Meeting held on Tuesday, March 15, 2022 at 4:00 pm in the Ucluelet Community Centre, 500 Matterson Road, Ucluelet, BC.



Mayco Noël, Mayor



Paula Mason, Deputy Corporate Officer

DISTRICT OF UCLUELET

Zoning Bylaw Amendment Bylaw No. 1310, 2022

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

(Zoning amendments to replace *Bed & Breakfast* with *Accessory Residential Dwelling Unit* uses in most residential zones).

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 Amendments:

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

- A. By replacing within Division 100 – Enactment and Interpretation, Section 103 Definitions the definition of *Accessory Residential Dwelling Unit* so that the new definition reads as follows:

“**Accessory Residential Dwelling Unit**” (“ADU”) means one *accessory building* used as a *dwelling unit* for *residential* purposes only, accessory to a *single family dwelling* on the same *lot*, and may be occupied by the property owners, their family members, caretakers, *residential rental tenure* tenants or non-paying guests.”

- B. By adding within Division 100 – Enactment and Interpretation, Section 103 Definitions the following in alphabetical order:

“**Principal Residence – Non-Property Owner**” means the dwelling where an individual lives, makes their home, and conducts their daily affairs including, without limitation, paying bills and receiving mail and is generally the dwelling unit with the residential address used on documentation related to billing, identification, taxation and insurance purposes, including, without limitation, income tax returns, Medical Services Plan documentation, driver’s licences, personal identification, vehicle registration and utility bills;

“**Principal Residence – Property Owner**” means the dwelling where an individual lives and is the property where the person claims the provincial home owner grant;

- C. By amending Division 400 – Supplemental Regulations to make the following changes:
- i. within Section 401 - Accessory Buildings and Structures by adding in alphanumerical order a new subsection 401.4(2)(c) containing the following:

“(c) an *accessory residential dwelling unit* in a Zone that lists such as a permitted use.”
 - ii. within Section 401 - Accessory Buildings and Structures by adding in alphanumerical order a new subsection 401.4(3) containing the following:

“(3) an *accessory residential dwelling unit* in a Zone that lists such as a permitted use.”
 - iii. by replacing Section 404 - Bed & Breakfasts with the following:

“404 BED & BREAKFASTS

404.1 One *bed and breakfast* 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 *bed and breakfast*:

- (1) *Bed and Breakfasts* are only permitted:
 - (a) in the Zones where *single family dwelling* is listed as a *principal permitted use* and *bed and breakfast* 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) within one *single family dwelling* per lot; and
 - (d) within a *building* and on a *lot* that does not include a *Daycare Centre* or a *Community Care Facility*.
- (2) A maximum of three (3) guest rooms may be used for the *bed and breakfast* with a maximum occupancy of two (2) guests per room.
- (3) The gross floor area devoted to the *bed and breakfast* use must not exceed 35% of the habitable area of the *single family dwelling* in which it is located.
- (4) The area designated for *Bed and Breakfast* use (including *guest rooms* 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 Licence is required in order to register a *bed and breakfast*.
 - (6) Off-street parking must be provided in accordance with Division 500.
 - (7) Consistent with a traditional bed and breakfast use a *bed and breakfast* use must include a minimum service of a continental breakfast.
 - (8) A *bed and breakfast* use must be accessed from the main entry of the home in which it operates, and cannot operate remotely utilizing coded entry locks and/or key lock boxes.
 - (9) Any exterior door to rooms used for *bed and breakfast* uses must not be utilized as the principal entrance and exit to the *bed and breakfast* use.
 - (10) A *bed and breakfast* use is an integral part of the home and must not have a separated or locked-off common area.

404.2 For greater certainty, notwithstanding other provisions of this Bylaw, *Bed and Breakfasts*:

- (1) must not be combined with *Guest House, Vacation Rentals, Resort Condo* or other *commercial tourist accommodation*;
- (2) must not be combined with *Guest Cottage* use unless *guest cottage* is a specifically permitted use for the *Zone* in which the *Bed & Breakfast* is located; and
- (3) must not be combined with or located, in whole or in part, in a *duplex, multiple family residential building, mixed commercial/residential building, or mixed industrial/residential building*;
- (4) 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*.

404.3 *Bed and Breakfasts*:

- (1) must not be combined with *Guest House, Vacation Rentals, Resort Condo* or other *commercial tourist accommodation*;
- (2) must not be combined with *Guest Cottage* use unless *guest cottage* is a specifically permitted use for the *Zone* in which the *Bed & Breakfast* is located; and
- (3) must not be combined with or located, in whole or in part, in a *duplex, multiple family residential building, mixed commercial/residential building, or mixed industrial/residential building*;

(4) 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*.”

- iv. within Section 405 – Guest Houses and Guest Cottages by deleting “*accessory residential dwelling unit*” from subsection 405.3(3); and,
- v. by adding a new Section 408 – Accessory Residential Dwelling Units in alphanumerical order containing the following:

“408 ACCESSORY RESIDENTIAL DWELLING UNIT (ADU)

408.1 Where a Zone specifically includes an *Accessory Residential Dwelling Unit* as a permitted secondary use, one *Accessory Residential Dwelling Unit* use is permitted if all the following conditions are satisfied for the establishment and continued use of the *Accessory Residential Dwelling Unit*.

- (1) *Accessory Residential Dwelling Units* are only permitted in the Zones where *single family dwelling* is listed as a *principal permitted use* and *Accessory Residential Dwelling Unit* is identified as a *secondary permitted use*.
- (2) The *gross floor area* of the *Accessory Residential Dwelling Unit* must not exceed 7% of the lot area to a maximum of 90 m².
- (3) The *gross floor area* of the *Accessory Residential Dwelling Unit* can be excluded from the calculation of maximum size for accessory buildings in the regulations specific to each zone.
- (4) A minimum outdoor space equal to the gross floor area of the *Accessory Residential Dwelling Unit* shall be provided as a dedicated space for use by residents of the *Accessory Residential Dwelling Unit*.
- (5) An *Accessory Residential Dwelling Unit* must not have more than 2 bedrooms.
- (6) A clear pathway with a minimum width of 1.0m shall be provided from the sidewalk or street to the front door of the *Accessory Residential Dwelling Unit*.
- (7) Cantilevered balconies are not permitted on the interior side or rear faces of an *Accessory Residential Dwelling Unit*.

- (8) An *Accessory Residential Dwelling Unit* is only permitted where the owner of the lot has registered a covenant under section 219 of the *Land Title Act* against the title of the lot, in favour of the District of Ucluelet and satisfactory in its form and priority of registration, providing that the *Accessory Residential Dwelling Unit* must not be subdivided from the lot containing the principal building, whether pursuant to the Strata Property Act, the Land Title Act, or otherwise.
- (9) Off-street parking must be provided in accordance with Division 500.
- (10) An *Accessory Residential Dwelling Unit* must be located a minimum of 3m from any lot line and a minimum 4m from the principal dwelling.
- (11) Despite subsection (1) *Accessory Residential Dwelling Units* are also permitted in some Industrial and Commercial zones according to the regulations of those zones.

408.2 In addition to minimum height requirements of other parts of this bylaw:

- (1) For an *Accessory Residential Dwelling Unit* whose roof pitch is equal to or greater than 3:12, the maximum height shall not exceed 4.2m.
- (2) For an *Accessory Residential Dwelling Unit* with flat roofs or roofs with a pitch less than 3:12, the maximum height shall not exceed 3.75m.
- (3) The height of an *Accessory Residential Dwelling Unit* may be increased by 0.3m vertical distance for every 0.6m increase in excess of the minimum setbacks established by this bylaw, to a maximum height of 6.5m.
- (4) For an *Accessory Residential Dwelling Unit* with flat roofs or roofs with a pitch less than 3:12, the area of a second floor shall be no greater than 60% of the total floor area beneath it.

408.3 For greater certainty, notwithstanding other provisions of this Bylaw, an *Accessory Residential Dwelling Unit* :

- (1) Must not contain a *home occupation* if the principal *single family dwelling* contains a *home occupation*.

(2) Must not contain any type of *commercial tourist accommodation* use.

(3) Must not be established or operate in addition to the maximum number of *dwelling units* in the form of *Guest Cottages* on a property in the GH – Guest House zone.”

D. By amending Division 500 – Off-Street Parking to make the following changes:

i. within Section 504 – Off-Street Parking Design Standards by adding in alphanumeric order a new subsection 504.7 containing the following:

“504.7 Off-street parking areas on a lot serving Single Family Dwelling, Duplex Dwelling, Secondary Suite, Accessory Dwelling Unit and/or Bed & Breakfast uses shall be accessed by no more than two driveways from a public road with a maximum total combined driveway crossing width at property line of 7m, except for a corner lot which may be accessed by no more than one driveway from each of the fronting and flanking streets, with maximum driveway crossing widths at property line of 7m and 3m, respectively.”

E. By inserting “*Accessory Residential Dwelling Unit*” as a permitted secondary use into the list of permitted uses in the following subsections within the Zones:

- i.** R-1.1.1.1(2)(d) [R-1 Single Family Residential]
- ii.** R-2.1.1(2)(d) [R-2 Medium Density Residential]
- iii.** R-4.1.1(2)(d) [R-4 Small Lot Single Family Residential]
- iv.** RU-1.1(2)(e) [RU Rural Residential]
- v.** GH-1.1(2)(b) [GH Guest House]
- vi.** CD-1.1.1(2)(d) [CD-1 Eco-Industrial Park]
- vii.** CD-2A.1.1(2)(d) [CD-2A Big Beach - District Lot 281]
- viii.** CD-3A.1.1(2)(d) [CD-3A Rainforest - District Lot 282]
- ix.** CD-5B.1.1(2)(d) [CD-5B Former Weyco Forest Lands – Development Area #2 Central Park]
- x.** CD-5C.1.1(2)(c) [CD-5C Former Weyco Forest Lands – Development Area #3 Ocean West]

F. By deleting subsection R-1.1.1(3);

G. By deleting subsection CD-3A.1.1(3); and,

H. By deleting subsection 403.1(5).

2. Citation:

This bylaw may be cited as “District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022”.

READ A FIRST TIME this **31st** day of **May** , 2022.

READ A SECOND TIME this **31st** day of **May** , 2022.

PUBLIC HEARING held this **28th** day of **June** , 2022.

SECOND READING RESCINDED this **2nd** day of **August** , 2022.

AMENDED this **2nd** day of **August** , 2022.

READ A SECOND TIME AS AMENDED this **2nd** day of **August** , 2022.

PUBLIC HEARING held this day of , 2022.

READ A THIRD TIME this day of , 2022.

ADOPTED this day of , 2022.

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022.”

Mayco Noël
Mayor

Corporate Officer

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

Corporate Officer

NOTICE OF PUBLIC HEARING

Notice is hereby given that pursuant to Sections 464 and 466 of the *Local Government Act* a Public Hearing will be held for District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022 at the **Ucluelet Community Centre, located at 500 Matterson Drive, Ucluelet B.C. on Tuesday, August 23, 2022, commencing at 5:30 p.m.**

The purpose of this proposed bylaw, in general terms, is to amend *District of Ucluelet Zoning Bylaw No. 1160, 2013*, to update the definitions and regulations within the zoning bylaw as they affect the accessory Bed and Breakfast, Accessory Residential Dwelling Unit (commonly thought of as a cabin or cottage) and Secondary Suite uses on lands in single-family residential zones including the R-1, R-2, R-4, RU, GH, CD-1, CD-2A, CD-3A, CD-5B, and CD-5C. Amendment to the regulation of access to off-street parking for single-family homes and the aforementioned accessory uses is also part of the proposed bylaw. In broad terms the bylaw would clarify the already permitted Bed and Breakfast uses and add Accessory Residential Dwelling Unit as a permitted accessory use in most single-family residential zones.

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

Participate by Written Submission: All Written submissions must include your name and street address. Any submissions dropped-off or mailed to the District office, must be received before the start of the Public Hearing. Submissions sent by email or dropped-off at the Public Hearing may be submitted until the hearing is closed. Written submissions are considered part of the public record pursuant to the *Freedom of Information and Protection of Privacy Act*.

Drop-off at the District Office	Drop-off at the Public Hearing	Mail	Email
200 Main Street Ucluelet B.C. (there is a drop-box on site)	Ucluelet Community Centre 500 Matterson Drive Ucluelet B.C.	District of Ucluelet P.O. Box 999 Ucluelet B.C. VOR 3A0	communityinput@ucluelet.ca

Attend In-Person, by Telephone or Using Zoom Online:	Attend In-person	Attend by Telephone Through Zoom Webinar	Attend Using Zoom Webinar Online URL:
	Ucluelet Community Centre, 500 Matterson Drive, Ucluelet B.C. If you do plan to attend in-person, we ask that you follow all current Provincial Health guidance and protocols.	One tap mobile: • +17789072071,,81133515485# Telephone: • +1 778 907 2071 Webinar / Meeting ID: 811 3351 5485 International numbers available at: https://us02web.zoom.us/j/kdeKbKVs24	https://us02web.zoom.us/j/81133515485

For more information about how to participate via Zoom visit <https://ucluelet.ca/community/district-of-ucluelet-council/public-hearings> or contact the Corporate Service Department at 250-726-7744. Public Hearings are also livestreamed on the District of Ucluelet’s YouTube Channel.

Review related materials: Copies of the proposed Bylaws and other relevant materials may be inspected online at <https://ucluelet.ca/community/district-of-ucluelet-council/public-hearings>. Paper copies are also available for inspection at the District of Ucluelet Office, 200 Main St., Ucluelet B.C. (Monday to Friday, 8:30 a.m. - 4:00 p.m., excluding statutory holidays).

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



Frequently Asked Questions:

On August 2nd, 2022, the Ucluelet municipal Council gave second reading to an amended version of **Zoning Amendment Bylaw No. 1310** and referred the bylaw to a public hearing (to be held on August 23rd). Bylaw No. 1310 would make changes to the zoning bylaw including changes to the definition and regulations for Bed & Breakfast uses.

Existing B&B's:

I have a business licence for a B&B in my existing home, and my B&B rooms have exterior entrances with no internal connection to the main house – if the new regulations in Bylaw No. 1310 are adopted, would I have to renovate my home in order to keep operating my B&B?

No. Because the business was licenced prior to the bylaw change you would not need to change anything in your home to continue operating your B&B. **Please also see the note on the [Business Regulation and Licensing Bylaw No. 1313](#), below.*

New Buildings:

I have a building permit and my house is under construction. My approved house plans include extra bedrooms with exterior entrances that I am planning on using to operate a B&B. Construction won't be complete until some time next year - so I am not ready to apply for a business licence yet. If the new regulations in Bylaw No. 1310 are adopted, will I be unable to get a business licence – and do I have to change how I am building my home in order to be eligible to run a B&B?

No. Because you have obtained a building permit and are already underway, you will be able to complete the process of construction, occupancy and business licensing as long as you comply with the “old” zoning regulations which were in effect back when you submitted your building permit application.

Building Permits in process:

I applied for a building permit prior to August 2nd, 2022, and my house plans include extra bedrooms with exterior entrances that I am planning on using to operate a B&B. The review of my building permit application is not yet complete – will it be rejected because of the changes in Bylaw No. 1310?

No. Applications for building permits prior to August 2nd can carry on. Review of the building permit would be against the zoning regulations that were in place prior to August 2nd. Permitting, construction, occupancy and business licensing can all be completed as long as you comply with the “old” zoning regulations which were in effect back when you submitted your building permit application.

Future Buildings:

I have been thinking about submitting a building permit application to build a house including extra bedrooms with separate entrances which I would like to use to operate a B&B. Would the proposed new regulations in Bylaw No. 1310 affect my application?

Yes. Applicants for building permits after August 2nd should be aware of the new regulations which Bylaw No. 1310 would bring into effect. When new zoning regulations are being considered, Council has the authority to withhold



building permits for up to 90 days while the process of updating the bylaw runs its course. At this point in time it is advisable to understand the changes in the regulations being considered with Bylaw No. 1310, and adjust your plans accordingly.

On August 2nd, 2022, Council also gave first three readings to **Business Regulation and Licensing Bylaw Amendment Bylaw No. 1313**. If adopted, the new regulations would apply to all applications for business licences. This would affect both new businesses and the renewal of existing business licences.

Changes to the regulation of Bed & Breakfast accommodation include the following:

- The B&B licence must only be for the principal residence of the B&B licence holder.
- New requirements for online advertising of B&B's to show the business licence number, maximum occupancy and number of parking spaces available.
- New requirement for B&B's to post the business licence number, maximum occupancy, maximum number of guest vehicles and owner contact on an approved sign at the property line visible from the public road.

The new advertising requirements would take effect on May 1st, 2023.

For more information on Bylaws No. 1310 and 1313, visit www.ucluelet.ca



REPORT TO COUNCIL

Council Meeting: August 2, 2022

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, DIRECTOR OF COMMUNITY PLANNING **FILE NO:** 3360-20-RZ22-06

SUBJECT: **BED & BREAKFASTS AND ACCESSORY RESIDENTIAL DWELLING UNITS—AMENDMENTS TO THE UCLUELET ZONING BYLAW AND BUSINESS REGULATION AND LICENSING BYLAW.** **REPORT NO:** 22- 110

ATTACHMENT(S): APPENDIX A – ZONING AMENDMENT BYLAW No. 1310 , 2022 (WITH PROPOSED AMENDMENTS)
APPENDIX B - ZONING AMENDMENT BYLAW No. 1310 , 2022 (WITH CHANGES TRACKED)
APPENDIX C – DRAFT UCLUELET BUSINESS REGULATION AND LICENSING BYLAW AMENDMENT BYLAW No. 1313, 2022

RECOMMENDATION(S):

1. **THAT** Council rescind second reading of *District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022*;
2. **THAT** Council amend *District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022*, to include the changes presented in staff report number 22-110 dated August 2, 2022;
3. **THAT** Council give second reading to *District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022*, as amended;
4. **THAT** Council refer *District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022.*, to a public hearing;
5. **THAT** Council give first, second and third reading to *Ucluelet Business Regulation and Licensing Bylaw Amendment Bylaw No. 1313, 2022*; and,
6. **THAT** Council direct staff to publish notice on the District website and in 2 issues of the Westerly news of the proposed *Ucluelet Business Regulation and Licensing Bylaw Amendment Bylaw No. 1313, 2022*, and provide an opportunity for the public to make written representations or verbal comments to Council prior to adoption of the bylaw.

BACKGROUND:

After the public hearing held on June 28, 2022, and discussion in the Council meeting held June 29, 2022, Council resolved, *“THAT Council, with regard to Zoning Amendment Bylaw 1310, 2022, direct staff to amend the bylaw and refer the bylaw to a Committee of the Whole meeting.”* A Committee of the Whole meeting was held July 19, 2022, and the recommendations arising from that discussion were subsequently ratified by Council.

COUNCIL DIRECTION AND BYLAW CHANGES:

The Committee-of-the-Whole discussion helped clarify the desired direction on land uses allowed in single-family residential zones. The discussion differentiated between “traditional bed and breakfast (B&B)” uses (as a room or rooms within a home rented out to a vacationing guest and utilizing the main entrance to the home with a high interaction level between the guest and the owner) and a “Guest Suite” (as a vacation rental suite with a private entrance and requiring limited interaction between the owner and guest).

The discussion confirmed the following goals:

- Preserve traditional B&B use in residential areas and consider ways to slow or contain “Guest Suite” type uses in residential areas.
- Establish a balance between residential and tourist commercial accommodation in residential zones to prioritize residential uses and maintain the “Low-ish Growth Scenario”.
- Stop or slow the loss of existing long-term rental suites.
- Add ADUs as a permitted secondary use in residential zones.
- Limit the impact of B&Bs and/or accessory residential units on the public streetscape and the supply of public on-street parking.
- Provide a method of notifying neighbours when a business licence is being issued for commercial tourist accommodation in residential areas.

Council discussed and provided direction on a number of specific actions which can achieve the above goals. The following are key changes within the Zoning Bylaw and Business Regulation and Licensing Bylaw to put these into effect:

Zoning Bylaw:

1. Add new definitions to clarify what constitutes a “principal residence”.
2. Update the definition of *accessory residential dwelling unit* (ADU).
3. Replace the regulations for *bed and breakfast* uses with a new section containing the following key changes:
 - a. Clarify that the bed and breakfast must be located in the *principal residence* of the B&B operator.
 - b. Clarify a maximum of 3 bedrooms and maximum 2 guest per room.
 - c. Limit the area devoted to the *bed and breakfast* use to a maximum of 35% of the home.
 - d. Remove the ability for *bed and breakfast* rooms to have a kitchenette.
 - e. Require that a *bed and breakfast* use must not displace a *secondary suite*.
4. Allow that an ADU may be built in the front, rear or side yards of a property containing a single family dwelling.
5. Allow that an ADU may coexist on a property with a *secondary suite* or a B&B.
6. Allow that a *secondary suite* may coexist on a property with an ADU or a B&B.
7. Add a maximum width for new driveways connecting to the public road right-of-way, to maintain the potential for areas of uninterrupted public boulevard and on-street parking.

The *Ucluelet Zoning Amendment Bylaw No 1310, 2022*, has been amended to incorporate these changes. The updated bylaw can be found in **Appendix “A”**, and a version with all changes tracked and explanatory notes is found in **Appendix “B”**.

Business Regulation and Licensing Bylaw:

1. Add new definitions to clarify what constitutes a “principal residence” (mirroring the new definitions in the zoning bylaw).
2. Replace the definition of *bed and breakfast* to align with the definition in the zoning bylaw.
3. Add a new section specifying regulations for *bed and breakfast* uses:
 - a. Require that a B&B operate in the principal residence of the business owner and licence holder, and that the operator be present and available when the B&B has guests;
 - b. Make the *advertisement* of a B&B a business activity requiring a licence;
 - c. Require contact information for the B&B owner operator and, if applicable, an alternate adult operator who can be responsible for responding to inquiries;
 - d. Require that the B&B operator include in all online listings:
 - i. the valid Ucluelet business licence number.
 - ii. the number of off-street guest parking spaces available for each B&B room and a statement that is the maximum number of vehicles a guest is permitted to bring to the premises.
 - iii. the maximum permitted guest occupancy of the B&B pursuant to the zoning bylaw and the issued business licence.
 - e. Require that businesses with accommodation classification operating in residential areas (i.e., B&B's, Guest Houses and Vacation Rentals) must display a sign complying with the District's standard - in an exterior location near the property line and visible from the street (e.g., adjacent to the required civic address sign) - noting the business licence number, maximum occupancy, maximum number of guest vehicles and a contact number.
 - f. Require that businesses with accommodation classification operating in residential areas maintain a guest register;
 - g. Require a B&B operator to provide to the Licence Inspector upon request a copy of the guest register and booking records produced by each online listing platform;

A draft *Ucluelet Business Regulation and Licensing Bylaw Amendment Bylaw No. 1313, 2022*, is found in **Appendix “C”**, incorporating these changes.

The amendments to the *Business Regulation and Licensing Bylaw* include a new requirement for a small sign / decal posted where visible from the street as a mechanism to notify neighbours, provide basic information on the scale of permitted tourist accommodation, and provide the business phone number. This would provide a first point of contact in case there are questions or issues with the operation.

The new requirement for vacation rental businesses to include their business licence number in any online advertisements would aid in bylaw investigation and enforcement efforts.

Accessory Dwelling Unit (ADU) setbacks:

The updated Bylaw No. 1310 has removed any limitation of placing an ADU in the front or side yards of residential properties. The regular front yard setbacks would apply per the existing zoning. The side yard setback for an ADU would remain at a minimum of 3m.

Growth of Tourist Accommodation:

Bylaw Nos. 1310 and 1313 would leave the B&B use as an outright accessory use in most residential zones, with a maximum of 3 guest rooms. Council discussed whether to reduce the number of rooms permitted outright, and the majority appeared to support leaving it at the 3-room maximum. The continued allowance of 3-room B&B's can be expected to result in a growing supply of tourist accommodation in

town. The future pace of this growth is unknown, and one option is to monitor whether the bylaw changes as drafted (if adopted) will have an effect on the tourist accommodation growth rate. The impact on town, and whether further changes are necessary, could be left for another day.

Alternatively, if Council wishes to slow the pace of tourist accommodation growth by reducing the maximum number of B&B rooms, that could be achieved by amending the 3-room maximum written in Bylaw Nos. 1310 and 1313 before consideration of further readings.

“Housekeeping” items:

Two items have been identified to clean up the bylaws in question:

1. In the zoning bylaw, section 403.1(5) states that a business licence is required in order to “register” a secondary suite. The schedule of business licence fees in the business licensing bylaw does not contain a fee for a secondary suite business licence, and staff can find no record of a business licence ever being issued for any of the existing secondary suites in town. Staff consider section 403.1(5) an obsolete requirement; the revised Bylaw No. 1310 would delete this subsection.
2. *Ucluelet Business Regulation and Licensing Bylaw No. 922, 2003*, as amended, contains reference to dates which have been superseded by Council direction. The business licence period for the past several years has been May 1st to April 30th of the following year. The deletion of sections 4.1(c), 4.1(d) and 5.2 – and the amendment of section 7.1 – would bring the bylaw into alignment with the District’s practices. The deletion of Schedule ‘A’ reflects that the business licence fees are now located in the Fees and Charges bylaw. The proposed amendment Bylaw No. 1313 includes these changes.

OPTIONS:

A	<p>That Council give second reading to the revised version of the bylaw and send <i>District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022</i>, to a public hearing, and give three readings to <i>Ucluelet Business Regulation and Licensing Bylaw Amendment Bylaw No. 1313, 2022</i>.</p>	<u>Pros</u>	<ul style="list-style-type: none"> • The changes drafted in Bylaw No. 1310 would update the zoning regulations to slow the recent pattern of commercialization of residential properties and the creation of guest suites. • Bylaw No. 1310 would facilitate the creation of new accessory dwelling units in the form of detached cottages. • Bylaw No. 1313 would assist in monitoring and enforcement of B&Bs, and also provide a means of identifying at the street front where B&Bs are licensed in a neighbourhood. • The bylaws would require that a B&B be operated in the principal residence of the business owner.
		<u>Cons</u>	<ul style="list-style-type: none"> • At some point would need to revisit OCP policies, goals and strategies for balancing tourist accommodation with adequate housing for Ucluelet residents. • Would need to revisit the long-term growth scenario analysis and the “Low(ish) Growth” pattern endorsed by Council in the OCP; all growth scenarios assumed that B&B uses in residential areas would be capped and not continue expanding per the recent trend. Without a

		change in the existing regulations, the balance of housing vs. tourist accommodation may continue to worsen.	
	Implications	<ul style="list-style-type: none"> Adopting Bylaw No. 1310 would adjust the Zoning Bylaw to reflect the community priority of creating more affordable and diverse housing opportunities. 	
B	That Council make further amendments to the zoning bylaw and/or business licensing bylaw as desired.	<p>Pros</p> <ul style="list-style-type: none"> Could align with Council direction. If Council has a clear idea of changes it would like to see, they can be made as the item is being considered by Council. <p>Cons</p> <ul style="list-style-type: none"> If amendments need to be referred back to staff, it would be difficult for bylaw amendments to be completed in this Council term. <p>Suggested Motion</p> <ul style="list-style-type: none"> That Council, with regard to [<i>District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022</i>], or [<i>Ucluelet Business Regulation and Licensing Bylaw Amendment Bylaw No. 1313, 2022</i>] change _____. 	
	C	That Council abandon <i>District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022</i> .	<p>Pros</p> <ul style="list-style-type: none"> Would satisfy some current property owners.
			<p>Cons</p> <ul style="list-style-type: none"> Ongoing expansion of short-term vacation rentals on residential properties throughout town. Further erosion of the secondary rental housing base in Ucluelet. Further speculation and commercialization of residential properties, exacerbating the inflation of property values. ADU detached cottages would not be permitted as a secondary use in residential zones – owners wishing to build a detached dwelling would still need to first apply for rezoning. New B&B operations could continue to be established in existing residential neighbourhoods. Would need to revisit OCP policies and goals for balancing tourist accommodation with adequate housing for Ucluelet residents. Would need to revisit the long-term growth scenario analysis and the “Low(ish) Growth” pattern endorsed by Council in the OCP; all growth scenarios assumed that B&B uses in residential areas would be capped and not continue expanding per the recent trend. Without a change in the existing regulations, the balance of housing vs. tourist accommodation would continue to worsen.
<p>Suggested Motion</p> <p>No motion required.</p>			

NEXT STEPS:

The *Zoning Amendment Bylaw No. 1310, 2022*, has previously been the subject of a public hearing. If amendments are desired, another public hearing would be required.

If Council is considering adopting amendments to the *Business Regulation and Licencing Bylaw*, as laid out in Bylaw No. 1313, it should give notice and provide a means for public input prior to adopting the bylaw. The form of notice is at Council's discretion.

Respectfully submitted: BRUCE GREIG, DIRECTOR OF COMMUNITY PLANNING
DUANE LAWRENCE, CAO

DISTRICT OF UCLUELET
Zoning Bylaw Amendment Bylaw No. 1310, 2022

A bylaw to amend the "District of Ucluelet Zoning Bylaw No. 1160, 2013".
(Zoning amendments to replace *Bed & Breakfast* with *Accessory Residential Dwelling Unit* uses in most residential zones).

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 Amendments:

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

- A. By replacing within Division 100 – Enactment and Interpretation, Section 103 Definitions the definition of *Accessory Residential Dwelling Unit* so that the new definition reads as follows:

"Accessory Residential Dwelling Unit" ("ADU") means one *accessory building* used as a *dwelling unit* for *residential* purposes only, accessory to a *single family dwelling* on the same *lot*, and may be occupied by the property owners, their family members, caretakers, *residential rental tenure* tenants or non-paying guests."

- B. By adding within Division 100 – Enactment and Interpretation, Section 103 Definitions the following in alphabetical order:

"Principal Residence – Non-Property Owner" means the dwelling where an individual lives, makes their home, and conducts their daily affairs including, without limitation, paying bills and receiving mail and is generally the dwelling unit with the residential address used on documentation related to billing, identification, taxation and insurance purposes, including, without limitation, income tax returns, Medical Services Plan documentation, driver's licences, personal identification, vehicle registration and utility bills;

"Principal Residence – Property Owner" means the dwelling where an individual lives and is the property where the person claims the provincial home owner grant;

- C. By amending Division 400 – Supplemental Regulations to make the following changes:
- i. within Section 401 - Accessory Buildings and Structures by adding in alphanumerical order a new subsection 401.4(2)(c) containing the following:

“(c) an *accessory residential dwelling unit* in a Zone that lists such as a permitted use.”
 - ii. within Section 401 - Accessory Buildings and Structures by adding in alphanumerical order a new subsection 401.4(3) containing the following:

“(3) an *accessory residential dwelling unit* in a Zone that lists such as a permitted use.”
 - iii. by replacing Section 404 - Bed & Breakfasts with the following:

“404 BED & BREAKFASTS

404.1 One *bed and breakfast* 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 *bed and breakfast*:

- (1) *Bed and Breakfasts* are only permitted:
 - (a) in the Zones where *single family dwelling* is listed as a *principal permitted use* and *bed and breakfast* 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) within one *single family dwelling* per lot; and
 - (d) within a *building* and on a *lot* that does not include a *Daycare Centre* or a *Community Care Facility*.
- (2) A maximum of three (3) guest rooms may be used for the *bed and breakfast* with a maximum occupancy of two (2) guests per room.
- (3) The gross floor area devoted to the *bed and breakfast* use must not exceed 35% of the habitable area of the *single family dwelling* in which it is located.
- (4) The area designated for *Bed and Breakfast* use (including *guest rooms* 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 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 Licence is required in order to register a *bed and breakfast*.
- (6) Off-street parking must be provided in accordance with Division 500.
- (7) Consistent with a traditional bed and breakfast use a *bed and breakfast* use must include a minimum service of a continental breakfast.
- (8) A *bed and breakfast* use must be accessed from the main entry of the home in which it operates, and cannot operate remotely utilizing coded entry locks and/or key lock boxes.
- (9) Any exterior door to rooms used for *bed and breakfast* uses must not be utilized as the principal entrance and exit to the *bed and breakfast* use.
- (10) A *bed and breakfast* use is an integral part of the home and must not have a separated or locked-off common area.

404.2 For greater certainty, notwithstanding other provisions of this Bylaw, *Bed and Breakfasts*:

- (1) must not be combined with *Guest House, Vacation Rentals, Resort Condo* or other *commercial tourist accommodation*;
- (2) must not be combined with *Guest Cottage* use unless *guest cottage* is a specifically permitted use for the *Zone* in which the *Bed & Breakfast* is located; and
- (3) must not be combined with or located, in whole or in part, in a *duplex, multiple family residential building, mixed commercial/residential building, or mixed industrial/residential building*;
- (4) 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*.

404.3 *Bed and Breakfasts*:

- (1) must not be combined with *Guest House, Vacation Rentals, Resort Condo* or other *commercial tourist accommodation*;
- (2) must not be combined with *Guest Cottage* use unless *guest cottage* is a specifically permitted use for the *Zone* in which the *Bed & Breakfast* is located; and
- (3) must not be combined with or located, in whole or in part, in a *duplex, multiple family residential building, mixed commercial/residential building, or mixed industrial/residential building*;

- (4) 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*.”
- iv. within Section 405 – Guest Houses and Guest Cottages by deleting “*accessory residential dwelling unit*” from subsection 405.3(3); and,
- v. by adding a new Section 408 – Accessory Residential Dwelling Units in alphanumeric order containing the following:

“408 ACCESSORY RESIDENTIAL DWELLING UNIT (ADU)

408.1 Where a Zone specifically includes an *Accessory Residential Dwelling Unit* as a permitted secondary use, one *Accessory Residential Dwelling Unit* use is permitted if all the following conditions are satisfied for the establishment and continued use of the *Accessory Residential Dwelling Unit*.

- (1) *Accessory Residential Dwelling Units* are only permitted in the Zones where *single family dwelling* is listed as a *principal permitted use* and *Accessory Residential Dwelling Unit* is identified as a *secondary permitted use*.
- (2) The *gross floor area* of the *Accessory Residential Dwelling Unit* must not exceed 7% of the lot area to a maximum of 90 m².
- (3) The *gross floor area* of the *Accessory Residential Dwelling Unit* can be excluded from the calculation of maximum size for accessory buildings in the regulations specific to each zone.
- (4) A minimum outdoor space equal to the gross floor area of the *Accessory Residential Dwelling Unit* shall be provided as a dedicated space for use by residents of the *Accessory Residential Dwelling Unit*.
- (5) An *Accessory Residential Dwelling Unit* must not have more than 2 bedrooms.
- (6) A clear pathway with a minimum width of 1.0m shall be provided from the sidewalk or street to the front door of the *Accessory Residential Dwelling Unit*.
- (7) Cantilevered balconies are not permitted on the interior side or rear faces of an *Accessory Residential Dwelling Unit*.

- (8) An *Accessory Residential Dwelling Unit* is only permitted where the owner of the lot has registered a covenant under section 219 of the *Land Title Act* against the title of the lot, in favour of the District of Ucluelet and satisfactory in its form and priority of registration, providing that the *Accessory Residential Dwelling Unit* must not be subdivided from the lot containing the principal building, whether pursuant to the *Strata Property Act*, the *Land Title Act*, or otherwise.
- (9) Off-street parking must be provided in accordance with Division 500.
- (10) An *Accessory Residential Dwelling Unit* must be located a minimum of 3m from any lot line and a minimum 4m from the principal dwelling.
- (11) Despite subsection (1) *Accessory Residential Dwelling Units* are also permitted in some Industrial and Commercial zones according to the regulations of those zones.

408.2 In addition to minimum height requirements of other parts of this bylaw:

- (1) For an *Accessory Residential Dwelling Unit* whose roof pitch is equal to or greater than 3:12, the maximum height shall not exceed 4.2m.
- (2) For an *Accessory Residential Dwelling Unit* with flat roofs or roofs with a pitch less than 3:12, the maximum height shall not exceed 3.75m.
- (3) The height of an *Accessory Residential Dwelling Unit* may be increased by 0.3m vertical distance for every 0.6m increase in excess of the minimum setbacks established by this bylaw, to a maximum height of 6.5m.
- (4) For an *Accessory Residential Dwelling Unit* with flat roofs or roofs with a pitch less than 3:12, the area of a second floor shall be no greater than 60% of the total floor area beneath it.

408.3 For greater certainty, notwithstanding other provisions of this Bylaw, an *Accessory Residential Dwelling Unit* :

- (1) Must not contain a *home occupation* if the principal *single family dwelling* contains a *home occupation*.

(2) Must not contain any type of *commercial tourist accommodation* use.

(3) Must not be established or operate in addition to the maximum number of *dwelling units* in the form of *Guest Cottages* on a property in the GH – Guest House zone.”

D. By amending Division 500 – Off-Street Parking to make the following changes:

i. within Section 504 – Off-Street Parking Design Standards by adding in alphanumeric order a new subsection 504.7 containing the following:

“504.7 Off-street parking areas on a lot serving Single Family Dwelling, Duplex Dwelling, Secondary Suite, Accessory Dwelling Unit and/or Bed & Breakfast uses shall be accessed by no more than two driveways from a public road with a maximum total combined driveway crossing width at property line of 7m, except for a corner lot which may be accessed by no more than one driveway from each of the fronting and flanking streets, with maximum driveway crossing widths at property line of 7m and 3m, respectively.”

E. By inserting “*Accessory Residential Dwelling Unit*” as a permitted secondary use into the list of permitted uses in the following subsections within the Zones:

- i.** R-1.1.1.1(2)(d) [R-1 Single Family Residential]
- ii.** R-2.1.1(2)(d) [R-2 Medium Density Residential]
- iii.** R-4.1.1(2)(d) [R-4 Small Lot Single Family Residential]
- iv.** RU-1.1(2)(e) [RU Rural Residential]
- v.** GH-1.1(2)(b) [GH Guest House]
- vi.** CD-1.1.1(2)(d) [CD-1 Eco-Industrial Park]
- vii.** CD-2A.1.1(2)(d) [CD-2A Big Beach - District Lot 281]
- viii.** CD-3A.1.1(2)(d) [CD-3A Rainforest - District Lot 282]
- ix.** CD-5B.1.1(2)(d) [CD-5B Former Weyco Forest Lands – Development Area #2 Central Park]
- x.** CD-5C.1.1(2)(c) [CD-5C Former Weyco Forest Lands – Development Area #3 Ocean West]

F. By deleting subsection R-1.1.1(3);

G. By deleting subsection CD-3A.1.1(3); and,

H. By deleting subsection 403.1(5).

2. Citation:

This bylaw may be cited as “District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022”.

READ A FIRST TIME this **31st** day of **May** , 2022.

READ A SECOND TIME this **31st** day of **May** , 2022.

PUBLIC HEARING held this **28th** day of **June** , 2022.

SECOND READING RESCINDED this day of , 2022.

AMENDED this day of , 2022.

READ A SECOND TIME AS AMENDED this day of , 2022.

PUBLIC HEARING held this day of , 2022.

READ A THIRD TIME this day of , 2022.

ADOPTED this day of , 2022.

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022.”

Mayco Noël
Mayor

Corporate Officer

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

Corporate Officer

DISTRICT OF UCLUELET

Zoning Bylaw Amendment Bylaw No. 1310, 2022

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

(Zoning amendments to replace *Bed & Breakfast* with *Accessory Residential Dwelling Unit* uses in most residential zones).

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 Amendments:

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

- A. By replacing within Division 100 – Enactment and Interpretation, Section 103 Definitions the definition of *Accessory Residential Dwelling Unit* so that the new definition reads as follows:

"**Accessory Residential Dwelling Unit**" ("ADU") means one *accessory building* used as a *dwelling unit* for *residential* purposes only, accessory to a *single family dwelling* on the same *lot*, and may be occupied by the property owners, their family members, caretakers, *residential rental tenure* tenants or non-paying guests."

- B. By adding within Division 100 – Enactment and Interpretation, Section 103 Definitions the following in alphabetical order:

"Principal Residence – Non-Property Owner" means the dwelling where an individual lives, makes their home, and conducts their daily affairs including, without limitation, paying bills and receiving mail and is generally the dwelling unit with the residential address used on documentation related to billing, identification, taxation and insurance purposes, including, without limitation, income tax returns, Medical Services Plan documentation, driver's licences, personal identification, vehicle registration and utility bills;

“Principal Residence – Property Owner” means the dwelling where an individual lives and is the property where the person claims the provincial home owner grant;

C. By amending Division 400 – Supplemental Regulations to make the following changes:

- i.** within Section 401 - Accessory Buildings and Structures by adding in alphanumerical order a new subsection 401.4(2)(c) containing the following:

“(c) an accessory residential dwelling unit in a Zone that lists such as a permitted use.”

Commented [BG1]: This would allow an ADU to be located on the water side of a waterfront through-lot property.

- ii.** within Section 401 - Accessory Buildings and Structures by adding in alphanumerical order a new subsection 401.4(3) containing the following:

“(3) an accessory residential dwelling unit in a Zone that lists such as a permitted use.”

Commented [BG2]: This would allow an ADU to be located in the front yard of a property.

- ii.iii.** within by replacing Section 404 - Bed & Breakfasts by replacing subsection 404.1(1)(a) with the following:

“404 BED & BREAKFASTS

404.1 One bed and breakfast 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 bed and breakfast:

(1) Bed and Breakfasts are only permitted:

(a) in the Zones where single family dwelling is listed as a principal permitted use and bed and breakfast 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) within one single family dwelling per lot; and

(d) within a building and on a lot that does not include a Daycare Centre or a Community Care Facility.

(2) A maximum of three (3) guest rooms may be used for the bed and breakfast with a maximum occupancy of two (2) guests per room.

(3) The gross floor area devoted to the bed and breakfast use must not exceed 35% of the habitable area of the single family dwelling in which it is located.

- (4) The area designated for *Bed and Breakfast* use (including *guest rooms* 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 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 Licence is required in order to register a *bed and breakfast*.
- (6) Off-street parking must be provided in accordance with Division 500.
- (7) Consistent with a traditional *bed and breakfast* use a *bed and breakfast* use must include a minimum service of a continental breakfast.
- (8) A *bed and breakfast* use must be accessed from the main entry of the home in which it operates, and cannot operate remotely utilizing coded entry locks and/or key lock boxes.
- (9) Any exterior door to rooms used for *bed and breakfast* uses must not be utilized as the principal entrance and exit to the *bed and breakfast* use.
- (10) A *bed and breakfast* use is an integral part of the home and must not have a separated or locked-off common area.

404.2 For greater certainty, notwithstanding other provisions of this Bylaw, *Bed and Breakfasts*:

- (1) must not be combined with *Guest House, Vacation Rentals, Resort Condo* or other *commercial tourist accommodation*;
- (2) must not be combined with *Guest Cottage* use unless *guest cottage* is a specifically permitted use for the *Zone* in which the *Bed & Breakfast* is located; and
- (3) must not be combined with or located, in whole or in part, in a *duplex, multiple family residential building, mixed commercial/residential building, or mixed industrial/residential building*;
- (4) 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*.

404.3 *Bed and Breakfasts*:

- (1) must not be combined with *Guest House, Vacation Rentals, Resort Condo* or other *commercial tourist accommodation*;
- (2) must not be combined with *Guest Cottage* use unless *guest cottage* is a specifically permitted use for the *Zone* in which the *Bed & Breakfast* is located; and

~~(3) must not be combined with or located, in whole or in part, in a duplex, multiple family residential building, mixed commercial/residential building, or mixed industrial/residential building.~~

~~(4) 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.~~

~~(5) "~~

~~"(a) in a single family dwelling on a lot identified in the B&B Overlay as set out in Schedule "D"."~~

~~iii. within Section 404 – Bed & Breakfasts by replacing subsection 404.1(2) with the following:~~

~~"(2) A maximum of three (3) guest rooms may be used for the bed and breakfast with a maximum occupancy of two (2) guests per room."~~

~~iv. within Section 404 – Bed & Breakfasts by adding in alphanumerical order a new subsection 404.1(6) containing the following:~~

~~"(6) A bed and breakfast must be administered by a permanent resident of the single family dwelling for whom the single family dwelling is their principal residence."~~

~~v. within Section 404 – Bed & Breakfasts by adding in alphanumerical order a new subsection 404.1(7) containing the following:~~

~~"(7) The gross floor area devoted to the bed and breakfast use must not exceed 35% of the habitable area of the single family dwelling in which it is located."~~

~~vi-iv. within Section 405 – Guest Houses and Guest Cottages by deleting "accessory residential dwelling unit" from subsection 405.3(3); and,~~

~~vii.v. by adding a new Section 408 – Accessory Residential Dwelling Units in alphanumerical order containing the following:~~

~~**"408 ACCESSORY RESIDENTIAL DWELLING UNIT (ADU)**~~

~~408.1 Where a Zone specifically includes an Accessory Residential Dwelling Unit as a permitted secondary use, one Accessory Residential Dwelling Unit use is permitted if all the following conditions are satisfied for the establishment and continued use of the Accessory Residential Dwelling Unit.~~

Commented [BG3]: This would allow a guest house operator to also have an ADU or, if they have a guest cabin they could choose to rent it out as an ADU.

- (1) *Accessory Residential Dwelling Units* are only permitted in the Zones where *single family dwelling* is listed as a *principal permitted use* and *Accessory Residential Dwelling Unit* is identified as a *secondary permitted use*.
- (2) The *gross floor area* of the *Accessory Residential Dwelling Unit* must not exceed 7% of the lot area to a maximum of 90 m².
- (3) The *gross floor area* of the *Accessory Residential Dwelling Unit* can be excluded from the calculation of maximum size for accessory buildings in the regulations specific to each zone.
- ~~(4) An *Accessory Residential Dwelling Unit* shall only be located to rear of a *principal single family dwelling*.~~
- (5)(4) A minimum outdoor space equal to the gross floor area of the *Accessory Residential Dwelling Unit* shall be provided as a dedicated space for use by residents of the *Accessory Residential Dwelling Unit*.
- (6)(5) An *Accessory Residential Dwelling Unit* must not have more than 2 bedrooms.
- (7)(6) A clear pathway with a minimum width of 1.0m shall be provided from the sidewalk or street to the front door of the *Accessory Residential Dwelling Unit*.
- (8)(7) Cantilevered balconies are not permitted on the interior side or rear faces of an *Accessory Residential Dwelling Unit*.
- (9)(8) An *Accessory Residential Dwelling Unit* is only permitted where the owner of the lot has registered a covenant under section 219 of the *Land Title Act* against the title of the lot, in favour of the District of Ucluelet and satisfactory in its form and priority of registration, providing that the *Accessory Residential Dwelling Unit* must not be subdivided from the lot containing the principal building, whether pursuant to the *Strata Property Act*, the *Land Title Act*, or otherwise.
- (10)(9) Off-street parking must be provided in accordance with Division 500.
- (11)(10) An *Accessory Residential Dwelling Unit* must be located a minimum of 3m from any lot line and a minimum 4m from the principal dwelling.

~~(12)~~(11) Despite subsection (1) *Accessory Residential Dwelling Units* are also permitted in some Industrial and Commercial zones according to the regulations of those zones.

408.2 In addition to minimum height requirements of other parts of this bylaw:

- (1) For an *Accessory Residential Dwelling Unit* whose roof pitch is equal to or greater than 3:12, the maximum height shall not exceed 4.2m.
- (2) For an *Accessory Residential Dwelling Unit* with flat roofs or roofs with a pitch less than 3:12, the maximum height shall not exceed 3.75m.
- (3) The height of an *Accessory Residential Dwelling Unit* may be increased by 0.3m vertical distance for every 0.6m increase in excess of the minimum setbacks established by this bylaw, to a maximum height of 6.5m.
- (4) For an *Accessory Residential Dwelling Unit* with flat roofs or roofs with a pitch less than 3:12, the area of a second floor shall be no greater than 60% of the total floor area beneath it.

408.3 For greater certainty, notwithstanding other provisions of this Bylaw, an *Accessory Residential Dwelling Unit* :

- (1) Must not contain a *home occupation* if the principal *single family dwelling* contains a *home occupation*.
- ~~(2) Must not be established or operate on a property where the principal *single family dwelling* contains a *Secondary Suite*, or has been issued a business licence for a *Bed & Breakfast*.~~
- ~~(3)~~(2) Must not contain any type of *commercial tourist accommodation* use.
- ~~(4)~~(3) Must not be established or operate in addition to the maximum number of *dwelling units* in the form of *Guest Cottages* on a property in the GH – Guest House zone.”

- ~~B. By deleting “*Bed and Breakfast*” as a permitted secondary use from the list of permitted uses in the following subsections within the Zones:~~
- ~~i. R 1.1.1.1(2)(a) [R 1 Single Family Residential]~~
 - ~~ii. R 2.1.1(2)(a) [R 2 Medium Density Residential]~~
 - ~~iii. R 4.1.1(2)(a) [R 4 Small Lot Single Family Residential]~~

- ~~iv.~~—RU-1.1(2)(b) [RU Rural Residential]
- ~~v.~~—CD-1.1.1(2)(a) [CD-1 Eco-Industrial Park]
- ~~vi.~~—CD-2A.1.1(2)(a) [CD-2A Big Beach - District Lot 281]
- ~~vii.~~—CD-3A.1.1(2)(a) [CD-3A Rainforest - District Lot 282]
- ~~viii.~~—CD-5B.1.1(2)(a) [CD-5B Former Weyco Forest Lands - Development Area #2 Central Park]
- ~~ix.~~—CD-5C.1.1(2)(a) [CD-5C Former Weyco Forest Lands - Development Area #3 Ocean West]

D. By amending Division 500 – Off-Street Parking to make the following changes:

- i.** within Section 504 – Off-Street Parking Design Standards by adding in alphanumeric order a new subsection 504.7 containing the following:

“504.7 Off-street parking areas on a lot serving Single Family Dwelling, Duplex Dwelling, Secondary Suite, Accessory Dwelling Unit and/or Bed & Breakfast uses shall be accessed by no more than two driveways from a public road with a maximum total combined driveway crossing width at property line of 7m, except for a corner lot which may be accessed by no more than one driveway from each of the fronting and flanking streets, with maximum driveway crossing widths at property line of 7m and 3m, respectively.”

E. By inserting “Accessory Residential Dwelling Unit” as a permitted secondary use into the list of permitted uses in the following subsections within the Zones:

- ~~x.i.~~ R-1.1.1.1(2)(~~da~~) [R-1 Single Family Residential]
- ~~xi.ii.~~ R-2.1.1(2)(~~da~~) [R-2 Medium Density Residential]
- ~~xii.iii.~~ R-4.1.1(2)(~~da~~) [R-4 Small Lot Single Family Residential]
- ~~xiii.iv.~~ RU-1.1(2)(~~eb~~) [RU Rural Residential]
- ~~xiv.v.~~ GH-1.1(2)(b) [GH Guest House]
- ~~xv.vi.~~ CD-1.1.1(2)(~~da~~) [CD-1 Eco-Industrial Park]
- ~~xvi.vii.~~ CD-2A.1.1(2)(~~da~~) [CD-2A Big Beach - District Lot 281]
- ~~xvii.viii.~~ CD-3A.1.1(2)(~~da~~) [CD-3A Rainforest - District Lot 282]
- ~~xviii.ix.~~ CD-5B.1.1(2)(~~da~~) [CD-5B Former Weyco Forest Lands - Development Area #2 Central Park]
- ~~xix.x.~~ CD-5C.1.1(2)(~~ca~~) [CD-5C Former Weyco Forest Lands - Development Area #3 Ocean West]

C.F. By deleting subsection R-1.1.1(3); ~~and,~~

G. By deleting subsection CD-3A.1.1(3); ~~and,~~

D.H. By deleting subsection 403.1(5).

Commented [BG4]: R-1.1.1(3) lists previous site-specific approvals authorizing an ADU and would no longer be necessary.

Commented [BG5]: Similarly this subsection was for a site-specific ADU approval.

Commented [BG6]: 403.1(5) currently states that “a valid District of Ucluelet Business Licence is required in order to register a secondary suite”. This is obsolete.

2. Citation:

This bylaw may be cited as "District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022".

READ A FIRST TIME this **31st** day of **May** , 2022.

READ A SECOND TIME this **31st** day of **May** , 2022.

PUBLIC HEARING held this **28th** day of **June** , 2022.

~~**SECOND READING RESCINDED** this day of , 2022.~~

~~**AMENDED** this day of , 2022.~~

~~**READ A SECOND TIME AS AMENDED** this day of , 2022.~~

~~**PUBLIC HEARING** held this day of , 2022.~~

READ A THIRD TIME this day of , 2022.

ADOPTED this day of , 2022.

CERTIFIED A TRUE AND CORRECT COPY of "District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022."

Mayco Noël
Mayor

Corporate Officer

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

Corporate Officer

DISTRICT OF UCLUELET

Business Regulation and Licensing Bylaw Amendment Bylaw No. 1313, 2022

A bylaw to amend the "The District of Ucluelet Business Regulation and Licensing Bylaw No. 922, 2003".

(Amendments to Bed and Breakfast business regulations)

WHEREAS the Council of the District of Ucluelet, has adopted the *District of Ucluelet Business Regulation and Licensing Bylaw No. 922, 2003*;

AND WHEREAS Council has deemed it desirable to amend the *District of Ucluelet Business Regulation and Licensing Bylaw No. 922, 2003*;

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

The *District of Ucluelet Business Regulation and Licensing Bylaw No. 922, 2003*, as amended, is hereby further amended by:

1. Text Amendment:

- A. In Section 1 - Interpretation -replace the definition of "Bed & Breakfast" with the following:
 - a. **"Bed & Breakfast"** or **"B&B"** means the accessory use of a single family dwelling where up to a maximum of three bedrooms are used or designated for use as guest rooms, provided in accordance with Section 404 of the District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended from time to time."

- B. In Section 1 - Interpretation - add the following definitions in appropriate alphabetical order:
 - a. **"Principal Residence – Non-Property Owner"** means the dwelling where an individual lives, makes their home, and conducts their daily affairs including, without limitation, paying bills and receiving mail and is generally the dwelling unit with the residential address used on documentation related to billing, identification, taxation and insurance purposes, including, without limitation, income tax returns, Medical Services Plan documentation, driver's licences, personal identification, vehicle registration and utility bills."

b. **“Principal Residence – Property Owner”** means the dwelling where an individual lives and is the property where the person claims the provincial home owner grant.”

C. In Section 4 – Fees – replace subsections 4.1.a and 4.1.b with the following:

“

1. a) All new applications for business licences shall be accompanied by the applicable application fee in the District of Ucluelet’s Fees and Charges Bylaw 922, 2003, as amended or replaced from time to time.;
- b) All new applications and renewals shall be accompanied by the applicable licence fee in the District of Ucluelet’s Fees and Charges Bylaw 922, 2003, as amended or replaced from time to time.”

D. In Section 4 – Fees – delete subsections 4.1.c and 4.1.d.

E. In Section 5 – Licenses – delete subsection 5.2.

F. In Section 7 – Periods for Licenses – replace subsection 7.1 with the following:

“1. Licenses shall be issued for the period from May 1st to April 30th of the following year.”

G. In Section 10 – Accommodation Classifications – delete subsection 10.2.

H. In Section 10 – Accommodation Classifications – add the following subsection 6:

“6. Bed & Breakfast accommodations:

- 6.1 A requirement of this Bylaw pertaining to Bed & Breakfasts does not abrogate the application of any other requirements contained herein that are generally applicable to all businesses.
- 6.2 An owner may not hold more than one (1) Bed & Breakfast licence.
- 6.3 No person shall operate a Bed & Breakfast unless the premises can be demonstrated to be that person’s Principal Residence - Non-Property Owner (in the instance where the operator does not own the property) or Principle Residence - Property Owner (in the instance where the operator does own the property).
- 6.4 Notwithstanding the requirements of Section 6.3, if the operator is the property owner, it is the first year of home ownership and home ownership occurred after the property tax deadline date, the operator must demonstrate Principle Residence - Non-Property Owner.
- 6.5 No person shall operate a Bed & Breakfast without a valid and subsisting licence.
- 6.6 No person shall offer or advertise a Bed & Breakfast without a valid licence in respect of such Bed & Breakfast.
- 6.7 Bed & Breakfasts are subject to inspection by a Licence Inspector once every three (3) years, whether or not the B&B has been continuously licensed during that period. At the discretion of the Building Official, the

inspection required at the time of initial application may be waived if the subject property has been subject to a full inspection under a Building Permit within the previous three years.

- 6.8 Any person making an application for a Bed & Breakfast Licence shall at the time of making such application, in addition to the general requirements under this Bylaw, provide:
- a. proof of ownership of the premises from which the B&B will be operated;
 - b. proof of Principal Residence – Non-Property-Owner or proof of Principal Residence – Property Owner, whichever is applicable, unless exempt under section 6.4;
 - c. 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 B&B;
- 6.9 The operator of a B&B must remain available to respond to inquiries or problems raised by guests by phone within 15 minutes and in person within 6 hours;
- 6.10 In considering an application for a Bed & Breakfast, the Licence Inspector may:
- a. consider whether a B&B licence held by the applicant has been revoked in the preceding two (2) licence periods; and
 - b. require an inspection of the premises from which the B&B will be operated notwithstanding that, a Licence Inspector may grant approval of the application without an inspection subject to the condition that if upon subsequent inspection, the B&B fails to comply with the requirements of this Bylaw, the Licence Inspector shall suspend or cancel the licence.”

- I. In Section 10 – Accommodation Classifications – add the following subsection 7:

“7. Advertising Accommodations

- 7.1 Every online advertisement for a *Bed & Breakfast, Vacation Rental or Guest House* must disclose, in respect of the accommodation being advertised:
- a. a valid Ucluelet business licence number;
 - b. the number of off-street parking spaces available to guests and a statement that such number is the maximum number of vehicles that paying guests of the tourist accommodation business are permitted to bring to the premises; and
 - c. the maximum permitted guest-occupancy applicable to the tourist accommodation business, pursuant to the Zoning Bylaw.
- 7.2 The Licence holder for a *Bed & Breakfast, Vacation Rental or Guest House* is responsible to display a licence sign conforming to the standard provided by the District in an exterior location near the property line and visible from the street (e.g., adjacent to the required civic address sign) showing:
- a. the business licence number;
 - b. maximum occupancy;
 - c. maximum number of guest vehicles; and,

d. a contact number for the licence holder / operator of the tourist accommodation.

J. In Section 10 – Accommodation Classifications – add the following subsection 8:

“8. Guest Bookings

8.1 Every person carrying on the business of a *Bed & Breakfast, Vacation Rental* or *Guest House* must provide to the District upon request, booking records as produced directly from each online listing platform used to advertise the licensed premises in the current calendar year, on any day of the year between the hours of 8:00 am and 8:00 pm.”

K. In Schedule “A” – Application and Licence Fees – delete schedule ‘A’ in its entirety.

2. Effective Date:

- A. This Bylaw comes into force and effect on the date it is adopted by the District of Ucluelet Council.
- B. Notwithstanding 2.A, the provisions of subsections **10.7 Advertising Accommodations** and **10.8 Guest Registry** come into force on May 1, 2023.

3. Citation:

This bylaw may be cited as “*District of Ucluelet Business Regulation and Licensing Bylaw Amendment Bylaw No. 1313, 2022*”.

READ A FIRST TIME this day of , **2022**.

READ A SECOND TIME this day of , **2022**.

READ A THIRD TIME this day of , **2022**.

PUBLIC NOTICE GIVEN in the , **2022** and , **2022** issues of *The Westerly News*

ADOPTED this day of , **2022**.

CERTIFIED A TRUE AND CORRECT COPY of “*District of Ucluelet Business Regulation and Licensing Bylaw Amendment Bylaw No. 1313, 2022*.”

Mayco Noël
Mayor

Deputy Corporate Officer

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

Deputy Corporate Officer



REPORT TO COMMITTEE-OF-THE-WHOLE

Council Meeting: July 19, 2022

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, DIRECTOR OF COMMUNITY PLANNING **FILE No:** 3360-20-RZ22-06
SUBJECT: B&B, SHORT TERM RENTAL AND ACCESSORY RESIDENTIAL DWELLING UNITS **REPORT No:** 22-99
ATTACHMENT(S): NONE

RECOMMENDATION(S):

THAT the Committee of the Whole recommend that Council direct staff to amend the *District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022* and the Ucluelet Business Regulation and Licensing Bylaw No. 922, 2003, to meet the objectives and policy changes identified in the July 19, 2022 Committee of the Whole report No. 22-99.

BACKGROUND:

After the public hearing held on June 28, 2022, and discussion in the Council meeting held June 29, 2022, Council resolved, *“THAT Council, with regard to Zoning Amendment Bylaw 1310, 2022, direct staff to amend the bylaw and refer the bylaw to a Committee of the Whole meeting.”*

Before amendments are drafted to the Bylaw, a Committee-of-the-Whole discussion would help clarify the desired direction on a number of aspects of the land uses contemplated in single-family residential zones. The following questions are offered to prompt and focus discussion on some key areas. Naturally there are some contradictions to be found between prior Council policy, goals, priorities and current understanding based on public input at the recent public hearing, results of the Housing Needs Report, etc. Discussion of the following points could help staff understand where the desired balance lies among what could be competing needs or priorities within the community. Following discussion by the Committee, staff expect that bylaw amendments could be developed for Council to consider in August, if desired.

POINTS FOR DISCUSSION AND DIRECTION:

Based on past Council discussions staff have outlined a series of clarification questions and potential options that are available to the District to manage the growth of tourist accommodations in residential zones. Staff have also identified additional potential actions for Councils consideration. Within the table staff have identified the management tool the municipality would use to affect the change if pursued. Additionally, Staff have indicated that if Council were to pursue the action whether it would affect new or existing properties.

For clarity within this report **B&B** is in reference to a traditional bedroom within a home that is rented out to a guest and utilizes the main entrance to the home and has a high interaction level between the guest and the owner. A **Guest Suite** is in reference to a vacation rental suite (may be listed on VRBO, Air B&B or similar platform) that has a private entrance and requires limited or no interaction between the owner and a guest.

B&B/ GUEST SUITE USES:

Context: At the public hearing held on June 28th, 2022, and discussion in the Council meeting held June 29, 2022, multiple participants and Councilors indicated their desire to continue to allow property owners to open and operate a B&B, which were referred to variously as being run by residents, potentially involving breakfast and other more traditional B&B elements. Multiple comments also expressed concern over perceived differences between vacation rentals or AirBnBs and B&Bs. This shows a potential need for increased clarity in the meaning of B&B use and greater information for Council to differentiate between the varied modes of tourist accommodation uses in residential zones.

Does the Committee support undertaking the following goal?

	Pursue	
	Yes	No
Goal A: Preserve traditional B&B use in residential areas and consider ways to slow or contain Guest Suite uses in residential areas.		

If yes, please indicate support for the appropriate actions to support this goal

Actions	Management Tool			Affecting		Pursue	
	Zoning	BL	TUP	New	Existing	Yes	No
1. differentiate between a “traditional” B&B room (i.e.: connected within the main house with interaction between the host and guests) and short-term rental Guest Suite (i.e.: with separate entrance and self-contained sleeping, eating and bathing facilities, limited or no required guest- host interaction)	✓	✓		✓	✓		
2. remove B&B as an outright permitted accessory use in residential zones	✓			✓	✓		
3. remove Guest Suite as an outright permitted accessory use in residential zones	✓			✓	✓		
4. require that a B&B and/ or Guest Suite may only operate in the principal residence of the business license holder	✓	✓		✓	✓		
5. require that a B&B and/ or Guest Suite may only operate in the principal residence of the business license holder, during times that they are present / available to respond in person within 24 hours	✓	✓		✓	✓		

GROWTH AND TOURIST ACCOMMODATION DENSITY:

Context: The “Low-ish Growth Scenario” adopted by Council in the District of Ucluelet Official Community Plan 2022 states a desire to establish a higher ratio of residential versus tourist accommodation (60% Residential, 40% Tourist Accommodation) in Ucluelet. This could involve reducing the density of tourist commercial uses (reducing the number of allowed B&B rooms from the current three) in residential areas, while avoiding removing the use from Ucluelet property owners. Council also discussed the possibility of limiting the number of business licenses for B&Bs (“capping” the total). Many BC communities, such as Nelson, Squamish, Whistler, Rossland, Sidney, Parksville and Gibsons include stricter limits on density of B&B uses in residential zones through fewer allowed units or caps on the number of B&Bs or guest suites per neighbourhood.

Does the Committee support undertaking the following goal?

	Pursue	
	Yes	No
Goal B: Establish a balance between residential and tourist commercial accommodation in residential zones to prioritize residential uses and maintain the “Low-ish Growth Scenario”.		

If yes, please indicate support for the appropriate actions to support this goal

Actions	Management Tool			Affecting		Pursue	
	Zoning	BL	TUP	New	Existing	Yes	No
1. reduce the number of Guest Suites permitted as an outright secondary use from 3 to 1	✓	✓		✓	✓		
2. reduce the number of B&B rooms permitted as an outright secondary use from 3 to 1	✓	✓		✓	✓		
3. allow consideration for additional Guest Suites and/or B&B rooms through a Temporary Use Permit	✓	✓	✓	✓	✓		
4. cap the number of B&Bs in residential zones		✓		✓	✓		
5. cap the number of guest suites in residential zones		✓		✓	✓		

LONG-TERM RENTERS:

Context: Staff have noted a growing trend of conversion of secondary suites to guest suites, resulting in evictions of long-term tenants, and a reduction in available long-term rental options in Ucluelet. Several comments at the Public Hearing on June 28th indicated that this has contributed to a growing lack of available employees facing many Ucluelet employers. Multiple comments at the Public Hearing on June 28th and the Council meeting on June 29th also indicated a desire to be able to operate both a long-term secondary suite and B&B use in the same residential dwelling.

Management Tools to take action on these directives may include Zoning, Business Licenses and Temporary Use Permits. Actions could affect new and existing residences.

Does the Committee support undertaking the following goal?

	Pursue	
	Yes	No
Goal C: Stop or slow the loss of existing long-term rental suites.		

If yes, please indicate support for the appropriate actions to support this goal

Actions	Management Tool			Affecting		Pursue	
	Zoning	BL	TUP	New	Existing	Yes	No
1. investigate the potential to restrict or prohibit the conversion of long-term rental suites to tourist accommodation uses	✓	✓	✓	✓	✓		
2. maintain a low barrier for an owner to start a B&B (e.g., at a time of changing household finances)		✓	✓	✓	✓		
3. permit property owners to operate B&B room(s) and long-term secondary suite or ADU rental on the same property	✓			✓	✓		
4. only permit a Guest Suite to operate on a residential property at the same time a long-term secondary suite or accessory residential dwellings unit (ADU) is occupied on the property	✓	✓	✓	✓			

ACCESSORY DWELLING UNITS:

Context: At the discussion in the Council meeting held June 29, 2022, Council indicated a desire to pursue the allowance of ADUs in residential zones, potentially with greater flexibility in regulation to ensure more property owners may be eligible.

Does the Committee support undertaking the following goal?

	Pursue	
	Yes	No
Goal D: Add ADUs as a permitted secondary use in residential zones.		

If yes, please indicate support for the appropriate actions to support this goal

Actions	Management Tool			Affecting		Pursue	
	Zoning	BL	TUP	New	Existing	Yes	No
1. allow ADUs to be located in the front, rear or sides of residential properties	✓			✓	✓		
2. set greater setbacks for an ADU than for other accessory buildings (such as sheds)	✓			✓	✓		

OTHER:

Does the Committee support undertaking the following actions?

Actions	Management Tool			Affecting		Pursue	
	Zoning	BL	TUP	New	Existing	Yes	No
1. limit the impact to public on-street parking from private guest accommodation	✓	✓		✓			
2. change the minimum requirement for the number of off-street vehicle parking spaces for tourist accommodation in residential zones	✓	✓		✓			
3. require notification of neighbours before a new B&B or Guest Suite is authorized		✓	✓	✓			
4. require input from neighbours before a new B&B or Guest Suite is authorized		✓	✓	✓			

NEXT STEPS:

Following discussion and direction on the above, staff anticipate preparing draft amendments to the Zoning Amendment Bylaw No. 1310, 2022, and possibly draft amendments to the Business Regulation and Licencing Bylaw. Amendments and referral to a public hearing could occur at a meeting in early August, depending on Council's direction.

Respectfully submitted:

BRUCE GREIG, DIRECTOR OF COMMUNITY PLANNING
DUANE LAWRENCE, CAO



REPORT TO COUNCIL

Council Meeting: June 29, 2022

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, DIRECTOR OF COMMUNITY PLANNING **FILE NO:** 3360-20-RZ22-06
SUBJECT: ZONING AMENDMENT BYLAW NO. 1310, 2022 – B&B’S VS. ADU’S **REPORT NO:** 22-93
ATTACHMENT(S): APPENDIX A – DISTRICT OF UCLUELET ZONING AMENDMENT BYLAW NO. 1310, 2022

Prior to the adoption of *District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022*, consideration should be given to the representations from the public hearing held on June 28, 2022.

RECOMMENDATION(S):

THAT Council give third reading to *District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022*; and,

THAT Council adopt *District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022*.

BACKGROUND:

District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022 (the “Bylaw”) received first and second reading at the May 31, 2022, Regular Council meeting and was referred to a Public Hearing. The required statutory notification was subsequently completed for a hearing held on June 28, 2022. Once a public hearing has been held and adjourned, Council is in a position to consider third reading of the Bylaw.

After the close of the public hearing, Council can consider third reading, and - because there are no conditions to be met between third reading and adoption - Council could thereafter also adopt the Bylaw (the Bylaw is attached in **Appendix “A”**).

ANALYSIS OF OPTIONS

The Bylaw proposes to shift the streamlined or “default” path of accessory uses on residential properties from short-term vacation rentals to expanded long-term housing options. In simple terms, secondary rental housing in Ucluelet has been losing ground to the expansion of the *Bed and Breakfast* (“**B&B**”) use brought about by the invention (in 2008) and increasing popularity of online vacation rental bookings. Adapting the zoning regulations is one step – and the most direct step - that Ucluelet can take to counterbalance changes in the cost and availability of housing brought about by the “AirBnB effect” on the community. This action is consistent with the policies adopted in the 2020 Official Community Plan and the recommendations of the *2021 Ucluelet Housing Needs Report*.

Alternatives include adding opportunities for more public discussion and input, making changes to the bylaw and/or abandoning the bylaw altogether. Implications for these alternatives are overviewed below.

Note that a separate companion bylaw, Zoning Amendment Bylaw No. 1311 – would establish a “B&B Overlay” for the continued operation of existing and in-stream B&B’s. Bylaw No. 1311 has not yet proceeded to a public hearing and is discussed in a separate report prepared for the June 29, 2022 agenda.

A	That Council discuss and consider the representations from the public received at the public hearing and give third reading to <i>District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022</i> , and consider adopting the bylaw thereafter.	<u>Pros</u>	<ul style="list-style-type: none"> Adopting Bylaw No. 1310 would update the zoning regulations to act on the policy of shifting the primary function of residential properties back to <i>housing</i>. Removing B&B as a default secondary use in most single-family residential zones would slow the current trend of rapidly expanding B&B use. Removing B&B as a default secondary use in most single-family residential zones would slow the current trend of converting long-term housing in secondary suites into short-term vacation rentals. Adopting Bylaw No. 1310 would facilitate the creation of new accessory dwelling units in the form of detached cottages. Removing B&B as an outright secondary use would provide an opportunity for neighbourhood input before new B&B operations are approved in residential areas.
		<u>Cons</u>	<ul style="list-style-type: none"> Understandably, a number of property owners have expressed concern at what is perceived as a loss of the B&B use.
		<u>Implications</u>	<ul style="list-style-type: none"> Adopting Bylaw No. 1310 would adjust the Zoning Bylaw to reflect the community priority of creating more affordable and diverse housing opportunities.
B	That based on public input, Council not give third reading to <i>District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022</i> , at this time and direct changes to the bylaw and/or process as desired.	<u>Pros</u>	<ul style="list-style-type: none"> Could enable more time for additional public discussion and input.
		<u>Cons</u>	<ul style="list-style-type: none"> It would be unlikely that bylaw amendments to prioritize housing over expanded B&B uses would be completed in this Council term.
		<u>Suggested Motion</u>	<ul style="list-style-type: none"> That Council, with regard to <i>Ucluelet Official Community Plan Bylaw No. 1306, 2022</i>, direct staff to [e.g., amend the bylaw / refer the bylaw to a CoW meeting, etc.] _____.
C	That Council abandon <i>District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022</i> .	<u>Pros</u>	<ul style="list-style-type: none"> Would satisfy some current property owners.
		<u>Cons</u>	<ul style="list-style-type: none"> Ongoing expansion of short-term vacation rentals on residential properties throughout town. Further erosion of the secondary rental housing base in Ucluelet. Further speculation and commercialization of residential properties, exacerbating the inflation of property values. ADU detached cottages would not be permitted as a secondary use in residential zones – owners wishing to

		<p>build a detached dwelling would still need to first apply for rezoning.</p> <ul style="list-style-type: none"> • New B&B operations could continue to be established in existing residential neighbourhoods with no opportunity for input from neighbours. • Would need to revisit OCP policies and goals for balancing tourist accommodation with adequate housing for Ucluelet residents. • Would need to revisit the long-term growth scenario analysis and the “Low(ish) Growth” pattern endorsed by Council in the OCP; all growth scenarios assumed that B&B uses in residential areas would be capped and not continue expanding per the recent trend. Without a change in the existing regulations, the balance of housing vs. tourist accommodation would continue to worsen.
	<u>Suggested Motion</u>	No motion required.

POLICY OR LEGISLATIVE IMPACTS:

The adoption of *District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022*, would enact changes within the existing single-family residential zones defined in *District of Ucluelet Zoning Bylaw No. 1160, 2013*, as amended. Adoption of the Bylaw would be consistent with the housing policies adopted in the 2020 OCP and would take action on the following resolutions from September 21, 2021:

1. ***THAT*** Council adopt the following goals aimed at improving the availability and affordability of housing in the community:
 - a. *prioritize long-term residential housing;*
 - b. *slow and contain the proliferation of short-term vacation rentals within residential neighbourhoods;*
 - c. *create opportunities for more diverse and new forms of housing, with a priority on more affordable forms of housing; and,*
 - d. *create opportunities for the development of new rental housing.*
2. ***THAT*** Council direct staff to further explore regulatory and development strategies to action Council’s goals for addressing housing availability and affordability in the community.

Should the current bylaw not proceed, staff will look for Council direction to explore alternative directions and next steps.

Respectfully submitted:

BRUCE GREIG, DIRECTOR OF COMMUNITY PLANNING
JOHN TOWGOOD, MUNICIPAL PLANNER
DUANE LAWRENCE, CAO

Appendix A

DISTRICT OF UCLUELET
Zoning Bylaw Amendment Bylaw No. 1310, 2022

A bylaw to amend the “District of Ucluelet Zoning Bylaw No. 1160, 2013”.
(Zoning amendments to replace *Bed & Breakfast* with *Accessory Residential Dwelling Unit* uses in most residential zones).

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 Amendments:

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

- A. By replacing within Division 100 – Enactment and Interpretation, Section 103 Definitions the definition of *Accessory Residential Dwelling Unit* so that the new definition reads as follows:

“Accessory Residential Dwelling Unit” (“ADU”) means one *accessory building* used as a *dwelling unit* for *residential* purposes only, accessory to a *single family dwelling* on the same *lot*, and may be occupied by the property owners, their family members, caretakers, tenants or non-paying guests.”

- B. By amending Division 400 – Supplemental Regulations to make the following changes:

- i. within Section 401 - Accessory Buildings and Structures by adding in alphanumerical order a new subsection 401.4(2)(c) containing the following:

“(c) an *accessory residential dwelling unit* in a Zone that lists such as a permitted use.”

- ii. within Section 404 - Bed & Breakfasts by replacing subsection 404.1(1)(a) with the following:

“(a) in a *single family dwelling* on a lot identified in the B&B Overlay as set out in Schedule “D” ”

- iii. within Section 404 - Bed & Breakfasts by replacing subsection 404.1(2) with the following:

“(2) A maximum of three (3) guest rooms may be used for the *bed and breakfast* with a maximum occupancy of two (2) guests per room.”
- iv. within Section 404 - Bed & Breakfasts by adding in alphanumerical order a new subsection 404.1(6) containing the following:

“(6) A *bed and breakfast* must be administered by a permanent resident of the *single family dwelling* for whom the *single family dwelling* is their principal residence.”
- v. within Section 404 - Bed & Breakfasts by adding in alphanumerical order a new subsection 404.1(7) containing the following:

“(7) The gross floor area devoted to the *bed and breakfast* use must not exceed 35% of the habitable area of the *single family dwelling* in which it is located.”
- vi. within Section 405 – Guest Houses and Guest Cottages by deleting “*accessory residential dwelling unit*” from subsection 405.3(3); and,
- vii. by adding a new Section 408 – Accessory Residential Dwelling Units in alphanumerical order containing the following:

“408 ACCESSORY RESIDENTIAL DWELLING UNIT (ADU)

408.1 Where a Zone specifically includes an *Accessory Residential Dwelling Unit* as a permitted secondary use, one *Accessory Residential Dwelling Unit* use is permitted if all the following conditions are satisfied for the establishment and continued use of the *Accessory Residential Dwelling Unit*.

- (1) *Accessory Residential Dwelling Units* are only permitted in the Zones where *single family dwelling* is listed as a *principal permitted use* and *Accessory Residential Dwelling Unit* is identified as a *secondary permitted use*.
- (2) The *gross floor area* of the *Accessory Residential Dwelling Unit* must not exceed 7% of the lot area to a maximum of 90 m².
- (3) The *gross floor area* of the *Accessory Residential Dwelling Unit* can be excluded from the calculation of maximum size for accessory buildings in the regulations specific to each zone.
- (4) An *Accessory Residential Dwelling Unit* shall only be located to rear of a principal *single family dwelling*.

- (5) A minimum outdoor space equal to the gross floor area of the *Accessory Residential Dwelling Unit* shall be provided as a dedicated space for use by residents of the *Accessory Residential Dwelling Unit*.
- (6) An *Accessory Residential Dwelling Unit* must not have more than 2 bedrooms.
- (7) A clear pathway with a minimum width of 1.0m shall be provided from the sidewalk or street to the front door of the *Accessory Residential Dwelling Unit*.
- (8) Cantilevered balconies are not permitted on the interior side or rear faces of an *Accessory Residential Dwelling Unit*.
- (9) An *Accessory Residential Dwelling Unit* is only permitted where the owner of the lot has registered a covenant under section 219 of the *Land Title Act* against the title of the lot, in favour of the District of Ucluelet and satisfactory in its form and priority of registration, providing that the *Accessory Residential Dwelling Unit* must not be subdivided from the lot containing the principal building, whether pursuant to the *Strata Property Act*, the *Land Title Act*, or otherwise.
- (10) Off-street parking must be provided in accordance with Division 500.
- (11) An *Accessory Residential Dwelling Unit* must be located a minimum of 3m from any lot line and a minimum 4m from the principal dwelling.
- (12) Despite subsection (1) *Accessory Residential Dwelling Units* are also permitted in some Industrial and Commercial zones according to the regulations of those zones.

408.2 In addition to minimum height requirements of other parts of this bylaw:

- (1) For an *Accessory Residential Dwelling Unit* whose roof pitch is equal to or greater than 3:12, the maximum height shall not exceed 4.2m.
- (2) For an *Accessory Residential Dwelling Unit* with flat roofs or roofs with a pitch less than 3:12, the maximum height shall not exceed 3.75m.
- (3) The height of an *Accessory Residential Dwelling Unit* may be increased by 0.3m vertical distance for every 0.6m increase in excess of the minimum setbacks established by this bylaw, to a maximum height of 6.5m.
- (4) For an *Accessory Residential Dwelling Unit* with flat roofs or roofs with a pitch less than 3:12, the area of a second floor shall be no greater than 60% of the total floor area beneath it.

408.3 For greater certainty, notwithstanding other provisions of this Bylaw, an *Accessory Residential Dwelling Unit* :

- (1) Must not contain a *home occupation* if the principal *single family dwelling* contains a *home occupation*.
- (2) Must not be established or operate on a property where the principal *single family dwelling* contains a *Secondary Suite*, or has been issued a business licence for a *Bed & Breakfast*.
- (3) Must not contain any type of *commercial tourist accommodation* use.
- (4) Must not be established or operate in addition to the maximum number of *dwelling units* in the form of *Guest Cottages* on a property in the GH – Guest House zone.”

C. By deleting “*Bed and Breakfast*” as a permitted secondary use from the list of permitted uses in the following subsections within the Zones:

- i. R-1.1.1.1(2)(a) [R-1 Single Family Residential]
- ii. R-2.1.1(2)(a) [R-2 Medium Density Residential]
- iii. R-4.1.1(2)(a) [R-4 Small Lot Single Family Residential]
- iv. RU-1.1(2)(b) [RU Rural Residential]
- v. CD-1.1.1(2)(a) [CD-1 Eco-Industrial Park]
- vi. CD-2A.1.1(2)(a) [CD-2A Big Beach - District Lot 281]
- vii. CD-3A.1.1(2)(a) [CD-3A Rainforest - District Lot 282]
- viii. CD-5B.1.1(2)(a) [CD-5B Former Weyco Forest Lands – Development Area #2 Central Park]
- ix. CD-5C.1.1(2)(a) [CD-5C Former Weyco Forest Lands – Development Area #3 Ocean West]

D. By inserting “*Accessory Residential Dwelling Unit*” as a permitted secondary use into the list of permitted uses in the following subsections within the Zones:

- i. R-1.1.1.1(2)(a) [R-1 Single Family Residential]
- ii. R-2.1.1(2)(a) [R-2 Medium Density Residential]
- iii. R-4.1.1(2)(a) [R-4 Small Lot Single Family Residential]
- iv. RU-1.1(2)(b) [RU Rural Residential]
- v. GH-1.1(2)(b) [GH Guest House]
- vi. CD-1.1.1(2)(a) [CD-1 Eco-Industrial Park]
- vii. CD-2A.1.1(2)(a) [CD-2A Big Beach - District Lot 281]
- viii. CD-3A.1.1(2)(a) [CD-3A Rainforest - District Lot 282]
- ix. CD-5B.1.1(2)(a) [CD-5B Former Weyco Forest Lands – Development Area #2 Central Park]

x. CD-5C.1.1(2)(a) [CD-5C Former Weyco Forest Lands – Development Area #3 Ocean West]

E. By deleting subsection R-1.1.1(3); and,

F. By deleting subsection CD-3A.1.1(3).

2. Citation:

This bylaw may be cited as “District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022”.

READ A FIRST TIME this **31st** day of **May**, 2022.

READ A SECOND TIME this **31st** day of **May**, 2022.

PUBLIC HEARING held this day of , 2022.

READ A THIRD TIME this day of , 2022.

ADOPTED this day of , 2022.

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022.”

Mayco Noël
Mayor

Corporate Officer

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

Corporate Officer



REPORT TO COUNCIL

Council Meeting: May 31, 2022

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM:	BRUCE GREIG, DIRECTOR OF COMMUNITY PLANNING	FILE NO: RZ22-06
SUBJECT:	ZONING AMENDMENTS: HOUSING VS. SHORT TERM RENTALS	REPORT NO: 22- 68
ATTACHMENT(S):	APPENDIX A – DRAFT ZONING AMENDMENT BYLAW NO. 1310, 2022 APPENDIX B – DRAFT ZONING AMENDMENT BYLAW NO. 1311, 2022 APPENDIX C – STAFF REPORT SEPTEMBER 21, 2021 APPENDIX D – DRAFT DP GUIDELINES FOR ADU’S	

RECOMMENDATION(S):

THAT Council initiate Zoning Bylaw changes to prioritize housing options in Ucluelet while recognizing existing *Bed and Breakfast* (B&B) businesses, by adopting the following:

1. THAT Council give first reading to Ucluelet Zoning Amendment Bylaw No. 1310, 2022, that would remove *Bed and Breakfast* and add a detached *Accessory Residential Dwelling Unit* as a permitted accessory use in most single-family residential zones in the community;
2. THAT Council give second reading to Ucluelet Zoning Amendment Bylaw No. 1310, 2022;
3. THAT Council refer Ucluelet Zoning Amendment Bylaw No. 1310, 2022, to a public hearing;
4. THAT Council give first reading to Ucluelet Zoning Amendment Bylaw No. 1311, 2022, to create a new Schedule “D” B&B Overlay specific to those properties with established, licensed *Bed and Breakfast* operations as of June 1, 2022;
5. THAT Council direct staff to update the draft table and map amendments designating the properties in the new R-1B zone to include, in addition to those B&B operations already holding a valid business licence, properties that can provide the following as of June 10, 2022:
 - a. proof of owner occupancy of the property as their principal residence prior to June 1, 2022, and a complete business licence application, demonstrating compliance with all municipal bylaws, for a new *Bed and Breakfast* operation;
 - b. proof of ownership of the property prior to June 1, 2022, and a complete building permit application for construction of a new house or renovation of an existing house to contain new *Bed and Breakfast* rooms; or,
 - c. proof of ownership of the property prior to June 1, 2022, and proof of building plans underway for a new house containing *Bed and Breakfast* rooms (including

site plan, floor plans, contract and/or correspondence with house designer showing design to include *Bed and Breakfast* uses);

6. THAT Council direct staff to bring Ucluelet Zoning Amendment Bylaw No. 1311, 2022, back for consideration of second reading after any amendments to the table and map of subject properties in the draft Schedule “D” has been updated following June 10, 2022;
7. THAT Council advise potential applicants that after June 10, 2022, it will consider - under section 463 of the *Local Government Act* - directing staff to withhold building permits for any renovation, new construction or change of use for new *Bed and Breakfast* rooms or suites while Ucluelet Zoning Amendment Bylaw No. 1310, 2022, is under preparation;
8. THAT Council direct staff to use all District communication platforms to advise community members and property owners of the proposed zoning changes and process to consider Bylaw Nos. 1310 and 1311;
9. THAT Council direct staff to create a page on the District website containing links to all past staff reports and research into short term vacation rental (STR) uses and their impacts on housing supply, property values and community;
10. THAT Council direct staff to prepare an Official Community Plan bylaw amendment to create a new “Intensive Residential Development” designation and guidelines for a new Development Permit Area applying to the construction of new detached Accessory Residential Dwelling Units, for consideration at a future Committee-of-the-Whole meeting; and,
11. THAT Council direct staff to include a report to the Committee-of-the-Whole discussing options for creating permit-ready plans and/or a program to streamline construction of new detached Accessory Residential Dwelling Units on residential properties.

BACKGROUND:

On September 21, 2021, Council received a staff report on housing issues (see **Appendix “C”**) and passed the following motions:

1. ***THAT*** Council adopt the following goals aimed at improving the availability and affordability of housing in the community:
 - a. *prioritize long-term residential housing;*
 - b. *slow and contain the proliferation of short-term vacation rentals within residential neighbourhoods;*
 - c. *create opportunities for more diverse and new forms of housing, with a priority on more affordable forms of housing; and,*
 - d. *create opportunities for the development of new rental housing.*
2. ***THAT*** Council direct staff to further explore regulatory and development strategies to action Council’s goals for addressing housing availability and affordability in the community.

The attached bylaws are proposed to take action on the above goals. This report and the attached bylaws result from staff research into housing pressures and the responses by numerous other communities in BC and the rest of Canada. Housing affordability and pressures brought in part by the growth of short-term vacation rentals are not challenges unique to Ucluelet. While many municipalities are grappling with these issues (see sidebar), there is no one-size solution. The bylaws discussed below and attached to this report are tailored in response to the unique structure of the current *District of Ucluelet Zoning Bylaw No. 1160, 2013*, (the “**Zoning Bylaw**”), and the history of land use, regulations and changes that are particular to this community.

We are aware of no single municipality that can claim to have its housing issues “solved”. Addressing housing affordability will be an ongoing and evolving effort.

The attached bylaws would enact a housing first approach: the zoning regulations would allow for more long-term housing in residential zones rather than more short-term vacation rentals. The wider allowance for ADU’s (a.k.a. cottages, cabins, carriage houses) is expected to diversify the housing stock in the community over time. Long-term rental tenants in secondary suites or detached cottages can provide a “mortgage helper” to homeowners – without the added financialization that comes from having AirBnB in the mix. Adding secondary rental housing options can improve the quality of life for many residents who are finding themselves squeezed out of housing in our town. These zoning amendments are proposed as a measure for counterbalancing the housing pressures Ucluelet has

The Effect of Short-term Accommodations¹

“Canadian research indicates that the profitability of short-term rentals has caused both commercial and individual landlords to leave the long-term rental market, thus resulting in a depleted supply of long-term housing. Notwithstanding local survey responses and public meeting attendance, researchers have shown that, rather, it is the commercial operators who manage multiple listings that generated over 50% of all Airbnb revenue in 2019. A number that has surely risen since the pandemic. In Canada this revenue is concentrated amongst the top 10% of hosting companies², and contradictory to the marketing rhetoric that the industry is, “...powered by local hosts”.

Global research has concluded that the continued growth of the industry has happened to the detriment of affordability and availability in cities throughout the world by not only encouraging the conversion of apartments and homes into dedicated short-term rentals, but also by increasing the economic value of properties that can host STAs either full time or part-time.

“(t)he impact of short-term rentals on housing... functions similarly to gentrification: these rentals slowly increase the value of an area to the detriment of its original residents. The growth of short-term rentals has contributed to housing shortages across cities, as dwindling supply of homes for sale and rent have artificially driven up prices.

While it is difficult to directly link the cause and effect of these occurrences in the local market, there is evidence. The average price of a home, and the average cost of rent in London has increased, with the average rent is hitting all-time highs.”

¹ Excerpt from March, 2022, Council report by Deputy City Manager, London, ON

² Canadian Journal of Urban Research, Summer 2020, Vol. 29, Issue 1, p119-134 (online article)

experienced in an effort to preserve community.

Note that, instead of attaching hundreds of pages of reference material to this report, staff have begun creating a page on the District website containing links to past staff reports, Council motions, District policy and numerous references to research on housing affordability, short-term vacation rentals and related topics. Staff recommend that this page be used as part of efforts to raise awareness and provide context for community members on housing issues and the District's response.

DISCUSSION:

The following are discussed below, for Council consideration:

- removing *Bed and Breakfast* (B&B) as an accessory use in residential zones;
- adding *Accessory Residential Dwelling Unit (ADU)* as an accessory use in those residential zones;
- creating a B&B Overlay within the zoning bylaw to allow the continued operation of existing licensed short-term rental businesses;
- providing a brief transition period to minimize the chances that residents might be caught unaware by these bylaw changes;

A. REPLACING B&B WITH ADU AS AN ACCESSORY USE IN RESIDENTIAL ZONES;

Ucluelet Zoning Amendment Bylaw No. 1310, 2022 ("**Bylaw No. 1310**" see **Appendix "A"**), would enact 3 major changes within the zoning bylaw:

1. **remove Bed and Breakfast** from the list of permitted secondary uses in the following zones:

- R-1 Single Family Residential
- R-2 Medium Density Residential
- R-4 Small Lot Single Family Residential
- RU Rural Residential
- CD-1 Eco-Industrial Park
- CD-2A Big Beach - District Lot 281
- CD-3A Rainforest - District Lot 282
- CD-5B Former Weyco Forest Lands – Development Area #2 (Central Park)
- CD-5C Former Weyco Forest Lands – Development Area #3 (Ocean West)

This would remove the B&B short-term vacation rental use as a default accessory use in residential neighbourhoods. With this change, if a property owner wished to start a new vacation rental business, they could still apply for a site- specific zoning amendment or Temporary Use Permit to allow the B&B use. That process would allow for Council consideration and public comment before granting expanded B&B uses.

2. **insert Accessory Residential Dwelling Unit** in the list of permitted secondary uses in the same zones listed above (also in the GH – Guest House zone).

In place of the B&B use, Bylaw No. 1310 would add the ability to build or possibly convert a building into a legal cottage or cabin on residential properties. These ADU's could house family members, long-term tenants or non-paying family guests; they could not be used for commercial short-term vacation rentals.

3. Add a new section 408 **supplemental regulations** applying to Accessory Residential Dwelling Units.

These regulations would provide parameters for the size, siting and use of an ADU.

Bylaw No. 1310 would also clarify the following definitions and regulations:

4. Clarify the definition of *Accessory Residential Dwelling Unit*.
5. Clarify the regulation requiring that the full-time resident be present and responsible for the operation of a B&B secondary use.

B. CREATING A NEW B&B OVERLAY WITHIN THE ZONING BYLAW TO ENABLE THE CONTINUED OPERATION OF EXISTING LICENCED B&B'S:

Ucluelet Zoning Amendment Bylaw No. 1311, 2022 ("**Bylaw No. 1311**" see **Appendix "B"**), would add a table and map identifying the individual properties with existing licensed B&B operations, and permit B&B as a permitted secondary use on those properties instead of ADU's. All other aspects of those properties' residential zoning regulations would remain unchanged from the underlying neighbourhood zoning (setbacks, height, density, etc.).

The adoption of Bylaw No. 1310 in itself would put pre-existing licensed B&B's in a "lawfully non-conforming" status; the adoption of the amendments in Bylaw No. 1311 would make those B&B's fully lawful under the zoning bylaw. By placing the amendments in two separate bylaws, there is some flexibility for timing – enabling Bylaw No. 1311 to be adopted after Bylaw No. 1310 to give time for a transition period to adjust the details of properties in the B&B overlay (see below).

If a property owner wished to discontinue the B&B use and instead use their property for a secondary suite or ADU, they could apply to be removed from the B&B list. Council could indicate that this be a process of request by letter (rather than submitting a rezoning application and fee) and that staff periodically bring forward a District-initiated zoning amendment to make such changes, when warranted.

C. PROVIDING A BRIEF TRANSITION PERIOD:

There may be a handful of current residents who have plans in the works or applications underway to start a new B&B business. There may also be a number of people who have purchased property in Ucluelet recently and who either have a new house under construction or are in the design stage with new B&B rooms integral to their plans (both physical and financial). The recommended Council motion #5 at the outset of this report would give a 10-day period for such persons to identify their situation and request inclusion in the B&B zoning overlay. This would enable such cases to scoot in before the bylaw is adopted.

A brief and clearly defined transition period would allow Council to adjust the B&B overlay to suit these situations. This would enable those who have already made a significant effort toward establishing a B&B to carry on with their plans. A longer period is not recommended; that might result in a flurry of activity as property purchasers or owners rush to put plans together to establish new B&B's just to get their property within the overlay. A rush on B&B's would be contrary to the intent of getting back to zoning that allows residential properties to be used primarily for residential uses.

At any time in the future, a property owner would have the option to apply for a zoning amendment to have their property included in the B&B overlay. Council could consider such applications on their merits and the details of their particular situation.

ANALYSIS OF OPTIONS

A	<p>Give first readings to Bylaws Nos. 1310 & 1311; refer Bylaw No. 1310 to a public hearing; allow a brief transition period for Bylaw No. 1311; communicate housing issues and regulatory options to the community; develop and discuss new DP guidelines for infill ADU's and explore incentives for creating new accessory housing units.</p>	<u>Pros</u>	<ul style="list-style-type: none"> limits the spread of B&B vacation rentals in residential zones. Initiates a return to <u>housing</u> as the primary use and value for residential properties. provides a more diverse set of accessory housing options on residential properties. creates opportunity to build more rental housing in residential neighbourhoods. a public hearing on the bylaws would provide opportunity for community input and discussion of the bylaws and housing options.
		<u>Cons</u>	<ul style="list-style-type: none"> some property owners and investors may take issue with changes that could affect the speculative value of properties which they assumed could always be used for commercial short-term vacation rentals.
		<u>Implications</u>	<ul style="list-style-type: none"> this is a direct regulatory step that the District could take to positively affect the residential housing market and supply in the community.
B	<p>Refer Bylaw Nos. 1310 and 1311 to a Committee-of-the-Whole meeting for further discussion.</p>	<u>Pros</u>	<ul style="list-style-type: none"> taking a slower approach could enable more public input.
		<u>Cons</u>	<ul style="list-style-type: none"> could fuel speculation and drive property owners to quickly establish new B&B operations on residential properties to "get their foot in the door".
		<u>Implications</u>	<ul style="list-style-type: none"> timing of additional meetings and discussion would likely mean that bylaw amendments addressing B&B's in residential zones would not be completed in this Council term.
		<u>Suggested Motion</u>	<p>THAT Council refer the staff report of May 31, 2022 titled "Zoning Amendments: Housing vs. Short Term Rentals" to a future Committee-of-the-Whole meeting.</p>
C	<p>Take no action.</p>	<u>Pros</u>	<ul style="list-style-type: none"> Council and staff time could focus on other matters.
		<u>Cons</u>	<ul style="list-style-type: none"> no change to the housing situation. the conversion of residential properties for commercial tourist accommodation and investment value would be expected to continue unchecked.
		<u>Implications</u>	<ul style="list-style-type: none"> taking no action would leave it unclear how Council wishes to move forward on the goals for improving housing supply and affordability.
		<u>Suggested Motion</u>	<p>No motion is required.</p>

RELATED ACTIONS:

The amendments contemplated in Bylaws 1310 and 1311 follow the goals established by Council and the recommendations of the 2021 Ucluelet Housing Needs Report. Some other related steps that the District could take to improve housing availability and affordability include:

- consider creating a new DP area designation within the OCP with guidelines for constructing new ADU's as intensive residential development (see initial draft in **Appendix "D"**). This could be used as a mechanism for smoothing the creation of more housing in existing residential neighbourhoods and avoiding conflicts with neighbours.
- explore the creation of "permit ready plans". To expedite approvals and encourage development of new infill housing ADU's, the municipality could explore a process of developing a series of pre-approved permit plans. Some jurisdictions have used design competitions and then a licensing agreement to offer building plans that can be purchased along with a building permit. This approach could expedite approvals and provide a clear path for a homeowner to budget and construct an ADU on their property in Ucluelet.
- invite conversation with local First Nations to better understand the housing needs of Indigenous community members, and to explore areas of mutual housing challenges and opportunities.
- consider amendments to the *Business Regulation and Licencing Bylaw* to clarify the community expectations and enable efficient identification of short-term rental business activity.
- consider amending the *Fees and Charges Bylaw* to align the cost of a B&B business licence with the cost of maintaining a program for monitoring and enforcement necessitated by the existence of these businesses.
- consider other zoning amendments first discussed and following the direction of the September 21, 2021, staff report.
- continue discussions with regional agencies on coordinated efforts to advance housing affordability and availability on the west coast.

These are ongoing and future efforts. Improving Ucluelet's housing situation will require changes to regulations, encouraging development of the right kinds of new housing, investment and partnerships to fill non-market gaps in the housing continuum, and working with others in the region to share resources and alignment efforts. Some of the above items are explored in a separate report that is also being prepared for Council's agenda.

NEXT STEPS

Should Council adopt the motions recommended at the outset of this report, staff would schedule and give notice of a public hearing on Bylaw No. 1310, likely to be held in late June. Staff would also immediately finalize and publish a new page on the District website providing background to these housing efforts and research links to explore. Over the next ten days, staff anticipate receiving inquiries and applications from property owners seeking to clarify and/or justify their inclusion in the B&B overlay in Bylaw No. 1311. After that ten-day period, staff would update the draft bylaw and bring it back for Council consideration of second reading as amended.

Other items (new DP area guidelines, permit-ready plans) would be investigated further and brought to a future Council meeting as resources and time allow.

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

Appendix A

DISTRICT OF UCLUELET
Zoning Bylaw Amendment Bylaw No. 1310, 2022

A bylaw to amend the “District of Ucluelet Zoning Bylaw No. 1160, 2013”.
(Zoning amendments to replace *Bed & Breakfast* with *Accessory Residential Dwelling Unit* uses in most residential zones).

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 Amendments:

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

- A. By replacing within Division 100 – Enactment and Interpretation, Section 103 Definitions the definition of *Accessory Residential Dwelling Unit* so that the new definition reads as follows:

“Accessory Residential Dwelling Unit” (“ADU”) means one *accessory building* used as a *dwelling unit* for *residential* purposes only, accessory to a *single family dwelling* on the same *lot*, and may be occupied by the property owners, their family members, caretakers, tenants or non-paying guests.”

- B. By amending Division 400 – Supplemental Regulations to make the following changes:

- i. within Section 401 - Accessory Buildings and Structures by adding in alphanumerical order a new subsection 401.4(2)(c) containing the following:

“(c) an *accessory residential dwelling unit* in a Zone that lists such as a permitted use.”

- ii. within Section 404 - Bed & Breakfasts by replacing subsection 404.1(1)(a) with the following:

“(a) in a *single family dwelling* on a lot identified in the B&B Overlay as set out in Schedule “D” ”

- iii. within Section 404 - Bed & Breakfasts by replacing subsection 404.1(2) with the following:

“(2) A maximum of three (3) guest rooms may be used for the *bed and breakfast* with a maximum occupancy of two (2) guests per room.”
- iv. within Section 404 - Bed & Breakfasts by adding in alphanumerical order a new subsection 404.1(6) containing the following:

“(6) A *bed and breakfast* must be administered by a permanent resident of the *single family dwelling* for whom the *single family dwelling* is their principal residence.”
- v. within Section 404 - Bed & Breakfasts by adding in alphanumerical order a new subsection 404.1(7) containing the following:

“(7) The gross floor area devoted to the *bed and breakfast* use must not exceed 35% of the habitable area of the *single family dwelling* in which it is located.”
- vi. within Section 405 – Guest Houses and Guest Cottages by deleting “*accessory residential dwelling unit*” from subsection 405.3(3); and,
- vii. by adding a new Section 408 – Accessory Residential Dwelling Units in alphanumerical order containing the following:

“408 ACCESSORY RESIDENTIAL DWELLING UNIT (ADU)

408.1 Where a Zone specifically includes an *Accessory Residential Dwelling Unit* as a permitted secondary use, one *Accessory Residential Dwelling Unit* use is permitted if all the following conditions are satisfied for the establishment and continued use of the *Accessory Residential Dwelling Unit*.

- (1) *Accessory Residential Dwelling Units* are only permitted in the Zones where *single family dwelling* is listed as a *principal permitted use* and *Accessory Residential Dwelling Unit* is identified as a *secondary permitted use*.
- (2) The *gross floor area* of the *Accessory Residential Dwelling Unit* must not exceed 7% of the lot area to a maximum of 90 m².
- (3) The *gross floor area* of the *Accessory Residential Dwelling Unit* can be excluded from the calculation of maximum size for accessory buildings in the regulations specific to each zone.
- (4) An *Accessory Residential Dwelling Unit* shall only be located to rear of a principal *single family dwelling*.

- (5) A minimum outdoor space equal to the gross floor area of the *Accessory Residential Dwelling Unit* shall be provided as a dedicated space for use by residents of the *Accessory Residential Dwelling Unit*.
- (6) An *Accessory Residential Dwelling Unit* must not have more than 2 bedrooms.
- (7) A clear pathway with a minimum width of 1.0m shall be provided from the sidewalk or street to the front door of the *Accessory Residential Dwelling Unit*.
- (8) Cantilevered balconies are not permitted on the interior side or rear faces of an *Accessory Residential Dwelling Unit*.
- (9) An *Accessory Residential Dwelling Unit* is only permitted where the owner of the lot has registered a covenant under section 219 of the *Land Title Act* against the title of the lot, in favour of the District of Ucluelet and satisfactory in its form and priority of registration, providing that the *Accessory Residential Dwelling Unit* must not be subdivided from the lot containing the principal building, whether pursuant to the *Strata Property Act*, the *Land Title Act*, or otherwise.
- (10) Off-street parking must be provided in accordance with Division 500.
- (11) An *Accessory Residential Dwelling Unit* must be located a minimum of 3m from any lot line and a minimum 4m from the principal dwelling.
- (12) Despite subsection (1) *Accessory Residential Dwelling Units* are also permitted in some Industrial and Commercial zones according to the regulations of those zones.

408.2 In addition to minimum height requirements of other parts of this bylaw:

- (1) For an *Accessory Residential Dwelling Unit* whose roof pitch is equal to or greater than 3:12, the maximum height shall not exceed 4.2m.
- (2) For an *Accessory Residential Dwelling Unit* with flat roofs or roofs with a pitch less than 3:12, the maximum height shall not exceed 3.75m.
- (3) The height of an *Accessory Residential Dwelling Unit* may be increased by 0.3m vertical distance for every 0.6m increase in excess of the minimum setbacks established by this bylaw, to a maximum height of 6.5m.
- (4) For an *Accessory Residential Dwelling Unit* with flat roofs or roofs with a pitch less than 3:12, the area of a second floor shall be no greater than 60% of the total floor area beneath it.

408.3 For greater certainty, notwithstanding other provisions of this Bylaw, an *Accessory Residential Dwelling Unit* :

- (1) Must not contain a *home occupation* if the principal *single family dwelling* contains a *home occupation*.
- (2) Must not be established or operate on a property where the principal *single family dwelling* contains a *Secondary Suite*, or has been issued a business licence for a *Bed & Breakfast*.
- (3) Must not contain any type of *commercial tourist accommodation use*.
- (4) Must not be established or operate in addition to the maximum number of *dwelling units* in the form of *Guest Cottages* on a property in the GH – Guest House zone.”

C. By deleting “*Bed and Breakfast*” as a permitted secondary use from the list of permitted uses in the following subsections within the Zones:

- i. R-1.1.1.1(2)(a) [R-1 Single Family Residential]
- ii. R-2.1.1(2)(a) [R-2 Medium Density Residential]
- iii. R-4.1.1(2)(a) [R-4 Small Lot Single Family Residential]
- iv. RU-1.1(2)(b) [RU Rural Residential]
- v. CD-1.1.1(2)(a) [CD-1 Eco-Industrial Park]
- vi. CD-2A.1.1(2)(a) [CD-2A Big Beach - District Lot 281]
- vii. CD-3A.1.1(2)(a) [CD-3A Rainforest - District Lot 282]
- viii. CD-5B.1.1(2)(a) [CD-5B Former Weyco Forest Lands – Development Area #2 Central Park]
- ix. CD-5C.1.1(2)(a) [CD-5C Former Weyco Forest Lands – Development Area #3 Ocean West]

D. By inserting “*Accessory Residential Dwelling Unit*” as a permitted secondary use into the list of permitted uses in the following subsections within the Zones:

- i. R-1.1.1.1(2)(a) [R-1 Single Family Residential]
- ii. R-2.1.1(2)(a) [R-2 Medium Density Residential]
- iii. R-4.1.1(2)(a) [R-4 Small Lot Single Family Residential]
- iv. RU-1.1(2)(b) [RU Rural Residential]
- v. GH-1.1(2)(b) [GH Guest House]
- vi. CD-1.1.1(2)(a) [CD-1 Eco-Industrial Park]
- vii. CD-2A.1.1(2)(a) [CD-2A Big Beach - District Lot 281]
- viii. CD-3A.1.1(2)(a) [CD-3A Rainforest - District Lot 282]
- ix. CD-5B.1.1(2)(a) [CD-5B Former Weyco Forest Lands – Development Area #2 Central Park]

x. CD-5C.1.1(2)(a) [CD-5C Former Weyco Forest Lands – Development Area #3 Ocean West]

E. By deleting subsection R-1.1.1(3); and,

F. By deleting subsection CD-3A.1.1(3).

2. Citation:

This bylaw may be cited as “District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022”.

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. 1310, 2022.”

Mayco Noël
Mayor

Paula Mason
Deputy Corporate Officer

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

Paula Mason
Deputy Corporate Officer

Appendix B

DISTRICT OF UCLUELET

Zoning Bylaw Amendment Bylaw No. 1311, 2022

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

(Zoning amendments to continue established Bed & Breakfast as a permitted accessory use on certain residential lots).

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 Amendments:

District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by adding a new Schedule “D” (B&B Overlay) at the end the bylaw to designate those *Lots* as listed in the table attached to this bylaw as Appendix “A” (and as listed in the map accompanying Schedule “D”), to include *Bed and Breakfast* as a permitted secondary use per subsection 404.1(1)(a).

2. Map Amendment:

District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by adding a new Schedule D (B&B Overlay) at the end the bylaw to designate those *Lots* outlined in black on the map attached to this bylaw as Appendix “A” (and as listed in the table to accompanying Schedule “D”), to include *Bed and Breakfast* as a permitted secondary use per subsection 404.1(1)(a).

3. Citation:

This bylaw may be cited as “District of Ucluelet Zoning Amendment Bylaw No. 1311, 2022”.

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. 1311, 2022.”

Mayco Noël
Mayor

Paula Mason
Deputy Corporate Officer

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

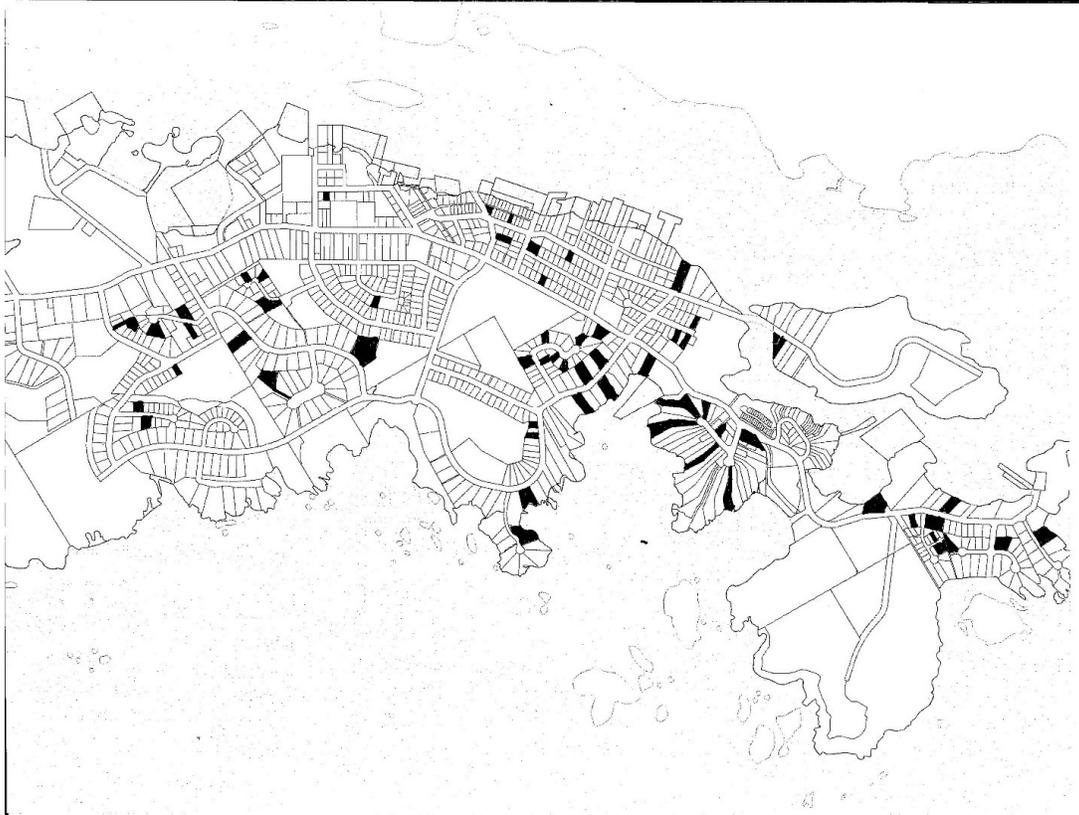
Paula Mason
Deputy Corporate Officer

**APPENDIX 'A' to District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022
(B&B Overlay)**

Notwithstanding the permitted accessory uses listed in the Zoning designation of the following properties, *Bed and Breakfast* is a permitted secondary use on the properties listed in this table and outlined in black on the following map:

Roll No	Licence #	Name	Location	Lic. Code 1
114893	5375	BLACK BEACH HOUSE	482 MARINE DRIVE	B-1
127080	5434	THE FARMHOUSE	812 RAINFOREST DR	b-1
127066	5537	SALTY CEDARS	1755 RAINFOREST LANE	b-1
127099	5313	FERN BRIDGE COTTAGES	651 RAINFOREST DRIVE	B-1B
126935	5246	SINGING CEDARS GUEST HOUSE	1824 ST JACQUES BLVD	B-1A
180658	5342	AERIE ON THE EDGE	863 LORNE WHITE PLACE	B-1
180660	5536	WILD COAST RETREAT UCLUELET	850 LORNE WHITE PL	B-1
200020	5108	EASY ON THE EDGE	978 PENINSULA RD	B-1
180657	5255	BROWN'S BEACH GUEST SUITE	859 LORNE WHITE PLACE	B-1
151102	5385	DOWNTOWN CEDAR SUITE	1774 CEDAR ROAD	B-1
61039	5372	TWO BEACHES GUEST SUITES	302 REEF POINT ROAD	B-1
195000	5200	DAHLIA HOUSE B & B	1974 ATHLONE ROAD	B-1
206030	5301	RISE GUEST HOUSE	963 PENINSULA	B-1A
114810	5190	CYGNET COVE SUITES	1260 SUNSET POINT RD	B-1B
61176	5497	BLUEBERRY HILL GUEST SUITE	1323 EDWARDS PLACE	B-1B
200060	5197	DRIFT WESTCOAST GETAWAY	327 PASS OF MELFORT PLACE	B-1B
200003	5281	WILD PACIFIC BED AND BREAKFAST	962 PENINSULA RD	B-1
62100	5358	OCEAN DREAMS B&B	1214 PENINSULA RD	B-1
61015	5136	REEF POINT B&B	1166 CORAL WAY	B-1
73050	5223	BOSTROM'S B&B ON LITTLE BEACH BAY	358 MARINE DR	B-1
196070	5542	HYPHOCUS INN	1062 HELEN ROAD	B-1
92000	5456	GUEST ROOM 184	184 MATTERSON DRIVE	B-1
61005	5399	UKEE RETREAT	1131 CORAL WAY	B-1
200022	5404	SHIPWRECK COAST BED AND BREAKFAST	947 AMPHITRITE PL	B-1
61163	5243	SURFNSTAY	1358 EDWARDS PL	B-1
61186	5119	CHINOOK GUEST SUITE	1387 EDWARDS PL	B-1
73070	5490	359 MARINE DRIVE	359 MARINE DRIVE	B-1
200001	5366	LA MER INN	970 PENINSULA	B-1
126943	5465	RAINFOREST RETREAT	1947 ST. JACQUES BLVD	b-1
126936	5113	WARUNG OMBAK INN	1844 ST JACQUES BLVD	b-1
187500	5452	WILD PACIFIC LODGE	1977 ATHLONE	B-1
61177	5195	RAIN INN	1327 EDWARDS PLACE	B-1
73044	5347	378 MARINE DRIVE	378 MARINE DRIVE	B-1
126933	5469	SALAL SUITE	1804 ST JACQUES BLVD	B-1
60079	5269	LITTLE BEACH LOOKOUT	1166 RUPERT RD	B-1
128060	5420	PARKSIDE B & B	1644 HOLLY CRESCENT	B-1
61010	5322	CORAL WAY ENTERPRISES	1165 CORAL WAY	B-1
61189	5350	SECRET CREEK B & B	1270 PENINSULA	B-1
114958	5523	WHITE WOLF B & B	405 MARINE DRIVE	B-1
62060	5324	WAY WEST LODGE	238 MATTERSON DRIVE	b-1
60087	5454	EAGLE VIEW	1151 RUPERT RD	b-1
73074	5121	MARINE DRIVE SUITES	343 MARINE DR	B-1
206320	5207	SANCTUARY ON THE COAST	875 ELINA RD	B-1
60081	5166	CATHERINE'S B&B	1150 RUPERT RD	B-1
61030	5422	REEF RETREAT	366 REEF POINT RD	B-1
61023	5423	SALT & CEDAR	1118 CORAL WAY	B-1
181154	5540	BUENA ONDA B & B	350 PACIFIC CRES	B-1
62005	5549	STARRY VACATION HOME	1183 HELEN RD	b-1
114956	5570	FRONT OF THE HOUSE STUDIO SUITE	419 MARINE DR	b-1
180601	5575	SEAGLASS GUEST ROOMS	1950 CYNAMOCKA RD	b-1
61012	5582	CORAL BEACH HOUSE	1179 CORAL WAY	b-1
200002	5141	OCEAN MIST GUEST HOUSE	966 PENINSULA ROAD	B-1A
196071	5406	LIHONA GUESTHOUSE	1068 HELEN ROAD	B-1A
188000	5320	SERGEI FOX	1971 ATHLONE	B-1A
61182	5545	TREE TOP VACATION SUITE	1357 EDWARDS PL	B-1B
61168	5260	COCOON	1328 EDWARDS PL	B-1B
96000	5466	SUITE VIEW	1465 HELEN ROAD	B-1B
61165	5470	SITKA SUITE	1346 EDWARDS PLACE	B-1B
37000	5339	PACIFIC RIM BED AND BREAKFAST	1350 HELEN RD	B-1
51000	5534	EDGEFLOW B & B	1373 PENINSULA RD	B-1
29000	5554	OTTER AND PINE	236 OTTER RD	b-1
200057	5316	SAFE HARBOUR GUEST HOUSE	333 PASS OF MELFORT PL	B-1
200056	5569	CEDAR SURF B & B	335 PASS OF MELFORT PL	B-1
200054	5509	SOUNDS OF THE SEA GUEST HOUSE	339 PASS OF MELFORT	B-1A
200037	5580	SURGE GUEST SUITES	905 BARCLAY PL	b-1
196601	5132	BIRDS BAY RETREAT	985 PENINSULA RD	B-1
126933	5367	KIWI COTTAGE	1804 ST. JACQUES BLVD.	b-1
181133	5369	ATHLONE HEIGHTS B&B	B-1994 ATHLONE ROAD	b-1
181134	5304	HILLTOP HIDEAWAY	1992 ATHLONE ROAD	B-1
200013	5262	BARKLEY HOUSE B & B	917 BARKLEY PL	B-1
126946	5312	CEDAR HIDEAWAY	1887 ST JACQUES BLVD	B-1

APPENDIX 'A' to District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022
(B&B Overlay)





STAFF REPORT TO COUNCIL

Council Meeting: September 21, 2021
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, DIRECTOR OF COMMUNITY PLANNING

FILE NO: 6630-20-HOUSING

SUBJECT: UCLUELET HOUSING – 2021 UPDATE

REPORT NO: 21-137

APPENDICES: APPENDIX A – 2018 STAFF REPORT - OCP HOUSING ACTION PLAN

RECOMMENDATIONS:

1. **THAT** Council adopt the following goals aimed at improving the availability and affordability of housing in the community:
 - a. prioritize long-term residential housing;
 - b. slow and contain the proliferation of short-term vacation rentals within residential neighbourhoods;
 - c. create opportunities for more diverse and new forms of housing, with a priority on more affordable forms of housing; and,
 - d. create opportunities for the development of new rental housing.

2. **THAT** Council direct staff to further explore regulatory and development strategies to action Council's goals for addressing housing availability and affordability in the community.

PURPOSE:

To provide Council with options for addressing current housing issues, confirm the goals for any regulatory changes, gauge the degree of public consultation desired by Council on these issues, and to lay out possible next steps.

BACKGROUND AND CONTEXT:

Ucluelet is at a pinch point. Like many communities across the country, housing affordability has become an issue at the forefront of concerns for most households. This is an issue for both community members and business owners; increasingly, housing issues are translating into staffing issues. This report is being presented in the context of:

- a doubling of local housing prices in the past decade;
- a draft OCP underway but not adopted;
- a global pandemic that is not over, which has upended travel, economics and livelihoods;
- a Housing Need Assessment underway for all West Coast communities;
- a real estate and building boom;
- escalating construction costs due to supply-chain bottlenecks and localized demand;
- the ongoing loss of existing rental housing stock to short term tourist accommodation rentals;
- the final year of this Council term; and,
- a Strategic Plan that includes a focus on Housing Affordability.

Also part of the housing context are a number of recent and current housing development approvals:

- Ocean West phase 5 (32 lot single-family subdivision: DP and PLA issued);
- “Lot 13” Marine Drive affordable housing (33-lot single-family subdivision: rezoning, DP and PLA issued);
- “Lot 16” Marine Drive housing development (112 units total: rezoning underway);
- “The Wave” on Marine Drive development (6 townhouses: rezoning, DP and BP issued);
- development of 20 new homes under the *Pocket Neighbourhood Residential* regulations on St. Jacques Boulevard; and,
- a handful on “one-off” site-specific single-family re-zonings to allow an Accessory Residential Dwelling Unit (ARDU).

As well, Council has supported the retention of existing housing and creation of temporary worker housing:

- “Raven Lodge” rezoning to recognize existing non-conforming multi-family units and to enable their upgrade; and,
- numerous Temporary Use Permits for seasonal worker housing, including a 2021 pilot project for a batch intake of TUP applications.

THE CURRENT CHALLENGE:

Ucluelet has been experiencing a dramatic shift of value within the housing market. This is partly brought about by external forces (increased demand for rural properties brought by a global pandemic, a culture shift to working remotely, historically low interest rates, etc.), and is also affected by local forces (existing zoning regulations, destination tourism marketing, labour availability, etc.).

For years, within the Ucluelet zoning bylaw the Bed and Breakfast (“**B&B**”) use has been a permitted secondary use. This accessory use was intended to be a “mortgage helper” and first arose in the zoning regulations as the local economy saw shifts in the forestry and fishing sectors, and the community began to turn to tourism for additional economic opportunities. Over time, there has been rising popularity and demand for short term rentals (“**STR’s**”; in this report we will use this term interchangeably with B&B in the discussion of short-term tourist accommodation within single-family residential properties).

In 2008 AirBnB was founded. Online bookings for independent STR accommodation began to grow in popularity.

The B&B accessory use within the residential zones in Ucluelet perhaps started as an innocuous side gig, but the rise of AirBnB and other online booking platforms led to that being discovered and promoted to the point where the B&B use is now effectively a loophole into the commercial vacation accommodation market.

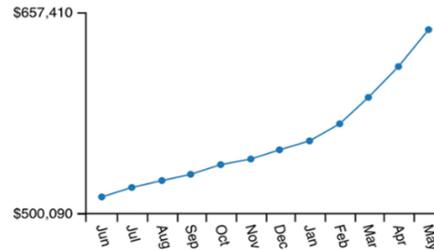
The market for residential properties is now being influenced by commercial / investment / accommodation value – these uses are no longer secondary to the value of the home. Instead these uses are driving the cost of local housing stock.

Increasingly, we are seeing new houses being constructed with purpose-built attached (with separate exterior access) motel units; these may meet the definition within the zoning but are no longer the B&B bedrooms down the hall within a family home. Additionally, what were formerly long-term rental secondary suites are being converted and put to use as STR’s for tourist accommodation.

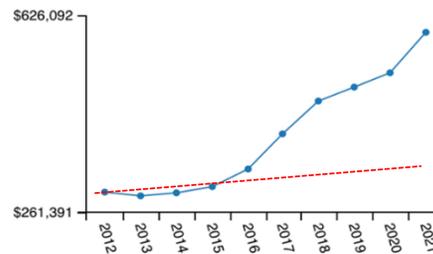
All of the above have contributed to the recent rise in the price of land and housing - to the point that working Ucluelet families are essentially priced out of the market. This is acutely affecting both ownership and rental opportunities.



Past 12 months



Past 10 years



The red line (added) shows the home price that the median Ucluelet household can afford.

If sustained, a 14.5% year-over-year increase in the average market price means that home prices would double in less than 5 years.

The character of the town and the fabric of the community depends on people being able to see a long-term path to stable housing, to meet their family’s needs. Households make long-term decisions on where they will invest their time and money, where they will raise kids, volunteer and put down roots. These individual decisions affect how a community functions and how it defines itself. If it wishes to keep its values then Ucluelet, like many communities, will need to take an active role in addressing local housing issues on many fronts.

In this context, this report aims to briefly explore some short-term and long-term actions the municipality could take, and seek direction from Council on where best to focus energies and resources. These include:

- regulatory (particularly Zoning Bylaw) changes;
- building housing; and,
- creating a supportive environment for housing initiatives (i.e., governance & resources).

DISCUSSION:**Potential Strategies:**

To avoid getting buried in details at the outset, staff suggest that the best starting point is for Council to first consider and confirm the goals as outlined in the recommendations at the beginning of this report. Once Council has confirmed the goals for addressing the supply and affordability of housing, the next step would be for staff to provide more detailed information and a discussion of the pros and cons of pursuing each potential strategy, for further discussion and direction.

The following provides an overview of future strategies Council could consider.

A. Zoning:

Arguably the District's zoning needs to catch up with the times. Zoning can affect the amount, type, location and cost of housing in the community. Adjusting regulations within the zoning bylaw is perhaps the central lever that Council controls which can affect the supply and cost of housing over time. Some examples of zoning changes that could be explored include:

1. **Option: flip the status to put housing first (reduce B&B and increase ARDU zoning) – explore changing residential zones to make ARDU's an outright accessory use, and make a site-specific zoning amendment necessary for creating more short-term rentals instead.**

Currently, as mentioned above, commercial tourist accommodation use (a B&B) is an outright secondary use permitted in most residential zones in the District. At the same time, an Accessory Residential Dwelling Unit (ARDU) is not generally permitted; this accessory use would require a rezoning application. A handful of properties have successfully made application and rezoned to allow an ARDU for long-term accommodation.

An ARDU unit – also known as a cabin – provides a different type of housing unit than a secondary suite. By definition secondary suites are attached within the main house. A cabin for a renter or family member provides for a little separation and outdoor space, adding a different and often more livable long-term housing situation.

This is not to suggest that STR's be "banned"; the zoning could acknowledge those existing licensed B&B's but contain their further spread.

2. **Option: seek to create a diverse mix of residential zoning designations for different sizes and types of long-term residential housing, and apply a policy of seeking a majority of long-term housing within each new development.**

As properties within town come forward with rezoning applications, prioritize housing and more affordable forms of housing.

3. **Option: explore adding long-term ARDU housing as a permitted accessory use on properties already zoned for guest cabin accommodation.**

As we have seen during the pandemic, at times it may be more desirable for an owner of tourist accommodation to instead use it for residential housing. Such units are already dwellings built to code for long-term occupancy, with parking on site. If an owner wishes to lease a cabin to a long-term tenant, then that's one more resident housed.

4. Option; clarify within the zoning bylaw and/or business licensing bylaw that the property must be the principal residence of the business licence holder.

The B&B use regulations have long specified that it is the full-time and present resident of the dwelling who operates and administers the B&B. In other words, clarify within the bylaws that a tenant “manager” is insufficient to justify the accessory B&B use.

5. Option: explore prioritizing housing within mixed-use buildings in the centre of town by removing resort condo as an outright permitted use.

It has long been a policy to support more rental housing in the centre of town. The CS-2 zoning permits mixed-use multi-family (i.e., apartments above commercial uses) but also mixed-use resort condos. The CS-2 zoning would still allow *Hotel* and *Motel* uses, but this zoning change may encourage / protect the “apartment above the shop”.

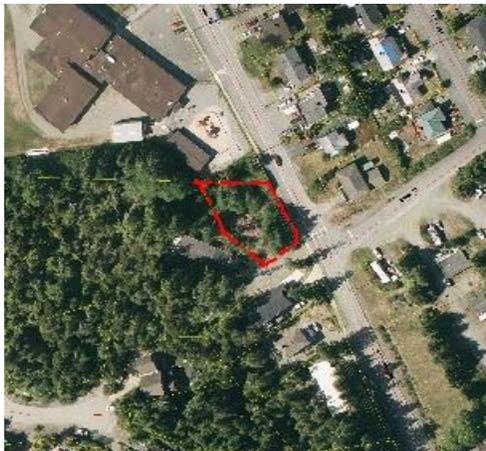
With any of these potential changes, a degree of public consultation and community input will be advisable and required. A greater degree of public engagement can raise awareness and acceptance of potential changes, but consequently takes more time and resources. Staff suggest that Council discuss and consider at a high level the degree of community input – early and/or ongoing - that might be appropriate with any potential options being explored.

B. Build Housing:

Option: explore, within the 5-year financial plan, funding capacity for one or more affordable housing projects on District-owned land.

The District of Ucluelet is not a large land owner, but some municipally-owned properties may be suitable for constructing housing. The District could prioritize these lands for strategically developing housing stock to fill the most critical gaps identified in the Housing Need Assessment (HNA). This may mean partnering with not-for-profit housing developers. Some lands that may be considered (and that have been previously identified and discussed at different points) include:

1. Peninsula Road at Alder Street. This property is next door to the elementary school and may be suitable for 3 or 4 townhouses; an affordable housing project at this location might prioritize single parents, seniors, etc. (again, the need to be identified from the HNA).



2. Matterson reservoir site. This is a large, treed property that could be an option for developing affordable ownership and affordable rental units. Access, servicing and subdivision would all be precursors to developing housing. The location is adjacent to both schools and the community centre. Park dedication and habitat values would also be key considerations.



3. Forbes Road behind public works yard. This District lot would need water and sewer services extended to it, and grading work to level the site. Located within the light industrial area, but also adjacent to the Tugwell Fields park, this might be most suitable for temporary worker and/or contractor housing.



In all cases, for the above or other sites, the development of new housing infrastructure would require that the District undertake steps of:

- confirming the housing program and affordable housing goals;
- site selection (and confirmation of highest and best use);
- site analysis and feasibility testing;
- business case and confirmation of funding and/or partnerships;
- design and construction management;
- site servicing;
- construction;
- commissioning and ongoing maintenance; and (significantly),
- qualifying and vetting potential buyers and/or renters against affordable housing criteria.

These types of projects are not quick and require groundwork to ensure the financing and project success. Any such project would be informed by the results of the community Housing Need Assessment currently underway.

C. Build Housing Capacity:

The District is not alone facing these housing challenges. As the West Coast Housing Need and Demand study will illustrate, these challenges are being seen across the region. Working together with regional partners and communities, particularly on the servicing and supply side of the housing equation, will take time but holds promising win/win benefits for all communities. Some strategies that Council might consider include:

1. **Option: explore the potential and lobby regional agencies for the creation of a West Coast Housing Authority.**

As affordable housing units come on stream, recognize that the ongoing management of these community assets is itself a job. Individually, small local municipal and First Nation governments of the West Coast do not currently contain the capacity to take this on. Plus, the job of qualifying housing applicants and managing housing assets is not a side-of-desk job. Pooled resources could provide the best value to all West Coast communities in delivering affordable housing. This could take the form of:

- a. a new regional service provided by the Alberni-Clayoquot Regional District;
- b. a servicing agreement for contracted services provided by one localized service provider (e.g., Tofino Housing Corp. or other); or,
- c. a contracted regional service provided by either a for-profit or not-for-profit housing consultant.

2. **Option: invite conversations at the staff and elected official levels with the Toquaht Nation and Yuułu?iŋ?ath Government about mutual housing challenges and opportunities. Key starting points may be identifying where there are shared community values and goals, and alignment of housing needs and capacities. An eye to identifying shared efficiencies in delivering services and infrastructure could benefit all partners.**

Under the section discussing the regional context with our neighbours, reconciliation and relations with indigenous communities, the draft 2020 OCP includes the policy 1.4, “*seek opportunities for mutual benefit when exploring topics of housing, economic development, transportation, utilities, tourism, emergency services and other matters which affect the wellbeing of our communities*”. That the 2021 Housing Need Assessment is being completed as a collaborative partnership among all local government and indigenous communities on the West Coast is evidence that there is recognition and willingness to tackle our community issues such

as housing in a coordinated effort. Opportunities exist for working together to re-balance the local housing supply, create appropriate housing options for all community residents and also to create sustainable local economic development opportunities.

Process and Financial Implications:

Addressing community housing challenges will not be a single project or a one-time initiative. This should be approached as an ongoing area of service and adaptation within the community (see also 2018 report in **Appendix 'A'** for further context and background). As mentioned above, individual pieces may resolve as line items in the municipal Budget and 5-year Financial Plan. Other efforts will be tackled as part of core services and could at times affect all municipal departments – specifics will become clear as we get further down the path. As the community evolves the demand for services – including around housing – will increase and it can be expected that additional resources will become necessary. At this point, staff are seeking high-level Council direction; detailed decisions and supporting analysis will need to follow to ensure that these efforts are adequately resourced.

OPTIONS REVIEW AND NEXT STEPS:

It is recommended that Council consider providing direction on the goals for short- and long-term housing initiatives as described at the outset of this report. Staff would follow up with more detailed reports on the following for specific strategies, including:

- background, and experiences of other communities;
- budget implications;
- pros and cons;
- processes for public input; and,
- draft bylaws,

based on Council's direction on strategic housing initiatives.

Alternatively, Council could receive this report for information and revisit this discussion when the results and recommendations of the 2021 West Coast Housing Need Assessment are received later this fall.

Respectfully submitted: Bruce Greig, Director of Planning
John Towgood, Municipal Planner
Duane Lawrence, Chief Administrative Officer



STAFF REPORT TO COUNCIL

Council Meeting: June 26, 2018

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, MANAGER OF COMMUNITY PLANNING

FILE NO: 6480-20-2018-OCF

SUBJECT: UCLUELET OCP – HOUSING ACTION PLAN

REPORT NO: 18-65

RECOMMENDATIONS:

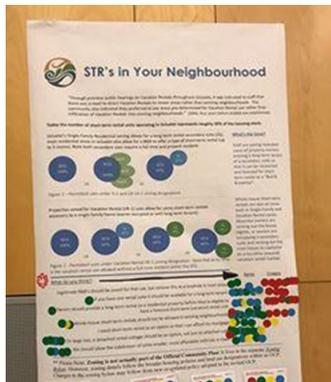
1. **THAT** Council provide feedback on the actions listed in the draft 2018 Housing Action Plan; and,
2. **THAT** the District proceed with commissioning a Community Housing Needs Assessment to analyze the current and emerging housing needs, identify gaps in the spectrum of existing and planned housing supply, and assist in identifying housing priorities in Ucluelet.

PURPOSE:

To provide Council with a brief background and preview of OCP housing discussions - plus a draft of potential short-term housing actions - and to seek direction on the immediate task of commissioning a Housing Needs Assessment.

Background:

Throughout the engagement of the Ucluelet Official Community Plan Update, initiated in 2016, a primary area of concern recognized by community members, staff and Council has been a suite of issues surrounding the supply and affordability of housing. During community consultation in March, housing was a key topic area and generated excellent discussion and feedback. Staff consider it timely to prompt further discussion focused on housing as the draft OCP takes shape. At the same time, other current community discussions could be informed by a clear picture of what the municipality is doing in this area. It is also timely to consider a series of short-term tasks to move forward on addressing these issues.



The 2016 Census counted a resident population of 1,717 people in Ucluelet, and a total of 735 occupied private dwellings. Gathered from the census data over the past ten years, Ucluelet has experienced 1.36% annual population growth, or 23 new residents per year; this could be considered strong, positive growth.

Over the same period, visitor growth and non-resident home ownership has also expanded considerably (though the numbers are not captured by the census). The advent of on-line advertising and bookings for short-term vacation rentals is depleting the supply of rental housing available to long-term residents in Ucluelet (and many other communities in BC). This is having a negative effect on both business viability and community well-being.

Over the past year the District has actively monitored and enforced its bylaws on short-term vacation rentals. Approximately 130 short-term rental units are active in the municipality, many in existing residential neighbourhoods. A number of long-term rental units, including secondary suites, have been converted to short-term rentals, displacing this supply of vital housing stock.

In April of 2018, the provincial government introduced two new pieces of legislation affecting how local governments address housing issues. Bill 18 will require local governments to commission a housing needs assessment within 3 years, and update the report every 5 years thereafter. It is expected that a completed needs assessment report will be a pre-requisite to provincial grant funding for affordable housing projects. Bill 23 will enable local governments to designate properties in their zoning bylaws exclusively for rental housing. This spring the federal government has announced new funding for affordable housing, including making land available to municipalities for the development of new affordable housing units. The details of these new regulations and funding have yet to be announced.

DISCUSSION: In response to the current housing situation, staff propose that the District pursue the following short-term housing action plan. Subject to Council approval of 2019 and 2020 budgets, the following actions are expected over the next two years:

2018 Short-Term Housing Action Plan:

1. Continue the program to actively monitor and enforce short-term rentals;
2. Commission a community Housing Needs Assessment report;
3. Explore the feasibility of creating temporary seasonal employee housing on municipally-owned property;
4. Look for opportunities to update the District's inclusionary zoning and density bonusing, particularly on lands previously designated as Comprehensive Development under a Master Development Agreement, to ensure a mix of affordable housing types are delivered with each phase of new development in the community;
5. Explore and seek community input on zoning amendments to:
 - a. 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;
 - b. remove standalone short-term rental of single-family homes from the VR-2 zoning designation;
 - c. add options for infill of compact, more affordable units in existing and new neighbourhoods (e.g., small lots, rental cottages, etc.);
6. A number of federally-owned former Parks Canada and RCMP employee housing lots are now designated *Institutional* on the Schedule A Land Use Plan; create a new institutional Community Residential zoning designation for these properties, clarifying the community expectation for the future conversion of these lands to a possible variety of community care, shelter, supportive and affordable housing uses;
7. Explore the use of the new rental zoning powers proposed in Bill 23;
8. Explore the use of Development Cost Charges for affordable housing;
9. As a follow-up to the needs assessment, develop a municipal Affordable Housing Strategy – identifying the best focus of municipal resources when addressing housing issues; and,
10. Develop a District land and development strategy and explore the options for an ongoing affordable housing program.

It is expected that these actions would be revisited in a 2020 amendment to fine-tune the OCP. Meanwhile, these actions would enable the District to better understand the dynamics of the housing market and supply in Ucluelet, and also allow the municipality to be proactive on balancing the community housing needs as new development occurs.

Process, Timeline and Financial Implications:

A. Housing Needs Assessment:

Staff are presently working on the draft updated OCP chapters and maps. Engaging a consultant to get started on a Housing Needs Assessment does not need to wait to follow adoption of an updated OCP bylaw. Staff consider this a clear next step and recommend pursuing the assessment as soon as possible. The needs assessment will be a pre-requisite to upcoming provincial grant opportunities, and is expected to become a legislated requirement in the near future. The results of the needs assessment will also provide a solid background to help in the analysis of future rezoning proposals which may affect the amount and diversity of housing supply in the community.

The cost to complete a needs assessment is estimated to be approximately \$20,000. The funding of the needs assessment could be accommodated within the current allotment for the OCP project and other consulting in the 2018 budget. As an alternative, Council could wait to see if provincial grant funding is announced in September (as rumoured) to assist municipalities in undertaking these housing needs assessment reports.

Any additional costs for other tasks which fall outside the regular Planning operating budget would be brought forward to Council for consideration in its budgeting process.

B. Other Tasks:

The other tasks listed are either already underway or could be tackled in the work program over the next two years. As the draft OCP is coming together, staff see the document as a complete and current plan but with a number of areas to be expanded in the short term. Staff anticipate a near-term revision to the OCP to enable the District to adopt a comprehensive “2020 vision” looking at a 30-year horizon to 2050. The proposed housing action plan would provide a number of elements to build toward this.

OPTIONS REVIEW:

1. **THAT** Council provide feedback on the actions listed in the draft 2018 Housing Action Plan; **(Recommended)** and,
2. **THAT** the District proceed with commissioning a Community Housing Needs Assessment to analyze the current and emerging housing needs, identify gaps in the spectrum of existing and planned supply, and assist in identifying housing priorities in Ucluelet. **(Recommended);** or,
3. **That** Council defer action on a Housing Needs Assessment until the province has clarified what funding will be available, if any, to assist municipalities with this work.

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

DRAFT potential OCP Bylaw Amendment

At the end of Development Permit (DP) Area Designations and Guidelines section (Pg.110) add:

All lands within the boundaries of Ucluelet are designated as a Development Permit Area for the regulation of form and character of intensive residential development when being developed for:

- Detached Accessory Residential Dwelling Units (ADU's) (DPA IX)

After Steep Slopes insert the following (Pg.137):

DPA IX Intensive Residential Development of Detached Accessory Dwelling Units - Development Permit Area

Category

In accordance with Section 488 (1) of the Local Government Act the Accessory Dwelling Unit (ADU) Development Permit Area has been designated to guide the form and character of intensive residential development.

Justification

Residential neighbourhoods in Ucluelet are typically low density, composed predominantly of single family housing. Detached Accessory Dwelling Units provide an opportunity for infill housing that can “fit” within an existing neighbourhood without significantly altering its character or appearance. They have the potential to:

- Add diversity and choice in housing;
- Increase the supply of rental accommodation and provide an alternative to attached Secondary Suites;
- Provide accommodation for family members or caregivers;
- Create accessible living accommodation;
- Promote water and energy conservation; and
- Provide rental income to homeowners.

Respecting neighbourhood character and appearance is a priority when creating new ADU's. By considering key aspects of design such as site layout, building form and sustainability, Accessory Dwelling Units can become thoughtful and welcome additions to established neighbourhoods.

Exemptions

A development permit is not required for a ADU located in the Intensive Residential Development of Detached Accessory Dwelling Units - Development Permit Area when:

- Only internal alterations are made to an ADU;

- Minor exterior renovations to an ADU or a single family dwelling on a lot with an ADU are proposed that would not significantly alter the footprint or character of the building.

Interpretation of language

Where shall is used in a guideline, the guideline is mandatory. At the discretion of the Director of Community Planning, variations may be acceptable, where the intent of the guideline is achieved, to address a unique circumstance that would otherwise render compliance impractical or impossible.

Where should is used in a guideline, the guideline is strongly encouraged, but can be relaxed where unique circumstances require other actions that will still meet the intent of the guideline.

Guidelines

Preliminary Site Design and Layout

Preliminary site design and layout for ADU prioritizes privacy of neighbours, access to the suite and retention of green space. It also emphasizes design that adapts to the natural topography of the site.

- R1. The location of the ADU should minimize opportunities for overlook and shading on adjacent properties.
- R2. Protecting and retaining mature trees should be a key consideration during the early phases of planning for an ADU. The dwelling, including associated parking and access areas, should be located and designed to preserve existing trees on the subject property, as well as adjacent properties.
- R3. Hard (impervious) surfacing on a lot should be minimized. Limiting hard surfacing in front yards including parking areas and pathways.
- R4. Access to the ADU shall be provided by a minimum 1.0 m wide path that is clearly legible and provides direct access from the street to the dwelling.
- R5. Siting of an ADU should respond to the natural topography of the lot. Significant excavation and/or retaining is discouraged.
- R6. ADU may be considered through a variance process by Council on lots with two frontages (two front yards). Context will be a key consideration on properties where an ADU is proposed in the second front yard. A development variance application should evaluate the following:
 - The nature of the frontage where the ADU is to be constructed (e.g. is it an unconstructed road right-of way or developed street); and
 - The pattern of setbacks on adjacent properties.

Building Design

Seamless integration of an ADU in an established neighbourhood requires careful attention to architectural style and elements of building design.

ADU design should strive for a high degree of livability and comfort for tenants.

Design and Massing

- R7. Textured, durable, high quality cladding materials should be used to reinforce the residential character of an ADU.
- R8. Modular and pre-fabricated housing units are an option provided the residential character and permanence of the ADU is reinforced.

Sloping Sites

- R9. The scale and mass of the ADU should respond to the topography and natural features on the lot.
- R10. ADU should step in plan and section along the natural slope of the land.

Windows and Lighting

- R11. The size and placement of windows in an ADU should minimize overlook and be sensitive to neighbours' privacy.
- R12. Second storey windows facing adjacent properties and the space between the unit and the principal building should be designed to promote privacy and reduce overlook.
- R13. Skylights, clerestory windows and obscured glazing are encouraged.
- R14. Clear eye level windows may be permitted where it can be demonstrated that privacy and overlook on neighbouring properties are not issues.
- R15. Operable windows are encouraged to increase air flow and natural ventilation in the unit.
- R16. Lighting for the ADU should complement the building and landscape design.
- R17. Lighting should be kept to a minimum necessary for pedestrian safety and visibility. Consideration should be given to the number, location, and style of light fixtures, as well as the negative effects of light spilling into adjacent properties.
- R18. Light fixtures should be recessed. Fully cut off fixtures are encouraged. Motion sensor lights are discouraged.



Entrances

- R19. Entrances should provide weather protection and can include features such as recessed or covered entries.
- R20. When designing an entrance, consideration should be given to noise and/or privacy impacts for adjacent neighbours.
- R21. ADU's shall have individual unit identity numbers that are illuminated at night. Unit numbers shall be located on the ADU and in a clearly visible location along the nearest street frontage.
- R22. The primary entrance of the ADU should be oriented to a street whenever possible. Landscaping is encouraged to reinforce the location of entry.

Accessibility and Adaptability

R23. Based on the needs of the tenant, the design the unit should consider standards of adaptability and accessibility.

Roof Form

Buildings with simple and integrated roof forms are preferred to reduce visual impact and limit shading and overlook onto adjacent properties.

R24. One simple roof form is desired.

R25. Secondary roof forms, such as dormers shall be integrated into the main roof form.

R26. Dormers should be set back a minimum of 0.6 m from gable end elevations.

R27. Total dormer width for each elevation shall not exceed 40% of the width of the upper storey.

R28. On an ADU with a shed roof (slope of 3:12 or greater), the tallest portion of the building should be located to minimize impact on adjacent neighbours.

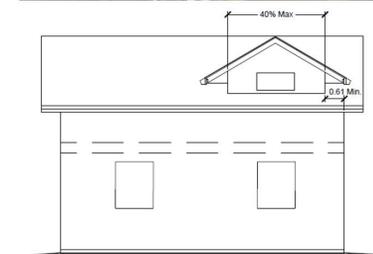
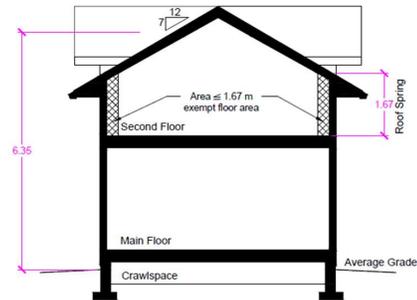
R29. On the second storey of an ADU with a sloping roof, the upper floor area shall be integrated into the roof form.

R30. The main roof on an ADU should spring from somewhere between the upper floor level and 1.67 m above it.

R31. Flat- or shallow-pitched roofs (slope less than 3:12) are discouraged.

R32. If a flat or shallow roof form is proposed, the massing should be located to minimize impacts on adjacent neighbours.

R33. Thoughtful landscape design can preserve neighbourhood character, maximize privacy, enhance remaining green space, protect biodiversity, and provide permeability. Protection of mature trees is a key element in quality landscape design.



Sustainability

Design that improves the natural environment by promoting conservation and careful management of stormwater are encouraged.

Sustainability considerations are outlined here, and in other sections of these guidelines, including building design, landscaping, and parking and access.

R34. Innovative building and landscape design is strongly encouraged.

R35. Consider low carbon building design and landscaping. This may include energy efficiency such as passive solar design for heating and cooling, and internal infrastructure to support solar panels.

- R36. Integrate water conservation into building and landscape design. This may include capturing rainwater from a roof and maximizing permeable surfaces on a site.
- R37. Consider stormwater management practices that mimic natural systems. The use of rain gardens, green roofs, bioswales, and landscaping can help to slow and clean rainwater, allowing it to slowly diffuse back to the natural water table.

Outdoor amenity space for residents

Improved livability can be accomplished through a variety of means, including the provision of useable and private outdoor space for ADU tenants.

- R38. Define and screen at-grade outdoor spaces through the use of landscaping, plantings, fences or trellises, and/or changes in grade.



Landscaping

Thoughtful landscape design can preserve neighbourhood character, maximize privacy, enhance remaining green space, protect biodiversity and provide permeability. Protection of mature trees is a key element in quality landscape design. A landscape plan is required at the time of application.

- R39. Mature trees and significant vegetation should be retained where possible.
- R40. Native and/or drought tolerant trees and plants suitable for the local climate are encouraged and should include a mix of coniferous and deciduous species. Invasive plants are prohibited.
- R41. Drought tolerant plants and deciduous trees on the south and west elevations are encouraged.
- R42. Side yards should be landscaped and integrated into useable outdoor spaces, where possible. Landscaping should include permeable surfaces, as well as native and/or drought tolerant plants suitable for the local climate.
- R43. Landscaping and/or fencing is encouraged along interior side and rear lot lines. Chain link fencing is not permitted.
- R44. Exterior side yards on corner lots should be designed and treated as the main entrance to the ADU. Screening and landscaping between the street and outdoor space should be used to define the transition from public to private space.



R45. Sufficient and useable on-site parking is a requirement for ADU's. Driveway and parking space design should consider rainwater management, protection of trees and impacts on adjacent properties.

R46. Driveway and parking space design should maximize rainwater infiltration through the use of permeable surfaces such as unit paving blocks, permeable concrete or asphalt, or driveway planting strips.

R47. A minimum of 35% of the area of the front yard should be permeable.



R48. Screening through the use of landscaping, plantings and/or fences should be used where driveway accesses and parking spaces are located along an interior side lot line.

R49. A space should be provided for garbage and compost containers for the ADU and it should be screened from view.

R50. Where possible containers should not be stored in rear or interior side yard setbacks.



Parking and Access

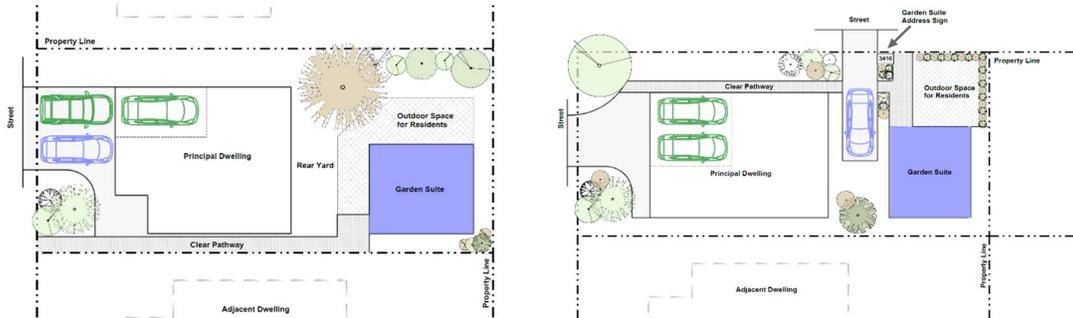
Sufficient and useable on-site parking is a requirement for ADU's. Driveway and parking space design should consider rainwater management, protection of trees and impacts on adjacent properties.

R51. Driveway and parking space design should maximize rainwater infiltration through the use of permeable surfaces such as unit paving blocks, permeable concrete or asphalt, or driveway planting strips.

R52. A minimum of 35% of the area of the front yard should be permeable.

R53. Parking for the ADU can be provided on a shared driveway with the principal building. A tandem parking configuration is possible, but discouraged for the ADU.

R54. For corner lots parking should be accessed via a driveway from the closest adjacent street.



R55. Screening through the use of landscaping, plantings and/or fences should be used where driveway accesses and parking spaces are located along an interior side lot line.

R56. At a minimum, one on-site parking space, for the ADU or the principal building, should feature an energized outlet capable of providing "Level 2" electric vehicle charging to the parking space.

R57. A minimum of one secure and weather protected bicycle parking space should be provided for an ADU.

DRAFT

DISTRICT OF UCLUELET
MINUTES OF THE SPECIAL COUNCIL MEETING
HELD IN THE GEORGE FRASER ROOM, 500 MATTERSON DRIVE
Tuesday, August 2, 2022 at 4:00 PM

Present: **Chair:** Mayor Noël
 Council: Councillors Cole, Hoar, Kemps, and McEwen
 Staff: Duane Lawrence, Chief Administrative Officer
 Donna Monteith, Chief Financial Officer
 Bruce Greig, Director of Community Planning
 John Towgood, Planner
 Monica Whitney-Brown, Assistant Planner
 Joseph Rotenberg, Manager of Corporate Services

Regrets:

1. CALL TO ORDER

The meeting was called to order at 4:00 PM.

1.1 ACKNOWLEDGEMENT OF THE YUULU?IL?ATH

Council acknowledged the Yuulu?il?ath, on whose traditional territories the District of Ucluelet operates.

1.2 NOTICE OF VIDEO RECORDING

Audience members and delegates were advised that the proceeding is being video recorded and broadcast on YouTube on Zoom which may store data on foreign servers.

2. LATE ITEMS

There were no late items.

3. APPROVAL OF AGENDA

3.1 August 2, 2022 - Special Council Meeting Agenda

2022.2046.SPECIAL ***THAT** Council approve the August 2, 2022 Special Council meeting agenda as presented.*

CARRIED.

2022.2047.SPECIAL ***THAT** Council move into a Committee of the Whole.*

CARRIED.

4. COMMITTEE OF THE WHOLE

4.1 Business Licence Fees Review

Donna Monteith, Chief Financial Officer

The Committee of the Whole commenced at 4:01 pm.

Special Council Meeting Minutes – August 2, 2022

DRAFT

Ms. Monteith presented and and the Committee discussed the questions identified in her report.

Staff clarified the purpose of business licensing fees and distinguished them from property taxes. Staff also clarified that the proposed 18% fee increase for business licenses would not apply to short-term rentals if the proposed increase to business licenses for short-term rentals was adopted.

The Committee requested that staff present an amendment bylaw that establishes:

- an 18% fee increase to all Business Licences to address inflation effective 2023;
- a 2% annual increase to Business Licence Fees within the Fees and Charges Bylaw effective 2024;
- an increase to Business Licence fees for short term rentals to \$450 per year, plus \$125 for each additional room;
- implements the fee adjustment all at once;

The Committee also requested that staff present these amendments to Council before the 2022 General Local Election.

2022.2048.SPECIAL **THAT** *the Committee rise without reporting.*

CARRIED.

5. BYLAWS

The Committee of the Whole concluded at 4:39 pm.

5.1 **Bed & Breakfasts and Accessory Dwelling Units - Amendments to the Ucluelet Zoning Bylaw and Business Regulation and Licensing Bylaw** **Bruce Greig, Director of Community Planning**

Mr. Greig presented this report and outlined the proposed amendment bylaws.

Council discussed the Ucluelet Business Regulation and Licensing Bylaw Amendment Bylaw No. 1313, 2022 and District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022 as presented in Report No. 22-110 with the desired outcome of balancing community interest in preserving long-term housing stock and protecting neighbourhoods with individual financial interest associated with operating a bed and breakfast in a residential zone. Council supported the Bylaw as presented, with all proposed amendments, giving the bylaw second reading upon further amending the amendments to allow microwaves and toasters.

2022.2049.SPECIAL **THAT** *Council rescind second reading of District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022.*

CARRIED.

2022.2050.SPECIAL **THAT** *section 1.C.iii of Zoning Bylaw Amendment No. 1310, 2022 as presented in Report No. 22-110 be amended to allow a microwave and toaster under 404.1 (4)(a).*

Special Council Meeting Minutes – August 2, 2022

DRAFT

CARRIED.

2022.2051.SPECIAL **THAT** Council amend District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022, to include the changes presented in staff report number 22-110 dated August 2, 2022.

DEFEATED.

2022.2052.SPECIAL **THAT** Council give second reading to District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022, as amended.

CARRIED.

2022.2053.SPECIAL **THAT** Council refer District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022., to a public hearing.

CARRIED.

2022.2054.SPECIAL **THAT** Council give first, second and third reading to Ucluelet Business Regulation and Licensing Bylaw Amendment Bylaw No. 1313, 2022.

CARRIED.

2022.2055.SPECIAL **THAT** Council direct staff to publish notice on the District website and in 2 issues of the Westerly news of the proposed Ucluelet Business Regulation and Licensing Bylaw Amendment Bylaw No. 1313, 2022, and provide an opportunity for the public to make written representations or verbal comments to Council prior to adoption of the bylaw.

CARRIED.

**5.2 Municipal and Regional District Tax Bylaw No. 1315, 2022 - A bylaw to request an increase to the Municipal and Regional District Tax rate from 2% to 3% under provisions of the Provincial Sales Tax Act
Duane Lawrence, Chief Administrative Officer**

2022.2056.SPECIAL **THAT** Council give first, second and third reading to District of Ucluelet Municipal and Regional District Tax Bylaw No. 1315, 2022.

CARRIED.

6. ADJOURNMENT

The meeting was adjourned at 5:10 pm.

CERTIFIED CORRECT: Minutes of the Special Council Meeting held on Tuesday, August 2, 2022 at 4:00 pm in the George Fraser Room, Ucluelet Community Centre 500 Matterson Road, Ucluelet, BC.

Mayco Noël, Mayor

Duane Lawrence, Corporate Officer

Special Council Meeting Minutes – August 2, 2022

DISTRICT OF UCLUELET
MINUTES OF THE REGULAR COUNCIL MEETING
HELD IN THE GEORGE FRASER ROOM, 500 MATTERSON DRIVE
Tuesday, July 19, 2022 at 4:00 PM

Present: **Chair:** Mayor Noël
 Council: Councillors Cole, Hoar, Kemps, and McEwen
 Staff: Duane Lawrence, Chief Administrative Officer
 Donna Monteith, Chief Financial Officer
 James MacIntosh, Director of Engineering Services
 Bruce Greig, Director of Community Planning
 Abby Fortune, Director of Parks and Recreation
 Joseph Rotenberg, Manager of Corporate Services
 John Towgood, Municipal Planner
 Monica Whitney-Brown, Planning Assistant
 Nicole Morin, Municipal Inspector
 Paula Mason, Administration Clerk
 Samantha McCullough, Executive Assistant

Regrets:

2022.1.REGULAR CALL TO ORDER

The meeting was called to order at 4:00 PM.

2022.1.REGULAR1 ACKNOWLEDGEMENT OF THE YUULU?IL?ATH
Council acknowledged the Yuulu?if?ath, on whose traditional territories the District of Ucluelet operates.

2022.1.REGULAR2 NOTICE OF VIDEO RECORDING
Audience members and delegates were advised that the proceeding was being video recorded and broadcast on YouTube and Zoom, which may store data on foreign servers.

2022.2.REGULAR LATE ITEMS

There were no late items.

2022.3.REGULAR APPROVAL OF THE AGENDA

2022.3.REGULAR1 July 19, 2022, Regular Council Meeting Agenda

2022.2129.REGULAR ***THAT Council approve the July 19, 2022, Regular Council Meeting Agenda as presented.***

CARRIED.

2022.4.REGULAR ADOPTION OF MINUTES

2022.4.REGULAR1 June 29, 2022, Special Council Minutes

2022.2130.REGULAR **THAT** Council adopt the June 29, 2022, Special Council Meeting Minutes as presented.

CARRIED.

2022.5.REGULAR PUBLIC INPUT & DELEGATIONS

2022.5.REGULAR1 Public Input

Jennifer Sheline - 1594 Bay Street

- Spoke in support of District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022 as presented at the June 28, 2022 Public Hearing.

Samantha Hackett, Chair of the West Coast Multiplex Society

- Noted that she is available to address questions regarding Correspondence item 11.1.

2022.5.REGULAR2 Delegations

Gary Marks, Pacific Rim Foundation

Re: Dick Close Scholarship

Mr. Marks presented the Dick Close Scholarship to Pani Ayoubizadeh. This Scholarship recognizes a west coast student that is involved in the community, volunteers, and is determined to make a difference in the world.

Ms. Ayoubizadeh accepted the scholarship and thanked the community, her family, USS teachers, and the Pacific Rim Foundation for this scholarship.

2022.6.REGULAR UNFINISHED BUSINESS

There was no unfinished business.

2022.6.REGULAR1 Motion to move into Committee of the Whole

2022.2131.REGULAR **THAT** Council move into a Committee of the Whole.

CARRIED.

The Committee of the Whole commenced at 4:19 p.m.

2022.7.REGULAR COMMITTEE OF THE WHOLE

2022.7.REGULAR1 B&B, Short Term Rental and Accessory Residential Dwelling Units

Bruce Greig, Director of Community Planning

Mr. Greig presented this report.

The Committee sought clarification from Mr. Greig on several matters addressed in the report.

The Committee agreed to recommend the following goals and actions outlined in the report which relate to amending Ucluelet Business Regulation and Licensing Bylaw No. 922, 2003 and proposed Ucluelet Zoning Amendment Bylaw No. 1310, 2022:

Goal A: Preserve traditional B&B use in residential areas and consider ways to slow or contain Guest Suite uses in residential areas.

1. differentiate between a “traditional” B&B room (i.e.: connected within the main house with interaction between the host and guests) and short-term rental Guest Suite (i.e.: with separate entrance and self-contained sleeping, eating and bathing facilities, limited or no required guest-host interaction)

3. remove Guest Suite as an outright permitted accessory use in residential zones

4. require that a B&B and/ or Guest Suite may only operate in the principal residence of the business license holder

5. require that a B&B and/ or Guest Suite may only operate in the principal residence of the business license holder, during times that they are present / available to respond in person within 24 hours

Goal B: Establish a balance between residential and tourist commercial accommodation in residential zones to prioritize residential uses and maintain the “Low-ish Growth Scenario”.

1.reduce the number of Guest Suites permitted as an outright secondary use from 3 to 1.

3. allow consideration for additional Guest Suites and/or B&B rooms through a Temporary Use Permit.

5.cap the number of guest suites in residential zones.

Goal C: Stop or slow the loss of existing long-term rental suites.

1.investigate the potential to restrict or prohibit the conversion of long-term rental suites to tourist accommodation uses

2.maintain a low barrier for an owner to start a B&B (e.g., at a time of changing household finances)

3.permit property owners to operate B&B room(s) and long-term secondary suite or ADU rental on the same property

Goal D: Add ADUs as a permitted secondary use in residential zones.

1.allow ADUs to be located in the front, rear or sides of residential properties

2.set greater setbacks for an ADU than for other accessory buildings (such as sheds)

Other

1.limit the impact to public on-street parking from private guest accommodation

2.change the minimum requirement for the number of off-street vehicle parking spaces for tourist accommodation in residential zones

3.require notification of neighbours before a new B&B or Guest Suite is authorized

The Committee also discussed parking issues and noted support for limiting driveway widths.

2022.2132.REGULAR **THAT** the Committee of the Whole recommend that Council direct staff to amend the District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022 and the Ucluelet Business Regulation and Licensing Bylaw No. 922, 2003, to meet the objectives and policy changes identified in the July 19, 2022 Committee of the Whole report No. 22-99.

CARRIED.

2022.2133.REGULAR **THAT** the meeting be recessed for five minutes.

CARRIED.

Council recessed at 5:40 PM.
Council returned to the meeting 5:48 PM.

2022.2134.REGULAR **THAT** the Committee of the Whole rise and report their recommendations regarding report No. 22-99.

CARRIED.

2022.8.REGULAR BYLAWS

2022.8.REGULAR1 **B&B, Short Term Rental and Accessory Residential Dwelling Units** **Bruce Greig, Director of Community Planning**

Council discussed the Committee of the Whole recommendation regarding report No. 22-99.

Council requested that the amended bylaws be presented for consideration before the October 2022 General Election.

2022.2135.REGULAR **THAT** Council direct staff to amend the District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022 and the Ucluelet Business Regulation and Licensing Bylaw, Bylaw No. 922, 2003 to meet the objectives and policy changes identified by the Committee of the Whole in the July 19, 2022 committee of the whole report No. 22-99.

CARRIED.

2022.8.REGULAR2 **Officers and Officials Bylaw** **Duane Lawrence, Chief Administrative Officer**

Mr. Lawrence presented this report.

2022.2136.REGULAR **THAT** Council give first, second and third readings to District of Ucluelet Officers and Officials Bylaw No. 1315, 2022.

CARRIED.

2022.9.REGULAR REPORTS

**2022.9.REGULAR1 Edge to Edge Marathon 2022 - Road Closure
Abby Fortune, Director of Parks & Recreation**

Councillor Kemps recused herself at 5:57 p.m. as she is an organizer of this event.

Ms. Fortune presented this report.

2022.2137.REGULAR **THAT** Council approve Option A, to authorize the closure of roads for the Edge to Edge Marathon on Sunday, October 16, 2022

- Marine Drive from 6:00 am to 5:00 pm from Rainforest Drive and Marine Drive to Matterson Road and Marine Drive including Big Beach parking lot;
and,
- Road closures from 8:30 am to 10:00 am from Matterson Road and Marine Drive to Victoria Road and Marine Drive.

CARRIED.

**2022.9.REGULAR2 3rd Annual Dustin Riley Soap Box Derby
Abby Fortune, Director of Parks & Recreation**

Mayor Noel recused himself at 5:59 PM.

Ms. Fortune presented this report.

2022.2138.REGULAR **THAT** Council approve Option A, to authorize on Saturday September 17, 2022, for the 3rd Annual Dustin Riley Soap Box Derby, the closure of the following roads from 8:00 am to 5:00 pm:

- a. Bay Street, from the intersection of Peninsula Road to the intersection of Cedar Road;
and,
- b. Cedar Road, from the intersection of Bay Street to the intersection of Park Lane.

CARRIED.

**2022.9.REGULAR3 2022 Deputy Corporate Officer Appointment
Joseph Rotenberg, Manager of Corporate Services**

Councillor Kemps and Mayor Noel reentered the meeting at 6:01 PM.

Mr. Rotenberg presented this report.

2022.2139.REGULAR

THAT Council rescind Paula Mason's appointment as District of Ucluelet Deputy Corporate Officer; and,
THAT Council appoint Joseph Rotenberg, as the District of Ucluelet Deputy Corporate Officer.

CARRIED.

2022.9.REGULAR4 Contract Authorization for Storm Drain and Sanitary Sewer Upgrades
James Macintosh, Director of Engineering Services

Mr. Macintosh presented this report.

2022.2140.REGULAR **THAT** Council approve Option A, to authorize the Mayor and Corporate Officer to execute a contract to Vike Construction Ltd. for a total of \$422,000 (plus G.S.T.) for the supply of all materials, labor, and equipment to install Peninsula Road storm and sanitary sewer upgrades between Matterson and Otter Street.

DEFEATED.

2022.2141.REGULAR **THAT** Council approve Option A, to authorize the Mayor and Corporate Officer to execute a contract to Vike Construction Ltd. for a total of \$443,100 (plus G.S.T.) for the supply of all materials, labor, and equipment to install Peninsula Road storm and sanitary sewer upgrades between Matterson and Otter Street.

CARRIED.

2022.9.REGULAR5 Reserves and Surplus Policy No. 5-1860-1
Donna Monteith, Chief Financial Officer

Ms. Monteith presented her report.

2022.2142.REGULAR **THAT** Council approve Option A, to adopt District of Ucluelet Reserves and Surplus Policy No. 5-1860-1 as presented.

CARRIED.

2022.10.REGULAR NOTICE OF MOTION

There were no Notices of Motion.

2022.11.REGULAR CORRESPONDENCE

2022.11.REGULAR1 West Coast Multiplex MOU
Samantha Hackett, Chair, West Coast Multiplex

Ms. Hackett provided clarification regarding the West Coast Multiplex MOU and operating costs.

The CAO recommended that this MOU be referred back to Staff for a report.

2022.2143.REGULAR *THAT Council refer West Coast Multiplex Society's letter to Staff to provide a report on the Memorandum of Understanding request.*

CARRIED.

2022.11.REGULAR2 **General goals and productivity regarding town planning**
David Smith

2022.12.REGULAR INFORMATION ITEMS

2022.12.REGULAR1 **2022-2026 Financial Plan Q1-2 Variance Report**
Donna Monteith, Chief Financial Officer

2022.12.REGULAR2 **Resolution Tracking - July 2022**
Joseph Rotenberg, Manager of Corporate Services

Ms. Fortune noted that Staff are in active discussion with the Ucluelet and Area Historical Society regarding the proposed lease agreement.

2022.12.REGULAR3 **Press Release - Community Emergency Preparedness Funding Announcement**
Heather Thomson, Communications Coordinator, ACRD

2022.12.REGULAR4 **Barkley Community Forest AGM – Report from Mr. T. Smith Terry Smith, Chair, Barkley Community Forest**

The Mayor noted the annual dividend payment received in 2022 and the total dividend payments issued to the District since the Corporation was founded.

2022.12.REGULAR5 **Petition to School District 70 regarding tennis court closure**
Tessa Donald

2022.12.REGULAR6 **Clayoquot Biosphere Trust 2021 Annual Report**
Rebecca Hurwitz, Executive Director, Clayoquot Biosphere Trust

2022.12.REGULAR7 **Follow-up letter regarding May 2022 regional meetings with Minister Nathan Cullen and Minister Katrine Conroy**
Tara Faganello, Assistant Deputy Minister, Ministry of Municipal Affairs

2022.13.REGULAR MAYOR'S ANNOUNCEMENTS & COUNCIL COMMITTEE REPORTS

2022.13.REGULAR1 **Councillor Marilyn McEwen**

Deputy Mayor January 1 - March 15, 2022

2022.13.REGULAR2 Councillor Lara Kemps
Deputy Mayor March 16 - May 31, 2022

2022.13.REGULAR3 Councillor Jennifer Hoar
Deputy Mayor June 1 - August 15, 2022

2022.13.REGULAR4 Councillor Rachelle Cole
Deputy Mayor August 16 - October 31, 2022

2022.13.REGULAR5 Mayor Mayco Noël

Ukee Days starts on Friday July 22.

2022.14.REGULAR QUESTION PERIOD

2022.15.REGULAR CLOSED SESSION
There was no closed session.

2022.16.REGULAR ADJOURNMENT
The meeting was adjourned at 6:34 PM.

CERTIFIED CORRECT: Minutes of the Regular Council Meeting held on Tuesday, July 19, 2022 at 4:00 pm in the George Fraser Room, Ucluelet Community Centre, 500 Matterson Road, Ucluelet, BC.

Mayco Noël, Mayor

Duane Lawrence, Corporate Officer

DISTRICT OF UCLUELET
MINUTES OF THE SPECIAL COUNCIL MEETING
HELD IN THE GEORGE FRASER ROOM, 500 MATTERSON DRIVE
Wednesday, June 29, 2022 at 4:00 PM

Present: **Chair:** Mayor Noël
 Council: Councillors Hoar, Kemps, and McEwen
 Staff: Duane Lawrence, Chief Administrative Officer
 Donna Monteith, Chief Financial Officer
 Bruce Greig, Director of Community Planning
 Abby Fortune, Director of Parks and Recreation
 Paula Mason, Manager of Corporate Services
 Samantha McCullough, Executive Assistant
 John Towgood, Municipal Planner
 Monica Whitney-Brown, Planning Assistant
 Nicole Morin, Municipal Inspector

Regrets:

1. CALL TO ORDER

The meeting was called to order at 4:00 PM.

2. ACKNOWLEDGEMENT OF FIRST NATIONS TERRITORY

2.1 Council acknowledged the Yuułu?it?ath, on whose traditional territories the District of Ucluelet operates.

3. NOTICE OF VIDEO RECORDING

3.1 Audience members and delegates were advised that the proceeding was being video recorded and broadcast on YouTube and Zoom, which may store data on foreign servers.

4. APPROVAL OF AGENDA

4.1 June 29, 2022 Special Meeting of Council Agenda

2022.2025.SPECIAL *It was moved and seconded **THAT** Council approve the June 29, 2022 Special Meeting Agenda as presented.*

CARRIED.

5. ADOPTION OF MINUTES

5.1 May 24, 2022 Committee of the Whole Minutes

2022.2026.SPECIAL *It was moved and seconded **THAT** Council adopt the May 24, 2022 Committee of the Whole Minutes as presented.*

CARRIED.

5.2 June 7, 2022 Special Minutes

2022.2027.SPECIAL *It was moved and seconded **THAT** Council adopt the June 7, 2022 Special Minutes as presented.*

CARRIED.

5.3 June 14, 2022 Regular Minutes

2022.2028.SPECIAL *It was moved and seconded **THAT** Council adopt the June 14, 2022 Regular Minutes as presented.*

CARRIED.

6. UNFINISHED BUSINESS

There was no unfinished business.

7. PUBLIC INPUT & DELEGATIONS

7.1 Public Input

There was no public input.

7.2 Delegations

There were no delegations.

8. BYLAWS

**8.1 Official Community Plan Bylaw No. 1306, 2022
Bruce Greig, Director of Community Planning**

Mr. Greig provided a summary of his report.

2022.2029.SPECIAL *It was moved and seconded:*

THAT Council give third reading to District of Ucluelet Official Community Plan Bylaw No. 1306, 2022; and,

THAT Council adopt District of Ucluelet Official Community Plan Bylaw No. 1306, 2022.

CARRIED.

**8.2 Zoning Amendment Bylaw No. 1309 – 604 Rainforest Drive
Bruce Greig, Director of Community Planning**

Mr. Greig provided a summary of his report.

Council sought clarification from Staff on several matters related to the Bylaw and discussed the Bylaw.

Councillor Cole entered the meeting at 4:12 PM.

2022.2030.SPECIAL *It was moved and seconded THAT Council give third reading to District of Ucluelet Zoning Amendment Bylaw No. 1309, 2022, to facilitate the proposed mixed-use development on the property at 604 Rainforest Drive including health care office and resort condominiums.*

CARRIED.

**8.3 Zoning Amendment Bylaw No. 1312, 2022 – 221 Minato Road
Bruce Greig, Director of Community Planning**

Mr. Greig provided a summary of his report.

Council sought clarification from Staff and the applicant on several matters related to the Bylaw and proposed development.

Council discussed public hearing submissions and their positions regarding the Bylaw.

2022.2031.SPECIAL *It was moved and seconded THAT Council give third reading to District of Ucluelet Zoning Amendment Bylaw No. 1312, 2022 to facilitate the proposed housing development on the property at 221 Minato Road.*

CARRIED.

2022.2032.SPECIAL *It was moved and seconded THAT Council take a five-minute break.*

CARRIED.

Council recessed at 5:00 PM.

Council returned to session at 5:05PM..

**8.4 Zoning Amendment Bylaw No. 1310, 2022 – B&B's vs. ADU's
Bruce Greig, Director of Community Planning**

Mr. Greig provided a summary of his report.

Council sought clarification from Staff on several matters related to the Bylaw.

Council discussed public hearing submissions and the Bylaw.

2022.2033.SPECIAL *It was moved and seconded THAT based on public input, Council not give third reading to District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022, at this time and direct changes to the bylaw and/or process as desired to present a bylaw that does not take away the B&B ability in those zonings.*

DEFEATED.

2022.2034.SPECIAL *It was moved THAT the bylaw be referred back to Staff and that it be brought back to a Committee of the Whole Meeting for Council to consider. This motion was not seconded and therefore not tabled for discussion or a vote.*

2022.2035.SPECIAL *It was moved THAT Council, with regard to Ucluelet Official Community Plan Bylaw No. 1310, 2022, direct staff to amend the bylaw / refer the bylaw to a Committee of the Whole Meeting.*

This motion was not seconded and therefore not tabled for discussion or a vote.

2022.2036.SPECIAL *It was moved and seconded THAT Council, with regard to Zoning Amendment Bylaw 1310, 2022, direct staff to amend the bylaw and refer the bylaw to a Committee of the Whole meeting.*

CARRIED.

**8.5 Zoning Amendment Bylaw No. 1311, 2022 – B&B Overlay
Bruce Greig, Director of Community Planning**

No action was taken.

9. REPORTS

**9.1 2021 Statement of Financial Information Report
Donna Monteith, Chief Financial Officer**

Ms. Monteith provided a summary of her report.

2022.2037.SPECIAL *It was moved and seconded THAT Council approve the District of Ucluelet 2021 Statement of Financial Information as attached to the June 29, 2022 Staff Report Number 22-95.*

CARRIED.

**9.2 Consideration of the 2021 Annual Municipal Report
Paula Mason, Manager of Corporate Services**

Ms. Mason presented her report.

2022.2038.SPECIAL *It was moved and seconded THAT Council receive and approve the District of Ucluelet 2021 Annual Report, including submissions and questions from the public, as presented in the June 29, 2022 Staff Report No. 22-90.*

CARRIED.

**9.3 Upcoming 2022 Conference Registration
Paula Mason, Manager of Corporate Services**

Ms. Mason presented her report.

2022.2039.SPECIAL *It was moved and seconded THAT Council approve Councillor Cole, Councillor McEwen, Mayor Noël, Councillor Kemps, and Councillor Hoar, to attend the 2022 Union of British Columbia Municipalities conference in Whistler BC, from September 12-16, 2022.*

CARRIED.

2022.2040.SPECIAL *It was moved and seconded THAT Council approve two Council members to attend the 2022 Vancouver Island "State of the Island" Economic Summit in Nanaimo BC, from October 26-27, 2022.*

CARRIED.

2022.2041.SPECIAL

It was moved and seconded THAT Council reallocate \$5,000 in funding towards the State of the Island Summit in Nanaimo on October 26 and 27, for two Council Members.

CARRIED.

**9.4 Ukee DAYS: Road Closure and Noise Bylaw
Abby Fortune, Director of Community Planning**

Ms. Fortune presented her report.

2022.2042.SPECIAL *It was moved and seconded THAT Council approve Option A:*

to authorize the closing of Fraser Lane in front of the Village Green from 10:00 a.m. to 10:00 p.m. on Friday, July 22, 2022;

to authorize the temporary closure of Peninsula Road, between Matterson Road and Seaplane Base Road, from 10:00 a.m. to 10:45 a.m. for the Ukee Days parade on Saturday, July 23; and

to authorize Ukee Days festivities to act outside of the Noise Control Bylaw No. 915, 2003, Section 3 (g) and grant an extension to 11:00 pm at the Ukee Days Fairgrounds (160 Seaplane Base Road) on Saturday, July 23, 2022.

CARRIED.

10. NOTICE OF MOTION

There were no notices of motions.

11. CORRESPONDENCE

**11.1 Request for Townhall re: Rural Economics
Shannon Stubbs, M.P. Shadow Minister for Rural Economic
Development and Rural Broadband Strategy, Lakeland**

Council discussed this item and requested that Staff respond to the letter to clarify that Mr. Lawrence is the District's CAO and request additional information about the proposed Townhall.

**11.2 Request for Letter of Support - Shoreline Cleanup
Joshua Charleson, Senior Project Manager, Coastal Restoration Society**

Council discussed this item and requested that Staff invite representatives from the Coastal Restoration Society to present to Council.

2022.2043.SPECIAL *It was moved and seconded THAT Staff prepare a letter of support for Coastal Restoration Society's shoreline clean-up project for the Broken Island Group.*

CARRIED.

11.3 UBCM resolution from Town of Gibsons - Hospice Services Funding
William Beamish, Mayor, Town of Gibsons

11.4 Request for Resolution: Bylaw update to 3% MRDT collection
Denise Stys-Norman, Executive Director, Tourism Ucluelet

2022.2044.SPECIAL *It was moved and seconded THAT Council for the District of Ucluelet supports Tourism Ucluelet's application to apply for the Municipal and Regional District Tax at the rate of three percent within the boundaries of the District of Ucluelet to support tourism marketing programs and projects with Tourism Ucluelet as the Designated Recipient.*

CARRIED.

11.5 Motion at UBCM Protecting BC Coasts From Acidic Washwater Dumping
Anna Barford, Canada Shipping Campaigner, Stand.earth

11.6 Support for Island Rail Corridor
David Screech, Mayor, Town of View Royal

11.7 Support for UBCM Resolution - Library Funding
Jonathan X. Cote, Mayor, City of New Westminster

12. INFORMATION ITEMS

There were no information items.

13. MAYOR'S ANNOUNCEMENTS

The Mayor thanked Paula Mason for her service as the Manager of Corporate Services.

14. COUNCIL COMMITTEE REPORTS

14.1 Councillor Marilyn McEwen
Deputy Mayor January 1 - March 15, 2022

June 21, 2022: Attended Societies Committee of the Whole meeting.
June 28, 2022: Attended District of Ucluelet Public Hearing.

14.2 Councillor Lara Kemp
Deputy Mayor March 16 - May 31, 2022

June 21, 2022: Attended Societies Committee of the Whole meeting.
June 23, 2022: Attended Chamber of Commerce meeting.
June 28, 2022: Attended Mayor's Lunch.
June 28, 2022: Attended District of Ucluelet Public Hearing.
June 29, 2022: Night Market at the Rec Hall.

14.3 Councillor Jennifer Hoar
Deputy Mayor June 1 - August 15, 2022

June 15, 2022: Attended ACRD Housing Workshop where representatives from Canada Mortgage and Housing Corporation, BC Assessment, Tofino Housing Corporation, and a Delta land developer discussed the development of affordable housing. Two strategies for developing affordable housing are making it as compact as possible and making it as cost effective as possible.

June 21, 2022: Attended Societies Committee of the Whole Meeting. Noted that the Westcoast Community Resources Society is going into their 30th year of operation. Regular Community lunches are now scheduled.

June 28, 2022: Attended District of Ucluelet Public Hearing.

July 1, 2022: Canada Day celebration will occur at the Village Green.

14.4 Councillor Rachelle Cole
Deputy Mayor August 16 - October 31, 2022

June 15, 2022: Attended ACRD Housing Workshop.

June 21, 2022: Attended Societies Committee of the Whole meeting.

June 28, 2022: Attended District of Ucluelet Public Hearing.

June 22, 2022: Alberni Clayoquot Health Network meeting where grants issued through the Network were determined.

July 2, 2022: Fundraiser for Cops and Cancer. There will be a bottle drive and garage sale at this event.

14.5 Mayor Mayco Noël

June 21, 2022: Attended Societies Committee of the Whole meeting.

June 28, 2022: Attended Mayor's Lunch.

June 28, 2022: Attended District of Ucluelet Public Hearing.

15. QUESTION PERIOD

There were no questions.

16. CLOSED SESSION

16.1 Procedural Motion to Move In-Camera:

**THAT the meeting be closed to the public in order to address agenda items under Section 90(1) of the *Community Charter*.
(c) *labour relations or other employee relations***

2022.2045.SPECIAL *It was moved and seconded THAT the meeting be closed to the public in order to address agenda items under Section 90(1) of the Community Charter. (c) labour relations or other employee relations*

CARRIED.

The meeting was closed to the public at 7:00 PM.

17. RECONVENE FROM CLOSED SESSION
The meeting was reopened to the public at 7:55 PM.

18. ADJOURNMENT
The meeting was adjourned at 7:55 PM

CERTIFIED CORRECT: Minutes of the Special Council Meeting held on Wednesday, June 29, 2022 at 4:00 pm in the Ucluelet Community Centre 500 Matterson Road, Ucluelet, BC.

Mayco Noël, Mayor

Duane Lawrence, Corporate Officer

DISTRICT OF UCLUELET
MINUTES OF THE REGULAR COUNCIL MEETING
HELD IN THE UCLUELET COMMUNITY CENTER, 500 MATTERSON DRIVE
Tuesday, May 31, 2022 at 4:00 PM

Present: **Chair:** Mayor Noël
 Council: Councillors Cole, Hoar, Kemps, and McEwen
 Staff: Duane Lawrence, Chief Administrative Officer
 Bruce Greig, Director of Community Planning
 Abby Fortune, Director of Parks and Recreation
 James MacIntosh, Director of Engineering Services
 John Towgood, Municipal Planner
 Samantha McCullough, Executive Assistant
 Nicole Morin, Building Official
 Monica Whitney-Brown, Planning Assistant
 Paula Mason, Manager of Corporate Services

Regrets:

1 CALL TO ORDER

1.1 **The meeting was called to order at 4:00pm.**

2 ACKNOWLEDGEMENT OF THE YUULU?IL?ATH

2.1 **Council acknowledged the Yuulu?il?ath, on whose traditional territories the District of Ucluelet operates.**

3 NOTICE OF VIDEO RECORDING

3.1 **Audience members and delegates were advised that the proceeding was being video recorded and broadcast on YouTube and Zoom, which may store data on foreign servers.**

4 LATE ITEMS

4.1 **There were no late items.**

5 APPROVAL OF AGENDA

5.1 **May 31, 2022 Agenda**

2022.2107.REGULAR *It was moved and seconded THAT Council approve the May 31, 2022 Regular Agenda.*

CARRIED.

6 ADOPTION OF MINUTES

6.1 May 10, 2022 Regular Minutes

2022.2108.REGULAR *It was moved and seconded THAT Council approve the May 10, 2022 Regular Minutes.*

CARRIED.

7 PUBLIC INPUT & DELEGATIONS

71 Public Input

72 Delegations

**Jim Chisolm / Saya Masso, Tla-o-qui-aht First Nations
Tribal Guardian Program - Kennedy Back Road System**

Saya Masso presented the details of the Tribal Guardian program to Council and requested their support. He will provide Council with program updates during the year.

2022.2109.REGULAR *It was moved and seconded THAT Council direct staff to reallocate \$20,000 designated for the relocation of the Tourism Ucluelet office to the District of Ucluelet Grants in Aid program; and
It was moved and seconded THAT Council authorize a \$20,000 Grant in Aid to the Tla-o-qui-aht First Nations Tribal Park Guardian program for the oversight of dispersed camping.*

CARRIED.

**Glenn Kaczmar / Brent Ashton, Pacific Rim Fishing Charters
and Guest Lodge
Re: Staff Accom's zoning completion**

Mr. Kaczmar request that Council reconsider their March 15, 2022 decision regarding Bylaw No. 1303. Mr. Ashton also spoke in support of Mr. Kaczmar's request.

2022.2110.REGULAR *It was moved and seconded THAT Council direct staff to bring March 15, 2022 Staff Report No. 22-29 back to Council for their reconsideration at the June 14, 2022 Council meeting.*

CARRIED.

8 UNFINISHED BUSINESS

8.1 There was no unfinished business.

2022.2111.REGULAR *It was moved and seconded THAT Council go into a Committee of the Whole at 4:42pm to discuss Items 9.1 and 9.2 on the agenda.*

CARRIED.

9 COMMITTEE OF THE WHOLE

**9.1 Peninsula Road Safety and Revitalization Next Steps
James MacIntosh, Director of Engineering Services**

Mr. MacIntosh presented an overview of the project. Kate Evans from Lanarc Consultants provided the Committee with a slideshow presentation detailing the project process, public engagement overview and highlights, and next steps.

Mr. MacIntosh requested feedback from the Committee regarding the following key questions:

1. What are the Committee's key concerns, if any?
The Committee discussed concerns such as parking, landscaping, pullouts for delivery trucks, keeping the existing trees and reducing gravel as much as possible including in private driveways that meet the roadway.
2. What does the Committee like most about the conceptual design?
The Committee highlighted the following things they like the most in the conceptual design as active transportation, sidewalks, accessibility, safety and beautification.
3. Does the Committee support and endorse the overall direction?
The Committee is 100% in support of the overall direction of the project.
4. Is there anything the team has missed that needs to be discussed?
The Committee expressed the importance of addressing the lack of parking in the town. They discussed the creation of an overall parking management plan for the community as a whole.

A preliminary design will be brought to Council for an informational update in July 2022.

**9.2 Affordable Housing RFP
Duane Lawrence, Chief Administrative Officer**

Mr. Lawrence presented the Committee with what the District has completed to date, next steps and options the District should be considering in the future, in order to address the lack of attainable and affordable housing.

2022.2112.REGULAR *It was moved and seconded THAT the Committee of the Whole recommend that Council direct staff to issue a request for proposal to engage a housing authority.*

It was moved and seconded THAT the Committee of the Whole direct staff to continue to investigate:

the purchase of land to be dedicated to affordable housing projects; and the use of affordable housing partnership development agreements; and reducing development cost charges for affordable housing developments.

It was moved and seconded THAT the Committee of the Whole recommend Council authorize the Mayor to execute a Memorandum of Understanding in support of the development of a regional governance framework for coordinating and sharing resources to address affordable housing on the West Coast peninsula as presented in the May 31, 2022 Affordable Housing report.

It was moved and seconded THAT the Committee of the Whole rise and report to Council at 5:51pm.

It was moved and seconded THAT Council direct staff to issue a request for proposal to engage a housing authority.

It was moved and seconded THAT Council direct staff to continue to investigate:

the purchase of land to be dedicated to affordable housing projects; and the use of affordable housing partnership development agreements; and reducing development cost charges for affordable housing developments.

It was moved and seconded THAT Council authorize the Mayor to execute a Memorandum of Understanding in support of the development of a regional governance framework for coordinating and sharing resources to address affordable housing on the West Coast peninsula as presented in the May 31, 2022 Affordable Housing report.

It was moved and seconded THAT Council take a brief recess at 5:56pm, returning to session at 6:08pm.

CARRIED.

10 BYLAWS

10.1 Zoning Amendment and Development Permit for 604 Rainforest Drive

Bruce Greig, Director of Community Planning

Mr. Greig provided a summary of his report.

2022.2113.REGULAR *It was moved and seconded THAT Council, with regard to the proposed development at 604 Rainforest Drive:*

1. Give first reading to District of Ucluelet Zoning Amendment Bylaw No. 1309, 2022;
2. Give second reading to District of Ucluelet Zoning Amendment Bylaw No. 1309, 2022;
3. Direct staff to give notice for a public hearing to be held on District of Ucluelet Zoning Amendment Bylaw No. 1309, 2022;
4. Indicate to the applicant and the public that adoption of District of Ucluelet Zoning Amendment Bylaw No. 1309, 2022, would be subject to registration of a Section 219 restrictive covenant on the title of 604 Rainforest Drive to ensure, as a matter of public interest, that the use, building, site works, and landscaping be developed as proposed in Staff Report No. 22-67.

CARRIED.

**10.2 Update / Replacement of Official Community Plan
Bruce Greig, Director of Community Planning**

Mr. Grieg presented a summary of his report providing information on steps to adopt a new Official Community Plan (OCP) bylaw - including new notification of a public hearing - for a draft OCP containing the same content as the recently adopted 2020 OCP, but with minor changes to clarify District policy affecting Francis Island.

2022.2114.REGULAR *It was moved and seconded THAT Council has considered the consultation requirements under Section 475 of the Local Government Act in relation to District of Ucluelet Official Community Plan Bylaw No. 1306, 2022;*
It was moved and seconded THAT Council is satisfied that given the extensive consultation with owners of land affected by the District of Ucluelet Official Community Plan Bylaw No. 1306, 2022, during the 5 years of preparation of the draft Official Community Plan that was adopted by District of Ucluelet Official Community Plan Bylaw No. 1236, 2020, earlier this year, is sufficient for the purpose of consultation under Section 475 of the Local Government Act;
It was moved and seconded THAT Council is satisfied that consultation under Section 475 of the Local Government Act in relation to District of Ucluelet Official Community Plan Bylaw No. 1306, 2022, does not need to be early and ongoing;
It was moved and seconded THAT Council is satisfied that, given that the narrow focus of changes incorporated into District of Ucluelet Official Community Plan Bylaw No. 1306, 2022, are specific to Francis Island and minor clarifications, consultation on District of Ucluelet Official Community Plan Bylaw No. 1306, 2022, with the persons, organizations, and authorities identified in section 475(2)(b) of the Local Government Act, including the Yuułuʔiłʔatḥ Government, Alberni-Clayoquot Regional District, District of Tofino, School District 70 Board of Education or provincial agencies, is not required;

It was moved and seconded THAT Council has consulted with the boards of education of those school districts whose area includes the area covered by District of Ucluelet Official Community Plan Bylaw No.1306, 2022;
It was moved and seconded THAT Council give first reading to District of Ucluelet Official Community Plan Bylaw No. 1306, 2022;
It was moved and seconded THAT Council give second reading to District of Ucluelet Official Community Plan Bylaw No.1306, 2022;
It was moved and seconded THAT Council consider District of Ucluelet Official Community Plan Bylaw No. 1306, 2022, in conjunction with the District of Ucluelet Financial Plan;
It was moved and seconded THAT Council consider District of Ucluelet Official Community Plan Bylaw No. 1306, 2022, in conjunction with the Waste Management Plan;
It was moved and seconded THAT Council refer District of Ucluelet Official Community Plan Bylaw No. 1306, 2022, to a public hearing; and,
It was moved and seconded THAT Council direct staff to refer the staff report and bylaw to the Yuułu?if?ath Government for their information.

CARRIED.

10.3 Zoning Amendments: Housing vs. Short Term Rentals **Bruce Greig, Director of Community Planning**

Mr. Greig presented a summary of his report recommending that action aimed at improving the availability and affordability of housing in the community be taken.

2022.2115.REGULAR *It was moved and seconded THAT Council give first reading to Ucluelet Zoning Amendment Bylaw No. 1310, 2022, that would remove Bed and Breakfast and add a detached Accessory Residential Dwelling Unit as a permitted accessory use in most single-family residential zones in the community;*

It was moved and seconded THAT Council give second reading to Ucluelet Zoning Amendment Bylaw No. 1310, 2022;

It was moved and seconded THAT Council refer Ucluelet Zoning Amendment Bylaw No. 1310, 2022, to a public hearing;

It was moved and seconded THAT Council give first reading to Ucluelet Zoning Amendment Bylaw No. 1311, 2022, to create a new Schedule “D” B&B Overlay specific to those properties with established, licensed Bed and Breakfast operations as of June 1, 2022;

It was moved and seconded THAT Council direct staff to update the draft table and map amendments designating the properties in the new R-1B zone to include, in addition to those B&B operations already holding a valid

business licence, properties that can provide the following as of June 10, 2022:

- a. proof of owner occupancy of the property as their principal residence prior to June 1, 2022, and a complete business licence application, demonstrating compliance with all municipal bylaws, for a new Bed and Breakfast operation;*
- b. proof of ownership of the property prior to June 1, 2022, and a complete building permit application for construction of a new house or renovation of an existing house to contain new Bed and Breakfast rooms; or,*
- c. proof of ownership of the property prior to June 1, 2022, and proof of building plans underway for a new house containing Bed and Breakfast rooms (including site plan, floor plans, contract and/or correspondence with house designer showing design to include Bed and Breakfast uses);*

It was moved and seconded THAT Council direct staff to bring Ucluelet Zoning Amendment Bylaw No. 1311, 2022, back for consideration of second reading after any amendments to the table and map of subject properties in the draft Schedule "D" has been updated following June 10, 2022;

It was moved and seconded THAT Council advise potential applicants that after June 10, 2022, it will consider - under section 463 of the Local Government Act - directing staff to withhold building permits for any renovation, new construction or change of use for new Bed and Breakfast rooms or suites while Ucluelet Zoning Amendment Bylaw No. 1310, 2022, is under preparation;

It was moved and seconded THAT Council direct staff to use all District communication platforms to advise community members and property owners of the proposed zoning changes and process to consider Bylaw Nos. 1310 and 1311;

It was moved and seconded THAT Council direct staff to create a page on the District website containing links to all past staff reports and research into short term vacation rental (STR) uses and their impacts on housing supply, property values and community;

It was moved and seconded THAT Council direct staff to prepare an Official Community Plan bylaw amendment to create a new "Intensive Residential Development" designation and guidelines for a new Development Permit Area applying to the construction of new detached Accessory Residential Dwelling Units, for consideration at a future Committee-of-the-Whole meeting; and,

It was moved and seconded THAT Council direct staff to include a report to the Committee-of-the-Whole discussing options for creating permit-ready plans and/or a program to streamline construction of new detached Accessory Residential Dwelling Units on residential properties.

CARRIED.

11 REPORTS

11.1 Pilot Project for Single Night Camping Abby Fortune, Director of Parks & Recreation

Ms. Fortune presented her report regarding potentially undertaking a single night overflow camping pilot project to address illegal camping within the boundaries of the District of Ucluelet. Council expressed concerns with providing a place for people to camp when they arrive to the area without proper reservations, and encouraged continued collaboration with Tourism Ucluelet in educating potential visitors to reserve ahead.

11.2 Contractor's Temporary Land Use James MacIntosh, Director of Engineering Services

Mr. MacIntosh presented a report proposing that staff be authorized to offer District lands to contractors if needed, to temporarily house their workers in recreational vehicles (RV) while working on District capital projects, in attempt to reduce construction cost estimates that include contractor accommodations.

2022.2116.REGULAR *It was moved and seconded THAT Council approve Option A, to authorize the use of District-owned land to temporarily house contractors while working on District capital projects; and
It was moved and seconded THAT Council direct Staff to return to Council with the details and planning necessary to administer temporary contractor housing.*

CARRIED.

11.3 Recreational Vehicle Parking Pilot James MacIntosh, Director of Engineering Services

Mr. MacIntosh provided an overview of a proposed pilot project beginning in June 2022 and ending in October 2022 to take advantage of readily available parking locations ideal for RVs and to use signage to direct vehicles to those locations. Council requested that the Small Craft Harbour be removed from the list of potential locations that could be used. This pilot is part of a phased approach to control traffic within the community.

2022.2117.REGULAR

It was moved and seconded THAT Council approve Option A, authorize Staff to undertake a Recreational Vehicle Parking Pilot Project for 2022.

CARRIED.

12 NOTICE OF MOTION

12.1 There were no Notices of Motions.

13 CORRESPONDENCE

**13.1 Luxury Tax on Recreational Boats
Christine Fraser, Mayor, Township of Spallumcheen**

**13.2 Medical Clinic
David McColm & Sandra Benassini, Ucluelet residents**

**13.3 Updates on DFO Shellfish Aquaculture Management Advisory Committee
Daniel Arbour, AVICC - DFO/SAMAC Representative**

**13.4 Marine Drive Public Walkway - Pedestrian Crossing
Christine Brice, Strata Manager, Ardent Properties Inc.**

This crosswalk will be included in the upcoming line painting planned for the near future.

**13.5 BC Hydro UBCM Meeting Request Form
Ted Olynyk, Community Relations Manager, BC Hydro**

14 INFORMATION ITEMS

**14.1 Resolution Tracking - May 2022
Paula Mason, Manager of Corporate Services**

**14.2 ACRD News Release
Heather Thomson, ACRD Communications Coordinator**

15 MAYOR'S ANNOUNCEMENTS

15.1 Mayor Noël expressed his pleasure at the recent steps taken to resolve the Ucluelet Medical Clinic's issues.

16 COUNCIL COMMITTEE REPORTS

**16.1 Councillor Marilyn McEwen
*Deputy Mayor January 1 - March 15, 2022***

May 18, 2022: Attended the Open House provided by the developer for Minato Bay Developments

May 24, 2022 : Attended the District of Ucluelet's Committee of the Whole meeting regarding the same development

16.2 Councillor Lara Kemps
Deputy Mayor March 16 - May 31, 2022

May 18, 2022: Attended the Open House provided by the developer for Minato Bay Developments

May 18, 2022: Attended USS PAC meeting

May 19, 2022: Attended the Chamber of Commerce meeting

May 24, 2022 : Attended the District of Ucluelet's Committee of the Whole meeting regarding the Minato Bay development

16.3 Councillor Jennifer Hoar
Deputy Mayor June 1 - August 15, 2022

May 18, 2022: Attended the Open House provided by the developer for Minato Bay Developments

May 24, 2022 : Attended the District of Ucluelet's Committee of the Whole meeting regarding the same development

June 1, 2022: Attending a Wild Pacific Trail Society meeting

16.4 Councillor Rachelle Cole
Deputy Mayor August 16 - October 31, 2022

May 18, 2022: Attended the Open House provided by the developer for Minato Bay Developments

May 24, 2022 : Attended the District of Ucluelet's Committee of the Whole meeting regarding the same development

Attended a live ACRD meeting, a Health Network meeting and a UEN meeting.

16.5 Mayor Mayco Noël

Mayor Noël asked Councillor Cole to report back to Council regarding the recent activity/land use at the Long-Beach airport lands.

17 QUESTION PERIOD

17.1

There was no public input via the audience, Zoom, telephone or email.

18 ADJOURNMENT

18.1 The meeting was adjourned at 7:54pm.

CERTIFIED CORRECT: Minutes of the Regular Council Meeting held on Tuesday, May 31, 2022 at 4:00 pm in the Ucluelet Community Centre, 500 Matterson Road, Ucluelet, BC.

Mayco Noël, Mayor

Paula Mason, Deputy Corporate Officer

-----Original Message-----

From: Danielle Dievert [REDACTED]

Sent: August 2, 2022 2:44 PM

To: Info Ucluelet <info@ucluelet.ca>

Subject: Re: bylaw 1310-1315 Aug 2 meeting

[External]

Hi,

Im writing in response to the recommended update to the B&B bylaw and increasing business licence fees.

It seems that our first property purchase and excitement to build our life here has been completely overshadowed by continued bylaw change efforts that affect the exact reasons and purpose we purchased the property. It's hard to see your savings and dream dwindle every update or proposed update to bylaw.

After the previous meeting requesting public input regarding the B&B and ADU, it seemed quite clear that both community and the councillors did not want to see changes in the B&B bylaw but to adjust the ADU restrictions. As making the ADU more accessible or allowing more secondary suites, it would address the affordable housing issue.

It seems that this bylaw has continued to restrict, condemn, and make B&Bs unattractive to operate. Essentially getting the same result as pulling the B&B option. These new proposed B&B restrictions are not only unsafe but unrealistic. Would current B&B have to do a complete renovation so that everyone enters the same from door? If not, then it would again create a two tier system where older B&Bs are grandfathered in and new ones are completely restricted.

Having one entrance and living space of B&B an integral part of home is unsafe. B&B are inviting essentially strangers to rent a part of your house. It is completely different to have people rent their own space, own entrance as part of your house where your kids and property are kept separately. Everyone would like to believe the best in people but this isn't always the case. As a woman who travels and uses B&Bs, I would never rent one that doesn't have its own entrance and a living space is separate, lockable and private. I would only build and operate a B&B that I would enjoy myself - privacy is key.

Adding to this, many houses are avoiding keys and use lockboxes or key pads for their own personal use. It does not make sense to restrict the use of these items in the bylaw.

The current B&B kitchen requirements are already quite restrictive and seem appropriate. There shouldn't be an issue to have a toaster in the B&B if the operator choses to provide one. Not all B&Bs have these kitchenettes and vacationers can choose according to what they need or want. Why further restrict?

The adjustment to parking also seems to have snuck in here. The parking regulations are already quite restrictive and hard to mitigate for smaller lots. With lots that do not have street parking at the front lot

line, there should be no restriction to the width of the driveway. In R4, these tiny lots need the whole front lot line (within setbacks) to be parking to be able to fit at least 3 cars.

Im not opposed to business license fees increasing to put towards affordable housing solutions. However, this seems like a massive increase where mostly felt by the middle class who are already struggling with inflation.

I encourage you to focus on adding more options for people like these ADUs as in by 1310 and secondary suites without removing or restricting the current B&B bylaw. This, plus continued efforts to provide affordable housing like the WHA in whistler, or fast tracking affordable housing projects will address our housing issue.

Thank you for your time.

Regards,
Danielle Dievert
329 Pass of Melfort

[External]

Good afternoon,

While I disagree with some of the proposed changes, for example:

1. requiring guests to only come in through the front door of the primary residence especially during Covid times (which unfortunately is far from over) and also having to deal with disruption caused by uncertain & late arrivals.
2. the necessity to provide a continental breakfast for various "food safe", enforcement, etc. reasons, ... my question relates to homes which were built under the current bylaw which might have a kitchenette, a separate B&B entrance, etc. When we took out our building permit in 2020 of course we followed the bylaws at the time and included in our house design a bed & breakfast room, with a separate entrance and a kitchenette. Would homes like ours that were built under the current bylaws (as of 2020 in our case), be exempt from the proposed new revisions to the B&B bylaw? Another way to ask it, are the proposed changes to apply to new construction only?

Thank you.

Sincerely,

David McColm & Sandra Benassini
719 Rainforest Drive
David's cell [REDACTED]

[External]

Mayor and Members of Council:

I understand that there is a need to regulate what has been over the past few years, the expansion of nightly rentals to the detriment of the long-term rental market, and while I support some of the measures in the bylaw, I find it somewhat overreaching in part. Not everyone who has a spare bedroom in their home wants to be a landlord, nor, in a lot of cases would it be practicable or economical to configure an unused part of a home to accommodate a tenant. It is not the homeowner's duty to supply housing for the rental market; it is Governments that should be taking steps to provide affordable housing. Changes to the tenancy laws to prevent seasonal evictions of tenants would be the way to go, not putting the responsibility on people who have worked hard and saved to be able to afford a home in this area with a very high cost of living, and who pay quite a lot in property taxes and utility fees. As a licensed operator of a B&B in Ucluelet since 2015, I wish to state that while I agree with some of the proposed amendments in Bylaw 1310, 2022, such as requiring a B&B to be located in the principal residence of the operator where the Provincial Homeowner Grant may be claimed, I find some of the other regulations to be ill-thought out and impractical, and will cause a lot of unnecessary expense to B&B operators, and negatively impact the guest experience of the people who have traveled so far to get here.

There have been many new homes built here since I moved to Ucluelet in the past 10 years, and many were promoted with the idea that the owners could operate a B&B in their residence and were built with planning permission with exterior entrances. Are these homeowners expected to renovate their homes to comply with the new rules? There is nothing in this latest bylaw revision concerning the status of current B&B license holders, and whether they will be able to continue to do business as they have in the past.

In the time of COVID -19, does Council think that it's a good idea to have people from around the world walking through their homes, not to mention the security aspect of unsupervised guests. As far as not allowing keypads goes, I have had to replace many keys, and have had to let guests in who have locked themselves out. A keypad lock has proved a blessing in this regard. Will I be required to replace my keypad lock, which is a great convenience for our guests, and recommended by the industry with a keyed entry lock? Guests sometimes become delayed on their trip here for various reasons, and while we expect them to arrive by 6 p.m., there have been times when they have arrived well after midnight. I suppose I could leave the door unlocked, but the proposed bylaw states that the operator of a B&B must be present and available when a guest is present, and to be on-site whenever a guest is in the building. This needs some clarification, as it would appear I would be unable to the house to go shopping locally or leave town for business or personal reasons.

I do not understand the rationale behind banning kitchenettes and allowing only a coffee maker and kettle for guest use. Microwaves and toasters are an integral part of any B&B. The bylaw mentions that a "traditional continental breakfast" must be provided but is not defined. Having a microwave in a B&B will allow guests with special dietary requirements to prepare foods that may not be accessible to them in local restaurants, as well as reheating of leftover foods, and prepared meals from the freezer section or deli department from the Co-Op, as not everyone wants to, or can afford to eat out every night. It also means no popcorn if a guest wishes to watch a movie if the weather is not conducive for outdoor activities.

There is mention of improving the streetscape surrounding B&Bs, but the proposal to require a sign on every property with a B&B on it will hardly accomplish that, with a profusion of signage springing up all over town. This will likely lead to travelers looking for a place to stay knocking on people's doors, or phoning at inconvenient times. A person wishing to stay in Ucluelet can search online and find suitable accommodation with a few clicks of a mouse. Advertising on lawns (which is what this is) is totally unnecessary. Signs are expensive, and this will just add another cost for operating a B&B. Maintaining a

guest ledger would be of no benefit to anyone, as all reservations are recorded online, and are available when necessary, although I have some concerns about guest privacy in the regard, an I suppose it's up to the Privacy Commissioner to decide, if necessary.

Respectfully submitted,
Ed Chernis
947 Amphitrite Place
Ucluelet
[REDACTED]

Sent from [Mail](#) for Windows

-----Original Message-----

From: Hannah Nicholls [REDACTED]

Sent: August 2, 2022 11:53 AM

To: Info Ucluelet <info@ucluelet.ca>; Mayco Noël <mnoel@ucluelet.ca>

Cc: Rachelle Cole <rcole@ucluelet.ca>; Jennifer Hoar <jhoar@ucluelet.ca>; Lara Kemps <lkemps@ucluelet.ca>; Marilyn McEwen <mmcewen@ucluelet.ca>

Subject: August 2nd Council Meeting Input

[External]

Dear Ucluelet Council,

My name is Hannah Nicholls and I live at 935 Amphitrite Place.

My partner, CC Unger, and I bought our property in Ucluelet in 2016 after years of saving, and then spent many more years slowly building our home ourselves on our weekends. We finally and happily completed our home in 2020 and welcomed our daughter into our lives in the summer of 2021.

We designed and built our home to have a B&B suite to provide additional income so that we could afford the expensive cost of living on the west coast but with finishing our house in the middle of the covid pandemic, and not wanting to encourage extra tourism to the coast during a time of uncertainty, we decided to hold off on opening our B&B. This took a lot of budgeting and pinching pennies to do but felt like the responsible choice. In the Spring of 2022 we decided to go back to our original plan of operating a B&B.

We applied for our business license in May and are still waiting to hear back anything from the district. We built and set up our suite to abide by every part of the town bylaws as they were written at the time of our application. I worry that if this new zoning amendment is approved, it will leave us in the horrible situation of having already spent thousands of dollars to set up our suite and unable to operate it. On top of that, operating a B&B is what would allow us to have the income necessary to allow me to stay at home with our daughter. Childcare is scarce in our community and expensive. I currently work part time from home as a bookkeeper to multiple local businesses and nonprofits but just barely bring in enough money to pay our bills, especially with the current rising costs. We would be unable to redesign our home to meet the proposed changes being asked of B&Bs on top of being incredibly uncomfortable with the idea of having to have guests come into our home, with no locks or separate areas to keep my daughter safe.

I deeply understand the need for long term housing in our community but changes to zoning and bylaws that make it harder for current homeowners to afford their properties seems illogical and cruel to me. A quick look on any of the top short term rental sites would allow you to find dozens of rentals in the Ucluelet area that do not meet the current bylaws, from kitchens and unauthorized appliances to full homes being rented out. Why doesn't the district start with enforcing the rules they already have and see the impact that makes before passing this amendment?

Thank you for your time,
Hannah Nicholls

From: [REDACTED]
Sent: August 2, 2022 4:54 PM
To: 'communityinput@ucluelet.ca' <communityinput@ucluelet.ca>; 'info@ucluelet.ca' <info@ucluelet.ca>
Cc: [REDACTED]
Subject: Proposed changes to zoning by-law 1310 and bylaw 1313- August 2, 2022

Dear Mr. Mayor and Members of Council,

Thank you for the opportunity to comment on the revised changes to the zoning by-law 1310. Having submitted our concerns about the prior planned by-law amendments for the June 28 meeting we will not repeat those comments. Based on the current proposed changes we have the following additional comments:

1. The communication of these changes on a Friday of a long weekend for a meeting on the Tuesday will likely result in a number of impacted members of the community not being able to comment. It is disappointing to see council not provide adequate notice for comments
2. Restricting the grandfathering of separate entrance guest rooms to those holding current licenses penalizes homeowners who have these facilities built but are not operating them. The grandfathering should include any existing (or approved) construction that met the zoning requirements at the time the property was approved. In our case we could not merge the currently unrented suites into our home footprint without significant cost, and without damaging the character of our home.
3. The proposed changes to the ADU plans make much more sense than what was previously proposed.

Jennifer and Graham Cove
1106 Coral Way

Aug 1st, 2022

District of Ucluelet

200 Main St
P.O. Box 999
Ucluelet, BC
VOR 3A0

Attention:

Mayco Noël mnoel@ucluelet.ca

Jennifer Hoar jhoar@ucluelet.ca

Marilyn McEwen mmcewen@ucluelet.ca

Rachelle Cole rcole@ucluelet.ca

Lara Kemps lkemps@ucluelet.ca

Dear District Councilors and Mayor,

Re: Proposed Amendments to Bylaw 1310

We would like some clarification as to whether the proposed amendments to bylaw 1310 outlined in Appendix A of the Aug 2nd, 2022 Special Meeting Of Council Agenda apply to existing B&B and future B&B licenses, or to just future B&B licences? The previous bylaw changes that were proposed mentioned that the existing licences would be “grandfathered” under the current regulations. We see no mention of this in your proposed amendments to bylaw 1310.

If the proposed changes will be applied to all existing B&B’s in the District of Ucluelet, we strongly oppose. The proposed amendments to bylaw 1310 outlined in Appendix A of the Aug 2nd, 2022 Agenda, specifically the points mentioned below will negatively affect the way we operate our B&B business, which the District of Ucluelet has licensed us to operate since May of 2019.

- **404.1 (4a)** *The area designated for Bed and Breakfast use (including guest rooms and any common room provided outside of the residential occupant’s personal area) must not contain the following: Cooking facilities or appliances, with the exception of a kettle and/or coffee maker;*

Why was Microwave and Toaster taken out of cooking facilities exceptions? The reality of the tourist season (which runs from Spring Break- Thanksgiving) is that restaurants are extremely busy, the grocery store has long line ups, and taking away the opportunity for guests to make a small hot snack or heat up some food has no benefit to anybody whatsoever. In fact, allowing B&B guests to cook would alleviate some of the congestion issues in town.

- **404.1 (7)** *Consistent with a traditional bed and breakfast use a bed and breakfast use must include a minimum service of a continental breakfast.*
What is the point of making the B&B operator provide a continental breakfast? This is absurd, guests do not expect a continental breakfast, and since when does a municipal government decide what services a business must provide their customers?

- **404.1(8)(9)(10)** (8) A bed and breakfast use must be accessed from the main entry of the home in which it operates, and cannot operate remotely utilizing coded entry locks and/or key lock boxes. (9) Any exterior door to rooms used for bed and breakfast uses must not be utilized as the principal entrance and exit to the bed and breakfast use. (10) A bed and breakfast use is an integral part of the home and must not have a separated or locked-off common area.
We have combined these 3 points as they are all NOT OK for the following reasons:
 - **Privacy**
 - **Guests like privacy when on vacation**
 - **We like our privacy**
 - **Health & Safety**
 - **With the Covid 19 Pandemic, we have learned that having separate spaces can stop the spread of viruses. Some people will find it unsafe to not have their own private access.**
 - **Security**
 - **Having a separate entrance for guests and locked off access to Home Owner's personal space is both in the best interest of Guests and Home/B&B Owners/Operators. Think about families with young children, pets, and valuable items in their homes.**
 - **Unnecessary Extra Costs Passed onto Homeowner**
 - **We would incur expensive renovations to move access to guest bedrooms as walking through a laundry room is not ideal. Moving plumbing, electrical, doorways, and walls would be very expensive and involve architectural re-design and permitting.**

We would like to ask council what is the real point of proposing these changes? Do you really think that making it difficult for taxpaying homeowners with B&B's will solve the housing situation? Let's not forget that Ucluelet is a designated **Resort Municipality**. There are only 14 municipalities in BC with this designation. The future of our economy is tourism based, and penalizing B&B operators by creating ridiculous regulations, does not promote tourism. We suggest that Council look at how other Resort Municipalities have created affordable housing. As previous homeowners in The Resort Municipality of Whistler, we witnessed the creation of municipal led developments through a "Housing Authority" in which rental only and market capped affordable housing projects for local residents were created. We would like to remind Council that the current District of Ucluelet's affordable housing funds main contributors are in fact B&B owners. All MRDT tax collected through the Airbnb platform is put in an

affordable housing fund for the municipality as set forth by the Provincial Government. This information was brought forward by Tourism Ucluelet at the June, 2022 council meeting. We strongly believe that the onus to create affordable housing is on the District. This is a government issue, not a tax paying homeowner issue.

Sincerely,

Two handwritten signatures in blue ink are positioned above two horizontal lines. The top signature is more fluid and cursive, while the bottom signature is more blocky and stylized.

Jonathan Greenglass / Robyn Ross
917 Barkley Place
Owner/Operator Barkley House B&B
Ucluelet Business License # 5590

July 30, 2022

Dear District of Ucluelet Mayor and Council,

I am writing to express support of the proposed bylaw amendments for Bed & Breakfast Accessory Dwelling Units and am very happy to see a requested reversion to the traditional way of Bed & Breakfast operation in our community.

I am also in support of the amendments to the Ucluelet Zoning Bylaw and Business Regulation and Licensing Bylaw. There should not be Air B&B tourism rentals in every residential neighborhood, please keep residential areas for Ucluelet residents and have tourist areas separate, as this can help maintain a sense of local community, peaceful quality of life and provide long term rentals for our residents.

These proposed amendments would directly affect my own zoning and future business plans; however, I can see they are necessary to preserve our community. Even though these changes may be hard for some people, I feel that these are very important amendments to support the future of our small community's logistical function of operation and sustainability.

Thank you for your consideration on this important matter.

Kindest regards,

Judy Bloedorn

Ucluelet Resident

Aug 2, 2022

District of Ucluelet

200 Main St
P.O. Box 999
Ucluelet, BC
V0R 3A0

Attention:

Mayco Noël mnoel@ucluelet.ca
Jennifer Hoar jhoar@ucluelet.ca
Marilyn McEwen mmcewen@ucluelet.ca

Rachelle Cole rcole@ucluelet.ca
Lara Kemps lkemps@ucluelet.ca

Dear District Councilors and Mayor,

Re: Proposed Amendments to Bylaw 1310

It came to our attention late yesterday that certain amendments to bylaw 1310 outlined in Appendix A of the Aug 2, 2022 Special Meeting of Council Agenda (the “Proposed Amendments”) are being presented at the Council meeting tonight. We raise the following concerns:

1. What notice was given to homeowners and business owners about the Proposed Amendments? We learned of this from a friend. This will have significant impact on our business and we would like an opportunity to raise our concerns.
2. Is it intended for the Proposed Amendments to apply to existing B&B and future B&B licenses, or just future B&B licences? It was our understanding that the previous bylaw amendments that were proposed purported to allow for existing business licences to be “grandfathered” in under the current regulations. We see no mention of this in the Proposed Amendments. Was this an oversight? If the Proposed Amendments will be applied to all existing B&B’s in the District of Ucluelet, we strongly oppose.
3. Although we would like more time to consider and present our concerns in more detail, we raise the following preliminary issues for your consideration:
 - a. **404.1 (4a)** *The area designated for Bed and Breakfast use (including guest rooms and any common room provided outside of the residential occupant’s personal area) must not contain the following: Cooking facilities or appliances, with the exception of a kettle and/or coffee maker;*

Microwave and Toaster have been taken out of cooking facilities exceptions – why? What fire/safety concern is addressed with this? The reality of the tourist season (which runs from Spring Break- Thanksgiving) is that restaurants are extremely busy, the grocery store has long line ups, and taking away the opportunity for guests to make a small hot snack or heat up some food has no benefit to anybody whatsoever. In fact, allowing B&B guests to cook would alleviate some of the congestion issues in town.

- b. **404.1 (7)** *Consistent with a traditional bed and breakfast use a bed and breakfast use must include a minimum service of a continental breakfast.*

There is no point making a B&B operator provide a continental breakfast. This does not serve the District's housing policy in anyway.

- c. **404.1(8)(9)(10)** (8) A bed and breakfast use must be accessed from the main entry of the home in which it operates, and cannot operate remotely utilizing coded entry locks and/or key lock boxes. (9) Any exterior door to rooms used for bed and breakfast uses must not be utilized as the principal entrance and exit to the bed and breakfast use. (10) A bed and breakfast use is an integral part of the home and must not have a separated or locked-off common area.

What considerations have been made to address privacy, health and safety (Covid) and security issues for guests and home owners? In addition, there will be high costs to renovate existing suites to comply.

4. Finally, we note that Ucluelet is a designated Resort Municipality. There are only 14 municipalities in BC with this designation. The future of our economy is tourism based, and penalizing B&B operators by creating restrictive regulations does not promote tourism. We suggest that Council look at how other Resort Municipalities have created affordable housing. There are other viable options and models available. The main contributor for the current District of Ucluelet's affordable housing fund are B&B owners. All MRDT tax collected through the Airbnb platform is put in an affordable housing fund for the municipality as set forth by the Provincial Government. This information was brought forward by Tourism Ucluelet at the June, 2022 council meeting.

Thank you for considering our concerns.

Sincerely,



Karin Emond and Mike Buchanan

Tanya Nestoruk & Arya Touserkani
Lot 40 - 795 Rainforest Drive
P.O. Box [REDACTED]
Ucluelet, BC V0R 3A0

August 2nd, 2022

Dear Mayor Noël and Councillors,

We are property owners in Ucluelet currently in the process of finalizing plans for our residence and Bed and Breakfast in accordance with the permitted primary and secondary uses in the District of Ucluelet Zoning Bylaw No. 1160 section CD-3A.1.

Aside from the inclusion of ADUs alongside B&B zoning, the revisions to proposed Ucluelet Zoning Amendment Bylaw No. 1310 do not align with the public feedback that was given during the hearing on June 28th, 2022. Our forested lot allows ample room to provide guests privacy from the road and off-street parking all while maintaining the residential charm of Rainforest Drive. We have designed our home so that guests have the flexibility to keep their privacy or interact with us as much as they or we desire. Afterall, it is our home and safe place which we will be living in, raising a family, and attending to our own personal needs, all of which would be overshadowed by the constant in and out of B&B guests if we are not allowed to create some separation when required. Not to mention the safety afforded by distance in light of the recent and on-going pandemic. Having lived here since 2017, we love Ucluelet and want to personalize the experience for our guests by giving them tailored recommendations and sharing our favourite things to do. A shared main entrance to the home is not a requirement for us to accomplish any of these important aspects of running a B&B. When we travel, we choose B&B accommodations that allow privacy and we would like the choice to operate our B&B as desired.

To address housing concerns, we hope Council adopts the inclusion of ADUs and removes unnecessary items 7, 8, 9 and 10 from section 404.1 of the proposed Ucluelet Zoning Amendment Bylaw No. 1310.

Sincerely,

Tanya Nestoruk & Arya Touserkani

From: Paula de Jong [REDACTED]
Sent: August 2, 2022 1:37 PM
To: Info Ucluelet <info@ucluelet.ca>
Subject: Feedback - SPECIAL MEETING OF COUNCIL Tuesday, August 2, 2022

[External]

I'm not sure if the meeting tonight is open for public feedback, but I wanted to write in response to the recommended update to the b&b bylaws & increased business license fee.

After the committee of a whole meeting, I personally heard that many members of the community wanted to see the B&B bylaws to remain as is, but to add more options like secondary suites and ADU. There were a lot of strong arguments for this.

It feels like these new amendments have veered off the goal of addressing affordable housing and instead are focused on making b&b's restrictive and unattractive to operate. Essentially getting the same result as pulling the b&b from the zoning.

These new bylaw recommendations feel very restrictive, hard to enforce and challenging as a homeowner to implement for various reasons. If existing b&b's are grandfathered in, it will still make a two tiered system or have many operators non-conforming if they can't redo the layout of their house.

I'm not opposed to business license fees increasing if the money can be put towards affordable housing solutions. However, the increase from \$50 per year to \$700 (for 3brdm) seems drastic and will only hit the middle class harder.

Focus on removing nightly rentals from new developments, initiating affordable housing committees and fast-tracking development that are building affordable units. Don't create safety, security and privacy issues with bylaws that are difficult to enforce.

I encourage you to open these amendments up for more public input before considering them.
Thanks in advance,
Paula de Jong
405 Marine Drive

From: Queenie Lai [REDACTED]
Sent: August 2, 2022 3:40 PM
To: Info Ucluelet <info@ucluelet.ca>
Cc: Ross Macleod [REDACTED]
Subject: Follow up for Business License Application and Feedback for Aug 2nd Special Meeting of the Council

[External]
Good Afternoon,

We are writing today to follow up on our business license application that was submitted on June 2 and also to voice our concerns about the proposed changes to Section 404 Bed & Breakfasts in the Aug 2nd agenda of the Special Meeting of the Council.

In June, we were forced to rush our business license application to operate a B&B as we had found ourselves awkwardly stuck in the middle of waiting for the purchase of our house to close and the deadline to state our intent to operate a B&B due to the proposed bylaw changes. We had made the decision to purchase our house in early May based on the fact that we would be able to legally operate a B&B under the regulations in place then. We are now fully moved in and are just a few weeks away from being able to open the B&B. We would like to follow up on our application to see if it has been approved and if not, what we can do to get it moving through the process.

While we fully support the District in the endeavour to promote long-term housing growth in Ucluelet, we do not agree with some of the proposed changes to Section 404 Bed & Breakfasts.

- 1.
- 2.
3. Tourism has changed drastically since the establishment of what you consider traditional Bed &
4. Breakfasts and even more so since the onset of the COVID-19 pandemic. According to Deloitte's report on the Future of Hospitality, now more than ever, travellers are seeking privacy in their accommodations and looking for places that provide safety for their
5. health and well-being. Requiring that guests use the main entryway of the home, and not allowing exterior room doors to be used as entrances and exits compromises the safety of the guests as well as hosts especially as COVID is not going away anytime soon.
6. Guests and hosts should be allowed to interact according to their own comfort levels. Furthermore, some homeowners, like ourselves, would have to renovate in order to make the entryway suitable to greet guests while there is an already existing exterior door
7. to the room that would be a much better entrance and exit from a logistical, design, and safety perspective.
- 8.

- 2.
- 3.

4. Coded entry locks are one of the most affordable ways for hosts to control the security of their
5. homes without having to change their locks any time a guest loses a key. They also offer extra security as you can easily recode the lock after every guest. While understanding that this is to deter the operation of B&Bs by people not using the house as a
6. principal residence, it does impact hosts who have 9-5 jobs who would like to be able to offer early check-ins or late check-outs to guests. We would argue that this should not be a requirement as it does not accomplish anything that the proposed principal
7. residence regulations don't already accomplish.
- 8.

3.

4.

5. While we have no problem with providing a continental breakfast as long as it can be done in a
6. manner that is safe for both guests and hosts, we would ask that microwaves and/or toasters be included in the list of allowed appliances in a B&B unit as guests will want to be able to heat their breakfast. It does not make sense to have a requirement for
7. a continental breakfast but not allow any way for guests to be able to warm up their food. We would question why this needs to be a requirement, wouldn't it be better for the local economy for hosts to promote the many local food establishments? Perhaps not
8. in the high season when the line for Zoe's is out the door but definitely in the shoulder and off-season.
- 9.

While we understand that these changes are to ensure that B&B's are operated in a "traditional" sense, there are many ways to keep the hospitality nature of B&B's, which is arguably the true tradition of B&B's, without compromising the health and safety of the hosts, guests, as well as other people in the community. Hosts who use the residence as a primary residence still have many opportunities to interact with guests. Outdoor common areas can be utilized as interaction points while allowing guests and hosts to operate within their comfort levels.

Thank you for taking our feedback into consideration and for taking on the arduous task of tackling housing issues in the community.

With kind regards,

Ross Macleod and Queenie Lai
1491 Helen Road
PO Box [REDACTED]
Ucluelet BC

b

-

From: Sarah King [REDACTED]
Sent: August 2, 2022 12:19 PM
To: Info Ucluelet <info@ucluelet.ca>
Subject: Bylaw changes 1310, Sarah King, Rainforest Lane

[External]

In regards to the proposed bylaw changes 1310, 404.1

My partner and I have been building our home in Ucluelet since 2020 with the goal to complete in early 2023.

Since purchasing the lot in 2016 our plan was to build a family home for us, with two B&B rooms which would have a separate entrance.

Our short term plan is to run a B&B to help pay off the majority of our debt.

Our long term plan is to convert the B&B rooms into a long term suite for affordable local housing.

Due to both health and safety we are very concerned about potentially being forced to share our front door and main entrance with strangers.

The current B&B definition would allow us to run a business, work in town, employ local cleaners, and start a family without allowing strangers being in the same part of the house as our children.

With around 32 million people in the US alone having food allergies, section 404.1(7) creates some concern.

I hope that you can reconsider and remove items 7,8,9 and 10.

Thank you for your time,
Kind regards,
Sarah

From: [Shane Hilder](#)
To: [Info Ucluelet](#)
Subject: B&B bylaw changes
Date: August 7, 2022 10:20:59 AM

[External]

Dear district staff and council,

This is a letter in response to the recommended update to the b&b bylaws.

I believe our best option to create long term housing in the near term, while allowing locals to afford to live here, build homes etc. is to allow a mixed use of b&b and secondary suites. Additionally adu's are allowed to be built on these lots if size permits. If housing is the goal, let people build it. The district should be incentivizing this mixed use by potentially decreasing business license fees for b&b homes with a secondary suite long term rental. And heavily tax those running multiple b&b's, that's fair, the income is there for them to cover an increase if running 3 b&b suites. I believe the proposed layout of \$400 for first room, \$150 for additional rooms only encourages people to add more b&b rooms. Use these tax dollars to directly fund affordable housing projects. I would support a large tax increase for all b&b's if the funding is going towards a housing authority and affordable housing projects.

I am currently building a home on Peninsula rd, 30 percent complete, building primarily myself. 1400sqft main floor, two 500 sqft rental suites in the walk out basement. Ideally, I would like to run one long term, and one short term. This would allow me to appreciate the tourist influx we see, while also housing a local, and contributing to the community in that regard. The b&b would certainly help me in being able to afford this build with the current increase in construction etc. I'm a simple fisherman, livelihood is always fluctuating. Another revenue stream would be huge for me and my partner, particularly as we discuss starting a family. There is no reasonable way I can convert my layout at this point to have my main entrance access the basement suites. I am in the process of re-zoning from industrial to single family (which is what the district has recommended for my property) and am still waiting on approvals, I fear I missed my opportunity here. This has been in my plans for over a year to re-zone as I didn't foresee these changes to the bylaws. I know a few others in my situation who would like to run both a b&b and a long term suite. This solution seems like a no brainer, would make a real impact in opening up long term housing, and the community is all for it.

When I met with John I was told the main goal of the district with the last proposal was to minimize the amount of homes being bought by out of towners whom were generally converting to b&b use and profiting off our community while contributing little. They didn't want to restrict the locals who were trying to create a livelihood after retirement, starting a family etc. but the new proposal seems to create safety, security and privacy issues while accomplishing little to create long term housing. I believe we should be listening to the community to find better solutions.

Thank you for your time in reviewing my letter. Be well.

Shane Hilder, 2108 Peninsula Rd.