

DISTRICT OF UCLUELET
MINUTES OF THE PUBLIC HEARING
HELD IN THE GEORGE FRASER ROOM, 500 MATTERSON DRIVE
Tuesday, April 30, 2019 at 6:00 PM

Present: **Chair:** Mayor Noël
 Council: Councillors Cole, Hoar, Kemp, and McEwen
 Staff: Mark Boysen, Chief Administrative Officer
 Marlene Lagoa, Manager of Corporate Services
 Donna Monteith, Director of Finance
 Bruce Greig, Manager of Community Planning
 John Towgood, Planner 1

Regrets:

1. CALL TO ORDER

1.1 Mayor Noël called the meeting to order at 6:00 PM.

2. ACKNOWLEDGEMENT OF FIRST NATIONS TERRITORY

2.1 Council acknowledged the Yuułu?i?ath First Nations on whose traditional territories the District of Ucluelet operates.

3. LATE ITEMS

3.1 1. Addition to Agenda Item No. 6.4 Written Submissions for Bylaw No. 1241, 2019

 a) 2019-04-29 Vigneault Correspondence

 b) 2019-04-30 Johnson Correspondence

 2. Addition to the Agenda Item No. 7.4 Written Submissions for Bylaw No. 1242, 2019

 a) 2019-04-30 Johnson Correspondence

 Same Correspondence as Item 1.b

4. EXPLANATION OF PUBLIC HEARING PROCESS

4.1 Rules Governing Public Hearing

1. As provided for in the *Local Government Act*, the Council is required to hold a Public Hearing before adopting an Official Community Plan Bylaw, Zoning Bylaw or amendments thereto.
2. At a Public Hearing all persons who deem their interest in property affected by the proposed bylaws shall be afforded an opportunity to be heard, or to present written submissions, on

matters contained in the bylaw.

3. The Council may give such effect, as it deems fit, to representations made at a Public Hearing, in the bylaws as adopted.
4. At a Public Hearing the Council is under no obligation to enter into a debate on any issue. The purpose of a hearing is to hear public input, which will later be considered by the Council in their regular meeting.
5. Following the Public Hearing, Council will not accept further communications or presentations from the public or the applicant respecting this bylaw.

5. NOTICE OF PUBLIC HEARING

5.1 Notices

6. PUBLIC HEARING - District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1241, 2019

6.1 Mayor Noël declared the Public Hearing for the District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1241, 2019 open at 6:05 PM.

6.2 Presentation of Bylaw No. 1241, 2019

- Bruce Greig, Manager of Community Planning, presented an overview of the zoning bylaw amendment to remove the standalone short-term rental element within a Vacation Rental (VR-2) use by requiring that a minimum of 15% of the principle building has a residential component as follows:
 1. Delete and replace Section 406.1 (2), such that the section reads as follows:
 - (2) The "VR-2" designation permits the commercial tourist accommodation as:
 - a) accessory to a permanent residential use and administered by the full-time and president resident.
 - b) occupying the principle dwelling or maximum of two (2) secondary suites or a combination of those dwelling units as long as one of the dwelling units within the principle building is occupied by a permanent and present residential use.
 - c) in no case shall the secondary suite component of the principle building occupy less than fifteen percent (15%) of the principle building on the lot, and in no part of an accessory building.

d) in no case shall the principle dwelling component of the principle building occupy less than sixty (60%) of the principle building on the lot, and in no part of an accessory building.

2. By deleting and replacing subsection (b) within the Section 103 Definition for secondary suite, such that the section reads as follows:

b) in a building with a Vacation Rental (VR-1) or a Vacation Rental (VR-2) designation, means one or two separate accessory dwelling units used for either residential use of commercial tourist accommodation in accordance with Section 406 of this Bylaw;

- Mr. Greig noted Bylaw No. 1241, 2019 is a general amendment, which would apply to any property designated to allow the vacation rental VR-2 use.
- Currently there are no occupied properties within Ucluelet that have the VR-2 designation.
- There are number of unoccupied properties with that designation within the Onni lands.

6.3 Reports and Materials for Bylaw No. 1241, 2019

6.4 Excerpts from Previous Council Meetings

6.5 Written Submissions for Bylaw No. 1241, 2019

6.6 Public Comments for Bylaw No.1241, 2019

Mayor Noël asked for the first time if there were any representations from the public.

J. Gray, stated she and her husband Carl, are not in favour of a stand-alone vacation rental. They do not like the current permitted use under VR-2 which allows for 100% vacation rental, with no one living on site. There are a number of properties that already exist but are not occupied yet, built on yet or subdivided yet. Regardless of the application for our home, I would like to speak in favour of amending the text amendment to this bylaw so there will always be the requirement that someone lives full-time on site. Thereby having someone on the property that is in control of what is going on.

J. Bekker, read a letter on behalf of his wife, R. Vigneault that was already added to the Late Item Agenda as Item No. 1.b. Bekker noted both he and his wife are opposed to VR-2.

C. Scott, noted his wife, Judy summed up the importance of the VR-2 amendment and the changes necessary to make it work properly so that it is not 100% of the house or location without anyone on site to look after the property while it is being rented out.

R. Oliwa, stated he is speaking in opposition to this text amendment of the VR-2. Mr. Oliwa noted he was previously on Council for 10 years, and during that time they saw this come up on several occasions and always voted it down. There are a lot of reasons for it, a lot of technical reasons. In the last 6 months, the District has not made any real policy changes, increased bylaw, or made any other legislative amendments that are going to address this new text amendment. If you change the zoning to allow for the 85/15% , you're taking away the context of the primary use of a residential house for a community member, someone who would otherwise live within the community and participate in the community. As for the 15% you don't know who that person will be. What's going to happen with the secondary suite, that person now becomes a requirement for the commercialization of that property, you're not there as a community member, a resident, you are a requirement for that zoning, and I don't want to see that in my community.

A. Murray, stated having someone to manage the property is important. Stated she is in support of removing the 100% from the VR-2. Having someone on the premises at all times is important to control noise levels and keep an eye on things, plus it gives someone a place to rent. Stated she feels it is important for a percentage of people and a percentage of homes to be allocated the VR-2 zoning and suggested setting a maximum on the number of VR-2's. We are in the process of building a very expensive home and are learning to do that, it is nice to have those rental capabilities. Especially if you meet certain criteria, and that criteria is kept stringent in order to qualify for a VR-2. Once that percentage of allocated locations/homes has been met, then no one else can be approved. If we work within that, it makes a lot of sense. Ms. Murray noted she has lived here for almost 12 years and has seen about a hundred homes built, but not a single one has been allocated the VR-2 zoning. Stated she feels there is room for this zoning, if managed, and having a long-term renter on the property.

K. Harwood, stated he is in opposition of such an amending bylaw until we can get our housing situation under control. Noted the foundation of Ucluelet is starting to crack based on the growth. Over the last four years, he has rented out anywhere from 1 to 4 bedrooms in his 5-bedroom house. As much as he would like to do nightly rentals himself, he feels there is an imbalance in people making a lot of money on their

homes, compared to some that are making little to none on their homes. Until we get a system in place where residents can comfortably find a place to live, if the home they are currently in sold, and they are displaced, spending our time going through laws and issues doesn't make any sense until we have our residence taken care of. If everyone had a comfortable place to live, and rates weren't going through the roof, I would be in support of this, but that's not the situation. We need to support our residents, our local businesses and support our town because it's already starting to lose its favour and touch.

P. Timmermans, VR-2 zoning is a problem, as seen in other communities and resort municipalities. Talked to residents, people move here for the community, they bring their ideas and dreams. Places like the Wild Pacific Trail and the Aquarium wouldn't exist without our dedicated locals. People embrace this community as was evident at the recent Council's Societies meeting, behind each of the 21 societies that were present, there is an average of 6-8 board members, and they are all volunteers. That's about 10% of our population, and that doesn't include all the other volunteers for groups like softball, baseball and Scouts. We are a community feeling the strain of modern living, especially the cost of housing, and anything that puts housing further out of reach should be verboten by Council in the interest of community integrity. Allowing any form of VR-2 opens the door a crack to changing Ucluelet into a town that ultimately favours the rich. As Council you are aware of the issue, therefore the outcome, albeit the future is predictable. Previous councils have listened the community on this issue and have not allowed it. I would like to urge Council to defeat the tabled motion and introduce the motion presented by your Planners that Council reject the requested amendment. Furthermore, may I boldly suggest that Council motion to remove the VR-2 option from all zoning in our town. Remove the temptation to commercialize residential properties. We as a community, give you Council the voice to say no.

B. Schram, supports removing the VR-2 possibility from Ucluelet. No matter how you frame or structure this, you are still encouraging people to not live here. If the current VR-2 option passes, it will not guarantee the 15% resident would have authority over the main vacation rental units. It is still absentee ownership. If you encourage new VR-2 properties, you will fill large commercial units to max out rental space. The renter that you install is not specified in the wording of that document as to duration and duty. We don't have the manpower to enforce that. I would encourage Council to get rid of this problem all together, it is within our power to do that. You have the power to change the current VR-2 to VR-1, it's not too late as no one is actually living in one yet. It would be wonderful if we could rest assured that if you

purchase or build in Ucluelet you want to live here. We have no obligation to provide rich people with investment opportunities.

S. Mole, noted she would really caution Council to take a great deal of thought with this proposal. Spoke to an old Council Report from December 11, 2018, Appendix B (January 23, 2018 Council Report) Option Review No. 5 which states, "That Council table this application until the District's housing policies have been clarified and the current OCP review and the Short-Term Rental strategy progress further." Those are three major key components. We need the OCP to be done as that is the voice of the community, and that will dictate what that might look like. Before we look at the zoning revamp, there is a lot that needs to be amended. Rushing ahead is a slippery slope. Previously lived in Tofino at Chesterman's Beach, and watched it turn from a community of friends and neighbourhood to total strangers as a result of VR-2. Urged Council to slow down and look at what the community needs and wants.

M. Rhodes, while he agrees that more time should be spent on this, he does speak in favour of this amendment. Mr. Rhodes does agree there shouldn't be 100% as there should be some on the property full-time. Doesn't understand how VR-2 zoning automatically increases the value of neighbouring properties. Also questions the rationale that the 15% renting full-time isn't going to have any investiture in this community. That 15% would be an available housing option for a local, or someone who wishes to move to the community, that you wouldn't otherwise have if it was solely 100%. Further questions the idea that the 15% would have zero ability or control over the vacation rental. They could always speak to the owners, Bylaw, and the RCMP. We shouldn't make assumptions; they aren't all here to make money and not contribute to the community. The VR-2 zoning would give the owner the option to rent their space, if for example they live here for 10 months of the year but want to travel for 2. As it sits now am in favour of this zoning amendment.

K. Congdon, stated she has lived here 40 years and own a couple of businesses. They have supported the community in many different events and have seen a lot of changes over the years. In the last two years they have seen an increase of people coming into the community looking for vacation rentals. Noted that she is in favour of the VR-2 with the 15% resident. Some things for Council to consider is to slow it down and take a good look at the bigger picture. For example, parking as the streets get clogged; implementing mandatory water meters as they are commercial because there will be an increase in water demand with more laundry, showers etc. Having someone living on the property full-

time is important. Perhaps implementing a covenant on the property for resale to ensure the 15% stays that way.

M. Star, in favour of taking away the 100% aspect of VR-2. There seems like a lot of people are assuming that people aren't interested in the community. There are several places that have suites and the tenants are contributing, working hard, sometimes even working multiple jobs. Reiterated that it is not a good idea to have 100% as it is already hard to find a place to live here.

R. Oliwa, noted when he was on council one of the reasons he was never in favour of this, is the affordability of Ucluelet is in jeopardy. My argument would be, a water-front B&B, with an easy ask of \$300/night & up to 6 people legally conforming to stay in that dwelling. That's \$1,000 a day, how much do you need? We have ways to generate revenue from our own homes as is. The affordability factor, and the fact someone would need an empty house, or 85% empty house, at the expense of the community, doesn't make sense. Another negative factor for this, is that BC Assessment doesn't look at percentages of your house. If you approve a VR-2 at 85%, a large portion of that house is now a commercial revenue generating property that is only taxed residential. When it is time to sell that property with VR-2 zoning, it will absolutely sell at a higher rate. Another point is that BC Assessment doesn't care where that property is in Ucluelet, that house selling will affect housing prices for every residential property in this community, with no benefit to community residents themselves. Only the owner benefits. Therefore, not in favour whatsoever of VR-2.

A. Glen, asked for clarification on whether VR-2 zoning already exists or if this was being newly introduced. Mr. Greig, clarified that VR-2 already exists within the zoning bylaw and this application was to amend it.

S. Mole, worries about the possibility of VR-2 spot zoning and the precedent setting. Noted she lives on Marine Drive and values the current family neighbourhood feel of it. However, the neighbourhood is already changing, whether legally or not. Also noted she too could rent out her home as well, but stated it takes away from the community. Nightly rentals change the structure and value of the neighbourhood, it erodes that bond of neighbours. Personally, would like to see VR-2 eliminated. The community has a chance to voice it through the OCP and we need to hold off until that process has been completed. We really need to look at the bigger picture, 5-10 years down the road and really consider the potential impact.

M. Rhodes, asked if the current bylaw addresses the idea of eliminating

VR-2 completely. Mayor Noël clarified that it does not.

B. Schram, addressed the objection to the change that she hopes no Council would approve 100% VR-2, but noted they may approve the new regulations, despite the community being opposed to the concept of it. By amending it, you are sending a signal that we are open to VR-2 rezoning and will open the flood gates of everyone trying to cash-in on VR-2 rezoning on existing residential properties and for future properties. Thinks we need to take a step back, and slow down until there has been a study.

J. Rhodes, addressing the comment that visitors don't buy locally or eat locally. They bring a lot of revenue to the community. We need places for them to stay, and while some may pick up items to bring with them, they still spend money in the community.

J. Holliday, asked for clarification on VR-2 and whether someone can rent out their home, and have someone manage the property while they are away. Mayor Noël clarified the current topic is on the text amendment only.

Mayor Noël asked for the second time if there were any representations from the public.

- There were no comments from the public.

Mayor Noël asked for the third time if there were any representations from the public.

- There were no comments from the public.

6.7 Mayor Noël declared the Public Hearing for the District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1241, 2019 closed at 6:50 PM.

7. PUBLIC HEARING - District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1242, 2019

7.1 Mayor Mayor Noël declared the Public Hearing for Ucluelet Zoning Amendment Bylaw No. 1242, 2019 open at 6:52 PM.

7.2 Presentation of Bylaw No. 1242, 2019

- Bruce Greig, Manager of Community Planning, presented an overview of Ucluelet Zoning Amendment Bylaw No. 1242, 2019 to amend the Zoning Bylaw to add the Vacation Rental (VR-2) use (as amended by Ucluelet Zoning Amendment Bylaw No. 1241, 2019,) to the property at 506 Marine Drive as follows:

1. Amend the Text and Map of Schedule B of the District of Ucluelet Zoning Bylaw by adding the following section CD-2A.1.7 in alphanumerical order, as follows:

“CD-2A.1.7 The following uses are permitted on Lot 2, District Lot 281, Clayoquot District, Plan VIP80321 (PID 026-566-435, 506 Marine Drive):

- (1) Principal:
 - (a) Single Family Dwelling
 - (b) Vacation Rental (VR-2)
- (2) Secondary:
 - (a) Home Occupation
 - (b) Secondary Suite”

- 7.3 Reports and Materials for Bylaw No. 1242, 2019
Same report as Item 5.2
- 7.4 Excerpts from Previous Council Meetings
Same excerpts as Item 5.3
- 7.5 Written Submissions for Bylaw No. 1242, 2019
- 7.6 Public Comments for Bylaw No. 1242, 2019

Mayor Noël asked for the first time if there were any representations from the public.

C. Scott, noted he and his wife Judy have lived here 12 years. This request for VR-2 zoning is personal. Has been a resident for 39 years and 4 months as of January 1, 1980. He and Judy joined forces in 1992 and raised their children here. They also have 2 grandchildren here; this is their home. Is an active member in the community, and has been here for more than half of his life. 506 Marine Drive is their fifth and hopefully final home. Made a commitment to be a part of this community. Fishing industry has changed, logging changed, the community is changing. Tourism is now an economic driver. We have the opportunity to be a part of that. As part of the economic change, in addition to aging, they want to take advantage of their home as a source of income so they can slow down. They have a beautiful home on the ocean and want the opportunity to share their home with others when they are away travelling. They have been working on this application with the District for quite some time and in order to accomplish this, they need VR-2 zoning. They have a suite that is part of their home where their daughter currently lives and helps look after the home. They have opened up their home to their sons and daughters that live out of town, when they are away travelling so they know it works. Stated their neighbours support

this use of their home. We have neighbours that are able to do what we wish to do. They know they have resistance to their application, but noted they are not removing accommodation from the rental market. Each of us have the right to request zoning changes and it's the District's job to deal with it. They are looking for stability, not a permit to be renewed at the whim of bureaucracy. Stated they will sell their house at some point, but right now they want support from Council to provide them with the zoning amendment.

J. Gray, stated she moved to Ucluelet in 1989 from Bamfield and could not find a place to live, just like now. She lived in a 2-bedroom unit at Edgewater for a year until she got a house. 2008 to 2014 was the only time there wasn't a housing issue. In 1992, she sobered up and moved back to Ucluelet. Bought a small mobile home and lived there for 4 years until moving in with Carl and his sons. They have grandchildren that live and work here. They have family gatherings in their home. There seems to be a lot of confusion about what VR-2 is. It means you can rent your house and up to two suites without anyone having to be actively living on the property. Carl and I don't want that in our community. As part of their application, they have asked that the VR-2 zone now require someone to live onsite full-time, if there is a nightly rental happening. This zone choice should be fixed. Currently 30 lots at Wyndansea with the VR-2 zone and could be put on the market at any time. Was on the first OCP committee in 1997/1998, back when they were clear that not all parts of Ucluelet are not suitable for vacation rentals. Some neighbourhoods should permit them, and some should not, thereby giving residents a choice. If you don't want to live near a rental, then don't purchase in a neighbourhood that allows them. We have been able to learn from Tofino. Our residents brag about our sense of community and why each application must be considered properly. We don't have a home that is considered affordable and it never will be. We want this change so we can rent out the home and bring in extra income. This would allow them to slow their work lives down and be able to afford their home longer. Our neighbours have come out in strong support of their application. They have 18 letters that represent 24 properties and have included a map of all the properties that have supported this application. None of the people they spoke to opposed them, however they did not reach out beyond their neighbourhood, but their neighbours all supported us and wished them luck. If we are forced to sell our home, it will probably be a foreign buyer who will leave the property vacant like 1702 Rainforest Lane. That property, which now sits vacant and dark, is a million dollar home bought by a student in Richmond. There will always be a full-time resident on the property. We only plan to rent out the home when we are away visiting family, taking care of parents and travelling. Is an active member of the community, especially when it comes to events for children. We all live differently

and in all areas of the communities. With or without this zoning the value of the house remains the same. If they don't get the VR-2 zoning, it would take longer to sell their home.

A. Murray, is in support, and adjacent neighbours. Sees what their current property can do. Doesn't see the difference between VR-1 & VR-2, as it wouldn't have any impact on their property next door. There will still be vehicles, and people coming and going. In favour of having it so someone has to be living there full-time. Having the opportunity to utilize your investment as it seems fit to your time in life. It's not going to impact us. As for precedence, you have to go community to community, neighbourhood by neighbourhood, street by street to determine if you get approved. If you can't meet the requirements you don't get approved.

R. Oliwa, it does come to viability of your home and what you can make off it. My home is my investment. Heard this evening the world is a different place. Have been here for over 30 years. It's not the same place, the affordability is gone. The applicant noted they have only looked at their own neighbourhood and has their support from their neighbours. We need to look broader; we have to widen our scope to the whole community and the impact this zoning will have on the entire community. Have studied housing and this will absolutely affect housing prices in Ucluelet. Questions why we are going down this path, when they have the ability to make substantial revenue and to pay little to no tax on it. By not changing and not approving this, they still have the ability to live in their home and generate \$1,000/day, without affecting the entire community. If Council approves this, and it becomes a spot zone, it will negatively impact every home in Ucluelet. This is not a good thing for Ucluelet and strongly urges Council not to approve it.

S. Mole, to the applicants, there is no question at all over what great community supporters you are, and how involved you are within the community, but that makes it hard for Council to be objective. We have to make it fair for everyone. To Council, we can't look at people and whether or not they are good people, that is just not one of the options Council has, they have to be objective. Reiterate again to table this until the OCP, short-term rental and housing strategy has been dealt with. We have to look long term and what works best for the community and what the residents want as a whole.

M. Rhodes, in favour of the application. In terms of council looking at each application separately, that is absolutely their job, they don't have a blanket yes or no. The applicants have been working on their application for a long time. Question: is there a limit of how many people

you have in a room in a VR-1 zoning, or number of cars. Is there a difference between the two? Mr. Greig noted the question of occupancy, and how many people per room falls under the building code. B&B occupancy is limited to 3 bedrooms, 2 person occupancy per room, anything above that wouldn't be handled as a B&B. As for parking, there is a minimum requirement for both B&B's and vacation rentals on site, unless the property owner has variance.

N. Swann, speaks in favour of the application, noted Judy and Carl are going to be careful as to who they put into their home. When you know there is a permanent resident, you will be very choosy as to who you put into the home. You're not going to see rowdy house parties; the house will be cared for.

M. Star, Judy and Carl want to change their lifestyle so they can travel, and the last thing they, or anyone at that stage in their lives would want to do is own a B&B, where they have to take care of guests coming and going from their home. That is not an option for them. Therefore we have to look at each application on an individual basis. They aren't the type of people to move out and lose control of their house. It may change the value of the house, but how it would affect the value of a mobile home within the community? Doesn't see the correlation.

K. Congdon, question: are all B&B's required to have off street parking. Mr. Greig responded yes. Noted she is in favour of the rezoning.

S. Mole, agrees that Judy and Carl will take care of their home. However, we need to remember that once it's VR-2 it stays as VR-2 and we will have no idea what the new owners will be like.

R. Oliwa, to members of Council there is another option. This will be a permanent zoning. There are other locations in town that have been spot zoned. No one knows what is going on with those zones. By approving this here, a VR-2 spot zone, you are basically giving out a permanent business license. There was another option for Council to pursue, and if this didn't come to council so quickly after the election, we haven't given staff time to come forward with the stuff they have been working on. I would urge Council to give staff the opportunity to fulfill their duty, this is the reason we hired them, allow those reports to come forward, and table this application at this time. Ucluelet is not ready. Bylaw is still complaint driven; we still don't have any actual active enforcement at this time. We haven't built the capacity of those policies within our community yet. There is an opportunity here, through a temporary use permit, to allow everything the applicant is asking for, other than the permanent zone change. This would still give them the

option to stay in the community and continue to do the great work in the community with a temporary use permit. If and when they sell and there was an issue with the new owners, Bylaw could address it and as a community we have the option to not renew the permit. Again, would urge Council to work with staff to explore the temporary use permit option.

B. Kelleher, feels the temporary use permit is something that should be applied. As everyone is saying, things are changing fast and moving fast. There have been proposals that have been put forward in the past that they thought would work, but the OCP has been revised several times based on things that have come up we didn't foresee. We need to slow down, having this permanent change only benefits the current owners, the new owners may use it differently and we would have no say over it. A temporary use permit would allow the current owners to use their home for what they want. Any permanent changes in Ucluelet seem to have revisions made, but this zoning change wouldn't allow for that. That is something we really need to consider as everything is changing so fast, and we don't want to get it wrong and stumble on that.

J. Holliday, if the applicants got a temporary use permit, when they go to sell this property, would that still not be a positive? If they had the temporary use permit, does that not open the door for the new owners to come to Council to say what this house was previously used for, and apply for the same? Mayor Noël clarified the temporary use permit was not the topic being addressed in the application, they have to stay on the topic of the rezoning application to a VR-2

C. Scott, this application is not a speeding truck down a mountain side, we have been working on this for years and this needs to be recognized. The work that has gone into this and the diligence with respect to staff and Council over the years. We have had in principle approval more than once with respect to the zoning change. With respects to VR-2 affecting the price of housing in Ucluelet, housing prices are individual to their specific neighbourhood.

B. Forrest, stated he is opposed to this application request. Doesn't think it's fair to the business owners in town, that one person can generate enormous revenue and not have to pay commercial taxes, they only pay regular taxes.

Mayor Noël asked for the second time if there were any representations from the public.

- There were no comments from the public.

Mayor Noël asked for the third time if there were any representations from the public.

- There were no comments from the public.

7.7 Mayor Noël declared the Public Hearing for the District of Ucluelet Zoning Amendment Bylaw No. 1242, 2019 closed at 7:36 PM.

Mayor Noël called a recess at 7:36 PM, and reconvened at 7:43 PM.

8. PUBLIC HEARING - District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1248, 2019

8.1 Mayor Noël declared the Public Hearing for the District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1248, 2019 open at 7:43 PM.

8.2 Presentation of Bylaw No. 1248, Bylaw No.1249, & DVP19-03

- Bruce Greig, Manager of Community Planning, presented an overview of Ucluelet Zoning Amendment Bylaw No. 1248, 2019 and explained the purpose of this proposed bylaw 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).
- Mr. Greig then presented an overview of the Ucluelet Housing Agreement Bylaw No. 1249, 2019 and explained the purpose of this proposed bylaw is to authorize the District of Ucluelet, pursuant to section 483 of the Local Government Act, to enter into a Housing Agreement with the owners of the property at 354 Forbes Road, Glenn and Dianna Kaczmar. In conjunction with the requested rezoning of the property, the owners are proposing that the lower level of the building at 354 Forbes Road be used for a minimum of six Staff Housing units. The proposed Housing Agreement would include an occupancy restriction and annual reporting mechanism to ensure the operation of the Staff Housing units as proposed.
- Mr. Greig also presented an overview of the Development Variance Permit DVP19-03, and explained in addition to the above bylaws, the owners of the property at 354 Forbes Road have requested a Development Variance Permit to vary the following aspects of the Eco-Industrial Park (CD-1) regulations within District of Ucluelet Zoning Bylaw No. 1150, 2013, to enable the owners to apply for the required Building Permit for the renovation of the existing building on the property to ensure it is safe for its intended use:

- 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.

- 8.3 Reports and Materials for Bylaw No. 1248, Bylaw No. 1249, & DVP19-03
- 8.4 Excerpts from Previous Council Meetings
- 8.5 Written Submissions for Bylaw No. 1248, Bylaw No. 1249, & DVP19-03
- 8.6 Public Comments for Bylaw No. 1248, Bylaw No. 1249, & DVP19-03

Mayor Noël invited the applicant to address Council.

G.Kaczmar, noted in regards to the one setback from 5 meters to 1.22 meters, they have an existing variance for 1.52 meters. Clarified they are asking for the variance for 1.22 meters from 1.52 meters. Also noted the question of their building being over height is currently being rectified by their surveyors as it was an error on their end.

Mayor Noël asked for the first time if there were any representations from the public.

K. Congdon, asked if Mr. Greig could explain each variance one more time. Mr. Greig explained each section again in full detail.

- K. Congdon asked if the building would be right at the fence. Mr. Greig noted the fence may not align with the property line, but the existing fence is approximately 4 feet from the property line. The applicant isn't moving their building, they are just legalizing it.
- K. Congdon asked if there were any greenery being planted. Mr. Greig advised there is a landscape plan that has been proposed.
- K. Congdon asked if the planting zone along the parking at the front of the property would happen before or with the approval of both parking spots. Mr. Greig advised it would either be put in place at the time, or the District would hold a security deposit because sometimes there is a delay depending on the time year.

G. Kaczmar, stated their building has existed since 2006, they are not moving it, not expanding it, but they are making some changes to it. Explained they have more than enough parking spots, but if someone has an issue with the three parking spots in front they would be open to reducing the number.

Mayor Noël asked for the second time if there were any representations from the public.

- There were no comments from the public.

Mayor Noël asked for the third time if there were any representations from the public.

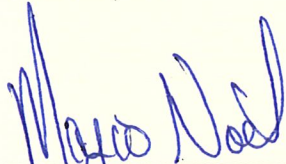
- There were no comments from the public.

8.7 Mayor Noël declared the Public Hearing for the District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1248, 2019 closed at 7:56 PM.


9. ADJOURNMENT

9.1 Mayor Noël adjourned the meeting at 7:58 PM.

CERTIFIED CORRECT: Minutes of the Public Hearing Meeting held on Tuesday, April 30, 2019 at 6:00 pm in the George Fraser Room, Ucluelet Community Centre, 500 Matterson Road, Ucluelet, BC.



Mayco Noël
Mayor



Mark Boysen
CAO