



SPECIAL MEETING OF COUNCIL
Wednesday, November 20, 2019 @ 8:30 PM
Main Hall, Ucluelet Community Centre
500 Matterson Drive, Ucluelet

AGENDA

	Page
1. CALL TO ORDER	
2. ACKNOWLEDGEMENT OF FIRST NATIONS TERRITORY Council would like to acknowledge the Yuułuꞵiꞵꞵath First Nations on whose traditional territories the District of Ucluelet operates.	
3. NOTICE OF VIDEO RECORDING Council would like to advise District of Ucluelet Staff and members of the public that this Council proceeding is being video recorded and the recording will be live streamed or subsequently published on the District of Ucluelet's YouTube channel.	
4. ADDITIONS TO AGENDA	
5. APPROVAL OF AGENDA	
6. LEGISLATION	
6.1. <u>District of Ucluelet Zoning Amendment Bylaw No. 1254, 2019</u> - 3rd Reading and Council Comment on provincial <u>Cannabis Retail Sales</u> Licence: 1786 Peninsula Road - "Ucluelet Cannabis Co." Bylaw No. 1254, 2019	3 - 7
6.2. <u>District of Ucluelet Zoning Amendment Bylaw No. 1257, 2019</u> - 3rd Reading and Council comment on provincial <u>Cannabis Retail Sales</u> licence: 1685 Peninsula Road - "Green Leaves Cannabis" Bylaw No. 1257, 2019	9 - 13
6.3. <u>District of Ucluelet Zoning Amendment Bylaw No. 1255, 2019</u> - 3rd Reading and Council comment on provincial <u>Cannabis Retail Sales</u> license: 1972 Peninsula Road - "Platinum Cannabis LTD" Bylaw No. 1255, 2019	15 - 19
7. QUESTION PERIOD	
8. ADJOURNMENT	



STAFF REPORT TO COUNCIL

Council Meeting: NOVEMBER 20, 2019
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, MANAGER OF COMMUNITY PLANNING

FILE NO: 3360-20-RZ18-10

FOLIO NO: 149.000

REPORT NO: 19- 145

SUBJECT: DISTRICT OF UCLUELET ZONING AMENDMENT BYLAW NO. 1254, 2019 - 3RD READING
AND COUNCIL COMMENT ON PROVINCIAL CANNABIS RETAIL SALES LICENCE:
1786 PENINSULA ROAD - "UCLUELET CANNABIS CO."

ATTACHMENT(S): APPENDIX A – DISTRICT OF UCLUELET ZONING AMENDMENT BYLAW NO. 1254, 2019

MOTIONS:

1. **THAT** the "District of Ucluelet Zoning Amendment Bylaw No. 1254, 2019" be given third reading.
2. **THAT** Council indicate that adoption of "District of Ucluelet Zoning Amendment Bylaw No. 1254, 2019" would be subject to the following:
 - a. receipt of engineer's design, cost estimate and security deposit for construction of a new pedestrian footpath along the Larch Road frontage extending to the corner of Bay Street;
 - b. receipt of the \$10,000.00 contribution toward future off-site pedestrian improvements on Larch Road as offered by the applicant; and,
 - c. registration of a Section 219 restrictive covenant on the title of the property to ensure that the new use and all proposed changes on the site will proceed according to the location and details shown on the submitted plans.
3. **THAT** the Council of the District of Ucluelet, having gathered residents' views in a public hearing, indicate that it would be prepared to pass a resolution of support for the Province to issue a Cannabis Retail Sales licence to the applicant, Andrew Hanson of 1181569 B.C. LTD, dba "Ucluelet Cannabis Co.", with the requested hours of 9am to 11pm seven days per week, subject to adoption of a zoning amendment bylaw to permit cannabis retail sales on the property at 1786 Peninsula Road.

PURPOSE:

The purpose of this report is to provide context for Council to consider, after the close of the Public Hearing on November 20, 2019, in deciding how to proceed with the requested zoning amendment for 1786 Peninsula Road and Cannabis Retail Sales licence for the Ucluelet Cannabis Co.

BACKGROUND:

Bylaw No. 1254 received first and second reading at the August 13, 2019, Regular Council Meeting and was the subject of a Public Hearing on September 9, 2019. At the September 18, 2019, Special Council Meeting, the bylaw received 3rd reading but that reading was then rescinded so that the bylaw could be referred to a second Public Hearing.

The past staff reports, excerpts of Council minutes and correspondence received from the public are on the agenda of the Public Hearing to be held November 20, 2019. Upon closure of the Public Hearing, Council will be in a position to consider third reading of the bylaw. Staff recommend that the motions drafted above be moved individually for discussion, debate and decision by Council considering all the input received up to and including the Public Hearing.

LCRB CANNABIS RETAIL STORE LICENCE:

As presented in the public notice, the Public Hearing is the advertised opportunity for members of the public to provide comment to Council on both the zoning amendment bylaw and the requested provincial Cannabis Retail Store (CRS) licence. The LCRB has completed the financial integrity checks and security screenings and has issued the “fit and proper” approval for Andrew Hanson’s proposed Ucluelet Cannabis Co. retail store. At this point, having advertised and received community views on the CRS licence application, Council could indicate whether it is prepared to support the Ucluelet Cannabis Co. licence application proceeding further with the LCRB.

PROPOSED DEVELOPMENT AND AMENITIES:

As proposed by the applicant, a new pedestrian footpath will be constructed at their expense along the properties’ Larch Road frontage extending to the corner at Bay Street.

The applicant has also offered to contribute \$10,000.00 toward future off-site pedestrian improvements for the eventual extension of a pathway along the length of Larch Road. Receipt of these funds, along with a security deposit for the on-site landscaping, would be required prior to final adoption of the zoning amendment bylaw and issuance of a Development Permit.

TIMING:

If Council were to give third reading to Bylaw No. 1254, the applicant could proceed with meeting the conditions which Council deems necessary prior to adopting the zoning changes.

As noted previously, the existing building proposed to be renovated and re-purposed for the cannabis retail store appears to encroach within the side yard setback; before a building permit could be issued for the necessary renovations and change of use to retail space, the applicant would need to either obtain a Development Variance Permit or alter / relocate the building to meet the minimum setback.

OPTIONS REVIEW:

Having held a public hearing on the bylaw and licence, Council could now consider giving third reading of the zoning amendment bylaw for Cannabis Retail Sales in the location at 1786 Peninsula Road. Alternatively, Council has the following options:

- Council could make amendments to Bylaw No. 1254 and give third reading to the “District of Ucluelet Zoning Amendment Bylaw No. 1254, 2019” as amended; or,
- Council could defeat third reading of Bylaw No. 1254.

As a separate decision from the zoning amendment, in order to provide community input to the provincial Cannabis Retail Sales licensing process, Council should pass a resolution (taking the general form of motion #3 drafted above) either for or against supporting the CRS licence application for the Ucluelet Cannabis Co. to proceed further.

Respectfully submitted: Bruce Greig, Manager of Community Planning
Mark Boysen, Chief Administrative Officer

APPENDIX A

DISTRICT OF UCLUELET
Zoning Amendment Bylaw No. 1254, 2019

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

WHEREAS the District of Ucluelet Council by Bylaw No. 1160, 2013, adopted the Zoning Bylaw and now deems it appropriate to amend the Zoning Bylaw;

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

1. Text Amendment:

Schedule B of the District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by adding the following subsections in alphanumeric order:

a.) to Section CS-2.1 Permitted Uses:

“CS-2.1.3 In addition to the permitted uses under CS-2.1.1, *Cannabis Retail* is also permitted as a principal use on the following properties:

(1) PID: 014-935-368: Lot B, District Lot 282, Clayoquot District, Plan VIP49257 [1786 Peninsula Road].”

b.) to Section CS-2.4 Maximum Size (Gross Floor Area), under subsection CS-2.4.1 Principal Building:

“(3) Cannabis Retail 93m² (1000ft²)”

2. This bylaw may be cited as “District of Ucluelet Zoning Amendment Bylaw No. 1254, 2019”.

READ A FIRST TIME this 13th day of August, 2019.

READ A SECOND TIME this 13th day of August, 2019.

PUBLIC HEARING held this 9th day of September, 2019.

READ A THIRD TIME this 8th day of October, 2019.

THIRD READING RESCINDED this 8th day of October, 2019.

PUBLIC HEARING held this day of , 2019.

READ A THIRD TIME this day of , 2019.

ADOPTED this day of , 2019.

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Amendment Bylaw No. 1254, 2019.”

Mayco Noël
Mayor

Mark Boysen
Corporate Officer

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

Mark Boysen
Corporate Officer



STAFF REPORT TO COUNCIL

Council Meeting: NOVEMBER 20, 2019
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, MANAGER OF COMMUNITY PLANNING

FILE NO: 3360-20-RZ18-11

FOLIO NO: 126.010

REPORT NO: 19-147

SUBJECT: DISTRICT OF UCLUELET ZONING AMENDMENT BYLAW NO. 1257, 2019 - 3RD READING
AND COUNCIL COMMENT ON PROVINCIAL CANNABIS RETAIL SALES LICENCE:
1685 PENINSULA ROAD - "GREEN LEAVES CANNABIS"

ATTACHMENT(S): APPENDIX A – DISTRICT OF UCLUELET ZONING AMENDMENT BYLAW NO. 1257, 2019

MOTIONS:

1. **THAT** the "District of Ucluelet Zoning Amendment Bylaw No. 1257, 2019" be given third reading.
2. **THAT** Council indicate that adoption of "District of Ucluelet Zoning Amendment Bylaw No. 1257, 2019" would be subject to the following:
 - a. receipt of detailed landscape plans and security deposit for the Development Permit and Development Variance Permit for the proposed onsite improvements at 1685 Peninsula Road;
 - b. receipt of the \$23,500.00 contribution for future off-site boulevard improvements to be undertaken by the District adjacent to the property as offered by the applicant;
 - c. receipt of the \$20,000.00 contribution toward construction of a pedestrian pathway from Peninsula Road to the District-owned Cedar Road public parking lot;
 - d. receipt of a five-year lease for \$1.00, for public pedestrian and vehicle access along the south-east lane with an additional five-year term renewal option in favor of the District of Ucluelet that could not be reasonably withheld by the landowner;
 - e. receipt of an agreement to reimburse the District \$20,000 for pathway construction costs, if no statutory-right-of-way has been registered over the property in favour of the District, for public pedestrian and vehicle access along the south-east lane, within ten years; and,
 - f. registration of a Section 219 restrictive covenant on the title of the property to ensure that the new use and all proposed changes on the site will proceed according to the location and details shown on the submitted plans.
3. **THAT** the Council of the District of Ucluelet, having gathered residents' views in a public hearing, indicate that it would be prepared to pass a resolution of support for the Province to issue a Cannabis Retail Sales licence to the applicant, Deepthi Sajja of 1193126 B.C. LTD, dba "Green Leaves Cannabis", with the requested hours of 9am to 11pm seven days per week, subject to:
 - a. confirmation that the Province has issued "fit and proper" approval in principle for a Cannabis Retail Sales licence; and,

- b. adoption of a zoning amendment bylaw to permit cannabis retail sales on the property at 1685 Peninsula Road.

PURPOSE:

The purpose of this report is to provide context for Council to consider, after the close of the Public Hearing on November 20, 2019, in deciding how to proceed with the requested zoning amendment for 1685 Peninsula Road and Cannabis Retail Sales licence for Green Leaves Cannabis.

BACKGROUND:

Bylaw No. 1257 received first and second reading at the October 8, 2019, Regular Council Meeting and was referred to a public hearing.

The past staff reports, excerpts of Council minutes and correspondence received from the public are on the agenda of the Public Hearing to be held November 20, 2019. Upon closure of the Public Hearing, Council will be in a position to consider third reading of the bylaw. Staff recommend that the motions drafted above be moved individually for discussion, debate and decision by Council considering all the input received up to and including the Public Hearing.

LCRB CANNABIS RETAIL STORE LICENCE:

As presented in the public notice, the Public Hearing is the advertised opportunity for members of the public to provide comment to Council on both the zoning amendment bylaw and the requested provincial Cannabis Retail Store (CRS) licence. The LCRB is still processing the financial integrity checks and security screenings - the “fit and proper” approval - for Deepthi Sajja’s proposed Green Leaves Cannabis retail store. Adoption of the requested zoning amendment could be conditional on receiving the fit and proper approval from the Province. At this point, having advertised and received community views on the CRS licence application, Council could indicate whether it is prepared to support the Green Leaves Cannabis licence application proceeding further with the LCRB.

PROPOSED DEVELOPMENT AND AMENITIES:

The applicant is offering a five-year lease for \$1 for public pedestrian and vehicle access along the south-east lane to the District of Ucluelet Parking, with an additional five-year term renewal option. The applicant has also offered to enter into an agreement to reimburse the District of Ucluelet for \$20,000 of pathway construction costs, if no Statutory Right-of-Way has been provided by the owner to replace the lease by the end of the 2 five-year lease terms.

The applicant has confirmed the following contributions:

1. The applicant will contribute \$20,000 to add a gravel path from Peninsula Road to the District parking lot (half the cost of 40m x \$1000/m). The applicant has stated that this could be paved at the time that the lower parking lot is paved, if the District of Ucluelet has completed the gravel path to a level where paving is possible.
2. The applicant has offered to contribute \$23,500 toward frontage upgrades as per the District of Ucluelet’s estimate for those works completed by McElhanney Engineering.

TIMING:

If Council were to give third reading to Bylaw No. 1257, the zoning amendment bylaw would then be held until the District were to receive notice from the Province that the applicant has successfully completed the “fit and proper” assessment. In the interim, the applicant could proceed with meeting the other conditions which Council deems necessary prior to adopting the zoning changes.

OPTIONS REVIEW:

Having held a public hearing on the bylaw and licence, Council could now consider giving third reading of the zoning amendment bylaw for Cannabis Retail Sales in the location at 1685 Peninsula Road. Alternatively, Council has the following options:

- Council could make amendments to Bylaw No. 1257 and give third reading to the “District of Ucluelet Zoning Amendment Bylaw No. 1257, 2019” as amended; or,
- Council could defeat third reading of Bylaw No. 1257.

As a separate decision from the zoning amendment, in order to provide community input to the provincial Cannabis Retail Sales licensing process, Council should pass a resolution (taking the general form of motion #3 drafted above) either for or against supporting the CRS licence application for Green Leaves Cannabis to proceed further.

Respectfully submitted: Bruce Greig, Manager of Community Planning
Mark Boysen, Chief Administrative Officer

APPENDIX A

DISTRICT OF UCLUELET**Zoning Amendment Bylaw No. 1257, 2019**

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

WHEREAS the District of Ucluelet Council by Bylaw No. 1160, 2013, adopted the Zoning Bylaw and now deems it appropriate to amend the Zoning Bylaw;

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

1. Text Amendment:

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

- a.) adding the following subsections in alphanumeric order to Section CS-1.1 Permitted Uses:

"CS-1.1.6 In addition to the permitted uses under CS-1.1.1, *Cannabis Sales* is also permitted as a principal use on the following properties:

(1) PID: 003-820-017: Plan VIP3486, District Lot 282, Clayoquot Land District, Except Plan RW 2126, That Part bounded on the NW by PCL C DD83737I on the NE BY PL11055 & PL4011 on the SE by PCL J DD141236I & on the SW by Peninsula RD as shown on PL3486 [1685 Peninsula Road]."

- b.) replacing sub-section CS-1.4.1, such that this section reads as follows:

"CS-1.4.1 Principal Use:

(1)	<i>Cannabis Sales:</i>	93m² (1,000 ft²)
(2)	Other:	N/A"

2. This bylaw may be cited as "District of Ucluelet Zoning Amendment Bylaw No. 1257, 2019".

READ A FIRST TIME this 8th day of October, 2019.

READ A SECOND TIME this 8th day of October, 2019.

PUBLIC HEARING held this day of , 2019.

READ A THIRD TIME this day of , 2019.

ADOPTED this day of , 2019.

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Amendment Bylaw No. 1257, 2019.”

Mayco Noël
Mayor

Mark Boysen
Corporate Officer

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

Mark Boysen
Corporate Officer



STAFF REPORT TO COUNCIL

Council Meeting: NOVEMBER 20, 2019
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, MANAGER OF COMMUNITY PLANNING

FILE NO: 3360-20-RZ18-05

FOLIO NO: 182.000

REPORT NO: 19- 146

SUBJECT: DISTRICT OF UCLUELET ZONING AMENDMENT BYLAW NO. 1255, 2019 - 3RD READING
AND COUNCIL COMMENT ON PROVINCIAL CANNABIS RETAIL SALES LICENCE:
1972 PENINSULA ROAD - "PLATINUM CANNABIS LTD"

ATTACHMENT(S): APPENDIX A – DISTRICT OF UCLUELET ZONING AMENDMENT BYLAW NO. 1255, 2019

MOTIONS:

1. **THAT** the "District of Ucluelet Zoning Amendment Bylaw No. 1255, 2019" be given third reading.
2. **THAT** Council indicate that adoption of "District of Ucluelet Zoning Amendment Bylaw No. 1255, 2019" would be subject to the following:
 - a. receipt of detailed landscape plans and security deposit for the Development Permit and Development Variance Permit for the proposed on-site improvements at 1972 Peninsula Road;
 - b. receipt of the \$23,500.00 contribution for future off-site boulevard improvements to be undertaken by the District adjacent to the property as offered by the applicant; and,
 - c. registration of a Section 219 restrictive covenant on the title of the property to ensure that the new use and all proposed changes on the site will proceed according to the location and details shown on the submitted plans.
3. **THAT** the Council of the District of Ucluelet, having gathered residents' views in a public hearing, indicate that it would be prepared to pass a resolution of support for the Province to issue a Cannabis Retail Sales licence to the applicant, Charles Philp of Platinum Cannabis Ltd., subject to:
 - a. confirmation that the Province has issued "fit and proper" approval in principle for a Cannabis Retail Sales licence; and,
 - b. adoption of a zoning amendment bylaw to permit cannabis retail sales on the property at 1972 Peninsula Road.

PURPOSE:

The purpose of this report is to provide context for Council to consider, after the close of the Public Hearing on November 20, 2019, in deciding how to proceed with the requested zoning amendment for 1972 Peninsula Road and Cannabis Retail Sales licence for Platinum Cannabis Ltd.

BACKGROUND:

Bylaw No. 1255 received first and second reading at the August 13, 2019, Regular Council Meeting and was the subject of a Public Hearing on September 9, 2019. At the September 18, 2019, Special Council Meeting, the bylaw was referred to a second Public Hearing.

The past staff reports, excerpts of Council minutes and correspondence received from the public are on the agenda of the Public Hearing to be held November 20, 2019. Upon closure of the Public Hearing, Council will be in a position to consider third reading of the bylaw. Staff recommend that the motions drafted above be moved individually for discussion, debate and decision by Council considering all the input received up to and including the Public Hearing.

Note that Ucluelet Zoning Amendment Bylaw No. 1254, 2019, includes an amendment which is intended to apply to any Cannabis Sales use within the CS-2 zone. If Council were to consider adoption of Bylaw No. 1255 without adoption of Bylaw No. 1254, then Council should consider amending Bylaw No. 1255 prior to third reading to add the wording of text amendment 1(b) from Bylaw No. 1254 - capping the maximum floor area for cannabis retail uses at 93m² (1,000 ft²).

LCRB CANNABIS RETAIL STORE LICENCE:

As presented in the public notice, the Public Hearing is the advertised opportunity for members of the public to provide comment to Council on both the zoning amendment bylaw and the requested provincial Cannabis Retail Store (CRS) licence. The LCRB is still processing the financial integrity checks and security screenings - the "fit and proper" approval - for Charles Philp's proposed Platinum Cannabis Ltd. retail store. Adoption of the requested zoning amendment could be conditional on receiving the fit and proper approval from the Province. At this point, having advertised and received community views on the CRS licence application, Council could indicate whether it is prepared to support the Platinum Cannabis Ltd. licence application proceeding further with the LCRB.

PROPOSED DEVELOPMENT AND AMENITIES:

The applicant has proposed a cash contribution of \$23,500.00 for future off-site boulevard improvements to be undertaken by the District adjacent to the property. Receipt of these funds, along with the detailed landscape plans and security deposit for the on-site Development Permit and Development Variance Permit, would be required prior to final adoption of the zoning amendment bylaw.

TIMING:

If Council were to give third reading to Bylaw No. 1255, the zoning amendment bylaw would then be held until the District were to receive notice from the Province that the applicant has successfully completed the "fit and proper" assessment. In the interim, the applicant could proceed with meeting the other conditions which Council deems necessary prior to adopting the zoning changes.

OPTIONS REVIEW:

Having held a public hearing on the bylaw and licence, Council could now consider giving third reading of the zoning amendment bylaw for Cannabis Retail Sales in the location at 1972 Peninsula Road. Alternatively, Council has the following options:

- Council could make amendments to Bylaw No. 1255 and give third reading to the “District of Ucluelet Zoning Amendment Bylaw No. 1255, 2019” as amended. (Note that if significant changes are made to the bylaw, another public hearing should be held prior to third reading.); or,
- Council could defeat third reading of Bylaw No. 1255.

As a separate decision from the zoning amendment, in order to provide community input to the provincial Cannabis Retail Sales licensing process, Council should pass a resolution (in the general form of motion #3 above) either for or against supporting the CRS licence application for Platinum Cannabis Ltd. to proceed further.

Respectfully submitted: Bruce Greig, Manager of Community Planning
Mark Boysen, Chief Administrative Officer

APPENDIX A

DISTRICT OF UCLUELET
Zoning Amendment Bylaw No. 1255, 2019

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

WHEREAS the District of Ucluelet Council by Bylaw No. 1160, 2013, adopted the Zoning Bylaw and now deems it appropriate to amend the Zoning Bylaw;

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

1. Text Amendment:

Schedule B of the District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by adding the following subsection in alphanumerical order:

- a.) under Section CS-2.1 Permitted Uses at the end of subsection CS-2.1.3 listing properties where *Cannabis Retail* is also a permitted principal use:

“(2) PID: 000-410-144: Lot 1, District Lot 284, Clayoquot District, Plan VIP7983 [1972 Peninsula Road].”

2. This bylaw may be cited as "District of Ucluelet Zoning Amendment Bylaw No. 1255, 2019".

READ A FIRST TIME this 13th day of August, 2019.

READ A SECOND TIME this 13th day of August, 2019.

PUBLIC HEARING held this 9th day of September, 2019.

PUBLIC HEARING held this day of , 2019.

READ A THIRD TIME this day of , 2019.

ADOPTED this day of , 2019.

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Amendment Bylaw No. 1255, 2019.”

Mayco Noël
Mayor

Mark Boysen
Corporate Officer

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

Mark Boysen
Corporate Officer