

DISTRICT OF UCLUELET
MINUTES OF THE SPECIAL COUNCIL MEETING
HELD IN THE UCLUELET COMMUNITY CENTRE, 500 MATTERSON DRIVE
Tuesday, May 16, 2023 at 5:00 PM

Present: **Chair:** Mayor McEwen
 Council: Councillors Anderson, Hoar, Kennington, and Maftai
 Staff: Duane Lawrence, Chief Administrative Officer
 Abby Fortune, Director of Parks and Recreation
 Joseph Rotenberg, Manager of Corporate Services
 John Towgood, Municipal Planner
 Monica Whitney-Brown, Planning Assistant
 Samantha McCullough, Executive Assistant

Regrets:

1. CALL TO ORDER

The meeting was called to order at 5:00 PM.

1.1 ACKNOWLEDGEMENT OF THE YUULU?I?ATH

Council acknowledged the Yuulu?i?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 was being video recorded and broadcast on YouTube on Zoom.

2. LATE ITEMS

2.1 1.1 Applicant Letter (1341 Eber Road - TUP23-08)

2.2 1.2. Public Input - TUP23-04 (250 Main Street)

2.3 1.3. Public Input - TUP22-10 (1295 Eber Road)

2023.2032.SPECIAL *It was moved and seconded **THAT** the May 16, 2023, Special Council Meeting Agenda be amended by adding:*

- 1. late item "1.1. Applicant Letter (1341 Eber Road – TUP23-08)" to report item "6.2. Temporary Use Permit 23-08 (1341 Eber Road) - Application Number: 23-08";*
- 2. late item "1.2. Public Input - TUP23-04 (250 Main Street)" to report item "6.5. Temporary Use Permit 23-04 (250 Main Street) - Application Number: TUP23-04"; and*
- 3. late item "1.3. Public Input - TUP22-10 (1295 Eber Road)" to report item "6.3. Temporary Use Permit 22-10 (1295 Eber Road) - Application Number: TUP 22-10".*

CARRIED.

3. APPROVAL OF AGENDA

3.1 May 16, 2023, Special Meeting Agenda

2023.2033.SPECIAL *It was moved and seconded THAT the May 16, 2023, Special Meeting Agenda be approved as amended.*

CARRIED.

4. PUBLIC HEARINGS

The Mayor outlined the rules for the public hearings. The clerk outlined the modes for applicants and the public to participate in the hearings.

4.1 District of Ucluelet Zoning Amendment Bylaw No. 1327, 2023 (2108 Peninsula Road) - Application Number: RZ22-08

This public hearing was openat 5:08 PM.

4.1.1 Proposed Bylaw & Background Information

The Planning Assistant, Monica Whitney-Brown, provided an overview of the subject bylaw in general terms.

4.1.2 Related Written Correspondence Received During Notice Period

There was no related correspondence.

4.1.3 Applicant Presentation

The applicant was available to answer questions but did not present.

4.1.4 Public Input

The Mayor called for public input. There was no public input.

The public hearing was closed at 5:12 PM.

4.2 District of Ucluelet Zoning Amendment Bylaw No 1326, 2023 (Minor Amendments) - Application Number: RZ23-03

Councillor Kennington declared a conflict of interest as he was the consultant on a development permit which would benefit from the rezoning related to the proposed daycare use in the subject bylaw. He recused himself and left the meeting at 5:13 PM.

The public hearing was opened at 5:13 PM.

4.2.1 Proposed Bylaw & Background Information

The Municipal Planner, John Towgood, provided an overview of the subject bylaw in general terms.

4.2.2 Related Written Correspondence Received During Notice Period

There was no related correspondence.

4.2.3 Public Input

The Mayor called for public input. There was no public input.

The public hearing closed at 5:17 PM.

4.3 District of Ucluelet Zoning Amendment Bylaw No. 1328, 2023 (1633 Holly Crescent) - Application Number RZ23-02

Councillor Kennington was recused for this public hearing.

The public hearing opened at 5:18 PM.

4.3.1 Proposed Bylaw & Background Information

The Planning Assistant, Monica Whitney-Brown, provided an overview of the subject bylaw in general terms.

4.3.2 Related Written Correspondence Received During Notice Period

There was no related correspondence.

4.3.3 Applicant Presentation

The Applicant, Vaida Siga, noted that the proposed bylaw would rezone the property to duplex which is the zoning the property had when she purchased it.

4.3.4 Public Input

The Mayor called for public input. There was no public input.

The public hearing closed at 5:23 PM.

5. BYLAWS

5.1 District of Ucluelet Zoning Amendment Bylaw No. 1328, 2023 (1633 Holly Crescent) Monica Whitney-Brown, Planning Assistant

Councillor Kennington was recused for this bylaw item.

Ms. Whitney-Brown presented this report.

2023.2034.SPECIAL *It was moved and seconded **THAT** Council give third reading to District of Ucluelet Zoning Amendment Bylaw No. 1328, 2023.*

CARRIED.

2023.2035.SPECIAL *It was moved and seconded **THAT** Council adopt District of Ucluelet Zoning Amendment Bylaw No. 1328, 2023.*

CARRIED.

**5.2 District of Ucluelet Zoning Amendment Bylaw No. 1326, 2023
(Minor Amendments) - Addition of Daycare Centre use to the CS-2
Zone and a Cleanup of Section 403
Bruce Greig, Director of Community Planning**

Councillor Kennington was recused for this bylaw item.

John Towgood, Municipal Planner, presented this report. Council noted the need to expand the zones which allow for the daycare use.

2023.2036.SPECIAL *It was moved and seconded **THAT** Council give third reading to District of Ucluelet Zoning Amendment Bylaw No. 1326, 2023.*

CARRIED.

2023.2037.SPECIAL *It was moved and seconded **THAT** Council adopt District of Ucluelet Zoning Amendment Bylaw No. 1326, 2023.*

CARRIED.

**5.3 District of Ucluelet Zoning Amendment Bylaw No. 1327, 2023 (2108
Peninsula Road)
Monica Whitney-Brown, Planning Assistant**

Councillor Kennington returned to the meeting at 5:29 PM after item 5.2 concluded.

Ms. Whitney-Brown presented this report.

2023.2038.SPECIAL *It was moved and seconded **THAT** Council give third reading to District of Ucluelet Zoning Amendment Bylaw No. 1327, 2023.*

CARRIED.

2023.2039.SPECIAL *It was moved and seconded **THAT** Council adopt District of Ucluelet Zoning Amendment Bylaw No. 1327, 2023.*

CARRIED.

6. REPORTS

**6.1 Temporary Use Permit 23-07 (1633 Holly Crescent) - Application
Number: TUP23-07
Monica Whitney-Brown, Planning Assistant**

Councillor Kennington declared a conflict of interest because he was involved in the design of the proposed improvements to the subject building. He recused himself and left the meeting at 5:32 PM.

Ms. Whitney-Brown presented this report.

The applicant, Vaida Siga, outlined sacrifices she made to purchase the property, her plans to reside in the property as she ages, her experience operating a short-term rental and that the person responsible for short-term rental units should live on site or nearby.

The Mayor called for public input. There was no public input other than the input in opposition to the permit published in the agenda.

2023.2040.SPECIAL *It as moved and seconded **THAT** Council authorize the Director of Community Planning to execute and issue Temporary Use Permit 23-07 to allow the applicant to operate a Vacation Rental use in the secondary suite of a duplex unit at 1633 Holly Crescent for a period of three years.*

CARRIED.

**6.2 Temporary Use Permit 23-08 (1341 Eber Road) - Application
Number: 23-08
Bruce Greig, Director of Community Planning**

Councillor Kennington returned to the meeting at 5:37 PM after report item 6.1 concluded.

The Municipal Planner, John Towgood, presented this report.

The Mayor called for public input. There was no public input other than the applicant's submissions which were presented in the amended agenda.

2023.2041.SPECIAL *It was moved and seconded **THAT** Council authorize the Director of Community Planning to execute and issue Temporary Use Permit 23-08 to allow fish processing and sales in a proposed new 84m2 building on the Neptune Ice wharf at 1341 Eber Road for a period of three years.*

CARRIED.

**6.3 Temporary Use Permit 22-10 (1295 Eber Road) - Application
Number: TUP 22-10
Monica Whitney-Brown, Planning Assistant**

Ms. Whitney-Brown presented this report.

In response to Council questions, Ms. Whitney-Brown distinguished the Vacation Rental Use the proposed Temporary Use Permit would allow from the Bed and Breakfast Use allowed in the R1 Zone.

The applicant, Robyn Van Gyn, resident, noted income from the proposed Vacation Rental would be used to complete property upgrades. She also noted her living spaces close proximity to the Vacation Rental unit, the diverse housing options provided by the property, and the flexibility that the proposed Temporary Use Permit offers.

The Mayor called for public input. There was no public input other than the input in opposition to the Temporary Use Permit presented in the agenda as amended.

2023.2042.SPECIAL *It was moved and seconded **THAT** Council authorize the Director of Community Planning to execute and issue Temporary Use Permit 22-10 to allow the applicant to operate a Vacation Rental use in the secondary suite of the single-family dwelling at 1295 Eber Road for a period of three years, and administer this use from a lawful non-conforming duplex located on the same property.*

CARRIED.

6.4 Temporary Use Permit 23-01 (1970 Harbour Crescent) - Application Number: TUP23-01
Monica Whitney-Brown, Planning Assistant

Ms. Whitney-Brown presented this report.

In response to Council questions, Ms. Whitney-Brown clarified that an employee would be allowed to live in a recreation vehicle on site for no longer than six months less a day.

The applicant's representative, Christian Sampson (Workforce Coordinator), noted that he is a resident of Ucluelet, can respond to nuisance complaints as needed and an on-site manager is available to respond to issues as they arise. Contact information for Mr. Sampson and the on-site manager has been provided to the District. Mr. Sampson noted that half of the recreation vehicles on site are owned by the applicant and half are owned by employees. He also described the applicant's long-term plan for addressing their staff housing issue.

The Mayor called for public input.

- Andrew Hanson, a local business owner, spoke in support of the Temporary Use Permit. He noted that he rents staff

accommodation to the applicant and has had no issues since Mr. Sampson became the applicant's Workforce Coordinator.

Council discussed workforce housing challenges and positively noted the applicant's long-term plan to address the issue.

2023.2043.SPECIAL *It was moved and seconded:*

- **THAT** Council authorize the Director of Community Planning to execute and issue Temporary Use Permit 23-01 to allow a maximum of 18 Recreational Vehicle units to be used as seasonal employee accommodation on the property at 1970 Harbour Crescent; and further,
- **THAT** Council direct staff to advise Ucluelet Harbour Seafoods of Council's desire to see a long-term solution to their worker housing challenges rather than issuing temporary use permits on an ongoing basis.

CARRIED.

**6.5 Temporary Use Permit 23-04 (250 Main Street) - Application Number: TUP23-04
Monica Whitney-Brown, Planning Assistant**

Ms. Whitney-Brown presented this report.

In response to Council questions, Ms. Whitney-Brown clarified that the Yuułuᑭiᑦᑭᑦᑭᑦᑭᑦ Government had not been directly notified of the proposed Temporary Use Permit.

The applicant, Andrew Hanson, provided information about Provincial enforcement mechanisms related to Cannabis Sales, and noted the temporary nature of permit allows for a period to test the suitability of the location.

The Mayor called for public input:

- Zane Nilson, resident and local business owner, spoke in support of the application. He noted that the business would be positive addition to the downtown community, the applicant is a local business leader, and recreational cannabis can be purchased in Tofino.
- Jenny Sheline, resident, spoke in support of the application. She noted the applicant's location in Port Alberni offers excellent service and the applicant is a responsible business person.
- Dorothy McKee, resident and long-time employee of the applicant, spoke in support of the application. Ms. McKee outlined

the Federal and Provincial tools used to regulate cannabis sales and outlined the training provided by the employer related to employee due diligence and duty of care. She also noted that the applicant is an excellent employer that houses many local workers.

- Tod Henry, resident and employee of the applicant, spoke in support of the application. He noted that there is already a delivery service operating in Ucluelet and there is need for a local retail cannabis store.
- Shelly Fader, resident and local business owner, spoke in support of the application.
- Elyse Eyford, resident, spoke in support of the application. She provided Council with an advertisement for a local delivery of unregulated cannabis products posted in several locations in Ucluelet.
- Rhonda Innis, resident and employee of the applicant, spoke in support of the application. She noted that the applicant is a good employer, responsible business man and will offer a variety of useful cannabis products.
- Kim Foster, resident, spoke in support of the application. She noted that the applicant is a good employer, stringent requirement that regulate the sale of controlled substances, demand for a local cannabis retail store, and the temporary nature of the permit allows time to test whether 250 Main Street is the right location.

The Clerk read two unpublished emails in support of the Temporary Use Permit. There was also a late item that was added to the agenda which opposed the permit.

After moving the recommended motion Council discussed the Temporary Use Permit. At the request of Council Mr. Hansen provided reasons for selecting 250 Main Street for Cannabis Sales. Council discussed the Temporary Use Permit and noted:

- concerns with the Yuułuᑭᑦᑎᑦᑎᑦᑎᑦ Government not being notified of this permit application;
- local illegal cannabis sales in the community which provide unregulated product which may be available to youth;
- the applicant's experience in the sale of controlled substances;
- the temporary nature of the proposed permit allows for the use and location to be tested for a limited duration;
- concerns with where visitors to the community will smoke cannabis purchased at the shop;
- bylaw enforcement issues associated with the District's smoking bylaws; and

- the shop's proximity to the Village Green and other assets used be youth.

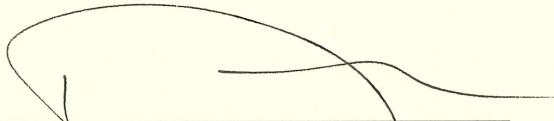
2023.2044.SPECIAL *It was moved and seconded **THAT** Council direct Staff to authorize the Director of Community Planning to execute and issue Temporary Use Permit 23-04 to allow a cannabis sales use at 250 Main Street for a period of three years.*

CARRIED.


7. ADJOURNMENT

The meeting was adjourned at 6:37 PM.

CERTIFIED CORRECT: Minutes of the Special Council Meeting held on Tuesday, May 16, 2023 at 5:00 pm in the Ucluelet Community Centre, 500 Matterson Road, Ucluelet, BC.



Duane Lawrence, Corporate Officer



Marilyn McEwen, Mayor