



**SPECIAL MEETING OF COUNCIL
Tuesday, August 24, 2021 @ 3:30 PM
George Fraser Room, Ucluelet Community Centre
500 Matterson Drive, Ucluelet**

AGENDA

Page

1. CALL TO ORDER

2. ACKNOWLEDGEMENT OF 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 broadcast on YouTube and Zoom, which may store data on foreign servers.

4. LATE ITEMS

5. APPROVAL OF AGENDA

6. MAYOR'S ANNOUNCEMENTS

7. LEGISLATION

7.1. Building Permits for Signature Circle lots vs. RU Zoning
Bruce Greig, Director of Community Planning

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[L - Signature Circle BP](#)

8. CLOSED SESSION

9. RECONVENE FROM CLOSED SESSION

10. ADJOURNMENT



STAFF REPORT TO COUNCIL

Council Meeting: AUGUST 24TH, 2021
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, DIRECTOR OF COMMUNITY PLANNING **FILE No:** 3360-20-RZ21-04

SUBJECT: BUILDING PERMITS FOR SIGNATURE CIRCLE LOTS VS. RU ZONING **REPORT No:** 21-124

ATTACHMENTS: APPENDIX A – UCLUELET OCP AMENDMENT BYLAW No. 1292, 2021
APPENDIX B – UCLUELET ZONING AMENDMENT BYLAW No. 1293, 2021

RECOMMENDATIONS:

1. **THAT** pursuant to section 463 of the *Local Government Act* Council direct that building permits be withheld in relation to each of the building permit applications submitted on July 29, 2021, in relation to the Signature Circle properties Strata Lots 1 - 4 and 6 - 30, District Lots 471, 472 and 473, Clayoquot Land District, Strata Plan VIS6504 for a further period of 60 days as the development proposed in the building permit applications exceed the maximum permitted building size, do not comply with the permitted uses and/or encroach within minimum setbacks under the *District of Ucluelet Zoning Amendment Bylaw No. 1293, 2021*, and the use and density of the lots would not comply with the low-density rural residential designation under the *District of Ucluelet Official Community Plan Amendment Bylaw No. 1292, 2021*, both of which bylaws are currently under consideration by Council.

PURPOSE:

The purpose of this report is to provide Council with an initial analysis of the building permit applications made by Onni Wyndansea Holdings Ltd. on July 29, 2021, in comparison to Official Community Plan bylaw and Zoning bylaw amendments currently under consideration by Council.

BACKGROUND:

At its April 14, 2021, regular meeting Council passed the following motion:

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

Official Community Plan (OCP) and Zoning amendment bylaws were subsequently presented to Council at its May 4, 2021, meeting at which time Council passed the following motions:

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

In response to the 3rd motion of Council on May 4, 2021, above, a letter was sent to owners of affected properties. One response was received on June 15, 2021, from Onni Wyndansea Holdings Ltd. expressing their objections to the zoning amendment.

On July 29, 2021, Onni Wyndansea Holdings Ltd. submitted 29 separate building permit applications; one for each of their Signature Circle lots (Lots 1 - 4 and 6 - 30, District Lots 471, 472 & 473, Clayoquot Land District, Strata Plan VIS6504).

On August 17, 2021, Council gave second reading to Bylaw Nos. 1292 and 1293 and referred the bylaws to a public hearing which is scheduled to be held on September 7, 2021.

On August 17, 2021, Council also passed the following resolution:

“THAT pursuant to section 463 of the Local Government Act, Council direct that building permits be withheld in relation to each of the building permit applications submitted on July 29, 2021, in relation to the Signature Circle properties Strata Lots 1 - 4 and 6 - 30, District Lots 471, 472 and 473, Clayoquot Land District, Strata Plan VIS6504 for a period of 30 days as the development proposed in the building permit applications exceed the maximum permitted building size, do not comply with the permitted uses and encroach within minimum setbacks under the District of Ucluelet Zoning Amendment Bylaw No. 1293, 2021, and the use and density of the lots would not comply with the low-density rural residential designation under the District of Ucluelet Official Community Plan Amendment Bylaw No. 1292, 2021, both of which bylaws are currently under consideration by Council, and Council direct staff to provide a report on the building permit applications for further consideration by Council within the 30-day period in accordance with section 463(3) of the Local Government Act.”

DISCUSSION:

The recent submission of 29 building permits by Onni Wyndansea Holdings Ltd. requires consideration of the *District of Ucluelet Official Community Plan Amendment Bylaw No. 1292, 2021*, and *District of Ucluelet Zoning Amendment Bylaw No. 1293, 2021*, in an expeditious manner.

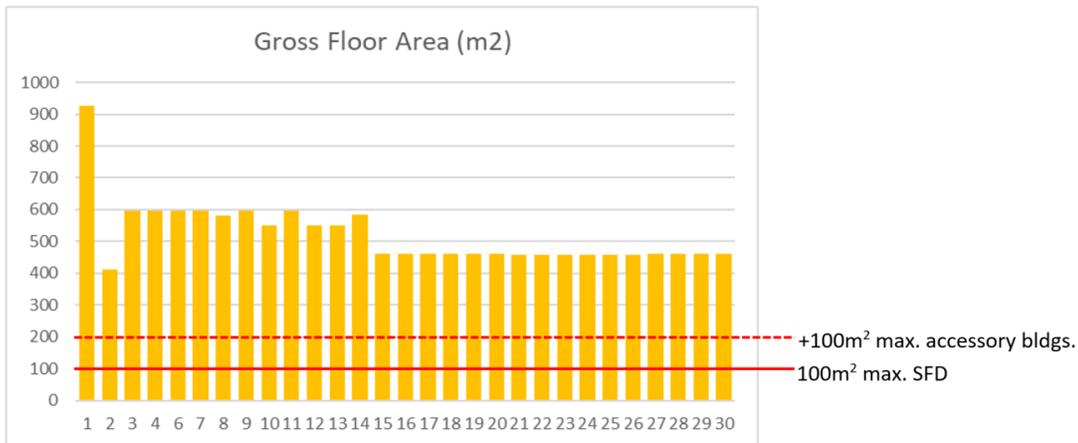
The OCP amendment Bylaw No. 1292, 2021 (see **Appendix “A”**), would add the following Land Use Policy to the current (2011) OCP bylaw:

“3.9(i)(10) Despite any other policies or designations in this OCP, the 30 strata lots known as Signature Circle, which were subdivided by the deposit of Strata Plan VIS6504, together with any common property shown in the strata plan, are designated for low-density rural residential development, with no more than one dwelling per parcel to a maximum size of 100m², no ancillary commercial tourist accommodation or vacation rental uses, and a minimum setback of 30m from the natural boundary of the sea”.

The zoning amendment Bylaw No. 1293, 2021, would enact regulations consistent with the above OCP policy (see **Appendix “B”**).

None of the buildings shown in the 29 permit applications comply with the “RU Zone - Rural Residential” zoning designation that would apply to the properties if zoning amendment Bylaw No. 1293, 2021, were adopted.

The RU zoning amendment would allow a single-family residential principal use in a building with a maximum of 100m² (1,076 ft²) gross floor area, plus an additional 100m² maximum total floor area of accessory buildings. The smallest of the buildings shown in the permit drawings submitted by Onni would be approximately 411m² (4,423 ft²) in area:



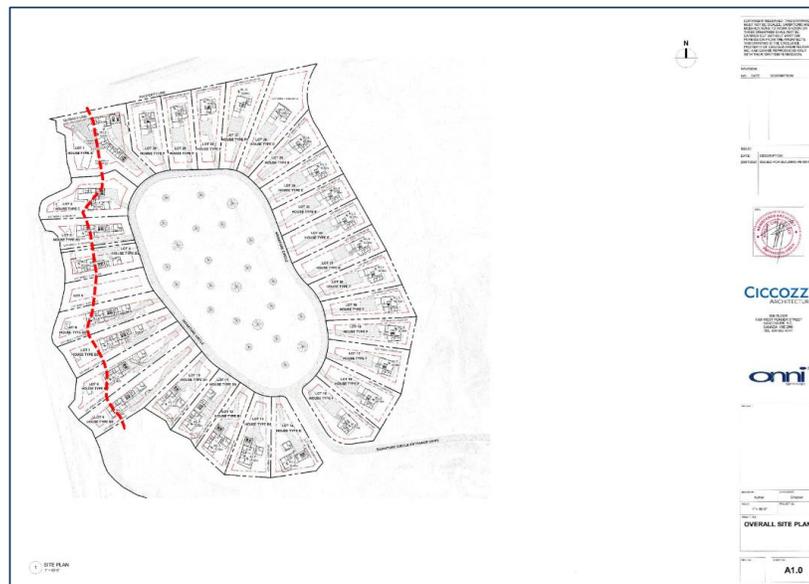
The RU zone has a maximum lot coverage of 3%, while the buildings shown on the permit drawings range from 6.3% to 16.9%.

The RU zoning amendment would allow one single-family dwelling as the principal use, with no accessory secondary suites. The floor plans for 13 of the 29 permit applications show either one or two secondary suites.

Signature Circle - BP submission July 29, 2021

Lot #	Type	Use	Gross Floor Area	Footprint	Site	Lot Coverage	Setback (sea)	
		SFD	max 100m2 (+ 100m2)			max. 5%	min. 30m	<--- RU zoning
1	A	SFD +SS + GH	925	554	4671	11.9%	X	
2	C	SFD +SS	411	451	3181	14.2%	X	
3	B3	SFD +2SS	596	340	2118	16.1%	X	
4	B3	SFD +2SS	596	340	2072	16.4%	X	
6	B3	SFD +2SS	596	340	2786	12.2%	X	
7	B3	SFD +2SS	596	340	2979	11.4%	X	
8	B2	SFD +2SS	581	287	2118	13.6%	X	
9	B3	SFD +2SS	596	340	3411	10.0%	X	
10	B1	SFD +SS	551	370	2184	16.9%		
11	B3	SFD +2SS	596	340	2118	16.1%		
12	B1	SFD +SS	551	370	2190	16.9%		
13	B1	SFD +SS	551	370	2535	14.6%		
14	D	SFD +2SS	583	374	2645	14.1%		
15	F	SFD	462	236	2645	8.9%		
16	F	SFD	462	236	2455	9.6%		
17	F	SFD	462	236	2484	9.5%		
18	F	SFD	462	236	2144	11.0%		
19	F	SFD	462	236	2223	10.6%		
20	F	SFD	462	236	2316	10.2%		
21	E	SFD	457	236	2375	9.9%		
22	E	SFD	457	236	2472	9.5%		
23	E	SFD	457	236	2193	10.8%		
24	E	SFD	457	236	2181	10.8%		
25	E	SFD	457	236	2255	10.5%		
26	E	SFD	457	236	3694	6.4%		
27	F	SFD	462	236	3743	6.3%		
28	F	SFD	462	236	2254	10.5%		
29	F	SFD	462	236	2183	10.8%		
30	F	SFD	462	236	2263	10.4%		

The RU zoning amendment would also provide a minimum setback of 30m from the natural boundary of the sea. None of the 8 of building permits for waterfront lots would comply with this shoreline setback:



Initial review of the building permit applications has focussed on the zoning regulations as discussed above. Additional detail would be required from the applicant to also confirm whether building height and the architect's calculations of *average natural grade* comply with the zoning bylaw. Determining whether the application complies with the zoning – and whether these permits will be processed under the current CD5-A zoning or the RU zoning – is the first step and the focus of this report. A building code review for the 29 applications has not been completed at this point; resources would be focussed on that work once it is clear which zoning regulations will apply to the proposed buildings.



Type "A" 9,950 sq.ft.



Type "B1" 5,930 sq.ft.



Type "B2" 6,250 sq.ft.



Type "B3" 6,415 sq.ft.

Section 463 of the *Local Government Act* provides Council the ability to direct that a building permit be withheld if it identifies what it considers to be a conflict between a development proposed in the application and an OCP or zoning bylaw under preparation.

Once a withholding resolution is passed by Council (as was done on August 17, 2021), then during the 30-day period the local government must consider the application for the permit and may direct the permit be withheld for a further 60 days.

It is clear from the analysis above that the proposed buildings would not comply with the OCP policy and RU zoning designation, were Bylaw Nos. 1292 and 1293 adopted.

If Council directs that the permits be withheld for a further 60 days, then if the local government does not adopt the OCP or zoning bylaw (within the 60-day period), the owners of the land for which a building permit was withheld would be entitled to

compensation for damages arising from the withholding of the building permit. Council could also within the 60-day period grant the permits but impose



Type "C" 4,420 sq.ft.

conditions in it that would be in the public interest, having regard to the plan or bylaw that is under preparation.

As discussed above, the 29 permit applications do not comply with the following aspects of the zoning regulations if Bylaw No. 1293 were enacted:

- Use;
- Gross Floor Area;
- Lot Coverage; and,
- Minimum setback from the shoreline.



Type "D" 6,275 sq.ft.

Council may want to consider – if it wishes to grant the permits but impose conditions that would be in the public interest to achieve the intent of the new bylaws – whether any one or combination of the four areas of regulation above would be sufficient to satisfy the intent of the *low-density rural residential development* designation that Council is contemplating in OCP amendment Bylaw No. 1292. In other words, would Council consider that these sites could be considered *low density rural residential* if the uses were strictly single-family residential (and therefore direct that the permits be issued but impose a condition that the secondary suites be removed from the plans)? Alternatively, would it be *low density rural residential* by just reducing the gross floor area or lot coverage, but still allow the secondary suites? And lastly would it be sufficient to just increase the building setback from the shoreline to achieve the *low density rural residential* intent? If one or more such conditions achieve the intent of the OCP policy under consideration, then Council could consider issuing the permits with conditions.



Type "E" 4,920 sq.ft.

If, however, the combination of use, density and setbacks is deemed necessary to achieve the *low-density rural residential development* designation then staff recommend that Council withhold the building permits for a further 60 days to allow the bylaw process to be completed. The policy contemplated by Council specifically indicates that "*low-density rural residential*" includes *no more than one dwelling per parcel to a maximum size of 100m², no ancillary commercial tourist accommodation or vacation rental uses, and a minimum setback of 30m from the natural boundary of the sea.*



Type "F" 4,970 sq.ft.

The initial 30-day withholding period will expire August 28, 2021. Staff recommend that Council consider passing a resolution to withhold building permits for a further 60 days on the Signature Circle lots. In that case, subject to community input at the public hearing scheduled for September 7th, Council would have time to consider adopting the bylaws prior to the end of the 60-day period.

TIME REQUIREMENTS – STAFF & ELECTED OFFICIALS:

Staff time has been focused on the review and analysis of the 29 building permit applications for the Signature Circle lots, and on scheduling and holding a special Council meeting to consider the matter. Notice has been prepared for the public hearing scheduled for September 7, 2021. Should Council determine to withhold building permits for a further 60 days, then further staff review of the building permits would be placed on hold until the outcome is determined for the OCP amendment and zoning bylaw processes.

SUMMARY AND OPTIONS:

The 29 building permit applications would not comply with the direction that Council has signified in the OCP policy 3.9(i)(10) to designate the Signature Circle lots for *“low-density rural residential development”*. At this point staff recommend that Council consider a resolution to withhold building permits for a further 60 days for the Signature Circle lots, to enable time for Council to consider public input and determine whether it will adopt *District of Ucluelet Official Community Plan Amendment Bylaw No. 1292, 2021*, and *District of Ucluelet Zoning Amendment Bylaw No. 1293, 2021*.

Alternatively, Council could consider the following:

2. **THAT** Council direct staff to continue the review of the 29 Signature Circle building permit applications under the current CD-5A regulations within the zoning bylaw;
- or,**
3. **THAT** Council directs staff to continue the review of the 29 Signature Circle building permit applications under the current CD-5A regulations within the zoning bylaw, but impose specific conditions that it deems to be in the public interest to meet the intent of the bylaws under consideration;
- or,**
4. **THAT** Council provide alternative direction to staff.

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

Appendix A

DISTRICT OF UCLUELET

Official Community Plan Amendment Bylaw No. 1292, 2021

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

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

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

1. Text Amendments:

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

“3.9(i)(10) Despite any other policies or designations in this OCP, the 30 strata lots known as Signature Circle, which were subdivided by the deposit of Strata Plan VIS6504, together with any common property shown in the strata plan, are designated for low-density rural residential development, with no more than one dwelling per parcel to a maximum size of 100m², no ancillary commercial tourist accommodation or vacation rental uses, and a minimum setback of 30m from the natural boundary of the sea”.

2. Citation:

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

READ A FIRST TIME this 4th day of May, 2021.

Considered in conjunction with the District of Ucluelet Financial Plan and Waste Management Plan under Section 477 of the *Local Government Act* this **17th** day of **August**, 2021.

READ A SECOND TIME this **17th** day of **August**, 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 Official Community Plan Amendment Bylaw No. 1292, 2021”

Mayco Noël
Mayor

Joseph Rotenberg
Corporate Officer

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

Joseph Rotenberg
Corporate Officer

Appendix B

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

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

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

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

1. Text Amendment:

The District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended as follows:

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

RU.7.1 “Supplementary Regulations (Signature Circle):

In relation to Strata Lots 1 through 30, Plan VIS6504, District Lot 473, Clayoquot Land District (the “Signature Circle Land”), the following regulations shall prevail, but otherwise the Signature Circle Land shall be subject to the regulations of this RU Zone, and any generally applicable provisions of this Bylaw:

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

(iii) The following minimum setbacks apply, as measured from the *front lot line, rear lot line* and *side lot lines(s)*, respectively:

	(a) Front Yard Setback	(b) Rear Yard Setback	(c) Side Yard - Interior Setback	(d) Side Yard - Exterior Setback
(1) Principal	10 m (33 ft)	10 m (33 ft)	5 m (16 ft)	15 m (49 ft)
(2) Accessory	10 m (33 ft)	10 m (33 ft)	5 m (16 ft)	15 m (49 ft)

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

B. by deleting section CD-5A SubZone (Development Area #1) WYNDANSEA / SIGNATURE CIRCLE including the CD-5A SubZone Plan and Sections CD-5A.1 through CD-5A.7; and,

C. by deleting section CD-6 Zone - OLSEN BAY (Lot 5, Plan VIP75113) including the CD-6 Plan and Sections CD-6.2 through CD-6.7.

2. Map Amendment:

Schedule A (Zoning Map) of District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by changing the zoning designation of the following parcels to “RU Zone - Rural Residential” as outlined in black on the map attached to this Bylaw as Appendix “A”:

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

3. Citation:

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

READ A FIRST TIME this 4th day of May, 2021.

READ A SECOND TIME this 17th day of August, 2021.

PUBLIC HEARING held this day of , 2021.

READ A THIRD TIME this day of , 2021.

ADOPTED this day of , 2021.

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

Mayco Noël
Mayor

Joseph Rotenberg
Corporate Officer

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

Joseph Rotenberg
Corporate Officer

APPENDIX 'A' to District of Ucluelet Zoning Amendment Bylaw No. 1293, 2021
(CD-5A and CD-6 lands rezoned to RU Rural Residential)

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

