



**REGULAR MEETING OF COUNCIL**  
**Tuesday, October 9, 2018 @ 7:30 PM**  
**George Fraser Room, Ucluelet Community Centre,**  
**500 Matterson Drive, Ucluelet**

**AGENDA**

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*Deputy Mayor January – February*
- Ucluelet & Area Child Care Society
  - Westcoast Community Resources Society
  - Coastal Family Resource Coalition
  - Food Bank on the Edge
  - Recreation Commission
  - Ucluelet Health Centre Working Group
- => *Other Reports*
- 11.2 Councillor Marilyn McEwen  
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- West Coast Multiplex Society
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- 11.3 Councillor Mayco Noel  
*Deputy Mayor July – October*
- Ucluelet Volunteer Fire Brigade
  - Central West Coast Forest Society
  - Ucluelet Chamber of Commerce

- Tourism Ucluelet
- Signage Committee
- Clayoquot Biosphere Trust Society - Alternate
- Barkley Community Forest Board
- Alberni-Clayoquot Regional District Board – Alternate

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11.4 Councillor Randy Oliwa  
*Deputy Mayor May – June*

- Vancouver Island Regional Library Board - Alternate
- Harbour Advisory Commission
- Aquarium Board
- Seaview Seniors Housing Society
- Education Liaison

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11.5 Mayor Dianne St. Jacques

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- West Coast Committee
- Airport Committee
- Coastal Community Network
- Groundfish Development Authority
- DFO Fisheries Committees for Groundfish & Hake
- Regional Fisheries Committees
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- Ucluelet Health Centre Working Group

=> *Other Reports*

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**DISTRICT OF UCLUELET**  
**MINUTES OF THE SPECIAL COUNCIL MEETING**  
**HELD IN THE GEORGE FRASER ROOM, 500 MATTERSON DRIVE**  
**Tuesday, August 21, 2018 at 7:00 PM**

Present:       **Chair:**           Mayor St. Jacques  
                  **Council:**       Councillors McEwen, Mole, Noel, and Oliwa  
                  **Staff:**           Mark Boysen, Chief Administrative Officer  
                          Bruce Greig, Manager of Community Planning  
                          John Towgood, Planner 1  
                          Warren Cannon, Superintendent of Public Works  
                          Marlene Lagoa, Deputy Municipal Clerk

Regrets:

**1. CALL TO ORDER**

**1.1 Mayor St. Jacques called the meeting to order at 7:00 PM.**

**2. ACKNOWLEDGEMENT OF FIRST NATIONS TERRITORY**

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

**3. ADDITIONS TO AGENDA**

**3.1 Pertaining to Agenda Item No. 11.1 Development Permit with Variance for 1943 Peninsula Road – Canadian Princess Lodge**

- **ADD letters from the public as follows:**
  - **Zoe McEnery, dated August 18, 2018**
  - **Rahim Sarband, dated August 20, 2018**
  - **Oyster Jim Martin, dated August 20, 2018**
  - **Ian Kennington, dated August 20, 2018**
  - **Mark and Heidi Shaw, dated August 20, 2018**

**4. APPROVAL OF AGENDA**

**4.1 August 21, 2018 Special Agenda**

2017-001           **It was moved by Councillor McEwen and seconded by Councillor Mole**  
                          ***THAT Council approve the August 21, 2018 Special Agenda as amended.***

**CARRIED.**

**5. ADOPTION OF MINUTES**

**5.1 August 7, 2018 Regular Minutes**

2017-002

**It was moved by Councillor Noel and seconded by Councillor Mole**  
*THAT Council approve the August 7, 2018 Regular Minutes as presented.*

CARRIED.

## 6. UNFINISHED BUSINESS

- 6.1 • **The Committee of the Whole meeting discussed at the August 7, 2018 Regular Council is being postponed until after the election.**

## 7. MAYOR'S ANNOUNCEMENTS

- 7.1 **There was no announcement.**

## 8. PUBLIC INPUT, DELEGATIONS & PETITIONS

### 8.1 Public Input

R. Parlee, resident, spoke in support of the Spring Cove causeway removal delegation.

J. Atkinson, resident, asked Council if the road is called Harbour Drive or Harbour Crescent and which is recognized by Emergency Services. <

H. Heyduck, resident, asked about status of the upgrading of all street lights to LED lighting. CAO Mark Boysen responded that they have tested the LED lighting and that Staff will work with BC Hydro to access rebates and funding for future installations.

D. Powell, resident, asked that Council review the criteria for the disability criteria for the homeowner's property tax grants to make it more accessible to people with physical and mental health issues.

### 8.2 Delegations

#### **Roy Wilmin and Jessica Hutchinson** **Re: Spring Cove Causeway Removal**

- Roy Wilmin, resident on Helen Road, proposed the removal of the Spring Cove Causeway and the installation of a culvert or bridge in its place.
- Tom Balfour, West Coast Forest Society, presented on the positive environmental impacts for the area of replacing the causeway with marine-friendly infrastructure.
- Laura Griffith, curator for the Ucluelet Aquarium, spoke further about the ecological benefits of the project and the future

educational opportunities it could create.

- Council asked question regarding the group’s funding sources, future budget needs, letters of support from Hyphocus residents, and scope of construction project and expectations of the District.
- CAO Mark Boysen noted that a municipal infrastructure project would need to be led by the municipality.
- Mr. Wilmin requested that the District work with the broad stakeholder group to remove the causeway and restore marine habitat in the Ucluelet Harbour by:
  - working with District Staff to develop the scope of the project;
  - providing seed funding to allow the group to continue pursuing this project; and
  - partnering on funding applications and providing other forms of in-kind support.

## 9. CORRESPONDENCE

### 9.1 Gas Tax Agreement Community Works Fund Payment Union of BC Municipalities

2017-003            **It was moved by Councillor Mole and seconded by Councillor Oliwa**  
*THAT Council receive correspondence item, “Gas Tax Agreement Community Works Fund Payment Union of BC Municipalities” for information.*

CARRIED.

## 10. INFORMATION ITEMS

### 10.1 Work Begins on New Tofino General Hospital Helipad Island Health

### 10.2 Upcoming Service Canada and Canada Revenue Agency Visit to Ucluelet in September 2018 Service Canada/Government of Canada

### 10.3 Hwy 4 - Kennedy Hill Safety Improvements Traffic Interruptions Update Emil Anderson Construction (EAC) Inc.

2017-004            **It was moved by Councillor Mole and seconded by Councillor McEwen**  
*THAT Council receive information items 10.1, 10.2, and 10.3 as a block.*

CARRIED.

## 11. REPORTS

### 11.1 Development Permit with Variance for 1943 Peninsula Road - Canadian Princess Lodge *John Towgood, Planner 1*

- Bruce Greig, Manager of Community Planning, presented an overview of the development permit application to build a 50 room hotel addition with a variance at 1943 Peninsula Road.
- Staff reminded Council that the application is not a rezoning, as the land is already zoned to allow for a hotel on the site.
- A Development Permit is required for the area.
- A Development Variance Permit is being requested to increase the height of the building from 12m to 15.57m, and to reduce the number of parking spaces from 99 to 92.
- Alan Lowe, Architect for the subject project, presented the proposed changes and design of the subject property.
- The landscape concept plan was also presented.

### Public Input

Mayor St. Jacques welcomed members of the public to provide comments on the application or to ask questions.

E. Chernis, resident, asked is boat going to be a play boat or play feature for kids. A: It is not a play structure, it is a possible gazebo structure made from a boat or to look like a boat.

B. Schramm, resident, asked is there any consideration of actually building the pathway in advance of the new building. A: Land owner provides the SRW to the District and then it is up to the District to build the pathway.

J. Atkinson, resident, asked about the back filling in the parking lot and if any geotechnical work has been done; why they didn't look at including a restaurant; if there was any staff housing; and where is everyone going to park. A: Geotechnical testing has not been done yet - building are built on pilings all the time. They plan on bringing in guests on bus tours.

K. Congdon, owner of commercial property across the street, is not in favour of the parking variance as there has historically not been enough parking for the staff they already have.

M. Harbridge, resident, asks that no matter what is built that view corridors need to be maintained and the building should not be greater than the allowable maximum height. A: The Zoning Bylaw does not define what is the width of a view corridor.

C. Brice, resident, shared that they are also leasing out space on the dock, but those tenants are not parking on the property they are



parking on the road; and would like to see staff accommodation. A: Parking spaces are generated by the number of rooms in hotel and not tenants of the foreshore lease.

R. Reid, owns property across the street, believes that the development is not respectful of the neighbours. Mr. Clayton gave the example that his site is zoned to allow for a mechanic shop but that he chooses not to operate one as it is not appropriate for the neighbourhood. He planned to redevelop the garage and have a rooftop with views of the harbour and is upset the owners never consulted with the neighbours.

B. Irving, resident, development needs to look and feel like a west coast building, not a downtown Victoria box. Parking and access will be a horrible issue.

LA Marriott, resides directly across from the property, is strongly opposed to the height believing it will create a dark corridor for Peninsula Road and that views of the harbour, trees and mountains will be blocked. Would like to see a larger conversation about the OCP and the protection of view corridors. Concern with the entrance to the site and parking being on the main road – it should be tucked onto the property. There are massive amounts of people walking on both sides of the street and a bus offloading zone on the sidewalk will make that section completely unwalkable. Does not believe a parking variance should be given based on a tour bus business model. Other businesses in town have suffered hardships to provide the required parking for their own businesses. The landscaping plan with deciduous trees will block views.

H. Heyduck, resident, moved here for the views of the water and believes every inch of the main corridor needs to be protected. The 51 ft height would be bigger than tourists would expect to see and would reflect sound. Does not agree with on-street bus parking as it would hinder the view. Would like to see a good design and smart design that is LEED approved. Nothing should be allowed to be built without staff accommodation. Does not agree with the overall look and how it would present the town to the rest of the world.

B. Hohlweg, resident, moved to Ucluelet from Steveston and was unhappy with the way development changed that town and does not want to see it happen here. Warned of waterfront disappearing and more boxed style condos coming in if this development was approved. He makes his living in the tourism industry and believes tourists will be disappointed when they arrive and see a building that looks like one they just left in Nanaimo. Comments often received from tourists

are “thank you, save what you got, keep your quaint fishing village, please don’t build high-rises, please don’t become Tofino.” Encouraged the architects to consult with the community and improve the design materials.

M. Harbridge, resident, is concerned the town does not have the water infrastructure to support the expansion of the Canadian Princess. A: At this point there is no issue with the water supply levels due to recent improvements.

R. Cooley, resident, wishes to understand more about at what point it’s decided what is the size of a view corridor and that determining an appropriate size may help to reassure people. A: Staff worked with the owner on a proposal that maintained a view corridor as they knew how important it was to the community.

H. Heyduck, resident, would like to see the Canadian Princess collect rainwater and gray water.

J. Atkinson, resident, would like to see the owners be part of the community – as they said at their welcoming ceremony – and reconsider the proposal and bring it back to the community.

B. Schramm, resident, urged Council to enforce its guidelines and not provide the permit or the variance, encourage the owner to reconfigure the development as it would be more respectful to the community.

B. Hohlweg, resident, wants to see staff housing incorporated in any development.

Mayor St. Jacques reminded the audience that the only reason the development was in front of Council was for the variances at this time.

R. Reid, resident, stated that Council has the ability to approve or not approve anything and to be careful not to set a precedence.

Alan Lowe, Architect, clarified a few points for the audience:

- 51 ft won’t cast shadows most of the year (but will in December)
- We could have brought you a 39 ft building, but it would have been spread out more.
- Noted the benefit to the community that the owner is willing to give away a statutory right of way along the waterfront for a trail.

D. Stys-Norman, resident, asked what area would have been lost if

they development stayed at 39 feet and was spread out. A: They could have added a new third building that would only leave a glimpse of the harbour.

LA Marriott, resides directly across from the property, said she appreciates the amount of effort that was put into the proposal and thinks they can do it better. Suggested going lower, and moving the building further west, and that it will benefit everyone – the owner, the guests, the community at large.

Council asked questions and provided the following comments:

- Possibility of opening a future view location and discussion.
- Asked further details on Development Cost Charges and when the road work would be completed.
- Parking is a big concern – site design can be reconfigured to provide the needed sports - the dock is getting busier and parking is impacting nearby neighbours – staff parking took up most of the parking lot.
- Height is a concern – would like to see something smaller at the entrance to town.
- Liking of the landscape.
- Would like to have the answers to the fire department comments.
- It does not fit how the community sees itself - it stands out like a sore thumb.
- It would have been good to hear what they were going to do for staff housing.

2017-005

**It was moved by Councillor Oliwa and seconded by Councillor Mole**

*THAT Council defer consideration of the requested Development Variance Permit DVP18-04 and Development Permit DP18-05 to allow the applicant to revise the design to better fit with the design guidelines.*

CARRIED.

## 11.2 OCP Update

**Bruce Greig, Manager of Community Planning**

2017-006

**It was moved by Councillor Noel and seconded by Councillor McEwen**

*THAT Council approve recommendation 1 from report item, "OCP Update" which states:*

1. *THAT Council direct staff to prioritize completion of the OCP draft and schedule extra meetings in September for consideration of an OCP adoption bylaw.*

CARRIED.

## 12. OTHER BUSINESS

- 12.1
- Still waiting for the Province to open the firewood cutting permits online.
  - BC Rowing hosted an activity at the boat launch – it may be of interest in the future to the Recreation Commission.
  - Council would like to get more information from staff on the possibilities for the Spring Cove causeway removal.

13. QUESTION PERIOD

13.1 There were no members of the public who wished to speak.

14. CLOSED SESSION

14.1 *Procedural Motion to Move In-Camera:*

2017-007

It was moved by Councillor Mole and seconded by Councillor Oliwa

*THAT the meeting be closed to the public in order to address agenda items under Section 90(1)(i) and 90(1)(k) of the Community Charter.*

CARRIED.

14.2 Mayor St. Jacques suspended the regular meeting at 9:31 PM and moved in-camera at 9:40 PM.

15. ADJOURNMENT

15.1 Mayor St. Jacques adjourned the in-camera meeting at 10:19 PM and resumed the regular meeting.

Mayor St. Jacques adjourned the regular meeting at 10:19 PM.

**CERTIFIED CORRECT:** Minutes of the Special Council Meeting held on Tuesday, August 21, 2018 at 7:00 pm in the George Fraser Room, Ucluelet Community Centre 500 Matterson Road, Ucluelet, BC.

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Dianne St. Jacques  
Mayor

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Mark Boysen  
CAO

**DISTRICT OF UCLUELET**  
**MINUTES OF THE SPECIAL COUNCIL MEETING**  
**HELD IN THE GEORGE FRASER ROOM, 500 MATTERSON DRIVE**  
**Tuesday, September 18, 2018 at 7:00 PM**

Present:       **Chair:**           Mayor St. Jacques  
                  **Council:**       Councillors McEwen, Mole, Noel, and Oliwa  
                  **Staff:**           Mark Boysen, Chief Administrative Officer  
                          Marlene Lagoa, Deputy Municipal Clerk  
                          Bruce Greig, Manager of Community Planning  
                          Warren Cannon, Superintendent of Public Works  
                          Abby Fortune, Director of Public Works  
                          John Towgood, Planner 1  
                          Darcey Bouvier, Recording Secretary

Regrets:

**1. CALL TO ORDER**

**1.1 Mayor St. Jacques called the meeting to order at 7:01 PM.**

**2. ACKNOWLEDGEMENT OF FIRST NATIONS TERRITORY**

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

**3. ADDITIONS TO AGENDA**

**3.1 Pertaining to Agenda Item No. 8.2 District of Ucluelet Official Community Plan Bylaw No. 1236, 2018**

- **REPLACE Schedule 1 to Bylaw 1236 - 2018 Official Community Plan**
- **REPLACE 2018 OCP Map Schedules A - G**

**4. APPROVAL OF AGENDA**

**4.1 September 18, 2018 Special Agenda**

2017-001           **It was moved by Councillor Noel and seconded by Councillor Oliwa**  
                          ***THAT Council approve the September 18, 2018 Special Agenda as amended.***  
**CARRIED.**

**5. UNFINISHED BUSINESS**

**5.1 There was no unfinished business.**

**6. MAYOR'S ANNOUNCEMENTS**

## 6.1 There were no announcements from the Mayor.

## 7. PUBLIC INPUT

### 7.1 Public Input

K. Congdon - finding it is not a zoning map, it is a land use map. But some of the single-family dwellings who have been there for the last 30 years, does not seem to be shown as commercial. It should be noted that people have built on that land, have businesses on that land and expanded their homes and while it is tourist commercial now, it is designated as single family dwellings and this is unfair. It should be reflected as tourist commercial and this should be changed.

J. Shriver - asked about the process, and how Mayor and Council would be able to process all the comments if they are going to move forward tonight. Mayor St. Jacques advised the Bylaw has to have three readings, before it can be adopted. The options tonight would be giving the Bylaw first reading, or giving it first and second reading; after second reading it would go to a Public Hearing where there would be another meeting with more information gathered. Staff will also be compiling all the comments from tonight and submitting them in a report back to Council. This is only the beginning of moving it forward tonight.

C. Johnson - commented on tourist commercial zoning - noted that if new resorts and upgrades on existing resorts are taking place within the community, then perhaps it would be good to consider that employee housing must be required.

M. Morrison - questioned what are the plans for the existing water/sewer system to be expanded with all the new development and growth of our town. Staff noted in the OCP there is a section on water/sewer serving, and there are policies around development as it's occurring to fully account for cost, not just installing new services but what is the long term operations maintenance cost of that long range financial planning approach to it, and that is what is recommended in the plan. The District has a water master plan, sewer master plan, so when new development comes in we revisit that and see if that matches with what we had anticipated would happen. The new Asset Management Program that the District is in the process of implementing over the past year by tracking all the District's assets in a software system to help with forecasting so we are ready for when new developments are being discussed. Furthermore, the District has Development Cost Charges in place, that as new development comes in to ensure they pay a share of the cost to expand that new system.

J.Shriver - asked if there were any considerations for water conservation that would mitigate some of the need for more water as the population increases. Warren noted there are plans on top of this plan; there is the water master plan that was completed in 2017, we also have a water conservation plan that was completed in 2014. Those plans get incorporated when new development comes in. Staff will look at the potential impact of the development, do a review of the infrastructure. Furthermore, there are water conservation and water servicing policies within the document in different sections of the OCP.

J.Anderson - commented on how impressed he was with the plans and the forward thinking for a town this size, and to see a 5, 10 and 30 year plan is very impressive.

B. Schramm - noted the plan seems extremely visionary, especially for protection of green spaces which is really great. We should make it a high priority. Especially for future development, it would be good to see that followed through, like with the protection of the Wild Pacific Trail.

## 8. LEGISLATION

### 8.1 REPORT - 2018 OCP Report

#### ***Bruce Greig, Manager of Community Planning***

- Provided an overview of the report and the draft OCP.
- The Staff report outlines some of the steps that led up to this draft and highlights the level of community engagement since 2016.
- Results from VIU study and the feed back from the open house were also used to help create this draft. Also looked at current legislation and best practices from other municipalities.
- Tried to take a long range view in the OCP, looking towards 2050.
- The draft is reflective of what the community wants to see.
- As the report outlines, there is a new structure to the document which is organized around place, people and systems.
- The writing of the document also introduces and is inclusive of First Nations perspectives.
- There are expanded policies on affordable housing.
- Updated section on economic development; took the recommendations from the 2017 strategy.
- Updated policies related to climate change; energy use, and sea level rise to show new targets.
- Another major change is clarification of Development Permit Areas.
- Updated section on implementation on follow-up work and enforcements (only applies to DPA).

- Showed Map of long-term land use plan.
- Showed Map of transportation network – significance of this maps shows what is the expectation for a parallel route to Peninsula Road would look like should it go along Marine Drive.
- Showed Map Schedule C – Parks and Trails Land – this is new. It is good to have it clear what is expected as the town develops.
- Showed Map – Major Infrastructure for water and sewer – shows future major lines.
- Development Permit Areas for environmental protection – shows streams and water courses; there is a ban along the entire shoreline, 30m above and below the natural boundary, and pink areas highlight areas with mature trees. DPA guidelines address the issue of having a review done to look at the site and decide if there is a sensitive ecosystem there. There are a series of exemptions of houses developed years ago, that reflect maintenance, reconstruction, and expansion.
- Map DPA for form and character for Village Square, Peninsula Road, and Industrial. All lands within the district are designated as a DPA for form and character of multi-family, commercial or mixed use, regardless of the area it will trigger a DP.
- Map DPA for hazardous conditions: the red areas are based on slopes over 30 degrees and yellow are areas that may be subject to flooding due to sea level rise, storm surge, and tsunami events. These areas show when an engineer would have to be involved. The requirement for an engineer is not new. Currently under the Building Code and Community Charter a building inspector can require that an engineer be used to ensure safety for development subject to hazardous conditions. The methodology we have used is the same as used by the ACRD and Bamfield. There is further work that can be done to refine it, but this is the best information we have available at this time. Tofino is doing a detailed study which is completed on a site-by-site basis.
- Other further work suggested in report: a housing needs assessment will add a layer of detail to what are the specific gaps in the spectrum of housing; and a land use demand study would provide a better understanding of the mix of long-term uses to inform land use and infrastructure decisions.
- In terms of process, the adoption of the OCP does not commit Council or the municipality to complete any of the tasks and projects that are shown in the document. Those future decisions remain at the discretion of the elected Council. The follow up actions and projects come forward during strategic planning to set priorities in the budget and during OCP.
- There are a couple of things that would have some impact, and would suggest amending them now as this document is still in the



draft stage:

- I would draw attention to page 109; there is a reference to the designation of the DPA for natural hazard areas. Generally as show on Schedule 'E', however it should read 'Schedule 'G'.
- There is a policy on page 38, that refers to policy 3.68, however there is a blank space that is the missing the reference to the Village Square that should be there.
- In the land use plan around the Village Square on Peninsula Road, this red area both down by the water and along Helen Road, should be purple, however right now because of a mapping error, they are shown as neighbourhood commercial when they should be part of the Village Square designation.
- On Cedar Grove, Lot 45, a Weyerhaeuser lot was rezoned to a park, however that is not reflected and the residents want to ensure that it goes back to an R1.
- Council asked why the Amphitrite Land were not designated institutional. Staff responded that the parks designation anticipates there will be uses that are institutional in nature within areas that are designated as parks.

2017-002

**It was moved by Councillor McEwen and seconded by Councillor Mole**

*THAT Council receive legislation item, "2018 OCP Report" for information.*

CARRIED.

2017-003

**It was moved by Councillor Mole and seconded by Councillor Noel**

*THAT Council approve recommendations 1, 2, 3 and 4 of legislation item, "Ucluelet Official Community Plan Bylaw" which states:*

1. *introduce and give first reading to Ucluelet Official Community Plan Bylaw. No. 1236, 2018.*
2. *refer the Official Community Plan to the public and the following agencies for a period of 30 days to invite their input.*
3. *refer the OCP bylaw to the municipal solicitors for legal review; and,*
4. *direct staff to report back at a future Regular Council Meeting on the input received from the public and the above agencies, and recommend any adjustments to the draft prior to Council considering second reading of Bylaw No. 1236, as amended.*

CARRIED.

## **8.2 BYLAW - District of Ucluelet Official Community Plan Bylaw No. 1236, 2018**

2017-004

**It was moved by Councillor Oliwa and seconded by Councillor Noel**

*THAT Council amend the District of Ucluelet Official Community Plan Bylaw No. 1236, 2018 as follows:*

1. *Page 109, change the schedule from 'E' to 'G'.*

2. *Page 48, add the words "Village Square".*
3. *Amend the Village Square designation on the Land Use Map.*
4. *Lot 45 on Cedar Grove, change to park designation.*

CARRIED.

2017-005

**It was moved by Councillor Noel and seconded by Councillor Mole**

*THAT Council give First reading to District of Ucluelet Official Community Plan Byaw No. 1236, 2018 as amended.*

CARRIED.

**9. OTHER BUSINESS**

**9.1 There was no other business.**

**10. QUESTION PERIOD**

**10.1 M. Morrison asked for clarification on the order of the readings in relation to the timing of the public hearing.**

**11. ADJOURNMENT**

**11.1 Mayor St. Jacques adjourned the meeting at 7:54 PM.**

**CERTIFIED CORRECT:** Minutes of the Special Council Meeting held on Tuesday, September 18, 2018 at 7:00 pm in the George Fraser Room, Ucluelet Community Centre 500 Matterson Road, Ucluelet, BC.

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Dianne St. Jacques  
Mayor

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Mark Boysen  
CAO

**DISTRICT OF UCLUELET**  
**MINUTES OF THE REGULAR COUNCIL MEETING**  
**HELD IN THE GEORGE FRASER ROOM, 500 MATTERSON DRIVE**  
**Tuesday, September 25, 2018 at 7:30 PM**

Present:      **Chair:**           Mayor St. Jacques  
                  **Council:**       Councillors McEwen, Mole, Noel, and Oliwa  
                  **Staff:**           Mark Boysen, Chief Administrative Officer  
                          Marlene Lagoa, Deputy Municipal Clerk  
                          Barb Millar, Manager of Finance  
                          Abby Fortune, Director of Parks and Recreation  
                          Bruce Greig, Manage of Community Planning

Regrets:

**1. CALL TO ORDER**

**1.1 Mayor St. Jacques called the meeting to order at 7:30PM.**

**2. ACKNOWLEDGEMENT OF FIRST NATIONS TERRITORY**

**2.1 Council acknowledged the Yuułu?ił?atḥ First Nations on whose territories the District of Ucluelet operates.**

**3. ADDITIONS TO AGENDA**

**3.1 There were no additions to the agenda.**

**4. APPROVAL OF AGENDA**

**4.1 September 25, 2018 Regular Agenda**

2017-001           It was moved by Councillor Noel and seconded by Councillor Mole  
                          *THAT Council approve the September 25, 2018 Regular Agenda as presented.*  
**CARRIED.**

**5. UNFINISHED BUSINESS**

**5.1 There was no unfinished business.**

**6. MAYOR'S ANNOUNCEMENTS**

**6.1 Senior Hall Forum**

- **A Senior Hall Forum will be held next Monday, October 1, 2018 at the Ucluelet Community Centre.**
- **They are looking for public input on any issues, concerns, questions, or ideas to do with seniors.**

- **International Day of the Older Person is October 1st.**

### **2018 Elections**

- **Congratulations to all the candidates running in the upcoming election on October 20, 2018.**
- **October 2, 2018 - Candidate Forum**
- **October 3, 2018 - Mayoral Forum**
- **Asked if Chamber will be recording the forum for the people who are unable to attend.**

## **7. PUBLIC INPUT, DELEGATIONS & PETITIONS**

### **7.1 Public Input**

**There was no public input.**

## **8. CORRESPONDENCE**

### **8.1 Space for Primary Care Services Reply Ministry of Health**

- Discussed examples of other communities that had setup a health centre independently - Sidney, Gabriola, and Sun Peaks.
- The District needs to get a letter of intent with Island Health.

2017-002

**It was moved by Councillor Mole and seconded by Councillor McEwen**

*THAT Council receive correspondence item, "Space for Primary Care Services Reply" for information.*

**CARRIED.**

2017-003

**It was moved by Councillor Mole and seconded by Councillor McEwen**

*THAT Council invite Minister Adrian Dix and MLA Scott Fraser to visit and be made fully aware of the health centre being proposed for Ucluelet and the advantages being west coast community.*

**CARRIED.**

### **8.2 Interactive Science Tour for Students and Coastal Communities 2018 PromoScience Expedition**

2017-004

**It was moved by Councillor McEwen and seconded by Councillor Mole**

*That Mayor and Council attend the 2018 PromoScience Expedition on October 21, 2018 if available.*

**CARRIED.**

### **8.3 Request for Special Dispensation within the Ucluelet Cemetery April Gutensohn & Family**

- Barb Millar, Manager of Finance, clarified the process for

reviewing special dispensation requests within the cemetery and the minimal impact that installing a boarder would have on regular site maintenance.

2017-005

**It was moved by Councillor Mole and seconded by Councillor Noel**

*That Council receive correspondence item, "Request for Special Dispensation within the Ucluelet Cemetery" for information.*

CARRIED.

2017-006

**It was moved by Councillor McEwen and seconded by Councillor Noel**

*THAT Council approve a special dispensation for a boarder around the cremation plot for the late Paul Charles Gutensohn.*

CARRIED.

#### **8.4 Municipal Red Tape Challenge Canadian Federation of Independent Business**

2017-007

**It was moved by Councillor Mole and seconded by Councillor McEwen**

*THAT Council receive correspondence item, "Municipal Red Tape Challenge" for information.*

CARRIED.

#### **8.5 A Public Health Approach to Non-Medical Cannabis Island Health**

2017-008

**It was moved by Councillor Mole and seconded by Councillor McEwen**

*THAT Council refer correspondence item, "A Public Health Approach to Non-Medical Cannabis" to Planning staff for action and that the information be shared with the new Council.*

CARRIED.

### **9. INFORMATION ITEMS**

#### **9.1 Call for Nominations for the Indigenous Advisory Committee Canadian Environmental Assessment Agency**

#### **9.2 Beautification Fund BC Hydro**

- CAO Mark Boysen shared that there is no current project to submit and clarified that there will be more opportunities to access this funding in the future.

#### **9.3 Hwy 4 - Kennedy Hill Safety Improvements Traffic Interruptions Update Emil Anderson Construction (EAC) Inc.**

- CAO Mark Boysen reported that there has been no response from the Province on the request to install Wi-Fi at Kennedy Hill.

**9.4 Upcoming Meetings / Webinars - Proposed Amended Recovery Strategy for Northern and Southern Resident Killer Whales in Canada**

**Pacific Region - Fisheries and Oceans Canada**

- Council discussed participating in the October 4th in person meeting at Black Rock Resort.

**9.5 Let's Talk OPP: Legislative Amendment Discussion Paper Transport Canada**

- Council discussed concerns with the traditional approach to spill response.
- Suggested sharing the information on the website and through Ukee Mail, as well as sharing it with the Chamber and the Harbour Advisory Commission.

2017-009

**It was moved by Mayor St. Jacques and seconded by Councillor McEwen**

*THAT Council direct staff to circulate information items "Upcoming Meetings / Webinars - Proposed Amended Recovery Strategy for Northern and Southern Resident Killer Whales in Canada" and "Let's Talk OPP: Legislative Amendment Discussion Paper" for information; and*

*THAT Council members attend the October 4, 2018 meeting on the Recovery Strategy for Northern and Southern Killer Whales in Canada at the Black Rock Resort.*

CARRIED.

2017-010

**It was moved by Councillor Mole and seconded by Councillor McEwen**

*THAT Council direct Staff to refer information items, "Upcoming Meetings / Webinars - Proposed Amended Recovery Strategy for Northern and Southern Resident Killer Whales in Canada" and "Let's Talk OPP: Legislative Amendment Discussion Paper" to the October 9 Regular Council Meeting.*

CARRIED.

2017-011

**It was moved by Councillor Mole and seconded by Councillor Oliwa**

*THAT Council receive information items 9.1 to 9.5 as a block.*

CARRIED.

**10. COUNCIL COMMITTEE REPORTS**

10.1 Councillor Sally Mole  
*Deputy Mayor January – February*

**Food Bank on the Edge**

- Food drive was held on Saturday, September 22.
- They were short on volunteers but did get a good amount of donations.

### Recreation Commission

- Meeting was held September 19, 2018.
- Happy with staff support for minute taking.
- More discussion in the future on structure and how to move forward.

10.2 Councillor Marilyn McEwen  
*Deputy Mayor March – April*

#### West Coast Multiplex Society

- Held golf fundraiser September 15th and raised over \$30,000.

#### Wild Pacific Trail Society

- Summer education program was a success and is being extended through the fall.
- Annual Retreat is February 24, 2019 at Black Rock.
- Next year is the 20-year celebration for the Society.

#### Vancouver Island Regional Library Board – Trustee

- Meeting was held Saturday, September 22, 2018 in Nanaimo.
- Adopted 2019-2023 budget plan.

10.3 Councillor Mayco Noel  
*Deputy Mayor July – October*

#### Ucluelet Chamber of Commerce

- New date for Edge to Edge is October 20, 2019.

10.4 Councillor Randy Oliwa  
*Deputy Mayor May – June*

=> **There were no reports from Councillor Oliwa.**

10.5 Mayor Dianne St. Jacques

#### Coastal Community Network

- AGM was held at UBCM.

=> **Other Reports**

**UBCM**

- Council met with 9 Ministers.
- Met with the Minister of Forests informing them of our successes and asking for more tenure.
- Met with the Minister of Education about the new school and getting it bumped up on the list.

2016-12

**It was moved by Councillor Noel and seconded by Councillor McEwen.**

*THAT Council receive the verbal committee reports.*

CARRIED.

**11. REPORTS****11.1 Cheque Listing - August 2018**

***Marlene Lagoa, Deputy Municipal Clerk***

- Staff confirmed the cost of insurance was annual.
- Council suggested that more advertising be done of the District of Ucluelet and Co-op Low Flow Toilet program.
- Staff provided an update on the Marine Drive project.

2017-013

**It was moved by Councillor Oliwa and seconded by Councillor McEwen**

*THAT Council approve recommendation 1 of report item, "Cheque Listing - August 2018" which states:*

1. *THAT Council receive the District of Ucluelet's August 2018 Cheque Listing for information.*

CARRIED.

**11.2 Resolution Tracking - August 2018**

***Marlene Lagoa, Deputy Municipal Clerk***

2017-014

**It was moved by Councillor Mole and seconded by Councillor McEwen**

*THAT Council approve recommendation 1 of report item, "Resolution Tracking - August 2018" which states:*

1. *THAT Council receive the District of Ucluelet's Resolution Tracking List from August 2018 for information.*

CARRIED.

**11.3 Lease with Ucluelet & Area Historical Society**

***Abigail Fortune, Director of Parks & Recreation***

Staff addressed questions from Council and clarified the following:

- The lease is for the same 2.4 hectares that was being leased from the Province.
- The decision to lease the land is separate from any Council decision on the future uses of the Lightkeepers House.



- 2017-015           **It was moved by Councillor McEwen and seconded by Councillor Oliwa**  
*THAT Council approve recommendation 1 of report item, "Lease With Ucluelet & Area Historical Society", which states:*
1. *THAT Council enter into a lease agreement with the Ucluelet and Area Historical Society that is similar to their original Provincial Lease #111228 – Block A District Lot 1507, Clayoquot Land District for approximately 2.4 hectares.*

CARRIED.

**11.4 CAO Performance Review Policy**  
**Mark Boysen, Chief Administrative Officer**

- 2017-016           **It was moved by Councillor Oliwa and seconded by Councillor Noel**  
*THAT Council approve recommendation 1 of report item, "CAO Performance Review Policy" which states:*
1. *THAT Council adopt the proposed CAO Performance Review Policy.*

CARRIED.

**11.5 Ucluelet Economic Development Strategy Progress Report**  
**Mark Boysen, Chief Administrative Officer**

- Joey Rotenberg, Facilitator for the Ucluelet Business and Employee Retention and Expansion Program (UBERE), provided an update of the Ucluelet Chamber of Commerce program.
- Mr. Rotenberg shared that the Chamber may come back to Council with a request for funding to bridge a six-month gap.
- Council encouraged the Ucluelet Chamber to work with the Tofino Chamber on regional projects.

- 2017-017           **It was moved by Councillor McEwen and seconded by Councillor Noel**  
*THAT Council approve recommendations 1 & 2 of report item, "Ucluelet Economic Development Strategy Progress Report", which states:*
1. *THAT Council receive this progress update on the Ucluelet Economic Development Strategy.*
  2. *THAT Council approve the use of allocated Economic Development funds to support the following projects:*
    - a. *Ucluelet Economic Development Web Tools Project (\$10,000); and*
    - b. *Affordable Housing Needs Assessment (\$20,000).*

CARRIED.

- 2017-018           **It was moved by Councillor Noel and seconded by Councillor Oliwa**  
*THAT Council receive the verbal report on the Ucluelet Chamber of Commerce UBERE Program.*

CARRIED.

**11.6 Grants In Aid Policy Report**  
**Barbara Millar, Manager of Finance**

Staff addressed questions from Council and clarified the following:

- To be eligible a non-profit does not need to be registered.
- Sporting events and staff training being ineligible was the most recent practice; however, it is up to Council to make that determination and provide direction to staff.

Council provided the following direction to Staff:

- Council has been overwhelmed in the past with requests for sporting events. The grants that are given to the High School were intended to deal with that.
- Ask the applicants to disclose other sources of funding in the application.
- The wording of not accepting incomplete applications is concerning; ideally, Staff will help applicants through the process.

2017-019

**It was moved by Councillor McEwen and seconded by Councillor Oliwa**  
*THAT Council approve recommendation 1 of report item, "Grants in Aid Policy Report", which states:*

1. *THAT Council adopt the proposed Grants in Aid Policy.*

DEFEATED.

2017-020

**It was moved by Councillor Mole and seconded by Councillor Noel**  
*THAT Council refer the Grants in Aid Policy to the new Council post-election for their consideration and adoption.*

CARRIED.

## 12. LEGISLATION

### 12.1 REPORT - Adoption of Bylaw No. 1234 - Temporary Use Permit *Marlene Lagoa, Deputy Municipal Clerk*

2017-021

**It was moved by Councillor Mole and seconded by Councillor McEwen**  
*THAT Council approve recommendation 1 of legislation item, "Adoption of Bylaw No. 1234 - Temporary Use Permit", which states:*

1. *THAT Council adopt District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1234, 2018.*

CARRIED.

### 12.2 BYLAW - District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1234, 2018

2017-022

**It was moved by Councillor McEwen and seconded by Councillor Oliwa**  
*THAT District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1234, 2018 be adopted.*

CARRIED.

### 12.3 REPORT - Permissive Tax Exemption Amendment Bylaw No. 1237,

**2018**

**Barbara Millar, Manager of Finance**

- 2017-023      **It was moved by Councillor Noel and seconded by Councillor McEwen**  
*THAT Council approve recommendation 1 of legislation item, "Proposed Permissive Tax Exemption Amendment Bylaw No. 1237", which states:*  
 1. *THAT Council give First, Second, and Third Reading to District of Ucluelet 2018-2022 Permissive Tax Exemption Bylaw Amendment Bylaw No. 1237, 2018.*

CARRIED.

**12.4 BYLAW - Proposed Permissive Property Tax Exemptions for the Years 2019-2022, Bylaw 1237**

- 2017-024      **It was moved by Councillor McEwen and seconded by Councillor Mole**  
*THAT District of Ucluelet 2018 - 2022 Permissive Property Tax Exemption Bylaw Amendment Bylaw No. 1237, 2018 be given First reading.*

CARRIED.

- 2017-025      **It was moved by Councillor Noel and seconded by Councillor Oliwa**  
*THAT District of Ucluelet 2018 - 2022 Permissive Property Tax Exemption Bylaw Amendment Bylaw No. 1237, 2018 be given Second reading.*

CARRIED.

- 2017-026      **It was moved by Councillor McEwen and seconded by Councillor Mole**  
*THAT District of Ucluelet 2018 - 2022 Permissive Property Tax Exemption Bylaw Amendment Bylaw No. 1237, 2018 be given Third reading.*

CARRIED.

**13. OTHER BUSINESS**

**13.1**

- Cops for Cancer will be taking place this Saturday.

**14. QUESTION PERIOD**

**14.1 There were no questions.**

**15. ADJOURNMENT**

**15.1 Mayor St. Jacques adjourned the meeting at 9:07 PM.**

**CERTIFIED CORRECT:** Minutes of the Regular Council Meeting held on Tuesday, September 25, 2018 at 7:30 pm in the George Fraser Room, Ucluelet Community Centre, 500 Matterson Road, Ucluelet, BC.

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Dianne St. Jacques  
Mayor

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Mark Boysen  
CAO

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**Subject:** Upcoming Meetings / Webinars: Proposed Amended Recovery Strategy for Northern and Southern Resident Killer Whales in Canada

**From:** PAC-SARA / LEP-PAC (DFO/MPO) <[SARA.XPAC@dfo-mpo.gc.ca](mailto:SARA.XPAC@dfo-mpo.gc.ca)>

**Sent:** September-17-18 3:14 PM

**Subject:** RE: Upcoming Meetings / Webinars: Proposed Amended Recovery Strategy for Northern and Southern Resident Killer Whales in Canada

Dear Sir / Madam,

On Friday, September 14<sup>th</sup>, Fisheries and Oceans Canada provided information regarding upcoming webinars on the Proposed Amended Recovery Strategy for Northern and Southern Resident Killer Whales in Canada. We would like to clarify that the September 25 webinar is being held for Indigenous groups only. Please find below the public webinar schedule.

Please RSVP via email to [SARA.XPAC@dfo-mpo.gc.ca](mailto:SARA.XPAC@dfo-mpo.gc.ca) to attend either the webinar or the in-person information sessions with your name, organization, email address, phone number, and number of participants.

#### **CORRECTION NOTICE**

Public webinar: Proposed Amended Recovery Strategy for Northern and Southern Resident Killer Whales in Canada

#### **Webinar**

- Webinar (Public): Wednesday, September 26<sup>th</sup>, 2018, 10 am – 12 pm  
WebEx Information: to be provided to registered participants on Friday, September 21.

#### **Regional in-person meetings:**

- Port Alberni (Best Western Barclay Hotel, 4277 Stamp Ave.): Wednesday, October 3<sup>rd</sup> 2018, 6-9 pm
- Ucluelet (Black Rock Oceanfront Resort, Ballroom, 596 Marine Drive): Thursday, October 4<sup>th</sup> 2018, 6-9 pm

Species at Risk Program  
Pacific Region  
Fisheries and Oceans Canada  
200-401 Burrard Street, Vancouver BC V6C 3S4  
Telephone: 604-666-7907  
Facsimile: 604-666-0417



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**Subject:** Let's Talk OPP: Legislative Amendment Discussion Paper  
**Attachments:** Renforcer la protection du milieu marin et intensifier les interventions - Modifications législatives potentielles.pdf; Strengthening Marine Environmental Protection and Response Potential Legislative Amendments.pdf

**From:** Oceans Protection Plan BC Registration / Plan de Protection des Océans CB Enregistrement (TC) <[TC.OPPBCReg-PPOCBEnreg.TC@tc.gc.ca](mailto:TC.OPPBCReg-PPOCBEnreg.TC@tc.gc.ca)>  
**Sent:** August-20-18 3:03 PM  
**Subject:** Let's Talk OPP: Legislative Amendment Discussion Paper

**\*\* Le texte français suit l'anglais,**

Hello,

As part of the Oceans Protection Plan, the Government of Canada is considering making some legislative changes to:

- Better protect marine environments from the impacts of shipping;
- Strengthen environmental response in the event of a pollution incident;
- Modernize Canada's Ship-Source Oil Pollution Fund to ensure adequate compensation for responders and victims of oil spills from ships; and
- Support research and innovation to enhance marine safety and environmental protection.

To provide you with more information about the overall direction of the potential changes being considered, we are sharing the attached discussion paper along with a summary document: ***Strengthening Marine Environmental Protection and Response: Potential Legislative Amendments***. The paper and summary are also available online on our [Let's Talk Oceans Protection Plan website](#) .

We welcome your feedback on the direction of the potential legislative changes. You may share your views with us by email at: [TC.OPPLegis-LegisPPO.TC@tc.gc.ca](mailto:TC.OPPLegis-LegisPPO.TC@tc.gc.ca)

Thank you to all those who have previously provided their thoughts and comments on various Oceans Protection Plan initiatives.

Cecilia Lei

Regional Director, Oceans Protection Plan Engagement | Directrice régionale, engagement du plan de protection des océans  
Transport Canada | Transports Canada

\*\*\*\*\*

Bonjour,

Dans le cadre du Plan de protection des océans, le gouvernement du Canada envisage d'apporter quelques modifications législatives en vue :

- de mieux protéger les milieux marins contre les répercussions du transport maritime;
- d'améliorer l'intervention environnementale en cas d'incident de pollution;
- de moderniser la Caisse canadienne d'indemnisation des dommages dus à la pollution par les hydrocarbures causée par les navires pour offrir une indemnisation appropriée aux intervenants et aux victimes de déversements d'hydrocarbures provenant de navires;
- d'appuyer la recherche et l'innovation pour améliorer la sécurité maritime et la protection de l'environnement.

Afin de vous fournir de plus amples renseignements sur l'orientation générale des modifications potentielles qui sont envisagées, nous vous transmettons en pièce jointe un document de discussion ainsi que le document synthèse intitulé **Renforcer la protection du milieu marin et intensifier les interventions : Modifications législatives potentielles**. Vous trouverez aussi ces deux documents en ligne sur [le site Web de Parlons Plan de protection des océans](#) .

Nous vous invitons à nous transmettre votre rétroaction sur l'orientation des modifications législatives potentielles par courriel à [TC.OPPLegis-LegisPPO.TC@tc.gc.ca](mailto:TC.OPPLegis-LegisPPO.TC@tc.gc.ca).

Nous tenons à remercier toutes les personnes qui ont fourni précédemment leurs opinions et leurs commentaires sur diverses initiatives du Plan de protection des océans.

Cecilia Lei

Regional Director, Oceans Protection Plan Engagement | Directrice régionale, engagement du plan de protection des océans  
Transport Canada | Transports Canada



# **Strengthening Marine Environmental Protection and Response Potential Legislative Amendments**

## **Discussion Paper**

August 2018

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## 1.0 PURPOSE

The Government of Canada's **Oceans Protection Plan**<sup>1</sup> aims to build a world-leading marine safety system that will protect the marine environment and coastal communities from the potential impacts of shipping and navigation. As part of the **Oceans Protection Plan**, the Government of Canada is considering changes to key pieces of legislation to strengthen marine safety and environmental protection.

The purpose of this discussion paper is to seek comments from the public, Indigenous communities and groups, industry, and stakeholders on the direction of the potential legislative changes.

Comments received on this document will inform future government discussions and decisions. The contents of this paper, and any comments received are for discussion purposes only and are not binding on the Government of Canada or on any other party.

## 2.0 BACKGROUND

Canada has the longest coastline in the world. Our coasts enable the export of our goods overseas and the import of foreign goods into Canada. They are home to Canadian fisheries, attract tourism, support coastal communities' livelihoods and Indigenous communities' cultures and ways of life, and play a key role in growing the Canadian economy.

Thousands of tonnes of goods, including agricultural and grain products, natural resources, and consumer products, are transported daily along all of Canada's coasts, as well as in the Great Lakes and the St. Lawrence Seaway. In 2017, ports and marine shipping handled \$101 billion (19%) of Canada's exports to world markets and \$116 billion (21%) of Canada's total imports by value. Petroleum products represented the largest marine export and import commodity travelling through Canadian ports and on Canadian waters; 24% of our marine exports and 17.8% of our marine imports by value were petroleum products. Marine trade employs approximately 250,000 Canadians and injects more than \$25 billion to Canada's economy.

To ensure safe and environmentally responsible shipping, the Oceans Protection Plan will strengthen Canada's already well-established marine safety system, which is designed to protect life, health, property and the marine environment. The marine safety system is designed to prevent incidents from happening. This is achieved through a number of regulations and standards governing the construction and operation of vessels, on-board equipment and systems, crew and passengers, cargo handling and shipping, and navigation within Canadian waters.

Under Canadian law ship owners and the marine transportation industry are responsible for preventing oil spills. For example, the marine transportation industry must put in place procedures for safe operations onboard their ships, follow international rules for preventing collisions at sea, have up-to-date nautical charts, have a passage plan for each trip, be equipped with technology that allows Canada to monitor the ship's progress, and ensure that their officers and crews are properly trained, qualified, and competent.

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<sup>1</sup> For more information about the Oceans Protection Plan, visit: <https://www.tc.gc.ca/eng/oceans-protection-plan.html> and <http://www.tc.gc.ca/eng/improving-marine-safety-through-the-oceans-protection-plan.html>

A key component of Canada's marine safety system is the Marine Oil Spill Preparedness and Response Regime<sup>2</sup>, which aims to protect marine environments and communities from the risk and impacts of oil spills from ships and oil handling facilities that transfer oil to or from ships. This Regime has three components:

- **Prevention:** avoiding accidents and incidents;
- **Preparedness and response:** being ready and able to quickly and effectively respond to a pollution incident; and
- **Liability and compensation:** based on the polluter pays principle.<sup>3</sup>

Responsibilities within the Marine Oil Spill Preparedness and Response Regime are shared between the shipping industry and the Government of Canada, with several federal departments playing key roles:

- Ship-owners and operators of oil handling facilities are responsible for preparedness and response to oil spills. As well, regulated vessels and oil handling facilities located south of 60°N must have an arrangement with a Transport Canada-certified Response Organization that would respond to a spill on their behalf. These Response Organizations maintain strategically located response equipment, trained responders and response plans, and conduct exercises on a regular basis;
- Transport Canada is responsible for ensuring alignment of the Marine Oil Spill Preparedness and Response Regime with international standards, policy-making, regulatory development, and enforcement;
- The Canadian Coast Guard is responsible for ensuring that responses to ship-source pollution incidents are effective, efficient and appropriate. The Canadian Coast Guard is also responsible for ensuring an appropriate response to ship-source and mystery-source spills in Canadian waters and within Canada's exclusive economic zone (up to 200 nautical miles). As well, the Canadian Coast Guard is responsible for maintaining oil spill response capacity in the Arctic;
- Environment and Climate Change Canada and Fisheries and Oceans Canada provide scientific expertise to support response decision-making.

Canada's Marine Oil Spill Preparedness and Response Regime is built on:

- Shared responsibility between government and industry;
- International and domestic cooperation;
- Comprehensive and effective legislation and regulations;
- The polluter pays principle.

The number and volume of ship-source oil spills in Canadian waters have been declining consistently since the 1980s due to improvements in vessel design, technology, shipping practices, and the establishment of Canada's Marine Oil Spill Preparedness and Response Regime in 1995. However, vessel traffic and cargo

<sup>2</sup> For more information about the Marine Oil Spill Preparedness and Response Regime visit:

<http://www.tc.gc.ca/eng/marinesafety/oep-ers-regime-menu-1780.htm>

<sup>3</sup> For more information about liabilities and compensation related to oil spills from ships visit:

<https://www.tc.gc.ca/eng/marinesafety/liability-compensation-ship-source-oil-spills-4512.html>

volumes have grown, and are expected to continue to grow over the next few years on all of Canada's coasts as overseas trade and the movement of goods and cargo continues to increase. With increases in vessel traffic and cargo volumes, there may be increased risk of marine safety accidents and pollution incidents.

In addition, as vessel traffic continues to increase on Canada's coasts, the impact of shipping and navigation on the marine environment may increase, too. A number of impacts stemming from the operation of vessels and vessel equipment in Canada's waters during the course of everyday shipping and navigation has the potential to adversely affect marine life and degrade marine habitats, including vessel collisions, vessel-generated underwater noise, vessel wake, and emissions.

The **Oceans Protection Plan's** goal is to protect Canada's coasts in a modern and advanced way that ensures environmental sustainability and promotes safe, responsible shipping. As part of implementing the **Oceans Protection Plan**, the Government is considering changes to key pieces of legislation, including the *Canada Shipping Act, 2001* and the *Marine Liability Act*, to:

- enhance marine ecosystem protection;
- strengthen environmental response;
- modernize Canada's Ship-Source Oil Pollution Fund; and
- support research and innovation.

## 3.0 ENHANCE MARINE ECOSYSTEM PROTECTION

### 3.1 *Enable Increased Regulatory Safeguards to Better Protect Marine Ecosystems*

Vessels of all sizes can have impacts on the environment beyond spills, such as vessel strikes on marine mammals, shoreline erosion, vessel wake, underwater noise, and emissions. For example, vessel-generated underwater noise can disrupt the ability of whales to find prey, feed, communicate, and find mates, as was shown through studies on the Southern Resident Killer Whale population in British Columbia's Salish Sea<sup>4</sup>. Vessel strikes, often associated with higher vessel speed, were a factor in some of the 12 reported deaths of North Atlantic Right Whales in the Gulf of St. Lawrence in 2017. Slowing down vessels reduces vessel-generated underwater noise and reduces the risk of vessel-whale collisions.<sup>5</sup>

Under the *Canada Shipping Act, 2001*, Transport Canada can regulate shipping, navigation, and vessel operations to protect marine environments. However, Transport Canada's authorities to do so are focused on pollution prevention and response, and are limited in their ability to prevent or mitigate other environmental impacts of shipping and navigation such as negative impacts on marine life. Therefore, the Government is considering strengthening the Minister of Transport's authorities to put in place regulatory safeguards to better protect marine ecosystems from the potential impacts of shipping and navigation.

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### ***Seeking Your Views:***

From your perspective,

- **If the government were to regulate shipping and navigation to mitigate broader environmental risks, what would you consider to be the top priorities for regulation and why?**
  - **What are the potential impacts and implications if the government puts in place regulations to better protect marine ecosystems?**
  - **What non-regulatory approaches could be taken to better protect marine ecosystems?**
- 

<sup>4</sup> Fisheries and Oceans Canada, Recovery Strategy for the Northern and Southern Resident Killer Whales (*Orcinus orca*) in Canada," *Species at Risk Act Recovery Strategy Series*, Fisheries and Oceans Canada, Ottawa, 2011, 27, [http://www.sararegistry.gc.ca/virtual\\_sara/files/plans/rs\\_epaulard\\_killer\\_whale\\_v02\\_1011\\_eng.pdf](http://www.sararegistry.gc.ca/virtual_sara/files/plans/rs_epaulard_killer_whale_v02_1011_eng.pdf)

<sup>5</sup> Statement by Ministers LeBlanc and Garneau on report released on this summer's North Atlantic Right Whale deaths [https://www.canada.ca/en/fisheries-oceans/news/2017/10/statement\\_by\\_ministersleblancandgarneauonreportreleasedonthisum.html](https://www.canada.ca/en/fisheries-oceans/news/2017/10/statement_by_ministersleblancandgarneauonreportreleasedonthisum.html)

### **3.2 Enable Rapid Intervention by Transport Canada to Address Marine Safety and Environmental Risks**

At times, situations arise that may pose immediate marine safety or environmental risks, and which require the federal government to take quick action to protect marine environments, or reduce marine safety risks. Examples include the need to impose vessel slowdowns in the Gulf of St. Lawrence to address vessel strikes on North Atlantic right whales, or impose vessel slowdowns in the Salish Sea to address the impacts of vessel-generated underwater noise on the Southern Resident Killer Whales. Although the federal government currently has a mix of binding and voluntary measures it can put in place to address urgent marine safety and environmental risks, it needs to improve its authority to respond quickly to urgent situations.

To strengthen its authority to act quickly, the Government is considering giving the Minister of Transport the authority to issue time-limited orders to mitigate risks to marine safety and/or the marine environment. These orders would provide immediate short-term protection and provide the Government the time needed to determine the appropriate longer-term solution.

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#### ***Seeking Your Views:***

**From your perspective, what are the potential impacts and implications if the government proceeds with this potential amendment?**

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### **3.3 Enhance Deterrence and Enforcement**

It is far more effective to prevent marine safety accidents and pollution incidents, than to manage their effects. To promote safe and environmentally responsible practices, the Government can impose administrative monetary penalties on those who do not comply with shipping regulations and standards as established by the *Canada Shipping Act, 2001*. However, the maximum amount of these penalties is relatively low (\$25,000), and has not been updated in over a decade. This small penalty is no longer an effective deterrent to bring repeat offenders into compliance.

To enhance compliance and encourage safe and environmentally responsible shipping, the Government of Canada is considering increasing the maximum potential administrative monetary penalty for infractions against marine safety and environmental requirements. The current graduated enforcement approach for administrative monetary penalties would be maintained.

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***Seeking Your Views:***

**From your perspective, what are the potential implications and impacts of raising the maximum amount of administrative monetary penalties for violations of shipping regulations and standards?**

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## 4.0 STRENGTHEN ENVIRONMENTAL RESPONSE

### 4.1 *Enable Early Intervention during a Pollution Incident*

The Canadian Coast Guard is responsible for ensuring that responses to pollution from ships or oil handling facilities are effective, efficient, and appropriate. If the Canadian Coast Guard believes that a vessel or oil handling facility has discharged, is currently discharging, or is likely to discharge a pollutant such as oil, it can:

- take measures necessary to repair, remedy, minimize, or prevent pollution damage from the vessel or oil handling facility;
- monitor the measures taken by any person; or
- direct any person or vessel to take any necessary measures.

The Government is considering changes to legislation to strengthen and clarify the Canadian Coast Guard's ability to intervene earlier when there may be a spill from a ship. This may include issuing mandatory directions, on a precautionary basis, to a vessel or oil handling facility to avoid escalation of a potential pollution incident, while working closely with all response partners.

Polluters remain liable for any consequences associated with taking or refraining from taking any measures directed by the Canadian Coast Guard, as well as any costs or expenses incurred from following those directions to prevent or respond to a real or potential pollution incident. This would include complying with any directions issued by the Canadian Coast Guard on a precautionary basis.

Under the Oceans Protection Plan, we want to strengthen environmental response so that action can be taken earlier, faster, and more effectively.

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### ***Seeking Your Views:***

**From your perspective, what would be the potential impacts and implications of the Canadian Coast Guard being able to intervene earlier during a marine pollution incident to prevent or minimize a potential spill?**

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## **4.2 Enable Rapid Response to Marine Pollution Incidents**

### *4.2.1 Support Rapid Response*

As outlined in Section 2.0 (Background), different federal departments and agencies have different roles, mandates, and authorities within the Marine Oil Spill Preparedness and Response Regime. However, during a marine pollution emergency, timely decisions and well-defined lines of authority are essential to avoid confusion, delays, and further environmental damage. To ensure consistent federal direction is provided to responders, the Government is considering legislative changes so that roles and responsibilities are clear, including that the Canadian Coast Guard is the lead federal agency responsible for responding to marine pollution incidents that have happened or are at risk of happening. The responsibilities of other government departments, and those of the ship owners/operators and response organizations would not change. As well, provincial/local authorities would continue to exercise their authorities within their mandates.

When responding to marine pollution incidents, the Canadian Coast Guard must be able to set up operations quickly and efficiently. Sometimes, this means that the Canadian Coast Guard must move equipment over and/or set up coordination activities on private land. Both circumstances require advance approval by the property owner, which can delay response to a marine pollution response.

To support rapid response to marine emergencies and pollution incidents, the Government is considering changes to legislation to allow the Canadian Coast Guard, and any persons accompanying them such as external experts, to enter, use, or pass through private property when conducting marine pollution prevention and response activities without first getting the property owner's approval. Provisions to fairly compensate property owners for any loss or damage caused by the use of the property during the environmental response are also being considered.

### *4.2.2 Ensure the open sharing of expert advice during an environmental response*

During an environmental response, additional scientific, local, and technical expertise and advice may be required from parties that are external to the federal government. However, there is a risk that these parties may be reluctant to provide their expert advice out of concern that they will be held personally liable for any damages that may occur as a result of their advice.

To ensure responses to marine pollution incidents are informed by the best expert advice possible, the Government is considering legislative amendments to extend immunity from liability to external parties providing advice and expertise to the Canadian Coast Guard and other federal departments in support of a ship-source oil spill response. Immunities would remain the same for industry and industry response representatives. The Government is focusing its consideration on those individuals, such as scientists, local experts, and other external advisors, who would be working with the federal departments in response related decision-making.

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***Seeking Your Views:***

From your perspective, what are the potential implications and impacts of:

- **Enabling the Canadian Coast Guard, and any accompanying external experts, to cross over and use private lands to support an environmental response; and**
  - **Extending immunity from liability to external parties providing advice and expertise to the Canadian Coast Guard and other federal departments in support of an environmental response?**
-

### **4.3 Support More Effective Response to Oil Spills in Water: Alternative Response Measures**

By law, certain substances are prohibited from being introduced into Canada's waters because they may cause harm to marine ecosystems, human health, and marine resources such as fish stocks and aquaculture. These are important protections and are vital to the sustainability of Canada's marine environments. However, these laws may also limit the effectiveness of environmental responses to oil spills by preventing the use of some products or techniques that could help when cleaning up after an oil spill.

At present, conventional containment and recovery techniques, such as booms, skimmers, and sorbents, are used when responding to oil spills from ships and oil handling facilities. While these tools and techniques work well in some situations, their effectiveness is limited by factors such as the type of oil, the size of the spill, and environmental and weather conditions (e.g. rough waters). Large oil spills or spills in remote locations, for example, may exceed the capacity of booms or limit the window of opportunity to successfully use conventional containment and recovery techniques.

Alternative Response Measures are products, processes, and techniques that offer an expanded range of options for responding to oil spills and mitigating their effects. They can be used alongside conventional containment and recovery techniques to enhance the effectiveness of the response. Alternative Response Measures include techniques such as burning the spilled oil off the surface of the water, and products such as spill-treating agents that change the behavior of spilled oil to reduce the overall impact of an oil spill on the environment. Scientific research has found Alternative Response Measures to be effective tools for cleaning up oil spills, and are currently being successfully used in other countries to respond to marine oil spills, e.g. the United States, Norway.

Increasing access to a broader range of response tools would enable those responding to an oil spill to use the most effective tools and techniques to address oil spills and mitigate their impacts. To increase the effectiveness of oil spill response, the Government of Canada is considering legislative amendments to:

- Allow the use of Alternative Response Measures as additional tools to respond to oil spills from ships and oil handling facilities, only when the Minister of Fisheries, Oceans and the Canadian Coast Guard determines that there is likely to be a net environmental benefit and authorizes their use;
- To enable the Minister of Environment and Climate Change to establish, by regulation, a central list of Alternative Response Measures that may be authorized for use; and
- Allow the same range of Alternative Response Measures to be used to respond to oil spills from ships, oil handling facilities, pipelines, and offshore drilling platforms.

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***Seeking Your Views:***

**From your perspective, what are the potential implications and impacts of allowing the federally-regulated use of Alternative Response Measures to clean up oil spills?**

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## 5.0 MODERNIZE CANADA'S SHIP-SOURCE OIL POLLUTION FUND

The *Marine Liability Act* is the principal legislation dealing with liability and compensation in the event of pollution damage from a ship. Its intent is to establish uniform rules that are consistent with international law and that balance the interests of ship-owners and other parties involved in a maritime accident. The *Marine Liability Act* is based on the polluter-pay principle and there are various tiers of compensation available from multiple sources. It incorporates both international conventions to which Canada is party, and domestic compensation provisions, and provides for various levels of liability, depending on the type of oil causing the pollution damage and the type of vessel involved in an incident.

Generally, ship-owners are strictly liable for costs, losses or damage related to a discharge or threat of discharge from their ship. Canada is party to four international conventions that are implemented in the *Marine Liability Act*. The International Oil Pollution Compensation Funds provide compensation in the case when the ship-owner is not liable, unable to meet their liability or the damage surpasses their limit of liability.

Canada's domestic *Ship-Source Oil Pollution Fund* (the Fund)<sup>6</sup> was established in 1973 as the first domestic fund in the world providing additional coverage for oil spills. The Fund provides compensation for pollution damage of all types of oil from all types of ships in Canada, and also covers marine mystery spills (i.e., spill from an unidentified source). It was originally financed by levies imposed on oil receivers and shippers in Canada.

The Fund is both a fund of last resort if claims are above and beyond the ship-owner's liability, and of first resort where the claim can be filed directly to the Administrator of the Fund who will assess claims, make an offer of compensation, and once accepted, seek to recover the amount paid from the polluter or other responsible party.

As the Canadian marine transportation industry continues to evolve, it is important that Canadian legislation and regulations also evolve to ensure Canadians are well protected from the risks associated with the transportation of oil by ship. While Canada has never suffered a catastrophic oil spill, there is still a need to be prepared should this unlikely event occur. Canada's *Ship-Source Oil Pollution Fund* needs to be suitably adapted to provide effective and adequate compensation to all Canadians.

### 5.1. *Lifting the Ship-Source Oil Pollution Fund's Per-Incident Limit of Liability*

The *Marine Liability Act* establishes a per-incident limit of liability for the *Ship-Source Oil Pollution Fund* that specifies the maximum amount of compensation that can be paid out from the Fund for a single oil spill incident. The current per-incident limit of liability of the Fund is \$174,611,294; an amount adjusted annually for inflation.

If a major pollution incident were to occur, despite the significant amount of compensation available from the ship-owner and the insurer, as well as the International Oil Pollution Compensation Funds (should they apply), totaling some \$1.5 billion, this limit may prevent responders and victims from being fully compensated. In these circumstances, the total amount of compensation would be pro-rated across

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<sup>6</sup> For more information about the Ship-Source Oil Pollution Fund, visit: <http://sopf.gc.ca/en/>

claimants, meaning that only a percentage of the amount claimed would be paid to all claimants, for example at 30 per cent.

The Government is considering eliminating the *Ship-Source Oil Pollution Fund's* per-incident limit of liability so that unlimited compensation would be available for eligible claims from victims and responders of oil spills from ships. Lifting the limit would mean that, in the unlikely event of a catastrophic oil spill, the Fund would fully compensate any eligible costs above the amounts available from ship owner's insurance and the international funds (as these limits are set out in international conventions and will not change), instead of pro-rating compensation based on the total amount of claims and the amount of funding available. Should the Government remove the Fund's limit of liability, it will build on the current strengths of the regime of covering a broad range of reasonable costs, actual losses and damage set out in established criteria.

## **5.2 Modernized Levy Mechanism and Fund Replenishment**

In the unlikely event that there is insufficient funds in the *Ship-Source Oil Pollution Fund* to compensate for all eligible costs related to an incident, the federal government is proposing to amend the *Marine Liability Act* to allow the Fund to be temporarily funded by the Government of Canada. Any funds temporarily provided by the federal government would be repaid through a levy paid by oil receivers and exporters.

The Government of Canada is considering legislative amendments to ensure that the *Ship-Source Oil Pollution Fund* can be replenished through levies:

- First, an annual levy on oil receivers and exporters is proposed that would be used to replenish the *Ship-Source Oil Pollution Fund*. The administrative burden of this new modernized levy for industry would be minimized by aligning it with the existing reporting obligations for contributions to the international funds; and,
- Second, amendments are proposed to create a supplementary levy. In the event that funds are temporarily provided by the Government of Canada, a supplementary levy could be imposed on industry to ensure the Government of Canada is reimbursed, if the annual levy is insufficient.

It is important to note that the Government of Canada is not proposing to reinstate the annual levy unless the Fund was depleted.

## **5.3 Quickly Providing Funds**

Oil spill responders are expected to assume the financial risk of a response up-front. When a response is mounted, responders must cover its costs, which can be significant in the case of a major oil spill, and seek reimbursement from the responsible ship-owner or their insurer, the international funds, and the *Ship-Source Oil Pollution Fund* after the fact. This process can create financial difficulty when the amounts are substantial.

The Government is considering enabling up-front emergency funding from the *Ship-Source Oil Pollution Fund* to the Canadian Coast Guard, as the lead federal agency responding to ship-sourced spills.

Separately, the Government is also considering developing a fast track process for small claims submitted to the *Ship-Source Oil Pollution Fund*. Any person with a small claim would be able to submit to the Fund

Administrator under the fast-track claim process. The threshold and basic criteria that would guide this process has yet to be determined. This process would be available to any organization, community, business, or individual who has suffered actual damage or losses due to oil contamination, or has eligible expenses related to the clean-up of oil as well as preventative measures.

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***Seeking Your Views:***

**From your perspective, what are the potential implications and impacts of the above potential changes to modernize the Ship-Source Oil Pollution Fund?**

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## 6.0 SUPPORT RESEARCH AND INNOVATION

A world-leading marine safety system requires a solid foundation of research and evidence. Research and development are crucial to formulating policy, understanding the environmental risks and impacts of pollution, and ensuring that the most effective tools and techniques are available to enhance marine safety and environmental protection. As well, new innovations and technologies are emerging that could enhance marine safety and environmental protection, e.g. new vessel designs, technologies and systems, and on-board equipment.

Research and the testing of innovative technologies and techniques under real-world conditions are essential to expand our knowledge base and to develop and assess the effectiveness of new tools and techniques to improve safety and mitigate environmental risks. However, current environmental and/or marine safety regulations may limit the ability to conduct research and development under real-world conditions.

To support research, the Government of Canada is considering legislative amendments to enable the Minister of Environment and Climate Change to authorize the research and testing of substances, techniques, equipment and related processes and procedures for the purpose of enhancing scientific knowledge to support environmental emergency policy making and operational decision making.

The Government of Canada is also considering legislative amendments to enable the Minister of Transport to provide time-limited exemptions from regulatory requirements and standards for the purpose of promoting innovation in, for example, vessel design, systems and on-board equipment to enhance marine safety and environmental protection.

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### ***Seeking Your Views:***

**From your perspective, what are the potential implications and impacts of enabling the Government of Canada to permit research and testing in Canada's waters for the purpose of enhancing marine safety and environmental protection?**

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## 7.0 SHARE YOUR VIEWS

Transport Canada is interested in receiving written feedback from all interested parties on the topics contained in this document. Comments received will be used to support future government discussions on the potential legislative amendments.

Interested parties are invited to share their views at: [TC.OPPLegis-LegisPPO.TC@tc.gc.ca](mailto:TC.OPPLegis-LegisPPO.TC@tc.gc.ca).

## **ANNEX A LINKS FOR MORE INFORMATION**

**Marine Oil Spill Preparedness and Response Regime:**

<http://www.tc.gc.ca/eng/marinesafety/oep-ers-regime-menu-1780.htm>

**Oceans Protection Plan: The Plan**

<https://www.tc.gc.ca/eng/oceans-protection-plan.html>

**Improving marine safety through the Oceans Protection Plan: Fact Sheets**

<https://www.tc.gc.ca/eng/improving-marine-safety-through-the-oceans-protection-plan.html>

**Liability and Compensation - oil spills from ships:**

<https://www.tc.gc.ca/eng/marinesafety/liability-compensation-ship-source-oil-spills-4512.html>

**Ship-Source Oil Pollution Fund:**

<http://sopf.gc.ca/en/>





# OCEANS PROTECTION PLAN PLAN DE PROTECTION DES OCÉANS

Good Day,

On behalf of Transport Canada, Fisheries and Oceans Canada, Canadian Coast Guard, and Environment and Climate Change Canada, I am pleased to invite you to participate in our third round of [Oceans Protection Plan \(OPP\)](#) Pacific Dialogue Forums. These Forums will be an ongoing opportunity to engage on specific OPP initiatives

The Oceans Protection Plan is the largest investment ever made to protect Canada's coasts and waterways. This [national strategy](#) will help establish a world-leading marine safety system that provides economic opportunities for Canadians today, while protecting our coastlines for generations to come.

This upcoming engagement session will seek further input on select ongoing initiatives and introduce new initiatives. Topics are being finalized and may include:

- Updates on the Anchorage initiative
- Preparedness and Response for Hazardous and Noxious Substances
- Requirements for Oil Spill Response Organizations

A complete agenda will be provided in the near future.

A full-day session is being planned for **October 22, 2018**, in Vancouver at Simon Fraser University Harbour Centre. To register, please contact [TC.OPPBCReg-PPOCBEnreg.TC@tc.gc.ca](mailto:TC.OPPBCReg-PPOCBEnreg.TC@tc.gc.ca) by October 5. Space may be limited.

Following the Forum, an evening public event may be held on marine safety and the Oceans Protection Plan. Watch for more information to come.

Previous Dialogue Forum reports and presentations are available on the [Pacific Oceans Protection Plan \(OPP\) Forum](#). We recommend that you review information on the site in order to familiarize yourself with the Oceans Protection Plan. If you did not previously receive an invitation or have lost your invitation to register to the closed online platform, please contact [TC.OPPBCReg-PPOCBEnreg.TC@tc.gc.ca](mailto:TC.OPPBCReg-PPOCBEnreg.TC@tc.gc.ca). Complete your site registration by following the link in your invitation email and inputting the User Name: **OPP** and Password: **OPP**.

We consider the participation and collaboration of Indigenous peoples, coastal communities, and stakeholders such as non-governmental organizations and industry, as essential to Oceans Protection Plan success.

Funding opportunities for eligible groups are available to support participation in engagement activities, including through Transport Canada's **Community Participation Funding Program (CPFP)**. More information can be found on the CPFP website at: <http://www.tc.gc.ca/en/services/marine/cpfp-applicants-guide.html>

**We encourage those interested in the CPFP to apply as soon as possible, as applications must be received by October 4.** Please contact [tc.cpfpc@tc.gc.ca](mailto:tc.cpfpc@tc.gc.ca) with any questions related to funding opportunities and eligibility. Approval is required before expenditures are incurred.

Should you not be able to attend, another Dialogue Forum will take place in Prince Rupert in November.

For specific questions, please contact Maria Ivancic at [maria.ivancic@tc.gc.ca](mailto:maria.ivancic@tc.gc.ca). We look forward to working with you as these Oceans Protection Plan initiatives move forward.

Sincerely,

Yvette Myers  
Executive Director, Oceans Protection Plan  
Transport Canada  
Pacific Region

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## Community Participation Funding Program (CPFP)

### What is the Program?

The Community Participation Funding Program (CPFP) is a program that can help eligible Indigenous groups and local communities participate in the development and improvement of Canada's marine transportation system in Canada.

The CPFP provides recipients with an opportunity to contribute knowledge for the development and improvement of Canada's marine transportation system to ensure that these will be tailored to the local conditions and environmental sensitivities. The program also encourages recipients to provide input to support the development and implementation of federal marine transportation strategies and policies that may impact their daily activities.

Recipients will be funded to coordinate local engagement activities, participate in, and provide input to meetings for, the development and improvement of Canada's marine transportation system in Canada.

### Who is eligible for funding?

The following groups are eligible for funding:

- Indigenous groups;
- Local communities (for example, municipal governments, resident associations, individuals selected to represent local entities with no legal status);
- Not-for-profit organizations.

Engagement activities and meetings will be identified and posted regularly. Applicants must identify which of these engagement activities and/or meetings they wish to participate in and provide a brief explanation\* as to the reason for their participation in this activity or meeting.

*\*Due to limited funding, we will need to ensure that we distribute the funds to recipients who are directly impacted. Therefore, it is important that you provide a clear explanation to support your participation.*

### Available funding

The CPFP will provide funding over a period of five years and all activities must be completed **by March 31, 2022**.

Funding of up to **\$50,000 per recipient, per funding request**, could be provided.

### What can be reimbursed?

Eligible applicants may receive:

- Funding to coordinate local engagement activities to support input provided to federal and other stakeholders regarding the marine transportation strategies and policies.
- Funding to **reimburse** the costs to prepare for and attend meetings related to the development and improvement of Canada's marine transportation system (e.g. travel, salaries, and administrative costs) – For more information on eligible activities and expenditures refer to the [Applicant's Guide](#).



- Additional funding may be provided to **reimburse** the costs for consultant services to prepare information and contributions related to the development and improvement of Canada's transportation system.

**Note:** The CPFP does NOT provide advance funding - costs will be reimbursed once an agreement is signed and following the submission of receipts for eligible expenses. The awarding of a contribution or a grant will also be conditional on the availability of program funding.

### What activities are eligible for funding under this program?

Eligible activities include:

- Coordinating local engagement activities and /or meetings for stakeholders
- Reviewing documents and providing written comments;
- Preparing for, travelling to, and participating in engagement activities and/or meetings; and
- Hiring expertise or conducting studies.

### When to apply?

Applicants wanting to apply for funding must send in their application package at least **20 business days** prior to the date(s) of the engagement activity(s) and/or meeting(s) they plan to attend. Please note that the funding will be provided on a **first come, first serve basis** until the program funding is fully allocated. Therefore, it is strongly recommended that applicants apply as early as possible but within the above-mentioned deadline. Click here for [meeting dates](#).

### How to apply for funding?

The [CPFP Applicant's Guide](#) provides a detailed description of how to apply for funding. In general, the following information will be required to support eligibility and the selection process:

- Applicant's information;
- Funding request description in relation to Eligibility Assessment Criteria;
- Rationale for funding; and
- Budget estimates for consultant services.

### For more information, please contact:

Community Participation Funding Program  
Transport Canada  
330 Sparks Street, Place de Ville – Tower C (AHEC)  
Ottawa, ON K1A 0N5  
E-mail: [tc.cfpf-pfpc.tc@tc.gc.ca](mailto:tc.cfpf-pfpc.tc@tc.gc.ca)

To obtain the Community Participation Funding Program Applicant's Guide and Application Package, please refer to the following website: [www.tc.gc.ca/cfpf](http://www.tc.gc.ca/cfpf)



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**Subject:** Hazardous & Noxious substances on OPP Let's Talk  
**Attachments:** HNS\_discussion\_paper\_EN.PDF; HNS\_discussion\_paper\_FR.PDF

**From:** Oceans Protection Plan BC Registration / Plan de Protection des Océans CB Enregistrement (TC) <TC.OPPBCReg-PPOCBEnreg.TC@tc.gc.ca>

**Sent:** September-27-18 9:42 AM

**Subject:** LIVE:: Hazardous & Noxious substances on OPP Let's Talk

Hello,

**\*\* Le texte français suit l'anglais\*\***

As part of the Oceans Protection Plan, the Government of Canada is taking steps to strengthen the marine safety system and environmental response.

We are seeking public input to assist us with the development of an approach to better prepare for and respond to releases of hazardous and noxious substances from ships into the marine environment. To guide your thoughts and any comments, we have prepared the attached discussion paper: **Canada's Preparedness and Response for Hazardous and Noxious Substances Released from Ships**. The paper is also available online on our [Let's Talk Oceans Protection Plan website](#).

You may share your views with us by email at: [TC.OppHNS-PpoSNPD.TC@tc.gc.ca](mailto:TC.OppHNS-PpoSNPD.TC@tc.gc.ca).

In addition to participating in the Let's Talk discussion, an in-person opportunity to engage on Hazardous and Noxious Substances will occur at our next Oceans Protection Plan South Coast Dialogue Forum on Oct 22 in Vancouver.

Thank you to all those who have previously provided their thoughts and comments on various Oceans Protection Plan initiatives.

Bonjour,

Dans le cadre du Plan de protection des océans, le gouvernement du Canada prend des mesures pour renforcer le système de sécurité maritime et l'intervention environnementale.

Nous sollicitons les commentaires du public pour nous aider à élaborer une approche visant à mieux nous préparer et à mieux intervenir en cas de rejets de substances nocives et potentiellement dangereuses par les navires dans le milieu marin. Afin de guider vos réflexions et vos commentaires, nous avons préparé le document de discussion ci-joint : **Préparation et intervention du Canada en cas de rejets de substances nocives et potentiellement dangereuses par des navires**. Le document est également disponible en ligne sur notre site Web, [Parlons du Plan de protection des océans](#).

Vous pouvez nous faire part de votre point de vue par courriel à l'adresse suivante : [TC.OppHNS-PpoSNPD.TC@tc.gc.ca](mailto:TC.OppHNS-PpoSNPD.TC@tc.gc.ca).

En plus de participer à la discussion "Parlons", nous aurons l'occasion de discuter en personne des substances nocives et potentiellement dangereuses à notre prochain Forum de dialogue de la côte sud sur le Plan de protection des océans le 22 octobre à Vancouver.



# OCEANS PROTECTION PLAN PLAN DE PROTECTION DES OCÉANS

## DISCUSSION PAPER

### CANADA'S PREPAREDNESS AND RESPONSE FOR HAZARDOUS AND NOXIOUS SUBSTANCES RELEASED FROM SHIPS



Through the [Oceans Protection Plan](#), we are improving how we prepare for and respond to releases of hazardous and noxious substances (HNS) from ships into the marine environment. This discussion paper provides an overview of the current situation and seeks public perspectives on this issue.

### In this paper

- [Introduction](#)
- [Definition of hazardous and noxious substances](#)
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### Introduction

The transportation of hazardous and noxious substances (HNS) by ships is an important part of Canada's international trade. HNS include substances transported in bulk as liquids, liquefied gases, solid materials and materials in packaged form.

While HNS releases at sea are extremely rare, they could have a significant impact on public health, the environment, marine life and the economy. For this reason, we intend to build a preparedness and response system so that, in the event of an HNS incident in Canada, all parties know their respective roles and responsibilities. This would allow an effective plan to be developed to quickly and effectively mitigate the damage.

We are seeking public input to assist us with the development of a Government approach to prepare for and respond to HNS incidents in Canadian waters. This discussion paper has been designed to guide your thoughts and comments.

### Definition of hazardous and noxious substances

The term "hazardous and noxious substances" is used by the International Maritime Organization (IMO). It appears in a number of international treaties, including the IMO's protocol on HNS preparedness and response. For the purposes of this paper, HNS is intentionally defined in general terms as most substances, if released into the marine environment, would likely require some form of response.

An HNS is any substance other than a petroleum product which, if introduced into the marine environment from a ship, is likely to:

- create hazards to human health
- harm living resources and marine life
- damage amenities
- interfere with other legitimate uses of the sea

When released, HNS can float, dissolve or sink in water, evaporate into the atmosphere or have multiple different reactions. Interactions between substances can also result in different behaviours and since HNS may evaporate or dissolve, there may be nothing to recover after a release.

In the context of HNS preparedness and response, the primary focus is on substances that are toxic or potentially harmful, with the exception of petroleum, which already has a preparedness and response regime.

#### **Questions for consideration:**

Do you agree with this definition of HNS for Canada? If not, how could it be improved?

### **Hazardous and noxious substances within Canada's marine safety system**

Canada's marine safety system is built on 3 pillars to protect marine ecosystems and enable safe and efficient shipping.

1. **Prevention:** establishing measures so that incidents are avoided
2. **Preparedness and response:** being ready and taking action in case of an incident or spill
3. **Liability and compensation:** ensuring the polluter pays for response, clean-up and restoration after an incident

While there is a [robust regime for oil spills from ships](#) that extends across all 3 pillars, the measures in place for HNS incidents are more limited.

Canada has a system to **prevent** marine incidents from occurring, such as aids to navigation and vessel traffic services. This system supports the safe movement of ships in Canadian waters, whether they are carrying oil, HNS or other cargo. For more detail on these prevention measures, visit our [preventing spills from vessels](#) page.

To date, we have not developed a **preparedness and response** system that specifically applies to HNS incidents. This is in part because of the low number of HNS releases internationally, as compared to oil spills. While no major HNS incident has occurred in Canadian waters so far, an effective HNS preparedness and response program would reduce the harmful impacts of any future incidents.

The Government of Canada recently ratified the IMO's 2010 HNS Convention for **liability and compensation**. This positions Canada as a leader in the move towards creating a liability and compensation structure for HNS.

### Current approach

Hazardous and noxious substances incidents in Canada have been relatively small in scale. For that reason, they have been managed on a case-by case basis. The volume of HNS transported as part of our international trade, however, highlights the potential for a major HNS release occurring in Canadian waters. As the circumstances of major HNS incidents could vary dramatically and involve a wide range of parties, we are looking at establishing a more formal approach to HNS preparedness and response that guides response across a variety of scenarios.

Canada's preparedness and response measures for HNS incidents have been the focus of several reports in recent years.

Most recently, the [Tanker Safety Expert Panel's 2014 report](#) recommended that a formal approach to HNS preparedness and response be established in Canada.

Notably, the Tanker Safety Expert Panel recommended that Canada sign on to the IMO's Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances, 2000 (OPRC-HNS Protocol) as an initial step towards a national program of preparedness and response for HNS releases from ships.

#### 2000 OPRC-HNS Protocol

- 40 countries are party to the Protocol
- Endorses "polluter pays" and "precautionary" principles
- Provides a global framework for HNS preparedness and response

### Towards a new approach

Preparing for and responding to HNS releases in the marine environment is highly complex. We need a unique approach for HNS. Simply expanding or copying the approach used to deal with oil spills from ships is not appropriate.

Comparing HNS with oil spill preparedness and response helps illustrate why we need tailored HNS measures. For example, on the oil spill side, Transport Canada certified [response organizations](#) act quickly because they:

- understand the behaviour of petroleum products in the marine environment

- have appropriate on-water response equipment stored in strategic locations along Canada's coasts

### Comparing HNS releases and oil spills

HNS release from ship	Oil spill from ship
<ul style="list-style-type: none"> <li>• Behaviour in water varies dramatically by substance (sinks, floats, dissolves, etc.)</li> </ul>	<ul style="list-style-type: none"> <li>• Behaviour in water is less variable and more generally understood</li> </ul>
<ul style="list-style-type: none"> <li>• Different equipment and expertise is needed, depending on the substance</li> </ul>	<ul style="list-style-type: none"> <li>• Most spills require the same types of equipment (booms, skimmers, etc.)</li> </ul>
<ul style="list-style-type: none"> <li>• May require analysis and time to build a response strategy that is tailored to complex situations</li> </ul>	<ul style="list-style-type: none"> <li>• Response strategy developed quickly as tactics for oil spill response are well understood</li> </ul>
<ul style="list-style-type: none"> <li>• Response may not involve recovery from water</li> </ul>	<ul style="list-style-type: none"> <li>• Response generally involves some level of recovery of oil from water</li> </ul>
<ul style="list-style-type: none"> <li>• Partners involved in response may vary dramatically depending on the incident</li> </ul>	<ul style="list-style-type: none"> <li>• Predictable set of partners involved in response effort</li> </ul>

For HNS, we often need careful expert analysis before the on-water response begins. This allows us to fully consider the substances involved, and their potential interactions with each other and with the marine environment. Fully understanding the situation is a critical step in order to identify risks to nearby populations and the marine environment so we can mitigate them, and help ensure the safety of responders. We also need to work with provincial, municipal, and other partners in emergency preparedness to ensure the public is informed and protected during an incident.

The potential actions below reflect the unique challenges of hazardous and noxious substances releases from ships. They focus on improving how we assess HNS incidents so the response is safe, appropriate and effective.

### Potential action

The potential actions outlined in this paper are designed to integrate key recommendations from the 2014 Tanker Safety Expert Panel report and adapt international best practices in a way that reflects the Canadian context and risk levels.

## Guiding principles

Six principles will guide our approach:

1. Protect human health and the marine environment
2. Develop a national risk-based approach
3. Build on Canada's existing marine safety system
4. Uphold the "polluter pays" principle and industry involvement
5. Respect international commitments
6. Maintain the viability of marine shipping

## Collaborative action

Collaboration must be a feature of hazardous and noxious substances preparedness and response. A wide range of parties would have a role to play in building and implementing a Canadian HNS program.

This work may involve:

- the Government of Canada: Transport Canada (TC), Fisheries and Oceans Canada, the Canadian Coast Guard (CCG), Environment and Climate Change Canada, Public Safety Canada, the Canadian Border Services Agency, the Public Health Agency of Canada, Health Canada and the Canadian Food Inspection Agency
- municipal and provincial/territorial governments
- international partners (such as the IMO and United States Coast Guard)
- industry (such as ship or cargo owners, chemical producers, terminal operators, salvors, liability insurers)
- Indigenous groups and coastal communities
- emergency responders (local fire departments and hazardous materials teams)
- port authorities

## Question for consideration:

Are there other stakeholders that should be involved?

## A phased approach

We are considering an approach that takes action in 3 phases over several years. In Phase I, we would strengthen the foundation of hazardous and noxious substances preparedness and response by clarifying the current system. In Phase II, we would make step-by-step improvements to strengthen industry and government preparedness. In Phase III, we would evaluate and improve the national program to reflect changing conditions.



### Phase I: clarify current system

In years 1-2 we would clarify the current preparedness and response system for hazardous and noxious substances releases from ships. We would engage with partners and stakeholders to identify where we can improve the current approach to enhance our readiness for HNS incidents.

<p><b>Clarify roles and responsibilities</b></p>	<ul style="list-style-type: none"> <li>• The CCG would expand their national contingency plan to include the roles, responsibilities and procedures for HNS preparedness and response</li> <li>• TC would organize regular regional symposiums to improve awareness and build relationships among parties involved in HNS preparedness and response</li> <li>• The Government of Canada would enhance its capacity to provide scientific advice and information on chemical response safety in the marine environment</li> <li>• The CCG would organize and develop joint response exercises to test Canada's readiness and identify gaps in HNS marine response</li> </ul>
<p><b>Align approach with international partners</b></p>	<ul style="list-style-type: none"> <li>• TC would assess requirements to accede to the OPRC-HNS Protocol</li> <li>• The Government of Canada would develop international science and data partnerships with the European Maritime Safety Agency, United States Coast Guard, IMO, the Center for Documentation, Research and Experimentation on Accidental Water Pollution and other international partners, and share best practices</li> </ul>

### Questions for consideration:

Are activities listed under Phase I appropriate? If not, how could we improve them?

### Phase II: targeted enhancements

Together with partners, we would make targeted enhancements through years 3-4, and address gaps and opportunities for improvement identified during Phase I. Some examples of



potential targeted enhancements are listed below. These enhancements would build Canada's capacity to respond to hazardous and noxious substances incidents.

<b>Improve knowledge of HNS in the marine environment</b>	<ul style="list-style-type: none"> <li>• TC would further develop HNS risk assessment methodologies to improve our ability to identify high-risk locations/situations and work with others to develop targeted mitigation strategies</li> </ul>
<b>Expand preparedness requirements</b>	<ul style="list-style-type: none"> <li>• If gaps in industry's preparedness for HNS releases are identified in Phase I, the Government of Canada could require prescribed vessels that carry HNS to have plans for addressing HNS releases</li> <li>• TC could explore more planning requirements for ports and marine facilities handling HNS to include preparedness and response plans for ship-source HNS releases in their practices and procedures</li> </ul>
<b>Build marine HNS response capacity</b>	<ul style="list-style-type: none"> <li>• The Government of Canada would deliver ongoing HNS response training to preparedness and response stakeholders, including operational response techniques</li> <li>• The Government of Canada would develop and actively maintain a national inventory of organizations with trained responders and equipment to respond to HNS releases</li> </ul>

### Questions for consideration:

Are the activities listed under Phase II appropriate? If not, how could we improve them?

### Phase III: continuous improvement

The third phase, beginning in year 5, is about adapting the program to reflect the evolving context. This means:

- taking new data and information into account
- evaluating changing risk levels across the country
- working with partners and stakeholders to determine what refinements are needed

In Phase III, we would evaluate the range of improvements we have made and ensure they are sustainable and appropriate.

<b>Adapt to reflect the evolving context</b>	<ul style="list-style-type: none"> <li>• The Government of Canada could respond to changing risk levels through new mitigation strategies, legislative or regulatory amendments, industry incentives and other means</li> <li>• TC and the CCG would engage partners and stakeholders at regional symposiums and other venues to identify areas we can continue to improve</li> </ul>
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- |  |  |
|--|--|
|  | <ul style="list-style-type: none"><li>• The Government of Canada would consider lessons learned from CCG-led HNS exercises</li></ul> |
|--|--|

## Next steps

We are soliciting comments on this discussion paper until December 21, 2018. We are also holding in-person engagement sessions with Indigenous partners, coastal communities and stakeholders throughout 2018.

We will report back on key comments received through online and in-person engagement, and will explain how we are taking them into account. Your input will inform Government decisions related to preparedness and response for HNS releases from ships.

### Question for consideration:

Do you have any comments on any part of this discussion paper or the potential action?

## Contact us

If you would like to provide comments on anything you read here, you can email them to:

[TC.OppHNS-PpoSNPD.TC@tc.gc.ca](mailto:TC.OppHNS-PpoSNPD.TC@tc.gc.ca)

We thank you in advance for your participation.



## DISTRICT OF TOFINO – OFFICE OF THE MAYOR

P.O. Box 9, 121 3<sup>rd</sup> Street, Tofino, B.C. V0R 2Z0

Telephone: 250.725.3229 | Fax: 250.725.3775 | Email: osborne@tofino.ca | Website: www.tofino.ca

September 28, 2018

The Honourable Adrian Dix  
Minister of Health  
PO Box 9050  
STN PROV GOVT  
Victoria, BC V8W 9E2

COM-03

Dear Minister Dix,

**Re: Tofino General Hospital and Invitation to Tofino**

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Thank you for taking the time to meet with me and members of Tofino Council at UBCM in Whistler earlier this month. I appreciated the opportunity to sit down with you and talk about how we can work together to help make Tofino a stronger and healthier community. As discussed;

- Our almost 60-year old hospital facility no longer meets the needs of our region and is not designed to incorporate current best practices in healthcare.
- We recognize that replacement of the current hospital is a long-term process. We are eager to work with Island Health and the Ministry of Health to move towards the initiation of a concept plan that will address the needs of our region.
- In the interim, we will continue to work with Island Health to identify opportunities to alleviate pressure points and improve healthcare delivery.

We look forward to partnering with Island Health on both short-term and long-term strategies to ensure we meet the healthcare needs of British Columbians who live, work and play on the West Coast of Vancouver Island.

In closing, we invite you to personally visit the region, at your earliest convenience, to tour existing facilities and meet some of the incredible staff members, physicians, and volunteers who help keep the region's communities healthy.

Sincerely,

Josie Osborne  
Mayor

.../2

## Office of the Mayor

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cc: Scott Fraser, MLA  
Board of Directors and CEO, Island Health  
Tofino Hospital Foundation  
Board of Directors, Alberni-Clayoquot Regional Hospital District  
Mayor and Council, District of Ucluelet  
Chief and Council, Hesquiaht First Nation  
Chief and Council, Ahousaht First Nation  
Chief and Council, Tla-o-qui-aht First Nation  
Chief and Council, Toquaht Nation  
President and Members of Legislature, Yuułuʔiłʔatḥ Government

## Office of the Mayor

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OCT 04 2018

File: 0280-30  
Ref: 189071

Her Worship Mayor Dianne St. Jacques  
District of Ucluelet  
Email: [mboysen@ucluelet.ca](mailto:mboysen@ucluelet.ca)

Dear Mayor St. Jacques:

I would like to thank you and your colleagues for meeting with me at the 2018 Union of British Columbia Municipalities convention to discuss some of the agricultural issues and pressures your community is experiencing.

During our meeting, we discussed your concerns surrounding off-shore fishery and the impacts on Ucluelet, including the new policy of the Department of Fisheries and Oceans. You talked about the importance of trawling, and reiterated the importance of the ministry's assistance.

Please continue to communicate any issues the District of Ucluelet may be experiencing, as we continue to move forward.

We also discussed the upcoming Every Chef Needs a Farmer, Every Farmer Needs a Chef event. In the near future, you will be receiving, or have already received information regarding the event, which I am hoping you can share with farmers, chefs, and food and beverage producers in your community.

Again, thank you for participating in this year's convention and I look forward to working with you in the future.

Sincerely,

A handwritten signature in blue ink that reads "Lana Popham". The signature is fluid and cursive, with a large initial "L".

Lana Popham  
Minister

- 2 -

pc: Wes Shoemaker, Deputy Minister, Ministry of Agriculture

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**From:** Info Ucluelet  
**Subject:** Letter from the Honourable Katrine Conroy, Minister of Children and Family Development

**From:** Kuharic, Rhea MCF:EX <Rhea.Kuharic@gov.bc.ca>  
**Sent:** October-04-18 2:03 PM  
**Subject:** Letter from the Honourable Katrine Conroy, Minister of Children and Family Development

Ref: 239103

Her Worship Mayor Dianne St. Jacques and Council  
District of Ucluelet  
E-mail: [info@ucluelet.ca](mailto:info@ucluelet.ca)

Dear Mayor St. Jacques and Council:

As Minister of Children and Family Development, I am honoured and delighted to once again proclaim October as Foster Family Month in British Columbia. It is the month that we acknowledge and celebrate foster caregivers for their invaluable support and commitment to children and youth placed in their care.

Foster Family Month is a marvelous opportunity to show our appreciation and thank caregivers for their incredible kindness and generosity in sharing their homes and their lives with vulnerable children and youth in care.

Since commencing my role as Minister, I have had the opportunity to travel around the province and meet with many amazing foster caregivers, as well as former and current children and youth in care. I have been continually struck by the strength of character and depth of commitment in these caregivers. They undertake heroic work which often goes unrecognized, and I invite you to help ensure these families know their work is appreciated.

The Ministry of Children and Family Development and Delegated Aboriginal Agencies provide supports and services for approximately 6,500 children and youth in care across British Columbia. Government relies on foster caregivers to provide day-to-day stability, care and support to these young people.

I encourage you to get involved – take time to host, celebrate, and participate in Foster Family Month appreciation events in your community. Please join me in recognizing the important role of foster caregivers. Extend a heartfelt thank you, express your gratitude, and acknowledge and recognize the commitment and hard work of these remarkable individuals, and their families.

A new provincial recruitment campaign was launched on October 1, 2018, and will conclude March 31, 2019. In combination with regional recruitment events, the provincial foster caregivers' recruitment campaign ensures that the ministry continues to support a vibrant and growing community of foster caregivers to meet the needs of British Columbia's children and youth in care into the future.

The campaign consists of social and digital media, radio public service announcements, and a new, streamlined Web site, [FosterNow.ca](http://FosterNow.ca), with a direct recruitment focus. The messaging emphasizes success stories of real foster families and former youth in care and how foster caregivers have supported young people to achieve their full potential.

On behalf of the Government of British Columbia, thank you for your continued recognition and support of foster caregivers in your community who care for this province's children and youth in care.

Sincerely,

*Original Signed by*

Katrine Conroy  
Minister of Children and Family Development





## EMIL ANDERSON CONSTRUCTION (EAC) INC.

September 27, 2018

**Re: Hwy 4 Kennedy Hill Safety Improvements  
Traffic Interruptions Update**

Dear Highway 4 travelers,

Below is the updated closure schedule. Please note there will be an extra closure from 2PM to 3PM on Sunday, September 30<sup>th</sup> for BC Hydro powerline relocation works.

Date		Road Status
26-Sep	Wednesday	Road Closed between the following times: -1AM to 4AM -5AM to 7AM -12PM to 1PM -4PM to 5PM -10PM to 12AM except on Fridays Expect up to 30 minute delays at all other times, day and night.  *2PM to 3PM additional closure on Sunday 30-Sep.
27-Sep	Thursday	
28-Sep	Friday	
29-Sep	Saturday	
30-Sep	Sunday*	
01-Oct	Monday	
02-Oct	Tuesday	
03-Oct	Wednesday	
04-Oct	Thursday	
05-Oct	Friday	No closures. Single-lane traffic.
06-Oct	Saturday	
07-Oct	Sunday	
08-Oct	Monday	
09-Oct	Tuesday	
10-Oct	Wednesday	Road Closed between the following times: -1AM to 4AM -5AM to 7AM -12PM to 1PM -4PM to 5PM -10PM to 12AM except on Fridays Expect up to 30 minute delays at all other times, day and night.  *No closures after 7am on Friday Oct-19.
11-Oct	Thursday	
12-Oct	Friday	
13-Oct	Saturday	
14-Oct	Sunday	
15-Oct	Monday	
16-Oct	Tuesday	
17-Oct	Wednesday	
18-Oct	Thursday	
19-Oct	Friday*	



## EMIL ANDERSON CONSTRUCTION (EAC) INC.

20-Oct	Saturday	No closures. Single-lane traffic.
21-Oct	Sunday	
22-Oct	Monday	
23-Oct	Tuesday*	Road Closed between the following times: -1AM to 4AM -5AM to 7AM -12PM to 1PM -4PM to 5PM -10PM to 12AM except on Fridays Expect up to 30 minute delays at all other times, day and night. *No 1am-4am or 5am-7am closure on Tuesday 23-Oct. **No closures after 7am on Saturday 27-Oct.
24-Oct	Wednesday	
25-Oct	Thursday	
26-Oct	Friday	
27-Oct	Saturday**	
28-Oct	Sunday	
29-Oct	Monday	

There is also a traffic advisory hotline which will provide detailed and up-to-date information to help plan your trip. The number is: **1 855 451-7152**.

Information will also be posted on electronic message boards at either ends of the project and along the Hwy 4 corridor between the west coast and Hwy 19 as well as information posted to **DriveBC.ca**. For your own safety, it is imperative you respect all construction signage, and stay well clear of any equipment.

We apologize for any inconveniences as a result of this project, but hope you understand that we are working towards a safer highway for all of us.

Further project information is available on the Ministry's project website at [www.gov.bc.ca/highway4kennedyhill](http://www.gov.bc.ca/highway4kennedyhill). Should you have any questions or concerns, you can leave a message on the traffic advisory hotline at 1 855 451-7152.

Sincerely,

Emil Anderson Construction (EAC) Inc.

David Gourlay  
EAC Project Coordinator



## STAFF REPORT TO COUNCIL

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

**FROM:** MARLENE LAGO, DEPUTY MUNICIPAL CLERK

**FILE NO:** 1630-01

**SUBJECT:** CHEQUE LISTING – SEPTEMBER 2018

**REPORT NO:** 18-98

**ATTACHMENT(S):** APPENDIX A – SEPTEMBER 2018 CHEQUE LISTING

### **RECOMMENDATION(S):**

1. **THAT** Council receive the District of Ucluelet's September 2018 Cheque Listing for information.

### **PURPOSE:**

The purpose of this report is to provide Council with a monthly listing of all cheques disbursed.

### **BACKGROUND:**

At the February 27, 2018 Regular Meeting of Council, the following resolution was adopted:

*"THAT Council direct the Chief Financial Officer to report back to Council with some options and recommendations for moving forward with providing a cheque run."*

Finance staff have provided a detailed list of the cheque run for September 2018 (Appendix A).

### **POLICY OR LEGISLATIVE IMPACTS:**

The cheque listing has been reviewed to ensure compliance with the *Freedom of Information and Protection of Privacy Act*. The names of individual's shown on the cheque listing are either employed with the District or contracted for the delivery of goods and services.

### **OPTIONS REVIEW:**

1. THAT Council receive the District of Ucluelet's September 2018 Cheque Listing for information. **(Recommended)**
2. THAT Council provide alternative direction to staff.

**Respectfully submitted:**

Marlene Lagoa, Deputy Municipal Clerk  
Mark Boysen, Chief Administrative Officer

## CHEQUE LIST FOR SEPTEMBER 2018

Cheque #	Pay Date	Vendor Name	Invoice #	Description	Invoice Amount	Paid Amount
23408606	2018-09-01	TYCO INTEGRATED FIRE & SECURITY CANADA I	80688778	SEP1-NOV30/18 PW/LYCHE	\$ 208.69	\$ 208.69
027634	2018-09-06	KEVIN CORTES	122411	CORTES-REIMBURSE/SECURITY CAMERAS	\$ 3,904.65	\$ 3,904.65
027635	2018-09-06	KEVIN CORTES	122412	CORTES-REIMBURSE/HAND TRUCKS	\$ 179.16	\$ 179.16
027636	2018-09-07	PITNEYWORKS	180801	AUG/18 POSTAGE	\$ 1,080.00	\$ 1,080.00
027637	2018-09-14	CONNECT ROCKET COMMUNICATIONS INC.	2479	QRTRLY SUBSCRIPTION Q3/18	\$ 134.40	\$ 134.40
027638	2018-09-14	ALLES HOLDINGS INC	122419	ANDERSON CONTRACT SERVICES-AUG27-SEP7	\$ 1,008.00	\$ 1,008.00
027639	2018-09-14	BLACK PRESS GROUP LTD.	33511048	AUG/18 ADS	\$ 3,035.20	\$ 3,035.20
027640	2018-09-14	TEMPLE CONSULTING GROUP LTD	122421	RIVERA-TEMPLE CONFERENCE18	\$ 787.50	\$ 787.50
027641	2018-09-14	CORPORATE EXPRESS CANADA INC	47985224	UKEE DAYS-ADMIT ONE TICKETS	\$ 111.55	\$ 915.57
			47955790	MOUSE PAD/MARKERS	\$ 85.01	
			47955551	DRYERASE MARKERS/INDEX TABS/POST-ITS	\$ 125.35	
			48290368	PRINTER TONER-PW	\$ 119.93	
			48211089	THANK YOU CARDS-UCC	\$ 33.60	
			48207415	UCC OFFICE SUPPLIES	\$ 210.35	
			48114800	CALENDAR-EMERGENCY SERVICES	\$ 26.30	
			48338742	UBCM STATIONERY	\$ 203.48	
027642	2018-09-14	COLUMBIA FUELS	01375121985102	GREASE FOR HEAVY EQUIPMENT	\$ 140.00	\$ 140.00
027643	2018-09-14	CGIS CENTRE	43374	OCT01-DEC31/18	\$ 2,128.00	\$ 2,128.00
027644	2018-09-14	KASSLYN CONTRACTING	D635	D635	\$ 1,416.08	\$ 3,426.05
			D636	D636	\$ 2,009.97	
027645	2018-09-14	CONTROL SOLUTIONS	C002673	UCC HEAT MNTC-3RD QRTRLY BILL	\$ 878.22	\$ 878.22
027646	2018-09-14	CUPE LOCAL #118	08/18	CUPE DUES-AUG/18	\$ 1,477.40	\$ 1,477.40
027647	2018-09-14	DUMAS FREIGHT COMPANY	56203	CLEARTECH	\$ 110.25	\$ 673.72
			56268	CAMLOCK LOCKSMITH	\$ 37.70	
			62480	FOUR STAR WATERWORKS	\$ 43.96	
			62429	FOUR STAR WATERWORKS	\$ 43.96	
			61322	CLEARTECH	\$ 437.85	
027648	2018-09-14	DRAESEKE JAN	122416	CHI GONG-AUG/18	\$ 98.15	\$ 98.15
027649	2018-09-14	FOUR STAR WATERWORKS LTD.	52891-CR	OVERPYMT CORRECTION INV#52891	-\$ 2.10	\$ 503.55
			52894	REPLCMT WATER METER-2060 PENINSULA	\$ 505.65	
027650	2018-09-14	FOUR STAR COMMUNICATIONS INC	47332	AUG/18	\$ 149.95	\$ 149.95
027651	2018-09-14	FAR WEST DISTRIBUTORS LTD	322237	HAND SOAP-AQUARIUM	\$ 11.56	\$ 1,267.47
			322334	MOP BUCKET W/ WRINGER	\$ 126.51	
			322238	HAND SOAP	\$ 11.56	
			322113	BATHROOM SUPPLIES-LYCHE	\$ 59.31	
			322335	MOP HANDLE/MOP HEAD	\$ 42.28	
			322106	BATHROOM SUPPLIES-AQUARIUM	\$ 119.98	
			322276	BATHROOM SUPPLIES-UCC	\$ 498.24	
			322051	BATHROOM SUPPLIES-SCH	\$ 368.50	
			322415	DISHWASHER TABS-PW	\$ 29.53	
027652	2018-09-14	GREGG DISTRIBUTORS LTD	011-677403	HARD HATS	\$ 28.18	\$ 357.11
			011-679441	SAFETY GEAR-PARKS AND REC	\$ 247.67	
			011-679212	RESPIRATOR/SHOVEL/FUEL	\$ 67.17	
			011-677404	HARD HATS	\$ 14.09	
027653	2018-09-14	HAUSER EVAN	122420	HAUSER-RESCUE 1 REPAIR/SERVICE	\$ 368.83	\$ 368.83
027654	2018-09-14	HETHERINGTON INDUSTRIES	E-88029	WASTE OIL REMOVAL	\$ 150.15	\$ 150.15
027655	2018-09-14	HOLISTIC EMERGENCY PREPAREDNESS	1112	PORTABLE ESS KITS	\$ 11,182.82	\$ 11,182.82
027656	2018-09-14	HOGAN, SARAH	122414	DANCE FIT-AUG/18	\$ 65.55	\$ 65.55

Cheque #	Pay Date	Vendor Name	Invoice #	Description	Invoice Amount	Paid Amount
027657	2018-09-14	INFOSAT COMMUNICATIONS	357052	SEP/18	\$ 65.12	\$ 65.12
027658	2018-09-14	INNER HARMONY HOMECARE & HOUSEKEEPING	4806	JUN/18 MONTHLY CLEANING CONTRACT	\$ 3,255.00	\$ 3,255.00
027659	2018-09-14	J.ROBBINS SAND & GRAVEL LTD.	658	GRAVEL-MARINE DR WATER MAIN REPAIR	\$ 571.47	\$ 571.47
027660	2018-09-14	MAXXAM ANALYTICS	VA1174083 VA1175888 VA1175298	SEWER TESTING B871387 WATER TESTING B875882 WATER TESTING B873795	\$ 319.20 \$ 252.00 \$ 252.00	\$ 823.20
027661	2018-09-14	JACQUELYN BLOCK	122415	JACQUELYN BLOCK-ZUMBA/18	\$ 259.14	\$ 259.14
027662	2018-09-14	[REDACTED]	196142	196142 REFUND	\$ 2,101.88	\$ 2,101.88
027663	2018-09-14	ALL IN ONE PARTY SHOP	73495-0	KENNEDY LAKE-TENT RENTAL	\$ 3,449.60	\$ 3,449.60
027664	2018-09-14	THOMAS HERTEL	759	HERTEL-UTILITY ACCT 759 REFUND	\$ 534.01	\$ 534.01
027665	2018-09-14	MAJESTIC OCEAN KAYAKING	122417	SPRING PADDLE CLUB	\$ 562.50	\$ 562.50
027666	2018-09-14	PIONEER BOAT WORKS	77585	MUSSEL-BOOTS/RAIN GEAR	\$ 498.61	\$ 498.61
027667	2018-09-14	PETTY CASH - LYVIER RIVERA	07/18 08/18	JUL/18 PETTY CASH AUG/18 PETTY CASH	\$ 55.15 \$ 127.39	\$ 182.54
027668	2018-09-14	PETTY CASH FORTUNE ABBY	122418	SEP/18	\$ 44.88	\$ 44.88
027669	2018-09-14	PUROLATOR INC	439044162 439104120	MAXXAM MAXXAM	\$ 82.71 \$ 86.69	\$ 169.40
027670	2018-09-14	ACRD	7170	AUG/18 GARBAGE	\$ 12.00	\$ 12.00
027671	2018-09-14	SONBIRD REFUSE & RECYCLING LTD.	33206 33208 33210 33211 33207 33209 33205	AUG/18 GARBAGE SCH AUG/18 GARBAGE WHISKEY DOCK AUG/18 GARBAGE UCC AUG/18 GARBAGE UVFB & UAC AUG/18 GARBAGE 52 STEPS AUG/18 GARBAGE PW AUG/18 RECYCLING TRANSFER FEE LYCHE	\$ 1,530.93 \$ 558.18 \$ 444.26 \$ 81.02 \$ 521.43 \$ 1,073.56 \$ 31.50	\$ 4,240.88
027672	2018-09-14	SCHRAMM DESIGN	2907	EMRGNCY SRVCS KIOSK/FRENCH BROCHURE UPDT	\$ 698.25	\$ 698.25
027673	2018-09-14	SHU IAN	122413	PD SUMMER/18	\$ 255.20	\$ 255.20
027674	2018-09-14	TRANSPARENT SOLUTIONS CORP	9900	CLEARMAIL OCT/18	\$ 20.95	\$ 20.95
027675	2018-09-14	TOURISM UCLUELET	06/18	JUN/18 MRDT	\$ 37,067.28	\$ 37,067.28
027676	2018-09-14	UCLUELET CONSUMER'S CO-OPERATIVE ASSN	C01099191 71089950 71090239 71092505 71092461 71094450 71095801 71098091 71100219 71105690 5524	SHOWER ARM MOUNT RETURNED #1 #4 WHITE RANGER-BYLAW #13 #3 & JERRY CANS #4 #10 #24 #10 CARDLOCK AUG/18	-\$ 26.86 \$ 159.70 \$ 80.00 \$ 66.43 \$ 9.55 \$ 242.54 \$ 280.95 \$ 186.62 \$ 169.83 \$ 178.68 \$ 326.86	\$ 1,674.30
027677	2018-09-14	UCLUELET CONSUMER'S CO-OPERATIVE ASSN	71101489 71092508 71093307 71093103 71093274 71095853 71097023 71100382 71100383 71100460 71101433	#23 #23 #24 #3 #2 #23 WHITE RANGER-BYLAW #2 #1 #2 #24 MOTOR OIL	\$ 86.13 \$ 73.07 \$ 147.68 \$ 164.83 \$ 69.29 \$ 83.83 \$ 74.17 \$ 71.17 \$ 154.51 \$ 108.92 \$ 7.41	\$ 1,041.01
027678	2018-09-14	UCLUELET CONSUMER'S CO-OPERATIVE ASSN	71105696	#12	\$ 102.11	\$ 837.64

Cheque #	Pay Date	Vendor Name	Invoice #	Description	Invoice Amount	Paid Amount
			71103465	#4	\$ 154.55	
			C01094294	DISTRICT STAFF TREATS	\$ 58.51	
			C01091503	LIGHTBULBS-UCC	\$ 19.57	
			C01095055	SUMMER CAMP SUPPLIES	\$ 22.65	
			C01090185	DRANO-UCC	\$ 11.19	
			71103898	WHITE RANGER-BYLAW	\$ 71.36	
			71102016	#5	\$ 60.11	
			71102165	JERRY CANS	\$ 87.26	
			71102646	#4	\$ 153.39	
			71104108	#2	\$ 96.94	
027679	2018-09-14	UCLUELET CONSUMER'S CO-OPERATIVE ASSN	C01123018	DAY CAMP-FOOD	\$ 36.95	\$ 70.73
			C01098884	BLEACH/SPRAY BOTTLE/SHOWER ARM MOUNT	\$ 33.78	
027680	2018-09-14	UKEE INFO TECH	10748	IT SUPPORT AUG/18	\$ 7,250.02	\$ 7,250.02
027681	2018-09-14	UCLUELET PETRO-CANADA	2198	#10 TIRE REPAIR	\$ 180.74	\$ 498.50
			2211	ELECTRIC TRUCK SHOCKS REPAIR	\$ 126.50	
			2205	#3 DOOR HANDLE REPAIR	\$ 191.26	
027682	2018-09-14	UCLUELET RENT-IT CENTER LTD	30790	DIAMOND BLADE RENTAL-CONCRETE CUTTING	\$ 22.40	\$ 2,028.32
			30806	AUG/18 PORTABLES-SKATE PARK	\$ 460.32	
			30764	AUG/18 PORTABLES	\$ 1,545.60	
027683	2018-09-14	0870849 BC LTD	1165	#12 BACKHOE REPAIRS	\$ 378.00	\$ 378.00
027684	2018-09-14	WINDSOR PLYWOOD - UCLUELET DIV.	63740A	BROOMS-PW	\$ 104.89	\$ 1,513.87
			61277A	INNER BOAT BASIN SUPPLIES	\$ 190.79	
			61603A	PAINT-WELL FIELD	\$ 9.34	
			62143A	BLADE/TARPS/STAKES	\$ 309.32	
			62589A	PAINTS/ROPE-PARKS	\$ 38.22	
			62595A	PAINT-PARKS	-\$ 0.23	
			62859A	LUMBER/SCREWS-PW	\$ 85.80	
			62834A	CONCRETE BLOCK-PW	\$ 33.54	
			63235A	FIELD SUPPLIES-BLACK POLY	\$ 411.04	
			63566A	SIDEWALK REPAIRS-SCHOOL AREA	\$ 226.97	
			63732A	CLEANING SUPPLIES-PARKS	\$ 104.19	
027685	2018-09-14	WINDSOR PLYWOOD - UCLUELET DIV.	63788A	SPRAYPAINT-HWY RES	\$ 18.68	\$ 191.01
			62909A	LUMBER-PW	\$ 36.13	
			63266A	PAINT BRUSH	\$ 14.03	
			63567A	KIMOTO LIFT STATION DEADBOLT	\$ 40.15	
			63687A	UKEE DAYS MATERIALS	\$ 82.02	
027686	2018-09-14	XPLORNET COMMUNICATIONS INC	INV23498104	SEP/18	\$ 55.28	\$ 55.28
027687	2018-09-14	REVENUE SERVICES OF BC	09/18	SEP/18	\$ 1,537.50	\$ 1,537.50



## STAFF REPORT TO COUNCIL

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

**FROM:** MARLENE LAGOA, DEPUTY MUNICIPAL CLERK

**FILE NO:** 0550-20

**SUBJECT:** RESOLUTION TRACKING – SEPTEMBER 2018

**REPORT NO:** 18-99

**ATTACHMENT(S):** APPENDIX A – RESOLUTION TRACKING (SEPTEMBER 2018)

### **RECOMMENDATION(S):**

1. **THAT** Council receive the District of Ucluelet's Resolution Tracking List from September 2018 for information.

### **PURPOSE:**

The purpose of this report is to provide Council with a monthly status update on all resolutions that have been adopted by Council.

### **BACKGROUND:**

The resolution follow-up status categories are:

- Assigned – action has not yet commenced;
- In Progress – action has been taken by staff; and
- Complete – action has been completed.

Items will be removed from the list after actions are shown once as being completed.

### **OPTIONS REVIEW:**

1. THAT Council receive the District of Ucluelet's Resolution Tracking List from September 2018 for information. **(Recommended)**
2. THAT Council provide alternative direction to staff.

**Respectfully submitted:** Marlene Lagoa, Deputy Municipal Clerk  
Mark Boysen, Chief Administrative Officer

Meeting	Agenda Item #	Meeting Item Description	Resolution Text	Description	Staff Responsible	Follow-Up Status
Regular Council - 14 Nov 2017	11.3	Peninsula Road Crosswalks John Towgood, Planner 1	THAT Council approve recommendation 1 of report item, "Peninsula Road Crosswalks" which states: THAT Council endorse, and communicate to the businesses in the vicinity, two new Ministry of Transportation and Infrastructure constructed crosswalks on Peninsula Road as per the locations and details within the body of this report.	Communicate to the businesses in the vicinity once more details are available.	John Towgood	In Progress - pending MoTI schedule
Regular Council - 12 Dec 2017	11.4	Ucluelet OCP Bylaw Report - Project Update Bruce Greig, Manager of Community Planning	THAT Council approve recommendation 1, 2, 3 & 4 of report item, "Ucluelet OCP Bylaw Review - Project Update" (please refer to Report)	Send Notice to Agencies Invite First Nation	Bruce Greig	Complete Complete
Regular Council - 27 Feb 2018	12.7	BYLAW - Bylaw No. 1225, 2018 <i>The Wave mixed commercial/ multi-family building (590 Marine Dr)</i>	THAT Zoning Amendment Bylaw No. 1225, 2018 be given third reading.	Bring back Bylaw for Adoption. <i>After applicant provides restrictive covenant.</i>	Bruce Greig	In Progress
Regular Council - 08 May 2018	8.2	Lilly Woodbury & Laura Griffich-Chochrane, Surfrider Pacific Rim & Ucluelet Aquarium Re: Ban the Bag Campaign	THAT Council refer the City of Victoria's Plastic Bag Bylaw to staff for review and to report back to Council on what would be appropriate for Ucluelet.	Report back to Council	Mark Boysen Marlene Lagoa	In Progress <i>Meeting with Tofino and Surfrider Oct. 17</i>
Regular Council - 26 Jun 2018	12.7	Development Permit Amendment For DP17-06 (1672 Cedar Road) John Towgood, Planner 1	THAT Council approve recommendation 1 of report item, "Development Permit Amendment for DP17-06 (1672 Cedar Road)" which states: THAT Council approve the amendment of Development Permit DP17-06 to allow the changes to the building form as described in the staff report dated June 26, 2018.	Amend DP17-06.	John Towgood	In Progress
Regular Council - 25 Sep 2018	8.1.	Space for Primary Care Services Reply Ministry of Health	THAT Council invite Minister Adrian Dix and MLA Scott Fraser to visit and be made fully aware of the health centre being proposed for Ucluelet and the advantages being west coast community.	Draft Letter for Mayor.	Darcey Bouvier	Assigned



Meeting	Agenda Item #	Meeting Item Description	Resolution Text	Description	Staff Responsible	Follow-Up Status
Regular Council - 25 Sep 2018	8.2.	Interactive Science Tour for Students and Coastal Communities 2018 PromoScience Expedition	That Mayor and Council attend the 2018 PromoScience Expedition on October 21, 2018 if available.	Send invitations and RSVP.	Marlene Lagoa	Complete
Regular Council - 25 Sep 2018	8.3.	Request for Special Dispensation within the Ucluelet Cemetery April Gutensohn & Family	THAT Council approve a special dispensation for a boarder around the cremation plot for the late Paul Charles Gutensohn.	To communicate with April Gutensohn.	Lyvi Rivera	Assigned
Regular Council - 25 Sep 2018	9.5.	Let's Talk OPP: Legislative Amendment Discussion Paper Transport Canada	THAT Council direct Staff to refer information items, "Upcoming Meetings / Webinars - Proposed Amended Recovery Strategy for Northern and Southern Resident Killer Whales in Canada" and "Let's Talk OPP: Legislative Amendment Discussion Paper" to the October 9 Regular Council Meeting.	Add to October 9 Agenda.	Darcey Bouvier	Complete
Regular Council - 25 Sep 2018	9.5.	Let's Talk OPP: Legislative Amendment Discussion Paper Transport Canada	THAT Council direct staff to circulate information items "Upcoming Meetings / Webinars - Proposed Amended Recovery Strategy for Northern and Southern Resident Killer Whales in Canada" and "Let's Talk OPP: Legislative Amendment Discussion Paper" for information; and THAT Council members attend the October 4, 2018 meeting on the Recovery Strategy for Northern and Southern Killer Whales in Canada at the Black Rock Resort.	Send Council RSVP for October 4	Marlene Lagoa	Complete

Meeting	Agenda Item #	Meeting Item Description	Resolution Text	Description	Staff Responsible	Follow-Up Status
Regular Council - 25 Sep 2018	9.5.	Let's Talk OPP: Legislative Amendment Discussion Paper Transport Canada	THAT Council direct staff to circulate information items "Upcoming Meetings / Webinars - Proposed Amended Recovery Strategy for Northern and Southern Resident Killer Whales in Canada" and "Let's Talk OPP: Legislative Amendment Discussion Paper" for information; and THAT Council members attend the October 4, 2018 meeting on the Recovery Strategy for Northern and Southern Killer Whales in Canada at the Black Rock Resort.	Distribute Information.	Darcey Bouvier	Assigned
Regular Council - 25 Sep 2018	11.3.	Lease with Ucluelet & Area Historical Society Abigail Fortune, Director of Parks & Recreation	THAT Council approve recommendation 1 of report item, "Lease With Ucluelet & Area Historical Society", which states: THAT Council enter into a lease agreement with the Ucluelet and Area Historical Society that is similar to their original Provincial Lease #111228 – Block A District Lot 1507, Clayoquot Land District for approximately 2.4 hectares.	Prepare lease agreement for signature.	Abigail Fortune	Assigned
Regular Council - 25 Sep 2018	11.4.	CAO Performance Review Policy Mark Boysen, Chief Administrative Officer	THAT Council approve recommendation 1 of report item, "CAO Performance Review Policy" which states: THAT Council adopt the proposed CAO Performance Review Policy.	Print policy for signature.	Darcey Bouvier	Assigned

Meeting	Agenda Item #	Meeting Item Description	Resolution Text	Description	Staff Responsible	Follow-Up Status
Regular Council - 25 Sep 2018	11.5.	Ucluelet Economic Development Strategy Progress Report Mark Boysen, Chief Administrative Officer	THAT Council approve recommendation 1 & 2 of report item, "Ucluelet Economic Development Strategy Progress Report", which states: THAT Council receive this progress update on the Ucluelet Economic Development Strategy. THAT Council approve the use of allocated Economic Development funds to support the following projects: a. Ucluelet Economic Development Web Tools Project (\$10,000); and b. Affordable Housing Needs Assessment (\$20,000).	Commission a housing needs assessment.	Bruce Greig	Assigned
Regular Council - 25 Sep 2018	11.5.	Ucluelet Economic Development Strategy Progress Report Mark Boysen, Chief Administrative Officer	THAT Council approve recommendation 1 & 2 of report item, "Ucluelet Economic Development Strategy Progress Report", which states: THAT Council receive this progress update on the Ucluelet Economic Development Strategy. THAT Council approve the use of allocated Economic Development funds to support the following projects: a. Ucluelet Economic Development Web Tools Project (\$10,000); and b. Affordable Housing Needs Assessment (\$20,000).	Work with Chamber on Web Tools development project.	Mark Boysen	In Progress
Regular Council - 25 Sep 2018	11.6.	Grants In Aid Policy Report Barbara Millar, Manager of Finance	THAT Council refer the Grants in Aid Policy to the new Council post-election for their consideration and adoption.	Refer to the Nov. 13 Council Meeting.	Marlene Lagoa	Assigned
Regular Council - 25 Sep 2018	12.2.	BYLAW - District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1234, 2018	THAT District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1234, 2018 be adopted.	Process, sign, scan, file.	Darcey Bouvier	Assigned

Meeting	Agenda Item #	Meeting Item Description	Resolution Text	Description	Staff Responsible	Follow-Up Status
Regular Council - 25 Sep 2018	12.3.	REPORT - Permissive Tax Exemption Amendment Bylaw No. 1221, 2017 Barbara Millar, Manager of Finance	THAT Council approve recommendation 1 of legislation item, "Proposed Permissive Tax Exemption Amendment Bylaw No. 1237", which states: THAT Council give First, Second, and Third Reading to District of Ucluelet 2018-2022 Permissive Tax Exemption Bylaw Amendment Bylaw No. 1237, 2018.	Update Bylaw and forward to Oct. 9 Council Meeting.	Marlene Lagoa	Complete



## STAFF REPORT TO COUNCIL

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

**FROM:** ABIGAIL FORTUNE, DIRECTOR OF PARKS & RECREATION

**FILE NO:** 8100-20 HALLOWEEN HOWL

**SUBJECT:** HALLOWEEN HOWL ROAD CLOSURE & COMMUNITY INVITE

**REPORT NO:** 18-100

### **RECOMMENDATION(S):**

1. **THAT** Council authorizes the following road closures on Wednesday, October 31, 2018:
  - a. Matterson Road from 8:45 – 9:30 p.m. from Victoria Road to the corner of Matterson Road and Marine Drive; and
  - b. Marine Drive from 7:00 p.m. – 9:00 p.m. from Marine Drive and Matterson Drive to Rainforest Drive in front of the Ucluelet Community Centre; and
2. **THAT** Council attend the Halloween Howl Festivities and invite the community to join them.

### **PURPOSE:**

The purpose of this report is to allow the use of Matterson Drive and Marine Drive for the Halloween Howl festivities on Wednesday, October 31, 2018 and to encourage the community to attend.

### **BACKGROUND:**

Staff are requesting authorization from Council for the following road closures on Wednesday, October 31, 2018:

1. Matterson Road from 8:45 – 9:30 p.m. from Victoria Road to the corner of Matterson Road and Marine Drive for the use of fireworks.
2. Marine Drive from 7:00 p.m. – 9:00 p.m. from Marine Drive and Matterson Drive to Rainforest Drive in front of the Ucluelet Community Centre for a supervised bonfire.

The Ucluelet Parks & Recreation Department will post this information in the appropriate media outlets as well as inform emergency services of the road closure.

### **FINANCIAL IMPACTS:**

This special event is included in the Five-Year Financial Plan 2018 – 2022.

**Respectfully submitted:** Abigail Fortune, Director of Parks & Recreation  
Mark Boysen, Chief Administrative Officer





## STAFF REPORT TO COUNCIL

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

**FROM:** MARK BOYSEN, CHIEF ADMINISTRATIVE OFFICER

**FILE NO:** 0550-20

**SUBJECT:** ASSET MANAGEMENT PROGRAM UPDATE

**REPORT NO:** 18-101

**ATTACHMENT(S):** APPENDIX A – ASSET MANAGEMENT PROGRAM UPDATE PRESENTATION

### **RECOMMENDATION(S):**

1. **THAT** Council receive for information the District of Ucluelet's Asset Management Program Update report.

### **PURPOSE:**

The purpose of this report is to provide Council with a status update on the implementation of the District's new asset management program.

### **BACKGROUND:**

On December 12, 2017, Council approved a funding submission to the Federation of Canadian Municipalities' Municipal Asset Management Program (MAMP). On February 9, 2018, staff received confirmation that the funding was approved, and the procurement process resulted in selection of the CityWide Software from Public Sector Digest. The project included the following deliverables:

1. Implementation of the Asset Manager Software Module, Capital Planning and Analysis Software Module, and a Work Order Management Software Tool.
2. Data Review/Migration and Implementation.
3. Asset Management Training Workshops on Asset Management Systems.

The implementation of the project consisted of 4 phases:

1. Project initiation (February)
2. Analysis (March-Sept)
3. Configuration (March-Sept)
4. Training and Go-Live (October)

The full project implementation is on schedule for completion to meeting the MAMP funding requirement of November 1, 2018. The attached presentation provides an overview of the implementation and demonstrates to Council some of the tools that staff are now using.

A fully functioning asset management systems takes time to develop, but this project now has started the District towards improved management and monitoring of its assets. Moving forward, this will result in better management of District assets and informed decision making for Council.

**FINANCIAL IMPLICATIONS:**

The total cost of the project was \$59,450 and 80% (\$47,560) is funded by the MAMP Program. No financial requests are anticipated for 2019.

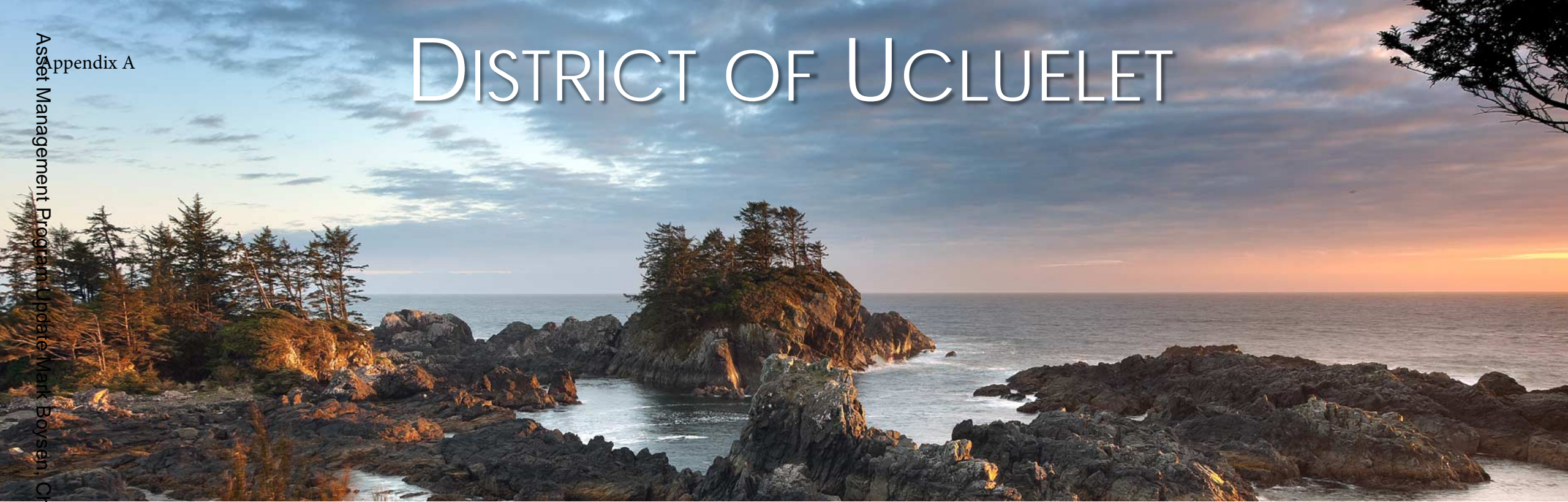
**OPTIONS REVIEW:**

1. **THAT** Council receives for information the District of Ucluelet's Asset Management Program Update report. **(Recommended)**
2. **THAT** Council provide alternative direction to staff.

**Respectfully submitted:** Mark Boysen, Chief Administrative Officer



# DISTRICT OF UCLUELET



## ASSET MANAGEMENT PROGRAM UPDATE

OCTOBER 9, 2018



# 2018 FCM GRANT FUNDING

ASSET MANAGEMENT SOFTWARE AND PROGRAM IMPLEMENTATION

\$59,450 PROJECT COST, 80% FUNDED BY THE FCM MAMP

CLIMATE ACTION PROGRAM FUNDING

\$26,000 OF CONSULTANT FUNDING, FUNDED BY FCM



# AM Benefits

- Customer Service Delivery
- Efficiency & Communication
- Reporting and Funding Opportunities
- Long-term decision making
- Financial Planning and Optimization
- Operational Work & Budget Planning
- Audit & Regulatory Compliance Requirements



1. Know your asset inventory
2. Get the right people involved
3. Set realistic expectations



# CityWide Works



Work Orders



Preventative Maintenance



Mobile App



Resource Costing



Service Requests

- ✓ Easy to Use
- ✓ Configurable Architecture
- ✓ Workflow Process Control
- ✓ GIS Centric
- ✓ Asset Centric



Reporting



# WORKS IMPLEMENTATION APPROACH

## 1. Project Initiation February

### Deliverables:

- Project Kick-off Meeting
- Client website created
- Blank Works templates sent
- Project Plan developed

### Milestones:

- Project Plan Approved

## 2. Analysis March-Sept

### Deliverables:

- Client data templates received
- All data formatted and uploaded
- Admin Training

### Milestones:

- Admin users are trained & comfortable

## 3. Configuration March-Sept

### Deliverables:

- Testing Schedule
- Testing plan
- Activity/Issue Register

### Milestones:

- User acceptance testing complete and signed-off

## 4. Training and Go-Live October

### Deliverables:

- End User Training/Plan
- Go Live
- Client Transition to Support Instructions

### Milestones:

- Implementation complete & client transitioned to PSD Support

Asset Management Program Update Mark Boyesen Chief Administrative Office...

Solutions



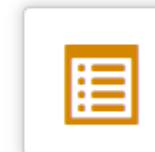
Service Requests



Work Orders



PM Events



Assets

Overview



Schedule



Daily



Timesheets



GIS

Manage



Work Flow



Resources



Preferences



Upload Centre

Asset Management Program Update Mark Boyesen Chief Administrative Office

File:

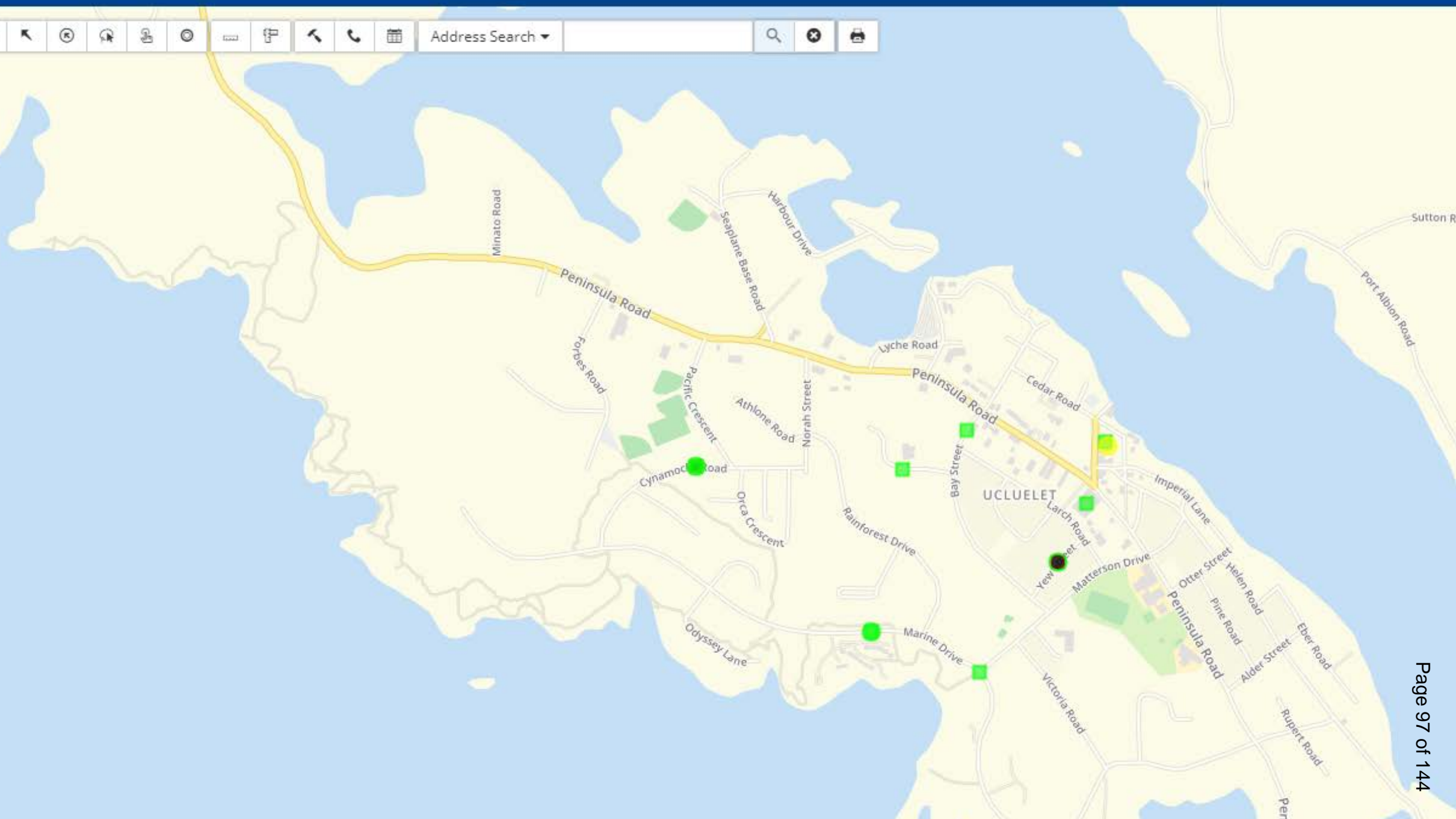
Showing 29 records (50 total)

ID	Department	Service Request Type	Priority	Service Request Status	Work Orders	Work Order Statuses	Issue Address/Location	Created Date	Created By	Last Modified By	Customer Name
SR-005	Parks	General - Parks	Low	Approved	WO-0012	Completed	842 Marine Drive	2018-09-24 10:39:41	supportcw	supportcw	Christie test customer
SR-005	Public Works	Streetlights	Low	Approved	WO-0014	Not Started	847 Marine Drive, Alberni...	2018-09-21 13:20:25	rlindsay (Richard Lindsay)	slang (Steve Lang)	[REDACTED]
SR-004	Planning	General - Buildings Inspe...	Low	Open			1388 Pine Rd	2018-09-20 10:46:29	rlindsay (Richard Lindsay)		Darcey Bouvier
SR-004	Public Works	Wildlife	High	Dismissed			Cynamocka Road, Alberni...	2018-09-20 10:40:07	rlindsay (Richard Lindsay)	rlindsay (Richard Lindsay)	Darcey Bouvier
SR-004	Parks	Parks & Trails Inquiry	Low	Closed			200 MAIN	2018-09-20 10:15:59	supportcw		BETTY DOE
SR-004	Parks	General - Parks	Low	Closed			842 Marine Drive	2018-09-20 09:56:06	supportcw	supportcw	Christie test customer
SR-004	Parks	Parks & Trails Inquiry	Low	Closed	WO-0015	Completed	842 Marine Drive	2018-09-20 09:52:30	supportcw	supportcw	Christie test customer
SR-004	Parks	Parks & Trails Inquiry	Low	Open			842 Marine Drive	2018-09-20 09:50:10	supportcw	supportcw	Christie test customer
SR-004	Parks	Parks Inquiry	Low	Open			St Jacques Boulevard, Alb...	2018-09-20 09:45:50	supportcw		Christie test customer
SR-004	Finance	Meters	Low	Open			842 Marine Drive	2018-09-20 08:39:46	supportcw		Christie test customer
SR-004	Public Works	Other - Public Works	Low	Open			1595 Bay Street Ucluelet	2018-09-18 15:32:15	dbouvier (Darcey Bouvier)	slang (Steve Lang)	[REDACTED]
SR-004	Public Works	Roads	Critical	Closed	WO-0010	Completed	Yew Street, Alberni-Clayo...	2018-09-18 09:57:39	supportcw	supportcw	Jane Doe
SR-003	Planning	General By-Law Inquiry	Low	Open			285 Boardwalk	2018-07-25 10:49:12	bashton (Brent Ashton)	bashton (Brent Ashton)	[REDACTED]
SR-003	Planning	General By-Law Inquiry	Low	Open			229 Boardwalk Blvd	2018-06-04 21:26:24	bashton (Brent Ashton)	bashton (Brent Ashton)	[REDACTED]
SR-003	Planning	General By-Law Inquiry	Low	Open			1937 Cynamocka	2018-05-24 09:50:39	bashton (Brent Ashton)	bashton (Brent Ashton)	
SR-003	Planning	General By-Law Inquiry	Low	Open			206 Marine Dr.	2018-05-10 10:39:05	bashton (Brent Ashton)	bashton (Brent Ashton)	
SR-003	Parks	General - Parks	Low	Open			Sea Plane Base Rec Hall - ...	2018-05-10 10:27:16	bashton (Brent Ashton)	bashton (Brent Ashton)	
SR-003	Parks	General - Parks	Low	Open			UCC - 500 Matterson Dr.	2018-05-10 10:21:16	bashton (Brent Ashton)	slang (Steve Lang)	
SR-003	Public Works	Roads	Low	Open			982 Peninsula Rd	2018-05-07 15:33:09	bashton (Brent Ashton)	slang (Steve Lang)	[REDACTED]
SR-002	Planning	General By-Law Inquiry	Low	Open			WPT - Artists Loop	2018-04-27 16:11:32	bashton (Brent Ashton)		[REDACTED]
SR-002	Planning	General By-Law Inquiry	Low	Open			Brown's Beach	2018-04-25 12:36:48	bashton (Brent Ashton)	bashton (Brent Ashton)	
SR-001	Planning	General By-Law Inquiry	Low	Open			Big Beach	2018-04-25 12:33:34	bashton (Brent Ashton)		
SR-001	Parks	General - Parks	Low	Open			little league fields	2018-04-24 09:00:28	slang (Steve Lang)	slang (Steve Lang)	
SR-001	Parks	Parks Inquiry	Low	Open				2018-04-24 08:13:35	wcannon (Warren Cannon)		
SR-001	Planning	General By-Law Inquiry	Medium	Open			260 Sea Plane Base Rd	2018-04-20 16:12:42	bashton (Brent Ashton)		[REDACTED]
SR-000	Parks	Garbage	Low	Open			Marine Drive, Alberni-Cla...	2018-04-20 10:54:18	mlagoa (Marlene Lagoa)		Jane Doe
SR-000	Public Works	Streetlights	Low	Open			Marine Drive, Alberni-Cla...	2018-04-20 10:32:39	mlagoa (Marlene Lagoa)		John Doe
SR-0003	Parks	Garbage	Low	Open			Tofino-Ucluelet Highway, ...	2018-04-17 14:21:45	supportcw		
SR-0002	Parks	General - Parks	Low	Open			1580 Peninsula Road, Alb...	2018-04-17 14:01:54	supportcw	supportcw	Christie test customer





Map navigation toolbar with icons for zoom, pan, and search. Includes an "Address Search" input field.



# QUESTIONS





## STAFF REPORT TO COUNCIL

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

**FROM:** JOHN TOWGOOD, PLANNER 1

**FILE No:** 3060-20-DP18-09 **FOLIO No:** 061.109

**SUBJECT:** DEVELOPMENT PERMIT; 239 BOARDWALK BOULEVARD

**REPORT:** 18 - 102

**ATTACHMENT(S):** APPENDIX A – DEVELOPMENT PERMIT DP18-09  
APPENDIX B – APPLICATION

### RECOMMENDATION(S):

1. **THAT** Council approve Development Permit DP18-09 for the construction of 21 Resort Condo units with an accessory basement storage unit on the property at 239 Boardwalk Boulevard: Lot 8 and Lot 9, Section 21, Clayoquot District Plan, VIP66186.

### PURPOSE:

To provide Council with information on a proposed Development Permit (“DP”) for the property at 239 Boardwalk Boulevard: Lot 8 and Lot 9, Section 21, Clayoquot District Plan, VIP66186, PID 023-023-956-721 and 023-956-739 (the “**Subject Property**”).

### BACKGROUND:

An application has been received for a Development Permit for the subject property. This undeveloped waterfront property is located on Spring Cove and was part of the year 2000 “Reef Point” development: (**Figure 1**).



Figure 1 – Site Plan



Figure 2 – Existing Streetscape

The subject property is currently two separate lots, lot 8 and lot 9, the applicant is in the process of consolidating these two lots into one. This consolidation should be complete prior to the building permit application for the proposal. The property was extensively cleared of all vegetation prior to the applicant’s purchase of the properties except for strip of approximately 12 meters along the waterfront. The subject property has a section 219 covenant in place to preserve 15 meters of the foreshore trees and vegetation. This covenant has an allowance for a public pedestrian boardwalk/trail. The subject property also has a Statutory Right of Way (SRW) for this boardwalk/trail that will form part of phase 2 of the spring cove trail element (Figure 3) of the larger Safe Harbour Trail system (“the public trail”) as indicated in the 2011 OCP Development Permit Area #3 guidelines, and in the new draft Official Community Plan.



Figure 3 – Phase 2 Safe Harbour Trail sketch

Although the public trail is not part of this permit, how the public trail will interact with this proposal is an important consideration.

The applicant has indicated a deck/raised boardwalk (“the private deck”) off the back of the northern 4 units (**Figure 4**) which would encroach into 15m greenspace covenant area.

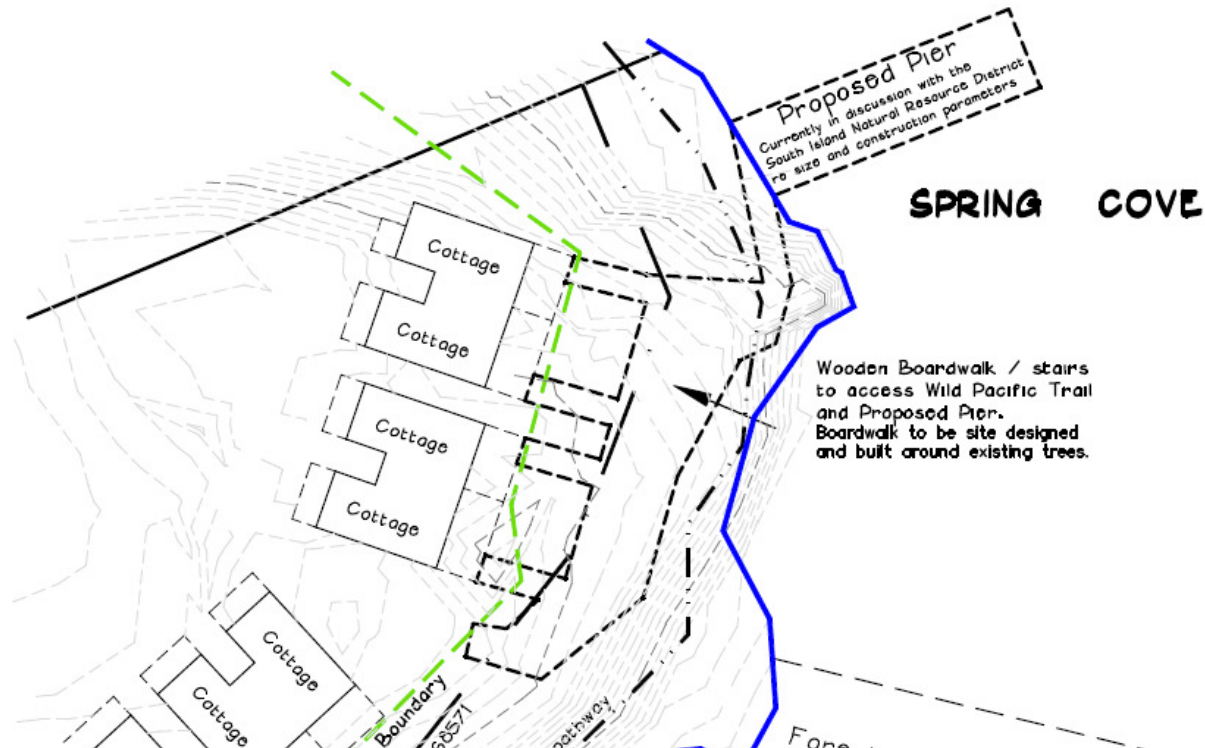


Figure 4 – Deck/Boardwalk encroachment into the covenanted area

This private deck will provide access to a proposed pier and be a viewing platform for the other units on the site. This private deck is proposed to be built around the existing trees to minimize any disturbance of the ground, existing vegetation and root zones. The 219 covenant in place has very clear language for the allowance for the public trail, and anticipates that private properties will have their own private pedestrian connections to the trail. A wider private deck/viewing platform feature for the property’s guests (not intended for public access) is beyond what was contemplated within the greenspace 219 covenant. To enable the private deck to be constructed, the applicant will need approval of the requested DP and, as laid out in the covenant, obtain approval from the Department of Fisheries and Oceans Canada. The following aspects lend support to this proposal:

- The applicant has worked with Staff and the Wild Pacific Trail Society to locate the preliminary alignment of the Safe Harbour Trail route in unison with the applicants proposed private deck and access stairs, to allow for an appropriate and comfortable intersection.
- The deck height will be substantially above the public trail, providing vertical separation between the public and private features.
- The applicant has a current water lease which they can expect to access (Note that the applicant has applied to the province to move this lease to the new location as indicated on the site plan). The proposal would focus foot traffic on clear, established paths and minimize impact elsewhere along the shoreline.
- The area of the deck has, for the most part, been previously cleared.

- The applicant has stated the deck will avoid impacting the existing trees and other vegetation.
- The setting offers all guests of the proposed development a connection to the public trail, and views to the water.

### DISCUSSION:

The proposed Development Permit application is assessed on:

- The Official Community Plan's (the "OCP") Reef Point designation policies;
  - Protection of the natural environment, its ecosystems and biological diversity;
  - Protection of development from hazardous conditions; and
  - Establishment of objectives for the form and character of development in the resort region;
- Zoning Bylaw requirements;
- Fire Department review;

#### OCP, Protection of the natural environment, its ecosystems and biological diversity

The building area (not the 12m waterfront front strip) of this lot has been extensively cleared of all organics and contains no significant environmental features. The applicant has indicated in their landscape plan that any existing vegetation will be protected and preserved, and that the site will be replanted in native species in keeping with OCP guidelines. The general development permit guidelines indicate that an "Environmental Impact Assessment" shall be required for all properties greater than 2 hectares in size to evaluate the impacts of a proposed development on the natural environment. The subject property area (the combined area of both lot 8 and 9) is 0.55 HA. Considering that the property area is less than the 2HA threshold, the extent that the lot has been previously cleared, and that the applicant is proposing to enhance the site's landscape with the planting of native species in keeping with OCP guidelines, staff have not required an Environmental Impact Assessment and consider this application to be consistent with the OCP guidelines.

#### OCP, Protection of development from hazardous conditions

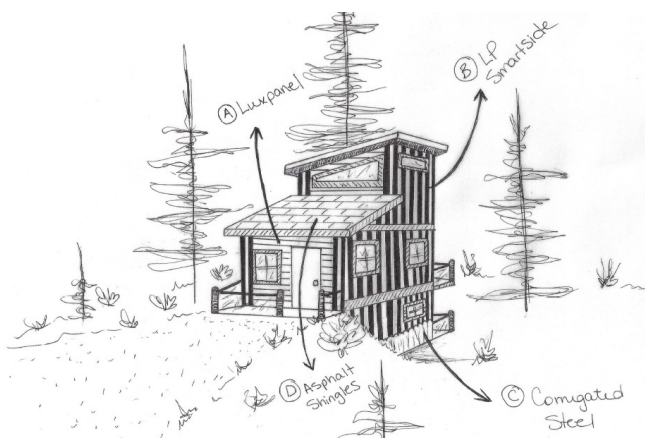
The building elements of this development are sited on the upper bench of the site at a minimum of 15m from the foreshore and 10m above high tide. The applicant has completed a geotechnical assessment for the subject property that concludes the land is safe for the intended use described in this proposal. This geotechnical report also states that once building plans and elevations have been finalized further geotechnical work should be done to determine if a Flood Construction Level would be required, specifically for those buildings within the southeastern quadrant of lot 8.

#### OCP, Establishment of objectives for the form and character of development in the resort region

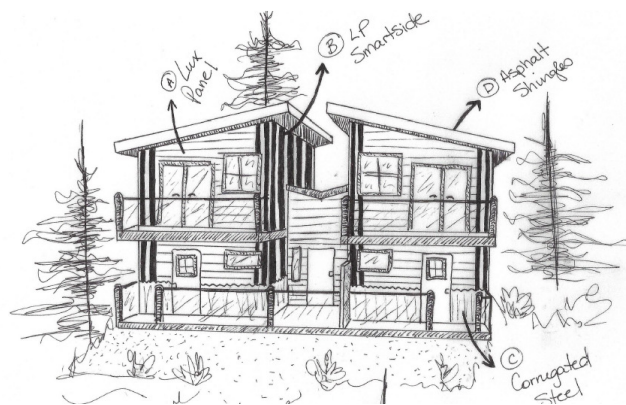
The Reef Point Development Permit Area is intended for tourist commercial development. Reef Point's natural beauty and rich ecological qualities add significant potential value to Ucluelet, its residents, and future generations in enhancing the character of the area. It is these qualities - beautiful, natural, and wild - which residents and people from afar come to experience. The immediacy of the ocean, the marine environment and the presence of significant stands of forest, including old-growth are primary character-giving qualities of this area.

This application is proposing 21 resort condo unit in the following configurations:

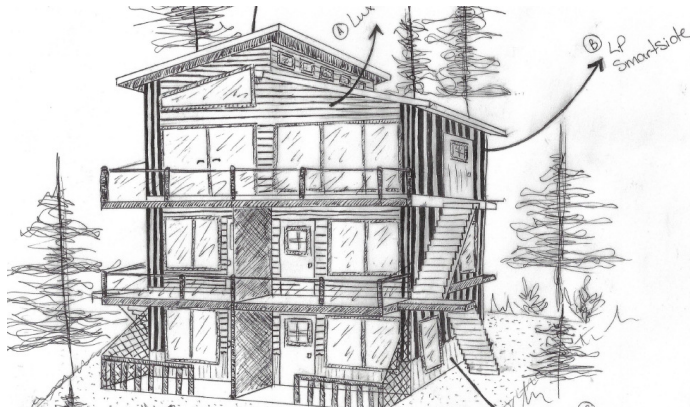
- Five standalone resort condo cottages at: 89sqm (958sqft) per unit.



- Six semi-detached resort condo buildings at: 85.5sqm (920sqft) per unit.



- Two 5-plex resort condo buildings consisting of: four 39sqm (420sqft) units and one 78sqm (840sqm) unit per building.



The buildings are similarly clad in a mixture siding type that mimic wood and in corrugated metal. The building will have cedar accents and glass railings. The buildings are proposed to have low slope opposing shed roofs and could be considered a contemporary west coast design.

The site is laid out with the smaller cabins on the water, the larger 5-plexes further back with a central access road and parking lot (**Figure 5**).



Figure 5 – Site Plan

The 6m wide gravel access road will have a 3m paved skirt connecting to Boardwalk Boulevard. The parking areas will be compacted gravel. A total of 24 on-site parking spaces are shown, including two with access to electric vehicle charging. Garbage and recycling will be collected off Boardwalk Boulevard from a separate bin in a cedar enclosure.

The previously cleared areas of the site will be landscaped with a mixture of western red cedar, California wax myrtle, rhododendron and juniper with emphasis to screening along property lines.

### **FIRE DEPARTMENT REVIEW**

The Ucluelet Fire Department has reviewed the proposal and given the following comments:

6 |



- Street numbers visible at the entrance of the driveway,
- Building numbers visible from the parking lot,
- A fire hydrant located at the end of the parking lot near the transition of the parking lot and the pedestrian pathway as indicated on your site map.

The applicant has stated that the above comments will be addressed and that a fire hydrant will be supplied to the furthest extent of the parking lot on the water side.

#### **ZONING BYLAW REQUIREMENTS:**

The Property is in the Tourist Commercial CS-5 zone. This zone is intended to provide for tourist commercial accommodations and other related recreational and primarily tourist commercial uses outside the District's Village Square and its residential areas. The application proposes the primary use of "CS-5 1.1. (1) (c) Resort Condo" use with "Resort Condo" defined as:

*"Resort Condo" means a building, or group of buildings, providing two or more separate dwelling units, for commercial tourist accommodation use only, without the accessory uses commonly associated with or specifically permitted with hotels or motels. The building(s) must be on the same lot or within the strata plan, except for the parcels within the CS-5 Zone along Peninsula Road, as illustrated below ("Reef Point"), in which case there may be only one unit per lot:*

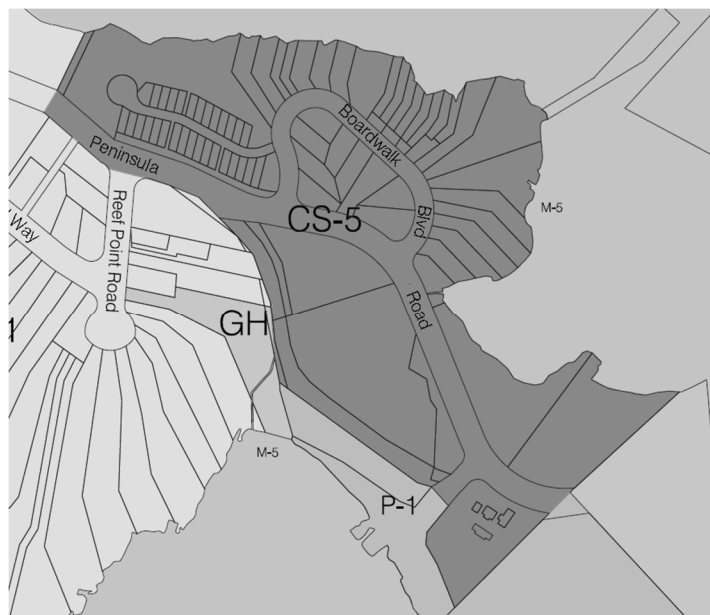


Figure 6 - Site Zoning

Although the supplied drawings are not fully dimensioned, it appears from the information supplied that the development meets all zoning requirements. Further review and confirmation of zoning compliance will be done at the building permit stage when the more detailed drawings are submitted.

#### **TIME REQUIREMENTS – STAFF & ELECTED OFFICIALS:**

Staff time will be required to monitor and review the progress of this application.

**FINANCIAL IMPACTS:**

Development Cost Charges will be charged for the resort condo by a per unit basis, and a building permit fee will be charged based on construction value. The value of the property will increase with the proposed improvements, increasing the municipal tax base. Water and sewer fees will be collected based on metered usage. These additional revenues are expected to offset the incremental increase in municipal services and infrastructure.

**POLICY OR LEGISLATIVE IMPACTS:**

The Reef Point / Terrace Beach / Spring Cove area is known to have high archeological value. The original development of the area in 2000 included an extensive archeological review. From that report, archeological sites were identified and mapped out, and development lots were created around those sites, or covenants were positioned on title to regulate how those lots can develop. The Subject Property was not identified as having an archeological site and it does not have an archeological covenant on title directly relating to the subject property.

**SUMMARY:**

This proposal conforms to the Reef Point Development Permit area tourist commercial vision and is consistent with OCP guidelines.

**OPTIONS REVIEW:**

1. That Council approve Development Permit DP18-09 for the construction of 21 Resort Condo units with an accessory basement storage unit on the property at 239 Boardwalk Boulevard: Lot 8 and Lot 9, Section 21, Clayoquot District Plan, VIP66186. (**Recommended option**)
2. That Council defer consideration pending receipt of further information to be identified.
3. That Council refuse the permit application, citing the specific OCP guidelines Council considers the proposal does not meet.

Staff recommend Option 1 as the proposed development meets the intent of the Reef Point Development Permit Area Guidelines.

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



## DEVELOPMENT PERMIT DP18-09

Pursuant to Part 14, Division 7 of the Local Government Act, R.S.B.C 2015 C.1 as amended:

1. This Development Permit is issued to:

1150452 BC LTD, INC NO BC1150452  
 6751 MANG ROAD  
 RICHMOND, BC  
 V7C 2Y1

2. This Development Permit applies to and only to those lands within the District of Ucluelet described below and all buildings, structures, and other development thereon:

239 Boardwalk Boulevard (Lot 8 and Lot 9, Section 21, Clayoquot District Plan, VIP66186)

3. This Development Permit is issued subject to compliance with all bylaws of the District of Ucluelet.

4. This Permit authorizes the construction of the following improvements on the Lands:

- a. 21 Family Resort Condo Units.
- b. Driveway and parking area.
- c. Landscaping and planting enhancements of retained vegetation areas.

These improvements apply only in the locations indicated, and otherwise in accordance with, the drawings attached to this Permit as **Schedule A**.

5. This permit is issued subject to the following conditions:

- a. Prior to obtaining a building permit the Owner shall submit a final detailed landscape plan showing the number, type and location of new plant material to complete the screening and enhanced landscape buffers in the general locations shown on the plans attached in Schedule A, for review and approval by the Manager of Community Planning. The additional planting shall be installed and maintained prior to occupancy of any of the buildings shown on the site plan. The detailed landscape plan is also to show the location of temporary protective fencing for all trees shown to be retained during construction.
- b. Temporary protective fencing is to be erected prior to issuance of a building permit or the commencement of any site clearing or grading activities;
- c. No material storage or staging is to occur in any tree protection area; and,
- d. Prior to issuance of a building permit for the proposed private deck, the owner shall be responsible for obtaining approval from the Department of Fisheries and Oceans Canada with respect to covenant EL10358.

6. The work authorized by this Permit may only be carried out in compliance with all federal, provincial, and municipal statutes, regulations, and bylaws.



- 7. Notice shall be filed in the Land Title Office under Section 503 of the Local Government Act, and upon such filing, the terms of this Permit or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
- 8. This Permit is NOT a Building Permit.
- 9. **Schedules "A"** attached hereto shall form part of this Permit. The Municipality's Chief Administrative Officer is hereby authorized to approve minor amendments to the plans provided that such amendments are consistent with the overall character and intent of the original plans.

**AUTHORIZING RESOLUTION** passed by the Municipal Council on the      day of      , 2018.

**IN WITNESS WHEREOF** this Development Permit is hereby executed and issued by the Municipality the      day of      , 2018.

**THE DISTRICT OF UCLUELET**  
by its authorized signatories:

\_\_\_\_\_  
Dianne St. Jacques – Mayor

\_\_\_\_\_  
Mark Boysen – Corporate Officer

**OWNER**  
by its authorized signatory

\_\_\_\_\_  
Owner, by its authorized signatory

**ISSUED** the      day of      , 2018.

\_\_\_\_\_  
Bruce Greig - Manager of Planning



## Schedule A

# Development Application

Planning Department  
200 Main Street, Ucluelet, BC  
VOR 3A0, PO. Box 999  
tel 250-726-4770 fax 250 726 7335

## Type of Application

An application is submitted for one or more of the following:

- |   |  |
|---|--|
| <input type="checkbox"/> Official Community Plan Amendment            | <input type="checkbox"/> Development Variance Permit |
| <input type="checkbox"/> Zoning Bylaw Amendment                       | <input type="checkbox"/> Temporary Use Permit        |
| <input checked="" type="checkbox"/> Development Permit (no variances) | <input type="checkbox"/> Board of Variance           |
| <input type="checkbox"/> Development Permit (with variances)          | <input type="checkbox"/> Strata Conversion           |
| <input type="checkbox"/> Development Permit Amendment                 | <input type="checkbox"/> Subdivision                 |

## Description of Property

Civic Address (es): Lots 8 and 9, Boardwalk Boulevard, Ucluelet, BC

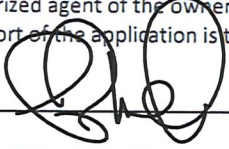
Legal Description: Lot 8 & 9 Plan VIP66186 Block \_\_\_\_\_ Section 21 DL 09

## Applicant Information

Notice of Disclosure to Applicant(s): The following contact information will be available to the public and may be posted on the Districts' website to allow interested parties to contact you about this application.

Applicant name: Cliff McCool Company name: \_\_\_\_\_  
Mailing address: PO Box 537, Ucluelet, BC Postal Code: VOR 3A0  
Tel : \_\_\_\_\_ Cell : 250-726-2268  
Email : cliff.mccool@gmail.com Fax : 1--866-421-2047

The undersigned owner/authorized agent of the owner makes an application as specified herein, and declares that the information submitted in support of the application is true and correct in all respects.

Applicant Signature:  Date: August 8, 2018

## Registered Owner(s)

List all registered owners. For strata properties, provide accompanying authorization from all strata owners (not just strata corp.). If the owner is an incorporated company/society, attach a current corporate/society search or "notice of directors".

Registered Owner (s) name: 1150452 BC Ltd  
Mailing address: #700-401 W Georgia Street, Vancouver, BC Postal Code: V6B 5A1  
Tel : \_\_\_\_\_ Cell : 778-239-9205  
Email : haskounis@gmail.com Fax : 604-648-8483

Freedom of Information and Protection of Privacy Act (FOIPPA): Personal information is collected, used and disclosed under the authority of the Local Government Act, and section 26 (c) of the FOIPPA. The information will be used for the purpose of processing this application.

Owner Signature:  Date: August 8, 2018

## Office Use Only:

Folio No.: <u>061 108</u>	File No.: <u>DP18-09</u>	Date: <u>AUGUST 10</u>	Receipt No.: <u>01-61979</u>	Fee: <u>\$1,000</u>
------------------------------	-----------------------------	---------------------------	---------------------------------	------------------------

August 9, 2018

**Cliff McCool, RI**  
PO Box 537  
Ucluelet, BC  
V0R 3A0  
cliffmccool@gmail.com  
250.726.2268

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

Attention: **Mr. Bruce Greig**  
Planning Department

**RE: Development Permit Application Lots 8 and 9, Boardwalk Boulevard**

Please find attached our application and supporting documentation for a Development Permit on Lots 8 and 9, Plan VIP66186, Section 21, Clayoquot District – **REEF POINT LANDING**

**BACKGROUND**

Owner: 1150452 BC Ltd.

OCP designation: This site lies within the Reef Point Development Permit Area.

Current Zoning – CS5

Parcel Area: 0.546ha

Site Description: The application area is a cleared rock knoll that rises from Peninsula Road and then slopes downward towards Spring Cove. The property was clear cut several years ago with just the 15 metre setback from Spring Cove remaining intact with original vegetation.

Surrounding Uses: The site is surrounded by properties within the District of Ucluelet's CS5, Tourist Commercial zone although some properties are not operated within the strict definition of that zone.

**PROPOSAL**

The proposal for this property is a 21 unit Resort Condominium development with one additional basement storage unit.

Parking = 24 stalls with several to be constructed as tandem spaces. Two of the spaces will be EV Charging stations.

Total area of site = 0.546ha

Total area of covenanted greenspace = 0.202ha

Lot Coverage = 20% - CS5 zone permits 40%.

Floor Area Ration = 0.29 - CS5 zone permits 0.70.

Setbacks shown all meet the CS5 zone and no variances are required.

## THE DETAILS

A geotechnical report to determine building parameters and a Flood Control Level has been prepared by Lewkowich Engineering – a copy attached for your convenience.

This proposal is for 5 standalone cottages of 89 sq.m each, 6 semi-detached cottages of 85.5 sq.m each and two 5-plex buildings of 39 sq.m. per unit with a top unit of 78 sq.m. – one 5-plex with a basement for storage.

A west coast contemporary design style is proposed which will continue the theme of another project in the neighbourhood as well as helping to reduce massing.

Contemporary building materials are also proposed. The Lux Panel is a steel panel with an extremely realistic wood look which will maintain the “look” that we want while offering far superior fire protection.

With the exception of a 3 metre wide asphalt apron at the entrance to the property, all driveway, parking and pathway construction will utilize blasted rock created on-site and will be topped with a suitably sized “shot rock” to ensure superior drainage, superior compaction and an aesthetically pleasing finished surface.

Existing topography of the site results in fully 96% of the storm waters currently draining uncontrolled into Spring Cove. Due to the grades on this site, it is impossible to completely eliminate this but the proposed grading of the development results in only 85% of the site draining directly to Spring Cove. Furthermore, the blasting required for services and road construction, combined with the porous nature of the road construction materials, will result in water being disbursed into the ground and recharging the ground water instead of travelling over the current impervious bedrock into Spring Cove.

The existing foreshore lease, DL 2157, is problematic and the decision has been made to abandon it. The extreme length combined with the fact that dredging would be required before a float could be installed make the project untenable.

We are currently in negotiation with the South Island Natural Resource District to replace DL 2157 with a much shorter pier without a float. This pier would give access to the water for SUPs and kayaks. As this pier would be for the use of guests staying at Reef Point Landing, no additional parking has been allocated.

As shown on the attached plans, the developer wishes to build a large boardwalk on the upland portion of the property. This boardwalk would connect several cottages with the noted upland viewpoints and provide access to the proposed pier, Wild Pacific Trail and foreshore. Site meetings have been held with District staff and a Wild Pacific Trail representative to discuss the “intersection” of the proposed boardwalk and future location of the Wild Pacific Trail. All parties agreed that the plans are workable.

Although danger trees may be removed from the 15 metre covenant area, no trees will be removed for the construction of the proposed boardwalk and it will, in fact, be constructed around the existing trees. It should also be noted that this use is permitted by the Fisheries covenant registered on title (document EL010358).

### Landscaping

With the exception of the 15m buffer paralleling Spring Cove, the entire site was clear cut several years ago. The Wild Pacific Trail and this development’s boardwalk are to be built within this buffer, but construction procedures for both will be very mindful of the environment.



A mixture of Western Red Cedar, California Wax-myrtle, Rhododendron and Juniper will be replanted throughout the development on the previously cleared areas. Particular emphasis will be paid to screening along the property lines.

In support of this application, please find attached:

- Development Permit application duly signed
- Plan showing development site in context with adjoining properties.
- Plan showing terrain analysis
- Site plan showing proposed development
- Landscape plan
- Conceptual architectural renderings of proposed buildings
- Colour board showing exterior materials/colours for buildings
- Geotechnical report

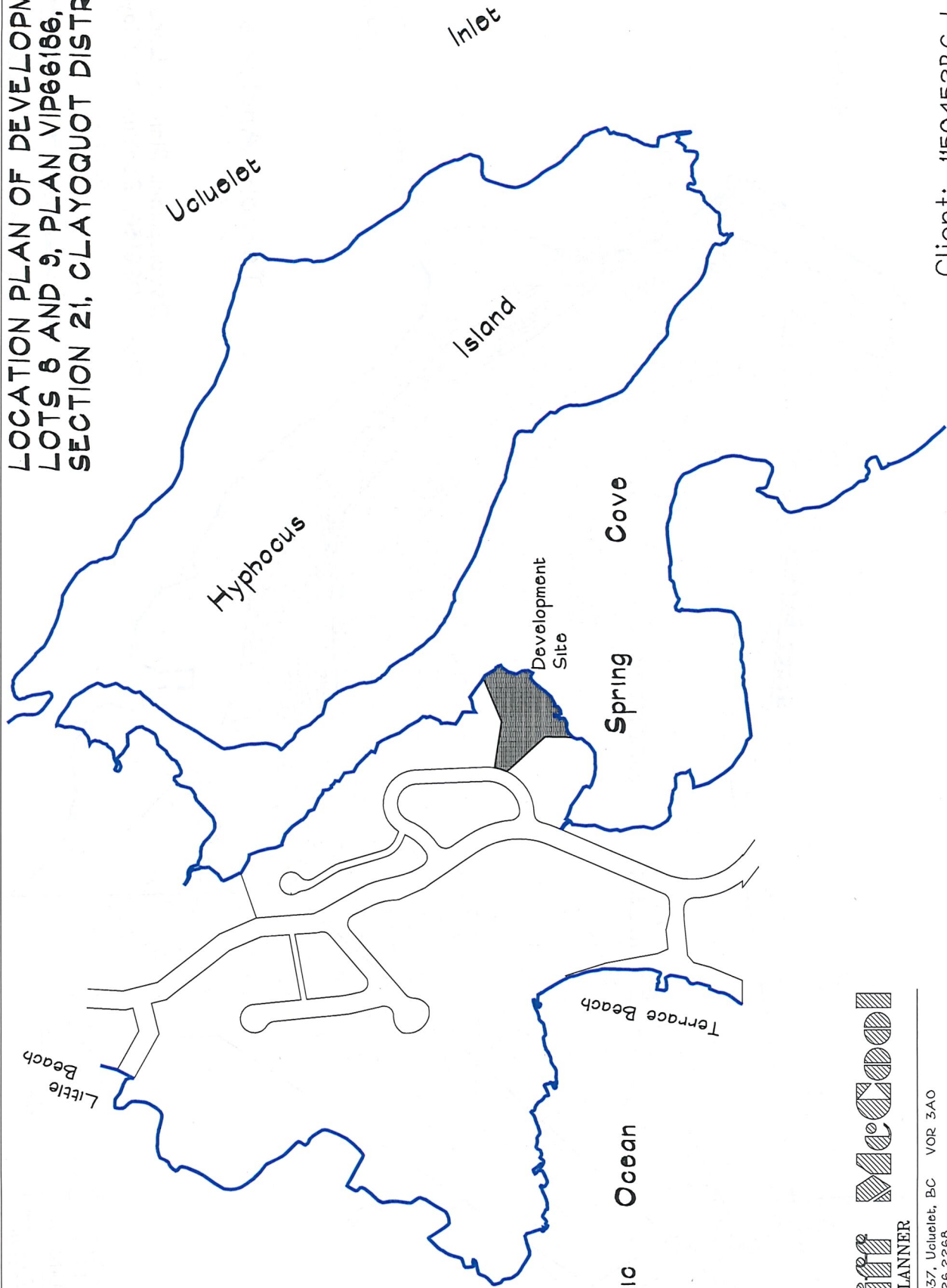
I trust the above is in order but should you have any questions or concerns, please don't hesitate to call the undersigned at your convenience.

Respectfully submitted:



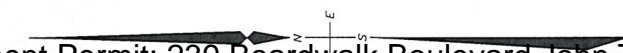
Cliff McCool, RI

LOCATION PLAN OF DEVELOPMENT OF  
LOTS 8 AND 9, PLAN VIP66186,  
SECTION 21, CLAYOQUOT DISTRICT.

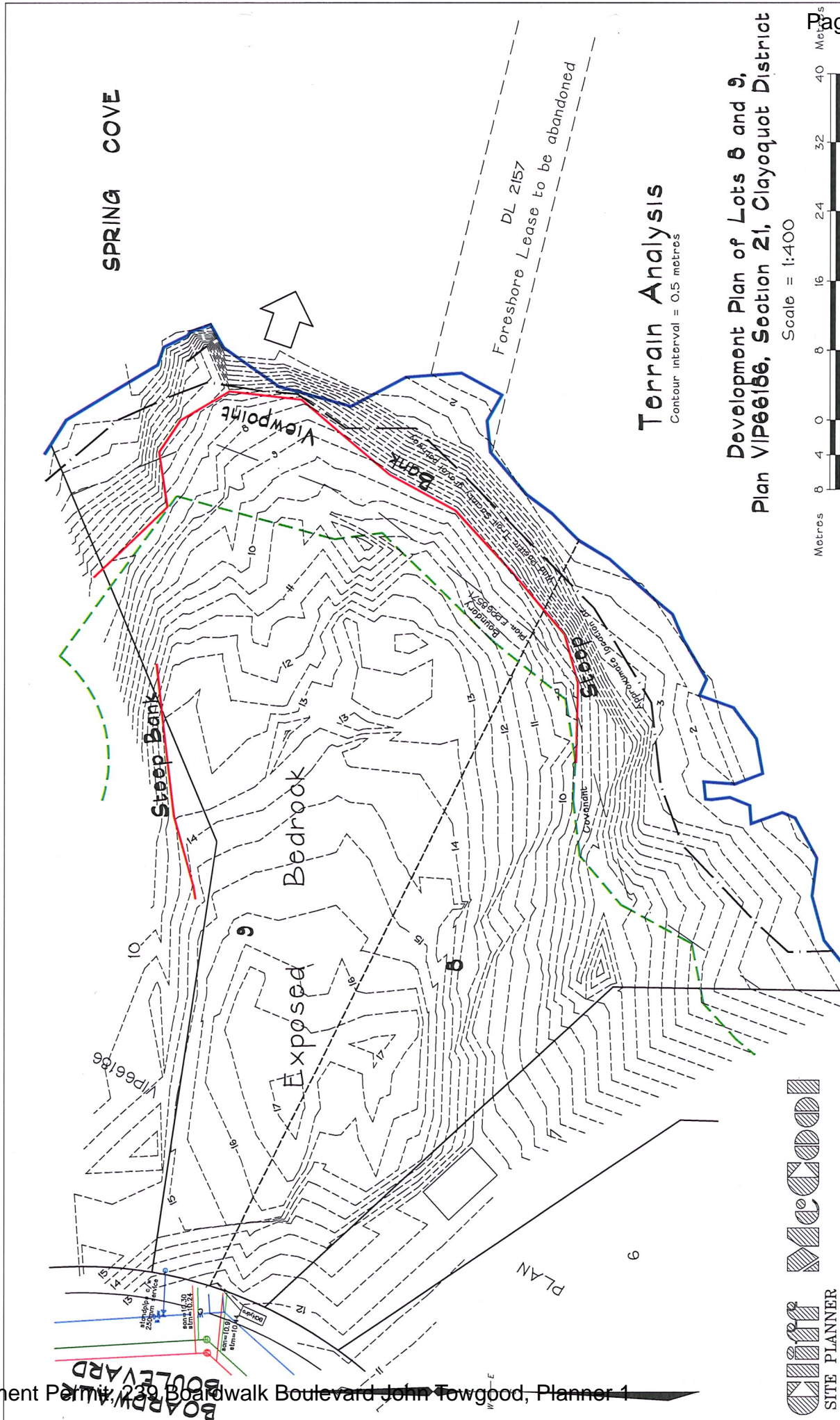


Client: 1150452BC Ltd.

Drwn by: CMcC Date: August 7, 2018 Dwg.RP-Map



PO Box 537, Ucluelet, BC V0R 3A0  
Ph 250.726.2268  
E. cliffmccool@gmail.com



**Terrain Analysis**  
 Contour interval = 0.5 metres

Development Plan of Lots 8 and 9,  
 Plan V166166, Section 21, Clayoquot District

Scale = 1:400



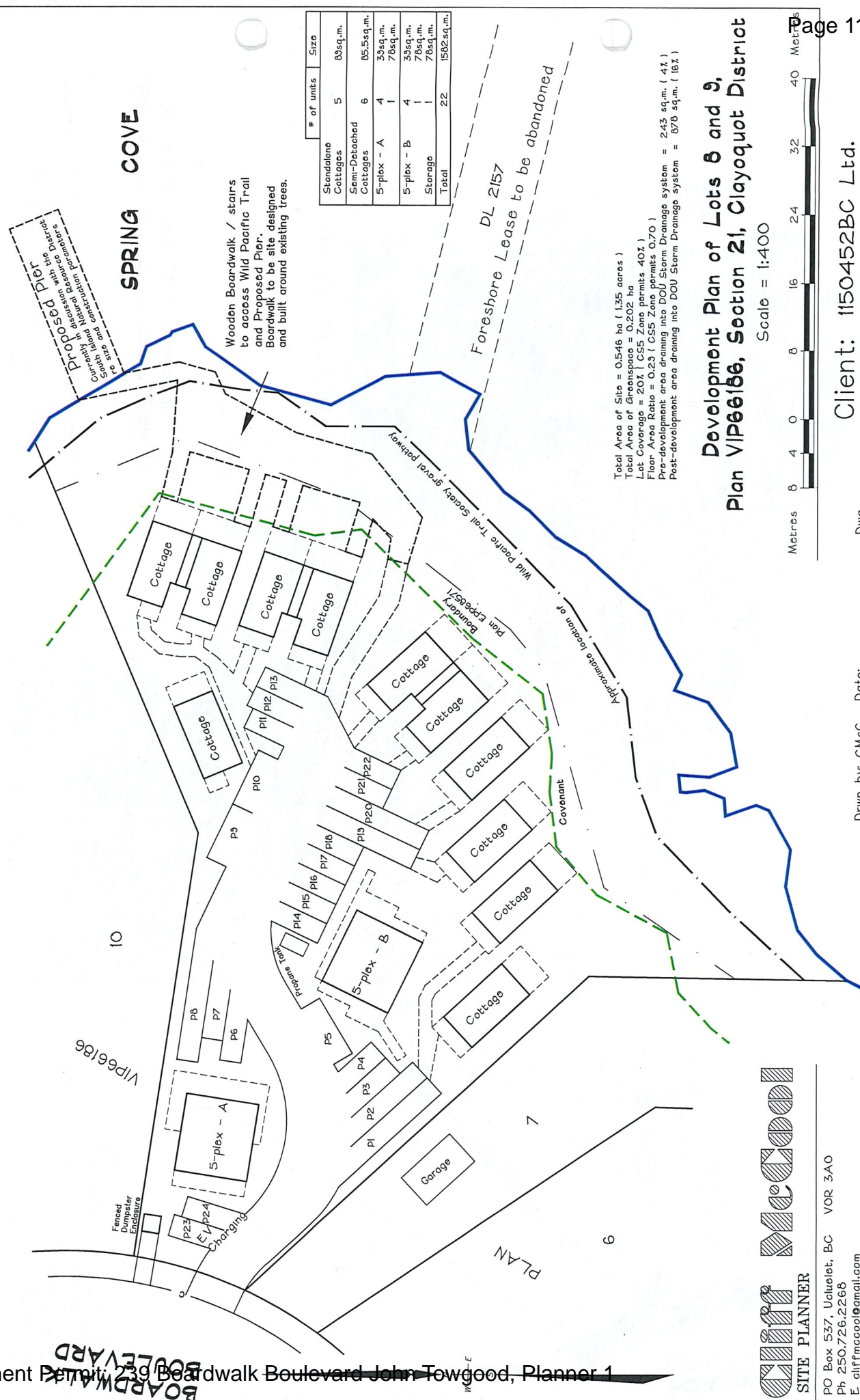
Client: 1150452BC Ltd.

Dwg.

Drwn by: CMcC Date:



PO Box 537, Ucluelet, BC VOR 3A0  
 Ph 250.726.2268  
 E cliffmccool@gmail.com



**SPRING COVE**

Wooden Boardwalk / stairs to access Wild Pacific Trail and Proposed Pier. Boardwalk to be site designed and built around existing trees.

DL 2157  
Foresore Lease to be abandoned

Total Area of Site = 0.546 ha (1.35 acres)  
 Total Area of Greenspace = 0.202 ha  
 Lot Coverage = 20% (C55 Zone permits 40%)  
 Floor Area Ratio = 0.29 (C55 Zone permits 0.70)  
 Pre-development area draining into DOU Storm Drainage system = 243 sq.m. (4%)  
 Post-development area draining into DOU Storm Drainage system = 678 sq.m. (16%)

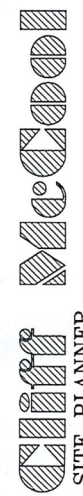
**Development Plan of Lots 8 and 9,  
 Plan VIP66186, Section 21, Clayoquot District**

Scale = 1:400



Client: 1150452BC Ltd.

Drwn by: CMcC Date:



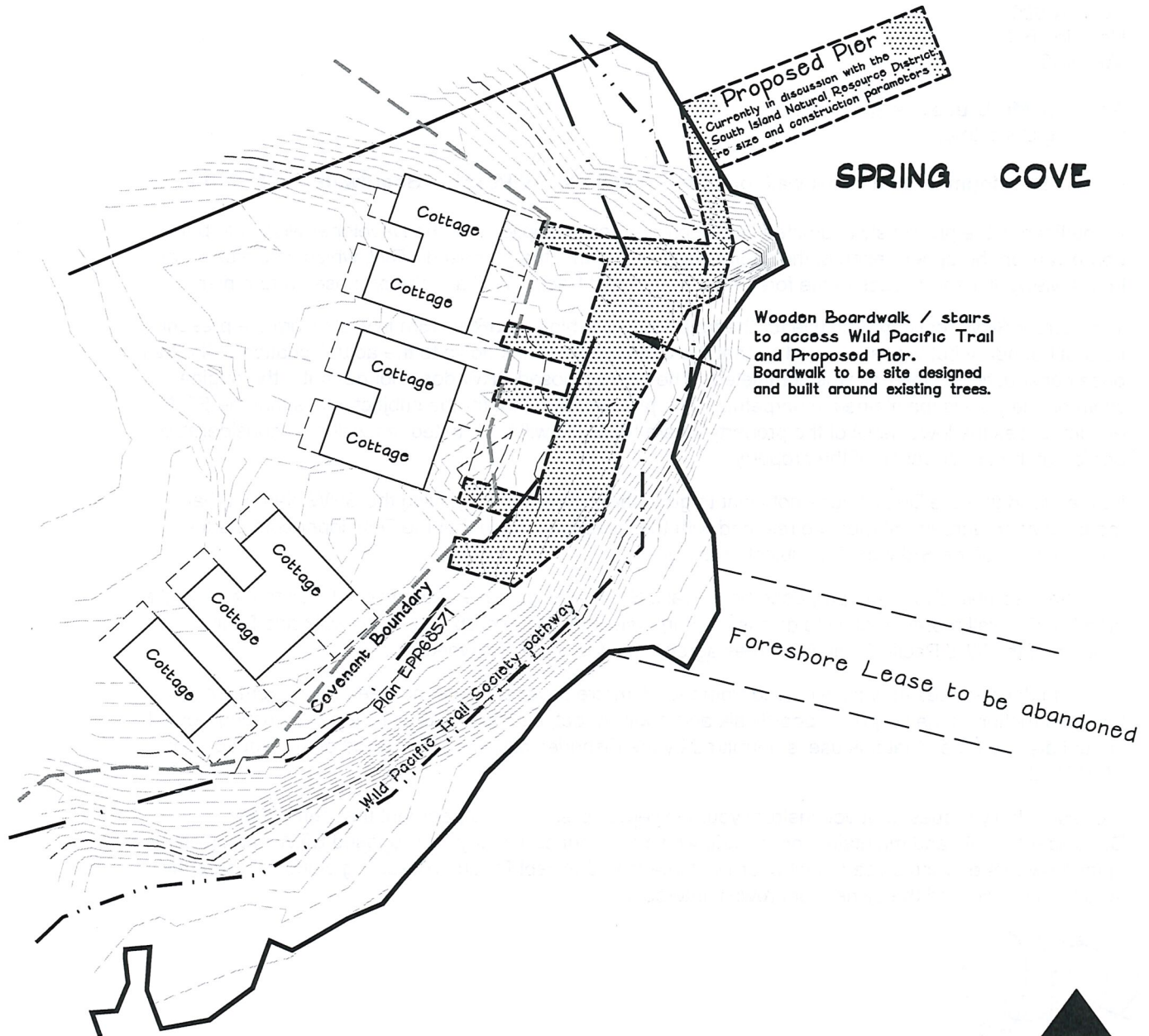
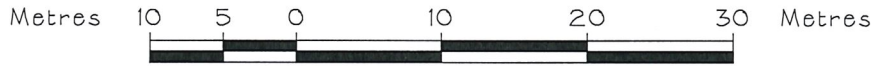
PO Box 537, Uclulet, BC VOR 3A0  
 Ph 250.726.2268  
 E cliffmccool@gmail.com



PO Box 537, Uclulet, BC V0R 3A0  
 Ph 250.726.2266  
 E. cliffmccool@gmail.com

# Plan of Part of Lots 8 and 9, Plan VIP66186, SECTION 21, Clayoquot District showing proposed Boardwalk

Scale = 1:500



Wooden Boardwalk / stairs to access Wild Pacific Trail and Proposed Pier. Boardwalk to be site designed and built around existing trees.



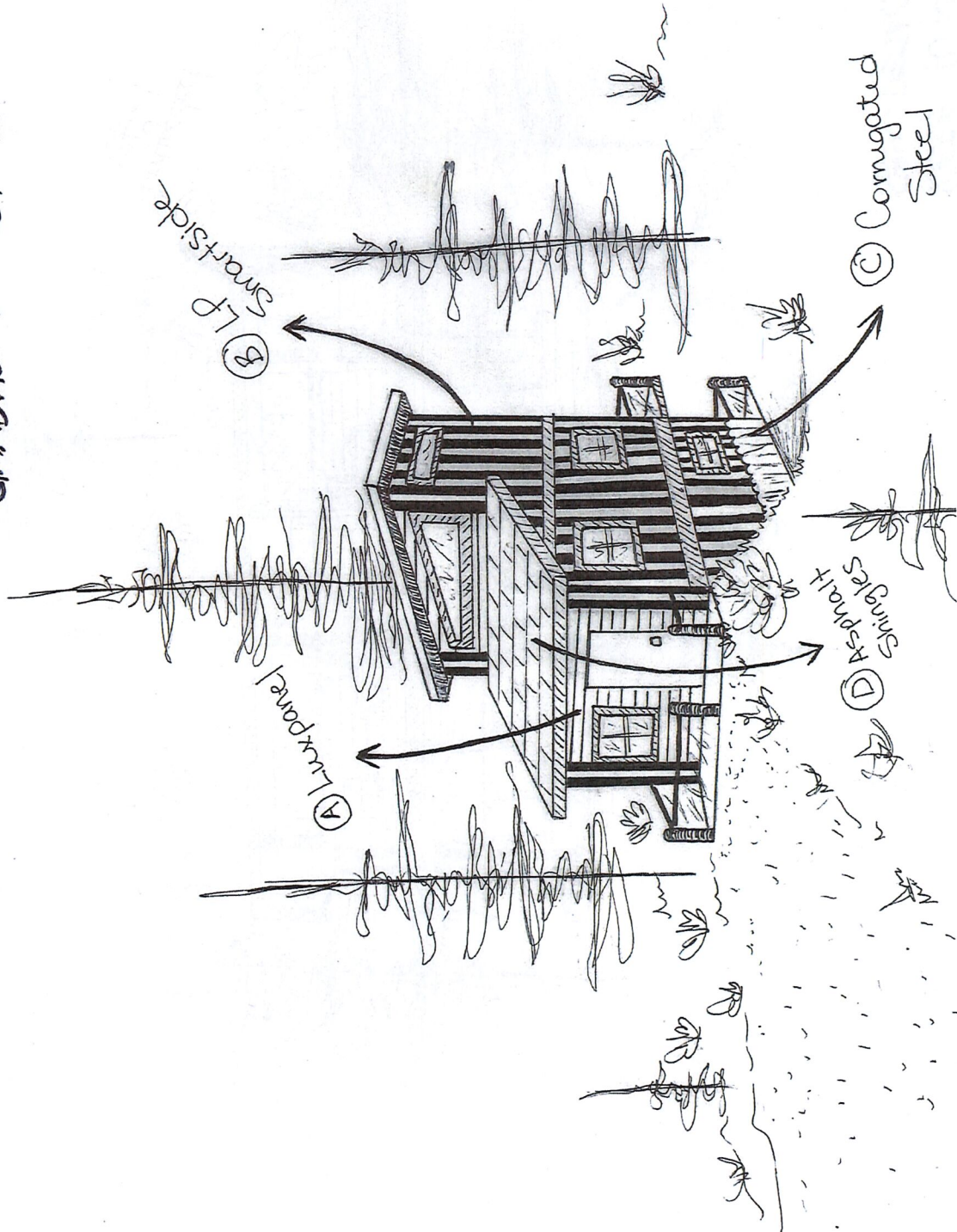
**Cliff McCool**

Site Planner

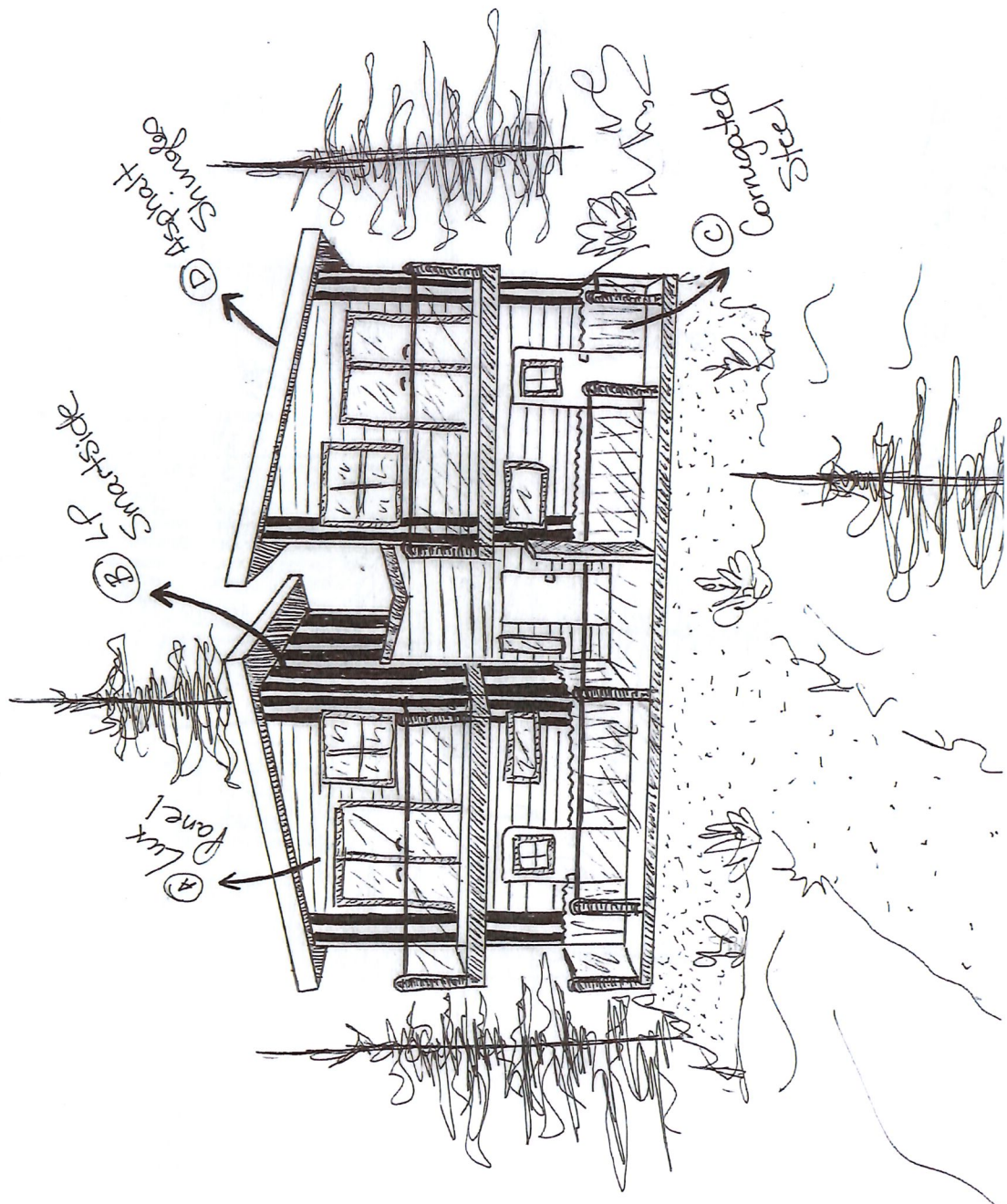
PO Box 537  
Ucluelet, BC V0R 3A0  
Phone: 250-281-3159  
email: cliffmccool@gmail.com

Client: 1150452BC Ltd.

REEF POINT LANDING  
STANDALONE COTTAGE.

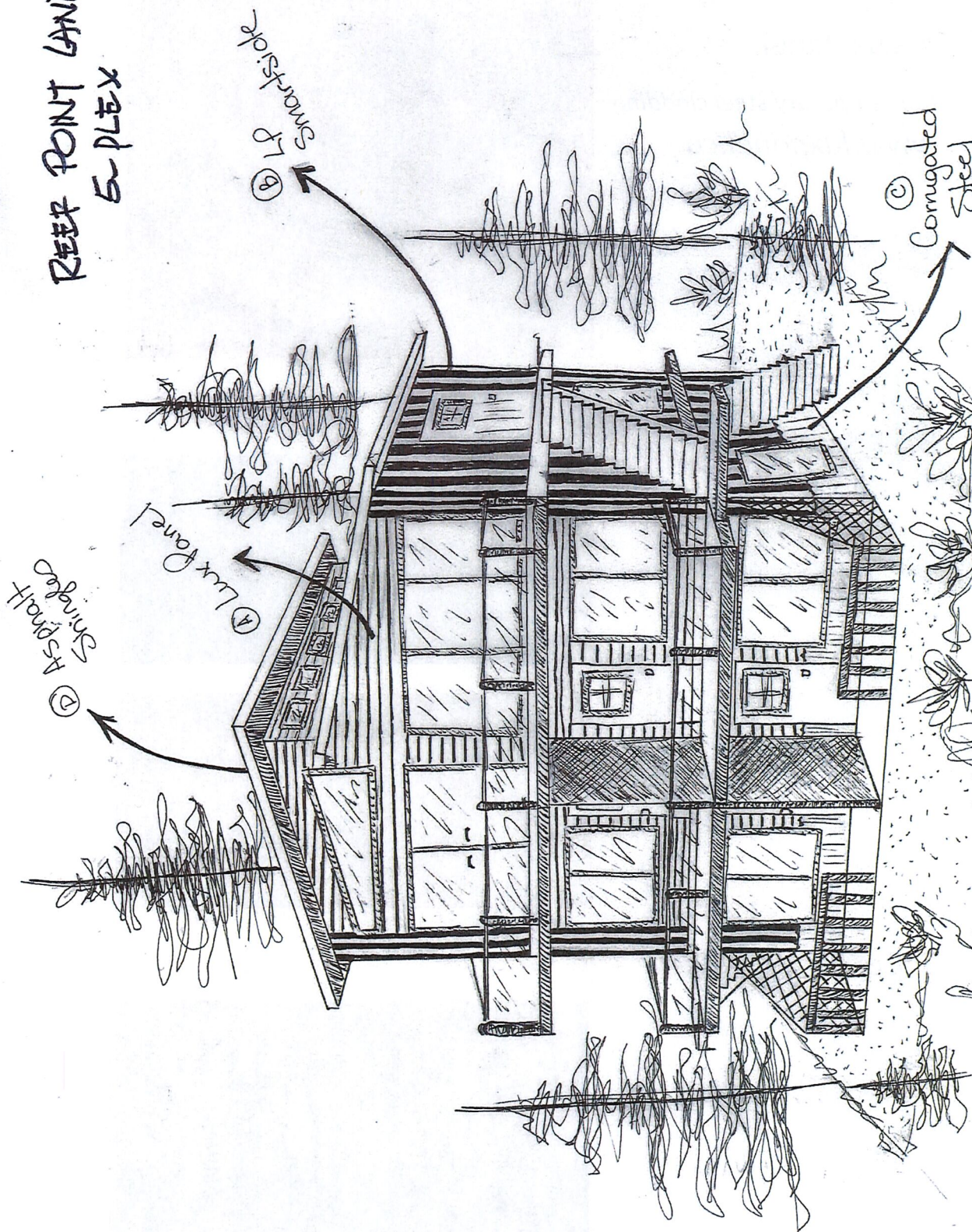


REEF POINT LANDING  
SEMI-DETACHED COTTAGES





# REEF POINT LANDING EX-PLEX



## Colour Board

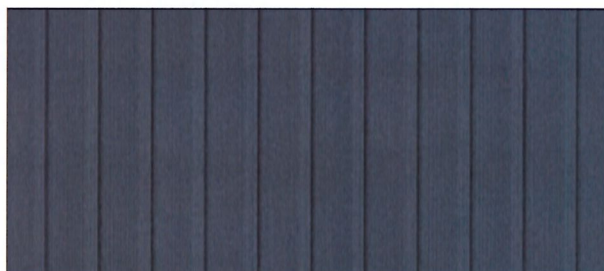
### A. Lux Panel

*Contemporary steel cladding*

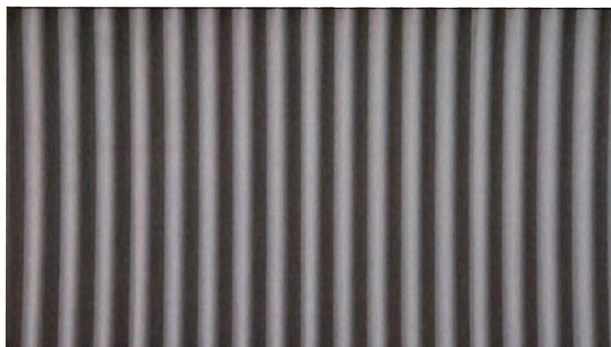
*[www.luxpanel.ca](http://www.luxpanel.ca)*



### B. LP Smartside



### C. Corrugated Steel





## STAFF REPORT TO COUNCIL

Council Meeting: OCTOBER 9, 2018

500 Matterson Drive, Ucluelet, BC V0R 3A0

**FROM:** BRUCE GREIG, MANAGER OF COMMUNITY PLANNING

**FILE NO:** 3360-20-RZ17-04

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

**REPORT NO:** 18-103

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

### **RECOMMENDATION(S):**

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

### **PROPOSAL:**

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

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

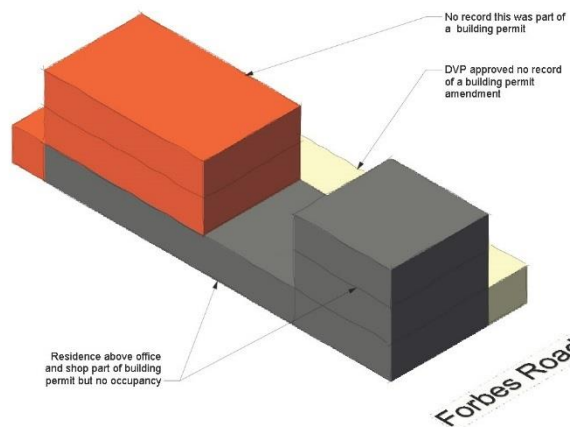
**BACKGROUND:**

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

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



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



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

they in fact received one.

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

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

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

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

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

## **DISCUSSION:**

### **A. Proposed Uses:**

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

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

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

### **B. Process:**

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

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

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

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

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

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

#### **FINANCIAL IMPACTS:**

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

#### **OPTIONS REVIEW:**

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

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

**(Recommended)**

**or;**

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

**or;**

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

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



2018-09-28

Re File:3360-20-RZ17-04

Hello Bruce  
 Manager of Community Planning  
 District of Ucluelet  
 250.726.4784



**RE: PACIFIC RIM FISHING CHARTERS - LETTER OF INTENT**

Pursuant to your inspection of the above noted property and subsequent letter of 2017-12-04 and in follow up to our meeting today in which you suggested on behalf of the Village and Authority Having Jurisdiction to submit a Letter of Intent to initiate the Zoning Amendment, which was applied on 2016-09-16 and paid for on 2017-01-30 in accordance with the District Bylaws and Fees.

Please accept the following documents as support for a new Comprehensive Development Zone as applied for to allow the existing structures and intended uses and a Code Compliance Report for Fire and Life Safety of the Accommodation Units (Guest Rooms) pursuant to BCBC 2012 (although the building in question was constructed under BCBC 2006) as requested in your letter.

We, Glenn & Dianna Kaczmar, of Pacific Rim Fishing Charters & Guest house hereby intend to do the following, after successful Zoning is completed:

- a. We have intentions for the Ground Floor to create 4-5 Commercial Rental Units in the North side and minimum of 6 Transient Accommodations on the South to reduce the demand on other Village rentals for my staff. We are willing to provide drawings for the Future use of the ground floor at that time. However, due to the financial impact incurred through this whole process, we will be unable to build out the ground floor until the Code issues are resolved, we are operational, and our Zoning is in alignment.
- b. Commence with a Final report for Raymond DeBeeld, AIBC & plans to be revised/created to comply and then submit for a building permit for those alterations at that time. We will make all necessary alterations, updates, repairs and the like in order to be operational for the next season.

**1.0 Property History:**

- 1.1 REALM Structures Inc. (formerly Alberni Design Associates Company Inc.) were commissioned by ourselves for the design of a 3 Story – Residential in nature building with an office and an attached 1 storey Storage bays and 2 storey transient/worker accommodation suites, guest games room and a laundry facility.
- 1.2 At the time of permitting on or about Oct 15/2007, the Zoning was in a state of evolution and the original Building Permit was issued for construction of the 3 storey Residence and the story of Storage Bays with a caveat that the transient/worker accommodations were to be constructed once the District finalized its revision of the Zoning Bylaw. The additional units were suspended from permitting to allow for the construction of the remainder as drawn on the plans as issued for construction dated on or about 2006-10-26 for construction in the prime building season of that year.
- 1.3 Once the permitted structures were constructed, the Zoning Bylaw had not yet been officially completed but the Authority Having Jurisdiction and Manager of Planning of the day permitted the remainder of the construction to allow the owner to satisfy building envelope conditions without unjust expenses dictated by the delay in process. Again, this was to assist in construction during the concurrent building cycle.

**2.0 Zoning Data:****2.1.1 Current Zoning Permissible uses:**

CD-1.1.3 The following uses are permitted in the areas of the CD-1 Zone

Plan labeled "Industrial", but secondary permitted uses are only permitted in conjunction with a principal permitted use:

**(1) Principal:**

- (a) Single Family Dwelling
- (b) Mixed Industrial/Residential
- (c) Light Industry
- (d) Medium Industry
- (e) Service Industry
- (f) Service Station, with accessory car wash
- (g) Auto Repair Shop
- (h) Bistro/Café
- (i) Outdoor Sales
- (j) Heavy Equipment Display
- (k) Wood Processing

**(2) Secondary:**

- (a) Accessory Residential Dwelling Unit
- (b) Accessory Retail Sales and Administration Office

**2.1.2 Proposed Amended Permissible uses:**

CD-1.1.3 with the addition of:

**(2) Secondary:**

- (a) Accessory Residential Dwelling Unit
- (b) Accessory Retail Sales and Administration Office

**(c) Guest Room(s)****2.2 Code Compliance:**

- 2.2.1 Attached herein is a Preliminary Report from Raymond DeBeld, AIBC indicating potential Building Code issues under the CURRENT BC Building Code 2012. Keep in mind our building was constructed under BCBC 1998 Code.

Thank you for your valuable time

Sincerely

Glenn & Dianna Kaczmar

Pacific Rim Fishing Charters & Guest Lodge

info@pacificrimfishingcharters.ca

1-250-726-5032

1-250-726-5053

1-877-871-8771

**District of Ucluelet**

Planning Department  
 200 Main Street, Ucluelet, BC  
 VOR 3A0, P.O. Box 999  
 tel 250-726-4770 fax 250 726 7335

# Development Application

## Type of Application

An application is submitted for one or more of the following:

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Official Community Plan Amendment | <input type="checkbox"/> Development Variance Permit |
| <input checked="" type="checkbox"/> Zoning Bylaw Amendment            | <input type="checkbox"/> Temporary Use Permit        |
| <input type="checkbox"/> Development Permit (no variances)            | <input type="checkbox"/> Board of Variance           |
| <input type="checkbox"/> Development Permit (with variances)          | <input type="checkbox"/> Strata Conversion           |
| <input type="checkbox"/> Development Permit Amendment                 | <input type="checkbox"/> Subdivision                 |

## Description of Property

Civic Address (es): 354 Feebe's Rd  
 Legal Description: Lot 17 Plan VIP76147 Block \_\_\_\_\_ Section \_\_\_\_\_ DL 09

## Applicant Information

Notice of Disclosure to Applicant(s): The following contact information will be available to the public and may be posted on the Districts' website to allow interested parties to contact you about this application.

Applicant name: Glenn Kaczmar Company name: Pacific Rim Fishing charters  
 Mailing address: Box 1346 Postal Code: VOR3A0  
 Tel: 1 877 871 8771 Cell: 250 726 5032  
 Email: glenn.kaczmar@yahoo.ca Fax: \_\_\_\_\_

The undersigned owner/authorized agent of the owner makes an application as specified herein, and declares that the information submitted in support of the application is true and correct in all respects.

Applicant Signature: [Signature] Date: JAN 31  
~~Oct 10/16~~

## Registered Owner(s)

List all registered owners. For strata properties, provide accompanying authorization from all strata owners (not just strata corp.). If the owner is an incorporated company/society, attach a current corporate/society search or "notice of directors".

Registered Owner (s) name: Same as above  
 Mailing address: \_\_\_\_\_ Postal Code: \_\_\_\_\_  
 Tel: \_\_\_\_\_ Cell: \_\_\_\_\_  
 Email: \_\_\_\_\_ Fax: \_\_\_\_\_

Freedom of Information and Protection of Privacy Act (FOIPPA): Personal information is collected, used and disclosed under the authority of the Local Government Act, and section 26 (c) of the FOIPPA. The information will be used for the purpose of processing this application.

Owner Signature: [Signature] Date: JAN 31  
~~Oct 10/16~~

## Office Use Only:

Folio No.: <u>18117</u>	File No.: <u>181-117</u>	Date: <u>31 JAN 2017</u>	Receipt No.: <u>564 10</u>	Fee: <u>3830.00</u>
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January 28, Ucluelet (2017)

**RE: Application for re-zoning – Pacific Rim Guest Lodge**  
**Owners Glenn & Dianna Kaczmar**  
**354 Forbes Road**  
**Ucluelet, B.C. V0R3A0**

Dear Mayor Dianne St. Jacques & Councillors

It has been brought to our attention that Pacific Rim Guest Lodge does not have appropriate zoning. We have been asked by district staff to apply for the proper zoning to continue operations of Pacific Rim Guest Lodge. As part of this process, we have been asked to provide the history surrounding our building.

In 2006, our proposed building plans were approved (after minor delays to verify zoning) and we were provided with a building permit starting in the fall of 2006. Construction commenced in 2006. Throughout the three years of active construction, our building was inspected by the village's building inspector numerous times. Pacific Rim Fishing Charters & Guest Lodge opened for business in 2010. We offer accommodations to tourists and travelers, and as part of our fishing packages. In recent years, when vacancy rates for tourism are frequently at 0%, we've been proud to offer clean, large, bright, and reasonable priced rooms with easy access to many of Ucluelet's "gems" such as the Wild Pacific Trail. Our building also includes our personal residence on the second floor and self storage on the main floor.

It was a shock to us to hear that our Guest Lodge does not have the appropriate zoning, as we assumed this was taken care of during the building plan approval process and subsequent building inspections. I was unaware that a building plan including accommodations could be approved when the land was not zoned for this purpose. As we are currently paying commercial property taxes for 90% of our property, we assumed that our zoning was correct. Pacific Rim Fishing Charters and Guest Lodge has invested over three million dollars into the building of Pacific Rim Guest Lodge and currently employs up to eleven employees with the majority of staff being permanent residents of Ucluelet.

In 2010 we changed our name from Pacific Rim Fishing Charters to Pacific Rim Fishing Charters & Guest Lodge. In regard to the business license for the Guest Lodge, we currently have a business licence for Pacific Rim Fishing Charters and also for Pacific Rim Self Storage. We were unaware that we required a separate business licence for the guest lodge as we changed our name to include the guest lodge and assumed the business licence cover both aspects.

Pacific Rim Fishing Charters & Guest Lodge was unaware we did not have the proper zoning. My wife and I are committed and involved residents of Ucluelet, and I have been working in Ucluelet since I was a teenager. We sincerely hope we can continue this involvement and support the community and tourism industry as a quality provider of accommodations, fishing adventures, and self-storage. Please consider our request for rezoning as without rezoning approval, our business of 35 years would be subject to closure with a significant financial loss to us personally, and many people losing their employment, not to mention the loss of much needed accommodations to support tourism in Ucluelet.

Thank you for your valuable time and consideration,

Please feel free to call us toll free at 1-877-871-8771 if you have any questions or concerns or email us at [info@pacificrimfishingcharters.ca](mailto:info@pacificrimfishingcharters.ca)

Sincerely  
Glenn & Dianna Kaczmar

Pacific Rim Fishing Charters & Guest Lodge  
877-871-8771



755 Terminal Avenue, Nanaimo, BC V9S 4K1  
 Tel: (250) 754-2108 Fax: (250) 754-2118  
 Email: [info@rdbarchitect.ca](mailto:info@rdbarchitect.ca)  
 Web: [www.rdbarchitect.ca](http://www.rdbarchitect.ca)



July 19, 2018

354 Forbes Road

### 2012 BC Building Code Draft Review Summary

In summary, the building does not comply with many requirements of the building code and the as built conditions vary from existing drawings received. Some portions of the building are incomplete or lack any drywall cover (or other means) to provide fire resistance, and in particular the support and underside of the proposed guest suites.

Summary below of key building code deficiencies. Not all minor deficiencies noted. As currently constructed, the building is classified as Part 3 of the building code and not Part 9 due to the number of storeys, F2 occupancy, and building area (greatest horizontal footprint) is greater than 600m<sup>2</sup>.

Comments added in *blue italics* included as suggestions/ further work/ discussion towards achieving **substantial compliance**. Much like strata conversions, existing buildings are reviewed for zoning and code compliance. Under the strata act, "substantial compliance" is not defined, presumably each situation is unique. The building code is written for new construction and conversion/ upgrades of existing buildings requires a judgement call between the designer and authorities as to the cost/ benefit (such as life safety) of achieving building code and zoning objectives.

**Major Occupancy** (excludes occupancies other than F1 & F2, if they are <10% of building area [greatest horizontal extent of all storeys superimposed]):

- Group C Residential (residents/ guest suites/ staff suites)
- Group F2 Medium Hazard Industrial (workshop/ storage room/ repair garage)
- Group F3 Low Hazard Industrial (workshop/ storage room/ storage garage)
- F3 is defined as combustible content being not more than 50kg/m<sup>2</sup> or 1 200MJ/m<sup>2</sup> of floor area. Typically needs to be signed and proven, otherwise assumed as F2. Difficult to limit users from exceeding the limits over time.
- Garages typically considered F3, provided they are not used as storage other than vehicles.
- Repair garage or storage rooms (outside of dwelling unit) considered F2.
  - An F2 occupancy only allows a single dwelling unit for the whole building (BCBC).
- Group D Business & Personal Services (office) was not included as no such occupancy currently exists, is not finished, though appears to be designed as such.
- If occupancies are less than 10% of the building area, then they are not classified as Major Occupancies.

### **Building Classification**

- BCBC 3.2.2.50
  - Group C (residential); sprinklered; up to 6 storeys; max 1,800 m<sup>2</sup> @ 4 storeys; floors 1 Hr FRR fire separations; mezzanines 1 Hr FRR; loadbearing elements FRR to match supporting assembly; FRR and fire separation waived for floor assemblies within dwelling unit, if no dwelling unit above.
- BCBC 3.2.2.75

- Group F2 (repair garage/ workshop); sprinklered; up to 4 storeys; max 2,400m<sup>2</sup> @ 4 storeys; floors 1 Hr FRR fire separations; mezzanines 1 Hr FRR or non combustible construction; loadbearing elements FRR to match supporting assembly.
- BCBC 3.2.2.81
  - Group F3 (storage garage); unsprinklered; up to 4 storeys; max 1,200m<sup>2</sup> @ 4 storeys facing 1 street; floors fire separations, and 3/4 Hr FRR or non combustible construction; mezzanines 3/4 Hr FRR or non combustible; loadbearing elements FRR to match supporting assembly or non combustible.
- *Intermediate floors would need to be partially removed to create mezzanines, such that the building is only 3 storeys to avoid fire sprinklers for the whole building.*
  - *Fire sprinklers would require upgrades to utility connections and be designed by a Mechanical engineer.*
  - *Mezzanines max 40% of room open to below and max 10% enclosed of room below.*
  - *Use L1 plus mezzanine as staff accommodation. Need to check if F3 storage garages can be retained if greater than 10% of the floor area, otherwise another building classification (F3 series) needs to be reviewed as well.*
- *Possibly use BCBC 3.2.2.51*
  - *3 storeys; max 1,200m<sup>2</sup> facing 3 streets; floors 1 Hr fire separations; mezzanines & roofs 1 Hr FRR; FRR and fire separation waived for floor assemblies within dwelling unit, if no dwelling unit above.*
- *Initial thought is to demolish the portion of L1 & L2 that connect the original single family dwelling from the addition to create two separate buildings. Do the guest suite building as Part 3 (around 649m<sup>2</sup>) or remove a portion of one of the garages attached such that the footprint is less than 600m<sup>2</sup> then it could be Part 9 too which is more lenient for some, but not all building code aspects.*

#### **Fire Truck Access (BCBC 3.2.5.4)**

- Fire truck access route required for unsprinklered building greater than 3 storeys or 600m<sup>2</sup> building area.
- For 3 streets, fire truck access required to reach 75% of building perimeter. Perimeter of building face to be within 3m and 15m from access route. Access route to be 6m wide. Window or access panel required for every 15m of required building face for each storey above grade for unsprinklered buildings.
- *Two lots may need to be consolidated or require an easement on the adjoining lot to provide fire truck access.*

#### **Protection of Exits (BCBC 3.2.3.13)**

- Existing exterior exit stair from Level 3 to grade is unprotected from adjoining unprotected openings (windows) where less than 3m horizontally and, 5m above the stairway, or 10m below the stairway. Unprotected openings would need to be removed; replaced with wired glass in steel frames, or fixed glass metal frames via a fire sprinkler equivalency; add fire shutters; enclose exit with a fire separation; or relocate stairway.
- No unprotected openings permitted within 3m of a stairway from another fire compartment that is at an angle 135 degrees or less.
- Room under mid landing of exterior stair would need to be removed or room to have a 1 hr fire separation, including rated door with closer. Repair garage/ workshop exterior door would need to be fire rated with a closer due to exposure with the exterior stairway.
- *See comments under Exterior Exit Passageways and possible resolution that exempts exit stairs from having a fire separation from the remainder of the building.*

#### **Integrity of Exits (BCBC 3.4.4.4 & 3.3.1.4)**

- L4 exit stair to be fire separated from L3 public corridor, with a rated exit door from the L3 public corridor. This will also prevent the non conforming laundry room opening directly into an exit.
- Public corridors require a 3/4 Hr fire separation from the remainder of the building.
- *Provide wall around existing L4 stairway. L3 public corridor can exit into the L4 stairway which in turn empties onto the L3 deck. The doorway into the stair from the public corridor would swing in the direction of egress without impeding travel from the stair.*

#### **Exterior Passageway Fire Separation Exemption (BCBC 3.4.1.5 & 3.4.4.3)**

- Fire separation of exits from the remainder of the building are waived if not less than 50% of the exterior side is open to the outdoors, and an exit stair is provided at each end of the passageway.

- Only 1 exit (exterior stairway) is provided on L3. Likewise it is not possible to go in two separate directions to an exit stair at each end of the passage way. *The proposed exterior exit passage way on L3 would require a walkway all the way around the L3 guest suites (ie east side) in order to avoid, but would still require a fire separation on the underside of the deck due to occupancies below.*

#### L4 Exiting (BCBC 3.4.2.1)

- Two exit stairs required as the unsprinklered residential floor area is >100m<sup>2</sup> and travel distance >15m.
- *Provide two exit stair at each end with a public corridor between.*

#### Location of Exits (BCBC 3.4.2.5)

- Travel distance to exit max 30m.
- Some locations exceed the value as currently laid out such as the south garage.
- *Add additional exit doors where required.*

#### Exit Width (BCBC 3.4.3.2)

- L4 exit stair width should be min. 3'8" (1100mm), not 3'0" as it is above 2 storeys.
- L3 public corridor should be min. 3'8", but appears to be as narrow as 3'1" according to the drawings.
- *Not resolvable without complete rebuilding and impact on existing suites. Seek an equivalency or forgiveness given the low occupant load for this part of the Means of Egress.*

#### Stairways (BCBC 3.3.1.14 & 3.4)

- Stair rise max 7.1" each. Exterior stair rise 7.75". L3 & L4 rise and run not measured, but given the number of risers and floor to floor heights on the drawings, they appear to be around 7.75" high as well, and the run compliant being 11" or greater.
- Tactile treads required at top of stairways (except within dwelling unit). Exterior and interior stairs.
- L4 has a split level for some reason with 2 risers between the main stairway and corridor. Min. is 3 risers (BCBC 3.4.6.2.(1)).
- L3 to L4 interior stairway needs to be 3'8" wide, drawings show 3'0" wide, actual dimension not confirmed.
- Handrails required on both sides where stairs wider than 3'8" (1100mm). One and/ or two handrails missing on some stairs.
- Stairways to have slip resistance (ie exterior stairs) and since they are public, they require a colour contrast or distinctive pattern to demarcate the leading edge of risers and landings (BCBC 3.4.6.1).
- Note that stairways within dwelling units only need to comply with BCBC Part 9 requirements (BCBC 3.3.4.7).
- *Seek an equivalency or forgiveness for the existing L4 stairway that can't be upgraded without significant rebuilding and make the new L4 stairway compliant.*

#### Residential Fire Separations (BCBC 3.3.4.2)

- Residential Suites to have 1 Hr fire separations from the remainder of the building. Information of wall and floor assemblies incomplete. As built conditions not confirmed and require destructive testing to confirm.
- *Upon test results, upgrade if required.*

#### Repair Garage Fire Separation (BCBC 3.3.5.5)

- Requires 2 hr FRR fire separation from other occupancies.
- *Provide at another location/ separate building, or incorporate informally as a separate Part 9 single family dwelling by disconnecting addition into a separate building.*

#### Storage Garage Fire Separation (BCBC 3.3.5.6)

- Requires 1.5 hr FRR fire separation (2 layers 5/8" Type X drywall) from other occupancies, except where serving a dwelling unit as per BCBC 3.3.4.2(5).
  - Storage garage for dwelling unit to be fire separated from remainder of building.
- *Create 2 separate buildings as previously described.*

#### Fire Separations General



- Finished as built wall assemblies not verified but 5/8" Type X drywall noted on drawing sections for floor assemblies not within dwelling units. Rating incorrect on drawings for storage garage. Unfinished drywall on L1 & L2 walls/ ceilings installed with 5/8" Type X drywall.
- Many areas of L1 & L2 are incomplete and with no required drywall and form support for guest suites above.
- Existing single family dwelling former exterior walls joined to subsequent addition, should be confirmed for 5/8" Type X drywall and existing drawings note 1/2" drywall.
- *Complete as per building code requirements.*

#### Continuity of Fire Separations (BCBC 3.1.8.3)

- Vertical fire separations to terminate with smoke tight joints where it abuts or intersects floor or roof deck or roof sheathing.
  - L4 roof not reviewed and requires rated ceiling if suite vertical fire separations do not terminate at underside of roof sheathing. No combustible wood elements allowed to penetrate vertical fire separations (such as trusses and their bracing), thus the ceiling of the suite is typically a fire separation.
  - L1 to L2 stair stringers fastened to wall studs. No allowance for fitting drywall between required for fire separation.
  - *Upon test results, upgrade if required. L1/L2 stairways likely to be removed.*

#### Fire Blocking (BCBC 3.1.11)

- Concealed wall cavities: fire blocking required at every floor level, ceiling level (where forming part of a fire separation) and where horizontal dimension exceeds 20m and vertical dimension exceed 3m. This is not required where cavity is filled with insulation, cavity is non combustible, or only one air space not greater than 1").
- Interconnections between concealed vertical and horizontal cavities: required at interior coved ceilings/ drop ceilings/ soffits/ at each run and floor level with stair stringers, where the flame spread rating is greater than 25.
- Concealed cornice, mansard roof, balcony, or canopy: where the flame spread rating is greater than 25 at locations where the cavity extends over fire separations and where the maximum dimension of the concealed space is more than 20m.
- Penetrations such as plumbing/ wiring thru fire blocking to be fire caulked. No evidence of such where framing is exposed. Note this is not a requirement for a Part 9 building.
- Not reviewed in detail. Many conditions concealed. Areas such as L1 & L2 which are exposed and incomplete (not covered with drywall), wood blocking appears incomplete such as stair stringers and no evidence wiring being fire caulked.
  - *Further review/ discussion with Authorities where concealed. Upgrade where exposed. Separating main dwelling unit into Part 9 avoids issue for that portion of the building.*

#### Spatial Separation (BCBC 3.2.3)

- Some portions of L1 & L2 floor areas are non compliant for allowable openings and/ or non combustible construction. Some exterior walls not finished with drywall yet.
- No detailed calculations, interpolations, or additional min. 3/4 fire separation fire compartments to reduce wall area calculations, were done.
- Generally north and east facades are allowed around 12% unprotected openings; require 1 hr fire resistant ratings (5/8" Type X drywall), combustible construction ok, and non combustible construction required.
- North facade likely has too many actual unprotected openings, particularly near the workshop. Some options may include fire rated doors with closures, additional fire compartments, and/ or no build easement on a portion of the adjacent property or realignment of the property line.
- If an F2 workshop was considered on the north facade, allowable unprotected openings would be 6%, and thus would require non combustible construction (unprotected openings  $\leq 10\%$ ) and a 2 hr fire resistance rating. However F2 occupancy is problematic with more than one dwelling unit within the building.
- The south facade, depending on on actual limiting distance (distance between facade and property line) is around 8% to 9%. This would require non combustible construction and cladding, and a 1 hr fire resistance rating. This could likely be resolved by creating a smaller garage fire compartment.

- West facade (facing street), likely not problematic.
- Generally exterior walls finished in non combustible fiber cement cladding, but vertical trims need to be non combustible.
- Combustibility of projecting L3 floor assembly above the walls below, are not required in the spatial separation calculations. However, what appears to be a partially completed projecting stair landing on the east facade, is very close to the property line and needs to be at least 1.2m away, otherwise it needs to be non combustible.
- *Do detailed calculations with interpolations and add additional min. 3/4 fire separation fire compartments to reduce wall areas. Separate the two buildings will correct much of the north facade. Replace combustible trims. Add required drywall (which is also required for other building code requirements).*

#### **Janitor and Common Laundry Rooms (BCBC 3.3.1.21 & 3.3.1.22)**

- Require 1 Hr fire separation from the remainder of the building. Wall assemblies and fire stopping not confirmed, nor noted on existing drawings and assumed not compliant without destructive testing.
- *Upon test results, upgrade if required.*

#### **Guards (BCBC 3.3.1.18)**

- Guards to be non climbable between 140mm and 900mm. Guards on exterior stairway climbable at the due to lower horizontal wood member.
- *Replace or modify such as opaque or clear panels on the inside face if pickets not low enough.*

#### **Sound Transmission (BCBC 3.3.4.6)**

- Residential suites to have a min. actual 50 STC rating. Wall/ floor assemblies not confirmed and existing drawings have incomplete floor assembly information and assumed not compliant without destructive testing.
- *Upon test results, upgrade if required.*

#### **Occupancy on Roof (BCBC 3.2.2.13).**

- L3 roof deck requires a 1 hr FRR fire separation under, including a 1 hr FRR rating of supporting structure.
- *Complete as per building code requirements.*

#### **Repair and Storage Garage Ventilation (BCBC 3.3.5.4)**

- Requires natural or mechanical ventilation.
- *Complete as per building code requirements.*

#### **Storage Garage Vestibules (BCBC 3.3.5.7)**

- Access thru a fire separation to an assembly or residential occupancy shall be thru a vestibule.
- *Omit access or complete as per building code requirements. Not applicable to a garage serving a detached single family dwelling provide air barrier, door with closer and gasket is provided.*

#### **Protection of Openable Windows (BCBC 3.3.4.8)**

- Openable windows in residential suites shall be protected by a 42" ht guard or window limiter to restrict opening to 4" where other dimension is >15", for window openings lower than 42" above the finished floor; or the floor or ground is lower than 5'11" on the other side of the window.
- *Complete as per building code requirements for L4. Part 9 detached single family dwelling exempt.*

#### **Ceiling Heights (BCBC 3.3.1.8 & 3.4.3.4)**

- Floors and 'access to exits' require min. 6'8.75" (2050mm) clear height. Level 2 has ceiling heights at 6'4" and 6'8" (before addition of drywall).
- Doorways require a min. 6'8" (2030mm) clear height. Wall openings on some L1 warehouse areas are 6'6" rough-in height.
- *Complete as per building code requirements which likely means removal of 6'4" height floor.*
- *Ask forgiveness on the 6'8" heights if areas used as mezzanines, perhaps as individual sleeping lofts, for staff accommodations.*

#### **Accessibility (handicapped) (BCBC 3.8 & 3.8.2.31)**

- Require access from the street to at least one main entrance.
- Require at least one accessible washroom.
- Require access to every type of public facility, including those located outside.
- Require access to all storeys to which the public is admitted.
- Require access to one sleeping unit for every 40 sleeping units or part thereof.
- Every floor area that is not sprinklered and is required to be accessible, shall be served by an elevator or be divided into at least 2 zones by fire separations that do not exceed the required travel distance.
- A proposed guest check-in office off the house on L3 would need to be accessible or relocated.
- *Complete as per building code requirements. Need to confirm that public facility and accessibility does not include registered guest accommodation rooms, including access too, otherwise a lift is required.*
- *Provide guest check-in office at grade, including accessible washroom.*

#### **Building envelope**

- Not reviewed as many details concealed from view. Original drawings lacking building envelope details and specifications. No vapour barrier and/ or insulation installed in some rooms on L1 & L2 that may be intentionally unconditioned or incomplete construction.
- *Complete as per building code requirements.*

#### **Electrical and Plumbing**

- Not reviewed.
- Hot water tanks require seismic bracing.
- Any penetrations of elec/ mech services thru fire separations to be fire stopped.
- *Complete review by electrical engineer or licensed commercial electrician as required by City.*

#### **3<sup>rd</sup> Party Home Warranty Insurance**

- Not reviewed, status unknown. Likely required.

#### **Zoning**

- Compliance to zone CD-1.1.3 not reviewed.
- Guest or staff accomodation not a permitted use.
- Potentially review of items required such as density, lot coverage, setbacks, height, parking, etc.
- *Review with City and include any variances as part of the rezoning process.*

--- End ---





## STAFF REPORT TO COUNCIL

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

**FROM:** MARLENE LAGOA, DEPUTY MUNICIPAL CLERK

**FILE NO:** 3900-25

**SUBJECT:** ADOPTION OF BYLAW NO. 1237 – PERMISSIVE TAX EXEMPTION (AMENDMENT) **REPORT NO:** 18-104

**ATTACHMENT(S):** DISTRICT OF UCLUELET 2018-2022 PERMISSIVE TAX EXEMPTION BYLAW AMENDMENT  
BYLAW NO. 1237, 2018

### **RECOMMENDATION(S):**

1. **THAT** Council adopt District of Ucluelet 2018-2022 Permissive Tax Exemption Bylaw Amendment Bylaw No. 1237, 2018.

### **PURPOSE/DESIRED OUTCOME:**

The purpose of this report is to request Council adopt Bylaw No. 1237 to amend the 2018-2022 Permissive Tax Exemption Bylaw No. 1221, 2017 to include the addition of six properties for the period of 2019-2022.

### **BACKGROUND:**

At the September 25, 2018 regular council meeting, Council gave first, second, and third reading to the District of Ucluelet 2018-2022 Permissive Tax Exemption Bylaw Amendment Bylaw No. 1237, 2018.

### **OPTIONS REVIEW:**

1. THAT Council adopt District of Ucluelet 2018-2022 Permissive Tax Exemption Bylaw Amendment Bylaw No. 1237, 2018.  
**(Recommended)**
2. THAT Council provide alternative direction to staff.

### **Respectfully submitted:**

Marlene Lagoa, Deputy Municipal Clerk  
Barb Millar, Manager of Finance  
Mark Boysen, Chief Administrative Officer



**DISTRICT OF UCLUELET****BYLAW NO. 1237, 2018**

A bylaw to amend the 2018-2022 Permissive Tax Exemption Bylaw

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**WHEREAS** the District of Ucluelet Council by Bylaw No. 1221 adopted the 2018-2022 Permissive Tax Exemption Bylaw and now deem it appropriate to amend the Bylaw;

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

**1. Citation:**

This bylaw may be cited for all purposes as the “District of Ucluelet 2018-2022 Permissive Tax Exemption Bylaw Amendment Bylaw No. 1237, 2018.”

**2. Text Amendment:**

The District of Ucluelet 2018-2022 Permissive Tax Exemption Bylaw No. 1221, 2017, is hereby amended by adding section 4 as follows;

4. The following described properties are hereby exempted from taxation for a period of four years, from 2019-2022, as per section 224 of the *Community Charter*:
- a) Folio No 42000.010; being that portion of Lot A, Plan VIP56963, District Lot 281, Clayoquot Land District; PID 018-367-534 that is used by Westcoast Community Resources Centre;
  - b) Folio No. 42000.020; being that portion of Lot A, Plan VIP56963, District Lot 281, Clayoquot Land District; PID 018-367-534 that is used by Nuuchahnulth First Nations;
  - c) Folio 42000.030; being that portion of Lot A, Plan VIP56963, District Lot 281, Clayoquot Land District; PID 018-367-534 that is used by the Ministry of Child & Family Development;
  - d) Folio No. 42000.40; being that portion of Lot A, Plan VIP56963, District Lot 281, Clayoquot Land District; PID 018-367-534 that is used by Vancouver Island Regional Library;
  - e) Folio No 42000.50; being that portion of Lot A, Plan VIP56963, District Lot 281, Clayoquot Land District; PID 018-367-534 that is used by Ucluelet Daycare;
  - f) Folio No 127994, 1800 Bay Street being Lot 2, Plan VIP29119 District Lot 282, Clayoquot Land District; PID 002-406-900 that is owned and used by the Westcoast Community Resources.;

**READ A FIRST TIME** this 25<sup>th</sup> day of **September, 2018.**

**READ A SECOND TIME** this 25<sup>th</sup> day of **September, 2018.**

**READ A THIRD TIME** this 25<sup>th</sup> day of **September, 2018.**

**ADOPTED** this day of , **2018.**

**CERTIFIED A TRUE AND CORRECT COPY** of “District of Ucluelet 2018-2022 Permissive Tax Exemption Bylaw Amendment Bylaw No. 1237, 2018.”

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Dianne St. Jacques  
Mayor

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Mark Boysen  
Corporate Officer

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

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Mark Boysen  
Corporate Officer