



SPECIAL MEETING OF COUNCIL
Thursday, August 13, 2020 @ 5:30 PM
Ucluelet Community Centre
500 Matterson Drive, Ucluelet

AGENDA

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1. CALL TO ORDER	
2. ACKNOWLEDGEMENT OF FIRST NATIONS TERRITORY Council would like to acknowledge the Yuułu?it?ath First Nation, on whose traditional territories the District of Ucluelet operates.	
3. NOTICE OF VIDEO RECORDING Audience members, delegates and Public Hearing participants are advised that this proceeding is being video recorded and broadcast on YouTube. They are also advised that this meeting is being conducted via Zoom, which may store data on foreign servers.	
4. LATE ITEMS	
5. APPROVAL OF AGENDA	
6. PUBLIC HEARING - DISTRICT OF UCLUELET ZONING AMENDMENT BYLAW NOS. 1267, 2020; 1244, 2019; & 1256, 2019 AS WELL AS TEMPORARY USE PERMIT TUP 19-01 & DEVELOPMENT VARIANCE PERMIT DVP 19-02	
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- 6.3.6. Public Representations for Bylaw No. 1267, 2020 (796 Marine Drive)
- 6.4. **District of Ucluelet Zoning Amendment Bylaw No. 1244, 2019, Development Variance Permit DVP 19-02 & Temporary Use Permit TUP 19-01 (221 Minato Road)**
- 6.4.1. Presentation of Bylaw No. 1244, 2019, Development Variance Permit DVP 19-02 & Temporary Use Permit TUP 19-01 (221 Minato Road) 37 - 52
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- 6.4.2. Reports and Materials Related to Bylaw No. 1244, 2019, Development Variance Permit DVP 19-02 & Temporary Use Permit TUP 19-01(221 Minato Road) 53 - 317
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- 6.4.4. Rezoning Applicant's Presentation for Bylaw No. 1244, 2019, Development Variance Permit DVP 19-02 & Temporary Use Permit TUP 19-01 (221 Minato Road)
- 6.4.5. Written Submissions from Members of the Public Regarding Bylaw No. 1244, 2019, Development Variance Permit DVP 19-02 & Temporary Use Permit TUP 19-01 (221 Minato Road)
- 6.4.6. Public Representations for Bylaw No. 1244, 2019, Development Variance Permit DVP 19-02 & Temporary Use Permit TUP 19-01 (221 Minato Road)
- 6.5. **District of Ucluelet Zoning Amendment Bylaw No. 1256, 2019 (Campgrounds)**
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- 6.5.4. Written Submissions from Members of the Public Regarding Bylaw No. 1256, 2019 (Campgrounds)
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8. OTHER BUSINESS

9. ADJOURNMENT



NOTICE OF PUBLIC HEARING

Notice is hereby given that a Public Hearing will be held at the Ucluelet Community Centre, located at 500 Matterson Drive, Ucluelet B.C., on the Following dates:

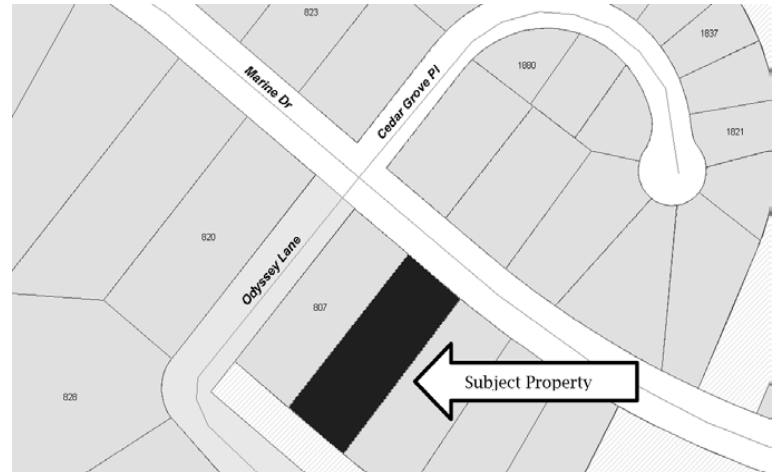
Thursday, August 13, 2020 Commencing at 5:30 p.m.

A public hearing will be held on the following proposed Bylaws, Development Variance Permit, and Temporary Use Permit pursuant to Sections 464, 466, 499, and 493 of the *Local Government Act*.

District of Ucluelet Zoning Amendment Bylaw No. 1267, 2020

In general terms the purpose of this proposed Bylaw is to amend the District of Ucluelet Zoning Bylaw No. 1160, 2013 (the "Zoning Bylaw") by:

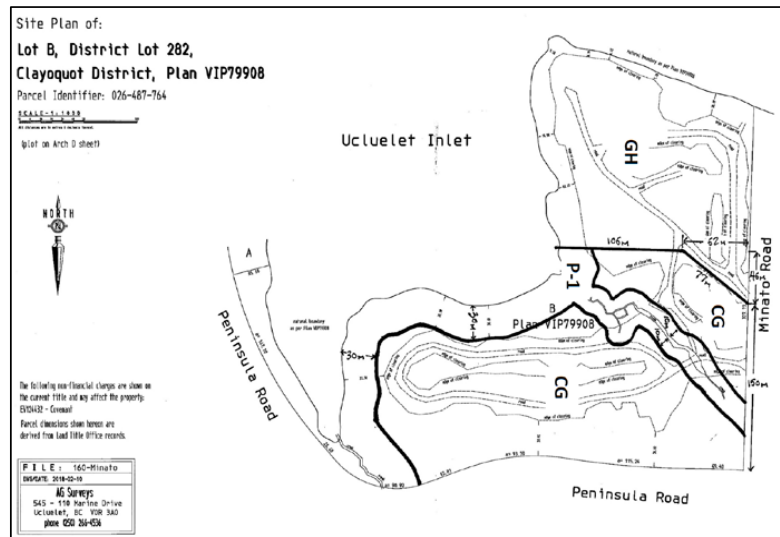
1. changing the zoning designation of the property at **796 Marine Drive** (Lot 8, District Lot 283, Clayoquot District, Plan VIP84686) from *VR-1 Zone - Vacation Rental* to *GH Zone- Guest House*;
2. despite section GH1.1 of the zoning bylaw, allow a *Secondary Suite* and remove *Guest House* as an allowable use on **796 Marine Drive** (Lot 8, District Lot 283, Clayoquot District, Plan VIP84686); and
3. replacing subsection 405.2 (1) (c) with the following text: "as accessory to a permanent residential use and administered by the full-time and present resident occupying the principal Single Family Dwelling or Guest House."



District of Ucluelet Zoning Amendment Bylaw No. 1244, 2019

In general terms the purpose of this proposed Bylaw is to amend the Zoning Bylaw by:

1. changing the zoning designation of **221 Minato Road** (Lot 286, Clayoquot District, Plan VIP79908) from "*RU: Rural Residential*" to areas designated as "*CG: Campground*", "*GH: Guest House*" and "*P-1: Public Institutional*" as outlined in the adjacent map.



Development Variance Permit DVP19-02

The owners of the property at **221 Minato Road** (Lot 286, Clayoquot District, Plan VIP79908) have requested a Development Variance Permit to vary the following aspects of the Zoning Bylaw:

1. for the lot proposed to be zoned as CG Campground, the applicant has requested to reduce the required side yard setback for a campsite to 1.5m whereas the District of Ucluelet Zoning Bylaw No. 1160, 2013, section CG.5.2 (1) (c) requires a minimum of 7.5m; and
2. for the lot proposed to be zoned as GH Guest House, the applicant has requested to increase the allowable Maximum Height for the principle building (Single Family Dwelling) to 10.9m whereas the District of Ucluelet Zoning Bylaw No. 1160, 2013 indicates a maximum allowable height of 8.5m.

Temporary Use Permit TUP 19-01

The owners of the property at **221 Minato Road** (Lot 286, Clayoquot District, Plan VIP79908) have requested a Temporary Use Permit to permit seasonal employee accommodation of up to 10 Camping Spaces for the lot proposed to be zoned as CG Campground. This change would allow camping for six months less a day compared to thirty days or less currently allowed.

District of Ucluelet Zoning Amendment Bylaw No. 1256, 2019

In general terms the purpose of this proposed Bylaw is to amend the Zoning Bylaw by adding a new zoning for *Campgrounds* and to add a regulatory section specific to Campgrounds. The specific *Campground* zone will allow properties designated as CG Campground to be used only for that use and to set specific lot regulations for: density, setbacks, and heights. The proposed campground regulatory section of the Zoning Bylaw will give a supplemental regulatory framework for such items as internal roads, washrooms, and showers.

Anyone who believes the proposed bylaws and permits will affect their interest in property will be given an opportunity to be heard at the public hearing.

Review the Bylaws The proposed bylaws and other relevant materials may be inspected at the District of Ucluelet office at 200 Main Street from the date of this notice until the public hearing, Monday to Friday between 9:00 a.m. to 4:00 p.m., except on Statutory holidays and online at <https://ucluelet.ca/community/district-of-ucluelet-council/public-hearings>

Participate by Written Submission

Drop-off or Mail	Email
Box 999 200 Main Street Ucluelet, BC, V0R 3A0	communityinput@ucluelet.ca

Written submissions must be received before the start of the Public Hearing and include your name and street address. They are considered part of the public record pursuant to the Freedom of Information and Protection of Privacy Act.

Attend the Public Hearing

In-person – with physical distancing	Via Zoom
	URL: https://us02web.zoom.us/j/82949776259
	Webinar ID: 829 4977 6259 / Participant ID NOT required
	Phone: +1 778 907 2071
	See https://ucluelet.ca/community/district-of-ucluelet-council/public-hearings for more information.

Questions? Contact the District of Ucluelet’s Planning Department at 250-726-7744 or jtowgood@ucluelet.ca.

DISTRICT OF UCLUELET
Zoning Amendment Bylaw No. 1267, 2020

A bylaw to amend the “District of Ucluelet Zoning Bylaw No. 1160, 2013”.
 (796 Marine Drive)

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

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

1. Map Amendment:

Schedule A (Zoning Map) of District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by changing the zoning designation of Lot 8, District Lot 283, Clayoquot District, Plan VIP84686 [PID 027-473-481 at 796 Marine Drive], shown shaded on the map attached to this Bylaw as Appendix “A”, from VR-1 Zone - Vacation Rental to GH Zone–Guest House.

2. Text Amendment:

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

- a. by adding the following subsection to section GH.1 in alphanumerical order, as follows:

“GH-1.2 Despite section GH.1.1 above, *Secondary Suite* is permitted as a secondary use and a *Guest House* is not permitted as a principle use on the following properties:

 - (a) PID 027-473-481, Lot 8, District Lot 283, Clayoquot District, Plan VIP84686 [796 Marine Drive]”
- b. by replacing subsection 405.2 (1) (c) with the following text:

“as accessory to a permanent residential use and administered by the full-time and present resident occupying the principal Single Family Dwelling or Guest House. “

3. Citation:

This bylaw may be cited as “District of Ucluelet Zoning Amendment Bylaw No. 1267, 2020”.

READ A FIRST TIME this 23rd day of June, 2020.

READ A SECOND TIME this 23rd day of June, 2020.

PUBLIC HEARING held this day of , 2020.

READ A THIRD TIME this day of , 2020.

ADOPTED this day of , 2020.

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Amendment Bylaw No. 1267, 2020.”

Mayco Noël
Mayor

Mark Boysen
Corporate Officer

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

Mark Boysen
Corporate Officer

Appendix 'A'
Bylaw No. 1267, 2020

From: VR-1
To: GH





STAFF REPORT TO COUNCIL

Council Meeting: June 23, 2020
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: JOHN TOWGOOD, PLANNER 1

FILE NO: 3360-20-RZ20-04

SUBJECT: ZONING BYLAW AMENDMENT FOR 796 MARINE DRIVE

REPORT NO: 20-56

ATTACHMENT(S): APPENDIX A – APPLICATION
APPENDIX B – ZONING AMENDMENT BYLAW NO. 1267, 2020

RECOMMENDATION:

1. **THAT** District of Ucluelet Zoning Amendment Bylaw No. 1267, 2020, be given first and second reading and advanced to a public hearing.

PURPOSE:

To provide Council with information on an application to amend The District of Ucluelet Zoning Bylaw No. 1160, 2013 (the “**Zoning Bylaw**”), for 796 Marine Drive, Lot 8, District Lot 283, Clayoquot District, Plan VIP84686 (the “**Subject Property**”) to allow for two detached Guest Cottages (**GC**) instead of two attached Vacation Rental Suites (**VRS**) and the addition of a Secondary Suite (**SS**).

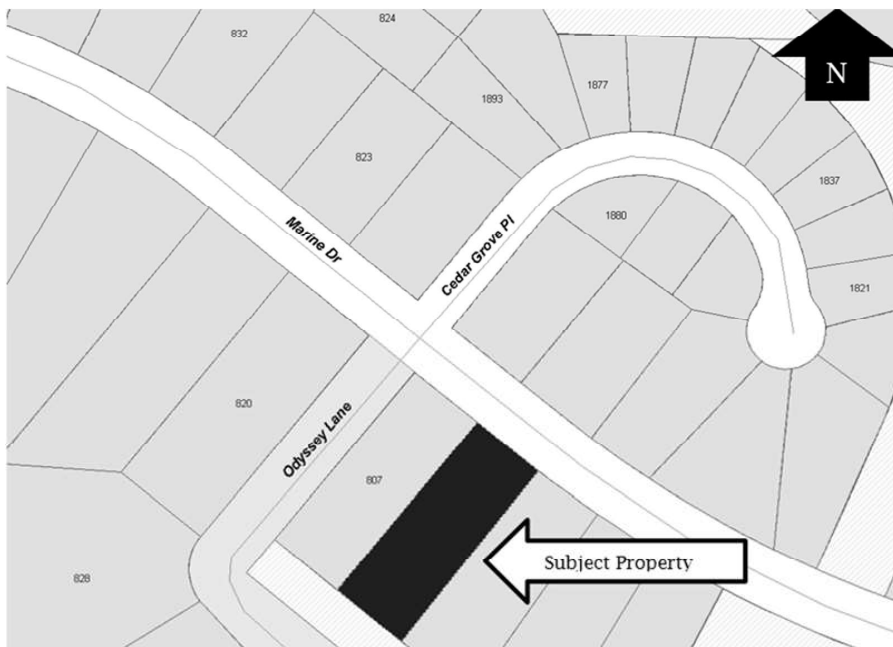


Figure 1 – Subject Property

BACKGROUND:

This application was submitted by Chelsea Ruben on December 31, 2019. The applicant requests a zoning amendment to allow two detached GC instead of the two VRS that are currently allowed by the VR-1 zoning designation of the subject property. The applicant also wishes to have a SS within the Single Family Dwelling (SFD).

The Subject Property is a 2,057m² vacant lot in a fee-simple subdivision that was created in March of 2008. The lot is mostly forested with mature trees to the rear of the property. The lot slopes 6m from the frontage to the rear of the property and the Wild Pacific Trail runs parallel in a District of Ucluelet trail corridor to the rear of the property. The neighborhood has a large component of VR-1 and Guest House zoned properties on the west side of Marine Drive with large residential properties across Marine Drive (**Figure 3**).

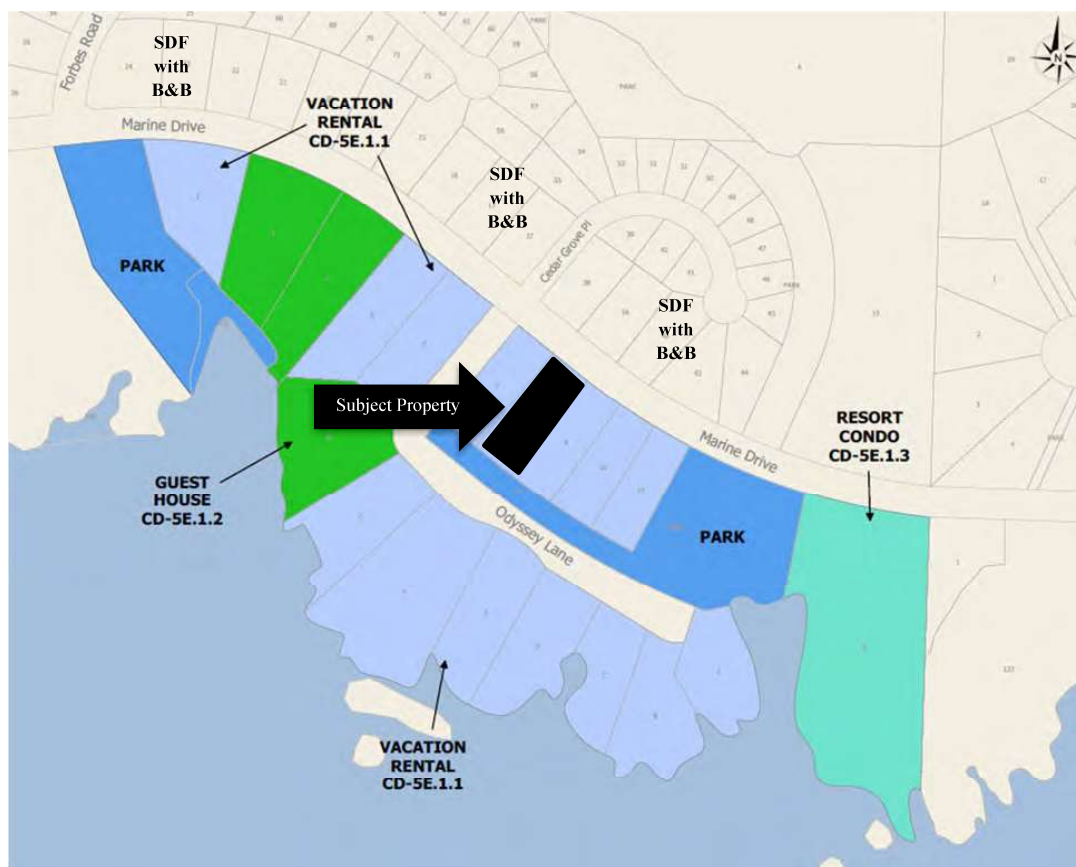


Figure 3 – Neighbourhood Zoning Context

DISCUSSION:

The Subject Property is currently zoned “CD-5E Plan (Development Area #5)” (CD-5E) and has the following permitted uses:

CD-5E.1.1 The following uses are permitted on Lots 2 and 5-11 Plan VIP84686 and Lots A-G Plan VIS6520, in the areas of the CD-5E SubZone Plan labeled "Vacation Rental (VR-1)", but secondary permitted uses are only permitted in conjunction with a principal permitted use:

- (1) Principal:
 - (a) Single Family Dwelling
- (2) Secondary:
 - (a) Vacation Rental (VR-1)

The Vacation Rental (**VR-1**) use is defined in the zoning bylaw as follows:

"Vacation Rental" means the use of an otherwise residential dwelling unit for commercial tourist accommodation, provided in accordance with Section 406 of this Bylaw;

406.1 Where a Zone specifically includes Vacation Rental (VR-1) or Vacation Rental (VR-2) as a permitted use, all the following conditions must be satisfied for the establishment and continued use and operation of the vacation rental:

- (1) The "VR-1" designation restricts the commercial tourist accommodation as:
 - (a) accessory to a permanent residential use and administered by the full-time and present resident occupying at least sixty percent (60%) of the principal building;
 - (b) occupying a maximum of two (2) secondary suites; and
 - (c) occupying a maximum of forty percent (40%) of the principal building on the lot, and no part of an accessory building or structure.

406.2 For greater certainty, notwithstanding other provisions of this Bylaw:

- (1) VR-1 uses are permitted within single family dwellings and duplexes (including their secondary suites), but are not permitted in multiple family residential buildings;

The applicant is proposing two land use changes:

1. A change from two VRS to two GC

The Following are the existing use configurations possible within the current CD-5E.1.1 zoning designation:

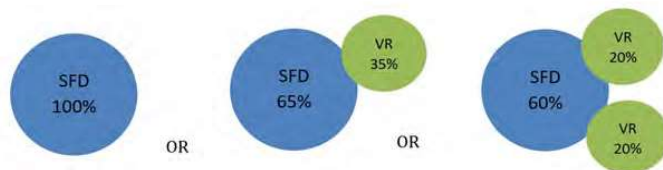


Figure 4- Existing Uses

The applicant is proposing that instead of the two VRS (required to be within the SFD) currently allowed, they propose two GC, one of which is to be age friendly and accessible. The zoning bylaw definition for GC:

“Guest Cottage” means an accessory detached dwelling unit built on a full and continuous foundation on the same lot as the principal use of a guest house or single family dwelling, and is used for commercial tourist accommodation;

This proposed change does not represent a change to the number of units (two) or the type of use (short term rental) within the units, but it does represent a change to the building form. Currently the two VR suites are required to be contained within the SFD and it can be considered that this proximity will mitigate impacts such as noise and disturbance from the VRS. As indicated by the applicants site plan (**Figure 5**), the proposed GC are separated from the SFD and buffered by the existing forested landscape. The GC are also pulled back from the side yards and there is an attempt to retain the existing vegetation.

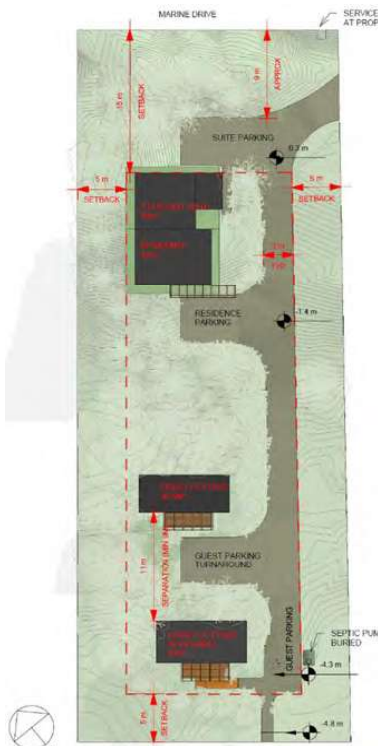


Figure 5 – Proposed Plan

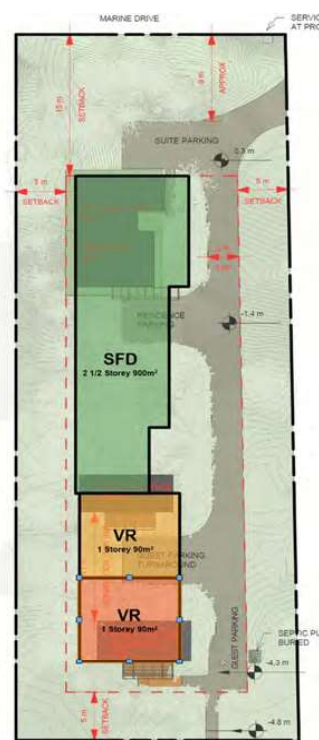


Figure 6 – Potential allowable currently.

The proposal is quite modest in scale with; two 40m² 1-bedroom GC, a 44m² 1-bedroom SS, and the 85m² 3-bedroom SFD. Figure 6 above indicates the potential allowable within the current zoning with a two 2-bedroom 90m² VRS and a 900m² SFD shown over top of the proposed development. Although it is not likely that a 900m² SFD would be built on the property, it should be noted that the potential impact on the site’s environmental attributes from uses under the current zoning could be substantially greater than what is being proposed by the applicant.

2. An addition of an allowable SS

The applicant is requesting the allowance for a residential only SS:

“Secondary Suite”:

(a) in all instances other than a Vacation Rental (VR-1) designation, means one separate accessory dwelling unit, for residential use only, located within a single family dwelling, in accordance with Section 403 of this Bylaw; or

SS are a very important element in Ucluelet’s housing spectrum. Staff have seen a large loss of SS within Ucluelet as a result of the SS being converted to Bed and Breakfast units. Staff have specifically designed the proposed zoning amendment such that Short-Term Rental (**STR**) uses cannot occur in the SS or in the SFD (Guest House or Bed and Breakfast will not be allowable uses on the property). Staff have also considered the management of the guest cottages. It is important that the short-term vacation rental of the cottages be managed by the primary residential use on the property; the SFD rather than the SS. This approach lessens the likelihood that the main house would become a secondary or investment home. Figure 7 below indicates the proposed uses:



Figure 7 – Proposed uses

ZONING AMENDMENT:

Staff considered the options on how to approach the proposed zoning amendment to allow the requested land uses, and recommend that removing the property from CD-5E and giving the property the GH-Guest House zoning designation with some site-specific restrictions was the best approach.

The first part of the proposed zoning amendment is to amend the zoning maps of District of Ucluelet Zoning Bylaw No. 1160, 2013 as follows:

Schedule A (Zoning Map) of District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by changing the zoning designation of Lot 8, District Lot 283, Clayoquot District, Plan VIP84686 [PID 027-473-481 at 796 Marine Drive], shown shaded on the map attached to this Bylaw as Appendix “A”, from VR-1 Zone - Vacation Rental to GH Zone-Guest House.

The second part is an amendment to the text of the Guest House zone that would allow the two GC’s and the SS while restricting the Guest House use in the SFD and SS:

a. by adding the following subsection to section GH.1 in alphanumerical order, as follows:

“GH-1.2 Despite section GH.1.1 above, Secondary Suite is permitted as a secondary use and a Guest House is not permitted as a principle use on the following properties:

(a) PID 027-473-481, Lot 8, District Lot 283, Clayoquot District, Plan VIP84686 [796 Marine Drive]”

The third part is the addition of the text “Single Family Dwelling” to the supplemental Guest house section 405.2 (1) (c) that would clarify which residential use on the property would administer the GC’s:

“as accessory to a permanent residential use and administered by the full-time and present resident occupying the principle Single Family Dwelling or Guest House. “

COVENANT ENSURING THE DEVELOPMENT PROPOSED IS THE DEVELOPMENT BUILT

As the scale of the development proposed is a very important consideration on this application, a covenant entered into by the applicant is recommended to ensure that what is being proposed is what is ultimately built on the property. The applicant has agreed with this requirement and the draft covenant will be presented to Council ahead of a public hearing, if the proposed bylaw proceeds to that point.

TIME REQUIREMENTS – STAFF & ELECTED OFFICIALS:

Should the application proceed, staff time will be required to process this Zoning Bylaw Amendment, including giving notice of a Public Hearing.

FINANCIAL IMPACTS:

There are no direct financial implications.

POLICY OR LEGISLATIVE IMPACTS:

As the requested change does not change the Residential – Single Family land use designation, Staff consider this application to be consistent with the *Official Community Plan*.

SUMMARY:

From a land use perspective, the VR to GC change proposed is predominantly a shift in the building form and the addition of a SS is to the community’s benefit. It should be noted that this application does increase the number of dwellings on the property but the modest size of the development will help retain trees and vegetation on the site, and would have less impact than a full build-out of the property under the current zoning.

OPTIONS:

Staff support the zoning amendment being proposed for 796 Marine Drive. Alternatively, Council could consider the following:

2. **THAT** Council provide alternative direction to Staff and/or the applicant; **or**,
3. **THAT** Council reject the application.

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

Appendix A

Chelsea Ruben & Nigel Harrison
PO Box 1367, Cumberland, BC V0R1S0
frogfur@hotmail.com
778-992-0362

Dec 11, 2019

RE: rezoning application for 796 Marine Drive

Dear John Towgood, and Ucluelet planning staff,

Please find attached our application for rezoning the property at 796 Marine Drive. We have worked with John Salmen (from Station Design) in preparing the plans and application. As you probably remember from conversations with ourselves and John, our aim in asking for a rezoning is to allow for the two vacation rental suites that the property is currently zoned for to be detached cottages, and to allow an additional long-term residential suite to be added to the main house, to provide local housing.

We first 'discovered' Ucluelet when we began to take our kids on camping and surfing trips out to the coast, and were drawn to the natural beauty of the area and the laid-back, friendly community. We began to spend more and more time there, and when we came across this lot for sale, right on the edge of the Pacific Crest Trail, we decided to make some changes to our lives and commit to the area.

We understand that a previous prospective buyer had applied for guesthouse zoning, to allow four attached guest rooms on the main house and two detached vacation cottages. This application was denied, but the council did offer that the two vacation rentals could be detached. We were intrigued by this offer. By having the vacation cottages be detached, we feel that we can maximize both the guests' and our privacy, as well as tuck multiple smaller buildings in among the stands of larger trees, in order to preserve as much of the mature forest as possible.

The previous application also made us wonder if it would be possible to help address the housing situation in Ucluelet. We understand from local friends that housing is very hard to come by. Nigel comes from a region of the UK with similar difficulties, where some villages have more than half of their housing stock rented out to vacationers. We talked about how we would love to be able to provide local housing as well as vacation rentals. However, looking at finances, the current zoning that allows for two vacation rentals was important for us to be able to afford to build a home on the property. Thus we are asking for a spot zoning that would allow for an additional long-term residential suite attached to the house, rather than four more guest suites. I understand there is no specific zoning that exists for this scenario, so we are asking for a spot zoning. (Except that it is similar to, but certainly less dense, than the guest house zoning, which the lot is large enough to qualify for.)

In working with John Salmen we have explored ways to make the house and cottages fit in with the land, both to minimize their aesthetic and physical impact on the forest. John suggested the idea to make one of the guest cottages accessible, which we heartily agreed with. We have gotten such pleasure from our own outdoor lifestyle, we would love to help people enjoy the lovely coastline and nature paths who also need accessible accommodation.

Please let me know if you have any questions, concerns or comments on our application.

Regards,

Chelsea

Development Application

District of Ucluelet
 Planning Department
 200 Main Street, Ucluelet, BC
 VOR 3A0, P.O. 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 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): 796 Marine Drive, Ucluelet
 Legal Description: Lot 8 Plan VIP84686 Block _____ Section _____ DL 283

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: Chelsea Ruben Company name: n/a
 Mailing address: PO Box 1367, Cumberland, BC Postal Code: VOR1S0
 Tel : _____ Cell : (778) 992-0362
 Email : frogfur@hotmail.com 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: _____ Date: Dec 12, 2019

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: Chelsea Ruben, Nigel Harrison
 Mailing address: PO Box 1367, Cumberland, BC Postal Code: VOR1S0
 Tel : _____ Cell : (778) 992-0362
 Email : frogfur@hotmail.com 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: _____ Date: Dec 12, 2019

Office Use Only:

Folio No.:	File No.:	Date:	Receipt No.:	Fee:
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Schedule A, Bylaw 1164, 2015

June 2015

796 Marine Drive, Ucluelet - Rezoning Application

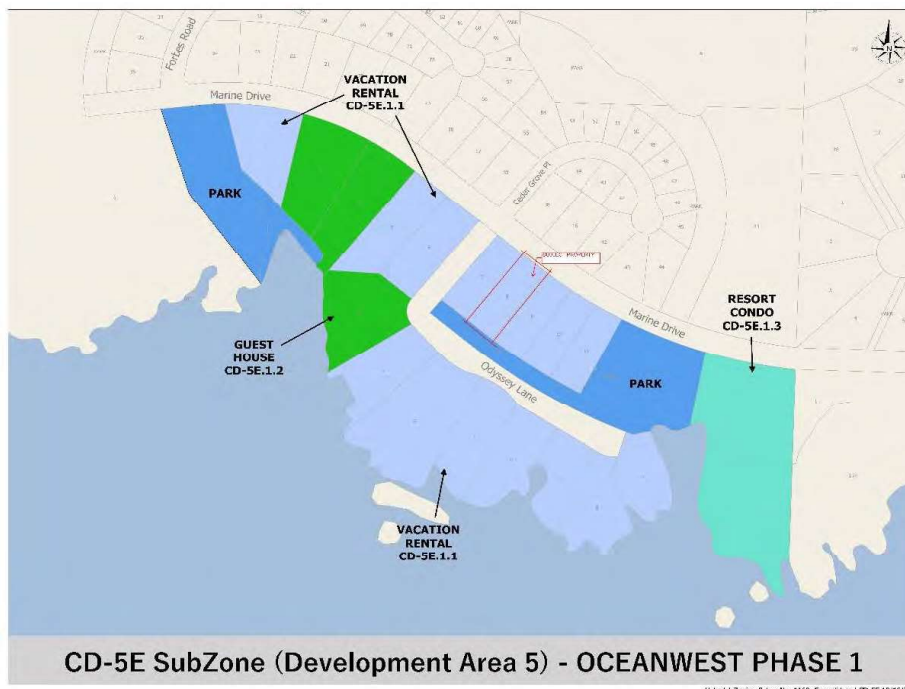
DOCUMENTS ENCLOSED

PG

- 1** REZONING APPLICATION SUMMARY
 - Purpose*
 - Property Context*
 - Proposal*
 - OCP Context*
- 2** REZONING APPLICATION SUMMARY
 - Proposed Zoning*
 - Proposed Development - Building Footprints*
 - Lot Coverage - Floor Area Ratio (FAR)*
 - Building Heights*
- 3** SITE PLAN
 - Proposed Development with Description*
- 4** SITE ELEVATION - ORTHOGRAPHIC
 - Site Views*
- 5** RESIDENCE WITH SUITE
 - Floor Plans*
- 6** RESIDENCE WITH SUITE
 - Elevations*
- 7** GUEST COTTAGE (1)
 - Floor Plans and Elevations*
- 8** GUEST COTTAGE 2 - ACCESSIBLE
 - Floor Plans and Elevations*
- 9 to 11** STATE OF TITLE CERTIFICATE
 - December 5th, 2019*

796 Marine Drive, Ucluelet - Rezoning Application

prepared by John Salmen (Station Design) on behalf of Chelsea Rubin and Nigel Harrison (owners)



PID: 027-473-481

LOT 8 DISTRICT LOT 283 CLAYOQUOT DISTRICT PLAN VIP84686

LOT SIZE 2057 M2 LOT FRONTAGE 26.76M

CURRENT ZONING - CD-5E.1

PURPOSE

This application proposes to rezone the .206ha property from CD-5E.1 to a spot zoning similar to GH Zone to provide for a main residence with an attached long-term rental suite and two vacation rental guest cottages - one of which is to be developed as accessible within reach of the Wild Pacific Trail

PROPERTY CONTEXT

*The property is located within the CD-5E SubZone (Development Area #5) Oceanwest
The property is undeveloped and undisturbed retaining its coastal forest characteristics
The property is serviced at Marine Drive (water, sewer and hydro). A previous rezoning was requested for the property by previous a previous applicant - requesting a higher vacation rental density - a lower density (2 guest cottages) was proposed by council*

PROPOSAL

*This proposal seeks to implement councils recommendation of 2 guest cottages consistent with the GH Zone which provides for 2 guest cabins plus main residence on a lot area greater than 2000m2. This proposal is designed for minimal lot coverage to maintain the native coastal landscape, consistent with the trail (see pg.2)
The development is configured within existing zone setbacks - to be maintained*

OCP CONTEXT

This proposal meets Policy 3.22 (accessibility) and Policy 3.1220 D,E,G (long term tenancy) of the proposed Official Community Plan

stationdesign 4465 uphill rd., duncan bc V9L 6M7 ph 250-246-8541 stationdesign@shaw.ca

796 Marine Drive, Ucluelet - Rezoning Application**PROPOSED ZONING**

Spot zoning intended to provide mixed housing and vacation rental options
 To include a single family dwelling with attached long term rental suite
 and two small scale guest cottages for tourist accomodation - one of
 which to be developed as accessible accomodation
 Policy 3.22 (accessibility - proposed OCP)
 Policy 3.120 D,E,G (long term- tenancy - proposed OCP)

PROPOSED DEVELOPMENT - BUILDING FOOTPRINTS*Single Family Dwelling*

<i>3 Bdrm Residence</i>	60 m ²
<i>Attached Suite</i>	44 m ²
Total	104

Small Scale Guest Cottage

<i>1 bedroom</i>	36.5 m ²
<i>ext deck</i>	7.75
Total	44.25

Accessible Guest Cottage

<i>1 bedroom</i>	39.8 m ²
<i>ext deck</i>	7.75
Total	47.55

Accessory

<i>electrical</i>	1.5 m ²
<i>pump house</i>	1.5 m ²
<i>conditional</i>	90 m ²
Total	93

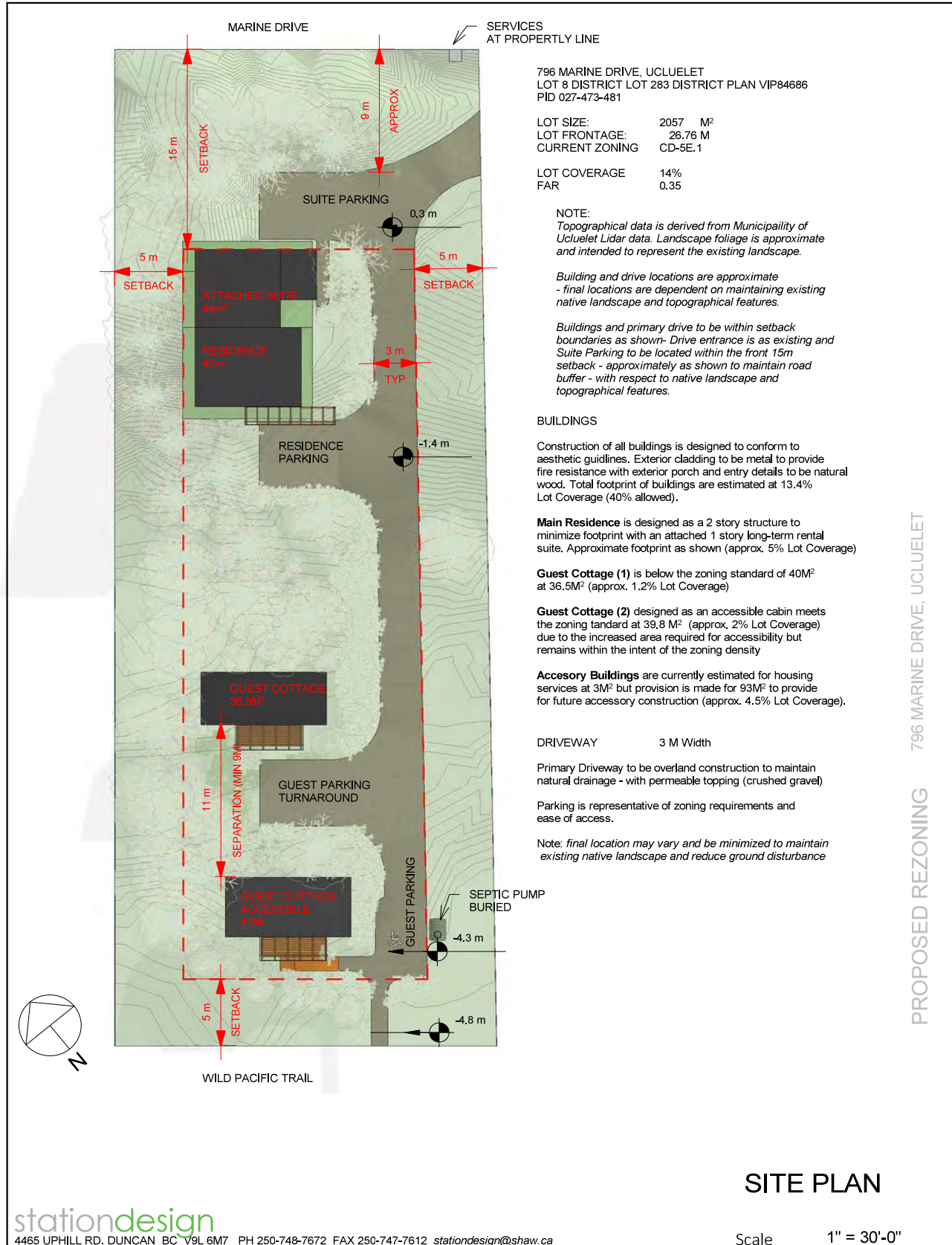
LOT COVERAGE - FLOOR AREA RATIO

<i>Total Building Coverage (incl decks)</i>	288.8 m ²
Lot Coverage	14.04 %

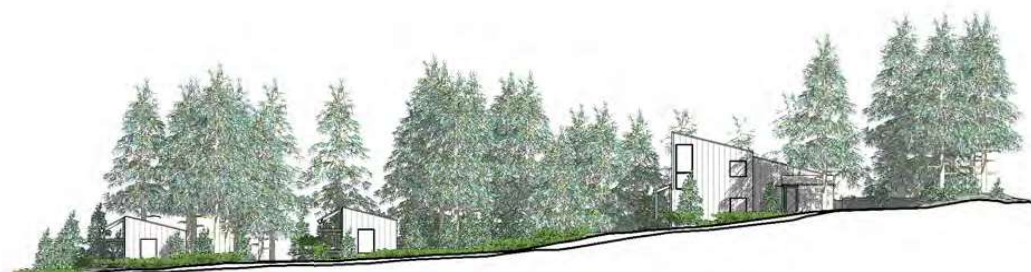
<i>Buildable area (within setbacks)</i>	958.3 m ²
<i>Gross Floor Area</i>	333.3
Floor Area Ratio	0.35

BUILDING HEIGHTS

<i>2 Story Main Residence</i>	7 m
<i>Guest Cabins</i>	3.6 m



4



SITE VIEWS ILLUSTRATING APPROXIMATE SITE LAYOUT AND DEVELOPMENT

Topographical data is derived from Municipality of Ucluelet Lidar data. Landscape foliage is approximate and intended to represent the existing landscape.

Building and drive locations are approximate - final locations are dependent on maintaining existing native landscape and topographical features.

796 MARINE DRIVE, UCLUELET
PROPOSED REZONING

SITE ELEVATION - ORTHOGRAPHIC

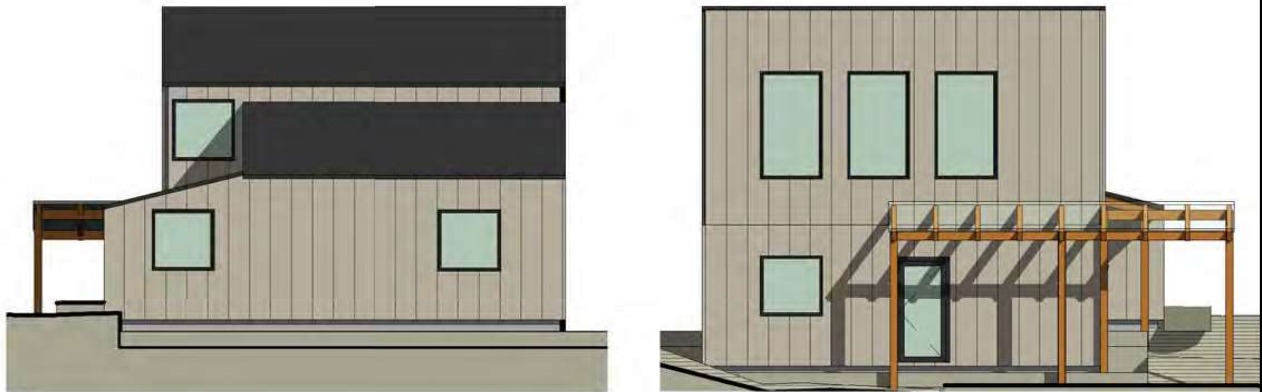
stationdesign

4465 UPHILL RD. DUNCAN BC V9L 6M7 PH 250-748-7672 FAX 250-747-7612 stationdesign@shaw.ca

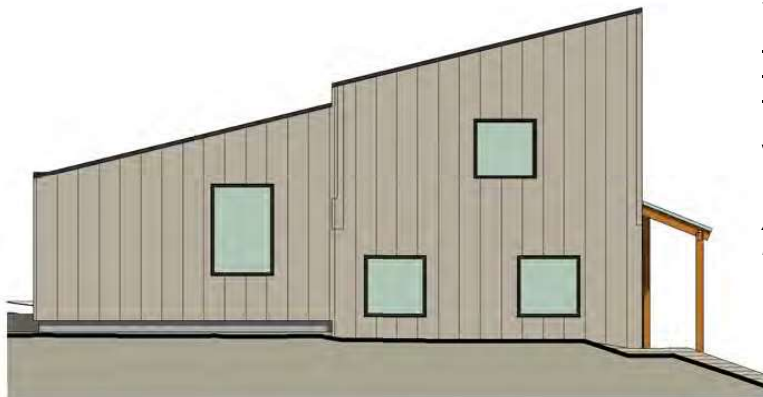
Scale 1" = 40'-0"



6



796 MARINE DRIVE, UCLUELET



MAIN RESIDENCE AND ATTACHED SUITE - EXTERIOR FINISHES

- 26 GA. METAL ROOFING
- 26 GA METAL SIDING
- ACRYLIC TRANSLUCENT MAIN ENTRY ROOFING w/ D.F. STRUCT FRAMING

NOTE: FINAL IFP PLANS TO BE AS PER OWNERS SPECIFICATIONS, BCBC, AND MUNICIPALITY OF UCLUELET

RESIDENCE / SUITE

ELEVATIONS



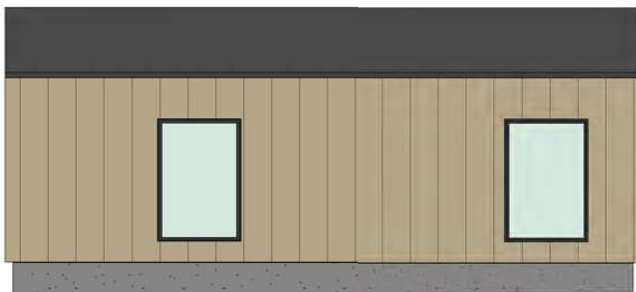
GUEST COTTAGE 1

1 BDRM VACATION RENTAL COTTAGE
340 FT² - 31.6 M² INTERIOR
393 FT² - 36.5 M² EXTERIOR

EXTERIOR FINISHES

- 26 GA. METAL ROOFING
- 26 GA METAL SIDING
- ACRYLIC TRANSLUCENT DECK ROOFING
- STRUCT D.F. FIR EXTERIOR DECK FRAMING
- 2x6 CEDAR DECKING AND RAMP DECKING

NOTE: FINAL IFP PLANS TO BE AS PER OWNERS SPECIFICATIONS, BCBC, AND MUNICIPALITY OF UCLUELET



796 MARINE DRIVE, UCLUELET

GUEST COTTAGE

GUEST COTTAGE 1

stationdesign

4465 UPHILL RD. DUNCAN BC V9L 6M7 PH 250-748-7672 FAX 250-747-7612 stationdesign@shaw.ca

Scale 1/8" = 1'-0"

ACCESSIBLE GUEST CABIN
364 FT² INT.

1:12 RAMP

EXT. DECK

13' - 4"

28' - 0"

GUEST COTTAGE 2 (ACCESSIBLE)

1 BDRM VACATION RENTAL COTTAGE
364 FT² - 33.8 M² INTERIOR
428 FT² - 39.8 M² EXTERIOR

EXTERIOR FINISHES

- 26 GA. METAL ROOFING
- 26 GA METAL SIDING
- ACRYLIC TRANSLUCENT DECK ROOFING
- STRUCT D.F. FIR EXTERIOR DECK FRAMING
- 2x6 CEDAR DECKING AND RAMP DECKING

NOTE: FINAL IFP PLANS TO BE AS PER OWNERS SPECIFICATIONS, BCBC, AND MUNICIPALITY OF UCLUELET

796 MARINE DRIVE, UCLUELET

GUEST COTTAGE

GUEST COTTAGE 2 - ACCESSIBLE

stationdesign
4465 UPHILL RD. DUNCAN BC V9L 6M7 PH 250-748-7672 FAX 250-747-7612 stationdesign@shaw.ca

Scale 1/8" = 1'-0"

LAND TITLE OFFICE
STATE OF TITLE CERTIFICATE

Certificate Number: STSR2963695

John Salmen
 4465 UPHILL RD
 DUNCAN BC V9L6M7
 Pick up by: John Salmen

A copy of this State of Title Certificate held by the land title office can be viewed for a period of one year at <https://apps.ltsa.ca/cert> (access code 145782).

I certify this to be an accurate reproduction of title number **CA7774468** at 11:50 this 5th day of December, 2019.



 REGISTRAR OF LAND TITLES



Land Title District Land Title Office	VICTORIA VICTORIA
Title Number From Title Number	CA7774468 CA776027
Application Received	2019-09-27
Application Entered	2019-10-01
Registered Owner in Fee Simple Registered Owner/Mailing Address:	NIGEL ROBERT HARRISON, SKI INSTRUCTOR CHELSEA ANNE RUBEN, BUSINESS ADMINISTRATOR PO BOX 1367 CUMBERLAND, BC V0R 1S0 AS JOINT TENANTS
Taxation Authority	Ucluelet, District of

LAND TITLE OFFICE
STATE OF TITLE CERTIFICATE

Certificate Number: STSR2963695

Description of Land

Parcel Identifier: 027-473-481
 Legal Description:
 LOT 8 DISTRICT LOT 283 CLAYOQUOT DISTRICT PLAN VIP84686

Legal Notations

HERETO IS ANNEXED EASEMENT FB154858 OVER PART OF LOT 9 PLAN VIP84686
 SHOWN ON PLAN VIP84687

Charges, Liens and Interests

Nature:	COVENANT
Registration Number:	EX125879
Registration Date and Time:	2005-10-03 10:02
Registered Owner:	DISTRICT OF UCLUELET
Remarks:	INTER ALIA MODIFIED BY FB49737 MODIFIED BY FB439221
Nature:	MODIFICATION
Registration Number:	FB49737
Registration Date and Time:	2007-05-18 13:33
Remarks:	INTER ALIA MODIFICATION OF EX125879
Nature:	COVENANT
Registration Number:	FB154804
Registration Date and Time:	2008-03-14 13:09
Registered Owner:	DISTRICT OF UCLUELET
Remarks:	THE CROWN IN RIGHT OF BRITISH COLUMBIA INTER ALIA
Nature:	COVENANT
Registration Number:	FB154853
Registration Date and Time:	2008-03-14 13:12
Registered Owner:	DISTRICT OF UCLUELET
Remarks:	INTER ALIA
Nature:	EASEMENT
Registration Number:	FB154857
Registration Date and Time:	2008-03-14 13:13
Remarks:	PART ON PLAN VIP84687; APPURTENANT TO LOT 9 PLAN VIP84686
Nature:	COVENANT
Registration Number:	FB154867
Registration Date and Time:	2008-03-14 13:15
Registered Owner:	DISTRICT OF UCLUELET
Remarks:	INTER ALIA

LAND TITLE OFFICE

STATE OF TITLE CERTIFICATE

Certificate Number: STSR2963695

Nature:	STATUTORY BUILDING SCHEME
Registration Number:	FB154882
Registration Date and Time:	2008-03-14 13:19
Remarks:	INTER ALIA

Duplicate Indefeasible Title NONE OUTSTANDING

Transfers NONE

Pending Applications NONE

This certificate is to be read subject to the provisions of section 23(2) of the Land Title Act(R.S.B.C. 1996 Chapter 250) and may be affected by sections 50 and 55-58 of the Land Act (R.S.B.C. 1996 Chapter 245).

Appendix B

DISTRICT OF UCLUELET**Zoning Amendment Bylaw No. 1267, 2020**

A bylaw to amend the “District of Ucluelet Zoning Bylaw No. 1160, 2013”.
(796 Marine Drive)

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

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

1. Map Amendment:

Schedule A (Zoning Map) of District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by changing the zoning designation of Lot 8, District Lot 283, Clayoquot District, Plan VIP84686 [PID 027-473-481 at 796 Marine Drive], shown shaded on the map attached to this Bylaw as Appendix “A”, from VR-1 Zone - Vacation Rental to GH Zone–Guest House.

2. Text Amendment:

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

- a. by adding the following subsection to section GH.1 in alphanumerical order, as follows:

“GH-1.2 Despite section GH.1.1 above, *Secondary Suite* is permitted as a secondary use and a *Guest House* is not permitted as a principle use on the following properties:

 - (a) PID 027-473-481, Lot 8, District Lot 283, Clayoquot District, Plan VIP84686 [796 Marine Drive]”
- b. by replacing subsection 405.2 (1) (c) with the following text:

“as accessory to a permanent residential use and administered by the full-time and present resident occupying the principle Single Family Dwelling or Guest House. “

3. Citation:

This bylaw may be cited as “District of Ucluelet Zoning Amendment Bylaw No. 1267, 2020”.

READ A FIRST TIME this day of , 2020.

READ A SECOND TIME this day of , 2020.

PUBLIC HEARING held this day of , 2020.

READ A THIRD TIME this day of , 2020.

ADOPTED this day of , 2020.

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Amendment Bylaw No. 1267, 2020.”

Mayco Noël
Mayor

Mark Boysen
Corporate Officer

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

Mark Boysen
Corporate Officer

Appendix 'A'
Bylaw No. 1267, 2020

From: VR-1
To: GH





DISTRICT OF UCLUELET

Excerpts from the Tuesday, June 23, 2020 Regular Meeting Minutes
These Minute Excerpts are DRAFT as they have NOT been adopted by Council.

14. LEGISLATION

14.4 Zoning Bylaw Amendment for 796 Marine Drive *John Towgood, Planner 1*

Mr. Greig presented this report. He noted that the proposed bylaw would allow two detached cottages, and a single family dwelling with a secondary suite on the subject property. The secondary suite may not be used as a short term accommodation. He also noted that the total square footage of the three proposed structures is only 2225 sq ft.

The owner spoke to the application. She explained that multiple structures are proposed to preserve as many trees as possible on the property.

2020.132.REGULAR **It was moved by Councillor McEwen and seconded by Councillor Hoar**

THAT Council approve recommendation 1 of report item "Zoning Bylaw Amendment for 796 Marine Drive" which states:

1. *THAT District of Ucluelet Zoning Amendment Bylaw No. 1267, 2020, be given first and second reading and advanced to a public hearing.*

CARRIED.

DISTRICT OF UCLUELET

Zoning Bylaw Amendment Bylaw No. 1244, 2019

A bylaw to amend the District of Ucluelet Zoning Bylaw (221 Minato Road).

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

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

1. Map Amendment:

Schedule A (Zoning Map) of District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by changing the zoning designation of Lot B, District Lot 286, Clayoquot District, Plan VIP79908 (221 Minato Road, PID 026-487-764), from "RU: Rural Residential" to areas designated as "CG: Campground", "GH: Guest House" and "P-1: Public Institutional" as outlined in black on the map attached to this Bylaw as Appendix "A".

2. This bylaw may be cited as "District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1244, 2019".

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

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

PUBLIC HEARING held this day of , 2019.

READ A THIRD TIME this day of , 2019.

ADOPTED this day of , 2019.

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Amendment Bylaw No. 1244, 2019.”

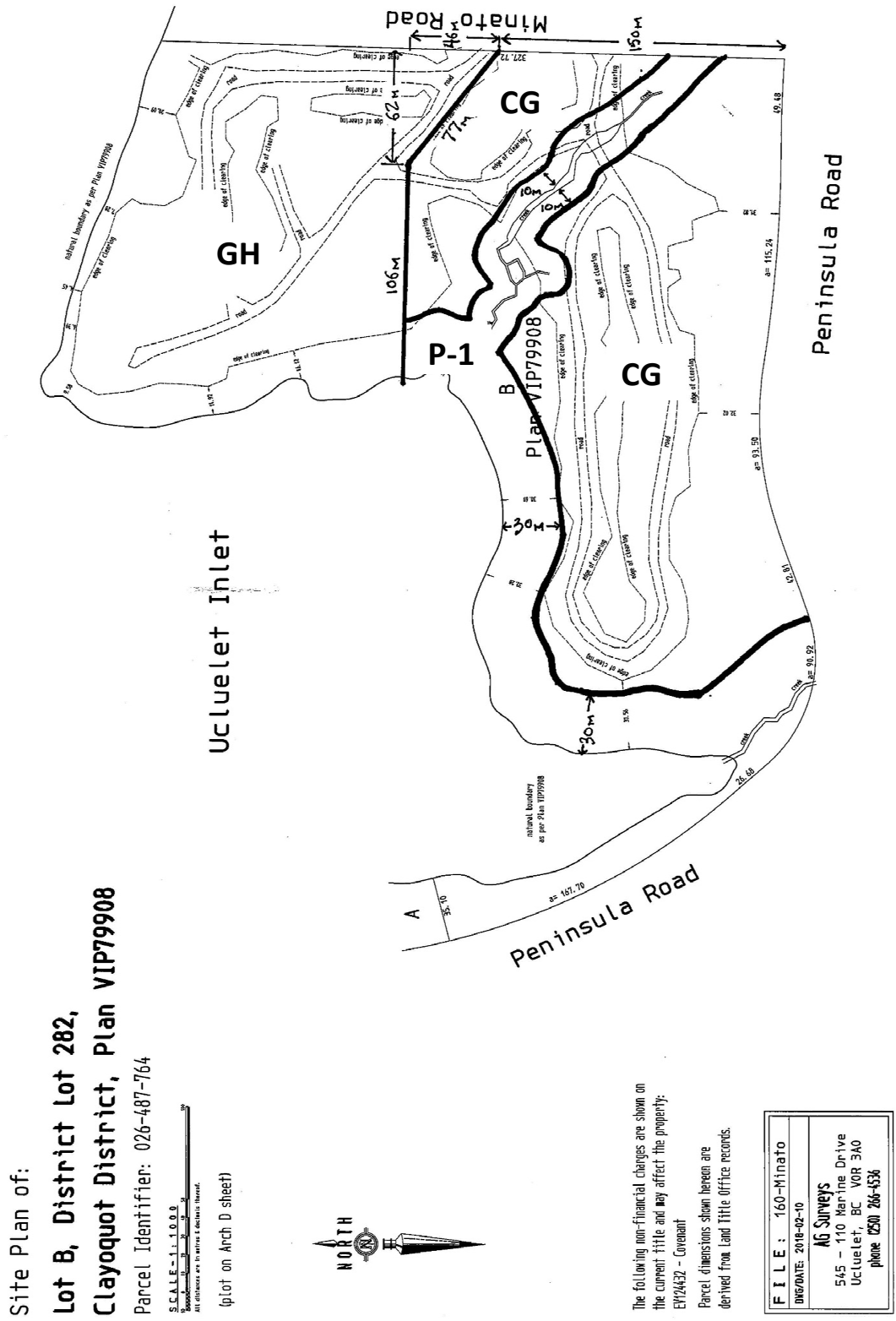
Mayco Noël
Mayor

Mark Boysen
Corporate Officer

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

Mark Boysen
Corporate Officer

Appendix A to Ucluelet Zoning Amendment Bylaw No. 1244, 2019





DEVELOPMENT VARIANCE PERMIT DVP19-02

Pursuant to section 498 of the Local Government Act, 2015:

1. This Development Variance Permit is issued to:

PIRATES BAY HOLDING COMPANY LTD, PO BOX 286, UCLUELET, BC, V0R 3A0

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

LOT B, DISTRICT LOT 286, CLAYOQUOT DISTRICT, PLAN VIP79908 (221 MINATO ROAD) PID: 026-487-764

3. The work authorized by this Permit may only be carried out:

- a. in compliance with the requirements of the District of Ucluelet Zoning Bylaw No. 1160, 2013, except where specifically varied or supplemented by this development variance permit.
- b. in compliance with all federal, provincial, and municipal statutes, regulations, and bylaws.

4. This Permit authorizes the following variances for the proposed campsite development of the Lands as shown on the plans attached as **Schedule A**:

- i. **Reduce the required side yard setback for a campsite to 1.5m whereas the District of Ucluelet Zoning Bylaw No. 1160, 2013, section CG.5.2 (1) (c) requires a minimum of 7.5m.**

5. This Permit authorizes the following variances for the proposed Guest House of the Land as shown on the plans attached as **Schedule B**:

- ii. **Increase the allowable Maximum Height for the principle building (Single Family Dwelling) to 10.9m whereas the District of Ucluelet Zoning Bylaw No. 1160, 2013 indicates a maximum allowable height of 8.5m.**

6. The above variances are granted for the proposed development of the Land as shown on Schedules A and B. Should the Land or portions of the Land be redeveloped at some future date, this Development Variance Permit shall cease to apply and the zoning and servicing standards in effect at the time shall apply.
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.





AUTHORIZING RESOLUTION passed by the Municipal Council on the day of , 2020.

THE DISTRICT OF UCLUELET
by its authorized signatories:

ISSUED the day of , 2020.

Bruce Greig - Manager of Community Planning



SCHEDULE A



PLANT LIST

TREES			
SPECIES	SIZE	SPACING	QTY
RED CEDAR (TOURNAI)	1.5m	3m x 3m	100
WESTERN RED CEDAR (TOURNAI)	2.5m	3m x 3m	100
WESTERN RED CEDAR (TOURNAI)	3.5m	3m x 3m	100
WESTERN RED CEDAR (TOURNAI)	4.5m	3m x 3m	100
WESTERN RED CEDAR (TOURNAI)	5.5m	3m x 3m	100
WESTERN RED CEDAR (TOURNAI)	6.5m	3m x 3m	100
WESTERN RED CEDAR (TOURNAI)	7.5m	3m x 3m	100
WESTERN RED CEDAR (TOURNAI)	8.5m	3m x 3m	100
WESTERN RED CEDAR (TOURNAI)	9.5m	3m x 3m	100
WESTERN RED CEDAR (TOURNAI)	10.5m	3m x 3m	100
WESTERN RED CEDAR (TOURNAI)	11.5m	3m x 3m	100
WESTERN RED CEDAR (TOURNAI)	12.5m	3m x 3m	100
WESTERN RED CEDAR (TOURNAI)	13.5m	3m x 3m	100
WESTERN RED CEDAR (TOURNAI)	14.5m	3m x 3m	100
WESTERN RED CEDAR (TOURNAI)	15.5m	3m x 3m	100
WESTERN RED CEDAR (TOURNAI)	16.5m	3m x 3m	100
WESTERN RED CEDAR (TOURNAI)	17.5m	3m x 3m	100
WESTERN RED CEDAR (TOURNAI)	18.5m	3m x 3m	100
WESTERN RED CEDAR (TOURNAI)	19.5m	3m x 3m	100
WESTERN RED CEDAR (TOURNAI)	20.5m	3m x 3m	100
WESTERN RED CEDAR (TOURNAI)	21.5m	3m x 3m	100
WESTERN RED CEDAR (TOURNAI)	22.5m	3m x 3m	100
WESTERN RED CEDAR (TOURNAI)	23.5m	3m x 3m	100
WESTERN RED CEDAR (TOURNAI)	24.5m	3m x 3m	100
WESTERN RED CEDAR (TOURNAI)	25.5m	3m x 3m	100
WESTERN RED CEDAR (TOURNAI)	26.5m	3m x 3m	100
WESTERN RED CEDAR (TOURNAI)	27.5m	3m x 3m	100
WESTERN RED CEDAR (TOURNAI)	28.5m	3m x 3m	100
WESTERN RED CEDAR (TOURNAI)	29.5m	3m x 3m	100
WESTERN RED CEDAR (TOURNAI)	30.5m	3m x 3m	100
WESTERN RED CEDAR (TOURNAI)	31.5m	3m x 3m	100
WESTERN RED CEDAR (TOURNAI)	32.5m	3m x 3m	100
WESTERN RED CEDAR (TOURNAI)	33.5m	3m x 3m	100
WESTERN RED CEDAR (TOURNAI)	34.5m	3m x 3m	100
WESTERN RED CEDAR (TOURNAI)	35.5m	3m x 3m	100
WESTERN RED CEDAR (TOURNAI)	36.5m	3m x 3m	100
WESTERN RED CEDAR (TOURNAI)	37.5m	3m x 3m	100
WESTERN RED CEDAR (TOURNAI)	38.5m	3m x 3m	100
WESTERN RED CEDAR (TOURNAI)	39.5m	3m x 3m	100
WESTERN RED CEDAR (TOURNAI)	40.5m	3m x 3m	100
WESTERN RED CEDAR (TOURNAI)	41.5m	3m x 3m	100
WESTERN RED CEDAR (TOURNAI)	42.5m	3m x 3m	100
WESTERN RED CEDAR (TOURNAI)	43.5m	3m x 3m	100
WESTERN RED CEDAR (TOURNAI)	44.5m	3m x 3m	100
WESTERN RED CEDAR (TOURNAI)	45.5m	3m x 3m	100
WESTERN RED CEDAR (TOURNAI)	46.5m	3m x 3m	100
WESTERN RED CEDAR (TOURNAI)	47.5m	3m x 3m	100
WESTERN RED CEDAR (TOURNAI)	48.5m	3m x 3m	100
WESTERN RED CEDAR (TOURNAI)	49.5m	3m x 3m	100
WESTERN RED CEDAR (TOURNAI)	50.5m	3m x 3m	100

NATIVE SHRUBS/FERNS			
SPECIES	SIZE	SPACING	QTY
SALE	1.5m	3m x 3m	100
SALE	2.5m	3m x 3m	100
SALE	3.5m	3m x 3m	100
SALE	4.5m	3m x 3m	100
SALE	5.5m	3m x 3m	100
SALE	6.5m	3m x 3m	100
SALE	7.5m	3m x 3m	100
SALE	8.5m	3m x 3m	100
SALE	9.5m	3m x 3m	100
SALE	10.5m	3m x 3m	100
SALE	11.5m	3m x 3m	100
SALE	12.5m	3m x 3m	100
SALE	13.5m	3m x 3m	100
SALE	14.5m	3m x 3m	100
SALE	15.5m	3m x 3m	100
SALE	16.5m	3m x 3m	100
SALE	17.5m	3m x 3m	100
SALE	18.5m	3m x 3m	100
SALE	19.5m	3m x 3m	100
SALE	20.5m	3m x 3m	100
SALE	21.5m	3m x 3m	100
SALE	22.5m	3m x 3m	100
SALE	23.5m	3m x 3m	100
SALE	24.5m	3m x 3m	100
SALE	25.5m	3m x 3m	100
SALE	26.5m	3m x 3m	100
SALE	27.5m	3m x 3m	100
SALE	28.5m	3m x 3m	100
SALE	29.5m	3m x 3m	100
SALE	30.5m	3m x 3m	100
SALE	31.5m	3m x 3m	100
SALE	32.5m	3m x 3m	100
SALE	33.5m	3m x 3m	100
SALE	34.5m	3m x 3m	100
SALE	35.5m	3m x 3m	100
SALE	36.5m	3m x 3m	100
SALE	37.5m	3m x 3m	100
SALE	38.5m	3m x 3m	100
SALE	39.5m	3m x 3m	100
SALE	40.5m	3m x 3m	100
SALE	41.5m	3m x 3m	100
SALE	42.5m	3m x 3m	100
SALE	43.5m	3m x 3m	100
SALE	44.5m	3m x 3m	100
SALE	45.5m	3m x 3m	100
SALE	46.5m	3m x 3m	100
SALE	47.5m	3m x 3m	100
SALE	48.5m	3m x 3m	100
SALE	49.5m	3m x 3m	100
SALE	50.5m	3m x 3m	100

-  NATIVE TREE SPECIES (100 COUNT)
-  NATIVE PLANT LANDSCAPE AREAS (1757 sqft)
-  EXISTING TREES TO REMAIN
-  10 RV PAD RENTALS
-  6X15m FULL HOOK-UP CAMP SITE
-  1 PARKING SPACE
-  2m LANDSCAPE BUFFER







TEMPORARY USE PERMIT TUP19-01

General Terms

1. This Temporary Use Permit is issued to:

PIRATES BAY HOLDING COMPANY LTD, PO BOX 286, UCLUELET, BC, V0R 3A0

(the "**Permittee**")

as the registered owner and responsible tenant of, and shall apply only to, the lands and premises situate in the District of Ucluelet, in the Province of British Columbia, and more particularly described as:

AREA DESIGNATED PHASE 1 ON LOT B, DISTRICT LOT 286, CLAYOQUOT DISTRICT, PLAN VIP79908 (221 MINATO ROAD) PID: 026-487-764

(the "**Lands**").

2. This Temporary Use Permit is issued pursuant to section 492 to 497 of the *Local Government Act*.
3. This Temporary Use Permit is issued subject to compliance with all applicable District of Ucluelet Bylaws.
4. This permit does not relieve an owner or occupier from obtaining any other approvals required by any other jurisdiction, or from meeting any other applicable regulations.
5. This Temporary Use Permit authorizes the following use of the Lands, despite the regulations adopted in Ucluelet Zoning Bylaw No. 1160, 2013, as amended:
 - a. **to permit seasonal accommodation in up to 10 Camping Spaces, located on the Lands as shown on Schedule 2 and subject to the conditions listed on Schedule 1.**
6. The permit holder, as a condition of issuance of this Permit, agrees to comply with the requirements and conditions of **Schedules 1**, which are attached hereto and form part of this permit.
7. The land described herein shall be used and developed strictly in accordance with the terms and conditions and provisions of this Permit.
8. If the Permittee does not substantially commence the use with respect to which this permit was issued within six months after the date it was issued, the Permit shall lapse.
9. 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.
10. This Permit is NOT a Building Permit.
11. This Permit is NOT a Development Permit.



AUTHORIZING RESOLUTION passed by the Municipal Council on the day of , 2020.

IN WITNESS WHEREOF this Temporary Use Permit is hereby executed and issued by the Municipality the day of , 2020.

THIS PERMIT SHALL EXPIRE on the day of , 2023.

THE DISTRICT OF UCLUELET
by its authorized signatories:

Mayco Noël – Mayor

Mark Boysen – Corporate Officer

OWNER
by its authorized signatory

PLEASE PRINT

ISSUED the day of , 2020.

Bruce Greig - Manager of Community Planning



Schedule 1 Terms of Temporary Use Permit Conditions TUP19-01

- a) The permitted temporary use shall be limited to the following:
- A maximum of Ten (10) long-term seasonal recreational vehicle (RV) / trailer camping units, in the spaces shown.***
- b) The RV spaces are to be located only as indicated on the site plan (**Schedule 2**).
- c) The Permittee must oversee the use of the Lands and keep a manager / caretaker resident on site during any period when the seasonal employee units are occupied. The on-site manager's telephone and email contact shall be provided to the District and updated as required.
- d) The campground manager is to maintain a register of campers, contact information and vehicle registration, and make the register available at all times if requested by the District.
- e) The proposed seasonal RV spaces are for local and regional staff accommodation,
- f) At the end of each seasonal stay, or within 6 months less a day, the Permittee shall notify the Bylaw Services Officer in writing that the unit has been vacated.
- g) No person shall make, allow, or cause to be made any loud, objectionable, or unnecessary noise anywhere within the seasonal camping area which may disturb the peace, quiet, rest, enjoyment, comfort, and/or convenience of the neighborhood between the hours of 10 pm of one day and 7 am of the next day.
- h) The Permittee shall provide for collection and pickup of garbage and recycling in appropriate wildlife-proof containers.
- i) No RV spaces are to be occupied unless they are serviced by approved potable water and sewage disposal systems. Any failure to properly collect and dispose of septic waste will result in suspension of this permit and forfeit of the security deposit.
- j) No RV spaces are to be occupied until the access drive aisles, parking spaces, trailer pads and fire lanes are delineated to the satisfaction of the District. Access aisles and vehicle turnarounds are to be kept free at all times, for emergency access.
- k) No RV spaces are to be occupied until the Permittee has provided the site amenities and landscaping as shown on **Schedule 2**. The Permittee is to provide a detailed plan for fencing, landscaping and site amenities prior to construction, for approval by District staff.
- l) An on-site parking space shall be provided for each seasonal RV pad, in addition to the required parking for all other uses on site.
- m) No additions, accessory buildings, structures or outdoor storage is permitted in long-term seasonal RV spaces;
- n) The municipal Bylaw Services Officer may arrange for site inspection at any time, in a reasonable manner, to monitor compliance with the terms of the Temporary Use Permit.



Schedule 2





STAFF REPORT TO COUNCIL

Council Meeting: JUNE 23, 2020
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, MANAGER OF COMMUNITY PLANNING

FILE NO: 3360-20-RZ18-08
3060-20-DP19-01
3060-20-DP19-02
3060-20-DP20-02
3090-20-DVP19-02
3070-20-TUP19-01
FOLIO 196-036

SUBJECT: PROPOSED REZONING, SUBDIVISION AND DEVELOPMENT PERMITS FOR 221 MINATO ROAD (LOT B, DISTRICT LOT 286, CLAYOQUOT DISTRICT, PLAN VIP79908).

REPORT NO: 20-52

ATTACHMENT(S): APPENDIX A – APPLICANTS’ UPDATED PROPOSAL
APPENDIX B – STAFF REPORT DATED OCTOBER 8, 2019
APPENDIX C – STAFF REPORT DATED APRIL 9, 2019
APPENDIX D – ZONING AMENDMENT BYLAW No. 1244 (MAP AMENDMENT)
APPENDIX E – ZONING AMENDMENT BYLAW No. 1256 (TEXT AMENDMENT - CAMPGROUND REGULATIONS)
APPENDIX F – DEVELOPMENT PERMIT DP19-01 (ENVIRONMENT REMEDIATION)
APPENDIX G – DEVELOPMENT PERMIT DP19-02 (SUBDIVISION)
APPENDIX H – DEVELOPMENT PERMIT DP20-02 (PHASE 1 CAMPGROUND)
APPENDIX I – DEVELOPMENT VARIANCE PERMIT DP19-02 (CAMP SITE, BUILDING HEIGHT)
APPENDIX J – TEMPORARY USE PERMIT TUP19-01 (LONG TERM CAMPING)
APPENDIX K – DRAFT S.219 NO BUILD COVENANT

RECOMMENDATIONS:

1. **THAT** District of Ucluelet Zoning Amendment Bylaw No. 1244, 2019, be advanced to a public hearing.
2. **THAT** Council rescind second reading of District of Ucluelet Zoning Amendment Bylaw No. 1256, 2019.
3. **THAT** District of Ucluelet Zoning Amendment Bylaw No. 1256, 2019, be given second reading as amended and be advanced to a public hearing.
4. **THAT** Council direct staff to give notice to receive comment on Development Variance Permit DVP19-02 and Temporary Use Permit TUP19-01 in conjunction with the public hearing on the zoning amendment bylaws and proposed development at 221 Minato Road.

BACKGROUND

At its April 9, 2019 meeting Council received an initial report on the proposed development and subdivision of the property at 221 Minato Road (Lot B, District Lot 286, Clayoquot District, Plan VIP79908), (the “**Subject Property**”). At that meeting Council authorized Development Permit DP19-01 for the environmental mitigation of the riparian areas of the site (see **Appendix “F”**), and passed the following motions:

1. ***THAT*** Council authorize issuance of Development Permit DP19-01 for the restoration of the previously damaged riparian and marine shoreline areas of the property at 221 Minato Road.
2. ***THAT*** Council indicate support for the concept of rezoning the property at 221 Minato Road for a 2-lot subdivision to create a Guest House parcel and a Campground parcel, and indicate that adoption of a zoning amendment bylaw for the requested uses would be subject to the following:
 - a. completion of the site restoration work under Development Permit DP19-01 including monitoring and sign-off by the Qualified Environmental Professional;
 - b. including, as part of the subdivision to create the two parcels, dedication for park purposes of a 30m corridor upland from the natural boundary along the marine shoreline adjacent to the proposed Campground parcel, plus the entire stream setback area surrounding Stream 1;
 - c. the owners providing a restrictive covenant on the proposed Guest House parcel which would restrict any further subdivision of that lot unless at that future date the following are provided by the property owner:
 - i. dedication for park purposes a 30m corridor upland from the natural boundary along the marine shoreline adjacent to the property; and,
 - ii. appropriate funds to construct a trail system and viewing platform to municipal standards in the shoreline park dedicated in (i) above;
 - d. the owners providing a contribution for half the cost of constructing the stream section of trail and viewing platform, prior to commencing construction of the Long-Term Camping spaces in the proposed Phase 1;
 - e. the owners providing a restrictive covenant on the proposed Campground parcel ensuring that construction of the Short-Term Camping shown as Phase 3 will not commence before the adjacent section of Olsen Bay trail has been constructed.
3. ***THAT*** Council indicate support for the concept of issuing a Temporary Use Permit to permit long-term camping in the proposed designated area of the campground, subject to conditions including:
 - a. Seasonal camping stays are not to exceed six months;
 - b. No additions, accessory buildings, structures or outdoor storage is permitted in long-term camping spaces;
 - c. A resident campground manager is required on-site; and,
 - d. The campground manager is to maintain a register of campers, contact information and vehicle registration, and make the register available at all times if requested by the District.

4. **THAT** Council indicate support for the concept of issuing a Development Permit for the subdivision of the property into the proposed Guest House and Campground parcels, subject to the following conditions:
 - a. that the owners provide a detailed landscape plan showing replanting of native tree and understory species in the undeveloped portions of the Minato Road 10m road right-of-way dedication areas:
 - i. at the future public access trail to Olsen Bay at the end of Minato Road; and,
 - ii. screening of the proposed long-term camping spaces adjacent to Minato Road including appropriate fencing;
 - b. that prior to subdivision approval, the owners providing:
 - i. a civil engineering assessment and design for all required services including road, water, sewer, on- and off-site stormwater management and the location of private power and data utilities; and,
 - ii. a traffic engineering safety assessment of vehicle and pedestrian movements resulting from the proposed development and upgrades, if necessary, at the intersection of Peninsula Road and Minato Road and at the future trail crossing of Peninsula Road to the Ancient Cedars loop, for review and approval by the municipality and the Ministry of Transportation and Infrastructure.
5. **THAT**, subject to public comment, Council indicate support for considering a variance to increase the maximum permitted height of the main house on the proposed Guest House parcel from 8.5m (28 ft.) to 10.9m (36 ft.); and,
6. **THAT** Council indicate that issuance of a future Development Permit for construction of the proposed Short-Term Campground (phase 3) would be subject to protecting the full 30m forested buffer along the Peninsula Road frontage, unless the owners can demonstrate that the proposed tent sites within this area would not be visible from the road.”

At the October 8, 2019, regular meeting of Council, Staff presented a report and draft zoning amendment bylaws for Council review. It was confirmed that the proposed contribution for trail construction contemplated in resolution 2(d) from the April 2019 meeting (noted above) is to be \$50,000.00. After discussion Council passed the following resolutions:

1. **THAT** District of Ucluelet Zoning Amendment Bylaw No. 1256, 2019, be given First and Second readings and be referred for legal review.
2. **THAT** Council:
 - a. indicate support for the updated proposal including an offer of a \$10,000 contribution to the District of Ucluelet for adding fencing, interpretive signs and protective barriers at trail ends to protect adjacent marine shoreline habitat;
 - b. give the District of Ucluelet Zoning Amendment Bylaw No. 1244, 2019 First and Second reading; and,
 - c. direct staff to prepare the necessary permits, covenants and agreements and present them to Council prior to Bylaw No. 1244 proceeding to a public hearing.

The applicant forwarded Staff detailed development drawings on February 24, 2020. Staff also worked with the applicant to refine the campground bylaw. This report focuses on the new information provided by the applicant and proposed changes to the draft Bylaw No. 1256.

REZONING – BYLAW 1244 (MAP AMENDMENT)

This bylaw has not changed from what was presented in the previous October 8, 2019 report. Please refer to **Appendix “B”** for details, and **Appendix “D”** for the text of the bylaw.

REZONING – BYLAW 1256 (CAMPGROUND ZONE)

Section 7 of draft Bylaw No. 1256 was modified to recognize a lesser bathroom requirement for RV's, showers and toilets. The applicant considered the original bathroom requirements as high which initiated a staff review of Parks Canada campground facility requirements. This comparative review concluded that the following would be a reasonable amendment to the original text:

The following is the original text:

(7) Campground Washroom facilities:

- (a) Campgrounds shall provide a minimum of one centrally located washroom facility.*
- (b) washroom facility(s) are to be equipped with a minimum of one (1) toilet and one (1) shower stall per four (4) Camping Spaces.*
- (c) each washroom facility must contain an accessible washroom in conformance with the BC Building Code.*

The following is the amended text:

(7) Campground Washroom facilities:

- (a) Campgrounds shall provide a minimum of one centrally located washroom facility.*
- (b) Washroom facility(s) **for un-serviced Camping Spaces** are to be equipped with a minimum of one (1) toilet and **half (0.5) a** shower stall per **five (5)** Camping Spaces.*
- (c) Washroom facility(s) for fully serviced Camping Spaces (camping spaces equipped with a sewer and water connection) are to be equipped with a minimum of one (1) toilet and one (.5) shower stall per eight (8) Camping Spaces.***
- (d) Each washroom facility must contain an accessible washroom in conformance with the BC Building Code.*

See **Appendix “E”** for the text of the bylaw including the amended language.

DEVELOPMENT PERMITS AND OTHER DOCUMENTS

Drafts of the Development Permit (**DP**), the Development Variance Permit (**DVP**), the Temporary Use Permit (**TUP**) and related restrictive covenant are included for information. Council would consider final approval of these permits and documents in conjunction with the potential adoption of zoning amendment Bylaw No. 1244 and 1256, if the bylaws proceed to that point.

DP20-02 – Subdivision

See **Appendix “G”** for the draft Development Permit. The form and character of the subdivision of the subject property has not substantially changed since the October 8, 2019 report (**Appendix “B”**). The applicant has supplied a more detailed site plan that better articulates subdivision lot boundaries and the details of Minato Road. The following is the DP analysis for the subdivision of the subject property. The subject lands fall into Development Permit Area No. 8 (Former Forest Reserves Lands) which was established for three purposes which are addressed separately below.

1. *Protection of the natural environment, its ecosystems and biological diversity*

As discussed in earlier reports the lands have already been substantially cleared and the applicant has ongoing remedial work underway with the last of the required planting occurring this year. The remediation work is proceeding under DP19-01 which was authorized by Council April 9, 2019 (see **Appendix “F”**). Besides minor clearing to widen Minato Road, to create on street parking and a turnaround, and to create a sidewalk; there is no further disturbance of the natural environment anticipated.

2. *Protection of development from hazardous conditions*

The subject property has low lying areas along the natural boundary with inlet and within the stream corridors that could be subject to flooding, sea level rise, storm surge, and possible tsunami inundation. In general, the subdivision of properties in low lying areas, subject to the hazards listed above, should be designed in a way that creates lots where the potential building envelopes are safe from hazardous conditions. The proposed subdivision of this property would create three parcels:

1. The lot to be dedicated to the District of Ucluelet as park. This lot consists of a low-lying shorefront and stream corridor and is well suited as a park and trail space.
2. The Campground Lot. This lot is a 4.8 ha (11.9 acre) parcel on either side of the stream corridor portion of the park. The lot is for the most part at an elevation of 8m or greater geodetic. This parcel is well suited for the proposed campground use.
3. The Guesthouse Lot. This lot is a 3.1 Ha (7.6 acre) parcel which would have the potential under the proposed GH zoning for future subdivision into a maximum of 8 lots. At this point the proposed single-family dwelling and guest cabins will require geotechnical review to establish the appropriate Flood Construction Level for the respective buildings. Assessment of hazardous conditions is part of any subdivision approval process prior to acceptance of a plan to create new parcels.

3. *Establishment of objectives for the form and character of development*

The Former Forest Reserve Lands is the largest of Ucluelet’s Development Permit Areas. Special conditions of this landscape include some of the District’s richest forested habitat and the potential for spectacular residential and commercial development. Covering roughly half of Ucluelet’s land base, the area is largely unexploited by development offering an excellent opportunity to ensure the right balance is struck between the community character, protection of environmental values and economic viability. Objectives of this DPA include protecting the natural qualities that make this place so special. The following are considered key DP guidelines for this development:

- *All developments should respect archaeological resources and comply with all relevant statutes and regulations for the protection thereof. The District may require, at their discretion, that the applicant provide at their own cost an archaeological assessment report;*
- *Developments shall strive to create openness, connections, or views to the waterfront areas through open spaces or pathways. No development shall impede public access to the foreshore beyond private property boundaries;*
- *A landscape preservation plan for all developments must be included as part of the development application process in order to ensure protection of existing significant trees and shrubs. This will include plans showing pre and post-development conditions in order to prevent over-cutting;*

- All Sitka spruce must be identified by a qualified arborist and, where they are determined to be healthy, preserved;

Context

The subject lot is approximately 24.86 acres in size, and it is currently zoned as RU with the coastal areas zoned as P-1. The subject Lands are comprised of one complete lot and the site generally consists of areas with a moderate slope. There are two small creeks running through the property as discussed in previous reports. There is a large portion of the site that has been cleared as indicated by google maps image below (**Figure 1**).

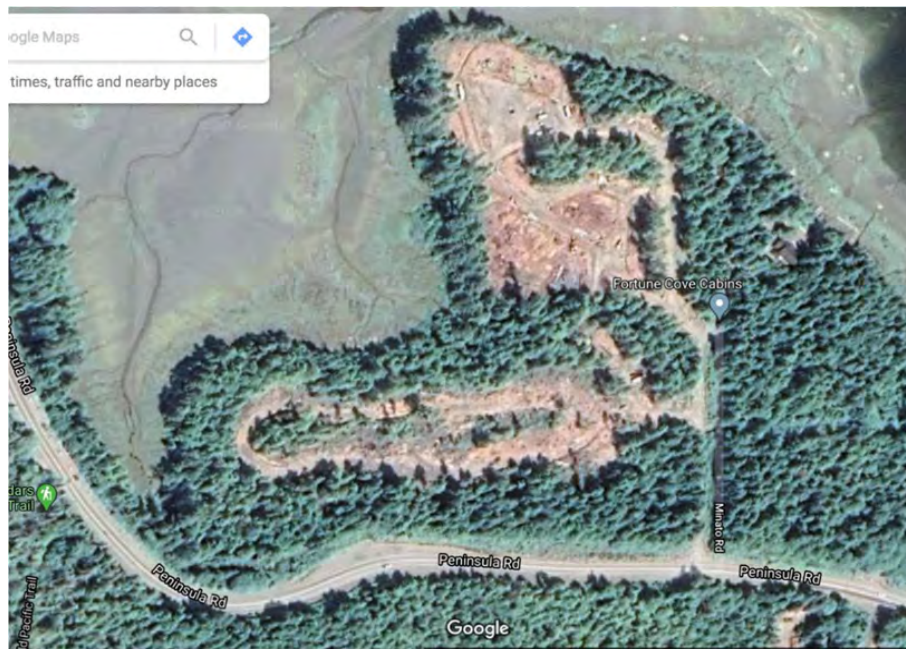


Figure 1 - Site Context

Proposed Subdivision

The Applicant is proposing a 2-lot subdivision with park dedication (**Figure 2**).

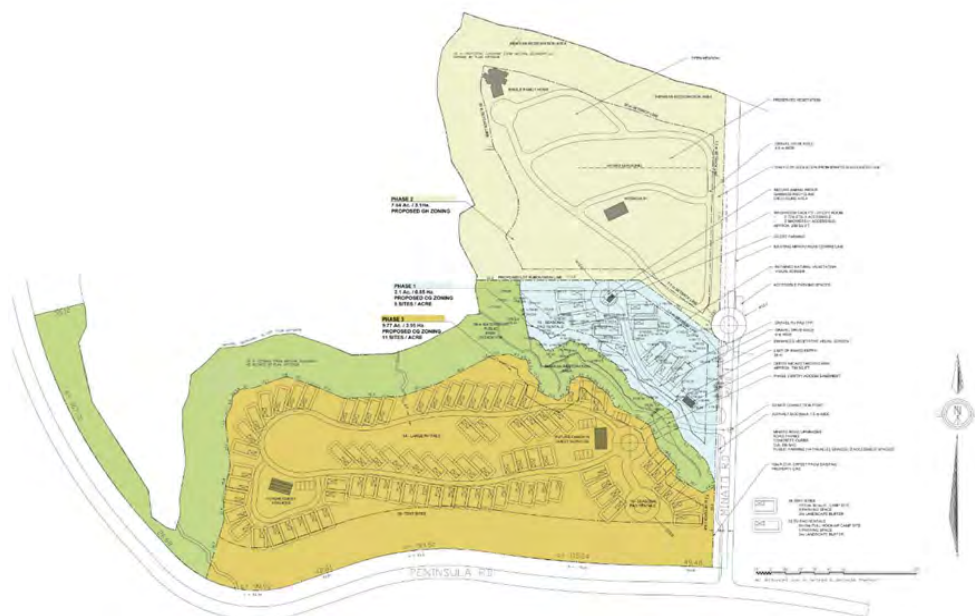


Figure 2 - Subdivision

This subdivision with its large parcels may over time prove to be an interim step that could see the lands develop into a denser residential neighbourhood when the economic and housing climate is right. The park being dedicated at this point will create the opportunity for the community to benefit from that amenity now and leave the considerations for a redevelopment, rezoning, and further subdivision of the Guest House and Campground properties for another day.

Vehicle Access and Traffic Safety

The site will have access off Minato Road. This road is currently a gravel lane that dead ends after 185m and lies within a 10m road right-of-way. The applicant will be dedicating a further 10m (bringing the total road dedication for Minato Road to the standard 20m width), preparing and paving the road surface, adding a sidewalk, and controlling the storm water as required by Ucluelet's Subdivision Services Control Bylaw No. 521, 1989. As part of the subdivision process the applicant will be required to provide full engineering and bonding for these works. The applicant will also be required to provide a crosswalk so that guests of the campground may safely cross Peninsula Road. Both the Minato Road intersection works, and the crosswalk will require a Ministry of Transportation permit.

Landscaping, Tree Retention and Removal

All disturbed areas along the Minato Road will be required to have sediment control and will be required to be replanted in native species.

Sewage Disposal

The applicant will be required to complete an engineering review of the onsite and offsite impacts of all sewer works as part of the subdivision process. The Minato works will be required to be sized to handle the current proposal and potential capacity of Minato Road.

Water Supply

The applicant will be required to complete an engineering review of the onsite and offsite impacts of all water works as part of the subdivision process. The Minato works will be required to be sized to handle the current proposal and potential capacity of Minato Road.

Accessibility

All new pedestrian elements such as sidewalks and crosswalks will be fully accessible and will connect to the Peninsula Road multi-use path.

DP20-02 – PHASE 1 LONG TERM CAMPING AREA

See **Appendix “H”** for the draft Development Permit. The applicant is proposing to start the development on the property with the long-term campground phase, listed as phase one on the applicant’s site plan (**Figure 3**).



Figure 3 – Proposed Campground including Long-Term stays

This phase consists of 10 RV sites, one two storey 800sqft caretaker cabin, and one washroom facility with two toilets (1 accessible), 2 showers (1 accessible). There is also an animal proof garbage enclosure and guest parking. The pads and 6m lane will be compacted gravel with a paved connecting apron that connects the internal lane to Minato Road.

The roadside will be landscaped in native species trees and understory. The RV sites are to be placed around existing mature trees as per survey provided in Appendix A. To provide access and protect the environmentally sensitive waterfront, an appropriately constructed trail along the stream corridor with a viewing platform on the water would be constructed by the District in the dedicated Park corridor. This will be partially financed by the applicant by the proposed contribution of \$60,000 to trail and waterfront viewing platforms and barriers.

DVP19-02

See **Appendix "I"** for the draft Development Variance Permit.

Long-term Campground

The proposed campground will conform with the proposed Campground zone with the exception of one of the camp sites. This site located within 1.5m of the side yard (see DVP label in Figure 3) whereas the new campground zone requires 7.5m. The applicant is requesting Development Variance Permit (Appendix I) because they would like to fit 10 spaces on this part of the parcel. It should be noted that the future public trail could run close to this campsite.

Guest House

The applicant is requesting a maximum height of the proposed single-family dwelling on the guest house lot to be 10.9m whereas the section 5.1 of the zoning bylaw indicates 8.5. As noted previously, this change would have little impact on the neighboring properties.

TUP19-01 – PHASE 1 LONG TERM CAMPING AREA

The applicant is requesting to allow seasonal employee housing for up to three years in a maximum of 10 Recreational Vehicles on the subject property. The allowance of TUP19-01 would be subject to the applicant installing and maintaining all services and making all site improvements in accordance with the term and conditions of the permit (see **Appendix "J"**) prior to occupying any of the RV units.

NO BUILD COVENANT

The draft restrictive covenant attached as **Appendix "K"** is to ensure that no subdivision or development will occur on 221 Minato Road (Lot B, DL 286, Clayoquot District, Plan VIP79908) unless it is in accordance with the terms and conditions of that covenant. This is a standard covenant put in place to ensure that amenities and securities such as park dedication, cash contributions and greens space covenants that form part of rezoning considerations are secured.

OPTIONS REVIEW:

Staff support this application proceeding as a good mix of land uses on this parcel at this time, and note the public benefit offered by the significant park and trail contributions offered by the owners. If Council is supportive of the current proposal, staff recommend that Council follow the recommendation listed at the outset of this report. A public hearing (at this point in time to be held

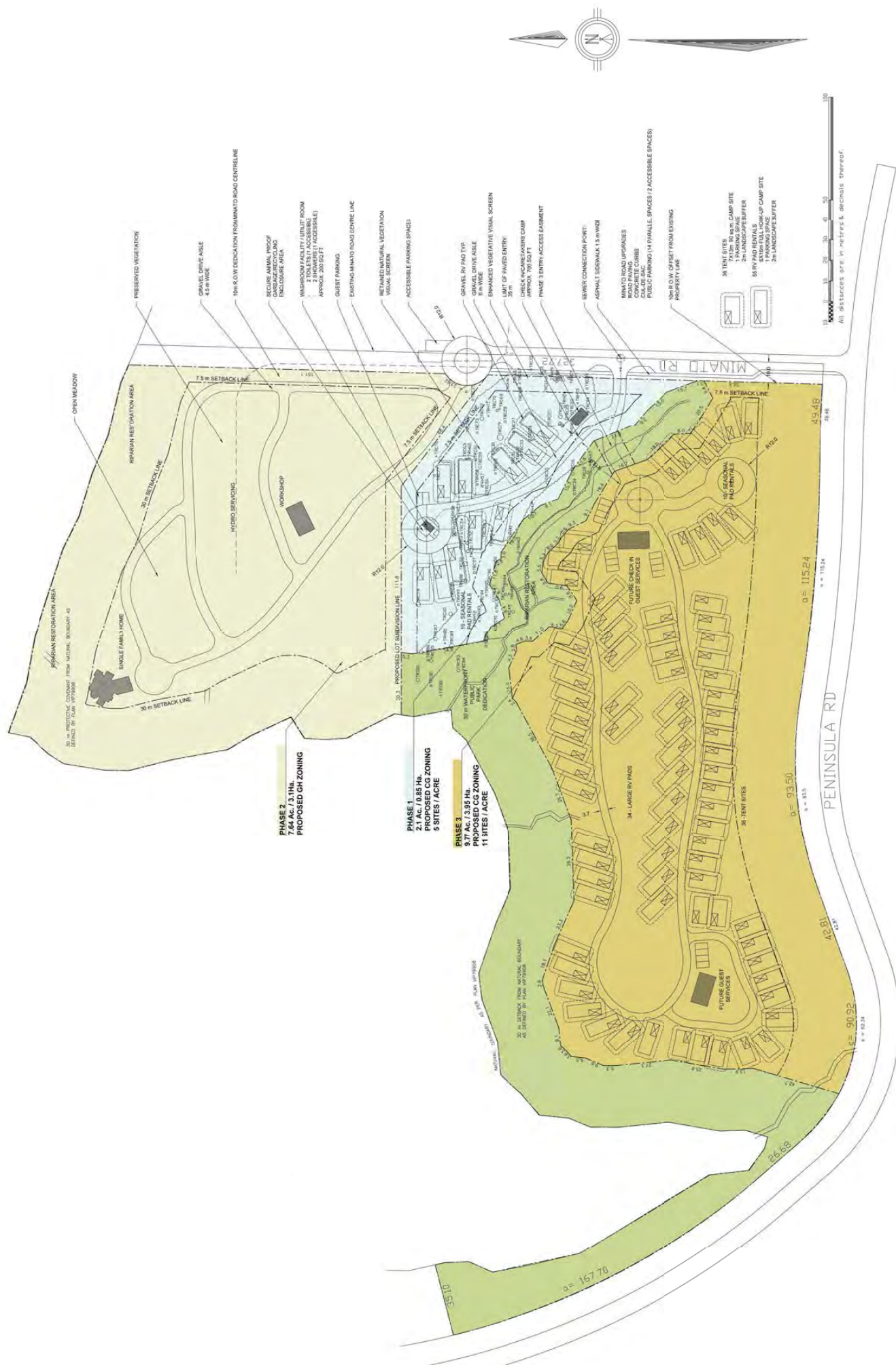
by Zoom meeting) would be the next step in the process. Alternatively, Council could consider the following:

7. **THAT** Council provide alternative direction to staff.

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

Appendix A

<p>PREPARED BY: The Design Centre Ucluelet</p> <p>7-1920 Lyche Rd. Ucluelet, BC V0R 3A0 250.726.3973</p>	<p>PREPARED FOR: BNEE Enterprises Ltd Pirates Bay Holdings Ltd 2040 Peninsula Rd Ucluelet, BC</p>	<p>PROJECT TITLE: Minato Road Subdivision Plan</p>	<p>NOTES: SCALE INDICATED AT ARCH. B PLOT SIZE</p>	<p>REVISIONS:</p> <table border="1"> <thead> <tr> <th>REVISION NO.:</th> <th>DATE:</th> </tr> </thead> <tbody> <tr><td>1</td><td></td></tr> <tr><td>2</td><td></td></tr> <tr><td>3</td><td></td></tr> <tr><td>4</td><td></td></tr> <tr><td>5</td><td></td></tr> <tr><td>6</td><td></td></tr> <tr><td>7</td><td></td></tr> <tr><td>8</td><td></td></tr> <tr><td>9</td><td></td></tr> <tr><td>10</td><td></td></tr> </tbody> </table>	REVISION NO.:	DATE:	1		2		3		4		5		6		7		8		9		10		<p>DRAWING TITLE: SITE PLAN DRAWN BY: IK SCALE: 1:1000m DATE: 02/20/2020 DRAWING NO: SUB-01</p>
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PREPARED BY: **The Design Centre**
 Ucluelet

7-1920 Lyche Rd.
 Ucluelet, BC
 V0R 3A0
 250.726.3973

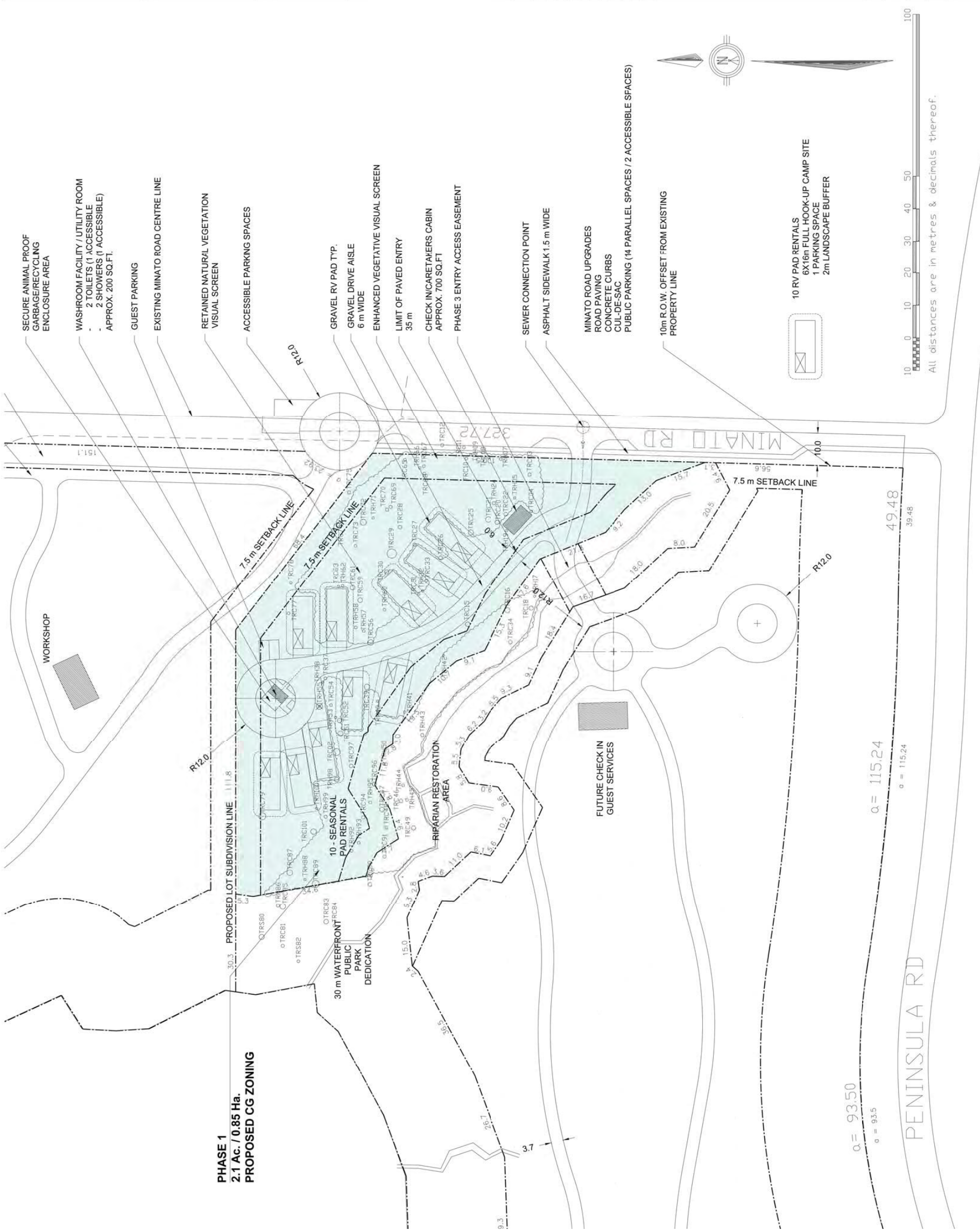
PREPARED FOR:
 BNEE Enterprises Ltd
 Pirates Bay Holdings Ltd
 2040 Peninsula Rd
 Ucluelet, BC

PROJECT TITLE:
 Minato Road
 Phase 1
 Campground

NOTES:
 SCALE INDICATED AT ARCH B PLOT SIZE

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10	-	-

DRAWING TITLE: SITE PLAN
 DRAWN BY: IK
 SCALE: 1:500m
 DATE: 02/20/2020
 DRAWING NO: **SPP1-01**



PREPARED BY: **The Design Centre**
 Ucluelet
 7-1920 Lyche Rd.
 Ucluelet, BC
 V0R 3A0
 250.726.3973

PREPARED FOR:
 BNEC Enterprises Ltd
 Pirates Bay Holdings Ltd
 2040 Peninsula Rd
 Ucluelet, BC

PROJECT TITLE:
 Minato Road
 Phase 1
 Campground

NOTES:
 SCALE INDICATED AT ARCH. & PLOT SIZE

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DRAWING TITLE: LANDSCAPE PLAN
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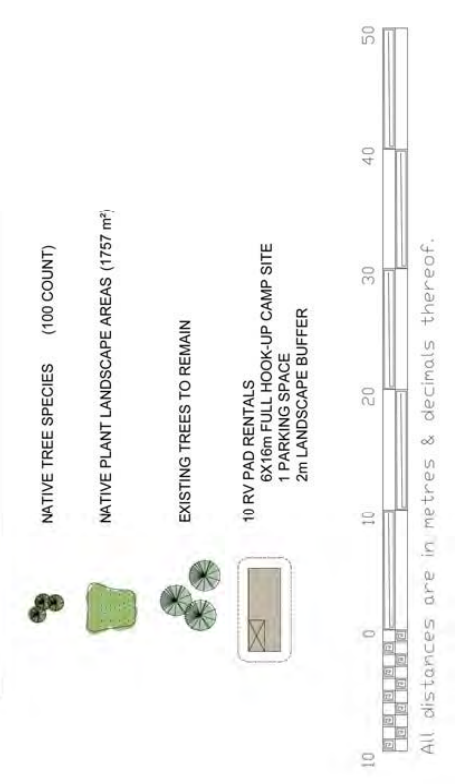


PLANT LIST

TREES:	SPECIES:	SIZE:	SPACING:	DTY:
WHITE CEDAR (THUJA OCCIDENTALIS)	10 GAL	99	1m	48
WESTERN RED CEDAR (THUJA PLICATA)	10 GAL	1m	1m	21
WESTERN WHITE CEDAR (THUJA PLICATA)	10 GAL	1m	3m	21
STIKA SPRUCE (PICEA SITCHENSIS)	10 GAL	1m	3m	21

NATIVE SHRUBS/FERNS:	SPECIES:	SIZE:	COVERAGE:	MIX	DTY:
SAL AL (GAUTHIERIA SHALLOO)	9 CM	1 per 5m ²	82%		282
SAL MONBERRY (GIBBUS SPECTABILIS)	1 GAL	1 per 1m ²	10%		174
RED HUCKLEBERRY (VACCINIUM PARVIFOLIUM)	1 GAL	1 per 1m ²	7.5%		130
SWORD FERN (POLYSTICHUM MUNITUM)	1 GAL	1 per 1m ²	14%		243
DEER FERN (BLECHNUM SPICANT)	1 GAL	1 per 5m ²	45%		782

NATIVE PLANT SPECIES AND MIX BASED ON AQUARIAN RECOMMENDATION FOR ADJACENT RESTORATION PROJECTS



Appendix B

**STAFF REPORT TO COUNCIL**

Council Meeting: OCTOBER 8, 2019
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, MANAGER OF COMMUNITY PLANNING

FILE NO: 3060-20-DP19-01
3360-20-RZ18-08
3090-20-DVP19-02
3070-20-TUP19-01

SUBJECT: PROPOSED REZONING, SUBDIVISION AND DEVELOPMENT
PERMITS FOR 221 MINATO ROAD (LOT B, DISTRICT LOT 286,
CLAYOQUOT DISTRICT, PLAN VIP79908).

REPORT NO: 19-129

ATTACHMENT(S): APPENDIX A – APPLICANTS’ UPDATED PROPOSAL
APPENDIX B – ENVIRONMENTAL PROGRESS LETTER DATED AUGUST 13, 2019
APPENDIX C – STAFF REPORT DATED APRIL 9, 2019
APPENDIX D – ZONING AMENDMENT BYLAW NO. 1244 – MAP AMENDMENT
APPENDIX E – ZONING AMENDMENT BYLAW NO. 1256 – TEXT AMENDMENT (NEW CG ZONE
CAMPGROUND)

RECOMMENDATIONS:

1. **THAT** District of Ucluelet Zoning Amendment Bylaw No. 1256, 2019, be given First and Second readings and be referred for legal review.
2. **THAT** Council:
 - a. indicate support for the updated proposal including an offer of a \$10,000 contribution to the District of Ucluelet for adding fencing, interpretive signs and protective barriers at trail ends to protect adjacent marine shoreline habitat;
 - b. give the District of Ucluelet Zoning Amendment Bylaw No. 1244, 2019 First and Second reading; and,
 - c. direct staff to prepare the necessary permits, covenants and agreements and present them to Council prior to Bylaw No. 1244 proceeding to a public hearing.

BACKGROUND

At the April 9, 2019 regular meeting of Council, Staff presented a report for the potential subdivision, rezoning and development of the property at 221 Minato Road (Lot B, District Lot 286, Clayoquot District, Plan VIP79908), (the “**Subject Property**”). Council made the following motions at this meeting:

1. *THAT Council authorize issuance of Development Permit DP19-01 for the restoration of the previously damaged riparian and marine shoreline areas of the property at 221 Minato Road.*
2. *THAT Council indicate support for the concept of rezoning the property at 221 Minato Road for a 2-lot subdivision to create a Guest House parcel and a Campground parcel, and indicate*

that adoption of a zoning amendment bylaw for the requested uses would be subject to the following:

- a. completion of the site restoration work under Development Permit DP19-01 including monitoring and sign-off by the Qualified Environmental Professional;
 - b. including, as part of the subdivision to create the two parcels, dedication for park purposes of a 30m corridor upland from the natural boundary along the marine shoreline of both parcels, plus the entire stream setback area surrounding Stream 1;
 - c. the owners providing a restrictive covenant on the proposed Guest House parcel which would restrict any further subdivision of that lot unless at that future date the following are provided by the property owner:
 - i. dedication for park purposes a 30m corridor upland from the natural boundary along the marine shoreline adjacent to the property; and,
 - ii. appropriate funds to construct a trail system and viewing platform to municipal standards in the shoreline park dedicated in (i) above;
 - d. the owners providing a contribution for half the cost of constructing the stream section of trail and viewing platform, prior to commencing construction of the Long-Term Camping spaces in the proposed Phase 1;
 - e. the owners providing a restrictive covenant on the proposed Campground parcel ensuring that construction of the Short-Term Camping shown as Phase 3 will not commence before the adjacent section of Olsen Bay trail has been constructed.
3. THAT Council indicate support for the concept of issuing a Temporary Use Permit to permit long-term camping in the proposed designated area of the campground, subject to conditions including:
- f. Seasonal camping stays are not to exceed six months;
 - g. No additions, accessory buildings, structures or outdoor storage is permitted in long-term camping spaces;
 - h. A resident campground manager is required on-site; and,
 - i. The campground manager is to maintain a register of campers, contact information and vehicle registration, and make the register available at all times if requested by the District.
4. THAT Council indicate support for the concept of issuing a Development Permit for the subdivision of the property into the proposed Guest House and Campground parcels, subject to the following conditions:
- j. that the owners provide a detailed landscape plan showing replanting of native tree and understory species in the undeveloped portions of the Minato Road 10m road right-of-way dedication areas:
 - i. at the future public access trail to Olsen Bay at the end of Minato Road; and,
 - ii. screening of the proposed long-term camping spaces adjacent to Minato Road including appropriate fencing;
 - k. that prior to subdivision approval, the owners providing:
 - i. a civil engineering assessment and design for all required services including road, water, sewer, on- and off-site stormwater management and the location of private power and data utilities; and,
 - ii. a traffic engineering safety assessment of vehicle and pedestrian movements resulting from the proposed development and upgrades, if necessary, at the intersection of Peninsula Road and Minato Road and at the future trail

crossing of Peninsula Road to the Ancient Cedars loop, for review and approval by the municipality and the Ministry of Transportation and Infrastructure.

5. *THAT, subject to public comment, Council indicate support for considering a variance to increase the maximum permitted height of the main house on the proposed Guest House parcel from 8.5m (28 ft.) to 10.9m (36 ft.); and,*
6. *THAT Council indicate that issuance of a future Development Permit for construction of the proposed Short-Term Campground (phase 3) would be subject to protecting the full 30m forested buffer along the Peninsula Road frontage, unless the owners can demonstrate that the proposed tent sites within this area would not be visible from the road.*

The adopted motion, above, was modified from the original Staff recommendation as represented in the bold text below:

Original:

*"2. b. including, as part of the subdivision to create the two parcels, dedication for park purposes of a 30m corridor upland from the natural boundary along the marine shoreline **adjacent to the proposed Campground parcel**, plus the entire stream setback area surrounding Stream 1;"*

As adopted:

*"2.b. including, as part of the subdivision to create the two parcels, dedication for park purposes of a 30m corridor upland from the natural boundary along the marine shoreline **of both parcels**, plus the entire stream setback area surrounding Stream 1;"*

Staff understand the intent of this Council direction was that the 30m shoreline portion of the proposed Guest House (GH) lot was to be dedicated as public park land rather than register a 30m green space covenant over the shoreline area. One of the main concerns expressed was for the level of protection of the shoreline of Olsen Bay. As the salt marshes are a very delicate marine ecosystem, Council felt a park dedication rather than a covenant was a better way to protect this area.

Since the April 9, 2019 meeting, the applicant has met with planning staff several times and the applicant has come forward with the following counteroffer.

UPDATED PROPOSAL AUGUST 13, 2019

A. The applicant is not agreeable to offering the 30m shoreline area of the proposed GH lot for park dedication as requested by Council April 9, 2019. They have instead offered to augment the original Staff recommendation with a \$10,000 cash contribution to the District of Ucluelet for fencing, interpretive signs and protective barriers. In discussion with the owners, this is intended to provide trail features so that the public could view the salt marsh of Olsen Bay at either end of the property, but foot traffic would be clearly directed away from trampling sensitive shoreline areas.

The other measures originally recommended by staff would also apply, which read as follows:

"To provide a 30m restrictive green space covenant on the proposed Guest House parcel which would also restrict any further subdivision of that lot unless at that future date the following are provided by the property owner:

- dedication for park purposes a 30m corridor upland from the natural boundary along the marine shoreline adjacent to the property; and,
- appropriate funds to construct a trail system and viewing platform to municipal standards in the shoreline park dedicated.”

B. The applicant is now offering to contribute a full 30m Park Dedication along the entire shoreline of the proposed campground lot. They had previously only offered a 20m park dedication plus a 10m no-build covenant on the campground lot in favor of the District of Ucluelet.

C. The applicant has also reduced the riparian area of Steam #1 to concur with the boundaries of an updated riparian area as presented by their environmental consultant:

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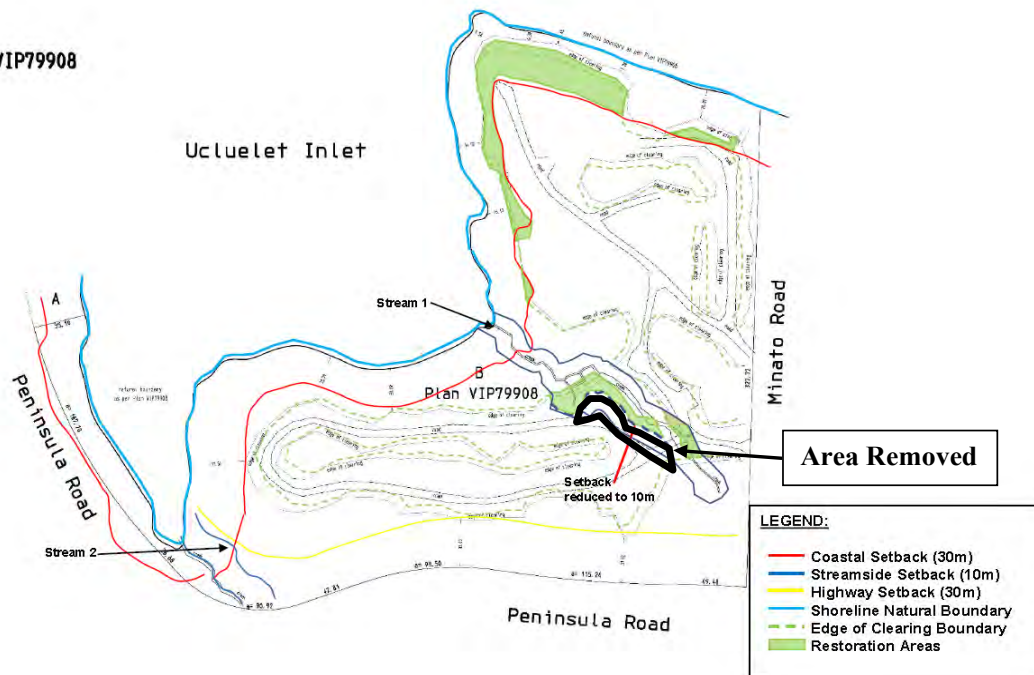


Figure 1 – Updated Riparian Map

DISCUSSION:

It is important that this report be read in conjunction with the April 9, 2019 staff report on this proposed development (see **Appendix C**). The report in hand is specific to the changes in the applicant's updated proposal and the details of the zoning amendment bylaws prepared by staff.

Updated Item A

The applicant is offering a \$10,000 cash contribution to the District of Ucluelet for fencing, interpretive signs and protective barriers. Each side of the property where the shoreline interfaces with a public space will require some measure to deter the public from walking across sensitive shoreline habitat. The \$10,000 offered would need to be divided between those two points, amounting to roughly \$5,000 per side. This money would be spent at the discretion of the District of Ucluelet, typically following discussion with the Wild Pacific Trail Society. Staff Consider the modest barrier and high education approach taken in the Spring Cove trail segment shown below (**Figure 2 & Figure 3**) is appropriate for this shoreline area. Staff also consider the \$10,000 offered the minimum contribution for this work.



Figure 2 – Spring Cove photo 1



Figure 3 – Spring Cove photo 2

The most robust long-term protection for sensitive ecosystems is by full park dedication. A few environmental consultants have observed that, “it is the homeowner and their weedwhacker or chainsaw” who does the most damage to environmentally sensitive areas. If this shoreline area is not to be a dedicated public park, considering the sensitivity of the ecosystem and the remoteness of parts of the covenant area, it will be important to ensure that the terms of the section 219 Restrictive Covenant are detailed enough to give confidence that this area will be protected. Staff would work with the municipal solicitors to ensure that the covenant is enforceable on the following points:

1. all flora and fauna are preserved and undisturbed;
2. allow the District of Ucluelet staff to, at their discretion, walk the covenant area and inspect for any modification or damage to the natural environment;
3. make enforcement of any infraction clear and cost-effective; and,
4. any access point to the water for the owner is minimal, defined, and can easily be restored back to its pre-modified state.

The details of this covenant would be brought forward to Council prior to Zoning Amendment Bylaw No. 1244, 2019, being referred to a public hearing.

Updated Item B

In front of the proposed campground parcel, the 30m park dedication offered would give better environmental protection and be simpler to manage than the previously offered 20m park dedication plus a 10m no-build covenant.

Note that the applicant has requested a zero setback for camp sites to the 30m park dedication area; this variance would be considered with the DVP19-02.

Updated Item C

The park dedication along Stream #1 was previously based on a 10m environmental setback of both Sides of Stream #1, plus the area of an associated wetland (now labeled as “Area Removed” in **Figure 1** above).

The applicant’s environmental consultant reclassified this area as a non-riparian area and the applicant has removed it from the park dedication. In the report by Aquaparian Environmental Consulting Ltd. dated June 18, 2019 (see **Appendix B**), the biologist states that further site investigation, “... showed the area not to have evidence of a defined watercourse or wetland vegetation... that would signify wet or moist soils characteristic of a stream or wetland”, and further states, “we do not anticipate that the reduction in the setback and restoration area is to have any negative [effect] on the health of the stream.”

Staff have also had verbal conversation with the applicant’s environmental consultant about the District of Ucluelet’s intension to route a trail within the stream setback area. The consultant signaled that it should be possible provided the approach taken to the construction of the trail is done with due care and sensitivity.

ZONING BYLAW NO. 1244 – MAP AMENDMENT:

The proposed zones are to follow the proposed property lines as indicated in **Figure 4** below. The property line between the GH zoned lot and the Campground lot have had a slight adjustment to straighten them out, compared to the original proposal, to create a more regular parcel layout. As mentioned in updated Item B, the park boundary is now 30m from the natural boundary of the sea. The Stream 1 riparian area has been reduced as per Updated Item C.

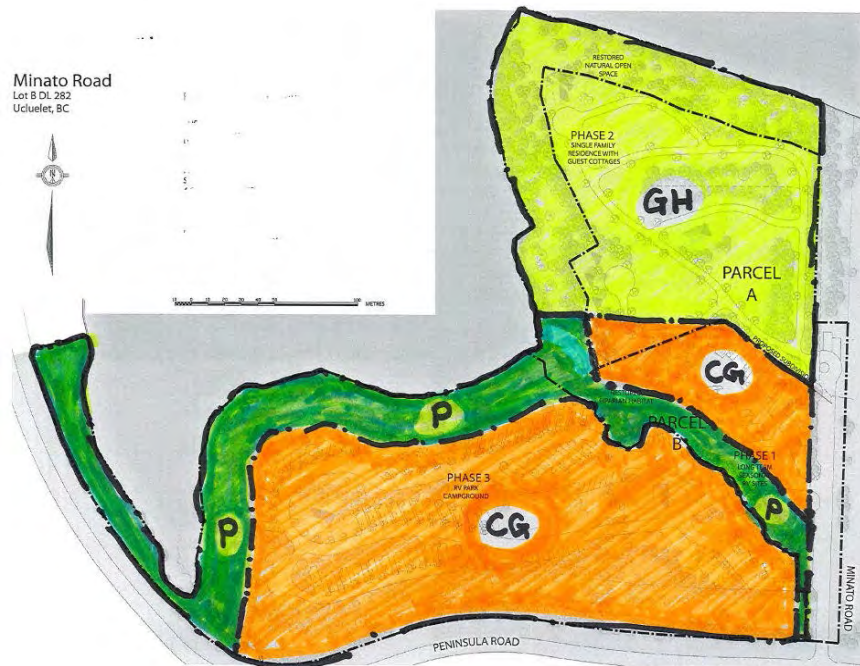


Figure 4 – Rough Map of Zoning Areas

ZONING BYLAW NO. 1256 – NEW CAMPGROUND ZONING:

Planning Staff continually work with and review the zoning bylaw. Staff have noted that it may not be appropriate for campgrounds to be included in the CS-5 Tourist Commercial Zone. The CS-5 zone allows a wide range of uses. Campground and, for example, Hotel are very different land uses. Staff have also noted that the current regulations around Campgrounds are not well defined. The following are proposed in the draft bylaw amendment to clarify and clearly designate campground uses:

1. Create a new zone for campgrounds called CG Zone - Campground.
2. Add a new section in the Supplemental Regulation division for campgrounds.
3. Add new definitions for:
 - a. “Camping Space”;
 - b. “Camping Unit”; and,
 - c. “Recreational Vehicle”
4. Remove and replace the definition for “Campground.”

Please refer to the draft Zoning Amendment Bylaw No. 1256, 2019, (see **Appendix E**) for the specifics of these proposed bylaw changes.

DP19-01 – ENVIRONMENTAL PROGRESS REPORT:

An environmental progress report from Aquaparian Environmental Consulting is attached (see **Appendix B**). This report details the current status of the environmental reclamation work and the remaining work still to be done on the property. The report briefly details that the applicant's required reclamation work is progressing and that most of the planting is to occur this fall (re-planting work was curtailed by dry summer conditions).

OPTIONS REVIEW:

Staff suggest that it is timely to initiate the general changes to Campground regulations contemplated by Zoning Amendment Bylaw No. 1256 in parallel with this development application. The updated Campground zoning could be applied to other properties containing existing or potential campground uses at a later date. Staff recommend that the progress of the general Campground amendments be considered somewhat independently and proceed regardless of the status or progress of the site-specific development application for 221 Minato Road.

If Council is supportive of the current proposal, staff recommend that the requested Guest House and Campground rezoning shown in Bylaw No. 1244 be given first and second readings. Scheduling of a public hearing would be considered at a later date, once a draft restrictive covenant, Development Permit, Development Variance Permit and Temporary Use Permit have been presented to Council and become part of the public record ahead of the hearing. Alternatively, Council could consider the following:

3. **THAT** Council considers the adopted motion from the April 9, 2019, Regular Council meeting in which a full park dedication is required around the Guest House lot is critical to any rezoning approval for 221 Minato Road moving forward and suggest the applicant reconsider that contribution; **or**,
4. **THAT** Council provide alternative direction to staff.

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

Appendix C



STAFF REPORT TO COUNCIL

Council Meeting: APRIL 9, 2019

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, MANAGER OF COMMUNITY PLANNING

FILE NO: 3060-20-DP19-01
 3360-20-RZ18-08
 3090-20-DVP19-02
 3070-20-TUP19-01

REPORT NO: 19-40

SUBJECT: PROPOSED REZONING, SUBDIVISION AND DEVELOPMENT PERMITS FOR 221 MINATO ROAD LOT B, PLAN VIP79908 CLAYQUOT DISTRICT, DISTRICT LOT 286.

ATTACHMENT(S): APPENDIX A – APPLICATION
 APPENDIX B – ENVIRONMENTAL IMPACT ASSESSMENT REPORT (AQUAPARIAN)
 APPENDIX C – VEGETATION MANAGEMENT PLAN
 APPENDIX D – TIMELINE
 APPENDIX E – DEVELOPMENT PERMIT DP19-01

RECOMMENDATIONS:

1. **THAT** Council authorize issuance of Development Permit DP19-01 for the restoration of the previously damaged riparian and marine shoreline areas of the property at 221 Minato Road.
2. **THAT** Council indicate support for the concept of rezoning the property at 221 Minato Road for a 2-lot subdivision to create a Guest House parcel and a Campground parcel, and indicate that adoption of a zoning amendment bylaw for the requested uses would be subject to the following:
 - a. completion of the site restoration work under Development Permit DP19-01 including monitoring and sign-off by the Qualified Environmental Professional;
 - b. including, as part of the subdivision to create the two parcels, dedication for park purposes of a 30m corridor upland from the natural boundary along the marine shoreline adjacent to the proposed Campground parcel, plus the entire stream setback area surrounding Stream 1;
 - c. the owners providing a restrictive covenant on the proposed Guest House parcel which would restrict any further subdivision of that lot unless at that future date the following are provided by the property owner:
 - i. dedication for park purposes a 30m corridor upland from the natural boundary along the marine shoreline adjacent to the property; and,

- ii. appropriate funds to construct a trail system and viewing platform to municipal standards in the shoreline park dedicated in (i) above;
 - d. the owners providing a contribution for half the cost of constructing the stream section of trail and viewing platform, prior to commencing construction of the Long-Term Camping spaces in the proposed Phase 1;
 - e. the owners providing a restrictive covenant on the proposed Campground parcel ensuring that construction of the Short-Term Camping shown as Phase 3 will not commence before the adjacent section of Olsen Bay trail has been constructed.
- 3. **THAT** Council indicate support for the concept of issuing a Temporary Use Permit to permit long-term camping in the proposed designated area of the campground, subject to conditions including:
 - a. Seasonal camping stays are not to exceed six months;
 - b. No additions, accessory buildings, structures or outdoor storage is permitted in long-term camping spaces;
 - c. A resident campground manager is required on-site; and,
 - d. The campground manager is to maintain a register of campers, contact information and vehicle registration, and make the register available at all times if requested by the District.
- 4. **THAT** Council indicate support for the concept of issuing a Development Permit for the subdivision of the property into the proposed Guest House and Campground parcels, subject to the following conditions:
 - a. that the owners provide a detailed landscape plan showing replanting of native tree and understory species in the undeveloped portions of the Minato Road 10m road right-of-way dedication areas:
 - i. at the future public access trail to Olsen Bay at the end of Minato Road; and,
 - ii. screening of the proposed long-term camping spaces adjacent to Minato Road including appropriate fencing;
 - b. that prior to subdivision approval, the owners providing:
 - i. a civil engineering assessment and design for all required services including road, water, sewer, on- and off-site stormwater management and the location of private power and data utilities; and,
 - ii. a traffic engineering safety assessment of vehicle and pedestrian movements resulting from the proposed development and upgrades, if necessary, at the intersection of Peninsula Road and Minato Road and at the future trail crossing of Peninsula Road to the Ancient Cedars loop, for review and approval by the municipality and the Ministry of Transportation and Infrastructure.
- 5. **THAT**, subject to public comment, Council indicate support for considering a variance to increase the maximum permitted height of the main house on the proposed Guest House parcel from 8.5m (28 ft.) to 10.9m (36 ft.); and,
- 6. **THAT** Council indicate that issuance of a future Development Permit for construction of the proposed Short-Term Campground (phase 3) would be subject to protecting the full 30m forested buffer along the Peninsula Road frontage, unless the owners can demonstrate that the proposed tent sites within this area would not be visible from the road.

PURPOSE

The purpose of this report is to give Council information on the background of clearing activity on the property, restoration plans and a development proposal submitted by Rick and Rebekka Lim of Pirates Bay Holding Company Ltd., for their property at 221 Minato Road (see **Figure 1**), Lot B, Plan VIP79908 Clayoquot District, District Lot 286 (the “**Subject Property**”).



Figure 1 – The Subject Property

BACKGROUND AND SITE CONTEXT:

The subject property is a 10 ha (25-acre) lot located on the north side of Peninsula Road and on the west side of Minato Road, adjacent to Olsen Bay and the Ucluelet Inlet to the north. The current zoning designation of the property is Rural Residential (RU).

This property was considered to have considerable environmental value prior to extensive logging and clearing in late 2016. The site contained a full forest of mature trees (some old growth) at 20m to 30m with pockets of trees at 30m to 40m height, and included the understory vegetation and habitat values which come with mature coastal forests. Two fish bearing streams and associated riparian areas cross the site, one of which has been impacted by the site clearing. A more detailed timeline is attached to this report (see **Appendix D**).

The owners were issued a formal letter dated December 13, 2017, notifying the owner to cease all land altering activities and advising that they would be required to obtain a Development Permit (DP) for any further site work including restoration of the disturbed areas. The owners subsequently stopped all works and have engaged a Qualified Environmental Professional (QEP) to prepare a *Vegetation Environmental Management Plan* (see **Appendix C**) to form part of their required site restoration DP. They have also worked with staff to understand what is required to bring a development application forward. This current application proposes to:

- address the Development Permit required for the restoration of damaged ecological areas on the subject property; and,

- present development plans for the rezoning, DP, and subdivision processes required for the proposed development of the property.

In brief, staff recommend that three elements are necessary for the owners to move forward with the development of their land in an appropriate manner:

- First and foremost, the site restoration work must be completed as recommended and under the supervision of the consulting biologists (the QEP).
- Second, development of the site must include adequate measures to protect the remaining forest elements and the marine shoreline and stream riparian ecosystems. This should include adequate areas of park land set aside for conservation purposes. It also must include proper facilities to enable public access in the proper (and limited) locations to ensure that future use does not trample the ecological values of the site.
- Finally, the proposal for this site, as with any new development, must include adequate measures to mitigate the impacts on public spaces and infrastructure and bear the costs for servicing these land uses.

Subject to the conditions outlined in the list of staff recommendations, the proposed development of the site contains uses which can be supported in this location and, if managed properly, would result in a net benefit to the community.

DISCUSSION:

This application includes multiple related development approval processes. Individually these are as follows:

- DP19-01 - Development Permit for the restoration of damaged ecological areas
- RZ19-01 - Rezoning from Rural Residential to Guest House & Campground uses
- DP19-02 - Development Permit for Subdivision into two lots (Guest House & Campground)
- SD19-02 - Subdivision of the subject property into two lots
- DVP19-02 – Development Variance Permit to increase height for proposed house

These processes are guided by Ucluelet’s Official Community Plan Bylaw No. 1140, 2011 (**OCP**), and Zoning Bylaw 1160, 2013 (**Zoning Bylaw**). The subject lands fall into Development Permit Area No. 8 (Former Forest Reserves Lands). The following are pertinent DP guidelines found within the OCP bylaw, to consider for this development:

“The coastal environment within this DPA is characterized by rocky bluffs and headlands along the exposed western shoreline, while a gentler rocky coast - along with sensitive marine wetlands, predominates along the protected eastern shoreline of Ucluelet inlet. This rugged and wild coast, along with the extensive forest that carpets the rolling and often steep terrain contribute immeasurably to the character of the site. There is therefore a demonstrated need to ensure that development within this area should be protected from hazardous conditions and makes adequate provision for fitting itself harmoniously into the existing natural environment while maintaining a balance between the need for such protection and development of this land. All development should provide for the Wild Pacific Trail that makes its way through the area.

In addition to development being sensitive to significant natural features worthy of protection, this area is designated for mixed use development which requires a high standard of design cohesion which reflects the natural heritage of the area.”

Guidelines

1. All developments must preserve and maintain 100% of the Wild Pacific Trail along the coast where feasible on properties located along the waterfront;
2. No development can approach within 30m of the high-water mark around the sensitive marine wetlands indicated on the map below;
3. A 30-metre-wide tree buffer with no development must be provided along both sides of the Pacific Rim Highway;
4. The layout of the proposed collector through DPA No. 8 that runs parallel to the Pacific Rim Highway, must respond to the natural conditions and topography of the land. Adequate buffering along the frontage of the road should also be retained to provide an attractive entrance into the community. A tree preservation plan should be a major priority in order to preserve this spectacular natural environment.
5. All developments should respect archaeological resources and comply with all relevant statutes and regulations for the protection thereof. The District may require, at their discretion, that the applicant provide at their own cost an archaeological assessment report;
6. All development, including campsites with no individual water supply or no individual sewage disposal facilities, must be connected to the municipal sanitary sewer system;
7. Developments shall strive to create openness, connections, or views to the waterfront areas through open spaces or pathways
8. No development shall impede public access to the foreshore beyond private property boundaries;
9. A landscape preservation plan for all developments must be included as part of the development application process in order to ensure protection of existing significant trees and shrubs. This will include plans showing pre and post-development conditions in order to prevent over-cutting;
10. The removal of any native tree species that is 30cm Dbh or greater (Diameter at Breast Height = 1.3m) measured with a proper tree caliper is prohibited.
11. Any landscaping maintenance program must meet all applicable governmental regulations involving the use of fertilizers, herbicides and pesticides and the owners must ensure that no harmful pesticides or chemicals enter the ocean, either directly or by way of groundwater infiltration;
12. All sitka spruce must be identified by a qualified arborist and, where they are determined to be healthy, preserved;

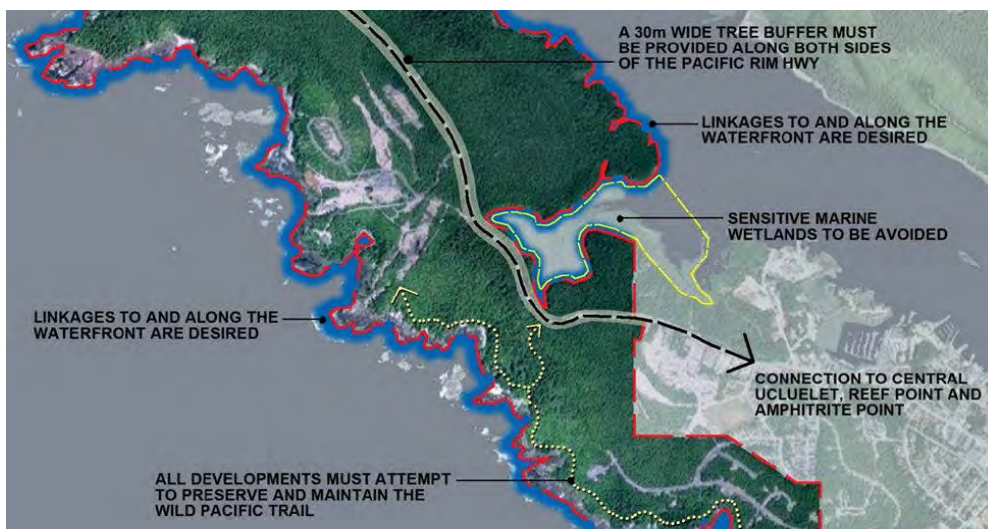


Figure 2 - DPA 8.2 Development Permit Area No. 8 Conceptual Diagram

The following are relevant OCP Environment Policies:

“To encourage the maintenance of natural green space and forest cover and eliminate large clear cuts to accommodate development”

“To identify natural corridors for public and wildlife use or as natural landscapes”

“Properties greater than 0.8 hectare in size will require an Environmental Impact Assessment to evaluate the impacts of a proposed development on the natural environment and for the protection of developments from hazardous conditions.”

A compressive review of the regulatory requirements is listed in section “1.2 Regulatory Review” of the Environmental Impact Assessment Report (see **Appendix B**).

DP19-01 – Development Permit for the restoration of damaged ecological areas

The purpose of this DP area designation is the protection of the natural environment, its ecosystems and biological diversity. The applicant is applying to reinstate the impacted vegetation within the riparian setback of ‘Stream No.1 and the area between the natural boundary of the Ucluelet Inlet and 30m back from that boundary (the “**Marine Shoreline Area**”). This replanting will strictly follow the Vegetation Environmental Management Plan (see **Appendix C**) and its recommendations. This permit will be complete only after all recommended restoration work is done and inspected by the authors of the attached management plan. Staff recommend that final adoption of a rezoning bylaw should only be considered after the restoration work is completed, inspected and signed off by the QEP. (see **Figure 3**).

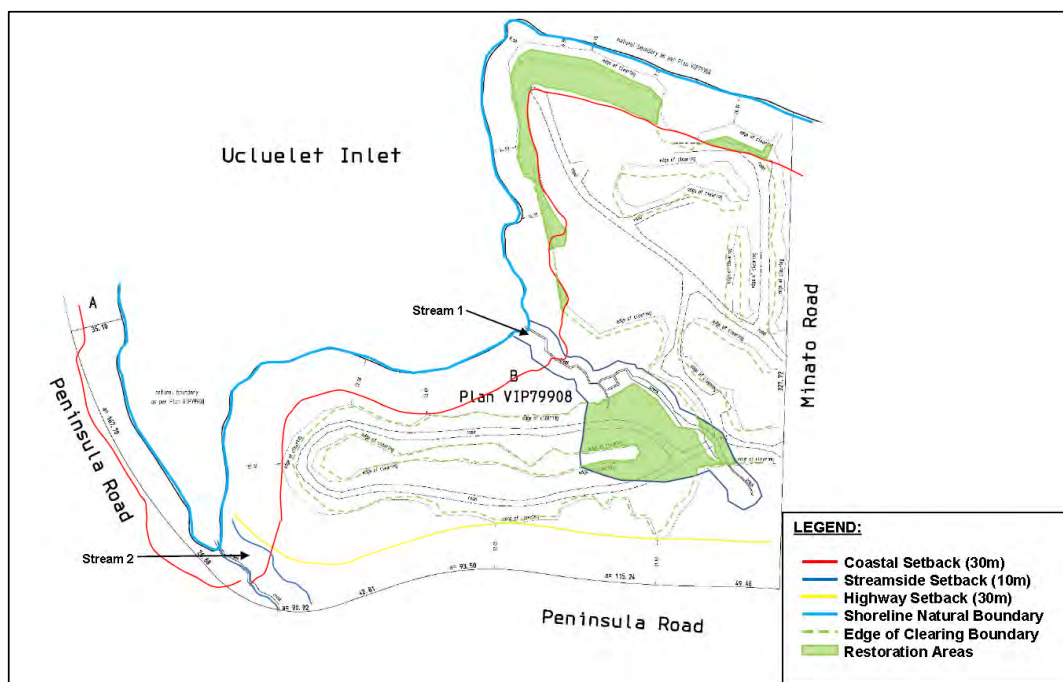


Figure 3 – Vegetation Management Plan – Restoration Areas

RZ19-01 - Rezoning from Rural Residential to Guest House / Campground

The proposed rezoning and subdivision of the land is being approached so that the appropriate permitted uses would be associated with the respective new lot areas. The applicant is proposing two lots: one to include their family home with Guest House zoning, and the other to include a Campground which is proposed to include areas for both short-term and long-term camping use.

Guest House zoned parcel

The owners are proposing to create an (approx.) 3.4 ha (8.5-acre) lot with a permitted use of *Guest House (GH)*. This permitted use is intended for commercial tourist accommodation mixed with residential in the form and appearance of a traditional single-family dwelling (*SFD*), with or without small scale guest cottages. The relevant zoning regulations to this application are:

- *The Minimum Lot Size: 2,000 m² (½ acre).*

This is significant as the proposed GH lot is over 8 acres in size. Therefore, the property would have potential for further subdivision in the future.

- *The commercial Short-Term Rental (STR) elements of the Guest House zone for the large lot are regulated as follows:*
 - *6 guest rooms if the lot area exceeds 4,000 m² (1 acre); plus*
 - *4 guest cottages per lot if the lot area exceeds 4,000 m² (1 acre).*

This indicates the scale of the commercial use on the proposed GH lot. The applicant has provided the following sketch to indicate their guest house, guest cottages, private driveways and garage location (see **Figure 4**):



The size and location of this lot may lend itself to greater density, use and community benefit than what is currently being proposed. The creation of 8-acre rural acreages is not considered the ideal long-term pattern for Ucluelet's limited land base. With this large GH acreage the applicant has stated that they do not want a public trail to pass in front of their home and guest cottages. While this is understandable, the balance of private interest and the community benefit must also be considered. The proposed GH use does have a high commercial STR use associated to it and a continuous trail around the entire coastline would benefit both the owners' guests and beyond. If a higher density development were being proposed at this time, staff would be recommending the inclusion of a full 30m park dedication complete with a constructed public trail. With this application the owners are offering a 30m greenspace protection covenant along the shoreline, which does somewhat protect the marine shoreline area from further impacts but would not provide public access at this time.

If the proposed single large Guest House lot is looked at as an interim step from the current rural residential zoning, it is possible that the full public benefit could be realized at a future date if/when further subdivision and/or changes in land use were being considered. A covenant could be placed on the title of the proposed GH lot, to restrict further subdivision until the marine shoreline area of the GH lot were dedicated as park and a public trail built to the Wild Pacific Trail standards. This compromise would allow the applicant to use the land for their private home at this time, and retain the potential for further public access, tied to future development of the site. At the same time, full public access is proposed adjacent to the proposed campground portion of the site. This compromise approach to public access is supportable in light of the short- and long-term context.

Currently, the public right-of-way containing Minato Road is currently 10m wide; half the regular 20m right-of-way width. Therefore, roadway dedication along the length of the property will be required as a condition of subdivision to achieve the standard 20m corridor for public access and utilities. The owner has cleared part of this future expansion area next to the proposed Guest House parcel, in a location likely to be used for a public water access trail from the end of Minato Road to Olsen Bay. As part of the development of this property, replanting of this area in native species trees and underbrush should be secured prior to approval of the subdivision plan.

Campground Property

The applicant is proposing a campground with both tent camping spaces and two types of recreational vehicle (RV) camping:

- short-term camping normally associated with RV camping and tourist use; and,
- longer-term RV camping.

The longer-term RV camping is proposed to benefit Ucluelet's housing spectrum with a form of housing that is more transient in nature. Also proposed are three auxiliary buildings, internal circulation roads and dedicated park lands (see **Figure 5**).



Figure 5 – Campground Parcel

The above sketch highlights the basic elements and layout of 3.85-acre (approx.) proposed campground lot. Indicated are the areas proposed for park (in green), the tent spaces (in turquoise), and differentiates the short term and long-term RV spaces (in light green). The proposed campsite development consists of:

- 20 Long-Term RV spaces
 - 52 Short-Term RV spaces
 - 14 tent spaces
 - 15 tent spaces (within the Peninsula Road 30m green space covenanted area)
-
- 101 total camping spaces**

At capacity this development would present a significant change to this area of town. Movement of cars and RV's to and from the subject property, camp fires and other impacts naturally follow 200 to 400 people and their pets. For comparison the Ucluelet Campground is of similar area and advertises 125 spaces within 13 acres. Staff are recommending that, as a condition of a DP for the subdivision which would create the campground parcel, the owner be required to provide a traffic safety analysis for the District and Ministry of Transportation and Infrastructure review of the expected impact and any improvements required for Peninsula Road as a result of this development.

The applicant has indicated that the first phase of the development is to be a form of seasonal housing with RV spaces that would allow camping for a term of six months minus a day. Done right the proposed long-Term camping could add an element of flexible housing for seasonal workers. If it were not managed properly, this use could become unsightly and present a burden to municipal building and bylaw enforcement staff.

The applicant has offered a 20m park dedication plus a 10m greenspace covenant along the marine shoreline area and a 10m park dedication for a trail in the riparian area of *Stream No.1*. This dedication is less than what Staff consider appropriate, taking into account the direct benefit to the guests of the proposed campground, and the area reasonably necessary to protect the marine shoreline and riparian areas from further impact. Staff recommend a full 30m marine shoreline park dedication, plus dedication of the entire *Stream No.1* riparian area.

Considering that campgrounds have minimal infrastructure and could be converted to a higher density at some point in the future, campground use is supportable. A new campground in close proximity to the village core may also have a positive economic effect as its guests patronize the community's commercial businesses.

If this proposal is to move forward, staff will recommend creating a new zone specifically for campgrounds. This will allow the clear distinction of density limits and appropriate setbacks for campsites. This zoning designation could be applied to future and existing campgrounds. The bylaw would need to update the current definition for "*Campground*" to specifically allow short-term camping, and then create a new definition for "*Long-Term Camping*". To differentiate the long- and short-term uses for the proposed lot, Staff consider the best approach would be to zone the entire campground lot for camping use (i.e., short-term) and then issue a Temporary Use Permit (TUP) for long-term camping in the proposed designated area. This initial approach would allow Council and the community an ability to assess the success of this long-term camping / seasonal housing approach and modify conditions for this new land use, if necessary.

Park lands

The addition of the proposed campground use represents a significant up-zoning of the property. To be consistent with the OCP policy and guidelines, and offer the community a clear public benefit, the applicant has offered dedicated park areas as indicated in green above (see **Figure 5**). This park, as described, is to preserve this pristine marine shoreline area, provide access for the general public, and serve as access for the guests of the proposed campground to the broader District trail system. It will be important that the trails and viewing platforms within this park be constructed prior to the campground opening. The trail would be a significant amenity for guests of the proposed campground. Properly defined trail facilities and access points will be important to provide safe access, views of Olsen Bay and beyond, and to protect the marine shoreline ecosystem. (see **Figure 6**).



Figure 6 – Suggested Trails and viewing platform

Without a defined trail system and viewing platforms, it can be expected that increased use brought about by the campground development would result in environmental damage to the shoreline, the marine environment, and to the riparian areas.

This section of trail would be approximately 840m long; total approximate cost of the trail and viewing platforms would be approximately \$100,000. Staff recommend that dedication of the park corridor be a condition of the rezoning and be completed as part of the initial subdivision. The owners have not offered to contribute at this time to the cost of constructing this section of trail. If development of the short-term campground (shown as phase 3) does not occur for some time, the District could proceed with trail construction independent of the property owners (i.e., seeking funding from other sources). Staff recommend that completion of the trail construction – with or without the owners’ financial contribution – be a pre-condition to development of the short-term campground. In other words, if the trail has not yet been constructed, and the owners wish to develop the campground, they could accelerate its construction by partnering with the District to help with construction costs. Either way, it is important that the trail infrastructure be completed before campers are on site seeking access to Olsen Bay.

Staff suggest that the entire riparian area of *Stream No.1* (shown in blue below) and a full 30m marine shoreline area be dedicated as park lands (see **Figure 7**).



Figure 7 – Extended Park Area

The applicant is also requesting to locate tent sites within an area that is covenanted in the name of the District of Ucluelet for a 30m green space buffer (EV124432) running along the Peninsula Road frontage. Staff do not support this request; a fully green and treed Peninsula Road Corridor is an important feature to the overall experience of the entrance to town for both visitors and residents alike. Construction new commercial use within this green buffer is contrary to the OCP guidelines.

DP19-02 - Development Permit for Subdivision

Pending an indication of support for the concept of rezoning the property for the proposed uses, Staff have not requested that the owners provide the full studies and documentation required for this DP at this time. Some elements of the development could be reasonably defined in more detail and approved at the subdivision stage. The following is a cursory review of DP requirements.

The Former Forest Reserve Lands Development Permit Area (DPA No.8), is established for the purposes of:

- 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.

For the relevant guidelines see the analysis section above and in section “1.2 Regulatory Review” of the Environmental Impact Assessment Report (**Appendix B**).

Protection of the natural environment, its ecosystems and biological diversity

As discussed above, the site’s marine shoreline and riparian areas will be replanted under DP19-01. This DP will focus on the subdivision and the proposed campground and GH property. The combination of a 30m Marine Shoreline area park dedication and 30m greenspace protection covenant area back from the natural boundary meets the OCP Guidelines which state:

“No development can approach within 30m of the highwater mark around the sensitive marine wetlands indicated on the map below”

If developed as described, this would be consistent with the above guideline. The built elements of the development would be set back from the natural boundary and the riparian areas, and these setbacks areas are also specified under a recent environmental management plan. Staff consider that the management plan (**Appendix C**) is consistent with the OCP if all recommendations from that plan are implemented and monitored by the QEP.

Protection of development from hazardous conditions

The majority of the built form of this development is above 7m from the natural boundary. This proposal does not appear to be subject to hazardous conditions as presented. The Building Inspector will have the opportunity to review site specific conditions at the time of building permit and can require geotechnical reviews to specific conditions, if required.

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

The Former Forest Reserve Lands is the largest of Ucluelet’s Development Permit Areas. Special conditions of this landscape include some of the district’s richest forested habitat and the potential for spectacular residential and commercial development. Covering roughly half of Ucluelet’s land

base, the area is largely untouched by development - offering an excellent opportunity to carefully build on the sense of place as development progresses. Objectives of this DPA include protecting the natural qualities that make this place so special. The following are considered key DP guidelines for this development:

- *The layout of the proposed collector through DPA No. 8 that runs parallel to the Pacific Rim Highway, must respond to the natural conditions and topography of the land. Adequate vegetative buffering along the frontage of the road should also be retained to provide an attractive entrance into the community. A tree preservation plan should be a major priority in order to preserve this spectacular natural environment.*
- *All developments should respect archaeological resources and comply with all relevant statutes and regulations for the protection thereof. The District may require, at their discretion, that the applicant provide at their own cost an archaeological assessment report;*
- *Developments shall strive to create openness, connections, or views to the waterfront areas through open spaces or pathways. No development shall impede public access to the foreshore beyond private property boundaries;*
- *A landscape preservation plan for all developments must be included as part of the development application process in order to ensure protection of existing significant trees and shrubs. This will include plans showing pre and post-development conditions in order to prevent over-cutting;*
- *All sitka spruce must be identified by a qualified arborist and, where they are determined to be healthy, preserved;*

Proposed Subdivision

The proposed lot layout is straightforward, splitting the property roughly in line with the area of the stream corridor. The proposed layout would enable both lots to have access from Minato Road, and is supportable.

Vehicle Access and Traffic Safety

As mentioned above, full civil drawings have not been supplied for this proposal. Road dedication to widen the Minato Road right-of-way from 10m to the standard 20m road allowance will be required as part of the subdivision. The applicant has indicated 3.6m paved road lanes, parallel parking, a standard turnaround and parking areas at the end of the paved turnaround. The proposed development will also likely require a pedestrian crossing of Peninsula Road at Minato Road which would need to be constructed to Ministry of Transportation and Infrastructure Standards. Staff recommend that a traffic safety analysis be required prior to subdivision. With the density of visitor use proposed in the campground, providing safe and enjoyable pedestrian circulation, including connections to the multi-use path on Peninsula Road, will be key.

Public Pedestrian Access

The owners' proposal falls short of providing the full access and connections directed in the OCP, but subject to the conditions recommended in this report the development is supportable considering both the short- and long-term development potential of this site. The park dedication and trail connection following the stream corridor and shoreline would provide an excellent addition to the community trail network, as part of the long-term Safe Harbor Trail extending from the small craft harbor to the Onni lands and connecting to the Ancient Cedars Loop of the Wild Pacific Trail.

Landscaping, Tree Retention and Removal

All remaining mature trees are to be retained. Full detailed civil and landscape plans of the campground – including tree retention measures - will be required as part of a future DP application for the campground development.

Storm Water Management

At this time the applicants have not submitted civil engineering design including storm drainage. The detailed design will be required as part of the future campground DP and subdivision approvals. It could be expected that Minato Road will be developed to the alternative standard used in both the Rainforest and OceanWest subdivisions. On-site features for retention and filtering of sediment to ensure water quality in Olsen Bay will be expected as part of the runoff control design.

Sewage Disposal

The applicant will be required to run a sewer main to municipal standards down Minato Road at their expense to serve the proposed lots. The civil engineering design may involve a pump station at the north end of Minato Road to push wastewater to the Peninsula Road sewer main. Any proposed works by the owners' civil engineer will be reviewed by the District of Ucluelet's engineering consultants prior to subdivision approval.

Water Supply

The proposed lots created will need to be fully serviced and water meters installed as part of the subdivision. The owners' engineer will be required to review the adequacy of the existing municipal infrastructure in this location for water service, including fire protection, and make upgrades at their expense if necessary.

OCP Designation:

The 2011 OCP designates the site as Comprehensive Development, and includes policy 3.9.ii(4):

"The area on Minoto Road [sic] north of Peninsula Road is designated for Comprehensive Development. This area is envisioned primarily as a residential community with significant tree retention. The shoreline is recognized as having important ecosystem values. A greenbelt should be maintained along the shoreline."

With awareness of the clearing which has subsequently occurred on the site, the Land Use Map in the draft 2019 OCP indicates a portion of the property designated as Tourist Commercial, consistent with the potential campground uses in this location.

Staff consider the campground uses as a potentially positive addition to town, and the long-term camping aspect for seasonal workers is worth pursuing as a pilot for addressing a current affordable housing need.

DVP19-02 Development Variance Permit

The owners are requesting a variance to permit an 8' increase to the maximum building height for their proposed home. Given the location of the house and size of the property, the added height would have no impact on neighbouring properties. Subject to public comment, the requested variance is supportable.

SD19-02 - Subdivision review

Once a DP is issued by Council for the proposed layout, review of the subdivision of this property is the responsibility of the municipal Approving Officer. This step is a technical review for conformity with all policies and regulations of the OCP, Zoning Bylaw, Subdivision Services Control Bylaw and all applicable federal and provincial laws and regulations. Prior to final subdivision approval, the applicant will be required to produce full civil engineering drawings for water, sewer, storm drainage, electrical service and roads. The applicant may also need geotechnical and environmental studies and to complete an archeological assessment.

TIME REQUIREMENTS – STAFF & ELECTED OFFICIALS:

If this application is approved, Staff time will be required to prepare the necessary bylaw and permits for Council consideration, and coordinate the process for the rezoning, DP and the subsequent subdivision. A public hearing would need to be scheduled to gather community input on the rezoning bylaw, Temporary Use Permit and Development Variance Permit. As part of the subdivision process the municipal Approving Officer will be required to create a Preliminary Layout Assessment (PLA) and staff will be required to assist and monitor that process as well.

FINANCIAL IMPACTS:

Each of the 2 lots in this subdivision will incur a Development Cost Charge (DCC) of \$12,882. It should be noted that under the current DCC bylaw, campground development does not currently trigger DCC's - even though there would be an expected incremental impact to the District's infrastructure as a result of the proposed uses.

POLICY OR LEGISLATIVE IMPACTS:

Subject to the conditions recommended in this report, the restoration of the property and proposed development of the site would be aligned with the OCP.

SUMMARY:

The previous environmental damage to the property has been done, and the owners have taken steps to begin rectifying that damage. The campground and guest house development proposal is supportable subject to the conditions described in the recommendation of this report. Alternatively, the most sensitive areas of the site could be restored according to the QEP recommendations and left as a large rural property with some potential for further development at a future date.

OPTIONS REVIEW:

The six recommended motions at the outset of this report would authorize the site work to complete the restoration of the site and set in motion the process of further Council consideration – with public input – of the various elements required for development of the property according to the owner’s submitted plans. Alternatively, Council could consider the following options:

7. **THAT** Council issue Development Permit DP19-01 for the restoration of the previously damaged riparian and marine shoreline areas of the property at 221 Minato Road, and direct the following:
 - a. That the site restoration work be completed to the satisfaction of the QEP and the District within 12 months;
 - b. That no other permits for site works or development on the property be considered until the site restoration work under DP19-01 has been completed to bring the property into compliance with municipal bylaws; and,
 - c. That the municipal solicitors be instructed, if the site restoration has not been completed within 12 months, to initiate legal proceedings to compel the owners to restore the site and compensate the District for costs and damages as a result of site clearing activities contrary to the Official Community Plan Bylaw No. 1140, 2011.

Or,

8. **THAT** Council defer consideration pending receipt of further information requested of the applicant.

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

Appendix D

DISTRICT OF UCLUELET
Zoning Bylaw Amendment Bylaw No. 1244, 2019

A bylaw to amend the District of Ucluelet Zoning Bylaw (221 Minato Road).

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

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

1. Map Amendment:

Schedule A (Zoning Map) of District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by changing the zoning designation of Lot B, District Lot 286, Clayoquot District, Plan VIP79908 (221 Minato Road, PID 026-487-764), from "RU: Rural Residential" to areas designated as "CG: Campground", "GH: Guest House" and "P-1: Public Institutional" as outlined in black on the map attached to this Bylaw as Appendix "A".

2. This bylaw may be cited as "District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1244, 2019".

READ A FIRST TIME this day of , 2019.

READ A SECOND TIME this day of , 2019.

PUBLIC HEARING held this day of , 2019.

READ A THIRD TIME this day of , 2019.

ADOPTED this day of , 2019.

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Amendment Bylaw No. 1244, 2019.”

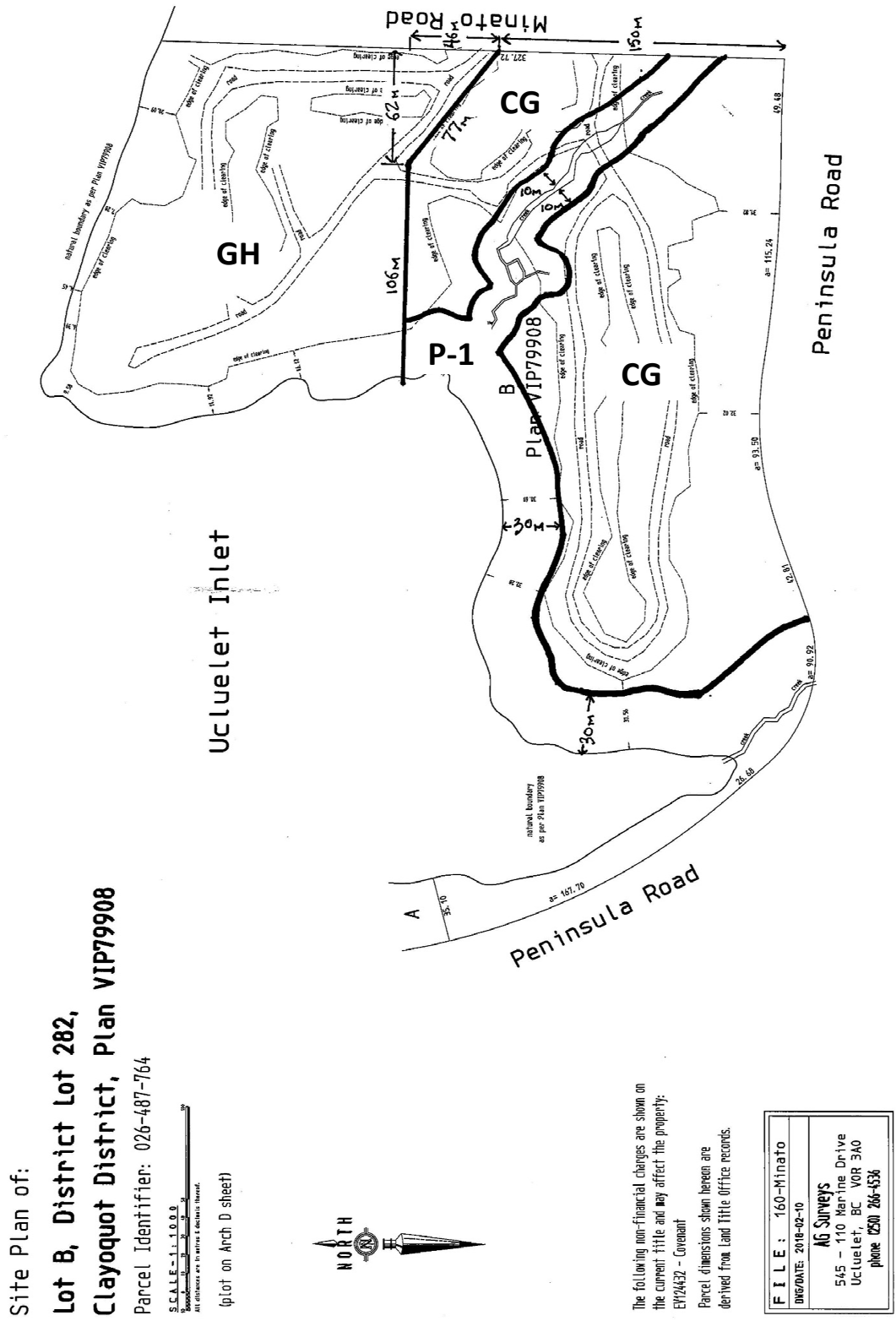
Mayco Noël
Mayor

Mark Boysen
Corporate Officer

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

Mark Boysen
Corporate Officer

Appendix A to Ucluelet Zoning Amendment Bylaw No. 1244, 2019



Appendix E

DISTRICT OF UCLUELET**Zoning Bylaw Amendment Bylaw No. 1256, 2019**

A bylaw to amend the District of Ucluelet Zoning Bylaw (Campground).

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

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

1. Text Amendment:

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

- A. By** adding the following definitions in alphabetical order within Division 100 – Enactment and Interpretation, Section 103 Definitions, such that the new definitions read as follows:

““Camping Space” means a measure of land that one camping unit will occupy.

“Camping Unit” means a tent, tent trailer, truck camper, travel trailer, fifth wheel, recreational vehicle, motor home and any other conveyance designed to travel on a publicly maintained road, which is constructed and intended or equipped to be used as non- residential, daily or short-term (not acceding 30 days) accommodation. Camping unit does not include park model trailers, park model mobile homes, or tiny homes sited on a permanent foundation.

“Recreational Vehicle (RV)” means any camper, travel trailer, fifth wheel or motor home with a maximum width of 2.6m in transit mode which can be used to provide sleeping accommodation and which is capable of being licensed for highway use pursuant to the Motor Vehicle Act or any subsequent Act or Acts which may be enacted in substitution therefore.”

- B. By** adding Section 407 numerically to Division 400 – Supplemental Regulations such that the new section reads as follows:

“407 CAMPGROUND

407.1 Where a *Zone* specifically includes *Campground* as a permitted use, all the following conditions must be satisfied for the establishment and continued use and operation of the *Campground*:

- (1) The *campground* layout shall promote the conservation and management of habitat, wetlands, and steep slopes. The layout shall take advantage of existing clearings and open areas. The layout shall maintain and promote natural systems connectivity.
- (2) A naturally landscape buffer shall be located between each *camping space* with a minimum width of 2 m (6 ft).
- (3) Only one camping unit and parking associated with such unit shall be allowed in a single camping space.
- (4) No *camping units* shall be located elsewhere than in a *camping space*.
- (5) No buildings of any type are permitted on *camping spaces* and no additions to any RV, travel trailer, or other camping unit shall be permitted in any *camping spaces*.
- (6) Each *Camping space* is to be on a well-drained site that is at all times free of stagnant pools and is graded for rapid drainage.
- (7) Campground Washroom facilities:
 - (a) Campgrounds shall provide a minimum of one centrally located washroom facility.
 - (b) Washroom facility(s) for un-serviced Camping Spaces are to be equipped with a minimum of one (1) toilet and half (.5) a shower stall per five (5) Camping Spaces.
 - (c) Washroom facility(s) for fully serviced Camping Spaces (camping spaces equipped with a sewer and water connection) are to be equipped with a minimum of one (1) toilet and one (.5) shower stall per eight (8) Camping Spaces.
 - (d) Each washroom facility must contain an accessible washroom in conformance with the BC Building Code.
- (8) Servicing:
 - (a) A potable water connection shall be provided in all recreational vehicle *camping spaces* and in centralized locations in all campgrounds.

- (b) A sanitary sewer connection shall be provided on 50% of recreational vehicle *camping spaces*.
 - (c) A centralized and winterized sewage disposal facility (dump station) shall be provided for the remainder of RV *camping spaces*. These facilities must be easily accessible and separated from the recreational vehicle stalls and any amenity spaces.
- (9) Each *camping space* shall have:
- (a) a clearly identifiable number and a permanent campground location map must be located at the entrance to the campground
 - (b) a camping area of grass or compacted gravel, which is otherwise well maintained.
 - (c) visible and clearly defined space boundaries marked on the ground by permanent flush stakes or markers.
- (10) The *campground* shall:
- (a) comply with all Provincial regulations relating to health, sanitation, fire, fire protection, and other matters.
 - (b) develop a fire safety plan that must include details on how to manage fire pits and campfires if permitted especially during provincial fire bans.
 - (c) have a Wildlife Attractant strategy with animal proof collection bins provided throughout the campground.
 - (d) ensure all lighting of internal roads and pedestrian paths are fully shielded fixtures that minimize glare in the nighttime environment in accordance with the International Dark Sky Association (IDA) standards and best practices.
- (11) Minimum road width requirements shall be as follows:
- (a) all two-lane access roads to and from a campground shall have a minimum width of 6.0 m.
 - (b) internal campground roads shall be one way, and shall have a minimum width of 3.66 m.

(c) dead end roadways shall have a hammerhead turnaround or cul-de-sac with a turning circle minimum radius of 12 m.

407.2 For greater certainty, notwithstanding of provisions of this bylaw:

(1) No camping unit shall be permitted on any camping space continuously for a period of more than 30 days. No camping unit may reoccupy any camping space in the same campground for a period of not less than 60 days from the date of departure.

407.3 Off-street parking must be provided in accordance with Section 505.1 of this Bylaw.”

- C. **By** adding a new Campground zone, to Schedule B – The Zones that directly follows CS-7 Zone – Tourist Commercial & Residential such that the new section reads as follow:

“CG Zone – CAMPGROUND

This Zone is intended for commercial use of campgrounds, with an accessory residential dwelling unit and accessory retail sales and administration, in accordance with the District’s related bylaws.

CG.1 Permitted Uses

CG.1.1 The following uses are permitted, but *secondary permitted uses* are only permitted in conjunction with a *principal permitted use*:

(1) Principal:

(a) *Campground*

(2) Secondary:

(a) *Accessory Residential Dwelling Unit*

(b) *Accessory Retail Sales and Administration Office*

CG.2 Lot Regulations

CG.2.1	Minimum Lot Size:	6,070 m ² (1.5 acres)
CG.2.2	Minimum Lot Frontage:	23 m (75 ft)
CG.2.3	Minimum <i>Camping Space</i> size:	90 m ² (969 ft ²)
CG.2.4	Minimum <i>Camping Space</i> Width:	6 m (20 ft)
CG.2.5	Minimum <i>Camping Space</i> Depth:	

- (1) Tent - *Camping Space*: 11 m (36 ft)
- (2) *Recreational Vehicle - Camping Space*: 16 m (52 ft)

CG.3 Density:

- CG.3.1 Maximum Number:
 - (1) *Camping Space*: 10 spaces per acre
 - (2) *Accessory Residential Dwelling Unit*: 1 per lot
- CG.3.2 Maximum Floor Area Ratio: 0.023
- CG.3.3 Maximum Lot Coverage: 2.3%

CG.4 Maximum Height:

- CG.4.1 Principal Buildings & Structures: 7.5 m (25 ft)
- CG.4.2 Accessory Buildings & Structures: 7.5 m (25 ft)

CG.5 Minimum Setbacks:

- CG.5.1 Despite Section 306.1, the minimum setbacks listed in Section CG.5.2, below, shall also apply to *camping spaces*.
- CG.5.2 The following minimum setbacks apply, as measured from the *front lot line, rear lot line and side lot lines(s)*, respectively, of the *Campground*:

	(a) Front Yard Setback	(b) Rear Yard Setback	(c) Side Yard – Interior Setback	(d) Side Yard – Exterior Setback
(1) Principal	7.5 m (25 ft)	7.5 m (25 ft)	7.5 m (25 ft)	7.5 m (25 ft)
(2) Accessory	7.5 m (25 ft)	7.5 m (25 ft)	7.5 m (25 ft)	7.5 m (25 ft)

“

- D. By replacing the parking requirement in the chart found in Section 505.1 under “Campground” such that that chart category now reads as follows:
 “1 space per *camping space* plus 1 space per 10 *camping spaces* for visitor parking “

- 2. This bylaw may be cited as “District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1256, 2019”.

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

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

SECOND READING RESCINDED this day of , 2020

AMENDED this day of , 2020

READ A SECOND TIME AS AMENDED this day of , 2020

PUBLIC HEARING held this day of , 2020.

READ A THIRD TIME this day of , 2020.

ADOPTED this day of , 2020.

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Amendment Bylaw No. 1256, 2019.”

Mayco Noël
Mayor

Mark Boysen
Corporate Officer

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

Mark Boysen
Corporate Officer



FILE COPY

DEVELOPMENT PERMIT DP19-01

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:

PIRATES BAY HOLDING COMPANY LTD, PO BOX 286, UCLUELET, BC, V0R 3A0

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:

LOT B, DISTRICT LOT 286, CLAYOQUOT DISTRICT, PLAN VIP79908 (221 MINATO ROAD)
PID: 026-487-764

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

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

- a. The complete restoration of the coastal and riparian areas as indicated by the Vegetation Management Plan completed by Aquaparian Environmental Consulting Ltd on March 8, 2018. This restoration work must be monitored by the Qualified Environmental Professional and their written confirmation of completion according to the Vegetation Management Plan must be provided for acceptance by the District of Ucluelet.

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

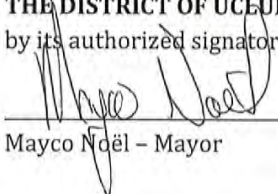
5. The work authorized by this Permit may only be carried out in compliance with all federal, provincial, and municipal statutes, regulations, and bylaws. The owner is responsible for ensuring that the timing of the work and any required permits or notifications by other agencies are obtained as required to comply with all applicable regulations.
6. 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.
7. This Permit is NOT a Building Permit.
8. **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.



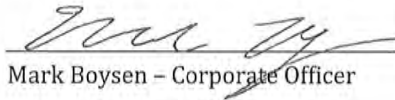
AUTHORIZING RESOLUTION passed by the Municipal Council on the **9th** day of **April, 2019**.

IN WITNESS WHEREOF this Development Permit is hereby executed and issued by the Municipality the **6** day of **Mar**, 2019.

THE DISTRICT OF UCLUELET
by its authorized signatories:



Mayco Noël - Mayor




Mark Boysen - Corporate Officer

OWNER
by its authorized signatory



PIRATES BAY HOLDING COMPANY LTD.

ISSUED the **6** day of **Mar**, 2019.



Bruce Greig - Manager of Planning



Schedule A

221 Minato Road, Ucluelet, BC

Vegetation Management Plan

Prepared by Aquaparian Environmental Consulting Ltd.

March 8, 2018

SCHEDULE 'A' TO DP19-01

March 8, 2018

Rick and Rebekka Lim
 BNEE Enterprises Ltd.
 Pirates Bay Holdings Ltd.
 2040 Peninsula Road
 Ucluelet, BC

Via Email: rickandrebekka@hotmail.com

**RE: 221 MINATO ROAD, UCLUELET BC
 VEGETATION MANAGEMENT PLAN**

1.0 INTRODUCTION

Aquaparian Environmental Consulting Ltd (Aquaparian) has been retained by you to complete a Vegetation Management Plan (VMP) to support a land development proposal for your property at 221 Minato Road in Ucluelet BC which includes the development of a single-family home, supporting outbuilding and a public tent and RV campground. The subject parcel is legally identified as:

- **Lot B, District Lot 286 & 471 & 472 & 473, Clayoquot District, Plan VIP 79908.**

The VMP is a District of Ucluelet (DoU) requirement under the Development Approvals Procedures Bylaw 1164. A site location map has been included as Figure 1 and a property map has been included as Figure 2. Site photographs taken on January 31, 2018 have been included in this document as Appendix A.

Aquaparian completed an Environmental Impact Assessment (EIA) report of the subject property dated May 18, 2017 after the completion of significant land clearing works and a post-clearing report dated February 6, 2018 in response to a compliance letter produced for the property by the DoU dated December 13, 2018. Requirements for vegetation restoration works are based on the EIA report and the District of Ucluelet Rezoning and Land Clearing evaluation. The following are requirements as per page 2 of the district letter:

- "Under the Development Approvals Procedures Bylaw 1164, you are required to provide a written statement outlining the land development proposal for your property in full; provide a complete site plan and landscape plan (see section 5.3 of bylaw No. 1164). The site plan and landscape plan is to demonstrate how the environmental and

203-321 WALLACE ST. NANAIMO, BC V9R 5B6, 250-591-2258
 CELL SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

MINATO ROAD VEGETATION RESTORATION PLAN
MARCH 2018

2

community values identified for this property in the Official Community Plan (OCP) will be achieved and protected; specifically,

- A. Protection of a 30m buffer along the shoreline to preserve sensitive marine wetlands (estuary) and mitigation measures for any clearing or disturbance within this area;
- B. Protection of fish bearing streams and mitigation measures for disturbance already within 30m of watercourses;
- C. Extension of the **Wild Pacific Trail** along the shoreline;
- D. Protection of a 30m treed buffer along the Pacific Rim Highway;
- E. Identification and preservation of Sitka Spruce trees.

The subject parcel is subject to the following DoU Development Permit Area (DPA):

- DPA No. 8 - Former Forest Reserve Lands applying to protection of a 30m buffer along the shoreline to preserve sensitive marine wetlands (estuary) and protection of a 30m treed buffer along the Pacific Rim Highway.

The DOU recognizes the provincial Riparian Areas Regulation (RAR) and the policy guideline in protecting watercourses including all streams, rivers, lakes, ponds, and wetlands. These watercourses are considered protected if they support fish or flow into fish bearing waters and are considered as DPAs requiring protective riparian buffers. The DoU OCP states:

- "There will be a minimum setback of 5 meters on all streams in the DPA regardless of whether they are fish bearing or not, as they are corridors for animals. The QEP will use their own discretion to determine further setbacks or default to the "riparian assessment area" distances, as stated on page 2, in the Riparian Areas Regulation, July 27 2004."

The subject property contains two watercourses and a protective riparian buffer of 10m was determined (based on RAR guidelines) for both streams including side channels. The setback is measured from the High Water Mark (HWM) on both sides of the stream. As understood, a Stormwater Management Plan for the property and design of stream crossings is required and will be completed by Cascara Consulting Engineers Ltd (Cascara). The shoreline HWM, extent of land clearing, roads and location of watercourses have been surveyed and mapped by AG Surveys.

Results from the survey indicate the following:

- The edge of clearing near the Pacific Rim Highway was found to be outside the 30m Highway setback;
- Land clearing along the shoreline extends into the 30m setback in certain areas up to 4.5m from the HWM; and,



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- Vegetation within a portion of the headwater section of "Stream 1" had been removed and encroached into the 10m riparian setback (refer to Figure 4: Development Permit Areas Map).

This Vegetation Management Plan (VMP) report has been prepared to provide a re-vegetation and environmental protection plan for submission to the DoU with the land development proposal for the project. The intent is to re-instate impacted vegetation within the riparian setbacks of the stream and the marine shoreline. **Aquaparian recommends that the owner of the property should retain a Certified / Professional Landscape Architect to assist the owner in completing a proper site layout for the single family home, outbuilding and layout of the campground after vegetation setbacks have been reinstated within the property that would meet DoU "Design Requirements". The Landscape Architect is to also aid in defining a suitable alignment location for the Wild Pacific Trail within the property.**

Final site plans are to be approved by a QEP prior to the start of construction activities.

2.0 SITE DESCRIPTION

The subject parcel is located within mostly undeveloped lands northwest of the Village of Ucluelet. The property is irregularly-shaped with a total area of 24.7 acres. The subject property is bounded to the north and west within a sheltered bay of the Ucluelet Inlet, to the south by Peninsula Road and to the east by Minato Road. The western portion of the parcel is a narrow forested strip that follows a curve along Peninsula Road around the bay for approximately 175m. The property supports the lower reaches of two watercourses that flow into Ucluelet Inlet. Both watercourses are understood to be fish bearing near their confluence with the ocean. "Stream 1" (eastern watercourse) bisects the middle of the site and "Stream 2" is located in the western portion of the site near Peninsula Road. Stream 1 contains side channel drainages that connect to the main channel and were pooling at the time of the site assessment.

The property is gently sloping towards the ocean with the higher land being along Peninsula Road. A section of intact forest consists of mature second-growth coastal western hemlock forest with some veteran Western cedar trees. The northern edge of the property primarily consists of salt marsh habitat influenced by upland drainage and tidal mudflat.

Approximately half of the southern portion of the parcel has been mostly cleared of trees. A narrow ground vegetation strip with scattered trees still exists in the centre and a circular road with roadside ditching has been constructed and surfaced with gravel. The vegetation within the west side of the property and in and around Stream 2 has been left intact. The intact 10m riparian setback for Stream 2 is 1400m². The northern portion of the parcel is almost entirely cleared with exception to a strip of vegetation along the shoreline that varies in width from 4.5m to approximately 30m and a couple of small retained tree stands (refer to Figure 3 site plan).



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Constructed gravel roads with access to Minato Road bisect the cleared area. Stream 1 bisects the middle of the lot and the riparian habitat has been damaged with clearing up to the HWM in some areas. A log bridge (non-compliant) has been constructed across Stream 1 that presently allows for only 15cm of free board from the bottom of the creek.

3.0 VEGETATION MANAGEMENT PLAN

The following remediation measures are to be completed within the streamside setback and the shoreline DPA before any further site preparation / development works in the property are completed. A completed plan which is intended to re-vegetate the impacted habitat within the property is provided in Figure 5. The total estimated vegetated treatment areas are summarized in Table 1.

Vegetation remediation of the site is to include the following:

- Along the impacted 10m riparian buffer strip of Stream 1 headwaters including inflowing side channels, Aquaparian recommends re-instating with native trees and shrubs (see Table 2) interspersed with existing remaining riparian vegetation. Some natural regeneration is expected to occur from the existing seed bank in the soils;
- Upon removal and replacement of the Stream 1 bridge crossing, re-instate graded streambanks using native trees and shrubs; and,
- In order to remediate the impacted coastal foreshore area, Aquaparian recommends protection of intact shoreline habitat and re-instating the impacted coastal foreshore area with native tree and shrub species to the 30m setback mark from the present natural boundary or High Tide Line. Native plant species were selected based on existing native shrub species and suitability to the site conditions (see Table 3).
- As per discussion with DOU planning staff, the layout of camping pads and alignment of the Wild Pacific Trail within the property will require DOU approval.

As per AG Surveys, the total area of restoration is approximately **6,650m²** to be planted with native trees and shrubs including a **2850m²** riparian area along Stream 1 and 3800m² along the coastal riparian buffer in the northeastern portion of the property.

Table 1. Estimated Treatment Area Within the DPA for Restoration Requirement:

Riparian Streamside Protection Area:	
Stream 1 streamside protection area within the parcel (10m setback)	~5750m ²
Stream 2 streamside protection area within the parcel (10m setback)	~1400m ²
Total cleared area within Stream 1 streamside protection area	~3800m ²
Total cleared area within Stream 2 streamside protection area	0m ²
Estimated streamside restoration area	~3800m ²



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Coastal Protection DPA Area:	Area Estimate (m ²)
Total DPA area within the parcel (30m setback)	~25800m ²
Total cleared area within the DPA	~2850m ²
Estimated coastal restoration area	~2850m ²
Total estimated planting restoration area: Stream 1 and Coastal	6650m²

Where possible, use stockpiled organic soil on site as a growing medium for planting areas and salvage native plants, logs and stumps to transplant within the site and incorporate into the planting plan for landscaping surrounding the house and campground. This will assist in reducing costs, incorporate potential salvage of native plant seed banks, provide delineated boundaries between camping pads and add natural local form and character to the development

3.1 PLANTING PLAN

The following species have been selected for the re-vegetation areas (see Table 2 &3). Overall planting density to be achieved is a minimum of one plant per square meter with the goal of 100% cover within 2-3 years.

The re-instatement of natural trees and shrub vegetation will help to stabilize the soils and improve natural habitat in the riparian zones. Riparian setbacks and restoration areas are to be considered a No-Go zones and left to naturally infill after planting with native riparian species (either transplanted or purchased). The cost has been based on all plant materials being purchased rather than transplanted from within the site.

Table 2. Streamside Planting Plan (Stream 1)

Common Name	Species	Spacing	Size	Quantity	Cost Per	Total
Trees						
Western redcedar	<i>Thuja plicata</i>	5m ²	1 Gal	100	\$4.75	\$475.00
Coastal western hemlock	<i>Tsuga heterophylla</i>	5m ²	1 Gal	65	\$4.75	\$308.75
Sitka spruce	<i>Picea sitchensis</i>	5m ²	1 Gal	45	\$4.75	\$213.75
Red alder	<i>Alnus rubra</i>	5m ²	1 Gal	30	\$4.75	\$142.50
Sub-total				240		\$1140
Shrubs						
Salal	<i>Gaultheria shallon</i>	0.5m ²	9cm	900	\$2.25	\$2025.00
Salmonberry	<i>Rubus spectabilis</i>	1m ²	1 Gal	400	\$4.75	\$1900.00
Red huckleberry	<i>Vaccinium parvifolium</i>	1m ²	1 Gal	300	\$4.75	\$1425.00
Sword fern	<i>Polystichum munitum</i>	1m ²	1 Gal	550	\$4.75	\$2612.50
Deer fern	<i>Blechnum spicant</i>	0.5m ²	1 Gal	1800	\$4.75	\$8550.00
Sub-total				3950		\$16,512.50
TOTAL				4190		\$17,652.50



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Table 3. Shoreline Planting Plan

Common Name	Species	Spacing	Size	Quantity	Cost Per	Total
Trees						
Western redcedar	<i>Thuja plicata</i>	5m ²	1 Gal	75	\$4.75	\$365.25
Sitka spruce	<i>Picea sitchensis</i>	5m ²	1 Gal	50	\$4.75	\$237.50
Coastal western hemlock	<i>Tsuga heterophylla</i>	5m ²	1 Gal	35	\$4.75	\$166.25
Sub-total				160		\$769
Shrubs						
Salal	<i>Gaultheria shallon</i>	0.5m ²	9cm	1200	\$2.25	\$2700.00
Salmonberry	<i>Rubus spectabilis</i>	1m ²	1 Gal	300	\$4.75	\$1425.00
Evergreen huckleberry	<i>Vaccinium ovatum</i>	1m ²	1 Gal	350	\$4.75	\$1662.50
Sword fern	<i>Polystichum munitum</i>	1m ²	1 Gal	500	\$4.75	\$2375.00
Bracken fern	<i>Pteridium aquilinum</i>	1m ²	1 Gal	200	\$4.75	\$950.00
Deer fern	<i>Blechnum spicant</i>	0.5m ²	1 Gal	250	\$4.75	\$1187.50
Sub-total				2800		\$10,300
TOTAL				2960		\$11,069

*Note: cost estimates are based on the Streamside Native Plants Wholesale Price Guide

*Note: cost estimates may be reduced where existing native plants can be salvaged and transplanted from within the site.

3.2 PLANT SOURCE

Streamside Native Plants

7455 Island Highway West, Bowser, British Columbia V0R 1G0

Phone/Fax: 250-757-9999 / Toll Free: 877-570-3138

http://members.shaw.ca/nativeplants/streamside_home.html

E-mail: Richard@streamsidenativeplants.com

The nursery is located at 7455 Island Highway West (Highway 19A) Bowser B.C.

Green Thumb Nurseries

6261 Hammond Bay Road

Nanaimo BC V9T 5M4

250-758-0808

E-mail: grnthumb@shaw.ca

3.3 LANDSCAPE COMPANY

Stick In the Mud Landscaping

1079 Pacific Rim Highway

Tofino BC V0R 2Z0



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250-725-2606
E-mail: stickmud@telus.net

Landscape Architects.
Victoria Drakeford Landscape Architects
Nanaimo, BC,
250-754-4335

4.0 INSTALLATION RECOMMENDATIONS

The following recommendations are provided to maximize success of the project:

- Retain the services of a recognized landscaping company familiar with local planting conditions to complete the planting/landscaping works.
- Installation of vegetation will be completed either in the fall or early spring and must be maintained and irrigated as necessary through at least two summer seasons to optimize survival. Planting in cool wet weather will reduce transplant shock and allow plants to establish root systems without drought stress. Overall shrub density should be a minimum of one plant per m² and plant placement should mimic a natural growth pattern i.e. clusters of same species. Planting works to achieve a 70-80% survival rate or replacement of plants required.
- Any existing riparian vegetation along the streambanks should be left intact with plantings interspersed among intact vegetation.
- Install a silt fence at the extent of the planting area at the high water mark on both sides of the stream and at the extent of clearing along the coastline prior to the start of landscaping works. Anchor the silt fence in a 0.3m trench and check fencing for disrepair periodically over the course of the riparian work area. Silt fences should remain during and after plantings until the site is stable and mulch is applied but should be removed before the fall rainy season to prevent inundation.
- Native topsoil from the site should be used in the planting areas where possible to increase the likelihood of natural infilling from the soil seed bank. Imported topsoil can be added if necessary for a planting medium. Add a handful of bone meal (reduces transplant shock) to each planting. A minimum 3" deep layer of composted bark mulch is recommended for the planting areas to prevent moisture loss and soil erosion. Small downed logs and branches from the site clearing can be chipped to provide mulch. Place the mulch after the plants are installed leaving a gap around each plant.



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- Every year the site will need to be inspected for invasive species growth and dead plants. Invasive plants (i.e. broom, blackberry, ivy) are to be removed as often as necessary and dead plants are to be replaced. Infill is expected to occur from the selected species.
- The restoration works are to be inspected by Aquaparian following installation to ensure the environmental protection measures are followed and to provide a completion report.
- Retain as many tree stumps with remaining live vegetation (i.e. deer fern) and logs as boundary and visual barriers when delineating camping pads.

5.0 ENVIRONMENTAL PROTECTION MEASURES

Environmental protection measures are to be in place prior to excavation, construction and landscaping activities. Recommendations contained in this report should be reviewed with the construction crew prior to the start of the project.

Aquaparian recommends the following Environmental Protection Measures for this project based on the information provided:

- Environmental monitoring on a part-time basis is recommended for the restoration plan completion and construction activities.
- As per the DOU, retain all remaining vegetation (including trees, understorey vegetation, remaining stumps and natural large woody debris) still standing within the property.
- Complete excavation and construction activities during periods of dry weather or minimal rain forecast if possible. No sedimentation of the streams or the marine environment is to be allowed.
- As required, a Certified Engineer should be retained to complete an engineering plan for the installation of a bridge across Stream 1. The existing log stringer culvert should be removed and a properly engineered crossing installed. The stream crossing bridge replacement works should be completed in the reduced risk window for fish on Vancouver Island of June 15th to September 15th. A Section 11 Notification Application will be required to the Ministry of Forest Lands and Natural Resource Operations prior to any physical installation works.
- The riparian protection areas should be clearly defined with a visual boundary and should be considered a no-go zone after restoration works are completed.



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- No encroachment or removal of vegetation should occur in the 30m Pacific Rim Highway buffer.
- Do not stockpile waste materials on site – remove as soon as possible.
- All heavy equipment should be clean and free of leaks and to have a fully stocked spill kit on board.
- Control of site drainage and runoff is necessary during or following excavation, construction, and landscaping activities to prevent migration of fines. Drainage channels that have been trenched and are directing ponded water into the marine foreshore may result in sedimentation to the marine environment. Block and re-direct drainage channels to prevent runoff from entering the marine environment. Aquaparian understands that a site drainage management plan is to be completed by Cascara Consulting Engineers Ltd.
- No soil piles should be allowed within 30m of the streams on site and the near foreshore. Temporarily soil stockpiles will require protection from heavy rain. Either temporarily put soils in a dump truck, or cover with a tarp or sheet of poly, or take off site.
- Stockpiling of soil adjacent to vegetated areas has resulted in the burial of tree trunks and the root systems of several retained trees. Remove soil piles from the base of mature trees and cease stockpiling near naturally vegetated areas.
- If evidence of an archaeological site is encountered during development, activities must be halted immediately and the Archaeological Branch contacted at 250-953-3334 for guidance. No further clearing or excavation should occur until an Archaeological Assessment is completed by a Professional Archaeologist.
- A danger tree assessment should be completed by a Certified Arborist before any construction works commence on the residence or the campground. If standing trees are identified as unstable, retain the stump in place and the surrounding vegetation.
- Extension of the Wild Pacific Trail is required along the shoreline and is to be included in the site plan. Trail alignment is to be approved by the QEP and the DOU. The width of the trail can vary as little as 1.5m and can be partially aligned off the highway corridor within the property, but must still provide some access and viewing location of Ucluelet Inlet.

6.0 SUMMARY

The subject parcel has been partially cleared with the intent of constructing a single-family residence and a campground with RV use. The land clearing was completed



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without a permit and is subject to the Former Forest Reserve DPA and the provincial Riparian Areas Regulation. A 30m coastal protection setback, a 10m streamside protection setback and a 30m Pacific Rim Highway setback have been identified within the subject parcel. The District of Ucluelet has provided the property owner with a Rezoning and Land Clearing evaluation letter requiring the submission of a vegetation management plan. This report has been completed to fulfill this requirement and to demonstrate how the environmental and community values identified for this property in the Official Community Plan (OCP) will be achieved and protected.

Re-vegetation of the identified disturbed areas within the coastal setback and the streamside setback is recommended to restore fish habitat, and to minimize erosion and sediment release into fish habitat. **The total restoration area recommended is 6650m² (2850m² within the coastal setback and 3800m² within the streamside setback).**

If all mitigation measures are implemented as recommended in this report, the risk of further negative impacts to foreshore and stream habitat will be minimized and impacted riparian conditions will be improved over existing conditions with the intent of restoring a naturally functioning buffer in the long term.

7.0 CLOSURE

This report is based on a site assessment, past project experience and in accordance with generally accepted biological practices. No other warranty is made, either expressed or implied.



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Aquaparian trusts that the information provided in this report meets your requirements. Any questions regarding information provided in this document, please contact the undersigned at (250) 591-2258.

Sincerely,

AQUAPARIAN ENVIRONMENTAL CONSULTING LTD

Prepared by:

Review & Prepared by:



Crystal Campbell, Environmental Tech.

Chris Zamora B.Sc, R.P.Bio
Senior Biologist/Principal

\\AQUAPARIAN-NAS\Documents\Projects\Projects\N358 Minato Road Ucluelet\MP\221 Minato Road Vegetation Restoration Plan.docx



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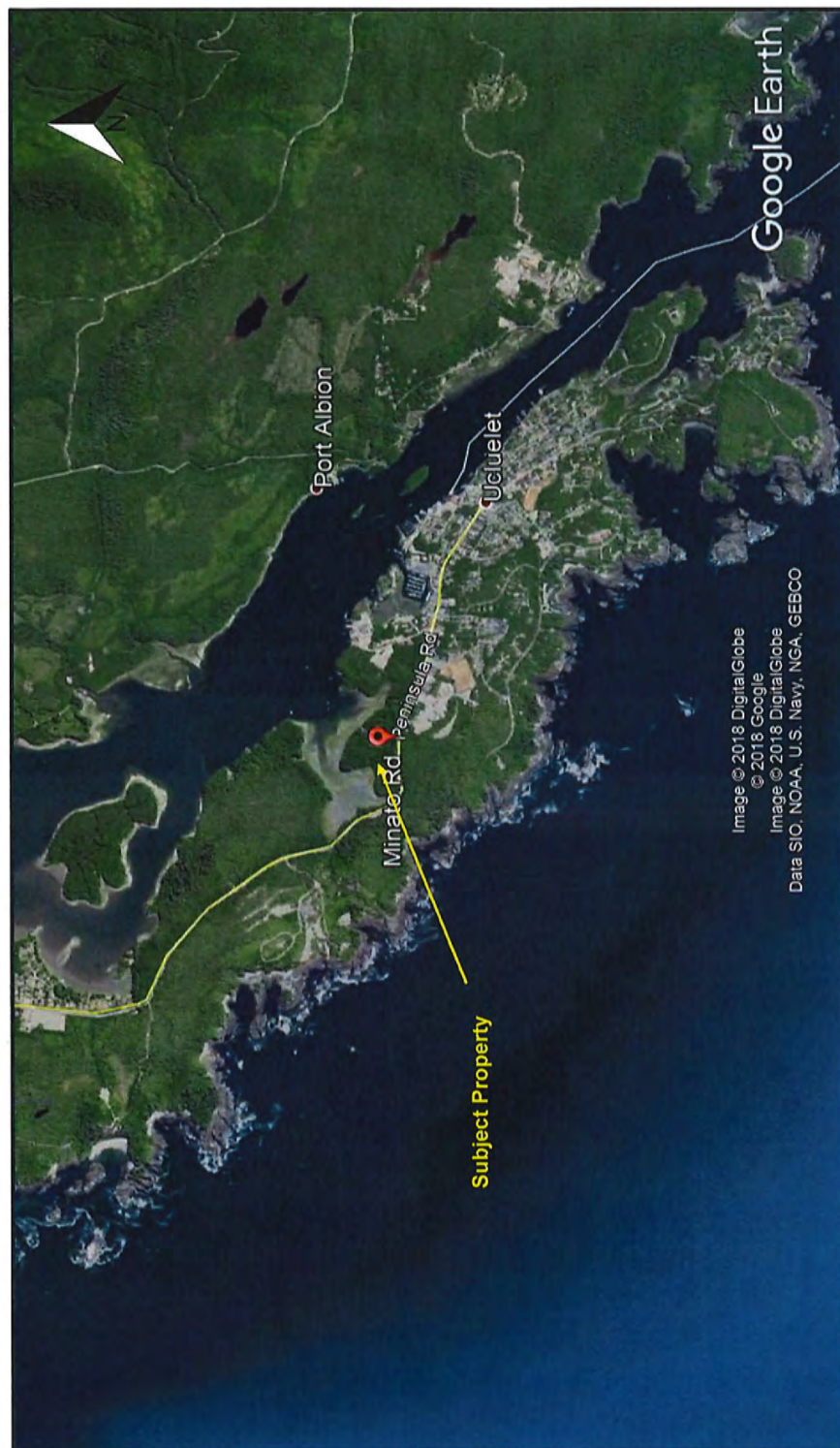
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FIGURE 1
SITE LOCATION MAP



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FIGURE 1. SITE LOCATION MAP
221 MINATO ROAD, UCLUELET, BC



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FIGURE 2
PROPERTY MAP



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**FIGURE 2. PROPERTY MAP
221 MINATO ROAD, UCLUELET, BC**



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FIGURE 3
AG SURVEYS SITE PLAN



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FIGURE 3. MINATO ROAD "AG SURVEYS" PROPERTY SITE SURVEY

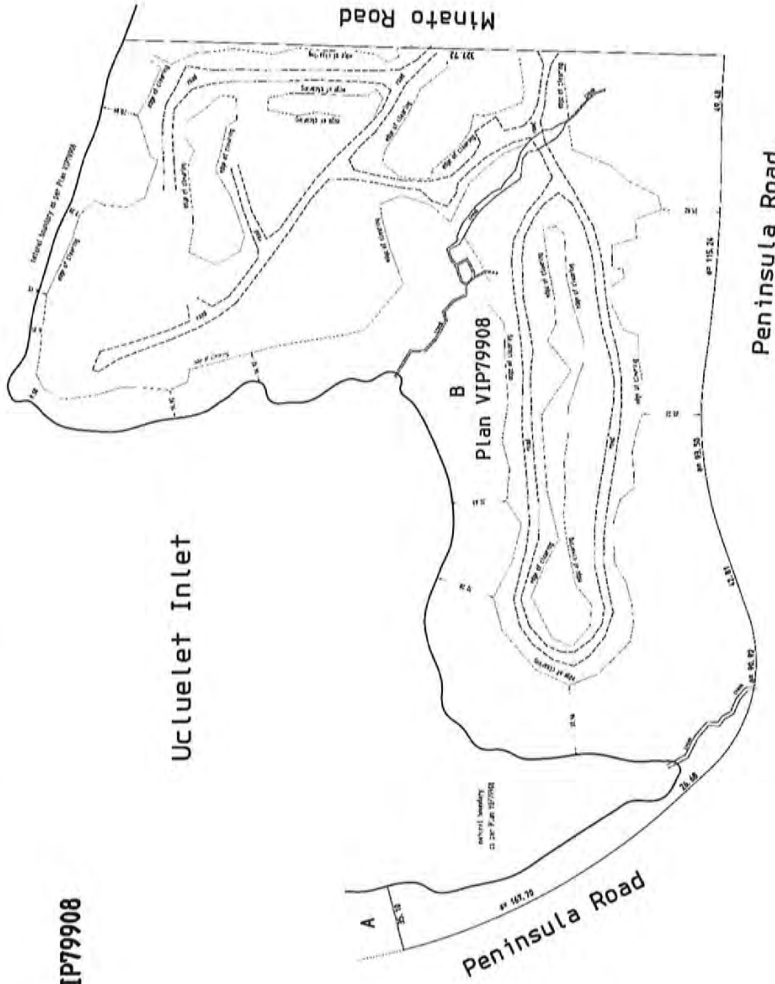
Site Plan of:

Lot B, District Lot 282,
Clayoquot District, Plan VIP79908

Parcel Identifier: 026-487-764

SCALE: 1:1500
As shown on Arch D sheet

(plot on Arch D sheet)



The following non-financial changes are shown on the current title and may affect the property:
EPT04132 - Consent
Parcel dimensions shown herein are derived from Land Title Office records.

FILE: 160-Minato
DATE: 2018-02-19
AG Surveys
545 - 110 Marine Drive
Ucluelet, BC V0R 3A0
phone 250 284-1538

Survey date: February 2018

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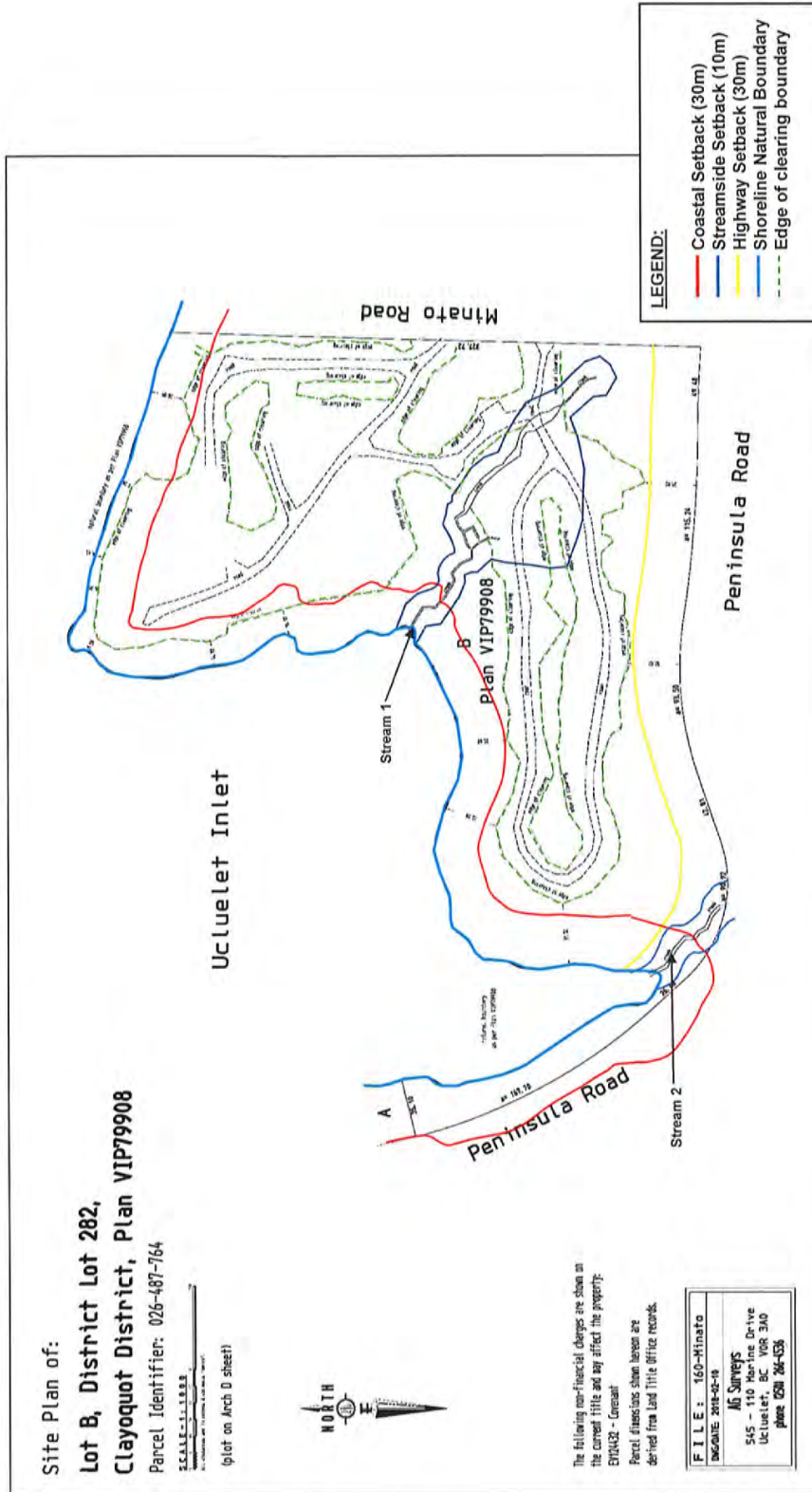
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FIGURE 4
DEVELOPMENT PERMIT AREAS SETBACK MAP



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FIGURE 4. DEVELOPMENT PERMIT AREAS SETBACKS



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FIGURE 5
RESTORATION AREAS WITHIN DPAS MAP



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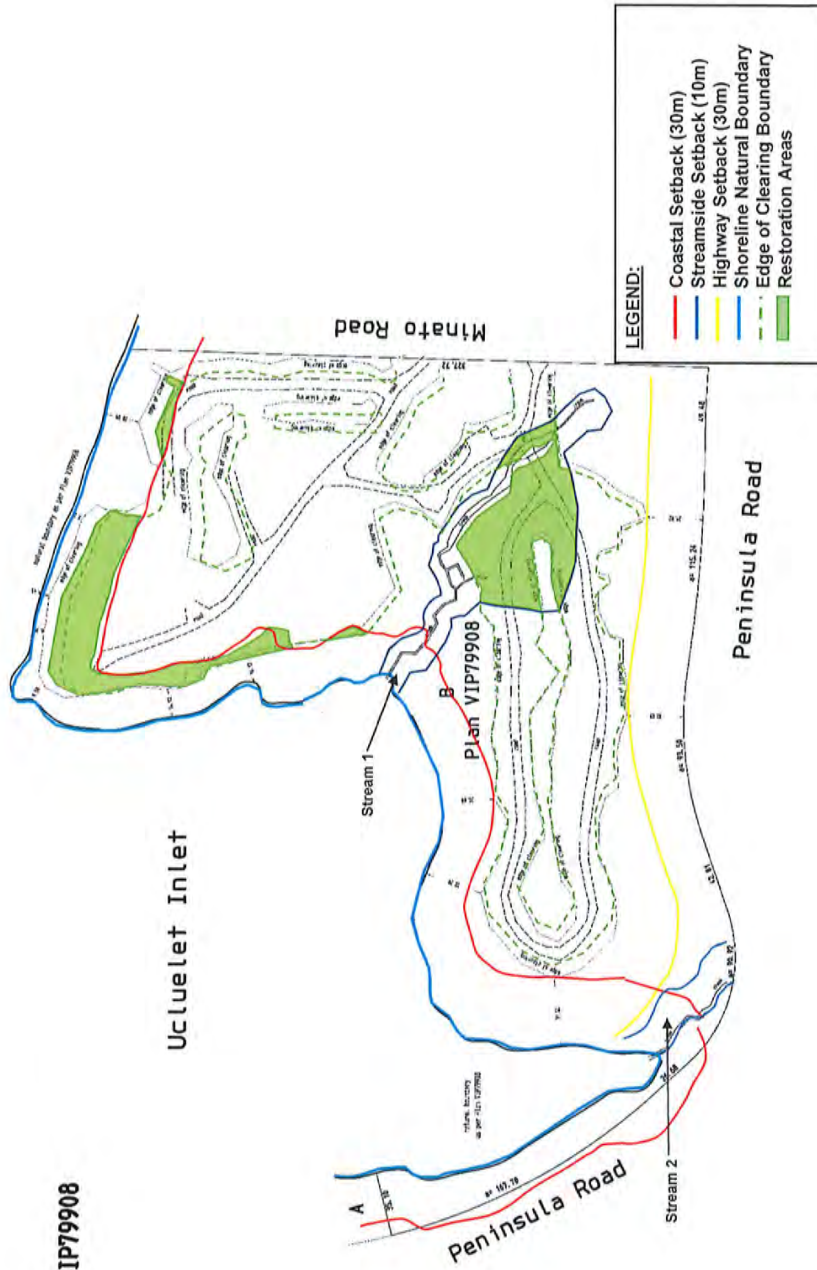
FIGURE 5. RESTORATION AREAS WITHIN DEVELOPMENT PERMIT AREAS

Site Plan of:

Lot B, District Lot 282,
Clayoquot District, Plan VIP79908

Parcel Identifier: 026-487-764

SCALE: 1:1,000
(plot on Arch D sheet)



The following non-financial charges are shown on the current title and may affect the property:
ENH432 - Consent
Parcel dimensions shown herein are derived from Land Title Office records.

FILE: 160-Minato
DRAWING: 2018-02-19
M5 SIMPERS
545 - 110 Marine Drive
Ucluelet, BC V0R 3A0
phone (250) 764-6326

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APPENDIX A
SITE PHOTOGRAPHS



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Appendix A: Site Photographs



Photo 1: View of entrance leading into Minato Rd property

Photo 2: View of logs and stumps stockpiled to side of road



Photo 3: View of Stream 1 and stringer log bridge. Bridge to be removed and replaced. 6" flow clearance

Photo 4: View of Stream 1 and stringer log bridge. Riparian vegetation to be re-established.



Photo 5: View of Stream 1 where it crosses bridge. Riparian area cleared to left side of bridge.

Photo 6: View along main access road in proposed campground. Road clearer to edge of 30m highway setback.





Photo 7: View on opposite side of road alignment in campground area. Clearing went through lower part of drainage.

Photo 8: Impacted drainage. Engineer to complete Stormwater management plan for site.



Photo 9: Clearer section of site near location proposed for house. Foreshore buffer area cleared during tree removal.

Photo 10: Clearer section of site within 30m foreshore buffer. Riparian buffer to be re-established.



Photo 11: Stockpiled soil burying the base of some trees in 30m foreshore DPA needs to be removed.



DEVELOPMENT PERMIT DP19-02

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:

PIRATES BAY HOLDING COMPANY LTD, PO BOX 286, UCLUELET, BC, V0R 3A0

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:

LOT B, DISTRICT LOT 286, CLAYOQUOT DISTRICT, PLAN VIP79908 (221 MINATO ROAD)
PID: 026-487-764

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

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

- a. The creation of a subdivision consisting of:
 - i. One Guest house Lot (Phase 2 in Schedule A) with an approx. area of 30,978m²
 - ii. One Campground Lot (Phase 1 & 3 in Schedule A) with a approx. area of 40,036m²
 - iii. The remainder is parkland dedication (Labeled Park in Schedule A)
- b. A 10m road dedication along the existing 10m Minato Road.
- c. Full servicing (underground hydro, potable water, sanitary sewer, storm sewer) of Minato Road.
- d. Full paved road construction including but not limited to 3.6 lane widths, line painting, traffic signage, parallel parking, cul-de-sac roundabout as per the Subdivision Services Control Bylaw No. 521, 1989 and the Master Municipal Construction Documents (MMCD).
- e. Full night sky compliant Street lighting with a LED light source.
- f. Full landscaping of the road boulevard in native species.
- g. A paved 1.5m multiuse path on the west side of Minato Road constructed consistent with the MMCD.
- h. Crosswalks and crosswalk signage for a crossing of Peninsula road
- i. Paved driveway aprons a minimum of 5m from road edge with gravel driveways roughed in.
- j. A gravel parking area at the cul-de-sac and parallel spaces indicated in Schedule A.

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

5. The work authorized by this Permit may only be carried out in compliance with all federal, provincial, and municipal statutes, regulations and bylaws, and all requirements of the municipal Approving Officer. The owner is responsible for ensuring that the timing of the work and any required permits or notifications by other agencies are obtained as required to comply with all applicable regulations and requirements of the municipal Approving Officer.



6. 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.
7. This Permit is NOT a Building Permit.
8. **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 , 2020.

IN WITNESS WHEREOF this Development Permit is hereby executed and issued by the Municipality the day of , 2020.

THE DISTRICT OF UCLUELET
by its authorized signatories:

Mayco Noël – Mayor

Mark Boysen – Corporate Officer

OWNER
by its authorized signatory

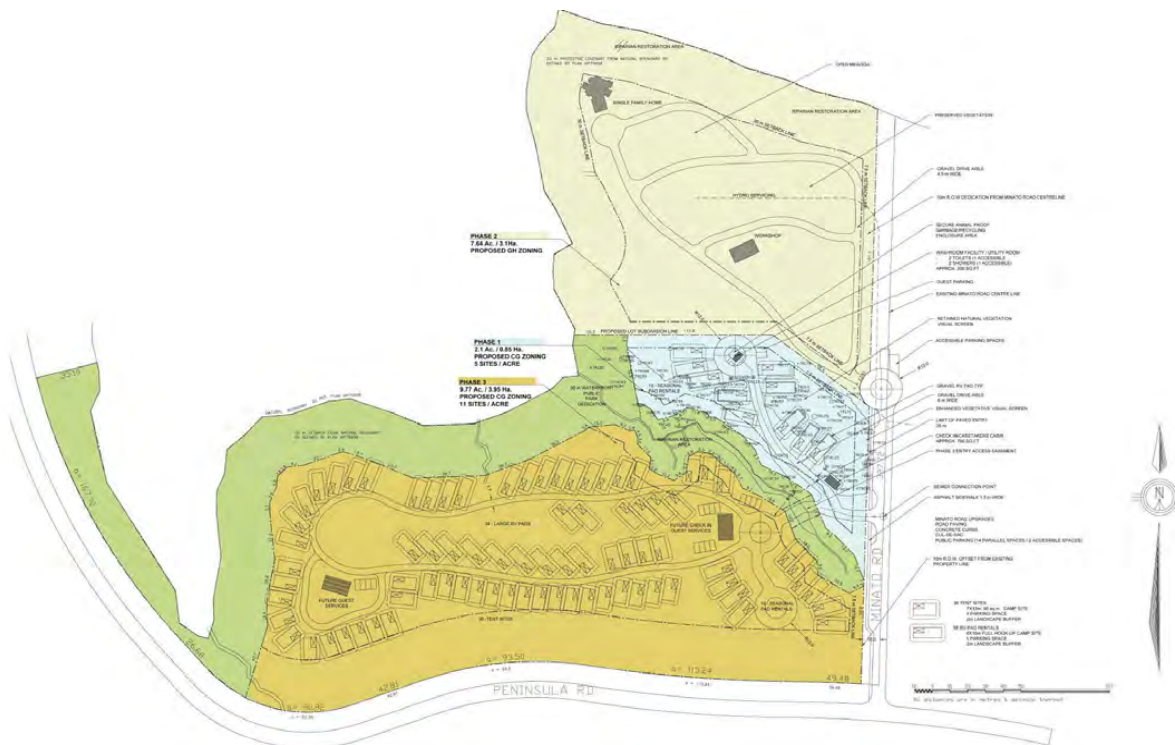
PIRATES BAY HOLDING COMPANY LTD.

ISSUED the day of , 2020.

Bruce Greig - Manager of Planning



Schedule A





DEVELOPMENT PERMIT DP20-02

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:

PIRATES BAY HOLDING COMPANY LTD, PO BOX 286, UCLUELET, BC, V0R 3A0

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:

AREA DESIGNATED PHASE 1 ON LOT B, DISTRICT LOT 286, CLAYOQUOT DISTRICT, PLAN VIP79908 (221 MINATO ROAD) PID: 026-487-764

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

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

- a. The creation of a 2-acre campsite that consists of ten fully serviced RV sites.
- b. One two storey 800sqft caretaker cabin.
- c. One washroom facility with two toilets (1 accessible), 2 showers (1 accessible).
- d. One animal-proof garbage enclosure.
- e. A 6m compact gravel access road and landscaped cul-de-sac.
- f. Fully paved access road connection to Minato Road.
- g. Full landscaping of the road frontage and grounds in native species.
- h. All exterior lighting to be full cut-off and night sky compliant.
- i. All existing trees to be retained.

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

5. The work authorized by this Permit may only be carried out in compliance with all federal, provincial, and municipal statutes, regulations, and bylaws. The owner is responsible for ensuring that the timing of the work and any required permits or notifications by other agencies are obtained as required to comply with all applicable regulations.
6. 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.
7. This Permit is NOT a Building Permit.



8. **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 , 2020.

IN WITNESS WHEREOF this Development Permit is hereby executed and issued by the Municipality the day of , 2020.

THE DISTRICT OF UCLUELET
by its authorized signatories:

Mayco Noël – Mayor

Mark Boysen – Corporate Officer

OWNER
by its authorized signatory

PIRATES BAY HOLDING COMPANY LTD.

ISSUED the day of , 2020.

Bruce Greig - Manager of Planning



Schedule A





DEVELOPMENT VARIANCE PERMIT DVP19-02

Pursuant to section 498 of the Local Government Act, 2015:

1. This Development Variance Permit is issued to:

PIRATES BAY HOLDING COMPANY LTD, PO BOX 286, UCLUELET, BC, V0R 3A0

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

LOT B, DISTRICT LOT 286, CLAYOQUOT DISTRICT, PLAN VIP79908 (221 MINATO ROAD) PID: 026-487-764

3. The work authorized by this Permit may only be carried out:

- a. in compliance with the requirements of the District of Ucluelet Zoning Bylaw No. 1160, 2013, except where specifically varied or supplemented by this development variance permit.
- b. in compliance with all federal, provincial, and municipal statutes, regulations, and bylaws.

4. This Permit authorizes the following variances for the proposed campsite development of the Lands as shown on the plans attached as **Schedule A**:

- i. **Reduce the required side yard setback for a campsite to 1.5m whereas the District of Ucluelet Zoning Bylaw No. 1160, 2013, section CG.5.2 (1) (c) requires a minimum of 7.5m.**

5. This Permit authorizes the following variances for the proposed Guest House of the Land as shown on the plans attached as **Schedule B**:

- ii. **Increase the allowable Maximum Height for the principle building (Single Family Dwelling) to 10.9m whereas the District of Ucluelet Zoning Bylaw No. 1160, 2013 indicates a maximum allowable height of 8.5m.**

6. The above variances are granted for the proposed development of the Land as shown on Schedules A and B. Should the Land or portions of the Land be redeveloped at some future date, this Development Variance Permit shall cease to apply and the zoning and servicing standards in effect at the time shall apply.

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.





AUTHORIZING RESOLUTION passed by the Municipal Council on the day of , 2020.

THE DISTRICT OF UCLUELET
by its authorized signatories:

ISSUED the day of , 2020.

Bruce Greig - Manager of Community Planning



SCHEDULE A





SCHEDULE B









TEMPORARY USE PERMIT TUP19-01

General Terms

1. This Temporary Use Permit is issued to:

PIRATES BAY HOLDING COMPANY LTD, PO BOX 286, UCLUELET, BC, V0R 3A0

(the "**Permittee**")

as the registered owner and responsible tenant of, and shall apply only to, the lands and premises situate in the District of Ucluelet, in the Province of British Columbia, and more particularly described as:

AREA DESIGNATED PHASE 1 ON LOT B, DISTRICT LOT 286, CLAYOQUOT DISTRICT, PLAN VIP79908 (221 MINATO ROAD) PID: 026-487-764

(the "**Lands**").

2. This Temporary Use Permit is issued pursuant to section 492 to 497 of the *Local Government Act*.
3. This Temporary Use Permit is issued subject to compliance with all applicable District of Ucluelet Bylaws.
4. This permit does not relieve an owner or occupier from obtaining any other approvals required by any other jurisdiction, or from meeting any other applicable regulations.
5. This Temporary Use Permit authorizes the following use of the Lands, despite the regulations adopted in Ucluelet Zoning Bylaw No. 1160, 2013, as amended:
 - a. **to permit seasonal accommodation in up to 10 Camping Spaces, located on the Lands as shown on Schedule 2 and subject to the conditions listed on Schedule 1.**
6. The permit holder, as a condition of issuance of this Permit, agrees to comply with the requirements and conditions of **Schedules 1**, which are attached hereto and form part of this permit.
7. The land described herein shall be used and developed strictly in accordance with the terms and conditions and provisions of this Permit.
8. If the Permittee does not substantially commence the use with respect to which this permit was issued within six months after the date it was issued, the Permit shall lapse.
9. 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.
10. This Permit is NOT a Building Permit.
11. This Permit is NOT a Development Permit.



AUTHORIZING RESOLUTION passed by the Municipal Council on the day of , 2020.

IN WITNESS WHEREOF this Temporary Use Permit is hereby executed and issued by the Municipality the day of , 2020.

THIS PERMIT SHALL EXPIRE on the day of , 2023.

THE DISTRICT OF UCLUELET
by its authorized signatories:

Mayco Noël – Mayor

Mark Boysen – Corporate Officer

OWNER
by its authorized signatory

PLEASE PRINT

ISSUED the day of , 2020.

Bruce Greig - Manager of Community Planning



Schedule 1 Terms of Temporary Use Permit Conditions TUP19-01

- a) The permitted temporary use shall be limited to the following:
- A maximum of Ten (10) long-term seasonal recreational vehicle (RV) / trailer camping units, in the spaces shown.***
- b) The RV spaces are to be located only as indicated on the site plan (**Schedule 2**).
- c) The Permittee must oversee the use of the Lands and keep a manager / caretaker resident on site during any period when the seasonal employee units are occupied. The on-site manager's telephone and email contact shall be provided to the District and updated as required.
- d) The campground manager is to maintain a register of campers, contact information and vehicle registration, and make the register available at all times if requested by the District.
- e) The proposed seasonal RV spaces are for local and regional staff accommodation,
- f) At the end of each seasonal stay, or within 6 months less a day, the Permittee shall notify the Bylaw Services Officer in writing that the unit has been vacated.
- g) No person shall make, allow, or cause to be made any loud, objectionable, or unnecessary noise anywhere within the seasonal camping area which may disturb the peace, quiet, rest, enjoyment, comfort, and/or convenience of the neighborhood between the hours of 10 pm of one day and 7 am of the next day.
- h) The Permittee shall provide for collection and pickup of garbage and recycling in appropriate wildlife-proof containers.
- i) No RV spaces are to be occupied unless they are serviced by approved potable water and sewage disposal systems. Any failure to properly collect and dispose of septic waste will result in suspension of this permit and forfeit of the security deposit.
- j) No RV spaces are to be occupied until the access drive aisles, parking spaces, trailer pads and fire lanes are delineated to the satisfaction of the District. Access aisles and vehicle turnarounds are to be kept free at all times, for emergency access.
- k) No RV spaces are to be occupied until the Permittee has provided the site amenities and landscaping as shown on **Schedule 2**. The Permittee is to provide a detailed plan for fencing, landscaping and site amenities prior to construction, for approval by District staff.
- l) An on-site parking space shall be provided for each seasonal RV pad, in addition to the required parking for all other uses on site.
- m) No additions, accessory buildings, structures or outdoor storage is permitted in long-term seasonal RV spaces;
- n) The municipal Bylaw Services Officer may arrange for site inspection at any time, in a reasonable manner, to monitor compliance with the terms of the Temporary Use Permit.



Schedule 2



Appendix K

Page 4

TERMS OF INSTRUMENT – PART 2COVENANT (Section 219 *Land Title Act*)

THIS COVENANT dated for reference the ___ day of _____, 2020 is

BETWEEN:

PIRATES BAY HOLDING COMPANY LIMITED, INC. NO. BC1068513

PO Box 286
Ucluelet BC V0R 3A0

(the "Grantor")

AND:

DISTRICT OF UCLUELET

Box 999
200 Main Street
Ucluelet BC V0R 3A0

(the "District")

WHEREAS:

- A. The Grantor is the registered owner of land located at 221 Minato Road in Ucluelet, British Columbia and more particularly described as:

PID: 026-487-764
Lot B District Lot 286 Clayoquot District Plan VIP79908

(the "Land");

- B. Section 219 of the *Land Title Act* permits the registration of a covenant of a negative or positive nature in favour of the District, in respect of the use of land or buildings, or the building on land;
- C. The Grantor has applied to the District for a rezoning of the Land to permit the development of a campground and guest houses on the Land, and in connection with the Grantor's application for rezoning the Grantor has offered grant this Covenant to the District;

- D. The Grantor wishes to grant this Covenant to the District to confirm it will not subdivide or develop the Land except generally in accordance with the development plan prepared in conjunction with the Grantor's rezoning application and presented to the District Council and the public in connection with the application;

THIS COVENANT is evidence that in consideration of the payment of TWO DOLLARS (\$2.00) by the District to the Grantor, and other good and valuable consideration (the receipt and sufficiency of which are acknowledged by the parties), the Grantor covenants and agrees with the District, in accordance with section 219 of the *Land Title Act*, as follows:

Definitions

1. In this Covenant:

- (a) "Campground Parcel" means the area of the Land labelled "CG Lot (Phase 1)" and CG Lot (Phase 2)" on the Subdivision Plan;
- (b) "Guest House Parcel" means the area of the Land labelled "GH Lot" on the Subdivision Plan;
- (c) "Long-Term Camping" means the area of the Land lying between the Park and Minato Road labelled "CG Lot (Phase 1)" on the Subdivision Plan;
- (d) "Olsen Bay Trail" means the trail running from the terminus of the paved portion of Minato Road to Olsen Bay labelled "Olsen Bay Trail" on the Subdivision Plan;
- (e) "Park" means the area of the Land labelled "Park" on the Subdivision Plan, generally within 30m of Olsen Bay and within 10m either side of Stream 1;
- (f) "Riparian Trail" means the pedestrian trail proposed to be constructed in the Park, parallel to Stream 1 from Minato Road to the foreshore of Olsen Bay, labelled as "Riparian Trail" on the Subdivision Plan;
- (g) "Shoreline Trail A" means the pedestrian trail proposed to be constructed in the area labelled "Park" adjacent to the foreshore labelled as "Shoreline Trail A" on the Subdivision Plan;
- (h) "Shoreline Trail B" means the pedestrian trail proposed to be constructed in the area labelled GH Lot adjacent to the foreshore labelled as "Shoreline Trail B" on the Subdivision Plan;
- (i) "Shoreline Green Space" means the area of the land extending 30m inland from the natural boundary of Olsen Bay along the entire shore of the Guest House Parcel, labelled "30m No Build / Green Space" on the Subdivision Plan;
- (j) "Short-Term Camping" means the area of the Land lying between the Park and Peninsula Road labelled as CG Lot (Phase 2) on the Subdivision Plan;
- (k) "Subdivision Plan" means the proposed plan for the subdivision of the Land shown in the drawing / sketch plan attached to this Agreement as Schedule A;

- (l) "Viewing Platforms" means two viewing platforms to be constructed adjacent to the natural boundary of Olson Bay in the general locations labelled as "Viewing Platforms" on the Subdivision Plan.

Restriction on Use, Subdivision and Development of the Land

2. The Grantor will not alter, develop or otherwise use the Land for any purpose, other than passive recreation or the carrying out of survey work in preparation for subdivision, and without limiting the foregoing, will not construct or place any building or structures on the Land, until and unless the Grantor has subdivided the Land in accordance with this Agreement.
3. The Grantor will not subdivide the Land unless:
 - (a) the subdivision creates parcels having boundaries substantially in accordance with the Subdivision Plan;
 - (b) the Grantor dedicates the area labelled "Park" to the District, as park;
 - (c) the Grantor pays to the District \$10,000 towards the construction of 2 Viewing Platforms, fencing, and signage;
 - (d) the Grantor pays to the District \$50,000 towards the construction of pedestrian trails in the Park;
 - (e) concurrent with the deposit of a plan to subdivide the Land as authorized by subsection 3(a), the Grantor registers as a charge against the title to the Guest House Parcel a covenant:
 - (i) prohibiting the removal of trees and vegetation from the Shoreline Green Space area restricting the use of the Shoreline Green Space area to passive recreation, and restricting development within the Shoreline Green Space area to one non-permanent structure having a floor area no greater than 10 m²;
 - (ii) prohibiting any further subdivision of the Guest House Parcel unless the Owner dedicates the Shoreline Green Space area to the District as park, and pays to the District 100% of the cost of constructing the Shoreline Trail B.
 - (f) concurrent with the deposit of a plan to subdivide the Land as authorized by subsection 3(a), the Grantor registers as a charge against the title to the Campground Parcel a covenant prohibiting the construction, development or use

of any Short-Term Camping spaces or facilities on the Land before the construction of the Shoreline Trail A is complete.

Discharge

4. The District agrees that if the Grantor:
 - (a) Subdivides the Land in accordance with section 3 and delivers to the District a registrable discharge of this Covenant, the District will execute the discharge, and return the executed discharge to the Grantor, and the Grantor may apply to register it in the Victoria land title office.

Subject to Bylaws

5. This Covenant does not relieve the Grantor in any way from complying with all applicable bylaws of the District or other enactments applicable to the Land.

Inspections

6. The District and any of its officers and employees may enter on the Land at all reasonable times, to inspect the Land for the purpose of ascertaining compliance with this Covenant.

Amendment

7. This Covenant may be altered or amended only by an agreement in writing signed by the parties.

No Public Law Duty

8. Whenever in this Covenant the District is required or entitled to exercise any discretion in the granting of consent or approval, or is entitled to make any determination, take any action or exercise any contractual right or remedy, the District may do so in accordance with the contractual provisions of this Covenant only and will not be bound by any public law duty, whether arising from the principles of procedural fairness or the rules of natural justice or otherwise.

No Obligations on District

9. The rights given to the District by this Covenant are permissive only and nothing in this Covenant:
 - (a) imposes any duty of care or other legal duty of any kind on the District to the Grantor or to anyone else;

- (b) obliges the District to enforce this Covenant, which is a policy matter within the sole discretion of the District; or
- (c) obliges the District to perform any act, or to incur any expense for any of the purposes set out in this Covenant.

No Effect on Laws or Powers

10. This Covenant does not,
- (a) affect or limit the discretion, rights or powers of the District under any enactment or at common law, including in relation to the use or subdivision of the Land;
 - (b) affect or limit any law or enactment relating to the use or subdivision of the Land; or
 - (c) relieve the Grantor from complying with any law or enactment, including in relation to the use or subdivision of the Land.

District's Right to Equitable Relief

11. The Grantor agree that the District is entitled to obtain an order for specific performance or a prohibitory or mandatory injunction in respect of any breach by the Grantor of this Covenant.

Covenant Runs With the Land

12. Every obligation and covenant of the Grantor in this Covenant constitutes both a contractual obligation and a covenant granted under section 219 of the *Land Title Act* in respect of the Land and this Covenant burdens the Land and runs with it and binds the successors in title to the Land. For certainty, unless expressly stated otherwise, the term "Grantor" refers to the current and each future owner of the Land. This Covenant burdens and charges all of the Land and any parcel into which it is subdivided by any means and any parcel into which the Land is consolidated.

Registration

13. The Grantor agrees to do everything necessary, at the Grantor's expense, to ensure that this Covenant is registered against title to the Land with priority over all financial charges, liens and encumbrances registered, or the registration of which is pending, at the time of application for registration of this Covenant.

Waiver

14. An alleged waiver by the District of any breach of this Covenant by the Grantor is effective only if it is an express waiver in writing of the breach in respect of which the waiver is asserted. A waiver by the District of a breach by the Grantor of this Covenant does not operate as a waiver of any other breach of this Covenant.

Notice

15. Any notice to be given pursuant to this Covenant must be in writing and must be delivered personally or sent by prepaid mail. The addresses of the parties for the purpose of notice are the addresses on the first page of this Covenant and in the case of any subsequent owner, the address will be the address shown on the title to the Land in the Land Title Office.

If notice is delivered personally, it may be left at the relevant address in the same manner as ordinary mail is left by Canada Post and is to be deemed given when delivered. If notice is sent by mail, it is to be deemed given 3 days after mailing by deposit at a Canada Post mailing point or office. In the case of any strike or other event causing disruption of ordinary Canada Post operations, a party giving notice for the purposes of this Covenant must do so by delivery as provided in this section.

Either party may at any time give notice in writing to the other of any change of address and from and after the receipt of notice the new address is deemed to be the address of such party for giving notice.

Enurement

16. This Covenant binds the parties to it and their respective corporate successors, heirs, executors, administrators and personal representatives.

Joint and Several

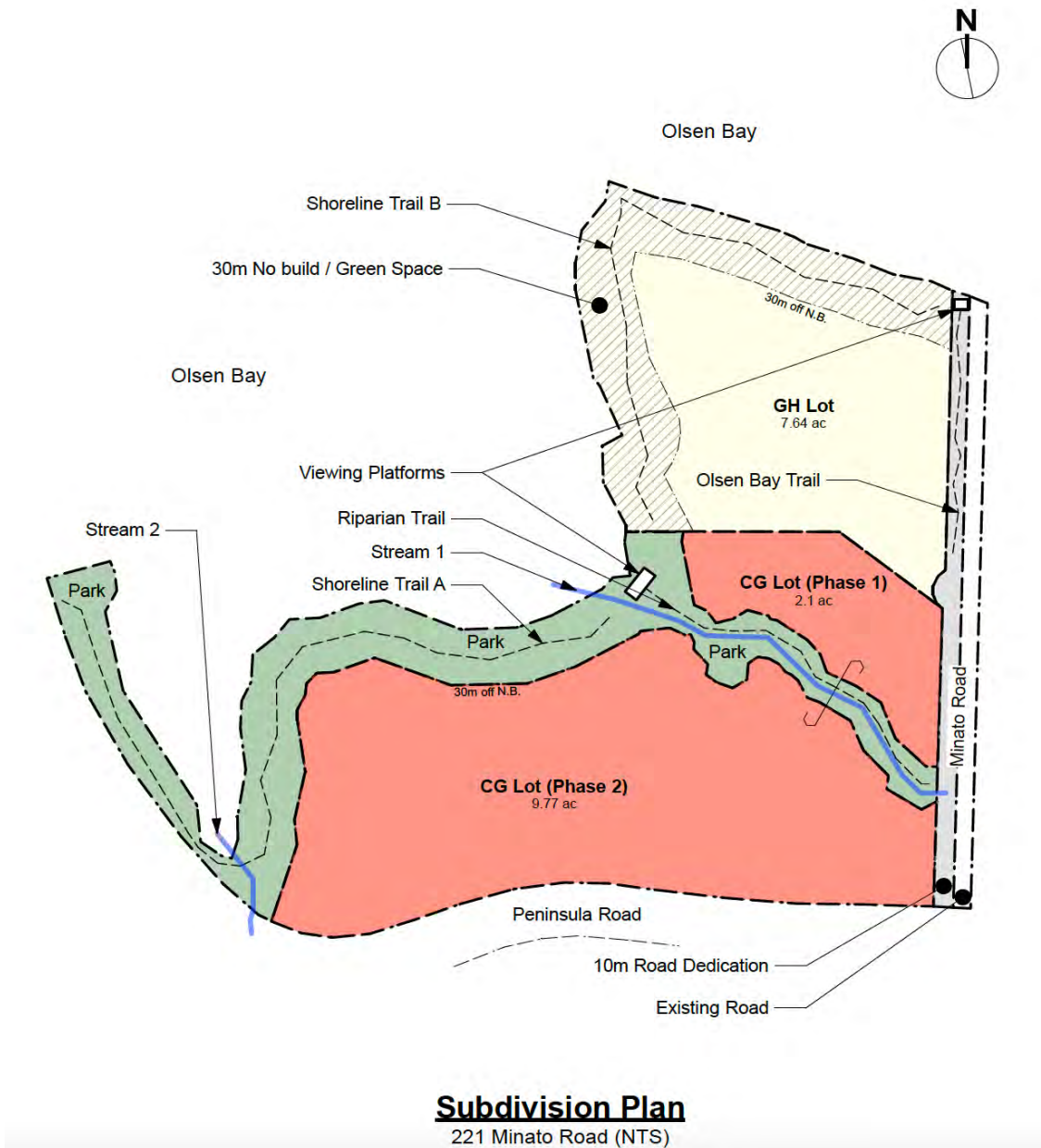
17. If at any time more than one person (as defined in the *Interpretation Act* (British Columbia)) owns the Land, each of those persons will be jointly and severally liable for all of the obligations of the Grantor under this Covenant.

Further Acts

18. The Grantor must do everything reasonably necessary to give effect to the intent of this Covenant, including execution of further instruments.

As evidence of their agreement to be bound by the terms of this instrument, the parties hereto have executed the Land Title Office Form C which is attached hereto and forms part of this Covenant.

Schedule A – Subdivision Plan



PRIORITY AGREEMENT

This Priority Agreement is between Coastal Community Credit Union (the “**Prior Chargeholder**”), being the registered owner and holder of Mortgage No. CA5148927 and Assignment of Rents No. CA5148928 (the “**Prior Charges**”), and the District of Ucluelet, being the registered owner and holder of the covenant under section 219 of the *Land Title Act* (British Columbia) to which this Priority Agreement is attached (the “**Subsequent Charge**”).

In consideration of the sum of ten dollars (\$10.00) now paid to the Prior Chargeholder and other good and valuable consideration, the receipt and sufficiency of which the Prior Chargeholder acknowledges, the Prior Chargeholder hereby approves of and consents to the granting of the Subsequent Charge and hereby postpones all of the Prior Chargeholder’s rights under the Prior Charge to the rights of the Municipality under the Subsequent Charge in the same manner and to the same extent as if the Prior Charge had been registered immediately after the Subsequent Charge.

As evidence of its agreement to be bound by this Priority Agreement, the Prior Chargeholder has executed the General Instrument – Part 1 (*Land Title Act* - Form C) attached to and forming part of this Priority Agreement.

END OF DOCUMENT



STAFF REPORT TO COUNCIL

Council Meeting: OCTOBER 8, 2019
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, MANAGER OF COMMUNITY PLANNING

FILE NO: 3060-20-DP19-01
3360-20-RZ18-08
3090-20-DVP19-02
3070-20-TUP19-01

SUBJECT: PROPOSED REZONING, SUBDIVISION AND DEVELOPMENT
PERMITS FOR 221 MINATO ROAD (LOT B, DISTRICT LOT 286,
CLAYOQUOT DISTRICT, PLAN VIP79908).

REPORT NO: 19-129

ATTACHMENT(S): APPENDIX A – APPLICANTS’ UPDATED PROPOSAL
APPENDIX B – ENVIRONMENTAL PROGRESS LETTER DATED AUGUST 13, 2019
APPENDIX C – STAFF REPORT DATED APRIL 9, 2019
APPENDIX D – ZONING AMENDMENT BYLAW NO. 1244 – MAP AMENDMENT
APPENDIX E – ZONING AMENDMENT BYLAW NO. 1256 – TEXT AMENDMENT (NEW CG ZONE
CAMPGROUND)

RECOMMENDATIONS:

1. **THAT** District of Ucluelet Zoning Amendment Bylaw No. 1256, 2019, be given First and Second readings and be referred for legal review.
2. **THAT** Council:
 - a. indicate support for the updated proposal including an offer of a \$10,000 contribution to the District of Ucluelet for adding fencing, interpretive signs and protective barriers at trail ends to protect adjacent marine shoreline habitat;
 - b. give the District of Ucluelet Zoning Amendment Bylaw No. 1244, 2019 First and Second reading; and,
 - c. direct staff to prepare the necessary permits, covenants and agreements and present them to Council prior to Bylaw No. 1244 proceeding to a public hearing.

BACKGROUND

At the April 9, 2019 regular meeting of Council, Staff presented a report for the potential subdivision, rezoning and development of the property at 221 Minato Road (Lot B, District Lot 286, Clayoquot District, Plan VIP79908), (the “**Subject Property**”). Council made the following motions at this meeting:

1. *THAT Council authorize issuance of Development Permit DP19-01 for the restoration of the previously damaged riparian and marine shoreline areas of the property at 221 Minato Road.*
2. *THAT Council indicate support for the concept of rezoning the property at 221 Minato Road for a 2-lot subdivision to create a Guest House parcel and a Campground parcel, and indicate*

that adoption of a zoning amendment bylaw for the requested uses would be subject to the following:

- a. completion of the site restoration work under Development Permit DP19-01 including monitoring and sign-off by the Qualified Environmental Professional;
 - b. including, as part of the subdivision to create the two parcels, dedication for park purposes of a 30m corridor upland from the natural boundary along the marine shoreline of both parcels, plus the entire stream setback area surrounding Stream 1;
 - c. the owners providing a restrictive covenant on the proposed Guest House parcel which would restrict any further subdivision of that lot unless at that future date the following are provided by the property owner:
 - i. dedication for park purposes a 30m corridor upland from the natural boundary along the marine shoreline adjacent to the property; and,
 - ii. appropriate funds to construct a trail system and viewing platform to municipal standards in the shoreline park dedicated in (i) above;
 - d. the owners providing a contribution for half the cost of constructing the stream section of trail and viewing platform, prior to commencing construction of the Long-Term Camping spaces in the proposed Phase 1;
 - e. the owners providing a restrictive covenant on the proposed Campground parcel ensuring that construction of the Short-Term Camping shown as Phase 3 will not commence before the adjacent section of Olsen Bay trail has been constructed.
3. THAT Council indicate support for the concept of issuing a Temporary Use Permit to permit long-term camping in the proposed designated area of the campground, subject to conditions including:
- f. Seasonal camping stays are not to exceed six months;
 - g. No additions, accessory buildings, structures or outdoor storage is permitted in long-term camping spaces;
 - h. A resident campground manager is required on-site; and,
 - i. The campground manager is to maintain a register of campers, contact information and vehicle registration, and make the register available at all times if requested by the District.
4. THAT Council indicate support for the concept of issuing a Development Permit for the subdivision of the property into the proposed Guest House and Campground parcels, subject to the following conditions:
- j. that the owners provide a detailed landscape plan showing replanting of native tree and understory species in the undeveloped portions of the Minato Road 10m road right-of-way dedication areas:
 - i. at the future public access trail to Olsen Bay at the end of Minato Road; and,
 - ii. screening of the proposed long-term camping spaces adjacent to Minato Road including appropriate fencing;
 - k. that prior to subdivision approval, the owners providing:
 - i. a civil engineering assessment and design for all required services including road, water, sewer, on- and off-site stormwater management and the location of private power and data utilities; and,
 - ii. a traffic engineering safety assessment of vehicle and pedestrian movements resulting from the proposed development and upgrades, if necessary, at the intersection of Peninsula Road and Minato Road and at the future trail

crossing of Peninsula Road to the Ancient Cedars loop, for review and approval by the municipality and the Ministry of Transportation and Infrastructure.

5. *THAT, subject to public comment, Council indicate support for considering a variance to increase the maximum permitted height of the main house on the proposed Guest House parcel from 8.5m (28 ft.) to 10.9m (36 ft.); and,*
6. *THAT Council indicate that issuance of a future Development Permit for construction of the proposed Short-Term Campground (phase 3) would be subject to protecting the full 30m forested buffer along the Peninsula Road frontage, unless the owners can demonstrate that the proposed tent sites within this area would not be visible from the road.*

The adopted motion, above, was modified from the original Staff recommendation as represented in the bold text below:

Original:

*"2. b. including, as part of the subdivision to create the two parcels, dedication for park purposes of a 30m corridor upland from the natural boundary along the marine shoreline **adjacent to the proposed Campground parcel**, plus the entire stream setback area surrounding Stream 1;"*

As adopted:

*"2.b. including, as part of the subdivision to create the two parcels, dedication for park purposes of a 30m corridor upland from the natural boundary along the marine shoreline **of both parcels**, plus the entire stream setback area surrounding Stream 1;"*

Staff understand the intent of this Council direction was that the 30m shoreline portion of the proposed Guest House (GH) lot was to be dedicated as public park land rather than register a 30m green space covenant over the shoreline area. One of the main concerns expressed was for the level of protection of the shoreline of Olsen Bay. As the salt marshes are a very delicate marine ecosystem, Council felt a park dedication rather than a covenant was a better way to protect this area.

Since the April 9, 2019 meeting, the applicant has met with planning staff several times and the applicant has come forward with the following counteroffer.

UPDATED PROPOSAL AUGUST 13, 2019

A. The applicant is not agreeable to offering the 30m shoreline area of the proposed GH lot for park dedication as requested by Council April 9, 2019. They have instead offered to augment the original Staff recommendation with a \$10,000 cash contribution to the District of Ucluelet for fencing, interpretive signs and protective barriers. In discussion with the owners, this is intended to provide trail features so that the public could view the salt marsh of Olsen Bay at either end of the property, but foot traffic would be clearly directed away from trampling sensitive shoreline areas.

The other measures originally recommended by staff would also apply, which read as follows:

"To provide a 30m restrictive green space covenant on the proposed Guest House parcel which would also restrict any further subdivision of that lot unless at that future date the following are provided by the property owner:

- *dedication for park purposes a 30m corridor upland from the natural boundary along the marine shoreline adjacent to the property; and,*
- *appropriate funds to construct a trail system and viewing platform to municipal standards in the shoreline park dedicated.”*

B. The applicant is now offering to contribute a full 30m Park Dedication along the entire shoreline of the proposed campground lot. They had previously only offered a 20m park dedication plus a 10m no-build covenant on the campground lot in favor of the District of Ucluelet.

C. The applicant has also reduced the riparian area of Steam #1 to concur with the boundaries of an updated riparian area as presented by their environmental consultant:

2,
an VIP79908

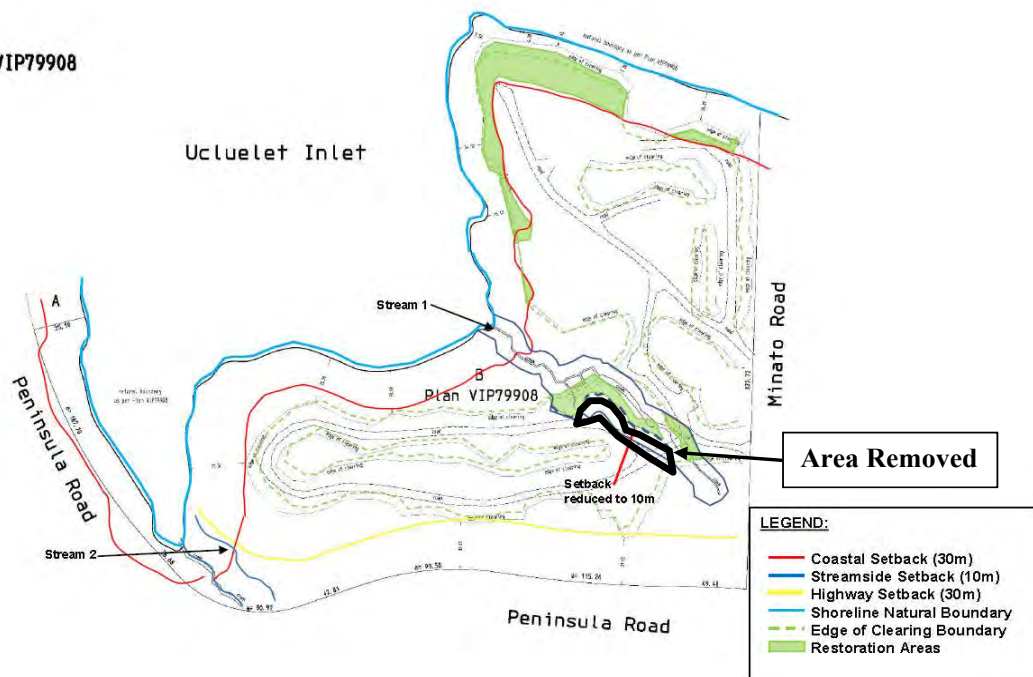


Figure 1 – Updated Riparian Map

DISCUSSION:

It is important that this report be read in conjunction with the April 9, 2019 staff report on this proposed development (see **Appendix C**). The report in hand is specific to the changes in the applicant's updated proposal and the details of the zoning amendment bylaws prepared by staff.

Updated Item A

The applicant is offering a \$10,000 cash contribution to the District of Ucluelet for fencing, interpretive signs and protective barriers. Each side of the property where the shoreline interfaces with a public space will require some measure to deter the public from walking across sensitive shoreline habitat. The \$10,000 offered would need to be divided between those two points, amounting to roughly \$5,000 per side. This money would be spent at the discretion of the District of Ucluelet, typically following discussion with the Wild Pacific Trail Society. Staff Consider the modest barrier and high education approach taken in the Spring Cove trail segment shown below (**Figure 2 & Figure 3**) is appropriate for this shoreline area. Staff also consider the \$10,000 offered the minimum contribution for this work.



Figure 2 – Spring Cove photo 1



Figure 3 – Spring Cove photo 2

The most robust long-term protection for sensitive ecosystems is by full park dedication. A few environmental consultants have observed that, “it is the homeowner and their weedwhacker or chainsaw” who does the most damage to environmentally sensitive areas. If this shoreline area is not to be a dedicated public park, considering the sensitivity of the ecosystem and the remoteness of parts of the covenant area, it will be important to ensure that the terms of the section 219 Restrictive Covenant are detailed enough to give confidence that this area will be protected. Staff would work with the municipal solicitors to ensure that the covenant is enforceable on the following points:

1. all flora and fauna are preserved and undisturbed;
2. allow the District of Ucluelet staff to, at their discretion, walk the covenant area and inspect for any modification or damage to the natural environment;
3. make enforcement of any infraction clear and cost-effective; and,
4. any access point to the water for the owner is minimal, defined, and can easily be restored back to its pre-modified state.

The details of this covenant would be brought forward to Council prior to Zoning Amendment Bylaw No. 1244, 2019, being referred to a public hearing.

Updated Item B

In front of the proposed campground parcel, the 30m park dedication offered would give better environmental protection and be simpler to manage than the previously offered 20m park dedication plus a 10m no-build covenant.

Note that the applicant has requested a zero setback for camp sites to the 30m park dedication area; this variance would be considered with the DVP19-02.

Updated Item C

The park dedication along Stream #1 was previously based on a 10m environmental setback of both Sides of Stream #1, plus the area of an associated wetland (now labeled as “Area Removed” in **Figure 1** above).

The applicant’s environmental consultant reclassified this area as a non-riparian area and the applicant has removed it from the park dedication. In the report by Aquaparian Environmental Consulting Ltd. dated June 18, 2019 (see **Appendix B**), the biologist states that further site investigation, “... showed the area not to have evidence of a defined watercourse or wetland vegetation... that would signify wet or moist soils characteristic of a stream or wetland”, and further states, “we do not anticipate that the reduction in the setback and restoration area is to have any negative [effect] on the health of the stream.”

Staff have also had verbal conversation with the applicant’s environmental consultant about the District of Ucluelet’s intension to route a trail within the stream setback area. The consultant signaled that it should be possible provided the approach taken to the construction of the trail is done with due care and sensitivity.

ZONING BYLAW NO. 1244 – MAP AMENDMENT:

The proposed zones are to follow the proposed property lines as indicated in **Figure 4** below. The property line between the GH zoned lot and the Campground lot have had a slight adjustment to straighten them out, compared to the original proposal, to create a more regular parcel layout. As mentioned in updated Item B, the park boundary is now 30m from the natural boundary of the sea. The Stream 1 riparian area has been reduced as per Updated Item C.

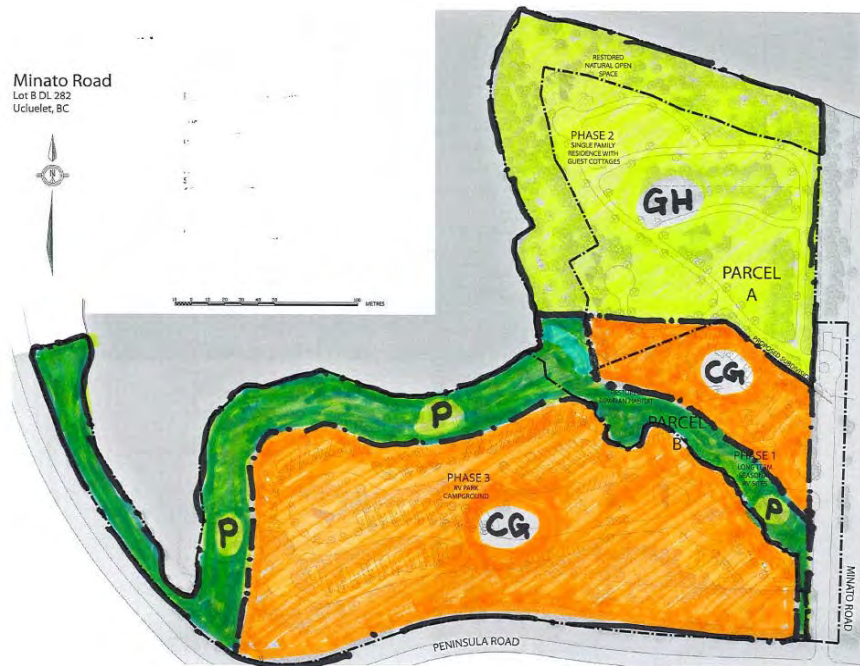


Figure 4 – Rough Map of Zoning Areas

ZONING BYLAW NO. 1256 – NEW CAMPGROUND ZONING:

Planning Staff continually work with and review the zoning bylaw. Staff have noted that it may not be appropriate for campgrounds to be included in the CS-5 Tourist Commercial Zone. The CS-5 zone allows a wide range of uses. Campground and, for example, Hotel are very different land uses. Staff have also noted that the current regulations around Campgrounds are not well defined. The following are proposed in the draft bylaw amendment to clarify and clearly designate campground uses:

1. Create a new zone for campgrounds called CG Zone - Campground.
2. Add a new section in the Supplemental Regulation division for campgrounds.
3. Add new definitions for:
 - a. "Camping Space";
 - b. "Camping Unit"; and,
 - c. "Recreational Vehicle"
4. Remove and replace the definition for "Campground."

Please refer to the draft Zoning Amendment Bylaw No. 1256, 2019, (see **Appendix E**) for the specifics of these proposed bylaw changes.

DP19-01 – ENVIRONMENTAL PROGRESS REPORT:

An environmental progress report from Aquaparian Environmental Consulting is attached (see **Appendix B**). This report details the current status of the environmental reclamation work and the remaining work still to be done on the property. The report briefly details that the applicant's required reclamation work is progressing and that most of the planting is to occur this fall (re-planting work was curtailed by dry summer conditions).

OPTIONS REVIEW:

Staff suggest that it is timely to initiate the general changes to Campground regulations contemplated by Zoning Amendment Bylaw No. 1256 in parallel with this development application. The updated Campground zoning could be applied to other properties containing existing or potential campground uses at a later date. Staff recommend that the progress of the general Campground amendments be considered somewhat independently and proceed regardless of the status or progress of the site-specific development application for 221 Minato Road.

If Council is supportive of the current proposal, staff recommend that the requested Guest House and Campground rezoning shown in Bylaw No. 1244 be given first and second readings. Scheduling of a public hearing would be considered at a later date, once a draft restrictive covenant, Development Permit, Development Variance Permit and Temporary Use Permit have been presented to Council and become part of the public record ahead of the hearing. Alternatively, Council could consider the following:

3. **THAT** Council considers the adopted motion from the April 9, 2019, Regular Council meeting in which a full park dedication is required around the Guest House lot is critical to any rezoning approval for 221 Minato Road moving forward and suggest the applicant reconsider that contribution; **or**,
4. **THAT** Council provide alternative direction to staff.

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

Appendix A

District of Ucluelet Planning Department
 200 Main Street,
 POBox 999,
 Ucluelet, BC,
 V0R3A0

August 16, 2019

Attn: Bruce Creig
 Re: Development Permit with Variance, Lot B DL 282, Clayoquot District, Plan VIP79908
 The Former Forest Reserve Lands Development Permit Area (DPA No.8)

As an update to the original application letter and in consideration of discussions held with the District of Ucluelet Planning department as well as feedback from council we are submitting an amended letter of intent to revise and refine the development goals including the trail easements previously proposed to a full 30m Public Park Dedication as requested as well as enhanced protections for ecologically sensitive areas.

This letter of intent is to inform the District of Ucluelet our desire to sub-divide and rezone the property described as (Lot B DL 282, Clayoquot District, Plan VIP79908), The Former Forest Reserve Lands Development Permit Area (DPA No.8) in order to phase development of a single family residence with accessory building and guest cottages on one parcel (see Parcel A on the development plan) and a Campground/RV Park on the other (see Parcel B on the development plan).

Phase 1 is the development of 20 Extended Stay RV pads with full servicing in response to a shortage of seasonal worker accommodation and longer term temporary housing. Phase 1 will be developed in conjunction with fulfilling the riparian area restorations as outlined in the report prepared by Aquaparian Environmental Consulting Ltd. Restoration is in progress. A progress update letter has been provided from Aquaparian.

Minato Rd. Improvements include 3.6m paved road lanes with gravel parallel parking, paved accessible parking areas located at a standard vehicle turnaround. A protective covenant for 30m of waterfront from Minato Rd to the identified creek corridor and a zero setback 30m Waterfront Public Park Dedication from the creek corridor to the northern boundary in addition to the entirety of the restored riparian area as identified by the QEP.

\$50,000.00 in trail construction contributions to cover half of the estimated trail construction costs from parking areas to Minato Rd ROW waterfront terminus as well as through the development and to the northern boundary trailhead totalling approximately 1 km of trail. An additional contribution of \$10,000.00 will be provided for fencing, interpretive signs and protective barriers to prevent disturbance of the Waterfront Protective Covenant Area.

Phase 2 of the plan is to build a single family home with accessory building as well as 4 Guest Cottages (400 sq.ft.) under a requested GH zoning. The single family residence as designed would require a variance to the height restriction which is proposed to be 36 ft max height of roofline and architectural features.

Future potential development and subdivision of the GH Parcel would be contingent on a Public Park Dedication of the entire Protective Covenant to reduce impact on the waterfront habitat from increased activity through additional trail construction and controlled access.

Phase 3 consists of a Campground/RV Park. In order to preserve the visual screening along Peninsula Road small tent sites would be located in existing pockets of natural clearing. Where necessary, enhanced vegetative buffers will be installed using native plant material between individual tent sites and Peninsula Road. This screening would also provide additional screening from Peninsula Road to the entire Campground. Two access points to the Public Park Dedication shall be reserved for registered guests.

Sincerely

Rick and Rebekka Lim

Date:

DEVELOPMENT PLAN CONCEPT

Minato Road
 Lot B DL 282
 Ucluelet, BC

PROPOSED DEVELOPMENT SUMMARY

PARCEL A - 3.52 Ha / 8.7 Ac
 GH (GUEST HOUSE ZONING - PROPOSED)

- 1 SINGLE FAMILY HOME
- 4 400 SQ.FT. GUEST COTTAGES

PARCEL B - 6.54 Ha / 16.16 Ac
 SEASONAL AND TOURIST ACCOMMODATION - PROPOSED

- 20 EXTENDED STAY RV SITES
- 39 40' RV PADS (LARGE)
- 3 30' RV PADS (MEDIUM)
- 10 20' TRAILER PADS (SMALL)
- 17 REGULAR-SERVICED TENT SITES
- 12 UNSERVICED WALK IN TENT SITES

PUBLIC PARK/LAND DEDICATION 1.91 Ha
 (20% OF TOTAL LAND AREA)

PROTECTIVE COVENANT 1.13 Ha
 (10% OF TOTAL LAND AREA)



7-1920 Lyche Rd.
 Ucluelet, BC
 250.726.5973

PREPARED FOR:
BNEE Enterprises Ltd
Pirates Bay Holdings Ltd
 2040 Peninsula Rd
 Ucluelet, BC
 August 16, 2019

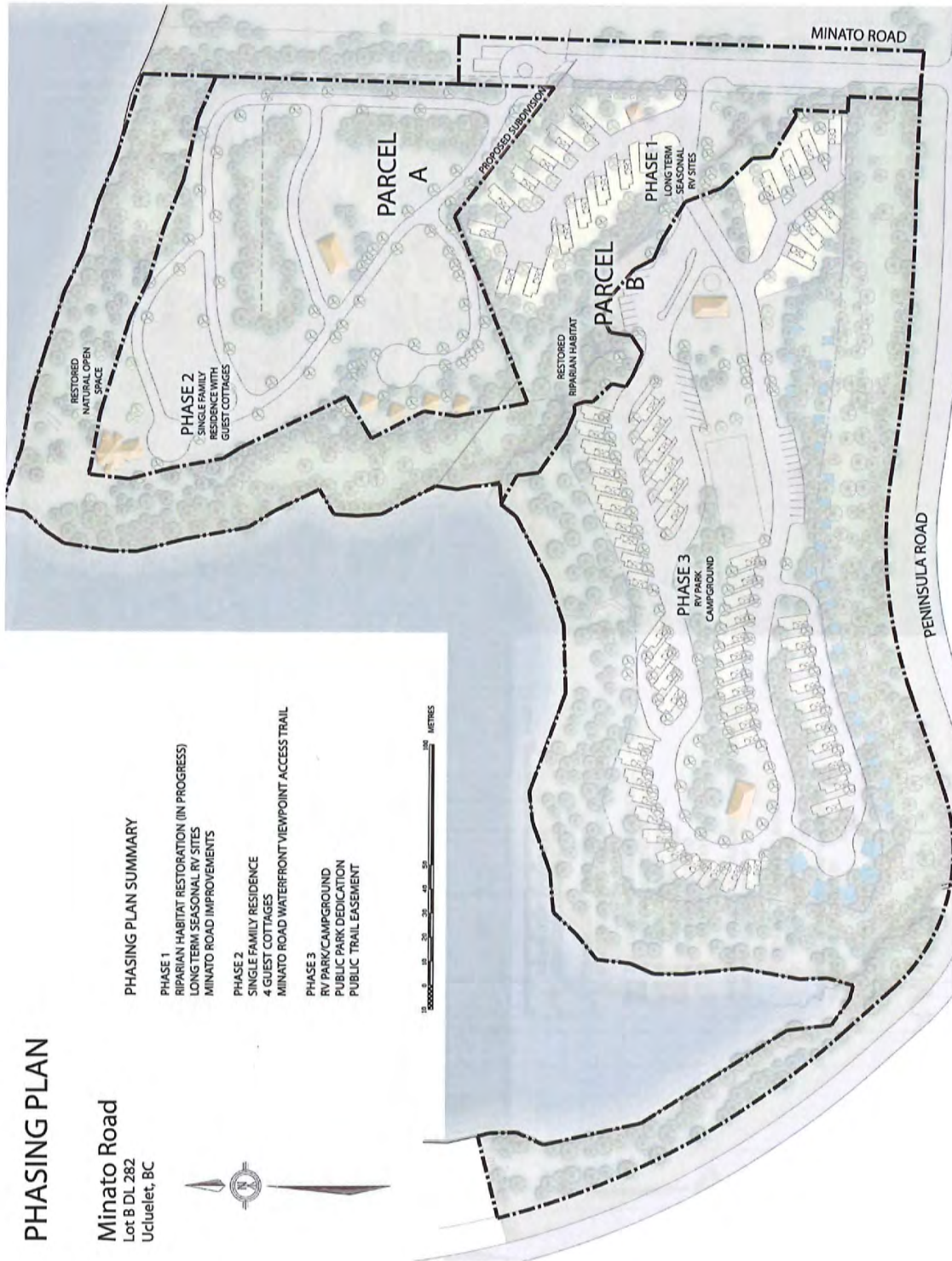


PREPARED BY

7-1920 Lyche Rd.
Ucluelet, BC
250.726.3973

PREPARED FOR
BNEE Enterprises Ltd
Pirates Bay Holdings Ltd
2040 Peninsula Rd
Ucluelet, BC

August 16, 2019



PHASING PLAN

Minato Road
Lot B DL 282
Ucluelet, BC



- PHASING PLAN SUMMARY**
- PHASE 1**
RIPARIAN HABITAT RESTORATION (IN PROGRESS)
LONG TERM SEASONAL RV SITES
MINATO ROAD IMPROVEMENTS
 - PHASE 2**
SINGLE FAMILY RESIDENCE
4 GUEST COTTAGES
MINATO ROAD WATERFRONT VIEWPOINT ACCESS TRAIL
 - PHASE 3**
RV PARK/CAMPGROUND
PUBLIC PARK DEDICATION
PUBLIC TRAIL EASEMENT

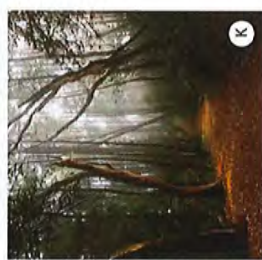


DESIGNED BY
Design Centre
 7-1920 Lytche Rd.
 Ucluelet, BC
 250.726.9973

PREPARED FOR
BNEE Enterprises Ltd
Pirates Bay Holdings Ltd
 2040 Peninsula Rd
 Ucluelet, BC
 August 16, 2019



THEME AND CHARACTER



TREE PRESERVATION/RESTORATION & OPEN SPACE PLAN

Minato Road
 Lot 8 DL 282
 Ucluelet, BC



LEGEND

-  AREA OF NATURAL VEGETATION TO BE PRESERVED
-  AREA OF NATURAL VEGETATION UNDER RESTORATION
-  AREA OF MINIMAL DISTURBANCE AND ENHANCED VISUAL BUFFER (TENT SITES)
-  PUBLIC PARK/LAND DEDICATION 1.51 Ha (20% OF TOTAL LAND AREA)
-  PROTECTIVE COVENANT 1.13 Ha (10% OF TOTAL LAND AREA)
-  RESTORED/ENHANCED NATURAL VEGETATION VISUAL SCREENING SPLIT RAIL CEDAR FENCE WITHIN 6 m FRONT SETBACK



7-1920 Lytche Rd.
 Ucluelet, BC
 250.726.3973

PREPARED FOR:
BNEE Enterprises Ltd
Pirates Bay Holdings Ltd
 2040 Peninsula Rd
 Ucluelet, BC
 August 16, 2019

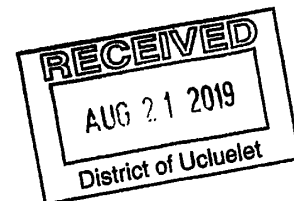
APPENDIX B



August 13, 2019

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

Attention: Bruce Greig, Manager of Community Planning
Via Email: bgreig@ucluelet.ca



**RE: 221 MINATO ROAD, Campground, UCLUELET, BC
Riparian Restoration Progress Letter**

1.0 SITE ASSESSMENT

Aquaparian Environmental Consulting Ltd (Aquaparian) been providing environmental services for Rick and Rebekka Lim, owners of the property at 221 Minato Road, Ucluelet, BC including the provision of a Vegetation Management Plan (VMP) produced as a report dated March 8, 2018. The VMP report was a requirement by the District of Ucluelet as part of restoration works for mitigation impacts from land clearing.

The subject parcel is legally identified as:

- Lot B, District Lot 286 & 471 & 472 & 473, Clayoquot District, Plan VIP 79908.

Aquaparian attended a site visit of the Minato Road property on August 2, 2019 to further assess the progress of restoration works with Mr. Lim. At the time of the site visit, the area had received its first major rainfall (~100mm) in over a 2 month period. As understood, most vegetation planting works are proposed to occur during the months of September and October when precipitation and cooler weather are expected. During the site visit, recommendations were made to improve sediment and erosion control from storm water runoff along ditching works (northern half of property) using small shot rock and transplanted sedges harvested from various locations on the property. Aquaparian also recommended minor clearing of built up small woody debris (i.e. sticks, wood chips) within the riparian restoration area to improve opportunities for native vegetation seeds (Deer fern, salal, sedges) buried under the wood debris to germinate and to re-colonize the riparian strips. Aquaparian expects to complete another site visit of the property in September/October of this year.

203-321 Wallace St. Nanaimo, BC V9R 5B6, 250-591-2258
Cell SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

Minato Road Campground Revegetation Restoration Progress Letter
August 2, 2019

2

2.0 CLOSURE

This report is based on a site visit of the subject property on August 2, 2019 and knowledge of site clearing conditions conducted within the property in 2016.

Recommendation provided are based knowledge of parcel site conditions, working on similar projects in the past, and in accordance with generally accepted biological practices. No other warranty is made, either expressed or implied.

Aquaparian trusts that the information provided in this report meets your requirements. Any questions regarding information provided in this document, please contact the undersigned at (250) 591-2258.

Sincerely,

AQUAPARIAN ENVIRONMENTAL CONSULTING LTD

Prepared by:



Chris Zamora B.Sc, R.P.Bio
Senior Biologist / Principal

\\AQUAPARIAN-NAS\Documents\Projects\Projects\N358 Minato Road Ucluelet\MP\August 2, 2019 Progress Letter.docx



203-321 Wallace St, Nanaimo, BC V9R 5B6
SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864



June 18, 2019

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

Attention: Bruce Greig, Manager of Community Planning
Via Email: bgreig@ucluelet.ca

**RE: 221 MINATO ROAD, UCLUELET, BC
Riparian Restoration Setback for Stream 1 (East)**

1.0 INTRODUCTION

Aquaparian Environmental Consulting Ltd (Aquaparian) been providing environmental services for Rick and Rebekka Lim, owners of the property at 221 Minato Road, Ucluelet, BC including the provision of a Vegetation Management Plan (VMP) produced as a report dated March 8, 2018. The VMP report was a requirement by the District of Ucluelet as part of restoration works for mitigation impacts from land clearing.

The subject parcel is legally identified as:

- Lot B, District Lot 286 & 471 & 472 & 473, Clayoquot District, Plan VIP 79908.

As part of the VMP produced for the property, Aquaparian provided a list of remediation measures within Section 3 of the VMP to be completed as part of a streamside setback for Stream 1 (East - Stream). The VMP recommended a 10m riparian buffer strip be applied for the section of the stream's headwaters located next to an installed wooden bridge crossing which leads into the campground. Remediation measures within Section 3 of the VMP stated the following:

- "Along the impacted 10m riparian buffer strip of Stream 1 headwaters including inflowing side channels, Aquaparian recommends re-instating with native trees and shrubs (see Table 2) interspersed with existing remaining riparian vegetation. Some natural regeneration is expected to occur from the existing seed bank in the soils"

The original site assessment of the property was completed following a high seasonal rainfall (winter) and significance disturbance of the area surrounding Stream 1. What was originally deemed a secondary headwater drainage channel appears to be part of the original land

203-321 Wallace St. Nanaimo, BC V9R 5B6, 250-591-2258
Cell SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

Minato Road Stream 1 Revegetation Restoration Works
June 18, 2019

2

clearing works and an attempt by the contractor to drain a section of work area that had significant ponding. In developing suitable setbacks for the watercourse, Aquaparian recommended extending the riparian setback further out to capture the drainage.

A site visit of the property on June 8, 2019 showed the area not to have evidence of a defined watercourse or wetland vegetation such as skunk cabbage or reed grasses or rushes that would signify wet or moist soils characteristic of a stream or wetland. A reduction in the proposed setback is illustrated in Figure 5-2 (included with this letter). As such, Aquaparian is comfortable with a reduction of the stream setback on the southwest side of the Stream 1 to 10m; as prescribed for the setback on the northeast side of the stream. Aquaparian does understand that the owner of the property would like to have a kiosk building located within 15 to 20m from the drainage, but we does not anticipate that the reduction in the setback and restoration area is to have any negative on the health of the stream. While the lower reach section of Stream 1 is considered fish bearing (confluence with the ocean), the upper headwater benched section of the watercourse at the road crossing is "Not" considered fish bearing.

The revegetation of the setback is to follow the same measures as identified in Section 3.1 of the Planting Plan identified within the Vegetation Management Plan. It has been agreed to that the planting of trees within the property can include the use of tree plugs. All planted vegetation must be kept alive (Watering) to ensure 70-80% survival rate.

2.0 CLOSURE

This report is been based on a site visit of the subject property on June 9, 2019 and knowledge of site clearing conditions conducted within the property in 2016. Recommendation provided are based knowledge of parcel site conditions, working on similar projects in the past, and in accordance with generally accepted biological practices. No other warranty is made, either expressed or implied.



203-321 Wallace St, Nanaimo, BC V9R 5B6
SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

Minato Road Stream 1 Revegetation Restoration Works
June 18, 2019

3

Aquaparian trusts that the information provided in this report meets your requirements. Any questions regarding information provided in this document, please contact the undersigned at (250) 591-2258.

Sincerely,

AQUAPARIAN ENVIRONMENTAL CONSULTING LTD

Prepared by:



Chris Zamora B.Sc, R.P.Bio
Senior Biologist / Principal

\\AQUAPARIAN-NAS\DOCUMENTS\PROJECTS\PROJECTS\N358 MINATO ROAD UCLUELET\MP\JUNE 18, 2019 RIPARIAN SETBACK LETTER.DOCX

Attached: Figure 5-2



203-321 Wallace St, Nanaimo, BC V9R 5B6
SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

Minato Road Stream 1 Revegetation Restoration Works
June 18, 2019

4

FIGURE 5-2
REVISED REVEGETATION AND SETBACK MAP

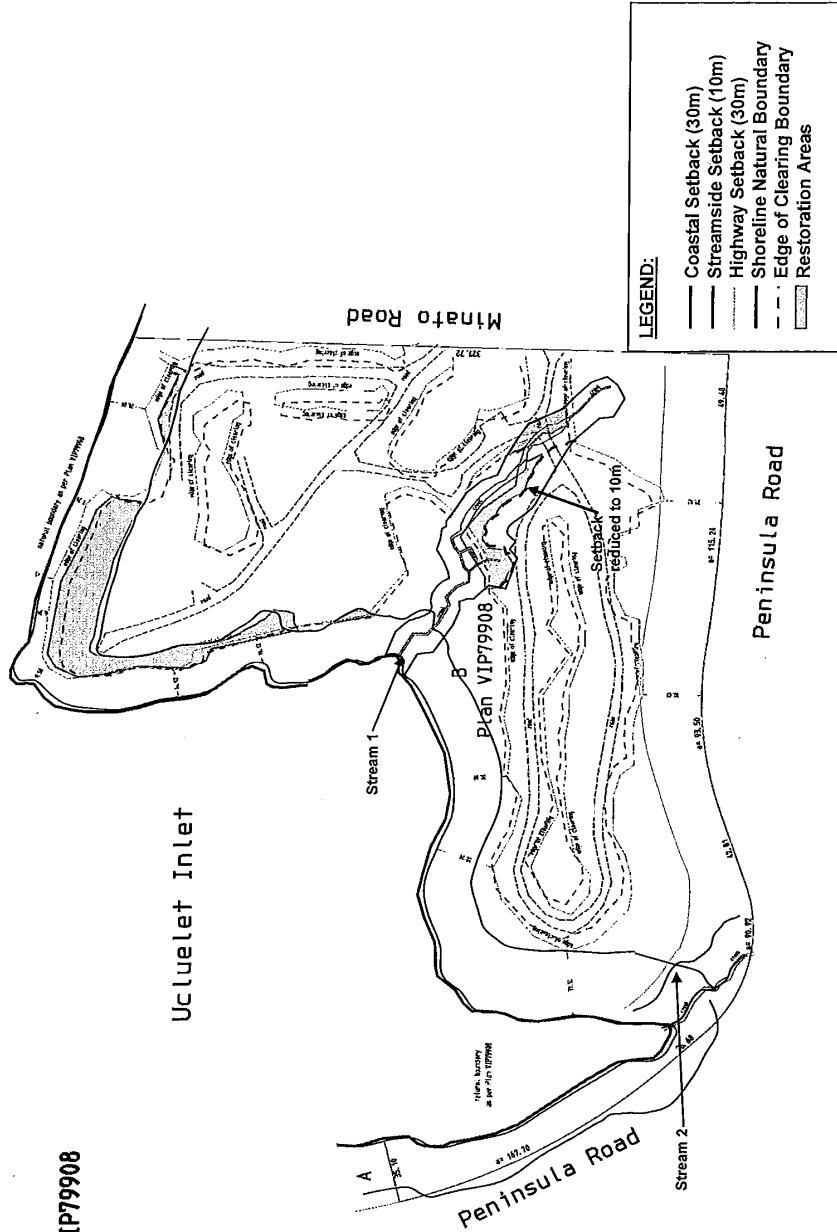


203-321 Wallace St, Nanaimo, BC V9R 5B6
SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

FIGURE 5-2. RESTORATION AREAS WITHIN DEVELOPMENT PERMIT AREAS

Site Plan of:
Lot B, District Lot 282,
Clayoquot District, Plan VIP79908
 Parcel Identifier: 026-487-764

SCALE: 1:1,000
 (Plot on Arch D sheet)



The following non-financial charges are shown on this current title and may affect the property:
 ENR0402 - Grant
 Parcel dimensions shown herein are derived from Land Title Office records.

FILE: 160-Minato
 DRAWING: 2019-02-19
 MG Surveys
 545 - 110 Marine Drive
 Ucluelet, BC, V0R 3A0
 phone 250 241-6338

APPENDIX C

**STAFF REPORT TO COUNCIL**

Council Meeting: APRIL 9, 2019
 500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, MANAGER OF COMMUNITY PLANNING

FILE NO: 3060-20-DP19-01
 3360-20-RZ18-08
 3090-20-DVP19-02
 3070-20-TUP19-01

REPORT NO: 19-40

SUBJECT: PROPOSED REZONING, SUBDIVISION AND DEVELOPMENT PERMITS FOR 221 MINATO ROAD LOT B, PLAN VIP79908 CLAYQUOT DISTRICT, DISTRICT LOT 286.

ATTACHMENT(S): APPENDIX A – APPLICATION
 APPENDIX B – ENVIRONMENTAL IMPACT ASSESSMENT REPORT (AQUAPARIAN)
 APPENDIX C – VEGETATION MANAGEMENT PLAN
 APPENDIX D – TIMELINE
 APPENDIX E – DEVELOPMENT PERMIT DP19-01

RECOMMENDATIONS:

1. **THAT** Council authorize issuance of Development Permit DP19-01 for the restoration of the previously damaged riparian and marine shoreline areas of the property at 221 Minato Road.
2. **THAT** Council indicate support for the concept of rezoning the property at 221 Minato Road for a 2-lot subdivision to create a Guest House parcel and a Campground parcel, and indicate that adoption of a zoning amendment bylaw for the requested uses would be subject to the following:
 - a. completion of the site restoration work under Development Permit DP19-01 including monitoring and sign-off by the Qualified Environmental Professional;
 - b. including, as part of the subdivision to create the two parcels, dedication for park purposes of a 30m corridor upland from the natural boundary along the marine shoreline adjacent to the proposed Campground parcel, plus the entire stream setback area surrounding Stream 1;
 - c. the owners providing a restrictive covenant on the proposed Guest House parcel which would restrict any further subdivision of that lot unless at that future date the following are provided by the property owner:
 - i. dedication for park purposes a 30m corridor upland from the natural boundary along the marine shoreline adjacent to the property; and,

- ii. appropriate funds to construct a trail system and viewing platform to municipal standards in the shoreline park dedicated in (i) above;
 - d. the owners providing a contribution for half the cost of constructing the stream section of trail and viewing platform, prior to commencing construction of the Long-Term Camping spaces in the proposed Phase 1;
 - e. the owners providing a restrictive covenant on the proposed Campground parcel ensuring that construction of the Short-Term Camping shown as Phase 3 will not commence before the adjacent section of Olsen Bay trail has been constructed.
- 3. **THAT** Council indicate support for the concept of issuing a Temporary Use Permit to permit long-term camping in the proposed designated area of the campground, subject to conditions including:
 - a. Seasonal camping stays are not to exceed six months;
 - b. No additions, accessory buildings, structures or outdoor storage is permitted in long-term camping spaces;
 - c. A resident campground manager is required on-site; and,
 - d. The campground manager is to maintain a register of campers, contact information and vehicle registration, and make the register available at all times if requested by the District.
- 4. **THAT** Council indicate support for the concept of issuing a Development Permit for the subdivision of the property into the proposed Guest House and Campground parcels, subject to the following conditions:
 - a. that the owners provide a detailed landscape plan showing replanting of native tree and understory species in the undeveloped portions of the Minato Road 10m road right-of-way dedication areas:
 - i. at the future public access trail to Olsen Bay at the end of Minato Road; and,
 - ii. screening of the proposed long-term camping spaces adjacent to Minato Road including appropriate fencing;
 - b. that prior to subdivision approval, the owners providing:
 - i. a civil engineering assessment and design for all required services including road, water, sewer, on- and off-site stormwater management and the location of private power and data utilities; and,
 - ii. a traffic engineering safety assessment of vehicle and pedestrian movements resulting from the proposed development and upgrades, if necessary, at the intersection of Peninsula Road and Minato Road and at the future trail crossing of Peninsula Road to the Ancient Cedars loop, for review and approval by the municipality and the Ministry of Transportation and Infrastructure.
- 5. **THAT**, subject to public comment, Council indicate support for considering a variance to increase the maximum permitted height of the main house on the proposed Guest House parcel from 8.5m (28 ft.) to 10.9m (36 ft.); and,
- 6. **THAT** Council indicate that issuance of a future Development Permit for construction of the proposed Short-Term Campground (phase 3) would be subject to protecting the full 30m forested buffer along the Peninsula Road frontage, unless the owners can demonstrate that the proposed tent sites within this area would not be visible from the road.

PURPOSE

The purpose of this report is to give Council information on the background of clearing activity on the property, restoration plans and a development proposal submitted by Rick and Rebekka Lim of Pirates Bay Holding Company Ltd., for their property at 221 Minato Road (see **Figure 1**), Lot B, Plan VIP79908 Clayoquot District, District Lot 286 (the “**Subject Property**”).

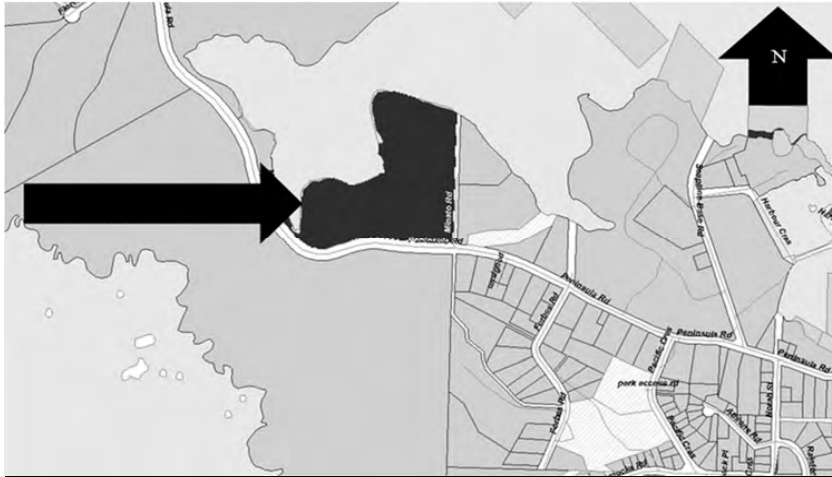


Figure 1 – The Subject Property

BACKGROUND AND SITE CONTEXT:

The subject property is a 10 ha (25-acre) lot located on the north side of Peninsula Road and on the west side of Minato Road, adjacent to Olsen Bay and the Ucluelet Inlet to the north. The current zoning designation of the property is Rural Residential (RU).

This property was considered to have considerable environmental value prior to extensive logging and clearing in late 2016. The site contained a full forest of mature trees (some old growth) at 20m to 30m with pockets of trees at 30m to 40m height, and included the understory vegetation and habitat values which come with mature coastal forests. Two fish bearing streams and associated riparian areas cross the site, one of which has been impacted by the site clearing. A more detailed timeline is attached to this report (see **Appendix D**).

The owners were issued a formal letter dated December 13, 2017, notifying the owner to cease all land altering activities and advising that they would be required to obtain a Development Permit (DP) for any further site work including restoration of the disturbed areas. The owners subsequently stopped all works and have engaged a Qualified Environmental Professional (QEP) to prepare a *Vegetation Environmental Management Plan* (see **Appendix C**) to form part of their required site restoration DP. They have also worked with staff to understand what is required to bring a development application forward. This current application proposes to:

- address the Development Permit required for the restoration of damaged ecological areas on the subject property; and,

- present development plans for the rezoning, DP, and subdivision processes required for the proposed development of the property.

In brief, staff recommend that three elements are necessary for the owners to move forward with the development of their land in an appropriate manner:

- First and foremost, the site restoration work must be completed as recommended and under the supervision of the consulting biologists (the QEP).
- Second, development of the site must include adequate measures to protect the remaining forest elements and the marine shoreline and stream riparian ecosystems. This should include adequate areas of park land set aside for conservation purposes. It also must include proper facilities to enable public access in the proper (and limited) locations to ensure that future use does not trample the ecological values of the site.
- Finally, the proposal for this site, as with any new development, must include adequate measures to mitigate the impacts on public spaces and infrastructure and bear the costs for servicing these land uses.

Subject to the conditions outlined in the list of staff recommendations, the proposed development of the site contains uses which can be supported in this location and, if managed properly, would result in a net benefit to the community.

DISCUSSION:

This application includes multiple related development approval processes. Individually these are as follows:

- DP19-01 - Development Permit for the restoration of damaged ecological areas
- RZ19-01 - Rezoning from Rural Residential to Guest House & Campground uses
- DP19-02 - Development Permit for Subdivision into two lots (Guest House & Campground)
- SD19-02 - Subdivision of the subject property into two lots
- DVP19-02 – Development Variance Permit to increase height for proposed house

These processes are guided by Ucluelet’s Official Community Plan Bylaw No. 1140, 2011 (**OCP**), and Zoning Bylaw 1160, 2013 (**Zoning Bylaw**). The subject lands fall into Development Permit Area No. 8 (Former Forest Reserves Lands). The following are pertinent DP guidelines found within the OCP bylaw, to consider for this development:

“The coastal environment within this DPA is characterized by rocky bluffs and headlands along the exposed western shoreline, while a gentler rocky coast - along with sensitive marine wetlands, predominates along the protected eastern shoreline of Ucluelet inlet. This rugged and wild coast, along with the extensive forest that carpets the rolling and often steep terrain contribute immeasurably to the character of the site. There is therefore a demonstrated need to ensure that development within this area should be protected from hazardous conditions and makes adequate provision for fitting itself harmoniously into the existing natural environment while maintaining a balance between the need for such protection and development of this land. All development should provide for the Wild Pacific Trail that makes its way through the area.

In addition to development being sensitive to significant natural features worthy of protection, this area is designated for mixed use development which requires a high standard of design cohesion which reflects the natural heritage of the area.”

Guidelines

1. All developments must preserve and maintain 100% of the Wild Pacific Trail along the coast where feasible on properties located along the waterfront;
2. No development can approach within 30m of the high-water mark around the sensitive marine wetlands indicated on the map below;
3. A 30-metre-wide tree buffer with no development must be provided along both sides of the Pacific Rim Highway;
4. The layout of the proposed collector through DPA No. 8 that runs parallel to the Pacific Rim Highway, must respond to the natural conditions and topography of the land. Adequate buffering along the frontage of the road should also be retained to provide an attractive entrance into the community. A tree preservation plan should be a major priority in order to preserve this spectacular natural environment.
5. All developments should respect archaeological resources and comply with all relevant statutes and regulations for the protection thereof. The District may require, at their discretion, that the applicant provide at their own cost an archaeological assessment report;
6. All development, including campsites with no individual water supply or no individual sewage disposal facilities, must be connected to the municipal sanitary sewer system;
7. Developments shall strive to create openness, connections, or views to the waterfront areas through open spaces or pathways
8. No development shall impede public access to the foreshore beyond private property boundaries;
9. A landscape preservation plan for all developments must be included as part of the development application process in order to ensure protection of existing significant trees and shrubs. This will include plans showing pre and post-development conditions in order to prevent over-cutting;
10. The removal of any native tree species that is 30cm Dbh or greater (Diameter at Breast Height = 1.3m) measured with a proper tree caliper is prohibited.
11. Any landscaping maintenance program must meet all applicable governmental regulations involving the use of fertilizers, herbicides and pesticides and the owners must ensure that no harmful pesticides or chemicals enter the ocean, either directly or by way of groundwater infiltration;
12. All sitka spruce must be identified by a qualified arborist and, where they are determined to be healthy, preserved;

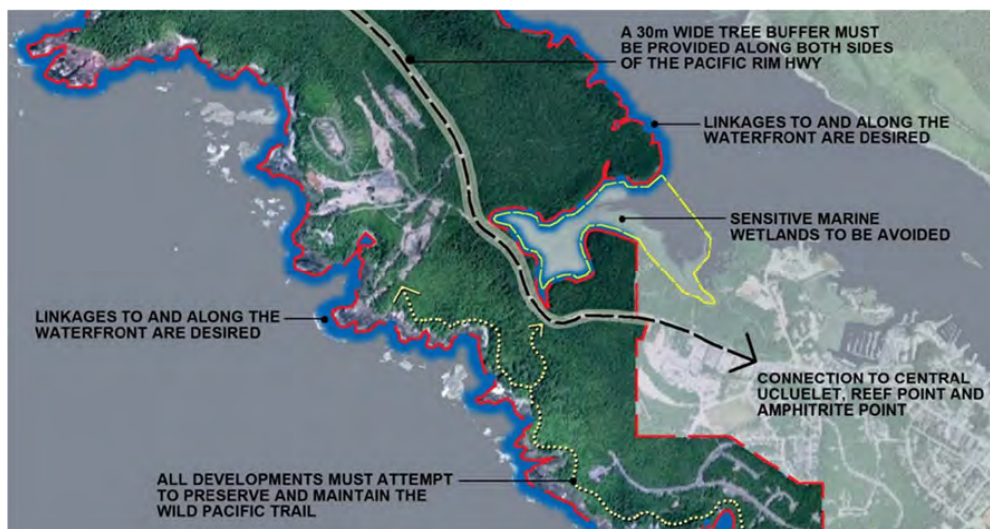


Figure 2 - DPA 8.2 Development Permit Area No. 8 Conceptual Diagram

The following are relevant OCP Environment Policies:

“To encourage the maintenance of natural green space and forest cover and eliminate large clear cuts to accommodate development”

“To identify natural corridors for public and wildlife use or as natural landscapes”

“Properties greater than 0.8 hectare in size will require an Environmental Impact Assessment to evaluate the impacts of a proposed development on the natural environment and for the protection of developments from hazardous conditions.”

A comprehensive review of the regulatory requirements is listed in section “1.2 Regulatory Review” of the Environmental Impact Assessment Report (see **Appendix B**).

DP19-01 – Development Permit for the restoration of damaged ecological areas

The purpose of this DP area designation is the protection of the natural environment, its ecosystems and biological diversity. The applicant is applying to reinstate the impacted vegetation within the riparian setback of ‘Stream No.1 and the area between the natural boundary of the Ucluelet Inlet and 30m back from that boundary (the “**Marine Shoreline Area**”). This replanting will strictly follow the Vegetation Environmental Management Plan (see **Appendix C**) and its recommendations. This permit will be complete only after all recommended restoration work is done and inspected by the authors of the attached management plan. Staff recommend that final adoption of a rezoning bylaw should only be considered after the restoration work is completed, inspected and signed off by the QEP. (see **Figure 3**).

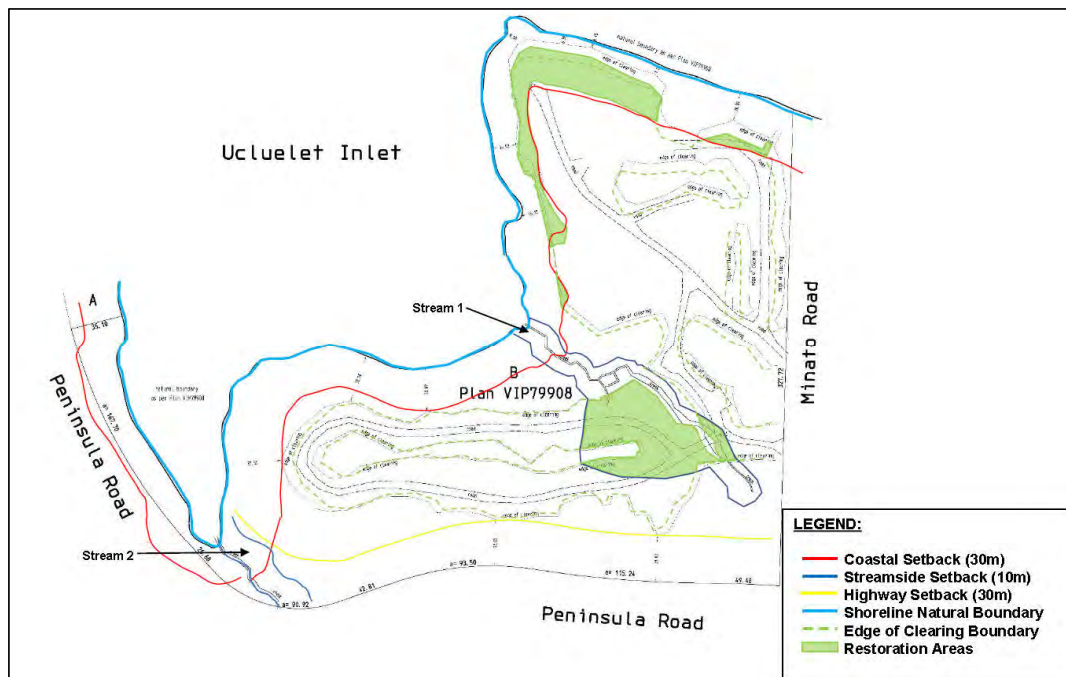


Figure 3 – Vegetation Management Plan – Restoration Areas

RZ19-01 - Rezoning from Rural Residential to Guest House / Campground

The proposed rezoning and subdivision of the land is being approached so that the appropriate permitted uses would be associated with the respective new lot areas. The applicant is proposing two lots: one to include their family home with Guest House zoning, and the other to include a Campground which is proposed to include areas for both short-term and long-term camping use.

Guest House zoned parcel

The owners are proposing to create an (approx.) 3.4 ha (8.5-acre) lot with a permitted use of *Guest House (GH)*. This permitted use is intended for commercial tourist accommodation mixed with residential in the form and appearance of a traditional single-family dwelling (**SFD**), with or without small scale guest cottages. The relevant zoning regulations to this application are:

- *The Minimum Lot Size: 2,000 m² (½ acre).*

This is significant as the proposed GH lot is over 8 acres in size. Therefore, the property would have potential for further subdivision in the future.

- *The commercial Short-Term Rental (STR) elements of the Guest House zone for the large lot are regulated as follows:*
 - *6 guest rooms if the lot area exceeds 4,000 m² (1 acre); plus*
 - *4 guest cottages per lot if the lot area exceeds 4,000 m² (1 acre).*

This indicates the scale of the commercial use on the proposed GH lot. The applicant has provided the following sketch to indicate their guest house, guest cottages, private driveways and garage location (see **Figure 4**):



Figure 4 – Guest House parcel

The size and location of this lot may lend itself to greater density, use and community benefit than what is currently being proposed. The creation of 8-acre rural acreages is not considered the ideal long-term pattern for Ucluelet's limited land base. With this large GH acreage the applicant has stated that they do not want a public trail to pass in front of their home and guest cottages. While this is understandable, the balance of private interest and the community benefit must also be considered. The proposed GH use does have a high commercial STR use associated to it and a continuous trail around the entire coastline would benefit both the owners' guests and beyond. If a higher density development were being proposed at this time, staff would be recommending the inclusion of a full 30m park dedication complete with a constructed public trail. With this application the owners are offering a 30m greenspace protection covenant along the shoreline, which does somewhat protect the marine shoreline area from further impacts but would not provide public access at this time.

If the proposed single large Guest House lot is looked at as an interim step from the current rural residential zoning, it is possible that the full public benefit could be realized at a future date if/when further subdivision and/or changes in land use were being considered. A covenant could be placed on the title of the proposed GH lot, to restrict further subdivision until the marine shoreline area of the GH lot were dedicated as park and a public trail built to the Wild Pacific Trail standards. This compromise would allow the applicant to use the land for their private home at this time, and retain the potential for further public access, tied to future development of the site. At the same time, full public access is proposed adjacent to the proposed campground portion of the site. This compromise approach to public access is supportable in light of the short- and long-term context.

Currently, the public right-of-way containing Minato Road is currently 10m wide; half the regular 20m right-of-way width. Therefore, roadway dedication along the length of the property will be required as a condition of subdivision to achieve the standard 20m corridor for public access and utilities. The owner has cleared part of this future expansion area next to the proposed Guest House parcel, in a location likely to be used for a public water access trail from the end of Minato Road to Olsen Bay. As part of the development of this property, replanting of this area in native species trees and underbrush should be secured prior to approval of the subdivision plan.

Campground Property

The applicant is proposing a campground with both tent camping spaces and two types of recreational vehicle (RV) camping:

- short-term camping normally associated with RV camping and tourist use; and,
- longer-term RV camping.

The longer-term RV camping is proposed to benefit Ucluelet's housing spectrum with a form of housing that is more transient in nature. Also proposed are three auxiliary buildings, internal circulation roads and dedicated park lands (see **Figure 5**).



Figure 5 – Campground Parcel

The above sketch highlights the basic elements and layout of 3.85-acre (approx.) proposed campground lot. Indicated are the areas proposed for park (in green), the tent spaces (in turquoise), and differentiates the short term and long-term RV spaces (in light green). The proposed campsite development consists of:

- 20 Long-Term RV spaces
 - 52 Short-Term RV spaces
 - 14 tent spaces
 - 15 tent spaces (within the Peninsula Road 30m green space covenanted area)
-
- 101 total camping spaces**

At capacity this development would present a significant change to this area of town. Movement of cars and RV's to and from the subject property, camp fires and other impacts naturally follow 200 to 400 people and their pets. For comparison the Ucluelet Campground is of similar area and advertises 125 spaces within 13 acres. Staff are recommending that, as a condition of a DP for the subdivision which would create the campground parcel, the owner be required to provide a traffic safety analysis for the District and Ministry of Transportation and Infrastructure review of the expected impact and any improvements required for Peninsula Road as a result of this development.

The applicant has indicated that the first phase of the development is to be a form of seasonal housing with RV spaces that would allow camping for a term of six months minus a day. Done right the proposed long-Term camping could add an element of flexible housing for seasonal workers. If it were not managed properly, this use could become unsightly and present a burden to municipal building and bylaw enforcement staff.

The applicant has offered a 20m park dedication plus a 10m greenspace covenant along the marine shoreline area and a 10m park dedication for a trail in the riparian area of *Stream No.1*. This dedication is less than what Staff consider appropriate, taking into account the direct benefit to the guests of the proposed campground, and the area reasonably necessary to protect the marine shoreline and riparian areas from further impact. Staff recommend a full 30m marine shoreline park dedication, plus dedication of the entire *Stream No.1* riparian area.

Considering that campgrounds have minimal infrastructure and could be converted to a higher density at some point in the future, campground use is supportable. A new campground in close proximity to the village core may also have a positive economic effect as its guests patronize the community's commercial businesses.

If this proposal is to move forward, staff will recommend creating a new zone specifically for campgrounds. This will allow the clear distinction of density limits and appropriate setbacks for campsites. This zoning designation could be applied to future and existing campgrounds. The bylaw would need to update the current definition for "*Campground*" to specifically allow short-term camping, and then create a new definition for "*Long-Term Camping*". To differentiate the long- and short-term uses for the proposed lot, Staff consider the best approach would be to zone the entire campground lot for camping use (i.e., short-term) and then issue a Temporary Use Permit (TUP) for long-term camping in the proposed designated area. This initial approach would allow Council and the community an ability to assess the success of this long-term camping / seasonal housing approach and modify conditions for this new land use, if necessary.

Park lands

The addition of the proposed campground use represents a significant up-zoning of the property. To be consistent with the OCP policy and guidelines, and offer the community a clear public benefit, the applicant has offered dedicated park areas as indicated in green above (see **Figure 5**). This park, as described, is to preserve this pristine marine shoreline area, provide access for the general public, and serve as access for the guests of the proposed campground to the broader District trail system. It will be important that the trails and viewing platforms within this park be constructed prior to the campground opening. The trail would be a significant amenity for guests of the proposed campground. Properly defined trail facilities and access points will be important to provide safe access, views of Olsen Bay and beyond, and to protect the marine shoreline ecosystem. (see **Figure 6**).



Figure 6 – Suggested Trails and viewing platform

Without a defined trail system and viewing platforms, it can be expected that increased use brought about by the campground development would result in environmental damage to the shoreline, the marine environment, and to the riparian areas.

This section of trail would be approximately 840m long; total approximate cost of the trail and viewing platforms would be approximately \$100,000. Staff recommend that dedication of the park corridor be a condition of the rezoning and be completed as part of the initial subdivision. The owners have not offered to contribute at this time to the cost of constructing this section of trail. If development of the short-term campground (shown as phase 3) does not occur for some time, the District could proceed with trail construction independent of the property owners (i.e., seeking funding from other sources). Staff recommend that completion of the trail construction – with or without the owners' financial contribution – be a pre-condition to development of the short-term campground. In other words, if the trail has not yet been constructed, and the owners wish to develop the campground, they could accelerate its construction by partnering with the District to help with construction costs. Either way, it is important that the trail infrastructure be completed before campers are on site seeking access to Olsen Bay.

Staff suggest that the entire riparian area of *Stream No.1* (shown in blue below) and a full 30m marine shoreline area be dedicated as park lands (see **Figure 7**).



Figure 7 – Extended Park Area

The applicant is also requesting to locate tent sites within an area that is covenanted in the name of the District of Ucluelet for a 30m green space buffer (EV124432) running along the Peninsula Road frontage. Staff do not support this request; a fully green and treed Peninsula Road Corridor is an important feature to the overall experience of the entrance to town for both visitors and residents alike. Construction new commercial use within this green buffer is contrary to the OCP guidelines.

DP19-02 - Development Permit for Subdivision

Pending an indication of support for the concept of rezoning the property for the proposed uses, Staff have not requested that the owners provide the full studies and documentation required for this DP at this time. Some elements of the development could be reasonably defined in more detail and approved at the subdivision stage. The following is a cursory review of DP requirements.

The Former Forest Reserve Lands Development Permit Area (DPA No.8), is established for the purposes of:

- 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.

For the relevant guidelines see the analysis section above and in section “1.2 Regulatory Review” of the Environmental Impact Assessment Report (**Appendix B**).

Protection of the natural environment, its ecosystems and biological diversity

As discussed above, the site’s marine shoreline and riparian areas will be replanted under DP19-01. This DP will focus on the subdivision and the proposed campground and GH property. The combination of a 30m Marine Shoreline area park dedication and 30m greenspace protection covenant area back from the natural boundary meets the OCP Guidelines which state:

“No development can approach within 30m of the highwater mark around the sensitive marine wetlands indicated on the map below”

If developed as described, this would be consistent with the above guideline. The built elements of the development would be set back from the natural boundary and the riparian areas, and these setbacks areas are also specified under a recent environmental management plan. Staff consider that the management plan (**Appendix C**) is consistent with the OCP if all recommendations from that plan are implemented and monitored by the QEP.

Protection of development from hazardous conditions

The majority of the built form of this development is above 7m from the natural boundary. This proposal does not appear to be subject to hazardous conditions as presented. The Building Inspector will have the opportunity to review site specific conditions at the time of building permit and can require geotechnical reviews to specific conditions, if required.

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

The Former Forest Reserve Lands is the largest of Ucluelet’s Development Permit Areas. Special conditions of this landscape include some of the district’s richest forested habitat and the potential for spectacular residential and commercial development. Covering roughly half of Ucluelet’s land

base, the area is largely untouched by development - offering an excellent opportunity to carefully build on the sense of place as development progresses. Objectives of this DPA include protecting the natural qualities that make this place so special. The following are considered key DP guidelines for this development:

- *The layout of the proposed collector through DPA No. 8 that runs parallel to the Pacific Rim Highway, must respond to the natural conditions and topography of the land. Adequate vegetative buffering along the frontage of the road should also be retained to provide an attractive entrance into the community. A tree preservation plan should be a major priority in order to preserve this spectacular natural environment.*
- *All developments should respect archaeological resources and comply with all relevant statutes and regulations for the protection thereof. The District may require, at their discretion, that the applicant provide at their own cost an archaeological assessment report;*
- *Developments shall strive to create openness, connections, or views to the waterfront areas through open spaces or pathways. No development shall impede public access to the foreshore beyond private property boundaries;*
- *A landscape preservation plan for all developments must be included as part of the development application process in order to ensure protection of existing significant trees and shrubs. This will include plans showing pre and post-development conditions in order to prevent over-cutting;*
- *All Sitka spruce must be identified by a qualified arborist and, where they are determined to be healthy, preserved;*

Proposed Subdivision

The proposed lot layout is straightforward, splitting the property roughly in line with the area of the stream corridor. The proposed layout would enable both lots to have access from Minato Road, and is supportable.

Vehicle Access and Traffic Safety

As mentioned above, full civil drawings have not been supplied for this proposal. Road dedication to widen the Minato Road right-of-way from 10m to the standard 20m road allowance will be required as part of the subdivision. The applicant has indicated 3.6m paved road lanes, parallel parking, a standard turnaround and parking areas at the end of the paved turnaround. The proposed development will also likely require a pedestrian crossing of Peninsula Road at Minato Road which would need to be constructed to Ministry of Transportation and Infrastructure Standards. Staff recommend that a traffic safety analysis be required prior to subdivision. With the density of visitor use proposed in the campground, providing safe and enjoyable pedestrian circulation, including connections to the multi-use path on Peninsula Road, will be key.

Public Pedestrian Access

The owners' proposal falls short of providing the full access and connections directed in the OCP, but subject to the conditions recommended in this report the development is supportable considering both the short- and long-term development potential of this site. The park dedication and trail connection following the stream corridor and shoreline would provide an excellent addition to the community trail network, as part of the long-term Safe Harbor Trail extending from the small craft harbor to the Onni lands and connecting to the Ancient Cedars Loop of the Wild Pacific Trail.

Landscaping, Tree Retention and Removal

All remaining mature trees are to be retained. Full detailed civil and landscape plans of the campground – including tree retention measures - will be required as part of a future DP application for the campground development.

Storm Water Management

At this time the applicants have not submitted civil engineering design including storm drainage. The detailed design will be required as part of the future campground DP and subdivision approvals. It could be expected that Minato Road will be developed to the alternative standard used in both the Rainforest and OceanWest subdivisions. On-site features for retention and filtering of sediment to ensure water quality in Olsen Bay will be expected as part of the runoff control design.

Sewage Disposal

The applicant will be required to run a sewer main to municipal standards down Minato Road at their expense to serve the proposed lots. The civil engineering design may involve a pump station at the north end of Minato Road to push wastewater to the Peninsula Road sewer main. Any proposed works by the owners' civil engineer will be reviewed by the District of Ucluelet's engineering consultants prior to subdivision approval.

Water Supply

The proposed lots created will need to be fully serviced and water meters installed as part of the subdivision. The owners' engineer will be required to review the adequacy of the existing municipal infrastructure in this location for water service, including fire protection, and make upgrades at their expense if necessary.

OCP Designation:

The 2011 OCP designates the site as Comprehensive Development, and includes policy 3.9.ii(4):

"The area on Minoto Road [sic] north of Peninsula Road is designated for Comprehensive Development. This area is envisioned primarily as a residential community with significant tree retention. The shoreline is recognized as having important ecosystem values. A greenbelt should be maintained along the shoreline."

With awareness of the clearing which has subsequently occurred on the site, the Land Use Map in the draft 2019 OCP indicates a portion of the property designated as Tourist Commercial, consistent with the potential campground uses in this location.

Staff consider the campground uses as a potentially positive addition to town, and the long-term camping aspect for seasonal workers is worth pursuing as a pilot for addressing a current affordable housing need.

DVP19-02 Development Variance Permit

The owners are requesting a variance to permit an 8' increase to the maximum building height for their proposed home. Given the location of the house and size of the property, the added height would have no impact on neighbouring properties. Subject to public comment, the requested variance is supportable.

SD19-02 - Subdivision review

Once a DP is issued by Council for the proposed layout, review of the subdivision of this property is the responsibility of the municipal Approving Officer. This step is a technical review for conformity with all policies and regulations of the OCP, Zoning Bylaw, Subdivision Services Control Bylaw and all applicable federal and provincial laws and regulations. Prior to final subdivision approval, the applicant will be required to produce full civil engineering drawings for water, sewer, storm drainage, electrical service and roads. The applicant may also need geotechnical and environmental studies and to complete an archeological assessment.

TIME REQUIREMENTS – STAFF & ELECTED OFFICIALS:

If this application is approved, Staff time will be required to prepare the necessary bylaw and permits for Council consideration, and coordinate the process for the rezoning, DP and the subsequent subdivision. A public hearing would need to be scheduled to gather community input on the rezoning bylaw, Temporary Use Permit and Development Variance Permit. As part of the subdivision process the municipal Approving Officer will be required to create a Preliminary Layout Assessment (PLA) and staff will be required to assist and monitor that process as well.

FINANCIAL IMPACTS:

Each of the 2 lots in this subdivision will incur a Development Cost Charge (DCC) of \$12,882. It should be noted that under the current DCC bylaw, campground development does not currently trigger DCC's - even though there would be an expected incremental impact to the District's infrastructure as a result of the proposed uses.

POLICY OR LEGISLATIVE IMPACTS:

Subject to the conditions recommended in this report, the restoration of the property and proposed development of the site would be aligned with the OCP.

SUMMARY:

The previous environmental damage to the property has been done, and the owners have taken steps to begin rectifying that damage. The campground and guest house development proposal is supportable subject to the conditions described in the recommendation of this report. Alternatively, the most sensitive areas of the site could be restored according to the QEP recommendations and left as a large rural property with some potential for further development at a future date.

OPTIONS REVIEW:

The six recommended motions at the outset of this report would authorize the site work to complete the restoration of the site and set in motion the process of further Council consideration – with public input – of the various elements required for development of the property according to the owner’s submitted plans. Alternatively, Council could consider the following options:

7. **THAT** Council issue Development Permit DP19-01 for the restoration of the previously damaged riparian and marine shoreline areas of the property at 221 Minato Road, and direct the following:
 - a. That the site restoration work be completed to the satisfaction of the QEP and the District within 12 months;
 - b. That no other permits for site works or development on the property be considered until the site restoration work under DP19-01 has been completed to bring the property into compliance with municipal bylaws; and,
 - c. That the municipal solicitors be instructed, if the site restoration has not been completed within 12 months, to initiate legal proceedings to compel the owners to restore the site and compensate the District for costs and damages as a result of site clearing activities contrary to the Official Community Plan Bylaw No. 1140, 2011.

Or,

8. **THAT** Council defer consideration pending receipt of further information requested of the applicant.

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

APPENDIX D

DISTRICT OF UCLUELET
Zoning Bylaw Amendment Bylaw No. 1244, 2019

A bylaw to amend the District of Ucluelet Zoning Bylaw (221 Minato Road).

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

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

1. Map Amendment:

Schedule A (Zoning Map) of District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by changing the zoning designation of Lot B, District Lot 286, Clayoquot District, Plan VIP79908 (221 Minato Road, PID 026-487-764), from "RU: Rural Residential" to areas designated as "CG: Campground", "GH: Guest House" and "P-1: Public Institutional" as outlined in black on the map attached to this Bylaw as Appendix "A".

2. This bylaw may be cited as "District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1244, 2019".

READ A FIRST TIME this day of , 2019.

READ A SECOND TIME this day of , 2019.

PUBLIC HEARING held this day of , 2019.

READ A THIRD TIME this day of , 2019.

ADOPTED this day of , 2019.

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Amendment Bylaw No. 1244, 2019.”

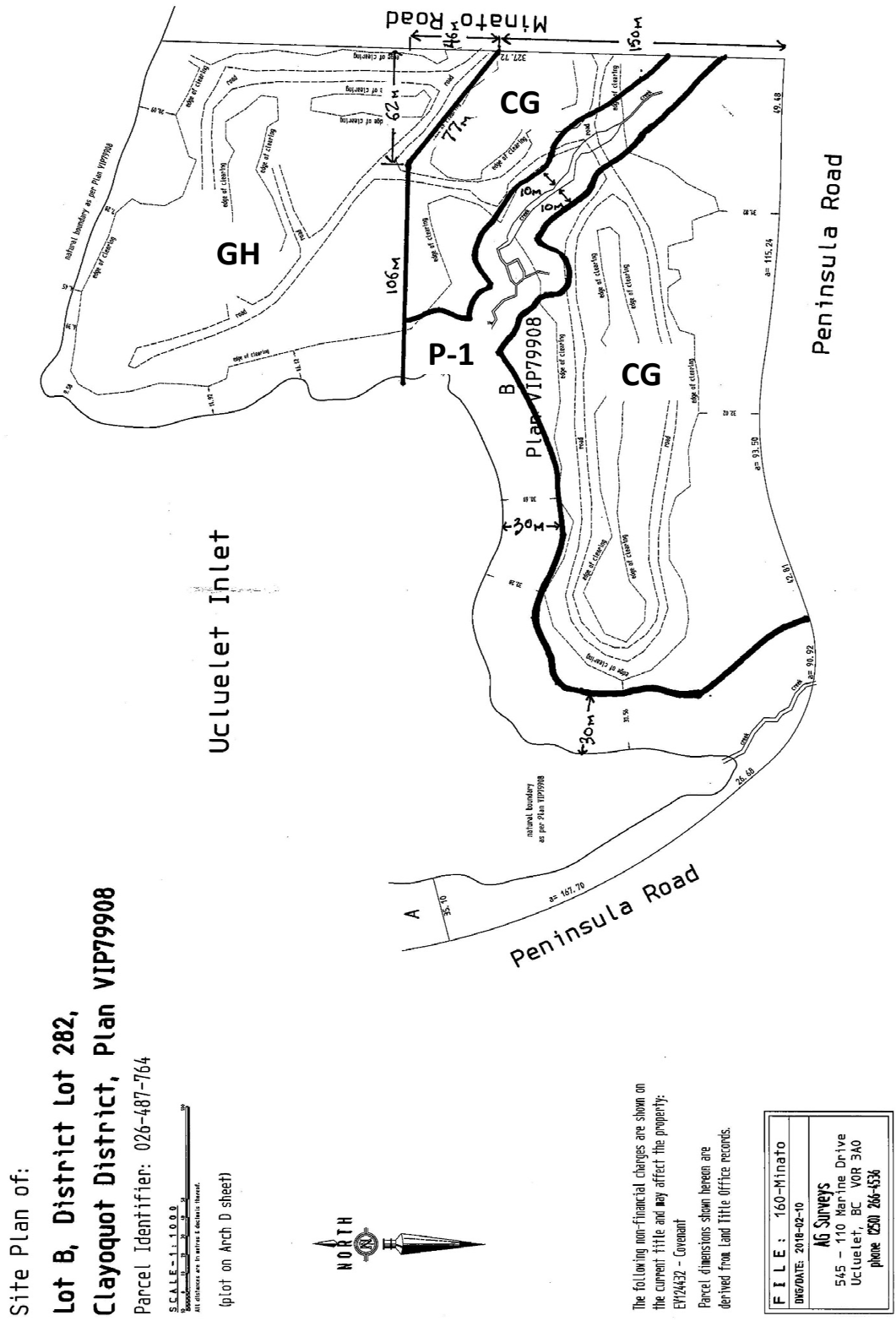
Mayco Noël
Mayor

Mark Boysen
Corporate Officer

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

Mark Boysen
Corporate Officer

Appendix A to Ucluelet Zoning Amendment Bylaw No. 1244, 2019



APPENDIX E

DISTRICT OF UCLUELET**Zoning Bylaw Amendment Bylaw No. 1256, 2019**

A bylaw to amend the District of Ucluelet Zoning Bylaw (Campground).

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

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

1. Text Amendment:

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

- A. By** adding the following definitions in alphabetical order within Division 100 – Enactment and Interpretation, Section 103 Definitions, such that the new definitions read as follows:

““Camping Space” means a measure of land that one camping unit will occupy.

“Camping Unit” means a tent, tent trailer, truck camper, travel trailer, fifth wheel, recreational vehicle, motor home and any other conveyance designed to travel on a publicly maintained road, which is constructed and intended or equipped to be used as non- residential, daily or short-term (not acceding 30 days) accommodation. Camping unit does not include park model trailers, park model mobile homes, or tiny homes sited on a permanent foundation.

“Recreational Vehicle (RV)” means any camper, travel trailer, fifth wheel or motor home with a maximum width of 2.6m in transit mode which can be used to provide sleeping accommodation and which is capable of being licensed for highway use pursuant to the Motor Vehicle Act or any subsequent Act or Acts which may be enacted in substitution therefore.”

- B. By** adding Section 407 numerically to Division 400 – Supplemental Regulations such that the new section reads as follows:

“407 CAMPGROUND

407.1 Where a *Zone* specifically includes *Campground* as a permitted use, all the following conditions must be satisfied for the establishment and continued use and operation of the *Campground*:

- (1) The *campground* layout shall promote the conservation and management of habitat, wetlands, and steep slopes. The layout shall take advantage of existing clearings and open areas. The layout shall maintain and promote natural systems connectivity.
- (2) A naturally landscape buffer shall be located between each *camping space* with a minimum width of 2 m (6 ft).
- (3) Only one camping unit and parking associated with such unit shall be allowed in a single camping space.
- (4) No *camping units* shall be located elsewhere than in a *camping space*.
- (5) No buildings of any type are permitted on *camping spaces* and no additions to any RV, travel trailer, or other camping unit shall be permitted in any *camping spaces*.
- (6) Each *Camping space* is to be on a well-drained site that is at all times free of stagnant pools and is graded for rapid drainage.
- (7) Campground Washroom facilities:
 - (a) *Campgrounds* shall provide a minimum of one centrally located washroom facility.
 - (b) washroom facility(s) are to be equipped with a minimum of one (1) toilet and one (1) shower stall per four (4) *Camping Spaces*.
 - (c) each washroom facility must contain an accessible washroom in conformance with the BC Building Code.
- (8) Servicing:
 - (a) A potable water connection shall be provided in all recreational vehicle *camping spaces* and in centralized locations in all campgrounds.
 - (b) A sanitary sewer connection shall be provided on 50% of recreational vehicle *camping spaces*.
 - (c) A centralized and winterized sewage disposal facility (dump station) shall be provided for the remainder of RV *camping*

spaces. These facilities must be easily accessible and separated from the recreational vehicle stalls and any amenity spaces.

- (9) Each *camping space* shall have:
- (a) a clearly identifiable number and a permanent campground location map must be located at the entrance to the campground
 - (b) a camping area of grass or compacted gravel, which is otherwise well maintained.
 - (c) visible and clearly defined space boundaries marked on the ground by permanent flush stakes or markers.
- (10) The *campground* shall:
- (a) comply with all Provincial regulations relating to health, sanitation, fire, fire protection, and other matters.
 - (b) develop a fire safety plan that must include details on how to manage fire pits and campfires if permitted especially during provincial fire bans.
 - (c) have a Wildlife Attractant strategy with animal proof collection bins provided throughout the campground.
 - (d) ensure all lighting of internal roads and pedestrian paths are fully shielded fixtures that minimize glare in the nighttime environment in accordance with the International Dark Sky Association (IDA) standards and best practices.
- (11) Minimum road width requirements shall be as follows:
- (a) all two-lane access roads to and from a campground shall have a minimum width of 6.0 m.
 - (b) internal campground roads shall be one way, and shall have a minimum width of 3.66 m.
 - (c) dead end roadways shall have a hammerhead turnaround or cul-de-sac with a turning circle minimum radius of 12 m.

407.2 For greater certainty, notwithstanding of provisions of this bylaw:

- (1) No camping unit shall be permitted on any camping space continuously for a period of more than 30 days. No camping unit may reoccupy any camping space in the same campground for a period of not less than 60 days from the date of departure.

407.3 Off-street parking must be provided in accordance with Section 505.1 of this Bylaw.”

- C. **By** adding a new Campground zone, to Schedule B – The Zones that directly follows CS-7 Zone – Tourist Commercial & Residential such that the new section reads as follow:

“CG Zone – CAMPGROUND

This Zone is intended for commercial use of campgrounds, with an accessory residential dwelling unit and accessory retail sales and administration, in accordance with the District’s related bylaws.

CG.1 Permitted Uses

CG.1.1 The following uses are permitted, but *secondary permitted uses* are only permitted in conjunction with a *principal permitted use*:

(1) Principal:

(a) *Campground*

(2) Secondary:

(a) *Accessory Residential Dwelling Unit*

(b) *Accessory Retail Sales and Administration Office*

CG.2 Lot Regulations

CG.2.1 Minimum Lot Size: 6,070 m² (1.5 acres)

CG.2.2 Minimum Lot Frontage: 23 m (75 ft)

CG.2.3 Minimum *Camping Space* size: 90 m² (969 ft²)

CG.2.4 Minimum *Camping Space* Width: 6 m (20 ft)

CG.2.5 Minimum *Camping Space* Depth:

(1) Tent - *Camping Space*: 11 m (36 ft)

(2) *Recreational Vehicle - Camping Space*: 16 m (52 ft)

CG.3 Density:

CG.3.1 Maximum Number:

(1) *Camping Space*: 10 spaces per acre(2) *Accessory Residential Dwelling Unit*: 1 per lot

CG.3.2 Maximum Floor Area Ratio: 0.023

CG.3.3 Maximum Lot Coverage: 2.3%

CG.4 Maximum Height:

CG.4.1 Principal Buildings & Structures: 7.5 m (25 ft)

CG.4.2 Accessory Buildings & Structures: 7.5 m (25 ft)

CG.5 Minimum Setbacks:

CG.5.1 Despite Section 306.1, the minimum setbacks listed in Section CG.5.2, below, shall also apply to *camping spaces*.

CG.5.2 The following minimum setbacks apply, as measured from the *front lot line, rear lot line* and *side lot lines(s)*, respectively, of the *Campground*:

	(a) Front Yard Setback	(b) Rear Yard Setback	(c) Side Yard – Interior Setback	(d) Side Yard – Exterior Setback
(1) Principal	7.5 m (25 ft)	7.5 m (25 ft)	7.5 m (25 ft)	7.5 m (25 ft)
(2) Accessory	7.5 m (25 ft)	7.5 m (25 ft)	7.5 m (25 ft)	7.5 m (25 ft)

“

D. By replacing the parking requirement in the chart found in Section 505.1 under “Campground” such that that chart category now reads as follows:

“1 space per *camping space* plus 1 space per 10 *camping spaces* for visitor parking “

2. This bylaw may be cited as “District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1256, 2019”.

READ A FIRST TIME this day of , 2019.

READ A SECOND TIME this day of , 2019.

PUBLIC HEARING held this day of , 2019.

READ A THIRD TIME this day of , 2019.

ADOPTED this day of , 2019.

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Amendment Bylaw No. 1256, 2019.”

Mayco Noël
Mayor

Mark Boysen
Corporate Officer

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

Mark Boysen
Corporate Officer



STAFF REPORT TO COUNCIL

Council Meeting: APRIL 9, 2019
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, MANAGER OF COMMUNITY PLANNING

FILE NO: 3060-20-DP19-01
3360-20-RZ18-08
3090-20-DVP19-02
3070-20-TUP19-01

REPORT NO: 19-40

SUBJECT: PROPOSED REZONING, SUBDIVISION AND DEVELOPMENT PERMITS FOR 221 MINATO ROAD LOT B, PLAN VIP79908 CLAYQUOT DISTRICT, DISTRICT LOT 286.

ATTACHMENT(S): APPENDIX A – APPLICATION
APPENDIX B – ENVIRONMENTAL IMPACT ASSESSMENT REPORT (AQUAPARIAN)
APPENDIX C – VEGETATION MANAGEMENT PLAN
APPENDIX D – TIMELINE
APPENDIX E – DEVELOPMENT PERMIT 3060-20-DP19-01

RECOMMENDATIONS:

1. **THAT** Council authorize issuance of Development Permit 3060-20-DP19-01 for the restoration of the previously damaged riparian and marine shoreline areas of the property at 221 Minato Road.
2. **THAT** Council indicate support for the concept of rezoning the property at 221 Minato Road for a 2-lot subdivision to create a Guest House parcel and a Campground parcel, and indicate that adoption of a zoning amendment bylaw for the requested uses would be subject to the following:
 - a. completion of the site restoration work under Development Permit DP19-01 including monitoring and sign-off by the Qualified Environmental Professional;
 - b. including, as part of the subdivision to create the two parcels, dedication for park purposes of a 30m corridor upland from the natural boundary along the marine shoreline adjacent to the proposed Campground parcel, plus the entire stream setback area surrounding Stream 1;
 - c. the owners providing a restrictive covenant on the proposed Guest House parcel which would restrict any further subdivision of that lot unless at that future date the following are provided by the property owner:
 - i. dedication for park purposes a 30m corridor upland from the natural boundary along the marine shoreline adjacent to the property; and,

- ii. appropriate funds to construct a trail system and viewing platform to municipal standards in the shoreline park dedicated in (i) above;
 - d. the owners providing a contribution for half the cost of constructing the stream section of trail and viewing platform, prior to commencing construction of the Long-Term Camping spaces in the proposed Phase 1;
 - e. the owners providing a restrictive covenant on the proposed Campground parcel ensuring that construction of the Short-Term Camping shown as Phase 3 will not commence before the adjacent section of Olsen Bay trail has been constructed.
- 3. **THAT** Council indicate support for the concept of issuing a Temporary Use Permit to permit long-term camping in the proposed designated area of the campground, subject to conditions including:
 - a. Seasonal camping stays are not to exceed six months;
 - b. No additions, accessory buildings, structures or outdoor storage is permitted in long-term camping spaces;
 - c. A resident campground manager is required on-site; and,
 - d. The campground manager is to maintain a register of campers, contact information and vehicle registration, and make the register available at all times if requested by the District;
- 4. **THAT** Council indicate support for the concept of issuing a Development Permit for the subdivision of the property into the proposed Guest House and Campground parcels, subject to the following conditions:
 - a. that the owners provide a detailed landscape plan showing replanting of native tree and understory species in the undeveloped portions of the Minato Road 10m road right-of-way dedication areas:
 - i. at the future public access trail to Olsen Bay at the end of Minato Road; and,
 - ii. screening of the proposed long-term camping spaces adjacent to Minato Road including appropriate fencing;
 - b. that prior to subdivision approval the owners providing:
 - i. a civil engineering assessment and design for all required services including road, water, sewer, on- and off-site stormwater management and the location of private power and data utilities; and,
 - ii. a traffic engineering safety assessment of vehicle and pedestrian movements resulting from the proposed development and upgrades, if necessary, at the intersection of Peninsula Road and Minato Road and at the future trail crossing of Peninsula Road to the Ancient Cedars loop, for review and approval by the municipality and the Ministry of Transportation and Infrastructure;
- 5. **THAT**, subject to public comment, Council indicate support for considering a variance to increase the maximum permitted height of the main house on the proposed Guest House parcel from 8.5m (28 ft.) to 10.9m (36 ft.); and,
- 6. **THAT** Council indicate that issuance of a future Development Permit for construction of the proposed Short-Term Campground (phase 3) would be subject to protecting the full 30m forested buffer along the Peninsula Road frontage, unless the owners can demonstrate that the proposed tent sites within this area would not be visible from the road.

PURPOSE

The purpose of this report is to give Council information on the background of clearing activity on the property, restoration plans and a development proposal submitted by Rick and Rebekka Lim of Pirates Bay Holding Company Ltd., for their property at 221 Minato Road (see **Figure 1**), Lot B, Plan VIP79908 Clayoquot District, District Lot 286 (the “**Subject Property**”).

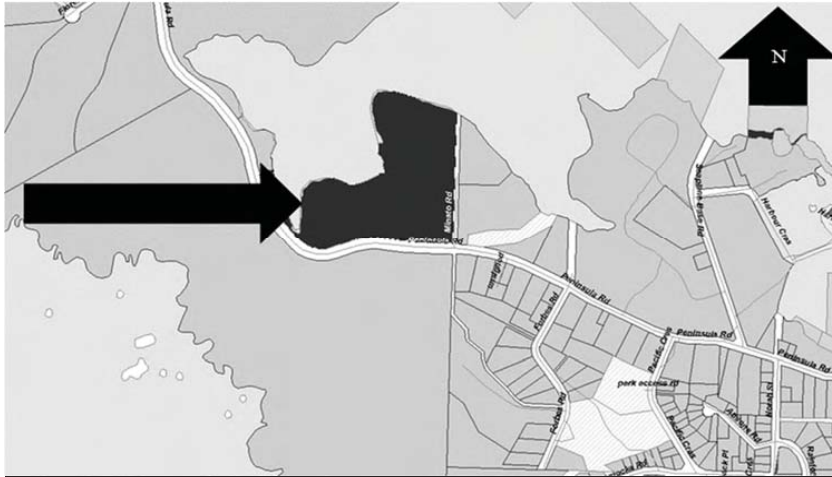


Figure 1 – The Subject Property

BACKGROUND AND SITE CONTEXT:

The subject property is a 10 ha (25-acre) lot located on the north side of Peninsula Road and on the west side of Minato Road, adjacent to Olsen Bay and the Ucluelet Inlet to the north. The current zoning designation of the property is Rural Residential (RU).

This property was considered to have considerable environmental value prior to extensive logging and clearing in late 2016. The site contained a full forest of mature trees (some old growth) at 20m to 30m with pockets of trees at 30m to 40m height, and included the understory vegetation and habitat values which come with mature coastal forests. Two fish bearing streams and associated riparian areas cross the site, one of which has been impacted by the site clearing. A more detailed timeline is attached to this report (see **Appendix D**).

The owners were issued a formal letter dated December 13, 2017, notifying the owner to cease all land altering activities and advising that they would be required to obtain a Development Permit (DP) for any further site work including restoration of the disturbed areas. The owners subsequently stopped all works and have engaged a Qualified Environmental Professional to prepare a *Vegetation Environmental Management Plan* (see **Appendix C**) to form part of their required site restoration DP. They have also worked with staff to understand what is required to bring a development application forward. This current application proposes to:

- address the Development Permit required for the restoration of damaged ecological areas on the subject property; and,

- present development plans for the rezoning, DP, and subdivision processes required for the proposed development of the property.

In brief, staff recommend that three elements are necessary for the owners to move forward with the development of their land in an appropriate manner:

- First and foremost, the site restoration work must be completed as recommended and under the supervision of the consulting biologists (the QEP).
- Second, development of the site must include adequate measures to protect the remaining forest elements and the marine shoreline and stream riparian ecosystems. This should include adequate areas of park land set aside for conservation purposes. It also must include proper facilities to enable public access in the proper (and limited) locations to ensure that future use does not trample the ecological values of the site.
- Finally, the proposal for this site, as with any new development, must include adequate measures to mitigate the impacts on public spaces and infrastructure and bear the costs for servicing these land uses.

Subject to the conditions outlined in the list of staff recommendations, the proposed development of the site contains uses which can be supported in this location and, if managed properly, would result in a net benefit to the community.

ANALYSIS:

This application includes multiple related development approval processes. Individually these are as follows:

- DP19-01 - Development Permit for the restoration of damaged ecological areas
- RZ19-01 - Rezoning from Rural Residential to Guest House & Campground uses
- DP19-02 - Development Permit for Subdivision into two lots (Guest House & Campground)
- SD19-02 - Subdivision of the subject property into two lots
- DVP19-02 – Development Variance Permit to increase height for proposed house

These processes are guided by Ucluelet’s Official Community Plan Bylaw No. 1140, 2011 (**OCP**), and Zoning Bylaw 1160, 2013 (**Zoning Bylaw**). The subject lands fall into Development Permit Area No. 8 (Former Forest Reserves Lands). The following are pertinent DP guidelines found within the OCP bylaw, to consider for this development:

“The coastal environment within this DPA is characterized by rocky bluffs and headlands along the exposed western shoreline, while a gentler rocky coast - along with sensitive marine wetlands, predominates along the protected eastern shoreline of Ucluelet inlet. This rugged and wild coast, along with the extensive forest that carpets the rolling and often steep terrain contribute immeasurably to the character of the site. There is therefore a demonstrated need to ensure that development within this area should be protected from hazardous conditions and makes adequate provision for fitting itself harmoniously into the existing natural environment while maintaining a balance between the need for such protection and development of this land. All development should provide for the Wild Pacific Trail that makes its way through the area.

In addition to development being sensitive to significant natural features worthy of protection, this area is designated for mixed use development which requires a high standard of design cohesion which reflects the natural heritage of the area.”

Guidelines

1. All developments must preserve and maintain 100% of the Wild Pacific Trail along the coast where feasible on properties located along the waterfront;
2. No development can approach within 30m of the high-water mark around the sensitive marine wetlands indicated on the map below;
3. A 30-metre-wide tree buffer with no development must be provided along both sides of the Pacific Rim Highway;
4. The layout of the proposed collector through DPA No. 8 that runs parallel to the Pacific Rim Highway, must respond to the natural conditions and topography of the land. Adequate buffering along the frontage of the road should also be retained to provide an attractive entrance into the community. A tree preservation plan should be a major priority in order to preserve this spectacular natural environment.
5. All developments should respect archaeological resources and comply with all relevant statutes and regulations for the protection thereof. The District may require, at their discretion, that the applicant provide at their own cost an archaeological assessment report;
6. All development, including campsites with no individual water supply or no individual sewage disposal facilities, must be connected to the municipal sanitary sewer system;
7. Developments shall strive to create openness, connections, or views to the waterfront areas through open spaces or pathways
8. No development shall impede public access to the foreshore beyond private property boundaries;
9. A landscape preservation plan for all developments must be included as part of the development application process in order to ensure protection of existing significant trees and shrubs. This will include plans showing pre and post-development conditions in order to prevent over-cutting;
10. The removal of any native tree species that is 30cm Dbh or greater (Diameter at Breast Height = 1.3m) measured with a proper tree caliper is prohibited.
11. Any landscaping maintenance program must meet all applicable governmental regulations involving the use of fertilizers, herbicides and pesticides and the owners must ensure that no harmful pesticides or chemicals enter the ocean, either directly or by way of groundwater infiltration;
12. All sitka spruce must be identified by a qualified arborist and, where they are determined to be healthy, preserved;

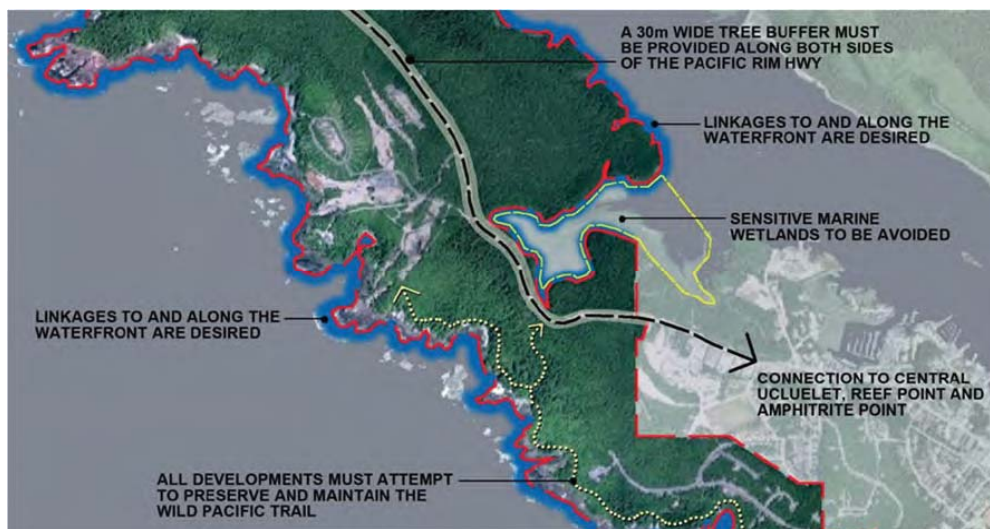


Figure 2 - DPA 8.2 Development Permit Area No. 8 Conceptual Diagram

The following are relevant OCP Environment Policies:

“To encourage the maintenance of natural green space and forest cover and eliminate large clear cuts to accommodate development”

“To identify natural corridors for public and wildlife use or as natural landscapes”

“Properties greater than 0.8 hectare in size will require an Environmental Impact Assessment to evaluate the impacts of a proposed development on the natural environment and for the protection of developments from hazardous conditions.”

A comprehensive review of the regulatory requirements is listed in section “1.2 Regulatory Review” of the Environmental Impact Assessment Report (see **Appendix B**).

DP19-01 – Development Permit for the restoration of damaged ecological areas

The purpose of this DP area designation is the protection of the natural environment, its ecosystems and biological diversity. The applicant is applying to reinstate the impacted vegetation within the riparian setback of ‘Stream No.1 and the area between the natural boundary of the Ucluelet Inlet and 30m back from that boundary (the “**Marine Shoreline Area**”). This replanting will strictly follow the Vegetation Environmental Management Plan (see **Appendix C**) and its recommendations. This permit will be complete only after all recommended restoration work is done and inspected by the authors of the attached management plan. Staff recommend that final adoption of a rezoning bylaw should only be considered after the restoration work is completed, inspected and signed off by the QEP. (see **Figure 3**).

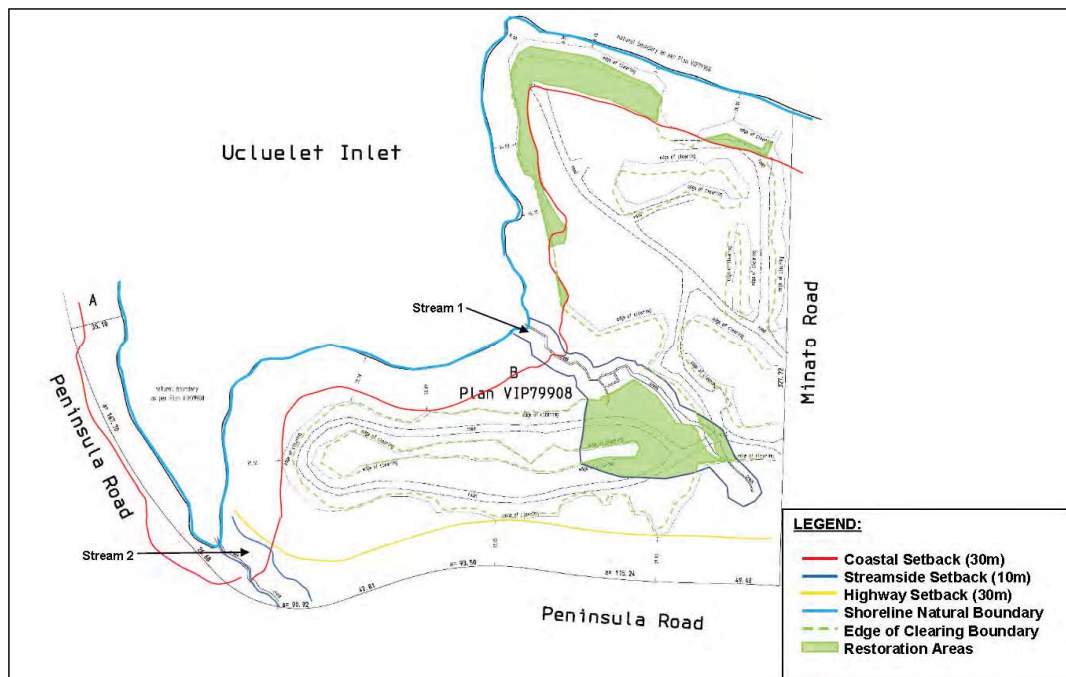


Figure 3 – Vegetation Management Plan – Restoration Areas

RZ19-01 - Rezoning from Rural Residential to Guest House / Campground

The proposed rezoning and subdivision of the land is being approached so that the appropriate permitted uses would be associated with the respective new lot areas. The applicant is proposing two lots: one to include their family home with Guest House zoning, and the other to include a Campground which is proposed to include areas for both short-term and long-term camping use.

Guest House zoned parcel

The owners are proposing to create an (approx.) 3.4 ha (8.5-acre) lot with a permitted use of *Guest House (GH)*. This permitted use is intended for commercial tourist accommodation mixed with residential in the form and appearance of a traditional single-family dwelling (**SFD**), with or without small scale guest cottages. The relevant zoning regulations to this application are:

- *The Minimum Lot Size: 2,000 m² (½ acre).*

This is significant as the proposed GH lot is over 8 acres in size. Therefore, the property would have potential for further subdivision in the future.

- *The commercial Short-Term Rental (STR) elements of the Guest House zone for the large lot are regulated as follows:*
 - *6 guest rooms if the lot area exceeds 4,000 m² (1 acre); plus*
 - *4 guest cottages per lot if the lot area exceeds 4,000 m² (1 acre).*

This indicates the scale of the commercial use on the proposed GH lot. The applicant has provided the following sketch to indicate their guest house, guest cottages, private driveways and garage location (see **Figure 4**):



Figure 4 – Guest House parcel

The size and location of this lot may lend itself to greater density, use and community benefit than what is currently being proposed. The creation of 8-acre rural acreages is not considered the ideal long-term pattern for Ucluelet's limited land base. With this large GH acreage the applicant has stated that they do not want a public trail to pass in front of their home and guest cottages. While this is understandable, the balance of private interest and the community benefit must also be considered. The proposed GH use does have a high commercial STR use associated to it and a continuous trail around the entire coastline would benefit both the owners' guests and beyond. If a higher density development were being proposed at this time, staff would be recommending the inclusion of a full 30m park dedication complete with a constructed public trail. With this application the owners are offering a 30m greenspace protection covenant along the shoreline, which does somewhat protect the marine shoreline area from further impacts but would not provide public access at this time.

If the proposed single large Guest House lot is looked at as an interim step from the current rural residential zoning, it is possible that the full public benefit could be realized at a future date if/when further subdivision and/or changes in land use were being considered. A covenant could be placed on the title of the proposed GH lot, to restrict further subdivision until the marine shoreline area of the GH lot were dedicated as park and a public trail built to the Wild Pacific Trail standards. This compromise would allow the applicant to use the land for their private home at this time, and retain the potential for further public access, tied to future development of the site. At the same time, full public access is proposed adjacent to the proposed campground portion of the site. This compromise approach to public access is supportable in light of the short- and long-term context.

Currently, the public right-of-way containing Minato Road is currently 10m wide; half the regular 20m right-of-way width. Therefore, roadway dedication along the length of the property will be required as a condition of subdivision to achieve the standard 20m corridor for public access and utilities. The owner has cleared part of this future expansion area next to the proposed Guest House parcel, in a location likely to be used for a public water access trail from the end of Minato Road to Olsen Bay. As part of the development of this property, replanting of this area in native species trees and underbrush should be secured prior to approval of the subdivision plan.

Campground Property

The applicant is proposing a campground with both tent camping spaces and two types of recreational vehicle (RV) camping:

- short-term camping normally associated with RV camping and tourist use; and,
- longer-term RV camping.

The longer-term RV camping is proposed to benefit Ucluelet's housing spectrum with a form of a housing that is more transient in nature. Also proposed are three auxiliary buildings, internal circulation roads and dedicated park lands (see **Figure 5**).



Figure 5 – Campground Parcel

The above sketch highlights the basic elements and layout of 3.85-acre (approx.) proposed campground lot. Indicated are the areas proposed for park (in green), the tent spaces (in turquoise), and differentiates the short term and long-term RV spaces (in light green). The proposed campsite development consists of:

- 20 Long-Term RV spaces
 - 52 Short-Term RV spaces
 - 14 tent spaces
 - 15 tent spaces (within the Peninsula Road 30m green space covenanted area)
-
- 101 total camping spaces**

At capacity this development would present a significant change to this area of town. Movement of cars and RV's to and from the subject property, camp fires and other impacts naturally follow 200 to 400 people and their pets. For comparison the Ucluelet Campground is of similar area and advertises 125 spaces within 13 acres. Staff are recommending that, as a condition of a DP for the subdivision which would create the campground parcel, the owner be required to provide a traffic safety analysis for District and Ministry of Transportation and Infrastructure review on the expected impact and any improvements required for Peninsula Road as a result of this development.

The applicant has indicated that the first phase of the development is to be a form of seasonal housing with RV spaces that would allow camping for a term of six months minus a day. Done right the proposed long-Term camping could add an element of flexible housing for seasonal workers. If it were not managed properly, this use could become unsightly and present a burden to municipal building and bylaw enforcement staff.

The applicant has offered a 20m park dedication plus a 10m greenspace covenant along the marine shoreline area and a 10m park dedication for a trail in the riparian area of *Stream No.1*. This dedication is less than what Staff consider appropriate, taking into account the direct benefit to the guests of the proposed campground, and the area reasonably necessary to protect the marine shoreline and riparian areas from further impact. Staff recommend a full 30m marine shoreline park dedication, plus dedication of the entire *Stream No.1* riparian area.

Considering that campgrounds have minimal infrastructure and could be converted to a higher density at some point in the future, campground use is supportable. A new campground in close proximity to the village core may also have a positive economic effect as its guests patronize the community's commercial businesses.

If this proposal is to move forward, staff will recommend creating a new zone specifically for campgrounds. This will allow the clear distinction of density limits and appropriate setbacks for campsites. This zoning designation could be applied to future and existing campgrounds. The bylaw would need to update the current definition for "*Campground*" to specifically allow short-term camping, and then create a new definition for "*Long-Term Camping*". To differentiate the long- and short-term uses for the proposed lot, Staff consider the best approach would be to zone the entire campground lot for camping use (i.e., short-term) and then issue a Temporary Use Permit (TUP) for long-term camping in the proposed designated area. This initial approach would allow Council and the community an ability to assess the success of this long-term camping / seasonal housing approach and modify conditions for this new land use, if necessary.

Park lands

The addition of the proposed campground use represents a significant up-zoning of the property. To be consistent with the OCP policy and guidelines, and offer the community a clear public benefit, the applicant has offered dedicated park areas as indicated in green above (see **Figure 5**). This park, as described, is to preserve this pristine marine shoreline area, provide access for the general public, and serve as access for the guests of the proposed campground to the broader District trail system. It will be important that the trails and viewing platforms within this park be constructed prior to the campground opening. The trail would be a significant amenity for guests of the proposed campground. Properly defined trail facilities and access points to will be important to provide safe access, views of Olsen Bay and beyond, and to protect the marine shoreline ecosystem. (see **Figure 6**).



Figure 6 – Suggested Trails and viewing platform

Without a defined trail system and viewing platforms, it can be expected that increased use brought about by the campground development would result in environmental damage to the shoreline, the marine environment, and to the riparian areas.

This section of trail would be approximately 840m long; total approximate cost of the trail and viewing platforms would be approximately \$100,000. Staff recommend that dedication of the park corridor be a condition of the rezoning and be completed as part of the initial subdivision. The owners have not offered to contribute at this time to the cost of constructing this section of trail. If development of the short-term campground (shown as phase 3) does not occur for some time, the District could proceed with trail construction independent of the property owners (i.e., seeking funding from other sources). Staff recommend that completion of the trail construction – with or without the owners' financial contribution – be a pre-condition to development of the short-term campground. In other words, if the trail has not yet been constructed, and the owners wish to develop the campground, they could accelerate its construction by partnering with the District to help with construction costs. Either way, it is important that the trail infrastructure be completed before campers are on site seeking access to Olsen Bay.

Staff suggest that the entire riparian area of *Stream No.1* (shown in blue below) and a full 30m marine shoreline area be dedicated as park lands (see **Figure 7**).



Figure 7 – Extended Park Area

The applicant is also requesting to locate tent sites within an area that is covenanted in the name of the District of Ucluelet for a 30m green space buffer (EV124432) running along the Peninsula Road frontage. Staff do not support this request; a fully green and treed Peninsula Road Corridor is an important feature to the overall experience of the entrance to town for both visitors and residents alike. Construction new commercial use within this green buffer is contrary to the OCP guidelines.

DP19-02 - Development Permit for Subdivision

Pending an indication of support for the concept of rezoning the property for the proposed uses, Staff have not requested that the owners provide the full studies and documentation required for this DP at this time. Some elements of the development could be reasonably defined in more detail and approved at the subdivision stage. The following is a cursory review of DP requirements.

The Former Forest Reserve Lands Development Permit Area (DPA No.8), as shown on Schedule C, is established for the purposes of:

- 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.

For the relevant guidelines see the analysis section above and in section “1.2 Regulatory Review” of the Environmental Impact Assessment Report (**Appendix B**).

Protection of the natural environment, its ecosystems and biological diversity

As discussed above, the site’s marine shoreline and riparian areas will be replanted under DP19-01. This DP will focus on the subdivision and the proposed campground and GH property. The combination of a 30m Marine Shoreline area park dedication and 30m greenspace protection covenant area back from the natural boundary meets the OCP Guidelines which state:

“No development can approach within 30m of the highwater mark around the sensitive marine wetlands indicated on the map below”

If developed as described, this would be consistent with the above guideline. The built elements of the development would be set back from the natural boundary and the riparian areas, and these

setbacks areas are also specified under a recent environmental management plan. Staff consider that the management plan (**Appendix C**) is consistent with the OCP if all recommendations from that plan are implemented and monitored by the QEP.

Protection of development from hazardous conditions

The majority of the built form of this development is above 7m from the natural boundary. This proposal does not appear to be subject to hazardous conditions as presented. The Building Inspector will have the opportunity to review site specific conditions at the time of building permit and can require geotechnical reviews to specific conditions, if required.

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

The Former Forest Reserve Lands is the largest of Ucluelet's Development Permit Areas. Special conditions of this landscape include some of the district's richest forested habitat and the potential for spectacular residential and commercial development. Covering roughly half of Ucluelet's land base, the area is largely untouched by development - offering an excellent opportunity to carefully build on the sense of place as development progresses. Objectives of this DPA include protecting the natural qualities that make this place so special. The following are considered key DP guidelines for this development:

- *The layout of the proposed collector through DPA No. 8 that runs parallel to the Pacific Rim Highway, must respond to the natural conditions and topography of the land. Adequate vegetative buffering along the frontage of the road should also be retained to provide an attractive entrance into the community. A tree preservation plan should be a major priority in order to preserve this spectacular natural environment.*
- *All developments should respect archaeological resources and comply with all relevant statutes and regulations for the protection thereof. The District may require, at their discretion, that the applicant provide at their own cost an archaeological assessment report;*
- *Developments shall strive to create openness, connections, or views to the waterfront areas through open spaces or pathways No development shall impede public access to the foreshore beyond private property boundaries;*
- *A landscape preservation plan for all developments must be included as part of the development application process in order to ensure protection of existing significant trees and shrubs. This will include plans showing pre and post-development conditions in order to prevent over-cutting;*
- *All sitka spruce must be identified by a qualified arborist and, where they are determined to be healthy, preserved;*

Proposed Subdivision

The proposed lot layout is straightforward, splitting the property roughly in line with the area of the stream corridor. The proposed layout would enable both lots to have access from Minato Road, and is supportable.

Vehicle Access and Traffic Safety

As mentioned above, full civil drawings have not been supplied for this proposal. Road dedication to widen the Minato Road right-of-way from 10m to the standard 20m road allowance will be required as part of the subdivision. The applicant has indicated 3.6m paved road lanes, parallel parking, a standard turnaround and parking areas at the end of the paved turnaround. The

proposed development will also likely require a pedestrian crossing of Peninsula Road at Minato Road which would need to be constructed to Ministry of Transportation and Infrastructure Standards. Staff recommend that a traffic safety analysis be required prior to subdivision. With the density of visitor use proposed in the campground, providing safe and enjoyable pedestrian circulation, including connections to the multi-use path on Peninsula Road, will be key.

Public Pedestrian Access

The owners' proposal falls short of providing the full access and connections directed in the OCP, but subject to the conditions recommended in this report the development is supportable considering both the short- and long-term development potential of this site. The park dedication and trail connection following the stream corridor and shoreline would provide an excellent addition to the community trail network, as part of the long-term Safe Harbor Trail extending from the small craft harbor to the Onni lands and connecting to the Ancient Cedars Loop of the Wild Pacific Trail.

Landscaping, Tree Retention and Removal

All remaining mature trees are to be retained. Full detailed civil and landscape plans of the campground – including tree retention measures - will be required as part of a future DP application for the campground development.

Storm Water Management

At this time the applicants have not submitted civil engineering design including storm drainage. The detailed design will be required as part of the future campground DP and subdivision approvals. It could be expected that Minato Road will be developed to the alternative standard used in both the Rainforest and OceanWest subdivisions. On-site features for retention and filtering of sediment to ensure water quality in Olsen Bay will be expected as part of the runoff control design.

Sewage Disposal

The applicant will be required to run a sewer main to municipal standards down Minato Road at their expense to serve the proposed lots. The civil engineering design may involve a pump station at the north end of Minato Road to push wastewater to the Peninsula Road sewer main. Any proposed works by the owners' civil engineer will be reviewed by the District of Ucluelet's engineering consultants prior to subdivision approval.

Water Supply

The proposed lots created will need to be fully serviced and water meters installed as part of the subdivision. The owners' engineer will be required to review the adequacy of the existing municipal infrastructure in this location for water service, including fire protection, and make upgrades at their expense if necessary.

OCP Designation:

The 2011 OCP designates the site as Comprehensive Development, and includes policy 3.9.ii(4):

"The area on Minato Road [sic] north of Peninsula Road is designated for Comprehensive Development. This area is envisioned primarily as a residential community with significant

tree retention. The shoreline is recognized as having important ecosystem values. A greenbelt should be maintained along the shoreline.”

With awareness of the clearing which has subsequently occurred on the site, the Land Use Map in the draft 2019 OCP indicates a portion of the property designated as Tourist Commercial, consistent with the potential campground uses in this location.

Staff consider the campground uses as a potentially positive addition to town, and the long-term camping aspect for seasonal workers is worth pursuing as a pilot for addressing a current affordable housing need.

DVP19-02 Development Variance Permit

The owners are requesting a variance to permit an 8' increase to the maximum building height for their proposed home. Given the location of the house and size of the property, the added height would have no impact on neighbouring properties. Subject to public comment, the requested variance is supportable.

SD19-02 - Subdivision review

Once a DP is issued by Council for the proposed layout, review of the subdivision of this property is the responsibility of the municipal Approving Officer. This step is a technical review for conformity with all policies and regulations of the OCP, Zoning Bylaw, Subdivision Services Control Bylaw and all applicable federal and provincial laws and regulations. Prior to final subdivision approval, the applicant will be required to produce full civil engineering drawings for water, sewer, storm drainage, electrical service and roads. The applicant may also need geotechnical and environmental studies and to complete an archeological assessment.

TIME REQUIREMENTS – STAFF & ELECTED OFFICIALS:

If this application is approved Staff time will be required to prepare the necessary bylaw and permits for Council consideration, and coordinate the process for the rezoning, DP and the subsequent subdivision. A public hearing would need to be scheduled to gather community input on the rezoning bylaw, Temporary Use Permit and Development Variance Permit. As part of the subdivision process the municipal Approving Officer will be required to create a Preliminary Layout Assessment (PLA) and staff will be required to assist and monitor that process as well.

FINANCIAL IMPACTS:

Each of the 2 lots in this subdivision will incur a Development Cost Charge (DCC) of \$12,882. It should be noted that under the current DCC bylaw, campground development does not currently trigger DCC's - even though there would be an expected incremental impact to the District's infrastructure as a result of the proposed uses.

POLICY OR LEGISLATIVE IMPACTS:

Subject to the conditions recommended in this report, the restoration of the property and proposed development of the site would be aligned with the OCP.

SUMMARY:

The previous environmental damage to the property has been done, and the owners have taken steps to begin rectifying that damage. The campground and guest house development proposal is supportable subject to the conditions described in the recommendation of this report. Alternatively, the most sensitive areas of the site could be restored according to the QEP recommendations and left as a large rural property with some potential for further development at a future date.

OPTIONS REVIEW:

The six recommended motions at the outset of this report would authorize the site work to complete the restoration of the site and set in motion the process of further Council consideration – with public input – of the various elements required for development of the property according to the owner’s submitted plans. Alternatively, Council could consider the following options:

7. **THAT** Council issue Development Permit 3060-20-DP19-01 for the restoration of the previously damaged riparian and marine shoreline areas of the property at 221 Minato Road, and direct the following:
 - a. That the site restoration work be completed to the satisfaction of the QEP and the District within 12 months;
 - b. That no other permits for site works or development on the property be considered until the site restoration work under DP19-01 has been completed to bring the property into compliance with municipal bylaws; and,
 - c. That the municipal solicitors be instructed, if the site restoration has not been completed within 12 months, to initiate legal proceedings to compel the owners to restore the site and compensate the District for costs and damages as a result of site clearing activities contrary to the Official Community Plan Bylaw No. 1140, 2011.

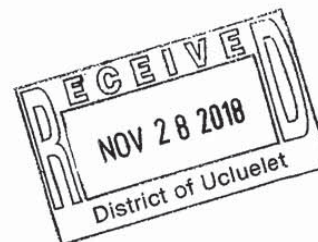
Or,

8. **THAT** Council defer consideration pending receipt of further information requested of the applicant.

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

Appendix A

District of Ucluelet Planning Department
 200 Main Street,
 POBox 999,
 Ucluelet, BC,
 V0R3A0



November 27, 2018

Attn: Bruce Creig

Re: Development Permit with Variance, Lot B DL 282, Clayoquot District, Plan VIP79908
 The Former Forest Reserve Lands Development Permit Area (DPA No.8)

This letter of intent is to inform the District of Ucluelet our intent to sub-divide and rezone the property described as (Lot B DL 282, Clayoquot District, Plan VIP79908), The Former Forest Reserve Lands Development Permit Area (DPA No.8) in order to phase development of a single family residence with accessory building and guest cottages on one parcel (see Parcel A on the development plan) and a Campground/RV Park on the other (see Parcel B on the development plan).

Phase 1 is the development of 20 Extended Stay RV pads with full servicing in response to a shortage of seasonal worker accommodation and longer term temporary housing. Phase 1 will be developed in conjunction with fulfilling the riparian area restorations as outlined in the report prepared by Aquaparian Environmental Consulting Ltd.

Phase 2 of the plan is to build a single family home with accessory building as well as 4 Guest Cottages (400 sq.ft.) under a requested GH zoning. The single family residence as designed would require a variance to the height restriction which is proposed to be 36 ft max height of roofline and architectural features.

Phase 3 consists of a Campground/RV Park. We are proposing as a component of the development a public trail easement through the property along/through the restored riparian area to link the intersection of Minato Rd and Peninsula Rd to the waterfront which would then connect back to Peninsula Rd and along the waterfront to the North boundary of the property within a 20 meter wide 1 Ha Public Park Dedication with a 10 meter preserved natural buffer between the Park Dedication area and the campground development. In order to preserve the visual screening along Peninsula Road small tent sites would be located in existing pockets of natural clearing. Where necessary, enhanced vegetative buffers will be installed using native plant material between individual tent sites and Peninsula Road.

Sincerely

Rick and Rebekka Lim

Date:

Nov 28 2018

DEVELOPMENT PLAN CONCEPT

Minato Road
 Lot B DL 282
 Ucluelet, BC

PROPOSED DEVELOPMENT SUMMARY

PARCEL A - 3.52 Ha / 8.7 Ac
 GH (GUEST HOUSE ZONING - PROPOSED)

- 1 SINGLE FAMILY HOME
- 4 400 SQ.FT. GUEST COTTAGES

PARCEL B - 6.54 Ha / 16.16 Ac
 LONG TERM AND TOURIST ACCOMMODATION - PROPOSED

- 20 EXTENDED STAY RV SITES
- 40 40' RV PADS (LARGE)
- 3 30' RV PADS (MEDIUM)
- 10 20' TRAILER PADS (SMALL)
- 17 REGULAR SERVICED TENT SITES
- 12 UNSERVICED WALK IN TENT SITES

RIPIARIAN AREA RESTORATION BOUNDARY

PUBLIC TRAIL ALIGNMENT



PREPARED FOR:
BNEE Enterprises Ltd
 Pirates Bay Holdings Ltd
 2040 Peninsula Rd
 Ucluelet, BC

MINATO ROAD IMPROVEMENTS
 PAVING
 PUBLIC PARKING
 WATERFRONT ACCESS
 TRAIL



PHASING PLAN

Minato Road
 Lot B DL 282
 Ucluelet, BC



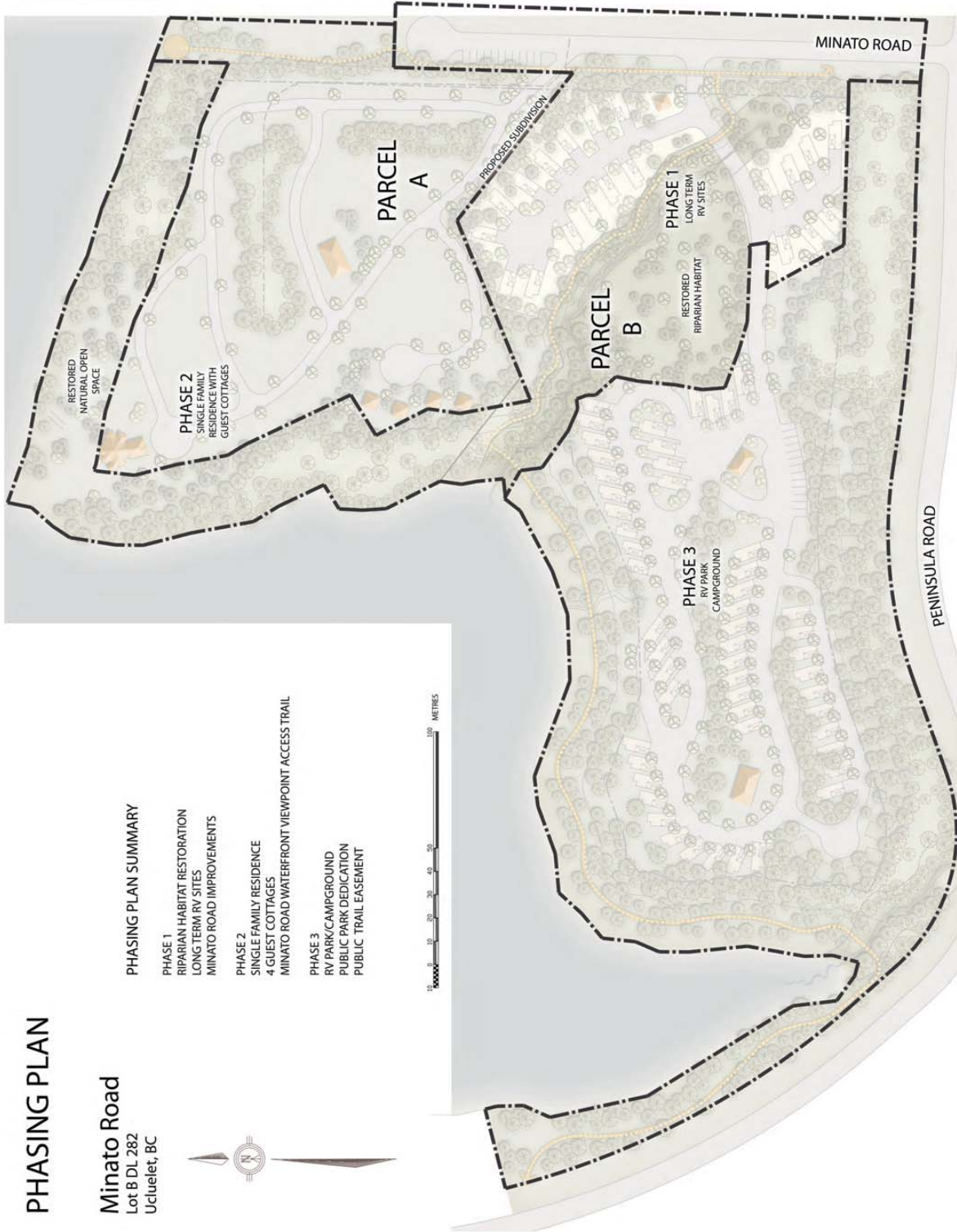
PHASING PLAN SUMMARY

- PHASE 1**
 RIPARIAN HABITAT RESTORATION
 LONG TERM RV SITES
 MINATO ROAD IMPROVEMENTS
- PHASE 2**
 SINGLE FAMILY RESIDENCE
 4 GUEST COTTAGES
 MINATO ROAD WATERFRONT VIEWPOINT ACCESS TRAIL
- PHASE 3**
 RV PARK/CAMPGROUND
 PUBLIC PARK DEDICATION
 PUBLIC TRAIL EASEMENT



PREPARED BY:
 7-1920 Lytche Rd.
 Ucluelet, BC
 250.726.3973

PREPARED FOR:
 BNEE Enterprises Ltd
 Pirates Bay Holdings Ltd
 2040 Peninsula Rd
 Ucluelet, BC



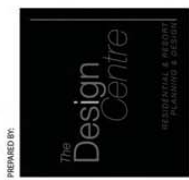
TREE PRESERVATION/RESTORATION & OPEN SPACE PLAN

Minato Road
 Lot B DL 282
 Ucluelet, BC



LEGEND

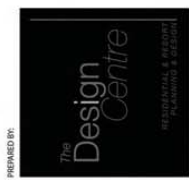
- AREA OF NATURAL VEGETATION TO BE PRESERVED
- AREA OF NATURAL VEGETATION TO BE RESTORED
- AREA OF MINIMAL DISTURBANCE AND ENHANCED VISUAL BUFFER (TENT SITES)
- PUBLIC PARK DEDICATION (20m) 1.1 Ha
- PUBLIC ACCESS TRAIL



PREPARED BY:
 7-1920 Lytche Rd.
 Ucluelet, BC
 250.726.3973

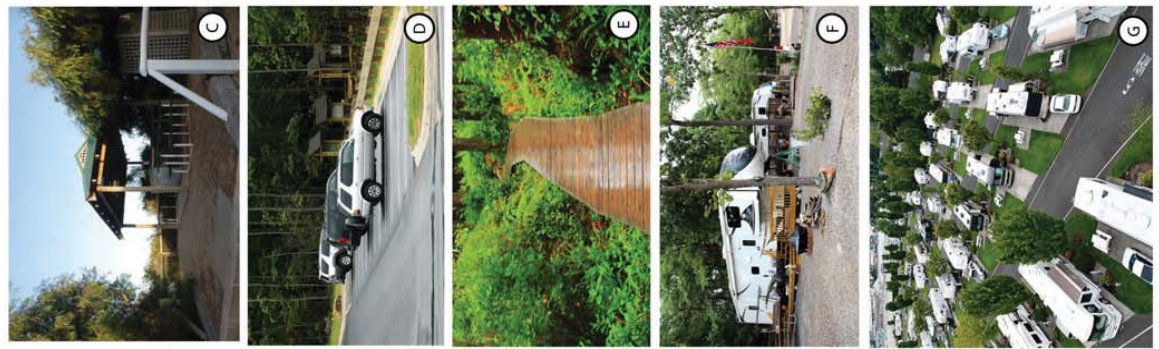
PREPARED FOR:

BNEE Enterprises Ltd
 Pirates Bay Holdings Ltd
 2040 Peninsula Rd
 Ucluelet, BC

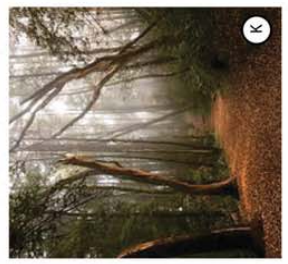
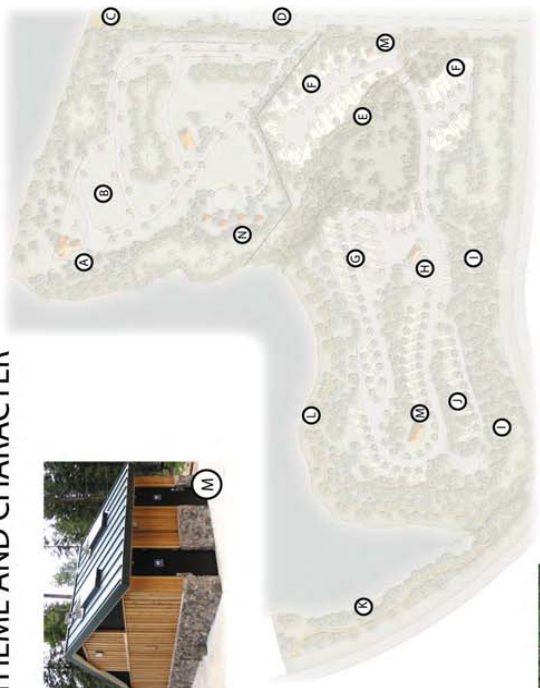


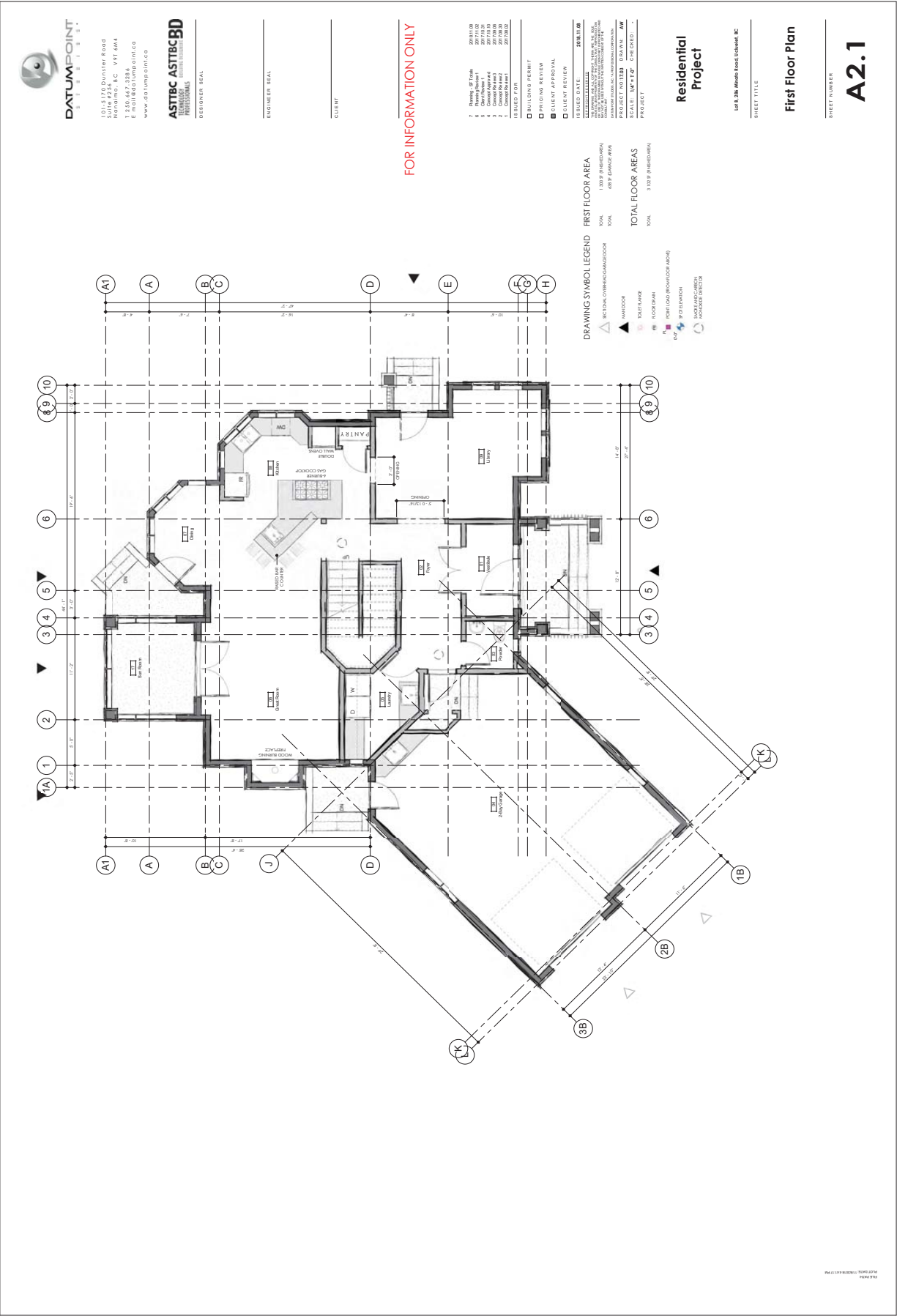
7-1920 Lytche Rd.
 Ucluelet, BC
 250.726.3973

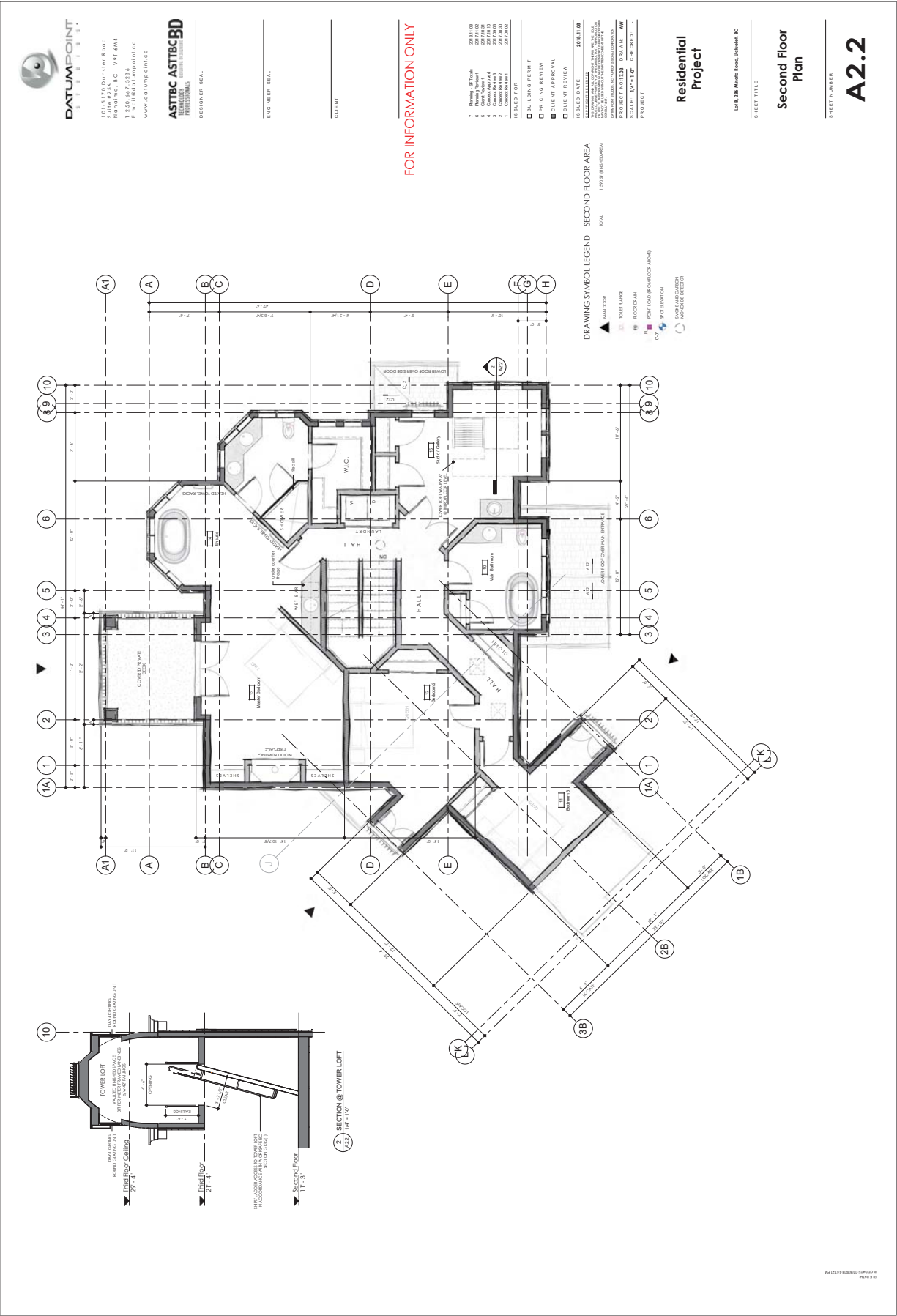
PREPARED FOR:
BNEE Enterprises Ltd
Pirates Bay Holdings Ltd
 2040 Peninsula Rd
 Ucluelet, BC

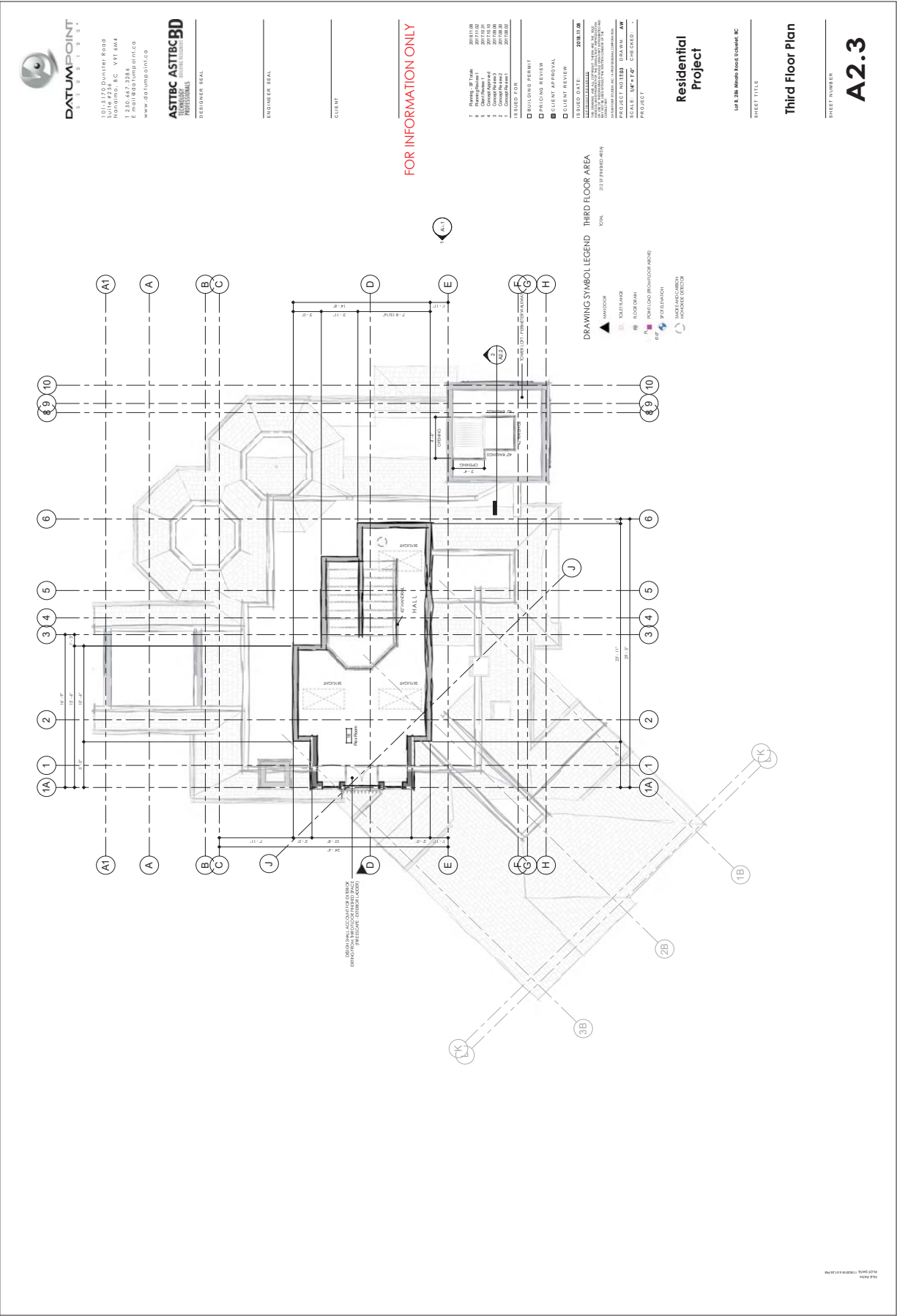


THEME AND CHARACTER







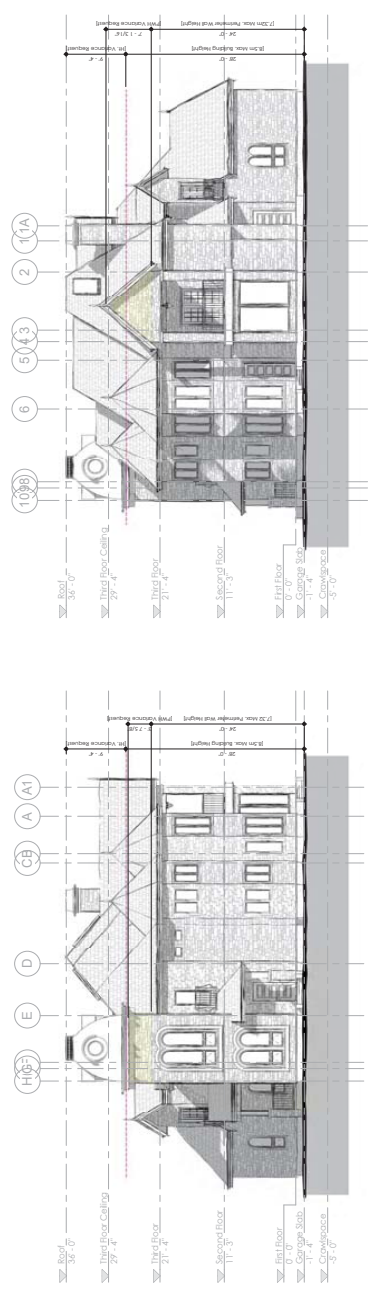




101-570 Dunster Road
 Norwalk, BC V9T 6M4
 T 250.667.3284
 E mail@datapoint.ca
 www.datapoint.ca

ASTBC ASTBCBD
ARCHITECTS
 1700 STEWART ST. W.
 VANCOUVER, BC
 V6L 4B6

DESIGNER SEAL
 ENGINEER SEAL
 CLIENT



1 East (Right Terrace) 1/8" = 1'-0"
 2 North (Rear Terrace) 1/8" = 1'-0"
 4 West (Left Terrace) 1/8" = 1'-0"

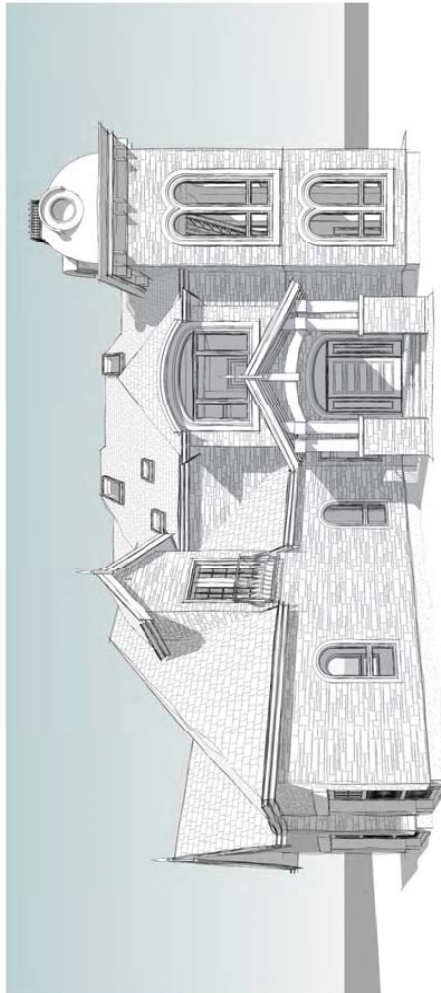
FOR INFORMATION ONLY

- 7 Permit Set Code 20171102
 - 6 Planning Review 20171102
 - 5 Council Approval 20171102
 - 4 Council Review 20171102
 - 3 Council Review 20171102
 - 2 Council Review 20171102
 - 1 Council Review 20171102
- ISSUED FOR: _____
- BUILDING PERMIT**
PLACING APPROVAL
CHECK APPROVAL
CLIENT REVIEW
CLIENT REVIEW
- DATE: 2018.11.02
- PROJECT DATA:**
 PROJECT NO: 1203 DRAWN: AW
 SCALE: 1/8" = 1'-0" SHEET NO: _____
 PROJECT: _____

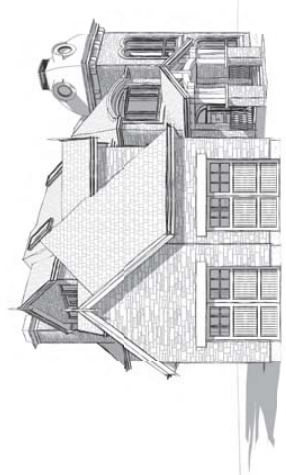
Residential Project

Lot # 236 Melrose Road & Colston St
 SHEET TITLE
Building Elevations
 SHEET NUMBER

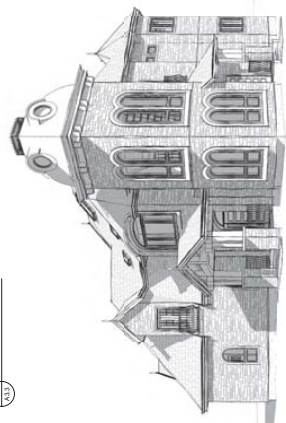
A3.1



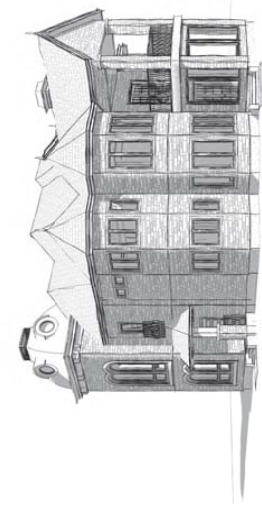
1 PERSPECTIVE - FRONT



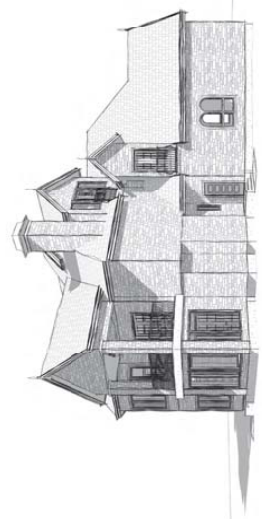
2 PERSPECTIVE 1



3 PERSPECTIVE 2



4 PERSPECTIVE 3



5 PERSPECTIVE 4

DATUMPOINT
 101-570 Dunster Road
 Nanaimo, BC V9T 6M4
 T 250.667.3286
 E mail@datapoint.ca
 www.datapoint.ca

ASTBC ASTBCBD
 ARCHITECTS
 PROFESSIONALS
 DESIGNER SEAL

ENGINEER SEAL

CLIENT

FOR INFORMATION ONLY

7 Permit - SE Code 2017.11.02
 6 Permit - BC Code 2017.11.02
 5 Permit - BC Code 2017.11.02
 4 Permit - BC Code 2017.11.02
 3 Permit - BC Code 2017.11.02
 2 Permit - BC Code 2017.11.02
 1 Permit - BC Code 2017.11.02

ISSUED FOR
 BUILDING PERMIT
 PRICING REVIEW
 CLIENT APPROVAL
 CLIENT REVIEW

DATE: 2018.11.08
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT NO: 1243 DRAWN: AW
 SCALE: SHEETED
 PROJECT:

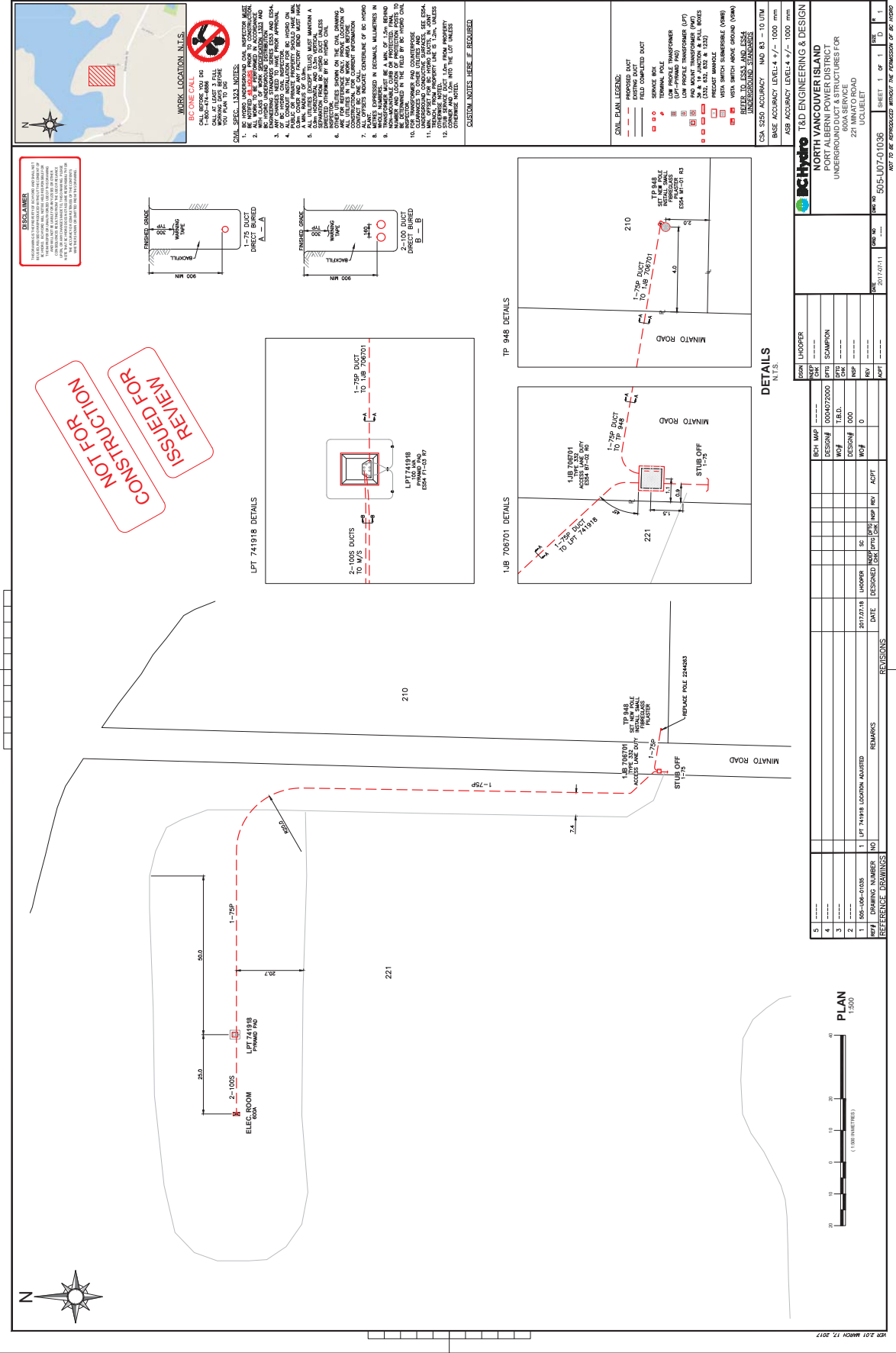
Residential Project

Lot 9, 238 Alouette Road & Colwell BC

Perspective Views

SHEET NUMBER

A3.3



Appendix B



AQUAPARIAN
Environmental Consulting Ltd.



**ENVIRONMENTAL IMPACT ASSESSMENT REPORT
MINATO ROAD, UCLUELET BC**



Rick & Rebekka Lim
BNEE Enterprises Ltd
Pirate Bay Holdings Ltd
2040 Peninsula Road
Ucluelet, BC
rickandrebekka@hotmail.com

May 18, 2017

Suite 203-321 Wallace Street, Nanaimo, BC V9R 5B6
Office 250-591-2258; Cell **CHRIS ZAMORA** 250-714-8864

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203-321 Wallace Street, Nanaimo, BC V9R 5B6
 SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

1.0 INTRODUCTION

Aquaparian Environmental Consulting Ltd (Aquaparian) was retained by BNEE Enterprises owner of Lot B Minato Road to complete a Biophysical Assessment (BA) of a undeveloped 27 acre land parcel located in Ucluelet BC. The owner of the property, Mr. Rick Lim (BNEE Enterprises Ltd) is proposing to develop the site for a public campground and RV use and for the development of a single-family residence and one out building. The purpose of the BA is to identify environmental features of the parcel and to determine environmental constraints and opportunities for its development following Municipal and Provincial land development regulations.

The subject parcel is legally identified as follows:

Lot B, District Lot 286 & 471 & 472 & 473, Clayoquot District, Plan VIP79908.

Aquaparian completed an assessment of the property on April 25, 2017 and discovered that a large portion of the property had just been cleared of trees and that development of roads was already underway making a biophysical investigation of the property redundant. The purpose of the site assessment was then altered to complete an Environmental Impact Assessment (EIA) with identification of general environmental site characteristics for the remaining intact habitat such as topography and drainage, forest cover species and composition, wildlife trees, streams, wetlands, environmentally sensitive or rare habitat types and evidence of wildlife use. The report will also identify land development regulations with the District and contravention of those regulations.

A detailed inventory of species was outside the scope of the study due to the level of forest clearing of the property, however comments have been provided for potential wildlife use of the parcel based on the previous forest cover shown on Google Earth images and other available reports on government databases.

A site location map of the study area has been included in this report as Figure 1 and a Google image of the property has been included as Figure 2. A preliminary site development plan of the subject parcel has been included in this report as Figures 3. A selection of photographs taken during Aquaparian's site assessment has been included in this report as Appendix A. In addition to the site visit Aquaparian completed a review of relevant background information for the subject lands which included various government databases.

1.1 PROJECT DESCRIPTION

The subject parcel is currently zoned as Rural Residential (RU). The property owner intends to develop a public campground (including RV use) and a single-family residence. The residents



203-321 Wallace Street, Nanaimo, BC V9R 5B6
SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

would be located at the northern tip of the property and include a shop, and a circular driveway between the house and the shop with access from Minato Road. The proposed campground for recreational vehicles and tenting is located within the southwest portion of the property with a circular access road (approximately 687m in length) connecting the sites and access from Minato Road. Additional requirements to develop the property include installation of at least one culvert under the entrance road leading into the campground. The subject parcel is currently designated for Comprehensive Development (CD) under the District of Ucluelet Official Community Plan (OCP) and falls within Development Permit Area (DPA) No. 8: Former Forest Reserve Lands. The parcel will require re-zoning to Tourism Commercial (CS-5) in order to accommodate the development of the proposed campground.

1.2 REGULATORY REVIEW

The following is a review of regulations that may apply to the development of the property:

- District of Ucluelet Official Community Plan - Development Permit Area (DPA No.8 Former Forest Reserve Lands; starting page 118).

The Official Community Plan (OCP) for the District of Ucluelet identifies that the natural environment and protection from hazard guidelines of Appendix B – Riparian Areas Regulation are applicable in this development permit area designation, except as varied and supplemented with the following environmental guidelines that are applicable to the subject parcel:

- No development can approach within 30m of the high water mark around the sensitive marine wetlands (indicated in Figure 5 DPA No. 8 Conceptual Diagram);
- A 30m wide tree buffer with no development must be provided along both sides of the Pacific Rim Highway;
- A landscape preservation plan for all developments must be included as part of the development application process in order to ensure protection of existing significant trees and shrubs. This will include plans showing pre and post-development conditions in order to prevent over-cutting;
- The removal of any native tree species that is 30cm DBH or greater (Diameter at Breast Height = 1.3m) measured with a proper tree caliper is prohibited.
- Any landscaping maintenance program must meet all applicable governmental regulations involving the use of fertilizers, herbicides and pesticides and the owners must ensure that no harmful pesticides or chemicals enter the ocean, either directly or by way of groundwater infiltration;
- All Sitka spruce must be identified by a qualified arborist and, where they are determined to be healthy, preserved; and,
- The siting of new buildings, extensions to existing buildings as well as campsites and roads etc. must work sensitively around established existing vegetation and



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SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

must be located so as to minimize alterations to the foreshore and other environmentally sensitive areas. As part of the efforts to maintain and enhance the landscape character of the area, all efforts must be made to retain landscape and ecological integrity.

- District of Ucluelet Official Community Plan – Comprehensive Development (CD) policies (See page 44; OCP);

The area on Minato Road north of Peninsula Road is designated for Comprehensive Development. This area is envisioned primarily as a residential community with significant tree retention. The shoreline is recognized as having important ecosystem values. A greenbelt should be maintained along the shoreline. Specific policies for environmental protection for the lands included within the Comprehensive Development designation that are or may be subject to Master Development Agreements are as follows:

- Clear-cutting tracts of land greater than 0.5 hectare is prohibited; tree retention is to guide and form development character; and,
- Riparian Areas Regulation (RAR) of the Provincial Fish Protection Act.

The provincial Riparian Areas Regulation (RAR) was enacted under Section 12 of the Fish Protection Act in July 2004. It calls on local governments to protect riparian areas during residential, commercial and industrial development. The purpose of the RAR is to protect the features, functions and conditions vital for maintaining stream health and productivity. The RAR applies to all municipal regions along the east side of Vancouver Island from Victoria to Campbell River and inland to Port Alberni. The West Coast communities of Tofino and Ucluelet have also recognize the RAR and the policy guideline in protecting watercourses including all streams, rivers, lakes, ponds, and wetlands. These watercourses are considered protected if they support fish or flow into fish bearing waters and are to be considered as Development Permit Areas (DPA) requiring protective riparian buffers.

- Section 34 of the Provincial Wildlife Act

Section 34 of the Provincial Wildlife Act states that a person commits an offence if the person, except as provided by regulation, possesses, takes, injures, molests or destroys:

- (a) a bird or its egg,
- (b) the nest of an eagle, peregrine falcon, gyrfalcon, osprey, heron or burrowing owl; or



203-321 Wallace Street, Nanaimo, BC V9R 5B6
SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

(c) the nest of a bird not referred to in paragraph (b) when the nest is occupied by a bird or its egg.

In areas with no local government tree protection bylaws, outside of the nesting season, a landowner has the right to cut down any trees right up to and beside a tree containing the nest. During the nesting season, such an activity may 'molest' the nesting birds, and could result in an offense. Provincial guidelines indicate the songbird nesting season is from April 1st to July 31st of a given year.

*Eagle, Osprey and Great Blue Heron nests are provincially protected year-round, whether or not the nest is in use (as per the Provincial Wildlife Act). Bald eagles, ospreys and herons typically nest in forest stands near the ocean (including near protected coves). Bald eagle nesting season generally starts in January and extends until the end of August of a given year. Nesting activity can occur outside these dates depending on the weather.

- Provincial Water Sustainability Act (WSA), Section 11 (2016)

Prohibits any changes in or about a stream without submitting a provincial Section 11 Notification or Approval of proposed works or receiving an Approval from the BC Ministry of Environment. Changes in and about a stream is defined in the WSA as:

- Any modification to the nature of a stream, including any modification to the land, vegetation and natural environment of a stream or the flow of water in a stream or,
- Any activity or construction within a stream channel that has or may have an impact on a stream or a stream channel; includes culvert and bridge installations.

No works such as Culvert or Bridge Installation are to be completed without Notification or Approval by the crown.

- Heritage Conservation Act.

All archaeological sites, recorded or not, are protected under the Heritage Conservation Act and must not be altered or damaged without a site alteration permit from the Archaeology Branch. Culturally Modified Trees (CMT) are protected under the BC Heritage Act and require a permit before removal. Old growth trees may also be protected under the BC Heritage Act depending on species, size and significance.

- Fisheries Act, 2012.

Recent changes to the federal fisheries act in 2012 have re-focused efforts on protecting the productivity of commercial, recreational and Aboriginal fisheries. Changes to the



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SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

Fisheries Act include the prohibition against causing serious harm to fish that are part of or support a commercial, recreational and Aboriginal fishery (as per Section 35), and includes the prohibiting the altering the passage for fish and modifying the flow of watercourses.

- Federal Migratory Birds Convention Act, 1994.

Most species of birds in Canada are protected under this act. "Migratory birds" are defined by Article I of the Convention which names the families and sub-families of birds protected, and provides some clarification of the species included. In general, birds not falling under federal jurisdiction within Canada include grouse, quail, pheasants, ptarmigan, hawks, owls, eagles, falcons, cormorants, pelicans, crows, jays, kingfishers, and some species of blackbirds.

Vegetation clearing in the nesting season may result in an impact to birds protected under this Act and are required to undertake a bird nest presence survey prior to any clearing works.

2.0 SITE DESCRIPTION

The subject parcel is located within mostly undeveloped lands northwest of the Village of Ucluelet. The property is irregularly-shaped with a total area of 24.7 acres. The subject property is bounded to the north and west within a sheltered bay of the Ucluelet Inlet, to the south by Peninsula Road and to the east by Minato Road. The western portion of the parcel is a narrow forested strip that follows a curve along Peninsula Road around the bay for approximately 175m. The property supports the lower reaches of two watercourses that flow into Ucluelet Inlet. Both watercourse are understood to be fish bearing near their confluence with the ocean. Stream 1 (eastern watercourse) bisects the middle of the site and Stream 2 is located in the western portion of the site near Peninsula Road.

The property is gently sloping towards the ocean with the higher land being along Peninsula Road. A section of intact forest consists of mature second-growth coastal western hemlock forest with some veteran Western cedar trees. The northern edge of the property primarily consists of salt marsh habitat influenced by upland drainage and tidal mudflat.

3.0 ENVIRONMENTAL SETTING

The following section provides an overview of biophysical attributes and land use of the site.



203-321 Wallace Street, Nanaimo, BC V9R 5B6
SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

3.1 Physical Resources

The physical resources of the region are interrelated and are influenced by the surficial geology, topography, climate and drainages of the surrounding environment. These physical attributes are described as follows:

3.1.1 *Topography*

The property slopes moderately down from Peninsula Road which forms the southern boundary of the property into a gentle slope north towards the ocean. Much of the property is greater than 7-10m above sea level. The western portion of the site between Peninsula Road and the sheltered bay is a low-lying depression with pockets of wet soils and ponded water with a high water table. Surface flows drain north towards the shoreline. The area of the treeline down to the upper marsh along the northern property boundary is a steep slope.

3.1.2 *Climate*

The property is found within the Coastal Western Hemlock Submontaine Very Wet Maritime CWHvh1 subzone variant. The CWHvh1 is restricted to the southwest coast at low elevations between sea level and approximately 200m. The CWHvh1 is restricted to a narrow coastal fringe on the outer coast of southwest Vancouver Island near Port Renfrew to Quatsino Sound (Green and Klinka, 1994). The proximity of the site to the Pacific Ocean moderates temperatures and results in a common occurrence of fog, cloud and drizzle throughout the year. Precipitation varies widely in this sub-region, with lowest values occurring in the local rain shadow on the north eastern part of Vancouver Island at Bull Harbour (Green R.N. and Klinka, K, 1994).

The mean annual precipitation in the area ranges between 2009 to 3943 mm. The mean annual temperature is 9.1 °C.

3.1.3 *Land/soil*

A review of the Ministry of Environment Technical Report 17, Soils of Southern Vancouver Island identified the most common soils within the subject property are comprised of the Hankin Soil Association, with the taxonomic classification of Duric Ferro-Humic Podzol (Jungen, Technical Report 17).

Hankin soils occur in the Western redcedar subzone of the Coastal Western Hemlock – Pacific Silver fir (*Amabilis* fir) within the Estevan Coastal Plan. The



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soils have developed in cobble, gravelly fine and/or gravelly sand colluvial morainal deposits, less than 1m thick overlaying argillite bedrock. (Jungen, Technical Report 17). Slopes typically vary between 1 to 30% with elevation from sea level to 600m.

3.1.4 Surface Water

The subject property contains two streams (Stream #1 and Stream #2) that support fish use within their lower reaches below Peninsula Road and close to their confluence with the ocean. The streams are fed by upland groundwater sources and stormwater run-off coming from ditching along Peninsula Road and Minato Road. A series of small perched skunk cabbage dominated swamps (wetlands) help in seasonally attenuating run-off from the property. The two streams flow into Ucluelet Inlet and through a salt marsh that encompasses much of the shoreline within the bay.

3.1.5 Groundwater

The low-lying seepages in the western portion of the site have a high water table that appears to be directly influenced by surface run-off and seasonal perched groundwater conditions. Saturated soils and ponded water throughout the property indicate water to be at or close to the surface forming small creeks and forested wetlands. The smaller creeks and drainages on the property are expected to be dry during the summer months.

3.2 BIOLOGICAL RESOURCES

3.2.1 Flora

The CWHvh1 zonal forests (Coastal Western Hemlock Submontaine Very Wet Maritime CWHvh1 subzone variant) are dominated by Western hemlock (*Tsuga heterophylla*), Sitka spruce (*Picea sitchensis*), western redcedar (*Thuja plicata*) and minor amounts of amabilis fir (*Abies amabilis*). Major understory vegetation commonly includes salal (*Gaultheria shallon*), Alaskan blueberry (*Vaccinium alaskaense*), red huckleberry (*Vaccinium parvifolium*), deer fern (*Blechnum spicant*), step moss (*Hylocomium splendens*) and lanky moss (*Rhytidiadelphus loreus*). Evergreen huckleberry (*Vaccinium ovatum*) is a minor species on zonal sites, but more common on drier sites (Green and Klinka, 1994).

The site survey was completed on April 25, 2017 after the forest stand of the property had been mostly cleared (including the area of proposed campground



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and single family residence and out building) which prevented a proper and completed survey of the forest stand and it's biological attributes. The survey was also completed before the typical growing season for flowering plants. A wildflower and/or rare plant survey should be completed during the spring/summer or between May and June to document any rare plants.

Observation of the remaining forest stand noted the property to be represented by the vegetation Site Series 01 (CwHw –Salal) and Site Series 13 (CwSs – Skunk Cabbage) (Green, R.N and K. Klinka, 1994). Trees and shrubs were observed to be associated with wet and poor nutrient environments. Western red cedar represented the dominant tree species. Subdominant tree species included Western Hemlock, Sitka spruce and red alder (*Ulnus rubra*). Minor amounts of Amabilis fir were present. The shrub layer within Site Series 01 is dominated by salal, red huckleberry, false azalea (*Menziesia ferruginea*), evergreen huckleberry, deer fern and Alaskan blueberry. The shrub layer within Site Series 13 also includes salal, red huckleberry, false azalea, and evergreen huckleberry. The coastal western hemlock zone is characterized by a forest floor composed of a dense litter of needles and small branches. Cool, damp and acidic conditions favour a moss layer build up over time that may have been present prior to clearing (Green, R.N and K. Klinka, 1994).

3.2.2 Fauna

The coastal rainforest of western Vancouver Island supports a broad diversity of wildlife including large and small mammals, bats, songbirds and amphibians. Large terrestrial mammals expected to be found within the forests within and adjacent to the parcel include black bear (*Ursus americanus*), black tailed deer (*Odocoileus hemionus*), cougar (*Puma concolor*) and wolf (*Canis lupus*). Smaller mammals commonly associated with the CWHVh1 zone include American mink (*Mustela vison*), ermine (*Mustela erminea*), river otter (*Lontra canadensis*) and several species of mice and voles. The wetter areas likely support several amphibians including Northwestern Salamander (*Ambystoma gracile*), Pacific tree frog (*Hyla regilla*) and red-legged frog (*Rana aurora*). The salt marsh habitat provides habitat for many species of mammals including shrews, mice, voles, racoons and river otters. Some of the fish species that are likely to use the marsh area tidal channels for food, shelter and breeding include herring, salmon, cutthroat trout, stickleback, sole flounder and surf perch.

Wildlife observations during the site visit included deer scat and tracks and pileated woodpecker (*Dryocopus pileatus*) holes. A number of songbirds were also noted and northwestern crow (*Corvus caurinus*). Banana slugs (*Ariolimax*



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columbianus) were observed in the study area. Harbour seal (*Phoca vitulina*) vocalizations were noted from within the sheltered bay. Wildlife paths were observed throughout the subject parcel.

3.2.3 Birds

A detailed bird survey was outside the scope of this study. No obvious bird nests were observed at the time of the site visit (April 25, 2017). The area is suitable habitat for eagle, osprey and heron nesting use due to the ocean front location and presence of mature trees. Many species of songbirds were observed at the time of the assessment and the area is likely used as nesting habitat for songbirds. Many wildlife trees were observed with pileated woodpecker holes in the trunk that may be later utilized by secondary cavity nesting species. A number of bird species are expected to utilize the area throughout the year such as various song birds, humming birds, woodpeckers, northwestern crow, American robin (*Turdus migratorius*), common raven (*Corvus corax*), hawks and owls; as well many marine birds will use the area such as Great Blue Heron (*Ardea herodias*), Brant geese (*Branta bernicla*), Canada geese (*Branta canadensis*), mallards (*Anas platyrhynchos*), greater yellowlegs (*Tringa melanoleuca*), sandpipers, kingfishers, mergansers, green-winged teals (*Anas carolinensis*), gadwalls, plovers, snipe, bald eagles (*Haliaeetus leucocephalus*) and ospreys (*Pandion haliaetus*).

Review of the Wildlife Tree Stewardship (WITS) nest inventory database did not identify the presence of any recorded bald eagle nests within the property. The closest eagle nest identified was located 4km northwest of Amphitrite Point (Nest BAEA-108-307). It should be noted that the WITS database has not been updated for several years. A search of the existing forest stand did not result in the observations of feathers, guano splashes, pellets, or prey remains at the base of trees or within open areas. The nesting period for bald eagles on Vancouver Island is typically mid-February to the end of June. Osprey are typically active between mid-April to the beginning of July, while Great blue-herons nest between March and August.

While still early in the breeding season, the property and its large old growth trees and snags are expected to support suitable nesting platforms and cavity nesting opportunities for various hawks and owls including Northern Goshawk (*Accipiter gentilis*), Barred Owls (*Strix varia*), and Western screech owl (*Otus kennicottii*). The property is well positioned close to the ocean and to open forest patches where mice and song birds can be hunted.



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3.2.4 Fisheries

Two streams are located within the Minato Road property. The far western watercourse identified as Stream 1 is classified as an S3 stream (1.5-5m wide fish-bearing). The watercourse has a channel length of approximately 110m within the property. Reach 1 of this stream is tidally influenced. The stream is approximately 2m in width, 20cm deep near the estuary with a gravel streambed. The watercourse is flat, braided in sections with undercuts from streamside roots and flows are highly tannin in colour. Stream #1 flows through the undisturbed forested area of the site within the southwestern portion and is identified under the BC CDC as fish-bearing with a coho salmon (*Oncorhynchus kitsutch*). A copy of the provincial Habitat Wizard search results has been included as Appendix B.

The eastern watercourse identified as Stream 2 is classified as an S4 stream (<1.5m fish bearing) and drains the lower slope area and is ephemeral with some braiding of the stream channel. The stream has a length of more than 160m within the property and has an average channel width of 1.2m with a gravel and silt streambed substrate. The total stream corridor including riparian vegetation remaining is 20-30m wide with a thinner riparian buffer remaining on the west side of the watercourse. This stream is also tidally influenced and likely support habitat at its confluence for rearing coho salmon parr.

All watercourses, rivers, ponds, wetlands, lakes and rivers within the District of Ucluelet are protected and are considered as DPAs. Protective riparian setbacks are to be determined by the Provincial Riparian Area Regulation (RAR). The sensitive marine wetland comprising the shoreline of the property is protected in DPA 8. No development can approach within 30m of the high water mark around the sensitive marine wetlands. It should be noted that a section of the riparian setback within the upper reach of Stream #2 has been encroached upon during the forest clearing works.

The installation of any culverts within the two watercourses will require the completion of a provincial Water Sustainability Act Notification with the Ministry of Forest Land, Natural Resource Operations (FLNRO).

3.2.5 Species-at-Risk

The Species-at-Risk Act (SARA) is designed to prevent or reduce the likelihood of wildlife species becoming extinct or extirpated and to provide for the recovery and management of endangered, threatened and species of special concern as a



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result from harm by human activity. Provisions of SARA include prohibiting the taking or possession of listed species and the damaging or destruction of their residents and critical habitat.

Red-Listed species includes any ecological community, and indigenous species and subspecies that is extirpated, endangered, or threatened in British Columbia. Red-listed species and sub-species may be legally designated as, or may be considered candidates for legal designation as Extirpated, Endangered or Threatened under the Wildlife Act.

Blue-Listed species includes any ecological community, and indigenous species and subspecies considered to be of special concern (formerly vulnerable) in British Columbia.

A search of the BC Species and Ecosystem Explorer Database for red and blue-listed vertebrates, invertebrates, vascular, non-vascular plants and lichens within the Vancouver Island region, South Island, Alberni-Clayoquot Regional District, Coastal Western Hemlock BGC Zone for habitats including: Forest, Ocean, Riparian, Stream/River and Wetland resulted in 18 red-listed species and 48 blue-listed species. The BC CDC species search results have been included as Appendix C.

The BC Species and Ecosystems Explorer Database identified two rare species within the study area: the Seaside Centipede Lichen (*Heterodermia stchensis*) and the Marbled Murrelet (*Brachyramphus marmoratus*).

The following includes a description of sensitive wildlife species that are likely to be found either within the subject property or within the adjacent lands immediately surrounding the subject lands:

Seaside Centipede Lichen (*Heterodermia stchensis*): Red-listed (COSEWIC Status Endangered)

This lichen is a pale greyish, leafy, basally attached lichen. It can be recognized by the presence of marginal cilia and tiny urn-like structures near the lobe tips. In Canada, it occurs only in coastal British Columbia, where it ranges 210km from northern Vancouver Island south to Pacific Rim National Park. Within this region, it is known exclusively from the Very Wet Hypermaritime subzone of the Coastal Western Hemlock Zone. Throughout its range, this lichen occurs exclusively at seaside on nitrogen-enriched twigs in the lower canopy of old Sitka spruce trees (BC CDC).



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This rare species of lichen was identified in the provincial HabitatWizard database as occurring in only two locations in the area including the northern tip of the subject property on old Sitka spruce trees near the shoreline. A narrow buffer of approximately ~8m was left intact along the shoreline at the northern tip of the property where the rare lichen had been recorded. The only other known location of the species was identified at the end of Seaplane Base Road approximately 0.6km east of the subject parcel.

Marbled Murrelet (*Brachyramphus marmoratus*): Blue-listed

A chunky seabird with a black bill and an entirely dark tail. The nesting season is late March to late September. In coastal areas, the bird is mainly in salt water within 2 km of shore, including bays and sounds; not uncommon up to 5 km offshore; occasionally also on rivers and lakes usually within 20 km of ocean. Nesting is found in old growth forest, especially stands of large Sitka spruce and western hemlock. In British Columbia, the adult diet during the breeding season is mostly fishes, primarily Pacific Sandlance and Pacific Herring (BC CDC).

This species was identified in the provincial Habitat Wizard database as occurring within the study area along Peninsula Road and along Minato Road as well as identified in surrounding areas adjacent to the site. It is believed that calm waters of Ucluelet Inlet likely provide foraging opportunities for murrelets.

Townsend's Big-eared Bat (*Corynorhinus townsendii*): Blue-listed

In Canada, it is restricted to British Columbia. On the coast, it inhabits Vancouver Island, the Gulf Islands and the Vancouver area. In British Columbia this species is associated with a variety of habitats from coastal forests to arid grasslands of the interior. Its elevational range in the province is from sea level to 1070 metres, although most occurrences are from low elevations. Although it is widespread across most of southern British Columbia, this bat is particularly vulnerable to human activity. The only nursery colony found in British Columbia was in the attic of a house on Vancouver Island; it consisted of about 60 females and their young. A late flyer, Townsend's Big-eared Bat emerges an hour or so after dark. It is an agile bat that is capable of flying at slow speeds. Food habits have not been studied in British Columbia (BC CDC). The area surrounding the subject parcel may provide foraging and perching habitat for these bats.

Keen's Myotis (*Myotis keenii*): Blue-listed



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These bats frequently use moist to wet coniferous forest habitats. The distributional range suggests an association with coastal forest habitat. Apparently this bat is associated with mature forests. Across its range it has been found roosting in southwest-facing rock crevices, among geothermally heated rocks, in tree cavities, in bark crevices, and in buildings. Tree cavities and loose bark are important natural roost sites and may be limiting in some parts of the range. Known maternity roosts and summer feeding areas in British Columbia are at elevations below 240 meters; known hibernation sites occur above 400 meters in caves over 100 meters long. These bats have been observed foraging over hot spring pools and clearings above scrubby salal (BC CDC). Surrounding forests and estuary may provide foraging opportunities for these bats.

Northern Red-legged Frog (*Rana aurora*): Blue-listed

Range extends from southwestern British Columbia, including Vancouver Island in Canada, south along the coast of the United States. Red-legged frogs have been observed in a variety of aquatic and terrestrial habitats. They breed in shallow, littoral zones of lakes, temporary and permanent pools, wetlands, bogs and fens in close proximity to forests. Lotic habitats with little to no flow may be utilized by red-legged frogs, and riparian areas are important for newly metamorphosed froglets. Outside of the breeding season, red-legged frogs primarily utilize all forest and woodland types, but individuals are occasionally found in more open and rural areas such as shrubland/chaparral, cropland/hedgerow, old fields, and suburban/orchard. Red-legged frogs are most common at elevations below 500m with low slopes and containing moist, mature/old forest in some areas (BC CDC). Moist forest conditions within the property likely support the red-legged frog.

A northern red-legged frog occurrence is identified within the provincial Habitat Wizard database approximately 1.3km southeast of the subject property and extending approximately 1km in a southeast direction. The small wet forested swamps likely support red-legged frogs.

Western Toad (*Anaxyrus boreas*): Blue-listed

Western toads have been observed in a variety of aquatic and terrestrial habitats. They breed in shallow, littoral zones of lakes, temporary and permanent pools and wetlands, bogs and fens, and roadside ditches. Toads utilize a variety of terrestrial habitats in BC, including all forest and woodland types, shrubland/chaparral, savanna, cropland/hedgerow, grassland/herbaceous cover, old fields, and suburban/orchard. Hibernacula are located in areas with loose



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soils and burrows. Toads have been observed using downed wood for cover in recent clearcuts (BC DCD). Wet areas within the property may provide suitable habitat for this species.

Ermine (*Mustela erminea anguinae*): Blue-listed

Ermine are endemic to Vancouver Island and they inhabit a variety of forest and woodland habitats. Ermine are highly adaptable predators, easily invading small burrows to feed on voles, mice, and young rabbits. They also eat earthworms, frogs, and squirrels, climbing trees and swimming if necessary. In the summer, the Ermine's coat is brown, but in the winter it is pure white except for the tip of the tail, which stays black. Ermine population density tends to fluctuate as rodent populations fluctuate. Ermine prefer coniferous or mixed forests and streamside woodlands (BC CDC). The forest habitat within and adjacent to the parcel may support this species. The two riparian corridors are likely provide suitable habitat for ermine to utilize.

Wandering Salamander (*Aneides vagrans*): Blue-listed

This salamander is widespread on Vancouver Island and neighboring islands in British Columbia, and also has been found on the mainland. Habitat ranges from moist coniferous forests; in forest edge, forest clearings, talus, and burned over areas. The salamander is usually found under bark, in rotten logs, or in rock crevices. It may aggregate in decayed logs in summer. Logs are the primary microhabitat in spring, summer, and fall on Vancouver Island. It lays eggs in cavities in rotten logs, in rock crevices, under bark, or among vegetation. The wandering salamander feeds on small arthropods and is inactive in cold temperatures and hot, dry weather (BC CDC). The subject parcel contains damp and wet areas with downed logs that may support this species.

Cutthroat Trout (*Oncorhynchus clarkia clarkia*): Blue-listed

Cutthroat trout (*clarkii subspecies*) are anadromous meaning this cutthroat trout subspecies spawns and rears in freshwater (small streams and large rivers) but can also forage in tidal waters as an adult. Some resident fish spend their entire life in freshwater. Cutthroat will forage in tidal estuaries but are typically found up freshwater systems utilizing all inflowing systems including stream mainstems, tributaries, lakes and forested swamps (BC CDC). The streams within the subject property provide suitable habitat for cutthroat trout.

Western Screech Owl *kennicottii* subspecies (*Megascops kennicottii kennicottii*): Blue-listed



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The range of this small owl extends from south-coastal and southeastern Alaska, south through coastal British Columbia to coastal Oregon. In Canada, the species occurs only in British Columbia in two regions: along the coast of BC including Vancouver Island, but excluding the Queen Charlotte Islands, and in the southern interior part of the province, with most of the interior birds being found in the Okanagan Valley. This subspecies has a very low population in Canada where it depends on lower elevation mature riparian woodlands for nesting and roosting. This owl prefers open forest for foraging and requires cavities in old, large trees for nesting and roosting. Populations have apparently declined in southern Vancouver Island and the Lower Mainland concurrently with the recent arrival of the Barred Owl, which is likely a predator of this species. The Western Screech-owl is a nocturnal, non-migratory species that is territorial year-round (BC CDC). The western screech owl may use the mature riparian forest habitat of the study area and adjacent lands.

Brandt's Cormorant (*Phalacrocorax penicillatus*): Red-listed

This species of marine bird is a resident throughout the year near nesting areas, but ranges more widely when not breeding. Post-breeding dispersal from colonies on the west coast of the United States occurs in July and August as thousands move north to the waters of southern British Columbia and Puget Sound; a gradual movement southward begins in September and October, but at least 10,000 to 15,000 overwinter in Puget Sound, the Strait of Georgia, and Juan de Fuca Strait. The range is mainly the inshore coastal zone, especially in areas having kelp beds; also around some offshore islands; less commonly, inshore on brackish bays; in winter, mostly around sheltered inlets and other quiet waters. Typically they nest on flat or gently sloping surfaces on the tops of rocky islands along the coast, favoring protected leeward sides of islands; they frequently nest with other sea birds and may sometimes use wider ledges of mainland cliffs. The nest is built on the ground by both sexes and may be re-used in the subsequent year. Egg laying occurs mainly in June in British Columbia. The cormorant gathers in flocks in feeding areas. Gulls commonly prey on eggs and chicks. Ucluelet Inlet likely provides suitable foraging habitat for Brandt's Cormorant.

3.2.6 *Sensitive Ecosystem Inventory*

The Sensitive Ecosystems Inventory of East Vancouver Island and the Gulf Islands (SEI) systematically identified and mapped specific rare and fragile ecosystems. The purpose of the SEI project was to identify remnants of rare and



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fragile terrestrial ecosystems and to encourage land-use decisions that will ensure the continued integrity of these ecosystems.

Seven sensitive ecosystem types were mapped in the east coast of Vancouver Island study area as follows: Wetland, Woodland, Riparian, Older Forest (>100yrs), Terrestrial Herbaceous, Sparsely Vegetated and Coastal Bluff. Two other important ecosystems were mapped for their general biodiversity and wildlife habitat values: Older Second Growth Forest (60-100yrs) and Seasonally Flooded Agricultural Fields.

Within the study area, an SEI pilot project to map SEI attributes on Weyerhaeuser West Island Timberlands lands was conducted. The model and objectives for SEI mapping on the West Island Timberlands are somewhat different than previous SEI projects because there is a single tenure holder, an existing GIS with Terrestrial Ecosystem Mapping (TEM), forest cover and other relevant data, and regulations requiring reserves for some of the ecosystem types identified in previous SEI inventories (e.g., riparian, wetland, old forest). A combination of previous SEI project categories and those rare natural plant communities on the BC Conservation Data Centre tracking lists (Red and Blue) were used to define a single GIS map layer.

In addition to the Provincial Red- and Blue-listed plant communities, a local “landscape rarity” sub-category was created within the Rare Community (RC) category. Landscape rarity was defined as site series or other ecosystems that collectively represent 2% of the Defined Forest Area (DFA). These ecosystems were subdivided into three rarity classes based on their total area as follows:

- la 1 – less than 10 ha (51 units)
- la 2 – 10 ha to 50 ha (30 units)
- la 3 – 51 ha to 210 ha (39 units).

The subject parcel is located within Mapsheet 092C093 and mapped SEI habitat units include the shoreline salt marsh ecosystem that is identified as la1: Landscape Rarity Class 1: less than 10ha.

The property was observed to support four habitat units including a mature second-growth forest with some old growth conifers spread throughout the property; riparian stream habitat found along the two identified streams dominated by skunk cabbage, salal and deer fern pockets, small vernal pocket wetlands dominated by skunk cabbage and slough sedge, and salt marsh shoreline habitat dominated by salt tolerant sedge and unique shrub habitat.



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A description of the four vegetation communities are as follows:

Second-growth Older Forest (OSG:CWH)

The forest is identified as an Older Second Growth Forest dominated by conifers within the Coastal Western Hemlock (CWH) bio-geoclimatic zone. Trees within the stand average 100 years or greater. The forest floor is composed of a dense litter of needles and small branches and favouring a cool moist moss ground layer built up over time.

The majority of the site appeared to have consisted of a second growth forest stand with much of the canopy cover dominated by Western redcedar, Western hemlock and Sitka spruce. Minor tree species also included red alder and amabilis fir. Western redcedar dominated the canopy of the property near Peninsula Road with western redcedar and western hemlock dominating the eastern portion of the lot and older western redcedar with mature Sitka spruce dominating the western portion of the property. Several large mature red cedars were identified within the intact tree stand with tree diameters ranging from 76 to 123cm (DBH). A number of large spruce with a DBH of 112 and 118 were also documented.

Understory vegetation predominantly consisted of salal, salmonberry (*Rubus spectabilis*), evergreen huckleberry, deer fern, licorice fern (*Polypodium glycyrrhiza*), red huckleberry, and sword fern (*Polystichum munitum*). Other species present include bracken fern (*Pteridium aquilinum*), Scotch broom (*Cytisus scoparius*) and reindeer lichen (*Cladonia rangiferina*). Mosses and lichens noted included Oregon-beaked moss (*Eurhynchium oregonum*).

Down and dead logs, fallen wood debris and the trunks of old growth cedars were commonly covered with several moss species, liverworts, hanging lichens and ferns. Mosses included Oregon beaked moss, lanky moss, tree moss, step moss and cat-tail moss (*Isoethecium myosuroides*). Thick hanging lichens including witches hair (*Alecteria sarmentosa*) were common amongst old-growth trees.

Riparian Mature Forest (RI:5) – mature forest

Mature riparian forests generally have a dominant canopy cover with the understory more developed where the canopy opens up. Forest stands are generally 80 to 200 years in age. The riparian vegetation along the identified streams are dominated by skunk cabbage, salal, common horsetail (*Equisetum arvense*), deer fern, red huckleberry, Solomon's seal (*Polygonatum multiflorum*),



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Oregon beaked moss and witches hair. Canopy cover species includes western hemlock, western redcedar and sitka spruce. The riparian areas of the subject parcel include streamside riparian zones along both sides of the two identified streams and the riparian zone of the ocean shoreline.

Vernal Pocket Marsh (WN:sp)

These forested pocket marshes (Swamps – sp) typically have a fluctuating water table, often with shallow surface water and are nutrient rich on mineral soils dominated by rushes, sedges or grasses. Wet forest pockets located in the low-lying western portion of the parcel supported both aquatic and saturated soil tolerant species such as skunk cabbage (CwSs – Skunk Cabbage) and slough sedge.

Salt Marsh Habitat (WN:ms)

These wetlands area characterized by permanent, seasonal or diurnal flooding of nutrient rich waters and include salt marsh estuary. The two small streams within the property were found to be connected at confluence with salt marsh habitat dominated by Lyngby's sedge (*Carex lyngbyei*), Pacific silverweed (*Argentina pacifica*) and sweet gale (*Myrica gale*) and reed canary grass (*Phalaris arundinacea*) thickets near the tide line. Other salt tolerant species included common rush (*Juncus effusus*), slough sedge, sea watch (*Angelica lucida*), common horsetail, cinquefoil (*Potentilla palustris*) and bracken fern. Sweet gale along the upper marsh was also associated with large western redcedar and sitka spruce, minor amounts of amabilis fir and Pacific crabapple (*Malus fusca*). The lower reach (Reach 1) of both streams were as also associate skunk cabbage, salmonberry, willow *sps*, dwarf dogwood (*Cornus canadensis*), wild strawberry (*Fragaria virginiana*) and salmonberry.

Vegetation that could be identified within the cleared portions of the site include western redcedar, western hemlock, sitka spruce, salal, evergreen huckleberry and deer fern. It is expected that the cleared section of forest resembled the forest stand previously identified along the southern boundary of the property.

3.3 LAND USE

3.3.1 Present Land Use

The subject parcel is bounded by the shoreline to the north and west with Minato Road to the east and Peninsula Road to the west. The subject parcel is currently



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in the beginning stages of development with logging having occurred on the majority of the property. A floating wooden dock is located within the property in the bay. The land is intended to be cleared for the development of a single family residence with a shop out building and a campground and RV parking. Portions of forest have been left intact along Peninsula Road, a narrow strip along the shoreline, a narrow strip along the eastern watercourse and along Minato Road.

3.3.2 *Special Places*

The study area falls within the lands traditionally occupied by the Ucluelet First Nation which are part of the collective Nuu-chah-nuth First Nation. A review of cultural and historical information for the subject parcel was conducted through the BC Archaeological Branch of the Ministry of Forests, Land and Natural Resource Operations (MFLNRO). Provincial records indicate that there are no known archaeological sites known within the property.

However, the property and the shoreline estuary was likely used as a food source and gathering place for local first nation groups. As such, prior to any further land alterations, the owner should be prepared to retain a Professional Archaeologist to review the activities, and where warranted, have the archaeologist conduct a site walk of the property to identify any potential unknown or unprotected archaeological material. Obligations for land clearing as per the BC Archaeological e-mail response have been included in Appendix D.

4.0 SUMMARY

The subject parcel is located northwestern the Village of Ucluelet in an area of mostly undeveloped lands north of Peninsula Road. The subject parcel is presently zoned Rural Residential (RU) with the owners intent to re-zone approximately 8-10 acres to allow for the development of a campground and RV use and the northern portion for development of a single family residence and outbuilding. At the time of the environmental site visit, a large portion of the property was found to have been cleared with forest fragments remaining in the western portion of the property and along the highway, Minato Road and buffer sections along the shoreline and the watercourses. The site is characterized by a mature second growth coastal western hemlock forest with some veteran western redcedar trees and two streams (one fish-bearing and the other potentially fish-bearing) running through the property and draining into a sheltered bay salt marsh shoreline habitat. The subject property also contains wildlife trees and habitat for various birds and small mammals.



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4.1 Non-compliance Regulatory Development Measures

The following environmental concerns were identified during completion of this EIA and as requested s by the District of Ucluelet prior to the allowance of site disturbance as part of the Development Permit Area requirements to meet re-zoning approval for the campground (Tourism Commercial – CS-5). The subject property is within the Former Forest Reserve Lands Development Permit Area (DPA No.8). Within general requirements for DPA Section 6 (vii) requires an Environmental Impact Assessment (EIA) to be completed for all property's greater than 2 ha (6 acres) in size (as per Appendix III) in order to evaluate the impacts of a proposed development (Bylaw Amendment 1039, 2006).

Pre-EIA clearing works have resulted in several DPA requirements being breached, including:

- That No development can approach within 30m of the high water mark around the sensitive marine wetlands (indicated in Figure 5 DPA No. 8 Conceptual Diagram);
- Following provincial Riparian Area Regulation (as identified on bottom of page 119 of OCP) for the two streams.
- A Landscape Preservation Plan for all developments must be prepared as part of the development application process in order to ensure protection of existing significant trees and shrubs. This will include plans showing pre and post-development conditions in order to prevent over-cutting;
- The removal of any native tree species that is 30cm DBH or greater (Diameter at Breast Height = 1.3m) measured with a proper tree caliper is prohibited;
- All sitka spruce must be identified by a qualified arborist and, where they are determined to be healthy, preserved; and,
- The siting of new buildings, extensions to existing buildings as well as campsites and roads etc. must work sensitively around established existing vegetation and must be located so as to minimize alterations to the foreshore and other environmentally sensitive areas. As part of the efforts to maintain and enhance the landscape character of the area, all efforts must be made to retain landscape and ecological integrity.

Breach of provincial regulations may also have occurred including Section 34 of the Provincial Wildlife Act for the protection of migratory birds nesting with special emphasis on the protection of any Eagle, Osprey or heron nests / nest trees which are protected all year round. Due to the pre-assessment site clearing, nests could not be identified. The clearing works also resulted in the loss of a federally listed and endangered species of plant (Seaside Centipede Lichen) that is considered rare with only two known occurrences on the west coast of British Columbia.



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5.0 ENVIRONMENTAL PROTECTION MEASURES (POST-CLEARING)

The follow are environmental protection measures incorporating regulatory measures identified in the District of Ucluelet' s Official Community Plan (OCP) and for lands within DPA No. 8.

Timing:

- Clearing of vegetation should occur outside the songbird nesting season of April 15 – August 15;
- If vegetation is to be removed during the active bird nesting season (April 15 – August 15) a QEP should be retained to conduct bird nest clearing surveys to prevent committing an offense as defined by the Provincial Wildlife Act section 34;
- The completion of a proper Archaeological Assessment to determine the presence of cultural use including CMT's;
- Further earthworks are to be completed during the dry season to prevent sediment migration. If earthworks cannot be completed during the dry months, sediment and erosion measures should be implemented (i.e. silt fence) to prevent migrating sediments from the site.
- That further development within the property include a Landscape Management Plan (LMP) which includes the protection of remaining native coastal vegetation, and watercourse features, including sensitive shoreline salt marsh habitat and restoration of impacted / over cleared areas;
- That no recreational campsite development be within 15m of the high water mark (HWM) of stream or 30m from the coastal shoreline as measured from the high tide mark on the beach;
- No road crossing, culvert installations or bridge installation are to be completed without the completion of a Section 11 Notification / Approval as per the Provincial *Water Sustainably Act*;
- Complete a Danger Tree assessment by a certified Danger Tree assessor in and immediately adjacent to the campsite,
- That further land clearing consider the preservation of mature Sitka spruce as identified within the District's OCP and regulation's within DPA No. 8
- That Stream #1 and Stream #2 and any associated tributaries (including ditches) and wetlands be incorporated into a Stormwater Management Plan (SMP) for the



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development. All road, buildings or infrastructure run-off should be directed to naturally vegetated ditches/swales before being directed to native streams or shoreline.

Further Site Construction:

- No deleterious substances such as sediment, fuel, oil, paint, concrete wash water or uncured concrete are to enter streams, or ditches adjacent to the site;
- That earth works be carried out in the dry summer months;
- That further site preparation works may require having a professional archaeologist retained in case of chance finds;
- All heavy equipment is to be clean and free of leaks and inspected daily. Full spill kits are to be present on all machinery;
- All fill brought to the site is to be clean i.e. free of hazardous contaminants;
- A spill response plan is to be in place with emergency contact numbers in case of accidental spill;
- Excavated topsoil piles, if left on site for any length of time, are to be either covered by tarps or surrounded by silt fencing to prevent migration of fines if a heavy rain event occurs;
- Bare soils should be covered by straw and seeded as soon as possible following construction;
- The natural site surface flow drainage pattern throughout the property be used as natural stormwater drainage features for future developments (subject to engineering design); and,
- Identified sensitive ecosystem attributes (i.e riparian watercourse, vernal swamps, saltmarsh habitat) be protected and demarcated as no construction zones.

6.0 CONCLUSION

Aquaparian Environmental Consulting Ltd (Aquaparian) was retained by the property owners of Lot B Minato Road in Ucluelet to complete a Biophysical Assessment to determine constraints and opportunities for development of the subject parcel based on development requirements by the District of Ucluelet as identified in the Official Community Plan for the area. Due to pre-assessment clearing, the scope was revised as an Environmental Impact Assessment.



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Remaining habitat values within the property were found to be moderate and extremely impacted by logging. Sensitive watercourses are present within the site as well as the potential for rare species identified in the area of the site. No obvious nest trees (bald eagle or great blue heron) were observed, but the habitat would potentially support such species. The site provides habitat for various bird species, mammals and amphibians throughout the seasons. The subject property is within District of Ucluelet DPA 8 which identifies the sensitive wetland area (salt marsh) as an area with a 30m tree buffer zone from the high water mark where no development can approach and as an area where all sitka spruce must be identified by a qualified arborist and, where they are determined to be healthy, preserved.

7.0 CLOSURE

This report has been completed in accordance with generally accepted biological practices. No other warranty is made, either expressed or implied. Aquaparian trusts that the information provided in this report meets your requirements. Any questions regarding information provided in this document, please contact the undersigned at (250) 591-2258.

Respectfully submitted,

AQUAPARIAN ENVIRONMENTAL CONSULTING LTD.

Prepared by:

Prepared and Reviewed by:

Crystal Campbell
Environmental Technician

Chris Zamora R.P.Bio, B.Sc.
Biologist/Principal



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8.0 REFERENCES

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B.C. Conservation Data Centre: CDC iMap [web application]. 2017. Victoria, British Columbia, Canada. Available: <http://maps.gov.bc.ca/ess/sv/cdc/> (April 20, 2017).

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Green R.N. and K. Klinka. 1994. A field Guide to Site Identification and Interpretation for the Vancouver Forest Region. Province of British Columbia, Ministry of Forests Research Branch.

Matsuda, Brent M, David M. Green and Patrick T. Gregory. 2006 Amphibians and Reptiles of British Columbia. Royal BC Museum Handbook.



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FIGURE 1
SITE LOCATION MAP
UCLUELET, BC



203-321 Wallace Street, Nanaimo, BC V9R 5B6
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Lot B Minato Road, Ucluelet, BC - Site Location Map

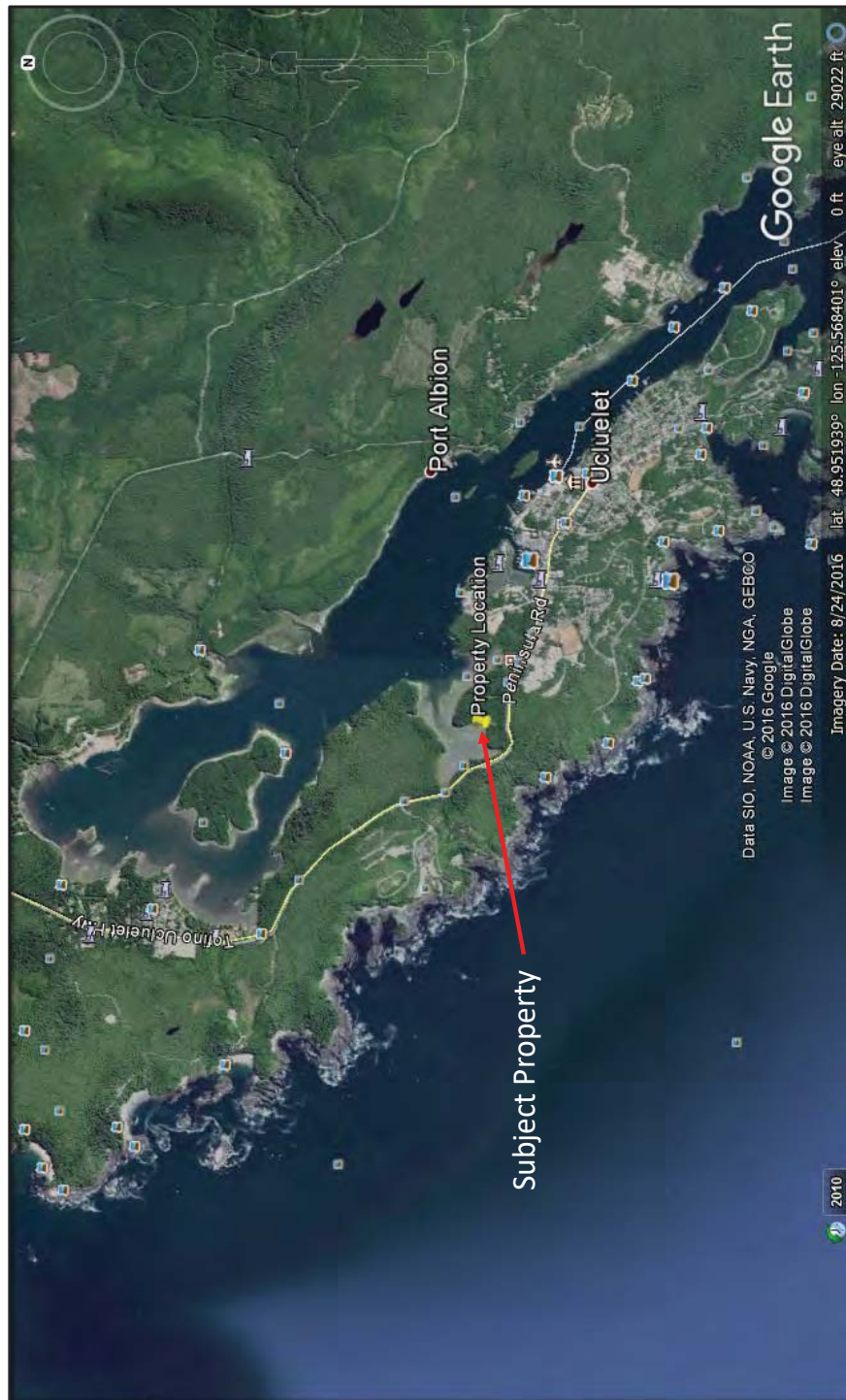


Figure 1

FIGURE 2
GOOGLE EARTH IMAGE OF LOT B MINATO ROAD PROPERTY



203-321 Wallace Street, Nanaimo, BC V9R 5B6
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Lot B Minato Road – Environmental Impact Assessment



Figure 2

FIGURE 3
LOT B MINATO ROAD – LAND DEVELOPMENT MAP



203-321 Wallace Street, Nanaimo, BC V9R 5B6
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Lot B Minato Road – Site Development Plan

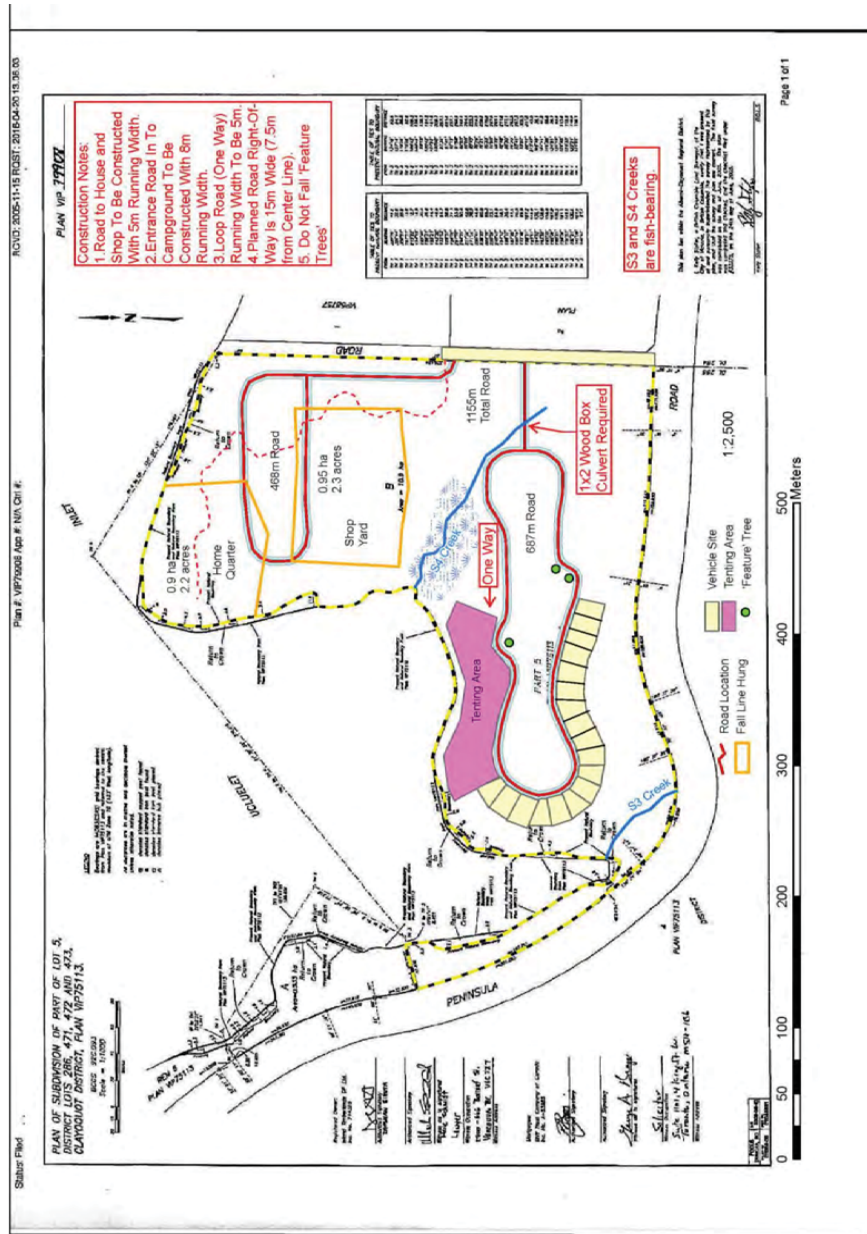


Figure 3

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APPENDIX A
SITE PHOTOGRPAHS



203-321 Wallace Street, Nanaimo, BC V9R 5B6
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Lot B, Minato Road, Ucluelet BC Appendix A EIA Photographs



Photo 1: View looking south along Minato Road; the eastern boundary of the property.



Photo 2: View of entrance to Lim property off of Minato Road and cleared forest section; area of proposed campsite.



Photo 3: View looking east along south forest boundary and along Peninsula Road.

Photo 4 (right): View of old growth cedar left standing along Minato Road ~30m vegetation buffer.

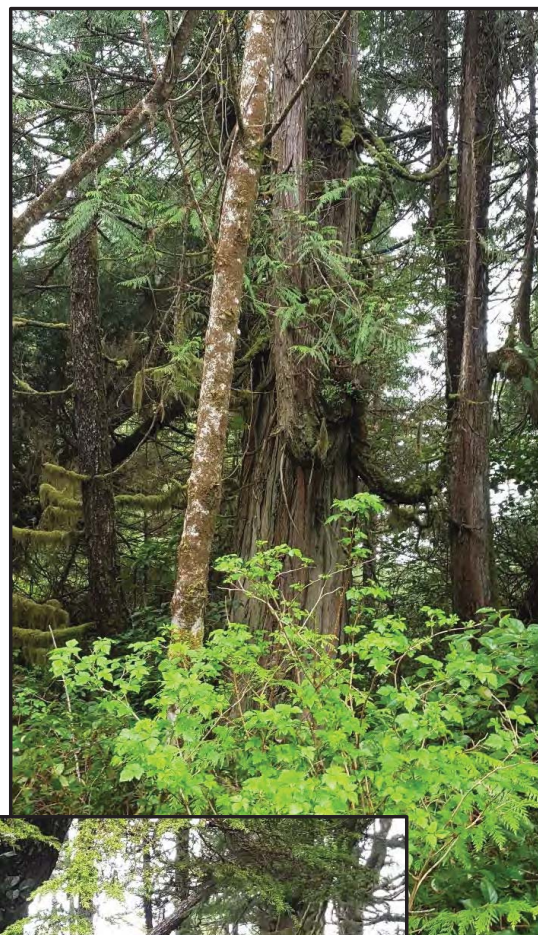


Photo 5 (below): View CWHvh1 second growth forest community. A vegetation buffer of ~60m has been left between property and Peninsula Road.



Photo 6: CWHvh1 forest community dominated by red cedar, and salal. Includes hemlock and Sitka spruce.

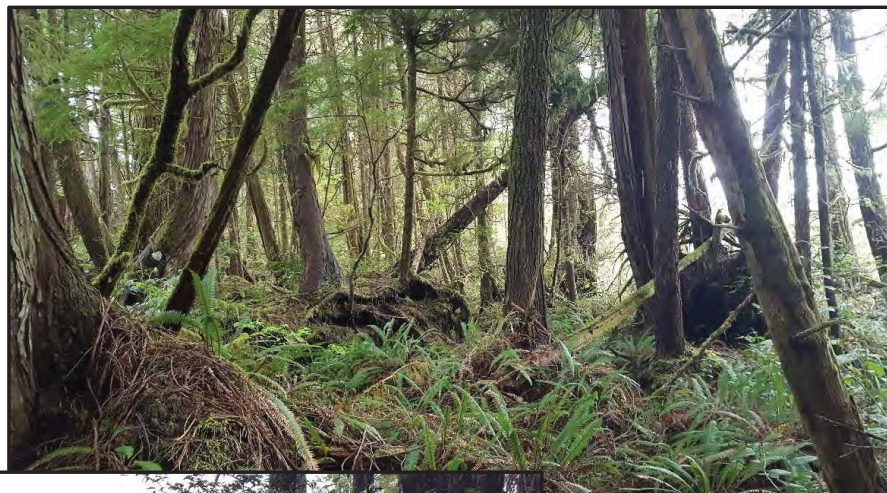


Photo 7: View of cleared forest from Peninsula Road vegetation buffer.



Photo 8: One of several small vernal forested wet area dominated by skunk cabbage and sedges within the property.



Photo 9: Photo looking down Stream 1 (S3 creek); Stream 1 is supports coho salmon in its lower reach.

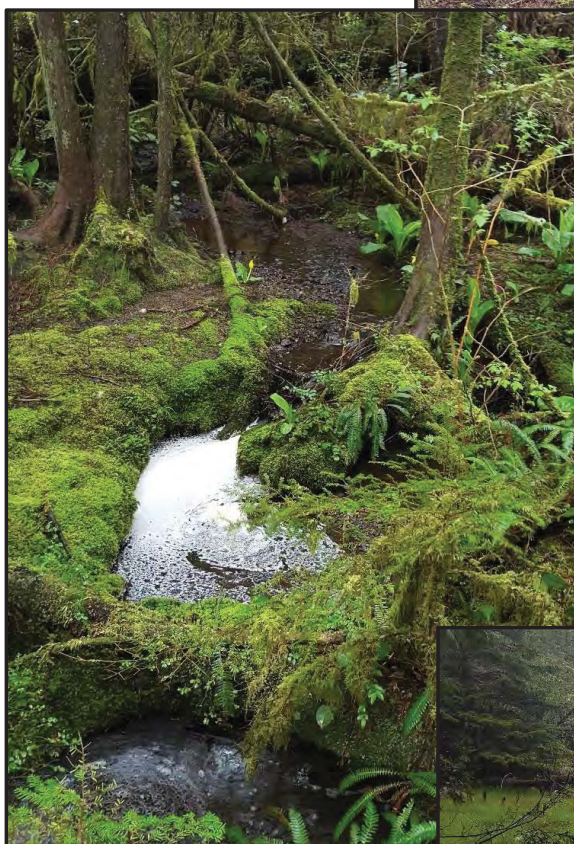


Photo 10: View looking upstream along Stream 1. The stream has a length of about 110m within the property.

Photo 11: Stream 1 and its confluence with the ocean dominated by salt marsh.





Photo 12: The northern boundary of property bounded by sensitive saltmarsh habitat within Ucluelet Inlet.

Photo 13: View looking east towards main section of the property and area proposed for single family development.

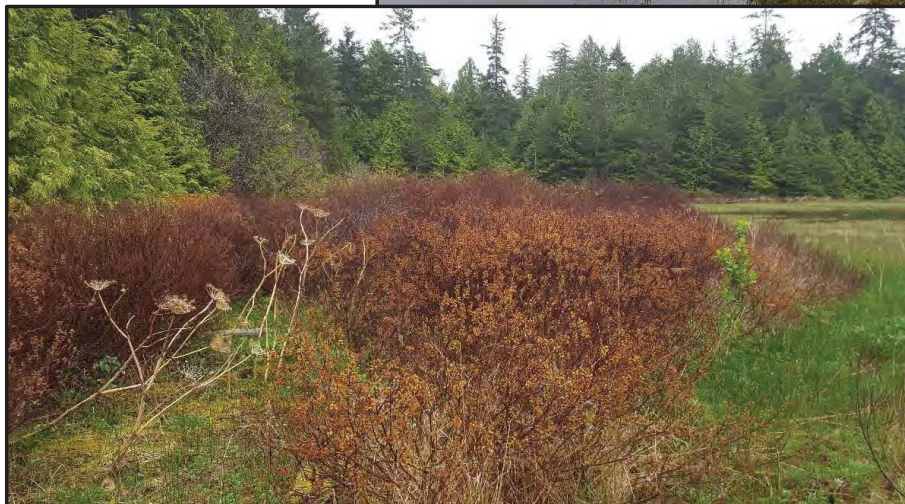


Photo 14: Unique stand of sweetgale shrubs within saltmarsh.



Photo 15: Old growth Sitka spruce (112 dbh) located near shoreline northwest end of property.

Photo 16: View of northern section of Minato Rd property recently cleared of forest stand.





Photo 17: Stream 2 (S4) upstream of its confluence with ocean. Stream bisects through the central and southwest corner of the property and is formed from perched groundwater and ditch run-off.



Photo 18: Riparian section of stream channel cleared from logging.

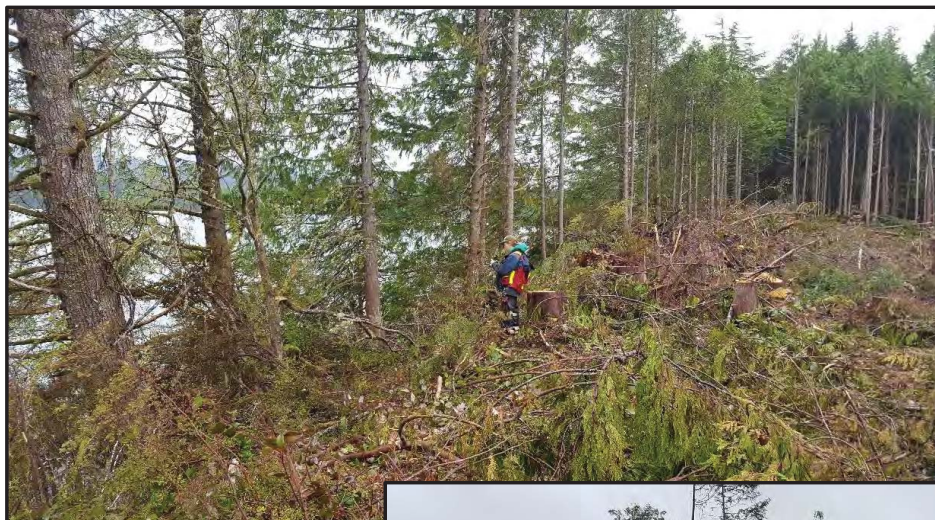


Photo 19: Northern buffer of property with Ucluelet inlet reduced to ~5-8m.

Photo 20: View looking east through cleared section of property.



Photo 21: View looking east within central section of property.

Photo 22: View looking west within southern section of property and within area of proposed campground and RV site.



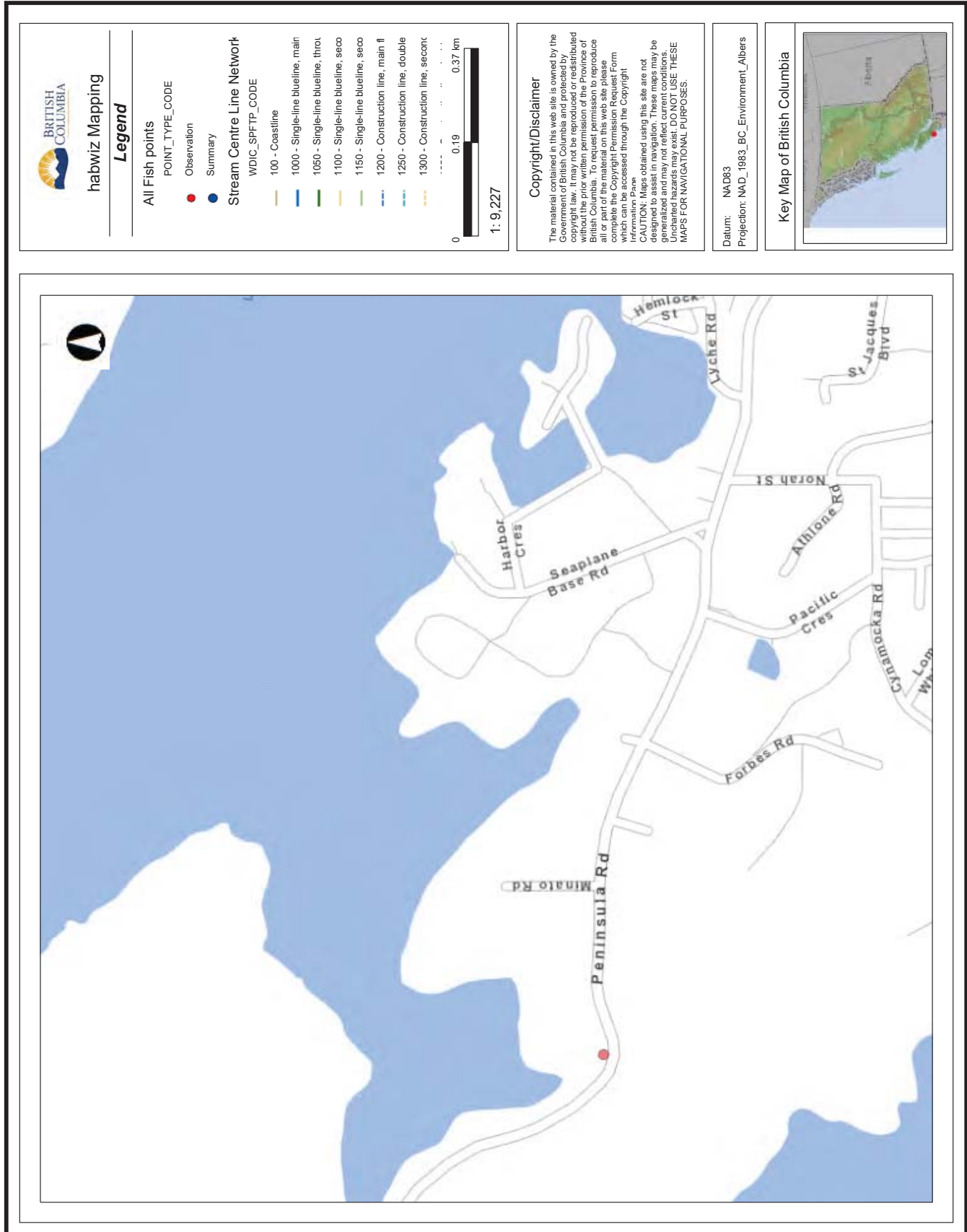
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APPENDIX B
BC HABITAT WIZARD SITE SEARCH RESULTS



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BC Habitat Wizard Stream Report Stream #1 Lot B - Minato Rd

The screenshot shows a web browser window with the URL <http://maps.gov.bc.ca/ess/sv/habwiz/>. The browser has several tabs open, including 'HabitatWizard - Province of Br...' and 'Habitat Wizard'. The main content area displays a report for 'Species: Coho Salmon'. The report includes a table with the following data:

Field Name	Field Value
Fish Observation Point ID	96400
Waterbody ID	1009765
Species Code	CO
Agency ID	4361
Point Type Code	Observation
Observation date	11/14/2005 12:00:00 AM
Agency Name	Streamline Environmental Consulting Ltd
Source	FDIS Database: fshdctn_id 121312
Source Reference	Project ID/Name: 26790/Streamline Various Projects Field Notes - 2005; NA05-12528
Activity Code	
Activity	
Life Stage Code	P
Life Stage	Parr
Species Name	Coho Salmon
Waterbody Identifier	00006HOLB
Waterbody Type	Wetland

The browser's taskbar at the bottom shows the Windows Start button, a search bar, and several application icons. The system tray on the right indicates the time is 11:31 AM on 5/18/2017.

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APPENDIX C
BC CONSERVATION DATA CENTRE SYSTEM EXPLORER
SEARCH RESULTS



203-321 Wallace Street, Nanaimo, BC V9R 5B6
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BC Species and Ecosystems Explorer Search Results

Scientific Name	English Name	Status				CF Priority	
		Provincial	BC List	COSEWIC	SARA		Global
<i>Accipiter gentilis laingi</i>	Northern Goshawk, <i>laingi</i> subspecies	S2B (2010)	Red	T (2013)	1-T (2003)	G5T2 (2008)	1
<i>Anaxyrus boreas</i>	Western Toad	S3S4 (2010)	Blue	SC (2012)	1-SC (2005)	G4 (2008)	2
<i>Aneides vagrans</i>	Wandering Salamander	S3S4 (2010)	Blue	SC (2014)		G4 (2005)	2
<i>Ardea herodias fannini</i>	Great Blue Heron, <i>fannini</i> subspecies	S2S3B,S4N (2009)	Blue	SC (2008)	1-SC (2010)	G5T4 (1997)	1
<i>Brachyramphus marmoratus</i>	Marbled Murrelet	S3B,S3N (2015)	Blue	T (2012)	1-T (2003)	G3 (2013)	1
<i>Callophrys johnsoni</i>	Johnson's Hairstreak	S1S2 (2013)	Red			G3G4 (2004)	2
<i>Cervus elaphus roosevelti</i>	Roosevelt Elk	S3S4 (2010)	Blue			G5T4 (2016)	2
<i>Contopus cooperi</i>	Olive-sided Flycatcher	S3S4B (2015)	Blue	T (2007)	1-T (2010)	G4 (2008)	2
<i>Corynorhinus townsendii</i>	Townsend's Big-eared Bat	S3S4 (2015)	Blue			G4 (2015)	2
<i>Glaucidium gnoma swarthi</i>	Northern Pygmy-Owl, <i>swarthi</i> subspecies	S3 (2009)	Blue			G4G5T3Q (2016)	1
<i>Gulo gulo vancouverensis</i>	Wolverine, <i>vancouverensis</i> subspecies	SH (2010)	Red	SC (2014)		G4TH (2010)	2
<i>Hemiphilla dromedarius</i>	Dromedary Jumping-slug	S2 (2015)	Red	T (2014)	1-T (2005)	G3G4 (2005)	2
<i>Hemiphilla glandulosa</i>	Warty Jumping-slug	S2? (2015)	Red	SC (2013)	1-SC (2005)	G3G4 (2005)	2
<i>Hirundo rustica</i>	Barn Swallow	S3S4B (2015)	Blue	T (2011)		G5 (2014)	2
<i>Megascops kennicottii kennicottii</i>	Western Screech-Owl, <i>kennicottii</i> subspecies	S3 (2009)	Blue	T (2012)	1-SC (2005)	G5T4 (2003)	1
<i>Mitellastrum caulescens</i>	leafy mitrewort	S2S3 (2001)	Blue			G5 (1990)	2
<i>Mustela erminea anguinae</i>	Ermine, <i>anguinae</i> subspecies	S3 (2010)	Blue			G5T3 (2015)	2
<i>Myotis keenii</i>	Keen's Myotis	S3? (2015)	Blue	DD (2003)	3 (2005)	G3 (2014)	1
<i>Oxalis oregana</i>	redwood sorrel	S2S3 (2015)	Blue			G5 (1990)	3
<i>Patagioenas fasciata</i>	Band-tailed Pigeon	S3S4B (2015)	Blue	SC (2008)	1-SC (2011)	G4 (2000)	2
<i>Pristiloma johnsoni</i>	Broadwhorl Tightlycoil	S3 (2015)	Blue			G3 (2013)	2
<i>Proserptes smithii</i>	Smith's fairybells	S2S3 (2015)	Blue			G5 (1990)	2
<i>Rubus lasiococcus</i>	dwarf bramble	S3 (2015)	Blue			G5 (1990)	2
<i>Rubus nivalis</i>	snow bramble	S3? (2015)	Blue			G4? (1990)	2
<i>Viola howellii</i>	Howell's violet	S2 (2015)	Red			G4 (1988)	2

Search Summary

Time Performed Thu May 18 18:13:31 PDT 2017

BC Species and Ecosystems Explorer Search Results (Printer-friendly)

Results
25 records.

Search Criteria

Search Type: Plants & Animals
 AND BC Conservation Status:Red (Extirpated, Endangered, or Threatened) OR Blue (Special Concern)
 AND Forest Districts:South Island Forest District (DSI) (Restricted to Red, Blue, and Legally designated species)
 AND MOE Regions:1- Vancouver Island (Restricted to Red, Blue, and Legally designated species)
 AND Regional Districts: Alberni-Clayoquot (ACRD) (Restricted to Red, Blue, and Legally designated species)
 AND Habitat Subtypes: Conifer Forest - Moist/wet (Restricted to Red, Blue, and Legally designated species)
 AND BGC Zone:CWH
 Sort Order:Scientific Name Ascending

Notes

1. Citation: B.C. Conservation Data Centre. 2017. BC Species and Ecosystems Explorer. B.C. Minist. of Environ. Victoria, B.C. Available: <http://a100.gov.bc.ca/pub/eswp/> (accessed May 18, 2017).
2. Forest District, MoE Region, Regional District and habitat lists are restricted to species that breed in the Forest District, MoE Region, Regional District or habitat (i.e., species will not be placed on lists where they occur only as migrants).
3. The data contained in the Results Export in BCSEE are provided under the [Open Government License - BC](#).

[Modify Search](#) | [New Search](#) | [Results](#)

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May 2017

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APPENDIX D
BC ARCHAEOLOGY BRANCH SITE SEARCH RESULTS



203-321 Wallace Street, Nanaimo, BC V9R 5B6
SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

From: [Rohdin, Stephanie FLNR:EX](#)
To: ["czamora@aquaparian.com"](mailto:czamora@aquaparian.com)
Subject: RE: Data Request: chris John Zamora - Aquaparian Environmental Consulting Ltd
Date: Monday, April 24, 2017 4:17:48 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

Hi Chris,

Thank you for your archaeological data request regarding PID: 026487764 (L B DL 286 CLAYOQUOT DISTRICT PL VIP79908). According to Provincial records there are no known archaeological sites recorded on the subject property. However, given the lot's waterfront location there is the possibility that unknown/unrecorded archaeological sites may exist on the property.

Archaeological sites (both recorded and unrecorded, disturbed and intact) are protected under the *Heritage Conservation Act* and must not be altered or damaged without a permit from the Archaeology Branch.

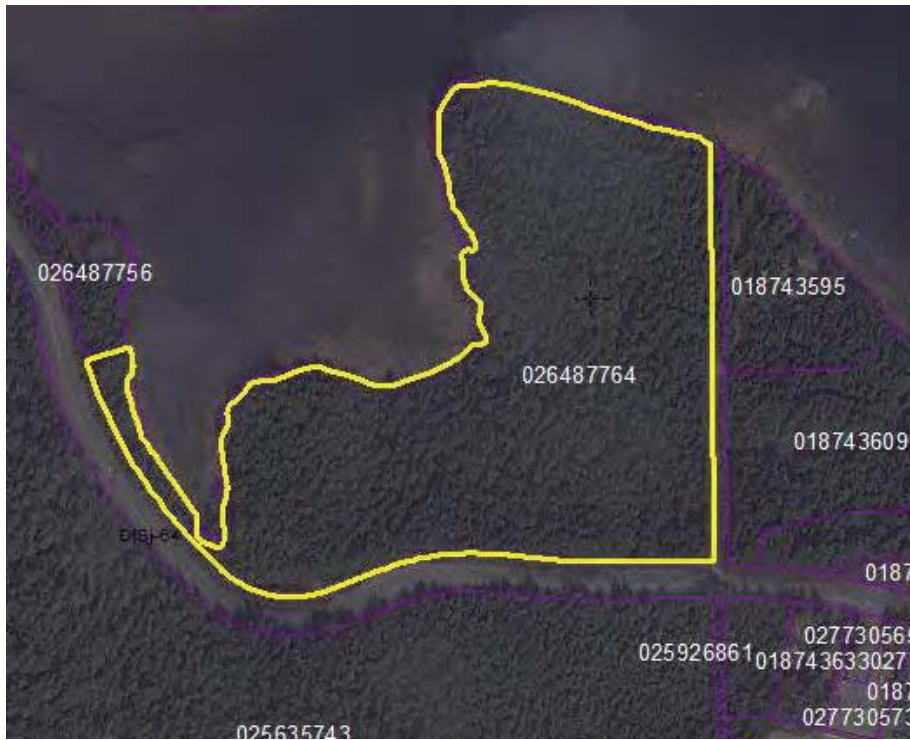
Prior to any land alterations (*e.g.*, addition to home, property redevelopment, extensive landscaping, service installation), an Eligible Consulting Archaeologist should be contacted to review the proposed activities and, where warranted, conduct a walk over and/or detailed study of the property to determine whether the work may impact protected archaeological materials. An Eligible Consulting Archaeologist is one who is able to hold a Provincial heritage permit that allows them to conduct archaeological studies. Ask an archaeologist if he or she can hold a permit, and contact the Archaeology Branch (250-953-3334) to verify an archaeologist's eligibility. Consulting archaeologists can be contacted through the BC Association of Professional Archaeologists (www.bcapa.ca) or through local directories.

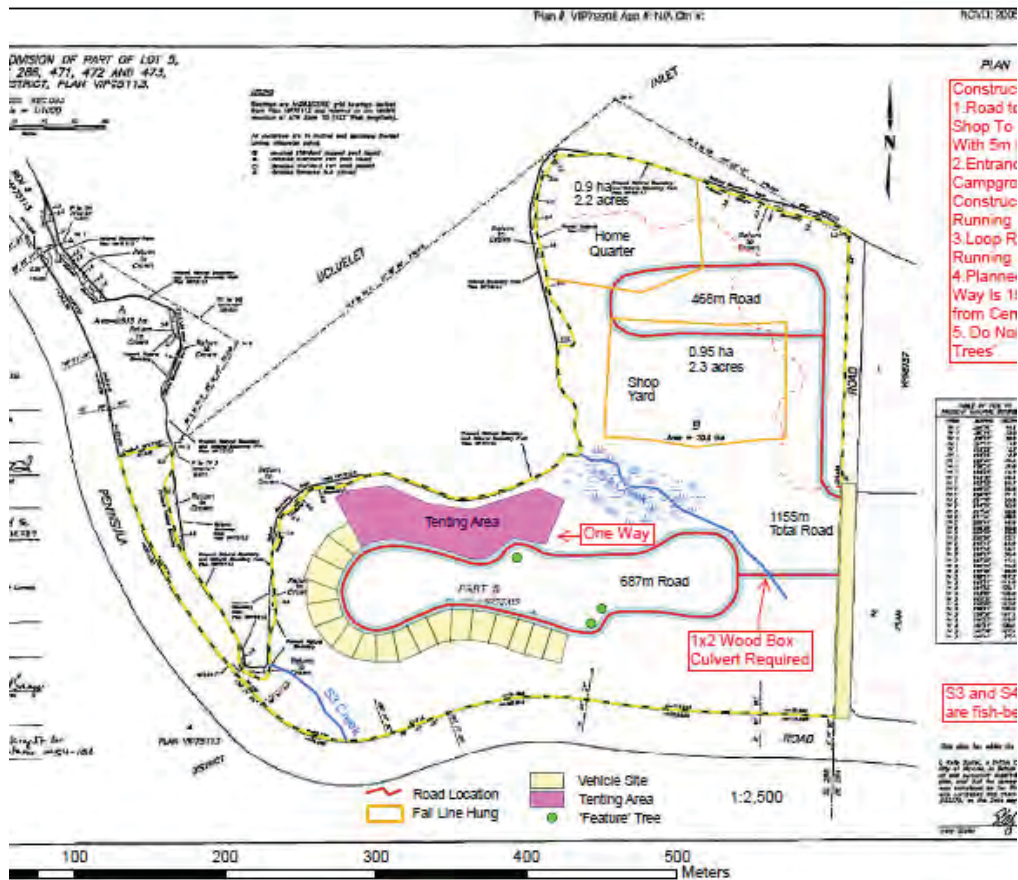
If the archaeologist determines that development activities will not impact any archaeological deposits, then a permit is not required. Occupying an existing dwelling or building without any land alterations does not require archaeological study or permitting.

In the absence of a confirmed archaeological site, the Archaeology Branch cannot require the proponent to conduct an archaeological study or obtain a permit prior to development. In this instance it is a risk management decision for the proponent.

If any land-altering development is planned and proponents choose not to contact an archaeologist prior to development, owners and operators should be notified that if an archaeological site is encountered during development, activities **must** be halted and the Archaeology Branch contacted at 250-953-3334 for direction. If an archaeological site is encountered during development and the appropriate permits are not in place, proponents will be in contravention of the *Heritage Conservation Act* and likely experience development delays while the appropriate permits are obtained.

Please review the screenshot of the property below (outlined in yellow). If this does not represent the property listed in the data request please contact me.





CONSTRUCT
 1. Road to Shop to
 With 5m
 2. Entrance
 Campground
 Construct
 Running
 3. Loop Road
 Running
 4. Planter
 Way is 1:
 from Centre
 5. Do Not
 Trees

S3 and S4
 are fish-be

Thank you,

Stephanie



Stephanie Rohdin
 Archaeological Inventory Officer

Archaeology Branch | Ministry of Forests, Lands and Natural Resource Operations

3-1250 Quadra St. Victoria BC V8W 2K7 | PO Box 9816 Stn Prov Govt, Victoria BC V8W 9W3

Visit our website at: <http://www.for.gov.bc.ca/archaeology/>

 Please consider the environment before printing this e-mail

From: czamora@aquaparian.com [mailto:czamora@aquaparian.com]
Sent: Monday, April 24, 2017 4:05 PM
To: Arch Data Request FLNR:EX
Subject: Data Request: chris John Zamora - Aquaparian Environmental Consulting Ltd

Terms and Conditions Accepted	Yes
Name	chris John Zamora
Affiliation	Aquaparian Environmental Consulting Ltd
Address	102 Milton Street
City	Nanaimo
Province	British Columbia
Postal Code	V9R 5B6
Phone Number	250-591-2258
Fax Number	
Email	czamora@aquaparian.com
Why Site Information is Required	I am completing a biophysical investigation of a property in Ucluelet for a Campsite and single family residents development just east of the Ucluelet town centre.
Third Party Access	Owner of the property Richard Lim. The property is located at Lot B Minato Road. Legal property description is Part of Lot 5, District Lots 286, 471 and 473, Clayoquot District, Plan, VIP 75113
Information Requested	Part of Lot 5, District Lots 286, 471 and 473, Clayoquot District, Plan, VIP 75113. Property bounded to the north by Ucluelet Inlet, to the south by Peninsula Road and to the East by Minato Road.
File Attachment#1	Figure 1 Penninsula Road.jpg
File Attachment#2	Lot B Minato Rd Ucluelet.msg
File Attachment#3	Fig 4.jpg
File Attachment#4	
File Attachment#5	
Format for Requested Text Data	PDF
GIS Data	No

Appendix C



March 8, 2018

Rick and Rebekka Lim
 BNEE Enterprises Ltd.
 Pirates Bay Holdings Ltd.
 2040 Peninsula Road
 Ucluelet, BC

Via Email: rickandrebekka@hotmail.com

**RE: 221 MINATO ROAD, UCLUELET BC
 VEGETATION MANAGEMENT PLAN**

1.0 INTRODUCTION

Aquaparian Environmental Consulting Ltd (Aquaparian) has been retained by you to complete a Vegetation Management Plan (VMP) to support a land development proposal for your property at 221 Minato Road in Ucluelet BC which includes the development of a single-family home, supporting outbuilding and a public tent and RV campground. The subject parcel is legally identified as:

- **Lot B, District Lot 286 & 471 & 472 & 473, Clayoquot District, Plan VIP 79908.**

The VMP is a District of Ucluelet (DoU) requirement under the Development Approvals Procedures Bylaw 1164. A site location map has been included as Figure 1 and a property map has been included as Figure 2. Site photographs taken on January 31, 2018 have been included in this document as Appendix A.

Aquaparian completed an Environmental Impact Assessment (EIA) report of the subject property dated May 18, 2017 after the completion of significant land clearing works and a post-clearing report dated February 6, 2018 in response to a compliance letter produced for the property by the DoU dated December 13, 2018. Requirements for vegetation restoration works are based on the EIA report and the District of Ucluelet Rezoning and Land Clearing evaluation. The following are requirements as per page 2 of the district letter:

- “Under the Development Approvals Procedures Bylaw 1164, you are required to provide a written statement outlining the land development proposal for your property in full; provide a complete site plan and landscape plan (see section 5.3 of bylaw No. 1164). The site plan and landscape plan is to demonstrate how the environmental and

203-321 WALLACE ST. NANAIMO, BC V9R 5B6, 250-591-2258
CELL SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

community values identified for this property in the Official Community Plan (OCP) will be achieved and protected; specifically,

- A. Protection of a 30m buffer along the shoreline to preserve sensitive marine wetlands (estuary) and mitigation measures for any clearing or disturbance within this area;
- B. Protection of fish bearing streams and mitigation measures for disturbance already within 30m of watercourses;
- C. Extension of the **Wild Pacific Trail** along the shoreline;
- D. Protection of a 30m treed buffer along the Pacific Rim Highway;
- E. Identification and preservation of Sitka Spruce trees.

The subject parcel is subject to the following DoU Development Permit Area (DPA):

- DPA No. 8 - Former Forest Reserve Lands applying to protection of a 30m buffer along the shoreline to preserve sensitive marine wetlands (estuary) and protection of a 30m treed buffer along the Pacific Rim Highway.

The DOU recognizes the provincial Riparian Areas Regulation (RAR) and the policy guideline in protecting watercourses including all streams, rivers, lakes, ponds, and wetlands. These watercourses are considered protected if they support fish or flow into fish bearing waters and are considered as DPAs requiring protective riparian buffers. The DoU OCP states:

- “There will be a minimum setback of 5 meters on all streams in the DPA regardless of whether they are fish bearing or not, as they are corridors for animals. The QEP will use their own discretion to determine further setbacks or default to the “riparian assessment area” distances, as stated on page 2, in the Riparian Areas Regulation, July 27 2004.”

The subject property contains two watercourses and a protective riparian buffer of 10m was determined (based on RAR guidelines) for both streams including side channels. The setback is measured from the High Water Mark (HWM) on both sides of the stream. As understood, a Stormwater Management Plan for the property and design of stream crossings is required and will be completed by Cascara Consulting Engineers Ltd (Cascara). The shoreline HWM, extent of land clearing, roads and location of watercourses have been surveyed and mapped by AG Surveys.

Results from the survey indicate the following:

- The edge of clearing near the Pacific Rim Highway was found to be outside the 30m Highway setback;
- Land clearing along the shoreline extends into the 30m setback in certain areas up to 4.5m from the HWM; and,



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- Vegetation within a portion of the headwater section of “Stream 1” had been removed and encroached into the 10m riparian setback (refer to Figure 4: Development Permit Areas Map).

This Vegetation Management Plan (VMP) report has been prepared to provide a re-vegetation and environmental protection plan for submission to the DoU with the land development proposal for the project. The intent is to re-instate impacted vegetation within the riparian setbacks of the stream and the marine shoreline. **Aquaparian recommends that the owner of the property should retain a Certified / Professional Landscape Architect to assist the owner in completing a proper site layout for the single family home, outbuilding and layout of the campground after vegetation setbacks have been reinstated within the property that would meet DoU “Design Requirements”. The Landscape Architect is to also aid in defining a suitable alignment location for the Wild Pacific Trail within the property.**

Final site plans are to be approved by a QEP prior to the start of construction activities.

2.0 SITE DESCRIPTION

The subject parcel is located within mostly undeveloped lands northwest of the Village of Ucluelet. The property is irregularly-shaped with a total area of 24.7 acres. The subject property is bounded to the north and west within a sheltered bay of the Ucluelet Inlet, to the south by Peninsula Road and to the east by Minato Road. The western portion of the parcel is a narrow forested strip that follows a curve along Peninsula Road around the bay for approximately 175m. The property supports the lower reaches of two watercourses that flow into Ucluelet Inlet. Both watercourses are understood to be fish bearing near their confluence with the ocean. “Stream 1” (eastern watercourse) bisects the middle of the site and “Stream 2” is located in the western portion of the site near Peninsula Road. Stream 1 contains side channel drainages that connect to the main channel and were pooling at the time of the site assessment.

The property is gently sloping towards the ocean with the higher land being along Peninsula Road. A section of intact forest consists of mature second-growth coastal western hemlock forest with some veteran Western cedar trees. The northern edge of the property primarily consists of salt marsh habitat influenced by upland drainage and tidal mudflat.

Approximately half of the southern portion of the parcel has been mostly cleared of trees. A narrow ground vegetation strip with scattered trees still exists in the centre and a circular road with roadside ditching has been constructed and surfaced with gravel. The vegetation within the west side of the property and in and around Stream 2 has been left intact. The intact 10m riparian setback for Stream 2 is 1400m². The northern portion of the parcel is almost entirely cleared with exception to a strip of vegetation along the shoreline that varies in width from 4.5m to approximately 30m and a couple of small retained tree stands (refer to Figure 3 site plan).



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Constructed gravel roads with access to Minato Road bisect the cleared area. Stream 1 bisects the middle of the lot and the riparian habitat has been damaged with clearing up to the HWM in some areas. A log bridge (non-compliant) has been constructed across Stream 1 that presently allows for only 15cm of free board from the bottom of the creek.

3.0 VEGETATION MANAGEMENT PLAN

The following remediation measures are to be completed within the streamside setback and the shoreline DPA before any further site preparation / development works in the property are completed. A completed plan which is intended to re-vegetate the impacted habitat within the property is provided in Figure 5. The total estimated vegetated treatment areas are summarized in Table 1.

Vegetation remediation of the site is to include the following:

- Along the impacted 10m riparian buffer strip of Stream 1 headwaters including inflowing side channels, Aquaparian recommends re-instating with native trees and shrubs (see Table 2) interspersed with existing remaining riparian vegetation. Some natural regeneration is expected to occur from the existing seed bank in the soils;
- Upon removal and replacement of the Stream 1 bridge crossing, re-instate graded streambanks using native trees and shrubs; and,
- In order to remediate the impacted coastal foreshore area, Aquaparian recommends protection of intact shoreline habitat and re-instating the impacted coastal foreshore area with native tree and shrub species to the 30m setback mark from the present natural boundary or High Tide Line. Native plant species were selected based on existing native shrub species and suitability to the site conditions (see Table 3).
- As per discussion with DOU planning staff, the layout of camping pads and alignment of the Wild Pacific Trail within the property will require DOU approval.

As per AG Surveys, the total area of restoration is approximately **6,650m²** to be planted with native trees and shrubs including a **2850m²** riparian area along Stream 1 and 3800m² along the coastal riparian buffer in the northeastern portion of the property.

Table 1. Estimated Treatment Area Within the DPA for Restoration Requirement:

Riparian Streamside Protection Area:	
Stream 1 streamside protection area within the parcel (10m setback)	~5750m ²
Stream 2 streamside protection area within the parcel (10m setback)	~1400m ²
Total cleared area within Stream 1 streamside protection area	~3800m²
Total cleared area within Stream 2 streamside protection area	0m ²
Estimated streamside restoration area	~3800m²



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Coastal Protection DPA Area:	Area Estimate (m ²)
Total DPA area within the parcel (30m setback)	~25800m ²
Total cleared area within the DPA	~2850m ²
Estimated coastal restoration area	~2850m ²
Total estimated planting restoration area: Stream 1 and Coastal	6650m²

Where possible, use stockpiled organic soil on site as a growing medium for planting areas and salvage native plants, logs and stumps to transplant within the site and incorporate into the planting plan for landscaping surrounding the house and campground. This will assist in reducing costs, incorporate potential salvage of native plant seed banks, provide delineated boundaries between camping pads and add natural local form and character to the development

3.1 PLANTING PLAN

The following species have been selected for the re-vegetation areas (see Table 2 & 3). Overall planting density to be achieved is a minimum of one plant per square meter with the goal of 100% cover within 2-3 years.

The re-instatement of natural trees and shrub vegetation will help to stabilize the soils and improve natural habitat in the riparian zones. Riparian setbacks and restoration areas are to be considered a No-Go zones and left to naturally infill after planting with native riparian species (either transplanted or purchased). The cost has been based on all plant materials being purchased rather than transplanted from within the site.

Table 2. Streamside Planting Plan (Stream 1)

Common Name	Species	Spacing	Size	Quantity	Cost Per	Total
Trees						
Western redcedar	<i>Thuja plicata</i>	5m ²	1 Gal	100	\$4.75	\$475.00
Coastal western hemlock	<i>Tsuga heterophylla</i>	5m ²	1 Gal	65	\$4.75	\$308.75
Sitka spruce	<i>Picea sitchensis</i>	5m ²	1 Gal	45	\$4.75	\$213.75
Red alder	<i>Alnus rubra</i>	5m ²	1 Gal	30	\$4.75	\$142.50
Sub-total				240		\$1140
Shrubs						
Salal	<i>Gaultheria shallon</i>	0.5m ²	9cm	900	\$2.25	\$2025.00
Salmonberry	<i>Rubus spectabilis</i>	1m ²	1 Gal	400	\$4.75	\$1900.00
Red huckleberry	<i>Vaccinium parvifolium</i>	1m ²	1 Gal	300	\$4.75	\$1425.00
Sword fern	<i>Polystichum munitum</i>	1m ²	1 Gal	550	\$4.75	\$2612.50
Deer fern	<i>Blechnum spicant</i>	0.5m ²	1 Gal	1800	\$4.75	\$8550.00
Sub-total				3950		\$16,512.50
TOTAL				4190		\$17,652.50



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Table 3. Shoreline Planting Plan

Common Name	Species	Spacing	Size	Quantity	Cost Per	Total
Trees						
Western redcedar	<i>Thuja plicata</i>	5m ²	1 Gal	75	\$4.75	\$365.25
Sitka spruce	<i>Picea sitchensis</i>	5m ²	1 Gal	50	\$4.75	\$237.50
Coastal western hemlock	<i>Tsuga heterophylla</i>	5m ²	1 Gal	35	\$4.75	\$166.25
Sub-total				160		\$769
Shrubs						
Salal	<i>Gaultheria shallon</i>	0.5m ²	9cm	1200	\$2.25	\$2700.00
Salmonberry	<i>Rubus spectabilis</i>	1m ²	1 Gal	300	\$4.75	\$1425.00
Evergreen huckleberry	<i>Vaccinium ovatum</i>	1m ²	1 Gal	350	\$4.75	\$1662.50
Sword fern	<i>Polystichum munitum</i>	1m ²	1 Gal	500	\$4.75	\$2375.00
Bracken fern	<i>Pteridium aquilinum</i>	1m ²	1 Gal	200	\$4.75	\$950.00
Deer fern	<i>Blechnum spicant</i>	0.5m ²	1 Gal	250	\$4.75	\$1187.50
Sub-total				2800		\$10,300
TOTAL				2960		\$11,069

*Note: cost estimates are based on the Streamside Native Plants Wholesale Price Guide

*Note: cost estimates may be reduced where existing native plants can be salvaged and transplanted from within the site.

3.2 PLANT SOURCE

Streamside Native Plants

7455 Island Highway West, Bowser, British Columbia V0R 1G0

Phone/Fax: 250-757-9999 / Toll Free: 877-570-3138

http://members.shaw.ca/nativeplants/streamside_home.html

E-mail: Richard@streamsidenativeplants.com

The nursery is located at 7455 Island Highway West (Highway 19A) Bowser B.C.

Green Thumb Nurseries

6261 Hammond Bay Road

Nanaimo BC V9T 5M4

250-758-0808

E-mail: grnthumb@shaw.ca

3.3 LANDSCAPE COMPANY

Stick In the Mud Landscaping

1079 Pacific Rim Highway

Tofino BC V0R 2Z0



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250-725-2606
 E-mail: stickmud@telus.net

Landscape Architects.
 Victoria Drakeford Landscape Architects
 Nanaimo, BC,
 250-754-4335

4.0 INSTALLATION RECOMMENDATIONS

The following recommendations are provided to maximize success of the project:

- Retain the services of a recognized landscaping company familiar with local planting conditions to complete the planting/landscaping works.
- Installation of vegetation will be completed either in the fall or early spring and must be maintained and irrigated as necessary through at least two summer seasons to optimize survival. Planting in cool wet weather will reduce transplant shock and allow plants to establish root systems without drought stress. Overall shrub density should be a minimum of one plant per m² and plant placement should mimic a natural growth pattern i.e. clusters of same species. Planting works to achieve a 70-80% survival rate or replacement of plants required.
- Any existing riparian vegetation along the streambanks should be left intact with plantings interspersed among intact vegetation.
- Install a silt fence at the extent of the planting area at the high water mark on both sides of the stream and at the extent of clearing along the coastline prior to the start of landscaping works. Anchor the silt fence in a 0.3m trench and check fencing for disrepair periodically over the course of the riparian work area. Silt fences should remain during and after plantings until the site is stable and mulch is applied but should be removed before the fall rainy season to prevent inundation.
- Native topsoil from the site should be used in the planting areas where possible to increase the likelihood of natural infilling from the soil seed bank. Imported topsoil can be added if necessary for a planting medium. Add a handful of bone meal (reduces transplant shock) to each planting. A minimum 3" deep layer of composted bark mulch is recommended for the planting areas to prevent moisture loss and soil erosion. Small downed logs and branches from the site clearing can be chipped to provide mulch. Place the mulch after the plants are installed leaving a gap around each plant.



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- Every year the site will need to be inspected for invasive species growth and dead plants. Invasive plants (i.e. broom, blackberry, ivy) are to be removed as often as necessary and dead plants are to be replaced. Infill is expected to occur from the selected species.
- The restoration works are to be inspected by Aquaparian following installation to ensure the environmental protection measures are followed and to provide a completion report.
- Retain as many tree stumps with remaining live vegetation (i.e. deer fern) and logs as boundary and visual barriers when delineating camping pads.

5.0 ENVIRONMENTAL PROTECTION MEASURES

Environmental protection measures are to be in place prior to excavation, construction and landscaping activities. Recommendations contained in this report should be reviewed with the construction crew prior to the start of the project.

Aquaparian recommends the following Environmental Protection Measures for this project based on the information provided:

- Environmental monitoring on a part-time basis is recommended for the restoration plan completion and construction activities.
- As per the DOU, retain all remaining vegetation (including trees, understorey vegetation, remaining stumps and natural large woody debris) still standing within the property.
- Complete excavation and construction activities during periods of dry weather or minimal rain forecast if possible. No sedimentation of the streams or the marine environment is to be allowed.
- As required, a Certified Engineer should be retained to complete an engineering plan for the installation of a bridge across Stream 1. The existing log stringer culvert should be removed and a properly engineered crossing installed. The stream crossing bridge replacement works should be completed in the reduced risk window for fish on Vancouver Island of June 15th to September 15th. A Section 11 Notification Application will be required to the Ministry of Forest Lands and Natural Resource Operations prior to any physical installation works.
- The riparian protection areas should be clearly defined with a visual boundary and should be considered a no-go zone after restoration works are completed.



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- No encroachment or removal of vegetation should occur in the 30m Pacific Rim Highway buffer.
- Do not stockpile waste materials on site – remove as soon as possible.
- All heavy equipment should be clean and free of leaks and to have a fully stocked spill kit on board.
- Control of site drainage and runoff is necessary during or following excavation, construction, and landscaping activities to prevent migration of fines. Drainage channels that have been trenched and are directing ponded water into the marine foreshore may result in sedimentation to the marine environment. Block and re-direct drainage channels to prevent runoff from entering the marine environment. Aquaparian understands that a site drainage management plan is to be completed by Cascara Consulting Engineers Ltd.
- No soil piles should be allowed within 30m of the streams on site and the near foreshore. Temporarily soil stockpiles will require protection from heavy rain. Either temporarily put soils in a dump truck, or cover with a tarp or sheet of poly, or take off site.
- Stockpiling of soil adjacent to vegetated areas has resulted in the burial of tree trunks and the root systems of several retained trees. Remove soil piles from the base of mature trees and cease stockpiling near naturally vegetated areas.
- If evidence of an archaeological site is encountered during development, activities must be halted immediately and the Archaeological Branch contacted at 250-953-3334 for guidance. No further clearing or excavation should occur until an Archaeological Assessment is completed by a Professional Archaeologist.
- A danger tree assessment should be completed by a Certified Arborist before any construction works commence on the residence or the campground. If standing trees are identified as unstable, retain the stump in place and the surrounding vegetation.
- Extension of the Wild Pacific Trail is required along the shoreline and is to be included in the site plan. Trail alignment is to be approved by the QEP and the DOU. The width of the trail can vary as little as 1.5m and can be partially aligned off the highway corridor within the property, but must still provide some access and viewing location of Ucluelet Inlet.

6.0 SUMMARY

The subject parcel has been partially cleared with the intent of constructing a single-family residence and a campground with RV use. The land clearing was completed



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without a permit and is subject to the Former Forest Reserve DPA and the provincial Riparian Areas Regulation. A 30m coastal protection setback, a 10m streamside protection setback and a 30m Pacific Rim Highway setback have been identified within the subject parcel. The District of Ucluelet has provided the property owner with a Rezoning and Land Clearing evaluation letter requiring the submission of a vegetation management plan. This report has been completed to fulfill this requirement and to demonstrate how the environmental and community values identified for this property in the Official Community Plan (OCP) will be achieved and protected.

Re-vegetation of the identified disturbed areas within the coastal setback and the streamside setback is recommended to restore fish habitat, and to minimize erosion and sediment release into fish habitat. **The total restoration area recommended is 6650m² (2850m² within the coastal setback and 3800m² within the streamside setback).**

If all mitigation measures are implemented as recommended in this report, the risk of further negative impacts to foreshore and stream habitat will be minimized and impacted riparian conditions will be improved over existing conditions with the intent of restoring a naturally functioning buffer in the long term.

7.0 CLOSURE

This report is based on a site assessment, past project experience and in accordance with generally accepted biological practices. No other warranty is made, either expressed or implied.



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Aquaparian trusts that the information provided in this report meets your requirements. Any questions regarding information provided in this document, please contact the undersigned at (250) 591-2258.

Sincerely,

AQUAPARIAN ENVIRONMENTAL CONSULTING LTD

Prepared by:

Review & Prepared by:



Crystal Campbell, Environmental Tech.

Chris Zamora B.Sc, R.P.Bio
Senior Biologist/Principal

\\AQUAPARIAN-NAS\Documents\Projects\Projects\N358 Minato Road Ucluelet\MP\221 Minato Road Vegetation Restoration Plan.docx



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FIGURE 1
SITE LOCATION MAP



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**FIGURE 1. SITE LOCATION MAP
221 MINATO ROAD, UCLUELET, BC**



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FIGURE 2
PROPERTY MAP



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**FIGURE 2. PROPERTY MAP
221 MINATO ROAD, UCLUELET, BC**



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FIGURE 3
AG SURVEYS SITE PLAN



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FIGURE 3. MINATO ROAD "AG SURVEYS" PROPERTY SITE SURVEY

Site Plan of:

Lot B, District Lot 282,
Clayoquot District, Plan VIP79908

Parcel Identifier: 026-487-764

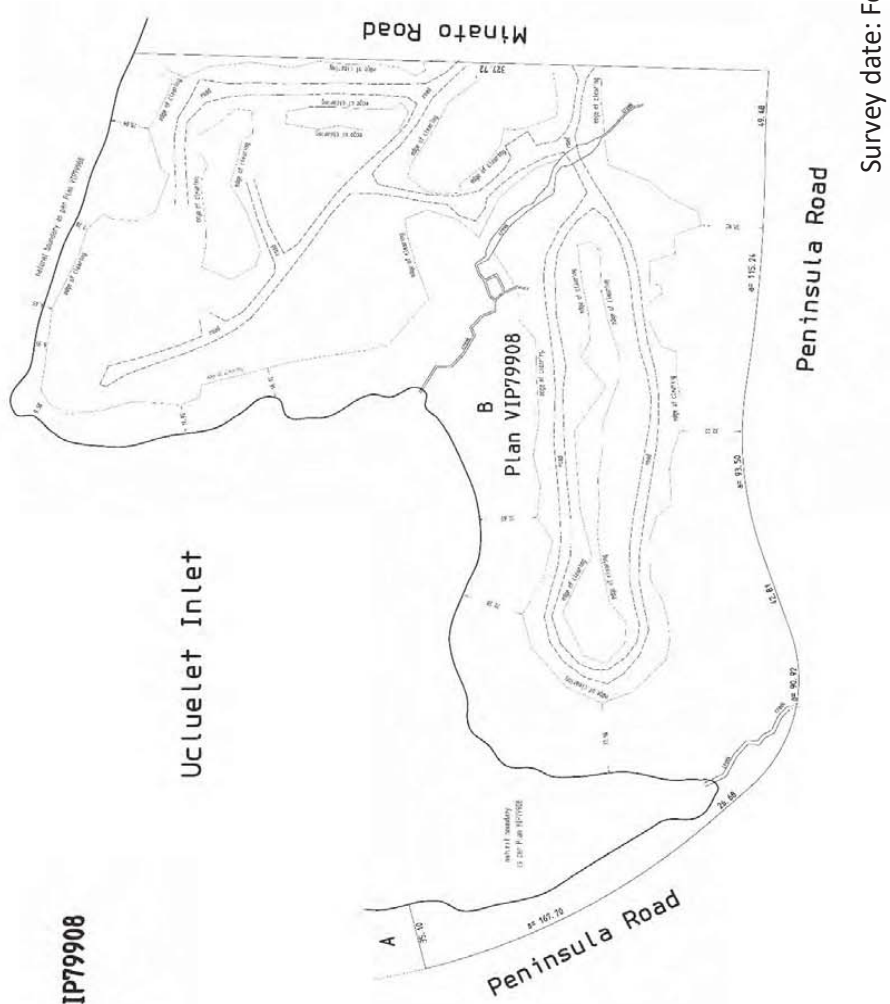
SCALE: 1:1,000
BY CONTRACT TO ARCH D SURVEYS

(Plot on Arch D Sheet)



The following non-financial changes are shown on the current title and may affect the property:
EN2432 - Consent
Parcel dimensions shown hereon are derived from land title office records.

FILE: 160-Minato
DATE: 2018-02-10
AG Surveys
545 - 110 Main Street
Ucluelet, BC V0R 3A0
phone (250) 266-4536



Survey date: February 2018

FIGURE 4
DEVELOPMENT PERMIT AREAS SETBACK MAP



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FIGURE 4. DEVELOPMENT PERMIT AREAS SETBACKS

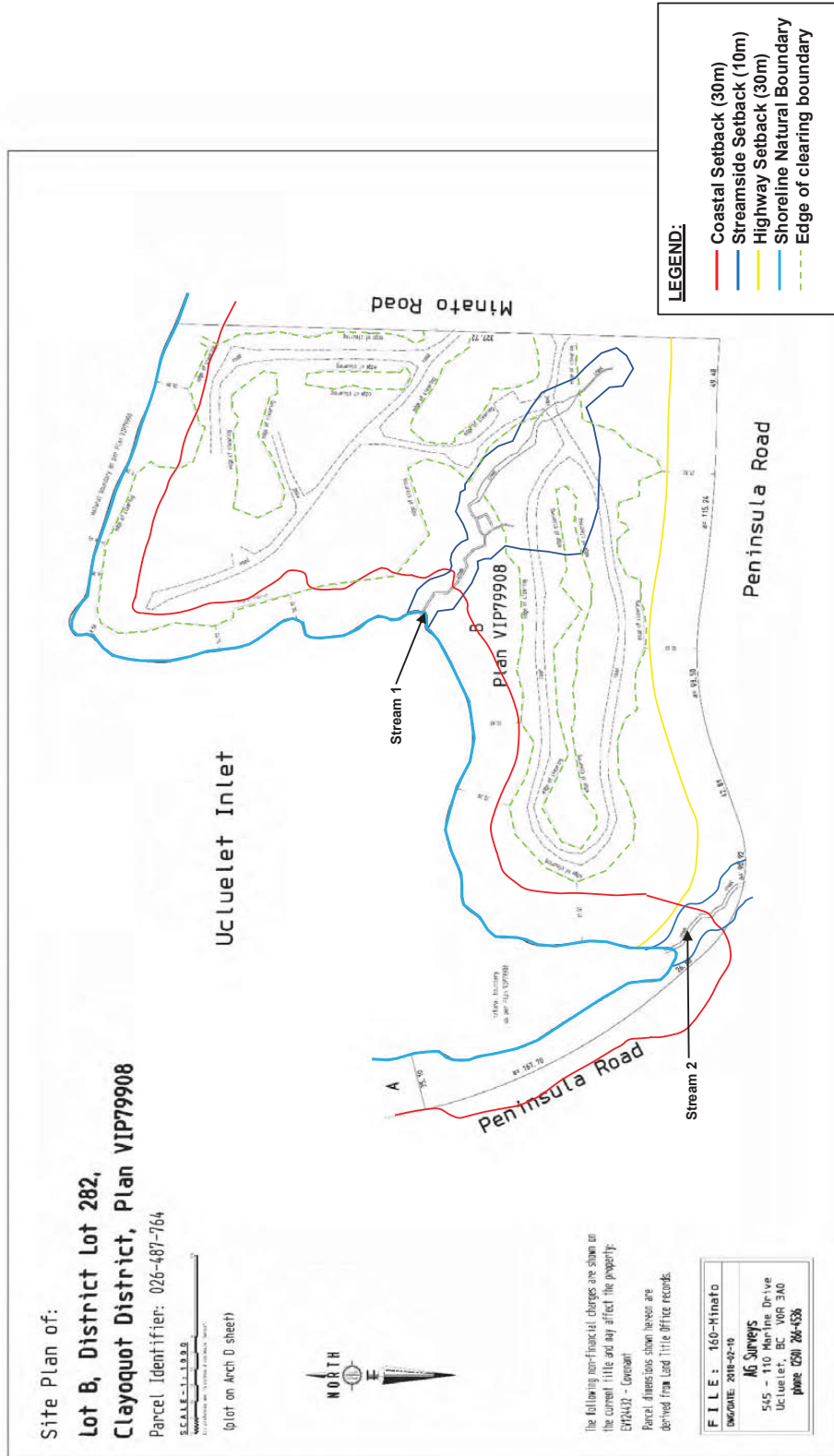
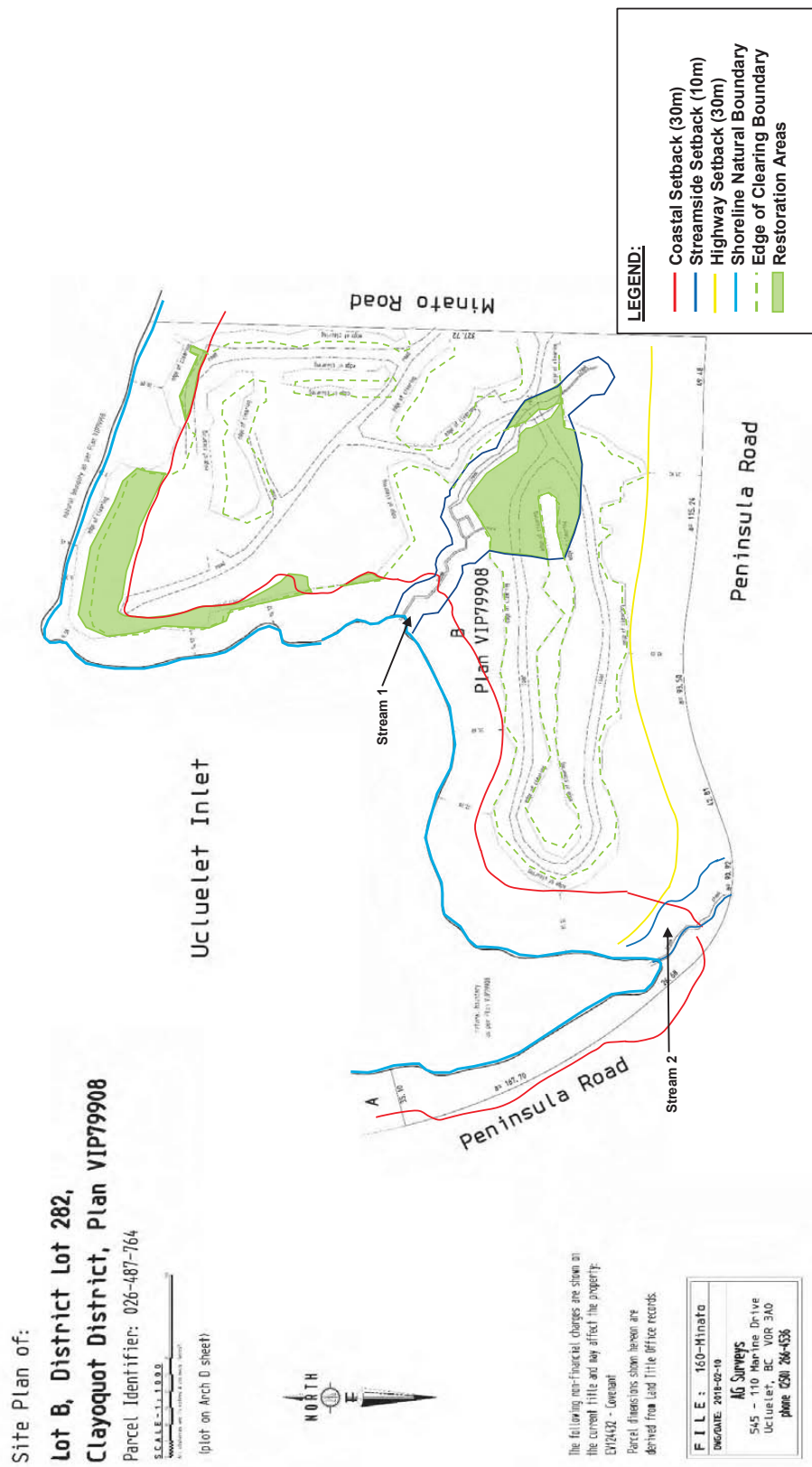


FIGURE 5
RESTORATION AREAS WITHIN DPAS MAP



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FIGURE 5. RESTORATION AREAS WITHIN DEVELOPMENT PERMIT AREAS



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APPENDIX A
SITE PHOTOGRAPHS



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Appendix A: Site Photographs



Photo 1: View of entrance leading into Minato Rd property

Photo 2: View of logs and stumps stockpiled to side of road



Photo 3: View of Stream 1 and stringer log bridge. Bridge to be removed and replaced. 6" flow clearance

Photo 4: View of Stream 1 and stringer log bridge. Riparian vegetation to be re-established.



Photo 5: View of Stream 1 where it crosses bridge. Riparian area cleared to left side of bridge.



Photo 6: View along main access road in proposed campground. Road clearer to edge of 30m highway setback.





Photo 7: View on opposite side of road alignment in campground area. Clearing went through lower part of drainage.



Photo 8: Impacted drainage. Engineer to complete Stormwater management plan for site.



Photo 9: Clearer section of site near location proposed for house. Foreshore buffer area cleared during tree removal.

Photo 10: Clearer section of site within 30m foreshore buffer. Riparian buffer to be re-established.



Photo 11: Stockpiled soil burying the base of some trees in 30m foreshore DPA needs to be removed.

Appendix D – Timeline and Background on site clearing activities at 221 Minato Road

As noted in the staff report, the property at 221 Minato Road was considered to have considerable environmental value prior to extensive logging and clearing in 2016 and 2017. The following are some of the noted environmental features of the property prior to that clearing activity:

- a full forest of mature trees (including some old growth) at 20m to 30m with pockets of trees at 30m to 40m;
- an identified red-listed flora, Seaside Centipede (*Heterodermia sitchensis*) identified under the *Species at Risk Act*, located on the large Sitka Spruces located near the northwest point of property (these trees may now be gone);
- identified potential habitat for blue-listed fauna, Marbled Murrelet (*Brachtramphus marmoratus*);
- two fish bearing streams and associated riparian areas;
- bird habitat and nesting areas; and,
- sensitive marine shoreline areas of Olsen Bay.

The current owners took possession of the property on May 5, 2016. Initially, the owners had asked District staff if they could clear a portion of the site in preparation for the construction of their proposed home. There is an exemption from Development Permit (**DP**) requirements in the Official Community Plan (OCP) bylaw for single-family dwellings and staff relayed that they could clear for their home under that exemption.

Later in May of 2016 the owners applied for a private timber stamp. At no time was the District informed of the owners' intent to extensively clear and harvest the timber from the property, or that this logging would include coastal and stream riparian areas - areas protected by federal, provincial, and municipal laws and regulations. Only after the tree felling was substantially complete did District staff become aware of the full extent of the logging on the site, and that it might have taken place within riparian and coastal areas. At that time the owners were instructed to stop all activities and produce an environmental assessment. (see **Appendix B**).

Logs were later trucked off the property between November 30 and December 9, 2016. According to provincial records a total of 1,500 cubic meters of raw timber (41 truckloads) were removed from the property - an amount considered to have a substantial monetary value.

The owners commissioned the environmental assessment and applied for an excavation permit, for a driveway and limited selective clearing for a single-family dwelling. Considering the extent of clearing that had already taken place, the Environmental Impact Assessment report, and that the proposed clearing would be inside previously cleared areas, Staff issued an excavation permit on May 29, 2017 for a house and driveway. Later in 2017 staff were made aware that further clearing of the property may have been well outside what was approved and was within coastal and stream riparian areas. Staff visited the site with the owner and noted that:

- the clearing was beyond what had been permitted;
- environmental damage had been done;
- the advice by the Qualified Environment Professional (**QEP**) from the Environmental Impact Assessment report dated May 18, 2017, was not being followed;
- stumps and debris had been piled into large piles in preparation for burning;
- large berms of debris had been created without environmental or drainage considerations;

- the southern section of *Stream No.1*'s riparian area had ongoing works not supported by the environmental assessment;
- that the roads, driveways and circulation routes had been placed without geotechnical or civil engineering and seemed to consist of an extremely soft mixture of clay and gravel; and,
- that a driveway was cleared close to the area that was expected for future road right-of-way widening for Minato Road, leaving what was to be a future water access exposed and unvegetated.

The site meeting was followed up with a formal letter dated December 13, 2017, notifying the owner to cease all land altering activities and advising that they would be required to obtain a Development Permit (DP) for any further site work including restoration of the disturbed areas.

The applicant has since stopped all works and has engaged a Qualified Environmental Professional to prepare a *Vegetation Environmental Management Plan* (see **Appendix C**) to form part of their Development Permit for the required site restoration.



DEVELOPMENT PERMIT DP19-01

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:

PIRATES BAY HOLDING COMPANY LTD, PO BOX 286, UCLUELET, BC, V0R 3A0

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:

LOT B, DISTRICT LOT 286, CLAYOQUOT DISTRICT, PLAN VIP79908 (221 MINATO ROAD)
PID: 026-487-764

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

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

- a. The complete restoration of the coastal and riparian areas as indicated by the Vegetation Management Plan completed by Aquaparian Environmental Consulting Ltd on March 8, 2018. This restoration work must be monitored by the Qualified Environmental Professional and their written confirmation of completion according to the Vegetation Management Plan must be provided for acceptance by the District of Ucluelet.

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

5. The work authorized by this Permit may only be carried out in compliance with all federal, provincial, and municipal statutes, regulations, and bylaws. The owner is responsible for ensuring that the timing of the work and any required permits or notifications by other agencies are obtained as required to comply with all applicable regulations.
6. 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.
7. This Permit is NOT a Building Permit.
8. **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 _____, 2019.

IN WITNESS WHEREOF this Development Permit is hereby executed and issued by the Municipality the _____ day of _____, 2019.

THE DISTRICT OF UCLUELET
by its authorized signatories:

Mayco Noël – Mayor

Mark Boysen – Corporate Officer

OWNER
by its authorized signatory

Owner, by its authorized signatory

ISSUED the _____ day of _____, 2019.

Bruce Greig - Manager of Planning



Schedule A

221 Minato Road, Ucluelet, BC

Vegetation Management Plan

Prepared by Aquaparian Environmental Consulting Ltd.

March 8, 2018



DISTRICT OF UCLUELET

Excerpts from the Tuesday, June 23, 2020 Regular Meeting Minutes

14. LEGISLATION

14.1 Proposed Rezoning, Subdivision and Development Permits for 221 Minato Road (Lot B, District Lot 286, Clayoquot District Plan VIP79908)

Bruce Greig, Manager of Community Planning

Council recessed at 4:58 PM and resumed the meeting at 5:07 PM.

Mr. Greig presented this report. He outlined the proposed bylaws, development permits, development variance permit, temporary use permit and section 219 covenant.

Council discussed the proposed development and the environmental restoration on the property permitted by DP19-01. Council was reminded of their motion that adoption of Bylaw No. 1244, 2019 is subject to the completion of the environmental restoration on the property which is monitored and signed off by a Qualified Environmental Professional.

- 2020.124.REGULAR **It was moved by Mayor Noël and seconded by Councillor McEwen**
THAT this Council meeting be recessed for a five minute break. CARRIED.
- 2020.125.REGULAR **It was moved by Councillor McEwen and seconded by**
THAT District of Ucluelet Zoning Amendment Bylaw No. 1244, 2019, be advanced to a public hearing. CARRIED.
- 2020.126.REGULAR **It was moved by Councillor McEwen and seconded by Councillor Kemps**
THAT Council rescind second reading of District of Ucluelet Zoning Amendment Bylaw No. 1256, 2019. CARRIED.
- 2020.127.REGULAR **It was moved by Councillor McEwen and seconded by Councillor Hoar**
THAT section 7(c) of District of Ucluelet Zoning Amendment Bylaw No. 1256, 2019, be amended to read:
"Washroom facility(s) for fully serviced Camping Spaces (camping spaces equipped with a sewer and water connection) are to be

equipped with a minimum of one (1) toilet and one half (.5) shower stall per eight (8) Camping Spaces."

CARRIED.

2020.128.REGULAR **It was moved by Councillor McEwen and seconded by Councillor Kemps**

***THAT** Council direct staff to give notice to receive comment on Development Variance Permit DVP19-02 and Temporary Use Permit TUP19-01 in conjunction with the public hearing on the zoning amendment bylaws and proposed development at 221 Minato Road.*

CARRIED.

2020.129.REGULAR **It was moved by Councillor McEwen and seconded by Councillor Cole**

***THAT** District of Ucluelet Zoning Amendment Bylaw No. 1256, 2019, be given second reading as amended and be advanced to a public hearing.*

CARRIED.



DISTRICT OF UCLUELET

Excerpts from the Tuesday, October 8, 2019 Regular Meeting Minutes

14 LEGISLATION

14.1 Proposed Rezoning, Subdivision, and Development Permits for 221 Minato Road (Lot B, District Lot 286, Clayoquot District, Plan VIP79908)

Bruce Greig, Manager of Community Planning

Councillor Kemps recused herself and left Council Chambers at 3:29 PM due to a conflict arising from the Applicant serving on her employer's (The Ucluelet Chamber of Commerce) Board of Directors. Bruce Greig, Manager of Planning, presented this report. Highlights included:

- Two bylaws are presented for first and second reading.
 - One regulates campgrounds in general.
 - The other relates to the subject property.
- It would be ideal for campground regulations in place before this and other properties are zoned for campground use.
- The Applicant's have offered the following:
 - 30m park dedication in front of the campground.
 - 10m protected area on either side of the stream corridor which could be used for public trail.
 - A covenant, registered along the shoreline.
 - \$10,000 for trail features and signage intended to protect the shoreline, which is in addition to the \$50,000 dollars already offered for trail development.
- The Applicant's Biologist clarified that one area, previously thought to be wetland, is not wetland.

Council questions and comments:

- Asked if the fire department had conducted a tour of the property to determine emergency access issues? Mr. Greig answered that the fire department has not visited the property recently but the subdivision review will trigger inspections including hydrant locations and a traffic study.
- Any trail that is developed will be done in partnership with the Wild Pacific Trail Society.

Councillor Hoar's comments:

- Expressed concerns about the proposed development's impact on sensitive shoreline areas and noted that parkland covenant is the best way to protect it.
- \$10,000 offered for signage and protective barriers is not sufficient and \$25,000 is more appropriate

Proposed amendment to recommended motion 2:

- Councillor Hoar moved to amend recommendation 2 of the report item, "Proposed Rezoning, Subdivision, and Development Permits for 221 Minato Road (Lot B, District Lot 286, Clayoquot District, Plan VIP79908)" as follows:

2. THAT Council:

- a. indicate support for the updated proposal including an offer of a ~~\$10,000~~ **\$25,000** contribution to the District of Ucluelet for adding fencing, interpretive signs and protective barriers at trail ends to protect adjacent marine shoreline habitat;
 - b. give the District of Ucluelet Zoning Amendment Bylaw No. 1244, 2019 First and Second reading; and,
 - c. direct staff to prepare the necessary permits, covenants and agreements and present them to Council prior to Bylaw No. 1244 proceeding to a public hearing.
- Councillor Hoar's motion was not seconded.

2019-010

It was moved by Councillor McEwen and seconded by Councillor Hoar
THAT Council approve recommendation 1 of the report item, "Proposed Rezoning, Subdivision, and Development Permits for 221 Minato Road (Lot B, District Lot 286, Clayoquot District, Plan VIP79908)" which states:

1. *THAT District of Ucluelet Zoning Amendment Bylaw No. 1256, 2019, be given First and Second readings and be referred for legal review.*

CARRIED.

2019-011

It was moved by Councillor McEwen and seconded by Councillor Cole
THAT Council approve recommendation 2 of the report item, "Proposed Rezoning, Subdivision, and Development Permits for 221 Minato Road (Lot B, District Lot 286, Clayoquot District, Plan VIP79908)" which states:

2. THAT Council:

- a. *indicate support for the updated proposal including an offer of a \$10,000 contribution to the District of Ucluelet for adding fencing, interpretive signs and protective barriers at trail ends to protect adjacent marine shoreline habitat;*
- b. *give the District of Ucluelet Zoning Amendment Bylaw No. 1244, 2019 First and Second reading; and,*

- c. *direct staff to prepare the necessary permits, covenants and agreements and present them to Council prior to Bylaw No. 1244 proceeding to a public hearing.*

CARRIED.



DISTRICT OF UCLUELET

Excerpts from the Tuesday, April 9, 2020 Regular Meeting Minutes

13. LEGISLATION

13.1 Proposed Rezoning, Subdivision and Development Permits for 221 Minato Road Lot B, Plan VIP79908 Clayoquot District, District Lot 286

Bruce Greig, Manager of Community Planning

Councillor Kemps recused herself from the meeting due to her friendship with the applicants at 3:31 PM.

- Bruce Greig, Manager of Community Planning, provided an overview of the application via a powerpoint presentation, including the areas of restoration that are required. Highlights included:
 - The application is for a rezoning development permit, development variance permit, temporary use permit and subdivision. If this application is moving forward, there are a number of staff recommendations that would be necessary to see this as a net public benefit.
 - The applicants have come forward with a rehabilitation and revegetation plan. This is as a result of the unauthorized tree cutting that took place on the property.
 - Regardless of how the property is developed, first step is a development permit for the restoration of the site according to the plan the Biologist has outlined.
 - The Biologist have listed the proper species and the number that need to be planted.
 - Key point of the development is to protect the shoreline and natural environment but allowing recreational access to the shoreline. As part of this application, it would include dedicating a 30 meter strip of parkland along the shoreline, including the entire riparian area stream.
 - Another aspect of this development permit, if it was to go forward as a subdivision, the owners would then require a civil engineer to design Minato Road for water, sewer, and the road surface itself.
- Councillor Hoar raised concern with protecting the shoreline of Olsen Bay as salt marshes are a very delicate marine eco-

- systems; and therefore feels that recommendation 2 should have the 30 meter designation all the way around the parcel.
- Ian Kennington, the applicant's consultant, agreed with the sensitivity of the area and noted that trails and attracting people to an area only increases the potential for further damage. Signage and designated areas are never fully obeyed by visitors.
 - Rick Lim, the applicant, noted he has spoken with the planning department to have a proper trail system in place so that people don't want to leave the designated areas, such as a boardwalk with railings and viewing platforms.
 - Council asked about the impact to traffic on Peninsula Road with the higher density use on the site. Mr. Lim noted that as part of Mr. Greig's report, a traffic engineer would be required for that aspect, which would involve the Ministry of Transportation.
- 2019-008 **It was moved by Councillor McEwen and seconded by Councillor Cole**
THAT Council approve recommendation 1 through 6 of legislation item, "Proposed Rezoning, Subdivision and Development Permits for 221 Minato Road Lot B, Plan VIP79908 Clayoquot District, District Lot 286.
 DEFEATED.
- 2019-009 **It was moved by Councillor Hoar and seconded by Councillor Cole**
THAT Council amend recommendation 2.b. of legislation item, "Proposes Rezoning, Subdivision and Development Permits for 221 Minato Road Lot B, Plan VIP79908 Clayoquot District, District Lot 286" to read:
2.b. including, as apart of the subdivision to create the two parcels, dedication for park purposes of a 30m corridor upland from the natural boundary along the marine shoreline of both parcels, plus the entire stream setback area surrounding Stream 1;
 CARRIED.
- 2019-010 **It was moved by Councillor Cole and seconded by Councillor Hoar**
THAT Council approve recommendation 1 of legislation item, "Proposed Rezoning, Subdivision and Development Permits for 221 Minato Road Lot B, Plan VIP79908 Clayoquot District, District Lot 286" which states:
 1. *THAT Council authorize issuance of Development Permit DP19-01 for the restoration of the previously damaged riparian and marine shoreline areas of the property at 221 Minato Road.*
 CARRIED.
- 2019-011 **It was moved by Councillor Hoar and seconded by Councillor McEwen**
THAT Council approve recommendation 2 of legislation item, "Proposed Rezoning, Subdivision and Development Permits for 221 Minato Road Lot B, Plan VIP79908 Clayoquot District, District Lot 286" as amended which states:
 2. *THAT Council indicate support for the concept of rezoning the property at 221 Minato Road for a 2-lot subdivision to create a Guest House parcel and a Campground parcel, and indicate that adoption of a zoning amendment bylaw for the requested uses would be subject to the following:*

- a. completion of the site restoration work under Development Permit DP19-01 including monitoring and sign-off by the Qualified Environmental Professional;
- b. including, as part of the subdivision to create the two parcels, dedication for park purposes of a 30m corridor upland from the natural boundary along the marine shoreline of both parcels, plus the entire stream setback area surrounding Stream 1;
- c. the owners providing a restrictive covenant on the proposed Guest House parcel which would restrict any further subdivision of that lot unless at that future date the following are provided by the property owner:
 - i. dedication for park purposes a 30m corridor upland from the natural boundary along the marine shoreline adjacent to the property; and,
 - ii. appropriate funds to construct a trail system and viewing platform to municipal standards in the shoreline park dedicated in (i) above;
- d. the owners providing a contribution for half the cost of constructing the stream section of trail and viewing platform, prior to commencing construction of the Long-Term Camping spaces in the proposed Phase 1;
- e. the owners providing a restrictive covenant on the proposed Campground parcel ensuring that construction of the Short-Term Camping shown as Phase 3 will not commence before the adjacent section of Olsen Bay trail has been constructed.

CARRIED.

2019-012

It was moved by Councillor Hoar and seconded by Councillor McEwen

THAT Council approve recommendation 3 of legislation item, "Proposed Rezoning, Subdivision and Development Permits for 221 Minato Road Lot B, Plan VIP79908 Clayoquot District, District Lot 286" which states:

- 3. *THAT Council indicate support for the concept of issuing a Temporary Use Permit to permit long-term camping in the proposed designated area of the campground, subject to conditions including:*
 - a. *Seasonal camping stays are not to exceed six months;*
 - b. *No additions, accessory buildings, structures or outdoor storage is permitted in long-term camping spaces;*
 - c. *A resident campground manager is required on-site; and,*
 - d. *The campground manager is to maintain a register of campers, contact information and vehicle registration, and make the register available at all times if requested by the District.*

CARRIED.

2019-013

It was moved by Councillor McEwen and seconded by Councillor Cole

THAT Council approve recommendation 4 of legislation item, "Proposed Rezoning, Subdivision and Development Permits for 221 Minato Road Lot B, Plan VIP79908 Clayoquot District, District Lot 286" which states:

- 4. *THAT Council indicate support for the concept of issuing a Development Permit for the subdivision of the property into the*

proposed Guest House and Campground parcels, subject to the following conditions:

- a. *that the owners provide a detailed landscape plan showing replanting of native tree and understory species in the undeveloped portions of the Minato Road 10m road right-of-way dedication areas:*
 - i. *at the future public access trail to Olsen Bay at the end of Minato Road; and,*
 - ii. *screening of the proposed long-term camping spaces adjacent to Minato Road including appropriate fencing;*
- b. *that prior to subdivision approval, the owners providing:*
 - i. *a civil engineering assessment and design for all required services including road, water, sewer, on- and off-site stormwater management and the location of private power and data utilities; and,*
 - ii. *a traffic engineering safety assessment of vehicle and pedestrian movements resulting from the proposed development and upgrades, if necessary, at the intersection of Peninsula Road and Minato Road and at the future trail crossing of Peninsula Road to the Ancient Cedars loop, for review and approval by the municipality and the Ministry of Transportation and Infrastructure.*

CARRIED.

2019-014

It was moved by Councillor McEwen and seconded by Councillor Hoar

THAT Council approve recommendation 5 of legislation item, "Proposed Rezoning, Subdivision and Development Permits for 221 Minato Road Lot B, Plan VIP79908 Clayoquot District, District Lot 286" which states:

5. THAT, subject to public comment, Council indicate support for considering a variance to increase the maximum permitted height of the main house on the proposed Guest House parcel from 8.5m (28 ft.) to 10.9m (36 ft.); and,

CARRIED.

2019-015

It was moved by Councillor Hoar and seconded by Councillor McEwen

THAT Council approve recommendation 6 of legislation item, "Proposed Rezoning, Subdivision and Development Permits for 221 Minato Road Lot B, Plan VIP79908 Clayoquot District, District Lot 286" which states:

6. THAT Council indicate that issuance of a future Development Permit for construction of the proposed Short-Term Campground (phase 3) would be subject to protecting the full 30m forested buffer along the Peninsula Road frontage, unless the owners can demonstrate that the proposed tent sites within this area would not be visible from the road.

CARRIED.

DISTRICT OF UCLUELET

Zoning Bylaw Amendment Bylaw No. 1256, 2019

A bylaw to amend the District of Ucluelet Zoning Bylaw (Campground).

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

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

1. Text Amendment:

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

- A. By** adding the following definitions in alphabetical order within Division 100 – Enactment and Interpretation, Section 103 Definitions, such that the new definitions read as follows:

““Camping Space” means a measure of land that one camping unit will occupy.

“Camping Unit” means a tent, tent trailer, truck camper, travel trailer, fifth wheel, recreational vehicle, motor home and any other conveyance designed to travel on a publicly maintained road, which is constructed and intended or equipped to be used as non- residential, daily or short-term (not acceding 30 days) accommodation. Camping unit does not include park model trailers, park model mobile homes, or tiny homes sited on a permanent foundation.

“Recreational Vehicle (RV)” means any camper, travel trailer, fifth wheel or motor home with a maximum width of 2.6m in transit mode which can be used to provide sleeping accommodation and which is capable of being licensed for highway use pursuant to the Motor Vehicle Act or any subsequent Act or Acts which may be enacted in substitution therefore.”

- B. By** adding Section 407 numerically to Division 400 – Supplemental Regulations such that the new section reads as follows:

“407 CAMPGROUND

407.1 Where a *Zone* specifically includes *Campground* as a permitted use, all the following conditions must be satisfied for the establishment and continued use and operation of the *Campground*:

- (1) The *campground* layout shall promote the conservation and management of habitat, wetlands, and steep slopes. The layout shall take advantage of existing clearings and open areas. The layout shall maintain and promote natural systems connectivity.
- (2) A naturally landscape buffer shall be located between each *camping space* with a minimum width of 2 m (6 ft).
- (3) Only one camping unit and parking associated with such unit shall be allowed in a single camping space.
- (4) No *camping units* shall be located elsewhere than in a *camping space*.
- (5) No buildings of any type are permitted on *camping spaces* and no additions to any RV, travel trailer, or other camping unit shall be permitted in any *camping spaces*.
- (6) Each *Camping space* is to be on a well-drained site that is at all times free of stagnant pools and is graded for rapid drainage.
- (7) Campground Washroom facilities:
 - (a) Campgrounds shall provide a minimum of one centrally located washroom facility.
 - (b) Washroom facility(s) for un-serviced Camping Spaces are to be equipped with a minimum of one (1) toilet and half (.5) a shower stall per five (5) Camping Spaces.
 - (c) Washroom facility(s) for fully serviced Camping Spaces (camping spaces equipped with a sewer and water connection) are to be equipped with a minimum of one (1) toilet and one half (.5) shower stall per eight (8) Camping Spaces.
 - (d) Each washroom facility must contain an accessible washroom in conformance with the BC Building Code.
- (8) Servicing:
 - (a) A potable water connection shall be provided in all recreational vehicle *camping spaces* and in centralized locations in all campgrounds.

- (b) A sanitary sewer connection shall be provided on 50% of recreational vehicle *camping spaces*.
 - (c) A centralized and winterized sewage disposal facility (dump station) shall be provided for the remainder of RV *camping spaces*. These facilities must be easily accessible and separated from the recreational vehicle stalls and any amenity spaces.
- (9) Each *camping space* shall have:
- (a) a clearly identifiable number and a permanent campground location map must be located at the entrance to the campground
 - (b) a camping area of grass or compacted gravel, which is otherwise well maintained.
 - (c) visible and clearly defined space boundaries marked on the ground by permanent flush stakes or markers.
- (10) The *campground* shall:
- (a) comply with all Provincial regulations relating to health, sanitation, fire, fire protection, and other matters.
 - (b) develop a fire safety plan that must include details on how to manage fire pits and campfires if permitted especially during provincial fire bans.
 - (c) have a Wildlife Attractant strategy with animal proof collection bins provided throughout the campground.
 - (d) ensure all lighting of internal roads and pedestrian paths are fully shielded fixtures that minimize glare in the nighttime environment in accordance with the International Dark Sky Association (IDA) standards and best practices.
- (11) Minimum road width requirements shall be as follows:
- (a) all two-lane access roads to and from a campground shall have a minimum width of 6.0 m.
 - (b) internal campground roads shall be one way, and shall have a minimum width of 3.66 m.

(c) dead end roadways shall have a hammerhead turnaround or cul-de-sac with a turning circle minimum radius of 12 m.

407.2 For greater certainty, notwithstanding of provisions of this bylaw:

(1) No camping unit shall be permitted on any camping space continuously for a period of more than 30 days. No camping unit may reoccupy any camping space in the same campground for a period of not less than 60 days from the date of departure.

407.3 Off-street parking must be provided in accordance with Section 505.1 of this Bylaw.”

- C. **By** adding a new Campground zone, to Schedule B – The Zones that directly follows CS-7 Zone – Tourist Commercial & Residential such that the new section reads as follow:

“CG Zone – CAMPGROUND

This Zone is intended for commercial use of campgrounds, with an accessory residential dwelling unit and accessory retail sales and administration, in accordance with the District’s related bylaws.

CG.1 Permitted Uses

CG.1.1 The following uses are permitted, but *secondary permitted uses* are only permitted in conjunction with a *principal permitted use*:

(1) Principal:

(a) *Campground*

(2) Secondary:

(a) *Accessory Residential Dwelling Unit*

(b) *Accessory Retail Sales and Administration Office*

CG.2 Lot Regulations

CG.2.1	Minimum Lot Size:	6,070 m ² (1.5 acres)
CG.2.2	Minimum Lot Frontage:	23 m (75 ft)
CG.2.3	Minimum <i>Camping Space</i> size:	90 m ² (969 ft ²)
CG.2.4	Minimum <i>Camping Space</i> Width:	6 m (20 ft)
CG.2.5	Minimum <i>Camping Space</i> Depth:	

(1) Tent - *Camping Space*: 11 m (36 ft)

(2) *Recreational Vehicle - Camping Space*: 16 m (52 ft)

CG.3 Density:

CG.3.1 Maximum Number:

(1) *Camping Space*: 10 spaces per acre

(2) *Accessory Residential Dwelling Unit*: 1 per lot

CG.3.2 Maximum Floor Area Ratio: 0.023

CG.3.3 Maximum Lot Coverage: 2.3%

CG.4 Maximum Height:

CG.4.1 Principal Buildings & Structures: 7.5 m (25 ft)

CG.4.2 Accessory Buildings & Structures: 7.5 m (25 ft)

CG.5 Minimum Setbacks:

CG.5.1 Despite Section 306.1, the minimum setbacks listed in Section CG.5.2, below, shall also apply to *camping spaces*.

CG.5.2 The following minimum setbacks apply, as measured from the *front lot line, rear lot line* and *side lot lines(s)*, respectively, of the *Campground*:

	(a) Front Yard Setback	(b) Rear Yard Setback	(c) Side Yard – Interior Setback	(d) Side Yard – Exterior Setback
(1) Principal	7.5 m (25 ft)	7.5 m (25 ft)	7.5 m (25 ft)	7.5 m (25 ft)
(2) Accessory	7.5 m (25 ft)	7.5 m (25 ft)	7.5 m (25 ft)	7.5 m (25 ft)

“

D. By replacing the parking requirement in the chart found in Section 505.1 under “Campground” such that that chart category now reads as follows:

“1 space per *camping space* plus 1 space per 10 *camping spaces* for visitor parking “

2. This bylaw may be cited as “District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1256, 2019”.

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

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

SECOND READING RESCINDED this 23rd day of **June, 2020**

AMENDED this 23rd day of **June, 2020**.

READ A SECOND TIME AS AMENDED this 23rd day of **June, 2020**.

PUBLIC HEARING held this day of , **2020**.

READ A THIRD TIME this day of , **2020**.

ADOPTED this day of , **2020**.

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Amendment Bylaw No. 1256, 2019.”

Mayco Noël
Mayor

Mark Boysen
Corporate Officer

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

Mark Boysen
Corporate Officer



STAFF REPORT TO COUNCIL

Council Meeting: August 13, 2020
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: JOSEPH ROTENBERG, MANAGER OF CORPORATE SERVICES **FILE NO:** 3360-20-RZ20-04

SUBJECT: DISTRICT OF UCLUELET ZONING AMENDMENT BYLAW
NO. 1267, 2020 (796 MARINE DRIVE) – 3RD READING **REPORT NO:** 20-70

ATTACHMENT(S): APPENDIX A – ZONING AMENDMENT BYLAW NO. 1267, 2020

RECOMMENDATION:

1. **THAT** District of Ucluelet Zoning Amendment Bylaw No. 1267, 2020, be given third reading.

PURPOSE:

The purpose of this report is to bring Ucluelet Zoning Amendment Bylaw No. 1267, 2020 (the “Bylaw”) back to Council for third reading.

BACKGROUND:

At the June 23, 2020 Regular Meeting, Council gave the Bylaw first and second reading and referred it to Public Hearing. Notice of the Public Hearing has been published and the Hearing was conducted earlier in this Special Council Meeting. Materials related to the Bylaw are available for review under Item No. 6.3. of this Special Meeting’s agenda.

Since the Bylaw received second reading and a Public Hearing has been conducted, Council is now in a position to give the Bylaw third reading. If third reading is given, the Bylaw will be brought back to Council at a future meeting for adoption.

OPTIONS:

1. **THAT** District of Ucluelet Zoning Amendment Bylaw No. 1267, 2020, be given third reading. **(Recommended)**
2. **THAT** Council provide alternative direction to Staff and/or the applicant.

Respectfully submitted: Joseph Rotenberg, Manager of Corporate Services

Appendix A

DISTRICT OF UCLUELET**Zoning Amendment Bylaw No. 1267, 2020**

A bylaw to amend the “District of Ucluelet Zoning Bylaw No. 1160, 2013”.
(796 Marine Drive)

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

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

1. Map Amendment:

Schedule A (Zoning Map) of District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by changing the zoning designation of Lot 8, District Lot 283, Clayoquot District, Plan VIP84686 [PID 027-473-481 at 796 Marine Drive], shown shaded on the map attached to this Bylaw as Appendix “A”, from VR-1 Zone - Vacation Rental to GH Zone–Guest House.

2. Text Amendment:

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

- a. by adding the following subsection to section GH.1 in alphanumerical order, as follows:

“GH-1.2 Despite section GH.1.1 above, *Secondary Suite* is permitted as a secondary use and a *Guest House* is not permitted as a principle use on the following properties:

 - (a) PID 027-473-481, Lot 8, District Lot 283, Clayoquot District, Plan VIP84686 [796 Marine Drive]”
- b. by replacing subsection 405.2 (1) (c) with the following text:

“as accessory to a permanent residential use and administered by the full-time and present resident occupying the principal Single Family Dwelling or Guest House. “

3. Citation:

This bylaw may be cited as “District of Ucluelet Zoning Amendment Bylaw No. 1267, 2020”.

READ A FIRST TIME this 23rd day of June, 2020.

READ A SECOND TIME this 23rd day of June, 2020.

PUBLIC HEARING held this day of , 2020.

READ A THIRD TIME this day of , 2020.

ADOPTED this day of , 2020.

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Amendment Bylaw No. 1267, 2020.”

Mayco Noël
Mayor

Mark Boysen
Corporate Officer

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

Mark Boysen
Corporate Officer

Appendix 'A'
Bylaw No. 1267, 2020

From: VR-1
To: GH





STAFF REPORT TO COUNCIL

Council Meeting: August 13, 2020
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: JOSEPH ROTENBERG, MANAGER OF CORPORATE SERVICES **FILE NO:** 3360-20-RZ18-08

SUBJECT: **DISTRICT OF UCLUELET ZONING AMENDMENT BYLAW NO. 1244, 2019 AND DISTRICT OF UCLUELET ZONING AMENDMENT BYLAW NO. 1256, 2019 (CAMPGROUNDS) - 3RD READINGS** **REPORT NO:** 20-71

ATTACHMENT(S): APPENDIX A – ZONING AMENDMENT BYLAW NO. 1244 (MAP AMENDMENT)
APPENDIX B – ZONING AMENDMENT BYLAW NO. 1256 (TEXT AMENDMENT - CAMPGROUND REGULATIONS)

RECOMMENDATIONS:

1. **THAT** District of Ucluelet Zoning Amendment Bylaw No. 1244, 2019, be given third reading; and
2. **THAT** District of Ucluelet Zoning Amendment Bylaw No. 1256, 2019, be given third reading.

PURPOSE:

The purpose of this report is to bring Ucluelet Zoning Amendment Bylaw Nos. 1244, 2020 and 1256, 2019 back to Council for third readings.

BACKGROUND

At the June 23, 2020 Regular Meeting, Council advanced District of Ucluelet Zoning Amendment Bylaw No. 1244, 2019 (“Bylaw No. 1244”) to Public Hearing. This bylaw is a site-specific rezoning for 221 Minato Road. At that meeting Council also gave District of Ucluelet Zoning Amendment Bylaw No. 1256, 2019 (“Bylaw No. 1256”) third reading and advanced it to Public Hearing. This bylaw is a general text amendment District of Ucluelet Zoning Bylaw No. 1160, 2013 which adds a new zoning and regulatory section specific to campgrounds.

Notice of the Public Hearing was published and the Hearings occurred earlier in this Special Council Meeting. The materials related to Bylaw No. 1244 and Bylaw No. 1256 are available for review under Item 6.4. of this Special Meeting’s agenda.

Since second readings of the bylaws has been given and the Public Hearing has been conducted, Council is now in a position to give the bylaws third reading. If third reading is given, both bylaws will be brought back for adoption at a later date.

OPTIONS REVIEW:

1. **THAT** District of Ucluelet Zoning Amendment Bylaw No. 1244, 2019, be given third reading; and **(Recommended)**
2. **THAT** District of Ucluelet Zoning Amendment Bylaw No. 1256, 2019, be given third reading. **(Recommended)**
3. **THAT** Council provide alternative direction to staff and/or the applicant.

Respectfully submitted: Joseph Rotenberg, Manager of Corporate Services

Appendix A

DISTRICT OF UCLUELET
Zoning Bylaw Amendment Bylaw No. 1244, 2019

A bylaw to amend the District of Ucluelet Zoning Bylaw (221 Minato Road).

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

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

1. Map Amendment:

Schedule A (Zoning Map) of District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by changing the zoning designation of Lot B, District Lot 286, Clayoquot District, Plan VIP79908 (221 Minato Road, PID 026-487-764), from "RU: Rural Residential" to areas designated as "CG: Campground", "GH: Guest House" and "P-1: Public Institutional" as outlined in black on the map attached to this Bylaw as Appendix "A".

2. This bylaw may be cited as "District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1244, 2019".

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

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

PUBLIC HEARING held this day of , 2019.

READ A THIRD TIME this day of , 2019.

ADOPTED this day of , 2019.

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Amendment Bylaw No. 1244, 2019.”

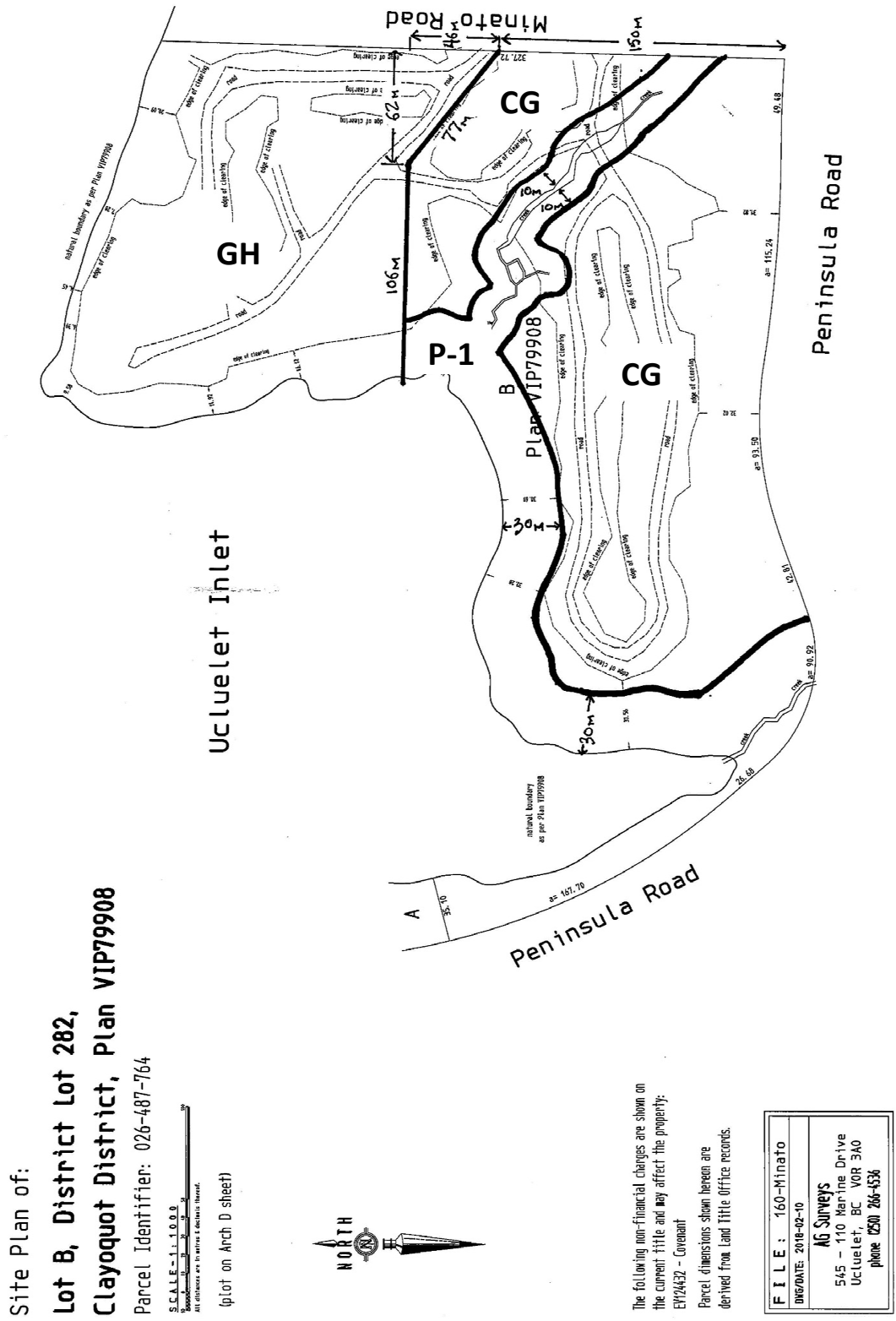
Mayco Noël
Mayor

Mark Boysen
Corporate Officer

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

Mark Boysen
Corporate Officer

Appendix A to Ucluelet Zoning Amendment Bylaw No. 1244, 2019



Appendix B

DISTRICT OF UCLUELET**Zoning Bylaw Amendment Bylaw No. 1256, 2019**

A bylaw to amend the District of Ucluelet Zoning Bylaw (Campground).

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

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

1. Text Amendment:

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

- A. By** adding the following definitions in alphabetical order within Division 100 – Enactment and Interpretation, Section 103 Definitions, such that the new definitions read as follows:

““Camping Space” means a measure of land that one camping unit will occupy.

“Camping Unit” means a tent, tent trailer, truck camper, travel trailer, fifth wheel, recreational vehicle, motor home and any other conveyance designed to travel on a publicly maintained road, which is constructed and intended or equipped to be used as non- residential, daily or short-term (not acceding 30 days) accommodation. Camping unit does not include park model trailers, park model mobile homes, or tiny homes sited on a permanent foundation.

“Recreational Vehicle (RV)” means any camper, travel trailer, fifth wheel or motor home with a maximum width of 2.6m in transit mode which can be used to provide sleeping accommodation and which is capable of being licensed for highway use pursuant to the Motor Vehicle Act or any subsequent Act or Acts which may be enacted in substitution therefore.”

- B. By** adding Section 407 numerically to Division 400 – Supplemental Regulations such that the new section reads as follows:

“407 CAMPGROUND

407.1 Where a *Zone* specifically includes *Campground* as a permitted use, all the following conditions must be satisfied for the establishment and continued use and operation of the *Campground*:

- (1) The *campground* layout shall promote the conservation and management of habitat, wetlands, and steep slopes. The layout shall take advantage of existing clearings and open areas. The layout shall maintain and promote natural systems connectivity.
- (2) A naturally landscape buffer shall be located between each *camping space* with a minimum width of 2 m (6 ft).
- (3) Only one camping unit and parking associated with such unit shall be allowed in a single camping space.
- (4) No *camping units* shall be located elsewhere than in a *camping space*.
- (5) No buildings of any type are permitted on *camping spaces* and no additions to any RV, travel trailer, or other camping unit shall be permitted in any *camping spaces*.
- (6) Each *Camping space* is to be on a well-drained site that is at all times free of stagnant pools and is graded for rapid drainage.
- (7) Campground Washroom facilities:
 - (a) Campgrounds shall provide a minimum of one centrally located washroom facility.
 - (b) Washroom facility(s) for un-serviced Camping Spaces are to be equipped with a minimum of one (1) toilet and half (.5) a shower stall per five (5) Camping Spaces.
 - (c) Washroom facility(s) for fully serviced Camping Spaces (camping spaces equipped with a sewer and water connection) are to be equipped with a minimum of one (1) toilet and one half (.5) shower stall per eight (8) Camping Spaces.
 - (d) Each washroom facility must contain an accessible washroom in conformance with the BC Building Code.
- (8) Servicing:
 - (a) A potable water connection shall be provided in all recreational vehicle *camping spaces* and in centralized locations in all campgrounds.

- (b) A sanitary sewer connection shall be provided on 50% of recreational vehicle *camping spaces*.
 - (c) A centralized and winterized sewage disposal facility (dump station) shall be provided for the remainder of RV *camping spaces*. These facilities must be easily accessible and separated from the recreational vehicle stalls and any amenity spaces.
- (9) Each *camping space* shall have:
- (a) a clearly identifiable number and a permanent campground location map must be located at the entrance to the campground
 - (b) a camping area of grass or compacted gravel, which is otherwise well maintained.
 - (c) visible and clearly defined space boundaries marked on the ground by permanent flush stakes or markers.
- (10) The *campground* shall:
- (a) comply with all Provincial regulations relating to health, sanitation, fire, fire protection, and other matters.
 - (b) develop a fire safety plan that must include details on how to manage fire pits and campfires if permitted especially during provincial fire bans.
 - (c) have a Wildlife Attractant strategy with animal proof collection bins provided throughout the campground.
 - (d) ensure all lighting of internal roads and pedestrian paths are fully shielded fixtures that minimize glare in the nighttime environment in accordance with the International Dark Sky Association (IDA) standards and best practices.
- (11) Minimum road width requirements shall be as follows:
- (a) all two-lane access roads to and from a campground shall have a minimum width of 6.0 m.
 - (b) internal campground roads shall be one way, and shall have a minimum width of 3.66 m.

(c) dead end roadways shall have a hammerhead turnaround or cul-de-sac with a turning circle minimum radius of 12 m.

407.2 For greater certainty, notwithstanding of provisions of this bylaw:

(1) No camping unit shall be permitted on any camping space continuously for a period of more than 30 days. No camping unit may reoccupy any camping space in the same campground for a period of not less than 60 days from the date of departure.

407.3 Off-street parking must be provided in accordance with Section 505.1 of this Bylaw.”

- C. **By** adding a new Campground zone, to Schedule B – The Zones that directly follows CS-7 Zone – Tourist Commercial & Residential such that the new section reads as follow:

“CG Zone – CAMPGROUND

This Zone is intended for commercial use of campgrounds, with an accessory residential dwelling unit and accessory retail sales and administration, in accordance with the District’s related bylaws.

CG.1 Permitted Uses

CG.1.1 The following uses are permitted, but *secondary permitted uses* are only permitted in conjunction with a *principal permitted use*:

(1) Principal:

(a) *Campground*

(2) Secondary:

(a) *Accessory Residential Dwelling Unit*

(b) *Accessory Retail Sales and Administration Office*

CG.2 Lot Regulations

CG.2.1	Minimum Lot Size:	6,070 m ² (1.5 acres)
CG.2.2	Minimum Lot Frontage:	23 m (75 ft)
CG.2.3	Minimum <i>Camping Space</i> size:	90 m ² (969 ft ²)
CG.2.4	Minimum <i>Camping Space</i> Width:	6 m (20 ft)
CG.2.5	Minimum <i>Camping Space</i> Depth:	

(1) Tent - *Camping Space*: 11 m (36 ft)

(2) *Recreational Vehicle - Camping Space*: 16 m (52 ft)

CG.3 Density:

CG.3.1 Maximum Number:

(1) *Camping Space*: 10 spaces per acre

(2) *Accessory Residential Dwelling Unit*: 1 per lot

CG.3.2 Maximum Floor Area Ratio: 0.023

CG.3.3 Maximum Lot Coverage: 2.3%

CG.4 Maximum Height:

CG.4.1 Principal Buildings & Structures: 7.5 m (25 ft)

CG.4.2 Accessory Buildings & Structures: 7.5 m (25 ft)

CG.5 Minimum Setbacks:

CG.5.1 Despite Section 306.1, the minimum setbacks listed in Section CG.5.2, below, shall also apply to *camping spaces*.

CG.5.2 The following minimum setbacks apply, as measured from the *front lot line, rear lot line* and *side lot lines(s)*, respectively, of the *Campground*:

	(a) Front Yard Setback	(b) Rear Yard Setback	(c) Side Yard – Interior Setback	(d) Side Yard – Exterior Setback
(1) Principal	7.5 m (25 ft)	7.5 m (25 ft)	7.5 m (25 ft)	7.5 m (25 ft)
(2) Accessory	7.5 m (25 ft)	7.5 m (25 ft)	7.5 m (25 ft)	7.5 m (25 ft)

“

D. By replacing the parking requirement in the chart found in Section 505.1 under “Campground” such that that chart category now reads as follows:

“1 space per *camping space* plus 1 space per 10 *camping spaces* for visitor parking “

2. This bylaw may be cited as “District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1256, 2019”.

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

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

SECOND READING RESCINDED this 23rd day of **June, 2020**

AMENDED this 23rd day of **June, 2020**.

READ A SECOND TIME AS AMENDED this 23rd day of **June, 2020**.

PUBLIC HEARING held this day of , **2020**.

READ A THIRD TIME this day of , **2020**.

ADOPTED this day of , **2020**.

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Amendment Bylaw No. 1256, 2019.”

Mayco Noël
Mayor

Mark Boysen
Corporate Officer

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

Mark Boysen
Corporate Officer