

AGENDA

REGULAR MEETING OF COUNCIL

Tuesday, July 09, 2013

7:30 p.m.

**George Fraser Room, Ucluelet Community Centre
500 Matterson Drive,
Ucluelet, B.C.**

Council Members:

Mayor Bill Irving

Councillor Dario Corlazzoli

Councillor Geoff Lyons

Councillor Sally Mole

Councillor Randy Oliwa



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REGULAR COUNCIL MEETING AGENDA

July 9, 2013 at 7:30pm
 George Fraser Room, Ucluelet Community Centre
 500 Matterson Drive, Ucluelet, BC

<p>CALL TO ORDER:</p>	
<p>ADOPTION OF MINUTES:</p> <p>June 25, 2013 Regular Council Minutes</p>	
<p>PUBLIC INPUT, DELEGATIONS & PETITIONS: None</p>	
<p>CORRESPONDENCE:</p> <p>C-1 Small Craft Harbour Liveboard Lease Application Rich Parlee on behalf of Jared Fenwick</p> <p>C-2 Barkley Community Forest Transfer Request Gary Johnsen, Director of Business Operations - Toquaht Nation</p> <p>C-3 Wyndansea Covenant Modification Request Elke Loof-Koehler, Wyndansea Hotel Inc.</p>	
<p>INFORMATION ITEMS:</p> <p>I-1 EMCON Update on Hwy 4 Maintenance Oliver Watson, Operations Manager - EMCON Services</p>	
<p>REPORTS:</p> <p>R-1 Expenditure Voucher G-13/13 Jeanette O'Connor, CFO</p>	

<p>REPORTS (CONT'D):</p> <p>R-2 Co-op Gas Bar Development Permit John Towgood, Planning Assistant</p>	
<p>LEGISLATION: None</p>	
<p>COM-1 COUNCIL COMMITTEE REPORTS</p> <p>Councillor Dario Corlazzoli <i>Deputy Mayor October-December</i></p> <ul style="list-style-type: none"> ◆ Coastal Community Network ◆ Fisheries ◆ Signage Committee ◆ Ucluelet Chamber of Commerce ◆ Ucluelet Recreation Committee (<i>alternate</i>) ◆ Wild Pacific Trail <p>Councillor Geoff Lyons <i>Deputy Mayor April-June</i></p> <ul style="list-style-type: none"> ◆ Central West Coast Forest Society ◆ Food Bank on the Edge ◆ Local Marine Advisory Committee ◆ Ucluelet & Area Historical Society ◆ Clayoquot Biosphere Trust Society (<i>alternate</i>) ◆ West Coast Multiplex Society <p>Councillor Sally Mole <i>Deputy Mayor July-September</i></p> <ul style="list-style-type: none"> ◆ Harbour Advisory Commission ◆ School Liaison (<i>alternate</i>) ◆ Ucluelet & Area Child Care Society ◆ Ucluelet Affordable Housing Society ◆ Ucluelet Recreation Commission ◆ Vancouver Island Regional Library (<i>alternate</i>) ◆ Westcoast Community Resources Society ◆ Coastal Family Resource Coalition <p>Councillor Randy Oliwa <i>Deputy Mayor January-March</i></p> <ul style="list-style-type: none"> ◆ Parent Advisory Committee/Public School Liaison ◆ Sea View Senior's Housing Society ◆ Ucluelet Volunteer Fire Brigade ◆ Ucluelet/Provincial Emergency Program ◆ Vancouver Island Regional Library Board <p>Mayor Bill Irving</p> <ul style="list-style-type: none"> ◆ Alberni-Clayoquot Regional District ◆ Pacific Rim Harbour Authority ◆ Aquarium Board 	

NEW BUSINESS:	
PUBLIC QUESTION PERIOD:	
ADJOURNMENT	
RESOLVE INTO CLOSED SESSION <i>Notice: This meeting may be closed to the public only where items for consideration meet the requirements of Section 90 of the Community Charter.</i>	

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DISTRICT OF UCLUELET
Minutes of the Regular Council Meeting
held in the George Fraser Room, 500 Matterson Drive,
Ucluelet, BC on June 25, 2013 at 7:30 pm

COUNCIL PRESENT:

Mayor Irving
Councillor Lyons
Councillor Mole
Councillor Oliwa
Councillor Corlazzoli

STAFF PRESENT:

Jeanette O'Connor, CFO
Patricia Abdulla, Manager of Planning
Barb Millar, Recording Secretary

CALL TO ORDER:

Mayor Irving called the meeting to order at 7:30 pm.

APPROVAL OF MINUTES:

Moved by Councillor Lyons, seconded by Councillor Corlazzoli to adopt the June 11, 2013 Regular Council minutes as presented.

CARRIED

PUBLIC INPUT, DELEGATIONS & PETITIONS:

Council received questions and comment from the public.

CORRESPONDENCE:

None

INFORMATION ITEMS:

None

REPORTS:

R-1 Expenditure Voucher G-12/13
Jeanette O'Connor, CFO

Moved by Councillor Oliwa, seconded by Councillor Corlazzoli to receive Expenditure Voucher G-11/13.

CARRIED

Moved by Councillor Mole and seconded by Councillor Lyons to direct staff to research the Community Carbon Trust Fund Program for carbon offset purchases.

CARRIED

R-2 Proposal to Rezone 1601 Peninsula Rd from Private Institutional to Village Square Commercial

Patricia Abdulla, Manager of Planning

Moved by Councillor Corlazzoli, seconded by Councillor Mole to receive report R-2.

CARRIED

BL-1 Zoning Bylaw No.1156, 2013

Moved by Councillor Corlazzoli, seconded by Councillor Lyons approve first reading of Zoning Bylaw No.1156, 2013.

CARRIED

Moved by Councillor Corlazzoli, seconded by Councillor Lyons approve second reading of Zoning Bylaw No.1156, 2013.

CARRIED

R-3 District of Ucluelet Harbour Plan - 2012

Patricia Abdulla, Manager of Planning

Moved by Councillor Oliwa, seconded by Councillor Corlazzoli to receive District of Ucluelet Harbour Plan 2012.

CARRIED

Moved by Councillor Mole, seconded by Councillor Oliwa to refer report to the Harbour Authority Commission for public input and next steps.

CARRIED

R-4 New Zoning Bylaw No 1160, 2013

Moved by Councillor Lyons, seconded by Councillor Corlazzoli to accept recommendations A, B and C from R-4 New Zoning Bylaw No.1160 Report.

CARRIED

R-5 District of Ucluelet 2012 Annual Report

Jeanette O'Connor, Chief Financial Officer

Moved by Councillor Oliwa seconded by Councillor Corlazzoli to receive and approve the 2012 Annual Municipal Report.

CARRIED

LEGISLATION:

None

COMMITTEE REPORTS:

Councillor Dario Corlazzoli

Chamber of Commerce

- Tourism Ucluelet van returned to Ucluelet June 24, 2013. Chamber is extending the hours of operation to 7 days a week for the summer season.

Edge to Edge Marathon

- Very successful; due to traffic concerns, may be require rerouting in future years

Van Isle 360

- Successful event

Wild Pacific Trail

- New trail roughed in to Wyndandsea property
- New board member has written a funding proposal report

Signage Update

- Signage to be installed by first weekend in July

Councillor Sally Mole

Harbour Advisory Committee

- Four Recommendations from June 20, 2013 Ucluelet Harbour Advisory Meeting

Moved by Councillor Mole, seconded by Councillor Oliwa to move the Coast Guard Auxiliary boathouse to the airplane finger of the Whiskey Dock, from May to September, and to direct staff to explore options at Canadian Fishing Company in Spring Cove.
CARRIED

Moved by Councillor Mole and seconded by Councillor Lyons to name the new boat launch the "Pat Leslie Memorial Boat Launch".
CARRIED

Moved by Councillor Mole and seconded by Councillor Corlazzoli to appoint Doug Kimoto to the Harbour Authority Commission and recommend to staff to not advertise the vacant seat on the Commission.
CARRIED

Moved by Councillor Mole and seconded by Councillor Lyons direct staff to investigate improving lighting at the Small Craft Harbour parking lot.
CARRIED

Councillor Randy Oliwa

Vancouver Island Regional Library

Moved by Councillor Oliwa and seconded by Councillor Corlazzoli to invite the Vancouver Island Regional Library manager to a council meeting.
CARRIED

Councillor Geoff Lyons

Food Bank on the Edge.

- Invitation to all council and staff to help at the Ukee Days pancake breakfast

CBT

- Meeting last week to review the investment portfolio. Stephanie Hughes new treasurer.

Multiplex

- New MOU for 8 West Coast communities

Mayor Bill Irving

Barkley Forest Meeting

- District has requested a meeting with Ministry of Forests

Pacific Rim Harbour Authority

- Meeting held in Vancouver last week

Moved by Councillor Mole, seconded by Councillor Corlazzoli to receive all committee reports.

CARRIED

NEW BUSINESS:

- ❖ Mayor Irving noted Council will be attending the July 25, 2013 Federal Conservative BC Caucus to make a presentation regarding the Coast Guard closure. Council has also made a request to be on the September 10, 2013 agenda.

Moved by Councillor Oliwa and seconded by Councillor Mole to write a letter of congratulations to North Island College for the 1M aquaculture research grant.

CARRIED

Moved by Councillor Corlazzoli, seconded by Councillor Mole to forward letter from Wyndansea to staff for their review and response.

CARRIED

Moved by Councillor Mole and seconded by Councillor Corlazzoli to direct staff to apply to the Healthy Communities Capacity Building Fund for a "Dialogue of Action" session, naming the District of Ucluelet as the contact.

CARRIED

Moved by Councillor Oliwa, seconded by Councillor Corlazzoli to apply to ICE-T to fund a business incentive and opportunities incubator session.

CARRIED

Moved by Councillor Oliwa, seconded by Councillor Corlazzoli to apply to ICE-T to fund a full time position as the Higher Education Coordinator.

CARRIED

Moved by Councillor Lyons, seconded by Councillor Oliwa to apply to ICE-T to fund an updated Community Profile for the District of Ucluelet.

CARRIED

PUBLIC QUESTION PERIOD

Council received questions and comments from the public.

ADJOURNMENT:

Mayor Irving adjourned the regular council meeting at 8:36 pm.

CERTIFIED CORRECT: Minutes of the Regular Council Meeting held on Tuesday June 25, 2013 at 7:30 pm in the George Fraser Community Room, 500 Matterson Road, Ucluelet, BC.

Bill Irving
Mayor

Andrew Yeates
CAO

DRAFT



DISTRICT OF UCLUELET
SMALL CRAFT HARBOUR

C-1
JUN 24 2013
District of Ucluelet
JULY 9, 2013

LEASE APPLICATION FORM

VESSEL INFORMATION

Name of Vessel: Best Page
Registration Number: en route from Halifax
Make or Model: Eynance 44 # ON 371 695 Pt. 14.05
Length Overall: nominal 44 Colour: black

OWNER/REPRESENTATIVE INFORMATION

Owner: Jared Fenwick
Home Phone: - Business Phone: -
Cell Phone: 250 526 3021
Mailing Address: Street: Port Washington Rd. (dock) Box:
City: Pender Island Prov.: B.C. Postal Code: V0N 2M0
Are you operating a business from the above vessel? YES NO

EMERGENCY CONTACT INFORMATION

Name: Rich Parlee Relationship: acquaintance
Home Phone: 250 726 7436 Business Phone:
Cell Phone: 250 726 6427
preferred #

Dated: June 19 '13 Signature: Jared Fenwick

OFFICE USE ONLY

Application Date: Vessel Classification:
Lease APPROVED DENIED Council Meeting Date:
Lease Term: to
Quarterly Annual Berth Number:
Paid by Credit Card Cheque # Cash TOTAL \$



**TOQUAHT
NATION**



PO Box 759
Ucluelet, BC V0R 3A0
Phone: (250) 726-4230
Fax: (250) 726-4403

June 27, 2013

District of Ucluelet
Mayor and Council
PO Box 999
Ucluelet, BC
V0R 3A0

Attn: Mr. Bill Irving, Mayor

Re: Barkley Community Forest Limited Partnership

The Toquaht Nation is the partner with the District of Ucluelet for the Barkley Community Forest Limited Partnership. The Nation would like to transfer their portion of the partnership to Toquaht Holdings Ltd., which will provide a measure of protection for the Nation and a separation of business and political agendas. Our legal advice suggests that an agreement in writing from the District of Ucluelet will be necessary to allow this transfer. Will you please consider this request and respond at your convenience?

If you have any questions or concerns please feel free to get in touch with me at the information listed above.

Sincerely,

Gary Johnsen
Director of Business Operations

WYNDANSEA
OCEANFRONT GOLF RESORT

C-3

JUL 05 2013

July 3, 2013

URGENT MATTER

TO: District of Ucluelet - Mayor and Council

**FROM: Elke Loof-Koehler
Wyndansea Hotel Inc., Wyndansea Development Corporation**

SUBJECT: Letter of June 11, 2013 – Wyndansea Covenant Modifications

Dear Mayor and Council,

We are in receipt of a letter dated June 28, 2013 from District of Ucluelet staff containing their opinion on the requests to Council outlined in our June 11, 2013 letter (attached). We do not agree with staff's opinion that our requests require an inordinate amount of staff and administrative time, legal cost, (mentioned multiple times), an extensive public process and lengthy formal provincial and federal referral processes. The letter contains requests of exaggerated and unnecessary policy and amendment procedures, applications and processes that would take longer to apply for and complete than the original rezoning process for the entire property. It represents an unnecessary overly bureaucratic approach to what should be a simple procedure with direction given internally by Council to staff.

The letter from staff does not support any kind of positive, collaborative working environment to move the project forward in a timely fashion or any practical thoughts on the requests in our letter to Council.

We understand that this letter was written without Council's involvement and as such, we respectfully ask that Mayor and Council confirm in writing their intent to work with us to get Wyndansea started again, specifically as it pertains to the required covenant modifications outlined in the June 11 letter.

Please confirm your support and subsequent direction to staff regarding the discharge of the MDA from Signature Circle and the adjoining lot 3, modification to the Road Covenant, Sections 1 and 2 and the modification to the Amenity Reserve Fund Contribution Covenant.

We look forward to receiving this confirmed in writing so we can share it with our lending partner.

Thank you in advance,



Elke Loof-Koehler

1135 Homer Street, Vancouver, BC, V6B 0B1
Direct: (604) 362-6136



2013 June 28

Wyndansea Development Corporation
1135 Homer Street, Vancouver B.C.
V6B 0B1

Attention: Ms. Loof-Koehler:

Re: Wyndansea – Modifications to MDA, Covenants and Amenity Contribution

This correspondence will address your letter of June 11, 2013 which was received under New Business at an Open Meeting of Council on June 25, 2013. A motion was made to forward your letter to staff to provide you a formal response. Council has not reviewed this letter nor offered comment. They have requested staff to respond by identifying the processes for addressing community interest, adopted community plans and legal procedures while addressing the developer's requests herein. This letter is further to telephone conversations and emails between yourself and staff since April 19, 2013, your meeting with staff on May 30th and staff's letter to you on June 4th, 2013.

The preamble of your letter indicates a work schedule to take place over the next 12 months, some of which will require more detail before staff can comment on processes which may or may not be involved, mindful as well as to other agency approvals such as DFO, Ministry of Transportation and others. This letter will, however, provide clarity in application and/or processes in the three requests which you have put forward under the headings below.

1. Road Covenant(s) (FB148262 & FB152791)

- a. Extension of Time - Date of construction – October 2013. Upon receipt of documentation clarifying reasons for this request, endorsement by the receiver or those parties determined to have authority in this matter, and providing a means of security for completion of this extension date if it is not met, a submission will be reviewed by staff and the District lawyer in order to provide comment. Staff are able to move this forward to Council through a staff report in an open meeting of Council. All legal costs surrounding the modification, review and documents would be incurred by the applicant.
- b. Road Covenant Discharge – There is significant history pertaining to this original proposal of a secondary arterial into Ucluelet. Much of this was put forward by the Developer through the rezoning and Public Input sessions. There was discussion on the increased traffic should the build out of both the Weyerhaeuser and Golf Course land incur. It was to provide a right-of-way for infrastructure needs, emergency and evacuation routes, provide a new scenic route into the District, divide commercial and heavy traffic routes and much more. A new proposal would require the same amount of consideration and review. In addition, this road is adopted under both the Official Community Plan (OCP), the Transportation Plan and the Emergency Plan and this

abandonment would effectively change the zoning concept plan. If the discharge of this covenant were to be considered, your application would need to support the reasons noted above addressing emergency routes, Highways approval for a new major access point, a comparison between the approved road location and the new proposal on the CD6 parcel, the impact on the proposed CD6 uses and on the layouts according to the MDA. This submission would be considered by council through a staff report which would follow a public consultation process administered by the applicant, including a zoning bylaw amendment, and OCP amendment, an amendment to the Transportation Plan and the adopted Emergency Plan. The applicant would prepare and incur all costs of the legal documents including the District Solicitor's review of such documents. In advance of that, you will note that Section 2.3 of the Master Development Agreement is also relevant, given the change in concept plan, and we look forward to a report on the owner's public consultation further to that section.

A secondary access is required to provide for future transportation and development options for both Lots 5 and 6. The proposed alterations are not supportable by staff based on the District's current Plans and policies, and the language of the covenants as they stand. Staff are willing to explore alternate proposals which still assure future community needs while considering developer's concerns and will reserve our final recommendation to consider a detailed proposal, with supporting rationale and report on public consultation, as identified above.

2. Amenity Fund Contribution –Lot 5 (CD-6) Zone obligations, including amenity contribution, remain outstanding. The original 2006 Covenant FA102255 was modified in 2007 and again in 2008 to allow extension of time, on interest rates offered by the developer owner. There are outstanding obligations, and no work is permitted on the Lands until such are addressed. Your June 11th proposal has sought to link a partial payment of the outstanding amount on the CD-6 Zoned Lands, with relief on remainder, to your application for modifications to covenants on CD-5 Zoned Lands. Changes to the amenity reserve fund contributions also require further modifications of the CD-6 Zone MDA Covenant. All will be decisions made by Council following a review and recommendations in a staff report. At this point, the proposal provides little additional certainty over the present situation, and requires much more administration and legal expense. Should you wish to propose other options staff will forward these options in a staff report to Council. Under a new proposal to pay the amenity contribution, there would need to be assurances demonstrated as to how the developer would now be able to make payments as opposed to the current structure. What would the time lines be for this proposed payment structure, etc.? Any legal papers and costs to this proposal will be incurred by the applicant and reviewed by the District Solicitor.

At this stage, staff could not recommend the proposed reduction and linking to future lots sales in Signature Circle.

3. MDA Covenant Discharge for Signature Circle and Lot 3 – This item in your June 11th letter is a new item not previously raised in our correspondence, email and phone calls since April 19th. You are correct that the District allowed for discharge of the covenant on certain OceanWest lots as the terms of the covenant and the MDA were fulfilled for those lots. Weyco's lawyer prepared the documents, evidenced satisfactions and dealt with LTO at Weyco's expense. The District's lawyer reviewed these documents and confirmed that all terms had been fulfilled. If

the same scenario applied for Signature Circle and Lot 3, then we are able to do the same. This is a relatively straightforward process and we are happy to assist. We would require that your lawyer prepare the legal documents, provide a submission with evidence that each of the clauses of the MDA have been satisfied, and forward the package to the District Lawyer and Planner for review. If all is acceptable the District can execute and return to your lawyer.

In conclusion it is important to note that the above requests must be evaluated concurrently with specific development plans, the existing MDA, adopted OCP, Transportation Plan, Emergency Plan and the Zoning Bylaw. Public processes which formed a significant part of this Comprehensive Development Zoning and MDA are also a part of the consideration of modifications being proposed. Other Agencies and requirements such as DFO, Ministry of Highways are also considerations. Staff and Council are ready to receive applications and proposals through the normal public process via staff reports and rezonings or variances where necessary. Staff look forward to receipt of your applications for any of the items addressed above in reference to your June 11th, 2013 letter and will deal with them in as expedited a fashion as possible. Should you have any queries or need further information, please address your correspondence through the Planner.

Regards,

A handwritten signature in black ink, appearing to read 'Patricia Abdulla', is written over a circular stamp or mark.

Patricia Abdulla
Manager of Planning
District of Ucluelet

Copy: Andrew Yeates, CAO District of Ucluelet
Lui Carvello, Carvello Law Corporation

WYNDANSEA

OCEANFRONT GOLF RESORT

JUN 26 2013

June 11, 2013

FOR DISCUSSION IN CAMERA - URGENT MATTER

TO: Mayor Bill Irving
Councillor Darlo Corlazzoli
Councillor Geoff Lyons
Councillor Randy Ollwa
Councillor Sally Mole

FROM: Elke Loof-Koehler, Wyndansea Development Corporation

SUBJECT: Wyndansea Signature Circle & Amenity Reserve Fund Contribution

INTRODUCTION

For the sake of those who were not part of the initial master planning process, we would like to provide a short introduction to the master plan vision, the work completed and next steps to move the project forward.

After five years on standstill as a result of the 2008 global financial crash, Wyndansea is in a position to get started again. It will be the first of 41 golf course resorts under the Nicklaus brand North America to restart since the crisis hit. The fact that we have been able to attract a lender in these difficult times is a clear indication of the project's distinct positioning.

Since its introduction in 2006, Wyndansea has attracted international attention especially in the areas of golf and modern green sustainable design. Over and over, Wyndansea's golf course setting and design has been compared to Pebble Beach and Bandon Dunes, two of the most famous golf courses in North America. In 2008 and 2009, the course was rated among North America's Top 50 New Courses. Wyndansea's modern green design aesthetic has attracted Starwood Hotel Group as a perfect place for their new, green luxury **1 Hotel** brand.

WORK COMPLETED

There is a significant amount of development and construction work completed at Wyndansea that will enable us to proceed very quickly. The following list outlines the work completed:

- All Zoning entitlements have been approved through two separate Master Development Agreements
- Off-site infrastructure required to service the Wyndansea project is complete.

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- 9 golf holes have been cleared with some shaping on lot A (Pacific side)
- A completed Presentation Centre with display materials
- All strategic partners standing by to begin work
- Signature Circle subdivision registered with the BC Land Title Office, the home sites serviced and ready to sell

GOING FORWARD

The vision for Wyndansea has always been based on a strong foundation of green design and construction. To further reinforce the commitment to green design, we have recently signed an agreement with Blu Homes, a San Francisco based company to collaborate on the build out of all homesites at Wyndansea.

Blu has been called "The Apple of Green Prefab Homes" by Forbes Magazine for its use of technology and design to revolutionize home building. Blu homes are designed to reduce the energy use and lower both carbon footprint and air toxicity drastically as compared to a traditionally built home. This collaboration creates a turnkey solution in order to sell finished product that appeals to a much larger international market.

Over the next twelve months, the following work is scheduled to take place:

- The immediate sales of Signature Circle Charter Release, which includes an estate home site with a precision-built Blu home, and a Jack Nicklaus Golf Club Charter membership
- Golf course construction on the 9 holes on the Pacific side
- Application for amendment of Development Permit for Hotel on Lot A
- Construction of base road on DL 5 to the location of future marina
- Design and engineering of marina and application for commercial deep water lease

COVENANT MODIFICATIONS

In order to be able to move the project forward, we require the following covenant modifications:

1. Road Covenant – FB148262 & FB152791

a. Timing of Road Construction Section 1

Paragraph 1.5 of Covenant FB148262 & FB152791 requires that the Section 1 road, and if required Section 2 road, shown in Schedule B be dedicated and constructed by not later than October 31, 2013, unless this date needs to be extended for a period equivalent to the amount of time lost by

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reason of Force Majeure. In paragraph 1.1(f), Force Majeure is defined as "other unforeseeable circumstances that were beyond the control of the party claiming force majeure".

REQUEST:

The global economic crisis of 2007/2008 triggered a complete freeze of the development capital sources and thus the collapse of the North American resort real estate industry. This is internationally known to be the worst financial crisis since the Great Depression of 1930.

For this reason, we claim force majeure under section 1.1 and request that this date is extended by five (5) years to October 31, 2018.

For further support, we received an email letter from Charles Smith of Weyerhaeuser confirming that even in a very strong market, Weyerhaeuser has no need to construct the connecting road on their adjoining lot 4 before 2021 as it will not make economic sense before then. This means that there will not be a connecting road to the Section 1 Road before 2021.

b. Section 2 Road Requirement

In paragraph 1.2 of the covenant, it states that the "Grantee has the ability to decide, in its sole discretion, that the Section 2 road not be required". As shown in Schedule B of the covenant, this road both destroys the golf course design and is also impractical in providing an alternative route given the uncertainty of the neighbours' intent with their land.

REQUEST:

We request that the District eliminate the requirement to build the Section 2 road per the terms of paragraph 1.2 of the Road Covenant (FB148262 & FB152791).

We are open to discussing an alternative secondary road on the DL5 side. In this location, the road would offer a beautiful view. In 2006 during the Jack Nicklaus visit, this alternative was discussed with Mayor and Council. At that, time everyone agreed that the alternative road location on DL 5 was a good solution, given that the Section 2 road location had such a negative impact on the golf course.

Please see attached master plan for alternate location of secondary road on DL 5.

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2. Amenity Reserve Fund Contribution Covenant on DL5 - FB122898 & FB222671

Covenants FB122898 and FB222671 refer to the Amenity Reserve Contribution of \$1 million and relate to the rezoning of District Lot 5.

We emphasized to our new lending partner how important this \$1million contribution to the Amenity Reserve Fund is to the community. Even though this covenant pertains to the rezoning of District Lot 5, and not to District Lot A, they have agreed to allow for the full \$1 million payment from Signature Circle sales, as long as all accrued interest is waived and the Road Covenant is modified as requested in point 1 above.

We propose a modification of this covenant to reflect 1) the full \$1 million contribution paid from Signature Circle sales #11 to 20 at a rate of \$100,000 per sale, and 2) waive all accrued interest.

3. Master Development Agreement Covenant

In earlier discussions, it was always understood that as subdivisions were approved, they would be removed from the conditions of the MDA accordingly. As such, the MDA covenant on Signature Circle and the adjoining lot 3 should have been discharged at the time the subdivision was registered, as was the case in Weyerhaeuser's previous subdivision registration procedures under the same MDA.

REQUEST:

We are asking for the discharge of the MDA covenant on Signature Circle, and the adjoining lot 3.

IN CONCLUSION

BENEFITS TO THE COMMUNITY

For the community, the spin-off business from the construction of Wyndansea is considerable. For example; hotel and golf course construction will employ 80 to 100 construction workers who will spend a lot of their income in Ucluelet businesses.

Wyndansea will also bring **150 to 220 permanent and seasonal jobs** at the golf course and hotel alone.

The direct income from the Wyndansea project to the District is as follows:

- o DCC's collected over the course of the project: approx. **\$10M.**
- o Annual property taxes collected from a completed Wyndansea project: approx. **\$2.5M.**
- o Building Permit fees and other development related fees from all construction at Wyndansea: approx. **\$2.7M**

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OCEANFRONT GOLF RESORT

The new lending partner has given us a limited amount of time to get these covenants modified with a maximum of 45 days from May 24, 2013.

We are not creating new proposals, or asking for a change in density or land use. The property has already been zoned and a plan is in place. We are simply asking for covenant modifications that better suit the economic conditions of today while allowing for a new density bonusing amenity contribution payment plan.

We respectfully ask that mayor and council instruct staff and legal counsel to complete the discharge of the MDA from Signature Circle, and the adjoining lot 3, modify the Road Covenant section 1 and 2, and modify the Amenity Reserve Fund Contribution Covenant as outlined above within the given timeframe.

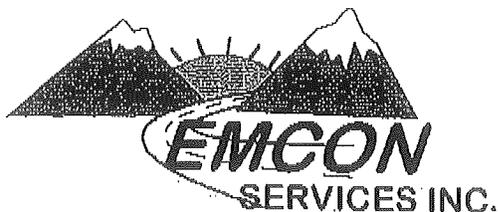
Sincerely,



Elke Loof-Koehler
Wyndansea Development Corporation
Wyndansea Hotel Inc

Attachments

- **Road Covenant – FB148262 & FB152791**
- **Amenity Reserve Fund Contribution Covenant on DL5 - FB122898 & FB222671**
- **Wyndansea Master Plan**



Proudly Serving
Western Canada
Since 1988



ORIGINATING OFFICE

Island Division
Box 1300
3190 Royston Road
Cumberland, BC
V0R 1S0
Ph: 250-336-8897
Fax: 250-336-8892

Corporate Office
Unit 105
1121 McFarlane Way
Merritt, B.C.
V1K 1B9
Ph: 250 378-4176
Fax: 250 378-4106
Email:
emcon1@emconservices.ca

Kootenay Boundary
Division Office
6150 2ND St.
Grand Forks, B.C.
V0H 1H4
Ph: 250 442-2025
Fax: 250 442-2677

12/04/2011 Revised

July 3, 2013

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

RE Reflectors, Brushing and Line Painting in the Ucluelet area

Mr Irving,

Thank you for your letter regarding the reflectors, roadside brushing and line painting in the Ucluelet and Tofino areas. Barry Dales (our new Road Superintendent for the area) and I toured from Port Alberni to Ucluelet and Tofino yesterday to review the items you mentioned and have made the following observations and plans with our Ucluelet foreman.

With respect to the roadside brushing and vegetation control, there are several types of mowing and brushing activities that we perform. On an annual basis, all of our highways and side roads get mowed to a width of 1.8 meters. On a 3 year cycle (or normally 2 year cycle in Tofino and Ucluelet) our mower operator performs a roadside brushing program where the machine will brush to a width of 5 to 7 meters depending on the class of the roadway. On a limited basis, this mower will also perform an aerial brushing activity where the mower head is rotated onto its' side and will limb trees and brush vertically. At site specific locations, an Emcon operator will perform a hand brushing activity where areas are cut by hand to improve sight distance and to trim around signs. The machine brushing is completed in the late fall and winter time when the leaves have fallen and the brusher operator can see hazards such as rocks and stumps otherwise hidden in the brush. Our records show that 114 shoulder kilometers of roadway were machine brushed and 50 shoulder kilometers were aerial brushed in the winter of 2011/2012 so it will be up for review again this fall. The mower is currently in the Port Alberni area and should be completed there and on route to Tofino and Ucluelet in about 2 weeks. We have asked our Ucluelet foreman to perform some hand brushing in the next week in areas such as Hydro Hill and at some intersections before he heads out on holidays.

Regarding the reflectors, a full replacement program of approximately 7000 surface reflectors was completed last summer between Qualicum and Ucluelet/Tofino. Even though some have been damaged by plows, I have had to move our surface reflector program to a different area this year. During our tour yesterday, we did however identify the need to replace some damaged and missing guardrail mounted reflectors which, once replaced, will certainly improve visibility at night. That program will begin in early August when Ken gets back from holidays.

Member Associations

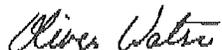


No. 8270 P. 2

Jul 3, 2013 3:05PM

The Ministry of Transportation has just completed a large crack sealing program on Highway 4 between Qualicum and Wally Creek and has in turn sealed some cracks that were along the painted lines. The line painting crew was set back due to the rain this spring but will be painting the lines from Qualicum to Uchuelet and Tofino later this summer.

Sincerely,



*Oliver Watson
Operations Manager
Central Island Division
Emcon Services Inc.*

*Cc Jolmathan Tillie
Barry Dales*



Cheque #	Bank	Pay Date	Vendor #	Vendor Name	Invoice #	Description	Invoice Amount	Hold Amount	Paid Amount	Void
019215	002	24/06/2013	AGS11	AGS BUSINESS SYSTE	718203	MAY/13 COPY COUNT	79.46		79.46	
019216	002	24/06/2013	AL001	ACKLANDS - GRAINGE	4354 0509710 4354 0509972 4354 0509695 4354 0509758	HEX NUTS, WASHERS, WATER NOZZLE AIRTANK REPAIRS,(6 AIRTANKS (6) FLOW	102.62 16.76- 465.98 412.42		964.26	
019217	002	24/06/2013	CF265	CLIVE FREUNDLICH,	9100	MAY23-JUN11/13 REM	2,457.00		2,457.00	
019218	002	24/06/2013	CK608	CORTES KEVIN	D377ADJ D378	D377-ADJ D378	124.20 6,443.28		6,567.48	
019219	002	24/06/2013	CWF01	CENTRAL WESTCOAST	BBP131		7,000.00		7,000.00	
019220	002	24/06/2013	EP001	DUNCAN SABINE COLL	29011	2012 AUDIT	3,675.00		3,675.00	
019221	002	24/06/2013	FW050	FAR WEST FOODS GRO	272172 272321	FIRE DEPT. WATER B SCH - URINAL PUCKS	212.64 85.60		298.24	
019222	002	24/06/2013	GB059	GIBSON BROS. CONTR	11797	BIG BEACH WPT GRAV	531.51		531.51	
019223	002	24/06/2013	GF001	GRAPHICS FACTORY	20959	WASHROOM/PARKING S	358.40		358.40	
019224	002	24/06/2013	HS002	HOGAN, SARAH	120661	HOGAN-FESTIVAL, DA	492.00		492.00	
019225	002	24/06/2013	IVC25	IMPACT VISUAL COMM	86412	BUSINESS CARDS - C	121.80		121.80	
019226	002	24/06/2013	KA001	KOERS & ASSOCIATES	1142-022 1330-001	BAY ST CONSTRUCTIO WATER CONSERVATION	6,185.03 198.45		6,383.48	
019227	002	24/06/2013	mmb55	MURDY & McALLISTER	120665	MAY/13 4438 LEGAL	113.29		113.29	
019228	002	24/06/2013	nd001	VING VI NEWSPAPER	1643	AFFORD HOUSING/ANN	118.34		118.34	
019229	002	24/06/2013	NV785	NOVUS CONSULTING I	4242	MAY/13	4,084.51		4,084.51	
019230	002	24/06/2013	PC004	ORKIN CANADA	4804479	JUN/13 ORKIN	111.30		111.30	
019231	002	24/06/2013	PGS93	PIN-GEL STEEL FABR	8149	TANK REMOVAL AT BA	7,856.80		7,856.80	
019232	002	24/06/2013	RK179	ROBISON KARLA	13-1 13-2 13-3 13-6 13-7 13-8	ROBISON-RAINCOAST ROBISON-TASK FORCE ROBISON-JI EOC-EM1 ROBISON-WHALE FEST ROBISON-VANISLE360 ROBISON-TOFINO	30.00 12.00 472.86 30.00 227.92 23.00		795.78	
019233	002	24/06/2013	RPI46	ROADPOST INC. T462	RC08022959	MAY/13 SAT PHONE	123.90		123.90	
019234	002	24/06/2013	RS496	RELIC SURF SHOP IN	120659	BRAY-RELIC SURF CL	972.00		972.00	
019235	002	24/06/2013	S9326	SMULDERS MANDALA	120657	SMULDERS-YOUTH NIG	52.50		52.50	
019236	002	24/06/2013	SC006	SOFTCHOICE CORPORA	3386285	RICOH AFICIO SP PR	384.10		384.10	
019237	002	24/06/2013	SI604	SHU IAN	120660	SHU-LPD,TEENS,KICK	1,115.20		1,115.20	
019238	002	24/06/2013	TEL10	TELUS COMMUNICATIO	1970096	MOVE MAYOR'S PHONE	358.97		358.97	
019239	002	24/06/2013	TN235	THOMPSON NICOLE	120658	THOMPSON-TRAMPOLIN	1,093.10		1,093.10	
019240	002	24/06/2013	UV145	UCLUELET VIDEO SER	JUNE/13	JUNE/13 948	41.33		41.33	
019241	002	24/06/2013	WI219	WALCO INDUSTRIES L	20847	PORTABLE TOILET RE	280.00		280.00	
019242	002	24/06/2013	wp166	WINDSOR PLYWOOD -	02162A	PRESS.TREATED WOOD	30.58		30.58	
019244	002	28/06/2013	AA211	ANDERSON, ALAN	120664	ANDERSON-RADIO SER	87.36		87.36	
019245	002	28/06/2013	AD004	TYCO INTEGRATED SE	80115544	ALARM-UCC JUL-SEPT	137.66		137.66	
019246	002	28/06/2013	AL001	ACKLANDS - GRAINGE	4354 0509967	RESPIRATOR, GLOVES	70.19		70.19	

Cheque #	Bank	Pay Date	Vendor #	Vendor Name	Invoice #	Description	Invoice Amount	Hold Amount	Paid Amount	Void
019247	002	28/06/2013	AON01	AON REED STEENHOUS	120668	AD&D-AON INS.	40,237.00		40,237.00	
019248	002	28/06/2013	BBEL1	B. BERRY ENTERPRIS	569	FIR BARK MULCH	989.63		989.63	
019249	002	28/06/2013	CAGBC	CAGBC	120669	LEED FEE CERT	4,200.00		4,200.00	
019250	002	28/06/2013	CCH01	CYNAMOKA COFFEE HO	311519	UCC-ECON.DEVL. MTG	121.80		121.80	
019251	002	28/06/2013	CG319	CORLAZZOLI GIOVI	120670	CORLAZZOLI-DJ, SUM	50.00		50.00	
019252	002	28/06/2013	CGISC	CGIS CENTRE	41456	JUL/13	349.23		349.23	
019253	002	28/06/2013	CK608	CORTES KEVIN	D379	D379	6,357.25		6,357.25	
019254	002	28/06/2013	DC001	DOLAN'S CONCRETE L	UP72164	3/4" ROAD MULCH	210.65		210.65	
019255	002	28/06/2013	DC796	DAVE'S CONTRACTING	249336	MAY27-JUN7/13	5,679.89		5,679.89	
019256	002	28/06/2013	DFC01	DUMAS FREIGHT COMP	20013	EDDI'S WHOLESALE -	262.50		262.50	
019257	002	28/06/2013	EO001	ENVIRONMENTAL OPER	F20130373	HYPHOCUS RENEWAL	105.00		105.00	
019258	002	28/06/2013	FW050	FAR WEST FOODS GRO	272642	TISSUE/WATER UCC	87.09		87.09	
019259	002	28/06/2013	HR865	MPC CONSULTING LTD	UCL-12 INV 15	4321	5,171.25		5,171.25	
019260	002	28/06/2013	KS073	TOTAL DELIVERY SYS	153247	JUN/13 NI LABS	84.74		84.74	
019261	002	28/06/2013	ND001	VING VI NEWSPAPER	VCL272536 1613	CASUAL LABOURER AD AD-EDGE MARATHON,	131.46 156.39		287.85	
019262	002	28/06/2013	NI005	NORTH ISLAND LABOR	86361 86292	HWY RES, HELEN LIF LAGOON, HELEN RD	52.50 152.25		204.75	
019263	002	28/06/2013	S9326	SMULDERS MANDALA	120667	JUNE 16-22	1,041.60		1,041.60	
019264	002	28/06/2013	sb304	SCHANTZ BOB	120671	MAY/13	1,233.75		1,233.75	
019265	002	28/06/2013	SCS51	SOFTWAVE COMPUTER	129656	HONORARIUM-HOLLAND	1,200.00		1,200.00	
019266	002	28/06/2013	TSC19	TRANSPARENT SOLUTI	6435	JULY/13 CLEARMAIL	20.95		20.95	
019267	002	28/06/2013	TT321	TOFINO TECH	2275	COMPUTER-TEEN CENT	608.43		608.43	
019268	002	02/07/2013	MF207	MUNICIPAL FINANCE	2013-04-30	FIRE/UCC	65,897.54		65,897.54	
019269	002	02/07/2013	WPT01	WILD PACIFIC TRAIL	23/06/2013	PP#1-SECTION H	40,123.13		40,123.13	
Total:							221,279.57	0.00	221,279.57	

*** End of Report ***



REPORT TO COUNCIL

MEETING DATE: JULY 9, 2013 **FILE No:** (DP12-3); XREF: Folio 00182.210
FROM: JOHN TOWGOOD, PLANNING ASSISTANT
SUBJECT: EXTERIOR MATERIAL CHANGE TO DP#12-03 - COOP GAS BAR DEVELOPMENT PERMIT, LOT 1, PLAN VIP742277, 2078 PENINSULA ROAD

Recommendation:

1. **THAT** Council consider a change of siding for the Coop Gas Bar from a light brown hardi-plank siding to painted concrete block.
2. **THAT** Council receives the remainder of this report for information.

Purpose:

To inform Council of a request for a material change for all 4 elevations of the coop gas bar on a previously approved Development Permit #DP12-3.

Background:

On August 14th 2012, Council approved a Development Permit (DP12-3) to build a self-service type carwash consisting of one internal wash bay and one external open bay. This application specified a light brown Hardi-Plank horizontal siding. (**see attachment C**) The siding detail was both consistent with the existing gas Kiosk and a supported OCP material for that DP area.

Requested amendment

The applicant is requesting (**see attachment A**) for a change of material from Hardi Plank to a quality paint that will match the existing building. The reasoning for the change is that Hardi Plank will not standup to the spray from the exterior car wash and that attaching the siding will damage the concrete wall. The siding contractor is also questioning whether the siding will have a warrantee if constructed in this manner. (**see attachment B**).

Summary:

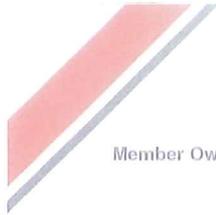
The Development Permit Guidelines encourage "west-coast" aesthetics with natural elements. While the Hardi-Plank previously proposed was a departure from the natural wood elements encouraged, it was an attempt to mimic the intent of the guidelines. The concrete block now proposed as a finish is a further departure from the guidelines. However, the impact of this change is somewhat mitigated by the fact that the building is located to the rear of the property and screened on all but the front face by buildings and structures. While considering the structural difficulty that the Hardi Plank siding may pose to the structure, staff would encourage the applicant to continue to work with the Planning Department to look at alternatives.



John Towgood,
Planning Assistant

Attachments

Attachment A



Member Owned - Truly Canadian



**Ucluelet Consumers
Co-operative
Association**

P.O. Box 100
Ucluelet, British Columbia, Canada
V0R 3A0
Telephone: (250) 726-4231
Fax: (250) 726-4440
Email: UclCoopGM@ukeecable.net

July 3, 2013

District of Ucluelet

The Ucluelet Co-op is requesting an addendum to the development permit for the Car wash. It was the intent to match the outside finish of the C store and Car wash. Using the current hardy plank was requested and now we are finding out it was a mistake on my part. This product will not standup to the car wash. Attaching will damage brick, siding contractor is questioning whether it will have warrantee.

We are requesting to change to a quality paint that will match color or C store. This will allow us to refinish as needed to keep the car wash looking new and clean as much as possible in the future.

Thanks

Glenn Downton
General Manager
Ucluelet Co-op





6815 Lamarque Road, Port Alberni, BC, V9Y 8M1

ATTN: Glenn Downton
RE: Ucluelet Car Wash

July 2, 2013

Glenn,

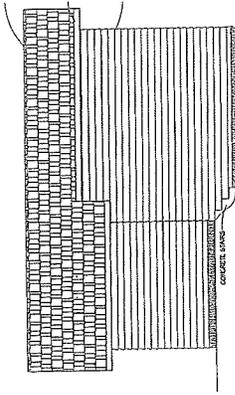
I am providing you with this letter in an attempt to resolve an issue regarding the proposed siding on the new car wash building currently under construction at 2076 Peninsula Road in Ucluelet. The construction drawings indicate installing horizontal plank, cement board siding (Hardi) over the entire exterior of the building. Although I agree that it is a good siding system to use on the wooden framed mechanical room portion of the building, it is a very impractical siding system to be installed over the concrete block structure of the remainder of the building. Hardi siding is made to stand up reasonably to everyday weather, but is not meant to tolerate the kind of abuse that it is likely to endure immediately adjacent to a wand wash area. The options for installing the siding on this application are also very limited. The only option currently known is using a special pneumatic air gun to shot the siding to the block. I can not find any contractor that has completed this type of installation. If this fastening system was successful, it would make it very difficult to replace any siding damaged by the wand wash use. If it was not successful it will cause spalding where each shot is attempted, rendering the current block finish unpleasant to look at. For these reasons, I have had no success in finding a contractor that has any interest in this installation, nor will I install it under my company name. The contractors I deal with all have reputations for doing only quality work, and none of them are willing to risk that reputation on a job that has such a high probability of going poorly. The most practical solution would be to apply the appropriate paint directly to the block wall, providing a quality, long lasting product that will provide for easy long term maintenance. Paint is what we are already using as the wall finish in the indoor car wash bay which will endure the same abuse.

I have personally built multiple car wash facilities in other Island communities and painted concrete or block has always been the construction used. I am not aware of any facility that has been built differently, and for good reasons.

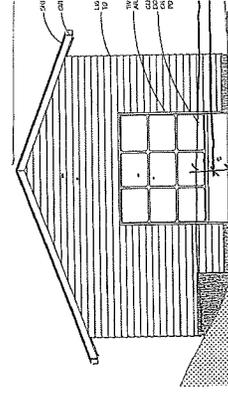
As the general contractor for this project I am refusing the responsibility of installing siding onto the block wall unless full responsibility of the fastening system and the long term integrity of the siding product is agreed to in writing by either the design engineer or the approving authority.

I will await written direction prior to proceeding with any type of exterior finish.

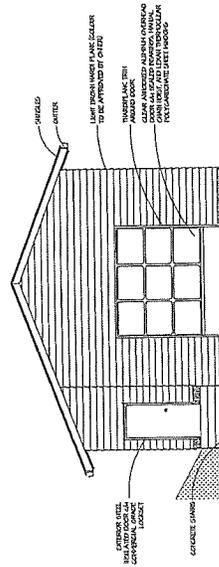
Respectfully Submitted,
Ray Dol, manager



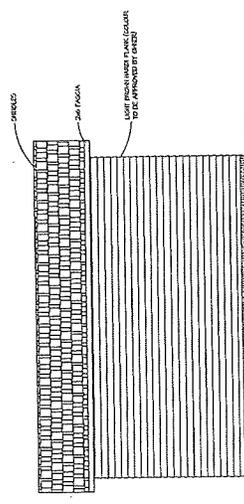
SEE ELEVATION



SEE ELEVATION



SEE ELEVATION



SEE ELEVATION

<p>McGILL & ASSOCIATES ENGINEERING LTD.</p> <p>1200 AVENUE STREET, SUITE 100 VANCOUVER, BC V6Z 2R6 TEL: (604) 275-1111 WWW.MCGILL-ASSOCIATES.COM</p>		<p>UCLUBI CAI ELEV</p>
<p>DATE: 11/11/11 DRAWN BY: J. SMITH CHECKED BY: M. JONES SCALE: AS SHOWN</p>	<p>PROJECT NO: 11-11-11 SHEET NO: 1 OF 1</p>	<p>OWNER: [REDACTED] ADDRESS: [REDACTED] CITY: [REDACTED]</p>