



REGULAR MEETING OF COUNCIL
Tuesday, June 25, 2024 @ 4:00 PM
Electronically (Via Zoom) and in the George Fraser Community Room in the
Ucluelet Community Centre, 500 Matterson Drive, Ucluelet

AGENDA

This meeting is conducted both in-person in the George Fraser Community Room and electronically through Zoom.

Visit [Ucluelet.ca/CouncilMeetings](https://ucluelet.ca/CouncilMeetings)

for Zoom login details, links to the livestream on YouTube and other information about Council meetings.

Members of the public may attend the George Fraser Community Room in the Ucluelet Community Centre to hear, or watch and hear, this meeting including any electronic participation.

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 - 12.3 Councillor Ian Kennington
Deputy Mayor, July 1 - September 30, 2024
 - 12.4 Councillor Mark Maftei
Deputy Mayor, October 1 - December 31, 2024
 - 12.5 Mayor Marilyn McEwen
13. QUESTION PERIOD
14. CLOSED SESSION
 - 14.1 Procedural Motion to Move In-Camera
THAT the June 25, 2024, Regular Council Meeting be closed to

the public pursuant to the following sections of the *Community Charter*:

- 90(1)(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
- 90(1)(g) litigation or potential litigation affecting the municipality; and
- 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

15. ADJOURNMENT

DISTRICT OF UCLUELET
MINUTES OF THE REGULAR COUNCIL MEETING
HELD ELECTRONICALLY AND IN THE GEORGE FRASER ROOM IN THE
UCLUELET COMMUNITY CENTRE, 500 MATTERSON DRIVE
Tuesday, April 30, 2024 at 4:00 PM

Present: **Chair:** Mayor McEwen
 Council: Councillors Anderson, Hoar, Kennington, and Mattei
 Staff: Duane Lawrence, Chief Administrative Officer
 Jeffrey Cadman, Director of Finance
 Bruce Greig, Director of Community Planning
 James MacIntosh, Director of Engineering Services
 Rick Geddes, Fire Chief
 Joseph Rotenberg, Manager of Corporate Services
 Nancy Owen, Executive Assistant

Regrets:

1. CALL TO ORDER

The Regular Council Meeting was called to order at 4:00 PM.

1.1 ACKNOWLEDGEMENT OF THE YUULU?IL?ATH

Council acknowledged the Yuulu?il?ath, on whose traditional territories the District of Ucluelet operates.

1.2 NOTICE OF VIDEO RECORDING

Audience members and delegates were advised that the proceeding was being video recorded and broadcast on YouTube and Zoom, which may store data on foreign servers.

2. LATE ITEMS

There were no late items.

3. APPROVAL OF THE AGENDA

3.1 April 30, 2024, Regular Council Meeting Agenda

2024.2122.REGULAR *IT WAS MOVED AND SECONDED:*

***THAT** the April 30, 2024, Regular Council Meeting agenda be adopted as presented.*

CARRIED.

4. PUBLIC INPUT & DELEGATIONS

4.1 Delegations

Josh Jenkins, Executive Director, Ucluelet Chamber of Commerce

Re: Issues & Concerns Regarding District of Ucluelet Planning Department

The Chamber of Commerce opposed opting into Bill 35 and recommended responsible, efficient and sustainable development, and advocated for reforms to the development approval processes. They urged the Mayor to review Bylaw 1164 and its ramifications. They recommended the District review and improve its development approval procedures. The Chamber noted that they are willing to collaboratively support and assist in any way that Council requests.

Council noted the recommendations to streamline processes, some of which Staff are already carrying-out. Council further noted related legislative changes that will further help streamline systems in the Planning Department. Lastly, Council noted a Housing Workshop scheduled on May 13th and Strategic Planning session on May 30th where the Chamber's recommendations will be further discussed.

Janessa Dornstauder, Clayoquot Biosphere Trust

Re: Regional Forum

The Delegate summarized the discussions and findings of the Clayoquot Biosphere Trust Regional Gathering, where environmental research, stewardship, restoration, and sustainable development issues were discussed.

The next gathering is on May 7th, with round table updates for groups to share current works and priorities, and a special focus on priorities outlined by First Nations. Opportunities for collaborations are identified and resourcing options are considered. The District, has sent planners in the past and Staff are encouraged to attend this year. Council is also invited to attend the forum.

5. UNFINISHED BUSINESS

There was no unfinished business.

5.1 Procedural Motion to Move into Committee of the Whole

2024.2123.REGULAR *IT WAS MOVED AND SECONDED:*

THAT Council move into Committee of the Whole.

CARRIED.

Council moved into Committee of the Whole at 4:13 PM.

6. COMMITTEE OF THE WHOLE

6.1 Fire Services Development Design Guidelines

Rick Geddes, Fire Chief

The Committee of the Whole reviewed the Development Design Guidelines as presented by Chief Geddes, and noted that this guideline is extremely helpful and should be emulated by other departments for development in general.

Staff responded to Committee questions related to:

- a. current issues which cannot be resolved at this time due to the built environment;
- b. the requirement to provide a fire safety plan; and
- c. installation of additional fire hydrants and fund allocation to new installations.

2024.2124.REGULAR *IT WAS MOVED AND SECONDED:
THAT the Committee of the Whole rise without reporting.*

CARRIED.

Council rose from Committee of the Whole at 4:26 PM.

7. BYLAWS

7.1 Five-Year Financial Plan and Tax Rate Bylaws

Jeffrey Cadman, Director of Finance

Mr. Cadman presented this report.

2024.2125.REGULAR *IT WAS MOVED AND SECONDED:
THAT Council give first, second and third reading to District of Ucluelet
2024–2028 Financial Plan Bylaw No. 1339, 2024.*

CARRIED.

2024.2126.REGULAR *IT WAS MOVED AND SECONDED:
THAT Council give first, second and third reading to District of Ucluelet
Annual Tax Rates Bylaw No. 1340, 2024.*

CARRIED.

8. REPORTS

8.1 Temporary Use Permit 1341 Peninsula Road

John Towgood, Municipal Planner

Mr. Greig presented this report.

The Temporary Use Permit applicant was invited to address Council.

The Applicant, Dominique Bouchard, noted that the Bus on site will be moved off the property within the month and the gate will be moved so it is flush with the fence. The trailer will be 24 feet maximum, there will be electricity and water hookups. She explained that a worker would live in the unit, but the site has not been advertised at this time.

Council invited comments from members of the public.

Kevin Cortes owner of property at 1333 Peninsula Road, noted concerns that there are setback rules which apply to accessory dwelling units, which this unit will not comply with; that the unit could be used for nightly rental and not local staff housing; and that there is already a campground in town, so this is unnecessary.

In response to Council questions, Staff noted that zoning setbacks do not apply to recreational vehicles. Staff also outlined active enforcement measures related to illegal short-term rentals as well as the conditions of the Temporary Use Permit intended to limit the RV's use to seasonal purposes.

Council discussed the proposed Temporary Use Permit.

2024.2127.REGULAR *IT WAS MOVED AND SECONDED:*

***THAT** Council authorize the Director of Community Planning to issue Temporary Use Permit 24-02 to allow a seasonal RV camping space for a local worker on 1341 Peninsula Road for a period of 3 years.*

CARRIED.

8.2 Temporary Use Permit for Weyerhaeuser Worker Accommodation *John Towgood, Municipal Planner*

Mr. Greig presented this report.

In response to Council questions, Staff clarified that there would be generators used but quiet hours are specified from 10 pm to 7 am. Staff further noted that a condition of the permit is that garbage and recycling will be stored in wildlife-proof locking steel bins and collection/pickup will be weekly or as required. Staff noted that contact information for the Site Superintendent must be provided, but there is not a requirement for the Superintendent to be on site 7 days a week.

The Temporary Use Permit Applicant was invited to address Council. The Applicant's Agent provided details about the crews work schedule.

Members of the public were invited to address Council on the proposed Temporary Use Permit. Cody Dreger, owner of Lot 16, noted that he

supports the TUP, as it helps with staff accommodation for developments.

2024.2128.REGULAR *IT WAS MOVED AND SECONDED:*
THAT Council authorize the Director of Community Planning to issue Temporary Use Permit 24-03 to allow eight RV camping spaces for worker accommodation for a period of 1 Year during the construction of the Weyerhaeuser "Ocean West Phase 5" subdivision.

2024.2129.REGULAR *IT WAS MOVED AND SECONDED:*
THAT the motion be amended to add the words "subject to confirmation that an individual is on site seven days a week and permit is amended to include that requirement."

CARRIED.

2024.2130.REGULAR *IT WAS MOVED AND SECONDED:*
THAT Council authorize the Director of Community Planning to issue Temporary Use Permit 24-03 to allow eight RV camping spaces for worker accommodation for a period of 1 Year during the construction of the Weyerhaeuser "Ocean West Phase 5" subdivision subject to confirmation that an individual is on site seven days a week and permit is amended to include that requirement.

CARRIED.

8.3 Proposal for Conversion of Fraser Lane Into a One-Way Road **James MacIntosh, Director of Engineering Services**

Mr. MacIntosh presented this report.

In response to Council's questions, Staff clarified that once there is direction to move forward, Staff would engage with community.

2024.2131.REGULAR *IT WAS MOVED AND SECONDED:*
THAT Council authorize the conversion of Fraser Lane into a one-way road.

CARRIED.

8.4 Authorization of Change Order for Resurfacing of Peninsula Road **James MacIntosh, Director of Engineering Services**

Mr. MacIntosh presented this report.

Council discussed the proposal and noted timing issues which may impact local businesses and future required underground improvements. In response to Council's question regarding funding surplus, Staff clarified that surplus funds will be used for additional paving.

2024.2132.REGULAR *IT WAS MOVED AND SECONDED:*
THAT Council authorize the Mayor and Corporate Officer to enter into and execute a funding agreement with the Ministry of Highways and Infrastructure

in an amount of \$2,400,000 for the management and funding of the Peninsula Road repaving project.

CARRIED.

2024.2133.REGULAR *IT WAS MOVED AND SECONDED:
THAT Council authorize the Mayor and Corporate Officer to enter into and execute a change order to the Hazelwood Construction Services contract, not to exceed \$2,400,000 (inclusive of GST), for the resurfacing of Peninsula Road.*

CARRIED.

2024.2134.REGULAR *IT WAS MOVED AND SECONDED:
THAT Council authorize the Director of Finance to amend the 2024-2028 Five-Year Financial Plan by including \$2,400,000 of additional funding and \$2,400,000 of paving expenditures for the Peninsula Road paving project.*

CARRIED.

9. NOTICE OF MOTION

There were no notices of motion.

10. CORRESPONDENCE

10.1 Request for a Letter of Support to Strengthen Yuułu?iŋ?ath Government's Application to BC Housing's Indigenous Housing Fund
Charles McCarthy, President, Yuułu?iŋ?ath Government, Ucluelet First Nation

2024.2135.REGULAR *IT WAS MOVED AND SECONDED:
THAT Council authorize a letter of support for the Yuułu?iŋ?ath Government's Application to BC Housing's Indigenous Housing Fund for their development in hitacu.*

CARRIED.

10.2 Alberni-Clayoquot Regional District - Bylaw Referral
Alex Dyer, MCIP, RPP, Planning Manager, Alberni-Clayoquot Regional District

2024.2136.REGULAR *IT WAS MOVED AND SECONDED:
THAT Council authorize Staff to provide comment on the Alberni-Clayoquot Regional District Zoning Atlas Amendment Bylaw No. P1495.*

CARRIED.

10.3 New Storm Line
Lara Kempas, Assistant General Manager, Black Rock Resort

Council noted this letter and that any water shutoff is bound to affect the entire town.

10.4 Memorial Bench Process
Vaida Siga

2024.2137.REGULAR *IT WAS MOVED AND SECONDED:*
THAT Council refer the request to establish a bench installation process to Staff.

CARRIED.

10.5 Fibromyalgia Association Canada Lighting Request for May 12, 2024
Trudy Flynn, Chair, Fibromyalgia Association Canada

2024.2138.REGULAR *IT WAS MOVED AND SECONDED:*
THAT Council direct Staff to illuminate the District of Ucluelet sign at the Junction in purple on May 12th to raise awareness about Fibromyalgia.

CARRIED.

10.6 Support for Resolution Black Bear Cub Conflict Response by British Columbia Conservation Officer Service
Mayor Mike Little, District of North Vancouver

11. INFORMATION ITEMS

11.1 RCMP Monthly Policing Report March 2024
Marc Jones, Sergeant, Ucluelet RCMP Detachment

11.2 ADAPT Program
Judy Gray

In response to Council's questions, Staff confirmed that they are aware of the program.

12. MAYOR'S ANNOUNCEMENTS AND COUNCIL COMMITTEE REPORTS

12.1 Councillor Shawn Anderson
Deputy Mayor, April 1 - June 30, 2024

Councillor Anderson attended the Alberni Clayoquot Health Network Meeting where the Equity Building Toolkit was introduced.

12.2 Councillor Jennifer Hoar
Deputy Mayor, January 1 - March 31, 2024

Councillor Hoar encouraged people to attend the Dinner Theatre on May 3rd and 4th.

12.3 Councillor Ian Kennington
Deputy Mayor, July 1 - September 30, 2024

Councillor Kennington attended the Accessibility Committee Meeting

and noted the policy framework is near completion and will soon be subject to public consultation.

Councillor Kennington met with Pacific Seaweed and the Chamber of Commerce and discussed the seaweed industry in general.

12.4 Councillor Mark Maftei ***Deputy Mayor, October 1 - December 31, 2024***

Councillor Maftei also met with Pacific Seaweed and the Chamber of Commerce to discuss the industry in general.

On April 28th, Councillor Maftei attended the Raincoast Education Society's Shorebird Soiree Fundraiser.

12.5 Mayor Marilyn McEwen

On April 17th the Mayor attended the Seniors' Luncheon at the Community Centre.

On April 18th the Mayor was hosted by Tuff City Radio for her first hour-long radio series show, 'Talks of the Town', where she discussed popular topics relevant to Ucluelet.

On April 22nd, the Mayor and Councillor Anderson took a tour of the Amphitrite House.

On April 24th, the Mayor attended the Alberni-Clayoquot Regional District Meeting, where a Delegation from BC Transit provided details on the expansion to the Westcoast Transit Services, anticipated for January 2025.

13. QUESTION PERIOD

13.1 Cody Dreger discussed considerations for issuance of Temporary Use Permit for temporary workers on Lot 16. In support of the Ucluelet Chamber of Commerce Delegation, Mr. Dreger outlined his general concerns with barriers to development in Ucluelet and in particular to his development on Lot 16.

13.2 Judy Gray noted that her business has not been notified about work related to the Peninsula Road Safety & Revitalization Project. Ms. Gray also inquired about parking along Bay Street and Norah Street and where her clients will be expected to park in the future.

13.3 Matt Harbidge noted concerns with the Peninsula Road Safety & Revitalization Project including sediment leaching into the harbour

and current road conditions. He suggests the management of the construction site should be improved. He further noted concerns with potable water quality from the onset of this project.

- 13.4 Lara Kemps, Blackrock Resort, noted her letter related to the water shutoff on Wednesday and frustrations related to the communications from the District. The Mayor clarified that notice did go out in advance by Ukee Mail.
- 13.5 Sandy Rantz noted concerns with the current road conditions related to the Peninsula Road Safety & Revitalization Project.

14. CLOSED SESSION

14.1 Procedural Motion to Move In-Camera

2024.2139.REGULAR *IT WAS MOVED AND SECONDED:*

THAT the meeting be closed to the public pursuant to 90(1)(c) of the Community Charter to discuss matters related to labour relations or other employee relations.

CARRIED.

The meeting was closed to the public at 6:11 pm. The meeting returned to open session at 6:57 PM.

15. ADJOURNMENT

15.1 Procedural Motion to Adjourn

2024.2140.REGULAR *IT WAS MOVED AND SECONDED:*

THAT the April 30, 2024, Regular Council Meeting be adjourned.

CARRIED.

The meeting was adjourned at 6:58 PM.

CERTIFIED CORRECT:

Duane Lawrence, Corporate Officer

Marilyn McEwen, Mayor



NOTICE OF PUBLIC HEARING

Pursuant to Section 464 and 466 of the *Local Government Act*, notice is hereby given that a Public Hearing will be held to allow Council to receive public input for *Official Community Plan Amendment Bylaw No. 1337, 2024*, and *Zoning Amendment Bylaw No. 1322, 2024* during the **June 25, 2024, Regular Council Meeting, which commences at 4:00 PM**. This Regular Council Meeting will be held both in-person in the **George Fraser Community Room in the Ucluelet Community Centre, located at 500 Matterson Drive, Ucluelet B.C.** and electronically via the Zoom platform.

Application Number: RZ22.04

Applicant: Haode Investments Ltd.

Location: 1061 Helen Road

Legal Description: Lot B, District Lot 543 Native Island, Clayoquot District, Plan VIP78185

Application: The development proposal is to create six residential dwelling units on the subject property.

Official Community Plan Amendment Bylaw No. 1337, 2024

The purpose of this proposed Bylaw, in general terms, is to amend *District of Ucluelet Official Community Plan No. 1306, 2022*, to change the designation of 1061 Helen Road from Single Family Residential to Multi-Family Residential in Schedule 'A', the Long-Range Land Use Plan map.

Zoning Amendment Bylaw No. 1322, 2024

The purpose of this proposed Bylaw, in general terms, is to amend *District of Ucluelet Zoning Bylaw No. 1160, 2013*, to permit *Multiple Family Residential* as the allowable principal use at 1061 Helen Road in the form of one or multiple buildings, up to six dwelling units and a maximum total combined gross floor area of 1200m².



Anyone who believes this Bylaw will affect their interests may make a written submission and/or will be given an opportunity to be heard at the Public Hearing as follows:

Participate by written submission: All written submissions must include your name and street address. Any submission dropped-off at the District Office or mailed must be received by 4:00 pm on the day of the Public Hearing. Written submissions are considered part of the public record pursuant to the *Freedom of Information and Protection of Privacy Act*.

Drop-off at the District Office
200 Main Street,
Ucluelet B.C.

Drop-off at the Public Hearing
George Fraser Community Room,
Ucluelet Community Centre, 500
Matterson Drive, Ucluelet B.C.

Mail
District of Ucluelet
P.O. Box 999
Ucluelet B.C.
VOR 3A0

Email
communityinput@ucluelet.ca

Participate in-person, by Zoom, or telephone:

Participate in-person
George Fraser Community
Room in the Ucluelet
Community Centre, 500
Matterson Drive, Ucluelet B.C.

Participate by Zoom or telephone
Information about participating electronically, including Zoom login details, is available at Ucluelet.ca/CouncilMeetings and Ucluelet.ca/PublicHearings. Council Meetings are also live streamed on the District of Ucluelet's YouTube Channel.

For more information contact the Corporate Service Department at 250-726-7744.

Review related materials:

Copies of the proposed Bylaws and the public hearing information packages may be inspected at the District of Ucluelet Office, 200 Main St., Ucluelet B.C., during regular business hours (Monday to Friday, 8:30 a.m. - 4:00 p.m., excluding statutory holidays) and online at Ucluelet.ca/PublicHearings.

Questions?

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

Privacy disclaimer

Public Hearings are webcast live and a recording is available on the District's YouTube channel. Correspondence you submit, including name and address, will form part of the public record, and will be published on the District's website or read into the record. The District considers your name and address relevant to this matter and will disclose this personal information as it informs Council's consideration of your opinion in relation to the subject property. However, your phone number and email address will not be disclosed.

Personal information is collected by the District under the authority of s. 26 (c) of the *Freedom of Information and Protection of Privacy Act* for the purpose of administering the Public Hearing. Please direct any questions about personal information to District's Privacy Officer by telephone: (250) 726-7744, email: rotenberg@ucluelet.ca, or mail: P.O. Box 999, Ucluelet, BC, VOR 3A0.

DISTRICT OF UCLUELET**Official Community Plan Amendment Bylaw No. 1337, 2024**

A bylaw to amend the District of Ucluelet Official Community Plan
(1061 Helen Road – Land Use designation change).

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

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

1. Map Amendments:

The “District of Ucluelet Official Community Plan Bylaw No. 1306, 2022, as amended, is hereby further amended as follows:

- A. Schedule ‘A’ Long Range Land Use Plan is hereby further amended by changing the designation of 1061 Helen Road; Lot B, District Lot 543 Native Island, Clayoquot District, Plan VIP78185 (PID 026-159-511), shown shaded on the map attached to this Bylaw as Appendix “A”, from Single Family Residential to Multi-Family Residential.

2. Citation:

This bylaw may be cited as “District of Ucluelet Official Community Plan Amendment Bylaw No. 1337, 2024”.

READ A FIRST TIME this 27th day of **February, 2024**.

Considered in conjunction with the District of Ucluelet Financial Plan and Waste Management Plan under Section 477 of the *Local Government Act* this 27th day of **February, 2024**

READ A SECOND TIME this 27th day of **February, 2024**.

PUBLIC HEARING held this day of , **2024**.

READ A THIRD TIME this day of , **2024**.

ADOPTED this day of , **2024**.

CERTIFIED A TRUE AND CORRECT COPY of “Official Community Plan Amendment Bylaw No. 1337, 2024”

Marilyn McEwen
Mayor

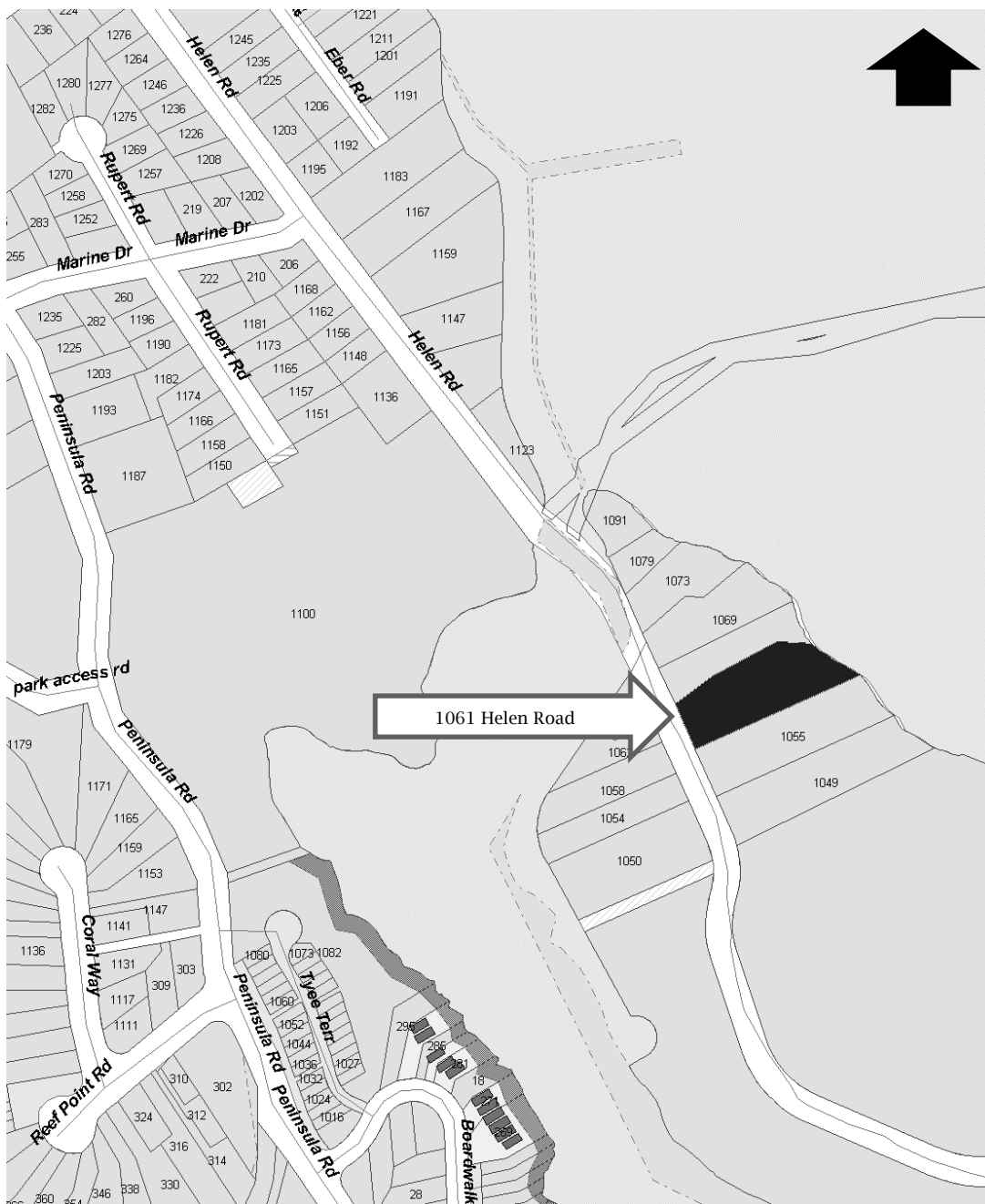
Duane Lawrence
Corporate Officer

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

Duane Lawrence
Corporate Officer

Appendix 'A'
Official Community Plan Amendment Bylaw No. 1337, 2024

OCP Schedule 'A' Long Range Land Use Plan
From: "Single Family Residential"
To: "Multi-Family Residential"



DISTRICT OF UCLUELET

Zoning Amendment Bylaw No. 1322, 2024

A bylaw to amend the “District of Ucluelet Zoning Bylaw No. 1160, 2013”.
(1061 Helen Road)

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. Text Amendment:

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

A. Replacing section R-2.1.2(1)(b)(i), as follows:

“(i) Despite the above, Multiple Family Residential is not permitted on Lot 3, Plan VIP76238, District Lot 543, Clayoquot Land District, Native Island [PID 025-815-059] and Lot A, District Lot 543, Native Island, Clayoquot Land District, Plan VIP78185, [PID 026-159-511]”

B. Adding section R-2.1.2(1)(b)(ii) in alphanumeric order, as follows:

“(ii) Despite other sections of this bylaw, Lot B, District Lot 543, Native Island, Clayoquot Land District, Plan VIP78185, [PID 026-159-511; 1061 Helen Road] Multiple Family Residential use is the only allowable principle use and the Multiple Family Residential use may be in a building or group of buildings containing one or more dwelling units, limited to a maximum of six units with a maximum total combined gross floor area of 1200m².”

2. Citation:

This bylaw may be cited as “District of Ucluelet Zoning Amendment Bylaw No. 1322, 2024”.

READ A FIRST TIME this 27th day of **February, 2024**

READ A SECOND TIME this 27th day of **February, 2024**

PUBLIC HEARING this day of _____, **2024.**

READ A THIRD TIME this this day of _____, **2024.**

ADOPTED this day of _____, **2024.**

CERTIFIED CORRECT: "District of Ucluelet Zoning Amendment Bylaw No. 1322, 2024."

Marilyn McEwen
Mayor

Duane Lawrence
Corporate Officer

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

Duane Lawrence
Corporate Officer



REPORT TO COUNCIL

Council Meeting: February 27, 2024
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: JOHN TOWGOOD, MUNICIPAL PLANNER

FILE NO: 3360-20-RZ22-04

SUBJECT: REZONING AND OCP AMENDMENT FOR 1061 HELEN ROAD

REPORT NO: 24- 16

ATTACHMENT(S): APPENDIX A - APPLICATION
APPENDIX B - OCP BYLAW No.1337
APPENDIX C - ZONING BYLAW No.1322
APPENDIX D - DEVELOPMENT PERMIT 22-13
APPENDIX E - GEOTECHNICAL ASSESSMENT
APPENDIX F - ENVIRONMENTAL ASSESSMENT
APPENDIX G - INTERIM FLOOD RISK POLICY-DRAFT UPDATE

RECOMMENDATION(S):

It is recommended that Council consider the following resolutions regarding the proposed development at 1061 Helen Road:

1. **THAT** *District of Ucluelet Official Community Plan Amendment Bylaw No. 1337, 2024*, be introduced and be given first and second reading.
2. **THAT** Council considers the *District of Ucluelet Official Community Plan Amendment Bylaw No. 1337, 2024*, in conjunction with the [District of Ucluelet 2023 – 2027 Financial Plan Bylaw No. 1329, 2023](#) and the Alberni-Clayoquot Regional District [Waste Management Plan](#).
3. **THAT** *District of Ucluelet Official Community Plan Amendment Bylaw No. 1337, 2024*, be referred to the Yuułu?ił?ath Government and that, given the narrow focus of Bylaw No. 1337, 2024, Council is satisfied that no further consultation is required with other persons, organizations, and authorities identified in sections 475(2)(a) and (b) of the *Local Government Act*.
4. **THAT** *District of Ucluelet Official Community Plan Amendment Bylaw No. 1337, 2024*, be referred to a public hearing.
5. **THAT** *District of Ucluelet Zoning Amendment Bylaw No. 1322, 2024* be introduced, given first and second reading, and advanced to a public hearing.
6. **THAT** *District of Ucluelet Tsunami Risk Tolerance Interim Policy 8-5280-2*, which supersedes *District of Ucluelet Tsunami Risk Tolerance Interim Policy 8-5280-1*, be adopted.

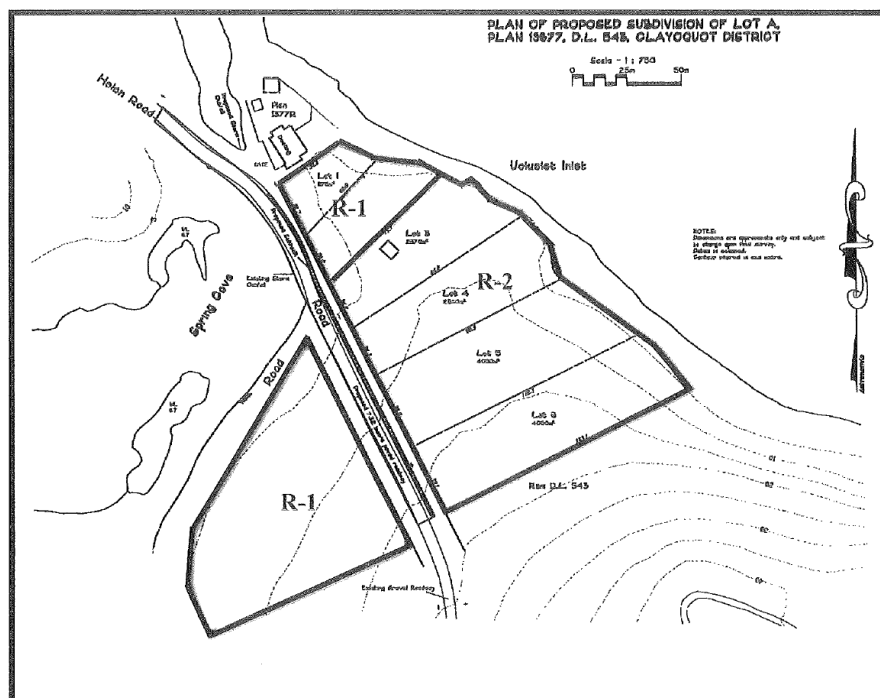
BACKGROUND:

The development proposed is for six multiple family residential dwelling units at 1061 Helen Road; Lot B, District Lot 543 Native Island, Clayoquot District, Plan VIP78185 (the “subject property”).



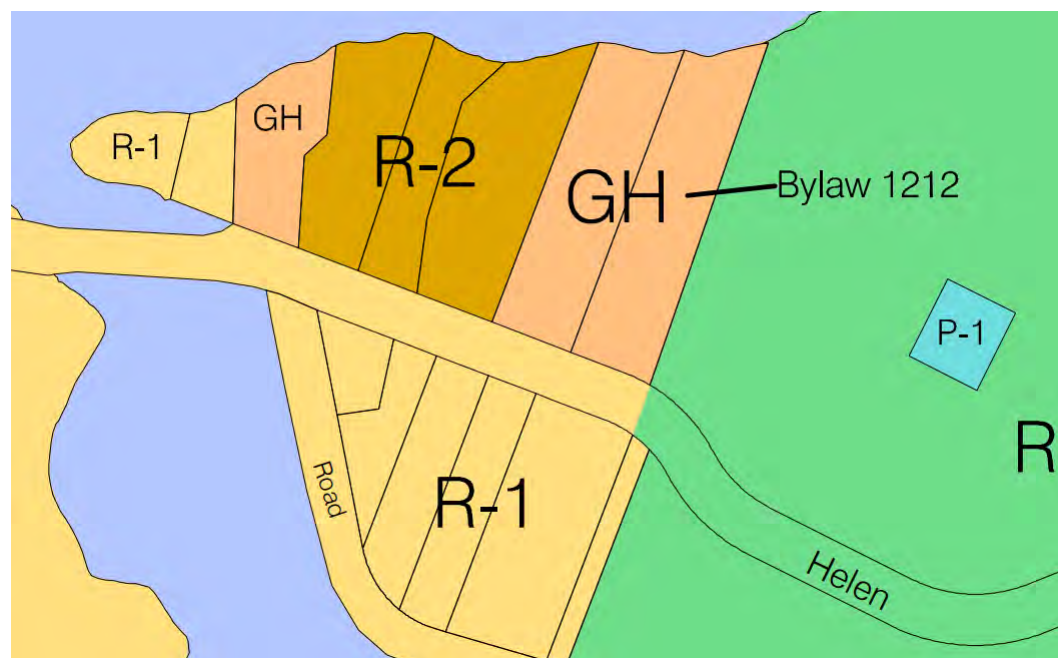
(Figure 1 – Subject Property)

The subject property is located on Hyphocus Island, it is currently vacant and well vegetated. In 2002 the northern end of Hyphocus Island was rezoned from a mix of Rural and Single-Family properties to a mix of Single-Family Residential (R-1) and Medium Density (R-2) properties (Figure 2) with a specific prohibition of Multiple Family Residential (MFR) uses on all the R-2 properties.



(Figure 2 – 2002 Zoning)

Since that time, three properties have been rezoned from R-2 to the Guest House (GH) zone.



(Figure 3 – Current zoning of the area)

DISCUSSION:

OFFICIAL COMMUNITY PLAN

The subject property is currently designated as Single Family residential. The Official Community Plan (OCP) Describes the Single-Family Residential land use as follows:

Single-Family Residential

This designation includes detached single-family homes and duplexes. Single-family properties may include secondary suites, accessory dwelling units, home occupations and guest accommodation. Some small-scale multi-family land uses exist within single-family neighbourhoods. Further small-scale development of multifamily uses - which demonstrate how they fit within the neighbourhood context specific to their location - may also be approved within these areas without amendment of this OCP.

The policy statement above clearly contemplates that small-scale multi-family zoning amendment proposals which demonstrate that they fit within the neighbourhood context may be approved without an OCP amendment. This is a new statement that was adopted in 2022 and it was understood at that time that while a OCP amendment may not be required for small scale residential proposals, a public hearing would still be held for the required zoning amendment. A scan of Ucluelet's [Future Land Use Plan](#) show that all multi-family uses (3 units or more) have a separate colour designation in the plan. If this application were to be approved without an OCP amendment it would be the only property shown designated as single family but then zoned for multi-family residential. In consideration that approving zoning amendments for small-scale

multifamily uses without amendment of this OCP is a relatively new idea and that recent Provincial legislation around the prohibition of public hearings for residential development; it may be more transparent and consistent with past practices to require an OCP bylaw amendment to change the land use designation to MFR for this proposal. To those ends, an OCP amendment bylaw was drafted and forms part of the recommendation.

Alternatively, Council could process this application without an OCP amendment if it determines that the proposal is consistent with the OCP. In that case, it should be noted that Council would be prohibited from holding a public hearing on the zoning amendment bylaw.

The following OCP policies and statements are specifically relevant to this application:

Guiding Principles

7. Broaden the spectrum of housing options to improve the availability of appropriate, affordable housing for all

Residential – Multi Family

Smaller units in higher density, multifamily areas are an important component of the District’s affordable housing strategy. Residential uses within and in close proximity to the Village Square help create a more vibrant and compact community where residents can walk to services and amenities.

Multi Family Residential Policies:

Policy 3.147 *Encourage the development of multi-family residential units within an approximate five-minute walk of the Village Square;*

(Note: a 5 minute walk is a distance of 400m; the subject property is 1200m from the Village Square but should still be considered within a walkable distance.)

Short-term Housing Action Plan:

Policy 3.131 G. *explore zoning opportunities for infill of compact, more affordable units in existing and new neighbourhoods (e.g., small lots, rental cottages, etc.)*

Policy 3.143 *Rezoning applications involving more than five dwelling units shall provide a statement describing the affordable housing components achieved by the proposal.*

Regarding ***Policy 3.143***, a statement describing the affordable housing components is not formally being required because:

1. There is a theoretical (and subjective) equivalent number of potential units allowed in the current zone.
2. The proposal removes the tourist accommodation elements of the zoning.
3. The number of units is at the threshold of this policy.

ZONING

The application in front of Council is for a change of use on the subject property from a low-density single-family dwelling or a duplex form to a medium density MFR form. It should be noted that Ucluelet’s current low density land use form of single-family dwellings has extensive secondary use potential that can result in these properties having a substantial level of density. The following

looks at the relevant principle and secondary uses allowed under the existing zone in comparison to what would be allowable under the bylaw changes proposed in Bylaw No. 1322:

From:

- *Single Family Dwelling (1 Dwelling unit) with the following secondary uses:*
 - *Secondary Suite (1 Rental Dwelling Unit)*
 - *Accessory Residential Dwelling Unit (1 Rental Dwelling Unit)*
 - *Bed and Breakfast (3 Tourist accommodation “Guest Room” Units)*
 - *Total of 6 Units of a mix of residential and tourist accommodation use*
 - *Total Floor Area Ratio allowed = 15,112sqft*

or

- *Duplex Dwelling*
 - *½ Duplex (1 Dwelling Units)*
 - *½ Duplex (1 Dwelling Units)*
 - *Total of 2 Units of a residential use*
 - *Total Floor Area Ratio allowed = 15,112sqft*

To:

- *Multiple Family Residential (6 Dwelling Units)*
 - *½ Duplex (1 Dwelling Units)*
 - *½ Duplex (1 Dwelling Units)*
 - *4 Single MFR Unit (4 Dwelling Units)*
 - *Total of 6 units of a residential use*
 - *Total Floor Area Ratio allowed = 15,070sqft (1200sqm)*

The change of use proposed has the following advantages:

- Every unit would be for residential purposes only - with no option for tourist accommodation, creating more housing.
- The 6-unit building strata would have six owners and would result in a lower price point per unit when compared to a single owner in the case of a SFD, or two owners in the case of a duplex dwelling.
- The interior yard setback for the proposed under MFR is 20' rather than 5'.
- The total maximum floor area would be the same as under the existing zoning.

The change of use proposed has the following disadvantages:

- The original intent of the zoning is modified.
- The units could be used as second homes and not provide housing for people living and working in Ucluelet and area (this could also be true in the case of any SFD or a Duplex dwelling).
- The multi-family use is different than the surrounding uses. It should be noted that this application can also be seen as creating a diversity of uses within a neighbourhood which could be seen as an advantage.

Bylaw No. 1322 proposes to remove and replace Section R-2.1.2(1)(b)(i) of Zoning Bylaw 1160, 2013 which read as follows:

“(i) Despite the above, Multiple Family Residential is not permitted on Lots 3, 4, 5 and 6 of Plan VIP76238.”

This section restricts MFR use from the subject property and the two neighbouring properties. It is proposed to amend section R-2.1.2(1)(b)(i) to remove the subject property from the clause and to update the lot number of one of the neighbouring properties as follows:

“(i) Despite the above, Multiple Family Residential is not permitted on Lot 3, Plan VIP76238, District Lot 543, Clayoquot Land District, Native Island [PID 025-815-059] and Lot A, District Lot 543, Native Island, Clayoquot Land District, Plan VIP78185, [PID 026-159-511]”

To allow the building configurations as proposed but restrict the allowable floor area ratio to be limited to the approximate floor area ratio currently allowed, it is proposed to replace section R-2.1.2(1)(b) as follows:

“(ii) Despite other sections of this bylaw, Lot B, District Lot 543, Native Island, Clayoquot Land District, Plan VIP78185, [PID 026-159-511] Multiple Family Residential use is the only allowable principal use and the Multiple Family Residential use may be in a building or group of buildings containing one or more dwelling units, and be limited to a maximum of six units with a maximum total combined gross floor area of 1200m².”

The proposed amendments have been designed to accommodate the proposed development but also confine the allowable floor area so that it does not allow for more than what is currently allowed under the SFD or Duplex use.

Based on the preliminary information provided, this development meets the applicable zoning regulations if the zoning amendment were to proceed. It should be noted that a more detailed planning and building review would be required at the building permit stage.

TSUNAMI RISK

Ucluelet is subject to both tsunami and coastal flooding risks. On March 29, 2022, Council adopted a [“Tsunami Risk Tolerance”](#) interim policy. This policy applies to decisions on locating critical municipal assets, investments in infrastructure, rezonings, and the subdivision of land.

This application involves rezoning, but it does not involve the direct creation of new lots or the potential for new lots to be created. Both the interim District of Ucluelet policy and the relevant provincial legislation have the underlying implication that land use decisions be made based on keeping the risk due to tsunami inundation as low as reasonably practicable.

The policy is clear on the creation or the potential to create new lots through a zoning amendment or subdivision. It is less clear on the increase of density by rezoning on existing lots. Regarding this application, the density is arguably equal in the context of what is the existing zones potential density of people and infrastructure and the proposed MFR development. Staff consider that a reasonable approach would be to consider coastal storm Flood Construction Levels (**FCL**) in this case and not require the additional measures to address potential tsunami flood risk. It should be

noted that the FCL of the proposed development is above the tsunami flood reference plane as assessed by the applicant’s consultants.

The review of this application identified an area where the interim policy could be clarified. Currently the policy is silent on existing lots where an applicant proposes a zoning amendment to change the use and/or density (similar to this application), this could be clarified by adding the following two lines in the policy chart after the “New residential and commercial buildings on new lots” :

A change in use that would increase density and/or infrastructure on existing lots	Tsunami Flood Reference Plane	Site-specific analysis by suitably qualified Professional Engineer experienced in coastal engineering
A change in use that would not increase density and or infrastructure on existing lots	Coastal Storm FCL	OCP Map 4

This change would clarify the application of the interim policy both for staff and potential applicants. Staff are recommending that this change be instituted by adopting District of Ucluelet Tsunami Risk Tolerance Interim Policy 8-5280-2 (**Appendix G**) which would supersede its predecessor Policy 8-5280-1.

SERVICING

Public services of sufficient size and capacity to serve the proposed development are available at Helen Road.

FIRE PROTECTION

The proposed access dimensions are good but will require markings designating no parking and fire lane in the turnaround area (other than in the designated spots).

BUILDING SERVICES

A comprehensive code review of this application will occur during the building permit process, however, we note at this time, that this project falls under Building Bylaw 1165, 2014, Section 10.3, and where a project involves a) two or more buildings, which in aggregate total more than 1,000 square meters; or b) two or more buildings that will contain four or more dwelling units; or c) where the complexity of the proposed building or structure or siting circumstances warrant, then the Building Official may also require the involvement of registered professionals. We anticipate asking for the following: geotechnical engineering and structural engineering, mechanical engineer for building plumbing, a plumbing engineer/ civil engineer to undertake the design and review of all the building plumbing and site servicing ie: sizing the main waterline/ proposing the meter, sizing and layout of the sewer system, storm and site drainage, fire-fighting access and provisions, as well as any proposed works, construction staging or parking on District property that may require a separate permit.

The district Building Official will require a geotechnical hazard assessment in accordance with Section 56 of the *Community Charter*. The assessment will likely contain conditions for the safe use of the land and will need to be registered on title attached to a covenant pursuant to Section 219 of the Land Titles Act. Covenant registration must be complete before the District can issue this building permit.

ARCHAEOLOGICAL

The applicant has contacted the Archaeological Branch and the branch stated to the applicant that there are no known sites located on the subject property. They note that if archaeological materials are exposed or impacted all activities must be halted and an archaeological investigation must be conducted, and permit requirements must be established.

GEOTECHNICAL

The applicant completed a geotechnical hazard assessment for the subject property by Lewkowich Engineering and associates (**Appendix E**). This assessment reviewed the property in the context of soil stabilization and flood construction level. The report establishes a 30m horizontal building setback from the natural boundary and a flood construction level of 10.5m geodetic (above high tide).

DEVELOPMENT PERMITS

This application falls within the Shorelines Development Permit area and is also subject to a Multi-Family, Form and Character Development Permit. It should be noted that the approval of the development permit would occur at adoption of Bylaw No. 1322 if it were to proceed to adoption.

FORM AND CHARACTER - MULTI-FAMILY, COMMERCIAL & MIXED-USE (DPA IV)

Form and Character Development Permit Areas are established to guide development and land use to ensure a pedestrian-oriented, compact, and vibrant community which maintains its coastal village character.

Building Design

The applicant is proposing four single MFR buildings and one duplex building, these buildings are similar in look with the single buildings having same basic design. The roofs are a mix of low slope gable and hip styles and clad in asphalt shingle roofing. The buildings are clad in Hardie-board with Vinyl trim. The materials are consistent with the OCP guidelines.

While the repetitive nature of the building design of the units is not ideal, this repetition can represent a savings in construction costs and in turn represent a cost savings to ultimate owner and subsequent owners. The design and siting of the buildings could be closer to the naturally inspired form and sensitively sited buildings as indicated in the OCP guidelines but there is a cost associated to that rigor and as the project is residential and is to retain the majority of the shoreline and road frontage vegetation, the totality of the application is supportable.

Landscaping

The applicant is proposing to repair and retain existing landscape with focused landscaping elements occurring in front and between the proposed units (see Landscape Plan within **Appendix A**).

Parking and pedestrian movement

The applicant is proposing a modest sized development similar in potential scale to what is currently allowed; consequently, larger off-site and frontage improvements like sidewalks are not being required. That is not to signal that a full pedestrian connection is not to be required or desired for larger developments where density is increased.

ENVIRONMENTAL - MARINE SHORELINE (DPA VII)

Environmental Development Permit Areas are established to guide development and land use to ensure the most sensitive environmental features of a site are protected and ecological functions are not needlessly disturbed by development activities. For all land lying within an Environmental DP area, an assessment of the site, its natural features and the development must be undertaken, and the applicant must submit a report prepared by a Qualified Environmental Professional (QEP) establishing conditions for development. Staff draft the associated development permit terms and conditions from the recommendations in the QEP’s report. The subject property falls within the Marine Shoreline Development Permit Areas, which includes lands within 30m above and below the natural boundary of the sea.

The applicant has submitted an environmental assessment by Current Environmental (**Appendix F**). This report prescribes a 20m setback area from the natural boundary, for the preservation of the backshore habitat as listed in section 4.1 of the report. This proposal does not contemplate works within the 20m setback area.

ANALYSIS OF OPTIONS:

A	Give OCP Amendment Bylaw No. 1337 and Zoning Bylaw No. 1322 first and second reading and advance to a public hearing	<u>Pros</u>	<ul style="list-style-type: none"> • Allows the application to proceed to public hearing. • Allows the public the opportunity provide input on the merits or drawbacks of the applications.
		<u>Cons</u>	<ul style="list-style-type: none"> • Unknown at this time
		<u>Implications</u>	<ul style="list-style-type: none"> • District Staff will give notice of a public hearing.

B	That Council considers the application consistent with the OCP and proceed with only a zoning amendment	<u>Pros</u>	<ul style="list-style-type: none"> Allows applicant's zoning amendment to proceed without the need for an OCP amendment or a public hearing.
		<u>Cons</u>	<ul style="list-style-type: none"> Allows the applications to proceed with less public input
		<u>Implications</u>	<ul style="list-style-type: none"> Less staff time will be required to process the application. Staff suggest that amending the interim policy still be included as part of the resolutions.
		<u>Suggested Motion</u>	<ol style="list-style-type: none"> THAT Council direct Staff to give notice of first reading and that a public hearing will not be held for Ucluelet Zoning Amendment Bylaw No. 1322, 2024; and, THAT District of Ucluelet Tsunami Risk Tolerance Interim Policy 8-5280-2, which supersedes District of Ucluelet Tsunami Risk Tolerance Interim Policy 8-5280-1, be adopted.
C	Reject the application	<u>Pros</u>	<ul style="list-style-type: none"> Time would not be spent on a public hearing, and the applicant would be saved the cost of the notification of a public hearing.
		<u>Cons</u>	<ul style="list-style-type: none"> Does not allow applicant's development to proceed.
		<u>Implications</u>	<ul style="list-style-type: none"> The application would not proceed. Additional staff time will be required to follow up with applicant and consultants.
		<u>Suggested Motion</u>	No motion required.

POLICY OR LEGISLATIVE IMPACTS:

Approval of this application would amend the Official Community Plan bylaw, the Zoning bylaw and the interim Tsunami Flood Risk Tolerance Policy. As with any OCP bylaw amendment, Council must consider the impact of the amendment in the context of the regional waste management plan and the municipal five-year financial plan – given the narrow focus of this OCP amendment the impact on municipal services and finances would be negligible.

NEXT STEPS

If this application is approved District Staff will set up a public hearing and complete the required notification.

Respectfully submitted:

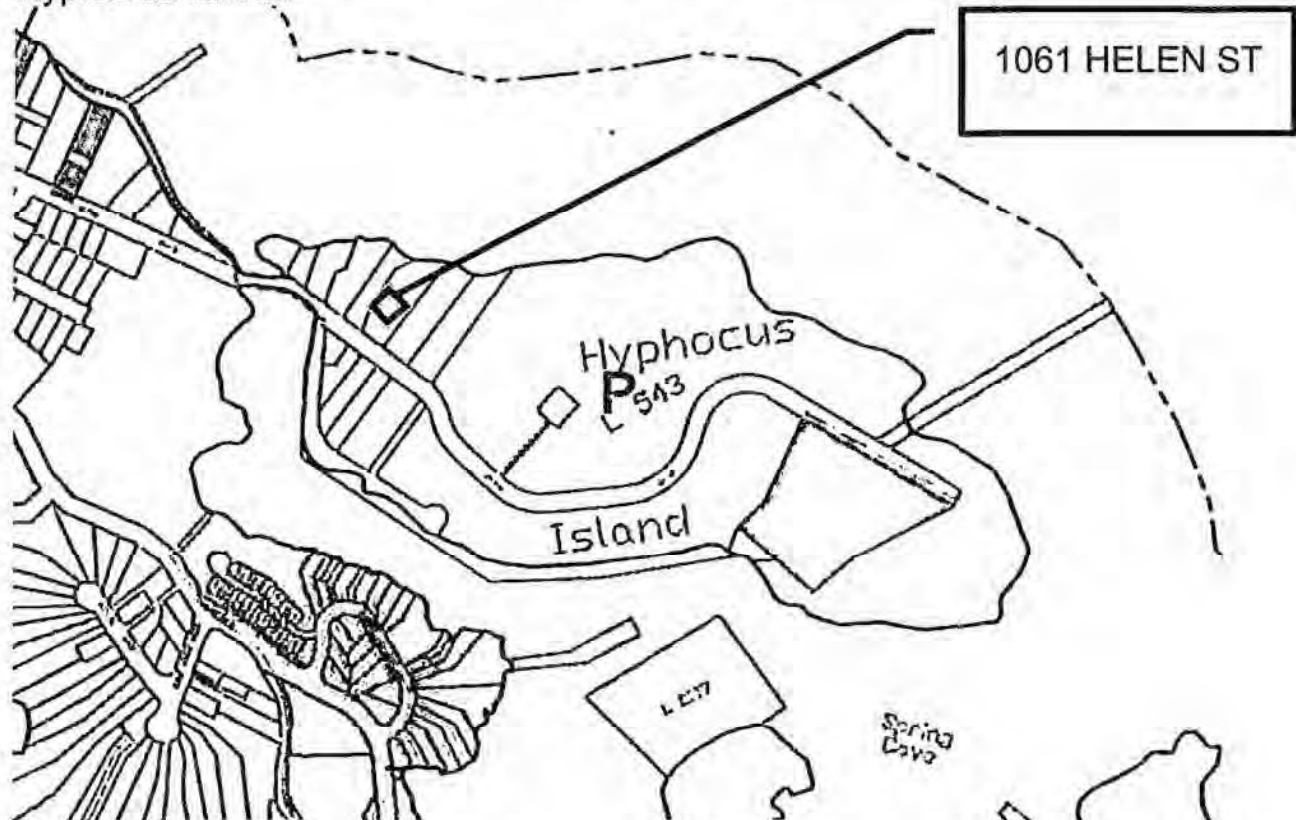
JOHN TOWGOOD, MUNICIPAL PLANNER

BRUCE GREIG, DIRECTOR OF COMMUNITY PLANNING

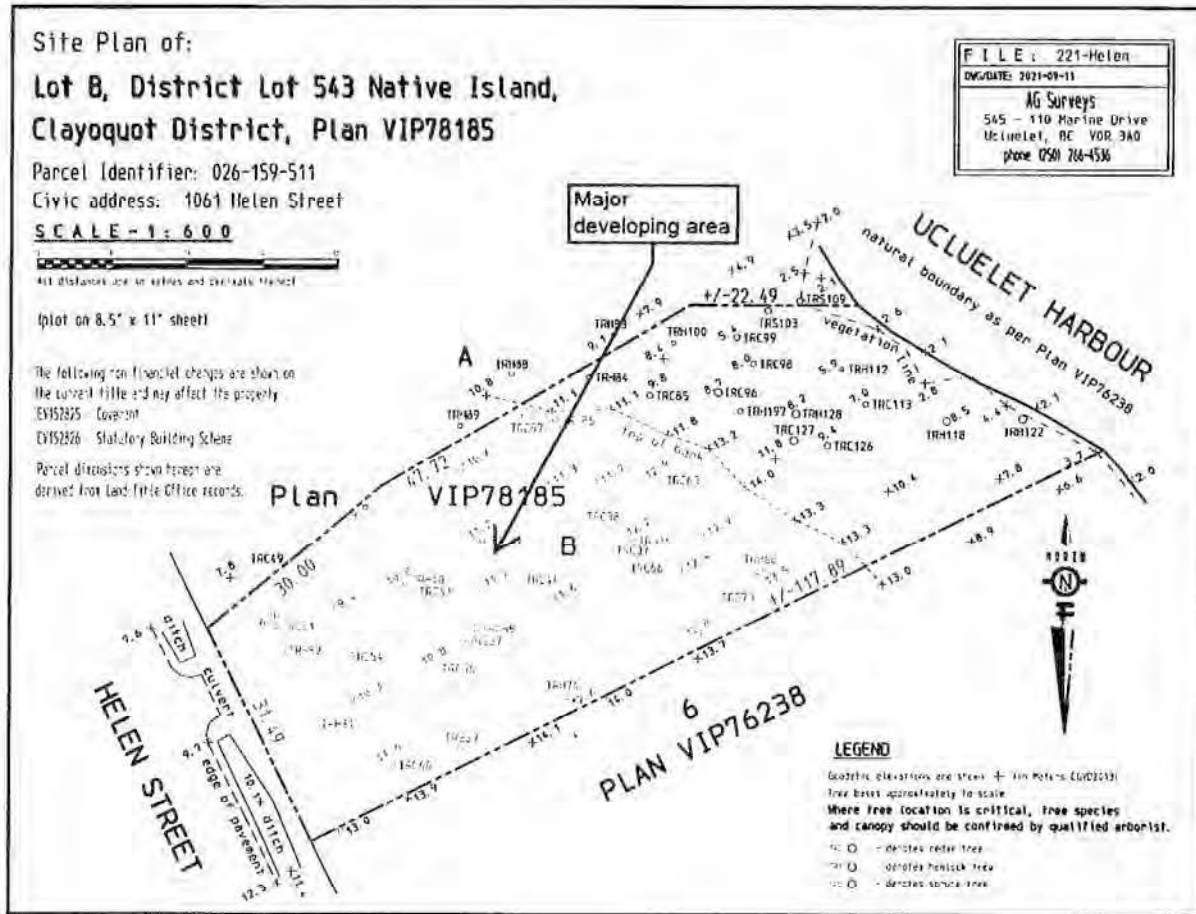
DUANE LAWRENCE, CAO

April 03, 2022
1061 HELEN ST
To District of Ucluelet Planning Department:

At present time 1061 HELEN ST is zoned R2 which bylaws state that for using multiple family residential the side setbacks at 20' and rear setbacks be set at 20' and the front setbacks be set at 20'. The lot is located in Hyphocus Island.



The north side of the site is facing UCLUELET HARBOUR and has sloped area. We will avoid to put the buildings over the top of bank, the major developing area will limit to the top of sloped area. (see the yellow area)



R-2.1 Permitted Uses:

R-2.1.2 (1) (b) Multiple Family Residential

(i) Despite the above, Multiple Family Residential is not permitted on Lots 3, 4, 5 and 6 of Plan VIP76238.

Our lot is on B of VIP78185. The lot area is 0.3979 Hectares and we only propose 31.3% FSR with 2 storey townhouse buildings. Please see the following site plan, density, driveway and parking space analysis and let the lot to propose multiple family residential.

R-2.1 lot Regulations:

R-2.1.1 Minimum Lot Size:

(3) Multiple Family Residential: 1,000 m² (¼ acre),

The lot area is 42,835.84 SF (3,979.58 m²)=0.3979 Hectares >1,000 m² (¼ acre)

R-2.1.2 Minimum Lot Frontage:

(3) Multiple Family Residential: 23m(75ft)

The lot frontage is 31.49m > 23m

R-2.2 Density:

(3) Multiple Family Residential:

(a) Base Density: 30 units/hectare per lot

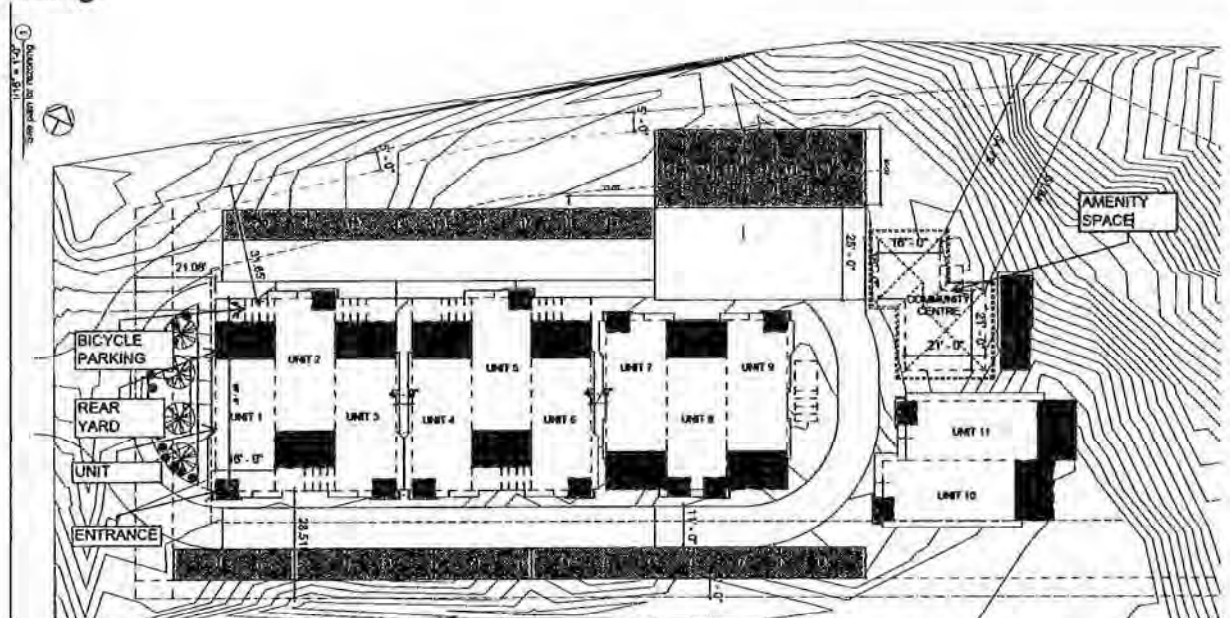
In R2 zoning bylaw Density R-2.2 (3) Multiple Family Residential (a) Base Density is 30 units/hectare per lot.

The lot we purchased to build 11 units multiple family townhouse.

The lot area is 42,835.84 SF (3,979.58 SM)=0.3979 Hectares

The units=30*0.3979=11.937 units. We will provide 11units.

The unit size measures 16' in width x 35' in length. Each unit has 10' rear yard and 6' depth bicycle parking area. There are three groups townhouse which combined with 3 units (unit 1 to unit 9), and one group combined with 2 units (unit 10 to unit 11). We also provide one community centre with outdoor swimming pool for amenity using.



R-2.2.2 Maximum Floor Area Ratio:

(3) Multiple Family Residential: 0.70

The lot area is 42835.84 SF.

The allowable floor area= $42835.84 \times 0.7 = 29985$ SF.

We only propose 13413 SF (31.3%), it's more less than 29985 SF(70%).

R-2.2.3 Maximum Lot Coverage:

(3) Multiple Family Residential: 40%

The lot area is 42835.84 SF .

Proposed covered porch area is 269.43 SF, main floor area is 6674.70 SF. Total proposed site coverage area is 6944.13 SF =16.21%. < 40%

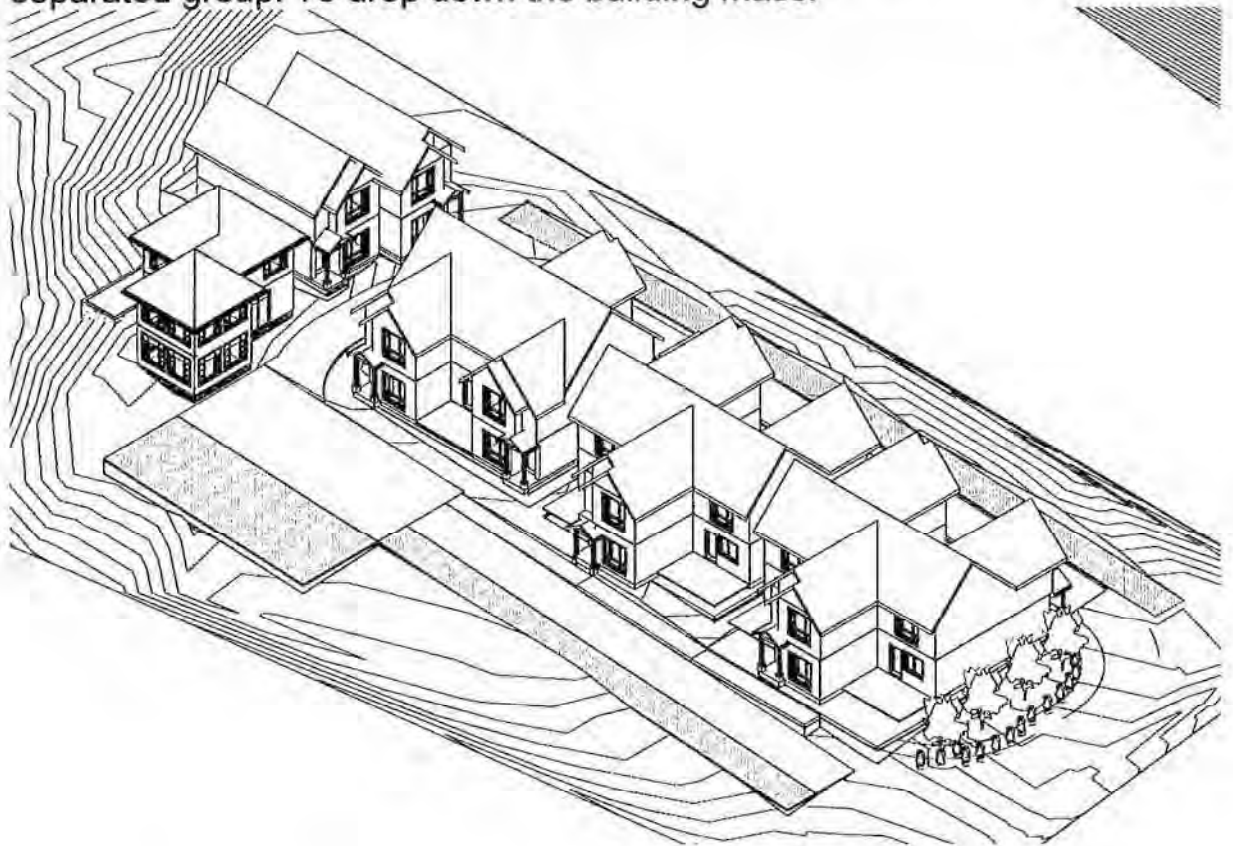
Please consider this small site coverage and let this lot can build multiple family residential.

R-2.4 Maximum Height

R-2.4.1 Principal Buildings & Structures:

(3) Multiple Family Residential: 11m(36ft) or 3 storey

Proposed only 2 storey townhouse building. And make several separated group. To drop down the building mass.



R-2.5 Minimum Setbacks:

Front Yard Setback 6m(20ft)
Rear Yard Setback 6m(20ft)
Side Yard Setback 6m(20ft)

The lot setbacks all equal or large then minimum setbacks.

Proposed front yard setback 21.08ft
Proposed rear yard setback 54.79ft
Proposed side yard setback 20ft
Proposed side yard setback 31.65ft

Proposed Building floor area:

Proposed main floor area is 6,674.70 SF, upper floor area is 6,738.07 SF.
Total proposed floor area is 13,412.77 SF.

Proposed Parking space number:

The required parking space number is:

$1.5/\text{per unit} = 1.5 * 11 \text{ unit} = 16.5 = 17.$

Visitor parking is $1/\text{per } 5 \text{ units} = 2.$

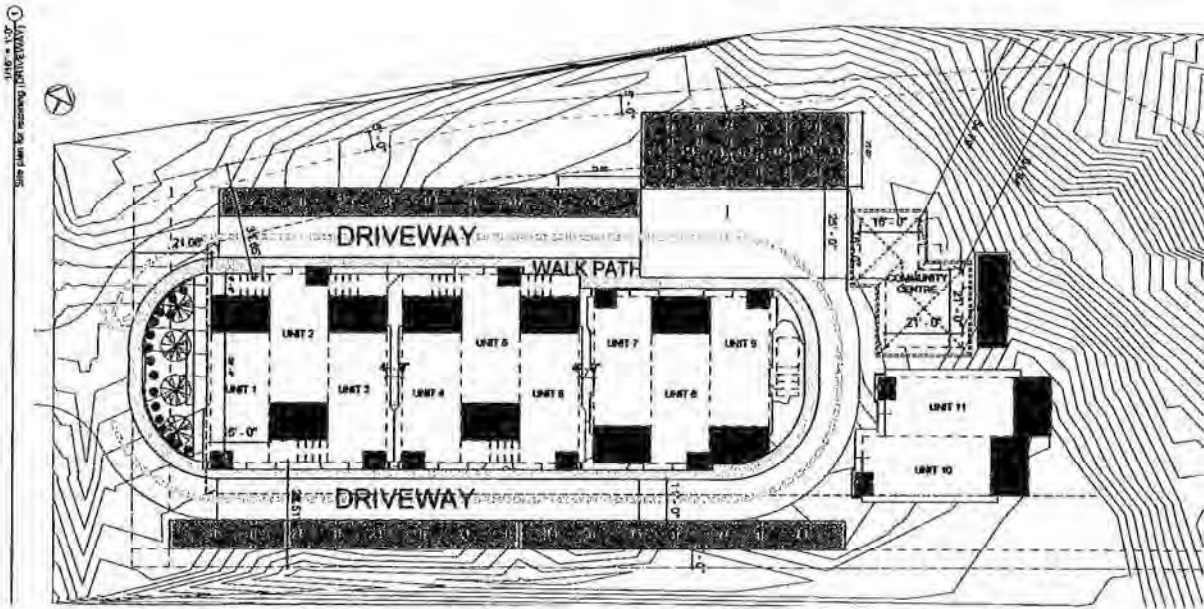
H/C required is 1% of parking space, 1% of 19 parking space ($17 + 2 = 19$) is 1.

Total parking space = $17 + 2 + 1 = 20$

Proposed parking space is 20.

Proposed Driveway and walk path:

The driveway is around the buildings and parking space is next to the driveway. The walk path is in another side of the driveway.



Thank you for your consideration,

HAODE INVESTMENTS LTD
#5200-4000 NO.3 Rd, Richmond, BC
778.881.0388

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1061 HELEN ST UCLUELET BC
LOT B, District Lot 543 Native Island, Clayoquot District, Plan VIP78185
Parcel Identifier 026-159-511
Zoned R2
Lot area: 42835.84 SF
Front 6 meters (20')
Sides 20'
Rear 20'
Height restrictions 36' or 3 storey
Lot coverage 40%
Max Floor Ratio - 70%

Contacts John Towgood-Ucluelet Planning Department 250-726-4770

1061 HELEN ST UCLUJELET BC

SHEET LIST:

R1 SHEET PLAN
R2 3D VIEW

PROJECT CONTACTS:

SUBCONTRACTORS:
AG SURVEYS
105-110 MARINE DRIVE
VANCOUVER, BC V6P 6P4
TEL: 779-544-8388
Email: agsurveys@ag.com

DESIGNER:
ELITE DESIGN
105-110 MARINE DRIVE
VANCOUVER, BC V6P 6P4
TEL: 779-544-8388
Email: projects@elitedesign.com

STRUCTURAL ENGINEER:
COS ENGINEERING GROUP LTD.
4325 PARKVIEW DR.
VANCOUVER, BC V6P 6P4
TEL: 604-261-8800
Email: projects@peg.com

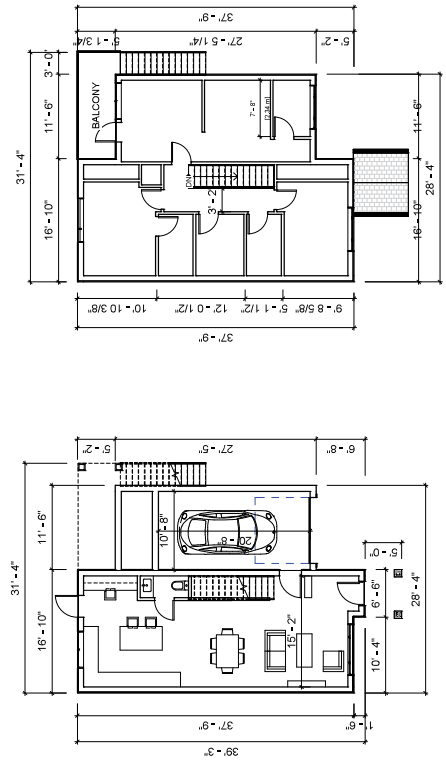
PROJECT SUMMARY:

SITE COVERAGE SUMMARY:	
LOT AREA:	4935.84 SF
PERMITTED SITE COVERAGE:	4935.84 SF
PROPOSED SITE COVERAGE:	4935.84 SF
COVERED AREA:	922.89 SF 2.15%
MAIN HOUSE AREA:	6953.50 SF 14.13%
PROPOSED SITE COVERAGE:	6976.39 SF 16.29%

ZONING DISTRICT: R2
PROPOSAL: SINGLE FAMILY
Civic ADDRESS: 1061 HELEN ST UCLUJELET BC
LEGAL DESCRIPTION: LOT B District Lot 543 Neave Blanc, Clayquot District, Plan V178165
LOT AREA: 4935.84 SF

FLOOR	PERMITTED	PROPOSED
UPPER FLOOR	2447.92 SF	31.3% 1148.81 SF
MAIN FLOOR	2447.92 SF	5705.81 SF 5705.81 SF
BASEMENT	0.00 SF	5783.00 SF 5783.00 SF
TOTAL	4895.84 SF	1676.39 SF 16.29%

Appendix A



ELITE DESIGN
PREMIUM HOMES

AS NOTE
2023.02.20
Author

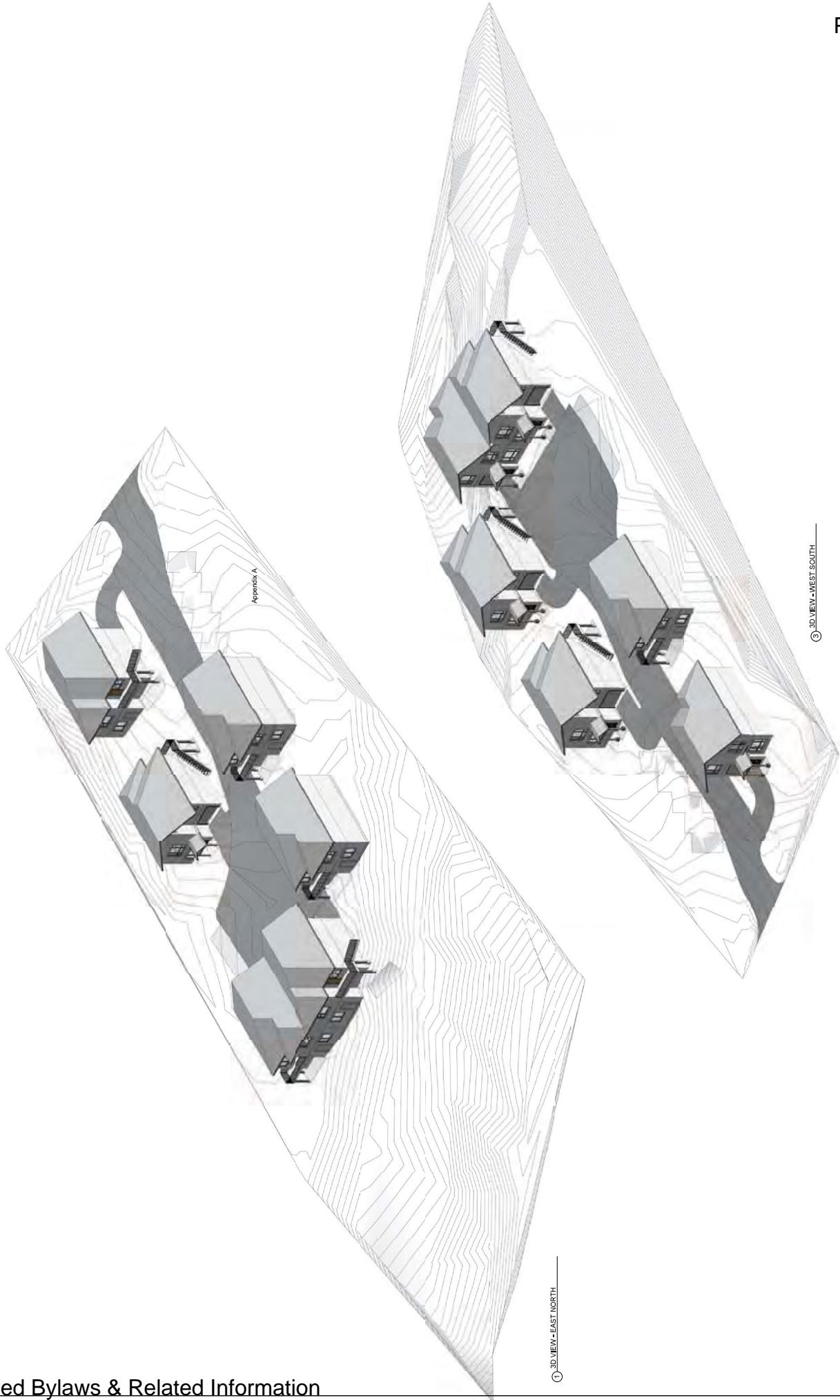
SITE PLAN

1061 HELEN ST
UCLUJELET BC

PROJECT NORTH

REVISION	DATE
1. ISSUE FOR REZONING	2023.02.20
2. REVISED FOR REZONING	2023.02.20

CONTRACTOR RECEIVED
This plan and design are, and all items remain the exclusive property of ELITE DESIGN and cannot be used or reproduced in whole or in part without the written consent of ELITE DESIGN. All dimensions shall be provided from the datum and conditions on the drawings. All dimensions shall be provided from the datum and conditions on the drawings.



Appendix A

① 3D VIEW - EAST NORTH

③ 3D VIEW - WEST SOUTH

3D VIEWS

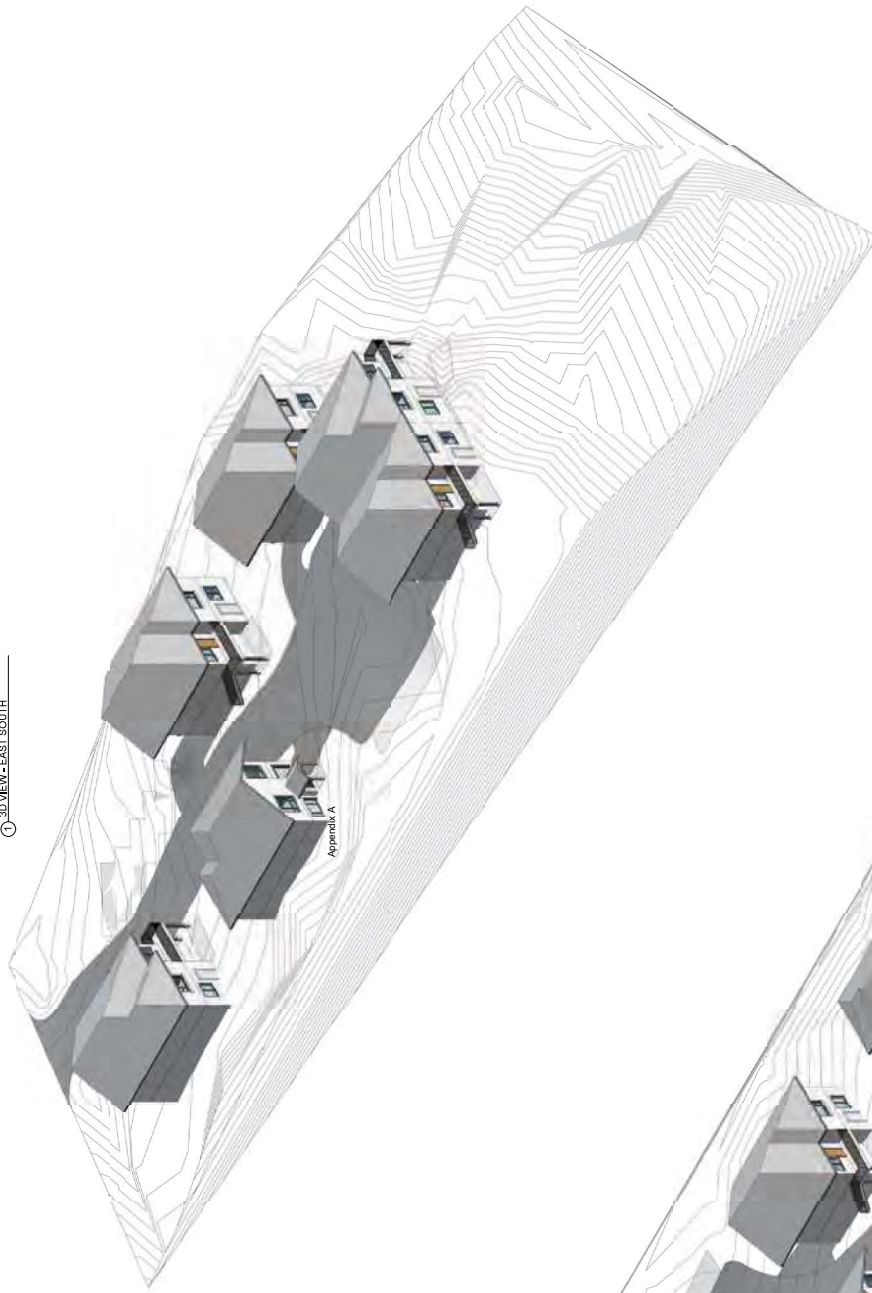
1061 HELEN ST
UCLUELET BC

PROJECT NORTH

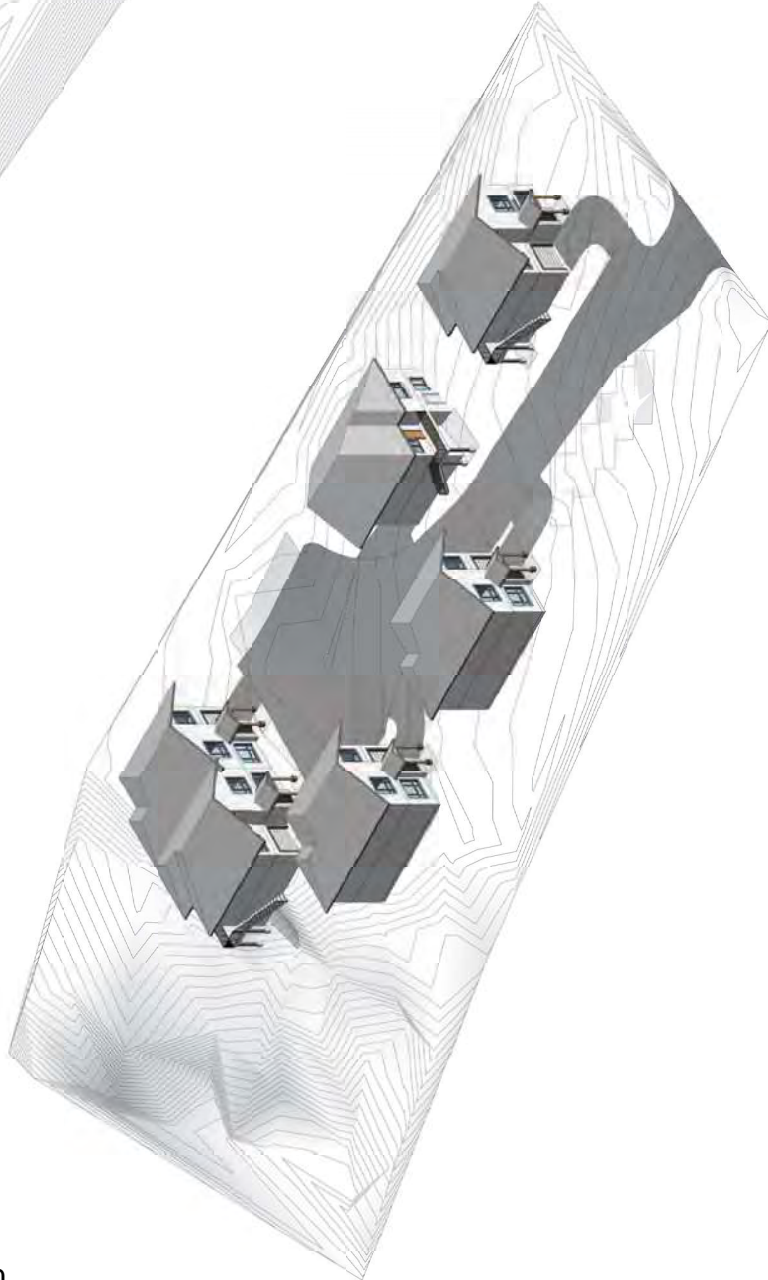
REVISION	DATE	DESCRIPTION
1	2023.02.20	RESUBMIT FOR REZONING
2	2023.02.20	REVISOR FOR REZONING

CONSENT TO PROCEED
This plan and design are submitted as the exclusive property of ELITE DESIGN and cannot be used or reproduced without written consent of ELITE DESIGN. All dimensions and conditions on the plan, whether dimensions shall have precedence over all other dimensions or conditions of any variation from the dimensions and conditions on the drawing.

① 3D VIEW - EAST SOUTH



② 3D VIEW - WEST NORTH



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REV	DATE	DESCRIPTION
1	2023.04.08	RESUBMIT FOR REZONING
2	2023.02.20	REMOVED FOR REZONING

PROJECT NORTH

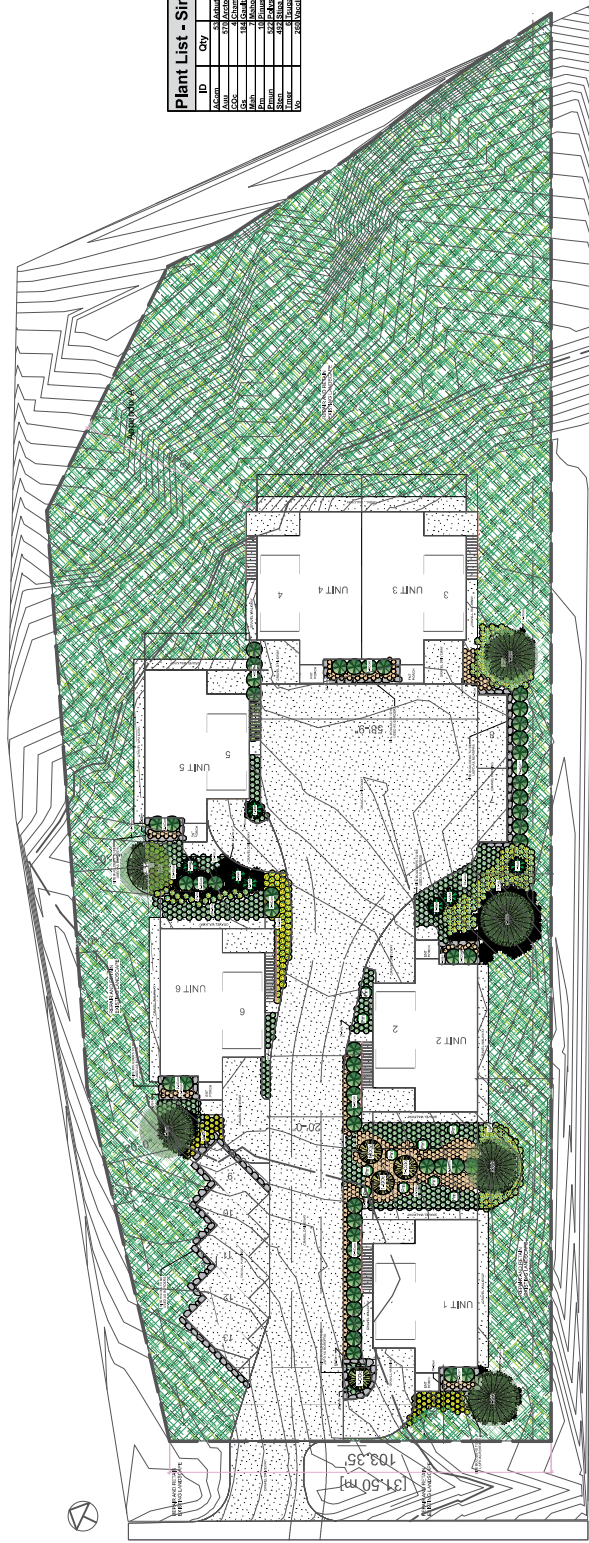
1061 HELEN ST
 UCLUELET BC

3D VIEWS

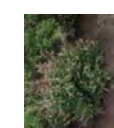
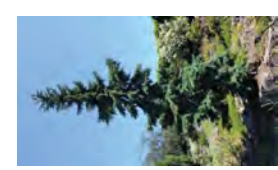
REV	DATE	DESCRIPTION
AS NOTE		

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 TEL: 604.273.8822
 E: elite@elitedesign.com

ID	Qty	Botanical Name	Common Name	Scheduled Size	Remarks
1	1	Thuja occidentalis	Green Tree	1.8m	1.8m
2	1	Thuja occidentalis	Green Tree	1.8m	1.8m
3	1	Thuja occidentalis	Green Tree	1.8m	1.8m
4	1	Thuja occidentalis	Green Tree	1.8m	1.8m
5	1	Thuja occidentalis	Green Tree	1.8m	1.8m
6	1	Thuja occidentalis	Green Tree	1.8m	1.8m
7	1	Thuja occidentalis	Green Tree	1.8m	1.8m
8	1	Thuja occidentalis	Green Tree	1.8m	1.8m
9	1	Thuja occidentalis	Green Tree	1.8m	1.8m
10	1	Thuja occidentalis	Green Tree	1.8m	1.8m
11	1	Thuja occidentalis	Green Tree	1.8m	1.8m
12	1	Thuja occidentalis	Green Tree	1.8m	1.8m
13	1	Thuja occidentalis	Green Tree	1.8m	1.8m
14	1	Thuja occidentalis	Green Tree	1.8m	1.8m
15	1	Thuja occidentalis	Green Tree	1.8m	1.8m
16	1	Thuja occidentalis	Green Tree	1.8m	1.8m
17	1	Thuja occidentalis	Green Tree	1.8m	1.8m
18	1	Thuja occidentalis	Green Tree	1.8m	1.8m
19	1	Thuja occidentalis	Green Tree	1.8m	1.8m
20	1	Thuja occidentalis	Green Tree	1.8m	1.8m



1 LANDSCAPE PLAN
Scale: 1/16" = 1'-0"



PROPOSED TREES AND PLANTS

No.	Date	Issue Notes

greenroom garden

GREENROOMGARDEN

PROPOSED LANDSCAPE LAYOUT
1061 HELEN STREET
UCLUELET

LANDSCAPE PLAN

Project No. 2023-1-2-23
Sheet No. L1 of 0
Date 2023-1-2-23

DISTRICT OF UCLUELET

Official Community Plan Amendment Bylaw No. 1337, 2024

A bylaw to amend the District of Ucluelet Official Community Plan
(1061 Helen Road – Land Use designation change).

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

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

1. Map Amendments:

The “District of Ucluelet Official Community Plan Bylaw No. 1306, 2022, as amended, is hereby further amended as follows:

- A. Schedule ‘A’ Long Range Land Use Plan is hereby further amended by changing the designation of 1061 Helen Road; Lot B, District Lot 543 Native Island, Clayoquot District, Plan VIP78185 (PID 026-159-511), shown shaded on the map attached to this Bylaw as Appendix “A”, from Single Family Residential to Multi-Family Residential.

2. Citation:

This bylaw may be cited as “District of Ucluelet Official Community Plan Amendment Bylaw No. 1337, 2024”.

READ A FIRST TIME this day of , 2024.

Considered in conjunction with the District of Ucluelet Financial Plan and Waste Management Plan under Section 477 of the *Local Government Act* this day of , 2024.

READ A SECOND TIME this day of , 2024.

PUBLIC HEARING held this day of , 2024.

READ A THIRD TIME this day of , 2024.

ADOPTED this day of , 2024.

CERTIFIED A TRUE AND CORRECT COPY of “Official Community Plan Amendment Bylaw No. 1337, 2024”

Marilyn McEwen
Mayor

Joseph Rotenberg
Corporate Officer

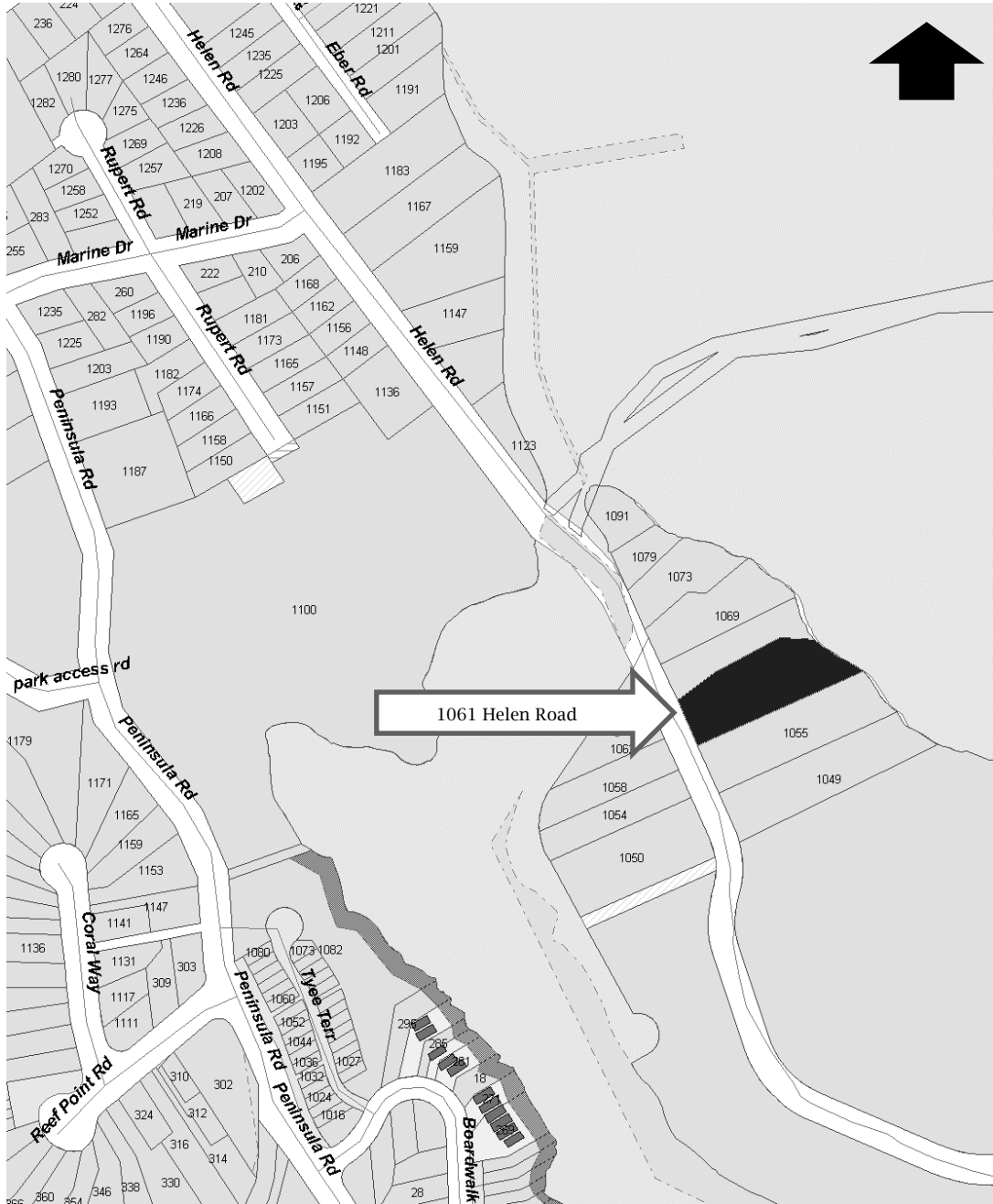
THE CORPORATE SEAL of the District of Ucluelet was hereto affixed in the presence of:

Joseph Rotenberg
Corporate Officer

Appendix 'A'

Official Community Plan Amendment Bylaw No. 1337, 2024

OCP Schedule 'A' Long Range Land Use Plan
From: "Single Family Residential"
To: "Multi-Family Residential"



DISTRICT OF UCLUELET

Zoning Amendment Bylaw No. 1322, 2024

A bylaw to amend the “District of Ucluelet Zoning Bylaw No. 1160, 2013”.
(1061 Helen Road)

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. Text Amendment:

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

A. Replacing section R-2.1.2(1)(b)(i), as follows:

“(i) Despite the above, Multiple Family Residential is not permitted on Lot 3, Plan VIP76238, District Lot 543, Clayoquot Land District, Native Island [PID 025-815-059] and Lot A, District Lot 543, Native Island, Clayoquot Land District, Plan VIP78185, [PID 026-159-511]”

B. Adding section R-2.1.2(1)(b)(ii) in alphanumeric order, as follows:

“(ii) Despite other sections of this bylaw, Lot B, District Lot 543, Native Island, Clayoquot Land District, Plan VIP78185, [PID 026-159-511; 1061 Helen Road] Multiple Family Residential use is the only allowable principle use and the Multiple Family Residential use may be in a building or group of buildings containing one or more dwelling units, limited to a maximum of six units with a maximum total combined gross floor area of 1200m².”

2. Citation:

This bylaw may be cited as “District of Ucluelet Zoning Amendment Bylaw No. 1322, 2024”.

READ A FIRST TIME this day of , **2024.**

READ A SECOND TIME this **this** day of , **2024.**

PUBLIC HEARING this **this** day of , **2024.**

READ A THIRD TIME this this day of , **2024.**

ADOPTED this day of , **2024.**

CERTIFIED CORRECT: “District of Ucluelet Zoning Amendment Bylaw No. 1322, 2024.”

Marilyn McEwen
Mayor

Duane Lawrence
Corporate Officer

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

Duane Lawrence
Corporate Officer

DEVELOPMENT PERMIT DP22-13

Pursuant to section 488 of the Local Government Act, R.S.B.C 2015 C.1 as amended:

1. This Development Permit is issued to:

Haode Investments Ltd (The "Permittee")

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

1061 Helen Road; Lot B, District Lot 543, Native Island, Clayoquot Land District, Plan VIP78185, [PID 026-159-511] (The "Lands")

3. This Permit authorizes the following improvements on the Lands:
 - Six Multiple Family Residential Dwelling Units and associated driveway and landscape works (**Schedule 1**).
4. The permit holder, as a condition of issuance of this Permit, agrees to comply with the terms and conditions of **Schedule 2** which is attached hereto and forms part of this permit.
5. In addition to compliance with the terms and conditions listed in Schedule 2, the permit holder must adhere to all conditions of the Qualified Environmental Professional report in **Schedule 3** which is attached hereto and forms part of this permit.
6. Prior to any site disturbance or contractor mobilization, the permit holder must erect fencing or otherwise demarcate the no-disturbance area beyond the 20m shoreline setback and contact the District of Ucluelet to arrange a pre-construction inspection.
7. 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.
8. 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.
9. The Owner shall substantially commence the development within 24 months of the date of issuance, after which this permit shall be null and void.
10. Upon completion of all proposed works, the Owner shall provide a letter from a QEP to the District of Ucluelet confirming that the work done under permit was completed meeting the conditions listed below.
11. This Permit is NOT a Building Permit.
12. 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 , 2024.

ISSUED the day of , 2024.

Bruce Greig
Director of Community Planning



Schedule 1
(see Appendix A)



Schedule 2

Terms and Conditions

As a condition of the issuance of this Permit, the Permittee representing the Lands hereby to comply with all following Impact Reductions and Mitigation Measures, determined by Qualified Environmental Professional (QEP) as necessary to avoid negative impacts to environmental habitats within and adjacent to the Property. Prior to any site disturbance or contractor mobilization, the permit holder must erect fencing or otherwise demarcate the no-disturbance area beyond the 20m shoreline setback, and contact the District of Ucluelet to arrange a pre-construction inspection.

1. A shoreline setback width of 20 m is being prescribed for the subject property, which is to be measured from the Present Natural Boundary of the shoreline (Figure 3). This vegetated setback encompasses the steeper portions of the backshore in which signs of slope instability were noted (Figures 3 and 4) and will ensure that they remain stable. Additionally, this setback will ensure that all the functions listed in Section 4.1 remain intact. Although no eelgrass was found in the intertidal zone, the mouth of the Ucluelet inlet shown as “Medium” importance for herring spawn in the Department of Fisheries and Oceans’ (DFO) Pacific herring (*Clupea pallasii*) spawn data for Barkley Sound. Populations of herring have not been assigned a conservation status provincially¹³; however, population health of the West Coast Vancouver Island herring stock is currently rebuilding after historically low population numbers in the early 2000’s, and biomass has not been sufficient for the DFO to permit a commercial fishery since 2005¹⁴.
2. Due to the known importance of the mouth of Ucluelet Inlet to a commercially important species that is undergoing a population recovery, no disturbance must take place within the 20m shoreline setback. As designed, the proposed development does not encroach into the recommended 20 m setback.
3. Due to the signs of slope instability noted within the backshore habitat as described in Section 3.2.3 above, it is important that drainage from the proposed construction of impermeable surfaces outside of the 20 m shoreline setback be designed in such a way so as not to exacerbate any potential instabilities. Rain runoff must not be channelized and must be allowed to infiltrate into soil prior to entering the 20 m shoreline setback. It is recommended that the developer work with an appropriately qualified engineer to design a site-specific drainage plan prior to construction designed to prevent any erosion of slopes within the 20 m shoreline setback.
4. The entire 20 m recommended shoreline setback is well vegetated with a native plant community. No enhancements are necessary to improve the slope stability or ecosystem functions provided by this setback, and therefore a landscaping plan is not recommended as part of this assessment. Invasive species consisting primarily of Scotch broom were noted on the subject property adjacent to Helen Road outside of the MSDPA. This portion of the property will be highly disturbed during construction. It is recommended that during the site clearing phase, any vegetation or soils containing invasive plants be bagged and disposed of at a landfill to prevent further spread.



5. It will be important to implement mitigation measures during the construction on the subject property to protect the sensitive backshore vegetation adjacent to the site.
6. The accidental release of petroleum, oils, hydraulic fluids, lubricants, concrete additives, anti-freeze or other hazardous materials onto land surfaces or into waterbodies is an offence under the Federal Fisheries Act and may result in degradation of habitat quality and could be a threat to human health. Machinery required for the proposed development will likely be limited to a generator to power hand tools, and trucks delivering materials to the site. Environmental protection procedures for handling and storage of fuels and hazardous materials shall include the following items:
 - a. A spill kit of appropriate capacity will be on hand at all times heavy machinery or gas-powered tools are in use during construction.
 - b. All identified spills will be cleaned up immediately, and contaminated soils and vegetation will be removed for appropriate disposal.
 - c. Refueling of equipment is to occur only at designated fuelling stations and located at least 20 m from the shoreline.
 - d. All fuel, chemicals, and hazardous materials will be clearly marked.
 - e. Pumps and jerry cans are to be placed on poly sheeting and sorbent pads to contain spills.
 - f. All equipment maintenance with the potential for accidental spills (e.g., oil changes, lubrications) will be done on a designated area at least 20 m from the shoreline. Tarps should be laid down prior to commencement of work to facilitate clean up.
 - g. In the event of a spill, the following guidelines should be followed:
 - i. Spills to the receiving environment are to be reported to Emergency Management BC (1-800-663-3456) if they exceed the reportable limits (e.g., 100 liters of fuel or oil).
 - ii. Apply sorbent pads and booms as necessary.
 - iii. Dispose of all contaminated debris, cleaning materials, and absorbent material by placing in an approved disposal site.
7. Specific measures to control sediment during construction will include:
 - a. Maintain/do not disturb vegetation within the prescribed 20 m shoreline setback.
 - b. Where there is a potential for silt runoff in the proximity of existing waterbodies, control devices will be installed prior to construction activities commencing.
 - c. Filter fabric dams, rock check dams, and silt fencing will be used as needed on a site-specific basis to control erosion. Filtration should be accomplished using filter fabric keyed into substrates and banks and elevated.
 - d. using stakes or straw bales. Silt fencing is not an acceptable mitigation technique to control erosion in flowing ditches; however, it is useful for containing slumping areas and for use as baffles to slow water velocities.
 - e. Excavation will be stopped during intense rainfall events or whenever surface erosion occurs affecting nearby waterbodies.



- f. Soil stockpiles will be placed a minimum of 20 m from any waterbody and in a location where erosion back into the marine environment cannot occur and will not impede any drainage.
 - g. Soil stockpiles with the potential to erode into waterbodies are to be covered with poly sheeting. Other techniques, such as terracing or surface roughening can greatly reduce surface erosion on steeper slopes.
 - h. Permanent exposed soil areas and erosion-prone slopes that may potentially erode into waterbodies are to be seeded or covered with geotextile.
 - i. Clearing will take place immediately prior to excavation and earthworks to minimize the length of time that soils are exposed. Vegetation in adjoining areas will not be disturbed.
8. All trees and native vegetation within the 20 m shoreline setback will need to be retained and protected, unless a tree is deemed hazardous by a certified arborist. Trees provide critical functions in backshore areas by providing shade, nutrient and leaf litter drop, large woody debris recruitment in both the foreshore and marine environments, and bank stability through their complex root networks. They also help retain soil and provide more favourable growing conditions for other understory shrubs and ground cover plants in the backshore area. As previously described, there will be significant clearing of existing vegetation from portions of the subject property; however, there are no plans for any vegetation removal within the 20 m shoreline buffer zone. Specific measures to protect trees during development will include:
 - a. A root protection zone for all trees in the 20 m shoreline setback will be established prior to construction commencing. The root protection zone should be established at the edge of the drip line of trees within the 20 m shoreline setback. The root protection zone should be physically delineated and should be off-limits to machinery.
 - b. Machine access will be from the southwest side of the property.
 - c. Tree protection plans will be communicated to everyone on site prior to commencing construction.
 - d. If roots are encountered during construction, they should be first avoided if possible, and if they must be cut, they should be cut cleanly with a saw as opposed to shattered with machinery.
 - e. Care should be taken not to break any limbs of trees within the 20 m shoreline setback during construction. If any limbs are accidentally broken, they should be cleanly cut with a saw.
 - f. Should any issues arise with regards to potential changes to the impact on trees during development, it is recommended that an arborist be retained to provide guidance on the least impact approach to development around trees.



Schedule 3

(See Appendix F for environmental reports)

GEOTECHNICAL HAZARD ASSESSMENT

**1061 Helen Road, Ucluelet, BC
Proposed Residential Development**

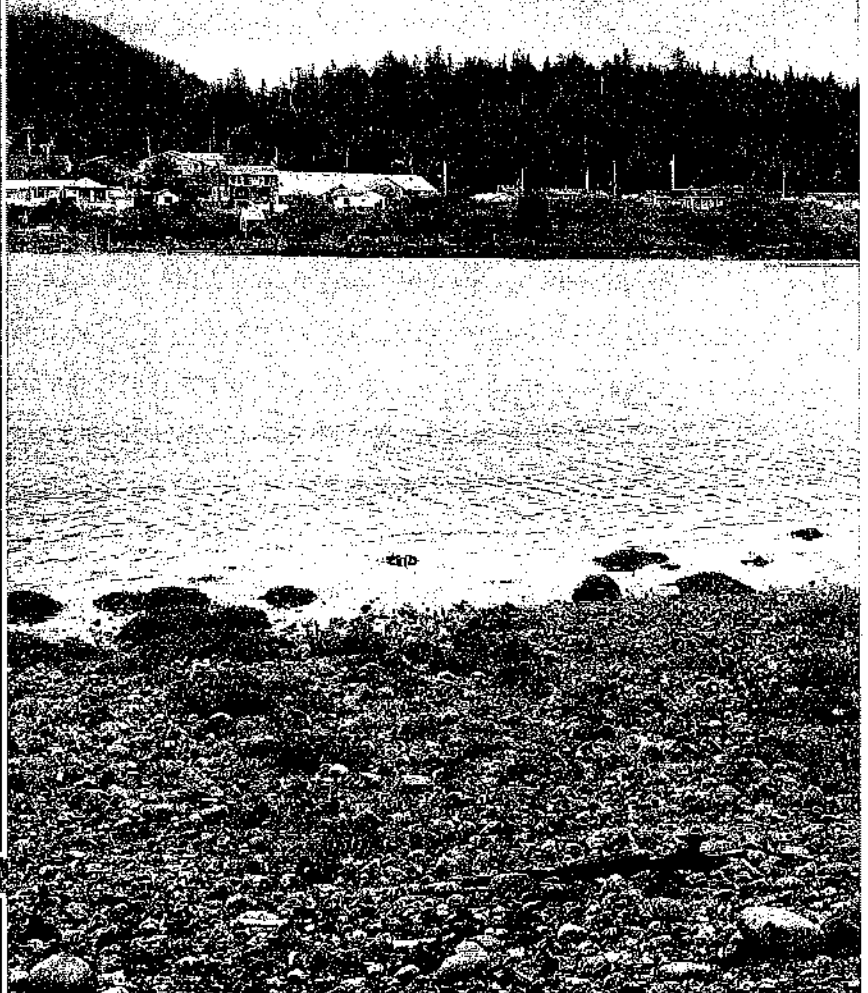
Legal Address:
Lot B District Lot 543, Native Island,
Clayoquot District, Plan VIP78185

PID: 026-159-511

Prepared For:
Haode Investments Ltd.
c/o Elite Premium Home Design Ltd.
#5200-4000 No. 3 Rd.
Richmond, BC
V6X 0J8

Attention:
Ms. Lynn Lee
lynnlee@elitedesignfirm.com

January 8, 2024



File No.: E1445.01r1
Revision No.: 01
Prepared by:
Paul Fraser, B.A., CTech.
Chris Hudec, M.A.Sc., P.Eng.

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Permit to Practice Number: 1001802

LEA Lewkowich
Engineering
Associates Ltd.



PROJECT: 1061 Helen Road, Ucluelet, BC
FILE NO.: E1445.01r1 Revision: 01
DATE: January 8, 2024

DISCLAIMER, ACKNOWLEDGMENTS AND LIMITATIONS

1. Lewkowich Engineering Associates Ltd. (LEA) acknowledges that this report, from this point forward referred to as “the Report,” may be used by the District of Ucluelet (DoU) as a precondition to the issuance of a development and/or building permit. It is acknowledged that Approving Officers and/or building Officials of the DoU may rely on this Report when making a decision on application for development of the land. It is also acknowledged that this Report and any conditions contained herein may be included in a restrictive covenant under Section 56 of the Community Charter and registered against the title of the property at the discretion of the DoU.
2. This Report has been prepared in accordance with standard geotechnical engineering practice solely for and at the request of Haode Investments Ltd. c/o Ms. Lynn Lee of Elite Premium Home Design Ltd (EPHD). We have not acted for or as an agent of the DoU in the preparation of this Report.
3. The conclusions and recommendations submitted in this Report are based upon information from relevant publications, a visual site-assessment of the property, anticipated and encountered subsurface soil conditions, current construction techniques, and generally accepted engineering practices. No other warrantee, expressed or implied, is made. If unanticipated conditions become known during construction or other information pertinent to the structure becomes available, the recommendations may be altered or modified in writing by the undersigned.
4. This Report was authored, to the best of our knowledge at the time of issuance, with considerations for local requirements specific to the Authority Having Jurisdiction (AHJ) and their standards for the preparation of such reports, the 2018 British Columbia Building Code (BCBC), and current engineering standards. Updates to municipal bylaws, policies, or requirements of the AHJ, or updates to the BCBC and/or professional practice guidelines may impact the validity of this Report.
5. This Report has been prepared by Mr. Paul Fraser, B.A., CTech, and Mr. Chris Hudec, M.A.Sc., P.Eng. Messrs. Fraser and Hudec are both adequately experienced in geotechnical engineering and hazard assessments and are also members in good standing with their respective associations, Mr. Fraser with the Applied Science Technologists & Technicians of British Columbia (ASTTBC), and Mr. Hudec with the Engineers and Geoscientists of British Columbia (EGBC).

PROJECT: 1061 Helen Road, Ucluelet, BC
FILE NO.: E1445.01r1 Revision: 01
DATE: January 8, 2024

Appendix E



EXECUTIVE SUMMARY

1. The following is a brief synopsis of the property, assessment methods, and findings presented in the Report. The reader must read the Report in its entirety; the reader shall not rely solely on the information provided in this summary.
2. The property, 1061 Helen Road, from this point forward referred to as “the Property,” is located on the west coast of Vancouver Island within the jurisdictional boundaries of the DoJ, in the southeastern region of Ucluelet, BC. The proposed development for the Property at the time of this Report includes rezoning to allow four (4) Single-Family Residential buildings and one (1) Multiple Family Residential building (duplex), for a total of 6 units, including associated surface parking and driveway areas.
3. A site-specific hazard assessment was conducted to identify potential geotechnical hazards for the subject Property and determine the safe and suitable conditions for the proposed development. The primary geotechnical hazards identified relate to steep slopes, the Property boundary with the Pacific Ocean/Ucluelet Inlet and the associated oceanic flooding due in part to future relative sea level rise (RSLR), as well as consideration for the risk of tsunami inundation.
4. Current EGBC and provincial guidelines relating to rezoning to increase density do not trigger a requirement to build above the Tsunami Flood Reference Plane (TFRP) for the Property. Therefore, the buildable area would be defined by conditions outlined herein, the required Flood Construction Level (FCL) for habitable areas, and a combination of the safe slope setback and applicable foreshore setback from the Future Natural Boundary (FNB).
5. The findings confirm the development is considered safe as proposed, provided the recommendations in this Report are followed.



PROJECT: 1061 Helen Road, Ucluelet, BC
 FILE NO.: E1445.01r1 Revision: 01
 DATE: January 8, 2024

List of Abbreviations Used in the Report

Abbreviation	Title
AGS	AG Surveys
AHJ	Authority Having Jurisdiction
ASTTBC	Applied Science Technologists & Technicians of British Columbia
BCBC	British Columbia Building Code (2018)
CCRL	Cascadia Coastal Research Ltd.
CSZ	Cascadia Subduction Zone
DoU	District of Ucluelet
DPA	Development Permit Area
ECI	Ebbwater Consulting Inc.
EGBC	Engineers and Geoscientists of British Columbia
EPHD	Elie Premium Home Design Ltd.
FCL	Flood Construction Level
FNB	Future Natural Boundary
GD	Geodetic Datum (CGVD2013)
LEA	Lewkowich Engineering Associates Ltd.
MNFLNRO	Ministry of Forests, Lands, and Natural Resource Operations
OCP	Official Community Plan
PNB	Present Natural Boundary
RA	Regional Adjustment
RSLR	Relative Sea Level Rise
SLS	Service Limit State
TFRP	Tsunami Flood Reference Plane
ULS	Ultimate Limit State



PROJECT: 1061 Helen Road, Ucluelet, BC
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PROJECT: 1061 Helen Road, Ucluelet, BC
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1.0 INTRODUCTION

1.1 General

- a. As requested, LEA has carried out a geotechnical assessment of the subject Property with respect to the proposed residential development. This Report provides a summary of our findings and recommendations.

1.2 Background

- a. LEA understands the purpose of this assessment is to determine the safe and suitable conditions for rezoning of the Property to support the proposed residential development, including a review of geotechnical hazards that may impact building design and the buildable area of the Property.
- b. At the time of this Report, the proposed development consists of constructing five residential buildings (6 units total), and associated parking and driveway areas.
- c. The Property is located on the west coast of Vancouver Island, within the southern region of the DoU. See Figure 1.2 below.

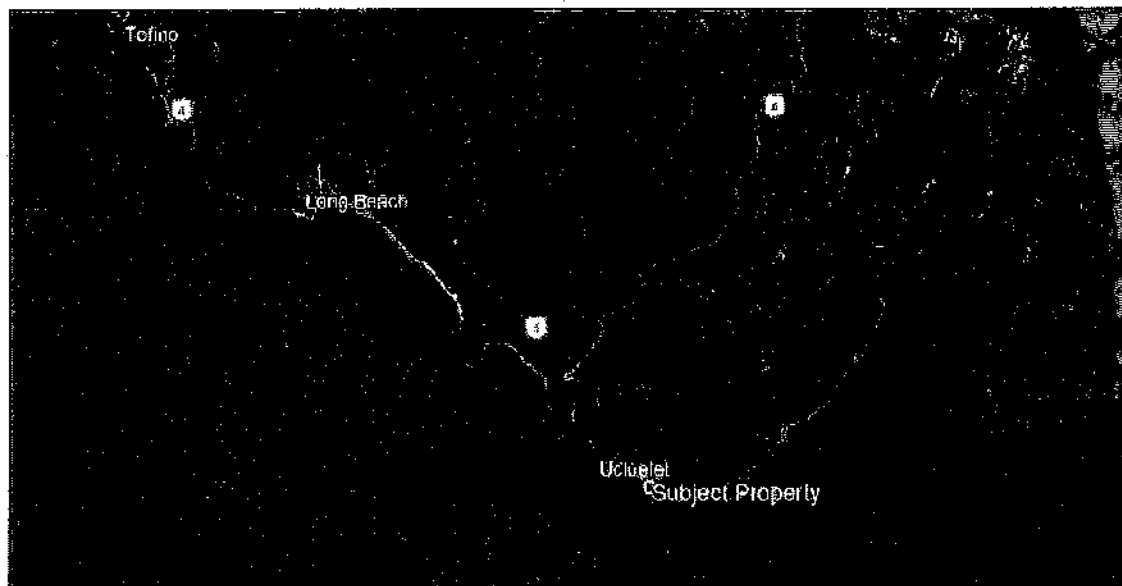


Figure 1.2 – Large Scale Location Plan (Satellite Imaging from Google Earth^{®1})

- d. A review of the 2022 OCP² indicates the Property is located within three DPA's:
- i. DPA VII – Marine Shoreline (shown on the Schedule 'E' map³), specifically applied to all lands within 30m, measured horizontally both landward and seaward from the natural boundary of the ocean;
 - ii. DPA VIII – Natural Hazard Areas Protection (shown on the Schedule 'G' map⁴), specifically for steep slopes greater than 30°.



PROJECT: 1061 Helen Road, Uclueret, BC
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- e. An assessment report addressing DPA VII shall be prepared by a qualified environmental professional and is not included as part of this assessment.
- f. Following EGBC's Professional Practice Guidelines for Legislated Flood Assessments⁵, this Report would be categorized as a Class 0 assessment, applicable for Developments and/or Building Permits.

1.3 Assessment Methodology

- a. A visual reconnaissance and follow up review of the Property were carried out on July 22, 2022, and January 5, 2024, which included observations of the current site conditions, the foreshore, general topography and drainage features, and future building areas.
- b. A desktop review of relevant background information, including available aerial photographs, published geology, topography and floodplain mapping was undertaken, with consideration of the applicable EGBC practice guidelines and the most current and relevant technical documents provided by ECI⁶, CCRL⁷, and MFLNRO⁸. Please refer to the list of references at the end of this Report.
- c. We have also included a review of the Tsunami Risk Tolerance – Interim Policy prepared by the DoU, dated March 29, 2022⁹.
- d. Our assessment included a review of the attached topographic site plan prepared by AGS, dated September 11, 2021.
- e. We have also reviewed the preliminary concept and layout plan prepared by EPHD, dated February 20, 2023.

1.4 Covenant Review

- a. As part of our assessment, we have reviewed the documents registered on the legal title of the Property, specifically, any restrictive covenants registered against the Property that may relate to the conclusions and recommendations provided in this Report.
- b. Current to the date of this Report there is one relevant covenant under Section 215 of the Land Title Act registered against the Property that relates to the comments, conclusions and recommendations in this Report: reference covenant document EV152825 (2003).
- c. Covenant EV152825 states:

"...no building shall be constructed, nor mobile home located within thirty (30.0) metres of the natural boundary of the sea. This distance may be reduced provided that buildings are located on natural ground that is four (4.0) metres or more above the natural boundary of the sea. In no case shall this distance be less than fifteen (15.0) metres from the natural boundary of the sea."

and;

"Hereafter, no area used for habitation, business or storage of goods damageable by floodwaters shall be

PROJECT: 1061 Helen Road, Ucluelet, BC
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located within any buildings at an elevation such that the underside of the floor system thereof is less than four (4.0) metres above the natural boundary of the sea."

This covenant is based on limited information from the 1964 tsunami event in Alaska.

2.0 SITE CONDITIONS

2.1 Physical Setting

a. The Property is identified with the following civic and legal address:

- i. 1061 Helen Road, Ucluelet, BC.
- ii. Lot B District Lot 543, Native Island, Clayoquot District, Plan VIP78185
- i. PID: 026-159-511

b. The Property is located within the southeastern region of Ucluelet on Hyphocus Island, east of Peninsula Road on the east side of Helen Road, immediately adjacent to the Pacific Ocean/Ucluelet Inlet to the east. The Property location is shown in Figure 2.1.

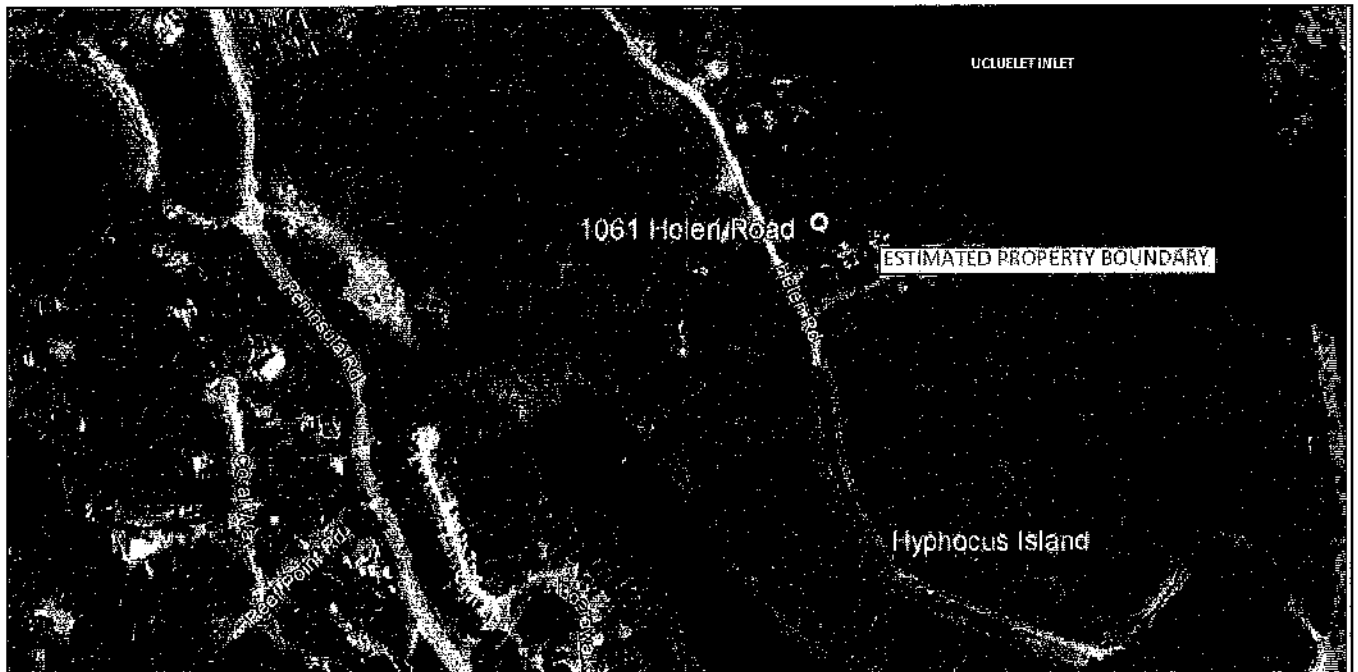


Figure 2.1 – Small Scale Location Plan (Satellite Imaging from Google Earth^{®1})

c. The Property is currently designated as a 'Medium Density Residential (R-2) zone and is bound to the north by other R-2 properties; to the south by 'Guest House' properties; to the west by Helen Road; and to the east by the Pacific Ocean/Ucluelet Inlet¹⁰.

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2.2 Terrain and Features

- a. The subject parcel is currently undeveloped and covered with moderate to dense west coast vegetation consisting of typical brush and undergrowth, with mature and immature trees. Based on the undulating terrain and presence of pistol-butt trees indicating slow surficial creep, the site, or portions thereof, may have previously been logged and/or used as a dump site.
- b. In general, the terrain consists of minor undulations from the road frontage to a moderate slope above the foreshore of the Ucluelet Inlet, with an overall inclination of less than 2 Horizontal to 1 Vertical (2H:1V or 27°). We expect isolated or localized steep slopes >30° may be present below existing vegetation throughout the east-facing slope. Total relief is estimated to be 7.0m±, with a high point up to 12.0m± GD. The majority of existing grades through the parcel center and proposed building areas are above 10.0m± GD. Typical terrain conditions are shown below in Figures 2.2.1 and 2.2.2.



Figure 2.2.1 – Typical Terrain Conditions (View Looking South)

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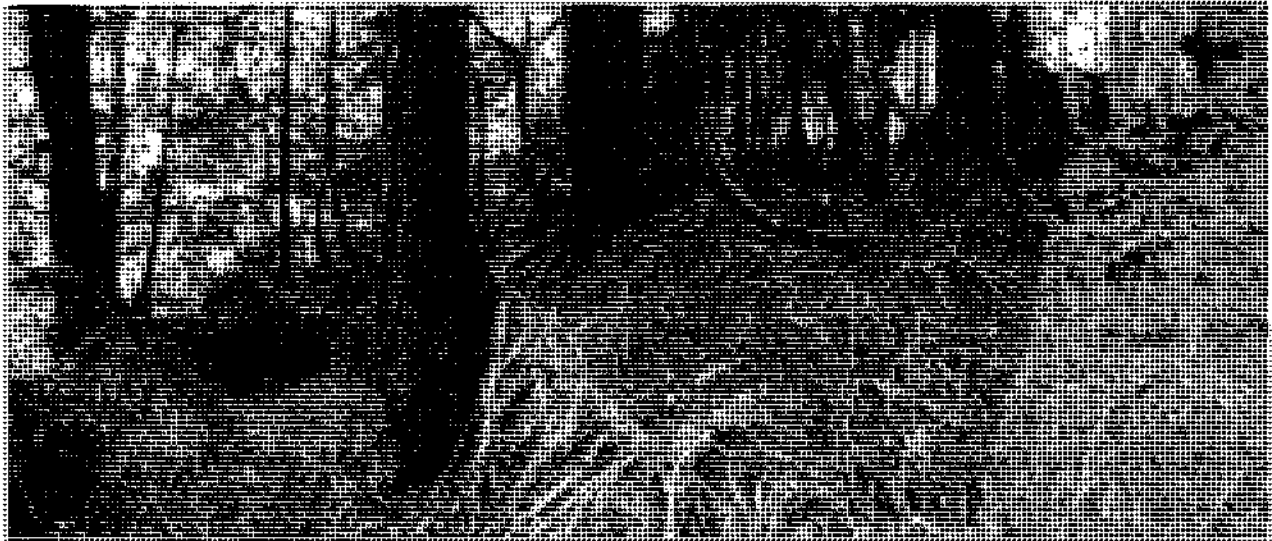


Figure 2.2.2 – Typical Terrain Conditions (View Looking North)

2.3 Regional Geology

- a. Surficial geology for the area is noted as three main classifications¹¹:
 - i. Hankin Formation (60%) – typically colluvium, generally comprised of gravelly, sandy loam. The soils are characterized as being well drained.
 - ii. Kennedy Lake Formation (20%) – typically marine deposits of clays and gleyed soils with significantly impeded drainage.
 - iii. Ucluelet Formation (20%) – typically fluvial deposits consisting of very gravelly sandy loam soils that are moderately well drained.
 - iv. Terrain is defined as gently to strongly rolling (5%-30%).
- b. Bedrock geology for the area is classified as undivided volcanic rocks part of the Pacific Rim Complex, and date back to the Triassic to Cretaceous period¹².

2.4 Soil Conditions

- a. LEA inspected the soil conditions at various locations across the subject parcel by way of hand probing using a T-bar.
- b. In general, the soils are expected to consist of approximately 450mm to 600mm of organic silt and forest debris (roots, wood, brush) overlying dense sand, silt, gravel (glacial till or similar), and/or shallow bedrock.
- c. LEA noted bedrock exposures at various locations throughout the subject parcel. We expect bedrock to be shallow (<1.0m±) throughout the Property; however, areas of previous import fill materials may also be present.

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- d. Depths are referenced to the existing ground surface at the time of our field investigation. Soil classification terminology is based on the Modified Unified classification system. The relative proportions of the major and minor soil constituents are indicated by the use of appropriate Group Names as provided in ASTM D2487 Figures 1a, 1b, and 2. Other descriptive terms generally follow conventions of the Canadian Foundation Engineering Manual.

2.5 Surface and Groundwater Conditions

- a. No surface, ponded water, or evidence of abnormal groundwater conditions was observed during our review of the Property.
- b. Groundwater flows may fluctuate seasonally with cycles of precipitation. Groundwater conditions at other times and locations may differ from those observed during our assessment. It is expected groundwater levels will be close to the ground surface during the height of the rainy season.

2.6 Slope Review

- a. As part of our assessment, LEA made observations of the foreshore slope along the east extent of the Property.
- b. Based on our review of the attached topographic site plan prepared by AGS, the overall slope is inclined at less than 2H:1V or 27°. We expect isolated steep slope areas may be present below the existing vegetation that may not become apparent until the construction phase. The general slope conditions are shown below in Figure 2.6.1.



Figure 2.6.1 – Typical Slope Conditions (Aerial Satellite Photo)

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- c. We expect the slope is comprised of shallow, surficial soils overlying homogenous, volcanic bedrock with minor to moderate fracturing and jointing (see foreshore review below).

2.7 Foreshore Conditions

- a. The foreshore can be characterized as a low-lying tidal zone consisting of cobbles and gravelly sand deposits through the upper tidal zone with irregular bedrock exposures along the natural boundary. Vegetation along the upper foreshore consists of overhanging mature trees, and typical dense brush. LEA noted several large trees that have been undermined and sloughed down to the upper foreshore (see Figures 2.7.1 to 2.7.3 below).
- b. Based on our review of the AGS topographic site plan, the PNB location is defined as per Plan VIP76238, with elevations varying from 2.0m GD to 2.6m GD with an average estimated elevation of 2.2m GD.

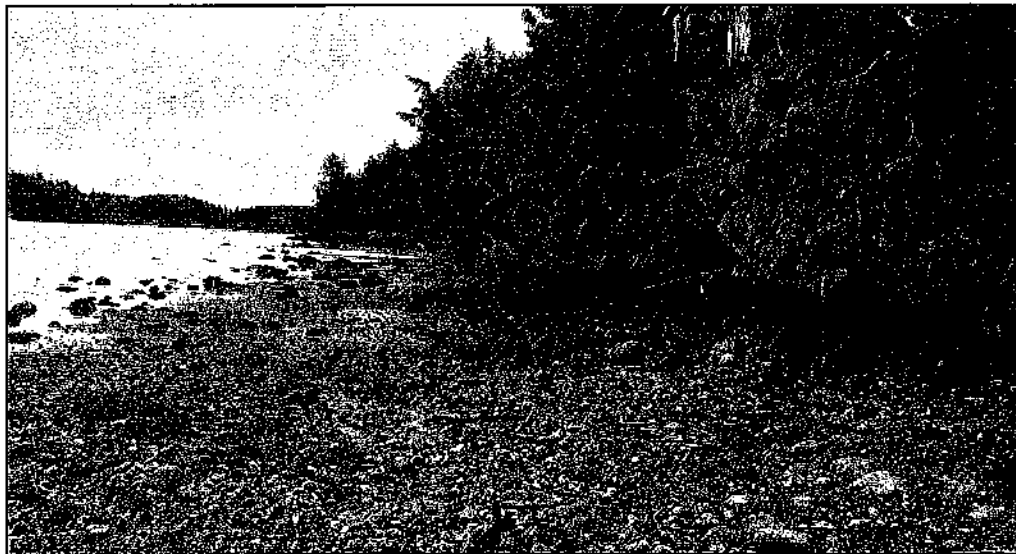


Figure 2.7.1 – Typical Foreshore Conditions (View Looking South)



Figure 2.7.2 – Typical Foreshore Conditions (View Looking Southeast)

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Figure 2.7.2 – Typical Foreshore Conditions (View Looking Southeast)

2.8 District of Ucluelet Tsunami Risk Tolerance Review

- a. LEA understands the DoU has established a new policy to manage flood risk while considering community interests within the jurisdictional boundaries of the DoU. The purpose of the policy is to guide decisions on the following:
 - i. amendments to the Zoning bylaw or OCP;
 - ii. applications for subdivision of the land; and,
 - iii. location of critical community infrastructure and facilities.
- b. In recent years, most coastal jurisdictions on Vancouver Island have commissioned flood risk assessments, and on the west coast they have included tsunami risk assessments. While west coast communities have implemented Tsunami Warning systems to alert residents of approaching tsunamis, current EGBC and Provincial guidelines do not require the construction of new buildings on existing lots to meet the TFRP. Further, rezoning of a property to increase density does not trigger this requirement.



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3.0 DISCUSSIONS AND RECOMMENDATIONS

3.1 Natural Hazards

- a. Based on the field reconnaissance and a desktop review of available information, it is the opinion of LEA that steep slopes, oceanic flooding due in part to future SLR, as well as tsunami inundation are the potential geotechnical hazards for the Property.

3.2 Covenant Discussions

- a. The information provided in covenant document EV152825 (2003) relates to coastal setbacks and FCLs for the Property based on limited information from the 1964 tsunami event in Alaska. The language in these documents is outdated and does not align with current best practices.
- b. It is the opinion of LEA that the buildable area for the Property should be defined by the required FCL for habitable areas, and a combination of the safe slope setback and applicable coastal setback recommended in this Report as per EBGC guidelines. Therefore, at the discretion of the DoU, this Report may be appended to the land title to replace the existing covenant (Document No. EV152825).

3.3 Tsunami Hazard

- a. Tsunami waves may be created by earthquakes or landslides that rapidly displace a large mass of water. While the severity and frequency of tsunamis are difficult to predict, there is geological evidence to indicate large tsunamis originating from both distant and nearby sources have historically impacted the west coast of Vancouver Island. Therefore, coastal communities along BC's west coast are considered at high risk of flood hazard and inundation caused by tsunamis due to the tectonically unstable Pacific Rim.
- b. Tsunami wave heights and inundation can vary significantly due to source location, alignment and shape of the coastline, offshore bathymetry and inland topography, as well as weather and water levels at the time of the event. At present, there is insufficient historical information to formulate a magnitude-frequency relation for locations on the BC coast.
- c. The Property is directly bordering the Pacific Ocean/Ucluelet Inlet and in the designated "Open Coast" coastal region of BC, therefore the associated flood risk due to tsunami inundation would be considered high. However, current provincial guidelines state that tsunami setbacks and FCL elevations are only required for new lots created through the subdivision approval process. Therefore, there are no design or mitigation measures provided in this Report relative to potential tsunami impacts at the subject Property. Best-practices for construction within a defined tsunami zone are to follow procedures outlined by the provincial and local authorities.
- d. We understand the DoU has implemented a Tsunami Warning System and evacuation plan for the



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community. If a Tsunami Warning is issued for the area, evacuation procedures provided by local and provincial government agencies should be followed.

3.4 Flood Construction Level & Tsunami Flood Reference Plane

- a. As per the 2022 DoU OCP "Coastal Storm Flood Planning Support Map 4", the recommended Coastal FCL for the Zone 14 area of Ucluelet is 5.1m GD¹³. This FCL relates to the design storm event and would be easily achievable on the subject Property.
- b. Detailed modelling of tsunami flood hazard in the region was conducted by ECI and CCRL and included simulated tsunami run-up elevations for 24 flood hazard scenarios resulting from a CSZ megathrust earthquake¹⁴. The study included interpolation of results between representative transects across 48 characteristic shoreline reaches in the region. The transects run perpendicular to the shore and are used to simulate the effect of an event for each reach. Transect 7, located immediately east of the Property was determined to be the nearest representation of the subject Property shoreline with a resulting TFRP of 10.5m GD (Table 7, Pg 49/95)⁷. Based on our review of the regional flood hazard study the TFRP for the subject Property is 10.5m GD.
- c. As per our review of the AGS topographic survey, we acknowledge the TFRP is generally congruent with (or lower than) the proposed building locations on the Property. LEA considers this FCL to be reasonable and practicable for the subject Property, considering the proposal to rezone for higher density. This FCL, in conjunction with the associated coastal setback detailed below, defines the allowable buildable area on the site. Please refer to Sections 3.5 and 3.7 for further details outlining the buildable area of the Property.
- d. The recommended FCL is based on the best available information provided at a regional scale, prepared by ECI and CCRL, that has been applied to the Property within the interpreted limitations of this Class 0 flood hazard assessment.

3.5 Coastal Setback

- a. As per provincial guidelines, for areas outside the Strait of Georgia and subject to significant tsunami hazard, building setbacks must be a minimum of 30.0m from the estimated FNB of the sea at year 2100⁸.
- b. The FNB can be reasonably estimated by summing the associated coastal flood components, namely PNB + SLR + Regional Adjustment (RA) for Isostatic Rebound. The FNB in 100 years is estimated to have an elevation equal to PNB + 0.74m (i.e. PNB + 1.00m SLR - 0.26m RA) by this methodology.
- c. We therefore recommend a 30.0m setback from the FNB of the ocean. This coastal setback shall be established and confirmed on-site by a qualified land surveyor.
- d. Based on our field observations and review of the topographic site plan prepared by AGS, we estimate the



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FNB elevation will vary from approximately 2.74m to 3.34m GD, generally consistent with the exposed bedrock foreshore slope. Figure 3.5.1 illustrates the estimated FNB and setback locations.

- e. Due to the non-erodible nature of the bedrock foreshore, we do not foresee potential for regression of the natural boundary.

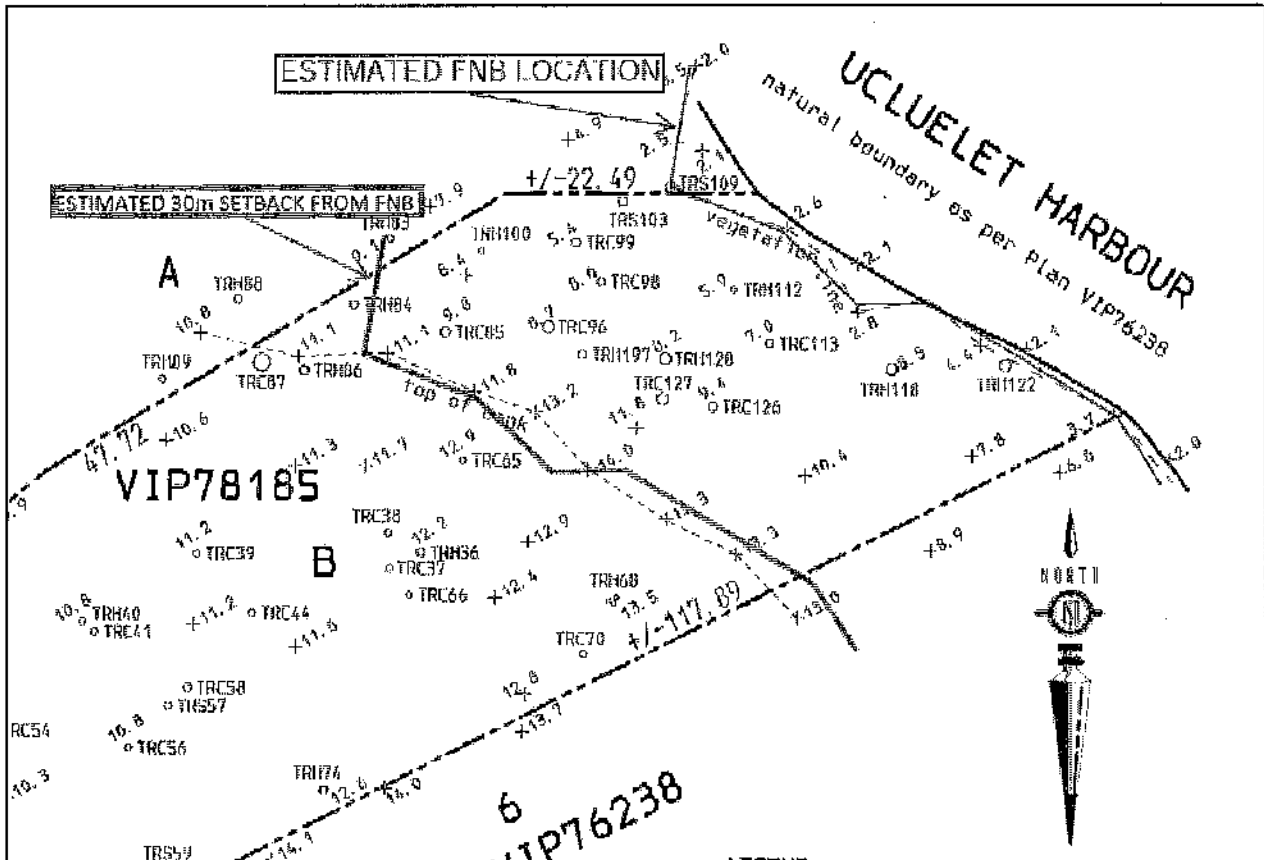


Figure 3.5.1 – Estimated FNB and Setback Locations (LEA Mark-up of AGS Survey)

3.6 Floodwater and Inundation

- a. The recommended TFRP/FCL and setback applies to any Habitable Area; defined as any room or space within a building or structure which can be used for human occupancy, commercial sales, or storage of goods, possessions, or equipment (including furnaces) which would be subject to damage if flooded.
- b. The TFRP/FCL establishes the minimum elevation of the underside of a wooden floor system or top of concrete slab for any Habitable Area. Provided any construction within the Property satisfies the minimum recommended FCL and design recommendations provided in this Report, we do not anticipate any damage to structural components of the buildings as a result of floodwater. Following best construction practices, areas below the FCL should not be used for the installation of furnaces, major electrical switchgear, or other fixed equipment susceptible to damage by floodwater. Ductwork is permissible because it can be



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cleaned and dried. Areas below the FCL should not be “finished” with anything that can be damaged by water.

- c. During construction, all footing and floor elevations shall be confirmed by qualified survey personnel to ensure the finished floor grade is at or above the recommended TFRP elevation of 10.5m GD.

3.7 Slope Setback Discussions

- a. Based on our review of the attached topographic survey and observations made in the field, the overall slope is estimated to be 2H:1V and may include isolated steep sections $>30^\circ$ that may not become apparent until construction. Exposed bedrock was observed at several locations throughout the slope. We expect the slope would be comprised of shallow bedrock and/or glacially consolidated till deposits; therefore, LEA considers the global stability of the slope to be stable.
- b. Once final building locations are determined, LEA should be consulted to review slope conditions in proximity to the buildings; specifically, the proposed duplex building (Units 3 & 4). Recommendations may include relocating the building, stepped foundations, anchoring to bedrock, or manipulation of the bearing materials as based on site conditions.

3.8 Foundation Design and Construction

- a. Prior to construction, the building areas should be stripped to remove all unsuitable materials to provide an undisturbed natural soil subgrade for the footing support. Unsuitable materials include any non-mineral material such as vegetation, topsoil, peat, fill, or other materials containing organic matter, as well as any soft, loose, or disturbed soils.
- b. The Geotechnical Engineer is to confirm the removal of unsuitable materials and approve the exposed competent inorganic subgrade. Recommendations for the placement and compaction of structural fill may be provided depending on bearing conditions.
- c. Foundation loads should be supported on natural undisturbed material approved for use as a bearing stratum by our office or structural fill and may be designed using the following values:
 - i. For foundations constructed on structural fill, as outlined in Section 4.2 of this Report an SLS bearing pressure of 150 kPa, and a ULS bearing pressure of 225 kPa may be used for design purposes.
 - ii. For foundations constructed on competent bedrock or glacial till, an SLS bearing pressure of 250 kPa, and a ULS bearing pressure of 335 kPa may be used for design purposes.
- c. Exterior footings should be provided with a minimum 0.45m depth of ground cover for frost protection purposes.



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- d. LEA may provide further recommendations for founding directly on bedrock (i.e. installation of rock anchors), based on the conditions encountered during construction and any requirements provided by the Structural Engineer. Generally, where bedrock can be levelled by way of rock-breaking, anchors are not required unless there are specific uplift requirements from the Structural Engineer.
- e. Prior to placement of concrete footings, any bearing soils that have been softened, loosened, or otherwise disturbed during construction should be removed, or else compacted following our recommendations for structural fill. Compaction will only be feasible if the soil has suitable moisture content and if there is access to heavy compaction equipment.
- f. Settlements should be within the ranges considered "Normal and Tolerable" for typical wood frame residential housing. These ranges are usually taken as being 20mm to 25mm total, and 10mm to 15mm differential between typical column spacing.
- g. The Geotechnical Engineer should evaluate the bearing soils at the time of construction to confirm that footings are based on appropriate and properly prepared founding material.

3.9 Seismic Criteria

- a. No compressible or liquefiable soils were encountered during the limited field review conducted for this Report.
- b. Based on the 2018 BCBC, Division B, Part 4, Table 4.1.8.4.A, "Site Classification for Seismic Site Response," the expected soils and strata would be "Site Class B" (Rock).

3.10 Foundation Drainage - Future Residential Structures

- a. Conventional requirements of the 2018 BCBC pertaining to building drainage are considered suitable at this site. Once final plans and tentative elevations are determined, the Geotechnical Engineer should be consulted to provide further dewatering data.

3.11 On-Site Infiltration and Stormwater Disposal

- a. As part of the geotechnical investigation, field observations of the subgrade soil conditions with respect to the on-site infiltration and disposal of stormwater were carried out.
- b. Subgrade soil conditions are expected to consist of shallow bedrock and/or glacially consolidated till.
- c. Based on the expected subgrade conditions, it is the opinion of LEA that site conditions are not conducive to the installation of an on-site stormwater infiltration medium. Collected water may be conveyed via solid pipe down to the foreshore. A stabilized outlet would be required to prevent scour erosion at the outfall.



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4.0 DESIGN AND CONSTRUCTION PHASE

4.1 General Excavation – Future Building Sites

- a. Based on the encountered conditions we expect rock breaking by way of an excavator-mounted rock hammer, or blasting, may be required to create a level or terraced building area more conducive to footing construction. If blasting is required to manipulate the existing terrain, measures are required to ensure that any “over-blast” materials are removed from areas of structural support. Over-blast materials are defined as any rock that is disturbed because of blasting. Any over-blast materials from blasting should be removed to intact, homogenous bedrock and assessed by the Geotechnical Engineer.
- b. To promote a suitable bond with concrete, all bedrock should be pressure-washed and cleaned to remove loose debris from within footing areas.
- c. Groundwater ingressing into any excavations should be controlled with a perimeter ditch located just outside of the building areas, connected to positive drainage.
- d. The Geotechnical Engineer is to confirm the removal of unsuitable materials and approve the exposed competent inorganic subgrade prior to fill placement and/or foundation construction.

4.2 Structural Fill

- a. Where fill is required to raise areas that will support buildings, slabs, or pavements, structural fill should be used. The Geotechnical Engineer should first approve the exposed subgrade in fill areas, to confirm the removal of all unsuitable materials.
- b. Structural fill should be inorganic sand and gravel. If structural fill placement is to be carried out in the wet season, material with a fines content limited to 5% passing the 75µm sieve should be used, as such a material will not be overly sensitive to moisture, allowing compaction during rainy periods of weather.
- c. Structural fill should be compacted to a minimum of 95% of Modified Proctor maximum dry density (ASTM D1557) in foundation and floor slab areas, as well as in paved roadway and parking areas.
- d. Structural fills under foundations, roadways, and pavements should include the zone defined by a plane extending down and outward a minimum 0.5m from the outer edge of the foundation at an angle of 45 degrees from horizontal to ensure adequate subjacent support. This support zone is shown below in Figure 4.2.

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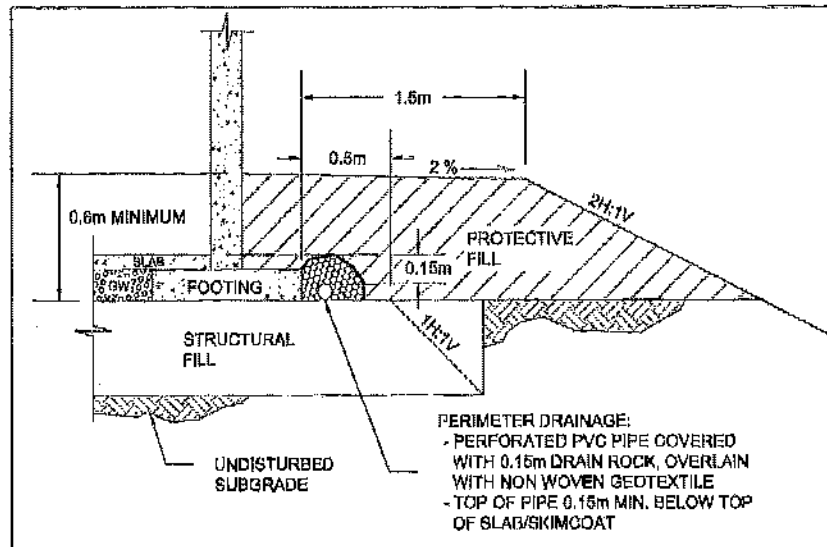


Figure 4.2 – Typical Section, Structural Fill

- e. Compaction of fill should include moisture conditioning as needed to bring the soils to the optimum moisture content and compacted using vibratory compaction equipment in lift thicknesses appropriate for the size and type of compaction equipment used.
- f. A general guideline for maximum lift thickness is no more than 100mm for light hand equipment such as a “jumping-jack,” 200mm for a small roller and 300mm for a large roller or heavy (>500 kg) vibratory plate compactor or a backhoe mounted hoe-pac or a large excavator mounted hoe-pac, as measured loose.
- g. It should be emphasized that the long-term performance of buildings, slabs, and pavements is highly dependent on the correct placement and compaction of underlying structural fills. Consequently, we recommend that structural fills be observed and approved by the Geotechnical Engineer. This would include approval of the proposed fill materials and performing a suitable program of compaction testing or visual monitoring during construction.

4.3 Pavement Design – Private Works

- a. Any organic or deleterious material should be removed from beneath designated roadway, driveway, or parking areas prior to subgrade preparation. If fill is required to bring the subgrade up to the desired elevation, structural fill should be used.
- b. The subgrade should be proof rolled after final compaction and any areas showing visible deflections should be inspected and repaired. The Geotechnical Engineer shall review the parking and driveway subgrade conditions during excavation.
- c. The parking area subgrade and pavement should be sloped to provide adequate drainage as per the design and direction of the Civil Consultant.



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- d. An estimated soaked California Bearing Ratio of 30% and a 20-year design life have been used in the calculating pavement designs. See Tables 4.3.1 and 4.3.2 below.

Table 3.6.1 – Pavement Design Recommendations for Light Traffic/Low Volume Areas

Areas Subject to Cars and Small Trucks	
Estimated Equivalent Single-Axle Load: 2×10^4	
Asphaltic Concrete Pavement	50mm
19mm Well-Graded Granular Base Course	100mm
75mm Select Granular Subbase (SGSB)	250mm

Table 3.6.2 – Pavement Design Recommendations for Heavy Traffic/High Volume Areas

Areas Subject to Large Trucks	
Estimated Equivalent Single-Axle Load: 2×10^5	
Asphaltic Concrete Pavement	75mm
19mm Well-Graded Granular Base Course	150mm
75mm Select Granular Subbase (SGSB)	300mm

- e. It is recommended that a reinforced concrete slab be utilized where garbage dumpsters are located. The slab should be large enough to contain the disposal unit and front tires of the garbage truck during disposal operations.
- f. The above recommendations for general stripping, granular and pavement structure are in accordance with current best-practices. If the recommendations provided here prove cost-prohibitive or restrictive, alternative options may be considered through a balance of reduced preparation efforts, with a corresponding reduction in pavement design life.

5.0 CONCLUSIONS

5.1 Local Government Conformance Statement

- a. LEA confirms that the recommendations made in this Report conform to the guidelines and objectives expressed under DoU OCP 2022², as well as applicable guidelines and best practices current to the date of this Report.
- b. All construction/development shall be carried out in conformance with the requirements of any jurisdictional limitations. Any jurisdictional limitations applicable to the Property and proposed development shall supersede the geotechnical recommendations made in this Report.



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- c. Based on our review of the relevant publications and site-specific field assessment, it is the opinion of LEA that steep slopes, oceanic flooding due in part to future SLR, as well as tsunami inundation, are the potential geotechnical hazards for the Property.
- d. Provided the recommendations in this Report are followed, we confirm that from a geotechnical point of view the site is considered safe and suitable for the proposed residential development, with the probability of a geotechnical failure resulting in property damage of less than:
- i. 2% in 50 year for geotechnical hazards due to seismic events, including slope stability;
 - ii. 1 in 200-year return for flooding of marine areas while accounting for 100-years of SLR, excluding tsunami hazards, and
 - iii. 10% in 50 years for all other geotechnical hazards.
- e. Due to the Property location adjacent to the Pacific Ocean, the associated tsunami risk is considered to be high. As the magnitude-frequency relation for tsunami-related flooding is unknown, we recommend following evacuation procedures provided by local and provincial government agencies for the area.
- f. Please refer to the attached EGBC - Appendix I: Flood Assurance Statement and EGBC Appendix D: Landslide Assessment Assurance Statement for additional information.

5.2 Geotechnical and Quality Assurance Statement

- a. The DoU may request a Geotechnical Engineer to provide professional assurance services during the course of construction. Geotechnical Assurance services include review of the geotechnical components of the plans and supporting documents, and responsibility for field reviews of these components during construction.

6.0 CLOSURE

- a. Lewkowich Engineering Associates Ltd. appreciates the opportunity to be of service on this project. If you have any comments, or additional requirements at this time, please contact the undersigned at your convenience.

Respectfully Submitted,
 Lewkowich Engineering Associates Ltd.



Paul Fraser, B.A., CTech
 Senior Technician



Chris Hudec, M.A.Sc., P.Eng.
 Senior Project Engineer



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 DATE: January 8, 2024

7.0 ATTACHMENTS

1. AG Surveys, Site Plan, dated July 4, 2022.
2. Elite Premium Home Design Ltd., Concept Plans, dated February 20, 2023.
3. EGBC Appendix I: Flood Assurance Statement.
4. EGBC Appendix D: Landslide Assessment Assurance Statement.

8.0 REFERENCES

1. Google Earth Pro, Accessed January 2024, Image date May 12, 2023.
2. District of Ucluelet, "Official Community Plan Bylaw No. 1306", dated 2022.
3. District of Ucluelet map titled "Official Community Plan, Schedule E, Environmental Development Permit Areas" Dated February 17, 2021.
4. District of Ucluelet map titled "Official Community Plan, Schedule G, Development Permit Areas for Hazardous Conditions," Dated February 2, 2021.
5. Engineers and Geoscientists of British Columbia report titled "Professional Practice Guidelines – Legislated Flood Assessments in a Changing Climate in BC," version 2.1, dated August 28, 2018.
6. Ebbwater Consulting Inc. report titled "District of Ucluelet Coastal Flood Mapping – Final Report", Project Number P154, dated June 26, 2020.
7. Ebbwater Consulting Inc. report Appendix A - "Coastal Flood Hazard Analysis: The District of Ucluelet, BC", report prepared by Cascadia Coast Research Ltd., Revision 2, dated June 19, 2020.
8. BC Ministry of Forests, Lands, Natural Resource Operations and Rural Development report titled "Flood Hazard Area Land Use Management Guidelines," Amended January 1, 2018
9. District of Ucluelet document titled "Tsunami Risk Tolerance – Interim Policy", Policy Number 8-5280-1, dated March 29, 2022.
10. District of Ucluelet map titled "Zoning Bylaw No.1160, 2013 – Consolidated Schedule A – Zoning Map of the District of Ucluelet," revised April 8, 2021.
11. Soils of South Vancouver Island, British Columbia, Soil Survey Report No. 44, Sheet 2.
12. Province of British Columbia, iMapBC, Accessed January 2024, <https://maps.gov.bc.ca/ess/hm/imap4n/>
13. District of Ucluelet, "Official Community Plan Map 4 – Coastal Storm Flood Planning Support Map 3/5," Dated June 26, 2020.
14. Ebbwater Consulting Inc. document titled "District of Ucluelet Coastal Flood Mapping – Appendix C: Coastal Flood Hazard Map Atlas – Map Series 4/4: Tsunami Flood Planning Support", dated June 26, 2020.

FILE: 221-Helen
DATE: 2021-09-11
AG Surveys
 545 - 110 Marine Drive
 Ucluelet, BC V0R 3A0
 phone (250) 266-4536

Site Plan of:
Lot B, District Lot 543 Native Island,
Clayoquot District, Plan VIP78185

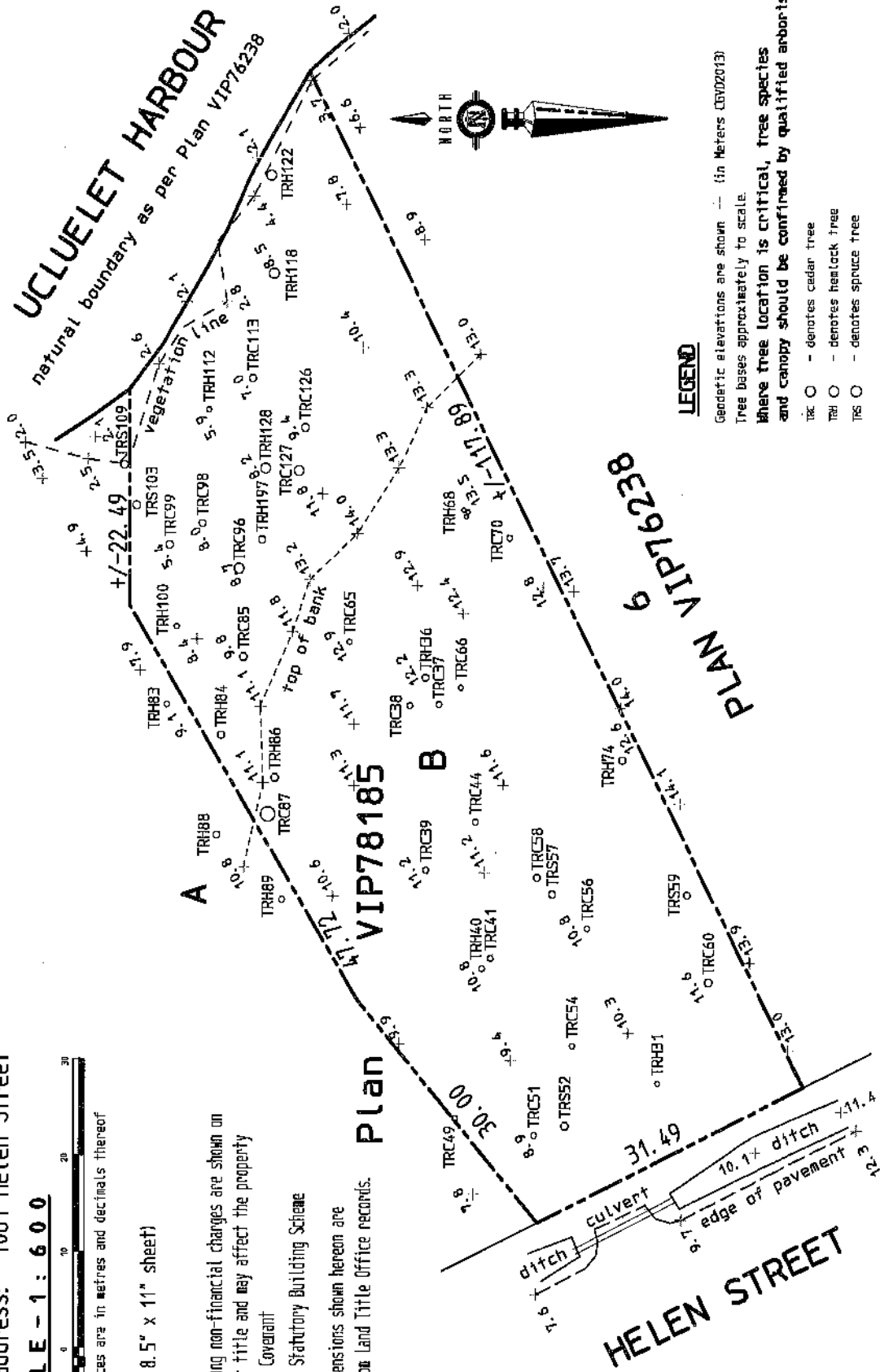
Parcel Identifier: 026-159-511
 Civic address: 1061 Helen Street



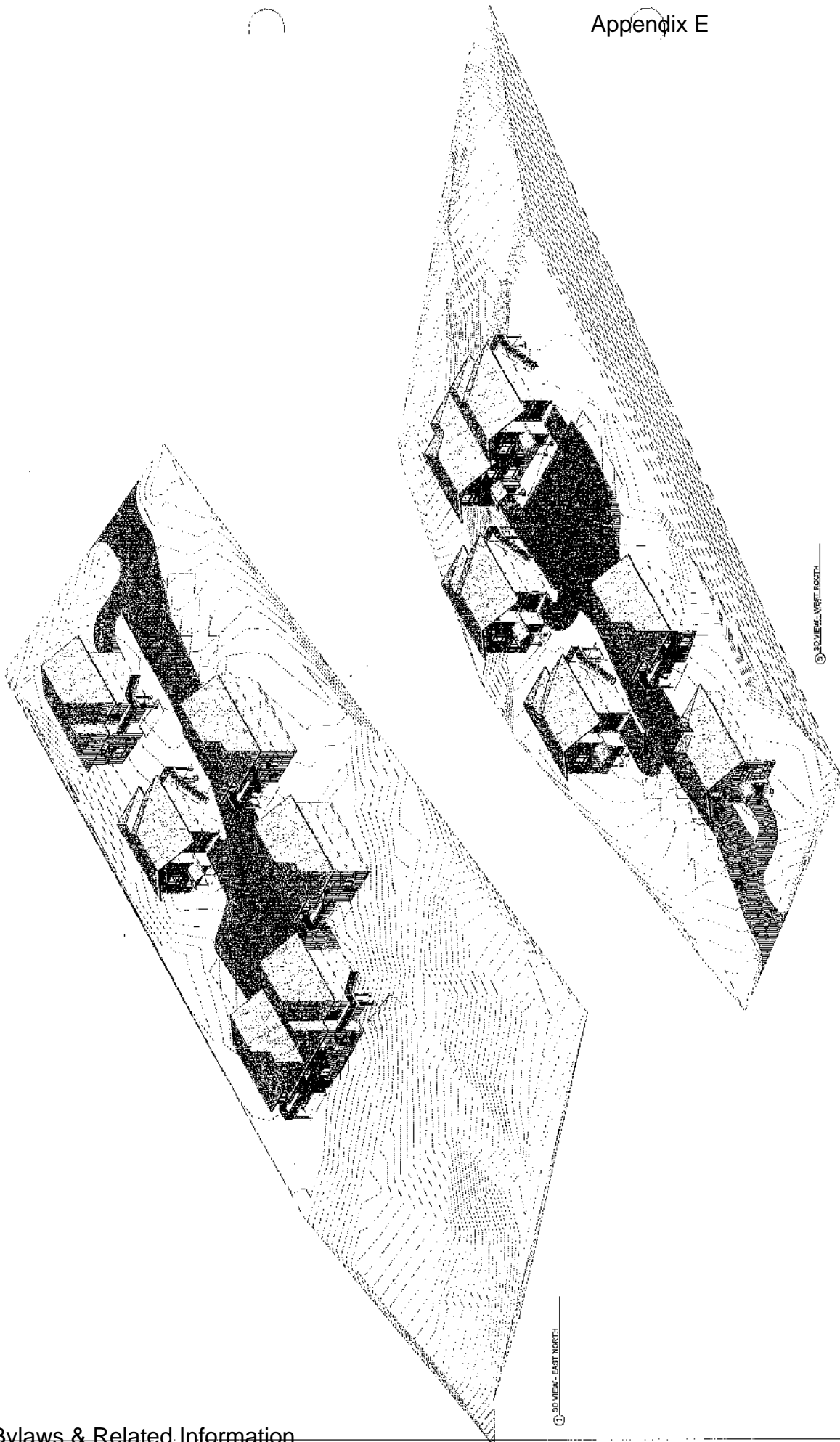
(plot on 8.5" x 11" sheet)

The following non-financial changes are shown on the current title and may affect the property
 EY152825 - Covenant
 EY152826 - Statutory Building Scheme

Parcel dimensions shown hereon are derived from Land Title Office records.



Appendix E



ELITE DESIGN
 PROFESSIONALS
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 FAX: 604-681-1112
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PROJECT: 1061 HELEN ST
 UCLUELET BC
 DATE: 2012.02.28
 DRAWN BY: [Name]
 CHECKED BY: [Name]

3D VIEWS

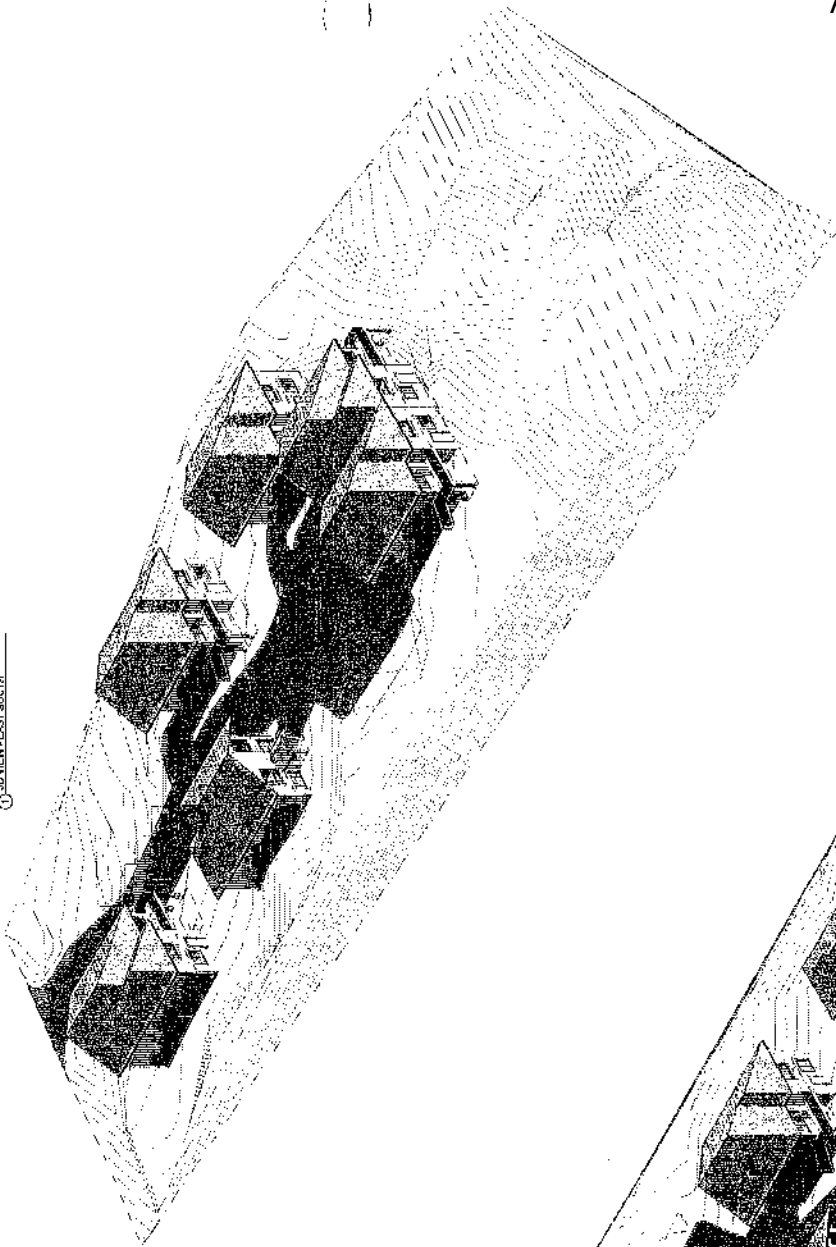
1061 HELEN ST
UCLUELET BC

PROJECT NORTH

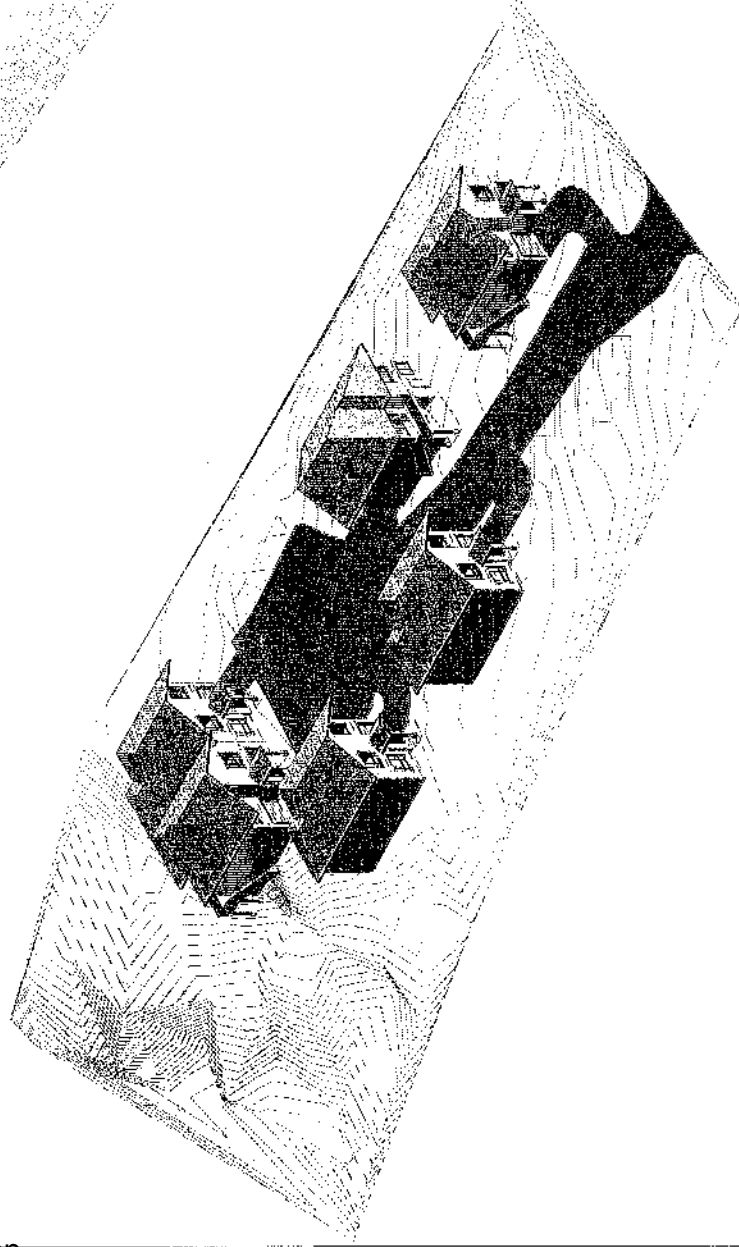
NO.	REVISION	DATE
1	ISSUED FOR PERMIT	2012.02.28
2	ISSUED FOR PERMIT	2012.02.28
3	ISSUED FOR PERMIT	2012.02.28

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① 3D VIEW - EAST SOUTH



② 3D VIEW - WEST NORTH



ELITE DESIGN
BY REBECCA JIMENEZ

PROJECT NO: 2023.02.01
DATE: 12/15/2023

3D VIEWS

1061 HELEN ST
UCLUELET BC

PROJECT NORTH

NO.	DATE	DESCRIPTION
1	2023.02.01	3D VIEWS
2	2023.02.01	3D VIEWS
3	2023.02.01	3D VIEWS
4	2023.02.01	3D VIEWS
5	2023.02.01	3D VIEWS
6	2023.02.01	3D VIEWS
7	2023.02.01	3D VIEWS
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FLOOD ASSURANCE STATEMENT

Note: This statement is to be read and completed in conjunction with the current Engineers and Geoscientists BC *Professional Practice Guidelines – Legislated Flood Assessments in a Changing Climate in BC* ("the guidelines") and is to be provided for flood assessments for the purposes of the *Land Title Act*, *Community Charter*, or the *Local Government Act*. Defined terms are capitalized; see the Defined Terms section of the guidelines for definitions.

To: The Approving Authority

Date: September 26, 2022 LEA File# E1445

District of Ucluelet

200 Main Street, Ucluelet, BC V0R 3A0

Jurisdiction and address

With reference to (CHECK ONE):

- Land Title Act* (Section 86) – Subdivision Approval
- Local Government Act* (Part 14, Division 7) -- Development Permit
- Community Charter* (Section 56) – Building Permit
- Local Government Act* (Section 524) – Flood Plain Bylaw Variance
- Local Government Act* (Section 524) – Flood Plain Bylaw Exemption

For the following property ("the Property"):

Lot B District Lot 543, Native Island, Clayoquot District, Plan VIP78185; 1061 Helen Road

Legal description and civic address of the Property

The undersigned hereby gives assurance that he/she is a Qualified Professional and is a Professional Engineer or Professional Geoscientist who fulfils the education, training, and experience requirements as outlined in the guidelines.

I have signed, sealed, and dated, and thereby certified, the attached Flood Assessment Report on the Property in accordance with the guidelines. That report and this statement must be read in conjunction with each other. In preparing that Flood Assessment Report I have:

[CHECK TO THE LEFT OF APPLICABLE ITEMS]

___ 1. Consulted with representatives of the following government organizations:

- 2. Collected and reviewed appropriate background information
- 3. Reviewed the Proposed Development on the Property
- 4. Investigated the presence of Covenants on the Property, and reported any relevant information
- 5. Conducted field work on and, if required, beyond the Property
- 6. Reported on the results of the field work on and, if required, beyond the Property
- 7. Considered any changed conditions on and, if required, beyond the Property
- 8. For a Flood Hazard analysis I have:
 - 8.1 Reviewed and characterized, if appropriate, Flood Hazard that may affect the Property
 - 8.2 Estimated the Flood Hazard on the Property
 - 8.3 Considered (if appropriate) the effects of climate change and land use change
 - 8.4 Relied on a previous Flood Hazard Assessment (FHA) by others
 - ___ 8.5 Identified any potential hazards that are not addressed by the Flood Assessment Report
- 9. For a Flood Risk analysis I have:
 - ___ 9.1 Estimated the Flood Risk on the Property
 - ___ 9.2 Identified existing and anticipated future Elements at Risk on and, if required, beyond the Property
 - ___ 9.3 Estimated the Consequences to those Elements at Risk

PROFESSIONAL PRACTICE GUIDELINES
LEGISLATED FLOOD ASSESSMENTS IN A CHANGING CLIMATE IN BC

FLOOD ASSURANCE STATEMENT

10. In order to mitigate the estimated Flood Hazard for the Property, the following approach is taken:
- 10.1 A standard-based approach
 - 10.2 A Risk-based approach
 - 10.3 The approach outlined in the guidelines, Appendix F: Flood Assessment Considerations for Development Approvals
 - 10.4 No mitigation is required because the completed flood assessment determined that the site is not subject to a Flood Hazard
11. Where the Approving Authority has adopted a specific level of Flood Hazard or Flood Risk tolerance, I have:
- 11.1 Made a finding on the level of Flood Hazard or Flood Risk on the Property
 - 11.2 Compared the level of Flood Hazard or Flood Risk tolerance adopted by the Approving Authority with my findings
 - 11.3 Made recommendations to reduce the Flood Hazard or Flood Risk on the Property
12. Where the Approving Authority has not adopted a level of Flood Hazard or Flood Risk tolerance, I have:
- 12.1 Described the method of Flood Hazard analysis or Flood Risk analysis used
 - 12.2 Referred to an appropriate and identified provincial or national guideline for level of Flood Hazard or Flood Risk
 - 12.3 Made a finding on the level of Flood Hazard or Flood Risk tolerance on the Property
 - 12.4 Compared the guidelines with the findings of my flood assessment
 - 12.5 Made recommendations to reduce the Flood Hazard or Flood Risk
13. Considered the potential for transfer of Flood Risk and the potential impacts to adjacent properties
14. Reported on the requirements for implementation of the mitigation recommendations, including the need for subsequent professional certifications and future inspections.

Based on my comparison between:

[CHECK ONE]

- The findings from the flood assessment and the adopted level of Flood Hazard or Flood Risk tolerance (item 11.2 above)
- The findings from the flood assessment and the appropriate and identified provincial or national guideline for level of Flood Hazard or Flood Risk tolerance (item 12.4 above)

I hereby give my assurance that, based on the conditions contained in the attached Flood Assessment Report:

~~XXXXXXXXXX~~

- For subdivision approval, as required by the *Land Title Act* (Section 86), "that the land may be used safely for the use intended":

[CHECK ONE]

- With one or more recommended registered Covenants.
- Without any registered Covenant.

- For a development permit, as required by the *Local Government Act* (Part 14, Division 7), my Flood Assessment Report will "assist the local government in determining what conditions or requirements it will impose under subsection (2) of this section [Section 491 (4)]".

- For a building permit, as required by the *Community Charter* (Section 56), "the land may be used safely for the use intended":

[CHECK ONE]

- With one or more recommended registered Covenants.
- Without any registered Covenant.
- For flood plain bylaw variance, as required by the *Flood Hazard Area Land Use Management Guidelines* and the *Amendment Section 3.5 and 3.6* associated with the *Local Government Act* (Section 524), "the development may occur safely".
- For flood plain bylaw exemption, as required by the *Local Government Act* (Section 524), "the land may be used safely for the use intended".

FLOOD ASSURANCE STATEMENT

I certify that I am a Qualified Professional as defined below.

September 26, 2022

Date

Chris Hudec

Prepared by

Reviewed by

Chris Hudec

Name (print)

Name (print)

Chris Hudec

Signature

Signature

1900 Boxwood Road

Address

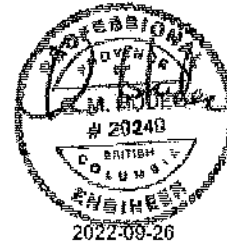
Nanaimo, BC, V9S 5Y2

(250) 756 0355

Telephone

chudec@lewkowich.com

Email



(Affix PROFESSIONAL SEAL here)

If the Qualified Professional is a member of a firm, complete the following:

I am a member of the firm **Lewkowich Engineering Associates Ltd.**

and I sign this letter on behalf of the firm.

(Name of firm)

LANDSLIDE ASSESSMENT ASSURANCE STATEMENT

Notes: This statement is to be read and completed in conjunction with the Engineers and Geoscientists BC *Professional Practice Guidelines – Landslide Assessments in British Columbia* (“the guidelines”) and the current *BC Building Code (BCBC)*, and is to be provided for Landslide Assessments (not floods or flood controls), particularly those produced for the purposes of the *Land Title Act*, *Community Charter*, or *Local Government Act*. Some jurisdictions (e.g., the Fraser Valley Regional District or the Cowichan Valley Regional District) have developed more comprehensive assurance statements in collaboration with Engineers and Geoscientists BC. Where those exist, the Qualified Professional is to fill out the local version only. Defined terms are capitalized; see the Defined Terms section of the guidelines for definitions.

To: The Approving Authority (or Client)
District of Ucluelet

Date: January 10, 202 File# E1445

200 Main Street, Ucluelet, BC V0R 3A0

Jurisdiction/name and address

With reference to (CHECK ONE):

- A. *Land Title Act* (Section 86) – Subdivision Approval
- B. *Local Government Act* (Sections 919.1 and 920) – Development Permit
- C. *Community Charter* (Section 56) – Building Permit
- D. Non-legislated assessment

For the following property (the “Property”):

Lot B District Lot 543, Native Island, Clayoquot District, Plan VIP78185; 1061 Helen Road

Civic address of the Property

The undersigned hereby gives assurance that they are a Qualified Professional and a professional engineer or professional geoscientist who fulfils the education, training, and experience requirements as outlined in the guidelines.

I have signed, authenticated, and dated, and thereby certified, the attached Landslide Assessment Report on the Property in accordance with the guidelines. That report must be read in conjunction this statement.

In preparing that report I have:

[CHECK TO THE LEFT OF APPLICABLE ITEMS]

- 1. Collected and reviewed appropriate background information
- 2. Reviewed the proposed Residential Development or other development on the Property
- 3. Conducted field work on and, if required, beyond the Property
- 4. Reported on the results of the field work on and, if required, beyond the Property
- 5. Considered any changed conditions on and, if required, beyond the Property
- 6. For a Landslide Hazard analysis or Landslide Risk analysis, I have:
 - 6.1 reviewed and characterized, if appropriate, any Landslide that may affect the Property
 - 6.2 estimated the Landslide Hazard
 - 6.3 identified existing and anticipated future Elements at Risk on and, if required, beyond the Property
 - 6.4 estimated the potential Consequences to those Elements at Risk
- 7. Where the Approving Authority has adopted a Level of Landslide Safety, I have:
 - 7.1 compared the Level of Landslide Safety adopted by the Approving Authority with the findings of my investigation
 - 7.2 made a finding on the Level of Landslide Safety on the Property based on the comparison
 - 7.3 made recommendations to reduce Landslide Hazards and/or Landslide Risks

PROFESSIONAL PRACTICE GUIDELINES
LANDSLIDE ASSESSMENTS IN BRITISH COLUMBIA

LANDSLIDE ASSESSMENT ASSURANCE STATEMENT

8. Where the Approving Authority has **not** adopted a Level of Landslide Safety, or where the Landslide Assessment is not produced in response to a legislated requirement, I have:

- 8.1 described the method of Landslide Hazard analysis or Landslide Risk analysis used
 - 8.2 referred to an appropriate and identified provincial, national, or international guideline for Level of Landslide Safety
 - 8.3 compared those guidelines (per item 8.2) with the findings of my investigation
 - 8.4 made a finding on the Level of Landslide Safety on the Property based on the comparison
 - 8.5 made recommendations to reduce Landslide Hazards and/or Landslide Risks
9. Reported on the requirements for future inspections of the Property and recommended who should conduct those inspections

Based on my comparison between:

[CHECK ONE]

- the findings from the investigation and the adopted Level of Landslide Safety (item 7.2 above)
- the appropriate and identified provincial, national, or international guideline for Level of Landslide Safety (item 8.4 above)

Where the Landslide Assessment is not produced in response to a legislated requirement, I hereby give my assurance that, based on the conditions¹ contained in the attached Landslide Assessment Report:

A. SUBDIVISION APPROVAL

- For subdivision approval, as required by the *Land Title Act* (Section 86), "the land may be used safely for the use intended"
[CHECK ONE]
 - with one or more recommended additional registered Covenants
 - without an additional registered Covenant(s)

B. DEVELOPMENT PERMIT

- For a development permit, as required by the *Local Government Act* (Sections 488 and 491), my report will "assist the local government in determining what conditions or requirements it will impose under subsection (2) of [Section 491]"
[CHECK ONE]
 - with one or more recommended additional registered Covenants
 - without an additional registered Covenant(s)

C. BUILDING PERMIT

- For a building permit, as required by the *Community Charter* (Section 56), "the land may be used safely for the use intended"
[CHECK ONE]
 - with one or more recommended additional registered Covenants
 - without any additional registered Covenant(s)

¹ When seismic slope stability assessments are involved, Level of Landslide Safety is considered to be a "life safety" criteria, as described in Commentary JJJ of the *National Building Code of Canada (NBC) 2015, Structural Commentaries (User's Guide – NBC 2015: part 4 of division B)*. This states:

"The primary objective of seismic design is to provide an acceptable level of safety for building occupants and the general public as the building responds to strong ground motion; in other words, to minimize loss of life. This implies that, although there will likely be extensive structural and non-structural damage, during the DGM (design ground motion), there is a reasonable degree of confidence that the building will not collapse, nor will its attachments break off and fall on people near the building. This performance level is termed 'extensive damage' because, although the structure may be heavily damaged and may have lost a substantial amount of its initial strength and stiffness, it retains some margin of resistance against collapse."

LANDSLIDE ASSESSMENT ASSURANCE STATEMENT

Chris Hudec

Name (print)

January 10, 2024

Date

1900 Boxwood Road

Address

Nanaimo, BC V9S 5Y2

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Telephone

chudec@lewkowich.com

Email

(Affix PROFESSIONAL SEAL and signature here)

The Qualified Professional, as a registrant on the roster of a registrant firm, must complete the following:

I am a member of the firm **Lewkowich Engineering Associates Ltd.**

(Print name of firm)

with Permit to Practice Number **1001802**

(Print permit to practice number)

and I sign this letter on behalf of the firm.



To:	Lynn Lee, Property Developer	Date:	January 22, 2024
From:	Jamie Godfrey, Technologist Rupert Wong, R.P. Bio.	Pages:	26
Cc:	District of Ucluelet Planning	Project:	1529 (Revision 1)

RE: REVISED ASSESSMENT REPORT – 1061 Helen Road, Ucluelet, BC.

This letter report is intended to provide the District of Ucluelet (DOU) a revised project scope for a proposed multi-family home development on the subject property at 1061 Helen Road. In addition, this report summarizes the biophysical state of the subject property. There is a Marine Shoreline Development Permit Area (MSDPA) on the subject property relating to the marine shoreline of Ucluelet Inlet (Figure 1). The DOU Bylaw No. 1306¹ requires that an assessment report be prepared by a Qualified Environmental Professional (QEP) prior to development occurring within the 30 m MSDPA. The property owners will be undertaking the construction of a new resort condominium within the 30 m MSDPA on their property. As such, this report satisfies the requirements of the DOU Bylaw 1306 for an assessment report.

This report is divided into the following categories:

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2.1	Background Review	6
2.2	Field Assessment	7
2.2.1	Marine Shoreline	7
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¹ District Of Ucluelet. (2022). *Bylaw No. 1306, 2022: A bylaw to adopt “District of Ucluelet Official Community Plan 2022.”*
<https://ucluelet.ca/community/planning-building-bylaw/community-planning-and-zoning/official-community-plan>

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1 INTRODUCTION

The subject property is a 0.4-hectare property located on the northeastern shore of Hyphocus Island and affronts the marine environment of Ucluelet Inlet. The civic address of the property is 1061 Helen Road, and the PID is 026-159-511. The subject property is zoned R-2 – Medium Density Residential, which is “intended for low to medium density residential uses in a variety of housing types”; however, it is surrounded by properties under a variety of different zoning designations including R – 1 (Single Family Residential), RU (Rural Residential), and GH (Guest House). The subject property is currently undeveloped and well vegetated, while the neighboring lots to the north and south have been partially developed for home construction. As the eastern edge of the subject property is defined by the marine shoreline of Ucluelet Inlet, Ucluelet’s Marine Shoreline DPA (MSDPA) covers the eastern 30 m of the subject property. The property does not fall within Ucluelet’s Terrestrial Ecosystems DPA (TEDPA).

The objectives of this assessment report are to:

1. Delineate and describe the shoreline habitat on the subject property;
2. Provide advice and recommendations on appropriate siting of development on the subject property;
3. Identify sensitive habitats and species on the subject property that require protection;
4. Provide mitigation measures to protect the shoreline and any other sensitive habitats and species during development; and
5. Prescribe habitat enhancements and invasive species removals where applicable.

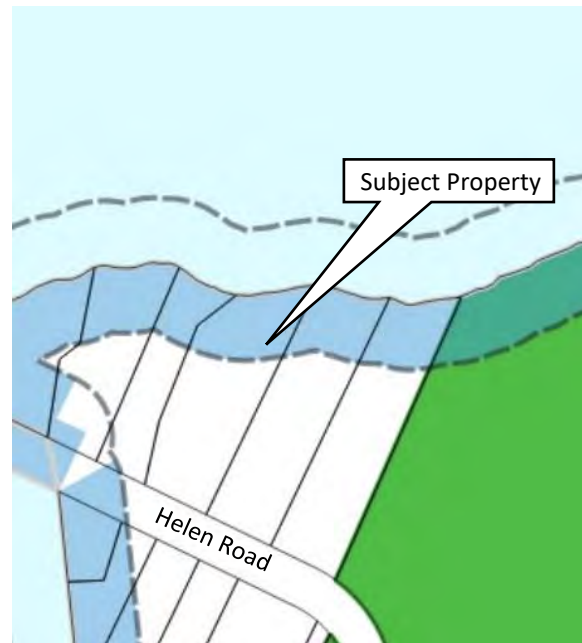


Figure 1. Location of the subject property and the 30 m Marine Shoreline Development Permit Area (Grey dashed lines).

1.1 PROPOSED DEVELOPMENT

The subject property is currently undeveloped and completely vegetated (Photo 1). Proposed work on the subject property includes the construction of a townhouse complex (Figures 2 and 3). The proposed development will have six units with associated driveway access and parking, stormwater infrastructure, and landscaping (Figures 2 and 3). Lot coverage for the proposed development will be 6976.39 square feet which represents approximately 16.29% of an allowable 40%. These calculations include the proposed condominium and exterior “covered areas,” but do not include other hardened surfaces such as driveways or walkways on the property. Development of the subject property will require tree removals, grubbing, and grading of land within the development footprint prior to construction.



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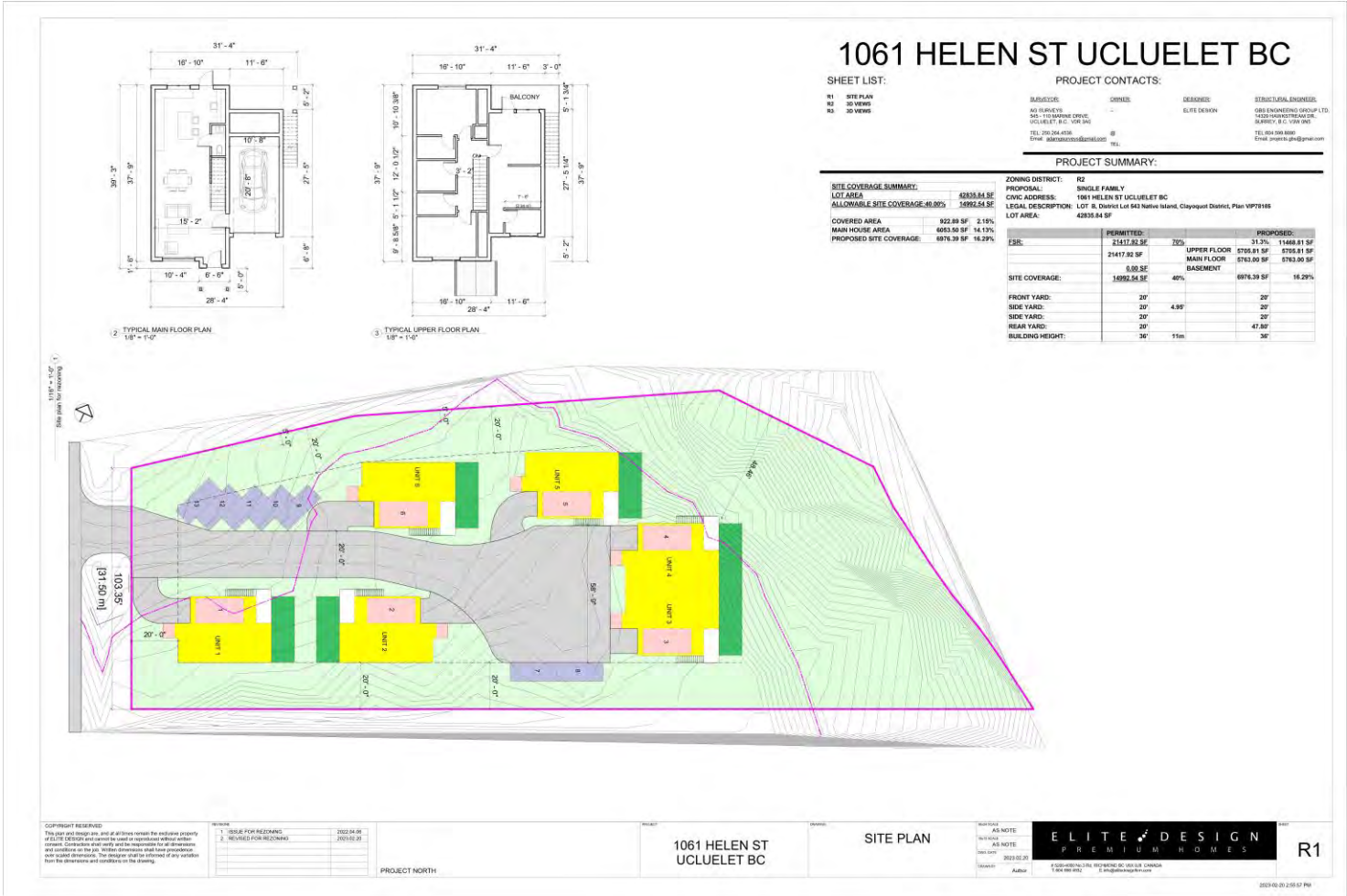


Figure 2. Revised site plan (Jan. 2024) for the proposed construction at 1061 Helen Road. The pink dashed line approximates top-of-bank.



Figure 3: 3D model of the proposed townhouse development at 1061 Helen Road.

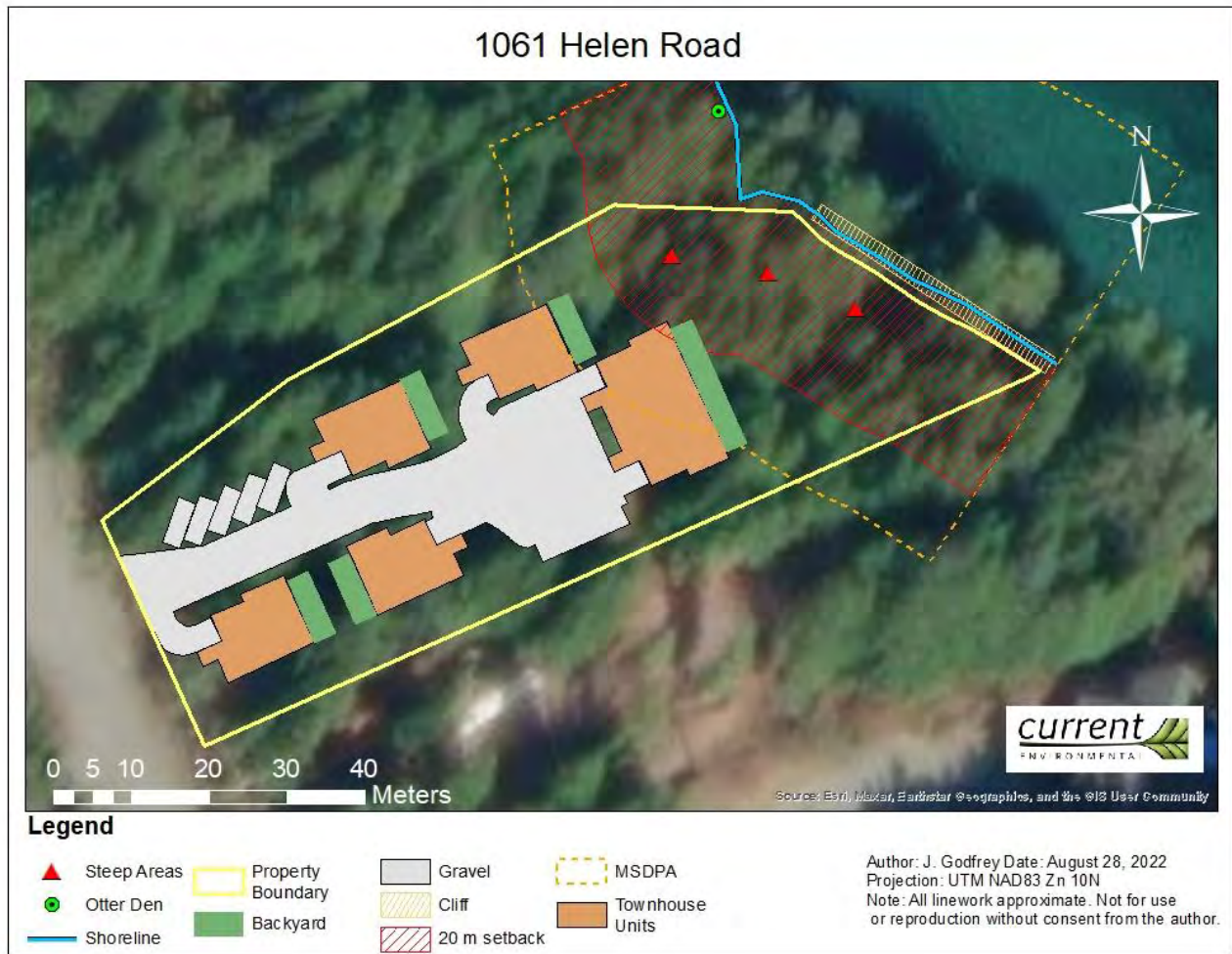


Figure 4: Location of the proposed development in relation to the 30 m MSDPA and 20 m Shoreline setback

2 METHODOLOGY

2.1 BACKGROUND REVIEW

Background information on Environmentally Sensitive Areas (ESAs) located within or in proximity to the subject property was obtained using the following sources:

- 1) Conservation Data Center (CDC)
- 2) District of Ucluelet Mapping (UkeeMap)
- 3) Wildlife Tree Stewardship atlas (WiTS)
- 4) Great Blue Heron Atlas
- 5) Species at Risk Act (SARA) database
- 6) Aerial photographs

2.2 FIELD ASSESSMENT

A ground-level assessment of aquatic/terrestrial habitats and species was conducted on July 28, 2022. The entire property was walked to ensure that all Environmentally Sensitive Areas (ESAs) were mapped; however, the assessment focused on the marine shoreline and the proposed development in the 30 m MSDPA. The following sections provide additional detail on specific inventory methods.

2.2.1 Marine Shoreline

The site survey was timed to coincide with a mid to low tide, to observe the intertidal areas adjacent to the subject property. Backshore vegetation was documented, and observations were made on the current functions of the backshore habitat on the marine shoreline. Sampling for fish/egg presence was not completed as part of this assessment. Methodologies to complete the marine shoreline assessment were based primarily on those outlined in *Develop with Care – Environmental Guidelines for Urban and Rural Land Development in British Columbia*².

For the purposes of this assessment, the habitat inventory affecting the subject property has been limited to the upper intertidal zone (from the mid-tide range to the high-water mark), the supralittoral zone (otherwise known as the splash zone which would only receive water/sediment during storm events), and the backshore zone (extending from the supralittoral zone to outer edge of the 30 m wide MSDPA for the marine shoreline).

2.2.2 Watercourses and Wetlands

The subject property was walked to ensure there were no other watercourses or wetlands on or near the property requiring protection from development. Criteria for delineating watercourses was based on the *BC Riparian Areas Protection Regulation (RAPR)*³. Under the RAPR, the Stream Boundary is defined as the "visible high water mark of a stream where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the stream a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself, and includes the active floodplain." Vegetation indicators were used as guidance to determine the presence or absence of wetlands on the subject property, as described in *Wetlands of British Columbia*⁴.

2.2.3 Terrestrial Habitats and Species

Survey methods for terrestrial elements or ESAs were directed in part by those outlined in *Develop with Care – Environmental Guidelines for Urban and Rural Land Development in British Columbia*² and the *Field Manual for Describing*

² BC Ministry of Environment. (2014). *Develop With Care: Environmental Guidelines for Urban and Rural Land Development*. <<https://www2.gov.bc.ca/assets/gov/environment/natural-resource-stewardship/best-management-practices/develop-with-care/dwc-section-4.pdf>>

³ BC Ministry of Forests, Lands, Natural Resource Operations and Rural Development. (2019). *Riparian Areas Protection Regulation: Technical Assessment Manual*. <https://www2.gov.bc.ca/assets/gov/environment/plants-animals-and-ecosystems/fish-fish-habitat/riparian-areas-regulations/rapr_assessment_methods_manual_for_web_11.pdf>

⁴ MacKenzie, W.H, and J. R. Moran. (2014). *Wetlands of British Columbia, A Guide to Identification*. BC Ministry of Forests.

*Terrestrial Ecosystems*⁵. Vegetation on the subject property was identified with the assistance of *Plants of Coastal British Columbia and E-Flora BC: Electronic Atlas of the Flora of BC*.⁶

2.2.4 Species and Ecosystems at Risk

An office-based assessment of Species at Risk occurrences on the subject property was completed using the *CDC BC Species and Ecosystems Explorer*⁷, the *Federal Species at Risk Public Registry*⁸, the *Wildlife Tree Stewardship Atlas*⁹ and the *Great Blue Heron Atlas*¹⁰. The on-site assessment of Species at Risk was completed concurrent with the other inventory efforts mentioned above and was based primarily on methods outlined in *Develop with Care – Environmental Guidelines for Urban and Rural Land Development in British Columbia*².

3 RESULTS

The following sub-sections describe the findings of the background review and site visit conducted on July 28th, 2022. Discussion on how these findings influence the proposed development are provided in the Discussion/Recommendations section of the report (Section 4).

3.1 GENERAL DESCRIPTION OF THE SUBJECT PROPERTY

The subject property is a 0.4-hectare property located on the northeast portion of Hyphocus Island. The property affronts the marine shoreline near the mouth of the Ucluelet Inlet on its southwest shore. The civic address of the property is 1061 Helen Road (PID: 026-159-511) and it lies southeast of the town center in a neighborhood of mixed residential zoning. The property itself is one of three on Hyphocus Island zoned R-2 - Medium Density Residential. The lot is roughly rectangular with the long edges running approximately northeast – southwest. The property widens slightly toward the northeast where it meets the shoreline, which angles to the southeast (Figures 2 and 4). The topography of the lot is roughly flat in the 2/3 closest to Helen Road, and slopes steeply towards the ocean within the 30 m MSDPA (Figure 3).

The property is currently vegetated with second growth forest and has no existing development. Tree cover on the property is dominated by western redcedar (*Thuja plicata*) and western hemlock (*Tsuga heterophylla*), with Sitka spruce (*Picea sitchensis*) present in small amounts. Shrubs on the subject property are sparse and consist of a mix of salal (*Gaultheria shallon*), red huckleberry (*Vaccinium parvifolium*), evergreen huckleberry (*Vaccinium ovatum*), false azalea (*Rhododendron menziesii*) and salmonberry (*Rubus spectabilis*). The herb layer is also sparse and includes deer fern (*Blechnum spicant*), sword fern (*Polystichum munitum*), and 3-leaved foamflower (*Tiarella trifoliata*) (Photos 1 and 2). The plants of the subject property closely match the CWHvh1 05 – CwSs-Sword fern site series which is a common plant community on Vancouver Island’s west coast.

There were no significant populations of invasive species found on the subject property other than in full sun immediately adjacent to Helen Road where a population of Scotch broom (*Cytisus scoparius*) was noted (Photo 3).

⁵ BC Ministry of Environment. (2010). *Field Manual for Describing Terrestrial Ecosystems, 2nd Edition*. <https://www2.gov.bc.ca/assets/gov/environment/plants-animals-and-ecosystems/conservation-data-centre/field_manual_describing_terrestrial_ecosystems_2nd.pdf>

⁶ University of British Columbia. (2020). *E-Flora BC: Electronic Atlas of the Flora of BC*. <<https://ibis.geog.ubc.ca/biodiversity/eflora/index.shtml>>

⁷ BC Ministry of Environment. (2020). *CDC imap and Ecosystems Explorer*. <<http://maps.gov.bc.ca/ess/hm/cdc/>>

⁸ Government of Canada. (2020). *Species at Risk Public Registry*. <<https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry.html>>

⁹ Community Mapping Network. (2020). *Wildlife Tree Stewardship Atlas (WiTS)*. <<https://cmnmaps.ca/wits/>>

¹⁰ Community Mapping Network. (2020). *Great Blue Heron Atlas*. <<https://cmnmaps.ca/GBHE/>>

3.2 MARINE SHORELINE

3.2.1 Physical Shoreline Characteristics

The shoreline of the subject property is oriented to the northeast and protected from the dominant winds in Ucluelet, as well as from the large swells that affect the western coasts of the area. No artificial armouring was seen during the July 28 site visit at the subject property; however, a natural rock cliff delineates the intertidal zone from much of the backshore habitat (Figure 4, Photo 4). At the north end of this rock wall the backshore is much more gently sloped and forms a small beach, from which a footpath leads away from the ocean (Photo 5). General beach characteristics are quite homogenous along the shoreline in both directions and will be described in detail in Section 3.2.2 (Photos 6 and 7).

3.2.2 Subtidal Habitat

The marine habitat immediately offshore of the subject property is within the main marine traffic route in and out of the harbor of Ucluelet – Ucluelet Inlet. It has a “hard-flat” benthic class; a low tidal speed (0.046-0.111m/s); and an average depth of approximately 15m¹¹. There are no mapped eelgrass or kelp beds offshore of the subject property.

3.2.3 Supralittoral and Intertidal Habitat

As mentioned in Section 3.2.1 above, much of the backshore habitat of the subject property is delineated from the intertidal zone by a rock cliff. The cliff is approximately 1.2 m tall, with the uppermost portions being covered in moss, and the bottom 0.6 m colonized by acorn barnacles (*Belanus glandula*) (Photo 8).

Beyond the cliff, the 30 m MSDPA of the intertidal habitat is relatively homogenous. Limbs from the trees growing at the edge of the backshore habitat grow over the beach and shade the first 5.5 m (Photo 9). The slope of the beach is uniform throughout the entire 30 m MSDPA at approximately 5°. Two distinct zones were noted with a break at approximately 22.6 m from the high tide line (Photo 10) Sediments in the upper intertidal zone from 0 to 22.6 m consisted of poorly sorted mineral sediments ranging in size from medium sands to boulders, with the dominant size classes being medium sands to pebbles (Photo 11). Between 22.6 and 30 m sediments were noticeably more well sorted, and grain sizes were concentrated more between pebbles and cobbles (Photo 12). The proportion of shell fragments also increased below 22 m.

Rockweed (*Fucus distichus*) is common from 0 to 22.6 m while sea lettuce (*Ulva lactuca*) occurs in lesser amounts from 22.6 to 30 m. Molluscs including butter clam (*Saxidomus gigantea*), Pacific oyster (*Crassostrea gigas*), acorn barnacle, and periwinkle snails (*Littorina sp.*) are common throughout the intertidal zone (Photo 12).

¹¹BC Marine Conservation Atlas. 2024. *BCMCA: Marine Atlas of Pacific Canada*. <https://www.cmNBC.ca/atlasgallery/bc-marine-conservation-analysis-atlas/>

3.2.4 Backshore Habitat

Topography of the backshore is sloped towards the ocean (Figure 2, Photo 2) with an average overall slope of approximately 27° in the 30 m MSDPA. The slope is currently well vegetated with a stand of second growth coastal forest similar to that described in Section 3.1; however, the sparse herb layer described there becomes well developed and dominated by sword ferns in steeper areas (Photo 2). Trees on the slope range in size from 0.1 m to 0.8 m DBH and grow in soils up to 70 cm deep.

No specific evidence of wildlife use or presence in the backshore of the subject property was noted on the July 28th site visit; however, a river otter den was found on the backshore of the adjacent property to the north (Photo 13, Figure 4). Backshore on the subject property has moderate habitat value in the form of large trees for perching and feeding habitat for birds and arboreal mammals, hollows in fallen or rotting trees that offer denning sites for a range of species, and thick, well shaded cover adjacent to a marine shoreline rich in food resources (Photos 9).

Some signs of slope instability were noted on backshore slopes including “J” shaped trees indicative of soil creep, and soil slumping in some localized steep areas (Photo 14). Due to the presence of large tree stumps indicating a history of logging on the property, it is possible that a loss of soil cohesion resulting from historic logging activities may be the cause of the instability (Photo 15). In any case, it is important that vegetation be retained on the slope to ensure that the structural benefits of an intact root system within the soil are maintained.

3.3 WATERCOURSES AND WETLANDS

There are no ditches, streams, or wetlands on the subject property. Although the property slopes steeply towards the ocean, no distinct watercourse channels were observed. This is likely due to the small elevation of the slope resulting in relatively low catchment of rain; thick soils allowing for significant infiltration; and the thick vegetation coverage absorbing large amounts of rainfall.

3.4 TERRESTRIAL HABITATS AND SPECIES

As previously described, the lot is well vegetated with a plant community common on near shore habitats of Vancouver Island’s west coast. The presence of large stumps on the property indicates a history of logging, and the regenerating forest contains trees with a range of sizes up to a diameter at breast height (DBH) of approximately 0.8 m. Second growth forests retain less value than old growth forests for wildlife; however, evidence of valuable habitat characteristics were seen on the subject property. Deer were seen on the property outside of the 30 m MSDPA, and a river otter den was found near the shoreline on the adjacent property to the north. Additionally, potential nesting sites for cavity nesting or denning species were seen including rotten stumps and cover formed by fallen trees.

No bird nests or nesting trees were observed on the subject property during the July 28th survey.

Overall, the wildlife value of the subject property is considered moderate, and the recommended 15 m MSDPA will preserve a shoreline wildlife corridor on the property.

3.5 SPECIES AND ECOSYSTEMS AT RISK

The nearest recorded bald eagle nest (BAEA-108-320) is approximately 850 m from the subject property (Figure 5), and there are no great blue heron nests within one kilometer of the subject property. The proposed development will not pose a risk to any known bald eagle or blue heron nests.

According to the Department of Fisheries and Oceans mapping data, there is critical habitat within 1km of the subject property for both northern and southern resident killer whales; however, this is associated with the waters on the offshore side of the Ucluelet peninsula. There are 13 other species at risk that may be found in the marine waters adjacent to the property¹². Four are highly mobile marine mammal species that may occasionally enter Ucluelet Inlet but would be unlikely to remain for any length of time; and four are species that inhabit depths below 100m. Of the remaining five, both basking shark and leatherback turtle are extremely rare in British Columbia waters. Based on preferred habitat characteristics, northern abalone, tope, and yelloweye rockfish may inhabit subtidal waters offshore of the subject property.

The subject property is within 500 m of known populations of the California wax-myrtle (*Morella californica*) and site conditions are within the habitable range for the species; however, no individuals were found on the property during the site visit on July 28, 2022. The California wax-myrtle is a provincially blue-listed plant but due to its physical separation from the subject property, the proposed construction does not pose a risk to nearby populations of this species.



Figure 5. The nearest known bald eagle nest showing a 300 m buffer in relation to the subject property.

¹² Department of Fisheries and Oceans Canada. 2024. *Aquatic Species at Risk Map*. DFO. <https://www.dfo-mpo.gc.ca/species-especies/sara-lep/map-carte/index-eng.html>



Figure 6: Nearby populations of the California wax-myrtle (Green) in relation to the subject property.

4 DISCUSSION/RECOMMENDATIONS

ESAs that require protection during the design and construction of the new dwelling are the marine shoreline and its associated backshore habitat including the trees on the steep slope. The following sections provide guidance on protecting these ESAs

4.1 IMPORTANCE OF BACKSHORE HABITAT

Backshore vegetation plays several critical roles in maintaining ecological function along the subject shoreline:

- 1) **Shoreline stabilization:** Vegetation stabilizes and traps shoreline substrates and helps dissipate wave energy to maintain natural process functions along marine shorelines.
- 2) **Pollutant removal:** Backshore vegetation filters pollutants from surface flows originating on terrestrial lands. In the case of residential developments, this typically relates to driveway and roof runoff.
- 3) **Perching sites for birds of prey:** Although there are no old growth trees on the subject property, the lack of continuous forest coverage on surrounding lots means that even smaller trees may provide important perching sites. Furthermore, retention of existing trees will allow for forest succession and future provision of potential nesting sites.

- 4) **Shade and microclimate:** Backshore vegetation plays a key role in moderating temperatures and maintaining moisture of substrates in the high intertidal zone. This role is particularly evident in the upper 5.5 m of the intertidal zone shaded by tree limbs.
- 5) **Food production:** Shoreline vegetation provides habitat for a wide variety of invertebrate species that form a significant portion of the prey base for marine wildlife – particularly forage fish and salmonids.
- 6) **Organic matter and large woody debris recruitment:** Properly functioning backshore vegetation provides a continuous supply of organic matter to the shoreline system in the form of logs, smaller wood, and leaf litter. This material drives primary food production, provides microhabitats for numerous invertebrate species, helps maintain and regulate moist microhabitats, and dissipates wave energy.

4.2 SHORELINE SETBACK AREA

A shoreline setback width of 15 m is being prescribed for the subject property, which is to be measured horizontally from the Present Natural Boundary of the shoreline (Figure 3). This vegetated setback encompasses the steeper portions of the backshore in which signs of slope instability were noted (Figures 3 and 4) and will ensure that they remain stable. Additionally, this setback will ensure that all the functions listed in Section 4.1 remain intact.

No disturbance can take place within the 15 m shoreline setback. It is recommended that shoreline access through the 15m shoreline setback not be developed.

As designed, the proposed development does not encroach into the recommended 15 m setback (Figure 4).

4.3 STEEP SLOPES

The property has undergone a geotechnical hazard assessment by Lewkowich Engineering Associates Ltd.¹³, which paid particular attention to the sloped portion of the property between the proposed development and the marine shoreline, including the 15m shoreline setback. The overall gradient of the sloped eastern portion of the property was measured at 27°, with isolated sections at 30°. The geotechnical report recommends a 30.0 m setback from the Future Natural Boundary (FNB), which approximates the current top of bank on the subject property (Figure 2).

The proposed location of units 3 and 4 as shown in Figures 2-4 is immediately adjacent to the top of bank setback as proposed in the geotechnical assessment of the property, and final location must be confirmed by a qualified land surveyor prior to construction.

4.4 DRAINAGE

The geotechnical assessment completed by LEA for the subject property has concluded that the soil coverage on the eastern sloped portion of the property is insufficiently stable for stormwater infiltration¹⁴. Instead of infiltration, it has been recommended that stormwater outflow be conveyed via solid pipe to the intertidal zone. This conveyance method will ensure that flashy flow originating from stormwater runoff of newly constructed impermeable surfaces will not erode soils from the slope; however, it comes with an increased risk of erosion and sedimentation at the outlet of the pipe (Figure 7). It is therefore recommended that all stormwater outflow from the property be outlet to an exfiltration gallery or rock apron. An exfiltration gallery consists of a rectangular or circular excavation lined with geotextile fabric and filled

¹³ Paul Fraser, and Chris Hudec. 2024. *Geotechnical Hazard Assessment: 1061 Helen Road , Ucluelet B.C., Proposed Residential Development. File No. E1445.01r1.* Lewkowich Engineering Associates Ltd.

with clean, granular stone or other void forming material (Appendix A). Construction of such a feature requires sufficient soil depth and low enough slope gradient for machine access. A potential candidate location is at the northeast corner of the subject property. A rock apron consists of a prism of riprap positioned immediately downstream of the stormwater outflow (Figure 8). It serves to spread flow and reduce velocity, thereby reducing scour of parent materials.

Either an exfiltration gallery or a rock apron would be suitable stormwater outflow solutions to reduce beach erosion and sedimentation of the marine environment; however, they must be designed by a qualified hydrotechnical engineer.

Another potential risk posed to the marine environment by the proposed development is conveyance of deleterious substances roadways and parking areas. To reduce this risk it is recommended that all stormwater catch basins be furnished with Armttec SDD3 Oil Grit Separators (or equivalent).

Solid pipe conveyance of stormwater to the intertidal environment as proposed in the geotechnical assessment is acceptable if appropriate hydrocarbon containment measures are installed at stormwater intakes; and that the stormwater outflow has measures in place to eliminate erosion of the intertidal zone and sedimentation of subtidal marine habitats.



Figure 7. Uncontrolled stormwater outflow causing beach erosion.

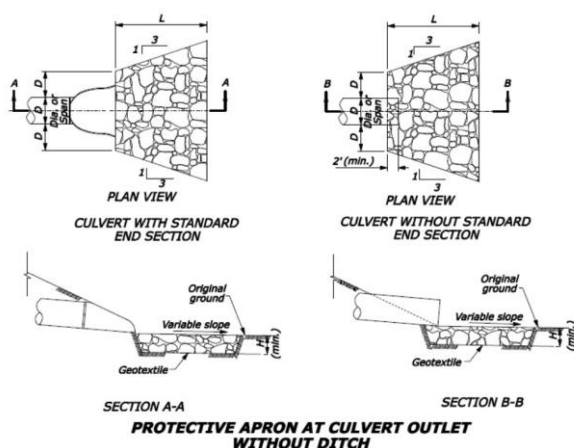


Figure 8. Example design of a rock apron at a stormwater outflow.

4.5 VEGETATION RESTORATION AND INVASIVE SPECIES REMOVALS

The entire 20 m recommended shoreline setback is well vegetated with a native plant community. No enhancements are necessary to improve the slope stability or ecosystem functions provided by this setback, and therefore a landscaping plan is not recommended as part of this assessment.

Invasive species consisting primarily of Scotch broom were noted on the subject property adjacent to Helen Road outside of the MSDPA. This portion of the property will be highly disturbed during construction. It is recommended that during the site clearing phase, any vegetation or soils containing invasive plants be bagged and disposed of at a landfill to prevent further spread.

4.6 MITIGATION MEASURES DURING CONSTRUCTION

It will be important to implement mitigation measures during the construction on the subject property to protect the sensitive backshore vegetation adjacent to the site. Mitigation measures during construction are provided in Appendix B.

5 CONCLUSION

Based on the results on this assessment, proposed development on the subject property can proceed without causing a net impact to the adjacent shoreline habitat for the following reasons:

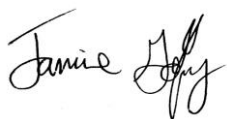
- 1) There will be no construction, ground disturbance, or removal of trees or vegetation within the 15 m shoreline setback area on the subject property.
- 2) No disturbance will occur to the 15m shoreline setback area.
- 3) A drainage plan is designed to prevent:
 - a. Introduction of hydrocarbons to the marine environment;
 - b. Erosion of the intertidal zone;
 - c. Sedimentation of the marine environment.
- 4) As per Section 4.6 and Appendix B, any potential adverse effects during construction can be mitigated to result in no, negligible or minor harmful effects on aquatic resources. If mitigation measures are not implemented as intended harmful alterations may result.

6 CLOSURE

We trust this assessment has satisfied the requirement to determine the potential effects of the proposed development on the adjacent marine habitat at 1061 Helen Road.

Please contact the undersigned with any questions or concerns.

Sincerely,



Jamie Godfrey, Technologist

and



Rupert Wong, R.P. Bio.

Current Environmental Ltd.

PHOTOS



Photo 1. Representative photo of vegetation found in the western, flatter portions of the subject property.



Photo 2. Representative photo of vegetation seen within the sloped 30 m MSDPA in the eastern portion of the subject property.



Photo 3. Western property boundary where the subject property meets Helen Road. Populations of Scotch broom were found in sun exposed areas of this property boundary.



Photo 4: Rock cliff delineating the intertidal zone from the backshore habitat at 1061 Helen Road.



Photo 5: Backshore of the northern edge of the subject property north of the rock cliff. Photo shows the edge of the backshore habitat and a beach access trail from the forested portion of the subject property.



Photo 6. Representative photograph of the shoreline of adjacent properties to the northwest.



Photo 7. Representative photograph of the shoreline of adjacent properties to the southeast.



Photo 8. Representative photograph of the cliff separating the backshore of 1061 Helen Road from the intertidal zone.



Photo 9. Backshore habitat of 1061 Helen Road as seen from the intertidal zone. Note the tree branches overhanging the uppermost intertidal zone.



Photo 10: Transition between poorly sorted beach sediments and more well sorted sediments seen at approximately 22.6 m from the high tide line in front of 1061 Helen Road.

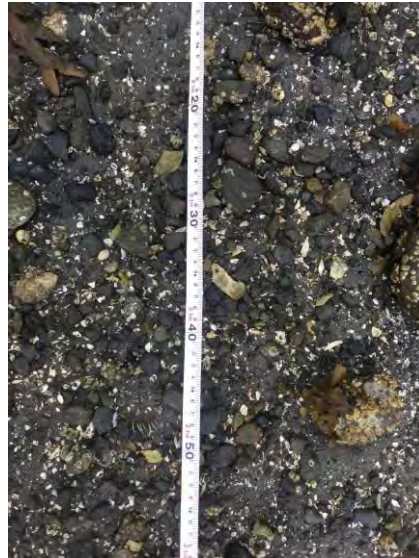


Photo 11. Representative photograph of sediments in the 0 – 22 m range of the intertidal zone adjacent to 1061 Helen Road. Grain sizes in this portion of the intertidal zone were poorly sorted with a wide range of sizes.



Photo 12. Representative photograph of sediments in the 22 - 30 m range of the intertidal zone adjacent to 1061 Helen Road. Grain sizes in this portion of the intertidal zone were more well sorted with less fine material and more shell fragments.



Photo 13: Entrance to otter den and scat found in the backshore of the neighboring property to the northwest of 1061 Helen Road.



Photo 14: "J" shaped tree growth found in steep areas of the backshore of 1061 Helen Road that can be indicative of soil creep.



Photo 15: An example of a large stump found above a steep area in the backshore of 1061 Helen Road.

APPENDIX A: ROCK EXFILTRATION GALLERY EXAMPLE

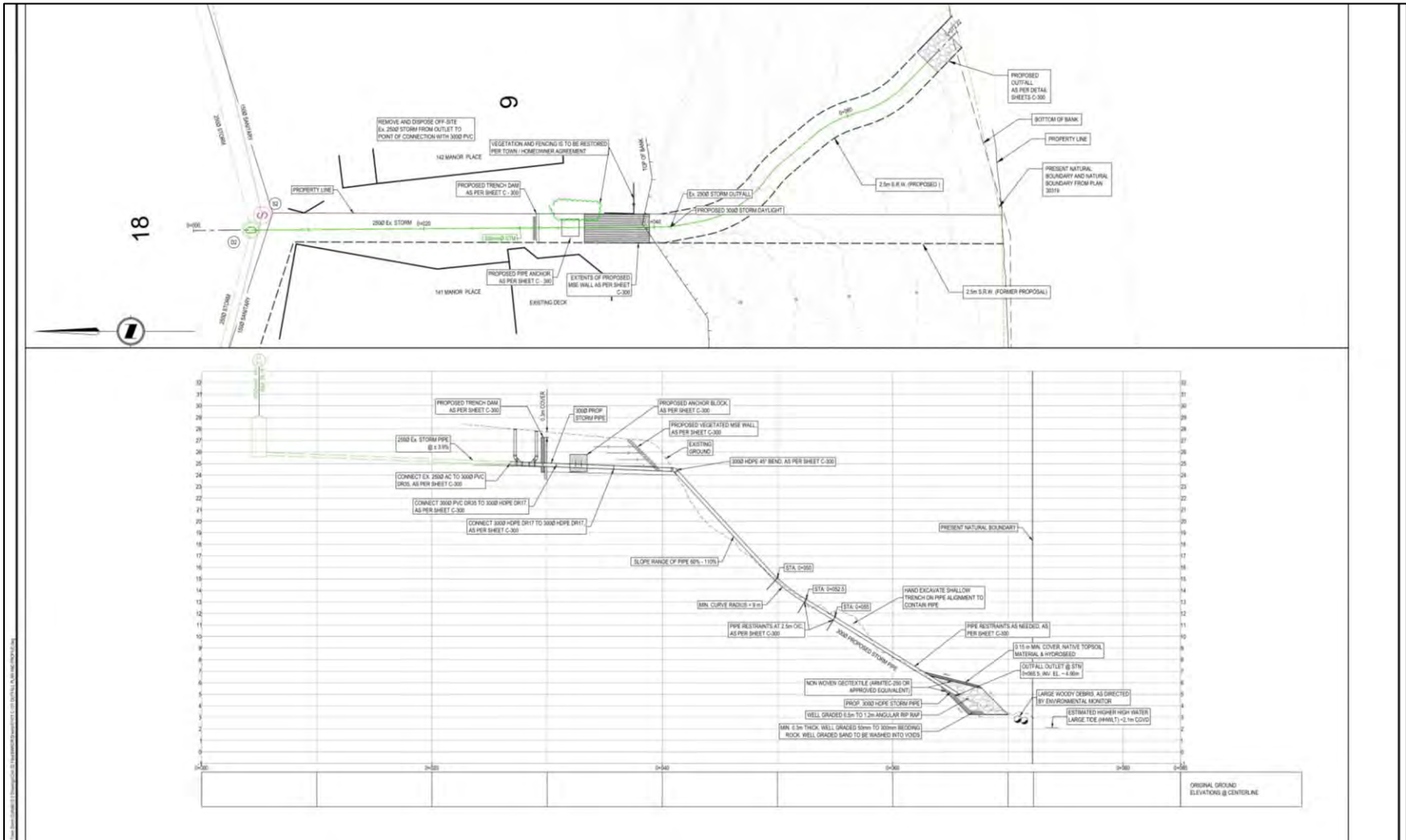


Figure 9. Typical design of stormwater pipe running down a steep slope and discharging through a rock exfiltration gallery.



APPENDIX B: MITIGATION MEASURES DURING CONSTRUCTION

Fuels and Hazardous Materials:

The accidental release of petroleum, oils, hydraulic fluids, lubricants, concrete additives, anti-freeze, or other hazardous materials onto land surfaces or into waterbodies is an offence under the Federal *Fisheries Act* and may result in degradation of habitat quality and could be a threat to human health. Machinery required for the proposed development will include heavy equipment and truck traffic.

Environmental protection procedures for handling and storage of fuels and hazardous materials shall include the following items:

- 1) A spill kit of appropriate capacity will be on hand at all times heavy machinery or gas-powered tools are in use during construction.
- 2) All identified spills will be cleaned up immediately, and contaminated soils and vegetation will be removed for appropriate disposal.
- 3) Refueling of equipment is to occur only at designated fuelling stations and located at least 20 m from the shoreline.
- 4) All fuel, chemicals, and hazardous materials will be clearly marked.
- 5) Pumps and jerry cans are to be placed on poly sheeting and sorbent pads to contain spills.
- 6) All equipment maintenance with the potential for accidental spills (e.g., oil changes, lubrications) will be done on a designated area at least 20 m from the shoreline. Tarps should be laid down prior to commencement of work to facilitate clean up.
- 7) In the event of a spill, the following guidelines should be followed:
 - a. Spills to the receiving environment are to be reported to Emergency Management BC (1-800-663-3456) if they exceed the reportable limits (e.g., 100 liters of fuel or oil).
 - b. Apply sorbent pads and booms as necessary.
 - c. Dispose of all contaminated debris, cleaning materials, and absorbent material by placing in an approved disposal site.

Sediment and Erosion Control:

Specific measures to control sediment during construction will include:

- 1) Maintain/do not disturb vegetation within the prescribed 20 m shoreline setback.

- 2) Where there is a potential for silt runoff in the proximity of existing waterbodies, control devices will be installed prior to construction activities commencing.
- 3) Filter fabric dams, rock check dams, and silt fencing will be used as needed on a site-specific basis to control erosion. Filtration should be accomplished using filter fabric keyed into substrates and banks and elevated using stakes or straw bales. Silt fencing is not an acceptable mitigation technique to control erosion in flowing ditches; however, it is useful for containing slumping areas and for use as baffles to slow water velocities.
- 4) Excavation will be stopped during intense rainfall events or whenever surface erosion occurs affecting nearby waterbodies.
- 5) Soil stockpiles will be placed a minimum of 20 m from any waterbody and in a location where erosion back into the marine environment cannot occur and will not impede any drainage.
- 6) Soil stockpiles with the potential to erode into waterbodies are to be covered with poly sheeting. Other techniques, such as terracing or surface roughening can greatly reduce surface erosion on steeper slopes.
- 7) Permanent exposed soil areas and erosion-prone slopes that may potentially erode into waterbodies are to be seeded or covered with geotextile.
- 8) Clearing will take place immediately prior to excavation and earthworks to minimize the length of time that soils are exposed. Vegetation in adjoining areas will not be disturbed.

Tree Protection:

All trees and native vegetation within the 20 m shoreline setback will need to be retained and protected unless a tree is deemed hazardous by a certified arborist. Trees provide critical functions in backshore areas by providing shade, nutrient and leaf litter drop, large woody debris recruitment in both the foreshore and marine environments, and bank stability through their complex root networks. They also help retain soil and provide more favourable growing conditions for other understory shrubs and ground cover plants in the backshore area.

As previously described, there will be significant clearing of existing vegetation from portions of the subject property; however, there are no plans for any vegetation removal within the 20 m shoreline buffer zone. Specific measures to protect trees during development will include:

- 1) A root protection zone for all trees in the 20 m shoreline setback will be established prior to construction commencing. The root protection zone should be established at the edge of the drip line of trees within the 20 m shoreline setback. The root protection zone should be physically delineated and should be off-limits to machinery.
- 2) Machine access will be from the southwest side of the property.
- 3) Tree protection plans will be communicated to everyone on site prior to commencing construction.
- 4) If roots are encountered during construction, they should be first avoided if possible, and if they must be cut, they should be cut cleanly with a saw as opposed to shattered with machinery.
- 5) Care should be taken not to break any limbs of trees within the 20 m shoreline setback during construction. If any limbs are accidentally broken, they should be cleanly cut with a saw.

- 6) Should any issues arise with regards to potential changes to the impact on trees during development, it is recommended that an arborist be retained to provide guidance on the least impact approach to development around trees.



The Corporation of the District of Ucluelet

MUNICIPAL POLICY MANUAL**POLICY NUMBER: 8-5280-2****REFERENCE:**

Tsunami Risk Tolerance - Interim Policy

ADOPTED BY:

Council

CROSS-REFERENCE:

OCP Policies 2.34, 2.50

SUPERSEDES:

8-5280-1

AMENDED DATE:

N/A

DEPARTMENT:

Planning / Engineering / Emergency Services

EFFECTIVE DATE:

March 1, 2024

Policy Statement

The purpose of this interim policy is to clarify the District's tolerance for risk when making decisions that may affect persons, property, environments and cultural features, considering the remote but potentially catastrophic consequences of flooding caused by Tsunami – at a time when our understanding of risks is expanding, climate change is altering oceans and Provincial policy and guidelines are evolving.

Scope

This policy applies to decisions on locating critical municipal assets, investments in infrastructure, rezonings, and the subdivision of land.

Justification

A. Current policy adopted in the municipal Official Community Plan (OCP) bylaw:

"It is District policy that it is in the public interest for new subdivisions and developments to be planned to avoid areas of potential flood risk."

Policy 2.34 establish and undertake the work, as necessary, to refine Flood Construction Levels (FCLs) to ensure new development and infrastructure avoids the impacts of rising sea levels.

Policy 2.50 conduct flood risk mapping for sea level rise and use the results to communicate and manage risks.

Policy 3.9 Improve tsunami evacuation route signage for prone areas, directing people to the closest high ground area.



B. Current Provincial guidance:

The west coast of Vancouver Island, identified as Zone C by the provincial Ministry of Public Safety and Solicitor General, is a high-risk seismic zone, known to be vulnerable to flooding in the event of a tsunami.

The amended *Flood Hazard Area Land Use Management Guidelines* state that a subdivision application in a tsunami prone area must include a report by a suitably qualified Professional Engineer, experienced in coastal engineering who must formulate safe building conditions for each proposed lot. The guidelines go on to state that flood construction level (FCL) requirements should be established on a site-specific basis and take into account tsunami hazards, and that reductions to these requirements should only be considered where the building can be built to the Tsunami FCL on bedrock.

The Province's brief on modernizing BC's emergency management legislation notes that risk reduction starts with making sound decisions about where and how to build. The Province proposes to require local authorities to give greater consideration of current and future risk for new development approvals in hazardous areas.

C. Justification for new policy:

This area of local policy for flood risk management hinges on the District's tolerance for risk, weighed against the balance of community interests. The destructive nature of tsunamis as well as their relative infrequency means that they do not naturally fit within the definition of FCL provided in the Provincial Guidelines. Following the "as low as reasonably practicable" (ALARP) approach to managing risks requires that decisions be made based on Ucluelet's tolerance for risk and consideration of what is reasonable and practicable in the community context.

Policy:

This policy is to guide decisions on:

- amendments to the Zoning bylaw or Official Community Plan bylaw;
- applications for subdivision of land; and
- location of critical community infrastructure and facilities.

The following table and diagram indicate acceptable minimum vertical elevations for specified uses, structures and/or infrastructure relative to identified flood hazards.

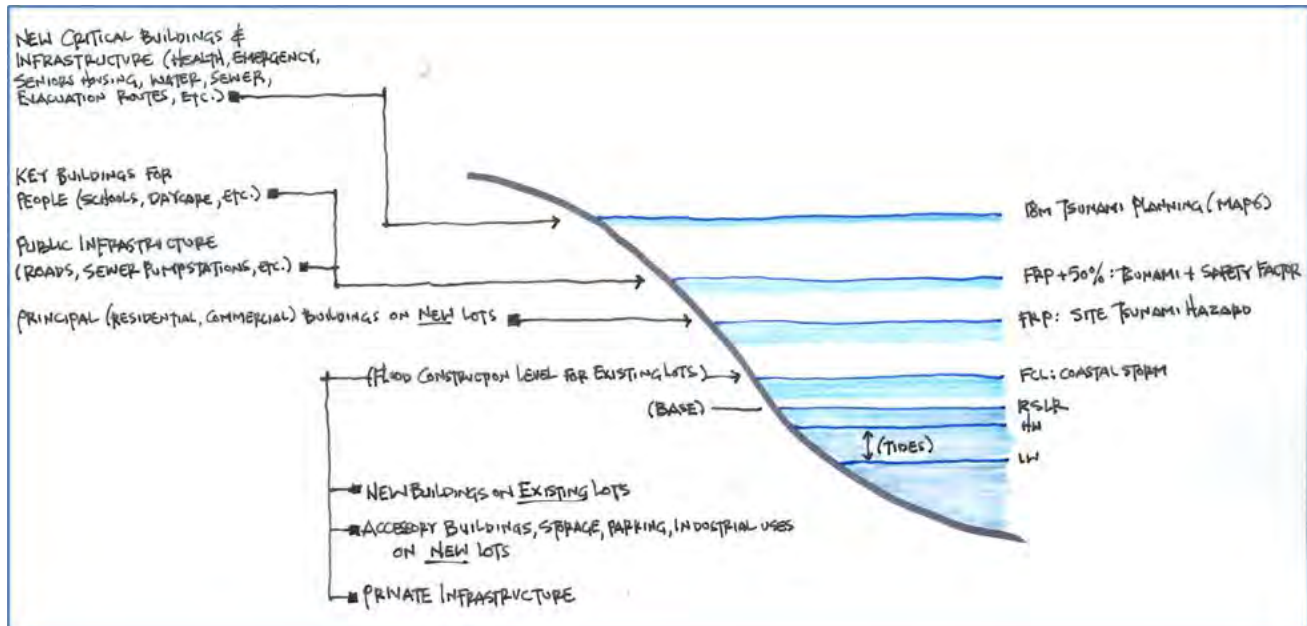
**Table 1: minimum acceptable elevations for different uses relative to modelled flood levels.**

Proposed facility or use	Minimum elevation	Reference
New critical infrastructure (e.g. health care, emergency, seniors' housing, core water infrastructure, core sewage treatment infrastructure, evacuation routes, etc.)	18m tsunami planning elevation	OCP Map 6
Key buildings for assemblies of people (schools, daycare facilities, etc.)	Tsunami Flood Reference Plane + 50%	Site-specific analysis by suitably qualified Professional Engineer experienced in coastal engineering
Public Infrastructure (e.g., roads, sewer pump stations, etc.)	Tsunami Flood Reference Plane +50%	Site-specific analysis by suitably qualified Professional Engineer experienced in coastal engineering
New residential and commercial buildings on <u>new</u> lots	Tsunami Flood Reference Plane	Site-specific analysis by suitably qualified Professional Engineer experienced in coastal engineering
A change in use that would increase density and/or infrastructure on existing lots	Tsunami Flood Reference Plane	Site-specific analysis by suitably qualified Professional Engineer experienced in coastal engineering
A change in use that would not increase density and or infrastructure on existing lots	Coastal Storm FCL	OCP Map 4
New buildings on <u>existing</u> lots	Coastal Storm FCL	OCP Map 4
Accessory buildings, storage, parking, industrial uses on <u>new</u> lots	Coastal Storm FCL	OCP Map 4
Private infrastructure	Coastal Storm FCL	OCP Map 4

(Added March 2024)



Figure 1: minimum elevations for different uses relative to modelled flood levels.



Approval of Building Sites or Structures within areas identified as being subject to Tsunami hazard

Any subdivision approval of new lots where building sites would overlap areas identified as being subject to potential tsunami hazard will be subject to the following:

- a report by a qualified professional engineer experienced in coastal engineering who must determine the tsunami flood reference plane for the site and formulate safe building conditions for each lot, per the current *BC Flood Hazard Area Land Use Management Guidelines*;
- certification by a qualified professional engineer that the building site can be safely constructed for the intended use with habitable spaces and electrical / mechanical systems located above the applicable minimum elevations set out in Table 1;
- the report by the qualified professional engineer must reference current structural standards for tsunami loads and effects including, as a minimum, ASCE/SEI 7-16, *Minimum Design Loads and Associated Criteria for Buildings and Other Structures* or subsequent best practices and standards;
- the report by the qualified professional engineer must address the anchoring of foundations to bedrock; and,
- a restrictive covenant registered on title of the property:
 - restricting the use of the land to meet the conditions specified in the professional's report enabling the land to be used safely for its intended use;
 - containing conditions respecting reimbursement by the owner for any expenses that may be incurred by the municipality as a result of a breach of a covenant; and,
 - indemnifying the District of Ucluelet and the Province of British Columbia from any liability or claim for property damages, injury or loss of life resulting from flooding.

**Limit of authority**

Nothing in this policy supersedes Provincial or Federal enactments or regulations, or professional standards and the duty of care performed by Professional Engineers in exercising their professional judgement.

Review and update

This policy shall be reviewed and considered for update or repeal when any of the following occur:

- new flood hazard mapping for Ucluelet is completed and adopted; or,
- the Province of British Columbia adopts new acts, regulations or guidelines for mitigating community risks from tsunami flood hazards.

Marilyn McEwen

Mayor

Duane Lawrence

Chief Administrative Officer



**Minute Excerpts from the
February 27, 2024, Regular Council Meeting**

6. BYLAWS

**6.1 Rezoning and OCP Amendment for 1061 Helen Road
*John Towgood, Municipal Planner***

Bruce Greig, Director of Community Planning, clarified that the subject application is for a six unit multi-family development in five buildings not the 11 units presented in the initial application package.

The applicant was invited to present. The applicant did not present.

2024.2064.REGULAR *IT WAS MOVED AND SECONDED:*

THAT District of Ucluelet Official Community Plan Amendment Bylaw No. 1337, 2024, be introduced and be given first and second reading.

CARRIED.

2024.2065.REGULAR *IT WAS MOVED AND SECONDED:*

THAT Council considers the District of Ucluelet Official Community Plan Amendment Bylaw No. 1337, 2024, in conjunction with the District of Ucluelet 2023 - 2027 Financial Plan Bylaw No. 1329, 2023 and the Alberni-Clayoquot Regional District Waste Management Plan.

CARRIED.

2024.2066.REGULAR *IT WAS MOVED AND SECONDED:*

THAT Council considers the District of Ucluelet Official Community Plan Amendment Bylaw No. 1337, 2024, be referred to the Yuułuʔiłʔatḥ Government and that, given the narrow focus of Bylaw No. 1337, 2024, Council is satisfied that no further consultation is required with other persons, organizations, and authorities identified in sections 475(2)(a) and (b) of the Local Government Act.

CARRIED.

2024.2067.REGULAR *IT WAS MOVED AND SECONDED:*

THAT District of Ucluelet Official Community Plan Amendment Bylaw No. 1337, 2024, be referred to a public hearing.

CARRIED.

2024.2068.REGULAR *IT WAS MOVED AND SECONDED:*

THAT District of Ucluelet Zoning Amendment Bylaw No. 1322, 2024 be introduced, given first and second reading, and advanced to a public hearing.

CARRIED.

2024.2069.REGULAR *IT WAS MOVED AND SECONDED:*

THAT District of Ucluelet Tsunami Risk Tolerance Interim Policy 8-5280-2, which supersedes District of Ucluelet Tsunami Risk Tolerance Interim Policy 8-5280-1, be adopted.

CARRIED.

From: [Patricia Sieber](#)
To: [Community Input Mailbox](#)
Subject: Public Hearing rezoning 1061 Helen Road
Date: June 17, 2024 9:51:09 PM
Attachments: [clip_image002.png](#)
[clip_image004.png](#)

[External]

To the Mayor and Council:

This is regarding the request to change the zoning of 1061 Helen Road from Single Family Residential to Multiple Family Residential. We, of 1058 Helen Road, oppose application #RZ22.04 by Haode Investments Ltd.

We understand the need for affordable housing for Ucluelet Residents.

We understand the pressures that the current council is facing to speed up and facilitate development of affordable housing.

We understand the positive aspects of high density.

We also recognize that in recent years, Ucluelet has been discovered as a place to make high monetary returns on investment in vacant land. We have also noticed a trend that one of the first steps non-local investors ask for, is rezoning of land they purchased. Land that they knew was zoned for specific uses. These requests often come with the promise of providing housing. At what cost, and just who the targeted purchasers or renters are and what purpose these proposed houses will serve is often vague.

So, let us consider the pros and cons of this request.

Pros, (in the words of the developer) – More houses.

Pros for Ucluelet: – Possible increase in housing for locals, Increase in tax base.

Cons: Uncertainty of just who will purchase these houses. Will they be affordable to buy or rent? Will they become second or vacation homes.? Will they become short term rentals? Will they be resold for profit?

Increase in density and traffic (possibly tourist or local) in an area that in its present state cannot support more density

Drastically change the character of Hyphocus set out in the official Community Plan.

Open the door for future requests for rezoning on Hyphocus. You allow this and others may demand the same changes to zoning for Multiple Family Dwellings.

Money flows out of the community.

Let us consider why density in this area is not a good idea. The road between the causeway and Marine Drive is the only access onto or off Hyphocus. This narrow road is only 6 meters wide where it flows onto the causeway. That is not standard width under B.C. standards for a feeder city street. Adding the potential of more vehicles using this road on a regular basis will

only increase pressure to widen it. No doubt the District Public Works Department has specifications as to what would be needed to upgrade this road. Once an upgrade is proposed and approved, existing standards would have to be met. The present residents are not asking for this road to be widened. We bought or built here knowing the limitations of this road, but we also did not anticipate that others would propose higher density than allowed under the zoning of the time.

For those who do not walk or drive this road on a regular basis, we have included two photos. The first shows the restrictions faced in widening. On the left is a bank with trees and shrubs, backed by a rock slope. To widen on this side would require blasting of rock and a retaining wall. Further up toward Marine Drive, many driveways would be affected, even some property setbacks. On the right, to widen would require fill and more retaining walls to hold the fill in place. People who have lived here for decades would see their property severely affected. The character of the road with its trees and flowering shrubs would be altered forever. Too often in developments, people have sought to bend the natural world to suit perceived human needs. Council must ask themselves just who would benefit from such drastic alteration to what now exists in this unique part of Ucluelet.

Who will ultimately pay the costs? Who will benefit?

Patricia Sieber

Carl Sieber

Silva Johansson

1058 Helen Road







REPORT TO COUNCIL

Council Meeting: June 11, 2024

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, DIRECTOR OF COMMUNITY PLANNING

FILE NO: 6632-10

SUBJECT: DEVELOPMENT APPLICATION PROCEDURES – INPUT

REPORT NO: 24- 53

ATTACHMENT(S): APPENDIX A – BC DEVELOPMENT APPROVALS PROCESS REVIEW 2019 REPORT
 APPENDIX B – UCLUELET BYLAW NO. 1164, 2015
 APPENDIX C – TOFINO BYLAW NO. 1331, 2023

RECOMMENDED PROCESS:

This report aims at gathering input from Council on different aspects of the municipal development application review and approval process. The report overviews a number of areas that a development application procedures bylaw typically includes. A series of questions are presented for Council to consider, discuss and then provide direction to staff by passing resolutions. These will guide staff in preparing a draft new Development Application Procedures bylaw; the bylaw would then be brought to Council at an upcoming meeting for initial discussion and consideration. Staff will overview the issues and options covered in this report, will be available to answer any questions and then staff recommend Council focus discussion on the questions by placing individual motions on the table for debate and vote.

Attached to this report are three appendices for context: the final report on the BC Development Approvals Process Review completed in 2019 (**Appendix “A”**), the current District of Ucluelet Development Approval Procedures Bylaw No. 1164, 2015 (**Appendix “B”**), and for comparison the new District of Tofino Development Application Procedures Bylaw No. 1331, adopted in August of 2023 (**Appendix “C”**).

BACKGROUND AND CONTEXT:

In 2019 the Province engaged stakeholders to review the challenges and opportunities in the municipal development review process, with an aim to find ways to improve legislation and practices to create more streamlined processes while meeting community needs. The final report of that process recommended a number of areas where municipalities can streamline their processes (see Appendix ‘A’). The new provincial housing legislation adopted in late 2023 and 2024 shows a parallel interest in streamlining development approval processes at the municipal level.

The ADAPT (Adaptable Development Approvals Process Toolkit) project underway by the Town of Qualicum Beach and Vancouver Island University similarly shows the need and interest among local governments to revisit and right-size their processes.

In 2023 Council endorsed a workplan that the Planning Department is advancing to streamline and accelerate development approvals in Ucluelet, particularly focused on the development of housing. The workplan includes the following tasks:

- adopt new Development Application Procedures bylaw;
- delegate authority for issuing Development Permits;
- Delegate authority for issuing variances when creating new accessory housing units;

Since the delegation of authority to issue permits is enacted in a development application procedures bylaw, this is three tasks in one. The goal for the District is to ensure the process is as clear as possible, fully transparent, efficient and effective.

DISCUSSION AREAS:

Information Requirements

Because all development sites are unique- and because owners and/or developers can propose an open-ended variety of programs, forms and intensities – there can be no one-size-fits-all set of requirements for the information, plans and studies provided to support a decision on any given development application.

Ucluelet is designated as a Development Approval Information Area in the OCP bylaw:

OCP Bylaw No. 1306, 2022

“Development Approval Information

Pursuant to the establishment of a Development Approval Information Area (DAIA) bylaw, the entire area of the District of Ucluelet covered by this Official Community Plan is designated as a development approval information area under the authority of Section 485 (1) (b) of the Local Government Act.

Development approval information will be required for:

- *Zoning Bylaw amendments;*
- *Temporary Use Permits, and;*
- *Development Permits.*

The information provided in a Development Approval Information (DAI) report will help ensure that future development considers potential impacts to transportation and parking, municipal servicing infrastructure, public facilities including schools and parks, community services, archaeological and cultural matters, natural ecosystems, climate change and other issues. The District’s DAIA bylaw will establish the information required,

procedures to be followed in the application process, and in what circumstances a DAI impact report is necessary to address items including:

- *Terms of reference for DAI reports;*
- *Qualifications for personnel providing impact reports;*
- *Timing;*
- *Response options to inadequate reports;*
- *Peer review;*
- *Presentation of reports to Council; and*
- *Use and publication of the report.”*

If Council wishes to modify the Development Approval Information Area an amendment to the OCP would be required. This is an enabling aspect of the OCP bylaw necessary to inform decisions on development applications.

The details of how development information is collected need to be enacted in the development application procedures bylaw. For comparison, refer to the current Ucluelet framework in sections 4.1(b) and 5 in Appendix B, and section 5 in the Tofino bylaw in Appendix C.

Terms of Reference and DP guidelines

Development Permit Area Guidelines are adopted in the OCP bylaw. Another task in the workplan is to adopt more streamlined Form and Character DP guidelines – that is a next-level task that will commence later this year and would be enacted by amendments to the OCP bylaw.

Also in the workplan is to develop a concise terms of reference for QEP reports (i.e., consulting biologists’ assessment of sensitive ecosystems and, in particular, wetland delineation). That effort is underway and is being discussed at the staff level with neighbouring jurisdictions as an opportunity for regional collaboration and consistency – more to follow.

Professional Reliance model (e.g., QEP reports)

An aspect that should be considered is the professional reliance model in BC. The municipality does not employ registered professionals in all of the many areas of expertise encountered in the process of land development. There is a legal framework in BC for owners and approving agencies to rely on the assessment and recommendation by registered professional acting in their areas of expertise. This is a very workable framework but has some limitations. An ability for questioning whether a report is complete and accurate is a necessary part of the process; this can be in the form of a request for clarification (common) or a third-party independent review (less common, but important).

Public Notification

Keeping the public informed is an important part of maintaining transparency and accountability in local government. With development applications, there is generally great interest among community members to understand what possible changes may be coming on a given site, and the resulting impact on various factors: neighbourhood character, environmental impacts, traffic changes, etc.

A balance needs to be struck between public awareness and the cost (in both time and money) of different possible notification steps. Some minimum requirements are a matter of legislation, but Council has discretion on the degree and types of notification that the municipality undertakes beyond satisfying the legislated minimums. Generally, more notification takes more time and money – with costs borne by the applicant and/or the municipal taxpayer.

In an era of increasing information access and speed, there are some increased expectations for municipalities to provide more information and to provide it more rapidly. Expectations are also raised when members of the public compare the District's processes with those of other jurisdictions- which in many cases are able to devote greater resources to their communication and notification functions. This is an area where there may not be one correct way, rather it is a choice of Council to strike a balance to efficiently keep the community adequately informed.

Some avenues for public notification that are frequently used by municipalities include:

- o signs posted on the property (generic)
- o signs posted on the property (customized, with some detail of the proposal)
- o newspaper advertisements
- o mailed notices
- o hand-delivered notices
- o municipal notice boards
- o community notice boards
- o municipal newsletter
- o municipal email (i.e., UkeeMail)
- o municipal website: Council agendas
- o municipal website: events (e.g., 'public hearings' page)
- o municipal website: development proposal summaries (e.g., 'First Light / Lot 13' development)
- o municipal website: real-time permit status tracker

For various development applications, Ucluelet has used all but the first and last formats listed above.

Public Comment

Similar to notification, there are some legislated areas where opportunities for public comment are required (e.g., public hearing on a new OCP bylaw) and other areas where public input is not required but is helpful and is commonly part of municipal processes (e.g., open houses, surveys, verbal or written comments).

The Development Application Procedures bylaw can define when and how public comment is sought and provided to inform decision making processes.

An area that has recently changed, by provincial legislation aimed at reducing the pressure placed on municipal councils when approving new housing, is the new prohibition on holding a

public hearing on zoning bylaws for residential developments. This has already been incorporated into the municipal processes; notification is now being given of *first reading* of such bylaws. The District has to be careful that other forms of public input opportunities do not create something akin to a public hearing, when processing residential development applications.

Public Information Meetings

Public information meetings are outside of the municipal approval process, and are held by a developer – typically early in the process. The intent of the meeting (typically an open house) is to gauge community support or concerns, and inform the development plans before a formal application is made to the District. Including parameters for public information meetings in the bylaw can guide developers and make the meetings more open, transparent and consistent.

Public information meetings are typically held for larger developments – the time, effort and expense is not justified for smaller proposals.

Internal Referrals

While development applications typically are received by staff in the Planning department, at times all other municipal departments are involved in review, comment and identifying conditions that would need to be met as the development proceeds. Engineering and servicing aspects, Fire and emergency access, potential impact on parks, roads and other public spaces – all can be part of the review of a proposed development and its impact on the community.

While there is no need for the bylaw to authorize municipal staff to share information and seek direction from other departments within the organization, it is useful for the bylaw to mention these processes – if for no other reason than to help raise awareness of the process among applicants, the public and Council.

Delegated Authority:

The BC Development Approvals Process Review (DAPR) suggests that municipalities look to streamline processes by delegating authority to issue permits, wherever possible.

There is a tradeoff for Council between efficiency and control.

Delegation depends on a degree of trust – by Council and by the public –

- that the criteria for obtaining a permit are clear
- that staff will apply the criteria reasonably and consistently
- that an unsuccessful application has a route for subsequent consideration by Council

Currently some decisions on developments are delegated:

- minor DP matters delegated under section 4 of the current Bylaw No. 1164
- information required for applications
- Board of Variance – is appointed by Council to grant minor variances in cases of hardship

DAPR suggests that municipal Councils delegate authority so that staff can process and issue:

- Environmental DP's
- Form and Character DP's
- Minor variances by DVP
- Temporary Use Permits

How it could work:

The scope of delegated authorities can be broad or narrow (e.g. delegate a broad range of variances vs delegate a narrow range such as DVP's for setbacks when it is for an additional dwelling unit).

Decisions made under delegated authority could rest with an individual staff member (e.g., Manager of Planning) or could be informed by a panel of staff (e.g., Planner, Engineer, Building Official).

Delegation could be for approval or rejection (with rejected applications being appealed to Council), or delegation could be for approval only (whereby if staff find they can't approve an application it is then automatically elevated to Council for a decision to either approve or reject).

Allow discretion for staff to elevate an application to Council if it is deemed to be contentious or of particular community interest.

Monitoring

Currently there are no dedicated staff resources for monitoring the performance of owners and their contractors when developing under a DP. In particular, environmental DP's are monitored on an ad-hoc basis as time allows or as staff become aware of issues.

If increased monitoring is desired, some options are to add staff or consultant resources (which adds costs borne by the municipal tax base), or put the onus on a property owner to engage their QEP to monitor an report / certify that best practices and conditions of the DP have been followed (which adds costs to the owner/developer).

Deposits

Security deposits are a tool frequently used by local governments to ensure performance by an owner / developer in carrying out construction activities as approved. They commonly take two forms:

- Landscape deposit (for work affecting public side of Form & Character DPs)
- Environmental performance (e.g., revegetation or erosion control measures in Environmental DP area)

Security deposits are either cash or a letter of credit held by the municipality and are commonly 125% of the estimated cost of the works. If the owner fails to complete the work, the municipality can draw on the security deposit to do so – rare, but in those cases a necessary tool for protecting the environment and/or public interest.

QUESTIONS:

- a. **Is Council interested in delegating some or all of the possible permit approvals to staff?**
While streamlining processes is a goal shared by Council, staff and many community members, there have also been recent appeals to Council specifically voicing a lack of trust in municipal staff.
- b. **If yes, which types of permits would Council delegate? Conversely, which should be determined by Council?**
 - i. Development Variance Permits;
 - ii. Temporary Use Permits;
 - iii. Form and Character Development Permits; and/or,
 - iv. Environmental Development Permits.
- c. **Would Council prefer:**
 - i. **that applications be approved or rejected by staff, with a process to appeal such decisions to Council?**
could be perceived as more confrontational
 - or:
 - ii. **that application be approved by staff or else elevated to Council for the decision to approve or reject?**
may result in more applications being placed on agenda for Council consideration, (including incomplete or weak applications).
- d. **Would review by a staff panel be preferred by Council?**
Decisions made by a single staff member would take less time than convening a panel; however, decisions informed by a panel may avoid the appearance of individual subjectivity.
- e. **Does Council consider developer-led Public Information Meetings a useful part of the process?**
- f. **Are there specific types of developments that should trigger a public information meeting? At a certain scale?**
- g. **notification signs, posted on site can be:**

- i. none;
- ii. generic; or
- iii. customized.

Custom signs are a common municipal requirement, containing a site map and description of the proposal on the sign. These can be costly, and there is no sign shop on the west coast producing such signs.

If used, should notification signs be required in cases of:

- iv. OCP & Zoning bylaw amendments;
- v. Development Variance Permits;
- vi. Temporary Use Permits;
- vii. Form and Character Development Permits; and/or,
- viii. Environmental Development Permits?

h. print notification

currently used for Temporary Use Permits, OCP bylaw amendments, Zoning bylaw amendments and (less common) open houses; depending on size costs \$250- \$1000

Would council like to see additional print notification (Westerly) be used for other types of applications?

i. digital notification opportunities

possibilities include UkeeMail, social media, dedicated web page; all take staff time.

Would Council like to see development application notifications expanded beyond the required statutory notifications?

j. alignment with our neighbour

The West Coast functions as a single housing market and development community; wherever possible staff aim to ensure alignment between regulations or procedures with those adopted by Tofino. There are times when unique circumstances or priorities of the two communities differ, but when all else is equal it benefits community members and builders to see common regulations. The recently adopted Tofino bylaw in Appendix C contains elements that staff are seeing as common practices in the bylaws of municipalities of similar size. That said, a more streamlined and perhaps user-friendly version of the bylaw may be possible.

Would Council see advantage in aiming to create a more streamlined bylaw, or would it be more important to be closer aligned with the Tofino procedures?

k. Does Council have other direction for staff?

NEXT STEPS:

Staff will take the direction of Council and draft a new development application procedures bylaw, based on best practices and examples from other similar jurisdictions. The draft bylaw will be presented to Council at an upcoming meeting for discussion and direction.

Respectfully submitted: **Bruce Greig, Director of Community Planning**

Development Approvals Process Review

**FINAL REPORT FROM A PROVINCE-WIDE
STAKEHOLDER CONSULTATION**

SEPTEMBER 2019



**BRITISH
COLUMBIA**

Acknowledgements

The Ministry of Municipal Affairs and Housing wishes to thank all the participants who attended and contributed to the stakeholder working group and technical committees meetings. The Ministry also wants to acknowledge the work of the meeting facilitators, Pinna Sustainability Inc. and Gary Penway Consulting.



Executive Summary

In February 2018, the Minister of Municipal Affairs and Housing released [Homes for B.C.: Government's 30-Point Plan for Housing Affordability in British Columbia](#). Local governments are an important partner in this work, and government is committed to empowering and supporting their efforts to accelerate the construction of the homes people need.

The process for approving development has a major impact on how quickly housing projects are built. While local government development approvals play an important role in ensuring community interests are met and developments are healthy and safe, they can also result in complex, lengthy and expensive processes with significant uncertainties for developers.

Expectations of development have changed significantly over the past few decades. Affordable housing and climate mitigation are now regularly addressed in the development process, and there are expectations that development will also deliver public amenities. Meanwhile, the development industry has also grown and changed and is now one of the largest industries in British Columbia (B.C.). As the sector grows, increasing competition for building sites has resulted in shorter option periods when acquiring land, creating greater risk for developers and heightening their need for more certainty at the outset of the development process.

To address challenges and identify opportunities for improvement in the current development approvals process, and to support local governments in eliminating barriers to affordable housing and accelerate the construction of the homes they need in their communities, the Ministry of Municipal Affairs and Housing (MAH) has initiated the Development Approvals Process Review (DAPR). As a first step, MAH engaged a broad range of stakeholders to discuss the challenges of the current development approvals process in B.C., to identify opportunities for addressing those challenges and to develop an informed list of ideas about how to improve the efficiency and effectiveness of the process.

The consultation (DAPR Phases 1-3) was broad in scope and considered a full range of legislated and non-legislated elements of the process, as well as regional differences across the province. Over the course of six months, stakeholders contributed their knowledge, experience and perspectives to inform potential future changes to the local government development approval process.



Challenges and corresponding opportunities to address them identified through the DAPR discussions were ranked by stakeholders according to their level of importance. Collectively, the highest ranked of these were grouped into six main categories:



- **Local government application processes**, including process variations across local government approvals, and developer applications.
- **Local government approval processes**, including delegation of authority on land use permits, and the requirement and processes associated with public input.
- **Development finance tools**, including the scope and use of development cost charges and community amenity contributions.
- **Subdivision**, including the role of approving officers, the use of preliminary layout approvals, and requirements for parkland dedication.

- **Provincial referrals and regulatory requirements**, including referrals to, approvals from, and permits authorized by provincial ministries, Crown corporations and major utilities.
- **Other overarching themes**, including opportunities to improve broad understanding of the development approvals process through training, guides and resources, and cross-jurisdictional research.

Looking ahead, the next stages of DAPR will require a thoughtful evaluation of the range of identified opportunities. Ongoing collaboration with stakeholders will be a critical element of this process, as many of the identified ideas could have significant implications for local governments and other stakeholders.

MAH is committed to ensuring that work undertaken to explore and implement any of the opportunities identified in this report is fully informed by the knowledge and experience of those who are directly working with and impacted by development approval processes.

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1 Context

In February of 2018, the Minister of Municipal Affairs and Housing released [Homes for B.C.: Government's 30-Point Plan for Housing Affordability in British Columbia](#). Under this plan, the Province committed to a number of measures to stabilize the housing market, crack down on tax fraud and close loopholes, build the homes people need, improve security for renters, and support the building and preservation of affordable housing. Local governments are an important partner in this work, and government is committed to empowering and supporting their efforts to accelerate the construction of homes that people need.

While building and preserving affordable housing is a critical part of improving the housing market, providing a supply of different types of housing also plays an important role in ensuring that all British Columbians have access to the homes they need. The process for approving development has a major impact on how quickly projects, including housing, are built.

The *Local Government Act* provides local governments in B.C. with a variety of planning and land use tools. These include regional growth strategies, official community plans (OCPs), zoning bylaws, development permits, development cost charges, density bonusing, subdivision and development control bylaws.¹ The *Community Charter* provides local governments with tools for building bylaws. Local governments may vary some of the above provisions by issuing development variance permits, temporary use permits, and heritage alteration permits. Minimum content and public input requirements for these planning and land use tools are also described in legislation. Other tools, such as community amenity contributions and additional

public input processes, are not legislated but are commonly employed by local governments in their development approval processes.

Local governments have considerable discretion over the use of these tools to plan for their communities, achieve land use control and approve individual development proposals. Each local government develops its own requirements and follows its own process for development approvals. Often, these vary widely between local governments, including adjacent ones, adding an additional layer of complexity for developers while also recognizing the differences among communities.

On the development side of the equation, the development sector has grown and changed over the past few decades to become one of the largest industries in the province. In 2017, residential development alone was responsible for nearly \$12 billion in wages and nearly 200,000 jobs.² Strong demand has increased competition for building sites, particularly in high-growth areas, resulting in shorter option periods when acquiring land. This creates greater risk for developers and heightens the need for more certainty at the outset of the development process.

To address challenges and identify opportunities for improvement in the current development approvals process, and to support local governments in eliminating barriers to affordable housing and accelerate the construction of new homes, Ministry of Municipal Affairs and Housing (MAH) initiated the Development Approvals Process Review (DAPR). Section 2 outlines the project purpose, objectives and scope of the DAPR stakeholder consultations.

¹ City of Vancouver gets its authority from the *Vancouver Charter*.

² Canadian Home Builders' Association
– Economic Impacts of Residential Construction

2 Project purpose, objectives and scope

2.1 Project Purpose

MAH initiated DAPR as part of its commitment to empower local governments to eliminate barriers to affordable housing and accelerate the construction of homes people need. More specifically, DAPR identifies opportunities to increase the efficiency (including timeliness, predictability, certainty and consistency) and effectiveness (including fairness, balance, transparency, inclusivity, and outcomes that are in the public interest) of local government development approvals processes.

The DAPR project consists of four phases, with the first three focusing on stakeholder consultation. The primary objective of the consultation was to engage stakeholders in a robust conversation to identify:

- challenges within current development approval processes;
- core qualities of an effective and efficient development approval process; and
- opportunities to address challenges while improving the efficiency and effectiveness of the development approval process.

During phase four, MAH will further consider and analyze particular opportunities, in consultation with stakeholders, and implement solutions as appropriate.

The goal of this report is to reflect the list of informed ideas generated by the stakeholder consultation in phases one, two and three.

2.2 Consultation Scope

The scope of the DAPR consultations addressed the wide range of considerations, processes and tools associated with the development approvals process, including legislated and non-legislated elements (Figure 1).

Consultations were province-wide and addressed challenges, tools, and processes in rural, urban and suburban communities.

Eleven meetings were held throughout the province to provide stakeholders with an opportunity to reflect on current approaches, identify challenges and opportunities, and to suggest ideas for increasing the efficiency and effectiveness of development approval processes.



Figure 1. Elements of the Development Approvals Process Review

2.3 Development Approvals Process Review Working Group and Technical Committees

Stakeholder consultations were undertaken with the participation of a Development Approvals Process Review Working Group (Working Group) and four Development Approvals Process Review Technical Committees (Technical Committees).

The consultation was led by the Working Group, which was comprised of executive-level representatives from a range of stakeholder groups including: local government, industry, non-profit organizations, academia and other relevant agencies. The role of the Working Group was to provide critical input on issues and opportunities to improve the effectiveness and efficiency of the local development approvals process. The Working Group prioritized areas for more in-depth analysis by the Technical Committees and validated the action ideas that were generated.

The regional Technical Committees were comprised of senior and technical-level staff from the same stakeholder sectors as the Working Group. In total, four regional Technical Committees were convened, representing the North, Okanagan and Interior, Lower Mainland and Vancouver Island. The Technical Committees were tasked with analyzing and proposing implementable actions in response to challenges and opportunities identified by the Working Group.

Appendix A contains a list of participants.

2.4 Process overview and timeline

This section describes the consultation process with the Working Group and Technical Committees that occurred over the first three phases of DAPR (Figure 2, Table 1).

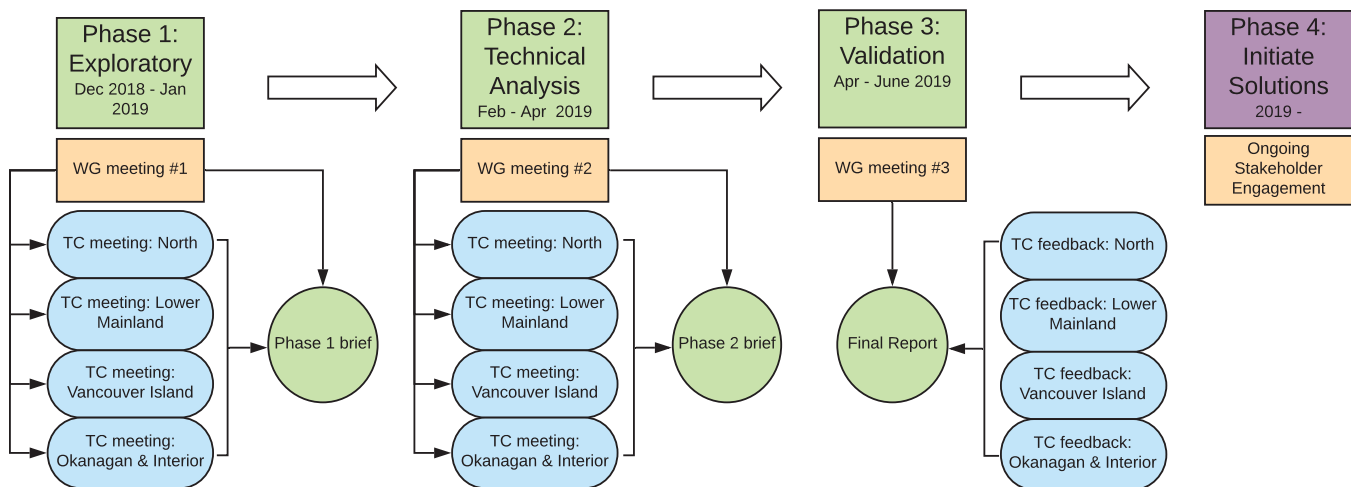


Figure 2. Phases of the Development Approvals Process Review

Table 1: DAPR process description

	PRIMARY GOAL	GENERATING IDEAS
PHASE 1: EXPLORATORY	Format	Five meetings (one Working Group, four Technical Committee) December 2018 - January 2019
	Focus	<ul style="list-style-type: none"> Participants each identified challenges they currently experience with the development approvals process as well as opportunities that may help to address the challenges, thereby increasing the efficiency and effectiveness of the process.
PHASE 2: TECHNICAL ANALYSIS	Primary Goal	Discussing and ranking opportunities identified in Phase 1
	Format	Five meetings (one Working Group, four Technical Committee) February - March 2019
	Focus	<ul style="list-style-type: none"> The Working Group undertook an initial review of each opportunity identified during Phase 1 and assessed them as follows: out of scope or not supported; needs more discussion or definition; opportunity is worth further consideration by MAH. Opportunities categorized as requiring further discussion or recommended for consideration by MAH were moved forward for Technical Committee review. Technical Committee participants then provided their insights on each opportunity and considered the level of importance the opportunity had in its ability to improve the development approvals process by supporting one or more of the guiding principles (see section 3). Additionally, they considered the level of effort that would be required to implement the opportunity, from the perspective of their organization.
PHASE 3: VALIDATION	Primary Goal	Reviewing and confirming the ideas brought forward in Phase 1 and 2
	Format	One meeting (Working Group) May 2019
	Focus	<p>Working Group participants provided feedback on the three groups of opportunities identified as being highest priority by the Technical Committees:</p> <ul style="list-style-type: none"> Improving public input tools and requirements; Revising community amenity contributions and development cost charges; Updating delegated authority tools and practices.
PHASE 4: INITIATE SOLUTIONS	Primary Goal	MAH staff to review ideas, analyze next steps and plan for implementation
	Format	To be determined, in consultation with stakeholders
	Focus	To be determined.

3 Guiding principles for Development Approvals Processes



During the stakeholder consultation, participants of both the working group and technical committees identified qualities of an efficient and effective development approvals process. The qualities were established as a set of guiding principles and used to consider and frame potential opportunities throughout the course of the discussions. The guiding principles could also assist MAH as it moves forward in its consideration of next steps.

1. ACHIEVES OUTCOMES IN THE PUBLIC INTEREST

The approvals process is set up to support development that is strategically aligned with adopted community plans, supports community values, is strategically aligned with the public interest and results in high-quality built environments.

2. CERTAINTY

The requirements, timeframes and costs of development approvals are clearly outlined and communicated in advance or as early as possible in the application process. The expectations remain consistent throughout the process.

3. TRANSPARENT ACCESS TO INFORMATION

Decisions during the approval process are documented and communicated in a clear and timely manner. Application status is accessible to proponents and to all staff involved in the approval process. The public is informed.

4. COLLABORATIVE

Local governments and applicants work collaboratively to achieve desired outcomes. Where public involvement is appropriate, the process seeks public input early in the process and in an informed manner.

5. FLEXIBLE

The process achieves consistency while providing flexibility that enables developments in line with these guiding principles. Flexibility also allows for and even rewards innovation.

6. TIMELY

The development approval process occurs on timeframes that are appropriate to the level of complexity of the application. All parties, including local governments, proponents, provincial agencies, professionals, and others involved in the application process, provide needed input in a timely manner.

7. BALANCED

The development approval process strives to achieve a fair balance of costs and benefits to the public and the proponent.

4 Key insights on improving Development Approvals Processes

The following section outlines the ideas identified to be of high importance by the stakeholders.³ Several other challenges and opportunities were ranked of medium or lower importance by participants, and these are included in a comprehensive list in Appendix B. The high importance ideas are grouped into six main topic areas, including:

- Local government application processes;
- Local government approval processes;
 - Public input,
 - Delegation of authority,
- Development finance tools;
- Subdivision;
- Provincial referrals and regulatory requirements;
- Overarching themes.



4.1 Local government application processes

CONTEXT

Local government processes for planning and land use are flexible, in part to allow for their application to a wide range of unique circumstances. In the case of development approvals, this has resulted in considerable process variations and differing requirements between local governments. Proponents and developers are responsible for learning and following the development approval process requirements for the communities in which they wish to build.

CHALLENGES

Participants identified several elements of internal application processes that pose challenges for both proponents and local governments, and increase overall timelines for application processing, including:

- incomplete or poor-quality submissions by proponents;
- increased complexity of requirements;
- inconsistent development permit guidelines; and
- contradictory advice from different departments.

Outside of lengthy application processes, other challenges raised included:

- lack of transparency on the status of development applications, and
- lack of consistency of requirements between adjacent local governments.

³ In the same way that the Technical Committee members ranked the relative importance of identified opportunities, they also ranked level of effort on a scale of low, medium and high, based on individual perception of the effort that would be required by their organization to implement. Further assessment of implementation effort will be considered in more detail by the MAH as part of phase four. Appendix C provides a brief summary of the opportunities identified as likely to require a higher level of effort to implement by at least one stakeholder group.

Participants also noted challenges with internal staff resourcing, particularly with respect to obtaining and retaining qualified building officials and experienced planning staff, and difficulties with resource planning due to misalignment between budget requests and fluctuations in the number of applications.

OPPORTUNITIES

Participants identified numerous best practices that can be employed by local governments to improve the efficiency of internal reviews and approvals, with some of these already being tested or in practice in individual local governments. Participants highlighted the usefulness of developing best practice guides, both for local governments and developers, and suggested that local governments and proponents could conduct reviews of their processes guided by these best practices.

Other opportunities considered to be of high importance for improving application processing included:

- triaging development applications at the submission stage to identify incomplete, easy and complex applications, and have a different process for acting on each kind;
- implementing a digital permit tracking system where cost effective (or with assistance from the provincial government);
- creating a model Development Approvals Procedures Bylaw;
- local governments to develop best practice guide to clearly define what constitutes a major versus minor amendment change;
- creating model development checklists; and
- emphasizing the need for staff across departments to communicate, understand, and balance requirements administered through development approval processes.

While staff resourcing was considered high importance, participants noted that it could be challenging to address. Some ideas on this topic included:

- working with the development community to find a balance between improved processing times and increased application and permit fees to cover the costs of additional staffing;
- provincial government support for professional positions in underserved regions and smaller communities;
- setting minimum liability insurance requirements for professionals; and,
- addressing building official training, recruitment and retention.

REGIONAL NOTES

Generally, opportunities for improving internal processes were ranked as being of lower importance in the North. Representatives from the Okanagan and Interior placed extra importance on the development of best practice guides, model checklists and resourcing. Mandatory application timeframes, limited to staff-approved applications, were identified as important on Vancouver Island; however, there was concern with regard to potential legal challenges and staffing issues. Other regions also raised concerns over the practicality of mandatory timelines given the need for external referrals, complex applications, applicant response times, legal challenges and consequential rejection of applications. As an alternative to mandatory timelines, participants suggested that local governments set target timeframes for application reviews.

4.2 Local government approval processes

Challenges and opportunities for local government approval processes are divided into two sub-categories: delegation of authority and public input.

4.2a Delegation of authority

CONTEXT

The Province provides authority to local governments for development approval tools under several pieces of legislation: the *Local Government Act*, the *Community Charter*, the *Building Act* and the *Vancouver Charter*, which applies to the City of Vancouver only. Legislation specifies which decisions must be made by elected officials, which may be delegated to staff, and which must be made by staff. Under the current system, amendments to zoning bylaws (i.e., rezoning applications) and development variance permits must be approved by elected officials, while development permits, temporary use permits, and tree cutting permits may be delegated. The City of Vancouver has more flexibility and some additional powers in relation to land use matters, and has more matters that are specifically stated in legislation as delegable to staff.

CHALLENGES

Participants identified that some types of approvals by elected officials can increase overall timeframes, potentially impacting project costs, particularly as agendas for council and board meetings are frequently full and applications may need to wait several weeks before being heard. Elected official approval may lead to uncertainty – in some circumstances projects may meet required criteria and are not approved due to subjective requirements from council.

Many participants questioned whether elected official approvals were necessary in cases where applications are aligned with the OCP, council/board-approved area plans, or development permit area guidelines. Concerns were raised regarding elected officials making decisions on development applications based on details that are not supposed to be taken into account (e.g., making a decision on the intended users of a proposed development instead of the intended use), either due to pressure from the public or lack of understanding about the parameters of evaluation.

OPPORTUNITIES

There was significant interest in and high importance placed on increasing opportunities for local governments to delegate approval decisions to staff. This suggestion was provided in the context that greater emphasis should be placed on the development of area plans and pre-zoning that have been subject to robust public input. The approval of applications that align with these plans could then be delegated to staff, helping to make the approval process more efficient while maintaining its effectiveness. Participants identified the following action ideas:

- Conduct a review of opportunities to increase councils' and boards' ability to delegate individual development approvals.
- Reframe legislation to make delegation the default approach for some approvals, with the option to opt into elected official decision-making.
- In the case of a new delegation authority, provide an option for applicants receiving delegated approvals to appeal staff decisions to elected officials.
- Provide training to local governments and/or create best practices guide on conducting a meaningful and robust public consultation process for OCP and pre-zoning, then delegate approval of subsequent applications.

- Enable conditional/discretionary uses for all local governments, similar to Vancouver, and delegate approval decision for these uses to staff.⁴
- Provide local governments the authority to delegate decision making to staff for minor development variance permit matters (for example, minor variances to parking, siting, etc., that do not affect use or density and do not create a significant impact on neighbouring properties).
- Identify options for enhancing pre-zoning tools to enable local governments to secure benefits that are currently negotiated through site specific rezoning.

REGIONAL NOTES

Participants in the Okanagan and Interior and on Vancouver Island indicated the highest levels of support for these opportunities.

4.2b Public input process

CONTEXT

Minimum requirements for public input are established by legislation, with public hearings having an additional framework set out in common law. For example, legislation does not address what can be heard after a public hearing and before a decision, yet there are very strict rules about this that have been created by the courts. This makes the public hearing context different than most other land use and planning provisions. Public hearings are required for all development applications that seek amendments to OCPs and to zoning bylaws that are not consistent with the OCP. Public hearings can be waived for rezonings that are consistent with the OCP; however, many local governments choose to hold a public hearing regardless.

Public hearings must be held after first reading and before third reading of a bylaw. The public hearing, third reading and adoption can occur in one meeting. Earlier opportunities for public input are not required in legislation; however, many local governments have created their own processes for meaningful public engagement earlier in the process. Similarly, while there are no requirements for proponents to engage with the public at any point in the process, many choose to do so.

CHALLENGES

Participants noted that in general, public hearings tend to be an ineffective means of engaging and receiving input from the public, in particular:

- The format of a public hearing does not allow for discussion. Councils and boards may not respond to the comments from the public, which can cause frustration on the part of the public.
- Public hearings occur late in the development approvals process, after considerable time (sometimes years) and significant cost has gone into a proposed project. Consequently, change can be difficult to accommodate.
- Public hearings tend to attract and empower well-organized interest groups that may not represent the broad perspective of the community or even those who would be the most directly impacted by a decision. This can result in applications being denied despite being aligned with adopted community and neighbourhood plans. Public hearings can enable NIMBY (an acronym for “not in my backyard”) which describes residents’ opposition to a development in their own neighbourhood, while raising no objections to similar developments in other neighbourhoods.
- Unnecessary public hearings can add costs and time delays to projects.

⁴ In the City of Vancouver, in each zoning district, land uses are categorized as either outright or conditional uses. Conditional uses are those that may be allowed, subject to conditions as determined by the Director of Planning, or may be refused.

OPPORTUNITIES

There was significant interest in and high importance placed on increasing the efficiency and effectiveness of the public input process, including:

- the need to improve, supplement, or replace the public hearing process;
- identification of options for receiving more meaningful, earlier input from the public;
- reviewing notification requirements to replace newspaper ads; and
- potentially reducing the number of bylaw readings.

Participants noted the importance of area or neighbourhood planning and the value in identifying ways to strengthen public input during these processes. Participants also discussed:

- the use of OCPs in relation to the development approval process;
- a provincial review of the frequency of OCP updates; and
- removing the requirement for a public hearing for minor amendments.

Participants noted that provincial funding for OCP updates would be of high importance. The consideration of the potential inclusion of housing targets in the OCP was also given high priority, although some participants raised concerns about local governments' ability to implement.

REGIONAL NOTES

The North placed specific importance on replacing advertising requirements with more modern methods. Across all other regions there was agreement on the high importance opportunities identified.

4.3 Development finance tools

CONTEXT

Development finance tools play a significant role in the development approvals process as they are a key mechanism by which local governments invest in the infrastructure, services and amenities needed to support new development.

Development cost charges (DCCs) are fees municipalities and regional districts choose to collect from new development to help pay the cost of off-site infrastructure services needed to accommodate new growth. DCCs are applied as a one-time charge, and are usually collected from developers at the time of subdivision approval, or at the building permit approval stage.

Local governments are limited in the types of services they may fund using DCC revenues. Specifically, revenues are used to help offset the costs associated with the provision, construction, alteration or expansion of roads, sewage infrastructure, waterworks and drainage works, and may be used in the acquisition and improvement of parks, as provided for in provincial legislation and enacted by bylaw. DCC revenues may not be used to fund libraries, recreation facilities, affordable housing or fire services.⁵

As such, many local governments increasingly rely on community amenity contributions (CACs). CACs are amenity contributions agreed to by the applicant/developer and local government as part of a rezoning process initiated by the applicant/developer. CACs are negotiated by the local government and are not defined in legislation. CACs can take several forms including community amenities, affordable housing or financial contributions towards infrastructure that cannot be obtained through DCCs.

⁵ Vancouver and the Resort Municipality of Whistler have broader DCC provisions.

The *Local Government Act* also defines density benefits which permit local governments to establish different density rules for a zone, applicable if certain conditions are met, including conditions relating to the provision of amenities, affordable and special needs housing. In addition, the *Local Government Act* allows local governments to enter into housing agreements for affordable and special needs housing.

CHALLENGES

While DCCs provide a funding tool for the expansion of certain services in growing communities, they do not provide funding for maintaining and replacing infrastructure, which is funded by the existing property tax base. Additionally, DCCs can only be collected for limited uses. As a result, many local governments have increasingly relied on CACs to address public expectations for a range of neighbourhood amenities. CACs are not defined in legislation and are usually negotiated on a site-by-site basis. Since CACs are regularly secured through the rezoning process and rely on the discretion of elected officials, CACs can be unclear and create considerable cost and approval uncertainty.

OPPORTUNITIES

A comprehensive policy review of development finance tools and an identification of new or expanded options for funding community infrastructure and amenities was ranked as being of high importance by participants. Opportunities identified for improving effectiveness and efficiency of development finance include:

- defining CACs in legislation;
- removing the ability of local governments to levy CACs and creating in their place a new financing tool, including a “super DCC” which would cover a wider range of public benefits than is currently allowed for under legislation;
- pending the development of revised development finance tools, developing new best practice guidance;

- local government best practices to address social objectives in DCCs and CACs including recognizing social benefits (affordable/special needs housing) as community amenities;
- considering options to secure and provide more reliable funding for local governments from senior government for infrastructure as a means of reducing funding pressures from DCCs and CACs; and
- training for local government staff on communicating, understanding, and balancing development approval requirements across departments.

REGIONAL NOTES

Generally all regions had similar rankings for these issues; however, the North placed medium rather than high importance on the need for internal training to balance requirements across departments.

4.4 Subdivision

CONTEXT

Subdivision applications must be approved by an approving officer appointed under the *Land Title Act*. In municipalities, the approving officer is an employee of the local government and thus performs two roles: 1) performing duties directly under provincial legislation outside of council decision or influence, and 2) performing local government responsibilities under council direction. In the unincorporated areas of regional districts, Ministry of Transportation and Infrastructure (TRAN) staff act as approving officers with responsibility for subdivision reviews and approvals. Under the *Land Title Act*, TRAN may appoint approving officers for regional districts, however, this authority is not currently used. Approving officers are quasi-judicial officials, who act independently to ensure that subdivisions comply with provincial acts and regulations, and with local government bylaws for official community plans, zoning, servicing, and other plans and bylaws.

Prior to final subdivision approval, it is common for an approving officer to issue a preliminary layout approval (PLA), which is not required in legislation. The PLA identifies any subdivision approval conditions. This allows for the developer to prepare a pro forma, secure financing, retain required consultants, pursue a land purchase, and to begin construction of the subdivision.

The legislation enables approving officers to require parkland dedication as a condition of subdivision approval. Cash-in-lieu for parkland dedication must be used to acquire new parks and cannot be used for park improvements.

CHALLENGES

Participants identified several challenges with respect to subdivision approvals, including:

- the role of approving officers is often unclear to, or misunderstood by, councils, boards and the public;
- training opportunities are infrequent and only offered in select areas of the province;
- low capacity at TRAN due to limited staff resources and high staff turnover results in slow regional district subdivision approvals in some regions; and
- preliminary layout approvals are useful in reducing unexpected impacts to developers but are not used consistently.

The inflexibility in allocating cash-in-lieu for off-site works and parkland dedication is also a challenge, since funds can only be used for a specific purpose. This can result in funds being essentially unusable, and held indefinitely in orphaned bank accounts.

Additionally, the five percent parkland dedication requirement may result in small park segments scattered throughout communities

OPPORTUNITIES

Several opportunities regarding the subdivision approval process were identified, including:

- developing enhanced communication materials for elected officials, local government staff and the public about the subdivision approval process;
- providing regional districts the authority to have their own approving officers;
- providing small municipalities the option to opt out of having an approving officer and instead access the services of the regional district approving officer; and
- providing additional training for approving officers and offering courses in more locations throughout the province.

With respect to PLAs, high importance was placed on developing model letters that local governments could use to provide proponents with early direction and to reduce the potential for unexpected impacts on the developer late in the process.

Participants noted the usefulness of enabling local governments to use cash-in-lieu for off-site works, to be allocated more widely for related purposes, such as sidewalks in the area and not just adjacent to the development site.

Opportunities for more effective parkland dedication included:

- enabling local governments to use cash-in-lieu for park improvements; and
- allowing segmented, underused parkland to be sold with proceeds being used for other parkland acquisition or park improvements.

REGIONAL NOTES

Generally, participants from the Lower Mainland ranked opportunities associated with subdivision as low and those in the North, and Okanagan and Interior rated a few of the opportunities as high, such as a review of policy to establish best practices for cash-in-lieu for off-site works and opportunities to improve staff resources at TRAN.

4.5 Provincial referrals and regulatory requirements

CONTEXT

Development in local government jurisdictions routinely requires referrals to, approvals from, and permits authorized by provincial ministries, Crown corporations or major utilities. Communication to and between these groups, along with the internal process requirements, can influence the efficiency and effectiveness of the development approval process.

CHALLENGE

Overall, the need for more communication from ministries about legislative changes, new policies and new regulatory requirements was identified as a challenge for local governments and other stakeholders. Participants identified several other challenges related to provincial referrals and regulatory requirements that, if addressed, would reduce cost, complexity and timelines. These include:

Ministry of Environment and Climate Change Strategy

- Uncertainty around contaminated site regulations and potential upcoming changes that would shift approvals to the building permit stage

Ministry of Forests, Lands, Natural Resource Operations and Rural Development

- Requirements under the *Riparian Areas Regulation* are difficult for local governments to enforce, and require substantive review and reform to effectively protect habitat
- Delays in section 11 permits issued under the *Water Sustainability Act*

Ministry of Municipal Affairs and Housing

- The need for additional lead time to learn of Building Code changes before they come into effect

Ministry of Transportation and Infrastructure

- High number of referrals to TRAN for developments within 800 meters of a provincial road
- Lack of authority for TRAN to create latecomer agreements, resulting in reluctance for developers to bear the high cost of being the first to develop, including in areas identified as important for meeting community objectives

BC Hydro

- BC Hydro engages late in the process, sometimes resulting in the requirement for substantive changes to design and subsequent considerable delays for developers

OPPORTUNITIES

Participants strongly supported improved and consistent communication from the Province to local governments about upcoming changes to requirements that could affect the local government development approvals process. Participants also highlighted the following opportunities specific to each ministry:

Ministry of Environment and Climate Change Strategy

- Improved communication about contaminated sites, including clear materials that can be distributed by local governments who serve as the interface with proponents

Ministry of Forests, Lands, Natural Resource Operations and Rural Development

- Comprehensive review of the *Riparian Areas Regulation* and associated policy to make these approvals more effective
- Additional ministry staff to approve section 11 permits under the *Water Sustainability Act*

Ministry of Municipal Affairs and Housing

- Improved communication and earlier advance notice of Building Code changes to enable faster local government approval of alternative solutions that align with those changes

Ministry of Transportation and Infrastructure

- Updating the TRAN referral requirements for development within 800 meters of a provincial road; for example, considering an approach of pre-approving area plans and only reviewing applications that do not align with those plans or are directly connecting to provincial roads
- TRAN review of its authority for the use of latecomer agreements, to distribute the high cost for first developers across multiple properties
- TRAN review of the use of latecomer fees to distribute DCCs across multiple projects. It was noted that broader cost per unit analysis based on potential future densities may be appropriate

BC Hydro

- Proponents can employ best practices in engaging BC Hydro early in the process. There is also a role for the Province to support BC Hydro in engaging earlier, particularly with respect to substantive design issues

REGIONAL NOTES

In the Okanagan and Interior, participants identified the need to review the *Riparian Areas Regulation* as having high importance. Vancouver Island participants ranked the importance of changing involvement of BC Hydro in the process as low, while all other regions ranked this as high.

4.6 Overarching topics

Participants suggested several broader opportunities to improve the collective understanding of the development approvals process with the objective of improving its effectiveness and efficiency, including:

- comprehensive training opportunities for all parties involved in development approval processes, including local government staff (planners, engineers, parks staff, building officials, etc.), elected officials, proponents, qualified professionals, consultants, provincial staff and others;
- resources such as checklists, model bylaws and best practice guides, with a central website to access all of these resources; and
- understanding how other jurisdictions have addressed similar challenges to analyze their applicability to B.C.

5 Conclusion and next steps



DAPR consultations brought together diverse stakeholders from organizations across the province, enabling MAH to undertake a broad review of development approval processes. Stakeholder participation in the process was invaluable; many perspectives were shared and captured to identify an informed list of ideas for improving the development approvals process in the province.

The ideas described in the report have significant overlap and linkages, as well as potential implications for the overall planning and land use system. Further analysis of the opportunities presented will include a comprehensive review of the effect of legislative or non-legislative projects on the land use planning framework overall.

Acknowledging that the consultation done in Phases 1-3 of DAPR is the first step in a longer-term evaluation of opportunities for improving the development approvals process in B.C., participants highlighted the following key considerations for MAH as it plans next steps:

- Proceed with significant ongoing input from all parties involved. This is to avoid unintended consequences resulting from changes to policies, regulations or legislation. Deep consultation with stakeholders on specific proposals is essential for success.
- Identify how opportunities that are implemented will be evaluated and monitored.

The final phase of the DAPR project, Phase 4: Initiate Solutions is now underway and includes a longer-term process of evaluating and acting on opportunities for updating the local government development approvals process in B.C.

As part of this phase, MAH will be carefully considering how to best engage with DAPR participants going forward. Many of the identified ideas could have significant implications for local governments and other stakeholders. MAH is committed to ensuring that work undertaken to implement the opportunities identified in this report is fully informed by the knowledge and experience of those who are directly working with and impacted by development approval processes.

6 Appendix A: List of participants

Aboriginal Housing Society of Prince George	City of Prince Rupert	Purdey Group
Architectural Institute of British Columbia	City of Richmond	Regional District of Central Okanagan
BC Chamber of Commerce	City of Surrey	Regional District of Fraser – Fort George
BC Housing Corporation	City of Terrace	Regional District of Nanaimo
BC Non Profit Housing Association	City of Vancouver	Saanich Community Association Network
Bragg Construction	City of Vernon	Simon Fraser University
Brightside Community Homes Foundation	City of Victoria	Social Planning and Research Council BC
Building Officials Association of British Columbia	Colliers International – Greater Vancouver Area	Strand Development
Building Owners and Managers Association of British Columbia	District of Central Saanich	Strathcona Regional District
Burquitlam Community Association	District of Invermere	Stretch Development
Canadian Home Builders Association of British Columbia	District of Lake Country	The Planning Institute of British Columbia
City of Abbotsford	Engineers and Geoscientists of British Columbia	Town of Ladysmith
City of Campbell River	Fraser Valley Regional District	Town of Smithers
City of Coquitlam	Greater Victoria Housing Society	Tri-Amm Developments Corp
City of Grand Forks	Homebuilders Association Vancouver	Union of British Columbia Municipalities
City of Kamloops	Jason Schmidt	University of British Columbia
City of Kelowna	Landlord BC	Urban Development Institute – Okanagan Chapter
City of Langford	Langara College	Urban Development Institute – Pacific Region
City of Langley	Municipal Insurance Association of British Columbia	Urban Land Institute – British Columbia
City of New Westminster	Naikoon Contracting Ltd	Vancouver Island University
City of North Vancouver	Nanaimo Neighbourhood Network	Vancouver Native Housing Society
City of Port Moody	Northern Rockies Regional Municipality	
City of Prince George	Peter Schultz Construction Ltd.	
	Polygon Homes Ltd	

7 Appendix B: List of opportunities

The following tables summarize the opportunities identified throughout the process, and for each opportunity the average level of importance is shown as ranked by the Technical Committees during Phase 2. Where new ideas were added during the Phase 2 meetings, these are listed below and denoted as [Add] (for “added”), and it is noted that the importance was not ranked for these added items.

TABLE 1. LOCAL GOVERNMENT INTERNAL PROCESS

TOPIC	OPPORTUNITIES	IMPORTANCE
1.1 Lengthy and complicated internal staff development approvals process	1.a. Training and best practice guide to be used to optimize process	High
	1.b. Local governments to pursue way to make the internal process of development applications more effective and efficient	High
	1.c. Local governments to pursue digital permit tracking systems for use by all departments involved in approvals	Medium
	1.d. Provincial funding for local government digital permit system	High
	1.e. Provincial policy review: mandatory application timeframes to be established	Low
1.2 Incomplete and poor-quality applications	1.f. Developer training and best practices guide to improve applications. To be prepared by private sector with local government input.	High
	1.g. Local government to implement process changes to establish effective “gatekeeping” to keep poor quality applications from being received (include in local government training and best practices guide), or establish a ‘Nexus’ line for applicants with prior application and approval	High
	1.h. Create “penalty box” for applicants with history of lower quality applications that affect local government’s capacity to process other applications	Low
1.3 Differences between municipal processes / requirements	1.i. Create model development application checklists accessible by any local government	High
	1.j. Local governments to consider Development Application Procedures Bylaw / Zoning Bylaws and development permit guidelines / checklists and harmonize these with neighbouring municipalities when possible	High
1.4 Number and type of development permits	1.k. Province to review development permit provisions within the <i>Local Government Act</i> and <i>Vancouver Charter</i> and assess whether some development permit categories could be combined or eliminated	Medium
	1.l. Local government training and best practices guide for creating development permit areas / guidelines	Medium
	[Add] Name change to prevent ongoing complications of distinguishing development permits and development variance permits.	[Not ranked]
1.5 Minor vs. major amendment	1.m. Provincial policy review: <i>Local Government Act</i> definitions to define major versus minor amendments	Medium
	1.n. Local governments develop a best practice guide to clearly define what constitutes a major versus minor amendment change	High

TOPIC	OPPORTUNITIES	IMPORTANCE
1.6 Lack of funding and resources for development process	1.o. Local governments to increase staff resources as required to efficiently and effectively process the volume and complexity of applications	High
	1.p. Adjust development fees to achieve cost recovery for critical staff positions	Medium
	[Add] Conduct a study or pilot project to establish resourcing benchmarks – this can provide context during budgeting.	[Not ranked]
	[Add] Develop a best practice guide to host conversation with development community to find a balance between improved processing times and increased application and permit fees.	
	[Add] Senior government employment program to fund professional positions in underserved regions, particularly in smaller communities.	
1.7 Lack of enforcement tools	1.q. Provincial review of enforcement tools for development permits, including withholding occupancy	Low
	1.r. Local government practices and policies to maximize enforceability, for example: <ul style="list-style-type: none"> ➤ Adopt development permits as part of the zoning bylaw for stronger court support ➤ Review and update securities and requirements 	Low
	1.s. Applicant best practice to use coordinating professional to ensure all development permit guidelines are met by end of project	Medium
	1.t. Legislative change to allow servicing requirements to be applied to strata properties	Low
1.8 Servicing requirements	1.u. Province to consider legislative change to allow a risk-based approach to liability	Low
1.9 Joint and several liability	1.v. Local government best practice: set minimum liability insurance requirements for professionals	High
	1.w. Province to work with the Building Officials' Association of B.C. to consider extending the certification requirement deadline; consider lowering the passing grade to under 80%; and consider reducing the requirement for Part 9 buildings to Level 2	Medium
1.10 Shortage of building officials	1.x. Shift responsibility for BC Building Code compliance to the Province	Low
	1.y. Province and local governments to work with the Building Officials' Association of B.C. to provide more opportunities for building official training, promote careers in the field, encourage transfers from related positions, allow local governments to train in-house	High
	1.z. Local governments to pursue building official retention and recruitment by creating a positive, healthy work environment, improve compensation package, consider sharing a pool of workers within a region (suggest testing with a pilot project)	High
	1.aa. Province to consider mandatory building inspections, even in more remote areas, or establish a minimum density where mandatory	Medium

TABLE 2-A. DELEGATION OF AUTHORITY

TOPIC	OPPORTUNITIES	IMPORTANCE
2.3 Staff delegation and development permits	2.f. Provincial policy review of opportunities to increase councils' and boards' ability to delegate individual development approvals, including reframing legislation to make delegation the default with opt-in option for elected official review	High
	2.g. Local government training and best practices guide to provide robust public process for official community plans and pre-zonings, then delegate staff approval of subsequent applications	Medium
	[Add] Enable conditional / discretionary zoning for all local governments, as is currently allowed in Vancouver.	[Not ranked]
	[Add] Review whether development variance permits can be delegated or otherwise give minor variance approval to staff.	

TABLE 2-B. PUBLIC INPUT

TOPIC	OPPORTUNITIES	IMPORTANCE
2.1 Legal requirements of approval process	2.a. Provincial policy review of what is required in terms of the obligation for duty to consult	Medium
2.2 Public hearings	2.b. Provincial review of public hearings and consideration of alternative options for more meaningful, earlier public input and in different formats	High
	2.c. Local government training and best practices guide on when and how to hold public hearings	Medium
	2.d. Applicant best practices on participating at public hearings	Medium
	2.e. Provincial and local government review of bylaw adoption requirements to replace newspaper advertising requirements with more modern methods and reduce number of bylaw readings (from current four readings)	High
2.3 OCP amendments and housing targets	2.h. Provincial policy review of official community plans with respect to development approvals - adoption process, update requirements, recommended levels of detail, streamlined process for minor amendments	High
	2.i. Provincial funding for official community plan updates	High
	2.j. Local government best practices for writing, adopting, amending official community plans	Med/High
	2.k. Provincial policy review to consider tying development approvals to housing targets	High
2.4 Applicant referrals and advisory design panels	2.l. Provincial policy review of application referrals to outside groups and best practices education for elected officials and community associations on their roles	Medium
	2.m. Local government policy review of advisory bodies including best practices for membership, mandate and procedures for design panels	Medium
	[Add] Board of Variance training	[Not ranked]

TABLE 3. LOCAL GOVERNMENT FEES AND REQUIREMENTS

TOPIC	OPPORTUNITIES	IMPORTANCE
3.1 Role of development cost charges and community amenity contributions	3.a. Provincial comprehensive policy review of both development cost charges and community amenity contributions to determine options for infrastructure and community amenities to be funded, in part, through development	High
	3.b. Provincial consideration of more reliable funding from senior government for municipal infrastructure to reduce dependency on development cost charges and community amenity contributions	High
	3.c. Pending more funding, local government best practice for the use of development cost charges and community amenity contributions including method of calculation (lift or fixed), early notice to owners/developers, fairness, in-stream protection	High
	[Add] Create a “DCC guidebook” and a consistent training program across the province	[Not ranked]
3.2 Onerous local government requirements	3.d. Internal training on maintaining balance on requirements imposed through the development approval process	High
3.3 Letters of credit	3.e. Provincial policy review of letters of credit to require partial release that specifies parameters and timelines; if deficiencies not identified by the local government in specified time, then money required to be released	Low
	3.f. Local government best practice to address letters of credit in a timely manner and accept letters of indemnity from secure non-profit groups (e.g., BC Housing)	Medium
3.4 Social housing	3.g. Local government best practices to address social objectives in development cost charges and community amenity contributions including recognizing social benefits (affordable/ special needs housing) as community amenities	High

TABLE 4. SUBDIVISION

TOPIC	OPPORTUNITIES	IMPORTANCE
4.1 Complex subdivision process	4.a. It was suggested that the Ministry of Transportation and Infrastructure give regional districts Approving Officer status to expedite process. Where appropriate resources/funding available or provided by Province, this could be on a pilot project basis 4.b. Participants suggested the Ministry of Transportation and Infrastructure evaluate rolling the subdivision process into the local government process and remove from provincial jurisdiction 4.h. Participants suggested the Ministry of Transportation and Infrastructure provide small municipalities the option to opt-out of having an Approving Officer on staff	Medium Low Low
4.2 Approving Officer	4.c. It was suggested that the Ministry of Transportation and Infrastructure: <ul style="list-style-type: none"> ➤ Develop enhanced communication materials about subdivision processes that can be understood by elected officials and the public. ➤ Prepare plain language guidance and checklists to explain the process. ➤ Provide more training for Approving Officers and bring training to various parts of the province. 	High
4.3 Preliminary Layout Reviews or Approvals	4.d. Provide for Preliminary Layout Approval review in legislation 4.e. Develop model Preliminary Layout Approval review letters that give early direction and help avoid unexpected impacts on developer later in process	Low High
4.4 Cash-in-lieu for off-site works	4.i. Provincial policy review and establish best practices for cash-in-lieu for off-site works 4.f. Develop remedy for orphaned bank accounts (e.g. allow cash to be re-allocated to related purposes). Review policies and practices to ensure problem is avoided in future.	Medium High
4.5 Parkland dedications	4.g. Review parkland dedication legislation to consider allowing the cash to be used for park improvements and allowing segmented underused parkland to be sold with proceeds to other park acquisition or improvements. Policy should be accompanied by best practice guidance.	High

TABLE 5. PROPONENTS AND PROFESSIONALS

	TOPIC	OPPORTUNITIES	IMPORTANCE
5.1	Professional competency	5.a. Provincial and professional associations' policy review to consider increased oversight of qualified professionals from professional associations to audit quality of work. Association action would be required to deal with professional that are not competent in their duties	Medium
		5.b. Define clear path for local governments to pursue with professional associations or the Province if professionals do not meet standards	Medium
		5.c. Extend qualified professionals' liability insurance requirements to ensure municipal reliance (minimum time limit requirements)	Medium
		[Add] Require professional credentials be included with rezoning submissions	[Not ranked]
5.2	Shortage of qualified professionals	5.d. Local governments could consider adjusting credential requirements to enable broader types of qualified professionals [the <i>Building Act</i> – Building Code Legislation, Part 9, rather than Part 3 buildings]	Low
		5.e. Local government best practices to consider developing and maintaining list of qualified professionals and where there is a shortage of qualified professionals, increase staff reviews (e.g. energy advisor on staff)	Low
		5. h. Provincially review capacity and identify "hard to recruit" areas for qualified professionals needed in development and use this to inform programs	Medium
		[Add] Allow Alberta registered professionals to work in the North	[Not ranked]
5.3	Role of Registered Planners	5.f. Provincial and Professional Associations policy review to consider if Registered Professional Planners should be granted professional status(e.g. like Professional Engineers)	Low
5.4	Major projects	5.g. Create a submission manual for major projects for professionals involved in preparing development applications – e.g. LNG development	Low
		[Add] Professional bodies could allow complaints / challenges to be filed by local governments (not just by a member)	[Not ranked]
		[Add] Increase the number of qualified persons in the field for environmental professionals (i.e. by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development with respect to <i>Riparian Area Regulation</i>)	[Not ranked]

TABLE 6. PROVINCIAL REGULATIONS AND REFERRAL PROCESS

TOPIC	OPPORTUNITIES	IMPORTANCE	
6.1	Communication of new provincial policies and regulations	6.a. MAH to provide guidance to other provincial ministries on best practices and/or consistent forums for communication and engagement with local governments on potential new or changes to policy and regulation that affect development approvals processes	High
6.2	Referrals to the Ministry of Transportation and Infrastructure	6.b. Review referral process and specifically consider the following: <ul style="list-style-type: none"> ➤ For highway access properties, establish a formalized early greenlight process that doesn't require full application completion prior to provincial feedback or even approval; ➤ For properties without direct highway access, remove the TRAN from process where application aligns with "ministry stamped" local plan and/or reduce the 800m rule. This may necessitate having the TRAN formally participate in neighbourhood plans / area structure plans by being required to comment 	High
6.3	High cost for first developer	6.c. TRAN to review the use of latecomer fees to distribute the costs across multiple properties	High
6.4	Contaminated Sites Regulation	6.d. Ministry of Environment and Climate Change Strategy: <ul style="list-style-type: none"> ➤ provide expanded training or resources for local government staff to help educate the public and applicants; and ➤ establish a policy enabling concurrent processing of local government applications while contamination concerns are being resolved (up to but not including approval) 	High
6.5	<i>Riparian Area Regulation</i>	6.e. Ministry of Forests, Lands, Natural Resource Operations and Rural Development conduct a comprehensive review of both policy and legislation related to Riparian Areas	Medium
6.6	Changes to Building Code	6.f. Ministry of Municipal Affairs and Housing: Review policy for building code changes, including opportunities to provide in-stream protection, potential to provide earlier notice of upcoming changes and increased education to accompany changes. To support innovation, the Building and Safety Standards Branch could review opportunities to enable faster local government approval of innovative alternative solutions	High
6.7	BC Hydro engaging late	6.g. Applicants to include early engagement with BC Hydro / utilities to avoid delays as a best practice [Add] Participants suggested the Province would be best positioned to communicate these challenges to BC Hydro [Add] Province could consider requiring BC Hydro to engage earlier and provide early assessment of requirements. This will increase feedback from BC Hydro to applicants in a timely manner.	High [Not ranked]

TABLE 7. OVERARCHING TOPICS

TOPIC	OPPORTUNITIES	IMPORTANCE
7.1 Lack of training on development approval process	7.a. Develop province-wide training program: <ul style="list-style-type: none"> ➤ Provide training on the development approval process for all participants involved in development applications and approvals (council members, planners, engineers, Approving Officers, fire prevention, Ministry of Transportation and Infrastructure, Ministry of Environment and Climate Change Strategy, health authorities, developers, etc.) ➤ Increased education for realtors on due diligence e.g., communicating development potential of adjacent sites 	High
7.2 Examples of the development approvals process in other jurisdictions	7.b. Review other jurisdictions such as Ontario, Alberta, Washington State and California to determine how they enable and obligate local governments, delegate authority to staff, implement provincial or state regulations, prompt efficiency and effectiveness at all levels of approval	Medium/High
7.3 Lack of access to and awareness of materials	7.c. Create development approvals portal (similar to the BC Energy Step Code portal) [Add] Present findings from this project at Union of British Columbia Municipalities and tailor findings to the impact on larger and smaller communities. Provide an update to regional planning committees (i.e. Metro Vancouver Regional Planning Advisory Committee).	High [Not ranked]

8 Appendix C: Level of effort highlights

Participants were asked to rate the level of effort based on their perception of the effort that would be required by their organization to implement. Level of effort involved is dependent in many cases on which stakeholder will be responsible for leading the change. Therefore, caution is needed in recognizing the total impacts of each opportunity on the various stakeholders.

The following opportunities were identified by over half of participants representing local governments at Technical Committee meetings as requiring a **high level of effort for local governments if the opportunity was implemented:**

- **1.c.** Local governments to pursue digital permit tracking systems for use by all departments involved in approvals
- **1.e.** Provincial policy review: mandatory application timeframes to be established
- **1.o.** Local governments to increase staff resources as required to efficiently and effectively process the volume and complexity of applications
- **2.b.** Provincial review of public hearings and consideration of alternative options for more meaningful, earlier public input and in different formats
- **3.a.** Provincial comprehensive policy review of both development cost charges and community amenity contributions to determine options for infrastructure and community amenities to be funded, in part, through development
- **4.b.** Participants suggested the Ministry of Transportation and Infrastructure evaluate rolling the subdivision process into the local government process and remove from provincial jurisdiction

The following opportunities were identified by over half of participants representing developers at Technical Committee meetings as requiring a **high level of effort for developers if the opportunity was implemented:**

- **1.a.** Training and best practice guide to be used to optimize process
- **1.e.** Provincial policy review: mandatory application timeframes to be established
- **1.o.** Local governments to increase staff resources as required to efficiently and effectively process the volume and complexity of applications
- **2.k.** Provincial policy review to consider tying development approvals to housing targets



DISTRICT OF UCLUELET

BYLAW NO. 1164, 2015

A Bylaw to establish development approval procedures for the District of Ucluelet

WHEREAS Council of the District of Ucluelet has adopted an Official Community Plan and a Zoning Bylaw,

AND WHEREAS in accordance with section 895 of the *Local Government Act*, Council must, by bylaw, define procedures under which an owner of land may apply for an amendment to the plan or bylaw or for the issue of a permit under Part 26 *Planning and Land Use Management* of the *Local Government Act*;

AND WHEREAS in accordance with section 931 of the *Local Government Act*, Council may, by bylaw, impose fees for applications and inspections;

AND WHEREAS Council has authority to delegate matters to staff, and provide for reconsideration procedures;

AND WHEREAS this table of contents is inserted for purposes of ease of reference only:

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3. SCOPE AND APPLICATION	3
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NOW THEREFORE the Council of the District of Ucluelet in open meeting assembled enacts as follows:

1. TITLE AND REPEAL

- 1.1. This Bylaw may be cited for all purposes as "District of Ucluelet Development Approval Procedures Bylaw No. 1164, 2015" or the "Development Procedures Bylaw".
- 1.2. For purposes of information only, Schedule "A" of the District of Ucluelet Zoning Bylaw No. 800, 1999 has previously been repealed and no other bylaws are required to be repealed for this Bylaw to have full force and exclusive effect.

2. INTERPRETATION AND DEFINITIONS

2.1. In this Bylaw, the following terms have the following meanings:

- (a) "**Application**" means any one or more of the applications referred to in Section 3 *Scope and Application* of this Bylaw as is appropriate to the context;
- (b) "**Official Community Plan**" or "**OCP**" means the District of Ucluelet Official Community Plan Bylaw No. 1140, 2011;
- (c) "**Development Permit**" means a permit authorized by section 920 of the *Local Government Act*;
- (d) "**Development Variance Permit**" means a permit authorized by section 922 of the *Local Government Act*;
- (e) "**Housing Agreement**" means an agreement authorized by section 905 of the *Local Government Act*;
- (f) "**Manager of Planning**" means the person hired or appointed as such by the District and includes his or her selected designate(s), and includes the District's highest level Planner when the Manager of Planning designation is vacate;
- (g) means the person hired or appointed as such by the District and includes his or her selected designate(s);
- (h) "**Phased Development Agreement**" means an agreement authorized by section 905.1 of the *Local Government Act*;
- (i) "**Public Hearing**" means a Public Hearing of Council pursuant to section 890 of the *Local Government Act*;
- (j) "**Temporary Use Permit**" means a permit authorized by section 921 of the *Local Government Act*;
- (k) "**Works and Services**", for the purposes of this Bylaw, includes water supply, sanitary sewer supply and disposal, storm water drainage, and highway access;
- (l) "**Zoning Bylaw**" means the District of Ucluelet Zoning Bylaw No. 1160, 2013.

2.2. Any enactment referred to in this Bylaw is a reference to an enactment of British Columbia and its regulations, as amended, revised, consolidated or replaced from time to time, and any bylaw referred to in this Bylaw is a referenced to an enactment of the Council of the District of Ucluelet as amended, revised, consolidated or replaced from time to time.

2.3. Any section, subsection, sentence, clause or phrase of this Bylaw, which is for any reason held to be invalid by the decision of any Court of competent jurisdiction, may be severed from the balance of this Bylaw without affecting the validity of the remaining portions of this Bylaw.

2.4. Defined terms are italicized in this bylaw for convenience purposes only, and the above definitions apply whether a term is italicized or not.

- 2.5. The following schedules are attached to and form a part of this Bylaw:
- (a) Schedule "A" – Development Application Form
 - (b) Schedule "B" – Fee Schedule

3. SCOPE AND APPLICATION

- 3.1. This Bylaw applies to applications for:
- (a) amendment to the Official Community Plan;
 - (b) amendment to the Zoning Bylaw;
 - (c) a Development Permit;
 - (d) a Development Variance Permit;
 - (e) a Temporary Use Permit;
 - (f) any combination of the above permitted by law;
- and including amendments, modifications and extensions where applicable.
- 3.2. To the extent necessary, this Bylaw also applies to applications for other approvals, exemptions or agreements related to the development of land, buildings or structures not specifically dealt with under other District bylaws and may include:
- (a) matters under Part 26 or Part 27 of the *Local Government Act*, such as Board of Variance applications, Housing Agreements, Phased Development Agreement, Floodplain Bylaw exemption, Minimum Frontage exemptions and Heritage Revitalization Agreements; and
 - (b) matters under other Provincial statutes, such as strata conversion of previously occupied buildings, covenants and statutory rights of way for which the District is a signatory or named party.
- Such applications may be made by an owner of land and must be accompanied by similar information requirements for processing in a similar manner as outlined in this Bylaw and in accordance with statutory requirements.
- 3.3. Nothing contained within this Bylaw shall relieve any person from the responsibility to seek and comply with other legislation applicable to the use, activity or other matter on their land, or otherwise.
- 3.4. Any one or more of the procedures in this Bylaw, except those that are governed by statutory provisions, may be temporarily suspended by unanimous vote of the Council present.
- 3.5. The failure of Council or staff to observe the provisions of this Bylaw does not affect the validity of resolutions passed or bylaws enacted by Council otherwise in compliance with statutory requirements.
- 3.6. Applications initiated by the District are subject only to statutory requirements, and not the additional procedures and requirements of this Bylaw.

4. DELEGATED POWERS AND RECONSIDERATION

- 4.1. The **Manager of Planning** is hereby delegated authority to:
- (a) prescribe application forms in addition to those prescribed by this Bylaw, and such forms may be different for different Applications under this Bylaw;
 - (b) with respect to information requirements:
 - (i) determine additional information requirements applicable to an Application as appropriate to and in consideration of the nature or complexity of the Application, the lands, surrounding lands and neighbourhoods, the District OCP and other plans and policies, including under the authority of section 920(11); or
 - (ii) waive or permit less detailed information to be provided where the information is not necessary or convenient for the processing of the Application;
 - (c) prescribe the form of permits applicable to permits issued under Part 26 of the *Local Government Act*;
 - (d) with respect to on-site notification signage required under Section 8 *Public Notification and Hearings* of this Bylaw:
 - (i) prescribe the form of notification sign; and
 - (ii) require that the Applicant secure the appropriate sign from the District, including payment of associated damage deposit and preparation fee; and
 - (e) with respect to Development Permits not requiring security, process and decide upon each or any of the following:
 - (i) Applications for signage;
 - (ii) Applications where the value of construction is less than \$75,000;
 - (iii) Amendments where the footprint, setbacks or height of buildings or structures identified in the original Development Permit is not altered;
 - (iv) Renewals or extensions not exceeding twelve (12) months.
- 4.2. Where an application is controversial, complicated or of particular importance each as determined in his/her sole discretion, the Manager of Planning may choose to make a recommendation for decision by Council instead of making a decision under delegated authority. The reconsideration provisions of this Bylaw do not apply to such decisions, either of the Manager of Planning or of Council.
- 4.3. The **Chief Administrative Officer** and **Corporate Officer** is hereby delegated authority to sign and issue permits approved within the scope of this Bylaw and to cancel permits when they lapse.
- 4.4. The **Mayor, Chief Administrative Officer** and **Corporate Officer** are hereby authorized to sign covenants and other documents related to the applications within the scope of this Bylaw.
- 4.5. **Reconsideration:** Where the **Manager of Planning** makes a decision under

delegated authority, an Applicant may request reconsideration by Council, and the following rules shall apply:

- (a) The Applicant's request for reconsideration must:
 - (i) be made in writing, addressed to the Corporate Officer;
 - (ii) be made within ten (10) business days of being notified of the decision of the Manager of Planning;
 - (iii) set out the specific decision it wishes reconsidered, the rationale for why the decision was inappropriate, and the specific alternative decision sought from Council.
- (b) The Manager of Planning should prepare a Report to Council responding to the Applicant's request and explaining the rationale for his/her decision.
- (c) The Chief Administrative Officer or the Corporate Officer should, or arrange to:
 - (i) schedule the request on the Agenda of a meeting of Council within six (6) weeks of receipt of the request;
 - (ii) notify the Applicant of the date at which the reconsideration will occur;
 - (iii) if the Applicant is not present at the meeting in which the decision is reconsidered, send written notification of Council's decision to the address on the Applicant's request for reconsideration.
- (d) Council:
 - (i) shall review the written submissions and may, but is not obligated, to hear from the Applicant or any other interested person;
 - (ii) must either confirm or modify the Manager of Planning's decision, or substitute its own decision.

4.6. In addition, decisions of the Manager of Planning regarding additional or lesser information requirements associated with applications may be reviewed and varied by Council, with or without request from the Applicant.

5. APPLICATION AND INFORMATION REQUIREMENTS

5.1. All Applications must:

- (a) be made by the owner of land affected, or by a person authorized in writing by the owner;
- (b) be made on the form attached in the Schedules to this Bylaw or, where no form is attached, on the form prescribed by the District;
- (c) be made in writing to the Manager of Planning;
- (d) be accompanied by the fees identified in Schedule "B" to this Bylaw, or in a fees bylaw, or otherwise required by law; and
- (e) be accompanied by the information requested:
 - (i) on the form;

- (ii) In this Bylaw, including its Schedules;
 - (iii) in the Development Permit Area ("DPA") designation identified in the Official Community Plan, where the land is within a DPA;
 - (iv) in Appendix A of the Official Community Plan, where the land contains a riparian area; and
 - (v) by the Manager of Planning when exercising authority under this Bylaw or otherwise under the *Local Government Act*, *Community Charter* or other applicable legislation.
- 5.2. If an Application for a Development Permit seeks to vary a bylaw under Division 7 or 11 of Part 26 of the *Local Government Act* and the applicable Development Permit guidelines do not address such variances, the Applicant must make a concurrent Application for a Development Variance Permit and pay the application fee in accordance with this Bylaw, or a fees bylaw.
- 5.3. For amendments to the **Official Community Plan**, the **Zoning Bylaw**, or both, and for **Development Permit** applications, the Applicant must provide all of the following in addition to the requirements of Section 5 *Application and Information Requirements*:
- (a) A written statement outlining the proposal in full including description of:
 - (i) the purpose of and reasons in support of the requested Application;
 - (ii) the existing and proposed use(s) of the land, including its building and structures;
 - (iii) the existing and proposed Works and Services for the land, including its building and structures; and
 - (iv) any consultations the Applicant has undertaken or proposes to undertake with neighbours and the community.
 - (b) Title Search made within 15 days of the date of Application, along with copies of all non-financial encumbrances (e.g. covenants, statutory rights of ways, easements, etc);
 - (c) Three full sized copies and one clearly legible 8.5 x 11" reduction of each of the following plans:
 - (i) Site plan, drawn to scale, showing:
 - site context,
 - topographical and geographical features on the site,
 - all buildings and structures, including roof structures,
 - density, floor area ratio, lot coverage and other regulations of applicable OCP designation and Zoning Bylaw zones,
 - parking and loading areas,
 - Works and Services, and street lighting,
 - areas subject to covenants, statutory rights of way and

- easements,
 - sidewalks, streets, lanes, highways and adjacent land uses where affected;
- (ii) Building elevations showing all sides of all buildings and structures, exterior finishes (including materials, colour and signage) and adjacent buildings to reference streetscape;
 - (iii) Floor plans showing all areas and uses of all building floors;
 - (iv) Landscape plans showing all sizes, species and planting locations on the site plan; and
 - (v) Sign plans showing locations, lighting, dimensions and finishes of all free-standing signs, where applicable.
- 5.4. For **Development Variance Permits**, the Applicant must provide the information identified in this Section 5 *Application and Information Requirements*, but all only as it relates to the requested variance, acknowledging that Building Elevations, Floor Plans, and Sign Plan are not likely applicable.
- 5.5. For **Temporary Use Permits**, the Applicant must provide the information identified in this Section 5 *Application and Information Requirements*, but all only as it relates to the requested temporary use, acknowledging that Building Elevations, Floor Plans, and Sign Plan are not likely applicable.
- 5.6. **Change of Ownership:** If there is a change of ownership of a parcel of land that is the subject of an application pursuant to this Bylaw, the Applicant must provide an updated title search and written authorization from the new owner prior to proceeding further with the Application.

6. FEES

- 6.1. Where the fee for an Application is not specified in Schedule "B", or in a fees bylaw, the application fee shall be \$1,000.
- 6.2. Where an Application is withdrawn or defeated prior to Public Notification advertisements being placed and notices prepared for distribution, that portion of the fee shall be refunded.
- 6.3. **Additional Fees for Land Title Office and Legal Costs:**
- (a) All Applications that require Notice to be filed at the Land Title and Survey Authority Office shall include an additional fee corresponding to the prescribed by the Land Title and Survey Authority for such notice. This portion of the fee shall be refunded if approval for the Application is not granted, and therefore no Notice is filed.
 - (b) All Applications, including but not limited to those Applications identified in Schedule "B", or in a fees bylaw, are to be supplemented with a fee for District legal costs related to covenants, statutory rights of way, housing agreements and other development agreements associated with, volunteered or required as a condition of approval, as identified on Schedule "B", or in a fees bylaw.

- (c) The Applicant remains at all times responsible for registration and registration costs of Land Title Office documents, and their own independent legal advice.
- (d) Where the District's actual legal costs are substantially lower or higher than the above-noted fee, the difference shall be refunded or paid accordingly.

7. STAFF PROCESSING OF APPLICATIONS

7.1. For complete Applications, the Manager of Planning:

- (a) shall review the Application and, where a decision of Council is required, prepare a report to Council, including a recommendation or alternatives as appropriate;
- (b) may commence referrals to applicable District committees or commissions;
- (c) may commence referrals to persons, organizations and authorities, either before or after Council direction;
- (d) shall, in relation to Official Community Plan amendments,
 - (i) seek the direction of Council under sections 879 and 881 of the *Local Government Act*;
 - (ii) refer to the applicable persons, organizations and authorities, and
 - (iii) conduct or advise the Applicant to conduct the opportunities for consultation, as directed by Council;
- (e) should otherwise process the Application in accordance with statutory requirements, the requirements of this Bylaw and Council direction.

7.2. An incomplete Application need not be processed until all requirements of Section 5 *Application and Information Requirements* have been satisfied, but the Manager of Planning may report to Council and seek Council direction.

8. PUBLIC NOTIFICATION AND HEARINGS

8.1. The Applicant is at all times responsible for satisfaction of statutory public notification requirements, and the Manager of Planning may arrange newspaper advertisements and public hearings.

8.2. For the purposes of section 892(4) of the *Local Government Act*, the distance specified for notification is 100 metres distance from the property lines of parcel of land that is subject to the bylaw alteration.

8.3. Notification Signage for OCP and Zoning Applications:

- (a) For Applications that include amendment of the Official Community Plan or the Zoning Bylaw, the Applicant must post one or more notification sign(s) on the land that is the subject of an Application, within fourteen (14) days of submitting the Application.
- (b) Where the District has signs available to satisfy the requirements of this Section, the Applicant must:
 - (i) secure the signage from the District;
 - (ii) pay a preparation fee;

- (iii) provide a damage deposit, to be returned on the safe return of the sign(s).
 - (c) The Applicant must notify the Manager of Planning in writing that the sign has been posted.
 - (d) The notification sign must be:
 - (i) posted so as to face each highway on which the subject land has frontage;
 - (ii) posted so as to be unobstructed to viewing by the public;
 - (iii) placed at least 1 m above grade and not more than 2 m above grade;
 - (iv) placed not further back than three (3) metres from the property line adjacent the highway;
 - (v) maintained in good repair and replaced at the Applicant's cost if defaced, damaged or removed; and
 - (vi) removed within a reasonable time following the Council's final decision on the Application.
 - (e) The notification sign must contain the following:
 - (i) the type of Development Application;
 - (ii) a general description on the subject matter of the development application and the proposed development;
 - (iii) a sketch plan highlighting the land subject to the Application relative to neighbouring properties and highways;
 - (iv) the name and contact number of the Applicant, and the District's office, under the heading "For any additional information"; and
 - (v) such other information as prescribed, and in the form prescribed, if a form is prescribed.
 - (f) If the Applicant does not maintain a notification sign in accordance with this Bylaw, the Council or Manager of Planning may delay, postpone or cancel a Public Hearing until the requirements of the Bylaw have been complied with, and an additional public notification fee shall apply.
 - (g) A notification sign is not required if the Manager of Planning determines that the development that is the subject of the Application is so minor as to have minimal impact on abutting lands.
- 8.4. The public is entitled to make representations to the District respecting matters contained in the proposed Application where the *Local Government Act* requires a Public Hearing and such hearing is not waived. In all other instances, representations may be provided in writing up to the close of the business day of a Council decision, but leave of the person presiding at the Council meeting is required for oral representations at that Council meeting, however acknowledging that such does not create an additional personal or public duty of care or fairness than otherwise required by the *Local Government Act*.

9. ABANDONED AND EXPIRED APPLICATIONS

- 9.1. Every Application that has outstanding information requirements for a period greater than nine (9) months is deemed to have been abandoned, with fees forfeited.
- 9.2. Every Application not decided within eighteen (18) months of the date of Application is deemed to have expired, with fees forfeited.
- 9.3. All Applications abandoned or expired shall be considered closed, and shall require a new Application, with new fee.

10. RE-APPLICATION

- 10.1. The time limit for reapplication is six (6) months, which may only be varied in accordance with section 895(3) of the *Local Government Act*.

READ A FIRST TIME this 14th day of July, **2015**.

READ A SECOND TIME this 14th day of July, **2015**.


READ A THIRD TIME this 14th day of July, **2015**.

ADOPTED this 8th day of September, **2015**.

A TRUE AND CORRECT COPY of "District of Ucluelet Development Approval Procedures Bylaw No. 1164, 2015".



Dianne St. Jacques
Mayor



Andrew Yeates
Chief Administrative Officer

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



Andrew Yeates
Chief Administrative Officer

SCHEDULE "A" DEVELOPMENT APPLICATION FORM

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 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): _____
 Legal Description: Lot _____ Plan _____ Block _____ Section _____ DL _____

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: _____ Company name: _____
 Mailing address: _____ Postal Code: _____
 Tel : _____ Cell : _____
 Email : _____ 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: _____

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: _____
 Mailing address: _____ Postal Code: _____
 Tel : _____ Cell : _____
 Email : _____ Fax : _____

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

Owner Signature: _____ Date: _____

Office Use Only:

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

**SCHEDULE "B"
FEE SCHEDULE**

Type of Application	Application Fee	
	Base Fee	Additional Fees (Plus those in Notes)
Official Community Plan Amendment	\$400	+ \$500/ha. for properties greater than 1 ha. in area + \$300 Public Notice Fee
Zoning Bylaw Amendment (text and/or map)	\$600	+ \$500/ha. for properties greater than 1 ha. in area + \$300 Public Notice Fee
Development Permit	\$650	+ \$500/ha. for properties greater than 1 ha. in area
Development Permit – Amendment	\$250	
Development Variance Permit	\$350	+ \$150 Public Notice Fee
Temporary Use Permit	\$350	+ \$150 Public Notice Fee
Board of Variance	\$250	
Strata Conversion of Previously Occupied Building	\$400	
Subdivision	\$800	+ \$150 <i>per lot</i>

Notes: Fees in this section are in addition to and as applicable to the Application:

(1) Land Title and Survey Authority Fees:

(i) At cost, as prescribed by the Land Title and Survey Authority.

(2) District Legal Fees:

(i) \$750.00 for documents not exceeding 5 pages,

(ii) \$1,500.00 for documents exceeding 5 pages, and

(iii) Otherwise at cost.

Superseded: see Schedule D of current Fees and Charges Bylaw



CORPORATION OF THE
DISTRICT OF TOFINO

**District of Tofino
Development Application Procedures Bylaw
No. 1331, 2023**

Effective Date – August 8, 2023

DISTRICT OF TOFINO**BYLAW NO. 1331, 2023**

A bylaw to establish procedures for the processing of development applications, to establish policies for development approval information to specify distances for notification, and to delegate powers, duties, and functions of Council.

WHEREAS under the *Community Charter* and Parts 14 and 15 of the *Local Government Act*, the District of Tofino may, by bylaw, delegate Council's powers and establish procedures for applications to: amend the Official Community Plan or the Zoning Bylaw, issue a permit, establish or amend a Phased Development Agreement;

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

1. Name

The name of this Bylaw for citation purposes is "District of Tofino Development Application Procedures Bylaw No. 1331, 2023."

2. Definitions

In this Bylaw:

APPLICANT means the owner or an agent duly authorized to act on the owner's behalf in relation to an application(s);

COMPREHENSIVE DEVELOPMENT PLAN means a plan required by the District in advance of consideration of an OCP amendment for lands which have not been thoroughly assessed for development potential or where significant constraints have been identified which may affect the potential development of the site (e.g., infrastructure, servicing, access, topography, visual impact, or environmentally sensitive areas);

COUNCIL means the Council of the District of Tofino;

DAY means calendar day;

DEVELOPMENT REVIEW TEAM or **DRT** means a group of District of Tofino staff responsible for review of development applications;

DISTRICT means the Corporation of the District of Tofino;

MANAGER means the person appointed to be responsible for the administration of development applications at the District and includes a delegate fulfilling an Acting Manager position during the Manager's absence;

OFFICIAL COMMUNITY PLAN or **OCP** means the District of Tofino Official Community Plan Bylaw as amended or superseded from time to time;

OWNER means the registered owner(s) of property as demonstrated on the Land Title Certificate;

PHASED DEVELOPMENT AGREEMENT means an agreement authorized by section 516 of the *Local Government Act*;

QUALIFIED PROFESSIONAL means a professional engineer, geoscientist, architect, landscape architect, certified arborist, biologist, planner, forester, qualified environmental professional, or other professional licensed to practice in British Columbia with experience relevant to the applicable matter, as determined appropriate by the Manager.

STAFF means District of Tofino staff.

3. Interpretation

- (1) A reference in this bylaw to any enactment of British Columbia is a reference to the enactment as amended, revised, consolidated, or replaced from time to time.
- (2) A reference in this bylaw to any bylaw, policy or form of the District of Tofino is a reference to the bylaw, policy or form as amended, revised, consolidated, or replaced from time to time.

4. General Provisions

(1) Application Fees

- (a) At the time of application, the applicant must pay the District an application fee in the amount set out in any applicable District of Tofino Fees and Charges Bylaw as amended or superseded from time to time.

(2) Application Requirements and Processing Procedure

- (a) In respect of an application for an OCP Bylaw amendment, Zoning Bylaw amendment, or Temporary Use Permit, the applicant, at their cost, must post a Notice of Application Sign in accordance with Schedule 'A' of this bylaw.
- (b) An applicant must submit an application as set out in Schedules 'B' – 'G' to this bylaw. An application will be made and processed substantially as outlined in Schedules 'A' – 'G' of this bylaw.

(3) Number of Development Applications

- (a) Where a proposed activity or development involves more than one type of application, the applicant must comply with all of the applicable provisions of this Bylaw.
- (b) Where land is subject to more than one Development Permit Area designation, only one development permit application is required and the application must address the requirements of each applicable Development Permit Area and the applicant must pay the application fees for each Development Permit Area in the amount set out in any District of Tofino Fees and Charges Bylaw.

(4) Development Permit Required prior to Development

- (a) In all Development Permit Areas, an applicant must obtain all required Development Permits before land is subdivided or development occurs, including but not limited to land clearing, preparation for the construction of services or roads, blasting, and construction of, addition to or alteration of a building or structure, unless otherwise exempted from requiring a Development Permit as specified in the Official Community Plan and/or Zoning Bylaw.

5. Development Approval Information

(1) Type of Information Required:

Pursuant to the *Local Government Act* and as set out in the OCP, the Manager may require an applicant to provide information, at the applicant's expense, on the anticipated impact of a proposed activity or development on the community, including but not limited to the following:

- (a) Compliance of the activity or development with the OCP and any other relevant District bylaw, plan or policy in preparation or adopted by Council;
- (b) The impact of the proposed development on the natural environment such as adjacent riparian and wetland areas, vegetation, soils and erosion, geotechnical characteristics, topographical features, ecosystems and biological diversity, fish and

wildlife habitat, environmentally sensitive features, and rare or endangered plant or animal species;

- (c) Hazardous conditions including, but not limited to, mud flow, debris torrents, erosion, land slip, rock falls, subsidence, avalanche, wildfire, flood, inundation or other hazard (including appropriate construction elevations and setbacks);
- (d) Transportation assessments including but not limited to transportation impacts in terms of daily and peak hour trip generation and assignments, public transit, parking demand, traffic safety, pedestrian, cyclist and vehicular traffic flow or operation, trip generation, site access and egress, network connectivity and accessibility;
- (e) The aesthetic values of the proposed development such as visual character, landscaping, integration with public areas, view corridors, and the natural environment, lighting, noise, and odour;
- (f) The impact of the proposed development on groundwater quantity and quality; surface water generated by the proposed development; and the options for collection, storage, reuse and dispersal of such drainage;
- (g) Hydrological and/or hydrogeological assessment including, but not limited to, infiltration, interception, groundwater and overland flow, as well as hydrologic processes including accretion and erosion;
- (h) An assessment of wildfire hazard and mitigative measures that assures project construction activities comply with Urban Wildfire Interface management principles;
- (i) Functional servicing assessment of local infrastructure and site servicing including, but not limited to, drainage, water, sewer or other utilities; to determine the impact of the development on District infrastructure including capital, operations and maintenance over the lifecycle of the development;
- (j) Tree assessment and plan that promotes the retention and planting of native plant species, plant health, habitat preservation, reduces wildfire risk, minimizes erosion and a revegetation plan to ensure that the landscape retains a natural appearance;
- (k) Impacts on the demand and potential financial impacts for local services including but not limited to community facilities and services, schools, parks, recreation, emergency protective and health services;
- (l) Assessments of impacts on historical, cultural and archaeological buildings, structures, sites or features;
- (m) How the proposed development impacts and buffers adjacent uses;
- (n) Energy efficiency, water efficiency and emissions reduction;
- (o) Air Quality Impact Assessment including, but not limited to, pollution, dust, fumes, smoke and odours;
- (p) Retail impacts of a proposed commercial development, including but not limited to, the effects of additional competition, traffic impacts, effects on tenancy and potential impacts to neighbourhoods;
- (q) Socio-economic impacts affecting the day-to-day quality of life of people and communities, including direct and indirect economic impacts, demographics, affordable housing, housing choice, local services and socio-cultural issues;
- (r) Construction management plan outlining the staging, implementation schedule, and duration of construction for any proposed development including proposed impact mitigation; and

- (s) Other studies as deemed necessary to permit a full understanding of the impact of the proposed activity or development on the community.

(2) Preparation of the Terms of Reference

- (a) The applicant will be required to work with Staff to review and confirm the scope of the report or impact study in accordance with any relevant Terms of Reference for Professional Reports.
- (b) The Manager may require that the applicant provide, at the applicant's expense, documents, plans, and/or development approval information in a report that is certified by a qualified professional, which:
 - (i) complies with and fully addresses the relevant assessments;
 - (ii) identifies and defines the context, magnitude and significance of the anticipated impacts of the activity or development on the community, as well as the methodology, assumptions, acceptability thresholds, and how the anticipated impacts may cumulatively contribute to existing circumstances and risks;
 - (iii) provides recommendations for conditions or requirements that Council or the Manager may impose to mitigate or ameliorate the anticipated impacts;
 - (iv) provides recommendations and details costs for modifications to the environment, or construction of works, to mitigate or ameliorate the anticipated impacts; and
 - (v) is prepared to the satisfaction of the Manager.
- (c) The Manager is authorized to establish and revise the required information, documents, plans, and/or development approval information needed for each type of application pursuant to this Bylaw. The Manager is authorized to establish and revise the size, form and quality of information, documents, plans, and/or development approval information needed to assist in reviewing or processing the application
- (d) The Manager is authorized to waive any of the information, documents, plans, and/or development approval information if, at their discretion, the information is not required to assist in reviewing or processing the application.

(3) Selection of Personnel

- (a) The applicant will be required to provide the reports and impact studies prepared by Qualified Professionals at the applicant's expense in accordance with the District's specifications for Terms of Reference for Professional Reports.
- (b) If required by the Manager, a qualified professional shall certify all documentation including drawings, reports, security estimates, technical letters, and other documentation submitted to the Manager for the purposes of reviewing the application.
- (c) The Manager may review all documents and design drawings to verify general compliance with the requirements but will not necessarily check the adequacy or accuracy of the qualified professional's design. Any errors or omissions will be the sole responsibility of the qualified professional who has certified the documents and design drawings.

(4) Requirement for Independent Review

- (a) The District may require an independent review of the study results in certain circumstances, at the applicant's expense, including but not limited to staff capacity and to ensure the timely review of the study results and application processing timelines. If an independent review is required, the applicant will be invoiced.

(5) Incomplete or Deficient Reports

- (a) If it is determined by the Manager that a report containing development approval information is outdated, incomplete or deficient, the applicant will be notified in writing the nature of deficiencies and the timeframe to resubmit the corrected report.
- (6) Presentation of Reports or Impact Studies
 - (a) The Manager may request, at the applicant's expense, the presentation of the report or impact study to Council, the community, or Staff by the Qualified Professional(s) that prepared the document.
 - (7) Publication of Information
 - (a) The District may distribute and publish a report containing development approval information requested under this bylaw.
- 6. Notice of Application Sign**
- (1) A notice of Application Sign shall be posted in accordance with Schedule 'A' of this bylaw.
- 7. Notification**
- (1) Where a notice is required to be mailed or delivered to owners and tenants, pursuant to the *Local Government Act*, the District will provide notice to owners and tenants in occupation of parcels within 60 metres from any boundary of any subject property of the application or proposed bylaw.
 - (2) Where notification is not required by the *Local Government Act*, the District will provide notification to owners and tenants as follows:
 - (a) The District will provide notification for delegated minor development variance permits to be mailed or otherwise delivered to owners and tenants in occupation of parcels within 60 metres from the boundaries of the subject application at least 10 days prior to the consideration of the application.
 - (b) The District will make reasonable efforts to notify adjacent residents of an applicant's request to undertake a Comprehensive Development Plan. Methods of notification may include but are not limited to direct mail outs, newsletters, advertisements in the newspaper or notices on the District's website.
 - (c) When a public information meeting is required by the District, the District will provide notice of the meeting to properties within 60 metres from the subject application or proposed bylaw at least 10 days prior to the meeting.
- 8. Public Information Meetings**
- (1) An applicant may be required to hold a Public Information Meeting, as outlined in Schedules 'A' – 'C' and Schedule 'F', prior to OCP amendments, zoning amendments, and temporary use permit applications being considered by Council to provide an additional opportunity for the public to access information and to inquire about the proposal beyond that available through the standard application processes.
 - (2) When a public information meeting is held by the applicant, it is the responsibility of the applicant to arrange and conduct the meeting at a location that is approved by Staff, accessible to individuals with disabilities, and in Tofino and/or on a virtual meeting platform at their expense.
 - (3) As determined by the Manager, the applicant must advertise the meeting in a local newspaper and/or alternate means at least 10 days prior to the meeting at their expense.
 - (4) After the meeting is held, applicants must submit a report to the District summarizing the meeting including the following information:

- (a) Location, time, and duration of meeting;
 - (b) Number of attendees;
 - (c) Proof of how the meeting was advertised;
 - (d) Information provided at the meeting; and
 - (e) A summation of questions raised and major discussion points.
- (5) Council may require the applicant to conduct additional public consultation to seek additional community feedback regarding the proposed application, the cost of which will be the responsibility of the applicant.

9. Agency Referral Process

- (1) When reviewing applications, Staff will develop a referral list of agencies, organizations, or levels of government that the application may be sent to for review and comment. Each agency, organization or level of government shall be given a minimum of twenty-one (21) days from the date of the referral to provide any comments.
- (2) Requests from an agency to extend the referral period may be granted at the discretion of the Manager.

10. Security

- (1) Pursuant to the *Local Government Act* and the OCP, security may be required as a condition of permit issuance for the following:
 - (a) Landscaping (“Landscape Security”);
 - (b) An unsafe condition or damage to the natural environment that may result as a consequence of a contravention of a condition in a permit (“Remediation Security”); or;
 - (c) To guarantee the performance of the terms of a permit (“Performance Security”).

(2) Phased Landscape

- (a) Plans may be approved for large-scale developments at the discretion of the Manager to enable the completion of the landscape plan in phases and the submission of the related security deposit at each phase. The applicant is required to request a phased approach to the execution of the landscape plan at the time of Development Permit application, clearly identifying on the submitted landscape plan the proposed phases and related cost estimates for each phase.

(3) Form of Security

- (a) Security will be provided in the form of an automatically renewing irrevocable letter of credit, bank draft or in a form satisfactory to the Manager.

(4) Amount of Security

The amount of security will be calculated and submitted by a Qualified Professional at the applicant’s expense, to the satisfaction of the Manager using the following:

- (a) For Landscape Security, the amount of security will be 125% of an estimate or quote of the cost of works, including but not limited to: inspections, monitoring, maintenance, hardscaping, irrigation, labour and plantings materials.
- (b) For Remediation Security, the amount of security will be 125% of an estimate or quote of the cost of works, including but not limited to: inspections, monitoring, maintenance, irrigation, labour and planting materials.

(i) Where security is required in the case of an unsafe condition or damage to the natural environment that may result from a contravention of a permit condition, the amount of security shall reflect:

- (i) the nature of the permit condition;
- (ii) the nature of the unsafe condition or damage; and
- (iii) the cost to the District of entering the land to undertake the work to correct the unsafe condition or restore and enhance the natural environment, including the cost of repairing any damage to land that may have been caused by the unsafe condition or that may have occurred in connection with the repair work.

(c) For Performance Security, the amount of security will be 125% of an estimate or quote of the cost of works to guarantee the performance of the terms of the permit. Such works may include but are not limited to: inspections, monitoring, maintenance, irrigation, labour, planting materials and works required to restore the land or remove any temporary structures.

(5) Return of Security

(a) If a permit is cancelled by the applicant and no work has occurred related to the security deposit, the security deposit will be returned to the applicant at the approval of the Manager.

(b) Unless otherwise stated in this bylaw, the District will return the security when written request has been submitted by the applicant and includes a satisfactory Substantial Completion Report by a Qualified Professional, or other professional for small scale works approved by the Manager, certifying that:

- (i) The works have been completed in substantial compliance with the approved plan(s).
- (ii) The unsafe condition or damage to the natural environment has been corrected.

(c) The Substantial Completion Report must be signed and sealed by a Qualified Professional and include the following at a minimum:

- (i) The date and drawing number of the plan reviewed by the Qualified Professional;
- (ii) Date(s) of inspection by the Qualified Professional;
- (iii) A statement from the Qualified Professional that the completed works substantially comply with the approved plan;
- (iv) Identification of conformance to approved species, quantity of materials, scale and number of plans, irrigation systems and features (including hard landscaping) as shown on approved drawing(s) and installation to British Columbia Society of Landscape Architects (BCSLA)/British Columbia Landscape & Nursery Association (BCLNA) standards;
- (v) Confirmation that the depth of soils and composition of soils are to British Columbia Society of Landscape Architects (BCSLA)/British Columbia Landscape & Nursery Association (BCLNA) standards;
- (vi) A description of all deviations from the approved plan(s) with a rationale for the changes and whether the changes meet the intent of the approved plan(s); and;
- (vii) The request of the amount of funds to be released.

(d) Upon receipt of a Substantial Completion Report, the District may conduct a site inspection to verify that the works are installed in accordance with the approved plans.

(e) Should there be any deficiencies identified in the Substantial Completion Report or should the District find any discrepancies and/or deficiencies during an inspection, an inspection report will be issued to the applicant and the security will be retained until the deficiencies have been addressed. Any changes to the

approved plans will require approval of the District prior to installation of any works. Depending on the level of non-conformance with the approved plans, Council approval of the revised plan(s) may be required through an amended permit application prior to the release of the security.

- (f) Site inspections and final acceptance by the District of the installation of plant material, sodding or seeding, will not be carried out during the plant dormancy period between November 15th and April 15th, unless otherwise approved by the Manager.
 - (g) Upon completion of any items outlined in an inspection report, the applicant shall notify the District for further inspection in order to obtain a final release of the security.
 - (h) Upon substantial completion, the District will return a portion of the security deposit. The District will withhold 10% of the total security deposit or 25% of the value of soft landscaping, whichever is greater, as a maintenance bond for up to two growing seasons to ensure that the work has been fully implemented and demonstrated to function (ecologically or as designed).
- (6) Partial Return of Landscape Security
- The District may return a portion of the Landscape Security upon receipt of a report from a Qualified Professional.
- (a) The report must include the following:
 - (i) Evidence that the total landscaping is 50% complete and substantially complies with the approved landscape plan;
 - (ii) Evidence that the perimeter landscaping is 100% complete as required by the approved landscape plan for any portion of the subject property that includes street frontage;
 - (iii) The date and drawing number of the landscape plan reviewed by the Qualified Professional;
 - (iv) Date(s) of inspection by the Qualified Professional;
 - (v) Evidence of conformance to approved species, quantity of materials, scale and number of plants, irrigation systems and features (including hard landscaping) as shown on approved drawing(s) and installation to British Columbia Society of Landscape Architects (BCSLA)/British Columbia Landscape & Nursery Association (BCLNA) standards;
 - (vi) Identification of all deviations from the approved landscape plan;
 - (vii) The submission of a revised landscape plan and cost estimates for the remainder of the works to be completed for the approval of the Manager; and
 - (viii) The request for the amount of funds to be released.
 - (b) When considering a request for partial release, Staff will consider the visual impact and safety of the remainder of the site as well as the public interface areas prior to approving a partial return request.
 - (c) If the request for the partial return of security is approved, the District will return 50% of the original cost estimate or quote and will withhold a portion of the original cost estimate as a maintenance bond as set out in Section 10(5)(h).
 - (d) The partial return of the landscape security will occur only once per security deposit unless as otherwise approved by the Manager.

11. Permit Renewals, Extensions, Lapses and Re-application

- (1) The District only accepts complete applications. If Staff determine that an application is incomplete during the initial review, the application will be placed on hold and the applicant will be requested to provide the required information. If an applicant does not provide the required information within three (3) months of the request, the file will be closed and the application and fee will be returned in

- accordance with the District of Tofino Fees Bylaw.
- (2) An application that has been inactive for more than one (1) year is deemed to be abandoned and may be closed.
 - (3) In the event that an application made pursuant to this bylaw has not been given final adoption by Council within one (1) year after the date it was given third reading or one (1) year after the date of last consideration by Council the application may be deemed to be abandoned and the file closed.
 - (4) In the case of applications that have been delegated to the Manager, if final approval of the application is not granted within one (1) year after a written request from the Manager to submit any outstanding items, the application will be deemed to be abandoned and may be closed.
 - (5) In order for an application that has lapsed under Sections 11(1) to 11(4) to proceed, a new application and fee will be required.
 - (6) For a bylaw amendment, upon written request from the applicant received 30 days prior to the lapse of the application, Council may extend the deadline for a period of one (1) year by passing a resolution to that effect to enable the applicant to complete the requirements for final adoption. A maximum of two (2) one-year time extensions may be granted by Council. If Council decides to deny an extension request or the applicant has received two (2) one-year time extensions and still has not met the requirements for final adoption and wishes to proceed with the application, a new application and fee will be required as per the District of Tofino Fees and Charges Bylaw.
 - (7) Re-Application
 - (a) Subject to the *Local Government Act*, where an application made pursuant to this bylaw has been refused by Council, re-application for the same amendment or permit will not be accepted for a six (6) month period immediately following the date of refusal.
 - (b) Where an applicant intends to appeal to the Council to vary the time limit set in Section 11(7)(a) pursuant to the *Local Government Act*, the applicant shall submit, in writing, a detailed statement as to why the time limit for the reapplication should be varied.

12. Change of Ownership

- (1) If there is a change of ownership of a parcel(s) of land that is the subject of an application under this bylaw, the District will require updated Land Title Certificate(s) for the parcel(s) of land and written authorization from the new owner(s) prior to proceeding with the application.

13. Delegation of Authority

The following powers, duties and functions of Council are delegated to the Manager:

- (1) The authority to require security under section 496 and 502 of the *Local Government Act*.
- (2) The authority to designate the form of any permit issued under this bylaw as per the *Local Government Act*.
- (3) The authority to designate the form and content of application forms.
- (4) The authority to create, amend, and prescribe graphic design templates for

- development application notice signs.
- (5) The authority to administer this bylaw and require development approval information.
 - (6) The authority to determine the appropriate level of consultation with persons, organizations, and authorities they consider will be affected by an amendment to the Official Community Plan.
 - (7) The authority to issue or amend Development Permits where there are no, or only minor variances requested.
 - (8) The Manager may refer a delegated Development Permit to Council if, in the opinion of the Manager, it would be in the public interest to instead have the application considered by Council.
 - (9) The authority to renew Development Permits that have been issued and lapsed provided the permit is consistent with OCP and relevant guidelines.
 - (10) The authority to issue Minor Development Variance Permits in accordance with the following sub-sections:
 - (a) Where the variance would be minor and would have no significant negative impact on the use of immediately adjacent or nearby properties. In making this determination the Manager must consider the following criteria:
 - (i) Degree or scope of the variance relative to the regulation from which a variance is sought;
 - (ii) Proximity of the building or structure to neighbouring properties; and
 - (iii) Character of development in the vicinity of the subject property.
 - (b) In deciding whether to issue a Minor Development Variance Permit the Manager must consider the following guidelines:
 - (i) If the proposed variance is consistent with the general purpose and intent of the zone and/or applicable regulation;
 - (ii) There is a valid reason, such as hardship, for the variance request;
 - (iii) If the proposed variance addresses a physical or legal constraint associated with the site (e.g., unusual parcel shape, environmentally sensitive area, topographical feature, statutory right-of-way, etc.);
 - (iv) If there is a community or environmental benefit to the larger community in granting the variance and/or it would support a Council priority (i.e. affordable housing, environmental protection, provision of a trail statutory right-of-way);
 - (v) The variance request must not include a reduction in the required number of parking stalls except in situations where an increase in parking spaces is associated with a change in use associated with a business licence application and does not propose additional floor area or supports the viability of affordable housing;
 - (vi) If strict compliance with the zoning regulation would be unreasonable; and,
 - (vii) If the proposed variance would unduly impact the character of the streetscape or surrounding neighbourhood.
 - (c) The Manager will refer a Minor Development Variance Permit to Council in the following circumstances:
 - (i) The proposed variance does not meet the criteria of minor;
 - (ii) The proposed variance is in conjunction with a Development Permit application that is not delegated to staff; or
 - (iii) The proposed variance meets the criteria of minor, but in the opinion of the Manager, it would be in the public interest to instead have the application considered by Council.

14. Council Reconsideration of a Staff Decision

- (1) Within 14 days of being notified in writing of the decision of a delegate under this bylaw, an applicant may, at no charge, request that Council reconsider the decision.
- (2) The applicant must give written notice to the District Corporate Officer setting out the grounds on which the applicant considers the decision to be inappropriate, including the specific decision, and what decision Council should use as a substitute.
- (3) The District Corporate Officer will notify the delegate of the request(s) for reconsideration and the delegate will, prior to the date of the meeting at which the reconsideration will occur, provide a copy of the written memo setting out for Council, the rationale for their decision.
- (4) The District Corporate Officer will place the request(s) for reconsideration on the agenda of a meeting of Council to be held as soon as reasonably possible.
- (5) The District Corporate Officer will notify the applicant of the date of the meeting at which reconsideration will occur.
- (6) Council will review the information provided by the applicant and Staff, and either confirm the decision made by Staff, or substitute its own decision including Development Permit conditions.

15. Severability

- (1) If any section, subsection, sentence, clause or phrase forming part of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed from the Bylaw without affecting the validity of the Bylaw or any remaining portions of the Bylaw.

16. Repeal

- (1) The District of Tofino Development Approvals Bylaw No. 1301, 2021 together with any amendments is hereby repealed.
- (2) The District of Tofino Development Approval Information Area Bylaw No. 1300, 2021 together with any amendments is hereby repealed.

READ A FIRST TIME on July 25, 2023**READ A SECOND TIME** on July 25, 2023**READ A THIRD TIME** on July 25, 2023**ADOPTED** on August 8, 2023_____
Dan Law, Mayor_____
Nyla Attiana, Deputy Corporate Officer

Schedule 'A'
Notice of Application Sign Requirements

1. Installation

In respect of an application for an OCP Bylaw Amendment, Zoning Amendment or Temporary Use Permit the applicant, at their cost, must install a District of Tofino Notice of Application Sign in accordance with this bylaw.

2. Timing

The Notice of Application sign must be posted in accordance with the specifications outlined in Schedule 'A' forming part of this bylaw.

3. Design of Sign

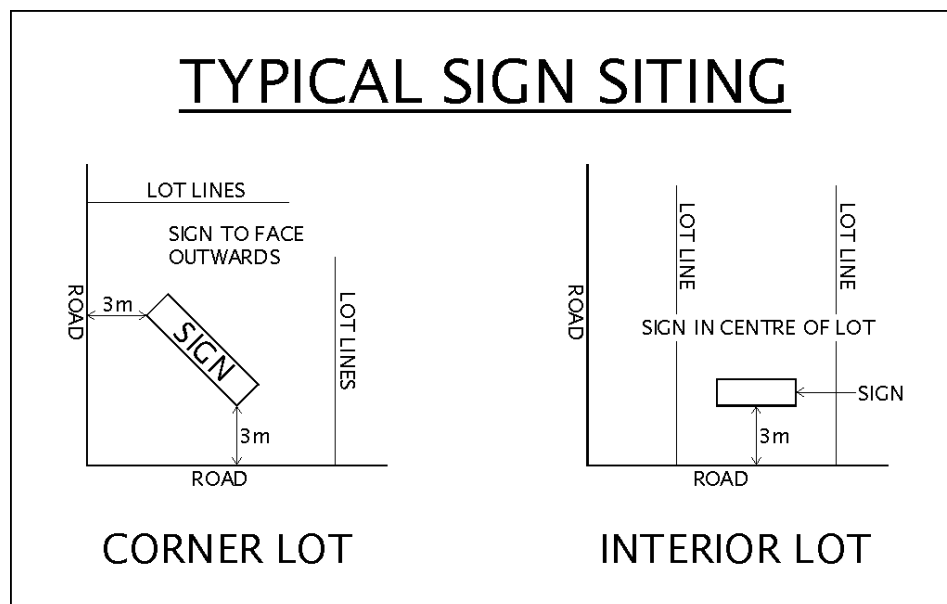
The design of the sign shall be in a form prescribed by the Manager ('District Sign Format Sheet').

4. Preparation of Sign

The preparation and posting of the Notice of Application sign is the responsibility of the applicant and must be undertaken as per the requirements of this bylaw and as identified on the Sign Format Sheet. The applicant will provide a mock-up of the sign with their complete application for review and approval prior to final sign printing. Once the sign is posted, the applicant shall demonstrate proof to Staff of the posted sign within 10 days of Staff approval of the mock-up.

5. Siting of Sign

All Notice of Application Signs shall be placed on the property at a setback of 3 metres from the front property line as demonstrated in the below diagram. The sign must face the street and be clearly visible. All proposed sign locations must be verified by the District Staff prior to installation. The sign must be located so as not to interfere with pedestrian or vehicular traffic, or obstruct visibility from streets, lanes, walkways or driveways so as to create a hazard. The Notice of Application Sign must be installed in a sound workmanlike manner and must be capable of withstanding wind and weather.



6. Number of Signs

The applicant shall post a minimum of one (1) Notice of Application Sign. For large parcels with over 200 m of street frontage, one (1) Notice of Application Sign shall be required for each 200 m of street frontage, to a maximum of three signs.

7. Maintenance of Sign

It is the responsibility of the applicant to ensure the sign(s) remain intact and visible as per the sign siting specifications until such time the sign can be removed, in accordance with Section 9.

8. Amendments to Application

If any significant amendments are made to the application, the applicant will be required to install new sign(s) reflecting the change in application. The applicant will provide a mock-up of the sign to the District Staff for review and approval prior to final printing.

9. Sign Removal

The Notice of Application Sign shall be removed by the applicant within seven (7) days following:

- (1) The conclusion of the public hearing or adoption of the amending bylaw if a public hearing is not required; or
- (2) The final consideration of an application by Council; or
- (3) The abandonment of the application.

10. Failure to Post, Maintain or Remove

(1) Failure to post and maintain the required Notice of Application Sign(s) in accordance with this bylaw may result in the postponement of any Public Information or Council meeting and any costs associated with the postponement will be borne by the applicant. Non-compliance with this section due to the removal, destruction, or alteration of the sign by vandalism or natural occurrence shall not affect the validity of the application or postpone a Public Information or Council meeting as long as reasonable efforts have been taken by the applicant to maintain the sign.

(2) Failure to remove the sign as required may result in the sign being removed at the expense of the applicant. The District shall not be liable for any damage or loss of the sign.

Schedule 'B'
Amendment to an Official Community Plan Bylaw or Zoning Bylaw (including the establishment of a Phased Development Agreement)

This information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed.

1. Application Requirements

Application requirements are specified in the District of Tofino Development Application Form.

2. Consultation

An application for an amendment to the OCP will include one or more opportunities for consultation with persons, organizations, and authorities it considers affected by the application as per the *Local Government Act*. The opportunity for consultation will be considered for each amendment application and will be outlined within Staff's technical report to Council.

3. Processing Procedure

An amendment application submitted in accordance with this bylaw will be substantially processed as follows:

- (1) The applicant will have a Pre-Application Meeting to discuss the proposal and application requirements with Staff prior to submitting a formal application to the District.
- (2) Staff will review the application to determine whether it is complete, and, if incomplete, will return the application and request the required information from the applicant.
- (3) Staff will review the proposal for compliance with relevant District bylaws and policies and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- (4) Staff may prepare a Permission to Proceed Staff Report to Council to introduce the application and seek preliminary direction regarding the application including referral to advisory committees and other matters as required.
- (5) The Applicant will post a Notice of Application sign as per Schedule 'A' of this bylaw.
- (6) Staff will refer the application to all applicable District departments, Development Review Team (DRT), advisory committees, government ministries, agencies and organizations.
- (7) Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
 - (a) Resolve conditions/requirements identified in the Comprehensive Letter(s)
 - (b) Submit any necessary reports/studies; and
 - (c) Complete any required approvals.
- (8) The applicant must address the items in the comprehensive letter and may wish to revise the application accordingly.
- (9) The applicant may be required and is encouraged to host a public information meeting at their own expense prior to the amending bylaw being considered by the Council. If required, the applicant is to conduct the public information meeting in accordance with the requirements of Section 7 of this bylaw.
- (10) For a rezoning application where the proposed zoning bylaw is consistent with the OCP, Staff will publish and give notice of the amending bylaw(s) advising of the date of the first reading of the bylaw in accordance with the *Local Government Act*.

- (11) Staff will prepare a technical report for Council's consideration, incorporating feedback received from the referral process, advisory committees, the community and any recommendations from the Development Review Team (DRT).
- (12) Council will receive the technical report, and if Council decides to proceed with the amendment application, the amending bylaw may be given readings. Council may alternatively decide to postpone or deny the application.
- (13) Should the amending bylaw receive readings and should Council decide that a public hearing be held prior to third reading to permit the public to comment on the application pursuant to the *Local Government Act* and as per this bylaw, notice(s) of the amending bylaw(s) will be published in a newspaper pursuant to the *Local Government Act*. For a rezoning application where the proposed zoning bylaw is consistent with the OCP, a public hearing is not a default requirement of the *Local Government Act*; however, may be required by Council.
- (14) If a public hearing is held, the minutes of the Public Hearing will be presented to Council prior to consideration of third reading of the amending bylaw.
- (15) Council may proceed with third reading of the amending bylaw (including the imposition of conditions), postpone or deny the application. Upon third reading, an amendment bylaw may need to be referred to the relevant provincial minister(s) for signature before proceeding to adoption.
- (16) Once all of the conditions identified at third reading, if any, have been addressed, Council will consider adoption of the bylaw(s).
- (17) Once the minutes of the Council resolution have been prepared, the applicant will be notified of the outcome.

4. Preparation of Phased Development Agreements

If a Phased Development Agreement is required, it may be processed concurrently with a Zoning Bylaw Amendment application, and will be substantially processed with the following additional steps:

- (1) The applicant will be required to work with Staff to develop a Terms Sheet identifying the basic conditions to be outlined in the Phased Development Agreement. Such conditions include, but are not limited to, the lands affected and intent of the agreement, the term, amenities, features and phasing of the development. Other conditions may be required and will be determined on a site-specific basis.
- (2) The applicant will submit the draft Terms Sheet to the District who will refer it to applicable District departments, government ministries, agencies, organizations and the Development Review Team.
- (3) Staff will prepare a technical report to the Manager for consideration of the Terms Sheet. Once the basic conditions in the Terms Sheet have been agreed upon, the applicant will be directed to draft the Phased Development Agreement, at the applicant's expense, and submit the agreement to the District.
- (4) Staff will refer the draft Phased Development Agreement to all applicable District departments, government ministries, agencies, organizations and may refer the draft Phased Development Agreement to a solicitor.
- (5) Staff will prepare a technical report for Council's consideration on the draft Phased Development Agreement, incorporating feedback received from the referral process, the community and any recommendations from Development Review Team (DRT).
- (6) Notices of the amending bylaw(s) will be given advising of the date of the first reading of the bylaw in accordance with the *Local Government Act*.
- (7) If Council wishes to proceed with the Phased Development Agreement, the Phased

Development Agreement bylaw will be given first reading and second reading (including the placement of conditions, where appropriate). Council may alternatively decide to postpone or deny the application.

- (8) Should the Phased Development Agreement Bylaw receive first and second readings and Council decides that a public hearing be held to permit the public to comment on the application pursuant to the *Local Government Act* and as per this bylaw, notice(s) of the amending bylaw(s) will be published in a newspaper pursuant to the *Local Government Act*.
- (9) Following the close of the public hearing, Council may proceed with third reading of the amending bylaw (including the imposition of conditions), postpone or deny the application.
- (10) Once the applicant has adequately addressed all of the conditions identified at third reading (if any), Council will consider adoption of the Phased Development Agreement bylaw(s).
- (11) If a Phased Development Agreement is entered into, a Notice of Permit will be registered against the title of the property at the Land Title Office by Staff.
- (12) Amendments to an approved Phased Development Agreement may occur pursuant to the *Local Government Act*.

Schedule 'C'
Comprehensive Development Plans

This information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed.

1. Application Requirements

Application requirements are specified in the District of Tofino Development Application Form.

2. Processing Procedure – PART A: Development of Terms of Reference for a Comprehensive Development Plan

A request for the development of Terms of Reference for Comprehensive Development Plans submitted in accordance with this bylaw will be substantially processed as follows:

- (1) The applicant will have a Pre-Application Meeting to discuss the proposed Terms of Reference and application requirements for the Comprehensive Development Plan with Staff prior to submitting a formal application to the District. Staff may refer the request for a Terms of Reference to Council for direction on whether to pursue a Comprehensive Development Plan or an Area Plan. Where applicable, the District may require collaboration/joint applications between adjoining landowners to ensure comprehensive development planning as per the OCP.
- (2) Staff will review the application to determine whether it is complete, and, if incomplete, will return the application and request the required information from the applicant.
- (3) Upon receipt of a complete application submitted in accordance with the requirements of this bylaw, Staff will issue a receipt to the applicant.
- (4) Staff will review the proposal for compliance with relevant District bylaws and policies and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- (5) The Applicant will post a Notice of Application sign as per Schedule 'A' of this bylaw.
- (6) Staff will notify affected residents of the applicant's request to undertake a Comprehensive Development Plan as per Section 8 of this bylaw.
- (7) The Manager will work with the applicant to prepare a draft Terms of Reference for the Comprehensive Development Plan.
- (8) Staff will refer the draft Terms of Reference to applicable District departments, Development Review Team (DRT), advisory committees, government ministries, agencies and organizations.
- (9) Based on feedback received through the referral process, Staff may meet with the applicant and/or send the applicant a letter(s) identifying any outstanding issues to be addressed in order to finalize the draft Terms of Reference.
- (10) Staff will prepare a technical report for Council's consideration of the draft Terms of Reference, incorporating feedback received from the referral process and the community and any recommendations from the Development Review Team (DRT).
- (11) Council will consider the technical report and may approve, approve with conditions, postpone or deny the draft Terms of Reference for the Comprehensive Development Plan.

3. Processing Procedure – PART B: Submission of a Comprehensive Development Plan

A Comprehensive Development Plan submitted in accordance with this bylaw will be substantially processed as follows:

- (1) Once the Terms of Reference have been prepared and approved by Council, the applicant will commission a Qualified Professional to prepare the draft

Comprehensive Development Plan in consultation with the District and interested parties.

- (2) The applicant will submit the draft plan in accordance with the authorized Terms of Reference.
- (3) Staff will review the draft plan for compliance with the Terms of Reference, relevant District bylaws and policies and may meet with the applicant to address any outstanding issues (as required). Staff may conduct a site visit as part of the evaluation process.
- (4) Staff will refer the draft plan to all applicable District departments, advisory committees, Development Review Team (DRT), advisory committees, government ministries, agencies, and organizations.
- (5) The applicant may be required and is encouraged to arrange a public information meeting at the applicant's expense, per Section 9 of this bylaw, to present the draft plan to the community and solicit feedback. The proposed format and timing for the session must be submitted to the Manager for approval a minimum of one-month prior to the consultation session. The consultation may include a referral to the local neighbourhood association(s).
- (6) If a public information meeting is conducted, the applicant will be required to submit a report summarizing the session, per this bylaw.
- (7) Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
 - (i) Resolve conditions/requirements identified in the Comprehensive Letter(s);
 - (ii) Submit any necessary reports/studies; and,
 - (iii) Complete any required approvals.
- (8) The applicant must address the items in the comprehensive letter and may wish to revise the application accordingly.
- (9) Staff will prepare a technical report for Council's consideration, incorporating feedback received from the referral process, advisory committees, the community and any recommendations from the Development Review Team (DRT).
- (10) Council will receive the technical report, and Council may approve the Comprehensive Development Plan or approve the Comprehensive Development Plan with conditions. Council may alternatively decide to postpone or deny the application.
- (11) Once the minutes of the Council resolution have been prepared, the applicant will be notified of the outcome.
- (12) If the Terms of Reference specify that the Comprehensive Development Plan be submitted or completed in distinct phases, the procedures outlined in this schedule will be repeated for each phase as applicable.

4. Processing Procedure – PART C: Official Community Plan Amendment

- (1) Once Council has approved all phases of the Comprehensive Development Plan, Staff will bring forward an amendment to the Official Community Plan, in accordance with Schedule 'B' of this bylaw, to ensure consistency with the Comprehensive Development Plan.

Schedule 'D'
Development Permit

This information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed.

1. Application Requirements

Application requirements are specified in the District of Tofino Development Application Form.

2. Processing Procedure

A Development Permit Application submitted in accordance with this bylaw will be substantially processed as follows:

- (1) The applicant will have a Pre-Application Meeting to discuss the proposal and application requirements with Staff prior to submitting a formal application to the District.
- (2) Staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the applicant.
- (3) Staff will review the proposal for compliance with relevant District bylaws and policies, and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- (4) Staff will refer the application to all applicable District departments, Design Review Panel, Development Review Team (DRT), government ministries, agencies and organizations.
- (5) Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
 - (i) Resolve conditions/requirements identified in the Comprehensive Letter(s);
 - (ii) Submit any necessary reports/studies; and,
 - (iii) Complete any required approvals.
- (6) The applicant must address the items in the comprehensive letter and may wish to revise the application accordingly.
- (7) Staff will prepare a technical report for consideration, incorporating feedback received from the referral process and any recommendations from the Development Review Team (DRT). All development permit applications and technical reports will be referred to the Manager for consideration.
- (8) If the Manager opts-out of making a delegated decision as per this bylaw, Council will receive the development permit application and technical report for consideration. Council may authorize the issuance of the development permit or authorize the issuance of the development permit with conditions. Council may alternatively decide to postpone or deny the application. If the development permit application includes a request for a development variance(s), the request may be considered by Staff or Council in conjunction with the development permit application pursuant to requirements of this bylaw and the *Local Government Act*. Additional fees will be required as per the District of Tofino Fees and Charges Bylaw.
- (9) The applicant will be notified of the decision regarding the application.
- (10) If a Development Permit is granted, a Notice of Permit will be registered against the title of the property at the Land Title Office by Staff.

Schedule 'E'
Minor Development Variance Permit AND Development Variance Permit

This information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed.

1. Application Requirements

Application requirements are specified in the District of Tofino Development Application Form.

2. Processing Procedure

A Development Variance Permit application submitted in accordance with this bylaw will be substantially processed as follows:

- (1) The applicant will have a Pre-Application Meeting to discuss the proposal and application requirements with Staff prior to submitting a formal application to the District.
- (2) Staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the applicant.
- (3) Staff will mail or otherwise deliver notices to adjacent property owners as per requirements of this bylaw and the *Local Government Act*. If the Manager has delegated authority to review the Development Variance Permit, no notice is required as per the *Local Government Act*; however, the Manager may require notification to be sent to adjacent property owners as per this bylaw.
- (4) Staff will review the proposal for compliance with relevant District bylaws and policies, and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- (5) Staff may refer the application to the Development Review Team (DRT), all applicable District departments, government ministries, agencies and organizations. Staff will determine whether the variance request is minor or needs to be referred to Council for a decision.
- (6) Staff will prepare a technical report for consideration, incorporating feedback received from the referral process and any recommendations from the Development Review Team (DRT). If the application is deemed to be a Minor Development Variance Permit and the Manager has delegated authority to approve the Permit, the application and technical report will be referred to the Manager for consideration, otherwise the report will be prepared for Council's consideration.
- (7) The Manager may authorize the issuance of a Minor Variance Permit or alternatively decide to deny the application or refer it back to Staff for further information or deem that the variance is not minor and refer the application to Council for a decision. If authority has not been delegated or the Manager denies the application, Council will receive the technical report, and if Council decides to proceed with the development permit application, Council may authorize the issuance of the development permit or authorize the issuance of the development permit with conditions. Council may alternatively decide to postpone or deny the application.
- (8) If a variance is approved, a Notice of Permit will be registered against the title of the property at the Land title Office by Staff.
- (9) When a permit is (re)considered by Council, Staff will forward a technical memo, incorporating feedback received from the referral process, advisory committees, and the community.
- (10) Council will receive the technical memo and may authorize the issuance of the Development Variance Permit or authorize the issuance of the Development Variance Permit with conditions. Council may alternatively decide to postpone or deny the application.

(11) If a Development Variance Permit is granted by Council, a Notice of Permit will be registered against the title of the property at the Land title Office by Staff.

Schedule 'F'
Temporary Use Permit

This information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed.

1. Application Requirements

Application requirements are specified in the District of Tofino Development Application Form.

2. Processing Procedure

A Temporary Use Permit application submitted in accordance with this bylaw will be substantially processed as follows:

- (1) The applicant will have a Pre-Application Meeting to discuss the proposal and application requirements with Staff prior to submitting a formal application to the District.
- (2) Staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the applicant.
- (3) The Applicant will post a Notice of Application sign as per Schedule 'A' of this bylaw.
- (4) Staff will review the proposal for compliance with relevant District bylaws and policies and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- (5) Staff may refer the application to all applicable District departments, advisory committees, Development Review Team (DRT), government ministries, agencies, and organizations.
- (6) Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
 - (i) Resolve conditions/requirements identified in the Comprehensive Letter(s);
 - (ii) Submit any necessary reports/studies; and
 - (iii) Complete any required approvals.
- (7) Staff will mail or otherwise deliver notices to adjacent property owners as per this bylaw and as per requirements of the *Local Government Act*. Notice will also be published pursuant to the *Local Government Act*.
- (8) The applicant may be required and is encouraged to host a public information meeting at their own expense prior to the permit being considered by the Council. If required, the applicant is to conduct the public information meeting in accordance with the requirements of this bylaw.
- (9) Staff will prepare a technical report for Council's consideration, incorporating feedback received from the referral process, the community and any recommendations from the Development Review Team (DRT).
- (10) Council will receive the technical report, and Council may grant the requested permit (including the imposition of conditions) or may postpone or deny the application.
- (11) Once the minutes of the Council resolution have been prepared, the applicant will be notified of the outcome.
- (12) If a Permit is granted by Council, a Notice of Permit will be registered against the title of the property at the Land Title Office by Staff.

Schedule 'G'
A Referral for Liquor License and Cannabis License under the Liquor and Cannabis
Regulation Branch (LCRB)

This information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed.

1. Application Requirements

- (1) Applicants must review the Liquor and Cannabis Regulation Branch (LCRB) requirements prior to submitting a Liquor License or a Cannabis License application to the District. The LCRB specifies application requirements and when local governments are required to comment on liquor license applications.
- (2) Application requirements are specified in the District of Tofino Development Application Form.

2. Processing Procedure for Liquor Licenses and Cannabis Licenses

A Liquor License Application submitted in accordance with this bylaw will be substantially processed as follows:

- (1) The applicant will have a Pre-Application Meeting to discuss the proposal and application requirements with Staff prior to submitting a formal application to the District.
- (2) Staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the applicant.
- (3) Upon receipt of a complete application submitted in accordance with the requirements of this bylaw, Staff will issue a receipt to the applicant. Applicants are required to demonstrate proof of application to the LCRB prior to municipal consideration. The LCRB may forward a summary report to the District prior to the District's review of the application.
- (4) Staff will review the proposal for compliance with relevant District bylaws and policies and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- (5) Staff may refer the application to all applicable District departments and Development Review Team (DRT).
- (6) Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify recommended conditions/requirements which will be sent to the applicant.
- (7) In order to obtain public input, the District may, in accordance with the *Liquor Control and Licensing Act* and the *Cannabis Control and Licensing Act*:
 - (i) Advertise the proposal in one edition of a local newspaper to solicit written comments on the application from the public. Such comments shall be submitted in writing to the Manager within fourteen (14) days of the publication of the notice.
 - (ii) Send notifications to adjacent property owners in accordance with this bylaw.
- (8) If a Council resolution is required as per the LCRB, staff will prepare a technical report for Council's consideration, incorporating feedback received from the referral process, the community, and any recommendations from the Development Review Team (DRT) and in accordance with the criteria local governments must consider as per guidelines specified by the LCRB.
- (9) If a Council resolution is required as per the LCRB, Council will receive the technical report, and Council will make a recommendation to the LCRB by passing a resolution to either approve or deny the application.

- (10) Once the minutes of the Council resolution have been prepared, the applicant will be notified of the outcome. Staff will forward the Council resolution to the LCRB for their final review and approval.
- (11) If a Council resolution is not required per the LCRB, the Manager will review the application and any feedback received from the review and provide a recommendation to the LCRB for their review and final approval.



REPORT TO COUNCIL

Council Meeting: June 25, 2024

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: JEFFREY CADMAN, DIRECTOR OF FINANCE

FILE No: 3900-25

SUBJECT: FIVE-YEAR FINANCIAL PLAN - AMENDMENT

REPORT No: 24-62

ATTACHMENT(s): APPENDIX A - UCLUELET 2024 – 2028 FINANCIAL PLAN AMENDMENT BYLAW NO. 1349, 2024

RECOMMENDATION(S):

THAT Council give the first, second and third readings to *District of Ucluelet 2024 – 2028 Financial Plan Amendment Bylaw No. 1349, 2024*.

BACKGROUND:

On May 14, 2024, Council adopted the District of Ucluelet 2024 – 2028 Financial Plan Bylaw No. 1339, 2024 (the “Financial Plan Bylaw”). We have since added a \$2.5 million dollar paving grant which must be reflected in the five-year financial plan. This amendment changes the schedule to reflect the additional revenue and expense from this project. The original bylaw also had an error in the total tax subtotal which has been fixed, the property tax requisition and budget are unchanged.

POLICY OR LEGISLATIVE IMPACTS:

The Financial Plan Amendment Bylaw updates the five-year financial plan to reflect the \$2.5 million dollar paving grant that was added to the budget after the bylaw was initially adopted as well as the subtotal error.

Respectfully submitted: Jeffrey Cadman, Director of Finance
Duane Lawrence, CAO

DISTRICT OF UCLUELET
Bylaw No. 1349, 2024

A bylaw to amendment District of Ucluelet 2024 – 2028 Financial Bylaw No. 1339, 2024

WHEREAS Council desires to amend “District of Ucluelet 2024 – 2028 Financial Bylaw No. 1339, 2024”;

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

Citation

1. This bylaw may be cited for all purposes as "**District of Ucluelet 2024 - 2028 Financial Plan Amendment Bylaw No. 1349, 2024**".

Amendment

2. District of Ucluelet 2024 – 2028 Financial Bylaw No. 1339, 2024, is hereby amended by deleting Schedule “A” in its entirety and replacing it with Schedule “A” attached to and forming part of this bylaw.

READ A FIRST TIME this ** day of ***, ****.

READ A SECOND TIME this ** day of ***, ****.

READ A THIRD TIME this ** day of ***, ****.

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

CERTIFIED CORRECT; “District of Ucluelet 2024 – 2028 Financial Plan Bylaw No. 1349, 2024”.

Marilyn McEwen
Mayor

Duane Lawrence
Corporate Officer

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

Duane Lawrence
Corporate Officer

Schedule "A"**"District of Ucluelet 2024 - 2028 Financial Plan Amendment Bylaw No. 1349, 2024"****2024 - 2028 Financial Plan****Statement of Objectives and Policies:**

In accordance with Section 165(3.1) of the Community Charter, municipalities are required to include in the Five-Year Financial Plan, objectives and policies regarding each of the following:

- 1) For each of the funding sources described in Section 165(7) of the Community Charter, the proportion of total revenue that is proposed to come from that funding source;
- 2) The distribution of property value taxes among the property classes that may be subject to taxes; and
- 3) The use of permissive tax exemptions.

The current financial plan provides for \$19,587,609 to be generated for the 2024 year.

Revenue Objectives

- a) The District will review fees and charges regularly to maximize recovery of the cost of service delivery;
- b) The District will actively pursue alternative revenue sources to help minimize property taxes;
- c) The District will consider market rates and charges levied by other public and private organizations for similar services in establishing rates, fees and charges;
- d) The District will establish cost recovery policies for fee-supported services, and these policies will consider whether the benefits received from the service are public and/or private;
- e) The District will establish cost recovery policies for the services provided for other levels of government;
- f) General Revenues will not be dedicated for specific purposes, unless required by law or generally accepted accounting practices (GAAP); and
- g) The District will develop and pursue new and creative partnerships with government, community institutions (schools, churches), and community groups as well as private and non-profit organizations to reduce costs and enhance service to the community.

REVENUE	2024	Percent of total
Property Taxes	5,479,952	28.0%
1% Utility Taxes	46,851	0.2%
Federal/Provincial in Place of Taxes	50,000	0.3%
Total Taxes	5,576,803	28.5%
Recreation	577,649	3.0%
Sales & Services	944,475	4.8%
Transfer from Reserves	1,372,558	7.0%
Grants from other levels of government	10,454,559	53.3%
Own sources of Revenue	661,565	3.4%
Total Revenue	19,587,609	100.0%

Surplus Funds Objective

The Community Charter does not allow municipalities to plan for an operating deficit (i.e. where expenditures exceed revenues). To ensure this situation does not occur, revenue projections are conservative and authorized expenditures will be closely monitored. The combination of conservative revenue projections and controlled expenditures should produce a modest annual operating surplus.

Debt Objective

- a) One-time capital improvements and unusual equipment purchases;
- b) When the useful life of the capital project will exceed the term of financing;
- c) Major equipment purchases;
- d) The maximum borrowing amount to be limited to what is allowed under the Community Charter; and
- e) Reserves are to be considered as a funding source before debt.

Reserve Funds Objective

- a) Provide sources of funds for future capital expenditures;
- b) Provide a source of funding for areas of expenditure that fluctuate significantly from year to year (equipment replacement, special building maintenance, etc.);
- c) Protect the District from uncontrollable or unexpected increases in expenditures or unforeseen reductions in revenues, or a combination of the two;
- d) Provide for working capital to ensure sufficient cash flow to meet the District's needs throughout the year; and
- e) Staff will facilitate Council's review of the amount of reserve funds available on an annual basis.

Proportion of Taxes Allocated to Classes Objective

Council's goal is to ensure that there is a fair and equitable apportionment of taxes to each property class. The apportionment to each class is calculated using the multipliers determined by Council prior to preparing the annual tax rate bylaw. The tax multipliers will be reviewed and set by Council annually.

Permissive Tax Exemptions Objective

The District of Ucluelet Council reviews and passes a permissive exemption bylaw to exempt certain properties from property tax in accordance with guidelines set out under Sections 220 and 224 of the Community Charter. Although there is no legal obligation, Council may choose to grant exemptions as a method of recognizing organizations within our community which enhance the quality of life for community residents.

The permissive exemptions are evaluated with consideration to minimizing the tax burden to be shifted to the general taxpayer.

Development Cost Charges Objective

Development cost charges will be used to help fund capital projects deemed to be required in whole or in part due to development in the community. These charges will be set by a bylaw and reviewed regularly as outlined in the bylaw to ensure that the project estimates remain reasonable and the development costs charged are aligned with the strategic goals of Council.

REVENUE	2024	2025	2026	2027	2028
Property Taxes	\$5,479,952	\$6,519,100	\$7,699,141	\$8,820,405	\$9,839,759
1% Utility Taxes	46,851	46,851	46,851	46,851	46,851
Federal/Provincial in Place of Taxes	50,000	50,000	50,001	50,002	50,003
Total Taxes	\$5,576,803	\$6,615,951	\$7,795,993	\$8,917,258	\$9,936,613
Recreation	577,649	595,967	605,472	615,166	625,055
Sales & Services	594,475	214,261	393,545	2,722,915	227,373
Debt funding	350,000	2,560,950	1,404,950	300,000	3,080,000
Transfer from Reserves	1,372,558	2,180,000	2,062,143	9,432,143	5,732,143
Grants from other levels of government	10,454,559	5,196,071	4,191,040	1,327,000	802,000
Own sources of Revenue	661,565	603,244	614,228	625,432	636,859
Total Revenue	\$19,587,609	\$17,966,444	\$17,067,371	\$23,939,914	\$21,040,043

Expenses	2024	2025	2026	2027	2028
Operational Expenses					
Administration Expenses	\$1,883,557	\$1,902,581	\$1,891,284	\$1,946,590	\$1,977,379
Building Inspection Expense	138,856	141,633	144,466	147,355	150,302
Bylaw Expense	137,338	140,085	142,886	145,744	148,659
Fiscal Services (Debt)	235,258	219,671	193,688	196,110	119,869
Parks Expenses	801,388	817,416	833,764	850,439	867,448
Planning Expenses	572,812	583,468	594,337	605,424	616,732
Protective Services Expenses	508,921	526,152	536,465	546,985	557,714
Public works Expenses	988,777	996,832	1,016,769	1,037,104	1,057,846
Recreation Expenses	1,197,113	1,208,616	1,232,578	1,257,019	1,281,950
Total Operations Expenses	\$6,464,020	\$6,536,454	\$6,586,237	\$6,732,770	\$6,777,899
Capital Expenses					
Affordable Housing	167,000	650,000			
Buildings	155,085		175,000	6,700,000	
General Gov't	252,947	250,000			
Emergency Services	397,464	900,000	600,000		
Fleet	350,000	30,000			80,000
Parks & Recreation	2,242,296	245,000	184,000	60,000	3,530,000
Roads	5,948,327			690,000	
Sanitary	453,550	2,210,000	1,972,144	3,257,144	5,652,144
Water	1,914,919	4,544,990	4,549,990	2,500,000	
Transfer to Capital Program	1,000,000	2,000,000	3,000,000	4,000,000	5,000,000
Harbour	242,001	600,000			
Total Capital Expenses	\$13,123,589	\$11,429,990	\$10,481,134	\$17,207,144	\$14,262,144
Total Expenses	\$19,587,609	\$17,966,444	\$17,067,371	\$23,939,914	\$21,040,043



REPORT TO COUNCIL

Council Meeting: June 25, 2024

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: ANNELIESE NEWEDUK, PLANNER

FILE NO: 3360-20 RZ22-04

SUBJECT: REZONING AND OCP AMENDMENT FOR 1061 HELEN ROAD

REPORT NO: 24-61

ATTACHMENT(S): APPENDIX A - OCP AMENDMENT BYLAW NO.1337, 2024
 APPENDIX B - ZONING AMENDMENT BYLAW NO.1322, 2024
 APPENDIX C - DEVELOPMENT PERMIT 22-13

RECOMMENDATION(S):

1. **THAT** Council give third reading to *District of Ucluelet Official Community Plan Amendment Bylaw No. 1337, 2024*.
2. **THAT** Council adopt *District of Ucluelet Official Community Plan Amendment Bylaw No. 1337, 2024*.
3. **THAT** Council give third reading to the *District of Ucluelet Zoning Amendment Bylaw No. 1322, 2024*.
4. **THAT** Council adopt *District of Ucluelet Zoning Amendment Bylaw No. 1322, 2024*.
5. **THAT** Council authorize the Director of Community Planning to execute and issue Development Permit DP22-13.

BACKGROUND:

During the [February 27, 2024, Regular Council Meeting](#), the *District of Ucluelet Official Community Plan Amendment Bylaw No. 1337, 2024 (Appendix "A")*, and *District of Ucluelet Zoning Amendment Bylaw No. 1322, 2024 (Appendix "B")*:

- received first and second readings;
- were considered in conjunction with the District of Ucluelet five-year Financial Plan, and the Alberni-Clayoquot Regional District Waste Management Plan;
- were advanced to a Public Hearing; and,
- the *OCP Amendment Bylaw No. 1337* was referred to the Yuuʷiʷitʷatʷ Government.

Notification was completed and a public hearing on the Bylaws was held prior to this report as part of this Council Meeting. Having conducted a Public Hearing, Council is now in a position to consider third reading and adoption of *Bylaw No. 1337* and *Bylaw No. 1322*. If the Bylaws are adopted, Council would be in a position to approve the issuance of Development Permit 22-13 (**Appendix "C"**). Background information can be found in the [February 27, 2024 Regular Council Meeting](#)

[Agenda](#) (item 6.1) and in the Public Hearing Information package for these Bylaws found in the Agenda for this Regular Council Meeting (item 5.1).

ANALYSIS OF OPTIONS:

A	Give third reading to and adopt <i>Bylaw No. 1337</i> and <i>Bylaw No. 1322</i>	<u>Pros</u>	<ul style="list-style-type: none"> The current zoning and designated long term use of the subject property would align. Would allow for increased diversity of housing options in Ucluelet.
		<u>Cons</u>	<ul style="list-style-type: none"> Unknown at this time.
		<u>Implications</u>	<ul style="list-style-type: none"> If adopted, would allow for the application to proceed.
B	Amend <i>Bylaw No. 1337</i> and/or <i>Bylaw No. 1322</i>	<u>Pros</u>	<ul style="list-style-type: none"> Would ensure Council’s expectations are met.
		<u>Cons</u>	<ul style="list-style-type: none"> Unknown at this time.
		<u>Implications</u>	<ul style="list-style-type: none"> Further work to address the priorities of Council, If the Bylaw is amended, Council will have to direct staff to give notice for another public hearing.
		<u>Suggested Motion</u>	<ul style="list-style-type: none"> THAT Council direct staff to bring back <i>Official Community Plan Amendment Bylaw No. 1337, 2024</i>, with the following amendments: <i>[specify desired changes]</i> for readings and public hearing at a future council date. <p>And/or</p> <ul style="list-style-type: none"> THAT Council direct staff to bring back <i>District of Ucluelet Zoning Amendment Bylaw No. 1322, 2024</i>, with the following amendments: <i>[specify desired changes]</i> for readings and public hearing at a future council date.
C	Abandon <i>Bylaw No. 1337</i> and/or <i>Bylaw No. 1322</i>	<u>Pros</u>	<ul style="list-style-type: none"> Unknown at this time.
		<u>Cons</u>	<ul style="list-style-type: none"> Would not allow applicant’s development to proceed.
		<u>Implications</u>	<ul style="list-style-type: none"> Subject property’s current zoning and long-range designation would remain the same.
		<u>Suggested Motion</u>	No Motion Required.
If <i>Bylaw 1337</i> and <i>Bylaw 1322</i> are approved, Council would be in a position to consider the issuance of DP22-13.			
D	Authorize issuance of DP22-13	<u>Pros</u>	<ul style="list-style-type: none"> Allows applicant’s development to proceed.
		<u>Cons</u>	<ul style="list-style-type: none"> Unknown at this time.
		<u>Implications</u>	<ul style="list-style-type: none"> Approval will allow the application to proceed.
E	Provide Alternative	<u>Pros</u>	<ul style="list-style-type: none"> Would allow Council to meet their objective.
		<u>Cons</u>	<ul style="list-style-type: none"> Unknown at this time.

F	Direction on DP22-13	<u>Implications</u>	<ul style="list-style-type: none"> Unknown at this time.
		<u>Suggested Motion</u>	THAT Council, with regard to Development Permit 22-13, <i>[provide alternative direction here]</i>
	Reject DP22-13	<u>Pros</u>	<ul style="list-style-type: none"> Unknown at this time.
		<u>Cons</u>	<ul style="list-style-type: none"> Does not allow applicant's development to proceed.
		<u>Implications</u>	<ul style="list-style-type: none"> The application would not proceed. Additional staff time will be required to follow up with applicant and consultants.
		<u>Suggested Motion</u>	THAT Council reject the application for Development Permit 22-13 <i>[noting which specific DP guidelines are not being adequately met]</i> .

POLICY OR LEGISLATIVE IMPACTS:

This application is consistent with the *Local Government Act*. This application would amend the *District of Ucluelet Official Community Plan Bylaw No. 1306, 2022*, and the *District of Ucluelet Zoning Bylaw No. 1160, 2013*, if adopted.

NEXT STEPS:

This would be the last step in the Bylaw adoption process. If approved, the attached DP would be signed by the Director of Community Planning, issued to the applicant, and notice will be filed with the Land Title Office.

Respectfully submitted: Anneliese Neweduk, Planner
Bruce Greig, Director of Community Planning
Duane Lawrence, CAO

DISTRICT OF UCLUELET**Official Community Plan Amendment Bylaw No. 1337, 2024**

A bylaw to amend the District of Ucluelet Official Community Plan
(1061 Helen Road – Land Use designation change).

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

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

1. Map Amendments:

The “District of Ucluelet Official Community Plan Bylaw No. 1306, 2022, as amended, is hereby further amended as follows:

- A. Schedule ‘A’ Long Range Land Use Plan is hereby further amended by changing the designation of 1061 Helen Road; Lot B, District Lot 543 Native Island, Clayoquot District, Plan VIP78185 (PID 026-159-511), shown shaded on the map attached to this Bylaw as Appendix “A”, from Single Family Residential to Multi-Family Residential.

2. Citation:

This bylaw may be cited as “District of Ucluelet Official Community Plan Amendment Bylaw No. 1337, 2024”.

READ A FIRST TIME this 27th day of **February, 2024**.

Considered in conjunction with the District of Ucluelet Financial Plan and Waste Management Plan under Section 477 of the *Local Government Act* this 27th day of **February, 2024**

READ A SECOND TIME this 27th day of **February, 2024**.

PUBLIC HEARING held this day of , **2024**.

READ A THIRD TIME this day of , **2024**.

ADOPTED this day of , **2024**.

CERTIFIED A TRUE AND CORRECT COPY of “Official Community Plan Amendment Bylaw No. 1337, 2024”

Marilyn McEwen
Mayor

Duane Lawrence
Corporate Officer

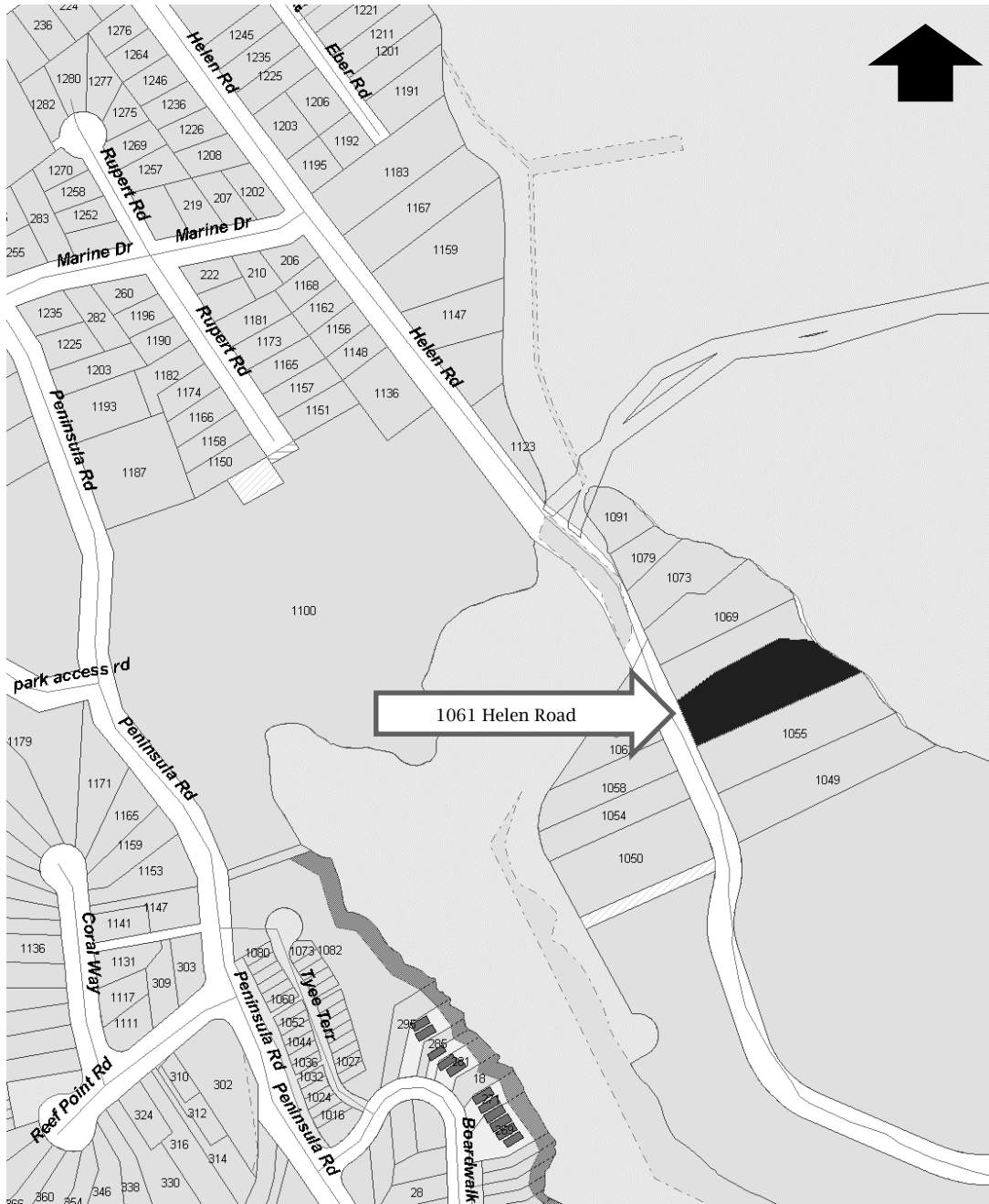
THE CORPORATE SEAL of the District of Ucluelet was hereto affixed in the presence of:

Duane Lawrence
Corporate Officer

Appendix 'A'

Official Community Plan Amendment Bylaw No. 1337, 2024

OCP Schedule 'A' Long Range Land Use Plan
From: "Single Family Residential"
To: "Multi-Family Residential"



DISTRICT OF UCLUELET

Zoning Amendment Bylaw No. 1322, 2024

A bylaw to amend the “District of Ucluelet Zoning Bylaw No. 1160, 2013”.
(1061 Helen Road)

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. Text Amendment:

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

A. Replacing section R-2.1.2(1)(b)(i), as follows:

“(i) Despite the above, Multiple Family Residential is not permitted on Lot 3, Plan VIP76238, District Lot 543, Clayoquot Land District, Native Island [PID 025-815-059] and Lot A, District Lot 543, Native Island, Clayoquot Land District, Plan VIP78185, [PID 026-159-511]”

B. Adding section R-2.1.2(1)(b)(ii) in alphanumeric order, as follows:

“(ii) Despite other sections of this bylaw, Lot B, District Lot 543, Native Island, Clayoquot Land District, Plan VIP78185, [PID 026-159-511; 1061 Helen Road] Multiple Family Residential use is the only allowable principle use and the Multiple Family Residential use may be in a building or group of buildings containing one or more dwelling units, limited to a maximum of six units with a maximum total combined gross floor area of 1200m².”

2. Citation:

This bylaw may be cited as “District of Ucluelet Zoning Amendment Bylaw No. 1322, 2024”.



DEVELOPMENT PERMIT DP22-13

Pursuant to section 488 of the Local Government Act, R.S.B.C 2015 C.1 as amended:

1. This Development Permit is issued to:

Haode Investments Ltd (The "Permittee")

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

1061 Helen Road; Lot B, District Lot 543, Native Island, Clayoquot Land District, Plan VIP78185, [PID 026-159-511] (The "Lands")

3. This Permit authorizes the following improvements on the Lands:
 - Six Multiple Family Residential Dwelling Units and associated driveway and landscape works (**Schedule 1**).

4. The permit holder, as a condition of issuance of this Permit, agrees to comply with the terms and conditions of **Schedule 2** which is attached hereto and forms part of this permit.

5. In addition to compliance with the terms and conditions listed in Schedule 2, the permit holder must adhere to all conditions of the Qualified Environmental Professional report in **Schedule 3** which is attached hereto and forms part of this permit.

6. Prior to any site disturbance or contractor mobilization, the permit holder must erect fencing or otherwise demarcate the no-disturbance area beyond the 20m shoreline setback and contact the District of Ucluelet to arrange a pre-construction inspection.

7. 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.

8. 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.

9. The Owner shall substantially commence the development within 24 months of the date of issuance, after which this permit shall be null and void.

10. Upon completion of all proposed works, the Owner shall provide a letter from a QEP to the District of Ucluelet confirming that the work done under permit was completed meeting the conditions listed below.

11. This Permit is NOT a Building Permit.

12. 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 , 2024.

ISSUED the day of , 2024.

Bruce Greig
Director of Community Planning



Schedule 1
(see Appendix A)

Schedule 2

Terms and Conditions

As a condition of the issuance of this Permit, the Permittee representing the Lands hereby to comply with all following Impact Reductions and Mitigation Measures, determined by Qualified Environmental Professional (QEP) as necessary to avoid negative impacts to environmental habitats within and adjacent to the Property. Prior to any site disturbance or contractor mobilization, the permit holder must erect fencing or otherwise demarcate the no-disturbance area beyond the 20m shoreline setback, and contact the District of Ucluelet to arrange a pre-construction inspection.

1. A shoreline setback width of 20 m is being prescribed for the subject property, which is to be measured from the Present Natural Boundary of the shoreline (Figure 3). This vegetated setback encompasses the steeper portions of the backshore in which signs of slope instability were noted (Figures 3 and 4) and will ensure that they remain stable. Additionally, this setback will ensure that all the functions listed in Section 4.1 remain intact. Although no eelgrass was found in the intertidal zone, the mouth of the Ucluelet inlet shown as “Medium” importance for herring spawn in the Department of Fisheries and Oceans’ (DFO) Pacific herring (*Clupea pallasii*) spawn data for Barkley Sound. Populations of herring have not been assigned a conservation status provincially¹³; however, population health of the West Coast Vancouver Island herring stock is currently rebuilding after historically low population numbers in the early 2000’s, and biomass has not been sufficient for the DFO to permit a commercial fishery since 2005¹⁴.
2. Due to the known importance of the mouth of Ucluelet Inlet to a commercially important species that is undergoing a population recovery, no disturbance must take place within the 20m shoreline setback. As designed, the proposed development does not encroach into the recommended 20 m setback.
3. Due to the signs of slope instability noted within the backshore habitat as described in Section 3.2.3 above, it is important that drainage from the proposed construction of impermeable surfaces outside of the 20 m shoreline setback be designed in such a way so as not to exacerbate any potential instabilities. Rain runoff must not be channelized and must be allowed to infiltrate into soil prior to entering the 20 m shoreline setback. It is recommended that the developer work with an appropriately qualified engineer to design a site-specific drainage plan prior to construction designed to prevent any erosion of slopes within the 20 m shoreline setback.
4. The entire 20 m recommended shoreline setback is well vegetated with a native plant community. No enhancements are necessary to improve the slope stability or ecosystem functions provided by this setback, and therefore a landscaping plan is not recommended as part of this assessment. Invasive species consisting primarily of Scotch broom were noted on the subject property adjacent to Helen Road outside of the MSDPA. This portion of the property will be highly disturbed during construction. It is recommended that during the site clearing phase, any vegetation or soils containing invasive plants be bagged and disposed of at a landfill to prevent further spread.



5. It will be important to implement mitigation measures during the construction on the subject property to protect the sensitive backshore vegetation adjacent to the site.
6. The accidental release of petroleum, oils, hydraulic fluids, lubricants, concrete additives, anti-freeze or other hazardous materials onto land surfaces or into waterbodies is an offence under the Federal Fisheries Act and may result in degradation of habitat quality and could be a threat to human health. Machinery required for the proposed development will likely be limited to a generator to power hand tools, and trucks delivering materials to the site. Environmental protection procedures for handling and storage of fuels and hazardous materials shall include the following items:
 - a. A spill kit of appropriate capacity will be on hand at all times heavy machinery or gas-powered tools are in use during construction.
 - b. All identified spills will be cleaned up immediately, and contaminated soils and vegetation will be removed for appropriate disposal.
 - c. Refueling of equipment is to occur only at designated fuelling stations and located at least 20 m from the shoreline.
 - d. All fuel, chemicals, and hazardous materials will be clearly marked.
 - e. Pumps and jerry cans are to be placed on poly sheeting and sorbent pads to contain spills.
 - f. All equipment maintenance with the potential for accidental spills (e.g., oil changes, lubrications) will be done on a designated area at least 20 m from the shoreline. Tarps should be laid down prior to commencement of work to facilitate clean up.
 - g. In the event of a spill, the following guidelines should be followed:
 - i. Spills to the receiving environment are to be reported to Emergency Management BC (1-800-663-3456) if they exceed the reportable limits (e.g., 100 liters of fuel or oil).
 - ii. Apply sorbent pads and booms as necessary.
 - iii. Dispose of all contaminated debris, cleaning materials, and absorbent material by placing in an approved disposal site.
7. Specific measures to control sediment during construction will include:
 - a. Maintain/do not disturb vegetation within the prescribed 20 m shoreline setback.
 - b. Where there is a potential for silt runoff in the proximity of existing waterbodies, control devices will be installed prior to construction activities commencing.
 - c. Filter fabric dams, rock check dams, and silt fencing will be used as needed on a site-specific basis to control erosion. Filtration should be accomplished using filter fabric keyed into substrates and banks and elevated.
 - d. using stakes or straw bales. Silt fencing is not an acceptable mitigation technique to control erosion in flowing ditches; however, it is useful for containing slumping areas and for use as baffles to slow water velocities.
 - e. Excavation will be stopped during intense rainfall events or whenever surface erosion occurs affecting nearby waterbodies.



- f. Soil stockpiles will be placed a minimum of 20 m from any waterbody and in a location where erosion back into the marine environment cannot occur and will not impede any drainage.
 - g. Soil stockpiles with the potential to erode into waterbodies are to be covered with poly sheeting. Other techniques, such as terracing or surface roughening can greatly reduce surface erosion on steeper slopes.
 - h. Permanent exposed soil areas and erosion-prone slopes that may potentially erode into waterbodies are to be seeded or covered with geotextile.
 - i. Clearing will take place immediately prior to excavation and earthworks to minimize the length of time that soils are exposed. Vegetation in adjoining areas will not be disturbed.
8. All trees and native vegetation within the 20 m shoreline setback will need to be retained and protected, unless a tree is deemed hazardous by a certified arborist. Trees provide critical functions in backshore areas by providing shade, nutrient and leaf litter drop, large woody debris recruitment in both the foreshore and marine environments, and bank stability through their complex root networks. They also help retain soil and provide more favourable growing conditions for other understory shrubs and ground cover plants in the backshore area. As previously described, there will be significant clearing of existing vegetation from portions of the subject property; however, there are no plans for any vegetation removal within the 20 m shoreline buffer zone. Specific measures to protect trees during development will include:
- a. A root protection zone for all trees in the 20 m shoreline setback will be established prior to construction commencing. The root protection zone should be established at the edge of the drip line of trees within the 20 m shoreline setback. The root protection zone should be physically delineated and should be off-limits to machinery.
 - b. Machine access will be from the southwest side of the property.
 - c. Tree protection plans will be communicated to everyone on site prior to commencing construction.
 - d. If roots are encountered during construction, they should be first avoided if possible, and if they must be cut, they should be cut cleanly with a saw as opposed to shattered with machinery.
 - e. Care should be taken not to break any limbs of trees within the 20 m shoreline setback during construction. If any limbs are accidentally broken, they should be cleanly cut with a saw.
 - f. Should any issues arise with regards to potential changes to the impact on trees during development, it is recommended that an arborist be retained to provide guidance on the least impact approach to development around trees.



Schedule 3

(See Appendix F for environmental reports)



REPORT TO COUNCIL

Council Meeting: June 25, 2024

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: ANNELIESE NEWEDUK, PLANNER

FILE No: 3360-20 RZ24-04/ 3060-20 DP23-09

SUBJECT: ZONING AMENDMENT/DEVELOPMENT PERMIT FOR 2102 PENINSULA ROAD

REPORT No: 24-64

ATTACHMENT(S): APPENDIX A – APPLICATION
 APPENDIX B – ZONING AMENDMENT BYLAW NO. 1343, 2024
 APPENDIX C – DEVELOPMENT PERMIT 23-09
 APPENDIX D – ENVIRONMENTAL QEP REPORT
 APPENDIX E – ENGINEERING AND SERVICING REPORT

RECOMMENDATION(S):

THAT Council direct staff to give notice of first reading for *District of Ucluelet Zoning Amendment Bylaw No. 1343, 2024*.

BACKGROUND:

In April 2024 the Ucluelet Rent-It Center Ltd. (the “**Applicant**”) submitted a proposal to build a mixed commercial/residential development at 2102 Peninsula Road and the adjacent property; PID 018743633, Lot 5, Plan VIP58757, District Lot 284, Clayoquot Land District, and PID 027730573, Lot C, Plan VIP85941, District Lot 284, Clayoquot Land District, (the “**development area**”) (See **Figure 1 and Figure 2**). It should be noted that the two parcels that make up the development area are anticipated to be consolidated.

THE PROPOSAL:

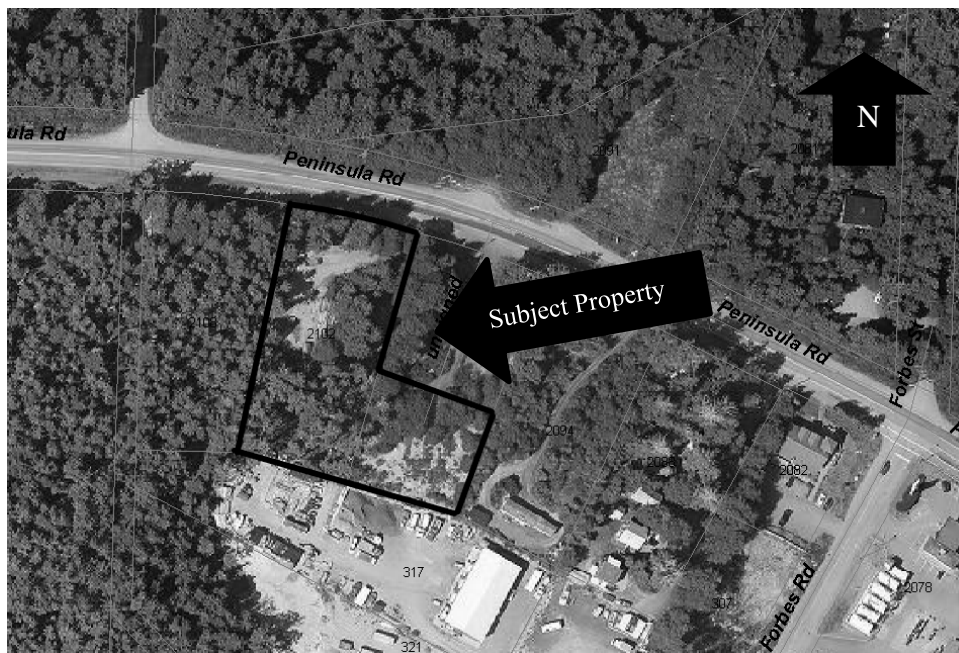
The development area is currently undeveloped, with a mixture of disturbed and forested lands. The proposed development includes three (3) four-unit townhomes near the rear (south), and two ground-floor commercial with second-storey resort condo buildings at the front (north) of the development area (See **Figure 3 and 4**).

There is a gradual northward slope towards Peninsula Road, therefore a large retaining wall is proposed to create flat ground for the two mixed commercial/resort condo buildings, and the associated parking, and create vehicle and pedestrian access to the upper residential area. An amenity greenspace will aid the transition from residential to commercial. There is an existing driveway and access easement that allows access to the rear portion of the development area

across the neighbouring property, however the intent is for it to remain as emergency access only. Access to all buildings will be through a new paved driveway and there will be a total of 55 parking spots.



(Figure 1. The Development Area)



(Figure 2. Orthographic image of Development Area)

ZONING:

The development area is currently zoned as Service Commercial (**CS-2**). Permitted principal uses in the CS-2 zone relevant to this application include *Mixed Commercial/Resort Condo* as well as *Mixed Commercial/Residential*. The CS-2 zone does not have *Multi-Family Residential (MFR)* as a stand alone principal permitted use, which would be required to allow for the townhomes.

Immediately surrounding the subject property, land is mostly zoned CS-2, except for Comprehensive Development Zone 1 (Eco Industrial; CD-1) directly south. Construction of a new medical center directly east of the subject property is underway. Just beyond that is the Raven Lodge Multi-family housing (R-3 Zone), northeast is the C&N Backpackers Hostel (HS Zone), and the remaining area consists of vacant lots (CS-2) and some parkland (P-1).

OFFICIAL COMMUNITY PLAN:*LONG RANGE LAND USE PLAN:*

The subject property is designated as “Service Commercial” (**SC**) as per the Long-Range Land Use Plan (Schedule A) in the District of Ucluelet *Official Community Plan Bylaw No. 1306, 2022 (OCP)*. The proposal aligns with future designated use of the property and the accompanying policies.

DEVELOPMENT PERMIT AREAS:

The subject property lies within the following Development Permit Areas:

- Development Permit Area II – Peninsula Road (Form and Character)
- Development Permit Area IV – Multi-Family/Commercial/Mixed Use (Form and Character)
- Development Permit Area VI – Stream and Riparian Area Protection (Environmental)

The DP areas will be encompassed into a single permit (See **Appendix “C”**).

DISCUSSION:REZONING:

The intent of CS-2 zoning is to include a range of uses, including both residential and commercial. However, having a residential building separate from the commercial building is not currently permitted. The applicant is requesting a zoning amendment to the CS-2 zone in the *District of Ucluelet Zoning Bylaw no. 1160, 2013*, that would allow MFR as a principal use in the development area (See **Appendix “B”**). This zoning amendment would not change density or the intended use of the CS-2 zone, but it would allow for the residential and commercial uses to exist in separate buildings.

PARKING:

Currently, the application proposes 55 parking spaces, meeting the minimum requirements outlined by Section 505.1 of the zoning bylaw. To determine the commercial parking requirements, the *Retail* use was used. Note that if the use of the existing commercial space changes, parking requirements could change.



(Figure 3. Illustrative Site Plan)



(Figure 4. Illustrative site plan aerial view)

FORM AND CHARACTER DEVELOPMENT PERMIT AREAS:

Form and character DPAs are established to guide development and land use to ensure a pedestrian-oriented, compact, and vibrant community which maintains its coastal village character. The [General, Peninsula Road \(DPAII\)](#) and [Multi-Family / Commercial / Mixed Use \(DPAIV\)](#) guidelines are specifically relevant to this application.

BUILDING FORM:

The three 2-storey residential townhomes would each contain four units (153m² each) for a total floor area of 1841m² (See **Figure 3 and 4**). Each unit would be three bedrooms, contain a one-car enclosed garage, and a balcony. The proposed townhomes would help broaden the supply of housing choices in Ucluelet and could positively contribute to OCP affordability and housing objectives (OCP Policies 3.131G, 3.137, 3.140, 3.147, and 3.149)

The two mixed commercial/resort condo buildings have a total floor area of 818m² (See **Figure 3 and 4**). A total of eight (1 two-bedroom and 7 one-bedroom) resort condo units will be accessible by a set of indoor and outdoor stairs, will each have their own balcony, and will have access to a communal amenity outdoor deck. The specific ground floor commercial uses would be dependent on the incoming tenants.

The design and architecture intend to evoke fishing village heritage and west coast character through form and materials, therefore utilize corrugated steel, concrete, and facades with light colours and wood accents to add warmth (OCP F1 and F11).

Guideline F8 recommends avoiding “*extensive use of blank walls regardless of material*” and contains various recommendations on how developments can soften the visual impact of blank walls such as public seating, planters, graphic design, or architectural details. In addition, guideline F22 requires landscape planting to provide clarity within the public realm and suggests that planting can be used to help define outdoor spaces, highlight pedestrian corridors, beautify streetscapes, and more. While the Frontage to Peninsula Road addresses these policies, note that the retaining wall, adjacent mixed commercial/resort condo building, and parking area exhibit large areas of concrete face (See **Figure 5**). Given the challenging topography of the site, the concrete retaining aspects of the development are justifiable.

PEDESTRIAN CONNECTIVITY:

The frontage currently contains a paved Multi-Use Path (**MUP**), which the applicant proposes to connect directly to (OCP F.II.6). Pedestrians can access the rear residential portion of the development area through stairs and a pedestrian walkway, creating comprehensive pedestrian connectivity throughout the development area.

LANDSCAPING:

The applicant notes that it is not anticipated that a significant amount of tree retention will be possible, and majority of the development area will become impervious surfaces and buildings. It is important to note that large trees shown on the concept plans are outside the development area boundary (See **Figure 3 and 4**).

The area fronting Peninsula Road will be fully landscaped, with low-growing native grasses, mulch-topped garden beds with native vegetation, and retained or newly planted native trees (OCP F21, F.I.5, and F.II.7). Additional landscaping will be completed to provide shade and privacy across the development area, consisting of non-invasive native and drought tolerant plants. A communal green and park amenity space is located in between the commercial and residential buildings to create a buffer and space for residents to gather and recreate (OCP F9). The development area's west property line borders a watercourse and area where significant tree canopy has been retained, however south and east has seen significant clearing.

ARCHAEOLOGICAL POTENTIAL:

Additionally, guideline F30 states that *"All developments shall respect archaeological resources and comply with all relevant statutes for the protection thereof"*. According to OCP Archaeological and Cultural Potential Map 3, areas of archaeological potential fall within the development area. The applicant has been provided information on Protected Archaeological sites in BC, and is aware of the necessary steps to remain in line with the *Heritage Conservation Act* to assess the archaeological potential of the development area.



(Figure 5. Illustration of parking area, mixed commercial/resort condo area, and retaining wall)

ENVIRONMENTAL PROTECTION PERMIT AREA:

The development area borders a watercourse and falls within the OCPs Stream and Riparian Area Protection DP area (DPA VI). The OCP exempts *"Development in sites which have been previously assessed and where a Section 219 Restrictive Covenant has already been registered on the title of the property identifying areas and measures necessary to protect environmental values"* according to DPA Exemptions Section 13. An existing covenant on title states that *"no building shall be constructed, nor mobile home located within thirty (30.0) metres of the natural boundary of the sea, nor within fifteen (15.0) metres of the natural boundary of any nearby watercourse, whichever is greater."* The development exhibits a 15m setback from the watercourse.

Notwithstanding, the applicant has engaged a QEP at Current Environmental to complete a biophysical assessment of the development area (See **Appendix “D”**). The report states that the development must not encroach on a 10m Streamside Protection and Enhancement Area (**SPEA**). The proposal does not encroach on this setback, therefore satisfying this aspect of the QEP report and the existing covenant. The report outlines potential environmental impacts (Section 4) and accompanying mitigation measures (Section 5) that have been incorporated into the development permit. The QEP assessed the development as acceptable for the property and of low environmental risk, if the mitigation measures recommended in the report are effectively implemented.

RELEVANT OCP POLICIES:

Below are other policies listed in the OCP relevant to the proposal that may facilitate minor proposal adjustments that will not impact the issuance of a DP:

- Policy 2.15 will require some of the parking to incorporate infrastructure to support electric vehicle charging,
- Policy 2.29 recommends the inclusion of adequate, secure, bike parking facilities,

FIRE PROTECTION:

The subject property satisfies the initial access requirements of the Fire Department. Any proposed alterations to the layout design will require consultation and approval of the Fire Chief.

SERVICING:

The applicant engaged Herold Engineering to complete a servicing review of the proposal (see **Appendix “E”**). The site has been reviewed for Development Permit (preliminary design) civil works. The developer has provided a detailed mark-up identifying items that need clarification and revision prior to Building Permit (detailed design).

Potable Water:

- There is enough capacity within the water system fronting the property without additional off-site upgrades.

Fire Flow Water:

- There is enough capacity for firefighting purposes without additional off-site upgrades. Prior to the completion of detailed design, the adequacy of the proposed 150mm water service will have to be confirmed.

Sewer:

- The development is located within the Peninsula Road Lift Station catchment area. The system includes flows along the inner harbour system which is approaching capacity. To accommodate growth, including this development, the District is working on capacity solutions. The timing of this development may be affected by capacity constraints of the Inner Harbour sewer system.

Storm:

- Prior to the completion of detailed design, a storm water master plan will be required as well as a permit from the Ministry of Transportation and Infrastructure.

Site Access:

- Prior to the completion of detailed design, the District’s road cross section and site access specifications will have to be integrated.

BUILDING SERVICES:

Due to the complexity of the proposed development, in accordance with District of Ucluelet Building Bylaw No. 1165, 2014, Section 10.3., the Building Official will require professional design and review for all aspects of construction - civil, geotechnical, structural, and mechanical under letters of assurance. Fire suppression systems, if proposed, will be required to be designed and reviewed by a registered professional under letters of assurance. The owner shall retain a coordinating registered professional to coordinate all design work and field reviews of the registered professionals of record required for the project to ascertain that the design and construction will substantially comply with the British Columbia Building Code and other applicable enactments respecting safety. Referral to the Ministry of Transportation for traffic impact, access and drainage will be required and should be under the purview of the project civil engineers.

ANALYSIS OF OPTIONS:

A	Direct staff to give notice of first reading to <i>Bylaw No. 1343, 2024</i>	<u>Pros</u>	<ul style="list-style-type: none"> • Development application will proceed at this time.
		<u>Cons</u>	<ul style="list-style-type: none"> • Unknown at this time.
		<u>Implications</u>	<ul style="list-style-type: none"> • Approval would allow the application to proceed. • Could allow for MFR use on the development area if adopted/issued.
B	Provide alternative direction	<u>Pros</u>	<ul style="list-style-type: none"> • Achieves the goals and objectives as identified by Council.
		<u>Cons</u>	<ul style="list-style-type: none"> • Unknown at this time.
		<u>Implications</u>	<ul style="list-style-type: none"> • Depends on the direction of Council.
		<u>Suggested Motion</u>	THAT Council, with regards to Zoning Amendment Bylaw No. 1343, [<i>provide alternative direction here</i>]

C	Reject the application	<u>Pros</u>	<ul style="list-style-type: none"> The development will not proceed at this time.
		<u>Cons</u>	<ul style="list-style-type: none"> Does not allow the applicant's proposed development to proceed.
		<u>Implications</u>	<ul style="list-style-type: none"> The application would not proceed. Additional staff time will be required to follow up with applicant and consultants.
		<u>Suggested Motion</u>	<p>THAT Council reject the application for DP23-09 and RZ24-04 because it does not adequately address [<i>quote OCP Bylaw DP guideline section(s) not met</i>].</p>

POLICY OR LEGISLATIVE IMPACTS:

This application impacts the *District of Ucluelet Zoning Bylaw No. 1160, 2013* by adding a text amendment to section CS-2.1.

This application is consistent with the *Official Community Plan* and the *Local Government Act*.

It is important to note that *Bill 44 – 2023 Housing Statutes (Residential Development) Amendment Act, 2023* amended Part 14, Division 3, Section 464 (3) of the *Local Government Act*, now states that:

(3) A local government must not hold a public hearing on a proposed zoning bylaw if

(a) an official community plan is in effect for the area that is the subject of the zoning bylaw,

(b) the bylaw is consistent with the official community plan,

(c) the sole purpose of the bylaw is to permit a development that is, in whole or in part, a residential development, and

(d) the residential component of the development accounts for at least half of the gross floor area of all buildings and other structures proposed as part of the development.

Where a public hearing would have previously been held, these legislative changes prohibit the District of Ucluelet from holding a public hearing for *District of Ucluelet Zoning Amendment Bylaw No. 1343, 2024*.

In addition, is important to note, that the applicant is responsible for ensuring that all Provincial and Federal laws, requirements, and best practices are followed.

NEXT STEPS:

If Council directs staff to give notice of first reading to the draft of *District of Ucluelet Zoning Amendment Bylaw No. 1343, 2024*, staff would undertake the required notifications.

Respectfully submitted:

ANNELIESE NEWEDUK, PLANNER

BRUCE GREIG, DIRECTOR OF COMMUNITY PLANNING

DUANE LAWRENCE, CAO

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

Date: February 12, 2023

Attn: Bruce Greig

Re: Development Permit, 2102 Peninsula Rd, Ucluelet, BC.

LOT 5, SECTION 21, CLAYOQUOT DISTRICT, PLAN VIP 587757, DISTRICT LOT 284 & LOT C
PLAN VIP 85941, DISTRICT LOT 284
Zoned CS2 – Service Commercial

Project Intent:

To create a compact vibrant mixed use neighbourhood at the entrance to The District of Ucluelet.

Project Overview:

The subject property is located at and adjacent to 2102 Peninsula Road, Ucluelet, BC.

The development spans two parcels both zoned CS2 Service Commercial. Rent-it Centre is proposing a mixed use development consisting of 417 m² of ground floor commercial with condo-hotel units on the second storey, spread across two buildings adjacent to Peninsula Rd. The proposal also includes 3 x 4 unit two storey townhome buildings, two to the rear of the property (Lot 5) and the third occupying the second parcel (Lot C).

While access to Lot C is possible from an existing road and access easement it is envisioned this site will be accessed primarily through Lot 5. The existing access easement will remain for emergency access and fire apparatus turn-around as initially intended with the easement.

We would be looking for guidance on a preferred path to addressing the two lots and access to satisfy the zoning and the intent of the OCP either through a site specific zoning amendment, variance, or rezoning if necessary.

While we acknowledge the townhouse units on Lot C do not conform the Primary use for CS2 There is an opportunity to create a compact medium density neighbourhood comprised of “missing middle” housing forms which are a scarce commodity in Ucluelet. These units are in close proximity to the commercial uses on Lot 5 which would perhaps still be considered aligned with the vision within the OCP.

The townhouse units would be sold at market rates with STR restrictions and no long term rental restrictions to encourage year round occupancy for local residents.

The total Floor Area spanning Lot 5 & Lot C is equal to 2731 m² (.47 FAR) and would be distributed as follows:

- 3 x 4 (153.4 m² incl. Garage) units townhouse buildings totalling 1841 m²
- 8 x 1 & 2 bedroom Resort Condo Units Totalling 446 m²

- Ground level commercial space totalling 372m²

Parking and Loading:

A total of 54 parking spaces for the entire development are provided with additional parking spaces possible with reduced green space if necessary.

28 surface and covered parking spaces are provided for the commercial units at a ratio of .75 spaces per 10m² which would satisfy the most stringent parking bylaw ratios for various potential uses. 2 of the spaces are “small” at 2.5m x 5.2m. Two spaces are designated as accessible and the remainder are full size at 2.5m x 6m. 8 full size parking spaces are provided for the Condo hotel units @ 1 space per unit.

1.5 parking spaces per townhouse unit are provided for resident use and an additional 3 guest parking spaces are available provided. 1 garage space per dwelling unit with the remainder consisting of surface parking.

All drive aisles are minimum 6m wide with parking areas served by 7.5m wide drive aisles.

A covered loading zone (9m x 3m) with overhead clearance of 4.3m is provided at the rear of the mixed use building adjacent to Peninsula Rd.

Landscape/Environment:

The properties are a mixture of disturbed and forested lands sloping down to the north end and fronting onto Peninsula road. The forested areas contain a mixture of Hemlock Cedar and Spruce. Due to the topography and significant earth works required to complete the development it is not anticipated that a significant number of trees would be able to be retained. Large trees indicated on the concept plans largely fall outside of the property boundaries and are shown for context.

The property to the west contains a watercourse and tree cover along the property line has been retained by the property owner who is in final stages of development.

Current Environmental has provided the Biophysical Assessment for both this property and the neighbouring property as required under Environmental DPA guidelines.

Significant Landscaping will be required to provide shade and privacy within the development. The landscaping will consist of non-invasive native and drought tolerant plants.

A communal green space and park amenity space is located on Lot C providing a buffer between neighbouring properties and space for residents to gather and recreate.

The Peninsula Road Frontage will be planted to provide intermittent views of the building facade. A combination of low growing native shrubs and grasses and Native deciduous flowering trees will screen the upper floor units while allowing commercial frontages to have visual exposure to the street. Plant Species to include: Pacific Dogwood, Pacific Crabapple, Vine Maple, Dull Oregon Grape, Red-osier Dogwood, and Kinnikinnik.

Areas of disturbance with neighbouring properties are to be restored using native plant materials including: Western Red Cedar, Sitka Spruce, Douglas Fir, Salal Evergreen Huckleberry and Sword Ferns.

A conceptual Landscape Plan is provided as part of the Development Permit Application while a detailed Landscape Architectural plan is subject to final grading and clearing requirements and will be submitted as part of the Building Permit.

Architecture:

The design is intended to evoke the fishing village heritage of the region with form and materials derived from the industrial waterfront buildings such as corrugated steel and concrete pilings. Facades utilize light colours and wood accents to add warmth and “west coast” character.

The building massing does not exceed the 8.5m height restriction under the existing CS2 zoning. Special consideration was given to the design to keep the height below the maximum through low slope roof lines in order to keep the development from being visually intrusive and to maintain as much light through the site as possible.

Due to the site being dramatically undulating and partially cleared it is difficult to assess what the average natural grade is and detailed survey information will need to be collected to ensure maximum heights are respected and in some cases may require a variance application or design revisions at Building Permit Stage.

Waste Management:


Animal proof waste bins and recycling rolling bins will be accessible for both commercial and residential use as indicated in the two locations on the site plans.

In Conclusion:

We have taken time to consider the commercial, tourism economy, and long term housing needs of the community. Our initial meeting with the Planning department last year was encouraging and we look forward to continuing this collaborative approach. It is our hope that this development aligns with the priorities set out in the OCP as well as attempting to adjust to rapidly evolving Provincial and District housing policies.

Sincerely

Mayco Noel
Rent-it Centre
#313-317 Forbes Rd
Ucluelet, BC
V0R 3A0



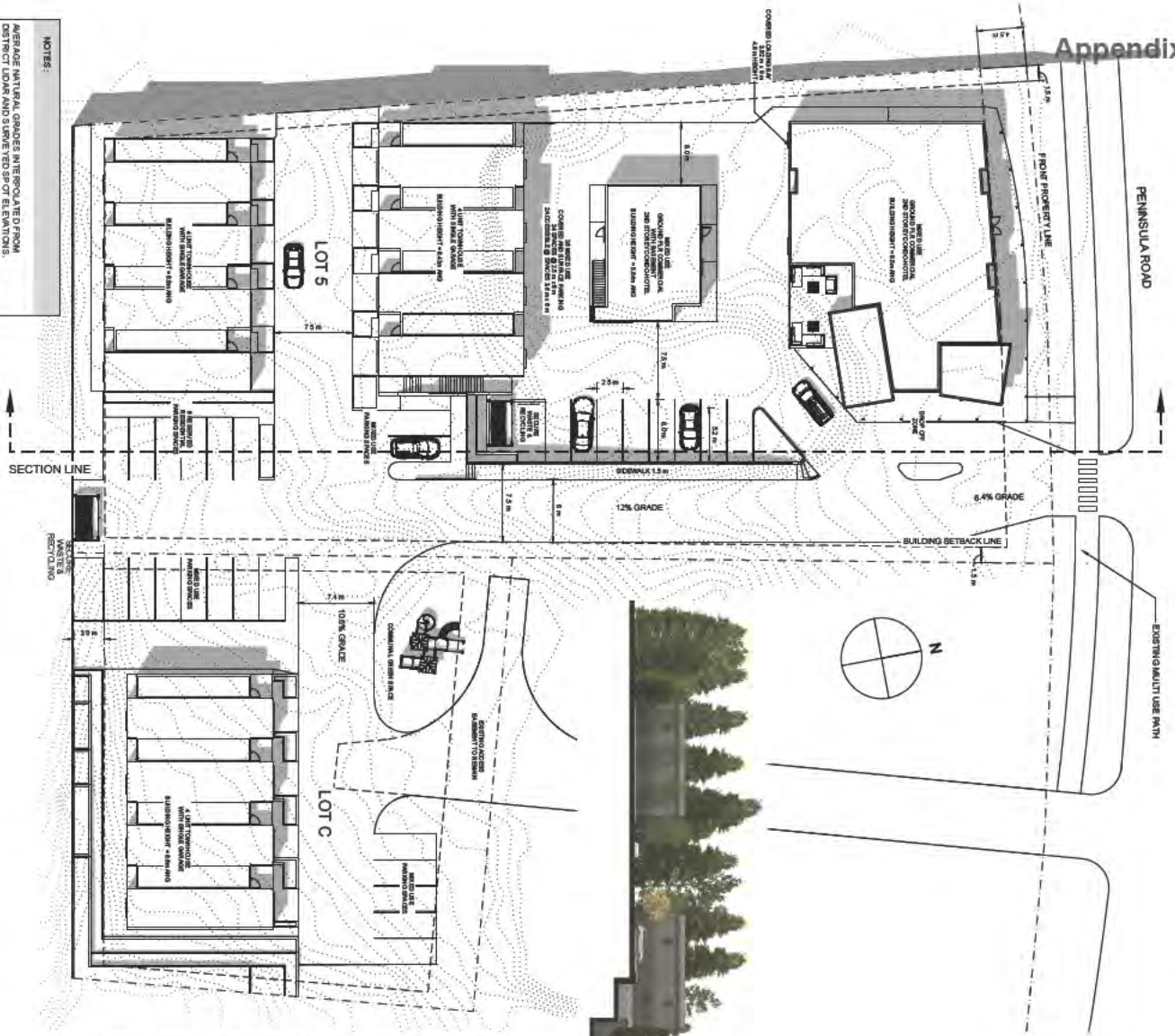


CLIENT
RENT-HIT CENTRE

DRAWN BY
K

ISSUE
February 12,

PROJECT
2102 PENINSULA RD
Ucluelet, BC



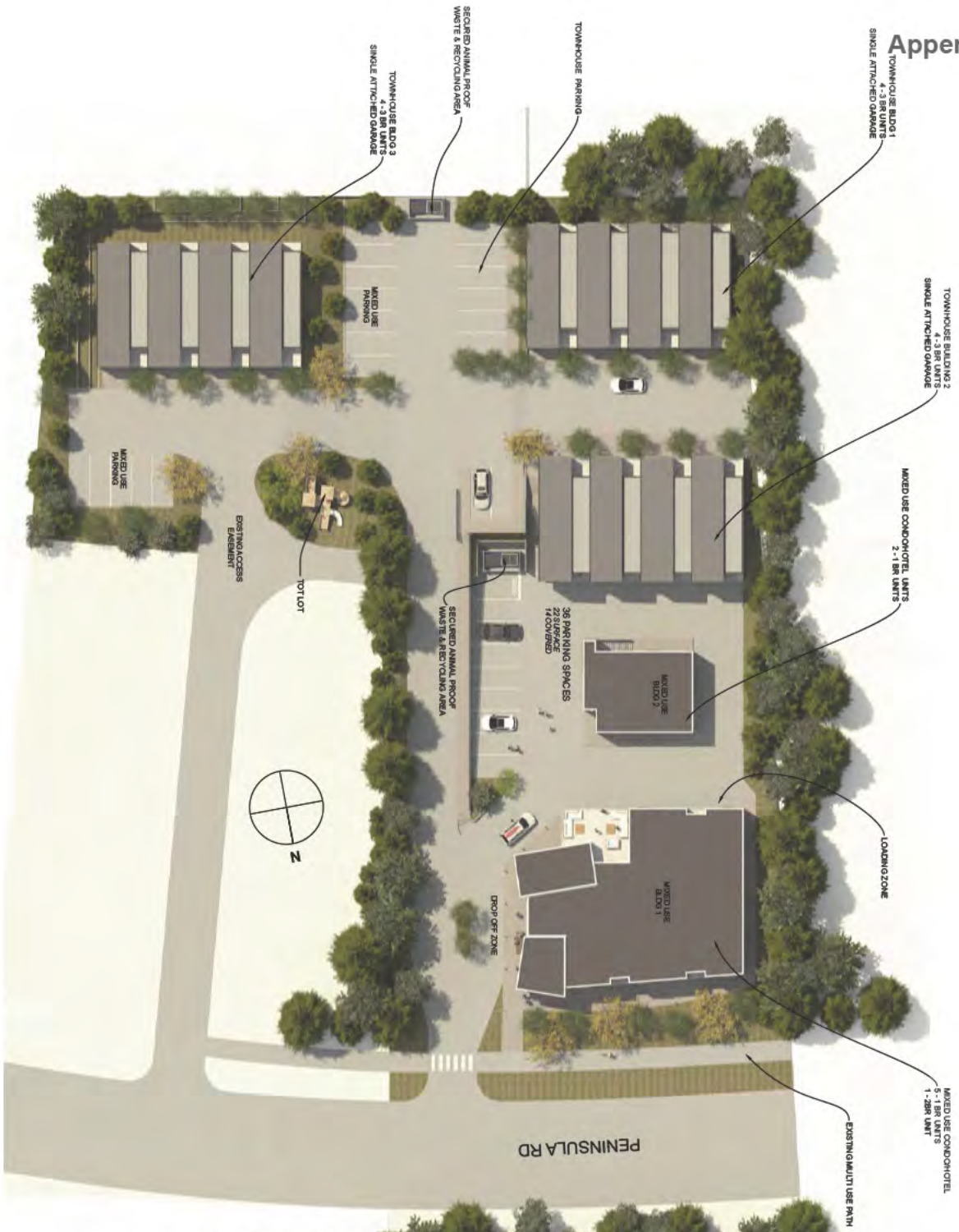
NOTES:
 AVERAGE NATURAL GRADES INTERPOLATED FROM GRADES TO BE VERIFIED BY DETAIL ED SURVEY AT BUILDING PERMIT STAGE



ZONING INFORMATION:			
CIVIC ADDRESS:	2102 PENINSULA RD		
LEGAL DESCRIPTION:	LOT 5, SECTION 21, CLAYCOLOT DISTRICT, PLAN VIF 587757, DISTRICT LOT 284 & LOT C		
ZONING:	CS2		
LOT AREA: (5884 sq.m. / 63136 sq.ft.)	LOT 5 (4156.7 sq.m. / 44871.5 sq.ft.)	LOT C (1715.4 sq.m. / 18464.4 sq.ft.)	
HEIGHT / SETBACK REQUIREMENTS:			
HEIGHT:	ZONING	PROPOSED	COMPARING
FRONT YARD SETBACK:	8.5m (28'-0")	8.5m (28'-0")	YES
REAR YARD SETBACK:	4.5m (15'-0")	4.5m (15'-0")	YES
INTERIOR SIDE SETBACK:	3m (10'-0")	3m (10'-0")	YES
EXTERIOR SIDE SETBACK:	1.5m (5'-0")	1.5m (5'-0")	YES
LOT COVERAGE: (1311 sq.m./14111 sq.ft.)	50%	na	YES
22.3%			
PROPOSED FLOOR AREA:			
TOWNHOUSE X 12 (1546 sqm)	1841 sq.m (1981 sqm ft.)		
CONDO/HOTEL 8 UNITS	446 sq.m (4804 sq ft.)		
COMMERCIAL	372 sq.m (4004 sq ft.)		
COMMERCIAL BLDG BASEMENT STORAGE	72 sq.m (773 sq ft.)		
TOTAL:	2731 sq.m (29286 sq ft.)		
FLOOR AREA RATIO (.60):		.47	YES

1 SITE PLAN
 A01 Scale: 1:200m





1 ILLUSTRATIVE PLAN
A.02 Scale: NTS

DEVELOPMENT SUMMARY:

GROUND FLOOR COMMERCIAL - 372 m² (4004 ft²)

BLDG 1 - 304 m² (3272 ft²)

BLDG 2 - 48 m² (520 ft²)

CONDO-HOTEL UNITS - 448 m² (4804 ft²)

1-2 BEDROOM UNITS

7-1 BEDROOM UNITS

TOWNHOUSE UNITS:

3 2 BEDROOM UNITS @ 129 m² (1387 ft²)

9 3 BEDROOM UNITS @ 129 m² (1387 ft²)

1 ATTACHED GARAGE SPACE @ 244 m² (2631 ft²)

PARKING:

COMMERCIAL (175 spaces per 10m² provided)

285 SURFACE & COVERED SPACES (including 2 access to the spaces)

CONDO-HOTEL:

8 SERVICES

TOWNHOUSE (1.5 per unit provided)

1 ATTACHED GARAGE SPACE + 6 SURFACE SPACES

ILLUSTRATIVE PLAN

ISSUE
February 12, 2024

DRAWN BY

PROJECT
2102 PENINSULA RD

CLIENT
RENT-IT CENTRE



RESIDENTIAL & RESORT
PLANNING & DESIGN

1339 Edwards Plaza, PO Box 5243
Victoria, BC V8R 3A0, 250.726.9973



1 MIXED USE BUILDING 2
A.04 Scale: NTS



2 MIXED USE PARKING
A.04 Scale: NTS



3 SITE ENTRANCE
A.04 Scale: NTS



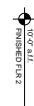
1 TOWNHOUSE LANEWAY
A.05 Scale: NTS



2 TOWNHOUSE LANEWAY 2
A.05 Scale: NTS



3 MIXED USE PARKING
A.05 Scale: NTS



- STEEL CLAD PARCH TRIMS & GUTTERS - DARK GREY
- CORRUGATED STEEL SIDING - WHITE
- CEMENTITIOUS WOOD GRAIN LAP SIDING
- CEMENTITIOUS WOOD COLOURED PANEL TRIM
- GLASS OR ALUMINIUM DEC PANELINGS
- CEMENTITIOUS LAP SIDING - DARK GREY

1
A.06

ELEVATION 1 FRONT
Scale: 1/4" = 1'-0"



2
A.06

ELEVATION 2 REAR
Scale: 1/4" = 1'-0"

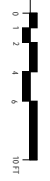




1 ELEVATION 1 BLDG 1 FRONT
 A.07 Scale: 1/4" = 1'-0"



2 ELEVATION 2 BLDG 2 FRONT
 A.07 Scale: 1/4" = 1'-0"





1 ELEVATION 3 BLDG 1 SIDE
A.08 Scale: 1/4" = 1'-0"



2 ELEVATION 4 BLDG SIDE
A.08 Scale: 1/4" = 1'-0"

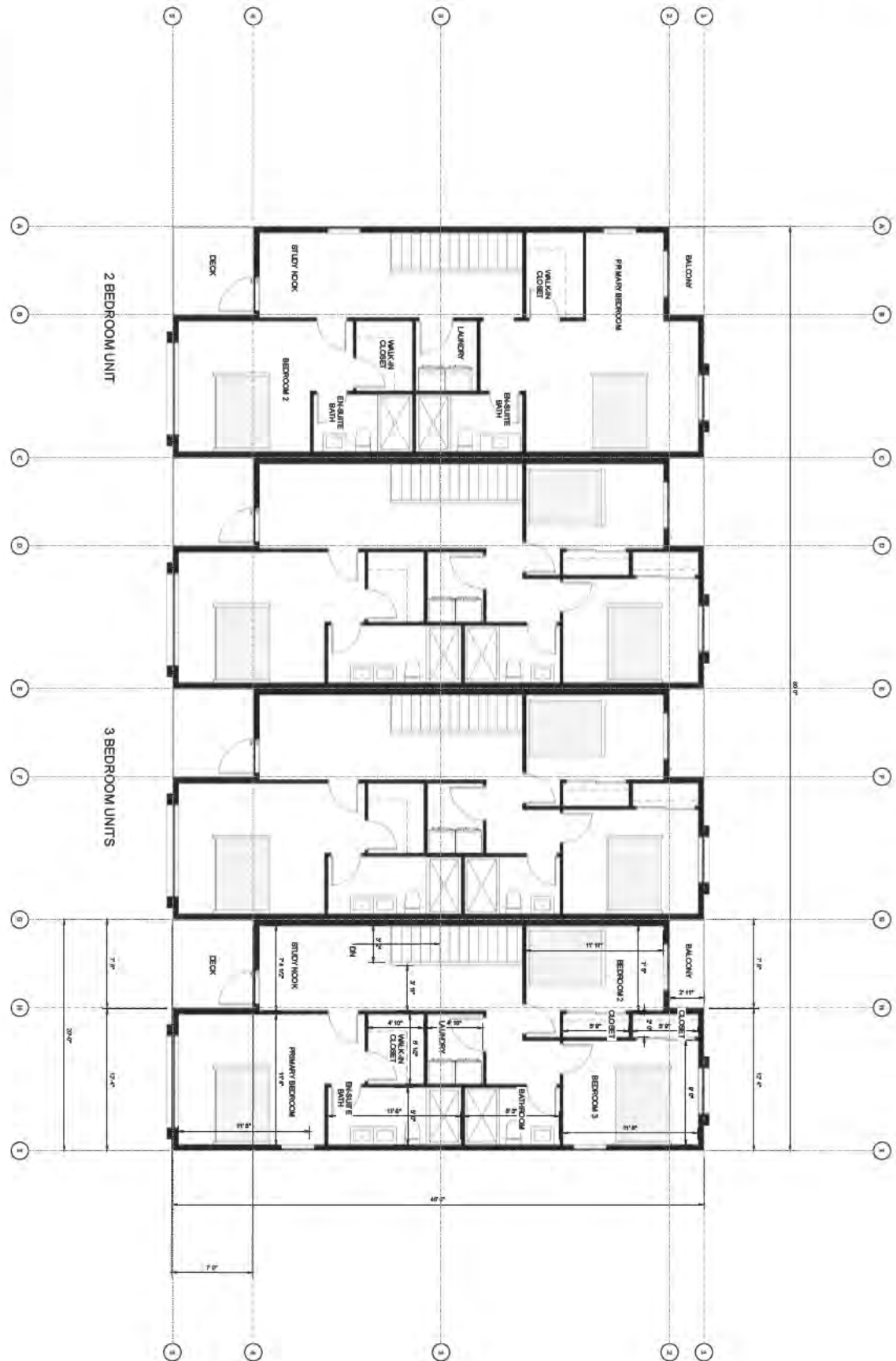


NOTES:
DIMENSIONS INCLUDE EXTERIOR SHEETING
INTERIOR WALLS MEASURED FROM TO FINISHING

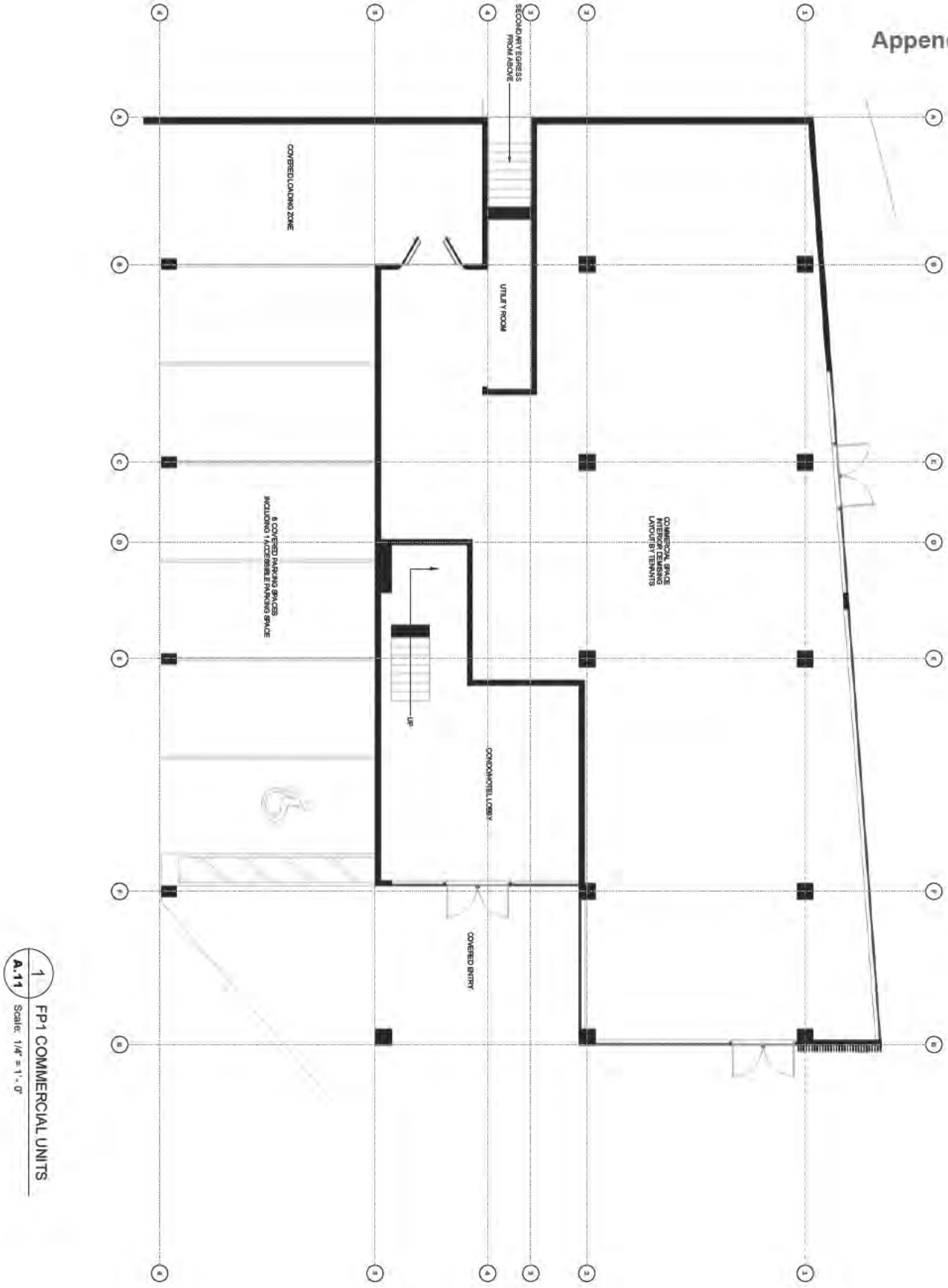


1 FP1
A.09 Scale: 1/4" = 1'-0"

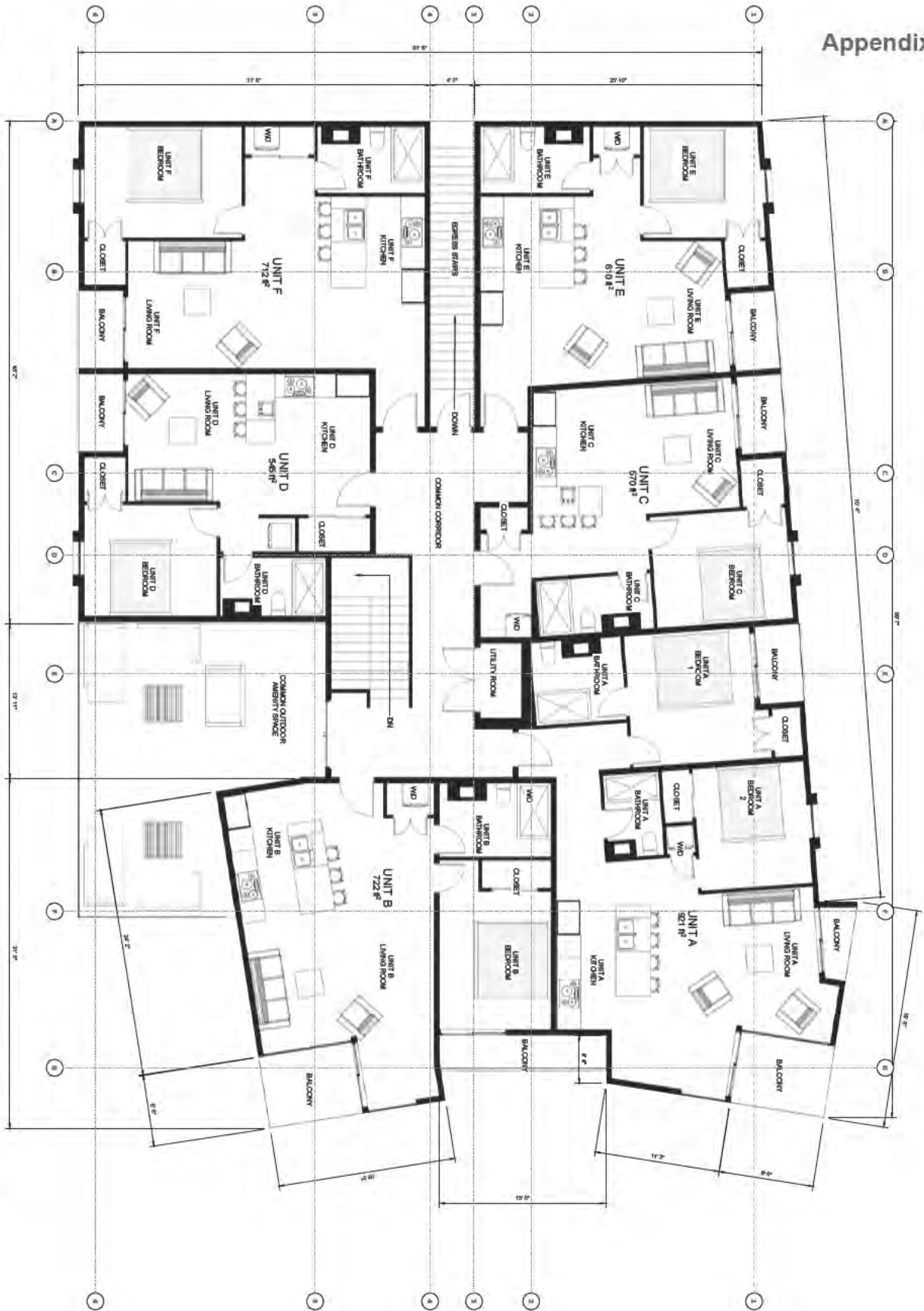
NOTES:
DIMENSIONS INCLUDE EXTERIOR SHEETING
INTERIOR WALLS MEASURED FROM TO FINISHING



1 FP2
A.10 Scale: 1/4" = 1'-0"

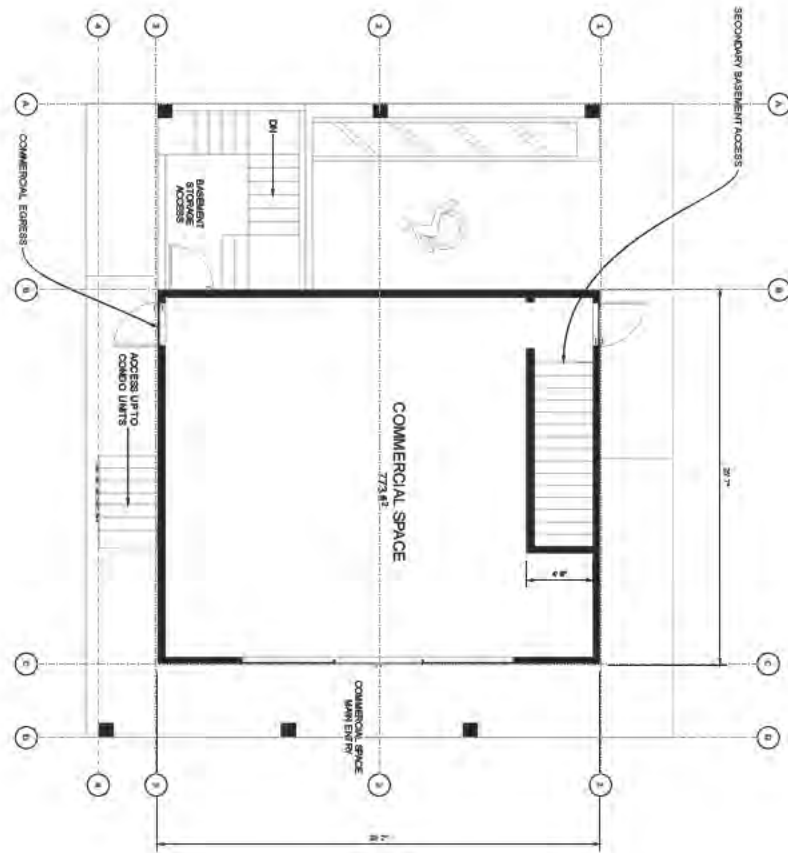


1
A.11 FP1 COMMERCIAL UNITS
 Scale: 1/4" = 1'-0"

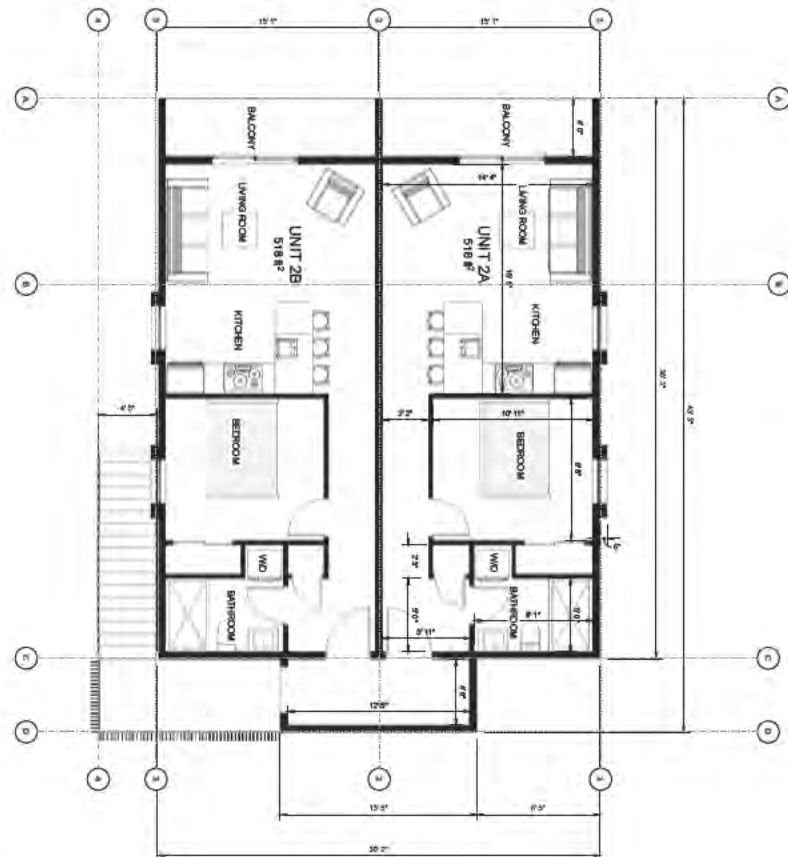


NOTES:
DIMENSIONS INCLUDE EXTERIOR SHEETING
INTERIOR WALLS MEASURED FROM TO FINISH

1 FP2 CONDO/HOTEL UNITS
A.12 Scale: 1/4" = 1'-0"



1 FP 1 COMMERCIAL UNITS
A.13 Scale: 1/4" = 1'-0"



2 FP2 CONDO/HOTEL UNITS
A.13 Scale: 1/4" = 1'-0"

NOTES:
DIMENSIONS INCLUDE EXTERIOR SHEETING
INTERIOR WALLS MEASURED FINISH TO FINISH

DISTRICT OF UCLUELET**Zoning Amendment Bylaw No. 1343, 2024**

A bylaw to amend the "District of Ucluelet Zoning Bylaw No. 1160, 2013".
(2102 Peninsula Road)

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. Text Amendment:

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

- A. adding the following section (3) to section CS-2.1 in alphanumerical order, as follows:

"CS-2.1.3 For Lot 5, Plan VIP 58757, District Lot 284, Clayoquot Land District and Lot C, Plan VIP 85941, District Lot 284, Clayoquot Land District, *Multiple Family Residential* is also a *principal permitted use*"

2. Citation:

This bylaw may be cited as "District of Ucluelet Zoning Amendment Bylaw No. 1343, 2024".

FIRST NOTIFICATION OF FIRST READING published this day of , 2024.

SECOND NOTIFICATION OF FIRST READING published this day of , 2024.

READ A FIRST TIME this day of , 2024.

READ A SECOND TIME this day of , 2024.

READ A THIRD TIME this day of , 2024.

ADOPTED this day of , 2024.

CERTIFIED CORRECT: “District of Ucluelet Zoning Amendment Bylaw No. 1343, 2024.”

Marilyn McEwen
Mayor

Duane Lawrence
Corporate Officer

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

Duane Lawrence
Corporate Officer



DEVELOPMENT PERMIT DP23-09

Pursuant to section 488 of the Local Government Act, R.S.B.C 2015 C.1 as amended:

1. This Development Permit is issued to:

UCLUELET RENT-IT CENTER LTD (The “Owner”)

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

2102 Peninsula Road and the adjacent property; PID 018743633, Lot 5, Plan VIP58757, District Lot 284, Clayoquot Land District, and PID 027730573, Lot C, Plan VIP85941, District Lot 284, Clayoquot Land District, (The “Lands”).

3. This Permit authorizes the construction of three four-unit townhomes, two commercial/resort condominium buildings, play equipment and associated landscaping.
4. This development applies only in the locations indicated, and otherwise in accordance with, the drawings and specifications attached to this Permit as **Schedule 1**.
5. The permit holder, as a condition of issuance of this Permit, agrees to comply with the terms and conditions of **Schedule 2** which is attached hereto and forms part of this permit.
6. In addition to compliance with the terms and conditions listed in Schedule 2, the permit holder must adhere to all conditions of the Qualified Environmental Professional report in **Schedule 3** which is attached hereto and forms part of this permit.
7. Prior to issuance of a Building Permit, the Owner’s engineer shall confirm that adequate civil works are available or will be available prior to occupancy to adequately service the development Lands.
8. Prior to issuance of a Building Permit, the owner is responsible for engineering and obtaining approval for the location and details of the driveway entrance, entry signage, and marked pedestrian crossings to the satisfaction of the Ministry of Transportation and Infrastructure (MoTI). The Owner is responsible for complying with any permit requirements from MoTI.
9. Prior to issuance of a Building Permit, the Owner is responsible for the creation and implementation of a Stormwater Master Plan.
10. Prior to issuance of a building permit, the Owner is responsible for retaining a coordinated registered professional to coordinate all design world and field reviews of the registered professionals of record required for the project to ascertain that the design and construction will substantially comply with the British Columbia Building code and other applicable enactments respecting safety.
11. Prior to issuance of a Building Permit, the Owner shall consolidate the Lands into a single parcel.
12. 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.



- 13. 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.
- 14. The Owner shall substantially commence the development within 24 months of the date of issuance, after which this permit shall be null and void.
- 15. This Permit is NOT a Building Permit.
- 16. 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.

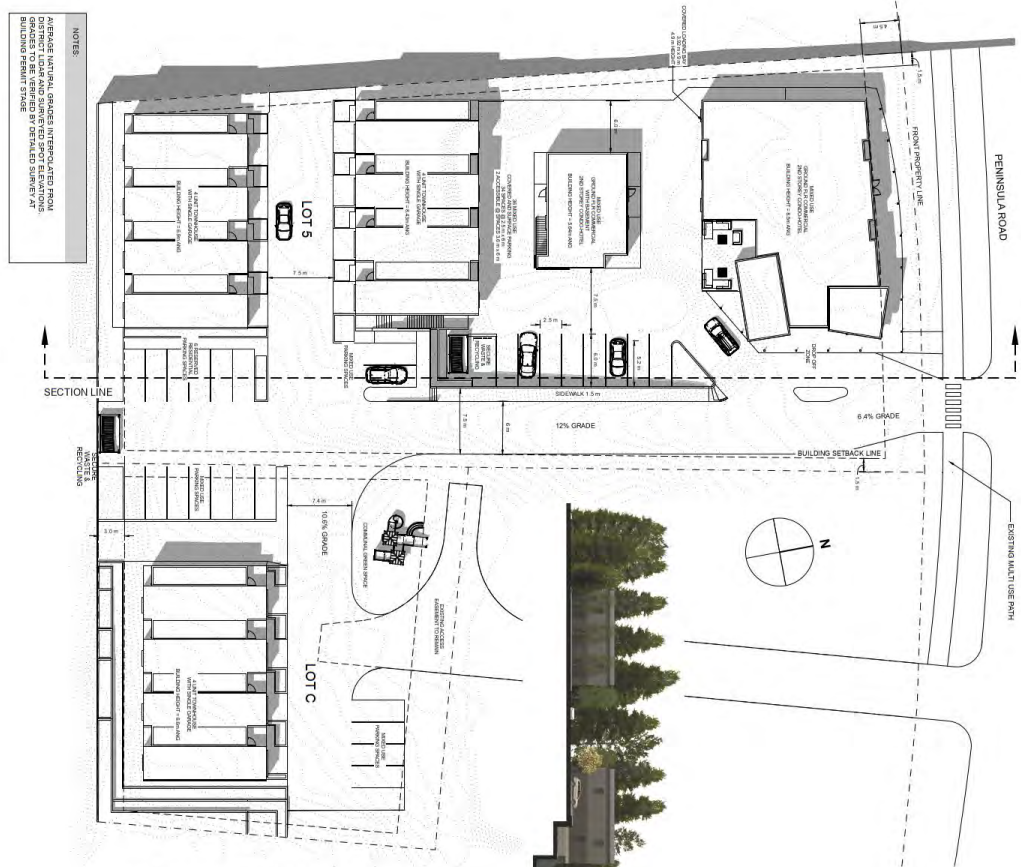
AUTHORIZING RESOLUTION passed by the Municipal Council on the th day of , 2024.

ISSUED the th day of , 2024.

Bruce Greig
Director of Community Planning



Schedule 1 (1 of 11)



NOTES:
 1. ALL FLOOR LOADS, ROOF LOADS, WIND LOADS, DISTURBANCE LOADS AND SURFACES SHOWN ARE APPROXIMATE AND SUBJECT TO DETAILED SURVEY AT THE DISCRETION OF THE ENGINEER.

1 SITE PLAN
 A.01 Scale: 1:200m

ZONING INFORMATION:			
LOT ADDRESS:	2102 PENINSULA RD		
LEGAL DESCRIPTION:	ANNELOISE DISTRICT PLAN VP 8994, DISTRICT LOT 244		
ZONING:	CSZ		
LOT AREA (SQ.M / SQ.FT.):	LOT A (1428.7 SQ.M / 1487.3 SQ.FT.), LOT B (1715.4 SQ.M / 1824.4 SQ.FT.)		
HEIGHT / SETBACK REQUIREMENTS:			
HEIGHT:	ZONING	PROPOSED	COMPARING
FRONT YARD SETBACK:	8.5m (28'-0")	8.5m (28'-0")	YES
REAR YARD SETBACK:	4.8m (15'-9")	4.8m (15'-9")	YES
ADJACENT SIDE SETBACK:	4.8m (15'-9")	4.8m (15'-9")	YES
EXTENSION SIDE SETBACK:	1.8m (5'-9")	1.8m (5'-9")	YES
LOT COVERAGE:	50%	22.3%	YES
PROPOSED FLOOR AREA:			
TWOHOUSE X 12 (1444 SQ.M)	1841 SQ.M (1987 SQ.FT.)		
CONDO/OTEL 8 UNITS	446 SQ.M (4804 SQ.FT.)		
CONDO/OTEL 8 UNITS	372 SQ.M (4004 SQ.FT.)		
TOTAL	2711 SQ.M (29396 SQ.FT.)		
FLOOR AREA RATIO (FAR):			
	47		YES

SITE SECTION



A.01

Site Plan

ISSUE
 February 12, 2024
 DRAWN BY

PROJECT
 2102 PENINSULARD

CLIENT
 RENT-IT CENTRE

The Design Centre
 RESIDENTIAL & RESORT PLANNING & DESIGN
 1339 Steeles Ave. E., PO Box 12-41
 Uxbridge, ON L9P 8A1 (416) 778-3813



Schedule 1 (2 of 11)



1 ILLUSTRATIVE PLAN
A.02 Scale: NTS

DEVELOPMENT SUMMARY:
 GROUND FLOOR COMMERCIAL - 372 m² (4004 ft²)
 BLDG 1 - 344 m² (3677 ft²)
 BLDG 2 - 488 m² (5237 ft²)
 CONDO/HOTEL UNITS - 448 m² (4804 ft²)
 CONDO/HOTEL UNITS - 723 m² (7767 ft²)
 7-1 BEDROOM UNITS
 TOWNHOUSE UNITS
 3 2 BEDROOM UNITS @ 129 m² (1387 ft²)
 9 3 BEDROOM UNITS @ 129 m² (1387 ft²)
 TOWNHOUSE UNITS
 1 ATTACHED GARAGE SPACE @ 24.4 m² (263 ft²)
 PARKING
 COMMERCIAL (75 spaces per floor provided)
 28 SURFACE & COVERED SPACES (including 2 accessible spaces)
 CONDO/HOTEL
 8 SPACES
 TOWNHOUSE (1/2 per unit provided)
 1 ATTACHED GARAGE SPACE + 6 SURFACE SPACES

A.02

ILLUSTRATIVE PLAN

ISSUE
February 12,
2024
DRAWN BY

PROJECT
2102 PENINSULA RD

CLIENT
RENT-IT CENTRE



RESIDENTIAL & RESORT
PLANNING & DESIGN
1339 Edwards Place, PO Box 12-03
Vulcan, BC V0R 5A6, 250.728.5973



Schedule 1 (4 of 11)



- STEEL CLAD PACHA TRUSS & BUTTRES - DARK GREY
- CONCRETE/STEEL SOUNG - WHITE
- CEMENTITIOUS WOOD GRAIN LIP SOUNG
- CEMENTITIOUS WOOD COLOURED PANEL TRIM
- GLASS ON ALUMINIUM/SPC BALCONES
- CEMENTITIOUS LIP SOUNG - DARK GREY

1 ELEVATION 1 FRONT
A.06 Scale: 1/4" = 1'-0"



2 ELEVATION 2 REAR
A.06 Scale: 1/4" = 1'-0"

A.06

ELEVATIONS

ISSUE
February 12,
2024

PROJECT
2102 PENINSULAR RD

CLIENT
RENT-IT CENTRE

DRAWN BY



RESIDENTIAL & RESORT
PLANNING & DESIGN
1333 Emerald Park, #202-11145
Langley, BC V3R 3A2, 604.726.2073

Schedule 1 (5 of 11)



A.07

ELEVATIONS

ISSUE
February 12,
2024

PROJECT
2102 PENINSULARD

CLIENT
RENT-IT CENTRE

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The Design Centre

RESIDENTIAL & RESORT
PLANNING & DESIGN
1339 Steeles Road, PO Box 12-01
UCLUELET, BC V8R 6K1 TEL: 250.738.3873

Schedule 1 (6 of 11)



A.08

ELEVATIONS

ISSUE
February 12,
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PROJECT
2102 PENINSULAR RD

CLIENT
RENT-IT CENTRE

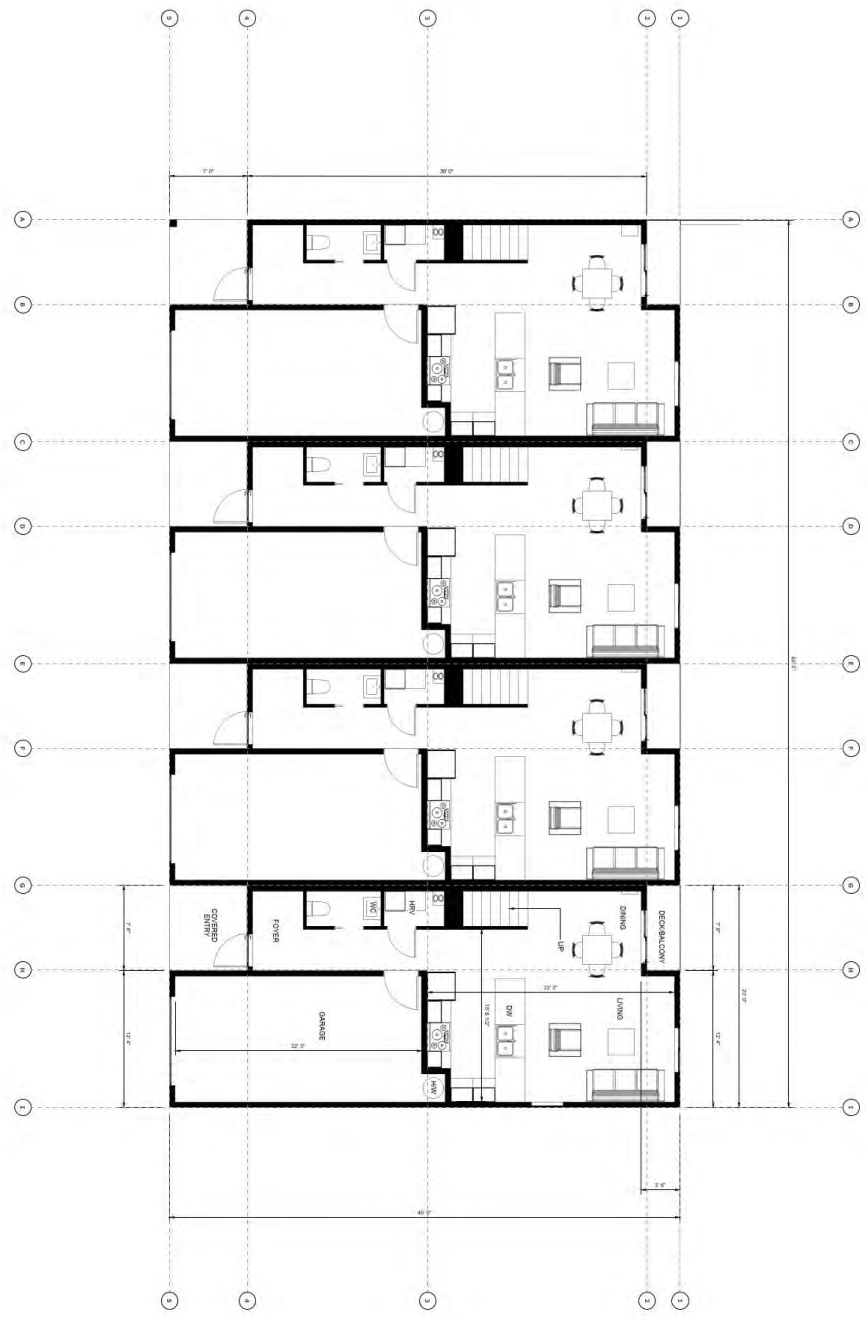
The
**Design
Centre**

RESIDENTIAL & RESORT
PLANNING & DESIGN
1339 Douglas Place, PO Box 1242
Ucluelet, BC V8L 6A6 (250) 789-2873



Schedule 1 (7 of 11)

NOTES
DIMENSIONS INCLUDE EXTERIOR FINISHING
INTERIOR WALLS INCLUDED FROM TO FINISH



1
A.09
Scale: 1/4" = 1' - 0"

A.09

1ST FLOOR PLAN
TOWNHOUSE

ISSUE
February 12,
2024
DRAWN BY

PROJECT
2102 PENINSULA RD

CLIENT
RENT-IT CENTRE

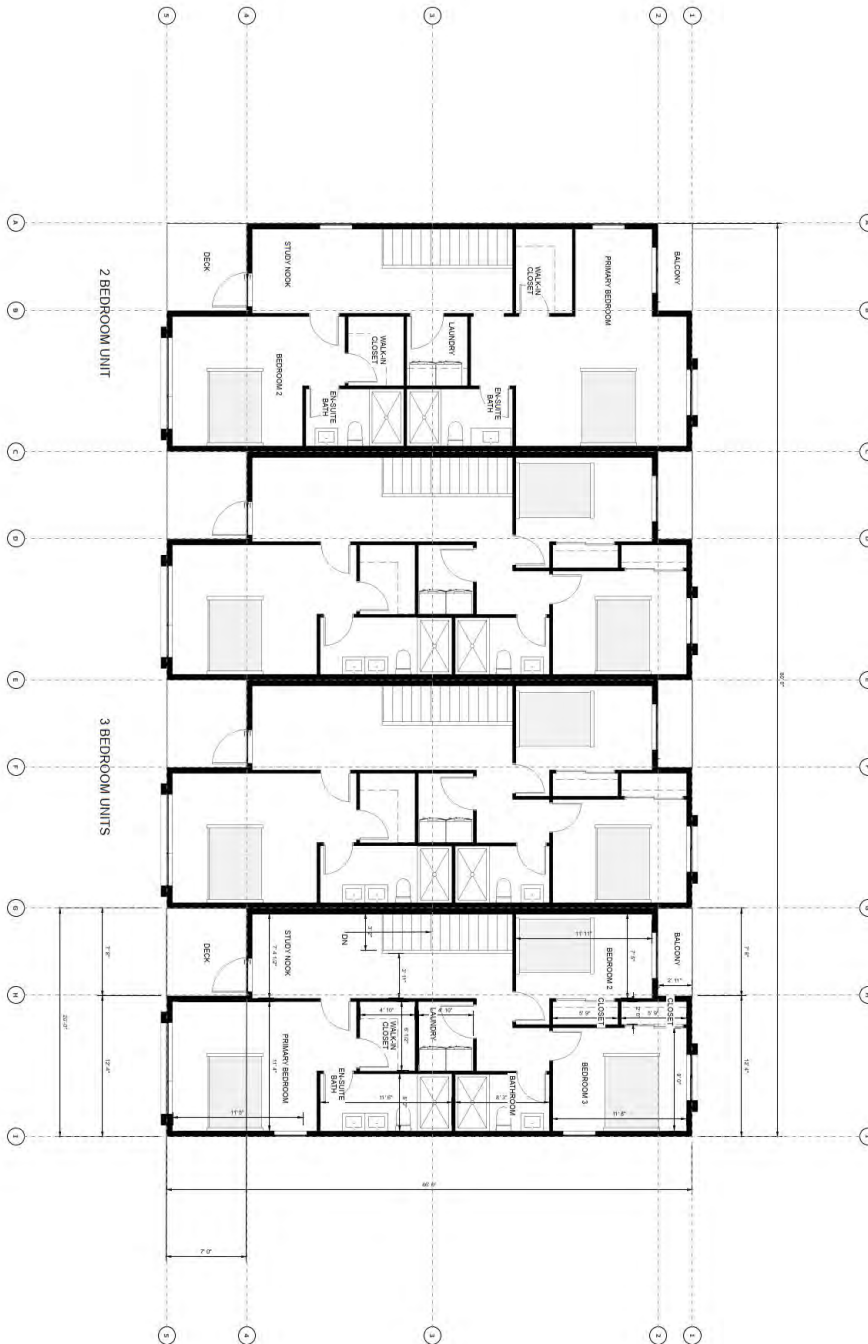


RESIDENTIAL & RESORT
PLANNING & DESIGN
1329 Steeles Road, PO Box 1245
Luganville, BC V8R 5A5, 250.728.3873



Schedule 1 (8 of 11)

NOTES
DIMENSIONS INCLUDE EXTERIOR SHEATHING
INTERIOR WALLS UNGLAZED FRAMING



1 FP2
A.10 Scale: 1/4" = 1' - 0"

A.10

**2ND FLOOR PLAN
TOWNHOUSE**

ISSUE
February 12,
2024

PROJECT
2102 PENINSULARD

CLIENT
RENT-IT CENTRE

DRAWN BY

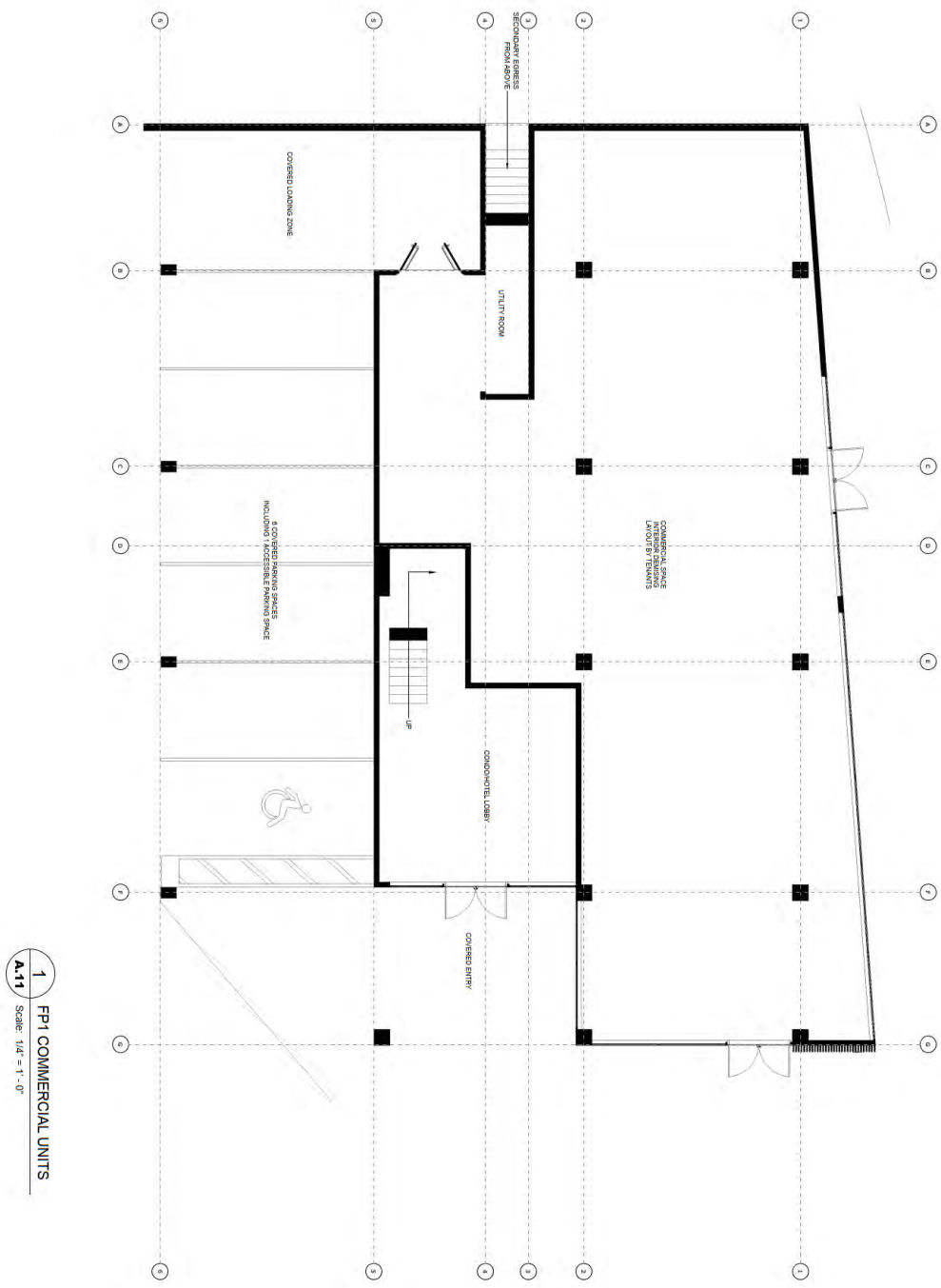


RESIDENTIAL & RESORT
PLANNING & DESIGN

1380 KENNEDY PLANK, PO BOX 11241
LOWRIE BC, V0R 3A0, 250.726.3973



Schedule 1 (9 of 11)



1 FP1 COMMERCIAL UNITS
A.111 Scale: 1/4" = 1' - 0"

A.111 1ST FLOOR PLAN
MIXED USE BLDG 1
COMMERCIAL

ISSUE
February 12,
2024

PROJECT
2102 PENINSULAR RD

CLIENT
RENT-IT CENTRE

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1331 Edwards Road, PO Box 1243
Victoria, BC V8R 3A0, 250.728.2673



Schedule 1 (10 of 11)



NOTES:
DIMENSIONS INCLUDE EXTERIOR SHEATHING
INTERIOR WALLS MEASURED FROM TO FINISH

1
A.12
FP2 CONDO/HOTEL UNITS
Scale: 1/4" = 1' - 0"

A.12
2ND FLOOR PLAN
MIXED USE BLDG 3
CONDO HOTEL

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February 12,
2024
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PROJECT
2102 PENINSULARD

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RENT-IT CENTRE

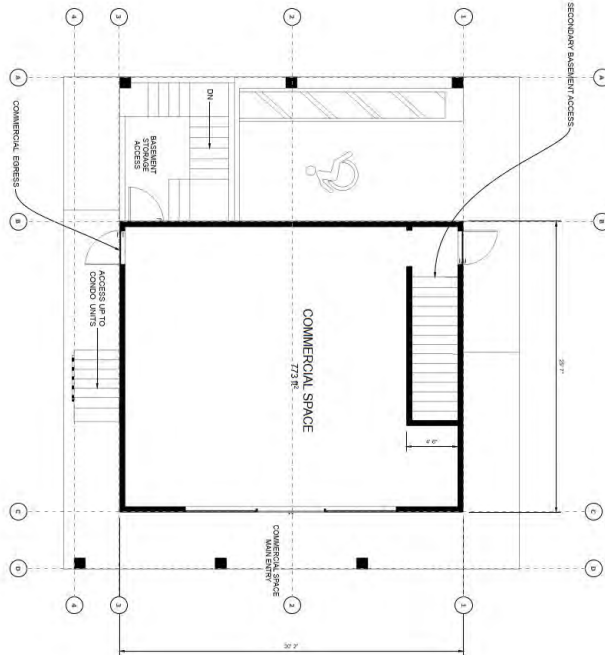
The Design Centre
RESIDENTIAL & RESORT
PLANNING & DESIGN
1338 Eglar St. Vancouver, BC V6E 2K4
Tel: 604.278.3873



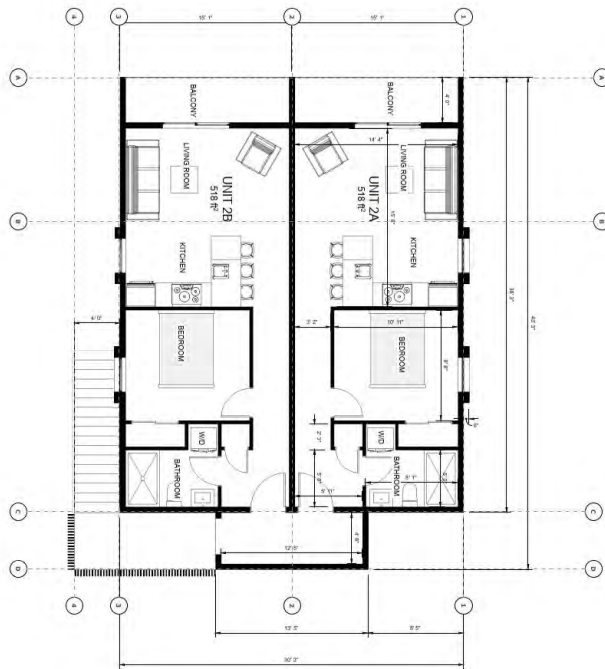
Schedule 1 (11 of 11)

NOTES
DIMENSIONS INCLUDE EXTERIOR SIGHTLINES
INTERIOR WALLS MEASURED FROM TO FINISH

1 FP 1 COMMERCIAL UNITS
Scale: 1/4" = 1'-0"



2 FP2 CONDO/HOTEL UNITS
Scale: 1/4" = 1'-0"



A.13

2ND FLOOR PLAN
MIXED USE BLDG 2

ISSUE
February 12,
2024

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PROJECT
2102 PENINSULARD

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The Design Centre

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1355 Esplanade West, PO Box 12443
Lynnway, BC V0R 5A0, 250.726.5873

Schedule 2 (1 of 5)

Terms and Conditions

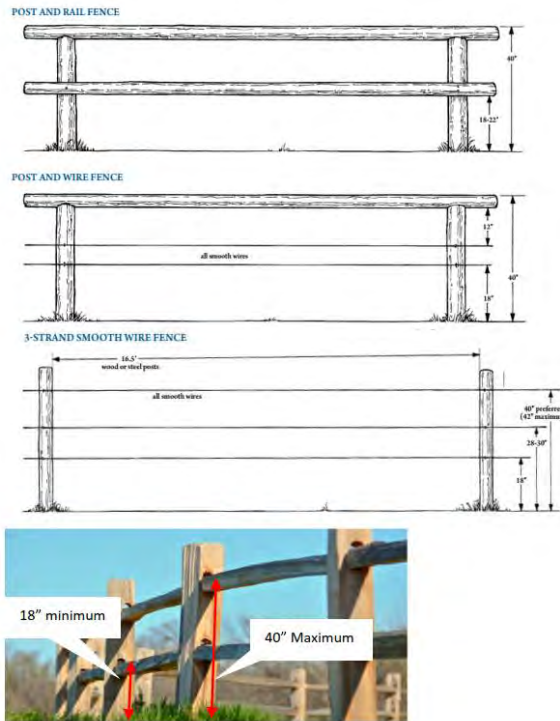
As a condition of the issuance of this Permit, the Permittee representing the Lands hereby to comply with all following Impact Reductions and Mitigation Measures, determined by Qualified Environmental Professional (QEP) as necessary to avoid negative impacts to environmental habitats within and adjacent to the Property.

The following mitigation measures are recommended regarding the design phase:

1. Maintaining and protecting the 10m Streamside Protection and Enhancement Area (SPEA) for Stream 1
 - a. All proposed clearing, construction, storage of materials, and machine access during construction will be outside of the 10 m SPEA
 - b. Due to the significant clearing of the forest on the subject property, and the steep banks of Stream 1 adjacent to the proposed development, A certified arborist or danger tree assessor must be retained to assess proposed clearing activities. If needed, a plan to limit wind effects on newly exposed trees as a result of clearing may be needed.
2. Stormwater Management
 - a. Due to the significant amount of coverage of impermeable surfaces proposed on the subject property, it is important to ensure that rainwater runoff is not piped or otherwise channelized into the 10 m SPEA of Stream 1 as it will likely increase the flashiness of flow patterns and exacerbate problems caused by erosion.
 - b. To minimize the impact of runoff, drainage infrastructure associated with new development must be designed by a Qualified Engineering Professional specializing in hydrology to ensure that existing hydrological conditions of Stream 1 are retained. Design guidelines and target conditions of the stormwater infrastructure are recommended to be adapted from A Guidebook for British Columbia: Stormwater Planning
3. Restricting Use of Sensitive Habitats
 - a. The development of residential, commercial, and tourism on the subject property will drastically increase the amount of human use adjacent to the SPEA
 - b. To avoid such impacts to the sensitive riparian habitat, the 10 m SPEA or subject property boundary (whichever is further from Stream 1) must be fenced to discourage access. Any fences must, however, be designed to allow for the free passage of wildlife by using a combination of the following design characteristics:
 - i. Gaps are left in fence panels where existing animal migration routes (ie. Deer paths) are evident.
 - ii. Maximum height 1 m (40").
 - iii. Provide sections that meet "under passage" requirement of 0.6 m (18").

Schedule 2 (2 of 5)

- iv. Fence should be easily visible.
- c. No part of the fence will have a negative impact on the root zones of trees within environmental setbacks and will be installed no closer than 10 m from the Top of Bank as flagged on November 1, 2022. Appropriate Root Protection Zones (RPZs) for the protection of all trees within the 10 m SPEA will be determined by a qualified arborist and the fence will be installed outside of these zones.
- d. Examples of the recommended fencing options are shown below:



4. Restoration Plan

- a. The SPEA for Stream 1 is in excellent condition, therefore there are no recommendations for restoration at this time, and the emphasis is on protection as described in **Schedule 2**.

The following mitigation measures are recommended regarding the construction phase:

1. Monitoring and Enforcement

- a. As laid out in the District of Ucluelet Official Community Plan, monitoring and enforcement of a proposed development site should be a collaborative effort between Local Government, the QEP employed by the developer, landowners, non-government organizations (NGOs) such as stream keepers, and the public. The public or NGOs can inform the District of violations.

Schedule 2 (3 of 5)

- b. The property owner must contact the QEP prior to commencing work on the proposed development, to review the requirements in this report and to ensure all the necessary mitigation measures are in place prior to starting work.
 - c. The QEP must be contacted if an unanticipated issue occurs during construction, such as a hydraulic spill into the SPEA or Stream 1, and the QEP will follow-up promptly with guidance and applicable reporting.
 - d. A post construction monitoring site visit must be done by the QEP to ensure that the new development is in compliance with the measures in this report and that the SPEA remains intact.
2. Vegetation Management, Disturbance or Removal
- a. Clearing limits must be flagged or clearly identified prior to construction, and areas outside of the limits will be protected from disturbance. This is particularly important with respect to the SPEA so that no unintentional encroachment into the protected area can occur during site clearing works.
 - b. Temporary fencing will be established along the SPEA boundary and any root protection zones identified by an arborist prior to the start of work. Temporary fencing must be highly visible, and all workers made aware of the sensitivities of protected areas. Temporary fencing must be replaced with permanent fencing as soon as practicable and prior to substantial completion of the project.
 - c. Prevent the spread of invasive plant species that could be found on site by cleaning equipment before moving into new areas. Remove all weeds and suspect plants from equipment and vehicles to prevent the spread of invasive species. If encountered, separate cleared material containing invasive species from other cleared material and perform disposal at an appropriate transfer facility (i.e. landfill).
 - d. Restore bare soil as quickly as possible after disturbance using a native seed mix or native plants to prevent invasive species from establishing.
3. Wildlife Habitat Alteration, Disturbance, or Loss
- a. Do not destroy, remove or clear any active bird nests.
 - b. All clearing activities should occur outside of the migratory bird nesting window for this region, which is approximately March 15th to August 15th. Although it is preferable to have clearing completed outside this nesting window, should any clearing be required to happen within this timeframe, a bird nest assessment must be undertaken no earlier than five days prior to the required clearing by a Qualified Environmental Professional with experience identified bird nests.
 - c. All wildlife attractants should be secured on the work-site. No food, food waste, cook stoves, garbage, drink containers (full or empty), recyclable materials will be left neither unattended nor accessible to wildlife.

Schedule 2 (4 of 5)

- d. There is a low potential of amphibians (both adults and juveniles) migrating near the western edge of the worksite, especially during heavy rainfall events throughout the fall, winter, and spring. If any salamanders or frogs are observed on the work site, care should be taken to isolate these animals from potential traps such as deep excavations by using silt fencing or poly as needed.
4. Sediment and Erosion Control
 - a. Erosion control measures that prevent sediment from entering Stream 1 will be an important element of construction. Sediment laden water being released into aquatic habitat can harm aquatic life stages of amphibians as well as fish.
 - b. Filter fabric dams, rock check dams, settling ponds, geotextiles, French drains, interception ditches, and silt fencing should be used as needed on a site-specific basis to control erosion. Filtration should be accomplished using filter fabric keyed into substrates and banks and elevated using stakes. Silt fencing is not an acceptable mitigation technique to control erosion in flowing ditches; however, it is useful for containing slumping areas of soil and for use as baffles to slow water velocities.
 - c. Excavation should be stopped during intense rainfall events or whenever surface erosion occurs affecting Stream 1. Erosion and sediment control measures should be inspected within 24 hours after intense rainfall events.
 - d. Runoff and stormwater are to be managed and directed away from areas of exposed soils.
 - e. Wherever possible, soil stockpiles should be placed a minimum of 30 m from Stream 1 and in a location where erosion back into this stream cannot occur. Soil stockpiles with the potential to erode into Stream 1 should be covered with poly sheeting.
 - f. Clearing should take place immediately prior to excavation and earthworks to minimize the length of time that soils are exposed.
 5. Fuels and Hazardous Materials
 - a. The accidental release of petroleum, oils, hydraulic fluids, lubricants, concrete additives, anti-freeze or other hazardous materials onto land surfaces or into waterbodies may result in degradation of habitat quality and could be a threat to human health. As such, it must be actively prevented.
 - b. Any contractor working on site must establish and follow a spill response plan in the event of any spill. The spill response plan should be reviewed by all crew members regularly during tailgate meetings, especially machine operators as they are often the first line of defense.
 - c. A large spill kit should be on hand at all times during construction. Spill response supplies must be capable of dealing with 110% of the largest potential spill and shall be maintained in good working order.
 - d. All identified spills will be cleaned up immediately, and contaminated soils and vegetation will be removed for appropriate disposal.

Schedule 2 (5 of 5)

- e. Refueling of equipment and maintenance of equipment with the potential for accidental spills (i.e., oil changes, lubricants) should occur only at designated fueling stations and located at least 30 m from all waterbodies. Tarps should be laid down prior commencement of work to facilitate clean up.
 - f. All fuel, chemicals, and hazardous materials will be clearly marked and stored a minimum of 30 m from any waterbody.
 - g. If accidental mixing of fuels, chemicals, and hazardous materials does occur, the waste product will need to be removed to an approved disposal/recycling facility.
 - h. Pumps, generators, and jerry cans are to be placed on poly sheeting and sorbent pads or drip trays to contain spills.
 - i. Used oil, filters, and grease cartridge lubrication containers, and other products of equipment maintenance should be collected and kept in a secure receptacle for later disposal.
 - j. In the event of a spill, the following general guidelines should be followed:
 - i. Stop work in the vicinity of the spill;
 - ii. Deploy on-site personnel to build containment dykes or pump spilled contaminant into storage drums.
 - iii. Apply sorbent pads and booms as necessary.
 - iv. Dispose of all contaminated debris, cleaning materials, and absorbent material by placing in an approved disposal site.
 - v. Debrief all site personnel on the incident and take additional precautions to ensure that similar accidents will not recur.
 - vi. Spills to the receiving environment are to be reported to the Environmental Management BC (1-800-663-3456) if they exceed the reportable limits (e.g. 100 liters of fuel or oil or spills of any quantity to water).
6. Garbage and Waste
- a. Work areas should be kept in a safe, clean, and sanitary condition. All waste, rubbish and debris will be kept in a centralized location within the work area and removed from the project site at the end of each day.
 - b. Waste containers should be wildlife and wind proof containers to prevent dispersal. Food or food waste should be stored in leak-proof storage containers or vehicles that will prevent access by wildlife throughout the workday.



Schedule 3 (1 of 1)

As a condition of the issuance of this permit, the Permittee representing the Lands hereby agrees to comply with all following conditions in the Environmental Assessment Report (See Appendix D)



To: Mayco Noël, Project Proponent Date: December 2, 2022
 CC: Ian Kennington, Project Architect

From: Jamie Godfrey, Technologist Pages: 25
 Dusty Silvester, R.P.Bio.
 Cc: Ucluelet Planning Department

RE: Biophysical Assessment for 2102 Peninsula Road, Ucluelet, BC

This letter report is intended to inform the District of Ucluelet (DoU) of the current biophysical state of Lot 5, Plan VIP58757, District Lot 284, Clayoquot Land District with the PID: 018-743-633. This biophysical report is required as part of the development permit requirements for lands within Development Permit Area VI – Stream and Riparian Areas Protection as defined in the District of Ucluelet Official Community Plan, Bylaw 1306¹.

The objectives of this biophysical assessment are to:

1. Describe any previously unidentified sensitive habitats and species on the subject property;
2. Identify potential impacts to environmentally sensitive areas;
3. Provide recommendations for protection of and mitigation of impacts to environmentally sensitive areas if required.

This report is divided into the following categories:

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¹ District of Ucluelet. 2022. District of Ucluelet Bylaw No. 1306, 2022. Accessed from: https://ucluelet.ca/images/OC_P_Bylaw_1306.pdf



558 England Ave
 Courtenay, BC V9N 2N3
 p: 250.871.1944
 w: currentenvironmental.ca

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1 BACKGROUND

The site of proposed development is a 0.42 ha Service Commercial (CS-2)zoned lot northwest of the town center of Ucluelet. CS-2 zoning allows for vehicle accessible businesses on larger lots, with potential for residential or accommodation uses. The subject lot resides on the main arterial road access to Ucluelet and is bordered to the west and north by relatively well vegetated lands zoned for eco-industrial, and residential development, respectively. Lands to the east and south are mostly cleared of trees and have been developed for commercial uses (Figure 1).

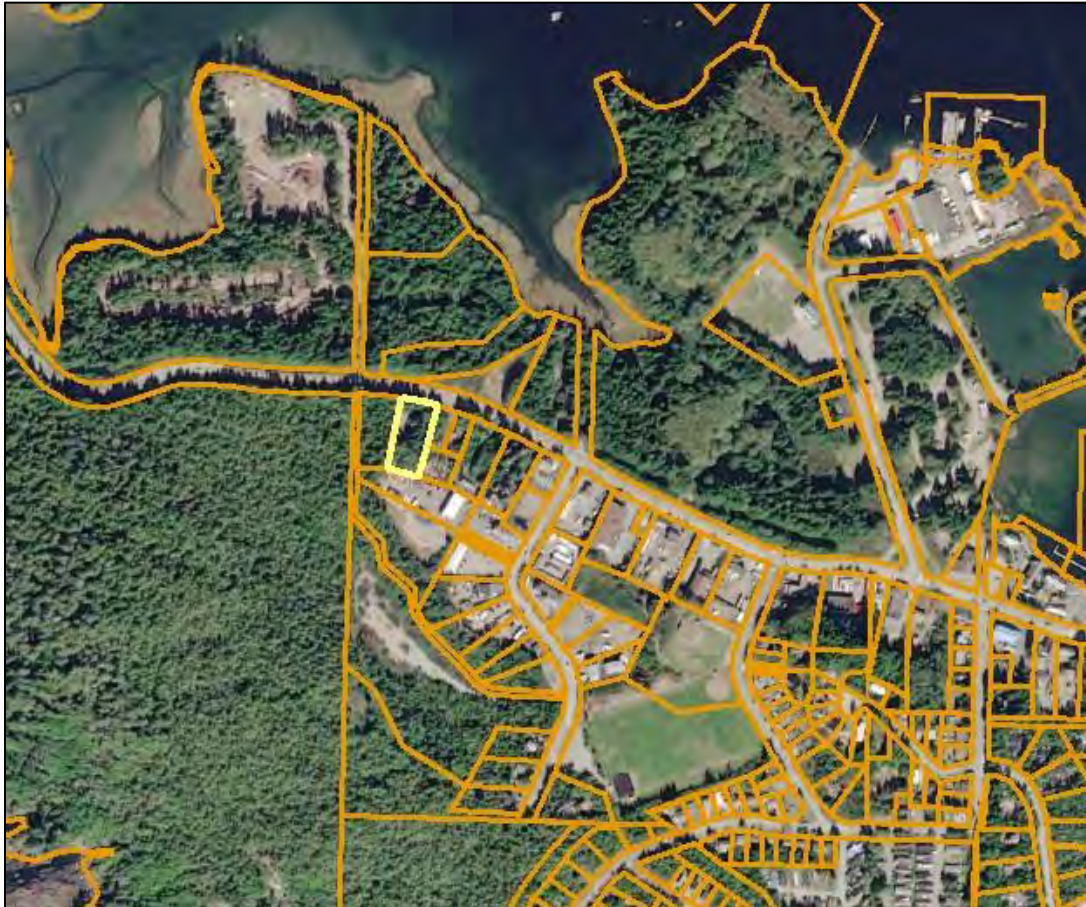


Figure 1. Overview of the subject property (outlined in yellow) and surrounding land use.

1.1 PROPERTY OVERVIEW

The subject property lies within the jurisdiction of the District of Ucluelet and bears the legal description “LOT 5, Plan VIP58757 District Lot 284, Clayoquot Land District” and the PID: 018-743-633. It has previously been partially cleared but does not retain any permanent development other than two access roads (Photos 1, 2, and 3) which both connect to Peninsula Road. Development of lots surrounding the subject property is variable, with forest canopy being largely intact to the north and west, while there has been much more clearing to the south and east.



The property lies within the Coastal Western Hemlock Very Wet Hypermaritime (CWHvh1) biogeoclimatic (BGC) zone, which covers lower elevations on much of British Columbia's western coasts. The moderate temperatures, low annual snowfall, and high humidity result in vigorous plant growth. Formalized vegetation plots were not conducted on the property; however, the vegetation community appears to closely match that of the CwYc-Salal site series of this BGC zone. Intact forest remains along the property's east and south boundaries that is dominated by western hemlock (*Tsuga heterophylla*) and western redcedar (*Thuja plicata*), with red alder (*Alnus rubra*) present around forest edges and in previously disturbed areas. There is a well-developed shrub layer consisting primarily of salal (*Gaultheria shallon*) and evergreen huckleberry (*Vaccinium ovatum*), with salmonberry (*Rubus spectabilis*) and thimbleberry (*Rubus parvifolius*) around forest edges and clearings. The forb layer is dominated by deer fern (*Blechnum spicant*) (Photos 2 and 4).

An unnamed fish bearing creek runs adjacent to the subject property on the neighboring property to the west. This creek runs roughly parallel to the western border of the subject property at a distance of between 15 and 20 m (Figure 2). It is the proximity of this creek to proposed development on the subject property that has triggered development permit requirements for lands within Development Permit Area VI – Stream and Riparian Areas Protection as defined in the District of Ucluelet Official Community Plan, Bylaw 1306¹

1.2 PROPOSED DEVELOPMENT

The proposed development on the subject property consists of a mixed commercial and residential use plan. The development will cover almost the entire lot at 2102 Peninsula Road and extend onto a neighboring property to the east (Figure 2). The neighboring property included in the development proposal has no street address but has the assigned PID: 027-730-573. Development proposed on the subject property includes 4 separate buildings: 2 separate 4-unit townhomes, and 2 buildings with commercial space on the ground floor and condo-hotels on the second floor (Figure 3). A third 4-unit townhouse and communal green space are proposed for the neighboring lot with PID 027-730-573. All buildings will be connected by paved driveways and there will be a total of 46 parking spaces (Figure 2).



Figure 3: Site Plan of proposed development on the subject property (Development extending to neighboring property not shown) in relation to Stream 1 and associated SPEA.

2 METHODS

Background information on the property and potential sensitive species or ecosystem occurrences in proximity to it were obtained from the following sources:

1. District of Ucluelet Community Map (UkeeMap)²;
2. Habitat Wizard³;
3. Wildlife Tree Stewardship Atlas (WiTS)⁴;
4. Great Blue Heron (GBHE) Management Team Atlas⁵;
5. British Columbia Conservation Data Center⁶
6. British Columbia Species Explorer⁷
7. Satellite imagery.

A site assessment of aquatic and terrestrial habitats and species was carried out on November 1, 2022, according to the methodologies explained under the headings below.

2.1 AQUATIC HABITATS AND SPECIES

Criteria for delineating streams was based primarily on *Riparian Areas Protection Regulation* (RAPR) methodology⁸. All aquatic habitat was delineated using Avenza software on an iPad mini 4; therefore, the accuracy of these features depicted in site plans will vary depending on forest cover and satellite availability at the time of assessment. Buffers and setback areas for the streams were then displayed using ArcMap 10.5 software. All mapped linework produced by CEL is for illustration purposes only and a legal survey must establish the physical setbacks at the site level. No fish sampling was conducted as a part of this assessment.

2.2 TERRESTRIAL HABITATS AND SPECIES

Survey methods for terrestrial elements or Environmentally Sensitive Areas (ESAs) were directed in part by those outlined in *Environmental Best Management Practices for Urban and Rural Land Development in British Columbia*⁹, and the *Field Manual for Describing Terrestrial Ecosystems*¹⁰. Trees were inspected for bird nests and habitat values

² District of Ucluelet (2022). UkeeMap. Accessed from <<https://ucluelet.ca/community/ukeemap/>>

³ Ministry of Environment and Climate Change (2022). Habitat Wizard. Accessed from <<http://maps.gov.bc.ca/ess/hm/habwiz/>>

⁴ Wildlife Tree Stewardship (WiTS) Program (2022). Nest Tree Report. The Community Mapping Network. Accessed from <<http://www.cmnmaps.ca/wits/>>

⁵ Great Blue Heron (GBHE) Management Team (2022). The Community Mapping Network. Accessed from <<http://cmnmaps.ca/GBHE/>>

⁶ BC Conservation Data Center. CDC iMap (2022). Accessed from <<http://maps.gov.bc.ca/ess/sv/cdc/>>

⁷ BC Conservation Data Center. (2022). Species and Ecosystems Explorer. Accessed from <<http://a100.gov.bc.ca/pub/eswp/>>

⁸ Ministry of Forests, Lands, Natural Resource Operations & Rural Development. (2019). Riparian Areas Protection Regulation Technical Assessment Manual. Accessed from: <https://www2.gov.bc.ca/assets/gov/environment/plants-animals-and-ecosystems/fish-fish-habitat/riparian-areas-regulations/rapr_assessment_methods_manual_for_web_11.pdf>

⁹ Ministry of Environment (2014). Develop With Care: Environmental Guidelines for Urban and Rural Land Development. Accessed from <<https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/laws-policies-standards-guidance/best-management-practices/develop-with-care>>

¹⁰ Ministry of Forests, Lands and Natural Resource Operations (formerly Ministry of Forests and Range) and Ministry of Environment (2010). Field Manual for Describing Terrestrial Ecosystems, 2nd Edition. Accessed from <http://www2.gov.bc.ca/assets/gov/environment/plants-animals-and-ecosystems/conservation-data-centre/field_manual_describing_terrestrial_ecosystems_2nd.pdf>



using Nikon Prostaff 3S binoculars, and *Plants of Coastal British Columbia*¹¹ was used as an aid for plant identification as needed.

2.1 SPECIES AT RISK AND RAPTOR NESTING

An office-based inquiry of Species at Risk occurrences on and near the property was completed using the Provincial *CDC iMap*⁶ and *Species Explorer*⁷. Raptor and heron nesting sites were researched using the online *WiTS Atlas*⁴ and the *GBHE Atlas*⁵ and assessed visually during field work. The on-site assessment was completed according to guidelines in *Environmental Best Management Practices for Urban and Rural Land Development*.

3 RESULTS

Development on the property is affected by one DoU Environmental Development Permit Area (DPA):

- 1) DPA VI (Stream and Riparian Areas Protection) – Associated with a creek running roughly north-south through the neighboring property to the west.

The results discussed in the following sections are intended to address the primary concerns of this Environmental DPA, as well as address any other potential environmental concerns with development on the subject property.

3.1 AQUATIC HABITAT - STREAM 1

There is one stream that flows south to north along the western edge of the subject property (Figure 3, Photos 5 and 6). This stream is unnamed according to the available online databases and is referred to as “Stream 1” in this report.

Stream 1 appears to originate in a wetland approximately 500 m upstream of the subject property and flows into the ocean at Ucluelet Inlet approximately 150 m north of the subject property. Adjacent to the subject property the stream channel is characterized by well-defined banks, a relatively steep bed gradient (~ 3 %), and substrates that consist primarily of cobble, gravel, and sand. There are several Coarse Woody Debris (CWD) complexes overhanging Stream 1 (Photo 6) which provide shade and refuge habitat for fish. Additionally, the general stream profile has a natural riffle/pool sequence and meandering flow path that suggests it has been subject to minimal disturbance in the past. With a relatively steep gradient and banks that slope away from the stream, there are no concerns with an active floodplain or active meandering channel at this location. The steep (60% slope) eastern (right) bank of Stream 1 adjacent to the subject property (Photo 7) is very well vegetated with a multi-layer tree and undergrowth canopy; however, it could present erosion concerns if development were to encroach too closely or if stormwater is not managed appropriately. As such, the stream setback was calculated from the Top of Bank (TOB) rather than the High-Water Mark (HWM) as per provincial *Riparian Areas Protection Regulation* (RAPR) standards.

The riparian area of Stream 1 lies mostly on the neighboring property to the west, and consists of mature forest vegetation, with a thick shrub layer and mature trees. Dominant shrub species include salal, deer fern, and evergreen huckleberry, and dominant tree species include western red cedar, western hemlock, and Sitka spruce (*Picea sitchensis*). Overall, the riparian vegetation is of excellent quality with mature forest, overhanging vegetation for

¹¹ Pojar, J. and A. Mackinnon. 2004. *Plants of Coastal British Columbia Including Washington, Oregon, and Alaska*. Lone Pine Publishing, Vancouver B.C.



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nutrient inputs and shade, plenty of large woody debris, a thick shrub layer, and well-established root networks (Photos 5 and 7).

The instream habitat of Stream 1 consists of both rearing and spawning habitat (Photo 6), making it of high value for fish. There are local reports of both cutthroat trout (*Oncorhynchus clarkii*) and Coho salmon (*Oncorhynchus kisutch*) utilizing this stream; however, fish presence is not documented on the available online resources and no fish sampling was completed as part of this assessment. Although no evidence of salmon spawning was found during the November 1, 2022 site visit, a previous stream assessment by Current Environmental Ltd. (CEL) on this stream in November 2019 did confirm the presence of a Coho salmon redd containing eggs in Stream 1 adjacent to the subject property.

Finally, Stream 1 crosses under Peninsula Road through a 900 mm culvert that outlets north of the road. This culvert outlet was observed for issues with fish passage, and there appeared to be none; the culvert was partially embedded, and the outlet pool backwatered into the culvert.

3.1.1 Stream 1 Setbacks

Stream measurements were taken and used to calculate a Streamside Protection and Enhancement Area (SPEA) according to *Riparian Areas Protection Regulation* (RAPR) methodology. A 100 m section of Stream 1 was walked immediately adjacent to the subject property, and an average width of 1.7 m was calculated. A width of 1.7 m for a known fish stream corresponds to a 10 m setback under RAPR. Furthermore, RAPR dictates that where streambanks are steeper than a 3:1 slope, the SPEA must be measured from the point where the slope becomes less than 3:1 for a distance of at least 15 m (Top of Bank). As such, **the 10 m SPEA for Stream 1 was measured at the TOB of the right bank (Figure 2). The development as proposed does not overlap with this setback.**

3.2 TERRESTRIAL HABITAT

The subject property supports fragmented second growth forest indicating that it has previously been cleared for development; however, the history of the site is unknown as no structures remain. Existing evidence of disturbance on the site consists of two access roads with remnant logs piled along the edges (Photo 3), and an early seral stage forest growing in the central portion of the property where the original forest canopy was removed. Forest edges and open areas in the center of the property are dominated by red alder, which is a pioneering species that grows into disturbed sites and begins the process of succession towards climax species assemblages dominated by conifers (Photo 2). Portions of the property that are relatively undisturbed exhibit a plant community typical of “western cedar – yellow cedar – salal” sites within the CWHvm1 BGC subzone (Photo 1). This plant community indicates a relatively dry site with low to moderate levels of soil nutrients and is relatively common throughout the CWHvm1 BGC subzone.

The subject property is surrounded by relatively high levels of development, with the main highway access for Ucluelet – Peninsula Road – forming the northern border of the property, and industrial development bordering the property to the south and east. Based on the previous and continued development on and surrounding the subject property, it has limited value as a wildlife corridor.

The overall value of terrestrial habitat on the subject property in its current state is considered low due to:

- a) **Fragmentation of forest canopy.**
- b) **Large portions of early seral stage forest with dense undergrowth.**
- c) **Proximity to disturbances such as highway traffic and industrial activity.**



3.2.1 Nesting Birds

An office-based review of known bald eagle and great blue heron nests was conducted prior to the November 1, 2022 site visit and revealed that the closest known bald eagle nest was approximately 1.2 km from the subject property, and the closest great blue heron nest was almost 10 km from the property.

The property was inspected for any undocumented nests sites belonging to bird species listed under Section 34 of the BC *Wildlife Act* and although several suitable trees were found (Photo 8), there was no evidence of current or past nesting activity. Additionally, it was observed that the property does retain enough tree and shrub cover to provide ample nesting habitat for a range of songbird species. **To ensure that no nests or eggs are damaged, site clearing should be planned outside of the nesting bird window for Vancouver Island (March 15 – August 15). If works cannot be timed to fall outside of this window, then pre-clearing nest surveys should be completed.**

3.3 SPECIES/ECOLOGICAL COMMUNITIES AT RISK

According to the provincial Conservation Data Center iMap application, the subject property overlaps the historical range of one red-listed plant species – Tall woolly-heads (*Psilocarphus elatior*). Additionally, the BC Species and Ecosystems Explorer reveals 10 other provincially listed species that have range and habitat requirements that overlap with the subject property. Table 2 below summarizes the results from the BC Species and Ecosystems Explorer, while Section 3.3.1 discusses the potential of Tall woolly-heads being found on the subject property.



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Table 1. List of potential Species at Risk utilizing the subject property at 2102 Peninsula Road.

Common Name	BC List Level	Habitat Suitability at 2102 Peninsula Road
Northern Goshawk, <i>laingi subspecies</i> (nesting)	Red listed	Low – Some trees large enough for nesting or roosting; however, the proximity to a main road may deter potential nesters. Additionally, the preferred forest type for this species is a closed canopy and open understory, while forests on the subject property have a fragmented canopy with dense undergrowth.
Keen’s Long-eared Myotis (roosting)	Blue listed	Low – Some trees with peeling bark that could provide summer roosting habitat, and riparian areas on site have potential foraging, but no critical winter hibernation sites available.
Band-tailed Pigeon (nesting)	Blue listed	Low to moderate – Some trees large enough for nesting or roosting, however the proximity to a main road may deter potential nesters. Foraging potential is moderate as there are many berry producing shrubs present (primarily salal).
Western Screech-owl (nesting)	Blue listed	Low to moderate – As secondary cavity nesters, this species relies on larger excavations made by woodpeckers. While some of the trees are large enough to support nesting, there were no dead or dying snags with existing cavities identified on the property.
Northern Pygmy-owl (nesting)	Blue listed	Low to moderate – As with the Western Screech-owl, this species is a secondary cavity nester. While some of the trees are large enough to support nesting, there were no dead or dying snags with existing cavities identified on the property.
Great Blue Heron (nesting)	Blue listed	Low – Low potential for nesting as there are some tall mature trees, however this species is sensitive to disturbance, and the subject property is immediately adjacent to a main road and an industrial property. No nests were observed.
Townsend’s Big-eared Bat (roosting)	Blue listed	Low – Some trees with peeling bark that could provide summer roosting habitat, and riparian areas on site have potential foraging, but no critical winter hibernation sites available.
Red-legged Frog (adult life stages)	Blue listed	Low – Stream 1 may be a potential adult migration corridor towards the wetland upstream, and adult foraging/refuge habitat under coarse woody debris on the forest floor; however this is on the neighboring property. Unlikely for frogs to migrate up the steep banks to the subject property.
Bald Eagle (roosting/nesting)	Yellow listed	Low to moderate – Moderate potential for perching with some mature trees on the subject property, however no previous nesting site identified in this area, and bald eagles have high nesting site fidelity.
Black Bear (summer forage and denning)	Yellow listed	Low to Moderate – Moderate likelihood of summer foraging with berry shrubs on the subject property– appropriate forest but too close to a main road.
Cutthroat trout	Blue listed	Likely (Stream 1) – Due to lack of stream habitat, there is no potential for this species to exist on the subject property; however, it is known to inhabit Stream 1.

3.3.1 Tall Woolly-Heads

Tall Woolly-heads (*Psilocarphus elatior*) is a small plant in the family Asteraceae known to exist in the southeastern portion of Vancouver Island in the Coastal Douglas-fir BCG zone. Typical habitats are vernal pools in Garry oak meadows which are characterized by sun exposure and seasonal wetness other than very dry summer months. No such habitat was found to exist at the subject property, as forest plants create a very shady environment in intact



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areas of the property that are not suitable for Tall Woolly-head growth, while open areas of the property only exist due to previous disturbance. Furthermore, the recorded occurrence near Ucluelet is from a specimen collected in 1909, and no further specimens have been found on the west coast of Vancouver Island in any subsequent collecting efforts¹². **The likelihood of Tall Woolly-heads persisting anywhere around Ucluelet is extremely low.**

4 POTENTIAL ENVIRONMENTAL IMPACTS

Potential environmental impacts that may occur as part of the proposed development at 2102 Peninsula Road are outlined in the following sections. Section 5 describes the mitigation strategies that should be followed to minimize any potential environmental impacts both during the design phase and during construction.

4.1 IMPACTS TO HYDROLOGICAL FUNCTION AND WATER QUALITY

Increases in the total impervious surfaces and drainage networks (roof leaders and piping) associated with residential developments can impact the hydrological response of local areas. This can result in increased peak flows to downstream watercourses resulting in channel degradation such as increased erosion and channel aggradation, decreases in habitat complexity, channel widening, and flooding of terrestrial areas. As well, the decreased retention capabilities of soils and seasonally flooded areas can seriously impact the availability of wetted habitat during periods of drought.

Surface runoff from driveways, rooftops, and residential yards can result in negative impacts on aquatic resources as a result of increased pollution loading that typically includes hydrocarbon, metal, and fertilizer-based elements related to vehicle use and residential yard and house maintenance. Due to the extent of impermeable surfaces planned in this development as well as their proximity to the steep bank of Stream 1, impacts to hydrological function and water quality of Stream 1 are considered moderate. See Section 5.1.2 for mitigation measures.

4.2 CONSTRUCTION RELATED IMPACTS

Land clearing and other construction-related activities can cause serious degradation of habitat through the release of sediments to downstream habitats, destruction of trees, the spread of invasive plants, and the unnecessary encroachment into prescribed setback areas. Construction-related impacts to aquatic habitat and environmentally sensitive features on site can be managed through the effective implementation of the mitigation measures outlined in Section 5.2 of this report.

4.3 LOSS OF WILDLIFE HABITAT AND SPECIES AT RISK

The existing plant community on the property is highly fractured and disturbed and will largely be removed during the proposed development process. Based on observations made during the process of the site investigation, no species at risk were observed and the assessed value of the habitat on the property for all species at risk considered is low or low-moderate. Due to the subject property being closely associated with ongoing industrial development and traffic noise, it is also not considered highly valuable as a wildlife corridor.

The overall habitat quality of the property is low, and if measures are put in place prior to construction to protect the sensitive habitats of Stream 1 there is expected to be minimal loss of high-quality wildlife habitat.

¹² COSEWIC. 2018. COSEWIC Assessment and Status Report on the Tall Woolly-heads *Psilocarphus elatior* in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa.



4.4 INCREASED HUMAN INTERACTION WITH SENSITIVE HABITATS

A new development on the subject property of the size being proposed will bring more human/wildlife interaction, and the potential for increased foot traffic within the riparian area of Stream 1. Another potential impact is the interaction of pets (dogs and cats) on nesting birds and salmon habitat (especially spawning sites) in Stream 1. The potential for increased interaction with sensitive habitats is considered moderate. Mitigation measures to minimize impacts are outlined in Section 5.1.3 below.

5 MITIGATION MEASURES

Mitigation measures with respect to the design and the construction of the new development at 2102 Peninsula Road will be implemented to minimize impacts to the identified sensitive habitats outlined in this report. These mitigation strategies are outlined below.

5.1 MITIGATION STRATEGIES – DESIGN

5.1.1 Maintaining and Protecting the 10 m SPEA for Stream 1

The effective implementation of the prescribed 10 m Streamside Protection and Enhancement Area (SPEA) measured from the top-of-bank of Stream 1 (Figure 2) will help ensure ecosystem processes will remain largely intact after construction is completed. All proposed clearing, construction, storage of materials, and machine access during construction will be outside of the 10 m SPEA for Stream 1. Additionally, with significant clearing of the forest on the subject property for the proposed development, and the steep banks of Stream 1 adjacent to the proposed development, windthrow is a concern. **A certified arborist or danger tree assessor must be retained to assess proposed clearing activities and develop a plan to limit wind effects on newly exposed trees as a result of clearing, if needed.**

5.1.2 Stormwater Management

Due to the significant amount of coverage of impermeable surfaces proposed on the subject property, it is important to ensure that rainwater runoff is not piped or otherwise channelized into the 10 m SPEA of Stream 1. Piping and channelizing stormwater runoff increases the flashiness of flow patterns in streams, and exacerbates problems caused by erosion. The steep bank of Stream 1 adjacent to the proposed development will accelerate any erosion caused by insufficient drainage infrastructure. **In order to minimize the impacts of runoff, drainage infrastructure associated with new development must be designed by a Qualified Engineering Professional specializing in hydrology to ensure that existing hydrological conditions of Stream 1 are retained.** Design guidelines and target conditions of the stormwater infrastructure are recommended to be adapted from *A Guidebook for British Columbia: Stormwater Planning*¹³.

5.1.3 Restricting Use of Sensitive Habitats

While the development as proposed does not encroach into the 10 m SPEA of Stream 1, the development of residential, commercial, and tourism on the subject property will drastically increase the amount of human use

¹³ Government of British Columbia. 2002. A Guidebook for British Columbia: Stormwater Planning. Accessed from: https://www2.gov.bc.ca/assets/gov/environment/waste-management/sewage/stormwater_planning_guidebook_for_bc.pdf

adjacent to the SPEA. If left unmarked, there is a relatively high potential for people and pets to create desire trails in the forested edge of the subject property, including scrambling down the banks to access the stream. **To avoid such impacts to the sensitive riparian habitat, the 10 m SPEA or subject property boundary (whichever is further from Stream 1) must be fenced to discourage access.** Any fences must, however, be designed to allow for the free passage of wildlife by using a combination of the following design characteristics:

1. Gaps are left in fence panels where existing animal migration routes (ie. Deer paths) are evident.
2. Maximum height 1 m (40").
3. Provide sections that meet "under passage" requirement of 0.6 m (18").
4. Fence should be easily visible.

No part of the fence will have a negative impact on the root zones of trees within environmental setbacks and will be installed no closer than 10 m from the Top of Bank as flagged on November 1, 2022. Appropriate Root Protection Zones (RPZs) for the protection of all trees within the 10 m SPEA will be determined by a qualified arborist and the fence will be installed outside of these zones.

Examples of recommended fencing options are shown in Figure 4 below:

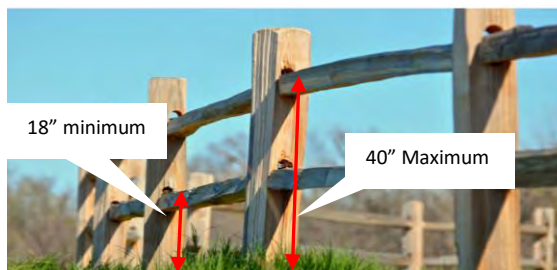
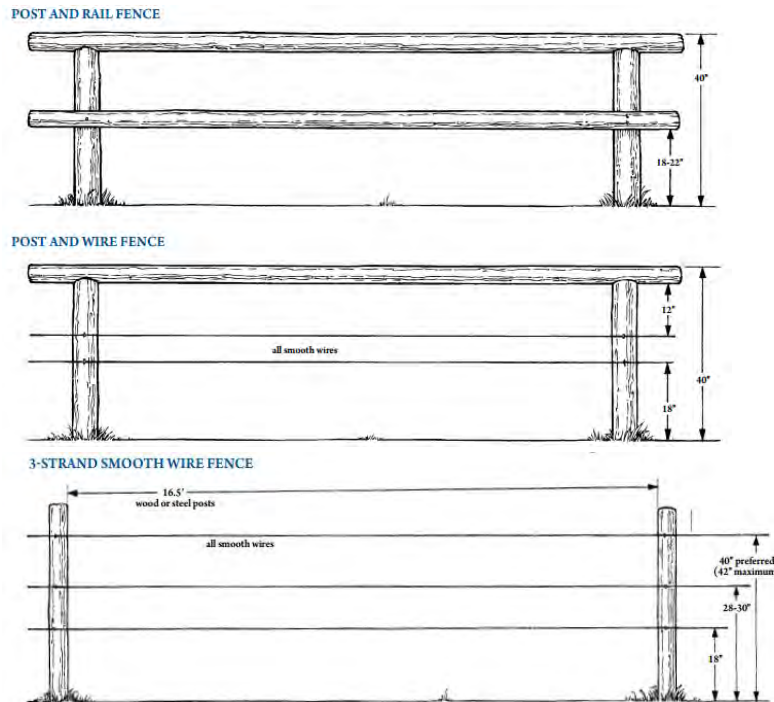


Figure 4: Fence examples meeting criteria for supporting ungulate and bird passage including high-visibility, low height, and under passage. Gaps in fence panels are also required where animal migratory routes are observed.



5.1.4 Restoration Plan

As previously described, the SPEA for Stream 1 is in excellent condition. There are multiple layers of forest succession, and healthy mature trees and shrubs in the forest. As such, there are no recommendations for enhancement of the SPEA at this time. Instead, the emphasis is on protection, as described in the previous section 5.1.3 and 5.1.1. Development as proposed will not encroach within the 10 m SPEA (Figure 2).

5.2 MITIGATION STRATEGIES – CONSTRUCTION PHASE

The following table (Table 3) outlines the general environmental mitigation measures that should be followed during construction of the proposed development at 2102 Peninsula Road to protect the sensitive habitats described in this report.

Table 2. Environmental mitigation measures that should be followed during construction to minimize impacts to Stream 1.

5.2.1 Monitoring and Enforcement
<ol style="list-style-type: none"> 1) As laid out in the District of Ucluelet Official Community Plan, monitoring and enforcement of a proposed development site should be a collaborative effort between Local Government, the QEP employed by the developer, landowners, non-government organizations (NGOs) such as stream keepers, and the public. The public or NGOs can inform the District of violations. 2) The property owner must contact the QEP prior to commencing work on the proposed development, to review the requirements in this report and to ensure all the necessary mitigation measures are in place prior to starting work. 3) The QEP must be contacted if an unanticipated issue occurs during construction, such as a hydraulic spill into the SPEA or Stream 1, and the QEP will follow-up promptly with guidance and applicable reporting. 4) A post construction monitoring site visit must be done by the QEP to ensure that the new development is in compliance with the measures in this report and that the SPEA remains intact.
5.2.2 Vegetation Management, Disturbance or Removal
<ol style="list-style-type: none"> 1) Clearing limits must be flagged or clearly identified prior to construction, and areas outside of the limits will be protected from disturbance. This is particularly important with respect to the SPEA so that no unintentional encroachment into the protected area can occur during site clearing works. 2) Temporary fencing will be established along the SPEA boundary and any root protection zones identified by an arborist prior to the start of work. Temporary fencing must be highly visible, and all workers made aware of the sensitivities of protected areas. Temporary fencing must be replaced with permanent fencing as soon as practicable and prior to substantial completion of the project. 3) Prevent the spread of invasive plant species that could be found on site by cleaning equipment before moving into new areas. Remove all weeds and suspect plants from equipment and vehicles to prevent



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the spread of invasive species. If encountered, separate cleared material containing invasive species from other cleared material and perform disposal at an appropriate transfer facility (i.e. landfill).

- 4) Restore bare soil as quickly as possible after disturbance using a native seed mix or native plants to prevent invasive species from establishing.

5.2.3 Wildlife Habitat Alteration, Disturbance, or Loss

- 1) Do not destroy, remove or clear any active bird nests.
- 2) All clearing activities should occur outside of the **migratory bird nesting window for this region, which is approximately March 15th to August 15th**. Although it is preferable to have clearing completed outside this nesting window, should any clearing be required to happen within this timeframe, a bird nest assessment must be undertaken no earlier than five days prior to the required clearing by a Qualified Environmental Professional with experience identified bird nests.
- 3) All wildlife attractants should be secured on the work-site. No food, food waste, cook stoves, garbage, drink containers (full or empty), recyclable materials will be left neither unattended nor accessible to wildlife.
- 4) There is a low potential of amphibians (both adults and juveniles) migrating near the western edge of the worksite, especially during heavy rainfall events throughout the fall, winter, and spring. If any salamanders or frogs are observed on the work site, care should be taken to isolate these animals from potential traps such as deep excavations by using silt fencing or poly as needed.

5.2.4 Sediment and Erosion Control

- 1) Erosion control measures that prevent sediment from entering Stream 1 will be an important element of construction. Sediment laden water being released into aquatic habitat can harm aquatic life stages of amphibians as well as fish.
- 2) Filter fabric dams, rock check dams, settling ponds, geotextiles, French drains, interception ditches, and silt fencing should be used as needed on a site-specific basis to control erosion. Filtration should be accomplished using filter fabric keyed into substrates and banks and elevated using stakes. Silt fencing is not an acceptable mitigation technique to control erosion in flowing ditches; however, it is useful for containing slumping areas of soil and for use as baffles to slow water velocities.
- 3) Excavation should be stopped during intense rainfall events or whenever surface erosion occurs affecting Stream 1. Erosion and sediment control measures should be inspected within 24 hours after intense rainfall events.
- 4) Runoff and stormwater are to be managed and directed away from areas of exposed soils.
- 5) Wherever possible, soil stockpiles should be placed a minimum of 30 m from Stream 1 and in a location where erosion back into this stream cannot occur. Soil stockpiles with the potential to erode into Stream 1 should be covered with poly sheeting.
- 6) Clearing should take place immediately prior to excavation and earthworks to minimize the length of time that soils are exposed.



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5.2.5 Fuels and Hazardous Materials

- 1) The accidental release of petroleum, oils, hydraulic fluids, lubricants, concrete additives, anti-freeze or other hazardous materials onto land surfaces or into waterbodies may result in degradation of habitat quality and could be a threat to human health. As such, it must be actively prevented.
- 2) Any contractor working on site must establish and follow a spill response plan in the event of any spill. The spill response plan should be reviewed by all crew members regularly during tailgate meetings, especially machine operators as they are often the first line of defense.
- 3) A large spill kit should be on hand at all times during construction. Spill response supplies must be capable of dealing with 110% of the largest potential spill and shall be maintained in good working order.
- 4) All identified spills will be cleaned up immediately, and contaminated soils and vegetation will be removed for appropriate disposal.
- 5) Refueling of equipment and maintenance of equipment with the potential for accidental spills (i.e., oil changes, lubricants) should occur only at designated fueling stations and located at least 30 m from all waterbodies. Tarps should be laid down prior commencement of work to facilitate clean up.
- 6) All fuel, chemicals, and hazardous materials will be clearly marked and stored a minimum of 30 m from any waterbody.
- 7) If accidental mixing of fuels, chemicals, and hazardous materials does occur, the waste product will need to be removed to an approved disposal/recycling facility.
- 8) Pumps, generators, and jerry cans are to be placed on poly sheeting and sorbent pads or drip trays to contain spills.
- 9) Used oil, filters, and grease cartridge lubrication containers, and other products of equipment maintenance should be collected and kept in a secure receptacle for later disposal.
- 10) In the event of a spill, the following general guidelines should be followed:
 - a. Stop work in the vicinity of the spill;
 - b. Deploy on-site personnel to build containment dykes or pump spilled contaminant into storage drums.
 - c. Apply sorbent pads and booms as necessary.
 - d. Dispose of all contaminated debris, cleaning materials, and absorbent material by placing in an approved disposal site.
 - e. Debrief all site personnel on the incident and take additional precautions to ensure that similar accidents will not recur.
 - f. Spills to the receiving environment are to be reported to the Environmental Management BC (1-800-663-3456) if they exceed the reportable limits (e.g. 100 liters of fuel or oil or spills of any quantity to water).



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5.2.6 Garbage and Waste

- 1) Work areas should be kept in a safe, clean, and sanitary condition. All waste, rubbish and debris will be kept in a centralized location within the work area and removed from the project site at the end of each day.
- 2) Waste containers should be wildlife and wind proof containers to prevent dispersal. Food or food waste should be stored in leak-proof storage containers or vehicles that will prevent access by wildlife throughout the workday.

6 CONCLUSION

The potential risk to riparian function of Stream 1 as a result of the development proposal for 2102 Peninsula Road is considered to be low if the following mitigation measures are implemented:

- 1) The protection of the 10 m SPEA for Stream 1 as measured from the Top of Bank (T.O.B. flagged Nov. 1, 2022) as shown in Figure 2.
- 2) The assessment of the 10 m SPEA by a Certified Arborist and the development of a plan to mitigate the potential effects of windthrow.
- 3) A permanent fence constructed at whichever is furthest from Stream 1 of: the 10 m SPEA; property boundary; or RPZ as defined by a Professional Arborist to encourage protection of trees and discourage human encroachment into the SPEA of Stream 1.

The overall quality of terrestrial habitat on the subject property in its current state is considered to be low both in general and for known Species At Risk in the area. The clearing of the property in favor of the proposed development is expected to have minimal impacts to terrestrial habitat. Impacts will be further reduced through the following measures:

- 1) Conducting vegetation clearing works outside of the bird nesting window for the region: March 15th to August 15th. If unable to time works outside of this window, pre-clearing nest surveys must be conducted by a Qualified Environmental Professional within 5 days of clearing works.
- 2) Effective implementation of the general construction mitigation measures as outlined in Section 5.2.

The development as proposed for 2102 Peninsula Road is considered acceptable for the property, and of low environmental risk if the mitigation measures recommended in this report are effectively implemented.



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7 CLOSURE

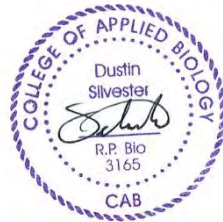
We trust that this assessment meets the requirements for a biophysical assessment of the proposed development at 2102 Peninsula Road. The observations and recommendations made in this report are intended to characterize existing site conditions and present current regulatory requirements. The presence of the features and functions described herein are based on available information at the time of writing and are subject to change. Environmental site conditions are dynamic and should development of the site be postponed an additional survey may be warranted at a later date.

Please contact the undersigned with any questions or concerns.

Current Environmental Ltd.

A handwritten signature in black ink that reads "Jamie Godfrey".

Jamie Godfrey, Tech



& Dusty Silvester, R.P.Bio

8 DISCLAIMER

This report was prepared exclusively for the property owner, Mayco Noël, by Current Environmental Ltd. The quality of information, conclusions and estimates contained herein is consistent with the level of effort expended and is based on: i) information available at the time of preparation; ii) data collected by the authors and/or supplied by outside sources; and iii) the assumptions, conditions and qualifications set forth in this report. This report is intended to be used by the property owner only, subject to the terms and conditions of its contract or understanding with Current Environmental Ltd. Other use or reliance on this report by any third party is at that party's sole risk.

9 PHOTOS



Photo 1. The subject property as seen from the driveway access off Peninsula Road. The lot has been partially cleared of trees to support the creation of a gravel access road.



Photo 2: Existing access road running north-south and connecting Peninsula Road to the back end of the lot. Photo taken looking south.



Photo 3: Logs piled on site from initial clearing of land.



Photo 4: Representative photo of an intact portion of forest vegetation on the subject property at 2102 Peninsula Road.



Photo 5: Representative photo of Stream 1 on the adjacent property to the west of the subject property showing intact fish habitat.



Photo 6: A portion of Stream 1 with abundant shade from a complex structure of Coarse Woody Debris (CWD) and gravels, representing excellent salmonid habitat.



Photo 7: The right (east) bank of Stream 1 on the adjacent property. Stream 1 runs from right to left along the bottom of the image (blue line), and the TOB from which the setback must be measured can be seen near the top of the image (red line).



Photo 8: Large cedar snag that could provide potential raptor perching on the subject property. It was confirmed to be absent of nests during the November 1, 2022 site visit.

UCLUELET MIXED USE DEVELOPMENT
2102 PENINSULA ROAD
CIVIL ENGINEERING SITE WORKS & SERVICING REPORT

1. INTRODUCTION

The intent of this report is to identify possible issues related to accessing and servicing this site and to suggest appropriate approaches for the civil engineering design of this development in support of a development permit application.

The project is located at 2102 Peninsula Road and Lot C, District Lot 284 which is located within the District of Ucluelet (DoU) and is zoned CS-2 (Service Commercial). Both lots have been partially cleared but do not retain any permanent development other than two access roads which connect to Peninsula Road. Development of lots surrounding the area is variable, with forested areas to the north and west, and cleared areas to the south and east (Figure 1).

The proposed development includes the consolidation of 2102 Peninsula Road and Lot C into one new lot. The development on the new lot consists of five separate buildings: 3 separate 4-unit townhomes, and 2 buildings with commercial space on the ground floor and condo-hotels on the second floor. All buildings will be connected by paved driveways and there will be a total of 46 parking spaces.

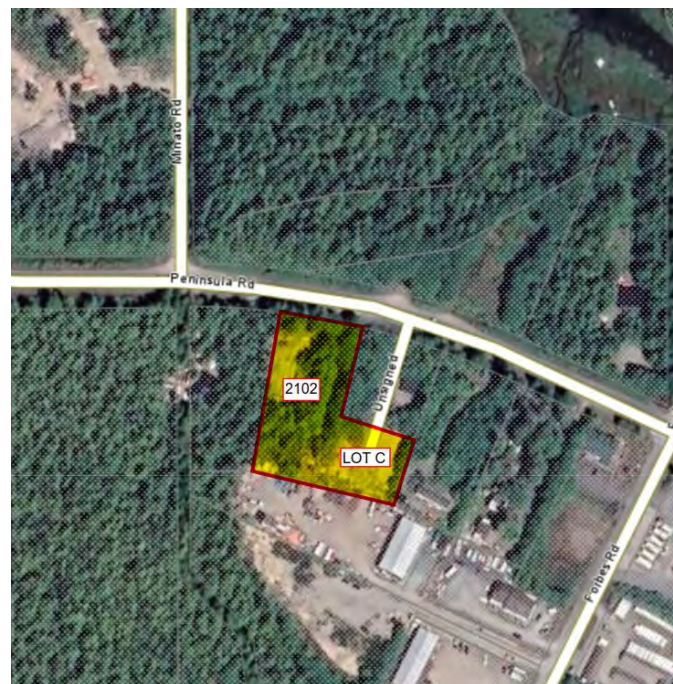


Figure 1: Existing Site – 2102 and Lot C (District of Ucluelet Community Map)

The site and proposed services are shown on the attached drawings C01-C03.

2. ROADS AND ACCESS

The subject site is fronted by Peninsula Road to the north (Figure 2). There are currently two access roads which connect the two existing lots to Peninsula Road and after the boundary adjustment and lot consolidation only one access to the site will remain. The remaining access will be upgraded to meet MoTI access requirements. (see drawing SK-1 attached). A highway use access permit will be coordinated with MoTI through detailed design.

Peninsula Road

Per online DoU Community Map information, Peninsula Road is located within a 24m-wide right-of-way. The Peninsula Road frontage currently consists of two drive lanes, one in each direction, complete with a 2.5m wide asphalt multi-use pathway and gravel boulevard on the south side of the road, and gravel shoulder and grass boulevard on the north side.

Discussions with DoU staff and the DoU 2011 Transportation Plan indicate that offsite frontage works on Peninsula Road are anticipated to include resurfacing Peninsula Road with new asphalt up to the existing centerline and the mixed-use pathway with new asphalt along the property frontage. A new grass swale with lawn catch basin is proposed between the drive lane and mixed-use pathway.

Final road cross sections will be determined through detailed design in coordination with DoU staff.



Figure 2: Peninsula Road - Looking East (Google Maps)

3. WATERMAINS

3.1. Water Servicing

There is an existing 50Ø PE water service to the site connected to a 200Ø PVC distribution main on the south side of Peninsula Road. In addition, there is a 350Ø PVC supply main along the south side of the road. The existing 50Ø PE water service is proposed to be capped & abandoned. The new development is proposed to be serviced by a new 150Ø PVC combined fire & domestic service, extending from the 200Ø PVC distribution main along Peninsula Road with a meter in a vault and backflow prevention arrangement at the property line. The service will be split to the individual buildings onsite (see drawing SK-1 for details). Alternatively, the water meter and backflow prevention could be located inside a water-room in Building #1 and then split onsite to service the remaining buildings. The anticipated domestic water demands for the commercial and multi-family portions of the buildings were considered separately and are summarized in Tables 1, 2, & 3 below:

Table 1: Domestic Flow Demands (Multi-Family)

	Flow Required (L/capita/day) *	Flow Demands (L/day)	Flow Demands (L/s)
Average Daily Domestic Flow	455	18,200	0.21
Maximum Daily Domestic Flow	1,135	45,400	0.53
Peak Hour Domestic Flow	1,820	72,800	0.84

* Assumed 2.0 persons per unit for each multi-family residential unit – total of 20 units, demands per DoU Bylaw No. 521. (see drawings SK-1 & architectural drawings for details).

Table 2: Domestic Flow Demands (Commercial)

	Flow Required (L/ha/day) *	Flow Demands (L/day)	Flow Demands (L/s)
Average Daily Domestic Flow	9,000	360	0.004
Maximum Daily Domestic Flow	22,500	900	0.010
Peak Hour Domestic Flow	36,000	1,440	0.017

* 1st floor of Building #1 & #2 classified as “commercial” (22,500 litres per hectare per day per MMCD 2021 Design Guidelines Section 2.4 – total building area 0.04ha (see drawing SK-1 & architectural drawings for details).

Table 3: Combined Domestic Flow Demands

	Flow Demands (L/day)	Flow Demands (L/s)
Average Daily Domestic Flow	18,560	0.21
Maximum Daily Domestic Flow	46,300	0.54
Peak Hour Domestic Flow	74,240	0.86

The final size of the service and meter, as well as the arrangement of backflow prevention will be determined through detailed design and coordination with the mechanical consultant and DoU.

3.2. Fire Flows

Preliminary Fire Underwriter's Survey (2020) calculations indicate that a fire flow of 83 L/s is required for a duration of 1.5 hours (see attached Fire Flow Calculations).

There is an existing fire hydrant located on the south side of Peninsula Road in the boulevard near the northwest corner of the 2094 Peninsula Road property, which is approx. 50m from the northeast corner of the site. A new private onsite hydrant complete with backflow prevention is proposed to be installed on the site to provide 45m coverage to fire department connections (FDC) on the face of all onsite buildings.

As part of the DP review process, we request that the DoU run their water model to confirm the flows currently available to the site. It is our understanding that the DoU may request Koers & Associates Engineering Ltd. to run a water modelling analysis for the site at the developer's expense.

The final arrangement of hydrants will be determined through detailed design and coordination with the DoU Fire Chief.

4. **SANITARY SEWER**

Per available District of Ucluelet record drawings, there is a 250mm diameter gravity sanitary main running along the north side of Peninsula Road to the Peninsula Road Lift Station, but no sanitary service to the site. A new 150Ø PVC sanitary service to the existing 250mm diameter gravity sanitary main is proposed for the site.

The anticipated sanitary flow from this development is 2.997L/s (see attached Sanitary Flow Calculations). Preliminary design suggests that a 150Ø sanitary service is adequate for the entire proposed development. The final servicing option will be determined through detailed design in coordination with mechanical consultant.

The capacity of the Peninsula Road Lift Station is listed as 9.3 L/s. As part of the DP review process, we request that the DoU confirm that the lift station has available capacity for the proposed development's sanitary flow.

5. **STORM DRAINAGE AND STORMWATER MANAGEMENT**

The following stormwater management plan was created based on the DoU Subdivision Control Bylaw No. 521. Additionally, "Stormwater Source Control Design Guidelines 2012" (SSCDG) was consulted for stormwater management best practices.

The proposed site drainage and stormwater management is shown on drawings SK-1 and is as follows:

5.1. Site Overview

- 1) The existing site is approximately 0.59ha in size, and slopes from south to north (falling approximately 8m towards Peninsula Road).
- 2) The site does not appear to have an existing storm service. There is an existing unnamed fish bearing creek running south-north through the neighboring property to the west. The creek passes through a 900mm CSP culvert under Peninsula Road and flows into the ocean at Ucluelet inlet approximately 150 m north of the site. We propose to install a new 1050Ø offsite storm manhole and extend a 250Ø PVC storm sewer along the property frontage and connect to the 900mm CSP culvert or exiting storm manhole at the culvert invert. We propose to connect a new 250Ø PVC service to the site, connecting to the 1050Ø offsite storm manhole.
- 3) We understand that a geotechnical investigation is currently in progress and the potential for stormwater infiltration into the subgrade will be reviewed further during detailed design in coordination with the geotechnical consultant.
- 4) The site will have some onsite capacity to retain stormwater on site. Approximately 27% of the site area will either remain in its undeveloped state or be landscaped. these areas will be considered to retain and/or infiltrate any stormwater that lands directly on them but will not be designed to accept any additional runoff.

5.2. Detention

- 5) Per BC MoTI Engineering requirements, the detention storage volume for a 5-year rainfall event for the entire site is 18.26m³. (See attached Detention Calculations). All stormwater that lands on the hard surfaces (building roofs & asphalt driveway) will be directed into a shared onsite below-grade storage tank sized to detain this volume.
 - a) The below-grade storage tank will outflow through an orifice-control manhole to limit the post development flows leaving the site to a pre-development rate of 27.28L/s (See attached Detention Calculations).
 - b) Further to points #5 above, the tank may be designed to infiltrate into the ground as site conditions allow as directed by the geotechnical consultant. The details of the stormwater detention system will be refined in detailed design in coordination with the geotechnical consultant.
- 6) The orifice-control manhole will also include an overflow to convey larger return period rainfall events up to the 100-year event.
- 7) The proposed 250Ø PVC storm service for the site noted in point #2 has capacity for a 100-year rainfall event (see attached storm sewer calculations).

5.3. Water Quality

- 8) All stormwater that lands on the impermeable asphalt access road/parking lot will flow through an oil/water separator (Stormceptor, CDS or equivalent) for water quality treatment and removal of TSS before leaving the site.

5.4. Offsite Flows, Overflow, and Major System

- 9) Currently, the 100-year flow path flows overland to the north toward Peninsula Road. The proposed development will include site grading to promote drainage to the onsite storm sewer system and roadways to direct overland flows away from the proposed buildings and neighboring properties and towards the onsite stormwater management system. The proposed development is not expected to significantly alter the existing 100-year flow path.
- 10) Preliminary design indicates that the 100-year flow leaving the site will be 83.5 L/s (see attached Storm Sewer Calculations). The proposed 250Ø storm service noted in point #2 will have the capacity to convey the 100-year storm event.

The final layout and details will be determined through detailed design and coordination with the landscape architect after a thorough review of the downstream ditches and piping with DoU staff.

6. EROSION AND SEDIMENT CONTROL

An Erosion and Sediment Control plan meeting current DoU requirements and best practices will be prepared and submitted with the application for Building Permit.

7. CONCLUSION

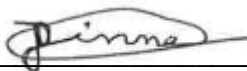
The design of the civil works associated with this project will be consistent with District of Ucluelet engineering standards and aligned with the overall project goals of sustainability, functionality & practicality.

Submitted by:

HEROLD ENGINEERING LIMITED

Prepared by:

Reviewed by:



Jake Pinneo, EIT

Patrick Ryan, P. Eng

Appendix E



FIRE UNDERWRITER'S SURVEY

PROJECT NAME: Mixed Use Development
PROJECT LOCATION: 2102 Peninsula Road
DESIGNED BY: Jake Pinneo, EIT
REVIEWED BY: Patrick Ryan, P.Eng.

HEL PROJECT No.: 3833-002
DATE: 00/01/1900

FIRE AREA CONSIDERED	TOTAL AREA (m ²)	SPRINKLERED	FIRE FLOW (L/MIN)	FIRE FLOW (L/SEC)
Building 1 - Mixed Use Condo/Hotel	700	YES	4973	83
Building 2 - Mixed Use Condo/Hotel	250	YES	2125	35
Building 3 - Townhouse	505	YES	3570	60
Building 4 - Townhouse	505	YES	4760	79
Building 5 - Townhouse	505	YES	4760	79

Appendix E

**FIRE UNDERWRITER'S SURVEY**

PROJECT NAME: Mixed Use Development
PROJECT LOCATION: 2102 Peninsula Road
DESIGNED BY: Jake Pinneo, EIT
REVIEWED BY: Patrick Ryan, P.Eng.

HEL PROJECT No.: 3833-002
DATE: 00/01/1900

FIRE AREA CONSIDERED: Building 1 - Mixed Use Condo/Hotel

TYPE OF CONSTRUCTION: TYPE V, WOOD FRAME CONSTRUCTION

FIRST FLOOR AREA: 300 m² **CONSTRUCTION COEFFICIENT, C:** 1.5
SECOND FLOOR AREA: 400 m²
THIRD FLOOR AREA: $RFF = 220C\sqrt{A}$

TOTAL FLOOR AREA, A: 700 m² **FIRE FLOW FROM EQUATION** 9000 L/min. a

GROUP C - RESIDENTIAL
HAZARD Limited Combustible -15% x a -1350 L/min.
SUBTOTAL 7650 L/min. b

AUTOMATIC SPRINKLER YES -30%
WATER SUPPLY IS STANDARD FOR BOTH THE SYSTEM AND YES -10%
FIRE DEPARTMENT HOSE LINES
FULLY SUPERVISED SYSTEM YES -10%
-50% x b -3825 L/min.
SUBTOTAL 3825 L/min. c

EXPOSURES	DISTANCE					
FRONT	35	ADD	0%			
LEFT	35	ADD	0%			
RIGHT	20	ADD	15%			
BACK	N/A	ADD	0%		* Automatic sprinkler protection in both buildings	
TOTAL			15% x b		1148	L/min. d

NOTES:

1. Front is the Peninsula Road Frontage
2. Floor area taken from Architectural Plans
3. Based on Water Supply For Public Fire Protection - 2020

FIRE FLOW REQUIRED c + d **4973** L/min.
or
83 L/Sec.

Appendix E



FIRE UNDERWRITER'S SURVEY

PROJECT NAME: Mixed Use Development
PROJECT LOCATION: 2102 Peninsula Road
DESIGNED BY: Jake Pinneo, EIT
REVIEWED BY: Patrick Ryan, P.Eng.

HEL PROJECT No.: 3833-002
DATE: 00/01/1900

FIRE AREA CONSIDERED: Building 2 - Mixed Use Condo/Hotel

TYPE OF CONSTRUCTION: TYPE V, WOOD FRAME CONSTRUCTION

FIRST FLOOR AREA: 125 m² CONSTRUCTION COEFFICIENT, C: 1.5
 SECOND FLOOR AREA: 125 m²
 THIRD FLOOR AREA: $FFF = 220C\sqrt{A}$

TOTAL FLOOR AREA, A: 250 m² FIRE FLOW FROM EQUATION 5000 L/min. a

GROUP C - RESIDENTIAL
 HAZARD Limited Combustible -15% x a -750 L/min.
 SUBTOTAL 4250 L/min. b

AUTOMATIC SPRINKLER YES -30%
 WATER SUPPLY IS STANDARD FOR BOTH THE SYSTEM AND YES -10%
 FIRE DEPARTMENT HOSE LINES
 FULLY SUPERVISED SYSTEM YES -10%
 -50% x b -2125 L/min.
 SUBTOTAL 2125 L/min. c

EXPOSURES	DISTANCE					
FRONT	N/A	ADD	0%	* Automatic sprinkler protection in both buildings		
LEFT	35	ADD	0%			
RIGHT	35	ADD	0%			
BACK	N/A	ADD	0%	* Automatic sprinkler protection in both buildings		
		TOTAL	0%	x b	0	L/min. d

NOTES:

1. Front is the Peninsula Road Frontage
2. Floor area taken from Architectural Plans
3. Based on Water Supply For Public Fire Protection - 2020

FIRE FLOW REQUIRED c + d **2125** L/min.
 or
35 L/Sec.

Appendix E

**FIRE UNDERWRITER'S SURVEY**

PROJECT NAME: Mixed Use Development
PROJECT LOCATION: 2102 Peninsula Road
DESIGNED BY: Jake Pinneo, EIT
REVIEWED BY: Patrick Ryan, P.Eng.

HEL PROJECT No.: 3833-002
DATE: 00/01/1900

FIRE AREA CONSIDERED: Building 3 - Townhouse

TYPE OF CONSTRUCTION: TYPE V, WOOD FRAME CONSTRUCTION

FIRST FLOOR AREA: 252.5 m² **CONSTRUCTION COEFFICIENT, C:** 1.5
SECOND FLOOR AREA: 252.5 m²
THIRD FLOOR AREA: $RFF = 220C\sqrt{A}$

TOTAL FLOOR AREA, A: 505 m² **FIRE FLOW FROM EQUATION** 7000 L/min. a

GROUP C - RESIDENTIAL
HAZARD Limited Combustible -15% x a -1050 L/min.
SUBTOTAL 5950 L/min. b

AUTOMATIC SPRINKLER YES -30%
WATER SUPPLY IS STANDARD FOR BOTH THE SYSTEM AND YES -10%
FIRE DEPARTMENT HOSE LINES
FULLY SUPERVISED SYSTEM YES -10%
-50% x b -2975 L/min.
SUBTOTAL 2975 L/min. c

EXPOSURES	DISTANCE					
FRONT	N/A	ADD	0%	* Automatic sprinkler protection in both buildings		
LEFT	30	ADD	10%			
RIGHT	35	ADD	0%			
BACK	N/A	ADD	0%	* Automatic sprinkler protection in both buildings		
		TOTAL	10%	x b	595	L/min. d

NOTES:

1. Front is the Peninsula Road Frontage
2. Floor area taken from Architectural Plans
3. Based on Water Supply For Public Fire Protection - 2020

FIRE FLOW REQUIRED c + d **3570** L/min.
or
60 L/Sec.

Appendix E

**FIRE UNDERWRITER'S SURVEY**

PROJECT NAME: Mixed Use Development
PROJECT LOCATION: 2102 Peninsula Road
DESIGNED BY: Jake Pinneo, EIT
REVIEWED BY: Patrick Ryan, P.Eng.

HEL PROJECT No.: 3833-002
DATE: 00/01/1900

FIRE AREA CONSIDERED: Building 4 - Townhouse

TYPE OF CONSTRUCTION: TYPE V, WOOD FRAME CONSTRUCTION

FIRST FLOOR AREA: 252.5 m² CONSTRUCTION COEFFICIENT, C: 1.5

SECOND FLOOR AREA: 252.5 m²

THIRD FLOOR AREA: $FFF = 220C\sqrt{A}$

TOTAL FLOOR AREA, A: 505 m² FIRE FLOW FROM EQUATION 7000 L/min. a

GROUP C - RESIDENTIAL
 HAZARD Limited Combustible -15% x a -1050 L/min.
 SUBTOTAL 5950 L/min. b

AUTOMATIC SPRINKLER YES -30%
 WATER SUPPLY IS STANDARD FOR BOTH THE SYSTEM AND YES -10%
 FIRE DEPARTMENT HOSE LINES
 FULLY SUPERVISED SYSTEM YES -10%
 -50% x b -2975 L/min.
 SUBTOTAL 2975 L/min. c

EXPOSURES	DISTANCE					
FRONT	N/A	ADD	0%	* Automatic sprinkler protection in both buildings		
LEFT	30	ADD	10%			
RIGHT	N/A	ADD	0%	* Automatic sprinkler protection in both buildings		
BACK	10	ADD	20%			
TOTAL			30%	x b	1785	L/min. d

NOTES:

1. Front is the Peninsula Road Frontage
2. Floor area taken from Architectural Plans
3. Based on Water Supply For Public Fire Protection - 2020

FIRE FLOW REQUIRED c + d **4760** L/min.
 or
79 L/Sec.

Appendix E



FIRE UNDERWRITER'S SURVEY

PROJECT NAME: Mixed Use Development
PROJECT LOCATION: 2102 Peninsula Road
DESIGNED BY: Jake Pinneo, EIT
REVIEWED BY: Patrick Ryan, P.Eng.

HEL PROJECT No.: 3833-002
DATE: 00/01/1900

FIRE AREA CONSIDERED: Building 5 - Townhouse

TYPE OF CONSTRUCTION: TYPE V, WOOD FRAME CONSTRUCTION

FIRST FLOOR AREA: 252.5 m² CONSTRUCTION COEFFICIENT, C: 1.5
 SECOND FLOOR AREA: 252.5 m²
 THIRD FLOOR AREA: $FFF = 220C\sqrt{A}$

TOTAL FLOOR AREA, A: 505 m² FIRE FLOW FROM EQUATION 7000 L/min. a

GROUP C - RESIDENTIAL
 HAZARD Limited Combustible -15% x a -1050 L/min.
 SUBTOTAL 5950 L/min. b

AUTOMATIC SPRINKLER YES -30%
 WATER SUPPLY IS STANDARD FOR BOTH THE SYSTEM AND YES -10%
 FIRE DEPARTMENT HOSE LINES
 FULLY SUPERVISED SYSTEM YES -10%
 -50% x b -2975 L/min.
 SUBTOTAL 2975 L/min. c

EXPOSURES	DISTANCE					
FRONT	35	ADD	0%			
LEFT	N/A	ADD	0%	* Automatic sprinkler protection in both buildings		
RIGHT	22	ADD	10%			
BACK	10	ADD	20%			
TOTAL			30%	x b	1785	L/min. d

NOTES:
 1. Front is the Peninsula Road Frontage
 2. Floor area taken from Architectural Plans
 3. Based on Water Supply For Public Fire Protection - 2020

FIRE FLOW REQUIRED c + d 4760 L/min.
 or 79 L/Sec.

Appendix E


**Stormwater Management
Summary Sheet**

PROJECT NAME: Mixed Use Development
PROJECT LOCATION: 2012 Peninsula Road
DESIGNED BY: Jake Pinneo, EIT
REVIEWED BY: Patrick Ryan, P.Eng.

HEL PROJECT No.: 3833-002/03
DATE: 27/02/2023

Predevelopment Area	C	Area (m ²)	Area (ha)
Heavy Soil, Greater than 5% Slope	0.35	5884	0.59
N/A	0.00	0	0.00
Total Average	0.35	5884	0.59

Post Development Area	C	Area (m ²)	Area (ha)
Building Roofs	0.85	1565	0.16
Walkways	0.85	455	0.05
Streets	0.90	2300	0.23
Landscaping	0.25	1564	0.16
N/A	0.00	0	0.00
Total Average	0.71	5884	0.59

IDF Curve	UCLUELET AMPHITRITE POINT	+10%
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1. Based on the Environment Canada 2021 IDF Curves for Amphitrite Point (Ucluelet)
2. 10% Added to Intensities for climate change

Results Summary		
Pre-Development Flow Rate (L/s)	27.28	
Post-Development Flow Rate (L/s)	55.34	5-Year
Total Detention Volume (m ³)	18.26	5-Year

Pages Following:

5 Year Detention Calculations
 Storage Calculations

Notes:

1. Based on the Environment Canada 2021 IDF Curves for Amphitrite Point (Ucluelet)
2. Onsite areas taken from Architectural Drawings.
3. Pre-development onsite runoff coefficient taken as Heavy Soil, with slopes greater than 5% , as per DoU Bylaw No. 521.
4. Post development onsite runoff coefficient is a weighted average of proposed roofs, drives & walks, and heavy soil, with varying slopes, as per DoU Bylaw No. 521.

Appendix E


**Stormwater Management
5-Year Calculation**

PROJECT NAME: Mixed Use Development
PROJECT LOCATION: 2012 Peninsula Road
DESIGNED BY: Jake Pinneo, EIT
REVIEWED BY: Patrick Ryan, P.Eng.

HEL PROJECT No.: 3833-002/03
DATE: 27/02/2023

IDF Curve	UCLUELET AMPHITRITE POINT	5-Year	10% Added to Intensities		
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Time of Concentration (min)		$R=A*t_c^B$	
t_c (Pre)	10	$A_2=$	22.2
t_c (Post)	10	$B_2=$	-0.373

Predevelopment Area	C	Area (m ²)	Area (ha)	Flow (L/s)
Forested	0.35	5884	0.5884	27.28
N/A	0.00	0	0	0.00
Total Average	0.35	5884	0.5884	27.28

Post Development Area	C	Area (m ²)	Area (ha)	Flow (L/s)
Building Roofs	0.85	1565	0.1565	17.62
Walkways	0.85	455	0.0455	5.12
Streets	0.90	2300	0.23	27.42
Landscaping	0.25	1564	0.1564	5.18
N/A	0.00	0	0	0.00
Total Average	0.71	5884	0.5884	55.34

Duration (hr)	I (mm/hr)	Inflow (L/s)	Total Inflow Volume over Duration (L)	Total Allowable Outflow Volume over Duration (L)	Storage Required (m ³)
0.083	61.7	71.66	21499	8183	13.32
0.100	57.6	66.95	24102	9819	14.28
0.117	54.4	63.21	26548	11456	15.09
0.167	47.6	55.34	33202	16366	16.84
0.250	41.0	47.57	42812	24548	18.26
0.500	31.6	36.73	66117	49097	17.02
0.750	27.2	31.58	85256	73645	11.61
1.000	24.4	28.36	102108	98194	3.91

Maximum Storage Required (m³)	18.26
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Notes:

- Five Year Detention Storage Per MoTI Engineering Requirements

3701 Shenton Road Nanaimo, BC V9T 2H1 250-751-8558 mail@heroldengineering.com

Appendix E


**STORMWATER MANAGEMENT
MANHOLE STORAGE**

PROJECT NAME: Mixed Use Development
PROJECT LOCATION: 2012 Peninsula Road
DESIGNED BY: Jake Pinneo, EIT
REVIEWED BY: Patrick Ryan, P.Eng.

HEL PROJECT No.: 3833-002/03
DATE: 27/02/2023

Required Detention Volume (m³)	18.3
--	-------------

Number of Manholes	1
Diameter (m)	1.05
Depth (m)	1.00
Manhole Volume (m³)	0.9

Length (m)	4.50
Width (m)	3.60
Depth (m)	1.10
Pipe Volume (m³)	17.8

Total Storage Volume (m³)	18.7
---	-------------



PROJECT NAME: Mixed Use Development
 PROJECT LOCATION: 2102 Peninsula Road
 DESIGNED BY: Jake Pinneo, EIT
 REVIEWED BY: Patrick Ryan, P.Eng.

IDF LOCATION: UCLUELET AMPHITRITE POINT
 RETURN PERIOD: 10 YEAR
 HEL PROJECT No.: 3833-002
 DATE: 22/02/2023

Mannings "n" 0.013 PVC Time of Concentration 10.00 mins
 Mannings "n" 0.024 CSP
 Mannings "n" 0.014 CONC.

Mannings Formula
 $V = R_n^{(2/3)} S^{(1/2)}$
 n

FROM MH	TO MH	Catchment Area	Area (Ha)	Run Off Coeff. (C)	Equip. Area (ha)	Total Area, A (Ha)	Time of Conc. (mins)	Rainfall Intensity, I (mm/hr)	Q (l/sec)	Slope, s (%)	Pipe Diameter, D (mm)	Pipe Material	Velocity, V (m/s)	Length (m)	Time of Flow (min)	Capacity (l/s)
		Pre-Development														
		Entire Site	0.588	0.35	0.206	0.21	10.00	48.69	30.6	2.00	200	PVC	1.48	5	0.06	46.4
		Post-Development														
		Entire Site	0.588	0.71	0.417	0.42	10.00	48.69	62.2	2.00	250	PVC	1.71	5	0.05	84.1

- Notes:
- Based on the Environment Canada 2021 IDF Curves for Amphitrite Point (Ucluelet)
 - Onsite areas taken from Architectural Drawings.
 - Pre-development onsite runoff coefficient taken as Heavy Soil, with slopes greater than 5%, as per DOU Bylaw No. 521.
 - Post development onsite runoff coefficient is a weighted average of proposed roofs, drives & walks, and heavy soil, with varying slopes, as per DOU Bylaw No. 521.
 - To be read in conjunction with "Stormwater Management Rationale" prepared by Herold Engineering Ltd.

3701 Shenton Road Nanaimo, BC V9T 2H1 250-751-8558



PROJECT NAME: Mixed Use Development
 PROJECT LOCATION: 2102 Peninsula Road
 DESIGNED BY: Jake Pinneo, EIT
 REVIEWED BY: Patrick Ryan, P.Eng.

IDF LOCATION: UCLUELET AMPHITRITE POINT
 RETURN PERIOD: 100 YEAR
 HEL PROJECT No.: 3833-002
 DATE: 22/02/2023

Mannings "n" 0.013 PVC Time of Concentration 10.00 mins
 Mannings "n" 0.024 CSP
 Mannings "n" 0.014 CONC.

Mannings Formula

$$V = R_n^{(2/3)} S^{(1/2)}$$

$$n$$

FROM MH	TO MH	Catchment Area	Area (Ha)	Run Off Coeff. (C)	Equip. Area (ha)	Total Area, A (Ha)	Time of Conc. (mins)	Rainfall Intensity, I (mm/hr)	Q (l/sec)	Slope, s (%)	Pipe Diameter, D (mm)	Pipe Material	Velocity, V (m/s)	Length (m)	Time of Flow (min)	Capacity (l/s)
		Pre-Development														
		Entire Site	0.588	0.35	0.206	0.21	10.00	65.40	41.2	2.00	200	PVC	1.48	5	0.06	46.4
		Post-Development														
		Entire Site	0.588	0.71	0.417	0.42	10.00	65.40	83.5	2.00	250	PVC	1.71	5	0.05	84.1

- Notes:
- Based on the Environment Canada 2021 IDF Curves for Amphitrite Point (Ucluelet)
 - Onsite areas taken from Architectural Drawings.
 - Pre-development onsite runoff coefficient taken as Heavy Soil, with slopes greater than 5%, as per DOU Bylaw No. 521.
 - Post development onsite runoff coefficient is a weighted average of proposed roofs, drives & walks, and heavy soil, with varying slopes, as per DOU Bylaw No. 521.
 - To be read in conjunction with "Stormwater Management Rationale" prepared by Herold Engineering Ltd.

3701 Shenton Road Nanaimo, BC V9T 2H1 250-751-8558

Appendix E

DISTRICT OF UCLUELET SANITARY SEWER FLOW ANALYSIS - CALCULATION SHEET

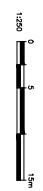
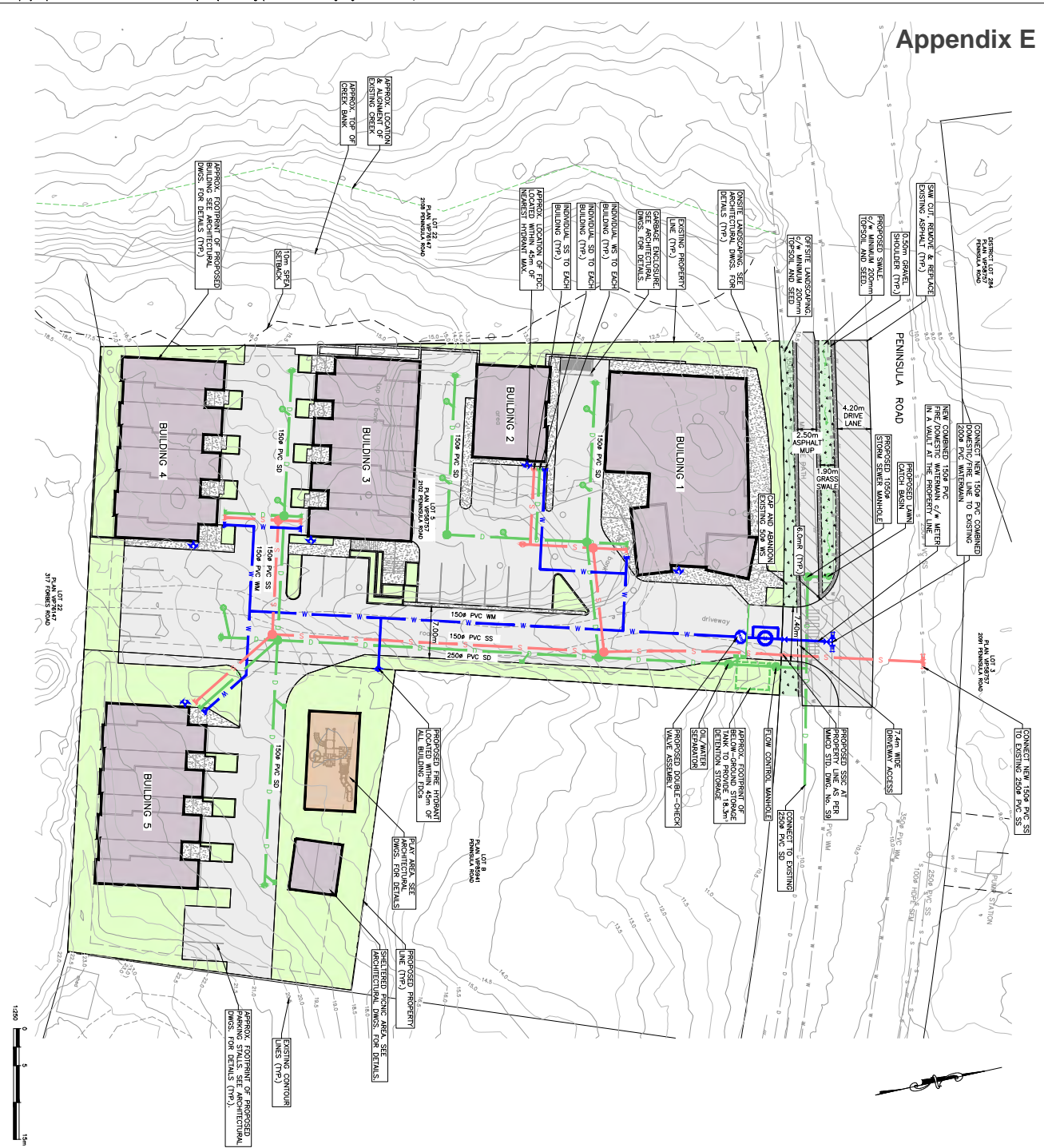
Project: **2102 Peninsula Road** Date: 22-Feb-23
 Engineering Company: Herold Engineering Ltd. Design By: Jake Pinneo, EIT
 Address: 3710 Shenton Rd, Nanaimo BC Review By: Patrick Ryan, P.Eng.
 Engineer: Patrick Ryan, P.Eng. Sheet: 1 of 1

Area	MH No.	Location	Area (Ha)	Units	Density ppu	Equiv. Pop. (ca)	Peak flow Per Capita (L/day)	Sewage Flow			Total Flow		Pipe Capacity				
								Peak Flow (L/day)	Peak Flow (ML/day)	Infiltr. (ML/day)	Cum. Infiltr. (ML/day)	Total Flow (ML/day)	Total Flow (L/s)	Slope (%)	Pipe Diameter (mm)	Velocity (m/s)	Capacity (L/s)
Entire Proposed Development	Pump Station	2102 Peninsula Road	0.59	20	2.0	84	3000	252,390	2252	0.007	-	0.259	2.997	2.0	150	1.22	21.54
*Assumed																	

- Notes:
1. Population Density (Commercial - 1st Floor) = 75ppha commercial per District of Ucluelet (Dou) Bylaw No. 521 & MMCD Design Guidelines 2022
 2. Population Density (Multi-Family - Townhouses) = 2.0 Person Per Unit (PPU).
 3. Population Density (Multi-Family - Condo/Hotel) = 2.0 Person Per Unit (PPU).
 4. Peak Flow = 3000L/capita/day per Dou Bylaw No. 521.
 5. Infiltration = 11,200L/day/ha per District of Ucluelet Bylaw No. 521.
 6. To be read in conjunction with "Civil Engineering Site Works & Servicing Report" prepared by Herold Engineering Ltd.



Appendix E



ISSUED FOR
CO-ORDINATION

NOT FOR
CONSTRUCTION

ISSUES

NO.	DATE	ISSUED FOR
1	2023-03-02	FOR REVIEW

CIVIL SITE
SERVICING PLAN

DESIGNED	JDP/MSR	CHECKER'S SEAL
DESIGN REVIEW	JDP	
PERMITTED	JDP	
DRAWING REVIEW	JDP	
FOR RECORD	JDP	
SCALE	AS SHOWN	
DATE	2023-03-02	
PROJECT NO.	3853-002	
REVISION	SK-1	
DATE	2023-03-02	
BY	JDP	
SCALE	1 OF 1	
REVISION	A	

HEROLD ENGINEERING

MIXED USE DEVELOPMENT
CIVIL WORKS
2102 PENINSULA ROAD

UCLUELET, BC
RENT-IT CENTER

3701 Shannon Rd, Vancouver, BC V6P 3H1
Tel: 250-791-8508 Fax: 250-791-8599



REPORT TO COUNCIL

Council Meeting: June 25, 2024

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: RICK GEDDES, FIRE CHIEF

FILE NO: 7320-25

SUBJECT: FIRE SERVICES DEVELOPMENT DESIGN POLICY NO. 14-7320-2

REPORT NO: 24-60

ATTACHMENT(S): APPENDIX A - DISTRICT OF UCLUELET FIRE SERVICES DEVELOPMENT DESIGN POLICY NO. 14-7320-2

RECOMMENDATION(S):

THAT Council adopt District of Ucluelet Fire Services Development Design Policy No. 14-7320-2.

BACKGROUND:

On April 30, 2024, the Committee of the Whole was presented with the District of Ucluelet Fire Services Development Design Guidelines (the "Guide"). The purpose of the Guide is to communicate the minimum safety provisions for development within the District of Ucluelet Fire Rescue's service area and to provide consistency in development as the community continues to grow.

Information in the Guide has been extracted from multiple sources including the BC Master Municipal Construction Document, BC Building Code, BC Fire Code, National Fire Protection Association, National Research Council of Canada, District of Ucluelet Bylaws, BC Bridge Standards & Procedures Manual, BC Manual of Standard Traffic Signs & Pavement Markings, BC Motor Vehicle Act, and Fire Underwriters Survey. Other documents researched include the Calgary Fire Department Access Standard, Home Fire Sprinkler Canada Website, and Village of Hazelton website. Fire Department apparatus tolerances in the Guide are based on these codes and standards as well as the limitations of District of Ucluelet fire apparatus.

This standard will aid in ensuring that emergency response can be conducted in a safe, efficient, and timely manner while maintaining the highest level of public safety and consistency amongst new developments.

The Guide is a living document that will be reviewed and updated as relevant codes, standards, fire department capabilities, and best practices evolve.

IMPLEMENTATION PROCESS:

The Guide will apply to all developments (both public and private) within the jurisdictional boundaries of the District of Ucluelet. It will become part of the standard process of rezoning, subdivision applications, development permit applications, development variance permit

applications, and in some instances, building permits. While the Planning Department will continue to be the initiator of the aforementioned processes, questions regarding implementation of the guidelines will be directed to the Fire Chief. This will minimize the impact that the policy will have on the Planning Department.

ANALYSIS OF OPTIONS:

A	Council adopts Policy No. 14-7320-2	<u>Pros</u>	<ul style="list-style-type: none"> • <u>Enhanced Safety</u>: The policy will help to ensure that new developments meet minimum safety standards that aim to minimize the risk of fire-related incidents, protecting both property and lives. It will also ensure that emergency response can be conducted in a safe, efficient, and timely manner as the community grows. • <u>Clear Direction for Developers</u>: The policy will provide clear direction to developers, designers, and contractors on incorporating required fire and life safety measures into their projects. • <u>Streamlining of the Development Process</u>: The policy will help to streamline the process of plan review in rezoning, subdivision, development permit, development variance permit, and building permits by providing clear direction to developers and contractors. • <u>Consistency in Standards</u>: The policy will help in maintaining consistency in the application of fire and life safety standards across all new developments as the community grows. • <u>Regulatory Compliance</u>: The Development Design Guidelines supplement and summarize existing legislation and regulations, providing additional clarity where these regulations may be silent or ambiguous. • <u>Emergency Service Preparedness</u>: Establishing minimum requirements in areas such as water supply and fire department access routes will help to ensure that the fire department is well-prepared to deal with incidents by minimizing surprises during incident response. • <u>Future-Proofing</u>: The policy will aid in the anticipation of future growth and changes in the community, ensuring that fire and life safety infrastructure evolves accordingly.
		<u>Cons</u>	<ul style="list-style-type: none"> • No obvious downside of adopting the policy.
		<u>Implications</u>	<ul style="list-style-type: none"> • Significant staff time was used to create the document with the intent of reducing the amount of time spent on plan review once the policy is in place.
B	Council adopts Policy No. 14-7320-2 with the following amendments	<u>Pros</u>	<ul style="list-style-type: none"> • As above, with the knowledge that Council has had the ability to provide input to the policy.
		<u>Cons</u>	<ul style="list-style-type: none"> • The Development Design Guidelines which the policy refers to, are based codes, standards, and best practices that are already in place and in most cases are law. The fire department would never recommend varying from minimum code requirements.
		<u>Implications</u>	<ul style="list-style-type: none"> • Staff time will be required to amend the policy and /or the Fire Services Development Guidelines.
		<u>Suggested Motion</u>	<p>THAT Council direct Staff to:</p> <ol style="list-style-type: none"> 1. amend Policy No. 14-7320-2 to achieve the following: <ol style="list-style-type: none"> a. _____;

		b. _____; c. _____; and 2. bring Policy No. 14-7320-2 back for Council consideration at a future meeting.
C	Council does not adopt Policy No. 14-7320-2	<u>Pros</u> <ul style="list-style-type: none"> No obvious advantages of not adopting the policy.
	<u>Cons</u>	<ul style="list-style-type: none"> Developments may continue to be inconsistent regarding fire and life safety regulations due to differing interpretations of codes and regulations. This will result in a negative impact on firefighter safety, and inefficiencies of the fire department to efficiently protect the public. The fire department plan review process will be hindered, resulting in increased delays in the development process.
	<u>Implications</u>	<ul style="list-style-type: none"> A considerable amount of fire department staff time will continue to be required for plan review.
	<u>Suggested Motion</u>	No motion is required.

POLICY OR LEGISLATIVE IMPACTS:

Policy No. 14-7320-2 will serve as a summary of codes, standards, fire department capabilities, and best practices. This legislation is already required to be adhered to by developers and contractors. There will be no impact to existing legislation. The policy will serve as a legislative summary that is more accessible and easier to comprehend than some forms of legislation.

NEXT STEPS:

- If adopted, the policy can be immediately implemented.
- The Fire Department Development Design Guidelines will be reviewed and updated as relevant codes, standards, fire department capabilities, and best practices evolve.

Respectfully submitted: Rick Geddes, Fire Chief
 Duane Lawrence, CAO



POLICY NUMBER: 14-7320-2

REFERENCE:

Fire Services Development Design Policy

ADOPTED BY: Council

2024-06-25

AMENDED DATE:

N/A

SUPERSEDES:

New

DEPARTMENT:

Fire and Emergency Services

EFFECTIVE DATE:

2024-06-25

Policy Statement:

The purpose of this policy is to communicate guidelines for development within the District of Ucluelet. These guidelines are intended to ensure that emergency services response can be conducted in a safe, efficient, and timely manner while maintaining the highest level of public and firefighter safety.

Scope:

This policy applies to developments (both public and private) within the jurisdictional boundaries of the District of Ucluelet.

The Fire Service Development Design Guidelines:

The Fire Service Development Design Guidelines is attached to this policy as schedule A and forms part of this policy.

Review Process:

The Fire Services Development Design Guidelines will be reviewed and updated as relevant codes, standards, fire department capabilities, and best practices evolve.

Marilyn McEwen, Mayor
 District of Ucluelet

Duane Lawrence, Corporate Officer
 District of Ucluelet



Fire Services Development Design Guidelines

Preamble:

The first line of defense in community safety is proper design. The information in this document represents the minimum development standards that support this concept.

The information in this document has been extracted from several sources including the BC Building Code, BC Fire Code, BC Master Municipal Construction Document, National Fire Protection Association, National Research Council of Canada, District of Ucluelet Bylaws, BC Bridge Standards and Procedures Manual, The BC Manual of Standard Traffic Signs and Pavement Markings, The British Columbia Motor Vehicle Act, best practice examples from other communities, and Fire Underwriters Survey. Apparatus tolerances are based on these codes and standards as well as the limitations of District of Ucluelet fire apparatus.

The BC Fire Code, Division C, Section 2.2.1.1 (1) states: "...the owner or the owner's authorized agent shall be responsible for carrying out the provisions of this Code." This means that it is ultimately the owner's responsibility to ensure that minimum code requirements have been satisfied.

Purpose:

The purpose of this document is to clearly communicate the minimum safety provisions for development within the District of Ucluelet Fire Rescue's service area. This standard will aid in ensuring that emergency response can be conducted in a safe, efficient, and timely manner while maintaining the highest level of public safety and consistency amongst new developments.

These standards apply to all developments (both public and private) within the jurisdictional boundaries of the District of Ucluelet.

Construction & Demolition Sites**Fire Safety Planning**

The BC Fire Code, Division B, Section 5.6.1.3 (1) states: "...prior to the commencement of construction, alteration or demolition operations, a fire safety plan shall be prepared for the site and shall include

- The designation and organization of site personnel to carry out fire safety duties, including a fire watch service if applicable,
- The emergency procedures to be followed in the event of a fire, including
 - i) initiating a fire warning,
 - ii) notifying the fire department,
 - iii) instructing site personnel on the procedures to be followed once the warning has been initiated, and
 - iv) confining, controlling and extinguishing the fire,
- Measures for controlling fire hazards in and around the building, and
- A maintenance procedure for firefighting measures required in Section 5.6...."

Prior to commencement of construction or demolition, the fire department must be consulted to determine the need for a fire safety plan.

To create a fire safety plan, developers / contractors must obtain a copy of the District of Ucluelet Construction and Demolition Site Fire Safety Plan template by emailing the fire department at fireprevention@ucluelet.ca.

The completed fire safety plan must be forwarded to the fire department at fireprevention@ucluelet.ca for review and approval prior to the commencement of demolition or construction operations.

The fire safety plan must be reviewed and updated as construction / demolition progresses and periodically afterwards.

All site supervisory staff must remain familiar with the plan throughout the project. It may be beneficial to owners to retain the services of a consultant who specializes in fire safety planning.

This consultant would oversee the fire safety plan's development and implementation. This is especially useful to owners who have neither the time nor the expertise to develop their own plan.

Access for Firefighting During Construction & Demolition

Unobstructed access to fire hydrants, portable extinguishers and to fire department connections for standpipe and sprinkler systems must be maintained.

A means to allow firefighters to perform their duties on all levels of a building must be provided .

Provision shall be made for the use of existing elevators, hoists or lifts to assist firefighting personnel in reaching all levels of a building.

Access routes for fire department vehicles shall be provided and maintained to construction and demolition sites.

Where a construction or demolition site is fenced to prevent general entry, provisions for fire department equipment and personnel access must be made.

Portable Extinguishers

Portable extinguishers shall be provided in unobstructed and easily accessible locations in any areas:

- Where hot work operations is carried out,
- Where combustibles are stored,
- Near or on any internal combustion engines,
- Where flammable liquids and combustible liquids or gases are stored or handled,
- Where temporary fuel-fired equipment is used, or
- That are designated for smoking.

Fire extinguishers must have a minimum rating of 3-A:20-B:C on moveable equipment, and 4-A:40-B:C in all other locations.

Water Supply

Buildings are at their highest risk of fire during construction. Because of this, building permits will not be issued and combustible construction must not commence prior to the establishment of a water source (hydrant) capable of supplying the required fire flow.

Existing fire hydrants capable of delivering the minimum required fire flow and within the minimum required distances shall be considered adequate for new projects

Fire hydrants must be kept clear and accessible and have an unobstructed clearance of not less than 2 m at all times.

Fire hydrants should be located at intersections and mid-block where required.

Parking is prohibited within 5 m of fire hydrants.

Fire hydrants on the opposite side of the street from a proposed development may not be considered adequate. The developer will be required to install hydrant(s) on the same side of the street as the development in most instances.

Hydrants will be Terminal City Ironworks Model #C71P (dry barrel) or a similar model as approved by the fire chief.

Hydrants will have 3 outlets of the following configuration: 1– 4” Storz Pumper Outlet and 2 – 2 ½” British Columbia and Alberta Thread (BAT) outlets.

Upon installation of a hydrant, a final report shall be prepared by a registered engineer that certifies compliance with NFPA 24, “*Standard for the Installation of Private Fire Service Mains and Their Appurtenances*” and shall include flow test data confirming the required fire flow is available. The report shall be submitted to the fire chief.

The maximum spacing of hydrants in commercial, industrial, institutional, and multi-family residential areas shall be 90 m.

The maximum spacing of hydrants in single-family residential areas shall be 180 m.

Access Routes

Access routes are defined as, “*a portion of a street, yard, roadway, or parking lot lane, which is always available for fire department emergency access to buildings and hydrants.*”

Access routes must be designed to allow unhindered emergency access and evacuation.

Plans shall be submitted to the fire chief for review and approval prior to the start of any projects, including:

- Rezoning applications
- Land use applications
- Subdivision applications
- Development permit applications
- Development variance permit applications
- Proposed modifications to existing emergency access routes, secondary public access routes, or fire lanes, and
- in some instances, building permit and / or temporary use permit applications.

Fire apparatus access routes shall be provided prior to construction and maintained throughout the life of the development.

Fire department vehicles shall have direct access to at least one face of every building by means of a street, yard, or roadway in conformance with the BC Building Code.

Each application will be assessed individually and is not to be viewed as precedent setting or as an industry standard.

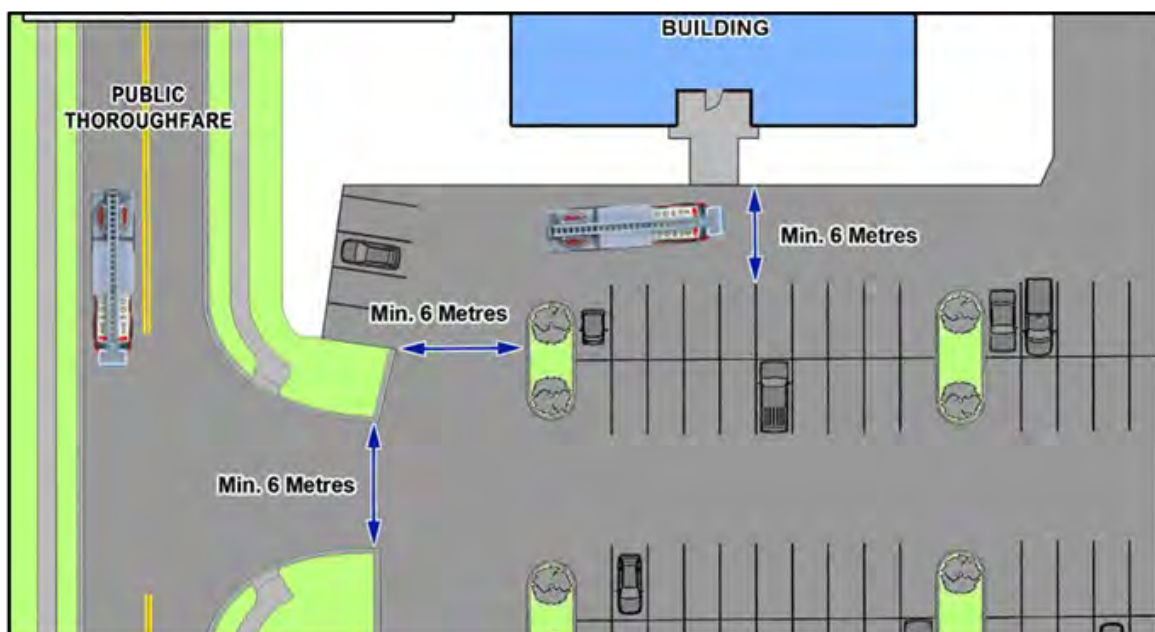
A secondary fire department access route is required when it is determined by the fire chief that access by a single road could be impaired by travel distance, vehicle congestion, condition of terrain, climatic conditions, or other factors that could limit access. Developers are strongly encouraged to consider drive-through access routes.

Upon approval by the fire chief, a secondary access route may be designed and constructed as an “emergency access only” lane, provided that it is compliant with minimum fire department access requirements and equipped with approved fire lane signage and locking hardware.

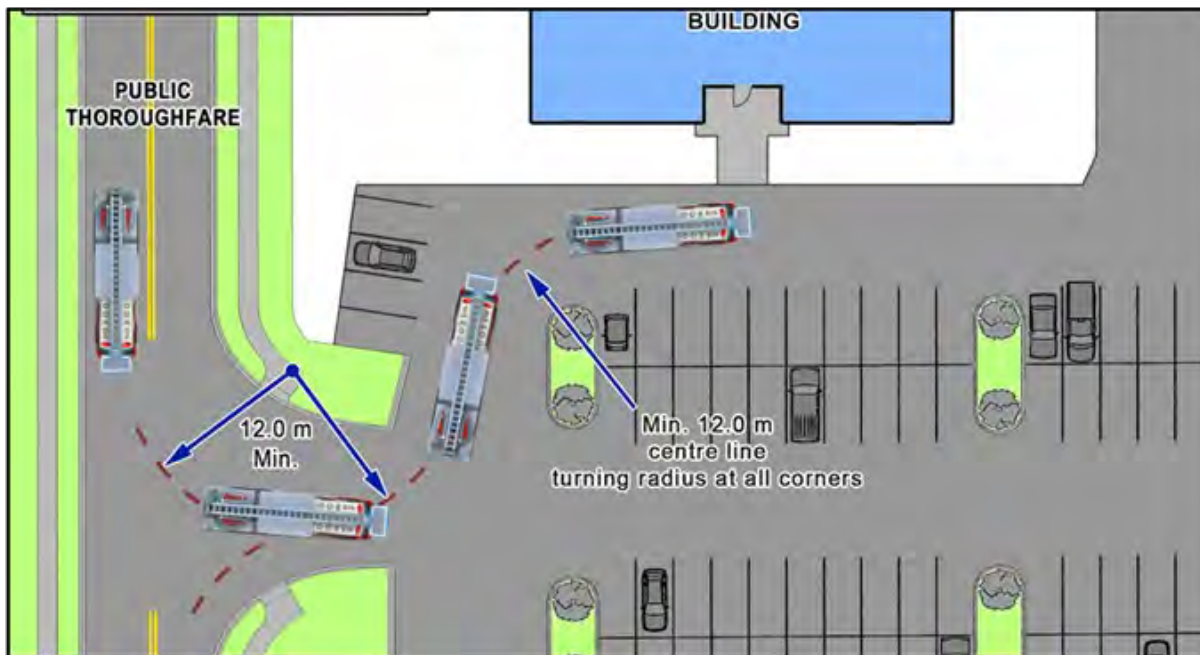
Access routes shall not be altered, modified, removed, or placed out of service without a written request to, and written approval by the fire chief.

Access routes to buildings shall comply with the following minimum BC Building Code requirements:

- Width of 6 m
- Centre-line radius not less than 12 m
- Overhead clearance not less than 5 m
- Change of gradient not more than 1 in 12.5 over a minimum distance of 15 m
- Designed to support the expected loads imposed by firefighting equipment and be surfaced with concrete, asphalt or other material designed to permit accessibility under all climatic conditions
- Be connected with a public thoroughfare.

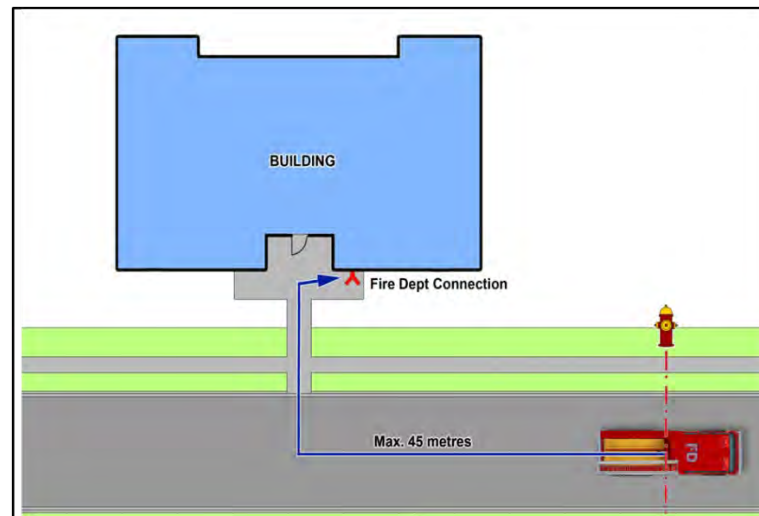


Schedule A - Fire Services Development Design Guidelines

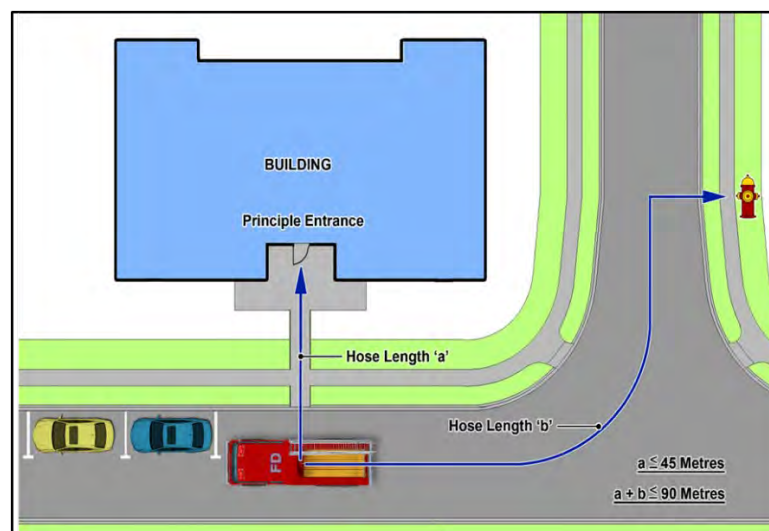


Schedule A - Fire Services Development Design Guidelines

For buildings with a fire department connection, access routes shall be designed so that fire department apparatus can be located adjacent to the fire hydrant and the unobstructed path of travel from the fire apparatus to the fire department connection is not more than 45 m.



For buildings without a fire department connection, access routes shall be designed so that the length of the access route from the hydrant to the apparatus plus the unobstructed path of travel from the apparatus to the building is not more than 90 m.



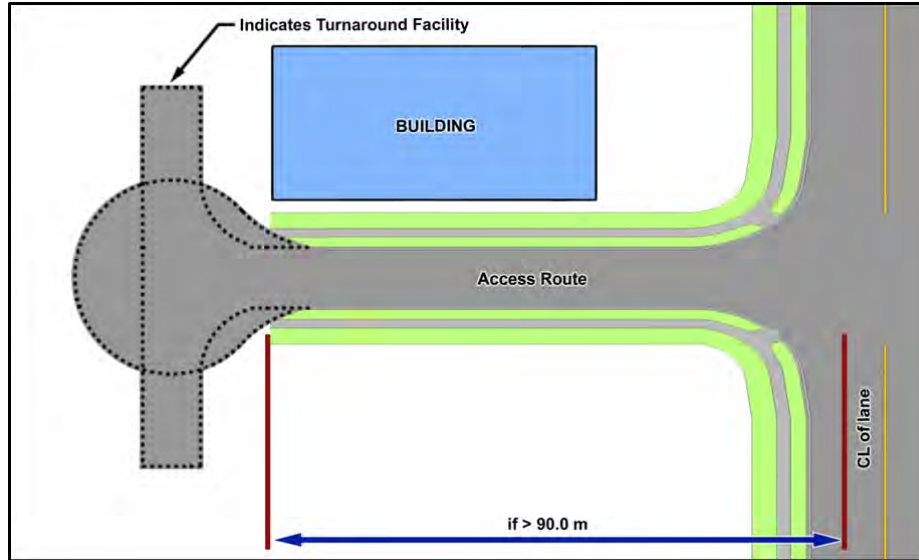
The above required distances are measured along the centre line of the fire department vehicle access route and the path of travel of the firefighter.

When adequate fire department access routes cannot be provided due to location on property, topography, waterways, non-negotiable grades, or other similar conditions, additional fire protection features (ie: sprinklers) will be required as approved by the fire chief.

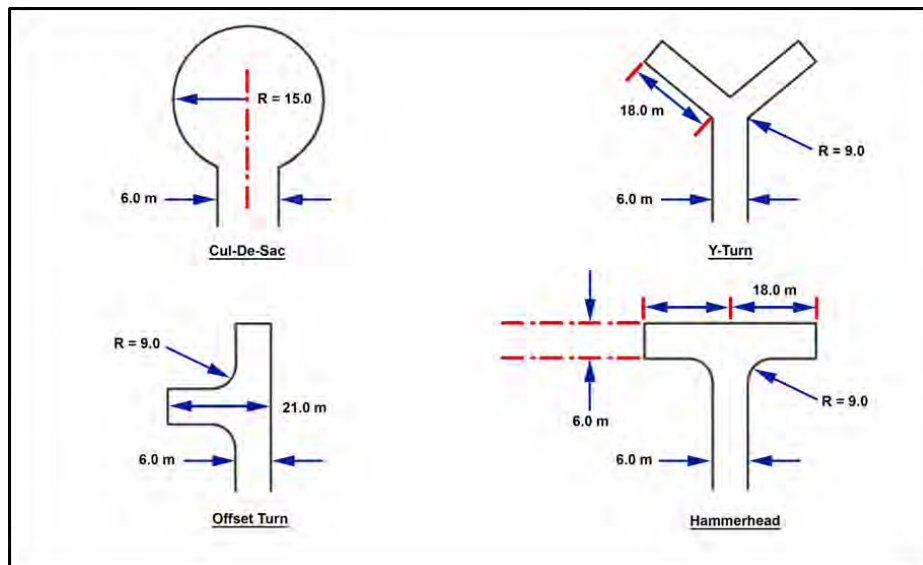
Dead-end access routes in excess of 90 metres long require an approved turn-around area.

Dead-end access routes less than 90 metres long may require a fire apparatus turn-around area when the access route is connected to a major thoroughfare (ie, Peninsula Rd., Marine Drive).

Schedule A - Fire Services Development Design Guidelines



Turnaround areas shall be constructed using the following minimum measurements:



- Curbs in turnaround areas shall be painted yellow to indicate no parking.
- Turn-around areas shall be maintained clear at all times, with approved “No Parking” signage posted as detailed below.

Gradients

The maximum allowable grades for fire department access shall be:

- Local service streets (direct access to residential lots) 15%
- Neighbourhood collector streets (for through traffic) 12%
- Paved access routes 12%
- Unpaved access routes 8%.

Where the property is higher than the access route, the driveway grade must not exceed 2% (0.02 m) for the first 10 m.

The use of a continuous maximum grade must not exceed 100 m in length.

Access routes adjacent to, and within 15 m of, a structure must not exceed 6%.

The maximum allowable cross slope within 15 m of a structure must not exceed 6%.

The maximum allowable overall slope of cul-de-sacs and other turn-around provisions required by the fire department must not exceed 6%.

Access routes must have a maximum change of gradient of 8% (1 in 12.5) over a minimum distance of 15 m.

Fire Lane Markings

Permanent fire lane signage and / or yellow curb paint with yellow stenciled lettering stating “NO PARKING - FIRE LANE” may be required prior to issuance of certificates of occupancy.

Fire lane marking locations and details shall be clearly identified within the civil plans and site plans.

Maintenance / replacement of fire lane signage and / or curb painting is the responsibility of the property owner.

“NO PARKING - FIRE LANE” signs will follow the British Columbia Manual of Standard Traffic Signs and be designed as follows:

- Signs will be constructed of non-corrosive material using 3M brand or similar quality reflective material.
- Signs will be 300 mm wide by 450 mm tall (12” by 18”)
- The circle and slash will be red.
- The background will be white / silver reflective.
- The lettering, arrows, and border will be black.
- The arrow(s) on the bottom of the sign will be as follows:
 - applicable single arrow (pointing right or the left) will indicate the limits of the zone.
 - double arrows will be used on mid-zone signs.



Construction of structures shall not commence prior to the installation of approved fire lane signage (where required) and posting of the civic address as detailed below.

Accessory Dwelling Units

Accessory Dwelling Units (ADUs) are defined in The District of Ucluelet Bylaw No. 1310, 2022 as *“one accessory building used as a dwelling unit, for residential purposes only, accessory to a single-family dwelling on the same lot, and may be occupied by the property owners, their family members, caretakers, residential rental tenure tenants or non-paying guests”*.

ADUs must have and maintain an unobstructed, hard-packed pathway from the street or lane to the entrance of the unit that:

- Is constructed of a consistent hard surface and has no sudden drop-offs.
- Is at least 1 metre wide.
- Has a minimum overhead clearance of 3 m.

Automatic fire sprinkler systems are required in ADUs if:

- Fire department apparatus cannot be positioned within 45 m of the ADU, or
- The distance from the nearest municipal fire hydrant to the ADU exceeds 180 m.

Automatic sprinkler systems in ADUs will be designed and installed in conformance with NFPA 13D *“Standard for the Installation of Sprinkler Systems in One-and Two-Family Dwellings and Manufactured Homes”*.

FireSmart

FireSmart principles help prevent fires from spreading to the surrounding wildland areas and vice versa.

Similar to designing for snow load, wind load, or seismic conditions, developers must consider design requirements for properties in high-risk wildland urban interface (WUI) areas. Consideration of wildfire at the development planning stage is a key step in protecting neighbourhoods from wildfire.

Developers are strongly encouraged to incorporate FireSmart principles in their design.

Developers should consider the following strategies to reduce the chances of structural loss from wildfire:

- Use of fire-resistant exterior construction materials following FireSmart recommendations and standards.
- Inclusion of minimum setbacks from forested edge and top of slope based on FireSmart principles.
- Use of FireSmart landscaping (low flammability plants, appropriate spacing and low flammability aggregates/ ground cover based on FireSmart principles).
- Prompt removal of combustible construction materials, thinning/ fuel management debris, or clearing debris during the fire season.

Bridges

Bridges must be constructed according to the Province of British Columbia's Bridge Standards & Procedures Manual and must be engineered to support the District of Ucluelet's heaviest fire apparatus.

Bridges that are not required for fire department access and are not capable of supporting the fire department's heaviest apparatus shall bear a reflective sign stating the weight limit of the bridge.

Fire apparatus will not drive over private bridges and / or culverts that do not meet this standard.

Gates

The Ucluelet Fire Department shall be provided 24/7/365 access through any unattended gate on a fire lane access route.

Plans and specifications of gate assembly and location shall be submitted to the fire chief for review, approval, and inspection prior to construction.

Final approval of a gate is contingent on fire department testing and acceptance. The fire chief will arrange for emergency apparatus testing prior to approval.

Approved "NO PARKING - FIRE LANE" signage shall be installed to prevent the obstruction of the fire lane gate by the parking of vehicles.

Addresses

Prior to constructing a building within the District, the property owner must request a civic address number if one does not already exist, through the District of Ucluelet Planning Department.

All buildings within the District must have their civic address number displayed. Civic address numbers must be a minimum of (4) four inches in height and mounted on a surface of a contrasting color in order to be easily identifiable from the street.

Civic address numbers must be visible from the street which corresponds with the street cited in the civic address allocated to that building by the District.

All buildings which contain units must, in addition to having a civic address allocated by the District, designate and post numbers for each individual unit that falls under the parent civic address.

For multi-level buildings, the units on the lower most level shall be numbered so that all the unit numbers on that level begin with the number "1" and end in a logical consecutive fashion. For example, the units on the lower floor of a residential complex will be numbered 101, 102, 103, 104 etc. Unit numbers on the second lowest level of the building shall begin with the number "2" and end in a logical consecutive fashion.

Unit numbers shall adhere to this pattern through all levels of the building.

In the case of a single-story building containing multiple units the units shall be numbered in a numerical fashion beginning with the number "1" and shall be arranged in a manner so that

someone unfamiliar with the building could logically anticipate the location of the next consecutive unit in the numerical progression. Example: *Unit 101-165 Elm Street*

Cabins

Properties with multiple cabins:

- (1) Each cabin on the property shall be assigned an additional number under the principal dwelling unit's civic address in a manner so that someone unfamiliar with the building could logically anticipate the location of the next consecutive cabin in the numerical progression; and
- (2) Where some or all of the individual cabins contain multiple units at varying levels shall designate a number to the cabin and a letter to the individual units within each cabin. The letters allocated to these units shall begin with "A" on the bottom floor and progress logically through the lower units on to the upper units. Example: *165 Elm Street, Cabin 1- Unit A*

Secondary Suites

Single family dwelling units which contain a secondary suite must clearly display the suite letter "A" near the suite entrance so that it is easily visible from the street. If the suite entrance is not visible from the street, a directional sign indicating the suite's entrance location at that house must be displayed within clear view of the street." Example: Address of principal dwelling: *165 Elm Street* / Address of secondary suite: *165 A Elm Street*.

Residential Sprinklers

Residential fire sprinklers are required when any of the following conditions exist:

- There is inadequate water supply for traditional firefighting, or
- There is inadequate fire department access according to this document.

Residential sprinkler systems will be designed and installed in conformance with NFPA 13, NFPA 13D, or 13R, whichever is most appropriate. The developer / builder must consult with the fire chief prior to construction to confirm which NFPA standard the sprinkler system will be designed to.

The Fire Services Development Design Guidelines will be reviewed and updated as relevant codes, standards, fire department capabilities, and best practices evolve.



REPORT TO COUNCIL

Council Meeting: June 25, 2024

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: MADELEINE HAYNES, PLANNING ASSISTANT

FILE No: 3060-20-DP24-01

SUBJECT: ENVIRONMENTAL DEVELOPMENT PERMIT FOR 354 PASS OF MELFORT

REPORT NO: 24-63

ATTACHMENT(s): Appendix A – Application
 Appendix B – Environmental Report
 Appendix C – Development Permit 24-01

RECOMMENDATION(S):

THAT Council authorize the Director of Community Planning to execute and issue Development Permit 24-01 for the property at 354 Pass of Melfort to allow a 3'-wide crushed gravel pathway and landscaping with the intent of enhancing the foreshore.

BACKGROUND:

This environmental Development Permit (DP) application is in relation to the property located at 354 Pass of Melfort; PID026493756, Strata Lot 11, Plan VIS5896, Section 1, Barclay Land District (the "subject property").



(Figure 1 – Subject Property)

Development Permit Area VII (Marine Shoreline)

Environmental Development Permit Areas are established to guide development and land use to ensure the most sensitive environmental features of a site are protected and ecological functions are not needlessly disturbed by development activities. For all land lying within an Environmental DP area, the applicant must submit a report prepared by a Qualified Environmental Professional (QEP) assessing the site, its natural features and the proposed development then establish conditions to guide construction to protect and mitigate potential environmental impacts.

The proposed works are located within the 30m *Marine Shoreline* DP area which includes all areas within 30m above and below the natural boundary of the sea (Figure 2).

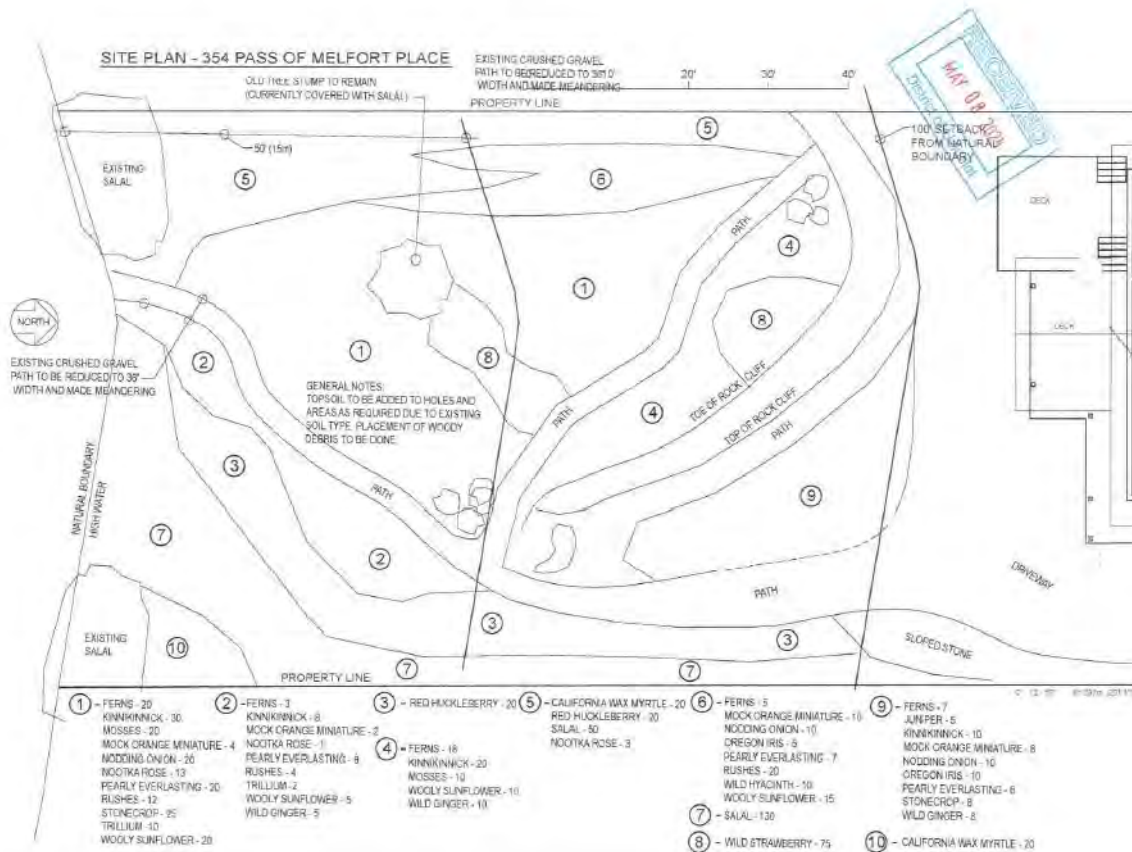


(Figure 2 – Subject property in Schedule 'E' Environmental Development Permit Area Map)

The applicant has retained a QEP to prepare an Environmental Assessment Report (**Appendix B**) on the environmental considerations of the site and recommendations to guide the proposed development so that it can occur in an environmentally sensitive manner consistent with the marine shoreline development permit guidelines.

THE DEVELOPMENT:

The property was cleared of natural vegetation before 2010, prior to the applicant taking ownership. The applicant had initially removed stumps and debris and installed a gravel pathway prior to being informed of DP requirements. The applicant has since provided a complete application, including a letter outlining their intent (**Appendix A**). The proposed works consist of reducing the width of the existing path from 7' to 3', adjusting the location of the pathway, and improving the environmental condition of the site by planting native vegetation as shown below (**Figure 4**). The QEP report observed that the site is mostly devoid of natural vegetation, however all existing natural vegetation will be retained.



(Figure 4 – Site plan from the QEP Report showing planned riparian enhancements)

ANALYSIS OF OPTIONS:

A	Authorize the issuance of DP24-01	Pros	<ul style="list-style-type: none"> Allows proposal to proceed in a manner which a QEP has deemed consistent with the OCP development permit guidelines.
		Cons	<ul style="list-style-type: none"> Development in sensitive environmental areas may occur – though subject to the conditions of the permit.
		Implications	<ul style="list-style-type: none"> Approval will allow the application to proceed.
B	Provide alternative direction	Pros	<ul style="list-style-type: none"> Achieves the goals and objectives as identified by Council
		Cons	<ul style="list-style-type: none"> Unknown at this time
		Implications	<ul style="list-style-type: none"> Dependent on the direction of Council
		Suggested Motion	<ul style="list-style-type: none"> THAT Council, with regard to DP24-01, (<i>provide alternative direction here</i>)
C	Reject the application	Pros	<ul style="list-style-type: none"> This development will not proceed at this time
		Cons	<ul style="list-style-type: none"> Does not allow applicant’s proposal to proceed in a manner which a QEP has deemed consistent with the OCP development permit guidelines.
		Implications	<ul style="list-style-type: none"> The application would not proceed.

		<ul style="list-style-type: none"> Additional staff time will be required to follow up with applicant and consultants.
	Suggested Motion	THAT Council reject the application for Development Permit 24-01 (<i>note which specific DP guidelines are not being adequately met</i>).

POLICY OR LEGISLATIVE IMPACTS:

This application is consistent with the *Official Community Plan*, the *Zoning Bylaw* and the *Local Government Act*. It is important to note, that that applicant is responsible for ensuring that all Provincial and Federal laws, requirements, and best practices are followed.

NEXT STEPS:

If this application is approved the attached DP will be signed by the Director of Community Planning, issued to the applicant, and notice will be filed with the Land Title Office.

Respectfully submitted: **Madeleine Haynes, Planning Assistant**
 Bruce Greig, Director of Community Planning
 Duane Lawrence, CAO

Development Application

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:

- Official Community Plan Amendment
- Zoning Bylaw Amendment
- Development Permit (no variances)
- Development Permit (with variances)
- Development Permit Amendment
- Development Variance Permit
- Temporary Use Permit
- Board of Variance
- Strata Conversion
- Subdivision



Description of Property

Civic Address (es): 354 PASS OF MELFORT PLACE
Legal Description: Lot 11 Plan V155896 Block _____ Section 1 DL _____
BARCLAY DISTRICT, CLAYOQUOT DIST.

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: TERRY MYHR Company name: _____
Mailing address: _____ Postal Code: VOR 3A0
Tel: _____ Cell: _____
Email: _____ 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: MAY 8/24

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".

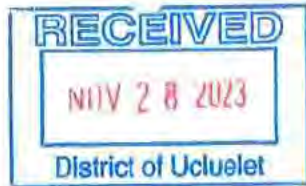
Registered Owner (s) name: _____
Mailing address: _____ Postal Code: _____
Tel: _____ Cell: _____
Email: _____ Fax: _____

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

Owner Signature: _____ Date: _____

Office Use Only:

Folio No.: <u>200.051</u>	File No.: <u>DP 24-01</u>	Date: <u>2024/5/8</u>	Receipt No.: <u>74703</u>	Fee: <u>\$300.00</u>
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Terry and Diane Myhr
354 Pass of Melfort Place

November 24, 2023

John Towgood
District of Ucluelet

Dear John,

In response to your visit last week when we discussed complaints you had received about the current state of the foreshore of our property.

A brief description of the state of the foreshore area in the fall of 2019 is as follows:

- Old growth forest had been completely removed sometime in the distant past with one large stump still present.
- Clearing and roadworks done in approximately 2003 had left substantial amounts of logs, partially buried inverted stumps and logging debris being deposited over the small cliff resulting in sinkholes being formed. As we were planning to have a vacation rental we thought this to be too dangerous to be near the house. The debris was removed.
- When we bought the lot in 2019 the vegetation had not returned since the 2003 clearing to look anything like the lot to the west of us or like the lots beyond our neighbour to the east.

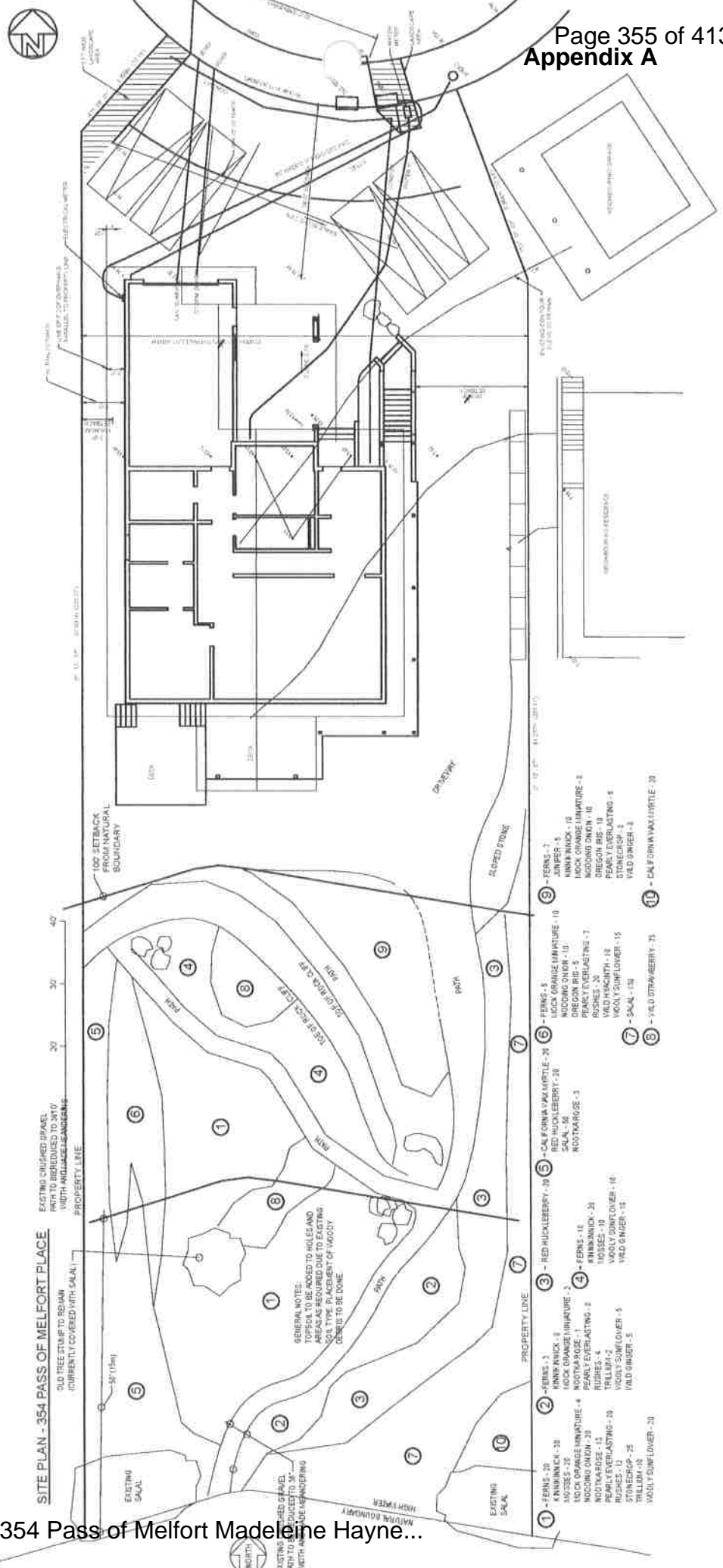
Our intention since starting construction in August 2020 has been to try and ultimately match the appearance of the natural state of our neighbouring lots except our immediate neighbour to the east. We have no intention of planting any grass. Please see the attached site plan for our proposed remediation which will bring the foreshore condition to be substantially better than it was when we bought the lot.

It was our understanding that it was ok to have a path down to the water. We hired a machine operator to install a gravel path. Unfortunately what was installed turned out to be way more gravel than we expected. The proposed much reduced width path we would like to have is as shown on the drawing

Sincerely yours,

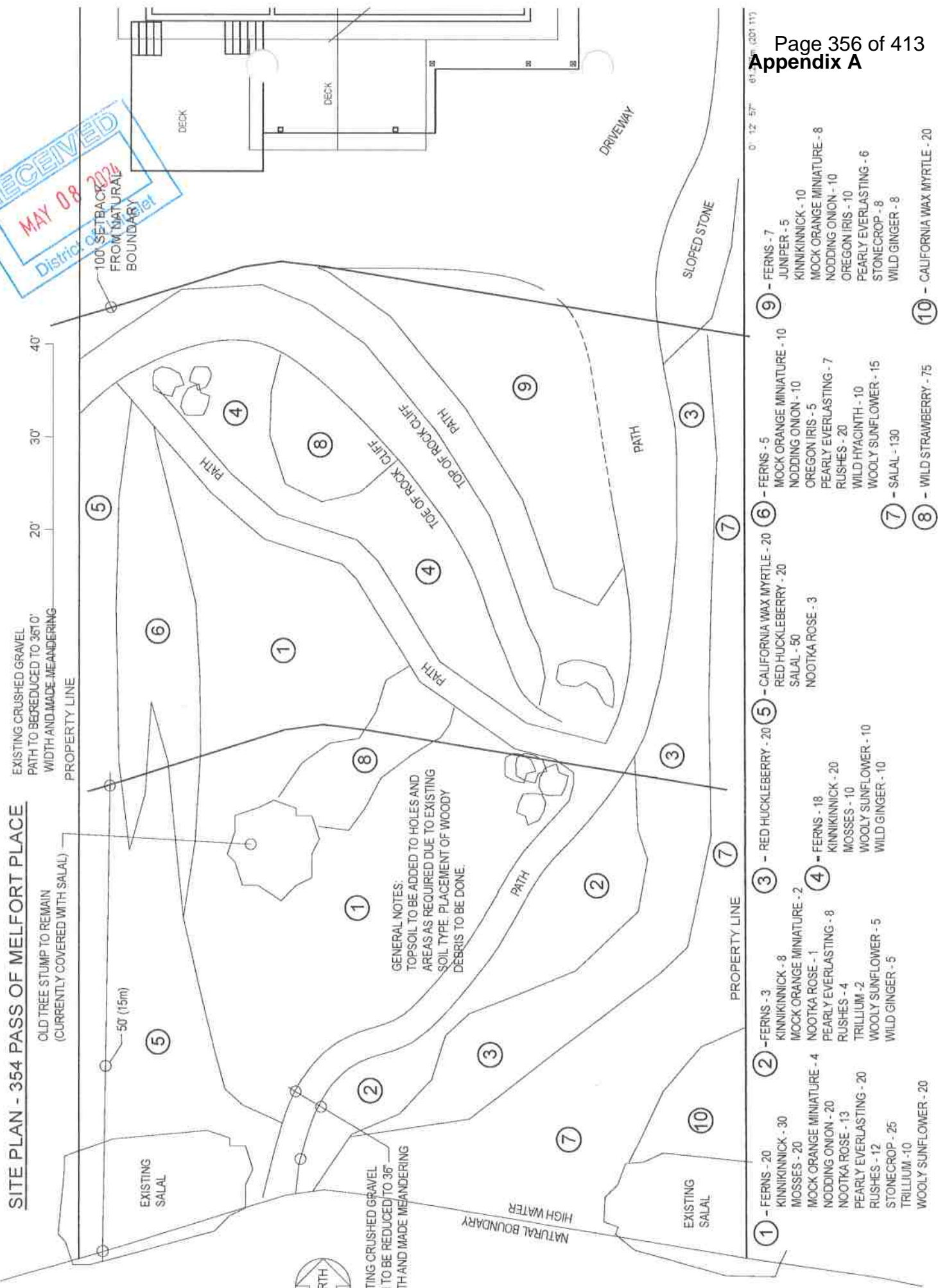
Terry Myhr

RECEIVED
MAY 08 2024
District of Ucluelet



RECEIVED
MAY 08 2024
District Office

SITE PLAN - 354 PASS OF MELFORT PLACE



EXISTING CRUSHED GRAVEL
PATH TO BE REDUCED TO 36\"/>

40'
30'
20'

100' SETBACK FROM NATURAL BOUNDARY

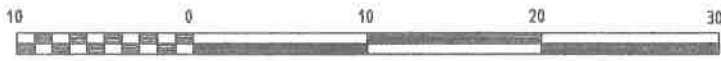
GENERAL NOTES:
TOPSOIL TO BE ADDED TO HOLES AND
AREAS AS REQUIRED DUE TO EXISTING
SOIL TYPE. PLACEMENT OF WOODY
DEBRIS TO BE DONE.

- ① - FERNS - 20
KINNIKINICK - 30
MOSSES - 20
MOCK ORANGE MINIATURE - 4
NODDING ONION - 20
NOOTKA ROSE - 13
PEARLY EVERLASTING - 20
RUSHES - 12
STONECROP - 25
TRILLIUM - 10
WOOLLY SUNFLOWER - 20
- ② - FERNS - 3
KINNIKINICK - 8
MOCK ORANGE MINIATURE - 2
NOOTKA ROSE - 1
PEARLY EVERLASTING - 8
RUSHES - 4
TRILLIUM - 2
WOOLLY SUNFLOWER - 5
WILD GINGER - 5
- ③ - RED HUCKLEBERRY - 20
KINNIKINICK - 20
MOSSES - 10
WOOLLY SUNFLOWER - 10
WILD GINGER - 10
- ④ - FERNS - 18
KINNIKINICK - 20
MOSSES - 10
WOOLLY SUNFLOWER - 10
WILD GINGER - 10
- ⑤ - CALIFORNIA WAX MYRTLE - 20
RED HUCKLEBERRY - 20
SALAL - 50
NOOTKA ROSE - 3
- ⑥ - FERNS - 5
MOCK ORANGE MINIATURE - 10
NODDING ONION - 10
OREGON IRIS - 5
PEARLY EVERLASTING - 7
RUSHES - 20
WILD HYACINTH - 10
WOOLLY SUNFLOWER - 15
- ⑦ - SALAL - 130
WILD STRAWBERRY - 75
- ⑧ - CALIFORNIA WAX MYRTLE - 20
WILD GINGER - 8
PEARLY EVERLASTING - 6
STONECROP - 8
WILD GINGER - 8
- ⑨ - FERNS - 7
JUNIPER - 5
KINNIKINICK - 10
MOCK ORANGE MINIATURE - 8
NODDING ONION - 10
OREGON IRIS - 10
PEARLY EVERLASTING - 6
STONECROP - 8
WILD GINGER - 8
- ⑩ - CALIFORNIA WAX MYRTLE - 20

Site Plan of:
**Strata Lot 11, Section 1 Barclay District,
Clayoquot District, Plan VIS5896**

Parcel Identifier: 026-493-756

SCALE - 1 : 4 0 0



All distances are in metres and decimals thereof

LEGEND

Geodetic elevations are shown $\times \times \times$ (in Meters)
(plot on 8.5" x 11" sheet)

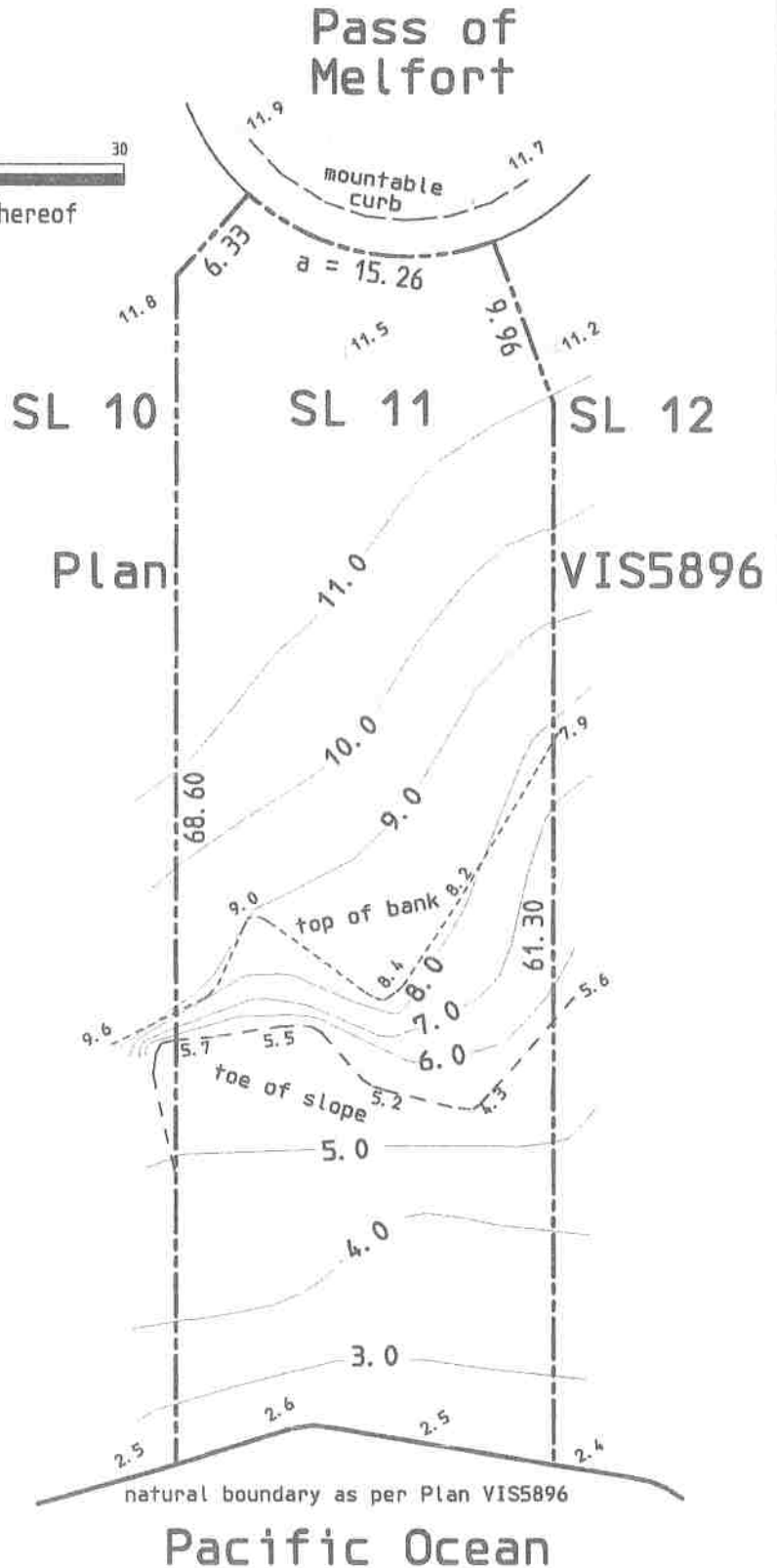


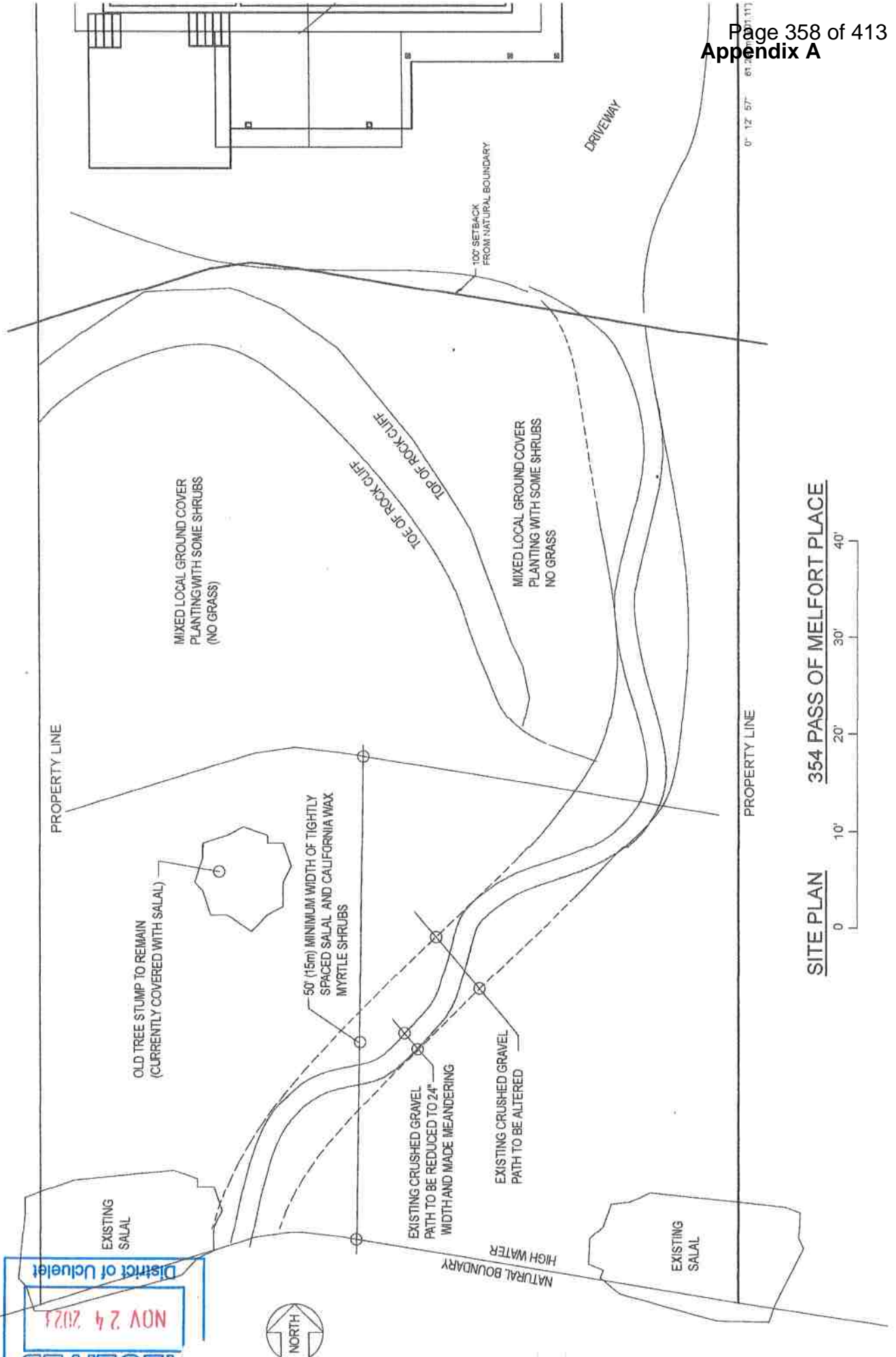
The following non-financial charges are shown on the current title and may affect the property

- EJ96930 - Covenant
- EX144885 - Statutory Right of Way
- EX144886 - Statutory Right of Way
- EX150834 - Statutory Building Scheme

Parcel dimensions shown hereon are derived from Land Title Office records.

FILE : 180-Melfort
DWG/DATE: 2019-08-23
AG Surveys
545 - 110 Marine Drive
Ucluelet, BC V0R 3A0
phone (250) 266-4536







208A – 2520 Bowen Road
Nanaimo, BC V9T 3L3
Ph: 250 751-9070

May 09, 2024

EDI Project No: 24N0211

Terry Myhr
354 Pass of Melfort Place
Ucluelet, BC V0R 3A0

RE: 354 Pass of Melfort Place, Ucluelet

INTRODUCTION

EDI Environmental Dynamics Inc. (EDI) was retained by Terry Myhr (the Owner) to conduct a review at his waterfront property located at 354 Pass of Melfort Place, Ucluelet (the Property). The services of a Qualified Environmental Professional (QEP) are needed to support a Development Permit application for planned marine riparian improvements within the Property. An initial review was completed by the undersigned biologist on November 22, 2023, while working on another nearby project. The purpose of that visit was to note and photograph the conditions, characteristics, and features within the marine riparian area in case professional advice or services were needed to support any requirements from the District of Ucluelet (the District) since the property overlaps with the Marine Shoreline Development Permit Area (DPA VII). This DPA extends 30 m horizontally both landward and seaward from the natural boundary of the ocean. Planned works that now require a DP include trail relocation and planting of vegetation native to Vancouver Island.

It is our understanding that vegetation removal, earthworks, and trail construction within DPA VII were conducted in association with recent house construction and that the Owner and District have agreed that riparian replanting will occur within the DPA along with narrowing of the trail. A DP is required to complete these works with the intent of improving the environmental conditions (natural vegetative cover) within the 30 m DPA on the Property.

The intent of this report is as follows:

- Describe the characteristics and environmental features of the site.
- Describe the planned riparian enhancement works proposed by the Owner (Attachment 1).
- Identify the expected outcomes of the planned riparian enhancement works proposed by the Owner.
- Provide recommendations to ensure the success of the planned riparian enhancement works proposed by the Owner.



SITE CHARACTERISTICS

Background Information

Several online databases were searched to identify known environmental values and sensitivities within and near the Property. Table 1 provides a summary of the desktop review.

Table 1. Summary of Background Information Review

Information Source	Type of Information	Results of Search
Habitat Wizard & Sensitive Habitat Inventory Mapping (SHIM)	Mapped streams, fish observations and stream reports for mapped watercourses. Known occurrences of provincially and federally listed species and ecosystems.	No streams within or near the Property. No known species or ecosystems listed as threatened or rare are known to occur within or immediately adjacent to the Property. California wax-myrtle (<i>Morella californica</i>), which is Provincially blue-listed (species of concern) is known to occur in the Amphitrite Point area.
Wildlife Tree Stewardship Atlas	Bald Eagle and Osprey nest trees.	No known nests occur within or near the Property (nearest mapped Bald Eagle nest is over 200 m to the southeast)
British Columbia Great Blue Herons Atlas	Great Blue Heron Colonies	No known colonies occur within or near the Property (no colonies are shown to occur within the Ucluth Peninsula).

Site Observations

The south-facing, waterfront Property is located at the head of a small bay, which is part of Carolina Channel. The DPA is considered environmentally sensitive and important since it is a marine riparian area; however, it is currently mostly devoid of natural habitats. Google Earth imagery indicates that mature forest was removed from the site sometime prior to 2010 (the earliest clear image). The 30 m DPA inland of the natural boundary within the Property generally consists of the following areas (see attached site plan for additional spatial information):

1. A narrow band of salal dominated upland vegetation at the southeast and southwest corners of the property, immediately adjacent to the natural boundary.
2. Granular fill placed against and held back by beach logs between the salal patches along the upper beach.
3. A near vertical cut into bedrock along the west Property boundary. Some natural vegetation occurs along and below the cut.
4. A moderate to steep slope of granular material and bedrock along roughly one third to one half of the north part of the area. Some natural vegetation occurs along and below the western side of the slope.
5. Flat, granular soil material spread throughout the lower, flat area between the aforementioned slopes and the upper beach area. A gravel path extends from the northeast side of DPA, across the middle of the DPA, and onto the upper beach.



Photo 1. Looking south towards the ocean from the north end of the trail that extends through the 30 m DPA.



Photo 2. Looking north at trail extending onto beach and soil material placed against beach logs.



Photo 3. Looking north toward the house. Photos shows spread out soil material, trail, and sloped areas.



PROPOSED RIPARIAN ENHANCEMENT

As per the attached Site Plan, the planned riparian enhancements include:

- Reduce gravel path to 36" wide and adjust to a meandering alignment.
- Plant native shrubs and herbaceous plants throughout 10 identified treatment sites. Topsoil will be placed at each planting site to improve growing conditions.
- Place woody debris throughout treatment sites.
- Retain all existing natural vegetation throughout the site.

The species identified in the attached Site Plan are considered preliminary at this time. Through discussions with EDI, the Owner has indicated that some plant substitutions will be made to favor plants that are more common to the west coast of the Vancouver Island. Substitutions may also be needed due to nursery stock availability. Only plant species native to the west coast of Vancouver Island shall be utilized and the undersigned biologist should be contacted to verify the plant list prior to placing the order.

DISCUSSION AND RECOMMENDATIONS

The expected outcome of the planned works is to promote and encourage the establishment of natural vegetative cover within the DPA. Natural vegetation will provide some ecological and aesthetic benefits and will generally improve the environmental condition and values of the site compared to existing conditions. The intent of the Owner's plan and the recommendations herein are not to fully restore the site to a specific pre-disturbance condition. To prevent obstructing waterfront views, the planting plan does not include any trees. Planting the site with nursery stock of shrub and herb species that are native to Vancouver Island and that are well-suited and adapted to the west coast of the island is anticipated to result in a substantial improvement to the environmental features, functions, and conditions of the site. With regular maintenance and periodic watering, it is expected that the site will be significantly revegetated and generally thriving within a three-year period.

Maintenance and watering over the three-year period will be important to ensure success. The following recommendations have been provided to promote project success:

Planting Recommendations

- All planting to be conducted in the fall season (ideally between Oct. 1 and Nov. 1).
- Topsoil to be added around each plant site to improve the growing medium.



Maintenance

A three-year maintenance period is recommended, as described below.

- Hand removal of any invasive shrubs and weeds within planted areas shall occur at least twice during each growing season: mid-spring (April 15 to May 15) and late summer (August 15 to September 15). More frequent removal may make each removal period easier. Invasive shrubs that are very common in the area include Scotch broom and Himalayan blackberry. Any such plants shall be completely removed (including roots) to avoid resprouting.
- Organic, non-toxic browsing deterrent (such as Plantskydd) should be applied to the planted stock immediately after planting (or pre-treated at the nursery). Additional applications may be beneficial if excessive deer browse is occurring or is expected to occur. Temporary fencing may also be beneficial to prevent browse.
- Any dead or unhealthy plants should be replaced between Oct. 1 and Nov. 1.
- Watering should occur during extended summer drought periods that may generally occur from July to mid-September, depending on seasonal conditions.
- The planting plan should be considered successful if:
 - At least 80% of plants are established and healthy.
 - Little or no invasive shrubs are present (<5% coverage).

STATEMENT OF LIMITATIONS

This report was prepared exclusively for Terry Myhr by EDI Environmental Dynamics Inc. The quality of information, conclusions and estimates contained therein are consistent with the level of effort expended and is based on: i) information available at the time of preparation; ii) data collected by EDI Environmental Dynamics Inc. and/or supplied by outside sources; and iii) the assumptions, conditions and qualifications set forth in the report. The report is intended to be used by Terry Myhr for the intended purpose as outlined by this report (local government review). Any other use or reliance on this report by any third party is at that party's sole risk.

The recommendations made in this report are not meant to satisfy any potential slope stability, flood hazard, or sea level rise considerations as these aspects are not within our expertise.

Any material changes to either site conditions or the proposed activities as described in the report may invalidate the conclusions and recommendations made. The undersigned biologist should be contacted if the development plans change to determine if the report needs to be revised or updated.



354 Pass of Melfort Place, Ucluelet
May 09, 2024

Yours truly,

EDI Environmental Dynamics Inc.



Adam Compton, R.P.Bio.
Senior Biologist/Project Manager

Attachments: Site Plan



SITE PLAN - 354 PASS OF MELFORT PLACE

EXISTING CRUSHED GRAVEL PATH TO BE REDUCED TO 36" WIDTH AND MADE MEANDERING

OLD TREE STUMP TO REMAIN (CURRENTLY COVERED WITH SALAL)

PROPERTY LINE

50' (15m)

EXISTING SALAL

EXISTING CRUSHED GRAVEL PATH TO BE REDUCED TO 36" WIDTH AND MADE MEANDERING

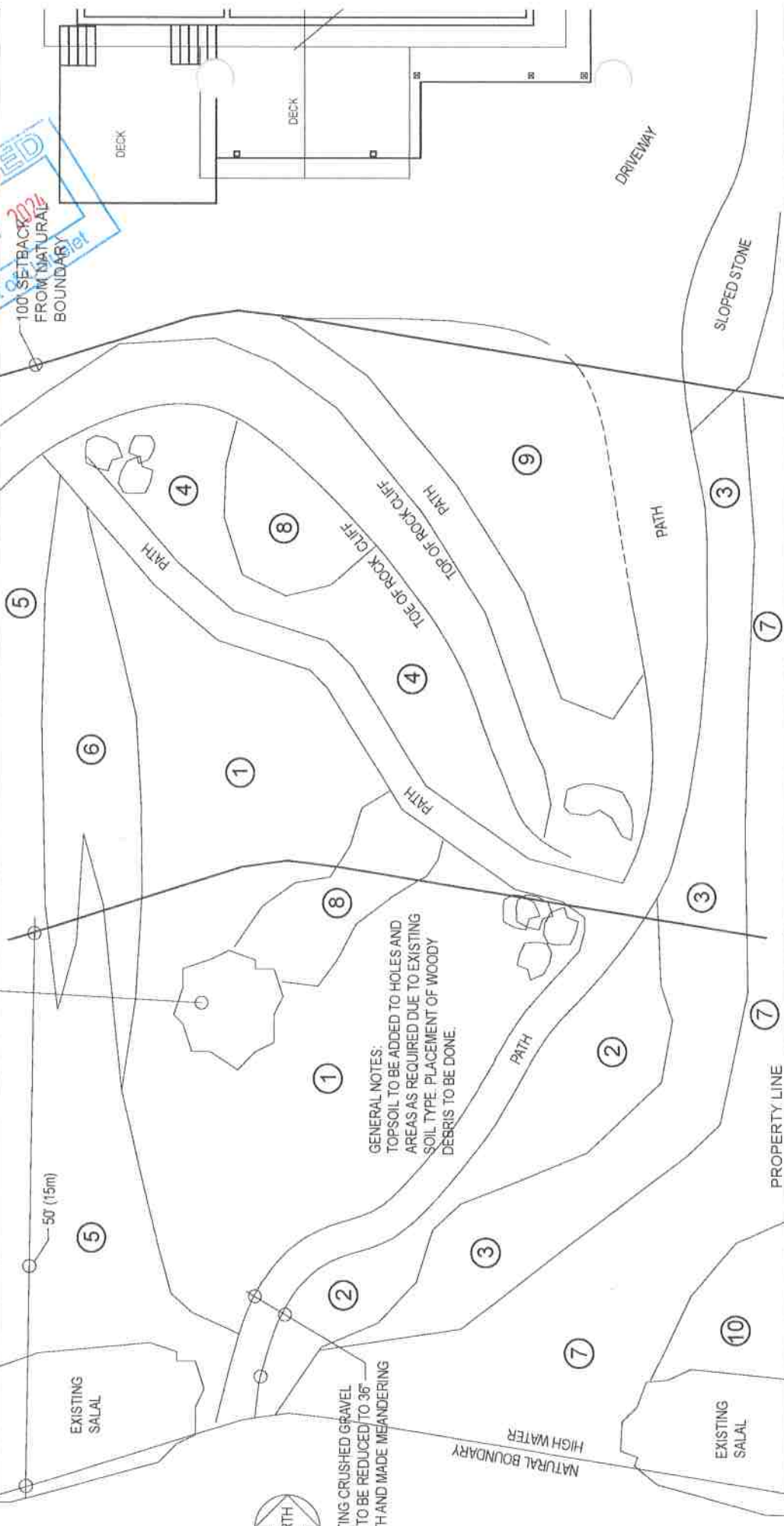
GENERAL NOTES:
TOPSOIL TO BE ADDED TO HOLES AND AREAS AS REQUIRED DUE TO EXISTING SOIL TYPE. PLACEMENT OF WOODY DEBRIS TO BE DONE.

NATURAL BOUNDARY
HIGH WATER

SLOPED STONE

DRIVEWAY

40'
30'
20'



- ① - FERNS - 20
KINNIKINICK - 30
MOSSES - 20
MOCK ORANGE MINIATURE - 4
NODDING ONION - 20
NOOTKA ROSE - 13
PEARLY EVERLASTING - 20
RUSHES - 12
STONECROP - 25
TRILLIUM - 10
WOOLY SUNFLOWER - 20
- ② - FERNS - 3
KINNIKINICK - 8
MOCK ORANGE MINIATURE - 2
NOOTKA ROSE - 1
PEARLY EVERLASTING - 8
RUSHES - 4
TRILLIUM - 2
WOOLY SUNFLOWER - 5
WILD GINGER - 5
- ③ - RED HUCKLEBERRY - 20
KINNIKINICK - 20
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- ④ - FERNS - 18
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RED HUCKLEBERRY - 20
SALAL - 50
NOOTKA ROSE - 3
- ⑥ - FERNS - 5
MOCK ORANGE MINIATURE - 10
NODDING ONION - 10
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WILD HYACINTH - 10
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WILD STRAWBERRY - 75
- ⑧ - CALIFORNIA WAX MYRTLE - 20
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KINNIKINICK - 10
MOCK ORANGE MINIATURE - 8
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OREGON IRIS - 10
PEARLY EVERLASTING - 6
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OREGON IRIS - 10
PEARLY EVERLASTING - 6
STONECROP - 8
WILD GINGER - 8
- ⑩ - CALIFORNIA WAX MYRTLE - 20

DEVELOPMENT PERMIT DP24-01

Pursuant to section 488 of the Local Government Act, R.S.B.C 2015 C.1 as amended:

1. This Development Permit is issued to:

Terry Myhr
(The "Permittee")

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

354 Pass of Melfort; PID 026-493-756, Strata Lot 11, Plan VIS5896, Section 1, Barclay Land District
(The "Lands")

3. This Permit authorizes the following improvements on the Lands as per **Schedule 1**:
 - Reduce gravel path to 36" wide and adjust to a meandering alignment.
 - Plant native shrubs and herbaceous plants throughout 10 identified treatment sites. Topsoil will be placed at each planting site to improve growing conditions.
 - Place woody debris throughout treatment sites.
 - Retain all existing natural vegetation throughout the site.
4. The permit holder, as a condition of issuance of this Permit, agrees to comply with the terms and conditions of **Schedule 2** which is attached hereto and forms part of this permit.
5. In addition to compliance with the terms and conditions listed in Schedule 2, the permit holder must adhere to all conditions of the Qualified Environmental Professional report in **Schedule 3** which is attached hereto and forms part of this permit.
6. Prior to any site disturbance or contractor mobilization, the permit holder must erect fencing or otherwise demarcate the no-disturbance area beyond the works and contact the District of Ucluelet to arrange a pre-construction inspection.
7. 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.
8. 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.
9. The Owner shall substantially commence the development within 24 months of the date of issuance, after which this permit shall be null and void.
10. Upon completion of all proposed works, the Owner shall provide a letter from a QEP to the District of Ucluelet confirming that the work done under permit was completed meeting the conditions listed below.
11. This Permit is NOT a Building Permit.



12. 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 _____, 2024.

ISSUED the ___ day of _____, 2024.

Bruce Greig
Director of Community Planning



Schedule 2

Terms and Conditions

As a condition of the issuance of this Permit, the Permittee representing the Lands hereby to comply with all following Impact Reductions and Mitigation Measures, determined by Qualified Environmental Professional (QEP) as necessary to promote project success:

Planting Conditions

- All planting to be conducted in the fall season (ideally between Oct.1 and Nov.1)
- Topsoil to be added around each plant site to improve the growing medium

A three-year maintenance period is recommended as described below:

- Hand removal of any invasive shrubs and weeds within planted areas shall occur at least twice during each growing season: mid-spring (April 15 to May 15) and late summer (August 15 to September 15). More frequent removal may make each removal period easier. Invasive shrubs that are very common in the area include Scotch broom and Himalayan blackberry. Any such plants shall be completely removed (including roots) to avoid resprouting.
- Organic, non-toxic browsing deterrent (such as Plantskydd) should be applied to the planted stock immediately after planting (or pre-treated at the nursery). Additional applications may be beneficial if excessive deer browse is occurring or is expected to occur. Temporary fencing may also be beneficial to prevent browse.
- Any dead or unhealthy plants should be replaced between Oct.1 and Nov.1.
- Watering should occur during extended summer drought periods that may generally occur from July to mid-September, depending on seasonal conditions.
- The planting plan should be considered successful if:
 - At least 80% of plants are established and healthy.
 - Little or no invasive shrubs are present (<5% coverage).



Schedule 3

Refer to Appendix B

From: [Patricia Sieber](#)
To: [Community Input Mailbox](#); [Info Ucluelet](#)
Subject: Question of re-zoning Hyphocus Island
Date: June 6, 2024 8:46:37 PM

[External]

To the Mayor and Council, District of Ucluelet

-

We respectfully request that council not proceed with a rezoning of Hyphocus Island that would allow the MayWind project to proceed. We do not believe that their vision for Ucluelet fits the one outlined in the Official Community Plan of 2022.

Far too often individuals and potential developers purchase land in Ucluelet that is zoned for one type of development and then ask for a change to the zoning so that they can realize their goals. Areas are zoned for specific uses for reasons. Those who purchase land should be willing to accept that. If the present owner wants to build within the current zoning requirements, we probably cannot object.

The OCP and Identified Vision

Policy 3.155 Designate Hyphocus Island as low density rural reserve, until such time as a comprehensive proposal is received identifying cluster residential development with significant tree retention, preservation of the island in its natural state and dedication of lands for public access, including the high ground and a perimeter waterfront trail.

Policy 3.174 Hyphocus Island is currently zoned as Rural Reserve. The zoning of these lands should allow for limited residential development. This reflects the desired future use as primarily clustered residential pattern with substantial tree retention and significant public open space and institutional (i.e., sewage treatment) uses. This area is not intended for private marina or significant tourist commercial or resort development. Compatible light industrial uses may be considered adjacent to the sewage treatment plant. The community may consider re- designation on advancement of a comprehensive plan that addresses the policies and guidelines of this OCP. The high point of the island should be considered for its potential for emergency evacuation (e.g., in conjunction with a future park or open space at the summit of the island);

Within Policy 3:174 they have found their wiggle room. Using the wording of possible consideration of future change to zoning, they have crafted this plan. It is up to us, the Council being our voice, to decide if we want to grant them this wiggle room.

Does Their vision match Ours?

The Official Community Plan adopted in 2022 sets goals for a low growth future for Ucluelet. It projects the preferred number of new dwellings for long term residents be in the realm of 1,100. This proposed development of Hyphocus would consume roughly 30% of that number. The Minato Road development, when completed, is predicted to use up roughly another 30% of the preferred total. When, and if, the lot 16 development on Marine Drive and Matterson is completed we are approaching the upper limits of our plans. This barely leaves room for further development along Marine Drive, which I believe is ongoing. There are several sites noted in the OCP that are considered as potential for provision of multi-family dwellings. There are individuals and groups that have proposed modest, affordable, long-term rentals or owner purchased buildings. **There are many reasons that other sites in Ucluelet would require less expensive alterations, both in financial costs and ecosystem damage, than the Hyphocus proposal.**

The OCP states that Ucluelet is committed to carefully managing its growth to ensure that, as it changes over time, the natural environment is protected. On paper this proposal states that it plans to do that. Before we rezone should we not have more detailed plans, beyond that their engineers are working on this, as to how they can situate an extension of the shoreline walking trail without altering the site so that one can walk there at high tide? Should we not be informed as to how they will achieve the density promised without extensive rock blasting and other environmentally damaging interventions? Certainly, engineers can use many methods to achieve required goals. **So of course, engineered solutions are possible, but are they desirable?**

Does it Add Up?

We have been assured that this project will result in affordable accommodation, both rental and owner-occupied housing. In return for being allowed to proceed we are being promised that the project will cover 100% of costs to upgrades beyond the rezoned property, ie. the upgrades to Helen Road, the bridge over the causeway, the upgrades to our sewer system and more. Should Council not be shown a financial statement showing how all of this can be done and still be economically viable? We are left to ask, is the owner acting from altruistic motives or does he want a return on his investment? If the developer plans to make a profit by building, high-end homes, stores and an apartment building right up against the sewage lagoon, then something about the deal smells off. Either they will expect the town to cover some of the costs of this operation, either in the short term, or the long term. Or perhaps they're not really serious about finishing the project. Imagine, as well, in the future if they have built around the sewage lagoon. Currently, the town is not under obligation to act if the lagoon starts to smell a little bit. On the other hand, if they have their way, residents, guests and business owners of that area will certainly be raising a stink on a regular basis just because sewage happens to smell. If the developer is expecting a return, I believe we need more information as to how this can be possible. Sadly, too many projects in resort communities have stumbled over unrealistic economic promises. **Before we allow Hyphocus and its surrounding neighbourhood to be altered, we need more than promises.**

Understanding of Community

The owner has the right to build single family dwellings, on the site, under present zoning. He has indicated, verbally through the Ekistics staff member, in the presentation to council on Dec. 7, that he fell in love with this property when he visited Ucluelet. I do not know the

extent of the time he spent here. If this owner moved here, built his home and actually lived here for a few years getting to know and, hopefully appreciate Ucluelet, I would feel in a better position to understand his love of place.

The current residents, some of whom have lived here for decades, also love Ucluelet and have loved her despite the realities that come from living in a remote, wild, decidedly un-urban setting. This proposal would drastically alter Helen Road, if it is to be converted into a wider corridor for traffic. Traffic volume along this corridor could rival that on Peninsula Road. The road between the causeway and Marine Drive is situated between a rocky cliff that currently supports native vegetation clinging to thin rocky soil. Residential driveways line the road on both sides. Expanding the road onto these lots would in many cases severely impact those lots. Ekistics' plan does not show how this would be accomplished. Those of us who built here knowing the condition of the road are not asking that it be widened. We do not wish to see concrete retaining walls rather than trees and shrubs. We do not wish to see the Rhodos removed and current driveways impacted. Beyond the Marine Drive intersection, Helen Road also passes homes. These residents already feel pressures of increased traffic. **Please consider the impact on current Ucluelet residents and understand that this is more than a few more houses. This project will alter, in many ways the lives of those who have stuck it out here despite shortcomings.**

We attended the Open House regarding the plan for the development of Hyphocus Island held on January 18. We sought to find answers to some of the concerns we hold about the development.

Below are some of the questions Patricia asked and the answers supplied by the planner associated with Ekistics:

Q. Is the developer prepared to pay 100% of the costs to upgrade Helen Road, put a bridge in the causeway, deal with mitigation of odour from the sewage lagoon, a walking path to circle the island and many of the other things they see as improvements?

A. Yes, the developer is committed to paying for these improvements.

Q. It is obvious that these "Improvements" will cost quite a lot of money. How will the developer be able to then sell or rent these dwellings at affordable prices?

A. I am not the person to address the money issues, but I am sure that all of that has been calculated and addressed.

Q. How will Helen Road between the causeway and Marine drive be upgraded? It is a narrow road between residents' property and the rocky bank that is on the side away from the Harbour.

A. I am not an engineer, but I am sure that all of that has been considered and the engineers have a plan.

Q. Your map shows a walking trail that circles the island on the shoreline. Is the developer aware that that area is underwater at high tide and thereby impassable?

A. These drawings are in the preliminary stage, and I am sure that the engineers will take that into consideration and plan accordingly.

Q. If they reroute the path, will that not then impact the areas of forest they promise to retain? If the path does not require removal of some of the forest, how will the houses that are planned for the areas just beyond the forest be affected?

A. I am sure that the engineers will solve these problems and still remain true to the vision for the area.

Q. Verbal indications are that the two apartment building providing affordable housing will be among the first buildings. On your plan these two buildings are close to the sewage lagoon. In fact, that will be their view. How will you make these apartments attractive to prospective renters?

A. There are plans to landscape the area so that the lagoon will not be so visible

Personally, I learned nothing from their open house that I have not already gleaned from their presentation to council and their website. What I have learned is that they have done their homework well. They have studied our OCP and have given back to us the ideas identified in that plan. I believe they have taken those ideas and crafted a plan that **does not match our vision. In fact, we fear that their vision will put Ucluelet on a path contrary to the vision set out in our Community Plan.**

Patricia Sieber

Carl Sieber

Silva Johansson

1058 Helen Road

From: [Pieter Timmermans](#)
To: [Community Input Mailbox](#)
Subject: Terrace Beach PUBLIC parking
Date: June 18, 2024 3:24:42 PM

[External]

Greetings Council

As a frequent user of Terrace Beach, I would like to know when the designated public parking will be properly reinstated.

When the Cabins started their addition of more units, the then existing public parking was halted and fencing erected to allow for the construction to proceed safely. All signs with indicated public parking were removed, Terrace Beach customers were allowed to park on the public's parking including long term parking at the adjacent He-Tin-Kis parking lot.

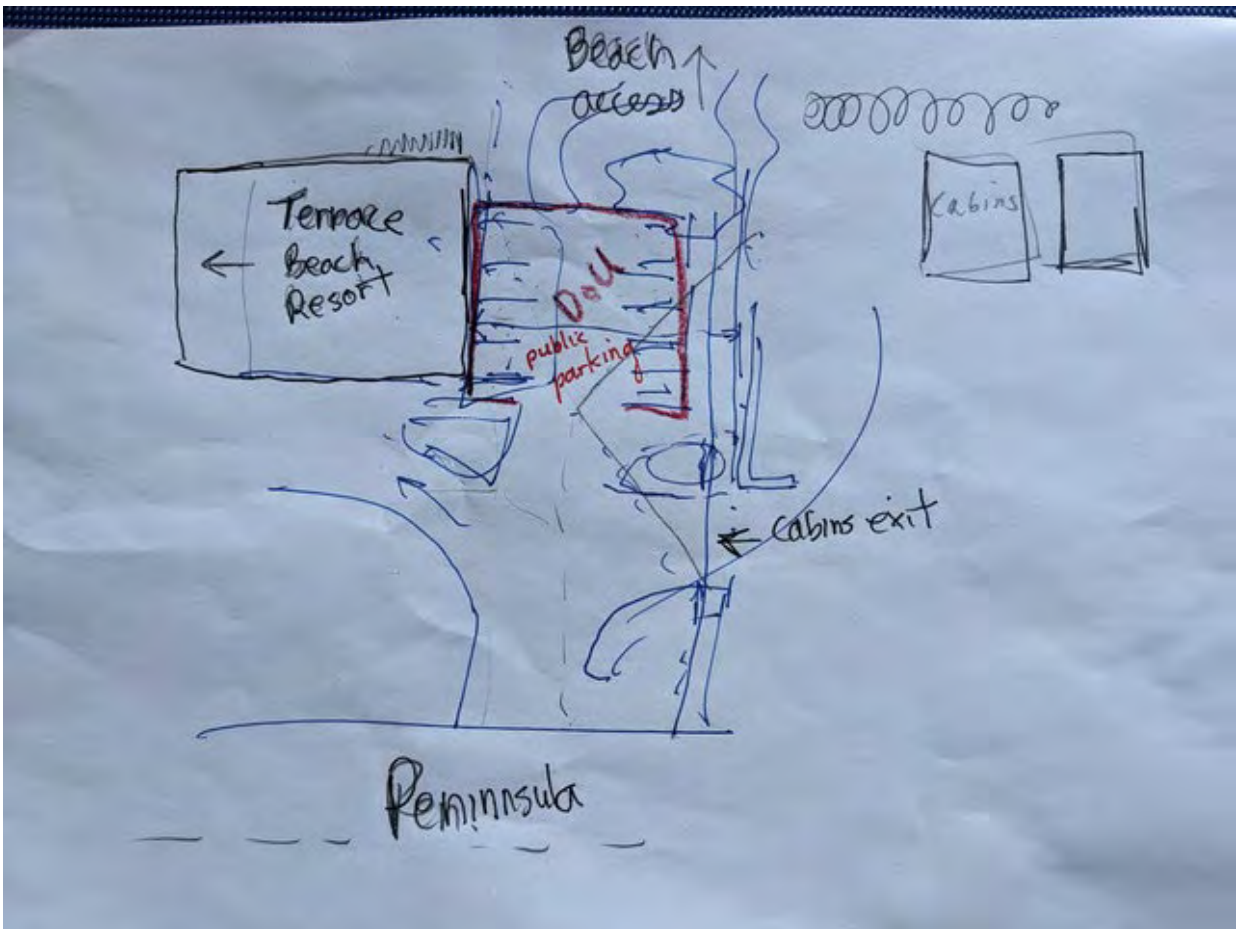
Construction has been completed for a while yet the public parking has not been reinstated. Please see the attached diagram, which was created when Cabins plans were first presented, it shows quite clearly that public parking is supposed to exist where currently Terrace Beach Resort shamelessly has their guests park long term.

May I suggest that a well defined public parking lot be created and signage installed that indicates short term parking only (2-3 hours!), no overnight.

These signs should then be installed at Terrace Beach and He-Tin-Kis, and of course a bylaw enforcement routine created (warning notice / fines / tow away!).

Appreciate all you do for the community

Pieter Timmermans
1958 Bay



From: [Amie Shimizu](#)
To: [Community Input Mailbox](#)
Subject: HOwler's experience of the Beautification/Revitalization/Safety project so far.
Date: June 19, 2024 10:24:04 AM

[External]

Hello from Howler's Family Restaurant,

My name is Amie Shimizu, my partner Kent Furey and I own Howler's Family Restaurant. I wanted to share what I, and probably many other business owners have had to endure. My apologies if it's long. I tried to share by the timeline of events.

I went to all the input meetings 2 years ago to speak with and get informed by [REDACTED] and the District Planners. I was personally promised that I would not lose my accessible parking that has been a staple spot for elders to use to enter my restaurant. The solution [REDACTED] suggested was to put an accessible spot and loading spot directly in Howler's. Twice a week, I personally lug huge orders of liquor to the front door of my restaurant as my liquor room is directly beside our entrance. [REDACTED] assured me on 3 different occasions that the spots would be added to the plans. I also mentioned to him that RElic and HOwler's are open all year round and service huge groups. HOwle'rs is one of the only restaurants in town that can cater groups of 20 to 65 people while open for regular service and we've done many already. Relic and I have worked hard together to share our parking space and driveway around to allow for better traffic flow and safety for the semi trucks. None of the promises ever came to fruition, now many amazing elders and those who come in wheelchairs have not been since the start of this project.

We were all promised a fall start to this project to allow businesses to run as normally as possible. Especially after the wild fires of last year that absolutely affected all of the WEST COAST. 44 MILLION dollars of lost sales. We needed this year to claw back and get back on track. I stated this multiple times that over many conversations. And yet here we are, one month behind schedule after only going for 2 months into this project deep into our summer business. We had to close our lunch business as this was absolutely affecting our business.

Why did [REDACTED] decide to give Relic and Howler's a shared driveway that is actually acute angle to turn into coming from the Petro side? And if you want to do that, why then could he not have given us soft curbs to allow for the drastic angle and shocking change to our properties. There is now a manhole directly in the centre of our shared driveway now that isn't even properly buried so it sticks out. The owners of RElic are not happy that we have to share an entrance either. There is other properties in this new build that have soft curbs or double driveways. Single family homes have the same amount of driveway that we have to share. It's mind boggling.

So, let's start with March 18th there was a water shut off letter to all businesses for 9am to 430pm. Understandably we had to close as did many others on Peninsula. When I was there in the morning to prep, purchase water, get ready, I was waiting for this water to be turned off. By 4pm I called the District and asked, when will this be shut? We need to open! Turns out, the letter from Hazelwood/District was not even a water shut off but infact a water "gear down" for only 20 mins meaning, we could have all stayed open. I sent a letter right away asking for better clarity next time.

Next, during a dig in front of Howler's, I'd seen them dig and reopen the same hole and fill at least 4 times. There was an issue where they cracked a pipe and had to emergency stop water then turn back on at some point. For the first time ever, true brown water came through our lines causing havoc on our equipment.

Our ice machine stopped working and our newer plumbing under the sink started leaking and the espresso machine in BIG WAVE CAFE also stopped working ALL on the SAME day, all due to the water not being flushed after they fixed their issue and just turned back on. I paid for a plumber to deal with both issues and unfortunately, [REDACTED] from BIG WAVE CAFE had to BUY another espresso machine! All very large costs out of pocket no compensation.

May 31 they ended up curbing all the way to Howler's when they mentioned that it would happen the following Monday. I had to host a huge party in the evening, host a youth group of 55 etc. The access was limited and not clear. People were driving all over and some got stuck and had to get pulled out. No signs again clarify the flow left like this for the whole weekend.

Last weekend, Hazelwood blocked off my parking to cure cement that was cured by Friday night or even Sat morning of last. But they don't work weekends so they just left me like this. Parked their excavator directly in front of my restaurant, no signs to help people/tourists know where to go. Just because they don't work weekends I'm left to deal with this scene for the whole weekend which tends to be the Ucluelet's busier times.

During the weekends, the town of Ukee get to deal with incredibly dusty pot hole filled roads, is there not enough budget in the grant to leave one guy from Hazelwood or the District to continue maintaining the dust and potholes during the weekends? I've now had a third hole in my tires of new car since this project. 3 different holes. I do the deliveries for my restaurant and have to drive back and forth a lot. Why, are they not maintaining on the weekends?

This has been a horrible experience and I'm mostly so disappointed that this project was allowed to move forward through our summer when we were promised a fall start. We still have amazing weather in Sept Oct Nov. I was told that the grant money they've been waiting for was released just prior to starting so, I was told, they were just handed the money and they started the project. Was there no ability to wait until after summer? Is the federal

government not aware what our town is like in the summer and how it would affect small businesses?

It will infact get busier in 2 weeks, meaning 10 times more traffic on the roads. A lot of the issues we are facing could have been avoided had they chose to respect the towns ability barely sustain a crazy summer business after one of the worst ones in history asides from the pandemic. There would have been far less traffic on the road slowing everyone down. The amount of stress this has cause financially and mentally is unbelievable in an already hard to deal with season during an obvious recession due to the impossible levels of inflation.

We are a fishing eco tourism town, growing by the second, some areas of the road are impossibly tight for large trucks pulling trailers. I am all about change for the better and I know it takes time to adjust. But, some of these changes are simply making our lives harder to run our businesses literally forever. They wanted to make it safer for parking they told me and that's why I lost my parking so they don't have to back out on to the "highway". Now, they get to parallel park in front of my restaurant blocking all traffic until they are parked, is that supposed to be better? I lost 10 parking spots directly in front. OK fine, but on top of that the narrow access on both sides of my property and a hard edged curb so people can either curb their tires or awkwardly drive out. I and my team have to use those driveways multiple times a day every day for ever. As I sit in the line up to get around town, I just watch so many trucks make multiple point turns just to get onto Peninsula. It's sad that the changes had to be so drastic and only benefitted cyclists and walking paths which I totally support adding, but at the direct cost of everyone else using a vehicle, the changes were too extreme and should have had more respect to the lives of people who live here and work here.

I already know it will be a tougher fall winter to get through now that June has been completely devastated so far for sales. I hired and had a full team ready and now I had to actually cut back down and so hard for my staff to loose any hours when we should be thriving with business now. Everyone has been affected negatively financially.

Today, I get to go back to my restaurant to deal with plumbing issues that started after the water was rushed to turn back on yesterday as it was scheduled to turn on at 430pm and instead it came on at 545, perhaps the district should give more time to flush out before they just release the water through all the systems. It would help a lot especially because we are metered for water use and its literally throwing money down the drain on our cost and not theirs.

thank you for listening,

Amie Shimizu

From: [Info Ucluelet](#)
To: [Joseph Rotenberg](#); [Nancy Owen](#)
Cc: [Duane Lawrence](#)
Subject: FW: Peninsula Road Construction taking a toll on businesses
Date: June 19, 2024 11:29:19 AM

-----Original Message-----

From: Courtney Johnson [REDACTED]
Sent: Wednesday, June 19, 2024 11:21 AM
To: Marilyn McEwen (Ucluelet Mayor) <mmcewen@ucluelet.ca>; Shawn Anderson (Ucluelet Council) <sanderson@ucluelet.ca>; Jennifer Hoar (Ucluelet Council) <jhoar@ucluelet.ca>; Ian Kennington (Ucluelet Council) <ikennington@ucluelet.ca>; Mark Maftai (Ucluelet Council) <mmaftai@ucluelet.ca>; Info Ucluelet <info@ucluelet.ca>
Subject: Peninsula Road Construction taking a toll on businesses

[External]

To whom it may concern at the District of Ucluelet:

I am writing in regard to the construction on Peninsula Road.

The ongoing construction has been devastating for our business (as it has been for other businesses on Peninsula road.)

Even though we have been told that "Businesses will remain open" during this construction, it is an impossibility. There have been large holes dug outside our front door on numerous occasions, and most recently the constant dust from the ground up asphalt would destroy our merchandise and has caused breathing difficulties for our staff.

Who is responsible for this? What can be done about it? What compensation exists for our losses?

I have run into a few people who say I shouldn't complain or that I "knew this project was coming, so I shouldn't have a problem ." I've been told to "remember to be kind," because the people responsible for this project are humans too.

Here's the thing: I'm not 'whining or complaining' or attacking anyone. I have close friends on council or who work at the district and have had the children of others as my Glee students. I can disagree with anyone and still be civil/have a personal friendship with them.

-The project and its timeline are not what we were told and I'm worried for what that means for the future of our store. No one seems to care or is able to tell me who is responsible for that.

-Yes, we need to "remember kindness". Will people please do the same for myself and the other businesses that are struggling?

We've been in business for 40 years and donated tens of thousands of dollars to community events and fundraisers, including the district. Now we feel disregarded and ignored.

I would ask anyone that brushes off our concerns to think about the lowest possible yearly wage they would be comfortable living with, and then take that number and cut it in half. That is how much some of us are being affected right now.

Please hear us and let us know what can be done here.

-Courtney Johnson
Image West Gallery
1932 Peninsula Road.
[REDACTED]

PS. To end things on a positive note, it seems I received the parking I was asking for on both sides of the street, and I would like to express my heartfelt gratitude for that.



INFORMATION REPORT

Council Meeting: June 25, 2024

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: KEVIN CORTES, HARBOUR MANAGER
 ABBY FORTUNE, DIRECTOR OF COMMUNITY SERVICES

FILE No: 8700-30

SUBJECT: SMALL CRAFT HARBOUR REPORT UPDATE

REPORT No: 24-59

ATTACHMENT(S): APPENDIX A - HARBOUR RESOLUTION TRACKER

PURPOSE:

To provide the Harbour Authority with an update of the business of the Harbour.

REPORT:

1. Project updates:

1. Garbage Compound (reduce public usage of dumpster and keep area cleaner)
 - a. Received two quotes for project
 - b. Scheduled to start in mid- summer

2. Whiskey Dock Extension (lower dock extension around main Whiskey Dock)
 - a. Received three quotes for project
 - b. Confirming dock materials and construction schedule
 - c. Fall completion

2. Boat count 2024 is on par with 2023

	Recreation	Charters	Commercial	Government
February	50	5	21	4
March	63	8	23	4
April	71	12	25	7
May	77	21	29	7

3. Revenue

- The Harbour is running approximately 12% above 2023 revenues from same time last year; \$119,047 in 2023, and 133,333 in 2024.
- The Harbour is trending towards longer, year-round stays for local and non-resident boat owners; 52 Steps is currently 90% full, locally driven

4. Upgrades/maintenance of dock

- Upper deck plank repairs/replacement on the Whiskey Dock continuing
- Lower deck support beams repairs on Whiskey Dock have also occurred to better support the structure of the dock
- Waterline and fire line repairs on 52 Steps are being monitored and repaired, as required
- Replacement of 2 steps on 52 Steps
- Annual dock painting planned for the Summer

5. Fishery update

The following commercial fisheries openings have taken place:

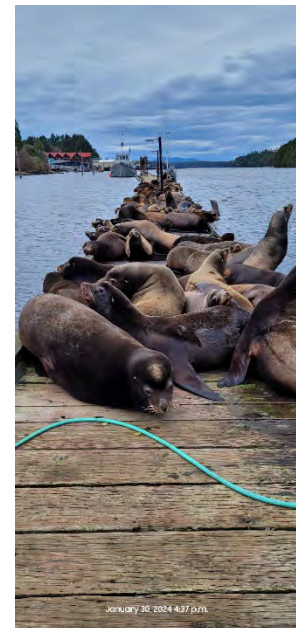
- Area G troll Chinook Salmon in Barkey Sound (April & May: saw lower participation in 2024)
- Live and frozen Lingcod (May: Strong showing with 7 deliveries going out for processing from 3 boats)
- Longline Halibut (May & June: catch rates were strong by mid-May)
- Trawl bottom fish year round

6. Harbour updates

Operations (Parks) Department cleaned and installed a new garden around the Small Craft Harbour sign. The Harbour Manager and Director of Community Services are working on beautification plans for the Inner Boat Basin, Whiskey Dock, and 52 Steps.

A vessel at Small Craft Harbour has been in arrears for over two years despite attempts to collect moorage. The Harbour Manager is currently proceeding with final notification steps with the boat's owner for the outstanding fees. The next step, if required, will be the warehouse lien process.

52 Steps saw a significant number of Sea Lions on the dock at the end of January and in early February. The issue ultimately fixed itself as the Sea Lions migrated to other areas.



7. Outstanding issues

Westcoast Wild Adventure recently reached out to the Director of Community Services to enquire as to next steps for his planned fuel boat moorage. Staff is currently researching and drafting an agreement, as per the resolution of Sept 6, 2022:

2022.2034.HA *IT was moved and seconded **THAT** the Harbour Authority direct staff, for the Harbour Authorities consideration, to draft an agreement between the District of Ucluelet and West Coast Wild Adventures to permit the storage of aircraft fuel and mooring of a portable fueling station within the Ucluelet small craft harbour inclusive of the conditions set out in the Harbour Authority staff report number 22-131.*

CARRIED.

8. Department of Fisheries and Ocean, Small Craft Harbour Update

In January of 2023, a pleasure boat caught fire in the Inner Boat Basin. Ucluelet Fire Department was able to put out the fire, no additional boats were damaged. Some damage to the dock area occurred. The Department of Fisheries and Oceans, Small Craft Harbour, is currently negotiating with the insurer to implement repairs to the damaged dock area.

Respectfully submitted: Abby Fortune, Director of Community Services



Meeting	Meeting Item Description	Resolution Text	Action	Follow-Up Status
16-Feb-21	Ucluelet Harbour Authority Potential Project	THAT HA directs staff to provide a report regarding improvements to the public boat launch intended to solve issues with use during low tides.	Present Report to HA	In progress: Reviewing Herrold Engineering outlining the proposed work to improve the Pat Leslie Boat Launch. Fall project
07-Sep-21	Ucluelet Small Craft Harbour Service Level Survey	THAT the Harbour Authority direct Staff to distribute a survey regarding service levels to the Charter Operators.	Draft and distribute service level survey	In progress: Draft survey is being created to go out when Charter Boats for summer of 2024
06-Sep-22	West Coast Wild Adventures Request for a Fuel Boat	IT was moved and seconded THAT the Harbour Authority direct staff, for the Harbour Authorities consideration, to draft an agreement between the District of Ucluelet and West Coast Wild Adventures to permit the storage of aircraft fuel and mooring of a portable fueling station within the Ucluelet small craft harbour inclusive of the conditions set out in the Harbour Authority staff report number 22-131.	Draft agreement which includes the conditions set out in report number 22-131	In progress: Awaiting further compliance related information for the agreement.
06-Sep-22	HAABC Small Craft Harbour Program	It was moved and seconded THAT the Harbour Authority approve Option A, to explore working with Harbour Authority Association of BC to undertake a review of how the Harbour Authority and District of Ucluelet manage and oversee the harbour.	Explore working with the Harbour Authority Association of BC	Assigned: looking at Fall 2024

Small Craft Harbour Report Update Kevin Cortes, Harbour Manager and Abby...

Meeting	Meeting Item Description	Resolution Text	Action	Follow-Up Status
30-Mar-23	Harbour Improvements	It was moved and seconded THAT the Harbour Authority direct Staff to investigate and provide a report back to the Harbour Authority on the following topics: 1. Insulation of water lines to allow for year-round supply of water; 2. Installation of power at 52 Steps; 3. Prioritization of annual moorage users; 4. Dock space allocation prioritization for seasonal users and related fee structure; 5. Moorage/enforcement policies and priorities with respect to derelict vessels; and 6. Washroom, Laundry and Shower Facility upgrades and access options.	Present report on the identified improvements including costing for Council consideration	In progress: Many identified projects are included in the Harbour Manager's work plan and budget for 2024. Harbour Manager will report out on complete and outstanding projects including prioritization in fall of 2024.
19-Oct-23	Harbour Authority Meetings	IT WAS MOVED AND SECONDED: THAT the Harbour Authority direct staff to investigate and report back to Council regarding the incorporation of Harbour Authority meetings into regular Council meetings.	Obtain legal advise and report back to council	Assigned: Small Craft Harbour BC reports no issue for combining. Possible procedural amendment required.
15-Feb-24	Whiskey Dock Expansion Project	IT WAS MOVED AND SECONDED: THAT Council, acting as the Harbour Authority, approve the Whiskey Dock Expansion project as described in Report No. 24-12 up to a maximum of \$30,000 for 2024.	Allocate funds, complete project	In progress: Quotes have been obtained. Confirming dock materials and construction schedule.

Small Craft Harbour Report Update Kevin Cortes, Harbour Manager and Abby...

Meeting	Meeting Item Description	Resolution Text	Action	Follow-Up Status
15-Feb-24	Small Craft Harbour Head Lease Renewal	<p>IT WAS MOVED AND SECONDED: THAT Council, acting as the Harbour Authority, authorize the Corporate Officer to execute the Head Lease as proposed by the Department of Fisheries Small Craft Harbour under Section 4 (2) of the Federal Real Regular Property Regulations (SOR/92-502) and acting through the Regional Director of Small Craft Harbours by virtue of a delegation under Section 3 of the Federal Real Property and Federal Immovables Act (S.C.1991, chapter 50) for the term of five years 2022 to 2027 between the District of Ucluelet and Department of Fisheries Small Craft Harbour.</p>	Execute agreement	In progress: Awaiting DFO signature.

Small Craft Harbour Report Update Kevin Cortes, Harbour Manager and Abby...



June 11, 2024

B.C. Municipalities and Regional Districts

CR-6871

RE: Support for Downloading Costs on Municipalities

Dear Municipalities of BC,

Kamloops City Council recently received a report titled "The Financial Impacts of Higher-Level Government Policy Change" at a May 28, 2024, Council meeting. The report highlighted a number of significant costs that have been downloaded to the municipality due to changes in policies or lack of Provincial action. It is attached for your reference.

Next steps are necessary in order to create a call to action for all provincial party leaders in British Columbia as the election approaches.

It is also crucial that we bring these costs to the attention of our constituents as they grapple with significant increases to taxation at the local level and seek to bring responsibilities and associated costs back into appropriate scope for all levels of Canadian government. We are therefore urging fellow municipalities in British Columbia to perform a similar evaluation of the costs of higher-level government policy changes on your communities so that we can effectively bolster the advocacy already happening through UBCM in concrete terms.

Through our collective strength, and as one unified voice committed to seeing positive change in our communities, we can make a difference for the citizens who have chosen to make British Columbia home.

Sincerely,



Councillor Katie Neustaeter
Deputy Mayor, City of Kamloops

cc: Council
David Hallinan, Corporate Services Director, City of Kamloops

May 28, 2024

ADMINISTRATIVE REPORT TO COUNCIL

ON

FINANCIAL IMPACTS OF HIGHER-LEVEL GOVERNMENT POLICY CHANGEPURPOSE

The purpose of this report is to provide Council with information pertaining to the impact that various changes at senior levels of government have had on City operations and budgets over the past five years.

COUNCIL STRATEGIC PLAN

This report supports Council's strategic priorities and areas of focus regarding:

- **Safety and Security**
 - Safety: We prioritize the safety of our community for residents, businesses, and visitors.
 - Housing: We proactively create opportunities to increase the inventory of diverse housing supply so that residents can access and move throughout the housing continuum.
 - Social Supports: We intentionally collaborate with key partners to create innovative solutions that respond to and address the community's needs.
 - Emergency Preparedness and Response: We build community resiliency, mitigate the impacts of emergency events, streamline response, and ensure our protective services align with evolving needs.
- **Governance and Service Excellence**
 - Asset Management: We plan for the development, improvement, repair, and replacement of our infrastructure.
 - Fiscal Responsibility: We are accountable to Kamloops residents and businesses in providing effective management, best value, and responsible use of tax dollars.
 - Service Excellence: We promote the continuous development of staff and encourage innovation in process and service delivery.
- **Livability and Sustainability**
 - Healthy Community: We foster an environment that supports and promotes healthy living through community, recreation, and social connection.
 - Inclusivity: We reduce barriers for underrepresented groups to bring inclusivity, diversity, and fairness to our community.
 - Climate Action: We practice discipline in our environmental responsibility by enhancing the City's resiliency and capacity for mitigating climate change. We actively implement actions to reduce our environmental impacts.
- **Economic Health**
 - Business Development: We ensure our efforts and investments are measurable and accountable.
 - Economic Strength: We build strategies to increase our competitive advantage, cultivate growth, and support our residents.

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MAKING KAMLOOPS SHINE

SUMMARY

On January 9, 2024, Council requested staff bring forward a summary of the City's costs associated with senior levels of government downloading services onto municipalities. The issue of downloading is complex and has become muddled by the impact of the various services that are expected to be provided by various levels of government. Services such as medical response become less clear when the interdependence between policing, fire, and ambulance services are called upon to address an emergency.

Other conditions are very clear and easily identified, as the relationship between federal and provincial responsibilities and those of local governments is easily distinguishable. Growing centres face increasing demands for service delivery to address growing social and health needs related to poverty, homelessness, and medical support. At the same time, the financial challenges facing all levels of government require alignment to provide services effectively. This report will focus on the different forms of downloading in six key focus areas:

- gaps in service delivery - areas where policy and/or service delivery should fall under federal or provincial jurisdiction
- senior government services shortfalls - areas where service is delivered by senior government and there are gaps in the service level addressed by the local government
- legislative and regulatory framework - changes to senior government legislative and regulatory framework that impacts municipal budgets
- property taxation policy and partnering - changes by senior government to property tax policy that impacts the City's ability to collect or increase taxes and partnering on infrastructure upgrades
- emerging service - areas of emerging service need that have resulted in an expanded mandate or increased cost on local governments
- future impacts - changes that are either known or are still in a phase of materializing with an impact on local governments

RECOMMENDATION:

For information only.

DISCUSSION

Senior levels of government have been shifting services or costs onto local governments for many years. The period of review of this report is from the beginning of 2019 through the end of 2023. As a starting point, since 2019, both levels of senior government have continued to introduce changes to policy, legislation, and regulatory compliance during a period of considerable challenges in the employment market, the social environment, and the economy. As these impacts ripple through municipalities across the province, the impact is being felt at the local government level in the delivery of services and the need to adapt to address these changes is being felt by City operations and residents.

Many of the impacts being felt at the local level are attributed to changes initiated by the federal or provincial governments and gaps in the ability to deliver the requested services are becoming increasingly evident.

Several of the policy changes in effect have yet to impact the City financially; however, these changes are expected to affect the organization's future financial position.

Gaps in Service Delivery

Shelters, Social Housing, and Affordable Housing

In support of responding to the housing crisis and increasing homelessness, the following is a list of City-owned properties currently being leased or previously leased at a nominal fee (\$1) to the Province to provide shelter services, social housing, or affordable housing.

- Shelter Services
 - Memorial Arena and Kamloops Curling Club - leased during the pandemic (2020/2021) to provide up to 90 temporary shelter beds (\$250,000 lost revenue).
 - Kamloops Yacht Club - leased to provide 20 temporary winter shelter beds winter 2021/2022 and 2022/2023 (\$24,000 lost revenue).
 - Stuart Wood School - leased through joint approvals by the City and Tk'emlúps te Secwépemc to provide temporary winter shelter in winter 2017/2018 and 2021/2022 and served as a temporary shelter on an ongoing basis since November 2022 with a current lease to April 2024 (likely to be further extended).
 - 600 Kingston Avenue - leased for \$1 in 2021 to provide a 41-bed temporary shelter (Moir House) through to end of 2026.
- Supportive Housing
 - Idle City property located at 785, 805, 807, and 809 Mission Flats Road - leased to BC Housing for \$1 in 2018 to provide 54 temporary supportive housing units (ongoing) (the City's cost to acquire adjacent property (773 Mission Flats Road) and demolish older dwelling to accommodate displaced public works operations - \$727,000).
 - 317 Tranquille Road - long-term (60 years) lease to provide 58 supportive housing units (Spero House) (City cost to acquire and demolish the existing building - \$1.4 million).
- Subsidized Affordable Housing:
 - City property located at 445 5th Avenue and 527, 533, and 537 St. Paul Street was provided under a long-term lease (60 years) to provide 60 subsidized affordable rental housing units (Diversity Flats) (City cost to acquire the property - \$1.41 million).
 - City property located at 975 Singh Street was provided under a long-term lease (60 years) to provide 31 housing units for Indigenous youths and Elders (Kikekyelc: A Place of Belonging).
 - City property located at 440 MacKenzie Avenue was provided under a long-term lease (60 years) to provide 43 housing units for seniors.

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The City's total expenditures to accommodate the housing projects identified above is approximately \$3.537 million.

Housing Regulations (Bill 44 or 46)

The City works in partnership with the provincial government and BC Housing through a memorandum of understanding to support the planning, development, operations, and communications for future shelter, social housing, and subsidized affordable housing sites.

In 2023, the Province began issuing non-market and market housing targets to municipalities, including the City of Kamloops. Non-market housing is primarily achieved through provincial and federal funds, and market housing relies on investment and development by private landowners and developers.

Zoning changes required under Bill 44 to allow increased densities in urban areas will require significant infrastructure upgrades, which have not been accounted for in the Development Cost Charges Bylaw.

The Province also looks to the City to cover the costs for servicing and off-site improvements to assist in moving specific Province-led housing projects forward.

In summary, the costs in areas where policy and/or service delivery should fall under federal or provincial jurisdiction and where current gaps exist have negatively impacted the municipality either from a reduction in revenue, or the City costs to acquire property to support these forms of initiatives, along with recognizing the impact due to the loss of access and revenues on assets that are held for other civic purposes.

Gaps in Service Delivery	
Summary of Identified Costs	
Lost Revenue	\$274,000
Costs	\$3,537,000
Total	\$3,811,000

Senior Government Services Shortfall

This category impacts City service delivery and costs but is also difficult to quantify because they impact services in different ways and can be difficult to track. Costs that can be identified have been indicated.

Many of these cost impacts had been experienced by the local government; however, the COVID-19 pandemic placed a brighter spotlight on the growing opioid epidemic and the challenges in overall access to housing access and market affordability. Senior levels of government's response to these crises has been felt on the front lines of many municipalities, including Kamloops.

Mental Health and the Toxic Drug Crisis

Kamloops Fire Rescue Medical Response

In addition to fire suppression, Kamloops Fire Rescue firefighters provide pre-hospital care as first responders to medical calls. Kamloops Fire Rescue's response to medical calls is approximately 66% of their annual calls for service. In the last three years, medical responses have increased by 57% between 2021 (4,600) and 2023 (7,200). Of the total annual medical calls, overdose/poisoning responses have increased by 57% between 2021 (540) and 2023 (845).

For 2023 medical responses, Kamloops Fire Rescue arrived on scene 75% of the time and an average of 4 minutes and 42 seconds before BC Emergency Health Services. Given an average call duration of 26 minutes for Kamloops Fire Rescue's medical responses, the 2,600 additional responses put significant pressure on existing crews and resources.

The 2023 budget for fire suppression and medical response was \$21.6 million. Given the large portion of response calls that are medical in nature, there is an implicit cost related to the increase in on-scene time due to delays in BC Emergency Health Services responses.

Overtime costs have increased by approximately 58% (\$180,000) since 2020, and sick leave hours have increased by 31% (4,800 hours) over the same period. Several factors contributed to these increases, but there is a correlation between the increased call volume, member fatigue, and rising leaves taken.

The City incurs a range of costs, including supplying medical supplies and Naloxone costs of about \$1,000 per year, as these supplies are consumed through these forms of Kamloops Fire Rescue responses.

In addition to the increase in overall operating costs, an additional complication is the potential risk of delayed responses to other calls or a future need for increased staffing to meet rising demand. Medical response is a value-added service that Kamloops Fire Rescue provides as the primary responsibility for pre-hospital care lies with the Province through BC Emergency Health Services.

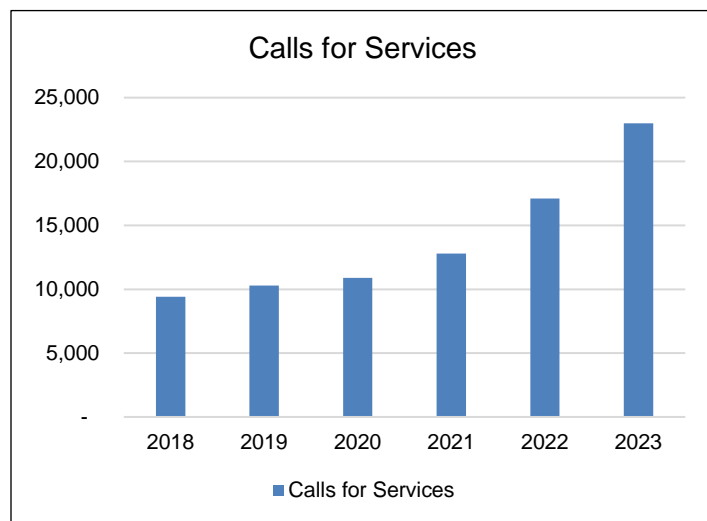
Community Services

Leading up to 2019, it became apparent that social issues were increasing at the community level, and traditional Bylaw Officers lacked the skills to respond to these types of incidents safely. In response, the division was rebranded to Community Services, and Bylaw Officer positions were transitioned to Community Service Officers. This reorganization was intended to provide augmented services to support bylaw enforcement and to partner with the RCMP to introduce a greater combined presence within the city.

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In 2018, 9,400 bylaw-related calls for service were received. Under the Community Services model, this has sharply increased each year, with 23,000 calls for service received in 2023. Of these calls, 24% were classified as social related.



This growth in call volume is attributed to residents’ increased awareness of the supports provided by Community Services and a continuation of the rising social issues that precipitated the creation of the department in the first place.

To respond to this rising call volume, Community Services has added six new full-time equivalents over the past five years, with those additional salaries and wages adding approximately \$860,000 to the budget annually. Community Services Officers receive a higher level of training (up to \$20,000) and equipment profile (up to \$20,000) than previously required, and more vehicles (five at approximately \$90,000 once fully outfitted each plus operating costs) have been required to support the increased officer numbers and call volume. The cost for homeless camp cleanup is a specific cost that has increased \$140,000 from 2018 levels.

Community Services Budget and Staff Levels¹

	2019	2020	2021	2022	2023
Salaries and Wages	\$2,581,000	\$2,851,000	\$2,975,000	\$2,775,000	\$3,788,000
Other	1,152,000	1,345,000	1,045,000	966,000	896,000
Total	\$3,733,000	\$4,196,000	\$4,020,000	\$3,741,000	\$4,684,000
Full-Time Equivalents	28.9	30.9	30.9	31.3	38.0

In fall 2022, BC’s Attorney General and the Minister of Public Safety and Solicitor General commissioned the Transforming Policing and Community Safety in British Columbia report. The report contained many recommendations to address the gaps in the system around the care of people with mental health and substance use needs involved in the criminal justice system. Central to this was the understanding of the need to increase non-police resources to address mental health and substance use issues.

An additional impact of the rising call volume and the resulting Community Service Officer resource constraints led to a temporarily reduced focus on parking enforcement in the key business corridors. Parking ticket revenues in 2021 decreased by approximately \$40,000 and by a further \$5,000 in 2022. Once additional Community Service Officer resources were added as part of the 2023 supplemental budget process, Community Services Officers were able to refocus on enforcement, and revenue returned to historical levels.

¹ Combined custody of prisoners, Community Services, and parking budgets. The salaries and wages decrease in 2022 is attributable to a realignment of budgets and positions to the new model.

On-Street and Off-Street Parking and Ticket Revenue

	2019	2020	2021	2022	2023
Parking Revenue	\$2,000,900	\$1,111,700	\$1,432,300	\$1,468,200	\$1,482,700
Ticket Revenue	166,400	105,900	62,500	56,300	113,100
Total	\$2,167,300	\$1,217,600	\$1,494,800	\$1,524,500	\$1,595,800

Parking revenue was significantly impacted by COVID-19 measures and has been slow to recover. This is partially a result of changes in demand due to an increase in remote office workers and the effects of reduced enforcement due to Community Service Officers' capacity constraints.

Contracted Security

During the transition period to the Community Services model, the need to supplement the emerging program with private security services was identified. These security firms were engaged to support and minimize community impacts brought on by an increase in social conditions caused by the COVID-19 pandemic, opioid crisis, and lack of safe and secure housing for marginalized people.

While the City implemented these supports, funding was provided received through provincial Strengthening Communities' Services Program grants provided for security services in the city's key commercial corridors. This funding package expired in summer 2023. To keep this important support in place, the City approved using \$450,000 from the Gaming Reserve to maintain this service until the end of 2023.

The costs for security services over the past three years were \$689,000 in 2021, \$1.023 million in 2022, and approximately \$1.177 million in 2023. These costs were offset by grant funding totalling \$1.650 million over the same period. Security is still utilized in park areas and overnight; however, Community Services now has capacity to reduce usage.

Continuing security costs for 2024 are estimated at \$75,000 per month to provide ongoing patrols at transit exchanges, parkades, and surface lots and to perform washroom lockups and night patrols in the parks.

Having initiatives being funded by non-taxation-based revenues (e.g. the Gaming Fund) creates a challenge for the organization in that these funds have traditionally been used to introduce specific projects or initiatives that are completed in a short-term period. With these funds being diverted, it limits the introduction of broader community-based amenities or initiatives that would be added with these non-taxation forms of funding.

Homelessness

On March 2, 2021, Council directed staff to create comprehensive short-, medium-, and long-term plans for preventing and alleviating street issues. One of the medium-term options proposed in the original Notice of Motion was to identify daytime space for street-involved

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individuals. In July 2021, Council authorized Administration to enter into a short-term facility use permit with the Kamloops Aboriginal Friendship Society and The Mustard Seed to provide The Gathering Place, a seasonal outdoor day space for people experiencing homelessness that was operated in a City-owned parking lot at 48 Victoria Street West. Council authorized the seasonal day space for unhoused individuals at 48 Victoria Street West again in 2022, 2023 and 2024. This initiative operates from April or May to October and is funded through the federal Reaching Home program.

In March 2023, Council approved \$450,000 in funding from the Gaming Reserve to support social-related initiatives beyond the August 2023 conclusion of the Strengthening Communities' Services Program funding. This funding was to continue operating the Envision Outreach Shuttle, the Community Service Officers Outreach Response Program, and the Clean Team through the end of the year.

In November 2023, for the 2024 budget, Council approved \$682,000 in annual funding (the initial year from the Gaming Reserve) to support the Community Service Officers Outreach Response Program (\$422,000) and the Clean Team (\$260,000) on an ongoing basis. The Envision Outreach Shuttle is now supported by funding from the federal Reaching Home program.

Social and Community Development Section

In 2009, Council adopted the Kamloops Social Plan, which resulted in the creation of the Social and Community Development Section to address community needs through the provision of programs and services to support community well-being and an inclusive, accessible, healthy community.

This portfolio puts particular emphasis on supports for vulnerable demographic groups, including, among others, seniors, children and youth, low-income families, Indigenous people, people with disabilities, and people experiencing homelessness. All municipalities have undertaken a social planning and community development function.

For many years through this portfolio, the City has provided affordable access to recreation and transportation; programs for youth, seniors, people with disabilities, and low-income families; food security initiatives; engagement with neighbourhood associations and support for community development initiatives; social and community development grants to community -based programs in alignment with Council and community priorities; coordination and support for community partners in addressing social issues; and social plans in the areas of food security, youth homelessness, childcare, affordable housing, accessibility and inclusion, and housing needs.

Over the past decade, new and growing social issues and community needs have arisen that municipalities, government agencies, and community partners are responding to. These include, among others:

- the toxic drug supply crisis
- the housing crisis and an increasing scale of homelessness
- limited access to and availability of childcare spaces
- increasing food insecurity

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These issues are compounded by strains on our health care system and social safety net, climate change impacts, and demographic transitions. While housing, childcare, health care, and social services fall under the jurisdiction of senior government, these emerging social and community needs require municipalities to respond to address gaps where provincial and federal partners are not meeting them. This has resulted in the growth of social planning and community development portfolios in municipalities across the province and the country.

Prior to 2021, the City's Social and Community Development Section included five staff: a supervisor, two union coordinators, one union coordinator specifically for the Emergency Support Services program, and a project manager to support administration of the federal Reaching Home program.

In 2021, with escalating social issues creating increased impacts in the community, a new management position was created to provide oversight, direction, and additional capacity to the portfolio and to support relationship-building and partnership development with senior government agencies, including BC Housing, Interior Health, the Ministry of Social Development and Poverty Reduction, and the Ministry of Mental Health and Addictions. An additional Reaching Home project manager position was also created to support the program's increasing scale.

In 2022, a new supervisor position, predominantly funded through the federal Reaching Home program, was created to provide oversight and management support for the expanding program and to address new responsibilities given to the City as the local administrator of the program, including the development of a coordinated access and assessment system and a homelessness information management system. This new supervisory role also increased capacity to support the Emergency Support Services program, which is being activated with increasing frequency and duration to support regional evacuees fleeing the increasing number and scale of wildfires and floods.

Social and Community Development Section 2019–2023

The federal Reaching Home program funds the Social and Community Development Section. Most of the Reaching Home funds are provided to community programs and services to prevent and reduce homelessness in Kamloops, with the City utilizing an allocated portion for program administration, staffing, and specific projects like the Point-in-Time Count or extreme weather supplies for unhoused individuals.

The following table does not include salaries and wages for the Emergency Support Services program staff, which come from a different program. The federal government invested significant additional funds into the Reaching Home program during the COVID-19 pandemic.

	2019	2020	2021	2022	2023
Salaries and Wages	\$131,000	\$163,000	\$405,000	\$388,000	\$582,000
Community Programs and Services (Reaching Home, Service Agreements, Social and Community Development Grants)	1,219,000	2,211,000	4,664,000	2,258,000	2,577,000
Grant Funding	(569,000)	(1,426,000)	(4,036,000)	(1,640,000)	(1,874,000)
Total	\$781,000	\$948,000	\$1,033,000	\$1,006,000	\$1,285,000
Full-Time Equivalents (not including Reaching Home and Emergency Support Services program staff)	3.0	3.0	4.0	4.0	4.0
Full-Time Equivalents (including Reaching Home and Emergency Support Services program staff)	5.0	5.0	7.0	8.0	8.0

The ownership of the services identified under senior government services shortfalls can be described as shared between all three levels of government. These services, specifically the ability to clearly delineate where one level of government's responsibility starts and another's ends, are muddy at best. The service that best shows this is emergency/medical response. It is commonplace to see multiple first responders dealing with a situation, so while the local government incurs some of these costs, it is reasonable that those costs would be incurred regardless of the nature of the situation being responded to.

Government Shortfalls	
Summary of Identified Costs	
Overtime Costs	\$400,000
Medical Supplies	\$5,000
Camp Cleanup	\$210,000
Community Service Officers	\$813,000
Security	\$1,239,000
Community Programs	\$787,000
Total	\$3,454,000

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Legislative and Regulatory Framework

Municipalities are often impacted by senior government policy and legislation that result in increased spending by municipalities. While not directly considered downloading, these collectively require the City to increase its budgets or staffing. In a number of these circumstances, a stronger consultation process would improve coordination and help municipalities minimize additional costs.

Response to Emergency Situations

Kamloops is centrally located in BC's Interior. In many circumstances, it becomes the destination for many other Interior residents during periods of local evacuation orders. Over the past number of years, Kamloops has been relied on as a host community for displaced residents from Merritt, Williams Lake, and Lytton.

With the changes to the *Emergency and Disaster Management Act* and a new potential requirement to be a host community, these services are necessary for evacuees, and supplying them is very impactful to the corporation's ability to maintain its brand of Canada's Tournament Capital.

Many City facilities become unavailable during host community activations to support many of the displaced residents or responding agencies. As these types of events become more frequent, the City is expected to experience a larger financial impact and that there will be less access for sports organizations and residents. In many circumstances, a number of these residents chose to remain in the city after many of the displaced people have returned home.

The Province covers some of these expenses; however, some costs, such as technology access and lost revenues, are not covered while the facility is unavailable. Potentially adding to the situation is the impact on reputation as the public becomes increasingly aware of the impacts that, for example, wildfires have on evacuation and air quality. Areas where these conditions exist become less desirable, and tourists and visitors are booked elsewhere where there is a greater level of comfort that these conditions will not impact their plans or events.

Adding to the delay in resuming normal City activities is that staff time is required to clean and prepare the facility to support program delivery.

Bail Reform

Kamloops RCMP experienced an increase in calls for service from 45,000 in 2019 to almost 47,000 in 2022. Of those calls for service, criminal code offences increased by 3,500 over the same period. Many of these calls were related to mental health issues, addiction issues, and level of homelessness are a common theme with many missing person files. These investigations are challenging as those closest to these missing individuals are often difficult to locate. These investigations can be costly and resource intensive.

In response to rising case files per member, Council authorized an increase in the number of authorized RCMP members. For 2024, the budgeted target is 138 members, an increase of nine members over the previous budget level of 129. At the current estimated cost of \$225,000 per member, this equates to a \$2.0 million budget increase.

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This increased amount does not account for the municipal support employees and facilities requirements needed to support a growing RCMP contingent. It should be noted that rapid population growth in Kamloops would have resulted in the need for additional policing resources regardless, but the timing was accelerated due to the rising caseload.

Changing Policies Towards Substance Use and Safe Supply Access

These policies impact the overdose crisis and the overall community. They add to the cost of delivering City services across multiple departments, as outlined in the medical response section.

WorkSafeBC Regulation Changes

Mental Health/Psychological

In 2012, WorkSafeBC introduced amendments to the *Workers Compensation Act* recognizing the impact of traumatic workplace events. These types of events have grown over the years as the impacts of mental health and psychological conditions are becoming more prevalent in the workplace, increasing psychological injuries.

The cost of a psychological injury in 2021 was \$220,270, which is five times more than a physical injury. As the number of accepted psychological injuries is increasing, the City has responded by providing various resources around mental health through benefits and an employee and family assistance program.

In support of these changing developments, the City has developed a wellness committee that focuses on mental and physical health. Through this committee, the City completes a Workplace Mental Health Essentials Canada to review where the city is currently at regarding mental health and to provide some guidance on the next steps to become a psychologically safe workplace.

Asbestos Certification and Licensing

WorkSafeBC introduced more stringent requirements for additional training with asbestos, which led to increased training for staff and contractors. These are all positive changes from a safety perspective but come with a cost to the City. The regulation changes required any City staff who handle asbestos or oversee contractors who handle asbestos to take additional training.

Of the staff who handle asbestos, 38 have achieved in level 1 certification at a total cost of \$4,500, and two staff have achieved level 3 certification at a total cost of \$3,000. Level 1 training is one full day, level 2 training is three full days, and level 3 training is one full day. Completion of levels 1 and 2 is a prerequisite for level 3.

In these circumstances, there is an additional cost to the City, either for employees who, while receiving training, are not available to deliver on City services or for contractors who, with training, pass this time on to the City as part of the overall cost to deliver the work that they are undertaking.

Traffic Control

The updated Traffic Management Manual (2020) required flashing arrow boards to be added to the tops of 25 City vehicles. Each of these arrow boards costs approximately \$3,000, for a total spend of \$75,000. Another requirement with the new regulations is the use of portable traffic signals. The City needed to purchase two portable traffic signals for \$57,500 each. In addition to these capital costs, any projects which require traffic control are seeing cost increases due to the new regulatory requirements.

Adding to overall safety awareness, in 2021, the change in requirements to provide a more stringent level of traffic control led to an increase in training requirements for training, staff time on site for assessments, and overall projects costs. These are all positive changes from a safety perspective but come with a cost to the City.

*Other Financial Impacts*Employer Health Tax

Effective January 1, 2020, the provincial government introduced the employer health tax as a replacement for the previous premium-based BC Medical program. The BC Medical premium was a fixed amount per person, or couple as opposed to a percentage allocation based on total payroll. The City's annual payroll is more than the \$1.5 million threshold that results in the provincially mandated tax rate of 1.95% of gross salaries and wages.

	2019	2020	2021	2022	2023
BC Medical	\$516,800				
Employer Health Tax	-	\$1,224,336	\$1,295,694	\$1,391,639	\$1,440,000
Difference Over 2019	-	\$707,536	\$778,894	\$874,839	\$923,200

When introduced in 2020, organizations with an annual payroll of less than \$500,000 were exempt from paying the employer health tax. As a result, many of the larger organizations, such as municipalities, were placed in the position of carrying the cost burden of these smaller businesses. This impact is expected to continue and to grow, proposed legislation changes for 2024 are expected to see the exemption limit double to organizations with an annual payroll of less than \$1.0 million.

Provincially Legislated Five Paid Sick Days

In addition to the number of sick days identified in the City of Kamloops collective agreement with CUPE Local 900, at the start of 2022, the Province legislated five sick days for staff who are not part of the union. The cost to the City in 2023 was \$24,467.

BC Carbon Tax

Since 2008, the provincial carbon tax has been applied to the purchase or use of fossil fuels, such as gasoline, diesel, natural gas, heating fuel, and propane. The carbon tax is collected at the fuel's point of retail consumption. In 2008, the BC carbon tax rate was calculated based on

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\$10 per tonne of carbon dioxide equivalent emissions (tCO₂e) produced at combustion. In 2023, the rate used by the Province and the federal government is \$65/tCO₂e.

Carbon Tax Rate by Fuel Type by Year

Fuel Type	2019	2020	2021	2022	2023
Gasoline (\$/L)	\$0.089	\$0.089	\$0.099	\$0.110	\$0.143
Diesel (\$/L)	\$0.102	\$0.102	\$0.117	\$0.130	\$0.169
Natural Gas (\$/GJ)	\$1.99	\$1.99	\$2.31	\$2.56	\$3.24

Gov.BC.ca/Assets/Download/2B773FE65B2E4370A4369A92311CA780

Carbon Tax Cost on Operations by Fuel Type by Year

Fuel Type	Average Consumption /Year*	2019	2020	2021	2022	2023
Gasoline \$/L	400,000 L	\$35,600	\$35,600	\$39,600	\$44,000	\$57,200
Diesel \$/L	930,000 L	\$94,860	\$94,860	\$108,810	\$120,900	\$157,170
Natural Gas \$/GJ	81,433 GJ	\$162,072	\$162,072	\$188,110	\$208,468	\$263,843
Total Carbon Tax Estimate		\$292,532	\$292,532	\$336,520	\$373,368	\$483,213

*Average consumption volume has been kept flat to show the impacts of the change in the carbon tax on operations.

Based on the estimates in the table above, carbon tax represents \$483,213 of the \$3,329,400 paid for fossil fuels used in the delivery of municipal services in 2023. These carbon tax expenses are partially offset by the \$325,000 of revenue the City receives through the Local Government Climate Action Program.

The Local Government Climate Action Program replaced the former Climate Action Revenue Incentive Program that was retired in 2021 and effectively reimbursed 100% of the carbon tax paid by municipalities for publicly reporting their annual greenhouse gas emissions.

This taxation impact on the City is expected to grow and increase as planned increases have already been identified at the provincial and federal government levels. As of April 1, 2024, the carbon tax rate increased by 23.0% from \$65 to \$80 per tonne.

Various Permitting (or Licensing)

Part of the ongoing relationship between City staff and other ministries of both governments or other government agencies is working within the regulatory and compliance requirements that are in place. Many of the requirements result in the need to secure “permission” before performing specific project works.

In many of these situations, delays are encountered in securing the completed permit in a timely manner. In some instances, these delays extend over many months and even years and, as a result, increase the project’s costs due to these delays. In addition to this cost increase, there is a domino effect where the delay in one year will impact future years’ project timing, priorities, funding, and access to resources.

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The financial impact of these forms of delays is difficult to measure as inflationary impact due to supply and demand, supply chain issues, and contractor availability all contribute to cost increase caused by permitting delays.

Regulations

Enhanced enforcement of regulations has led to higher project costs as we comply with building permitting, the *Heritage Conservation Act*, and the *Wildlife Act*.

Changes to existing regulations affect our ongoing operations, as staff need to ensure compliance with the regulations and change existing capital plans where they no longer fit the regulations. Changes in regulations for things like wastewater, organic matter, drinking water, and privacy require a lot of internal and external resources to ensure we are continually compliant. In cases such as the Commercial Vehicle Safety Enforcement hour of work regulation changes, it affects how we can meet our service level within our approved staffing.

While many of the regulatory changes are resulting in a positive impact on City operations, particularly those that help provide a safer working environment for the nearly 1,000 employees, others do not. Introduction of the employer health tax and the bc carbon tax add to the City's overall costs, and while they are intended to provide a greater value to the Province, they leave little being returned to the municipality.

Legislative and Regulatory Framework	
Summary of Identified Costs	
RCMP	\$2,030,000
Asbestos Training	\$185,000
Traffic Management	\$132,500
Employer Health Tax	\$3,284,469
Provincially Mandated Five Paid Sick Days	\$24,467
BC Carbon Tax	\$206,581
Total	\$5,863,017

Property Taxation Policy and Partnering

Supportive Housing Exemption

In addition to statutory and permissive exemptions, eligible properties designated as supportive housing (Class 3) are assessed at a nominal value and are effectively exempt from property taxes.

The Province created this property class pursuant to the *Small Business and Revenue Statutes Amendment Act, 2008*. This exemption is applied to 19 Class 3 properties. It is difficult to project what the assessed value and corresponding taxes of these properties would be.

Provincial Partnership in Municipal Upgrades

In many instances when City infrastructure is being revitalized, such as work recently completed on the Victoria Street West corridor, partnerships with Crown agencies or private companies result in increased costs to the City. Many of these agencies benefit from activities like installing infrastructure underground instead of maintaining it overhead or relocating their infrastructure to provide easier access. In many of these situations, there is no fair consideration of the value the third party provides. In these situations, the City identifies an overall fully funded budget to deliver the project uninterrupted.

This situation also exists when Crown agencies upgrade their infrastructure and restore the location. However, rather than restoring the area to a preferred standard, these agencies restore to a like-for-like deliverable instead. For example, instead of installing curb, gutter and sidewalk to current design standards, they replace it to the same standard curb as the existing outdated infrastructure.

Emerging Services*Implementation of Surrey Policing Service*

Kamloops is a large municipality in relation to the surrounding communities and as a result, the city has the largest comparative contingent of RCMP members in the Thompson region. This allows for additional specialty members, such as a dog team, identification and forensic specialists, and emergency response team members. The Kamloops RCMP Detachment also has two provincially funded forensic members.

These specialty members are expected to cover the entire Thompson region and are often tasked outside the community to support smaller municipalities and rural areas. There is currently no cost-sharing initiative to support this central resource, so the City bears an outsized portion of the carrying costs for these shared resources.

The City of Surrey is transitioning from the RCMP to a municipal police force. Surrey has had the largest RCMP contingent in the province, so its departure will have a significant, although currently unknown, impact on ongoing operations. For example, ticket revenue for the province is pooled and paid to member communities through a pro-rata allocation based on member full-time equivalents. Surrey's pending transition from the RCMP will decrease the RCMP's total full-time equivalents and likely reduce the total ticket revenue collected and distributed. The City has already experienced a \$100,000–\$150,000 per year reduction in ticket revenue.

On the contract cost side, the impacts of Surrey's departure on divisional overhead, recruitment, and training expenses remain unknown. These costs are also allocated based on the full-time equivalents model, with an expectation that with fewer province-wide full-time equivalents to allocate against, the City would see an increase in the cost per member.

Future Impacts*Orphan Dikes*

During flooding, mainly in the 1970s, many dikes were constructed on an emergency basis and not to applicable standards. Responsibility for these dikes was never established, and they became known as orphan dikes. In 2020, the Province contracted a consultant to assess all orphan dikes in BC.

The estimated cost to upgrade the orphan dikes within Kamloops' jurisdiction was \$115 million. We can assume that the cost has drastically increased with the inflation of construction services. If the Province continues with the strategy of assigning responsibility for orphan dikes to local governments, the cost and liability of this assignment would be immense.

Dams (Inherited)

During its amalgamation, the City of Kamloops inherited several small dams operated by the BC Fruitlands Irrigation District. The City has never used or operated these dams but is responsible for their liability.

The current cost estimate for decommissioning these dams is \$5 million, and this estimate is included in both the 2027 and 2028 water utility capital budgets. There are ongoing discussions with the Province and Tk'emlúps te Secwépemc to find more cost-effective and less environmentally disruptive options.

Childcare

As the demand on working parents increases, local governments have started to be drawn into the area of childcare. As Kamloops continues to grow, there is a need to support current municipal employees, other residents, and future residents. This concern may materialize in several ways. Subsidized childcare services may be provided, property or venues may be identified and provided, or local government may take on the responsibility of filling the gaps in the marketplace. Any costs associated with childcare are unknown until the details and nature of the programs and responsibilities are known.

With the ChildCareBC New Spaces Fund, 100% of project costs are covered if the applicant and landowner is a local government, Indigenous organization or governing entity, or a public body such as a health authority, board of education, post-secondary institution, or Crown Corporation. However, only 90% of project costs are covered if the applicant and landowner is a non-profit entity or independent school. This places additional pressure on the City to sponsor applications and provide land.

Sustainability

In March 2021, the Province redefined and introduced new 2030 emissions targets within four target sectors to meet provincial greenhouse gas targets. Many of these targets transcend the service activities of the municipality.

These changes to the provincial emissions targets align with the federal 2030 Emissions Reduction Plan. The plan reflects input from provinces, territories, Indigenous Peoples, the Net-Zero Advisory Body, and interested Canadians on what is needed to reach Canada's more ambitious climate target of 40%–45% emissions reductions by 2030.

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In October 2023, amendments to the *Zero-Emission Vehicles Act* implemented accelerated sales targets for new light-duty vehicles sold in BC, which were initially announced in the CleanBC Roadmap to 2030, so that 26% of light-duty (cars and trucks) vehicle sales in the province are zero-emission vehicles, 90% by 2030, and 100% by 2035.

The *Canadian Net-Zero Emissions Accountability Act* sets out Canada's commitment to achieving net-zero emissions by 2050. The act ensures transparency and accountability as the government works to deliver on its targets and requires public participation and independent advice to guide the Government of Canada's efforts.

While there are currently revenue streams providing funding to either the federal or provincial governments through the carbon tax, the level of revenues that are anticipated to be collected is greatly outpacing the amount of funding being provided back to local governments to support the implementation of these program and help achieve the emissions targets. This shortfall in funding is going to be required to meet the targets, and unless there is a change in the funding allocation from higher levels of government, it is going to fall on the local governments to identify funding opportunities.

BC Carbon Tax

In 2024, the BC carbon tax as a component to consumable fuels is expected to increase to \$0.1761 per litre for gasoline and \$0.1525 per m³ of natural gas consumption. Under the current government, this form of taxation is expected to triple by 2030. For this impact, average consumption volume has been kept flat to show the impacts of the change in the carbon tax on operations.

BC Carbon Tax Rates

	2024	2025	2026	2027	2028
Gasoline \$/L	0.1761	0.2091	0.2422	0.2752	0.3082
Diesel \$/L	0.2074	0.2462	0.2851	0.3239	0.3628
Natural Gas \$/GJ	4.0951	4.8631	5.6311	6.3991	7.1671

BC Carbon Tax Cost on Operations

	Estimated Volumes	2024	2025	2026	2027	2028
Gasoline L	400,000	\$70,440	\$83,640	\$96,880	\$110,080	\$123,280
Diesel L	905,000	\$187,697	\$222,811	\$258,016	\$293,170	\$328,325
Natural Gas GJ	84,378	\$336,324	\$399,398	\$462,473	\$525,548	\$588,622
Total Carbon Tax Estimate		\$664,901	\$789,489	\$914,248	\$1,038,878	\$1,163,507

Occupational First Aid

The requirement for the number of staff trained in Level 1 and Level 2 first aid will change at the end of 2024. This change will require the City to train more staff in Level 1 first aid. In 2024,

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there are 16 first aid courses scheduled, each costing \$1,200, for a total of \$19,200. The training requirements will continue in future years.

Future Impacts	
Summary of Potential Costs	
Orphan Dikes	\$115,000,000
Dams	\$5,000,000
BC Carbon Tax	\$2,194,548
First Aid	\$19,200
Total	\$122,213,748

SUMMARY

Policy changes at both senior levels of government over the past five years have resulted in many impacts on local governments. In addition to these changes, the overall social and economic environments have added new challenges that are needing to be addressed by local governments. In some situations, the relationship between cause and effect is apparent and obvious, while in other situations, the impact is more challenging to identify and quantify.

As local government service delivery is placed on the front line to address the community's concerns, municipalities must find ways to meet new or changed regulatory requirements and address the growing gaps in services of other levels of government.

The following table summarizes the costs for each impact area from higher-level government policy changes or the expanded role that the City has had to undertake. The costs that the City has been able to quantify are included; however, as noted throughout the report, many significant impacts are not possible to quantify.

Identified Costs	
Gaps in Service Delivery	\$3,811,000
Senior Government Services Shortfalls	\$3,454,000
Legislative and Regulatory Framework	\$5,863,017
Property Taxation Policy and Partnering	Unknown
Emerging Service	Unknown
Future Impacts	\$122,213,748
Total	\$135,341,765

These costs have created and are likely going to continue to create an ongoing financial challenge for the City and provide opportunities to build partnerships with senior government to

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Support for Downloading Costs on Municipalities Councillor Katie Neustae...

explore improved co-operation and coordination and expand access to funding provide stable and predictable funding solution that does not lie solely on the municipal tax-payer.



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Corporate Services Director



Approved for Council

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