
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

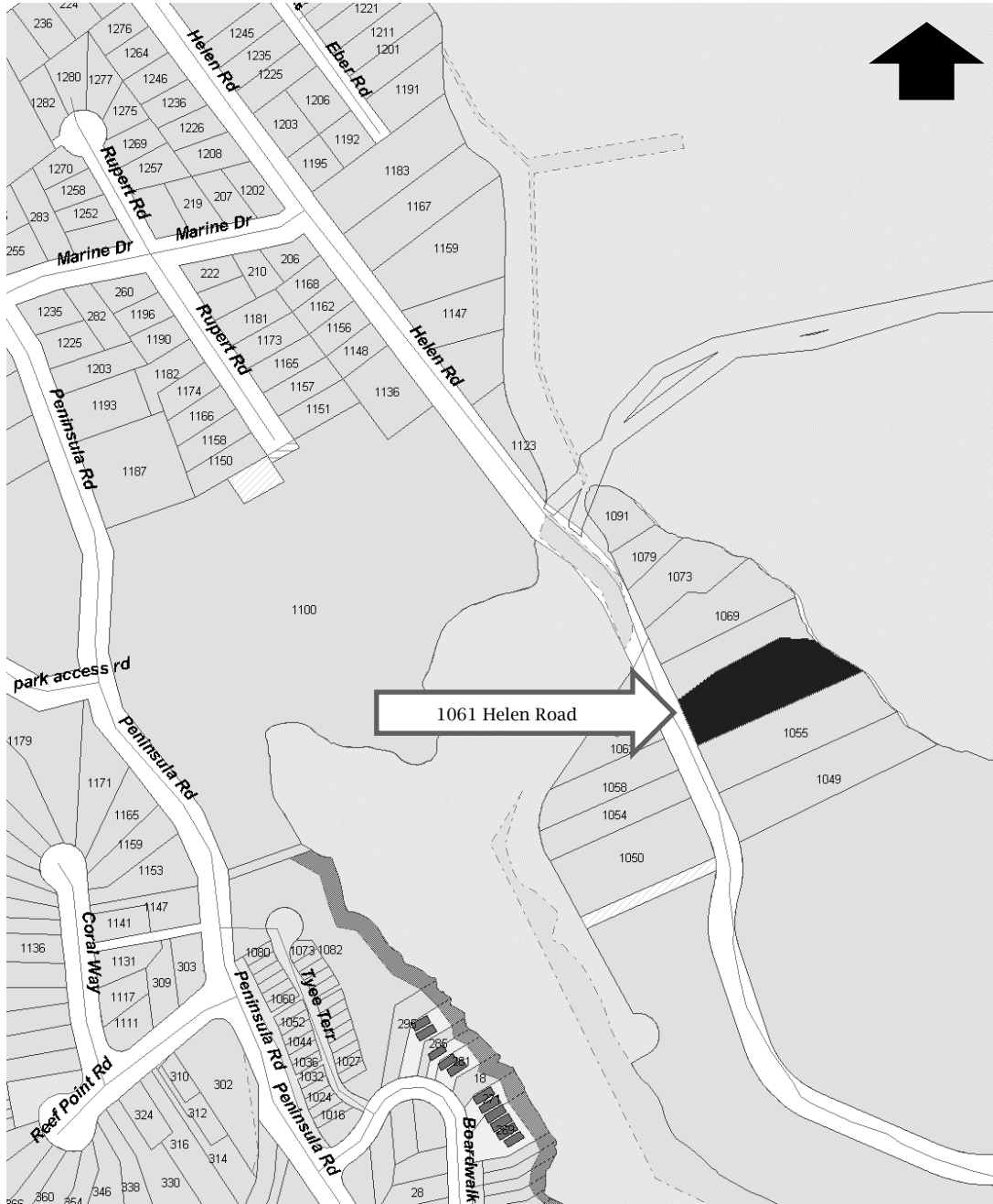
THE CORPORATE SEAL of the District of Ucluelet was hereto affixed in the presence of:

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)