

Mayor and Council  
District of Ucluelet  
April 12, 2021



The Wild Pacific Trail Society has focused on establishing public access at Wyndansea for decades. Signature Circle subdivision was granted with agreements for coastal public access through the entire property as a public amenity. Trail access has not been established. We request that years of District and Trail Society work to achieve signed agreements will be honoured by Onni. The community was asked to trust developers to deliver amenities when subdivision was approved. Now Onni Group needs the district to move forward with no trails in place? If not now, when?

The WPTS respectfully requests open trail routes matching Ucluelet's 2021 OCP map.

The OCP map for this area echoes Onni Group's 2019 open house plan below:



*Above is a board from Onni's Group's public open house promising trail routes.*

Launching public sales with a large 8 x 10 foot billboard will generate great interest, but the curious public will get lost following unmarked old trails and roads intended for future public use. Opening an officially marked trail route will enhance sales at Signature Circle and public safety. The Trail Society would be delighted to work with all interested parties, to build a win-win for all.

*The WPTS stands by the letter below written to the Onni Group in 2019 offering to assist:*

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Attention: Jason Newton

Sent: January 2019

Re: Trail Route Considerations in Advance of Ucluelet Development

We wish to open a friendly dialogue with you in response to the public open house you held last June in Ucluelet. We are happy to see your proposed dedication of natural green space and several trail routes illustrated on your plans. It is the goal of our society to expand trails to protect a spectacular coastal corridor to the Pacific Rim National Park Reserve; you can play a big part in making this dream a reality.

As you continue to plan for the development of your property, we would like you to consider giving permission to the municipality and the Wild Pacific Trail Society to route the ocean side trail in advance of development.

Trail access would establish a green space corridor and control the route people are allowed to follow. The District is prepared to cover liability, maintenance and orientation for users on existing trail sections crossing private lands before development. The Wild Pacific Trail Society has an efficient record of facilitating trail projects for this type of agreement with a private property owner.

**For Onni, the benefits of opening a trail route ahead of development are many:**

- builds a constituency of support among trail users and reinforces the reputation of Onni as a forward-thinking, green and community-minded development organization;
- makes it possible to experience the long-term amenity value of trails and open space in this location, which will enhance the **value of the land**; and,
- builds demand for **future sales**: visitors who experience the vistas along the trail and understand the connectivity of the Onni lands will become future customers. Marketing an existing asset is easier than a promised amenity.

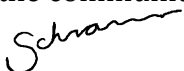
For the public, this would be an opportunity to improve the trail experience by the following:

- ensure appropriate facilities, such as safe parking locations and facilities for waste collection at trailheads;
- provide signage so that trail walkers can follow clear loops on identified lands with appropriate public access, rather than the current situation of unclear trespass. As development begins it will benefit everyone to have a clear expectation of where the public can and can not access this area.

The Wild Pacific Trail Society is excited to collaborate in the creation of trails through intact green corridors as recently shown on Onni Group's land use plans presented at the public open house last June. This is a visionary plan! We would like to work with Onni Group and the District to ensure your property leads the way in working with the natural treasures that the Wild Pacific offers.

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The WPTS urges Council to request official continuous trail access through Wyndansea before opening road access or sales billboards. When the tree farm license for this area was released, the community packed the REC hall to ensure protections. The time is now to do so.



Sincerely, Barbara Schramm  
President, Wild Pacific Trail Society

June 8, 2021

**District of Ucluelet**

200 Main Street, PO BOX 999  
Ucluelet, British Columbia V0R 3A0

**Attention: Andy Laidlaw, Acting Chief Administrative Officer**

**Re: File No. 3360-20 RZ21-04 Rural Land Use Designation of CD-5A and CD-6 lands**

Onni Wyndansea Holdings Ltd (fka Wyndansea Hotel Inc) (“Onni”) is the registered owner of 29 lots zoned CD-5A and VR2 under the District’s Zoning Bylaw. We write in response to the District’s 10 May 2021 letter advising Onni of proposed changes to the Zoning Bylaw and Official Community Plan and requesting our comments in advance of second reading.

Onni is opposed to the proposed rezoning. By way of background, the lands in issue were subdivided in 2008, resulting in 30 bare land residential strata lots (the “Lots”). The infrastructure required to serve the new subdivision, known as Signature Circle, was installed by the then owner and in July of 2012, the District accepted the dedication of those services, including municipal water and sewer infrastructure, as was required by the District.

The development of the Lots subsequently stalled and the District shut off the water service and temporarily blocked the road access. In 2014, Onni acquired the registered owner of 29 of the 30 Lots, with one of the Lots having already sold to another individual. When Onni acquired the 29 Lots, its intention was to complete the Signature Circle development.

As confirmed in a recent staff report by Mr. Greig, the manager of community planning, “since late 2020, staff have been in discussion with the Onni, answering questions regarding the steps necessary to re-instate the services to Signature Circle.” In early 2021, following those discussions, Onni submitted a formal request to re-activate the previously dedicated services and open Florencia Drive. Onni also submitted a letter to the District requesting approval for a temporary real estate sign and related encroachment agreement.

Onni’s application to reinstate the services and the request for an encroachment agreement were considered by Council on 14 April 2021. The staff report in support of the application to re-instate the services explains:

*The municipal services were installed and accepted by the municipality in 2012. Water and sewer services should therefore be re-instated as requested; staff recommend the budget and time requirements should be identified to deliver these services within a reasonable timeframe.*

However, instead of dealing with the request to reinstate the services that would allow Onni to complete the previously approved project under the current zoning and MDA, the Mayor put forward the following motion in an attempt to try and thwart its completion:

“that Council direct staff to prepare a zoning amendment bylaw to return the zoning of the CD5A and CD-6 lands, north of Ancient Cedars and the current of the Wild Pacific Trail, to a rural zoning designation like they held previously – to for now, allow a single residential use on large rural lots.” (the “**Motion**”)

The Motion was adopted by Council and on 2 May 2021 Council gave first reading to District of Ucluelet Official Community Plan Amendment Bylaw No. 1292, 2021 and District of Ucluelet Zoning Amendment Bylaw No. 1293, 2021 (the “**Amending Bylaws**”) the purpose of which is to effectively downzone the properties and significantly limit the developability of the Lots.

Although Onni’s intended use and development of the Lots is protected under Part 14, Division 14 of the *Local Government Act*, such that the Amending Bylaws won’t apply to the Lots in any event, Onni is nevertheless strongly opposed to the rezoning. There are certain disadvantages to having a lawful non-conforming use (as opposed to a lawfully conforming use) and Onni therefore wishes to keep the current zoning in place. Further, if it is the District’s intention to withhold or deny the issuance of any permits based on the Amending Bylaws, Onni will challenge the adoption of the bylaws and the District’s decision(s) to withhold approvals. Alternatively, Onni will pursue a claim for damages against the District for unjust enrichment since it obtained various benefits, including services and amenities, as part of the previous approvals.

Although Onni will take whatever legal steps are available to defend its rights, we remain committed to working with the District to ensure the completion of the Signature Circle subdivision and the remaining stages of the development. Accordingly, we urge the District to abandon the proposed Amending Bylaws and work with us to ensure the successful completion of a project both Onni and the District can be proud of.

Sincerely,



**Onni Wyndansea Holdings Ltd**