



REGULAR MEETING OF COUNCIL
Tuesday, March 23, 2021 @ 3:30 PM
George Fraser Room, Ucluelet Community Centre,
500 Matterson Drive, Ucluelet

AGENDA

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1. CALL TO ORDER	
2. ACKNOWLEDGEMENT OF FIRST NATIONS TERRITORY	
Council would like to acknowledge the Yuułu?iŋ?ath First Nation, on whose traditional territories the District of Ucluelet operates.	
3. NOTICE OF VIDEO RECORDING	
Audience members and delegates are advised that this proceeding is being broadcast on YouTube and Zoom, which may store data on foreign servers.	
4. LATE ITEMS	
5. APPROVAL OF AGENDA	
6. UNFINISHED BUSINESS	
7. MAYOR'S ANNOUNCEMENTS	
8. PUBLIC INPUT & DELEGATIONS	
8.1 Public Input	
• Public input via Zoom.	
• Public input via communityinput@ucluelet.ca	
8.2 Delegations	
• Alex Lazarowich, Anne Francis and David Kerr, Frantic Films	5 - 20
Re: Filming the Ucluelet Episode of CBC's Still Standing	
D - CBC Still Standing	
9. CORRESPONDENCE	
9.1 Request for Support for Delivering Community Power	21 - 24
<i>Jan Simpson, National President, Canadian Union of Postal Workers</i>	
2021-03-15 EMarchRequest for Support for Delivering Community Power_E	
9.2 Letter of Support Request	25
<i>Pac Rim Home Development Cooperative</i>	
2021-03-17 PRHDC	

10. INFORMATION ITEMS
- 10.1 Support for 988 Crisis Line 27 - 28
Christine Fraser, Mayor, Township of Spallumcheen
[2021-03-05-LTR-Support for 988 Crisis Line-MW.Signed](#)
- 10.2 Raise Disability and Income Assistance to a Livable Rate 29 - 31
Kelly Kenney, Corporate Officer, City of Langford
[2021-03-11 Resolution - Raising Disability and Income Assistance to a Livable Rate](#)
11. COUNCIL COMMITTEE REPORTS
- 11.1 Councillor Marilyn McEwen
Deputy Mayor January - March 2021
- 11.2 Councillor Lara Kemps
Deputy Mayor April - June 2021
- 11.3 Councillor Jennifer Hoar
Deputy Mayor July - September 2021
- 11.4 Councillor Rachelle Cole
Deputy Mayor October - December 2021
- 11.5 Mayor Mayco Noël
12. REPORTS
- 12.1 Update - Bylaw Enforcement Policy & Priorities 33 - 49
Bruce Greig, Manager of Community Planning
[R - Bylaw Enforcement Policy 9-4000-2](#)
- 12.2 Short-Term Rental Monitoring Program - Update 51 - 54
Bruce Greig, Manager of Community Planning
[R - STR Update](#)
- 12.3 Filming the Ucluelet Episode of CBC's Still Standing (Verbal Report)
Abby Fortune, Manager of Recreation & Tourism
13. LEGISLATION
- 13.1 Zoning Amendment: Lot 16 Marine Drive 55 - 123
Bruce Greig, Manager of Community Planning
[L - Lot 16 Rezoning](#)
- 13.2 Public Hearing on Bylaw Nos. 1281, 1282 and DVP20-06 for "The Lodge & Staff Housing" Properties in the Reef Point area and Discussion of Timing for "The Cabins". 125 - 131
Bruce Greig, Manager of Community Planning
[L - The Cabins - Public Hearing Update](#)
- 13.3 Covenant Modification - 858 Barkley Place 133 - 182
John Towgood, Planner 1
[L - 858 Barkley Place](#)
- 13.4 Water and Sewer Parcel Tax - Adoption 183 - 189
Joseph Rotenberg, Manager of Corporate Services
[L - Sewer and Water Parcel Tax](#)

14. OTHER BUSINESS
15. QUESTION PERIOD
 - 15.1 Questions via Zoom.
 - 15.2 Questions via communityinput@ucluelet.ca.
16. CLOSED SESSION
17. ADJOURNMENT



DISTRICT OF UCLUELET

Request to Appear as a Delegation

All delegations requesting permission to appear before Council are required to submit a written request or complete this form and submit all information or documentation by 11:00 a.m. the Wednesday preceding the subsequent Council meeting. Applicants should include the topic of discussion and outline the action they wish Council to undertake.

All correspondence submitted to the District of Ucluelet in response to this notice will form part of the public record and will be published in a meeting agenda. Delegations shall limit their presentation to ten minutes, except by prior arrangement or resolution of Council.

Please arrive 10 minutes early and be prepared for the Council meeting. The Mayor (or Acting Mayor) is the chairperson and all comments are to be directed to the chairperson. It is important to address the chairperson as Your Worship or Mayor Noël.

The District Office will advise you of which Council meeting you will be scheduled for if you cannot be accommodated on your requested date. For more information contact the District Office at 250-726-7744 or email info@ucluelet.ca.

Requested Council Meeting Date: March 23, 2021

Organization Name: Frantic Films

Name of person(s) to make presentation: Alex Lazarowich, Anne Francis, David Kerr

Topic: Filming the Ucluelet episode of CBC's Still Standing

Purpose of Presentation:

Information only

Requesting a letter of support

Other (provide details below)

Please describe:

We would like to present our health and safety protocols to council and answer any questions council might have.

Contact person (if different from above): David Kerr

Telephone Number and Email: [REDACTED]

Will you be providing supporting documentation? Yes No

If yes, what are you providing?

Handout(s)

PowerPoint Presentation

Note: Any presentations requiring a computer and projector/screen must be provided prior to your appearance date. The District cannot accommodate personal laptops.

Frantic Films

579 RICHMOND STREET WEST, SUITE 100
TORONTO, ON M5V 1Y6 WWW.FRANTICFILMS.COM



This guide is meant to provide basic information on the CBC series, STILL STANDING, and a detailed COVID-19 plan for filming in British Columbia (April 2021)

STILL STANDING is a 30 minute, factual/comedy hybrid television series that airs on CBC. Now filming it's 7th season, STILL STANDING is hosted by Canadian actor and comedian Jonny Harris (also known for Murdoch Mysteries). STILL STANDING explores the challenges facing small communities across Canada while celebrating the people who live in them. In each episode, Jonny ventures to a struggling small town to meet people and find out why they live there. Jonny immerses himself in the lives of the locals - all while mining enough material to put on an original and personal stand-up comedy show for the town, about the town. We like to say that STILL STANDING is an entertaining and affectionate love letter to small-town Canada and a celebration of the people who proudly choose to call those towns home. From coast to coast to coast, STILL STANDING reveals Canada's vast beauty and highlights the country's unique and diverse characters. Viewers ride shotgun with Jonny on the ultimate road trip and learn that across the country, Canada's small towns are built on community, grit and an enormous amount of heart.

Each episode of STILL STANDING is captured over 5 shoot days. During days 1 - 4 Jonny Harris conducts one-on-one interviews with 5 - 7 people and tours the town. The 5th and final day is a live-to-tape comedy show tailor made for the town, which is performed and shot in front of an audience in a local venue (see below for detailed approach to shooting with audience at this time.) The team typically consists of 16 Toronto based crew members.

STILL STANDING Links and Production Details

Watch **STILL STANDING** now on **CBC Gem**:

<https://gem.cbc.ca/season/still-standing/season-6/03134017-f695-4ceb-914d-177e473ea8e3>

Short Compilation Clip:

<https://vimeo.com/364203381/98713ce8f3>

Produced by: Frantic Films, based in Toronto and Winnipeg. (<http://franticfilms.com/>)

Executive Producers: Jamie Brown, Jeff Peeler and Anne E Francis

Reach: STILL STANDING earns up to 800,000 views per episode for its weekly broadcast. Adding in our significant online community and repeats, each episode has a reach of over 1,000,000.

Broadcast: Fall 2021.

Community Impact: Over 6 seasons of shooting STILL STANDING, our fans are not just the viewers, but the communities themselves. We regularly hear back from mayors and EDO's on the positive impact each episode has on the town's that are featured – for example, Mabou, Cape Breton let us know there was significant uptick in home purchases and interest in Mabou after their episode aired.

In Season 6, Jonny visited Turner Valley, Alberta and met with entrepreneur and colouring book artist, Crystal Salamon. After the episode aired (in November 2020), Crystal emailed the following:

"I'm stunned. Completely and totally in shock and stunned. Since it aired I have been FLOODED with orders from across the country and it hasn't slowed down yet! I've had to wrangle help to catch up with orders and we can't even make a dent as they keep flooding in! In such a difficult year, with cancelled commissions from my struggling clients, no markets to sell at and my retail supporters trying to survive closures, this is an incredible blessing. In 2.5 days you have brought in nearly half a year's worth of income for me. Your show does so much to spread positivity, inspiration and laughs while teaching people about our country...but you also do so much to help small businesses. You truly have no idea. This episode has been nothing short of a blessing to my business, to me and to my family. Thank you from the bottom of my heart for all you do."

In addition to small business exposure, STILL STANDING increases tourism in each community that we feature. In fact, STILL STANDING fans organize cross country tours to visit 'STILL STANDING towns'.

Health and Safety

The health and safety of all individuals working on STILL STANDING and the community members involved is a top concern always but especially during the pandemic. The team has an increased focus on the health and safety of our host, our crew and the people and communities in which we film. We work closely with the EDOs, Mayors, Town Councillors and the local health authorities to ensure that we are welcome in the communities and that there is limited risk for COVID-19 transmission. In October 2020, we filmed two episodes of our current season in Minden, Ontario and Port Stanley, Ontario with permission from the local health authorities. We implemented and followed strict COVID-19 protocols - social distancing, use of PPE, correct hygiene, limited contact with community members and COVID-19 testing. For our live show, we reduced the number of audience members to 50 - they were seated in their 'bubbles' and 6 ' apart. Our STILL STANDING crew have received various levels of COVID-19 safety training. Our team has been provided and informed of the responsibilities required to remain COVID-19 safe compliant. Specific on-set and office crew members have COVID-19 training via:

- Safe Sets COVID-19 Level A.
- Film Training Manitoba.

Private COVID-19 PCR Testing for Crew

- A COVID-19 PCR test will be mandatory for the entire crew 24 to 72 hours in advance of the departing to British Columbia.
- Once a negative test has been confirmed, the crew will fly to enter British Columbia on April 12th (advance crew) and writers and crew on April 13th.
- A second COVID-19 PCR test will be performed on April 13, 2021 in the community by a BC health authority approved COVID testing company.
- Third A COVID-19 PCR test will be performed on April 18, 2021 on travel day to the next community by a BC health authority approved COVID testing company.

Three COVID-19 tests total will be performed.

Testing in Toronto will be conducted by [Dynacare](#).

Testing on Vancouver Island, BC will be conducted by [CVM Medical LTD.](#)

Note About Audience for Live Comedy Show

We require a minimum 50 person audience. We choose our venue based on the ability to accommodate social distancing rules and capacity limits as per the British Columbia Government's COVID-19 restrictions for indoor/outdoor events.

BEST PRACTICES

The following outlines the best practices in response to COVID-19 for production of STILL STANDING Season 7 Production. These best practices are based on the COVID-19 pandemic situation as of March 16, 2021 and may be changed at any time as the guidance from the government and health authorities changes according to [The Province of British Columbia](#). This document applies to all cast, crew and participants of the production regardless of department, length of contract, or level of interaction with production. We encourage individuals to take personal responsibility and take an active role in maintaining a clean and healthy set. Best practices are not limited to the recommendations below. Guilds, Unions, and provincial authorities may also have published regulations. Please review all relevant guidelines in full including the Section 21 Film and Television COVID-19 Health and Safety Guidelines approved by the Ontario Ministry of Labour, Training and Skills Development available here:

<https://www.dgc.ca/assets/S21-Film-Television-COVID19-Guidance-June.25.206.pdf>

And the Creative BC : B.C. MOTION PICTURE INDUSTRY COVID-19 BEST PRACTICES COALITION available here:

[https://www.creativebc.com/database/files/library/BCMPIBP_Coalition_Safety_Guidelines_Final_Web_June24_2020\(1\).pdf](https://www.creativebc.com/database/files/library/BCMPIBP_Coalition_Safety_Guidelines_Final_Web_June24_2020(1).pdf)

Note that these best practices are intended to mitigate the risk of infection but cannot guarantee that infection will be prevented. We have created the following guidelines for managing an effective location during this current situation.

DESIGNATED COVID-19 CONTACTS

Regional contacts specific to the location, including COVID-19 assessment centres, will be provided on call sheets.

Production office:

Adam Pendek, Production Manager

c: 416-230-9400

e: apendek@stillstanding.tv

On-set:

Alexandra Lazarowich, Series Producer + Safety Officer

c: 347-294-9187

e: alazarowich@stillstanding.tv

** ALL PERSONAL PHOTOGRAPHY AND POSTING TO SOCIAL MEDIA (PRIVATE OR PUBLIC) IS PROHIBITED.

** ALL MEDIA INQUIRIES SHOULD BE DIRECTED TO EXECUTIVE PRODUCER ANNE FRANCIS.

DAILY SELF ASSESSMENT

- All those engaged or employed on STILL STANDING (“**Employees**”) must continually monitor their health daily when on the jobsite and make every effort to ensure they do not share any illness or disease.
- Production will require Employees sign a daily Declaration of Good Health, attached as **Appendix A**, prior to or upon arrival at the jobsite indicating the following:
 - ❑ Whether the employee currently exhibits any of the known symptoms of COVID-19
 - ❑ Whether the employee or a member of their household has travelled outside the country the previous 14 days
 - ❑ Whether the employee or a member of their household has been knowingly exposed to or diagnosed with COVID-19 in the previous 14 days
- Production has the right to require that any Employee leave the jobsite in the event that the declaration of good health cannot be made.
- All Employees must notify their Supervisor and Production Manager immediately should they start to exhibit any known symptoms of COVID-19 and complete the British Columbia Assessment link: <https://bc.thrive.health/covid19/en>
- In the event that an Employee is sent home due to illness, Production will ensure the Employees position is available upon their return.
- Employees who have tested positive for COVID-19 must notify Production immediately and understand that Production may be required to inform employees or others (e.g. BC Centre for Disease Control) of possible exposure.
- Employees who have been tested for COVID-19 will not be permitted to return to work until a healthcare professional has confirmed it is safe for them to return.
- Production may require employees who have been away from the workplace during a pandemic to provide a doctor’s note certifying fitness to return to work as medical testing may be required to ensure the safety of others on set.
- If an Employee has concerns about safety at the jobsite the Employee can report their concern to the designated health and safety representative.

REDUCING THE SPREAD

- Recommended hygienic protocols including the common symptoms of COVID-19 will be posted in common areas in the production office and on-set.
- Contact amongst Employees and between Employees and the public including handshakes, hugs, etc. should be replaced with non-contact greetings.
- Employees should cover their mouth and nose with a tissue to cough or sneeze or, if tissues are unavailable, cough or sneeze into their elbow or an upper sleeve.
- Tissues and no-touch trash receptacles will be placed in common areas.
- Employees will be asked to refrain from using others’ phones, desks, offices, work tools and equipment, whenever possible.

- A regular and thorough cleaning procedure will be implemented including the cleaning and disinfecting of frequently touched surfaces.
- Disposable wipes or spray disinfectant with disposable towels will be available for Employees to wipe down commonly used surfaces.
- Personal protective gear including a reusable mask, nitrile gloves and hand-sanitizer will be made available.
- In-person contact among Employees will be reduced by use of virtual communications and telework where feasible, including but not limited to: Recce Pitches, Writers Rooms, and Logistics meetings.
- In-person interaction with external suppliers and contractors will be limited where Feasible.
- At the point of entry to the production office or on-set staging area, hand sanitizer will be made available and employees will be required to sanitize their hands.
- Only designated employees will be allowed in production offices and on set. Guests will not be permitted. “No Unauthorised Access Signage will be posted at entry points.
- A safety committee will be struck on all productions to facilitate communication on safety and health concerns. Designated health and safety representatives will be identified to Employees.
- COVID-19 Assessment Centres close to location as well as local Telehealth numbers will be included on call sheets.

TRAVEL + ON-SET

- 14 days prior to arriving in British Columbia all Employees are encouraged to make every effort to reduce their risk of exposure.
- Physical distancing should be maintained at all times other than brief interactions with mandatory mask use.
- All Employees must notify their Supervisor and Production Manager immediately should they start to exhibit any known symptoms of COVID-19 and use the British Columbia Assessment link: <https://bc.thrive.health/covid19/en>
Employees exhibiting symptoms will be sent for testing at the nearest facility and asked to self-isolate until results are returned.
 - ❑ If test results are negative, the Employee can return to work.
 - ❑ If test results are positive, the Employee should continue to self-isolate until a negative test is acquired and Production can safely coordinate travel home.
 - ❑ During self-isolation on location, production will be responsible for lodging and per diem.
 - ❑ Return travel will be coordinated as soon as permitted by federal and provincial guidelines.
 - ❑ Please refer to Appendix B for more detailed information regarding suspected or confirmed cases of COVID-19
- Production will record the temperature of all Employees at the start of each day along with the Declaration of Good Health.
- Production will ensure all unique Provincial COVID-19 guidelines are communicated to Employees in advance of arrival and adhered to while on location.
- Production will share COVID protocols with community leaders and participants in advance for their review and comfort.
- Production will request any additional protocols or guidance from community leaders and participants in advance of arrival and ensure all Employees follow any additional

protocols and guidance required.

- Production will coordinate closely with community leaders and participants to ensure continued comfort and approval prior to the arrival of Employees and during filming.
- The Executive Producer will manage media relations with local media outlets regarding COVID-19 protocols.
- Appearance and Location releases will be obtained paperlessly when possible, in the field using a digital tablet disinfected after each use.
- In the event a participant falls ill or cancels, Production will pivot to pre-identified backup participants.
- Interviews with participants will be conducted outdoors where possible. Where indoor locations are necessary, larger, well ventilated locations will be sought and Employees will be reminded of physical distancing and mandatory masking guidelines.
- Access to locations may be limited to maintain physical distancing and mandatory masking guidelines. This may require working with reduced crew and/or crew members temporarily being responsible for additional tasks not normally associated with their job.
- A minimum of one designated health and safety representative will be identified from all Employees travelling to location
- Employees required to travel will be provided personal hand sanitizer and disinfectant wipes, a reusable cloth mask, and if appropriate, disposable gloves. All airport and airline safety protocols will be identified and adhered to by all Employees. Additional supplies will be made available on location.
- Production will ensure adequate hand-washing facilities and/or hand sanitizing supplies are available at all locations. Casting and location selection will take into account access to appropriate facilities.
- Travel to and from set will be limited to 2 to 3 crew members per vehicle- dependent on vehicle - to ensure physical distancing and mandatory masking guidelines are met.
- When possible, call times will be staggered to prevent the arrival of large groups of people at the same time.
- At all times, public health guidance on the size of groups allowed to gather will be adhered to. The live comedy show will be limited to allowable gathering sizes. Any community events must fall within current public health guidance and must be able to maintain all physical distancing and mandatory masking guidelines.
- Until further notice masks will be worn by all Employees while on set or interacting with community members. While on camera masks will not be required. However, physical distancing requirements remain in effect.
- Greetings between employees, talent, including members of the community should be replaced with non-contact greetings.
 - Protocols will be strictly adhered to regarding Jonny's interaction with fans - no selfies, hugs, autographs or handshakes.
- Where practical, Employees will be assigned equipment that will remain solely in their possession throughout production. Where not practical, protocols for sharing equipment will be coordinated with the designated employees involved with appropriate cleaning processes.
- A boom microphone will be used in all situations where possible. When not possible, sanitized microphones will be used and disinfected before re-use.
- Employees will be responsible for cleaning and disinfecting their own equipment including drives travelling to and from set.
- One production assistant on set will be assigned to regularly clean common high-touch surfaces, vehicle interiors, manage supplies and ensure safety and health protocols are

enforced.

- Cast and crew will be required to attend an on-line session regarding proper use of personal protective equipment (PPE), proper cleaning, disinfecting and sanitizing techniques. Cast and crew must provide proof of attendance by way of certificate of completion provided by Film Training Manitoba. Should cast or crew be unable to attend, the video available at the following link should be reviewed and an attestation of review will need to be executed.
<https://www.youtube.com/watch?v=KTIGAIUsKcl&feature=youtu.be>
- Cleaning and disinfecting guidelines have been attached as reference in Appendix C.

MENTAL HEALTH

- The producer recognizes the strain and anxiety caused by COVID-19 on individuals, the work environment and on families. Social distancing, wearing a mask for long periods of time, and conducting work remotely can all be additional stresses.
- All cast & crew are encouraged to be communicative, proactive and seek help if needed.
- Confidentiality regarding personal health information will be maintained to the extent possible in accordance with applicable legislation.
- Links to further information are included in the attached on page 17-18.

WARDROBE, MAKE-UP, HAIR + PROPS

- Jonny will self-dress and self-apply makeup.
- Makeup will not be used on community participants.
- Makeup items will not be shared. When handled by other Employees, items will be disinfected prior to use.
- Handling of Jonny's wardrobe will be limited to authorized employees and will be dry cleaned after use.
- Props and similar items will be disinfected before and after use.
- All spaces including waiting, dressing rooms, and changing areas must be able to maintain a physical distance of 2 meters/6 feet between people and mandatory masking.

ON SET HOLDING AREA

- Recommended hygienic protocols including the common symptoms of COVID-19 will be posted in common areas.
- All spaces including holding/waiting areas, tents, RVs must be able to maintain a physical distance of 2 meters/6 feet between people. Additional trailers, pop-up tents, dressing rooms and changing facilities may be required to accommodate.
- All high-touch surfaces will be cleaned and disinfected regularly, including chairs and tables, door knobs etc.
- Hand sanitizer, tissues and a bin for disposal will be available in all common areas.
- Washrooms (if available) must be well stocked with hand washing supplies and checked often.
- Where running water and soap is not available on set hand sanitizer will be provided.

LIVE SHOW PROTOCOL

- The number of audience members permitted in the venue at one time (not including STILL STANDING cast and crew) may not exceed published public health requirements for the jurisdiction.
- COVID-19 protocol signage will be posted in highly visible locations
- Seating will be adapted to maintain physical distancing between audience cohorts
 - (households or social circles of a maximum of 10 or as otherwise stated in public health
 - guidelines)
- Audience members will wear masks at all times except when recording.
- Crew shall not mingle with audience cohorts except to assign seating
- Audience cohorts will maintain a physical distance of two metres at all times
- Entry and exit from the venue will be controlled and staggered
- Upon entry, health declarations, releases, and tracking documents will be filled out
- All audience members will have their temperature taken and recorded
- Audience members will sanitize their hands upon entry to the venue
- Proper hand hygiene and respiratory etiquette will be encouraged
- Masks will be provided and hand sanitizer containing at least 60% alcohol content to be placed at venue entrances and exits, and throughout the venue
- Gathering in high traffic areas such as lobbies or bathrooms to be prohibited
- In restrooms, every other stall, sink, or urinal will be closed
- Floor markings used to ensure physical distancing if audience cohorts are required to wait in line
- Traffic flow will be coordinated within the venue utilizing clearly marked pathways
- All areas of the venue to be cleaned and disinfected, including front of house, backstage and dressing rooms with a disinfectant fogger prior to the show.
- High touch/shared surfaces such as doorknobs, light switches, toilet handles, faucets and taps, and railings will be disinfected frequently

For further STILL STANDING COVID-19 mitigation, policies and procedures see Appendix A - D

APPENDIX A

DAILY DECLARATION OF GOOD HEALTH

Current Date + Time:

First & Last Name:

Position:

Are you currently experiencing any of these symptoms? Choose any/all that apply.

- Fever (feeling hot to the touch, a temperature of 37.8 degrees Celsius or higher)
- Chills
- Cough that's new or worsening (continuous, more than usual)

- Barking cough, making a whistling noise when breathing (croup)
- Shortness of breath (out of breath, unable to breathe deeply)
- Sore throat
- Difficulty swallowing
- Runny nose (not related to seasonal allergies or other known causes or conditions)
- Stuffy or congested nose (not related to seasonal allergies or other known causes or conditions)
- None of the above

Please note that if you are in a high-risk group you are encouraged to call Telehealth or consult your own medical professional for further advice. High-risk groups include:

- Getting treatment that compromises (weakens) your immune system (for example, chemotherapy, medication for transplants, corticosteroids, TNF inhibitors)
- Having a condition that compromises (weakens) your immune system (for example, lupus, rheumatoid arthritis, immunodeficiency disorder)
- Having a chronic (long-lasting) health condition (for example, diabetes, emphysema, asthma, heart condition, COPD)
- Regularly going to a hospital or health care setting for a treatment (for example, dialysis, surgery, cancer treatment) and you are experiencing any of the above symptoms
 - Accept

In the last 14 days, to the best of your knowledge, have you been in close physical contact with someone who tested positive for COVID-19?

- Yes
- No

In the last 14 days, have you been in close physical contact with a person who is currently sick with a new cough, fever, or difficulty breathing?

- Yes
- No

In the last 14 days, have you been in close physical contact with a person who returned from a foreign country in the last 2 weeks?

- Yes
- No

Have you traveled to a foreign country in the last 14 days?

- Yes
- No

Safety is everyone's job! I certify the answers I have provided in this health screening are, to the best of my knowledge, true and accurate. If I start to experience the symptoms of COVID-19 during the workday, or if I become aware of information that changes the answers I have just given, I will immediately withdraw from close contact with others and notify my supervisor via phone or email.

○ Accept

I agree that if I have given an answer indicating that I am symptomatic or have been in contact with someone who is symptomatic that I will not enter the Frantic Films office or any Frantic

production set until I have A) contacted my supervisor by phone or email and B) received direct re-entry permission from Production.

- o Accept

APPENDIX B

PROTOCOLS IN THE EVENT OF A SUSPECTED OR CONFIRMED CASE OF COVID-19

Symptoms

- Call 911 if you or another worker are experiencing any of the following symptoms:
 - severe difficulty breathing (struggling for each breath, can only speak in single words)
 - severe chest pain (constant tightness or crushing sensation)
 - feeling confused or unsure of where you are losing consciousness

- The most common symptoms of COVID-19 include:
 - fever (feeling hot to the touch, a temperature of 37.8 C or higher)
 - chills
 - cough that's new or worsening (continuous, more than usual)
 - barking cough, making a whistling noise when breathing (croup)
 - shortness of breath (out of breath, unable to breathe deeply)
 - sore throat
 - difficulty swallowing
 - runny, stuffy or congested nose (not related to seasonal allergies or other known causes or conditions)
 - lost sense of taste or smell
 - pink eye (conjunctivitis)
 - headache that's unusual or long lasting
 - digestive issues (nausea/vomiting, diarrhea, stomach pain)
 - muscle aches
 - extreme tiredness that is unusual (fatigue, lack of energy)

The Steps

- If a worker develops symptoms while at work:
 1. If the worker is experiencing severe symptoms, call 911 and immediately notify a member of the COVID-19 team.
 2. With any symptoms, immediately notify a member of the COVID-19 team.
 3. The cast or crew member will be given a mask and immediately self-isolate.
 4. A physically distant conversation with the COVID-19 team will occur. The purpose of this conversation is to determine if the symptom or symptoms affecting the individual are chronic or explainable symptoms of a preexisting condition. If so, the individual has not actually failed screening. The individual's Department Head must be notified.
 5. Upon reassessment and a confirmation that the individual has failed screening due to non-pre-existing symptoms, the cast or crew member will be directed to self-drive to a COVID-19 testing centre for swabbing and will remain in self-isolation. The individual should also contact their family physician, or Telehealth at 1-866-797-0000; or

Upon reassessment and a confirmation that the symptoms are preexisting the individual may stay at work and resume work duties (i.e. seasonal allergies).

- If a worker develops symptoms while at home:
 1. If a worker experiences any symptoms at home, they should take the self assessment at: <https://bc.thrive.health/covid19/en>
 2. While pre-screening, the cast or crew member must contact their Department Head (if not available, then the Producer).
 3. A phone conversation will occur as early as possible between the individual and the COVID-19 team. The purpose of this conversation is, as above, to assist in determining whether the individual should proceed immediately to a COVID-19 testing centre for swabbing.
 4. Upon reassessment and a confirmation that the individual has failed screening due to non-pre-existing symptoms the cast or crew member will be directed to self-drive to a COVID-19 testing centre for swabbing and will remain in self-isolation. The individual should also contact their family physician.
 5. Upon reassessment and a confirmation that the symptoms are preexisting the individual may continue with work (i.e. seasonal allergies).

- If a worker has a confirmed positive exposure to COVID-19:
 1. If a worker has a confirmed, positive exposure to COVID-19 the individual should proceed immediately to a COVID-19 testing centre for swabbing and self-isolate until the results of the testing are returned.
 2. A member of the COVID-19 team should be notified so that appropriate contact tracing can be initiated.
 3. Until results of the testing are returned, the individual should remain in self-isolation. The individual should also contact their family physician.
 4. Once results are received, follow the positive or negative test result protocol detailed in Resuming Production, depending on the results.

Resuming Production

- If a cast or crew member is sent home due to symptoms/testing, production can continue as per usual. Once results are received, follow the positive or negative test result protocol below, depending on the results.

Positive Testing Result

- Public Health will be notified immediately by the COVID-19 team. The production will take all guidance on next steps from Public Health including but not limited to contact tracing and a return to work plan. The affected individual will be expected to work with the COVID-19 team and Public Health to ensure essential communication is provided to all relevant parties.
- Set will be deep cleaned and disinfected as directed by Public Health and the COVID-19 team.
- The cast or crew member must remain in self-isolation for 14 days following the day their symptoms started. They may return to work after this isolation period only if:
 - A) they have 1 negative test and
 - B) they are symptom free for 24 hours or greater.

- Clearance from a health care provider will be required in writing for return to work and will be reviewed by production's COVID-19 team.
- Production can continue to resume operation following guidelines from Public Health on next steps on how to proceed with workplace activities.

Negative Testing Result

- If the individual has had an exposure to a confirmed positive test result or has experienced symptoms, they must self-isolate for up to 14 days. They may return to work if:
 - A) they have 1 negative test results and
 - B) they are symptom free for 24 hours or greater and
 - C) they are able to continue to follow physical distancing and PPE protocols for 14 days while at work (for example, if this is a performer who has scenes with other performers, they will not be able to participate in that capacity. Scenes may need to be altered to accommodate etc.)
- Production can continue to resume operation.

If Production is advised that a worker has tested positive for COVID-19 it should:

- Maintain the individual's privacy as required by law.
- Immediately contact the local public health unit for guidance on next steps. Public Health will provide instructions and do contact tracing if needed.
- Support contact tracing by being prepared to provide information about which people had close interactions with an affected worker. This could include:
 - date and approximate length and frequency of interaction
 - full names and contact telephone numbers and addresses
- Report any occupationally acquired illnesses to the WSIB within three days of receiving notification of the illness.
- Within 4 days of being advised, notify in writing:
 - The Ministry of Labour, Training and Skills Development at 1-877-202-0008 (24 hrs / 7 days a week)
 - The applicable trade union (if any)

Information regarding the rights of workers, including those not able to work due to COVID-19 can be found at the Ontario government's COVID-19: Support for Workers page.

APPENDIX C

CLEANING AND DISINFECTING GUIDELINES

What You Should Know

- Commonly used cleaners and disinfectants are effective against COVID-19:
 - Frequently touched surfaces are most likely to be contaminated.
 - Use only disinfectants that have a Drug Identification Number (DIN). A DIN is an 8-digit number given by Health Canada that confirms it is approved for use in Canada.
 - Check the expiry date of products you use and always follow manufacturer's instructions.
- Frequently touched surfaces should be cleaned twice per day.

- In addition to routine cleaning, surfaces that have frequent contact with hands should be cleaned and disinfected twice per day and when visibly dirty.
- Examples include doorknobs, elevator buttons, light switches, toilet handles, counters, handrails, touch screen surfaces and keypads
- In addition to routine cleaning, check with your organization for any specific protocols for cleaning for COVID-19

Products

- Cleaners
 - Break down grease and remove organic material from the surface
 - Used separately before using disinfectants
 - Can be purchased with cleaner and disinfectant combined in a single product
- Disinfectants
 - Have chemicals that kill most germs
 - Applied after the surfaces have been cleaned
 - Have a drug identification number (DIN)
- Disinfectant Wipes
 - Have combined cleaners and disinfectant in one solution
 - May become dry due to fast drying properties. Should be discarded if they become dry
 - Not recommended for heavily soiled surfaces

Product Use

- Where possible, use pre-mixed solution
- Read and follow manufacturer's instructions to:
 - Properly prepare solution
 - Allow adequate contact time for disinfectant to kill germs (see label)
 - Wear gloves when handling cleaning products including wipes
 - Wear any other PPE recommended by the manufacturer

Sources:

Ontario Agency for Health Protection and Promotion (Public Health Ontario), Provincial Infectious Diseases Advisory Committee. Best practices for environmental cleaning for prevention and control of infections in all health care settings [Internet]. 3rd ed. Toronto, ON: Queen's Printer for Ontario; 2018.

The Regional Municipality of York, Community and Health Services. Proper cleaning and disinfection practices [Internet]. Newmarket, ON: The Regional Municipality of York; 2019.

APPENDIX D

IMPORTANT LINKS

COVID-19 & MENTAL HEALTH INFO LINKS

The following websites/links have up to date information about COVID-19 and related local measures and guidelines:

B.C. MOTION PICTURE INDUSTRY COVID-19 BEST PRACTICES COALITION

[https://www.creativebc.com/database/files/library/BCMPIBP_Coalition_Safety_Guidelines_Final_Web_June24_2020\(1\).pdf](https://www.creativebc.com/database/files/library/BCMPIBP_Coalition_Safety_Guidelines_Final_Web_June24_2020(1).pdf)

BC Centre for Disease Control

<https://www.bccdc.ca/health-info/diseases-conditions/covid-19>

British Columbia Province Wide Restrictions (PHO)

<https://www2.gov.bc.ca/gov/content/covid-19/info/restrictions>

British Columbia Assessment

<https://bc.thrive.health/covid19/en>

Work Safe BC

<https://www.worksafebc.com/en/covid-19>

Toronto Region COVID-19 Assessment Centres

<https://www.toronto.ca/home/covid-19/covid-19-what-you-should-do/covid-19-havesymptomsor-been-exposed/covid-19-assessment-centres/>

COVID-19 Self -Assessment Ontario

<https://covid-19.ontario.ca/self-assessment/>

Public Health Agency of Canada

<https://www.canada.ca/en/public-health/services/diseases/2019-novel-coronavirusinfection.Html>

Public Health Ontario

<https://www.publichealthontario.ca/en/diseases-and-conditions/infectiousdiseases/respiratory-diseases/novel-coronavirus/public-resources>

City of Toronto

<https://www.toronto.ca/home/covid-19/>

US Centers for Disease Control

<https://www.cdc.gov/coronavirus/2019-ncov/index.html>

European Centre for Disease Prevention and Control

<https://www.ecdc.europa.eu/en/novel-coronavirus-china>

COVID-19 Training Session provided by Frantic Films

<https://www.youtube.com/watch?v=KTIGAIUsKcl&feature=youtu.be>

Cast and crew who may need mental health and wellness assistance are encouraged to access a number of resources:

Mental Health Commission of Canada

<https://www.mentalhealthcommission.ca/English/government-canada-covid-19-resources>

Workplace Mental Health by Morneay Shepell Organization

<https://www.morneaushepell.com/ca-en/workplace-mental-health>

From: [Dani Nadeau](#)
To: [Info Ucluelet](#)
Subject: SUPPORT DELIVERING COMMUNITY POWER
Date: March 15, 2021 11:03:04 AM
Attachments: [EMarchRequest for Support for Delivering Community Power E.pdf](#)
[Mailing informations for SUPPORT DELIVERING COMMUNITY POWER E2.pdf](#)
[resolutionSUPPORT DELIVERING COMMUNITY POWER E2.pdf](#)

Dear Municipal leaders,

Attached is a letter from our National President, Jan Simpson, as well as a resolution that may be adopted by your council.

Our "[Delivering Community Power](#)" campaign fits perfectly into a just and inclusive post-COVID, post-carbon recovery that will benefit all communities. Canada Post and its network of 6,400 post offices need to offer more.

On behalf of over 55,000 postal workers from coast to coast to coast, I urge you to adopt this resolution. Your support will be invaluable to ensure the federal government's commitment to necessary change.

If you need more information or have any questions about our campaign, please feel free to contact me and I will be happy to help.

Please accept my best regards.



Kate Holowatiuk
Delivering Community Power
Campaign Coordinator- Pacific Region
kholowatiuk@cupw-sttp.org
(780) 884-3962



377, rue Bank Street,
Ottawa, Ontario K2P 1Y3
tel./tél. 613 236 7238 fax/télé. 613 563 7861

March, 2021

Subject: Request for Support for Delivering Community Power

Dear Municipal Leaders,

In 2016, the Canadian Union of Postal Workers, with a coalition of allies, launched [Delivering Community Power](#) – a visionary program for Canada Post to confront climate change, promote better access to expanded services, bring financial inclusion to unbanked and underbanked communities, and address other social inequalities – all by making the most of our existing public postal service network.

Today, while progress has been made on many of the initiatives in the vision, the situation has become more urgent. Effects of climate change are deadly and are affecting nearly every part of society all around the world. The COVID-19 pandemic has revealed the need for a more equal, more resilient society that prioritizes the health of our most vulnerable neighbours and loved ones, *before* profit. We are relying more than ever on the internet to connect people and to do our business, but rural residents are getting second-class service.

The continuing decline of letters combined with a dramatic rise in parcels from e-commerce makes it plain to see: the postal service has to adapt to a new reality. This is a great opportunity to address multiple problems at once, with a valued public infrastructure that connects everyone in their own community.

Please consider proposing the attached resolution to have your municipality endorse the campaign for expanded services, financial viability, climate action, and – all through leveraging our public postal system. The time is now!

Thank you for your support!

Jan Simpson
National President
Canadian Union of Postal Workers

//dn cope 225



SUPPORT DELIVERING COMMUNITY POWER

Whereas there is an urgent need for banking services among the unbanked or underbanked, given that thousands of villages and rural municipalities do not have a bank branch and more than 900 municipalities have expressed their support for postal banking;

Whereas thousands of Canadians do not have access to affordable high-speed Internet, and the federal government has long promised to bridge the rural broadband gap;

Whereas urgent action is needed to establish a robust network of electric vehicle charging stations;

Whereas to achieve carbon-neutral targets by 2050, Canada Post must greatly accelerate the electrification of its fleet;

Whereas the extensive network of post offices in our communities can provide a wide range of services as community hubs;

Whereas Canada Post's letter carriers and RSMCs can check-in on vulnerable residents to help keep us in our homes longer as we age;

Whereas Canada Post must play its part for a more equitable post-pandemic recovery;

Whereas "The Way Forward for Canada Post," the report of the 2016 federal public review of the postal service, recommended that Canada Post expand services and adapt its services to the changing needs of the public;

Whereas the Canadian Union of Postal Workers has advanced *Delivering Community Power*, a vision of the post-carbon digital-age postal service that address the above needs and more;

Be it resolved that endorse *Delivering Community Power*, and write to the Honourable Anita Anand, Minister for Public Services and Procurement, with its rationale and a copy of this resolution.

MAILING INFORMATION

Please send your resolution to: Anita Anand, Minister of Public Services and Procurement, Rm 18A1, 11 Laurier Street Phase III, Place du Portage, Gatineau, QC, K1A 0S5

Please send copies of your resolution to:

Jan Simpson, President, Canadian Union of Postal Workers, 377 Bank Street, Ottawa, Ontario, K2P 1Y3

Your Member of Parliament. You can get your MP's name, phone number and address by calling 1-800 463-6868 (at no charge) or going to the Parliament of Canada website: <https://www.ourcommons.ca/Members/en>

Please save this document using the name of your organization or municipality in the document's name.

//dn cope 225

THE CORPORATION OF THE
TOWNSHIP OF SPALLUMCHEEN

TEL. (250) 546-3013
FAX. (250) 546-8878
OUR FILE NO.



4144 Spallumcheen Way
Spallumcheen, B.C. V0E 1B6

Email: mayor@spallumcheentwp.bc.ca

March 5, 2021

www.spallumcheentwp.bc.ca

OFFICE OF THE MAYOR

File: 0320-20-01

The Honourable Patty Hajdu

sent via email

House of Commons
Ottawa, Ontario,
Canada
K1A 0A6

Patty.Hajdu@parl.gc.ca

Re: Support for 988 Crisis Line

Please be advised that at the Monday, March 1, 2021 Regular Council Meeting, the Township of Spallumcheen Council passed the following resolution:

“THAT the Township of Spallumcheen Council pass the following motion and direct a letter indicating such support to the local MP, MPP, Federal Minister of Health, the CRTC and local area municipalities as outlined in the letter from Member of Parliament Mel Arnold, North Okanagan - Shuswap for support for a National Suicide Prevention Hotline:

WHEREAS the Federal government has passed a motion to adopt 988, a National three-digit suicide and crisis hotline;

AND WHEREAS the ongoing COVID-19 pandemic has increased the demand for suicide prevention services by 200 percent;

AND WHEREAS existing suicide prevention hotlines require the user to remember a 10-digit number and go through directories or be placed on hold;

AND WHEREAS in 2022 the United States will have in place a national 988 crisis hotline;

AND WHEREAS the Township of Spallumcheen Council recognizes that it is a significant and important initiative to ensure critical barriers are removed to those in a crisis and seeking help;

NOW THEREFORE BE IT RESOLVED THAT the Township of Spallumcheen Council endorses this 988 crisis line initiative.”

Council understands, now more than ever, that Canadians may need access to additional resources amidst the COVID-19 pandemic. It is imperative, we as elected officials, do everything that we can to help everyone come out stronger on the other side of this unprecedented and challenging time.

Support for 988 Crisis Line Christine Fraser, Mayor, Township of Spallum...

Thank you for your attention to this matter, if you have any questions in this regard please contact the undersigned.

Respectfully,

A handwritten signature in black ink, appearing to read "C Fraser". The signature is written in a cursive, flowing style.

Christine Fraser
Mayor

cc. Member Municipalities
MP Todd Doherty
MP Mel Arnold
Canadian Radio-Television and Telecommunications Commission (CRTC)

File: 1610.01

March 11, 2021

UBCM member local governments

VIA Email

Dear Mayor and Council:

Re: Raise Disability and Income Assistance to a Livable Rate

At its March 8, 2021 Regular Council meeting, the Council for the City of Langley endorsed the following resolution and resolved that it be forwarded to UBCM member local governments, local MLAs and MPs, as well as the Provincial ministers responsible for Social Development, Poverty Reduction, Finance, and Housing, requesting favourable consideration:

WHEREAS after many years of frozen income assistance rates and only minimal increases to disability benefits the current Provincial Government increased rates, for single people, by \$150 between 2017 and 2019 but most people who receive disability benefits or income assistance continue to live well below the poverty line; and

WHEREAS the Provincial Government added a \$300/month COVID benefit for those receiving disability and income assistance, which temporarily reduced people's risk of losing their housing and increased their access to necessities including food and medical supplies, but as of January 2021 the benefit has been reduced to \$150/month and there is no commitment to provide additional support past March 2021;

BE IT RESOLVED THAT the Province of British Columbia permanently reinstate the automatic, \$300/month benefit for people receiving disability benefits and income assistance and move to raise disability and income assistance to a livable rate that is above the market basket measure (MBM).

Background information on this resolution is enclosed for reference.

Yours truly,
CITY OF LANGLEY



Kelly Kenney
Corporate Officer

Enclosure



CITY OF LANGLEY

COUNCIL MEMBER MOTION

RAISE DISABILITY AND INCOME ASSISTANCE TO A LIVABLE RATE – Mayor van den Broek

BACKGROUND:

For decades B.C. has had one of the highest rates of poverty in the country. As part of a broader Poverty Reduction Strategy, the current Provincial government increased disability and income assistance rates, for single people, by \$150 between 2017 and 2019. Even with these increases most people who receive this assistance continue to live below the poverty line.

In response to the economic hardships of the pandemic, the Federal Government determined that \$2000/month was required to meet a minimum standard of living in Canada. This is significantly higher than what people on disability or income assistance receive per month. In April of 2020 the Province of British Columbia provided an automatic, monthly, \$300 COVID benefit for those receiving disability and income assistance. This significantly reduced people's risk of losing their housing and increased their access to necessities including food and medical supplies but did not raise disability or income assistance rates to or above the poverty line.

A single person on income assistance receives \$760/month and \$1060 with the COVID top-up. Someone on disability benefits is eligible for \$1183.42/month or \$1483 with the top-up. These rates do not reflect the cost of living in BC. The current average rent for a one bedroom in Langley is \$1200, forcing people who access assistance to give up basic necessities in order to pay rent. These gaps send an impact across our whole community, creating or worsening other social crises, including homelessness and mental health issues, and lock community members into poverty. As of January 2021, the \$300 monthly top-up has been reduced by half and there is no guarantee of an extension of this top-up past March 2021.

Access to one-time, temporary measures to address gaps in funding, like the Recovery Benefit, are subject to an application process. The application process will be a barrier for those who require additional support to apply. The Provincial government has signaled towards a permanent increase for disability and income assistance. This is welcomed news but reinstating the \$300 top-up, even permanently, would not raise disability or income assistance rates to the poverty line. Ultimately, to eliminate poverty, disability and income assistance must be raised to livable rates that are above the market basket measure (MBM). Community members have shared their significant challenges, poverty and disability groups, locally and across BC, have strongly advocated for this change, Victoria and New Westminster City Council recently passed a similar motion, and Vancouver City



Council passed a motion to raise rates in 2019. We recommend advancing this issue to the Province through the Union of BC Municipalities.

MOTION:

THAT Council endorses the following resolution and directs staff to forward copies to UBCM member local governments, local MLA's and MP's, as well as the Provincial ministers responsible for Social Development, Poverty Reduction, Finance, and Housing, requesting favourable consideration:

WHEREAS after many years of frozen income assistance rates and only minimal increases to disability benefits the current Provincial Government increased rates, for single people, by \$150 between 2017 and 2019 but most people who receive disability benefits or income assistance continue to live well below the poverty line; and

WHEREAS the Provincial Government added a \$300/month COVID benefit for those receiving disability and income assistance, which temporarily reduced people's risk of losing their housing and increased their access to necessities including food and medical supplies, but as of January 2021 the benefit has been reduced to \$150/month and there is no commitment to provide additional support past March 2021.

BE IT RESOLVED THAT the Province of British Columbia permanently reinstate the automatic, \$300/month benefit for people receiving disability benefits and income assistance and move to raise disability and income assistance to a livable rate that is above the market basket measure (MBM).



STAFF REPORT TO COUNCIL

Council Meeting: MARCH 23, 2021
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, MANAGER OF COMMUNITY PLANNING

FILE NO: 4000-02 BYL

SUBJECT: UPDATE – BYLAW ENFORCEMENT POLICY & PRIORITIES

REPORT NO: 21-37

ATTACHMENT(S): APPENDIX A – DRAFT COUNCIL POLICY 9-4000-2
APPENDIX B – 2015 COUNCIL POLICY 9-4000-1

RECOMMENDATION(S):

1. **THAT** Council endorse Bylaw Enforcement Policy No. 9-4000-2

PURPOSE:

This report presents an opportunity for Council to confirm priorities for bylaw enforcement, to focus limited staff resources and provide a consistent approach to the municipal bylaw services program. Updating the Bylaw Enforcement Policy is timely as the Community Planning department is currently working to fill the Bylaw Services Officer vacancy and bring on new seasonal resources. The draft new Bylaw Enforcement Policy No. 9-4000-2 is attached as **Appendix 'A'** to this report.

BACKGROUND:

A Bylaw Enforcement Policy was adopted in 2015 (see **Appendix 'B'**). That policy 9-4000-1 focussed on certain areas and bylaws but overlooks a framework for education and enforcement of municipal bylaws centered on minimum standards for community health and safety. The list of bylaws designated for monitoring and enforcement under the 2015 policy does not mention the building bylaw, yet building construction contrary to the minimum standards of the BC Building Code can pose a significant risk to both the general public and emergency responders. Updating the policy would clarify the balance of bylaw priorities.

Fun fact: the term **bylaw** is derived from the Old Norse root word *byr*, meaning town.

A bylaw is simply a local law.

DISCUSSION:

The draft policy 9-4000-2 does the following:

- explains the role of citizen complaints in raising bylaw issues for investigation;
- explains areas / issues where active monitoring of bylaw compliance may be warranted;
- describes the steps of investigation, education, voluntary compliance and graduated bylaw enforcement mechanisms;
- suggests examples of low / medium / high priority bylaw issues, and appropriate steps to pursue with finite municipal resources;

- provides a matrix (see Schedule A of policy 9-4000-2) of example bylaw issues, their relative priority and appropriate options for seeking compliance;
- provides a framework (see Schedule 'B' of policy 9-4000-2) for how typical bylaw cases can be expected to progress from initial investigation to a point of resolution.

In a perfect world, the bylaw services function would purely be a role of education. In fact the vast majority of people will willingly adjust their actions, once they understand what the community expects in the bylaws it has adopted. *"Oh, I had no idea I wasn't supposed to run my chainsaw at 3:00am. Gee, I guess that could disturb my neighbours' sleep. Well of course I'll cut it out."* In a small number of cases, however, education and awareness are not enough to motivate a bylaw "contravenor" to change their actions or correct a situation. For this reason there are a series of escalating steps a municipality can take to obtain compliance and resolve a situation (see **Schedules 'A' and 'B'** to the draft policy in **Appendix 'A'** to this report).

The municipality has finite resources and, like all municipalities, must prioritize those situations most deserving of attention. The matrix of low / medium / high priority bylaw issues provides examples. This framework is a tool for obtaining efficiency and consistency in bylaw enforcement efforts. This is also useful for explaining to community members how the municipality approaches these issues on an individual but consistent basis.

Not surprisingly, it is suggested that the highest priority bylaw issues tend to be ones where community health and safety, or environmental health and integrity, may be put at risk. Thankfully these are few and far between; most bylaw issues which arise are minor and are quickly resolved without needing to go very far down the pathway of graduated enforcement steps. Only in the worst cases, and when dealing with unwilling people and/or landowners, does a bylaw matter result in the time and expense of court action.

As a small community with a significant visitor economy, there are also a suite of bylaw issues which demand highlighted attention. Mitigating these potential nuisances maintains a positive community experience for both residents and guests. Impromptu camping, unauthorized beach fires and illegal short term rentals are among these issues.

POLICY OR LEGISLATIVE IMPACTS:

The draft new bylaw enforcement policy provides Council an opportunity to discuss and confirm priorities to reflect the community's expectations.

A fair and consistent approach to bylaw education and enforcement will maintain a positive impression among residents, local businesses and visitors alike. Keeping a welcoming and friendly – and decidedly Ukee – attitude toward bylaw matters demands that the bylaw services staff strike a careful balance; one that is not heavy-handed but also one which takes seriously the most important issues of maintaining health, safety, respect for the environment and respect for our neighbours.

Respectfully submitted: Bruce Greig, Manager of Community Planning
Donna Monteith, Acting Chief Administrative Officer



POLICY NUMBER: 9-4000-2

REFERENCE:

Bylaw Enforcement Policy

ADOPTED BY:**CROSS-REFERENCE:****SUPERSEDES:** 9-400-1**AMENDED DATE:**

N/A

DEPARTMENT:

Bylaw

EFFECTIVE DATE:

March 23, 2021

Purpose

The objective of the Bylaw Enforcement Policy is to obtain compliance with municipal bylaws through effective enforcement, in a manner which is consistent and fair.

Introduction

Municipal bylaws are enacted by District Council, under the regulatory authority of the *BC Community Charter* and the *Local Government Act*, in order to preserve the quality of life to which each citizen is entitled. When dealing with contraventions of these bylaws the primary goal is to achieve voluntary compliance through communication and education; however, the bylaws do include provisions for further enforcement. The District recognizes that with limited resources, it is not possible to pursue full compliance in every case. This policy will provide guidance to staff regarding the receipt of bylaw complaints, initiation of investigation, priority assessment and the use of appropriate enforcement tools.

Complaint Process

The District of Ucluelet does not have the resources or mandate to proactively review or inspect properties on a regular basis in order to determine whether its various bylaws are being complied with at all times. Given this, the District, like most municipalities, relies primarily on public complaints to identify potential non-compliance. Nonetheless, there is no duty to take enforcement action with respect to every contravention of a bylaw that may occur within the jurisdiction.

All bylaw enforcement complaints, with the exception of those that identify urgent contraventions, must be submitted in writing before they will be considered for investigation. All complaints must include complete contact information for the complainant (name, address and telephone number). The complaint can be in the form of a letter, the District of Ucluelet Bylaw Complaint Form or an email. The District will generally not respond to anonymous complaints.

Information regarding the complainant is kept confidential and is protected under the



Freedom of Information and Protection of Privacy Act. However, a complainant may be identified if the issue proceeds to court and the complainant is required to act as a witness for the prosecution.

District of Ucluelet staff are not required to report bylaw violations observed unless it is during regular work hours, within that employees scope of duty, and where the violation poses a risk to public health and safety or the environment.

Investigation

In response to a complaint, or acting in the regular course of his or her duties, staff will investigate to determine compliance with all District bylaws. The investigation may include a bylaw and file review, contacting the alleged contravener, contacting the complainant, and conducting a site inspection.

If a violation is identified, the contravener will be instructed to take action to resolve the issue immediately or within a specified time period. If further action is required to resolve the infraction, a bylaw file is subsequently created to track the violation, assessment, enforcement and outcome.

While encouraging compliance with District bylaws is important, staff safety is paramount. If a staff member is verbally or physically threatened while administering the bylaws, then no further investigative action shall be carried out until a police officer accompanies the staff member on any site inspections. Authorization requirements to enter a property or building will be followed as per Section 16 of the *Community Charter*. Tenant rights as specified in the *Residential Tenancy Act* will be respected during enforcement.

Assessment Criteria

In the District of Ucluelet, bylaw issues generally fall into one of two categories: nuisance and protection of health / safety / natural environment. By their very nature, health and safety issues (including Building Code violations) pose the greatest risk to the community and therefore command a higher priority. While the municipality (like most others) generally initiates bylaw investigations as a result of complaints, proactive patrols to monitor, curtail and avoid nuisances is appropriate in Ucluelet's context as a resort municipality. Proactive monitoring will be undertaken on a seasonal priority basis for the following types of activities:

- Unauthorized beach fires;
- Unauthorized short-term rentals;
- Open alcohol and smoking (including cannabis) in public; and
- Unauthorized camping on public lands.

When assessing the priority of the bylaw violation, staff will consider, but are not limited to, matters such as:

- potential risk to public health and/or safety;
- magnitude, nature and duration of the contravention;
- history of non-compliance on the property or by the contravener;
- potential short and long term impact on a structure, the community and the environment;
- potential for setting a precedent;



- resources available to resolve the matter;
- potential costs and liability associated with enforcement action; and,
- likelihood of obtaining the desired results.

Enforcement Priority

To maintain consistency throughout the bylaw enforcement process, the staff members involved will meet as necessary to review file details. The bylaw violation will be assessed in accordance with the following hierarchy of priority levels.

Low Priority

A bylaw violation unlikely to cause health or safety issues or negatively impact the community or the environment

Examples of bylaw violations that may be considered as ***Low Priority*** would be:

1. Minor renovations without a building permit, where there are no concerns relating to health and safety; and the use and building comply with the Zoning Bylaw
2. Minor encroachment into a setback

Medium Priority

Multiple low priority violations or a bylaw violation with potential to cause health and/or safety issues and/or negatively impact the community or the environment

Examples of bylaw violations that may be considered as ***Medium Priority*** would be:

1. Multiple noise complaints.
2. Noxious weeds or unsightly premises
3. Dwelling constructed without a building permit where there are no significant safety issues
4. Unauthorized short-term rental within a dwelling
5. Unauthorized camping on public lands
6. Dog off-leash posing a health and/or safety issue

High Priority

Multiple medium priority violations or a bylaw violation likely to cause health and/or safety issues and/or negatively impact the community or the environment

Examples of bylaw violations that may be considered as ***High Priority*** would be:

1. Non-conforming land use, inadequate parking and/or site development without a Development Permit
2. Unauthorized dwelling unit with code violations such as inadequate smoke alarms, fire separations, or egress windows, or due to alterations without a building permit
3. Inadequate exiting and/or fire protection due to building alterations without a permit
4. Burning contrary to bylaw
5. Unauthorized dumping or burning on public land



Enforcement Tools

When compliance cannot be achieved through initial education, staff may escalate enforcement by first determining the appropriate tools with which to do so. Details of the various options available to the District are provided below (see also **Schedules A and B**).

Stop Work Order

Where a particular bylaw provides authority, a District official may order the cessation of any work that is proceeding in contravention of a bylaw by posting a Stop Work notice.

Municipal Ticket Information (MTI)

The Municipal Ticket Information (MTI or municipal ticket) can be used for the prosecution of minor local government bylaw matters. The MTI is completed and personally delivered by an enforcement officer to the alleged offender. The alleged offender has the option of admitting the offence and paying the penalty within a specified time period, or disputing the offence and waiting for a court appearance. The MTI is typically used when it is felt that the ticket will be paid and will provide incentive to the offender to comply; however, MTI collections and enforcement can be expensive for the District.

No Occupancy Posting

For Building Bylaw violations, a No Occupancy notice may be posted after other attempts to resolve the issues have failed and/or if significant or serious health and safety issues are suspected. The *owner* of the property on which a No Occupancy notice has been posted, and every other person, shall cease *occupancy of the building or structure* immediately.

District Solicitor involvement

The District Solicitor may provide the contravener with a warning letter, and/or, if authorized by Council, will initiate court proceedings.

Direct Enforcement

Direct enforcement involves carrying out enforcement remedies and adding the cost of doing so to the taxes without the authorization of a court decision. Council approval may be required, depending on the contravention.

Section 57

Under specific circumstances, such as a building bylaw contravention related to permits, inspections or safety, the Manager of Community Planning or the Building Inspector may recommend to Council that it consider a resolution to place a notice on the title of a property as permitted in Section 57 of the *Community Charter*.

Remedial Action

Council may impose remedial action requirements in relation to hazardous conditions, declared nuisances, or harm to the environment. A remedial action requirement may be imposed on the owner or lessee of the matter or thing, and/or the owner or occupier of the land on which it is located. A remedial action requirement may require the person to remove or demolish the matter or thing; fill it in, cover it over or alter it; bring it up to a standard specified by bylaw, or otherwise deal with it in accordance with the directions of Council or a person authorized by Council.



Prosecution by Long Form Information

Section 263 of the *Community Charter* authorizes a municipality to proceed with a quasi criminal prosecution of a bylaw offence with a maximum fine of up to \$10,000. Local governments can commence proceedings under the *Offence Act* in B.C. Provincial Court by swearing an information before a court official that sets out the details of the offence. The information must be served on the accused, and once it is served, the offence comes under the jurisdiction of the Provincial Court. However, as provincial Crown Counsel will not prosecute bylaw offences, municipalities shall either hire their own lawyers, or enforcement officers could act as prosecutors. Although long-form prosecutions involve a lengthy Provincial Court process, they are appropriate for major offences if a larger fine is warranted. In addition to the penalty imposed, the court may make a compliance order prohibiting the offender from repeating the offence as well as directing the offender to remedy any harm done. Council approval may be required prior to commencing proceedings.

Consent Order

This is an order where legal proceedings have commenced, however, prior to appearing before a judge or master of the court, the parties agree to a Consent Order. Once the order is signed by all parties it is then registered with the court and has the same effect as a court order. Council approval is required prior to filing the initial statement of claim, and may also be required to accept the terms of a consent order.

Injunction Proceedings

An injunction is a Supreme Court Order directing a person to do, or not to do, a specified act. Council approval is required prior to seeking an injunction.

Procedure

To guide staff through the enforcement procedure, flow charts have been created outlining the possible steps to compliance (Schedule B).

Where illegal or unauthorized activity has not ceased, or where compliance is not achieved through voluntary compliance or initial enforcement, a report will be brought forward to Council. The report will indicate options for further action and may request approval to commence legal proceedings. Council will decide whether to provide funding for legal action, decline to do so, or recommend other actions. Staff, with the assistance of legal counsel, will follow up with Council's motion to initiate legal proceedings. At the end of the proceedings, and the resolution of the bylaw violation, the file will be closed.

Mayco Noël

Mayor

Donna Monteith

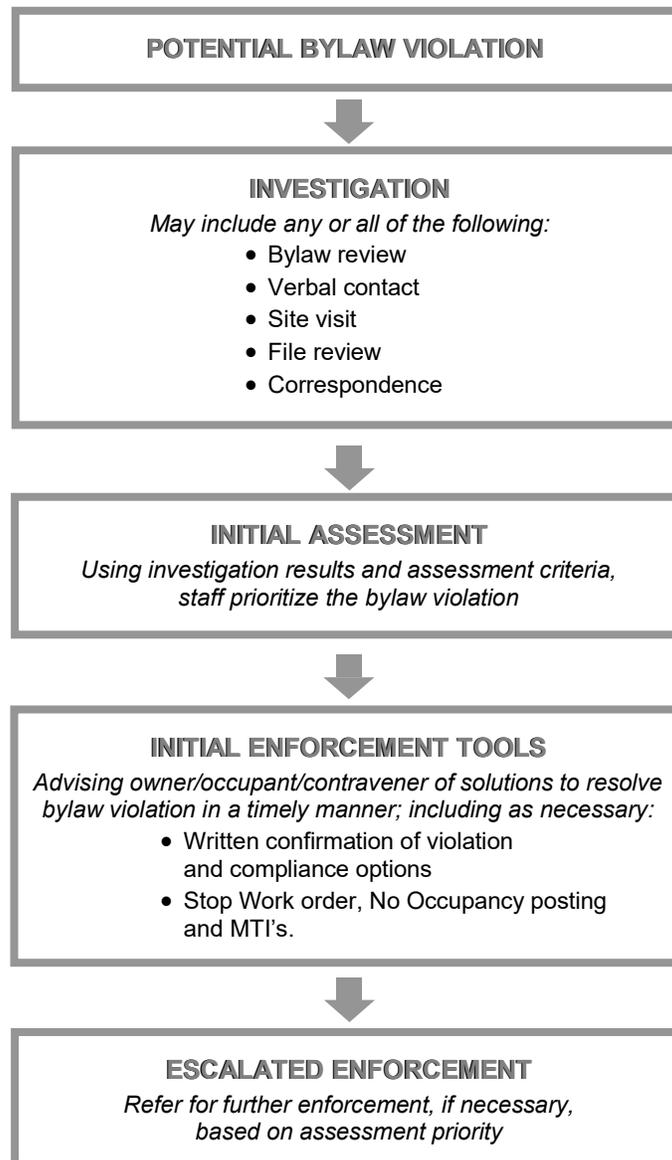
Acting Chief Administrative Officer

Schedule A

BYLAW VIOLATION EXAMPLES	ENFORCEMENT TOOLS											
	Injunctive Proceedings	Consent Order	Prosecution by Long Form Information	Remedial Action	Notice on Title (Section 57)	Direct Enforcement	District Solicitor	No Occupancy Posting	Municipal Ticket Information (MTI)	Stop Work Order		
Minor renovations without a building permit, with no health and safety and complies with Zoning Bylaw												
Minor encroachment into setback												
Noise complaints												
Repeated noise complaints												
Unightly premises												
Unauthorized dwelling without significant safety issues												
Short term rental within an unauthorized dwelling unit												
Unauthorized camping on public lands												
Dog off-leash posing a safety issue												
Non-compliant outdoor burning												
Unauthorized dumping or burning on public lands												
Non- conforming land use, inadequate parking and/or site development without a development permit												
Dwelling unit construction without a building permit where there are code infractions relating to safety												
Inadequate exiting and/or fire protection												
	LOW		MEDIUM						HIGH			

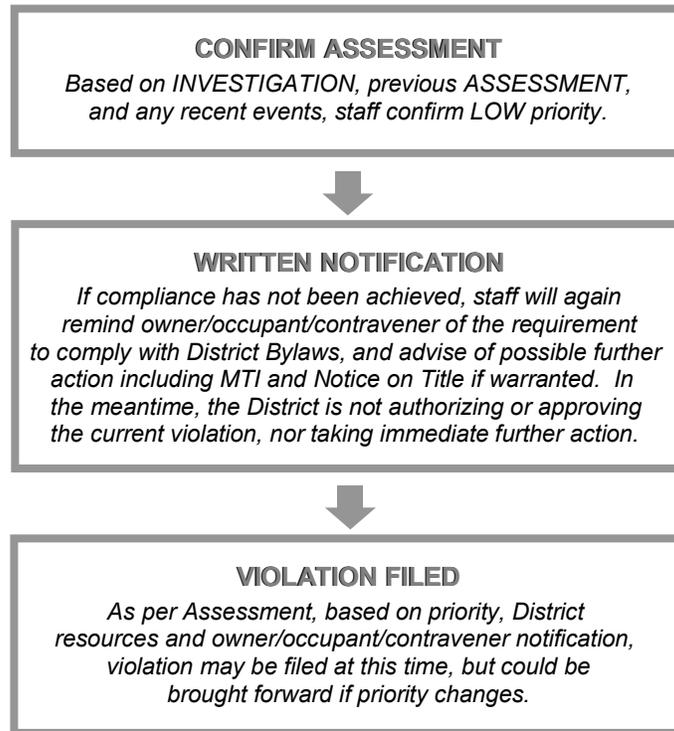
Schedule B

BYLAW VIOLATION



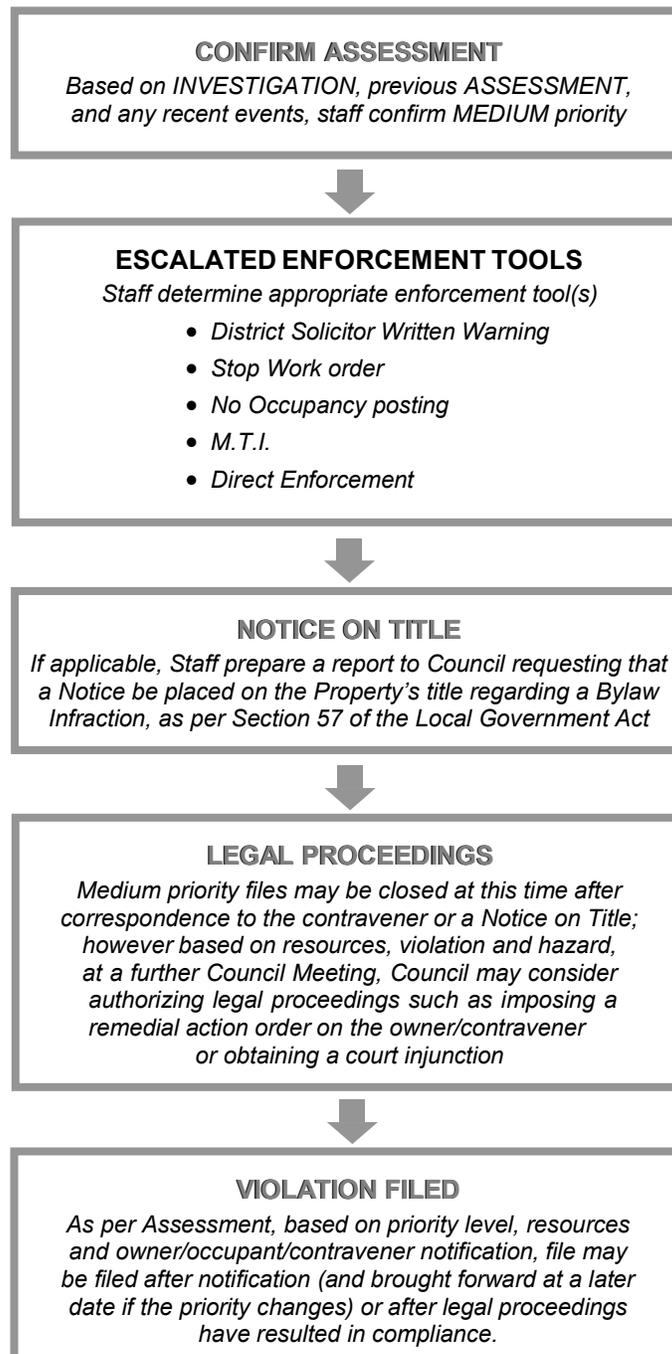
Schedule B

LOW PRIORITY



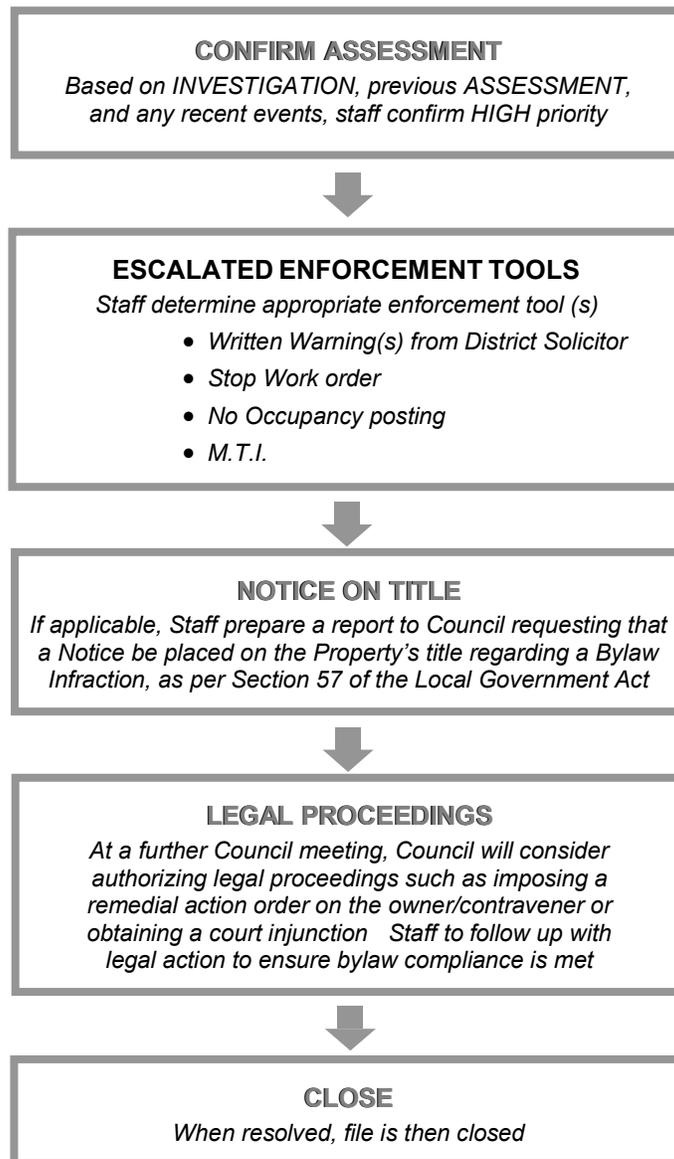
Schedule B

MEDIUM PRIORITY



Schedule B

HIGH PRIORITY



Appendix B



The Corporation of the District of Ucluelet

MUNICIPAL POLICY MANUAL

POLICY NUMBER: 9-4000-1

REFERENCE:

Bylaw Enforcement

ADOPTED BY:

Council

July 14, 2015

CROSS-REFERENCE:

Actions on Zoning and Bylaw Infractions Policy 9-4020-1

SUPERSEDES:**New****AMENDED DATE:**

N/A

DEPARTMENT:

Administration

EFFECTIVE DATE:

July 14, 2015

Policy Statement:

Page 1 of 5

The District of Ucluelet will, from time to time and in accordance with this policy, take enforcement action with respect to contraventions of its bylaws. It is the goal of Council to achieve voluntary compliance through increased public education and awareness of District regulations and their rationale.

The purpose of this policy is to provide guidance to staff on the receipt of complaints and the initiation of investigation and enforcement proceedings related to contraventions of municipal bylaws. The District will use discretion on a case-by-case basis to evaluate contraventions, and take reasonable steps to investigate contraventions in accordance with this policy and operational guidelines of the District.

Definitions:

For the purposes of this policy:

- **“District”** means District of Ucluelet.
- **“Bylaw”** or **“Municipal Bylaw”** means a bylaw adopted by the District of Ucluelet, and includes, but is not limited to, bylaws listed in Schedule ‘A’ of this policy.
- **“Bylaw Officer”** means any of the following:
 - a) Chief Administrative Officer of the District of Ucluelet, or his designate;
 - b) Chief Financial Officer of the District of Ucluelet;
 - c) Bylaw Enforcement Officer of the District of Ucluelet;
 - d) Animal Control Officer of the District of Ucluelet;
 - e) Members of the Royal Canadian Mounted Police and Auxiliary RCMP Officers.



Confidentiality:

- a) The identity of a complainant is to be considered confidential and will not be disclosed to anyone for any purpose, except as required by law, and in accordance with the following provisions:
 - i. The complainant's identity may not be disclosed to the person under investigation or any member of the public;
 - ii. A response of a person under investigation may not be disclosed to the complainant. Bylaw enforcement files may not be discussed with a complainant subsequent to the initial submission of a complaint;
 - iii. Where a person submits a request pursuant to the *Freedom of Information and Protection of Privacy Act* for the disclosure of personal information contained in a bylaw enforcement file, it is the District's policy to refuse disclosure under the applicable sections of the *Freedom of Information and Protection of Privacy Act*, unless consent is obtained by the person who supplied the information;
 - iv. Despite the foregoing, the District will not guarantee the anonymity and confidentiality of complainants and may disclose personal information in bylaw enforcement files in the following circumstances:
 - If the complaint has been publicly disclosed by the complainant;
 - If the investigation results in enforcement proceedings;
 - If disclosure is required pursuant to the provisions of the *Freedom of Information and Protection of Privacy Act*;
 - If an order for disclosure is issued by the Provincial Freedom of Information Commissioner under the *Freedom of Information and Protection of Privacy Act*;
 - As otherwise required by law.

Investigation:

- a) A Bylaw Officer, acting in the regular course of his or her duties, may initiate investigations and conduct inspections to determine compliance with all regulations, prohibitions and requirements of District bylaws.
- b) Investigations may be initiated by written complaint. A complaint with respect to an alleged contravention of a municipal bylaw must be documented in writing before the complaint will be considered for investigation, and must contain:
 - i. The name and contact information of the complainant;
 - ii. A description of the nature and location of the alleged contravention.
- c) Investigation and enforcement priority may be given to alleged contraventions that adversely affect the health, safety and security of the public; adversely affect the environment; or may result in liability for the District.



Enforcement:

- a) Where a Bylaw Officer has reasonable and probable grounds to believe and does believe that a violation of a bylaw exists or that abatement procedures are inadequate, he or she may enter upon any property to further an investigation or resolve any violation.
- b) Any person who violates any of the provisions of a municipal bylaw, or who suffers or permits any act or thing to be done in contravention of a bylaw, or who neglects to do or refrains from doing any act or thing that is required to be done by any of the provisions of a bylaw, shall be deemed to have violated the provisions of the bylaw and shall be liable to the penalties imposed in Municipal Ticket Information Bylaw No. 949, 2004 or amendments thereto. Each incident attended by a Bylaw Officer constitutes a separate offence and each day that such violation is permitted to continue will constitute a separate offence.
- c) In determining whether to commence enforcement proceedings, the District may consider one or more of the following criteria:
 - i. The scale, nature, and duration of the contravention;
 - ii. The amount of time that has elapsed since the contravention occurred;
 - iii. The impact of the contravention on the community;
 - iv. The resources available to resolve the matter;
 - v. The costs associated with enforcement action;
 - vi. Whether public safety is at risk;
 - vii. Whether enforcement may be a deterrent in future cases.
- d) The District's primary enforcement objective is to obtain voluntary compliance.
- e) If voluntary compliance is not achieved, the District may exercise enforcement powers in accordance with the following remedies:
 - i. Quasi-criminal proceedings in Provincial Court and any other remedy as set out in Section 260 of the *Community Charter*;
 - ii. Supreme Court injunction proceedings as set out in Section 274 of the *Community Charter*;
 - iii. Remedial action and any other remedy as set out in Part 3, Divisions 5-12 of the *Community Charter*, and the District may seek to fulfill those requirements at the expense of the person in contravention, in accordance with the provisions of Section 17 of the *Community Charter*.
- f) The District retains the discretion to not commence enforcement proceedings in accordance with one or more of the criteria listed in section (c), 'Enforcement', of this policy.
- g) The Bylaw Officer shall maintain a written record of inspections and investigations undertaken and record the disposition of all complaints received.

**Penalty:**

- a) It is the duty of the Bylaw Officer to enforce the provisions of municipal bylaws.
- b) Tickets issued for offences against municipal bylaws are authorized by the “Municipal Ticket Information Bylaw No. 929, 2004”, and amendments thereto, and fines will be in accordance with Municipal Ticket Information Bylaw No. 949, 2004 or amendments thereto.

Mayor Dianne St. Jacques
District of Ucluelet

**APPENDIX A – DESIGNATED BYLAWS**

The bylaws enumerated below (and all amendments thereto) have been designated by Council for monitoring, investigation, and enforcement by the District of Ucluelet:

- 1) District of Ucluelet Noise Control Bylaw No. 915, 2003
- 2) Ucluelet Business Regulation and Licensing Bylaw No. 922, 2003
- 3) Traffic & Parking Bylaw No. 948, 2004
- 4) Garbage Collection & Regulation Bylaw No. 960, 2004
- 5) District of Ucluelet Animal Control and Licensing Bylaw No. 803, 1999
- 6) Public Property Use Regulation Bylaw No. 963, 2004
- 7) Outdoor Burning Bylaw No. 978, 2005



STAFF REPORT TO COUNCIL

Council Meeting: MARCH 23, 2021
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, MANAGER OF COMMUNITY PLANNING

FILE NO: 4020-20 STR

SUBJECT: SHORT-TERM RENTAL MONITORING PROGRAM – UPDATE

REPORT NO: 21-38

ATTACHMENT(S): NONE

RECOMMENDATION(S):

1. **THAT** Council receives this Short-Term Rental Program update report for information.

PURPOSE:

The purpose of this report is to provide an update on Ucluelet's Short-Term Rental (STR) bylaw outreach, investigation and enforcement program.

BACKGROUND:

This report provides an updated snapshot of STR compliance and results since the last report that went before Council on April 23, 2019.

UPDATE ON HOST COMPLIANCE DATA AND STAFF ACTIVITIES:

Currently, Staff have identified 185 STR properties in Ucluelet with active listings, up from the 172 since the last update. Note this number changes weekly as properties are added or removed from the short-term rental market, but for the purposes of this report that number can be considered reasonably accurate and current (see **Figure 1**).

Detailed comparison of the status of individual STR properties is not available at this time, but will be provided in a future update. The trend of gradual increase in the number of STR units is as expected.

The following still appear to be issues or concerns, and are enforced when they are noted.

- Not a **permitted use in the zoning** bylaw;
- Construction or change of use without the required **building permit**; and/or,
- **Owner not a present, full-time resident** in cases where required by the zoning.

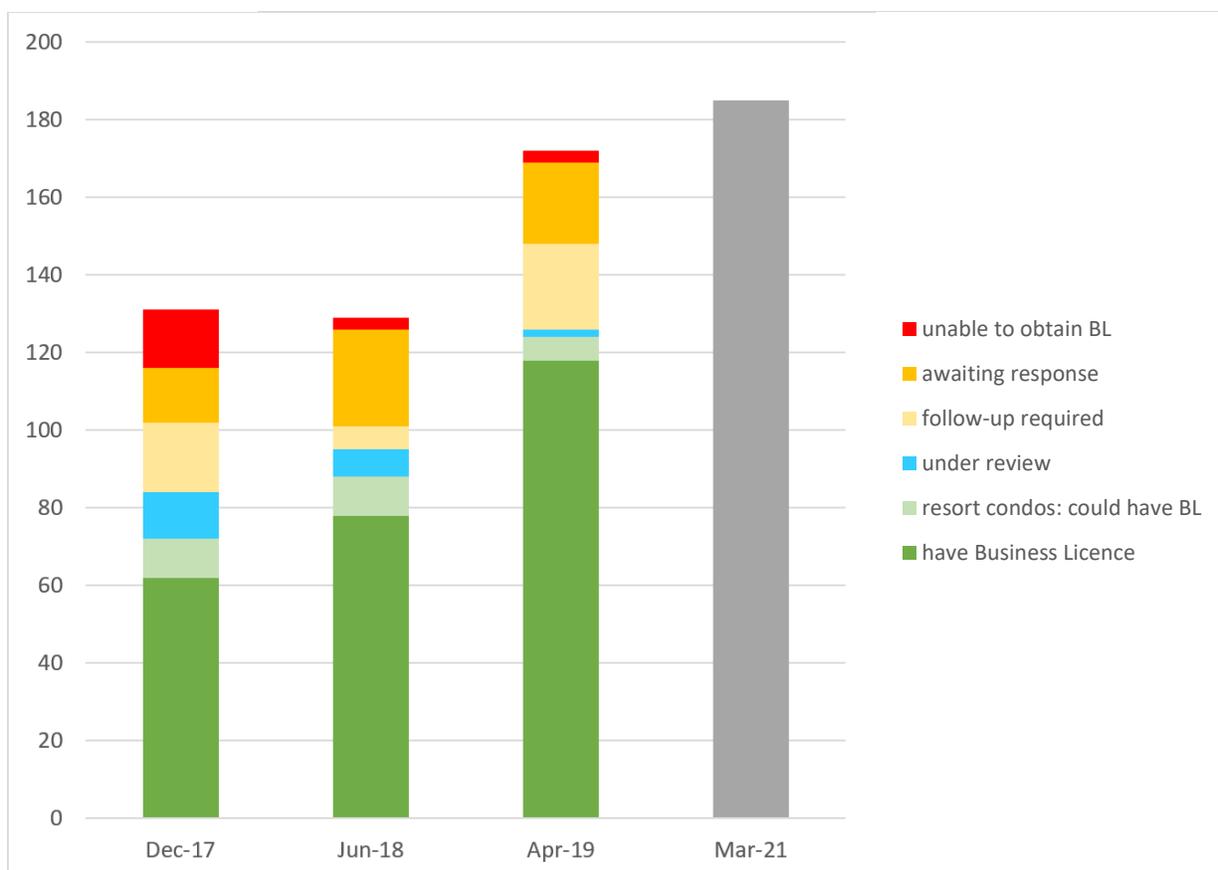


Figure 1: Active Short Term Rentals – December 2017 – March 2021

Most people will comply with the municipal bylaws willingly, or at least have been cooperative with coming into compliance. Obtaining compliance can take time, particularly in cases where an owner needs to complete work to obtain occupancy on a building permit. In most cases the bylaw infractions are eventually resolved.

Last year's enforcement activities include the suspension of one business licence – an unusual and normally unnecessary step.

LESSONS LEARNED:

Staff continue to contact property owners to advise them of the bylaw requirements and the need to apply for a business licence. Staff regularly receive inquiries about the STR application process and continue to receive new applications as communication about monitoring and compliance measures spreads.

As seen in Figure 1, above, the total number of listings has gradually increased over the past four years, while the individual properties involved change over time as new listing appear and others are shut down.

Advertised Identified STR Rental Units in Jurisdiction / Week



Figure 2: Short Term Rental units in Ucluelet being advertised online – four-year trend

Planning, Building and Bylaw Services continue to receive multiple inquiries from individuals wanting to convert existing suites to STR, and have observed individuals building short-term rental units without permits or approvals. Staff continue to monitor this, and staff work to ensure the municipal bylaw requirements are followed, and proper permits pulled for new construction, to maintain the minimum standards of health and safety required by the BC Building Code.

Increasingly, staff are fielding questions from individuals looking into purchasing a residential property for use as a stand-alone vacation rental; a use not permissible under District bylaws. Staff also observe increasing interest in construction of new homes with STR units rather than long-term rental secondary suites.

Staff continue to use a STR tracking tool to follow up on all known STR properties and their status; this enables better tracking of both individual properties and trends in compliance over time. Using the online tracking service, the District is able to positively identify the individual property in almost all of the online rental listings.

As seen in **Figure 2**, the growth in the number of advertisements for STR's in Ucluelet has somewhat slowed in the past two years - and has even reduced slightly over the past year due to property owners taking their properties offline in response to COVID travel restrictions. Note this does not provide a clear picture of availability or occupancy during COVID, as some properties have left their listings advertised online but have blocked off calendar dates instead of removing the listing altogether.

TIME REQUIREMENTS – STAFF & ELECTED OFFICIALS:

The monitoring and enforcement of STR is an ongoing activity for the District staff. While the Bylaw Officer position has been vacant in recent weeks, this monitoring work has necessarily been less frequent. That position is currently posted and the department hopes to be welcoming a new individual in that role in the near future. Other Planning and Building staff have been keeping on top of STR monitoring and complaints while the process of filling the vacant Bylaw Officer position proceeds.

FINANCIAL IMPACTS:

As the number of STR listings has increased, the District's cost for online monitoring services has also gone up. Billing for this service is a direct reflection on the number of listings within the District, and is also affected by the USD/CDN exchange rate. This gradual increase is accounted for

within the 2021 departmental budget; confirming potential ongoing costs will be factored into the preparation of future budgets.

POLICY OR LEGISLATIVE IMPACTS:

Staff recommend that the current STR bylaw outreach, investigation and enforcement program continue. The proportion of non-compliant listed STR units appears to have been reduced as a result of the efforts to date. As noted previously, potential changes to the zoning and business licence bylaws may be warranted in response to the continuing challenges STR's pose to the community housing supply, and may follow the update of OCP housing policies currently under review. Options to better reflect the community expectations for maintaining housing affordability, and the reasonable management of short-term rentals, are expected to be brought forward for Council consideration in the coming months.

Respectfully submitted: Bruce Greig, Manager of Community Planning
Donna Monteith, Acting Chief Administrative Officer



STAFF REPORT TO COUNCIL

Council Meeting: March 23, 2021
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, MANAGER OF COMMUNITY PLANNING **FILE NO:** 3360-20-RZ19-02

SUBJECT: **ZONING AMENDMENT: LOT 16 MARINE DRIVE** **REPORT NO:** 21-35

ATTACHMENT(S): APPENDIX A – ZONING AMENDMENT BYLAW NO. 1284, 2021
APPENDIX B – OPTIONAL AMENDMENT TO BYLAW NO. 1284 (TO ADD B&B'S)
APPENDIX C – APPLICATION MATERIALS
APPENDIX D – ADDITIONAL BACKGROUND

1. Recommendations:

THAT Council, with regard to the proposed development of Lot 16 District Lot 281 Clayoquot District Plan VIP76214 Except part in plans VIP80735, VIP83067 and VIP86140 ("**Lot 16**"):

1. introduce and give first reading to District of Ucluelet Zoning Amendment Bylaw No. 1284, 2021;
2. give second reading to District of Ucluelet Zoning Amendment Bylaw No. 1284, 2021;
3. direct staff to give notice for a public hearing to be held on District of Ucluelet Zoning Amendment Bylaw No. 1284, 2021;
4. indicate to the applicant that a variance to allow the requested 16m height for a fourth storey on the proposed apartment building would best be considered under a Development Variance Permit once architectural plans have been submitted;
5. indicate to the applicant and the public that adoption of District of Ucluelet Zoning Amendment Bylaw No. 1284, 2021, would be subject to registration of a Section 219 restrictive covenant on the title of the subject property to ensure, as a matter of public interest, that the following conditions and offers be satisfied as the property is subdivided and developed:
 - a. construction and development of the rental apartment building on proposed Lot 'A' (the "Apartment site") be in the first phase of the development;
 - b. dedication of a 10m wide park greenbelt along the eastern (Victoria Drive side) boundary of the property, as proposed;
 - c. dedication of a park area of approximately 1,300m² on the western (Marine Drive) side of the property, as proposed;

- d. registration of a greenspace covenant on a 10m wide strip along the Marine Drive frontage of the subject property to retain vegetation and preclude driveway access along this road corridor, as proposed;
- e. extension of the proposed new road to connect to Victoria Drive in the general location as shown in Figure 7 of the staff report;
- f. vehicle access to the proposed Lot 'B' ("Townhouse site") be from the new internal road only;
- g. the proposed amenity contributions of \$1,000 per multi-family unit or single-family lot be payable prior to approval of a subdivision plan creating the corresponding development parcels;
- h. the proposed transfer of ownership of one small serviced residential lot to the District at the time of subdivision approval; and,
- i. registration of the Housing Agreement on the title of proposed Lot 'A' (the "Apartment site") at the time of subdivision approval to ensure that the apartments are rental tenure only and will not be subject to strata conversion.

2. Purpose:

To provide Council with information on a request to amend the *District of Ucluelet Zoning Bylaw No. 1160, 2013* (the "**Zoning Bylaw**"), that is reflective of the applicant's proposed "proof-of-concept" plans (the "**Concept Plans**") over Lot 16 District Lot 281 Clayoquot District Plan VIP76214 Except part in plans VIP80735, VIP83067 and VIP86140 (**Lot 16**).



Figure 1 – Subject Property

3. The Proposal:

Lot 16 is a 12.7 acre property centrally located within walking distance to the schools, the Ucluelet Community Center, Big Beach Park, and the Village Square. The subject property currently holds the CD-2A.1.6 Big Beach Estates zoning designation. For background on the CD-2A zoning, see **Appendix D**.

The proposal submitted by MacDonald Gray on behalf of Nored Developments is to rezone Lot 16 to enable the development of several forms of housing:

- a 48-unit rental apartment building on the corner of Matterson Drive and Marine Drive (label **A** in Figure 2 below);
- 6 R-1 Single Family Residential lots on Marine Drive (label **B** in Figure 2);
- 30 smaller Single Family Residential lots in a new zone (labels **C** and **D** in Figure 2); and,
- 28 townhouse Multi-Family units (label **E** in Figure 2).

The development would include new internal roads and pathways, a 10m dedicated park buffer between the new development and properties on Victoria Road, and an area of park dedication (label **F** in Figure 2) between “The Ridge” development and the new single-family lots (see **Figures 2 & 3** and detailed plans in **Appendix C**).



Figure 2 – illustrative Site Plan (from application)

The applicant held a public information meeting on the 7th of December, 2018, and a summary of that meeting has been submitted by the applicant (see **Appendix C**). The current application and Concept Plans reflect a number of changes made after receiving public comment.

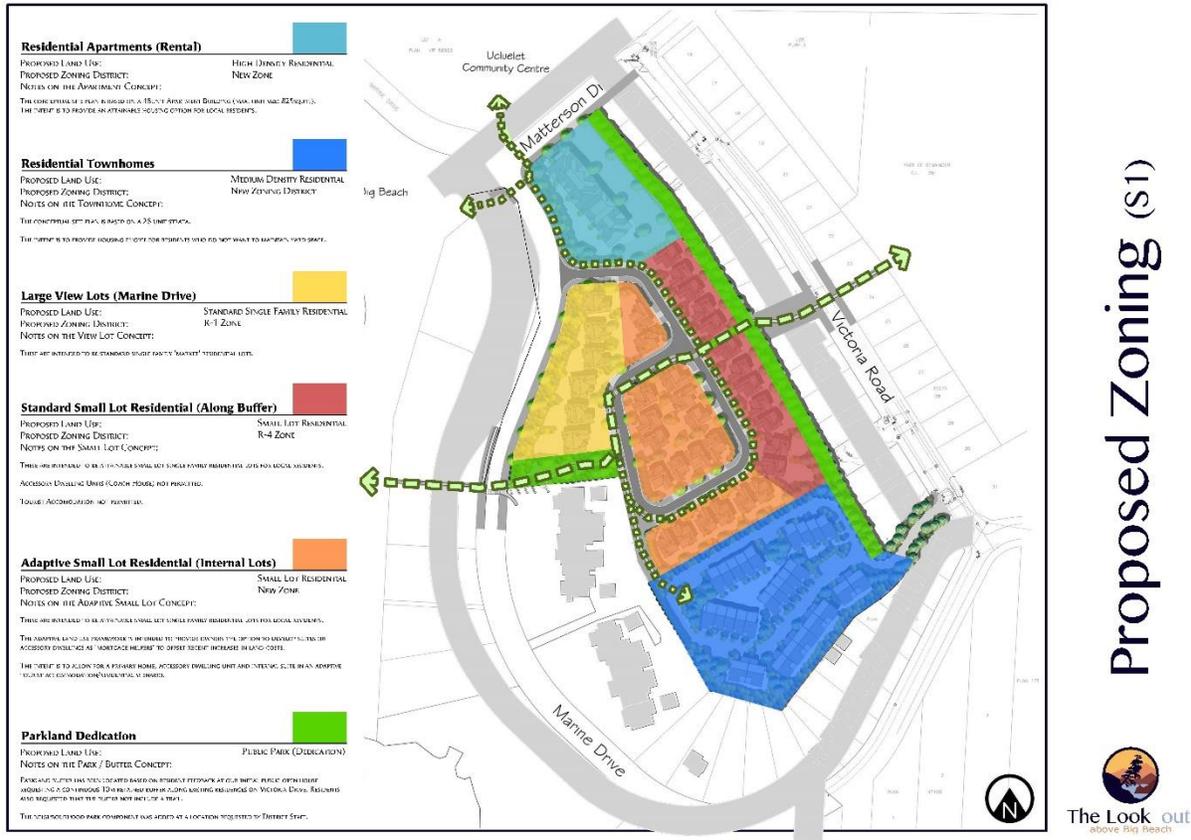


Figure 3 – Site Plan showing land use areas, access and pedestrian circulation (from application)

The Concept Plans submitted are not being presented as finalized plans – this application is not for a Development Permit (DP) at this time, rather it is for rezoning to permit the proposed uses and densities. The plans submitted with the application have been thought through in detail as “proof of concept” drawings, with the expectation that adjustments will be made as the property develops through the future stages of subdivision and DP approvals.

Staff have worked with the applicant to mutually understand the developer’s goals as well as the public benefits which could come from this development. As a result, some adjustments to the plans are recommended by staff and are discussed below. The zoning amendment bylaw which has been drafted (see **Appendix ‘A’**) accommodates the proposed uses and densities shown; the applicant is asking for two changes which, if supported by Council, could be inserted into the bylaw before proceeding to a public hearing (see **Appendix ‘B’** and options discussed below).

4. Discussion:

This application proposes a positive change from the current CD zoning for resort condo use. This is a good, central location for additional new housing in Ucluelet. The proposal would result in a mix of housing; with different sizes, types and costs resulting from the proposed mix.

Given the central location within walking distance to the village core, community center, schools and parks, this presents a great opportunity to add diverse residential density and create a walkable neighbourhood in this location. The proposed development mix is commended for including large lots, small lots, rental apartments, and townhomes offering housing in different

forms and affordability. The positioning of these uses with the apartment on the corner, the townhouses to the south and residential lots in between creates a clean development pattern and locates uses suitable to the adjacent lands and their context. The densities proposed are higher than found in existing single-family neighbourhoods in Ucluelet (befitting the point in time this is being proposed, and the current land values), but the proposed development also presents transitions and greenspace thoughtfully placed to minimize impact on existing adjacent uses and people's homes.

This report looks at the proposed zoning for uses and densities, issues of access, servicing and proposed amenities; zoning boundaries follow the general location of future road centerlines and boundaries between different uses. The details of the multiple-family development blocks would be subject to future DP applications which would be required as each of those sites develops.

4.1. Rental Apartment Building:

The applicant is proposing that the first phase of developing Lot 16 would be a four-storey, 48-unit Multiple Family Residential apartment building for rental tenancy only. The apartment building would be located at the corner of Marine Drive and Matterson Drive, with access from both Matterson and the new internal road. The proposed 10m park dedication of a treed buffer would separate the apartment parking lot from the adjacent homes on Victoria Road.

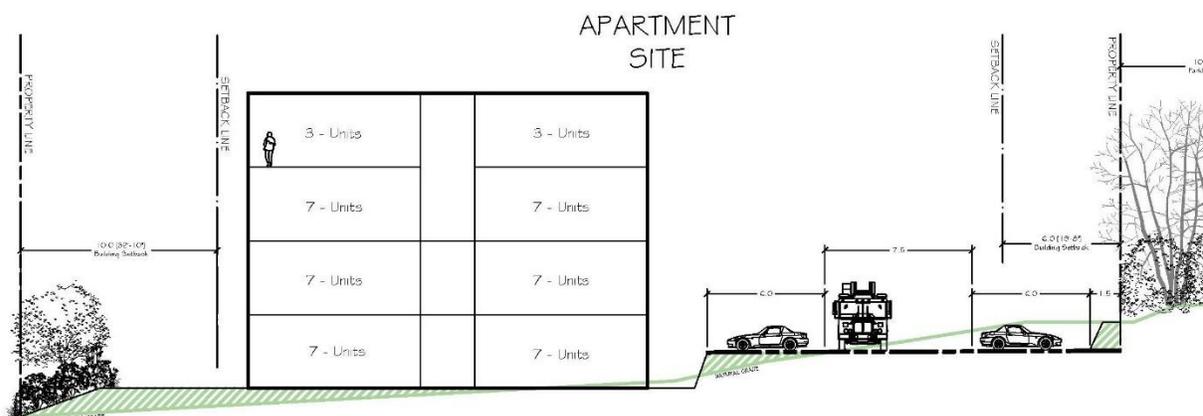
The draft Bylaw No. 1284 would designate this portion of the site as R-3 High Density Residential to accommodate proposed apartment use. The proposed new site-specific regulations in section R-3.8.1(1), (2) and (3) are tailored to this proposal (see **Appendix 'A'**).

These apartments would not be permitted for short-term rental for tourist accommodation, nor would they be stratified for individual ownership. These provisions would be included in a Housing Agreement with the District of Ucluelet, registered on the property title (see recommendation **5(i)** above).

The addition of 48 rental apartments would be a valuable addition to the housing supply in Ucluelet; the applicant's commitment to developing this portion of the site for rental housing is significant, and should be considered among the amenities or other community benefits presented by this proposal.

Building Height:

The R-3 zone currently permits a maximum height of 11m which accommodates a 3-storey building. At this point there are no detailed design drawings of the building or site that would form part of this application; this is a rezoning application only and not a request for a DP at this stage.



Apartment / Multi-Unit Residential Concept
 (Subject to a future Development Permit Application process)

Figure 4 – preliminary section through Apartment site

The applicant has requested that the R-3 zoning include a site-specific provision to allow the maximum height of the building to be increased from 11m to 16m to accommodate a 4-storey building. Staff recommend that this would best be reviewed in connection with a more detailed preliminary design for the actual building being proposed. The applicant could apply for a Development Permit Variance (**DVP**) during the DP process for the apartment building, with the required public notification and opportunity to comment, once the development proceeds to that point and building plans have been prepared. Viewing plans for how the building would be articulated, for example by stepping back portions of upper storeys, would help Council and the community visualize the impact of the development on this corner.

Alternatively, Council could grant the requested additional height outright in the zoning and rely on the form and character DP guidelines to ensure an acceptable building results from the DP process (see **Option #6** at the end of this report). To provide more assurance to Council, the applicant has suggested willingness to include a provision about the height within the restrictive covenant (see also **Option #7** at the end of this report). Both options 6 and 7 would involve review and approval of detailed plans by Council at a later point, but would not result in notification and public input to Council prior to making a decision on approving the building design.

These options 6 and 7 are presented to enable the applicant to make a case for Council to consider and, at Council's direction, could be easily incorporated as the application moves forward without delay in proceeding to a public hearing.

Outdoor Space and Setbacks:

The applicant is requesting an exemption for the proposed apartment on Lot 16 from the Outdoor Recreation/ Amenity Space required in the Definition of "Multiple Family Residential". This should be viewed in context with the amenities being offered and the proximity to the Ucluelet Community Centre, Big Beach Park and the schools. If Council were to earmark a portion of the amenity contribution for upgrades to recreation facilities (e.g., additional play equipment in an appropriate nearby public location), it could arguably satisfy the intent of the outdoor recreation space in a way that is accessible to the whole community.

The proposed addition of 10m and 8m setbacks along the property lines of the lot should be achieved by way a green space covenant (S.219 restrictive covenant, as noted in the recommended

motion #5 above). The 10m dedicated greenspace buffer on the east side would also increase the open space and vegetation surrounding the apartment building.

The proposed new rental apartment building would be a very positive addition to the housing supply in the community. At the same time, the location at the corner of Marine and Matterson opposite the UCC is a significant crossroads location at the approach to Big Beach. The building will become a landmark in the community and the overall height - and how the massing of the building is handled in the final design - will have a significant influence on the character of this corner of the community. Balancing these elements is critical when deciding on the appropriate degree and timing of community input, and the degree of control in Council's decision making on this key aspect of the development proposal.

4.2. Single Family Residential:

Along Marine Drive, an area of R-1 zoned single family lots is proposed, north of "the Ridge" and proposed new park, extending north to the new road entrance. These lots would not be accessed from Marine Drive; the proposed 10m greenspace covenant would ensure driveway access would be from the new internal road (see recommendation **5(d)** above).

These proposed larger lots would have the permitted uses currently allowed in the R-1 zone: Single-Family Residential as the principal use and either secondary suite or bed and breakfast as secondary uses, along with home occupation. As proposed, these half-dozen lots could therefore include the ability to provide short-term rental (B&B) accommodation. Recent sales and development on single-family lots in Ucluelet have shown that new construction is leaning more and more toward developing the short-term rental units as a key part of the house. This is placing upward pressure on property values.

B&B units being built in new homes are no longer a bedroom down the hallway within a home; they are generally being constructed as self-contained units with separate external entrances, more akin to motel suites. It is highly likely that most if not all of the proposed R-1 lots would contain one to three B&B units, and this potential impact should be considered when considering the development's overall density.

As a small portion of the overall development, and in this particular location on Marine Drive (with other short-term rental accommodation nearby and with proximity and views to Big Beach), staff recommend that the proposed R-1 lots are a supportable component in the mix of other housing types being proposed.

4.3. Infill Single Family Residential:

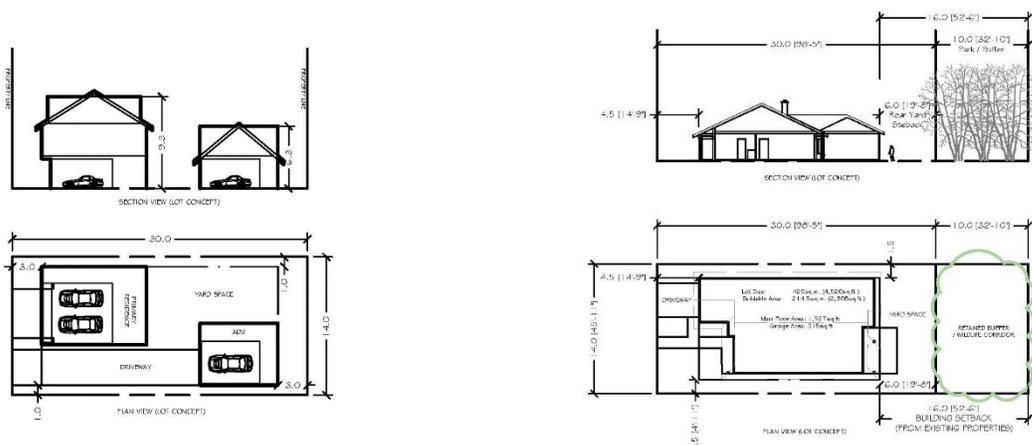
In the centre of Lot 16, approximately 30 compact new single-family lots are being proposed. A new R-6 Infill Single Family Residential zoning designation would be created by Bylaw No. 1284. The new R-6 zoning provisions would accommodate the lots shown in the Concept Plans, while providing flexibility to adjust the specific layout of individual lots as the development proceeds further through the subdivision process.

A 10m park dedication is proposed to maintain a treed greenspace buffer between the new single-family lots on Lot 16 and the adjacent homes on Victoria Road. This aligns with the original commitment to provide a 10m buffer which was part of the density bonusing framework for the CD-2 zone (please see **Appendix 'D'** for more detail on the somewhat confusing history of the prior zoning).

Some key components of the new draft R-6 zone:

- the list of permitted uses, as drafted, are purely residential with no short-term accommodation;
- minimum, maximum and maximum average lot sizes are defined, which would result in a mix of lot areas within a range between 360m² and 600m²;
- accessory uses include *secondary suite* or a detached *accessory residential dwelling unit* (a.k.a., cottage) on lots larger than 480m². Combined with the maximum lot average regulation this will ensure some mix among the housing units developed within this new neighbourhood;
- the Floor Area Ratio of 0.35 is equal to the current R-1 zoning regulations which apply in adjacent existing neighbourhoods, but if additional accessory housing units are included the F.A.R. is increased under the R-6 zoning to 0.5 – creating an incentive to develop more housing rather than larger houses;
- front setbacks are reduced along the new internal roads, but a greater setback is maintained in front of portions of a building with a garage door (so that a parking space is maintained on the driveway without overhanging the property line and sidewalk); and,
- maximum height for the main house would be 8.5m and for an accessory building would be 5.5m (same as in the R-1 zone), but for an *accessory residential dwelling unit* would be 7.5m. The 7.5m height is intended to allow for a small dwelling above a garage, but still be somewhat secondary in appearance to the slightly higher main house.

The new R-6 zone, and this proposed new neighbourhood of lots, would be the first area in Ucluelet where accessory cottages are widely permitted. As noted above, the lot area regulations would ensure that not every lot could have a cottage – at least one or two would be too small to permit that additional use, ensuring that the mix includes some modest homes on compact lots without the addition of a rental unit.



excerpt: Internal Lot

excerpt: showing Park Buffer along Victoria Road

Figure 5 – excerpts from application site plan showing possible infill single family lot options

A new neighbourhood of compact yet livable *residential* houses, with the ability to include an attached or detached extra long-term rental unit as a mortgage helper, would be a positive addition to the community. The detached cottage is similar to a secondary suite in size and use, but provides a different form with a bit of separation, privacy and often more outdoor private space.

Inclusion of short term rentals:

The applicant is requesting that the zoning also include the ability to have some short-term rentals within the permitted uses, for those internal lots which do not back onto the green buffer adjacent to Victoria Road. The draft Bylaw No. 1284 has not been written to accommodate this use, and staff are not recommending that including this portion of commercial accommodation is a benefit to the affordability or livability of the community. As noted above, a limited amount of short-term rentals within the half-dozen R-1 Lots along Marine Drive does provide for some of that commercial accommodation and added real estate value.

As part of ongoing work to develop a housing strategy for Ucluelet, Council has indicated a priority in looking at opportunities to increase housing choices and supply. Adjusting regulations to allow new forms of accessory dwelling units in existing residential areas is a policy area staff are working on. The work to develop the new R-6 zoning regulations starts to give shape to how such regulations could unfold. The draft regulations are aimed at providing an opportunity, and incentive, to create additional and more diverse housing supply within town - while also maintaining a density, character and adequate separation to maximize quality of life for residents.

As part of the broader housing discussion, tools such as an Intensive Residential Development DP area will be explored. This could include guidelines to improve privacy between adjacent properties when adding accessory units, and to ensure that adequate off-street parking is located in ways that also maintain a pedestrian-friendly streetscape and protect the supply of on-street public parking.

If Council wishes to include short term rentals as an option within the central portion of the R-6 zoned land, draft Bylaw No. 1284 could be amended as noted at the end of this report (see **Option #8** and **Appendix 'B'**), prior to the bylaw moving forward to a public hearing.

4.4. Townhomes:

The applicant is proposing that the south end of Lot 16 be designated for 28 townhomes. This presents yet another housing type and would add diversity to the community housing supply. Townhomes provide ground-oriented housing at a different price point than detached single-family homes. The draft Bylaw No. 1284 would designate this portion of the site as R-3 High Density Residential, with site-specific regulations R-3.8.1(4) and (5) to define the maximum density and setbacks as proposed.

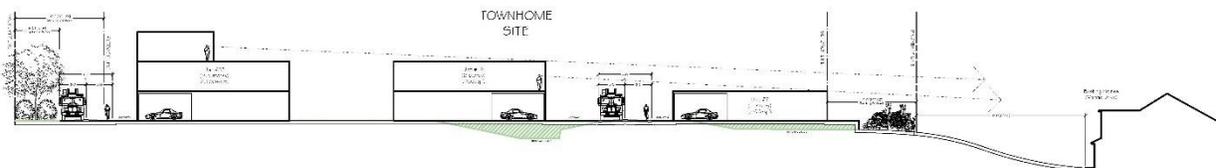


Figure 6 – preliminary section through Townhome site

The Concept Plans presented with the application show the access to the townhome site from Victoria Road near the intersection with Marine Drive. As noted in the discussion of access and circulation, below, staff recommend that the road access would be more appropriate from the new internal road. This change can be made as the development moves forward through subsequent stages of subdivision and DP approval (see recommendation **5(f)** above).

4.5. Access and Circulation:

The Concept Plans show two closed, dead-end road loops. The first would provide access to the new single-family lots from a single connection to the existing road network at Marine Drive (highlighted in red in **Figure 7**, below). The second loop would provide access to the townhouse strata from a connection on Victoria Road through an existing municipal road right-of-way approximately 17m (55 ft) from the corner of Marine Drive.



Figure 7 – Road access and circulation.

Staff are recommending that a better road pattern would connect the new public road through Lot 16 from the access on Marine Drive through to Victoria Road at another existing section of municipal road right-of-way 63m (200 ft) further north (highlighted in blue in **Figure 7**, above, and noted in recommendation **5(e)** at the outset of this report). The connection to the townhouse strata would be from this new section of public road. This pattern of connecting the street through the site, rather than creating a pair of closed loops, has advantages for traffic flow, neighbourhood connectivity and emergency access. By moving the new intersection with Victoria Road further north away from Marine Drive, it would also avoid potential conflicts at the existing intersection.

The applicant has expressed that either approach would be acceptable and is not pushing for one option over the other.

The layout of new roads and underground utilities is engineered and reviewed as part of the subdivision process, and must fit with existing infrastructure and meet acceptable safety standards. Staff raise this issue because the location of new roads connecting to existing neighbourhoods tends to be a point of great interest, and any potential changes in traffic patterns can become a point of concern. Being transparent about the options at the outset, and the recommended approach to how this new neighbourhood could fit within the network of Ucluelet's streets, will allow the public to comment as part of the public process as this proposal moves forward.

4.6. Public amenities:

The applicant is proposing to contribute the following amenities with the proposed development:

4.6.1. *Park Space:*

The applicant is proposing to dedicate a 1,300m² park space with an ocean view. The proposed park is valuable real estate; the offer to create the park in this position for the public to be able to enjoy the views, and connect a pathway through the site allowing easy access to Big Beach, is of great community benefit. The park space would also act as a green break between "the Ridge" development and the proposed new single-family lots along Marine Drive.

Also proposed is a 10m treed buffer park space behind the existing Victoria Road residential properties (see Concept Plans). This greenbelt would provide separation between the back yards of existing residential properties and the back yards of the proposed new lots. The 10m vegetation buffer meets the intent of the 2006 amenity framework for the existing CD-2 zoning of Lot 16.

4.6.2. *Financial Contribution*

The applicant is proposing a financial contribution to the District of Ucluelet of \$1,000 per multi-family unit or single-family lot, which for the proposal presented would total \$112,000. As noted above, this contribution (or a portion), could be earmarked for outdoor recreation facilities. It could also be used to accelerate paydown of the municipal debt on the UCC, be put toward creating pedestrian improvements, etc.; this is a discretionary decision of Council on what would most benefit the community.

Proposed amenity contributions are difficult to compare between developments. One of the amenities promised in the original Big Beach Estates development was a new public swimming pool and fitness facility, which was to be privately owned and maintained. The details of how that would be viable were not worked out at the time. This is a new development and should be viewed in its current context.

It is a reasonable expectation that a development proposal should present a net benefit to the community. The provision of needed housing and desired green spaces are part of that equation.

The expense of constructing the development should be covered by the developer. As the development process proceeds, confirmation of the extent to which the developer will cover the following costs should be confirmed:

- pathways, trails and landscaping not specifically mentioned in Ucluelet's subdivision servicing bylaw;

- park furniture or equipment (benches, play or recreation equipment, waste receptacles, signage, etc.);
- landscaping of boulevard and park spaces, and degree of finish (i.e, natural spaces vs. manicured).

These items also clearly benefit the development itself, but confirmation of the level of development of these public facilities would benefit the public review of the proposal.

4.6.3. *One Single-Family Residential Lot*

The applicant is proposing to transfer ownership to the District of Ucluelet one small serviced residential lot. The applicant estimates the value of this contribution at \$90,000 to \$100,000.

4.6.4. *Rental Housing Agreement*

Although not claimed as an amenity by the applicant, the creation of a rental tenure apartment building is clearly a sizeable benefit to the community. The applicant has stated that they will guarantee by covenant a rental-only tenure of the apartment property and that it will be the first phase of the development. Rental housing is one of the most critical needs in the Ucluelet housing spectrum.

The balance of all aspects of the development proposal should be weighed as a whole when considering whether the development presents a net public benefit to the community.

4.7. Services

The applicant has been in discussion with planning and public works staff, and the municipality's consulting engineering firm, to understand the servicing requirements. The developer needs to understand the connection between four things to have a clear picture of the viability of the project:

- the cost of off-site utility works (water and sewer) which would be necessary to serve the proposed development;
- what portion (if any) of those works would overlap with charges due under the Development Cost Charge bylaw (and therefore reduce the total DCC's payable);
- the total land and cash amenity contributions offered and accepted by Council as part of the rezoning; and,
- the uses and densities which might be approved by the rezoning.

Based on a DCC Summary from the applicant's engineer, the applicant confirmed on January 13, 2021, that the amenity contribution being offered with the current application is as described above.

4.7.1. *Onsite Services*

Onsite services such as roads, storm drainage, pedestrian walkways and boulevards, water, sewer, hydro, and phone/data utilities will be required as part of any future subdivision.

4.7.2. *Offsite Services*

The offsite service considerations for this property are complex. The property currently does not have adequate water pressure to allow for appropriate fire protection. The current

downstream sewer system capacity could not accept the proposed densities. For this discussion we will break down the two main issues of water and sewer:

4.7.3. Water

The proposed development will not have the required fire flows and peak hour pressure with the existing in-ground infrastructure. A check valve installation at the intersection of Matterson Drive and Victoria Road and a watermain upgrade on Victoria Road are required to provide adequate water service for the proposed development.

4.7.4. Sewer

The Victoria Road pump station and the forcemain beyond are currently close to, if not at capacity. In order for the further development to proceed in this area, this station would need to be bypassed and the sewage volume from the Marine Drive pump station must be diverted and picked up at the newly installed gravity piping located on Otter Street, just off Peninsula Road. This project is called the Matterson Bypass, and is identified as a future project within the Sewer Master Plan.

Servicing costs:

To help facilitate this development the District's engineering consultant reviewed the Matterson Bypass project and created a Class 'D' estimate (with 30% contingency). On September 24, 2020, Koers Engineering submitted this Class 'D' estimate with an estimated total construction cost (excluding Engineering & GST) of \$725,000. This bypass would also leave a gravel path parallel to Matterson Drive that could be a safer pedestrian route if it were to be paved (rather than the current route that runs on the road shoulder).

As these the water and sewer servicing costs affect the viability of the proposed development, Planning Staff have worked with the developer to review whether or not these expenditures overlap projects within the Development Cost Charges (DCC) program and if so, how that affects the DCC's charged as the development builds out.

The District's engineering consultant was asked to review the Ucluelet DCC program, to confirm whether these projects align with the DCC project list. The following statement was submitted by Koers & Associates Engineering Ltd on November 16, 2020:

"Water

If the Check Valve was installed at Matterson and Victoria, then the Matterson Pressure Zone Requirement would be satisfied and it could be removed from the DCC list. However the watermain improvement on Victoria is directly due to the development and shouldn't be considered a DCC.

Sanitary

The development requires the existing 150mm PVC forcemain to be extended to Otter Street. However this forcemain if constructed should be a 300mm via main to suit future growth in the District. The DCC noted funding for local station improvements and forcemains are essential to pump stations so we could loosely consider the forcemain as part of this project. It should be noted that the Matterson Road forcemain has been identified in the Sanitary Master Plan (300mm dia) with a Draft Report scheduled for the first week of December. An option for the District would be to consider funding the increase in cost of the pipe material between 300mm and 150mm dia. for the forcemain

as the excavation and surface restoration costs are similar for both pipe diameters. Alternately if the developer proceeds with a 150 mm dia. forcemain, the District should plan to install a duplicate main at a later date to meet future demands.”

The municipal solicitors were asked to confirm the legal framework by which DCC projects completed by a developer could be “credited” toward a development. Discussion with the applicant and the developer’s engineering consultant in December, 2020, confirmed that the following costs would advance the DCC program and would not be charged toward the development:

- *Watermain check valve estimated maximum water DCC credit available \$100,000.00*
- *Sanitary sewer extension estimated maximum sanitary DCC credit available \$489,000.00*

The above cost estimates can be confirmed by the District’s engineers as the project design is developed in more detail and class ‘A’ cost estimates are provided. The mechanism for tracking and ensuring the water and sewer servicing costs are “credited” when charging DCC’s on the various areas of the Lot 16 development will need to be clarified as the project proceeds, and prior to subdivision.

5. Time Requirements – Staff & Elected Officials:

Should this application proceed, staff time will be required to process the bylaw amendments (including giving notice of a Public Hearing), a Housing Agreement bylaw and covenant. Future DP and possibly DVP application(s) would also be seen by Council. Subsequent applications would be expected for subdivision and, ultimately, individual building permits.

Coordination and review of on and off-site infrastructure would also involve both staff and the District’s consulting engineers as the development proceeds.

6. Financial Impacts:

The Development Cost Charges for the new development will be collected at the time of building permit issuance on a per unit basis for the multi-family portions, as set out in the municipal DCC bylaw. DCC’s would also be payable for the new single-family lots at the time the final subdivision approval is granted for each new lot.

Amenity contributions are discussed above. Off-site servicing costs would be borne by the developer. Some additional costs, for extra work to provide public improvements already identified by municipal infrastructure master plans, should be budgeted to align with the timing of the developer’s installation of infrastructure. Two notable items are:

- increasing the pipe size on the Matterson Bypass sewer forcemain (est. cost \$137,000). It would be cost effective for the District to pay for up-sizing the pipe to handle the entire future capacity of this line.
- additional design and paving costs to place an asphalt multi-use path atop the new sewer forcemain alignment parallel to Matterson Drive (est. cost \$100,000). This would provide the improved pedestrian and bicycle connection along Matterson envisioned as the “coast-to-coast connector” in the Parks and Open Space master plan. The most cost-effective installation of the pathway would be if coordinated with the sewer line installation.

7. Policy or Legislative Impacts:

The development of Lot 16 for a mix of residential uses is consistent with Ucluelet's Official Community Plan. The draft zoning amendment bylaw presented with this report is being recommended for Council to consider to advance this significant proposal to a public hearing.

As discussed above, and noted in the options below, the applicant wishes to request additional height for the proposed apartment building and inclusion of additional short-term rental uses within the central portion of the new single-family lots. The options 6, 7 and 8 below have been crafted so that, should Council choose to support either of those requests by the applicant, the bylaw could be amended before being sent to a public hearing to gather public comment.

Should the application proceed, staff would also prepare a Housing Agreement bylaw for Council to consider to enable the rental apartment commitments to be secured prior to the apartment lot being finally approved.

Conclusion and OPTIONS:

The zoning amendment that is recommended strives to represent the best interests of the community with a residential focus on this key property while allowing for the densities contemplated in the applicant's concept plan. It is worth re-stating that this is a significant housing proposal for Ucluelet. The diversity of housing types being proposed for Lot 16 includes all of the following:

- rental apartments;
- ground-oriented townhomes;
- single-family homes on large lots;
- medium single-family homes on compact lots;
- small homes on small lots;
- secondary suites, and,
- detached accessory residential cottages.

Staff recommend that the zoning amendment bylaw prepared in response to this proposal receive first and second reading and be advanced to a public hearing to allow for community input, as laid out in the recommendations 1 through 5 at the outset of this report.

Alternatively, Council could consider the following:

6. prior to second reading (and in place of recommended motion #4, above), amend the draft Bylaw No. 1284, 2021, by inserting under text amendment C the following into the new text for site specific Other Regulations under R-3.8.1(1):
 - “c.) the maximum height is 16m (52 ft)”;

or,

7. alternatively (also in place of recommended motion #4, above), amend the draft Bylaw No. 1284, 2021, as in recommendation #6 but also add the following to the restrictive covenant at the end of recommended motion #5:

“j.) despite the zoning of proposed Lot ‘A’, the maximum building height be limited to 11m (3 storeys) unless first approved by the District Council upon submission of detailed architectural plans”;

and/or,

8. prior to second reading, amend the draft Bylaw No. 1284, 2021, by inserting (under text amendment B) *Bed and Breakfast* into the list of permitted secondary uses in the new R-6 zone under R-6.1.1(2) specific to the area of Lot 16 Marine Drive as shown in Appendix B to the staff report of March 23, 2021;

or,

9. Council could provide alternative direction to the applicant and/or staff.

Respectfully submitted: Bruce Greig, Manager of Community Planning
 John Towgood, Planner
 Rick Geddes, Fire Chief
 Warren Cannon, Superintendent of Public Works
 Donna Monteith, Acting Chief Administrative Officer

Appendix A

DISTRICT OF UCLUELET

Zoning Bylaw Amendment Bylaw No. 1284, 2021

A bylaw to amend the “District of Ucluelet Zoning Bylaw No. 1160, 2013”.
(Zoning amendments for the proposed development of Lot 16 Marine Dr).

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

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

1. Text Amendment:

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

- A. By amending within Division 300 – General Prohibitions and Regulations, Section 306 Buildings & Structures – Setbacks and Siting, such that “R-6” is added to the list of residential zones to which Section 306.3(7) applies.
- B. By adding a new Residential zone, to Schedule B – The Zones that directly follows R-5 Zone – Compact Single Family Residential such that the new section reads as follows:

“R-6 Zone – INFILL SINGLE FAMILY RESIDENTIAL

This Zone is intended for single family residential development providing for a mix of compact lots sizes and housing options, with additional accessory residential dwelling unit uses on the larger lots.

R-6.1 Permitted Uses

R-6.1.1 The following uses are permitted, but *secondary permitted uses* are only permitted in conjunction with a *principal permitted use*:

- (1) Principal:
 - (a) *Single Family Dwelling*
- (2) Secondary:
 - (a) *Home Occupation*
 - (b) The following additional *secondary permitted uses* are only permitted on lots of 480m² area or greater:

- (i) *Secondary Suite; or,*
- (ii) *Accessory Residential Dwelling Unit*

R-6.2 Lot Regulations

R-6.2.1	Minimum Lot Size:	360 m ² (3,875 ft ²)
R-6.2.2	Maximum Average Lot Size	480 m ² (5,167 ft ²)
R-6.2.3	Maximum Lot Size:	600 m ² (6,458 ft ²)
R-6.2.4	Minimum Lot Frontage:	10 m (33 ft)

R-6.3 Density:

R-6.3.1	Maximum Floor Area Ratio:	0.35
R-6.3.2	Maximum Floor Area Ratio with <i>secondary suite</i> or <i>accessory residential dwelling unit</i>	0.5
R-6.3.3	Maximum Lot Coverage:	45%

R-6.4 Maximum Size (Gross Floor Area):

R-6.4.1	Principal Building:	n/a
R-6.4.2	Accessory Buildings:	90 m ² (968 ft ²) combined total

R-6.5 Maximum Height:

R-6.5.1	Principal Buildings & Structures:	8.5 m (28 ft)
R-6.5.2	Accessory Buildings & Structures:	5.5 m (18 ft)
R-6.5.3	<i>Accessory Residential Dwelling Unit:</i>	7.5m (25 ft)

R-6.6 Minimum Setbacks:

- R-6.6.1 The following minimum setbacks apply, as measured from the *front lot line*, *rear lot line* and *side lot lines(s)*, respectively:

	(a) Front Yard Setback	(b) Rear Yard Setback	(c) Side Yard - Interior Setback	(d) Side Yard - Exterior Setback
(1) Principal	3 m (9.8 ft)	3 m (9.8 ft)	1.5 m (5 ft)	2.5 m (8.2 ft)
(2) Garage face	6m (19.6 ft)	n/a	n/a	n/a
(3) Accessory		3m (9.8 ft)	1.5 m (5 ft)	2.5 m (8.2 ft)

- R-6.6.2 In addition, no *accessory building* may be located between the front face of the principal building and the street.”

- C. By adding the following subsection to section R-3 in alphanumerical order, as follows:

“R-3.8 Other Regulations

R-3.8.1 Notwithstanding other regulations in this bylaw, on the R-3 zoned portions of the lands legally described as Lot 16, District Lot 281, Clayoquot District, Plan VIP76214 except part in plans VIP80735, VIP83067 and VIP86140: PID 025-812-823 (Lot 16 Marine Drive), the following regulations apply:

(1) on proposed Lot ‘A’ (Apartment site) subject to registration of a Housing Agreement to the satisfaction of the District restricting the use of multiple family residential dwelling units to rental tenancy and prohibiting strata conversion;

a.) the lot is exempt from the minimum useable outdoor recreation space requirement found in the definition of *multiple family residential* in section 103; and,

b.) the maximum density is 48 units (83 units per hectare);

(2) on proposed Lot ‘A’ the minimum setbacks for principal buildings from adjacent lot lines shall be as follows:

a.) from Matterson Drive: 8m (26ft)

b.) from Marine Drive: 10m (33 ft)

c.) from all other lot lines: 6m (20 ft)

(3) on proposed Lot ‘A’ the maximum floor area of an individual multiple family dwelling unit is 77m² (825 ft²);

(4) on Proposed lot ‘B’ (Townhome site) the maximum density is 28 units (20 units per hectare);

(5) on proposed Lot ‘B’ the minimum setbacks for principal buildings from external lot lines shall be 10m (33 ft).”; and,

- D. By deleting subsection CD-2A.1.6 from the regulations under the CD-2 Zone – BIG BEACH.

2. Map Amendment:

Schedule A (Zoning Map) of District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by changing the zoning designation of Lot 16, District Lot 281, Clayoquot District, Plan VIP76214 except part in plans VIP80735, VIP83067 and VIP86140 (PID 025-812-823) from CD-2 Zone (Big Beach), Subzone "CD-2A.1.6 Big Beach Estates", to areas designated as "R-1: Single Family Residential", "R-3: High Density Residential" and "R-6: Infill Single-Family Residential" as outlined in black on the map attached to this Bylaw as Appendix "A".

3. Citation:

This bylaw may be cited as "District of Ucluelet Zoning Amendment Bylaw No. 1284, 2021".

READ A FIRST TIME this day of , 2021.

READ A SECOND TIME this day of , 2021.

PUBLIC HEARING held this day of , 2021.

READ A THIRD TIME this day of , 2021.

ADOPTED this day of , 2021.

CERTIFIED A TRUE AND CORRECT COPY of "District of Ucluelet Zoning Amendment Bylaw No. 1284, 2021."

Mayco Noël
Mayor

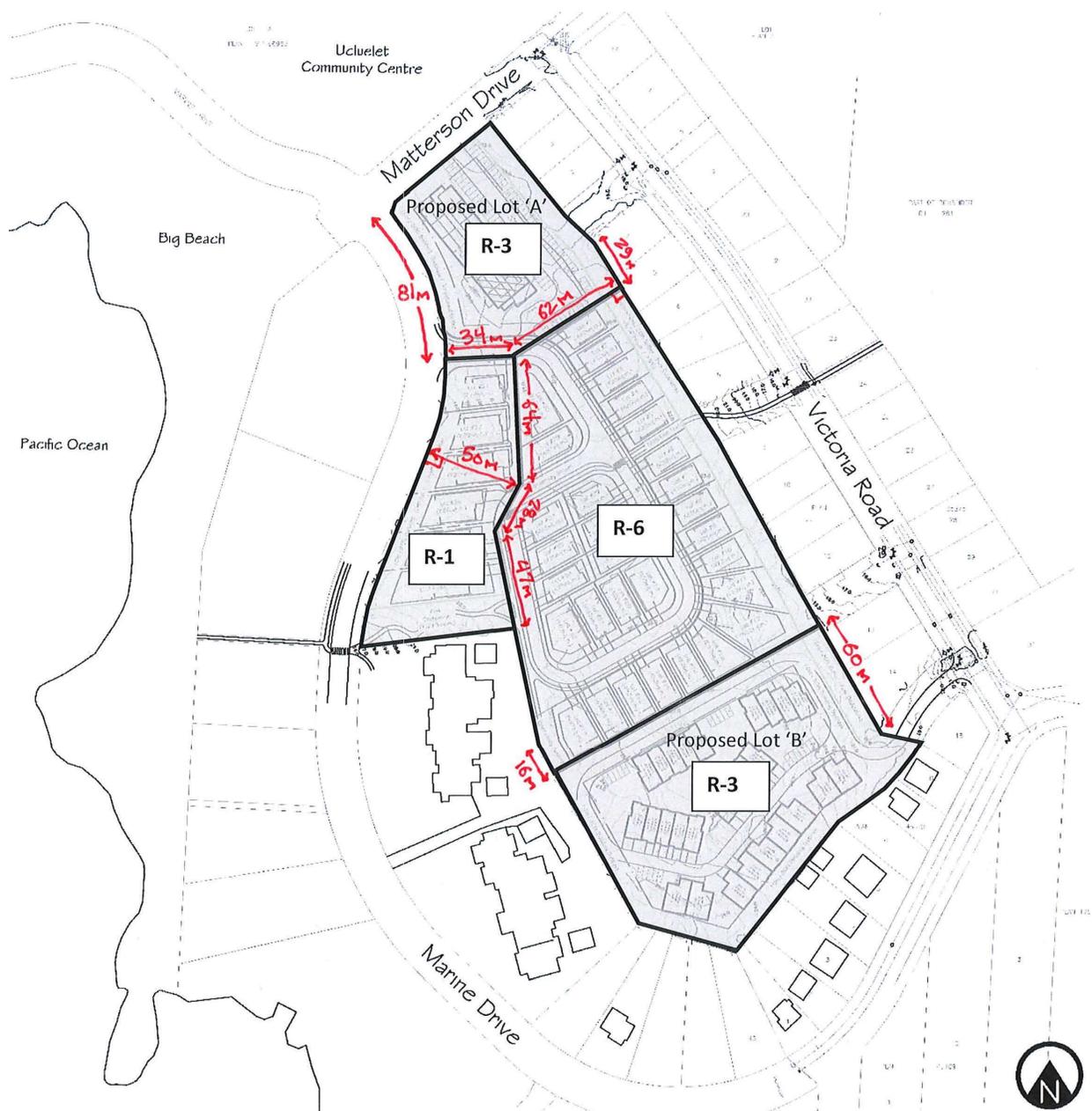
Joseph Rotenberg
Corporate Officer

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

Joseph Rotenberg
Corporate Officer

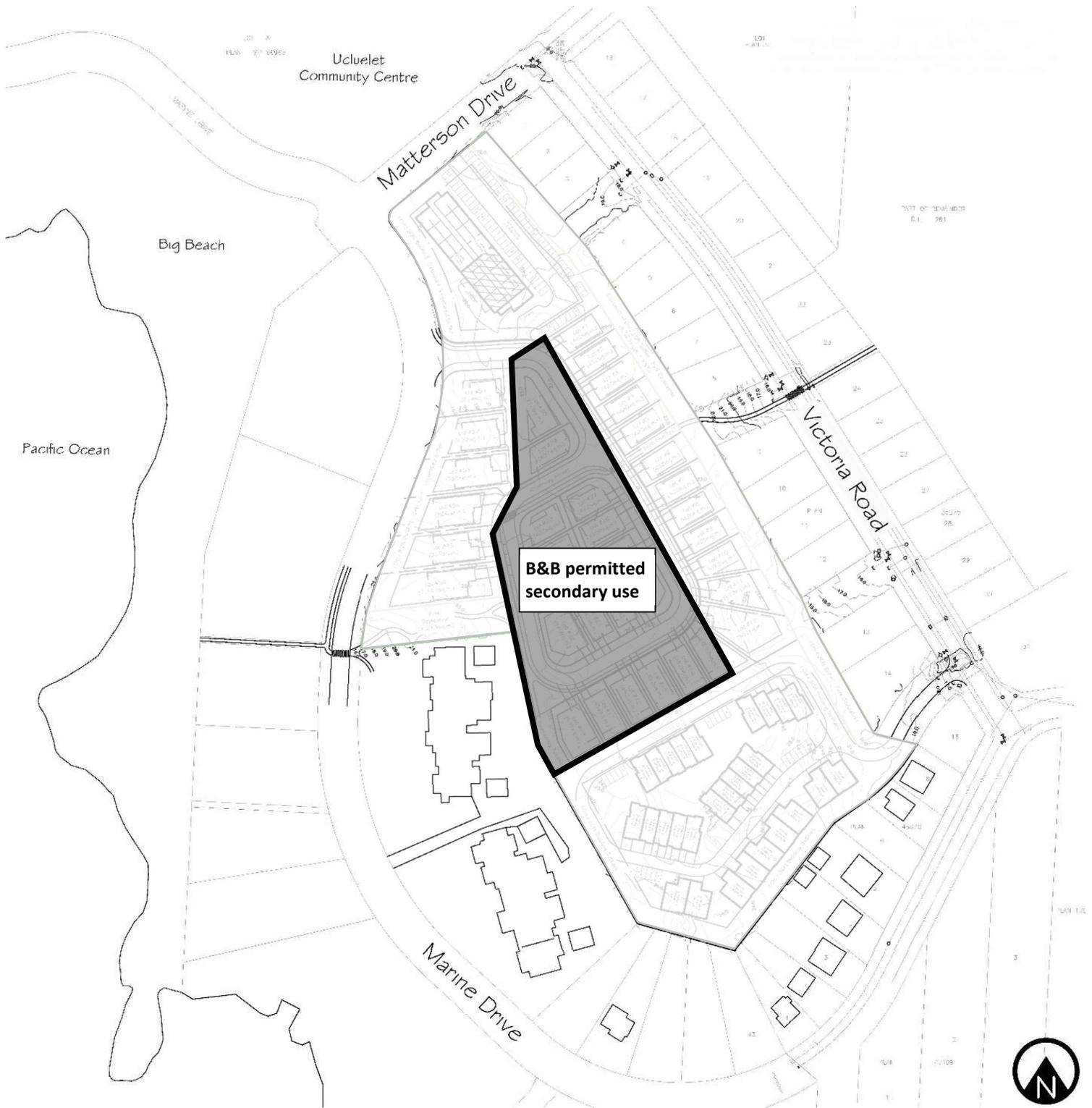
APPENDIX 'A' to District of Ucluelet Zoning Amendment Bylaw No. 1284, 2021 (Lot 16 Marine Drive)

From: CD-2A.1.6 Big Beach Estates
To: R-1 (Single Family Residential);
R-3 (High Density Residential); and,
R-6 (Infill Single-Family Residential) as shown:



Appendix B (Optional: additional B&B use)

R-6.1.1(2)(c) On lots created within the following area (of Lot 16 Marine Drive), *Bed and Breakfast* is also a permitted secondary use:



Appendix C

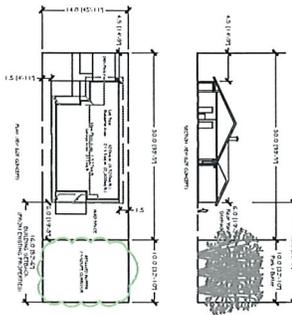
SINGLE FAMILY LOT STATISTICS:

Single Family Residential (Marine Drive Lots)

Proposed Zoning:	R-1 ZONE	(Lots 31-37)
Unit Count:	7	
Average Lot Size (Lot #35):	967-sq.m.	(1.0-4.0-sq-ft)
35% Lot Coverage:	339-sq.m.	(3.64-sq-ft)
Buildable Area:	507-sq.m.	(5.31-sq-ft)
Maximum Height:	9.5m.	(25ft or 2.5 Storeys)
Floor Area Ratio:	0.35	
Maximum Floor Space:	339-sq.m.	(3.64-sq-ft)

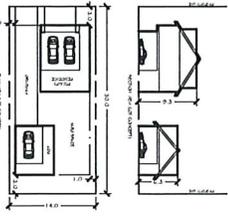
Small Lot Residential
(Accessory Dwelling Units / Coach Houses Not permitted)

Proposed Zoning:	R-1 ZONE	(Lots 1-12)
Unit Count:	12	
Average Lot Size:	420-sq.m.	(4.52-sq-ft)
45% Lot Coverage:	189-sq.m.	(2.03-sq-ft)
Buildable Area:	214-sq.m.	(2.30-sq-ft)
Maximum Height:	6.5m.	(21ft)
Floor Area Ratio:	0.50	
Maximum Floor Space:	210-sq.m.	(2.28-sq-ft)



Big Beach Small Lot Residential
Proposed Zoning: NEW ZONE

Unit Count:	18	(Lots 12-30)
Average Lot Size:	420-sq.m.	(4.52-sq-ft)
45% Lot Coverage:	189-sq.m.	(2.03-sq-ft)
Buildable Area:	243-sq.m.	(2.61-sq-ft)
Maximum Height:	10.0m.	(33ft)
Floor Area Ratio:	0.5	
Maximum Floor Space:	210-sq.m.	(2.28-sq-ft)
Setbacks:		
Front Yard:	3.0m	
Rear Yard:	3.0m	
Interior Side Yard:	1.0m	
Exterior Side Yard:	2.5m	



PLEASE REFER TO DRAWING SHEET S3 FOR APARTMENT AND TOWNHOME SITE STATISTICS

#	Date	NOTES
0	Oct 2018	For Servicing Analysis (A41)
1	Jan 2019	Resubmitting Application
2	Feb 2020	District Requested Revisions

PROOF OF CONCEPT

Date: February 2020

Drawn: NG

Checked: NG

Scale: 1:1000

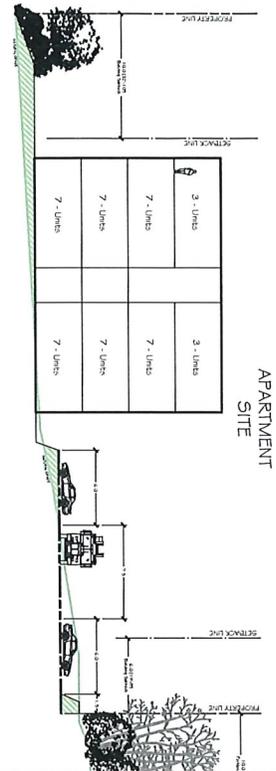
Project Number: 17-0157

DRAWING NUMBER: S2 of 4

Lot 16
0985470 B.C. Ltd.
District of Ucluelet, BC

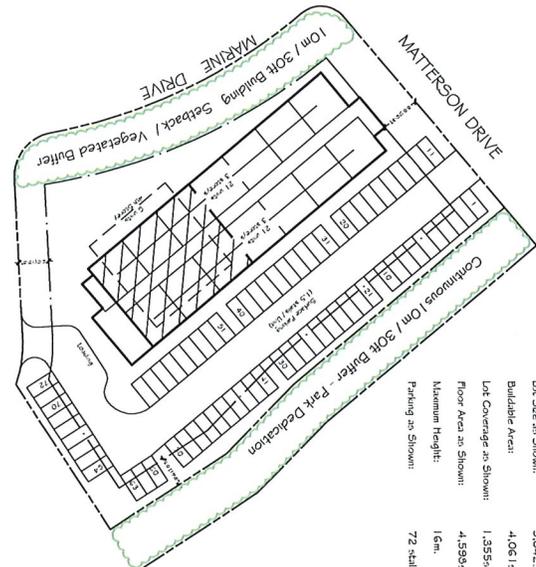
macdonald gray

814 Shorewood Drive, Parksville, BC V9P 1S1
TEL: (250) 248-2000 FAX: (250) 248-2001
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Apartment / Multi-Unit Residential Concept
(Subject to a Future Development Permit Application process)

Proposed Density:	35/sph	(2,025-sq-ft./unit)
Number of Units as Shown:	49	
Maximum Unit Size:	77-sq.m.	(825-sq-ft.)
Lot Size as Shown:	5,042-sq.m.	(62,003-sq-ft.)
Buildable Area:	4,061-sq.m.	(43,712-sq-ft.)
Lot Coverage as Shown:	1,355-sq.m.	(23%)
Floor Area as Shown:	4,590-sq.m.	(49,492-sq-ft.)
Maximum Height:	16m.	(53ft./4-story)
Parking as Shown:	72 stalls	(1.5 stalls/unit)



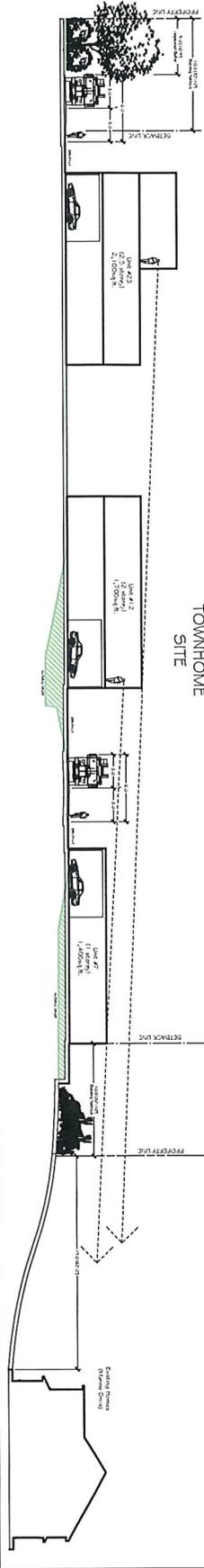
Notes - Proof of Concept
The Land Use Concept as shown is only a "proof of concept" generated for our client's reference to ensure that we can physically accommodate their uses and layout proposed.
Building footprints are shown diagrammatically for the land use discussions during the rezoning application process.
All future site development would be subject to future Development Permit and Subdivision Application processes.



Townhomes Residential Concept
(Subject to a Future Development Permit Application process)

Proposed Density:	20/sph	
Number of Units as Shown:	23	
Lot Size as Shown:	14,423-sq.m.	(153,095-sq-ft.)
Buildable Area:	9,535-sq.m.	(102,633-sq-ft.)
Lot Coverage as Shown:	4,079-sq.m.	(27%)
Floor Area as Shown:	4,505-sq.m.	(48,300-sq-ft.)
Maximum Height:	11 m.	(36ft./2.5-story)
Parking as Shown:	50 stalls	(1.75 stalls/unit)

TOWNHOME SITE



#	Date	NOTES
0	Oct 2018	For Servicing Analysis (Add)
1	Jan 2019	Rezoning Application
2	Feb 2020	District Requested Revisions

PROOF OF CONCEPT

Date: February 2020

Drawn: NG

Checked: NG

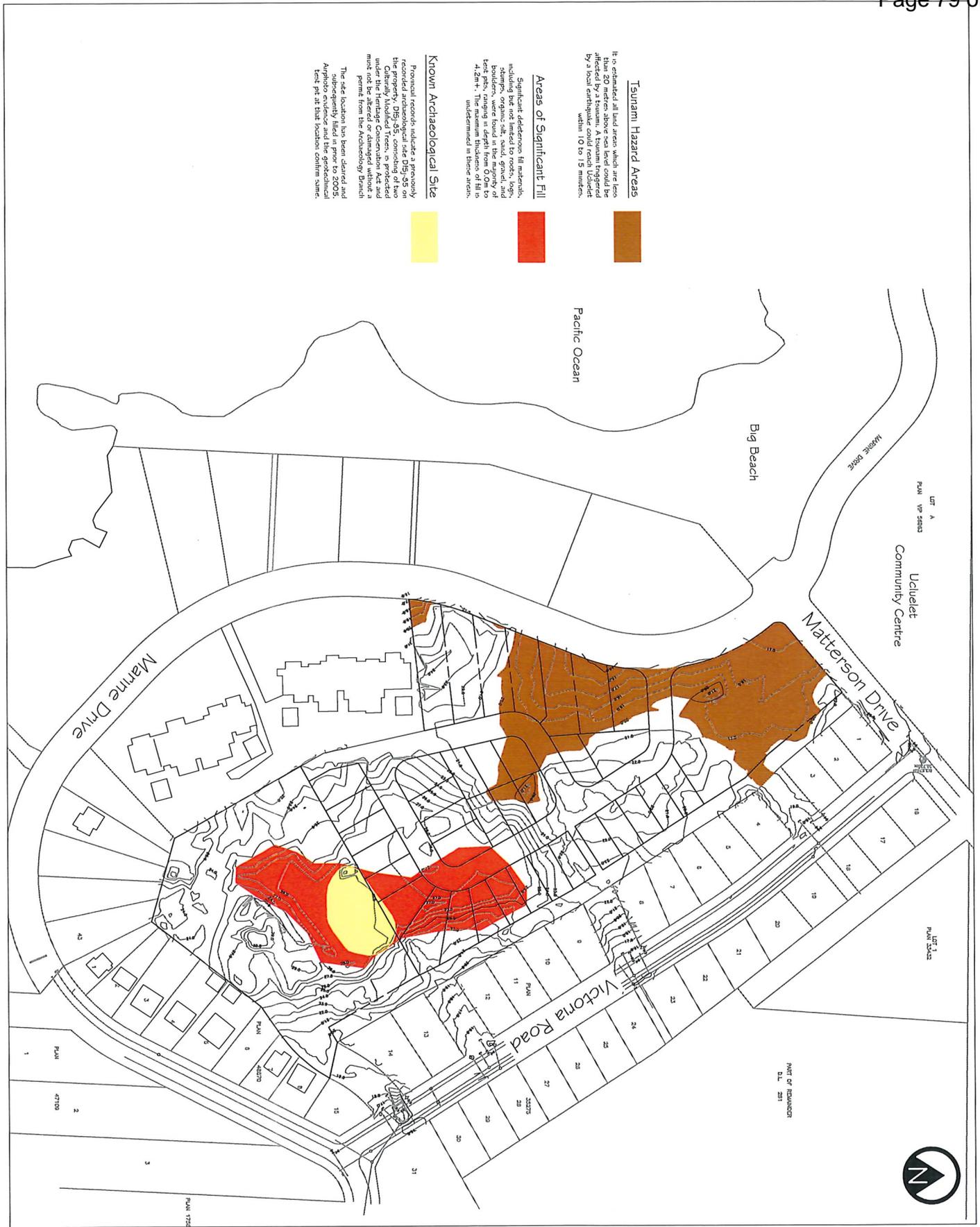
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Project Number: 17-0157

DRAWING NUMBER: S3 of 4

Lot 16
0985470 B.C. Ltd.
District of Ucluelet, BC

macdonald gray
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REVISION SCHEDULE		
#	Date	NOTES
0	Oct 2018	For Servicing Analysis (Add)
1	Jan 2019	Resoning Application
2	Feb 2020	District Requested Revisions

Opportunities & Constraints

Date: February 2020

Drawn: HG

Checked: HG

Scale: 1:1000

Project Number: 17-0157

DRAWING NUMBER: S4 of 4

Lot 16
0985470 B.C. Ltd.
District of Ucluelet, BC

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Residential Apartments (Rental)

PROPOSED LAND USE: High Density Residential
 PROPOSED ZONING DISTRICT: New Zone
 NOTES ON THE APARTMENT CONCEPT:
 THE CONCEPTUAL SITE PLAN IS BASED ON A 48-UNIT APARTMENT BUILDING (MAX. UNIT SIZE: 825sq.ft.).
 THE INTENT IS TO PROVIDE AN AFFORDABLE HOUSING OPTION FOR LOCAL RESIDENTS.

Residential Townhomes

PROPOSED LAND USE: Medium Density Residential
 PROPOSED ZONING DISTRICT: New Zoning District
 NOTES ON THE TOWNHOME CONCEPT:
 THE CONCEPTUAL SITE PLAN IS BASED ON A 28 UNIT STRATA.
 THE INTENT IS TO PROVIDE HOUSING CHOICE FOR RESIDENTS WHO DO NOT WANT TO MAINTAIN YARD SPACE.

Large View Lots (Marine Drive)

PROPOSED LAND USE: Standard Single Family Residential
 PROPOSED ZONING DISTRICT: R-1 Zone
 NOTES ON THE VIEW LOT CONCEPT:
 THESE ARE INTENDED TO BE STANDARD SINGLE FAMILY "MARKET" RESIDENTIAL LOTS.

Standard Small Lot Residential (Along Buffer)

PROPOSED LAND USE: Small Lot Residential
 PROPOSED ZONING DISTRICT: R-4 Zone
 NOTES ON THE SMALL LOT CONCEPT:
 THESE ARE INTENDED TO BE AFFORDABLE SMALL LOT SINGLE FAMILY RESIDENTIAL LOTS FOR LOCAL RESIDENTS.
 ACCESSORY DWELLING UNITS (COACH HOUSE) NOT PERMITTED.
 TOURIST ACCOMMODATION NOT PERMITTED.

Adaptive Small Lot Residential (Internal Lots)

PROPOSED LAND USE: Small Lot Residential
 PROPOSED ZONING DISTRICT: New Zone
 NOTES ON THE ADAPTIVE SMALL LOT CONCEPT:
 THESE ARE INTENDED TO BE AFFORDABLE SMALL LOT SINGLE FAMILY RESIDENTIAL LOTS FOR LOCAL RESIDENTS.
 THE ADAPTIVE LAND USE FRAMEWORK IS INTENDED TO PROVIDE OWNERS THE OPTION TO DEVELOP SUITES OR ACCESSORY DWELLINGS AS "MORTGAGE HELPER" TO OFFSET RECENT INCREASES IN LAND COSTS.
 THE INTENT IS TO ALLOW FOR A PRIMARY HOME, ACCESSORY DWELLING UNIT AND INTERNAL SUITE IN AN ADAPTIVE TOURIST ACCOMMODATION/RESIDENTIAL SCENARIO.

Parkland Dedication

PROPOSED LAND USE: Public Park (Dedication)
 NOTES ON THE PARK / BUFFER CONCEPT:
 PARKLAND BUFFER HAS BEEN LOCATED BASED ON RESIDENT FEEDBACK AT OUR INITIAL PUBLIC OPEN HOUSE REQUESTING A CONTINUOUS 10M RETAINED BUFFER ALONG EXISTING RESIDENCES ON VICTORIA DRIVE. RESIDENTS ALSO REQUESTED THAT THE BUFFER NOT INCLUDE A TRAIL.
 THE NEIGHBOURHOOD PARK COMPONENT WAS ADDED AT A LOCATION REQUESTED BY DISTRICT STAFF.



Proposed Zoning (s1)

Zoning Amendment: Lot 16 Marine Drive Bruce Greig, Manager of Community ...





Land Use Concept

Zoning Amendment: Lot 16 Marine Drive Bruce Greig, Manager of Community ...





NORED

DEVELOPMENTS

October 27, 2020

To Whom It May Concern:

Introduction

The property ownership group (Owners) submitted a Zoning Amendment Application to the District of Ucluelet (District) in February of 2019 for the Lot 16 property. The Owners currently hold and manage a number of rental buildings on Vancouver Island. Through our recent discussions with District Staff, it was suggested that further confirmation and clarification of our intent to develop rental housing on the northern portion of the property should be formalized in a Letter of Intent on our corporate letterhead. This letter is intended to provide additional assurance to the District of Ucluelet Council that it is our intent to develop a 4-storey, ± 48 unit, rental apartment building on Lot 16 as outlined in our Zoning Amendment Application.

Purpose

This Document is intended to outline the basic terms to be used in a future Housing Agreement between 0985470 B.C. LTD., of Nanaimo, B.C. and the District of Ucluelet. The terms in this Document are not comprehensive and it is expected that additional terms may be added, and existing terms may be changed or deleted. The basic terms are as follows:

Statement of Intent

The Owners agree to establish a density bonusing structure through the District's Zoning powers under Section 482 of the *Local Government Act* (LGA) to encourage the provision of market residential rental units; or,

To execute a Housing Agreement after 3rd Reading of the proposed Zoning Bylaw Amendments as a condition of 4th Reading and Bylaw Adoption. All obligations as indicated in the future Housing Agreement would be formally registered on the Property Title prior to 4th Reading.



NORED

DEVELOPMENTS

In either scenario, the Housing Agreement would be registered on the property Title as a condition of future development binding current and future property owners, to the following conditions:

1. The units will be occupied solely as market residential rental units;
2. The units may not be converted to a building strata.

This Document accurately reflects the Owners understanding of the proposed terms of a Housing Agreement between the District and the Owners, subject to the success of our current Zoning Amendment Application proposal for the Subject Property in its entirety.

A handwritten signature in black ink, appearing to read "Lance McNabb", is written over a horizontal line.

LANCE MCNABB

Lot 16 Ucluelet

Zoning Amendment Application: Planning Framework Report



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February 10, 2019

John Towgood
District of Ucluelet
200 Main Street
Ucluelet, BC
V0R 3A0

Attention: John Towgood

Re: Zoning Amendment Application – Lot 16 Ucluelet

MacDonald Gray Consultants has been retained by the property owners to provide planning services in support of a Zoning Amendment to 'the land' described as Lot 16 within the District of Ucluelet, British Columbia.

The property owners and our project team have worked collaboratively with District Staff and local area residents to expand upon the community's vision as expressed in the Official Community Plan. We heard from neighbouring residents that there was a strong desire to provide a variety of attainable housing forms for local residents, while preserving existing landscape buffer spaces, and mitigating increased vehicular traffic on local roads.

This community vision has been integrated into our natural systems based design process, which is a collaborative approach to site planning. Environmental, physical and architectural considerations have been woven together to create a Land Use Concept, which is the basis for our Zoning Amendment proposal.

The Land Use Concept shown today is a 'proof of concept' generated for our due diligence to ensure that we can physically accommodate the uses and layout proposed. This plan has everything we felt there is a need for in Ucluelet with some adaptive planning frameworks applied.

The resulting 'Lookout' neighbourhood concept offers the District of Ucluelet a unique opportunity to realize a compact and complete residential node with an appropriate mix of attainable housing forms, while respecting the existing neighbourhood concerns and maintaining the form and character of adjacent tourist commercial properties.

The proximity of the neighbourhood to community amenities like Big Beach Park, Wild Pacific Trail, Coast to Coast Trail and the Ucluelet Community Centre is ideal. When you add the fact that the Village Square Core area is within walking distance, this makes the area an ideal location for future residents to enjoy the benefits of a west coast lifestyle. We are looking forward to continuing our collaboration with District Staff and Council to create an example of appropriate neighbourhood development.

Sincerely,

Nigel Gray, MCIP, RPP, MBCSLA
Principal Planner / Project Manager
Macdonald Gray Consultants

1.0 INTRODUCTION

0985470 BC Ltd. of Nanaimo, British Columbia is proposing a complimentary mix of multi-unit residential apartments, townhomes, small lot and single unit residential development on Lot 16. The property is 5.14hectares (12.6acres) in size.

The owner wishes to make an application to the District of Ucluelet (District) for the purpose of accommodating these new land uses on the parcel. This report and Zoning Amendment Application has been prepared based on a comprehensive review of the planning framework currently in place for the project site as well ongoing discussions with District Staff and neighbouring residents.

An opportunity and constraints analysis was conducted based on existing site conditions including geotechnical realities, topographic features, existing vegetation and servicing considerations. These items are attached to this report in order to illustrate the findings of the opportunities and constraint analysis and a proposed development framework.

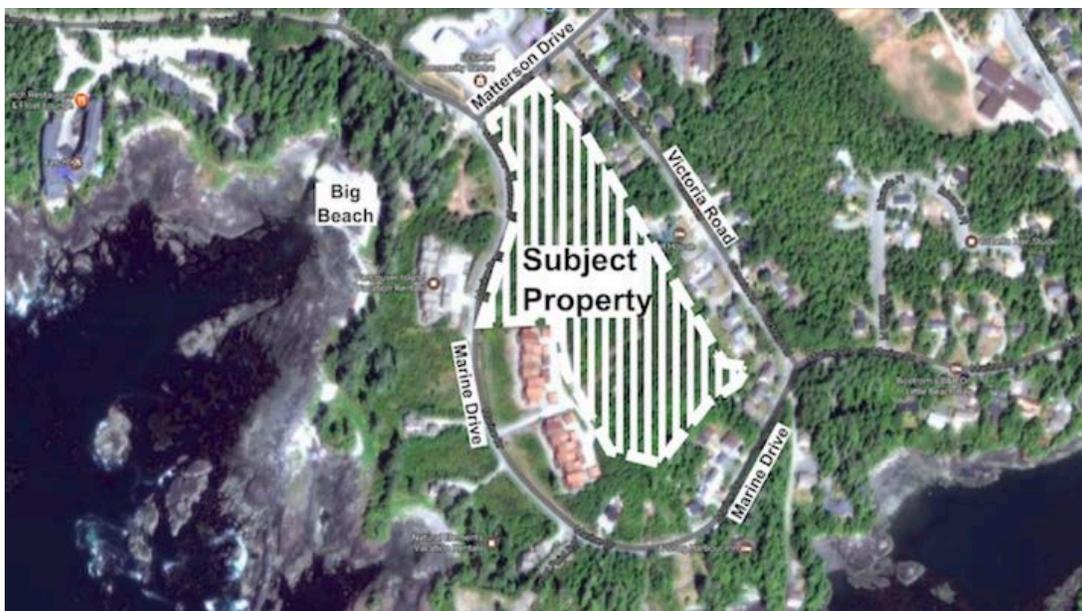


Figure 1 – Google Maps Air Photo Excerpt (Property Outlined in White)

2.0 SITE DESCRIPTION

2.1 TOPOGRAPHY

Contours have been interpolated from two sources (a topographic survey plan prepared by Newcastle Engineering and Lidar imagery). A **Contour Plan**, dated March 5, 2018, as prepared by Newcastle Engineering Ltd. is attached to this application. Topography varies from moderately sloping to relatively flat with a grade break (ridgeline) running northwest to

southeast bisecting the site. Elevations range from a high point of 30metres (behind 'The Ridge' Development) to a low point of 15metres along Marine Drive toward the northwest corner of the lands.

2.2 SERVICING

An underlay of existing utilities is included in an **Excerpt from Ucluelet OCP , Schedule 'A' – Water and Sanitary Sewer Network, attached as Appendix 'B'**. A preliminary Servicing Report is included with this application, as prepared by Newcastle Engineering Ltd.

Off-site works required to adequately service the proposed land use will be constructed or bonded for through a Servicing Agreement as a condition of the Zoning Amendment. This is a common expectation of municipalities to ensure that the total cost of servicing the proposed land use and density is paid for by the developer. Local area residents will not incur any costs due to the rezoning. This approach also helps to mitigate real estate speculation.

2.3 SUBSOIL DATA

The owner has completed a Geotechnical Assessment of the Property. The report indicates, *"From a geotechnical point of view, the land is considered safe for the use intended..."*. Please refer to the Geotechnical Assessment (report), as prepared by Lewkowich Engineering Associates Ltd., included with the application for additional detail.

2.4 EXPOSURE AND VIEWS

The site generally has a southwest exposure with strong view potential toward the Pacific Ocean to the south and west. The high point of the site may benefit from 360-degree views depending on site vegetation and the height of proposed structures.

2.5 SITE HISTORY / ARCHAEOLOGY

Provincial records indicate a previously recorded archaeological site DfSj-85 on the property. DfSj-85, consisting of two Culturally Modified Trees, which is protected under the Heritage Conservation Act and must not be altered or damaged without a permit from the Archaeology Branch.

The site location has been cleared and subsequently filled in prior to 2005. Airphoto evidence and the geotechnical test pit at that location confirm same.

3.0 LOCATION IN RELATION TO COMMUNITY FACILITIES

3.1 FIRE PROTECTION

The Ucluelet Fire Dept is located at 1520 Peninsula Road. The Fire Hall is 450metres or a 2minute drive from the lands.

3.2 POLICE

A Royal Canadian Mounted Police detachment is located at 1712 Cedar Road. The Detachment is 900metres or a 3minute drive from the lands.

3.3 HEALTH

The Ucluelet Health Centre is located at 1566 Peninsula Road. The Health Centre is 500metres or a 2minute drive / 7minute walk from the lands.

Tofino General Hospital is located at 261 Neill St, Tofino, BC. The Hospital is 41kilometers or a 39minute drive from the lands.

3.4 CANADA POST

A number of Canada Post community mailboxes will be required to accommodate development as build out occurs. Community mailboxes are currently present on Resort Drive adjacent to the property. The precise location of additional facilities will be coordinated with the District's Engineering Department.

3.5 TRANSPORTATION ROUTES

The lands are located directly adjacent to Matterson Drive, which is an existing looping collector road that connects to Peninsula Road. Peninsula Road is the primary arterial road through Ucluelet.

Multi-use pathways were recently installed along Marine Drive and Matterson Drive connecting the lands to the Village Square core area and waterfront parks. Extensions of the Wild Pacific Trail are also proposed along Marine Drive adjacent to the lands connecting to the proposed Matterson Drive multi use pathway. **Excerpt from Ucluelet OCP , Schedule 'D' – Transportation Network, attached as Appendix 'B'.**

3.6 PUBLIC TRANSPORTATION

BC Transit currently does not operate bus routes in close proximity to the lands and has not adopted plans for future service expansion in the surrounding neighborhoods.

The Ucluelet Bus Depot is located in Murray's Grocery at 1980 Penninsula Road. The Depot is 750metre or a 9minute walk from the lands. Tofino Bus provides intercity commercial bus service from this location.

3.7 COMMERCIAL SERVICES

The plan area is 500metres from Village Square core area services on Peninsula Road by way of a 5minute walk.

3.8 RECREATIONAL

The subject property is kiddie corner to Big Beach Park and the existing multi use pathways along Marine Drive (parallels the Wild Pacific Trail) and Matterson Road (portion of the Coast to Coast Connection route).

Excerpt from Ucluelet Parks & Recreation Master Plan, Figure 6 – Coast to Coast Connection, attached as Appendix ‘C’

The Ucluelet Community Centre is located directly across Matterson Drive. The Centre offers a wide array of programs from Latin dance classes to roller hockey and outdoor basketball courts.

Ucluelet Secondary is a 5minute walk from the site and provides a number of after-hours recreation activities including a running track, field space, basketball courts and a BMX park.

3.9 SCHOOLS

A number of elementary schools are within proximity of the lands including English and French Immersion programs. Based on the School District 70 information, school infrastructure is at or over capacity. Funding for additional school infrastructure would be bolstered by Development Cost Charges (DCC) associated with the project.

North Island College – Ucluelet Centre located at 1636 Peninsula Road is 750metres or a 9minute walk from the lands. The centre offers university transfer, diploma and adult basic education programs.

Table 1: Nearby Elementary Schools and Current Capacities (2018)

School	Grade Levels	Walking Distance	Driving Distance	Current Enrolment /Trend
Ucluelet Elementary School	K - 7	11 min 850m	2 min 850m	156 / slight increase
Ucluelet Secondary School	8 -12	6 min 450km	2 min 450km	160 / decreasing

4.0 EXISTING LAND USE

The lands fall within the District of Ucluelet Municipal boundary. The current land use framework is described in the following sections.

4.1 DISTRICT OF UCLUELET BYLAW NO. 1160, 2013

An underlay of existing zoning is included in an **Excerpt from District of Ucluelet Schedule A – Zoning Map, attached as Appendix ‘D’**.

The Zoning District is:

Comprehensive Development 2A (CD-2A.1.6) - Big Beach Estates

The Zoning Bylaw and language as it relates to the lands is quite convoluted. It is difficult to determine what language is in fact regulatory and legally binding to the development of the lands.

There are numerous anecdotal references to historical amendment processes, now defunct development plans and specific developers.

No base density is described within the CD-2A Zoning District regulations. We must assume that

there is a base density as not providing one would have the effect of sanitizing the lands of all potential development.

4.1.1 BASE DENSITY:

Based on our interpretation of Section 203, Comprehensive Development Zones, which “are provided for historical reference, interpretation and informational purposes only”, we have had to make assumptions in our interpretations. The base land use and density available without the provision of both of the amenities described below appears to be as follows:

- 0.8 resort condo units per hectare;
- 40 square metres gross floor area of retail commercial and / or personal services per hectare;
- 40 square metres gross floor area of a public assembly (community use?) or recreational use per hectare.

4.1.2 AMENITY BASED DENSITY BONUS(ING):

The density bonus(ing) framework is based on a 15-20% parkland dedication/ amenity contribution, which is to be in the form of:

- A new swimming pool and fitness facility, which will be privately owned and maintained;
- A 10metre vegetation buffer abutting all existing residential lots in abutting Zones in order to provide a buffer between existing homes and the development in this zone.

Upon the provision of the amenities described above, available land use and density is increased as follows:

- Up to 76 resort condo units;
- 1,672 square metres gross floor area of retail commercial, personal services, or commercial recreation;
- Unlimited community use.

Table 2: Zoning & Land Use Densities

Zoning Districts	Permitted Land Uses	Planning / ha	Minimum Parcel Size	Maximum Density (units/ha)
CD-2A Base Density	Resort Condo	0.8 / ha	1,000sq.m.	4 condos
	Retail	40sq.m. /ha	800sq.m.	205.6sq.m.
	Personal Services	40sq.m. /ha	800sq.m.	205.6sq.m.
	Public Assembly	40sq.m. /ha	800sq.m.	205.6sq.m.

Zoning Districts	Permitted Land Uses	Planning / ha	Minimum Parcel Size	Maximum Density (units/ha)
CD-2A.1.6 Bonus Density	Resort Condo	n/a	1,000sq.m.	76 condos
	Retail	n/a	800sq.m.	
	Personal Services	n/a	800sq.m.	1,672sq.m (combined)
	Recreational Services (Commercial)	n/a	800sq.m.	
	Community Use	n/a	n/a	n/a

4.1.3 RESORT CONDO LAND USE INTERPRETATIONS:

“**Resort Condo**” means a building, or group of buildings, providing two or more separate **dwelling units**, for **commercial tourist accommodation** use only, without the accessory uses commonly associated with or specifically permitted with hotels or motels. The building(s) must be on the same lot or within the strata plan;

“**Dwelling Unit**” means a self-contained set of contiguous habitable rooms, consisting of at least kitchen, sanitary (bathroom), living and sleeping rooms and facilities, in the same building;

“**Commercial Tourist Accommodation**” means the non-residential, daily or short-term (**not exceeding 30 consecutive days**) accommodation of paying guests, transient motorists, tourists or vacationers, as commonly associated with hotels, motels, resorts, vacation rentals, guest houses, hostels, bed and breakfasts, and campgrounds.

Land use adjacencies within District are described in the following sections. Table 3, below provides a brief overview of adjacent Zoning Districts.

4.2 DISTRICT OF UCLUELET BYLAW NO. 1160, 2013

An underlay of adjacent zoning is included in an **Excerpt from District of Ucluelet Schedule A – Zoning Map, attached as Appendix ‘D’**.

The adjacent Zoning Districts include:

Comprehensive Development (CD-2A)

The lands are included in the overall CD-2 zone plan which includes a mix of uses that include: hotel, neighbourhood pub, multi-family residential, resort condominiums and single family dwellings.

Single Family Residential (R-1)

“This Zone is intended for traditional low density single family residential development, with accessory uses providing a minimal impact on the surrounding residential neighbourhood.”

Vacation Rental (VR-1)

"This zone provides for low density, single residential dwelling developments and also for two principal dwellings on certain corner lots within the R1 and R1a zone."

Public Institutional (P-1)

"This zone provides agriculture and rural uses on larger lots without urban services."

Table 3: Adjacent Zoning & Land Use Densities

Zoning Districts	Permitted Land Uses	Dwelling Units	Minimum Parcel Size & Dimensions	Maximum Density (units/ha)
Single Family Residential (R-1)	Single Family Dwelling Bed and Breakfast Home Occupation Secondary Suite	1 SF / Lot	650sq.m. 18m Frontage 0.35 FAR 35% Coverage	n/a
Vacation Rental (VR-1)	Single Family Dwelling Vacation Rental Home Occupation Secondary Suite	1 SF / Lot	650sq.m. 18m Frontage 0.50 FAR 45% Coverage	n/a
Public Institutional (P-1)	School Public Administration & Utility Public Assembly Community Care Facility Outdoor Recreation Park		60% Coverage 1.0 FAR	n/a

Lot 16 Ucluelet | Zoning Amendment Application: Planning Framework Report

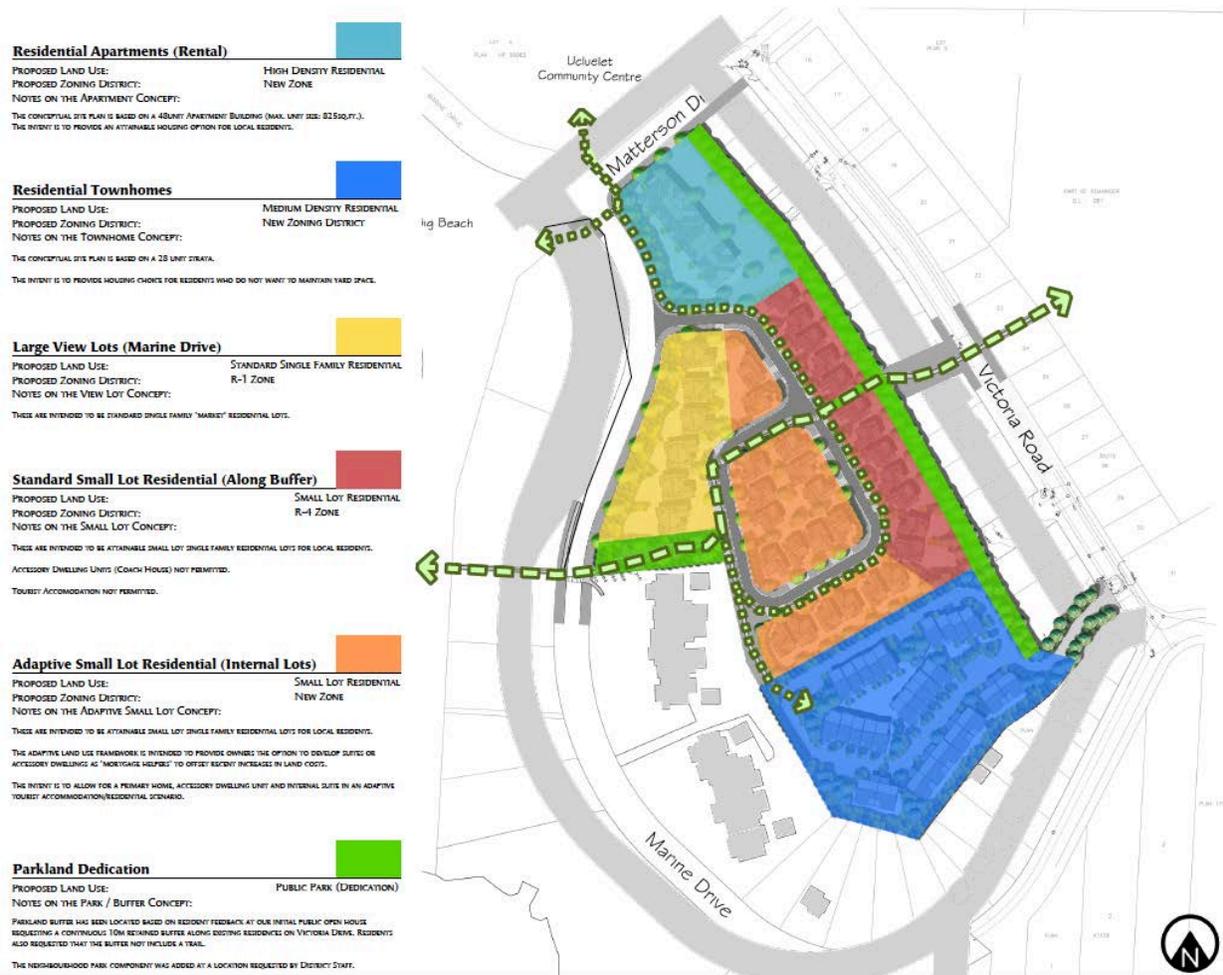


Figure 4 – Refer to Drawing S1 – Land Use and Zoning Districts attached to this application

5.0 PROPOSED LAND USES

5.1 RESIDENTIAL APARTMENTS (NEW ZONE)

The intent is to provide an attainable housing option for local residents. The conceptual site plan is based on a 48unit Apartment Building (maximum unit size 77sq.m. / 825sq.ft.). The following draft zoning template is based on existing District regulations.

5.1.1 PERMITTED USES TO INCLUDE:

Principal Land Uses	Secondary
Multiple Family Residential (principal)	Home Occupation

5.1.2 LOT REGULATIONS:

Principle Use	Minimum Lot Size	Minimum Lot Frontage	Minimum Lot Depth
Multiple Family Residential	1,000sq.m.	18m	n/a

5.1.3 DENSITY:

Principle Use	Maximum Density	Maximum Floor Area Ratio	Maximum Lot Coverage
Multiple Family Residential	90 units/hectare	1.0	50%

5.1.4 MAXIMUM SIZE:

Building / Unit Type	Gross floor Area
Principal Buildings & Structures	n/a
Accessory Buildings & Structures	70sq.m.
Dwelling Unit	77sq.m.

5.1.5 MAXIMUM HEIGHT:

Building Type	Maximum Height
Multiple Family Residential	15.0m.
Accessory Buildings & Structures	5.5m.

5.1.6 MINIMUM BUILDING SETBACKS:

Building Type	Front Yard	Rear Yard	Side Yard Interior	Side Yard Exterior
Multiple Family Residential (a)	10.0m.	6.0m.	6.0m.	8.0m.

- a. In addition, all buildings and structures will be setback a minimum of 10m from a property line adjacent to Marine Drive.
- b. In addition, accessory buildings and structures must be located:
 - i.) to the rear of the front face of the principal building, and;
 - ii.) at least 3 m (10 ft) from the principal building(s).

5.2 RESIDENTIAL TOWNHOMES (NEW ZONE)

The intent is to provide housing choice for residents who do not want to maintain yard space. The conceptual site plan is based on a 38 unit strata. The following draft zoning template is based on existing District regulations.

5.2.1 PERMITTED USES TO INCLUDE:

Principal Land Uses	Secondary
Multiple Family Residential (principal)	Home Occupation

5.2.2 LOT REGULATIONS:

Principle Use	Minimum Lot Size	Minimum Lot Frontage	Minimum Lot Depth
Multiple Family Residential	1,000sq.m.	18m.	n/a

5.2.3 DENSITY:

Principle Use	Maximum Density	Maximum Floor Area Ratio	Maximum Lot Coverage
Multiple Family Residential	90 units/hectare	0.4	35%

5.2.4 MAXIMUM SIZE:

Building Type	Gross floor Area
Principal Buildings & Structures	n/a
Accessory Buildings & Structures	70sq.m.

5.2.5 MAXIMUM HEIGHT:

Building Type	Maximum Height
Multiple Family Residential	11.0m.
Accessory Buildings & Structures	5.5m.

5.2.6 MINIMUM BUILDING SETBACKS:

Building Type	Front Yard	Rear Yard	Side Yard Interior	Side Yard Exterior
Multiple Family Residential (a)	10.0m.	10.0m.	10.0m.	10.0m.

- a. In addition, accessory buildings and structures must be located:
- i.) to the rear of the front face of the principal building, and;
 - ii.) at least 3 m (10 ft) from the principal building(s).

5.3 ADAPTIVE SMALL LOT RESIDENTIAL (NEW ZONE)

These are intended to be attainable small lot single family residential lots for local residents.

The adaptive land use framework is intended to provide owners the option to develop suites or

Lot 16 Ucluelet | **Zoning Amendment Application: Planning Framework Report**

accessory dwellings as 'mortgage helpers' to offset recent increases in land costs.

The intent is to allow for a primary home, accessory dwelling unit and internal suite in an adaptive tourist accommodation/residential scenario.

Individual lot layout concepts are provided for discussion purposes to illustrate how the uses could be accommodated on a lot.

The following draft zoning template is based on existing District regulations.

5.3.1 PERMITTED USES TO INCLUDE:

Principal Land Uses	Secondary
Single Family Dwelling (principal)	Home Occupation
	Secondary Suite (a)
	Accessory Dwelling Unit
	Commercial Tourist Accommodation (b)

- a. Secondary suites are only permitted within a primary single family dwelling;
- b. Commercial Tourist Accommodation is only permitted:
 - i.) in a secondary suites contained within the principle single family dwelling, and;
 - ii.) within an accessory dwelling unit.

5.3.2 LOT REGULATIONS:

Principle Use	Minimum Lot Size	Minimum Lot Frontage	Minimum Lot Depth
Single Family Dwelling	360sq.m.	10m.	n/a

5.3.3 DENSITY:

Principle Use	Maximum Density	Maximum Floor Area Ratio	Maximum Lot Coverage
Single Family Dwelling	1 per lot	0.5	45%

5.3.4 MAXIMUM SIZE:

Building Type	Gross floor Area
Principal Buildings & Structures	n/a
Accessory Buildings & Structures	90sq.m.

5.3.5 MAXIMUM HEIGHT:

Building Type	Maximum Height
Single Family Dwelling	10.0m.
Accessory Buildings & Structures	8.5m.

5.3.6 MINIMUM SETBACKS:

Building Type	Front Yard	Rear Yard	Side Yard Interior	Side Yard Exterior
Single Family Dwelling	4.5m.	6.0m.	1.5m.	2.5m.
Accessory (a)	7.5m.	1.5m.	3.0m.	2.5m.

- a. In addition, accessory buildings and structures must be located:
- i.) to the rear of the front face of the principal building, and;
 - ii.) at least 3 m (10 ft) from the principal building(s).

6.0 REGULATORY STATUS

6.1 DISTRICT OF UCLUELET OFFICIAL COMMUNITY PLAN (OCP)

It should be noted that 2018 Official Community Plan Consultation is currently underway which may result in changes to the current land use designations and policy context. An underlay of OCP Future Land Use Designations is included in an **Excerpt from District of Ucluelet OCP Schedule 'A' Map, attached as Appendix 'E'**.

The proposed land use for the lands is **Comprehensive Development**.

6.1.1 RELATED OCP COMPREHENSIVE DEVELOPMENT POLICIES:

1. Public access to the water in all CD areas is supported, encouraged and intended to be secured including through agreement and dedication;

Not Applicable.

2. District Lots 281 and 282 are designated as Comprehensive Development. Although the existing CD zoning permits a range of mixed-use including resorts, and multi-family units, the lands contained within these two District Lots have primarily been developed as low density residential; these lots may be redesignated and rezoned in the future to reflect the variety of uses established without further amendment of this OCP;

The lands are included in District Lot 281. This policy permits a zoning amendment (rezoning) to any of the CD-2 uses without a concurrent OCP amendment process.

3. The area on Seaplane Base Road, surrounding the Recreation Hall, is designated for Comprehensive Development and identified as a potential Industrial swing area. If additional industrial lands are required, only those uses that need water access will be considered for this area;

Not applicable.

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

Not applicable.

5. In order to support the viability of future resort type developments within the Comprehensive Development and Tourist Commercial designations, Hyphocus Island and Francis Island are targeted instead for Residential development. This reflects the desired future use as primarily clustered residential communities with substantial tree retention and significant public open space. These areas are not intended for private marina or significant commercial, tourist commercial or resort development, though Council may consider redesignation on advancement of a comprehensive plan that

retains more land and provides more community amenities;

Not applicable.

6. Acknowledge the private ownership of Francis Island by permitting up to one single family residential dwelling, without secondary suite, B&B, vacation rental or tourist commercial uses; Encourage and explore means of preservation, and maximum tree retention, with limited public access, including as an amenity for more intensive development of adjacent lands;

Not applicable.

7. For areas of land higher than 20 to 30 metres above sea level, development, park dedication and public/open space should be coordinated with the District's Emergency Plan when considering the potential for public vistas, integrated with the multi-use pathway, Wild Pacific Trail and road network, as well as muster areas within a close walk of development areas;

The owners will work with District Staff to establish emergency procedures as required. Tsunami preparedness and emergency routes have been considered in the current land use concept.

8. The number of District-owned and operated sewer pump stations should be minimized, and;

To be considered in detailed servicing analysis at the rezoning stage.

9. Non-potable water should be used, where practical, for golf course and park irrigation.

Not applicable

6.2 DEVELOPMENT PERMIT AREAS (DPA)

The following District of Ucluelet DPA is applicable to the lands:

6.2.1 LOT 281 (DPA #5);

This DPA is applicable to areas of the lands as identified on the **Excerpt from District of Ucluelet OCP, Schedule 'C' – Map, attached as Appendix 'F'**. The DPA is established for the purposes of:

- Protection of the natural environment, its ecosystems and biological diversity;
- Protection of development from hazardous conditions; and,
- Establishment of objectives for the form and character of development in the resort region.

This development proposal has paid careful consideration to the existing DPA guidelines in the

development of the conceptual site layout, proposed land uses and proof of concept plans. More detailed plans and drawings will be provided during the subsequent development permit application process for each phase of future development.

7.0 TITLE – CHARGES, LIENS AND INTERESTS

7.1 RIGHT OF WAYS:

EV149363 – District of Ucluelet. For the purpose of a footpath and conveying and draining run-off water. The location of the SRW has not been located on the base plans and will need to be determined by the project land surveyor.

FB239228 – BC Hydro and Power Authority.

FB239229 – Telus Communications Inc.

7.2 COVENANTS:

None.

8.0 OPPORTUNITIES

8.1 OCP LAND USE DESIGNATIONS AND SUPPORTING POLICIES

The lands are included in the District Lot 281 comprehensive development policy context. Policy language permits a zoning amendment (rezoning) to any of the CD-2 uses without a concurrent OCP amendment process.

Residential multi-family policies encourage the development of multi-family residential units along Matterson Road and within approximately a 5minute walk of the Village Square, which is the case for the lands. Existing multi use pathways along Marine Drive (parallels the Wild Pacific Trail) and Matterson Road (portion of the Coast to Coast Connection route) provide strong support for this approach.

Residential single-family policies acknowledge the role of single-family housing and encourage intensification with smaller lot sizes, accessory dwelling units and bare land strata developments.

A range of land use configurations is possible based on the OCP language.

8.2 EXISTING LANDSCAPE

The lands contain many native plant and tree species within a unique bluff landscape that lend themselves well to a resort or residential neighbourhood configuration. With thoughtful site design these features should be identified and incorporated into the development. The

resulting optics would then be incorporated in later marketing efforts.

9.0 CONSTRAINTS

9.1 CURRENT ZONING INCONSISTENCIES

The current comprehensive development zoning is problematic. Based solely on the specific language of the Zoning Bylaw, there is little or no base density for permitted land uses without the application of density bonus(ing). Density bonusing is only possible through the provision of highly prescriptive contributions. These amenities are held over from the original development master plan proposal and are out of scale with remaining potential.

Tenure and stay restrictions associated with the current 'Resort Condo' land use are outdated approaches to resort development. Modern planning has taken a more adaptive approach permitting both permanent residential and tourist accommodation within resort developments to offset both the ebb and flow of the tourism economy and the need for rental housing for permanent residents.

9.2 LOT 281 DPA #5 – CONSIDERATIONS

Landscape and environmental preservation are key components of the DP guidelines. All development proposals will require careful consideration and design responses that seek to protect existing sensitive ecosystems, significant trees and shrubs. All Sitka Spruce must be preserved as well as any tree with a diameter at breast height (DBH) over 30centimetres.

Environmentally significant areas, including watercourses and significant stands of trees, have not been ground-truthed by the project biologist. The location of these features will need to be incorporated into future site planning and subdivision layout where feasible and as required by law during subsequent permitting processes.

The lands have been identified as having a potential risk of flooding during a tsunami event. Additional measures may be required to protect the development from flooding and tsunami hazards.

10.0 PUBLIC MEETING / REVISED LAND USE CONCEPT

10.1 PUBLIC MEETING SUMMARY

A pre-application Public Open House was conducted on December 7, 2018 from 5:00PM to 7:00PM at the Ucluelet Community Centre. The Community Centre is directly across from the lands on Matterson Drive.

A newspaper ad was placed two concurrent weeks prior to the meeting and letter invitations were individually delivered to every neighbouring property owner or resident within 50 metres

of the subject property.

(29) neighbours signed in for the meeting and (13) comment sheets were completed at the meeting. Please find supporting documentation **attached as Appendix 'J'** for your reference and records.

Many of the comments mentioned the desire to see a 10 - 15m buffer strip along existing residences that was proposed as a component of a previous development proposal. It was suggested that the buffer consist of retained vegetation with no trail access and to provide an ecological corridor.

A proposed single vehicle access point to Victoria Drive was also identified by neighbours as a concern. It is perceived that Victoria Drive cannot handle the additional traffic volume. Additional connections through to Matterson Drive and Marine Drive were suggested.

There was a strong preference for a primarily residential development.

The inclusion of Accessory Dwelling Units (Carriage Home, Coach House) was a concern for 1/3 of the neighbours who commented, who were primarily focused on potential traffic increases and infrastructure demand.

The proposed density of the neighbourhood was a concern to 1/4 of the neighbours who commented, who were primarily focused on potential traffic increases and infrastructure demand.

10.2 REVISED LAND USE CONCEPT – PUBLIC MEETING COMMENTS

In response to comments and concerns raised by neighbouring residents, we have made the following revisions to the land use concept:

10.2.1 10M. BUFFER REQUEST

A 10m retained buffer is proposed along the entire length of the property adjacent to existing residential lots along Victoria Road.

The buffer will be dedicated as parkland to the District where it is adjacent to the proposed multi-unit apartment site and proposed single family small lot residential lots. This represents 6% of the area of the lands which is in excess of the 5% parkland dedication that will be required through future subdivision of individual lots.

The 10m buffer will be retained within a Restrictive Covenant on title where it is adjacent to the proposed townhome site.

A 10m building setback is proposed along the property line adjacent to The Ridge multi-unit development and single family lots that front onto Marine Drive to retain additional separation between dwelling units.

In addition, all buildings and structures on the proposed apartment site will be setback a minimum of 10m from a property line adjacent to Marine Drive to set the building back from

the roadway.

10.2.2 VEHICLE ACCESS CONCERNS

Vehicle access to the apartment site will be from Matterson Drive connecting through to the proposed new internal roadway loop.

An internal roadway loop is proposed with access from Marine Drive. With the exception of (3) single family lots along Marine drive, all other single family lots will be accessed from the new internal roadway loop.

Access to the townhome site will be from the existing road stub at the southeast corner of the property close to the intersection of Marine Drive and Victoria Road.

Only the townhome site will access Victoria Drive, which will free up the (3) remaining road stubs for District initiatives (trails, staff housing, affordable housing, etc.).

10.2.3 SMALL LOT SINGLE FAMILY LOTS

Small lot land uses have been divided into two distinct conditions.

To address privacy and density concerns, small lots adjacent to the proposed 10m buffer along existing residential lots along Victoria Road will be developed under the current R-4 Zoning District:

- R-4 Zoning does not allow Accessory Dwelling Units (ADU) or commercial tourist accommodation;
- The resulting lots are intended for a purely residential land use;
- Building heights are restricted to 8.5m;
- The rear yard building setback is 6.0m. When added to the proposed 10m buffer, the total distance between a small lot home and the rear property line of homes on Victoria drive will be 16m (52.5ft).

Internal small lots will be developed under a new 'adaptive' zone that will permit an adaptive residential and tourist accommodation scenario.

10.3 REVISED LAND USE CONCEPT – DISTRICT STAFF COMMENTS

The following is a summary of Staff Requested Application revisions and responses provided in this application update.

10.3.1 REQUEST FOR A COMMUNITY AMENITY CONTRIBUTION

The following items are placeholders for potential amenity contributions as proposed by the property owners subject to further negotiation with the District Council.

If additional contributions are requested by the District for off-site engineering 'amenity' works, then the items below will need to be reconsidered and balanced with the financial viability of the overall development.

- 1) Additional parkland dedication to the District is proposed. See further descriptions below. Total parkland dedication is equal to 9.5% of the property. We are proposing a parkland amenity dedication of 0.23ha. (4.5% of Parent Parcel) beyond the 5% dedication of 0.26ha. required at the time of subdivision. the land value of this dedication based on the area divided by the assessed property value (2019) is approximately \$28,215.00;
- 2) A financial contribution to the District is proposed. Beyond the significant land dedication for parks and trails, a financial contribution of \$1,000.00 / per door/unit is proposed. This would equal \$112,000.00 based on proposed density of 112 primary dwelling units (suites are not included);
- 3) We are also proposing the provision of one small lot residential lot to the District intended to provide affordable or District Staff housing. The proposed financial contribution (noted above) could also be directed toward other affordable housing initiatives within the District. Funds could be set aside for a DCC Waiver program for eligible developments. The value of this lot is estimated at approximately \$90,000.00 - 100,000.00 by the property owner.

10.3.2 REQUEST FOR EXPANDED PARKLAND DEDICATION

The precise location of parkland is subject to a future Subdivision Application process. The Provincial Approving Officer will make the final decision at that time.

- 1) The Proof of Concept has been updated to include the proposed 10m. Buffer between the site and properties and existing lots on Victoria Drive as parkland dedication;
- 2) A neighbourhood park has been included in the Proof of Concept at a location preferred by District Staff.

10.3.3 REQUEST FOR A 10M. CONTINUOUS RETAINED VEGETATION STRIP ALONG MARINE DRIVE

The zoning template setback is currently proposed at 10m. along Marine Drive.

- 1) Vegetation with the exception of potential hazard trees, noxious and invasive plants shall be retained within the 10m. buffer. No driveway access shall be permitted to Marine Drive.
- 2) Further restricting driveway access to Marine Drive will retain the integrity of this corridor as a greenway street and maintain the natural setting of the existing roadside trail experience.

10.3.4 REQUEST FOR FORM & CHARACTER GUIDELINES

A Development Permit template for Form & Character has been prepared through the 2018 OCP Review. General Guidelines applying to all Form and Character Development Permit Areas and Development Permit Area IV (Multi family, Commercial and Mixed Use Development are both applied to the site. Guidelines will inform future development proposals and assist architectural professionals during the design process.

- 1) Note that the 39ft' height allowance noted in F.IV.5 is not aligned with the proposed development (this type of specific regulatory item should be located within the applicable Zoning District).

10.3.5 REQUEST FOR CHANGES TO THE RESIDENTIAL APARTMENTS ZONING TEMPLATE

The 'Single Family Use' has been removed from the proposed 'Residential Apartments' Zoning District.

Request to Limit building height to 3-storey maximum.

- 1) We would like to keep the stepped 3 to 4 storey concept;
- 2) Restricting the apartment building height to 3 stories would require a different apartment layout and probably some under building / underground parking which would add significant cost to site development resulting in reduced unit affordability. Each underground parking stall would add approximately \$40,000.00 per unit.

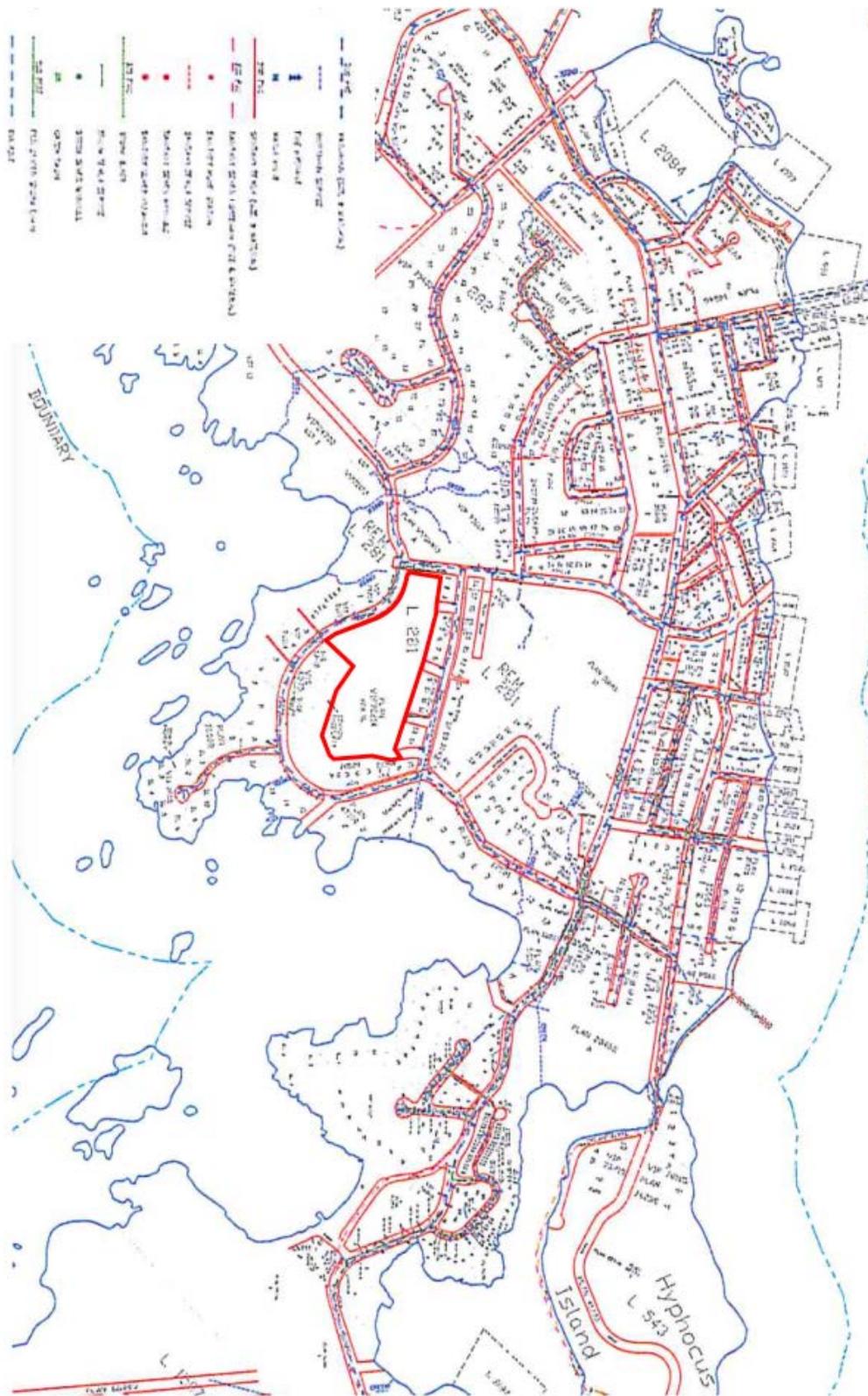
Limit the size of units to encourage affordability.

- 1) Unit size will be limited to a maximum of 77sq.m. (825sq.ft.);
- 2) This simply locks in the intended stacked residential land use. Restricting the unit size will hold the cost of individual units to a more attainable purchase or rental price.

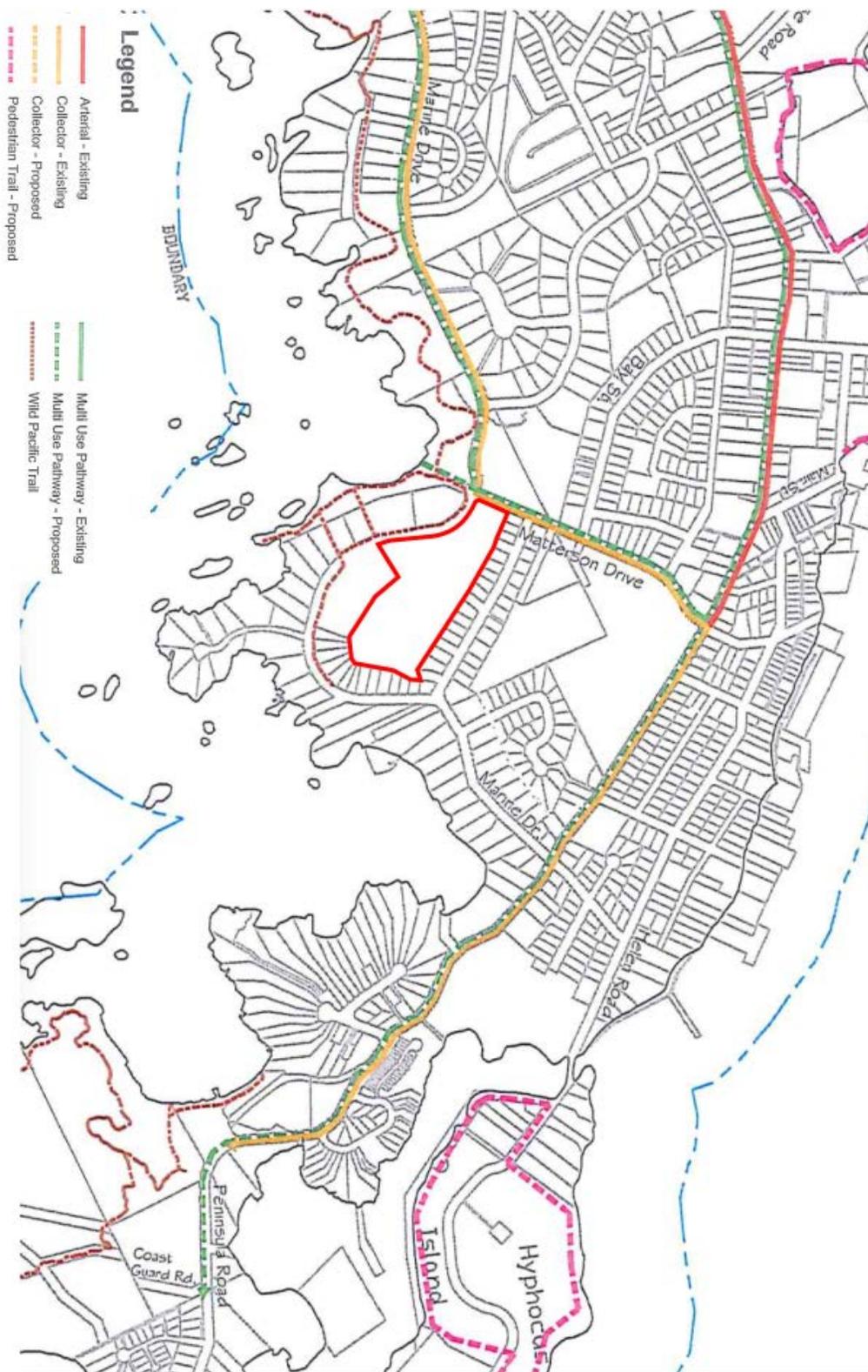
10.3.6 REQUEST FOR CHANGES TO THE RESIDENTIAL TOWNHOMES ZONING TEMPLATE

The 'Single Family Use' has been removed from the proposed 'Residential Townhomes' Zoning District. This will effectively preserve the parcel as a townhome site.

11.0 APPENDIX 'A' - WATER & SANITARY SEWER NETWORK



12.0 APPENDIX 'B' - TRANSPORTATION NETWORK



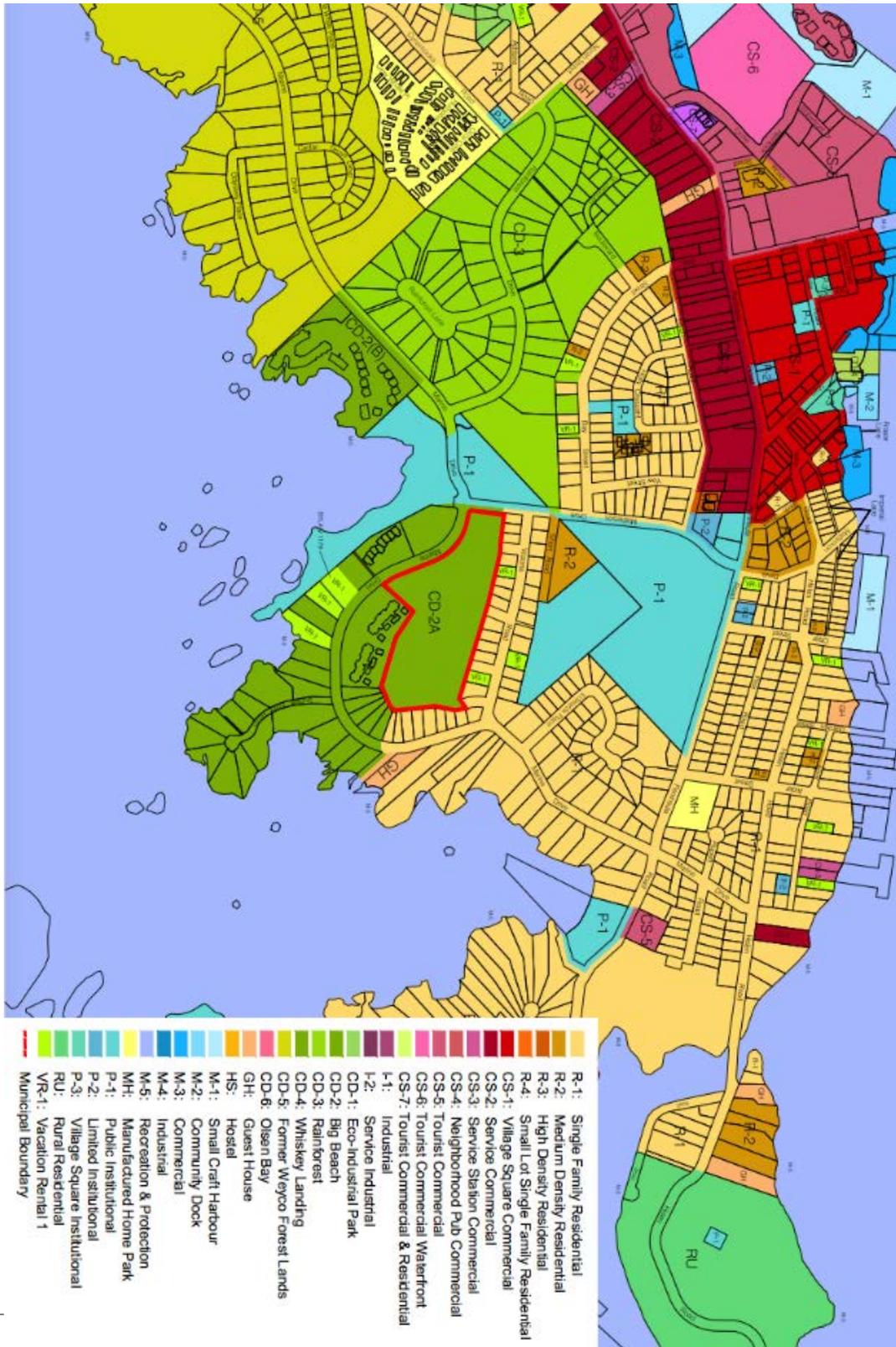
13.0 APPENDIX 'C' - COAST TO COAST CONNECTION



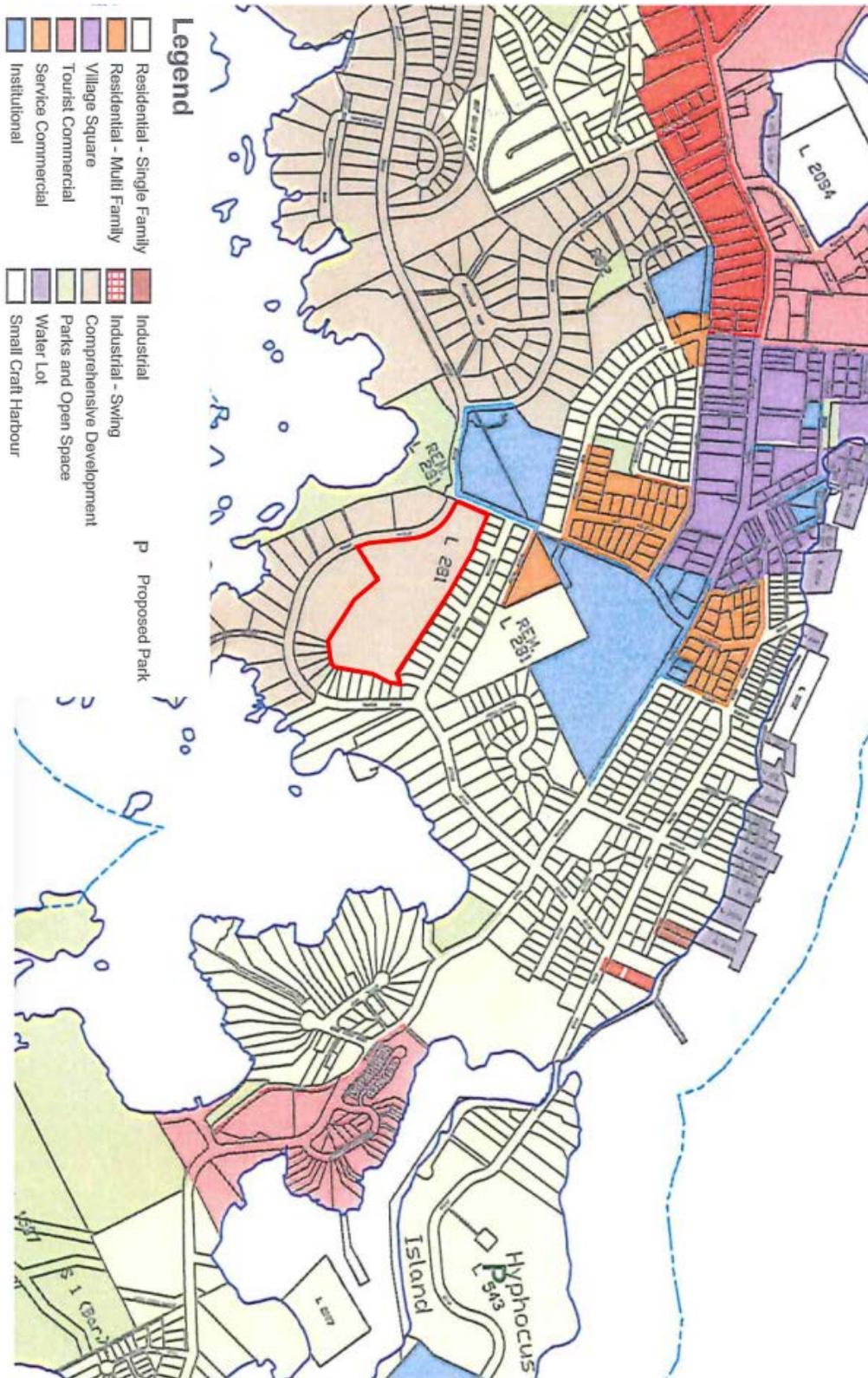
UCLUELET PARKS and RECREATION MASTER PLAN
COAST TO COAST CONNECTION (Draft Plan Dec. 2011)



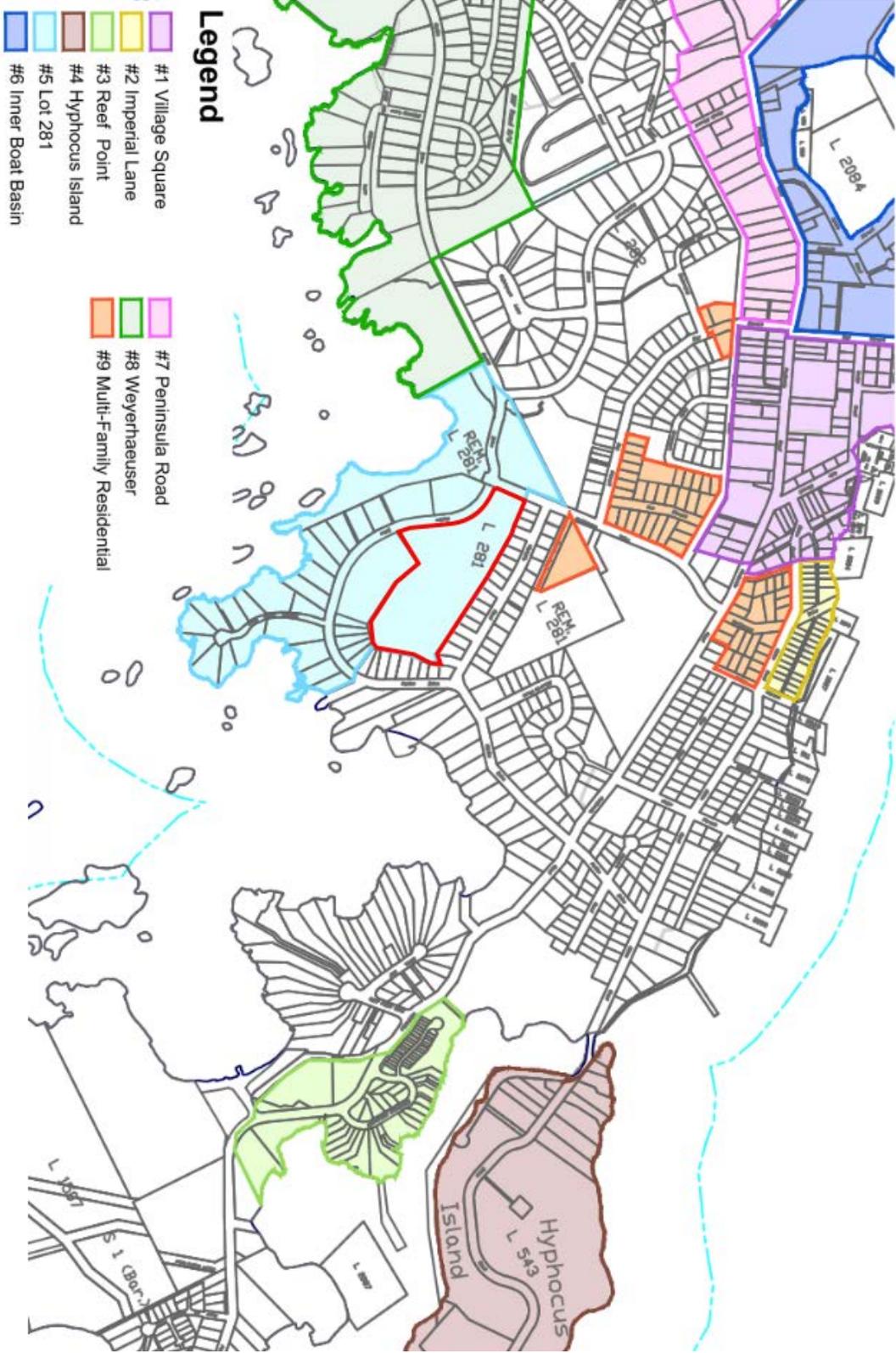
14.0 APPENDIX 'D' - ZONING MAP



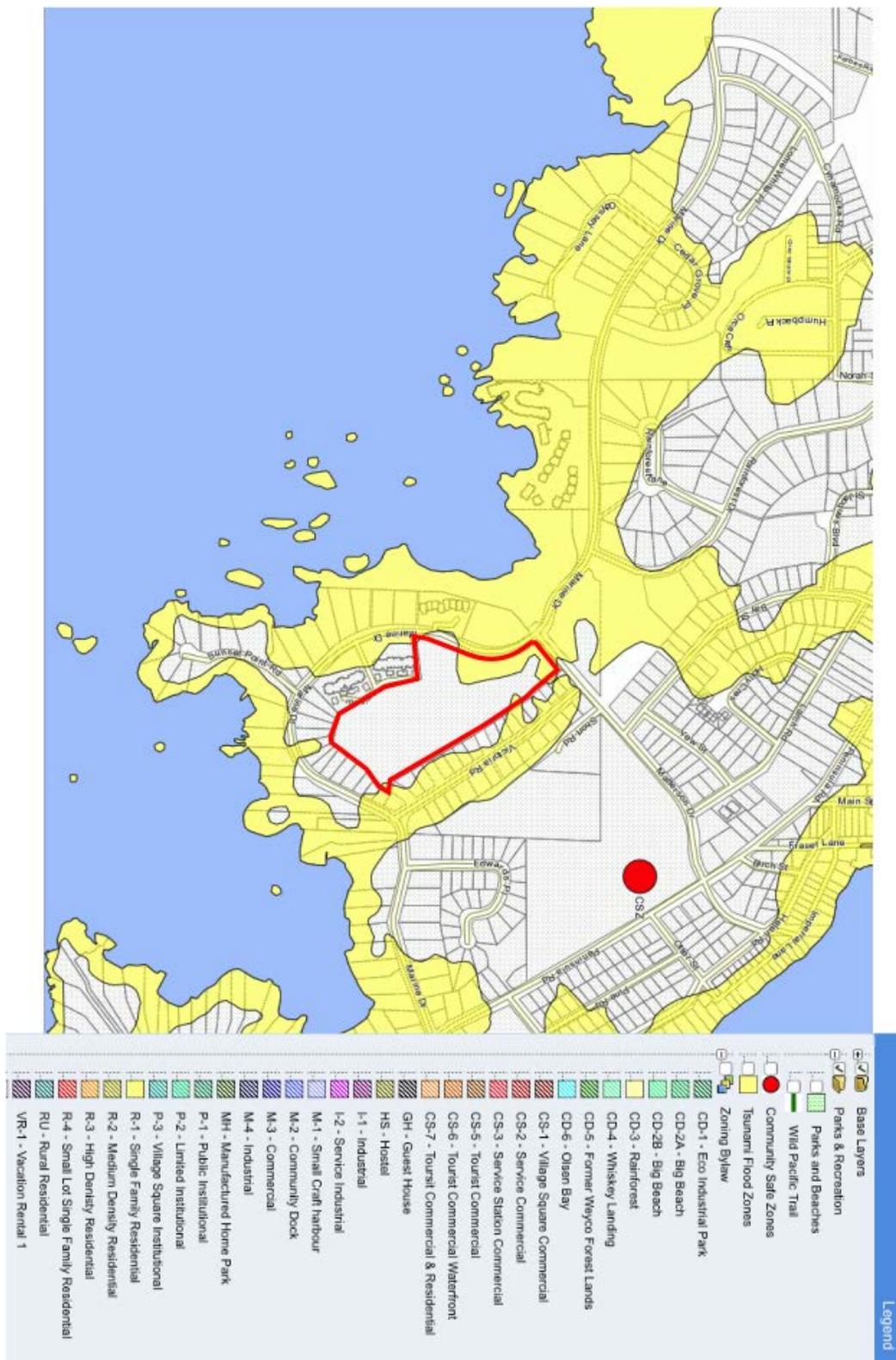
15.0 APPENDIX 'E' - OCP LAND USE DESIGNATIONS



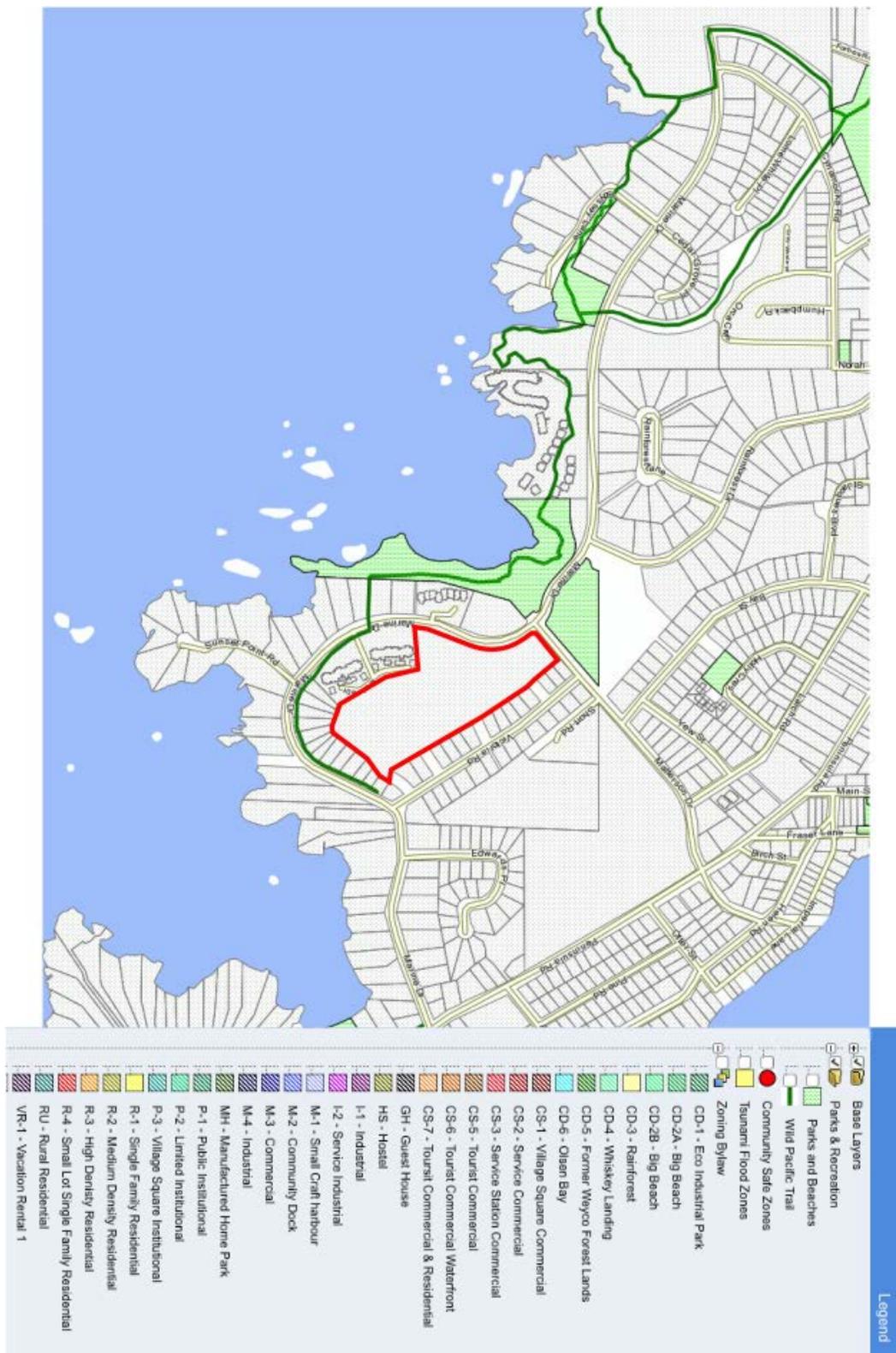
16.0 APPENDIX 'F' - DEVELOPMENT PERMIT AREAS



17.0 APPENDIX 'G' - TSUNAMI SAFE ZONES



18.0 APPENDIX 'H' - PARKS



19.0 APPENDIX 'I' - GOOGLE AIRPHOTO



20.0 APPENDIX 'J' - SUMMARY - PUBLIC OPEN HOUSE

21.0 APPENDIX 'K' - SERVICING REPORT

22.0 APPENDIX 'L' – GEOTECHNICAL REPORT

TITLE SEARCH PRINT

File Reference:

Requestor: John Towgood

Declared Value \$456100

****CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN******Land Title District**

Land Title Office

VICTORIA

VICTORIA

Title Number

From Title Number

CA3571129

FB239237

Application Received

2014-01-30

Application Entered

2014-02-11

Registered Owner in Fee Simple

Registered Owner/Mailing Address:

0985470 B.C. LTD., INC.NO. BC0985470

2240 JEFFS ROAD

NANAIMO, BC

V9S 5P7

Taxation Authority

Port Alberni Assessment Area

Ucluelet, District of

Description of Land

Parcel Identifier:

025-812-823

Legal Description:

LOT 16 DISTRICT LOT 281 CLAYOQUOT DISTRICT PLAN VIP76214 EXCEPT PART
IN PLANS VIP80735, VIP83067 AND VIP86140

Legal Notations

HERETO IS ANNEXED EASEMENT FB44418 OVER LOT 1, PLAN VIP83067

Charges, Liens and Interests

Nature:

STATUTORY RIGHT OF WAY

Registration Number:

EV149363

Registration Date and Time:

2003-12-08 10:13

Registered Owner:

DISTRICT OF UCLUELET

Remarks:

INTER ALIA

Nature:

STATUTORY RIGHT OF WAY

Registration Number:

FB239228

Registration Date and Time:

2008-12-30 13:37

Registered Owner:

BRITISH COLUMBIA HYDRO AND POWER AUTHORITY

Remarks:

INTER ALIA

TITLE SEARCH PRINT

File Reference:

Declared Value \$456100

Nature:	STATUTORY RIGHT OF WAY
Registration Number:	FB239229
Registration Date and Time:	2008-12-30 13:37
Registered Owner:	TELUS COMMUNICATIONS INC. INCORPORATION NO. A55547
Remarks:	INTER ALIA

Duplicate Indefeasible Title NONE OUTSTANDING

Transfers NONE

Pending Applications NONE

Appendix D

Background on CD-2A Zoning:

In the early part of 2003, Lot 16 was created as part of a development application called the “Big Beach Estates”. Lot 16 is a 12.7-acre property centrally located within walking distance to the schools, the Ucluelet Community Center, Big Beach Park, and the Village Square. The property does not currently contain any buildings or key environmental features except a forested area around the perimeter of the property.

The subject property’s current zoning was enacted with the adoption of *Zoning Amendment Bylaw No. 1045, 2006*. The preamble to the CD-2A zone gives a 2014 update on the status of Lot 16 as follows:

Lot 16 was the large lot created north of Marine Drive, labeled “Big Beach Estates”. It remains only partially subdivided and developed:

- *Lot A, Plan VIP80735 created a lot for two buildings, The Ridge, which was stratified into 24 units per Strata Plan VIS6275.*
- *Plan VIP86140 created 5 single family dwelling lots.*
- *PID 025-812-823 Lot 16, Plan VIP76214 except that part in Plan VIP80735, VIP83067 and VIP86140 (“Remainder Lot 16”) will support additional subdivision and development according to this zone, noting the Big Beach Estates Master Plan may require further consideration following requested alteration of uses and densities in rezoning subsequent to the preparation of that plan. Amenities are outstanding in this area and are preferred to be accessed off Matterson Drive to create synergy with the Community Centre.*
- *The maximum density for Multiple Family Residential use has been reached, through the 18 dwelling units in The Primera and 12 dwelling units in The Ridge*
- *With 12 Resort Condo units developed at The Ridge, up to 76 Resort Condo units may be provided on Remainder Lot 16, in addition to other uses noted below.*

The following site plan was included with the text above:



Figure 2 – Big Beach Site Plan

Although the text above seems to precisely define the principle uses, their densities and the locations of those uses, there is ambiguity in the zoning. Note the following specific use descriptions:

- *The maximum density for Multiple Family Residential use has been reached, through the 18 dwelling units in The Primera and 12 dwelling units in The Ridge*
- *With 12 Resort Condo units developed at The Ridge, up to 76 Resort Condo units may be provided on Remainder Lot 16, in addition to other uses noted below.*

With the Densities further described in section CD-2A.3.1 as follows:

CD-2A.3.1 Maximum Number:

(2) Multiple Family Residential:

(a) 18 dwelling units on Strata Plan VIS5917 (The Primera)

(b) 12 dwelling units on Strata Plan VIS6275 (The Ridge)

(3) Resort Condo:

(a) 12 dwelling units on Strata Plan VIS6275 (The Ridge)

(b) 76 dwelling units on Remainder Lot 16

No mechanism was put in place to define which 12 units at The Ridge would be *Multiple Family Residential* and which 12 would be *Resort Condo*. There is nothing preventing owners of units at The Ridge to all use the units as *Resort Condo* (as appears to largely be the case). Therefore, it is unclear whether the use of all 24 units at The Ridge for *Resort Condo* uses changes the balance of what could have been permitted on Lot 16 (under the current zoning, and assuming the density bonusing framework is followed – more on that below).

It should be noted that in the “Big Beach Estates” development plan above (**Figure 2**), a 20m green space buffer is indicated between the existing residential neighborhoods fronting Victoria Drive and Marine Drive. However, this 20m buffer requirement did not make it into the rezoning regulations that were created as part of this development, nor were any restrictive covenants put in place to this effect. The following setback clause was put in place:

“CD-2A.6.1.5 (iii) In addition, 7.5 m minimum yard setback applies to all lot lines abutting a single family dwelling lot or multiple family residential lot or lot with a principal residential use.”

Yet, to further confuse matters, in the description of the CD-2 zone it lists the contributions that were to be part of the density bonusing framework, including #3; *“10m vegetation buffer abutting all existing residential lots in abutting Zones in order to provide a buffer between existing homes and development in this zone.”*

The other outstanding amenity contribution on which the density bonusing was predicated (which would permit 76 resort condos on Lot 16) is #2; *“new swimming pool and fitness facility, which will be privately owned and maintained.”* Again, no covenant was placed on the title of Lot 16 to secure or further define this commitment for a public amenity - which in theory was to be provided as part of the development when it was conceived in the early 2000’s.

Given the ambiguity of the above, it is not surprising that Lot 16 has not been developed prior to this point. The current application process should perhaps best be viewed as a fresh start to determine the appropriate land uses, densities and public amenities to be realized through the development of this portion of Ucluelet at this point in time.



STAFF REPORT TO COUNCIL

Council Meeting: March 23, 2021
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, MANAGER OF COMMUNITY PLANNING **FILE NOS:** 6480-20-OCP20-01
3360-20-RZ20-07
3390-20-DVP20-06
3060-20 DP20-17

SUBJECT: **PUBLIC HEARING ON BYLAW NOS. 1281, 1282 AND DVP20-06 FOR "THE LODGE & STAFF HOUSING" PROPERTIES IN THE REEF POINT AREA, AND DISCUSSION OF TIMING FOR "THE CABINS".** **REPORT NO:** 21- 36

ATTACHMENT(S): APPENDIX A – PUBLIC HEARING NOTICE FOR APRIL 8, 2021 AT 5:30PM
APPENDIX B – DRAFT DVP20-06

1. RECOMMENDATION:

This report is for Council's information.

2. PURPOSE:

To provide Council with an information update on the Public Hearing and timing for the bylaws and permits connected to the development application for "The Lodge & Staff Housing" and "The Cabins" multiple properties in the Reef Point area.

3. BACKGROUND:

Council received a report at its December 15, 2020, regular meeting and passed several motions to advance the development proposal. Initial readings were given to *Ucluelet Official Community Plan Amendment Bylaw No. 1281, 2020* and *Ucluelet Zoning Amendment Bylaw No. 1282, 2020* and then Council referred the bylaws to a public hearing along with Development Variance Permit DVP20-06 to provide an opportunity for public input on these elements of the proposal.

Subsequently, at its January 26, 2021, regular meeting Council received a report on rescinding 2nd reading of *Ucluelet Zoning Amendment Bylaw No. 1282, 2020* in order to correct an error in the bylaw. The Bylaw was given 2nd reading as amended and again referred to a public hearing.

Notice has been given for a public hearing to be held on April 8, 2021, at 5:30pm (see **Appendix 'A'**).

4. ADDITIONAL INFORMATION:

Archaeology Branch:

In response to questions raised by the public on the status of the permits issued for “The Cabins” site by the provincial Archaeology Branch, staff reached out to the Province for clarification of what information can be shared, while respecting the District’s responsibilities under the *Freedom of Information and Privacy Protection Act*. The Archaeology Branch provided the following:

“The Archaeology Branch suggests that the following could be disclosed to the public:

1. *Two Heritage Conservation Act permits were issued in 2019 for archaeological work on the subject properties. These permits were subject to First Nations consultation prior to issuance.*
2. *Referral to the Archaeology Branch website, which provides a fulsome overview of the types of permits the Branch issues, the process, as well as the application templates, which include the standard terms and conditions and general content that these applications are expected to contain to support a statutory decision under the HCA.*
 - a. *Overview of HCA Permits :*
<https://www2.gov.bc.ca/gov/content/industry/natural-resource-use/archaeology/permits>
 - b. *Permit Application Templates:*
<https://www2.gov.bc.ca/gov/content/industry/natural-resource-use/archaeology/guides-templates>

HCA Permitting Process Policy Guide: https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/natural-resource-use/archaeology/forms-publications/hca_permitting_process_policy_guide.pdf - there are some helpful graphics which outline the entire step by step process on Pages 7 and 8”.

Yuułuʔiłʔatḥ Government:

In response to the bylaw referral, the following was provided by the Yuułuʔiłʔatḥ Government:

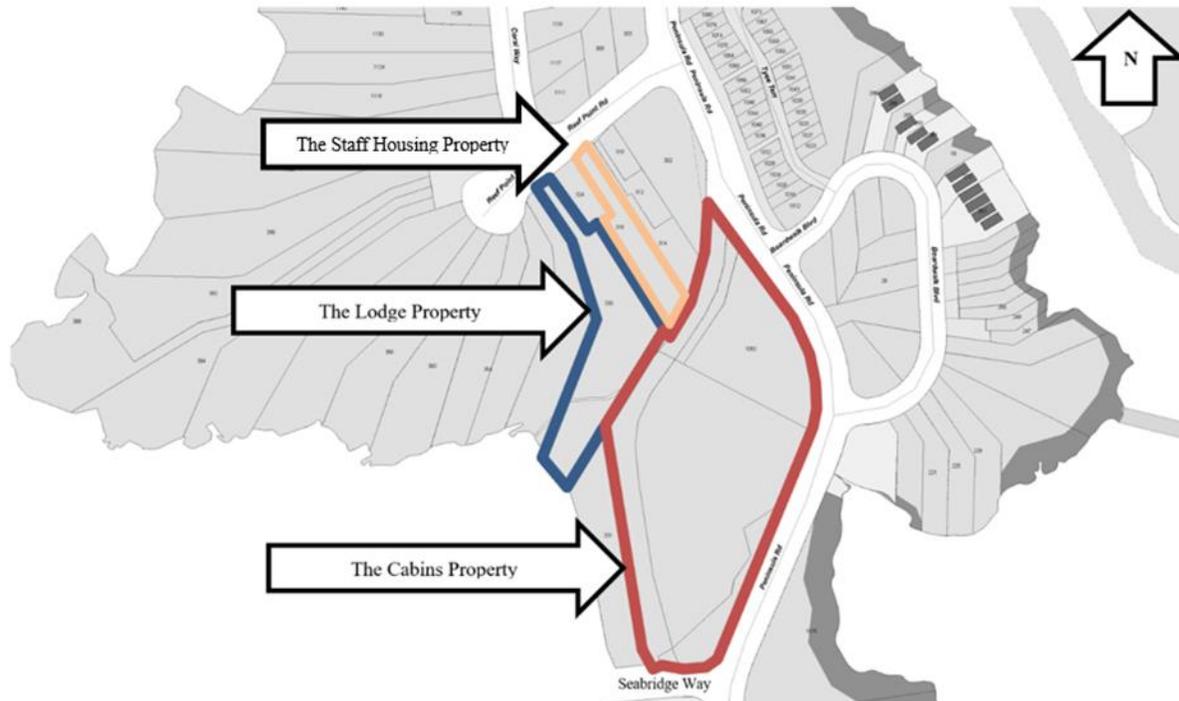
“Re: Public Hearing on Ucluelet Bylaws No. 1281 & 1282, Development Variance Permits and Development Permit for “The Cabins” development:

The Yuułuʔiłʔatḥ Government has no objection to the District of Ucluelet proceeding with its process for the bylaws and permits affecting the properties at 316 and 330 Reef Point Road.

On the nearby areas of land that are identified as an Archaeological and Cultural Heritage site, the Yuułuʔiłʔatḥ Government requests that the District of Ucluelet Council defer further consideration of the requested Development Permit and associated variances for the proposed new cabins (which would also be subject to provincial Site Alteration Permit), until the property owner and the Yuułuʔiłʔatḥ Government have finalized their discussions.”

Note that the public hearing is required for the OCP and zoning amendment bylaws, which apply to “The Lodge & Staff Housing” properties at 316 and 330 Reef Point Road. Although adjacent to those lands, the Development Permit for the 13 proposed new cabins is not required to be part of the public hearing (as “The Cabins” property is already zoned for its proposed use). The Public Hearing

has been scheduled to obtain public input on the OCP Amendment bylaw, zoning amendment bylaw and variances (DVP) that apply to “The Lodge & Staff Housing” properties.



To respect the timing of discussion between the property owner and the Yuułu?i?ath Government, the Development Permit and variances for the 13 proposed new cabins on “The Cabins” property can be left for Council to consider another day. Staff have discussed this timing with the Yuułu?i?ath Government and the property owner and both are in agreement with this approach.

Staff expect that the Development Permit and variances for the 13 proposed new cabins will make it to a Council agenda in the near future. Staff will undertake the necessary notification for that Development Variance Permit at that time and the public will be given an opportunity to comment on The Cabins’ variances during that Council meeting.

Consequently, the draft Development Variance Permit DVP20-06 has been updated to only include the variances pertinent to “The Lodge” property (see **Appendix ‘B’**). The DVP is much simplified as a result.

5. SUMMARY:

Given the feedback received, as discussed above, the public hearing scheduled for April 8th is now focused on “The Lodge & Staff Housing” properties. Leaving further consideration of the permits for “The Cabins” portion of the proposal for a future Council meeting respects the wishes of the Yuułu?i?ath Government and will enable the bylaw amendment parts of the owner’s application to continue forward at this time.

Respectfully submitted: Bruce Greig, Manager of Planning
Donna Monteith, Acting Chief Administrative Officer



Notice of Public Hearing

Notice is hereby given that a Public Hearing will be held in the George Fraser Room in the Ucluelet Community Centre at 500 Matterson Drive, Ucluelet BC, on **Thursday, April 8th, 2021, commencing at 5:30 p.m.** on the following proposed Bylaws and Permit pursuant to Sections 464, 465, 466 and 499 of the *Local Government Act*. Due to COVID-19 and pursuant to Ministerial Order No. 192 the District of Ucluelet is offering the opportunity to participate by electronic means. In-person attendance is not permitted at this time.

- A. Official Community Plan Amendment Bylaw No. 1281, 2020;**
- B. Zoning Amendment Bylaw No. 1282, 2020; and,**
- C. Development Variance Permit DVP20-06**

Applicant: 0933164 B.C. LTD., INC.NO. BC0933164, PO BOX 909, UCLUELET, BC V0R 3A0

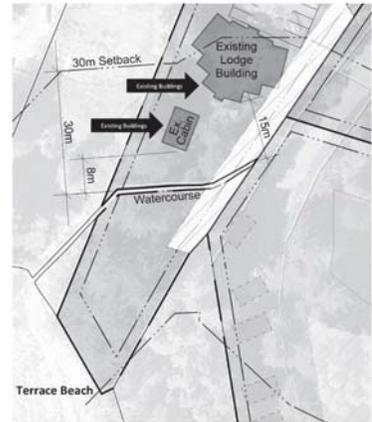
Location: 316 and 330 Reef Point Road, Ucluelet, BC

Legal Description: Lot 37, Plan VIP64737, Section 21, Clayoquot Land District (PID: 023-656-271) and Lot 35, Plan VIP64737, Section 21, Clayoquot Land District (PID: 023-656-255).

- Purpose:**
- A.** In general terms the purpose of *Official Community Plan Amendment Bylaw No. 1281, 2020*, is to:
 - i. amend Schedule 'A' (Proposed Land Use Designations) by changing the future land use designation of Lot 35 and 37 from **Residential-Single Family to Tourist Commercial**; and,
 - ii. amend Schedule 'C' (Development Permit Areas) by designating Lot 35 and Lot 37 to be within Development Permit Area #3 - Reef Point.
 - B.** In general terms the purpose of this *Zoning Amendment Bylaw No. 1282, 2020*, is to:
 - i. amend Schedule B (Zoning Bylaw) by adding the following secondary permitted use to section CS-5.3.1 Maximum Number in alphanumerical order, as follows:
 - "(2) Despite subsection (1) above, a **maximum of two (2) Accessory Residential Dwelling Units** are permitted on Lot 37, Section 21, Clayoquot Land District, Plan VIP64737 (316 Reef Point Road)".
 - ii. amend Schedule A (Zoning Map) by changing the zoning designation of Lot 37 and Lot 35, from **GH Guest House** and **R-1 Single Family Residential**, respectively, to **CS-5 Tourist Commercial**.



- C.** In general terms the Development Variance Permit DVP20-06 would authorize the following variances to *Ucluelet Zoning Bylaw No. 1160, 2013*:
 - i. whereas section 306.2 (1) (b) requires a 30m setback from the natural boundary of a watercourse, the existing southernmost cabin requires an 8m minimum setback and the existing main building requires a 15m minimum setback.



Anyone who believes these bylaws or variances 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: Written submissions must be received before the start of the Public Hearing and include your name and street address. They are considered part of the public record pursuant to the Freedom of Information and Protection of Privacy Act.

Drop-off or Mail
 Box 999 200 Main Street
 Ucluelet, BC, V0R 3A0
 (there is a drop-box on site)

Email
communityinput@ucluelet.ca

Attend the Public Hearing: Due to the COVID-19 Pandemic and to ensure physical distancing, the District of Ucluelet is offering an opportunity to participate by electronic means pursuant to Ministerial Order No. 192. Anyone who believe they are affected by the proposed bylaw will be given the **opportunity to be heard via Zoom**. The public hearing will also be livestreamed on the District of Ucluelet's YouTube Channel. Zoom meeting details are below and for more information about how to participate via Zoom visit <https://ucluelet.ca/community/district-of-ucluelet-council/public-hearings>, or contact the Corporate Service Department at 250-726-7744 or irotenberg@ucluelet.ca.

In-person
 Due to the COVID-19 pandemic, in-person attendance is not permitted at this time.

Via Zoom
 Webinar ID: 865 8866 8864. Participant **ID Not** required.
 Join from a PC, Mac, iPad, iPhone or Android device:

- URL: <https://us02web.zoom.us/j/86588668864>

 Or iPhone one-tap:

- +17789072071,,86588668864# Canada

 Or join by phone:

- Canada: +1 778 907 2071

 International numbers available: <https://us02web.zoom.us/j/keqY5x1cmw>

Review the application: The application, bylaws, permits and other relevant materials may be inspected online at <https://ucluelet.ca/community/district-of-ucluelet-council/public-hearings>. Paper copies may be requested by phoning 250-726-7744 or by email to communityinput@ucluelet.ca. COVID-19 protocols apply to all pick-ups

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

DEVELOPMENT VARIANCE PERMIT DVP20-06

Pursuant to section 498 of the Local Government Act, R.S.B.C 2015 C.1 as amended:

1. This Development Variance Permit is issued to:

0933164 B.C. LTD., INC.NO. 0933164.

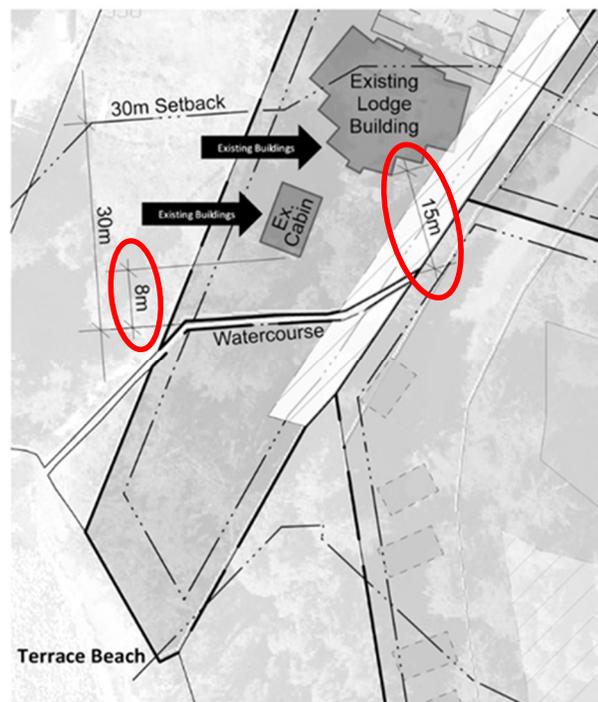
2. This Development Variance Permit applies to, and only to, those lands within the District of Ucluelet described below, and the buildings, structures, and other development thereon:

330 Reef Point Road, Lot 35, Plan VIP64737, Section 21, Clayoquot Land District (the "Lodge Property").

3. The work authorized by this Permit may only be carried out in compliance with the requirements of the District of Ucluelet Zoning Bylaw No. 1160, 2013, except where specifically varied or supplemented by this development variance permit and in compliance with all federal, provincial, and municipal statutes, regulations, and bylaws.

4. This Permit authorizes the following variances specific to the plans and details attached as Schedule "A":

- a. **The existing southernmost cabin has a 8m setback and the existing main building has a 15m setback to the natural boundary of this watercourse, whereas section 306.2 (1) (b) of the *District of Ucluelet Zoning Bylaw No.1160, 2013*, requires a 30m setback from a watercourse.**





5. The above variances are granted for the proposed structures and use of the land as shown on Schedule A. Should the building be later removed or destroyed, this Development Variance Permit shall cease to apply and the zoning requirements in effect at the time shall apply.
6. Notice shall be filed in the Land Title Office under Section 503 of the Local Government Act, and upon such filing, the terms of this Permit or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
7. This Permit is NOT a Building Permit.

AUTHORIZING RESOLUTION passed by the Municipal Council on the day of , 2021.

ISSUED the day of , 2021.

Bruce Greig - Manager of Community Planning



STAFF REPORT TO COUNCIL

Council Meeting: MARCH 23, 2021
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: JOHN TOWGOOD, PLANNER 1

FILE NO: 2450-20 200.030

SUBJECT: COVENANT MODIFICATION – 858 BARKLEY PLACE

REPORT NO: 21-34

ATTACHMENT(S): APPENDIX A – S.219 RESTRICTIVE COVENANT EJ96930
APPENDIX B – DRAFT REPLACEMENT COVENANT W/ LEWKOWICH ENGINEERING REPORT

RECOMMENDATION(S):

1. **THAT** Council authorize the discharge of the Section 219 Restrictive Covenant EJ96930 registered on Lot 30, Section 1, Barclay District (situated in Clayoquot District), Plan VIP61995 (858 Barkley Place) and replace it with a new Section 219 covenant based on the January 22, 2021, Geotechnical Report by Lewkowich Engineering and Associates Ltd.

PURPOSE:

To consider a request to replace the Section 219 restrictive covenant EJ96930 on 858 Barkley Place, Lot 30, Section 1, Barclay District (situated in Clayoquot District), Plan VIP61995 (the “**Subject Property**”), to reduce the horizontal setback to the Present Natural Boundary (**NB**) to 7.5m from 15m and to establish a Flood Construction Level (**FCL**) 9.6m above the geodetic elevation.



Figure 1- Subject Property Location

BACKGROUND:

The Subject property was created in 1995 and at that time the Section 219 restrictive covenant EJ96930 (the “**Covenant**”) was put in place to establish; a Flood Construction Level (**FCL**) of 7m vertically off the NB and a horizontal setback of 15m off the NB. The covenant also set liability protections for the District of Ucluelet in case of a flood event (**Appendix A**).

DISCUSSION:

The applicant has supplied a recently created geotechnical report completed by Lewkowich Engineering and Associates LTD (**Appendix B**). This report sets a new FCL and horizontal setback for any building constructed on site. It also sets requirements for constructing the building and site preparation. The following is a brief review of key aspects of the Lewkowich Engineering and Associates LTD report:

FCL

The existing covenant sets the FCL at 7m or greater above the NB with the NB along this section of Ucluelet being variable due to different wave actions when referenced against the geodetic (geodetic is a vertical elevation standard known as CGVD28) elevation. The existing covenant was not written referencing a geodetic elevation but rather off the NB. This was a standard approach at the time. The applicant is recognizing a higher FCL of 9.6m which is outlined by the Lewkowich Engineering and Associates LTD report (**Appendix B**).

Horizontal Setback off the NB

Horizontal setbacks off a NB are generally set to ensure future buildings on the property will not be subject to a failure caused by erosion. The existing covenant sets a 15m setback off the NB. The 2020 Lewkowich report states that a 7.5m setback off a reevaluated NB would be acceptable given the nature of the geotechnical properties. The report also gives site preparation, foundation design and building details that must be followed to ensure that future buildings on the property will be safe for residential use.

Liability

The applicant has agreed to let the District of Ucluelet’s solicitors create the replacement S.219 covenant. Within this new covenant updated liability clauses are included that will protect the District of Ucluelet from any potential liability resulting from flooding on the subject property (see Appendix B).

2020 Coastal Flood Mapping

In June of 2020, the District of Ucluelet completed its Flood Risk Assessment, Floodplain Mapping & Mitigation Planning project. The data from this project can now be considered in applications where the properties could be subject to flooding. The flood mapping project looked at coastal storm flooding and set FCL recommendations for different Relative Sea Level Rise (**RSLR**) scenarios. For the purpose of flood planning, the project (following Provincial guidelines) assumed 0.5% AEP (a rare storm event), 1m RSLR (predicted to happen in 50 to 100 years), and a .6m freeboard (safety factor). The excerpt of the coastal flood map below (under the forementioned

conditions) indicates the minimum recommended FCL for the subject property at 9.6m geodetic or higher (**Figure 2**). The applicant is requesting an elevation of 9.6m geodetic.

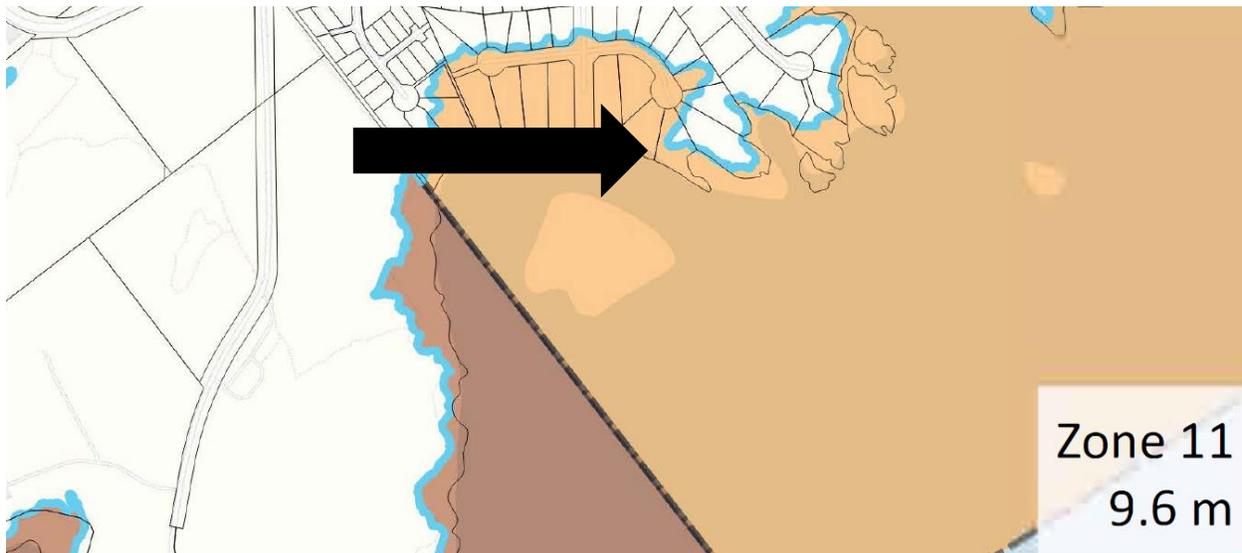


Figure 2 – Coastal Flood Map

Tsunami Flood Mapping

A tsunami is a group of long-period surface waves generated by earthquakes, volcanic eruptions, landslides or other sudden movement of the earth-ocean interface. In the deep ocean, tsunami travel very fast but may not be large in height. As the tsunami wave reaches shallower water near shore, the wave slows down and increases in height dramatically. As the wave reaches shore it usually looks more like a sudden increase in water level inundating the shore than it does a typical surf wave.

The District of Ucluelet is positioned on the edge of the Pacific Ocean within the “Ring of Fire” named for the abundant earthquakes and volcanic eruptions in the region. As such the District of Ucluelet is exposed to hazard from many remote, regional, and local tsunami sources. Available literature suggests that a megathrust fault of the Cascadia Subduction Zone poses the largest hazard to the District of Ucluelet. This fault occurs where the Explorer, Juan de Fuca and Gorda Plates subduct under the North America Plate. The fault stretches from Northern California to British Columbia. The last known major earthquake from this fault occurred in 1700 and caused a large tsunami which impacted North America and Japan.

The threat caused by a Tsunami has been considered in past S.219 flood covenants by using the 1964 Alaskan earthquake as the base reference for mitigation methodologies. This was somewhat of an arbitrary approach as there is no scientific evidence to suggest that this size and type of earthquake should be used as a predicted event along our coastline.

As a megathrust fault of the Cascadia Subduction Zone (**CSZ**) poses the largest hazard to the District of Ucluelet and there is evidence to suggest that this type and size of earthquake occurs every 300 to 500 years (the last one was in the 1700's), it make sense that this is the event that should be considered in mitigating the effects of a tsunami. Because the impact level of this event would be

much higher than that of the Alaskan event, creating a prohibition of building below a tsunami flood level on existing properties based on a megathrust fault of the CSZ would be onerous. Although the findings from the 2020 Flood mapping project have not yet been set in policy, the following approaches are supported by Staff:

- On existing properties, new construction, additions, and alterations will require the following:
 - If Above the Coastal Flooding FCL, a normal building process would be followed.
 - If below the Coastal Flooding FCL, a geotechnical and structural assessment and covenant would need to be completed for the structure, with the engineer's certification that the proposed construction would be safe for its intended use even with the anticipated coastal flooding.
- On properties proposed for subdivision to create new land parcels:
 - New parcels created can be approved if they contain a safe building envelope that would not, when created, be subject to Coastal or Tsunami flooding.

As indicated below, the entire subject property would be affected by a CSZ tsunami event and it is not proposed that the owner build to withstand the forces of such an event but rather just the effects of Coastal Flooding event to a 1m RSLR. On existing properties, the approach to mitigating the hazards of a rare (but dangerous) tsunami event fall more to education, evacuation planning and identification of safe evacuation routes and zones. The owner is aware if the tsunami event risk and the replacement covenant will include clauses to ensure the District of Ucluelet does not incur liability in any flooding event.

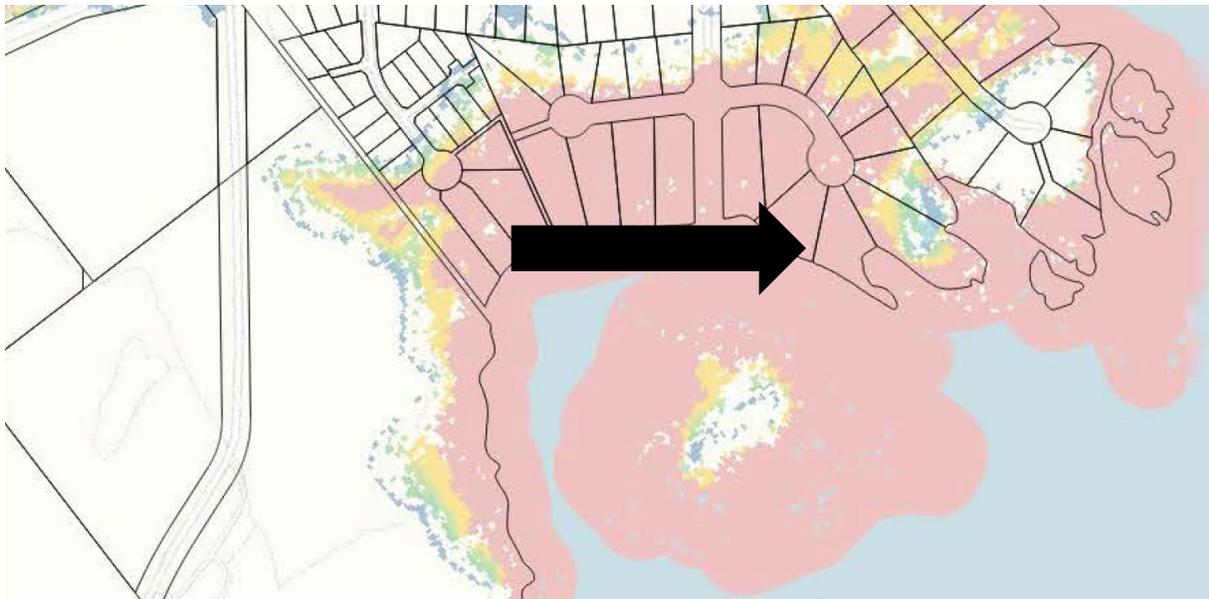


Figure 3 – Tsunami Planning Map Splay Faulting Rupture, 1m RSLR

ZONING REQUIREMENTS:

Section 306.2 of the District of Ucluelet's Zoning bylaw sets the minimum setback from the NB at 7.5m, which is consistent with the requested setback.

SUMMARY:

This request to replace the covenant is supported by a registered geotechnical professional and the data created in the District of Ucluelet's Flood Risk Assessment, Floodplain Mapping & Mitigation Planning project.

TIME REQUIREMENTS – STAFF & ELECTED OFFICIALS:

The majority of the work will be completed by the District of Ucluelet's solicitors with those costs borne by the applicant.

FINANCIAL IMPACTS:

All cost associated with this proposal will be borne by the applicant and there would be no financial impact to the District of Ucluelet with the modification of this covenant.

POLICY OR LEGISLATIVE IMPACTS:

None

OPTIONS REVIEW:

Staff consider the requested covenant modification to be a reasonable request and are recommending Council approval. Alternatively, Council could consider the following:

2. **THAT** Council deny this application.

Respectfully submitted: John Towgood, Planner 1
Bruce Greig, Manager of Community Planning
Donna Monteith, Acting Chief Administration Officer

Appendix A

95 SP -8 12 52 0

EJ096930

EJ096931

RECEIVED
LAND TITLE OFFICE
VICTORIA

LAND TITLE ACT
FORM C
(Section 219.81)
PROVINCE OF BRITISH COLUMBIA

GENERAL INSTRUMENT - PART I (This area for Land Title Office use) Page 1 of 7 pages
HEREWITH FEE of \$

1. APPLICATION: (name, address, phone number and signature of applicant, applicant's solicitor or agent)

Gerda Anderson
McCONNAN, BION, O'CONNOR & PETERSON
(Client No. 10230) Via Bev Stewart

09/08/95 A9910a CHARGE 100.00

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION OF LAND:

23196459

Lot 30, Section 1, Barclay District (Situate in Clayoquot District)
Plan ~~YES~~ V1P61995

3. NATURE OF INTEREST:

Description;	Document Reference	Person entitled to interest
Covenant	1 - 6	Transferee
Consent and Priority	2 and 6	Transferee

4. TERMS:

Part 2 of this Instrument consists of (select one only):

- (a) Filed Standard Charge Terms D.F. Number:
- (b) Express Charge Terms (annexed as Part 2)
- (c) Release There is no Part 2 of this instrument

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument. If (c) is selected the charge described in Item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S):

Orca Estates Ltd. (Inc. No. 303345)
Taio Investments Limited (Inc. No. 456974)
Mary Toshiko Kimoto

2

6. TRANSFEREE(S): (including occupation(s), postal address(es) and postal code)

The Corporation of the Village of Ucluelet, 200 Main Street, P.O. Box 999, Ucluelet, B.C., VOR 3A0 and Her Majesty the Queen in Right of the Province of British Columbia as represented by the Minister of Environment, Lands and Parks, 2569 Kenworth Road, Nanaimo, B.C., V8T 4P7

7. ADDITIONAL OR MODIFIED TERMS:*

N/A

8. EXECUTIONS(S) This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

Execution Date

Party(ies) Signature(s)

Y M D

[Handwritten signature of Patrick B. Bion]

95 07 10

ORCA ESTATES LTD.
By its authorized signatory:

[Handwritten signature of Gerald Hartwig]
GERALD HARTWIG

PATRICK B. BION
Barrister & Solicitor
McCANNAN, BION, O'CONNOR & PETERSON
420 - 280 DOUGLAS ST., VICTORIA, B.C. V8W 2B7

TAIO INVESTMENTS LIMITED
By its authorized signatories:

[Handwritten signature of R.G. Arrowood]
R.G. Arrowood
[Handwritten signature of Michael David Jenks]
Michael David Jenks

as to R.G. Arrowood with
free
John A. Davis
1515-2nd Ave
Prince George BC
V2C 3B8
Barrister & Solicitor
to the signature
Michael David Jenks

[Handwritten signature of Durward Tillie]
DURWARD TILLIE
BARRISTER & SOLICITOR
204-55 CANADA AVE.
DUNCAN, B.C. V9L 1T3
748-6633

95 07 12

95 07 13

[Handwritten signature of James P. Roth]

95 08 28

[Handwritten signature of Mary Toshiko Kimoto]
MARY TOSHIKO KIMOTO

JAMES P. ROTH
Barrister & Solicitor
P.O. Box 909, 1566 Peninsula Rd.
Ucluelet, B.C. VOR 3A0
(604) 726-4307

as to the signature
of Mary Toshiko
Kimoto only

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1979, c. 116, to take affidavits for use in British Columbia and certifies the matters set out in part 5 of the Land Titles Act as they pertain to the execution of this instrument.

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PART 2

THIS AGREEMENT made the 10th day of July, 1995.

BETWEEN:

ORCA ESTATES LTD., a company duly incorporated under the laws of the Province of British Columbia, having its registered and records office at A-777 Blanshard St., Victoria, B.C, V8W 2G9 and, **TAIO INVESTMENTS LIMITED**, a company duly incorporated under the laws of the Province of British Columbia, having its registered office at Suite 1, 1515 Second Avenue, Prince George, B.C., V2L 3B8

(hereinafter called the "Owner")

OF THE FIRST PART

AND:

THE CORPORATION OF THE VILLAGE OF UCLUELET, 200 Main Street, P.O. Box 999, Ucluelet, B.C., VOR 3A0 and **HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA**, as represented by the Minister of Environment, Lands and Parks, 2569 Kenworth Road, Nanaimo, B.C., V8T 4P7

(hereinafter called the "Transferee")

OF THE SECOND PART

WHEREAS:

- A. The Owner is the registered owner of the lands and premises more particularly described in Form C, Item 2, page 1 attached hereto (the "Land").
- B. The Owner has proposed to subdivide the Land and it is a condition of the subdivision approval that the covenant contained in this Agreement pursuant to Section 215 of the Land Title Act, R.S. B.C. 1979 be registered against the title to the Land.

WITNESS THAT IN CONSIDERATION of the sum of One Dollar (\$1.00) of lawful money of Canada and other good and valuable consideration now paid by the Transferee to

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page 4

the Owner, the receipt and sufficiency whereof is hereby acknowledged, the Owner covenants and agrees in accordance with Section 215 of the Land Title Act as follows:

1. Hereafter, excepting structures which in the reasonable opinion of the Transferee are simple structures for the storage of boats and ancillary equipment, no building shall be constructed, nor mobile home located within Fifteen (15) metres of the natural boundary of the sea. This setback is to be increased if a geotechnical evaluation of the lot requires a greater setback
2. Hereafter, excepting structures which in the reasonable opinion of the Transferee are simple structures for the storage of boats and ancillary equipment, no building shall be constructed, nor mobile home located, except on natural ground which is at an elevation of not less than seven point zero (7.0)metres Geodetic Survey of Canada datum. Where fill is used, it shall be approved by a suitably qualified professional engineer (a) to provide adequate structural support for proposed buildings, and (b) to withstand the hazards of a tsunami including flooding, wave action, erosion, and water borne debris. The fill shall not be placed on natural ground lower than five (5.0) metres Geodetic Survey of Canada datum. The toe of the fill, including erosion protection works shall be no closer to the natural boundary than the setback given in condition 1.
3. The Owner acknowledges that conditions 1 and 2 above are based on limited information from the 1964 tsunami event and that since the flood damage hazard from tsunami varies with location and event, these conditions may not be adequate for possible extreme tsunami occurrences. Where possible, building sites with a greater setback and elevation should be chosen.
4. The Owner covenants and agrees not to claim damages from the Transferee or hold the Transferee responsible for damages caused by flooding or erosion to the Land or to any building, improvement, or other structure built, constructed, or placed upon the said Land and any contents thereof.
5. The Owner releases, and must indemnify and save harmless, the Transferee, its elected and appointed officials and employees, from and against all liability, actions, causes of action, claims, damages, expenses, costs, debts, demands or losses suffered or incurred by the Owner, or anyone else, arising from the granting or existence of this Agreement, from the performance by the Owner of this Agreement or any default of the Owner under or in respect of this Agreement.
6. The parties agree that this Agreement creates only contractual obligations and obligations arising out of the nature of this document as a covenant under seal. The parties agree that no tort obligations or liabilities of any kind exist between the parties in connection with the performance of, or any default under or in respect of, this Agreement. The intent of this section is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract and under the

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page 5

law pertaining to covenants under seal.

7. The rights given to the Transferee by this Agreement are permissive only and nothing in this Agreement imposes any legal duty of any kind on the Transferee to anyone, or obliges the Transferee to enforce this Agreement, to perform any act or to incur any expense in respect of this Agreement.
8. Where the Transferee is required or permitted by this Agreement to form an opinion, exercise a discretion, express satisfaction, make a determination or give its consent, the Owner agrees that the Transferee is under no public law duty of fairness or natural justice in that regard and agrees that the Transferee may do any of those things in the same manner as if it were a private party and not a public body.
9. This Agreement does not:
 - a) affect or limit the discretion, rights or powers of the Transferee under any enactment (as defined in the Interpretation Act, R.S. B.C. 1979, c. 206, on the reference date of this Agreement) or at common law, including in relation to the use or subdivision of the Land;
 - b) affect or limit any enactment relating to the use or subdivision of the Land, or
 - c) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Land.
10. Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted under s. 215 of the Land Title Act in respect of the Land and this Agreement burdens the Land and runs with it and binds the successors in title to the Land. This Agreement burdens and charges all of the Land and any parcel into which it is subdivided by any means and any parcel into which the Land is consolidated. The Owner is only liable for breaches of this Agreement that occur while the Owner is the registered owner of the Land.
11. The Owner agrees to do everything reasonably necessary at the Owner's expense, to ensure that this Agreement is registered against title to the Land with priority over all financial charges, liens and encumbrances registered, or the registration of which is pending, at the time of application for registration of this Agreement.
12. An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach in respect of which the waiver is asserted. A waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.

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page 6

13. If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.
14. This Agreement is the entire agreement between the parties regarding its subject.
15. This Agreement binds the parties to it and their respective successors, heirs, executors and administrators.
16. The Owner must do everything reasonably necessary to give effect to the intent of this Agreement, including execution of further instruments.
17. By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.

As evidence of their agreement to be bound by the above terms, the parties each have executed and delivered this Agreement under seal by executing Part 1 of the Land Title Act Form C to which this Agreement is attached and which forms part of this Agreement.

THIS IS THE INSTRUMENT creating the condition or Covenant entered into under Section 215 of the LAND TITLE ACT by the registered owner(s) referred to herein and shown on the Print of Plan annexed hereto and initialled by me.



Approving Officer
The Corporation of the Village of Ucluelet

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page 7

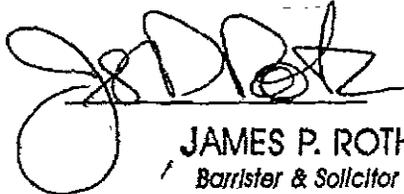
CONSENT AND PRIORITY AGREEMENT OF CHARGE HOLDER

I, **MARY TOSHIKO KIMOTO**, holder of Mortgage No. EJ40698 consent to registration of the within Section 215 Covenant and agree that it should have priority over my said charge.

Officer Signature(s)
Signature(s)

Execution Date

Party(ies)



Y M D
95 08 28

MARY TOSHIKO KIMOTO

JAMES P. ROTH
Barrister & Solicitor
P.O. Box 909, 1566 Peninsula Rd.
Uclualet, B.C. V0R 3A0
(606) 794-4337

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1979, c. 116, to take affidavits for use in British Columbia and certifies the matters set out in part 5 of the Land Titles Act as they pertain to the execution of this instrument.

* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.

** If space insufficient, continue executions on additional page(s) in Form D.

END OF DOCUMENT



1. Application

**Jordan Adam
YOUNG ANDERSON
1616 808 Nelson Street
Vancouver BC V6Z 2H2
604-689-7400**

File No. 119-184
Cov-Geo Hazard

2. Description of Land

PID/Plan Number	Legal Description
023-196-459	LOT 30 SECTION 1 BARCLAY DISTRICT (SITUATED IN CLAYOQUOT DISTRICT) PLAN VIP61995

3. Nature of Interest

Type	Number	Additional Information
COVENANT		

4. Terms

Part 2 of this instrument consists of:
(b) Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms.

5. Transferor(s)

FREDRIC PETER CARMAN

6. Transferee(s)

**DISTRICT OF UCLUELET
200 MAIN STREET
UCLUELET BC V0R 3A0**

7. Additional or Modified Terms

8. Execution(s)

This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Witnessing Officer Signature

Execution Date

Transferor Signature(s)

YYYY-MM-DD

FREDRIC PETER CARMAN

Officer Certification

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

Witnessing Officer Signature

Execution Date

Transferor Signature(s)

YYYY-MM-DD

DISTRICT OF UCLUELET
By their Authorized Signatory

Name:

(as to both signatures)

Name:

Officer Certification

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

Electronic Signature

Your electronic signature is a representation that you are a designate authorized to certify this document under section 168.4 of the *Land Title Act*, RSBC 1996 c.250, that you certify this document under section 168.41(4) of the act, and that an execution copy, or a true copy of that execution copy, is in your possession.

TERMS OF INSTRUMENT – PART 2**SECTION 219 COVENANT – GEOTECHNICAL HAZARD**

THIS AGREEMENT made the 12th of March, 2021, is

BETWEEN:

FREDRIC PETER CARMAN
120 W. Highland Drive, Apt. 222
Seattle WA 98119
USA

(the “**Owner**”)

AND:

DISTRICT OF UCLUELET
200 Main Street
Ucluelet, BC V0R 3A0

(hereinafter called the “**District**”)

WHEREAS:

- A. The Owner is the registered owner of the land legally described in the General Instrument – Part 1 (*Land Title Act* Form C) attached to and forming part of this Agreement (the “**Land**”);
- B. The Owner has applied to the District for a building permit to construct on the Land a single-family residence as generally described in the Geotechnical Hazard Assessment dated January 22, 2021, and prepared by Paul Fraser and under seal by Chris Hudec, P. Eng., both of Lewkowich Engineering Associates Ltd., a copy of which is attached as Schedule A to this Agreement (the “**Report**”);
- C. The District’s building inspector considers that the Land is subject to or is likely to be subject to flooding and requires that the Owner grant a covenant under section 219 of the *Land Title Act* and in accordance with section 56 of the *Community Charter* as a condition of issuance of a building permit; and
- D. The Owner wishes to grant to the District a covenant under section 219 of the *Land Title Act* (British Columbia), on the terms set out in this Agreement.

THIS AGREEMENT is evidence that, in consideration of the sum of one dollar paid by the District to the Owner, the receipt and sufficiency of which the Owner acknowledges, the Owner and the District agree as follows:

1. **Land Use Restriction** – The Land must be used, built upon and developed strictly in accordance with the recommendations set out in the Report.
2. **Reimbursement by Owner** – The Owner shall reimburse the District for any expenses that the District may incur as a result of the Owner’s breach of section 1 of this Agreement, on a solicitor and own client basis in the case of expenses for legal services.
3. **Owner Acknowledgement** – The Owner acknowledges that:
 - (a) the Land is subject to or is likely to be subject to flooding and that such flooding may pose a significant danger to the use of the Land, buildings and structures on the Land and to persons on the Land; and
 - (b) issuance of a building permit by the District does not constitute a representation or warranty by the District or the District’s building inspector to the Owner or any other person that the Land, any building or structure placed on the Land or any person on the Land will not be injured or damaged by flooding, even where the Report is complied with.
4. **Municipal Permits** – The Owner agrees that the District may withhold building permits and occupancy permits with respect to any building or other structure from time to time constructed or proposed to be constructed on the Land, as the District may, in its reasonable discretion, consider necessary to ensure compliance with this Agreement.
5. **Indemnity** – As an integral part of this Agreement, pursuant to section 219(6)(a) of the *Land Title Act*, the Owner hereby indemnifies the District from and against any and all liability, actions, causes of action, claims, suits, proceedings, judgements, damages, expenses, demands and losses at any time suffered or incurred by, or brought against, the District, or any of its elected or appointed officials, officers, employees or agents, arising from or in connection with the granting or existence of this Agreement, the performance of any of the Owner’s obligations under this Agreement, any breach of any provision under this Agreement or the enforcement by the District of this Agreement.
6. **Specific Relief** – The Owner agrees that the public interest in ensuring that all of the provisions of this Agreement are complied with strongly favours the award of a prohibitory or mandatory injunction, or an order for specific performance or other specific relief, by the Supreme Court of British Columbia at the instance of the District, in the event of an actual or threatened breach of this Agreement.
7. **No Effect on Powers** – Nothing in this Agreement shall:
 - (a) affect or limit the discretion, rights or powers of the District or the District’s Approving Officer under any enactment or at common law, including in relation to the use, development or subdivision of the Land;

- (b) affect or limit any enactment relating to the use, development or subdivision of the Land; or
 - (c) relieve the Owner from complying with any enactment, including in relation to the use, development or subdivision of the Land.
8. **District Discretion** – Where the District or a representative of the District is required or permitted under this Agreement to form an opinion, exercise a discretion, express satisfaction, make a determination or give its consent:
- (a) the relevant provision shall not be considered fulfilled unless the approval, opinion, determination, consent or expression of satisfaction is in writing signed by the District or the representative, as the case may be;
 - (b) the approval, opinion, determination, consent or satisfaction is in the sole discretion of the District or the representative, as the case may be; and
 - (c) the District or the representative, as the case may be, is under no public law duty of fairness or natural justice in that regard and the District or the representative may do any of those things in the same manner as if it were a private person and not a public body or employee or officer thereof.
9. **No Obligation to Enforce** – The rights given to the District under this Agreement are permissive only and nothing in this Agreement shall give rise to any legal duty of any kind on the District to anyone or obligate the District to enforce this Agreement or to perform any act or incur any expense.
10. **Agreement Runs with Land** – This Agreement shall burden and run with, and bind the successors in title to, the Land and each and every part into which the Land may be subdivided by any means (including by deposit of a strata plan of any kind under the *Strata Property Act* (British Columbia)).
11. **Waiver** – No waiver by the District of any requirement or breach of this Agreement shall be effective unless it is an express waiver in writing that specifically references the requirement or breach and no such waiver shall operate as a waiver of any other requirement or breach or any continuing breach of this Agreement.
12. **Remedies** - No reference to or exercise of any specific right or remedy by the District shall prejudice or preclude the District from exercising any other right or remedy, whether allowed at law or in equity or expressly provided for in this Agreement, and no such right or remedy is exclusive or dependent upon any other such remedy and the District may from time to time exercise any one or more of such remedies independently or in combination.
13. **Priority** – The Owner shall cause this Agreement to be registered in the applicable land title office against title to the Land with priority over all financial liens, charges and encumbrances, and any leases and options to purchase, registered or pending registration at the time of application for registration of this Agreement, including by causing the holder

of each such lien, charge, encumbrance, lease or option to purchase to execute an instrument in a form required by the District under which such holder postpones all of the holder's rights to those of the District under this Agreement in the same manner and to the same extent as if such lien, charge, encumbrance, lease or option to purchase had been registered immediately after the registration of this Agreement.

14. **Modification** – This Agreement may not be modified except by an agreement or instrument in writing signed by the Owner or its successor in title and the District or a successor or assignee.
15. **Further Assurances** – The Owner shall do and cause to be done all things, including by executing further documents, as may be necessary to give effect to the intent of this Agreement.
16. **Owner's Expense** – The Owner shall perform its obligations under this Agreement at its own expense and without compensation from the District.
17. **Severance** – If any part of this Agreement is for any reason held to be invalid by a decision of a court with the jurisdiction to do so, the invalid portion is to be considered severed from the rest of this Agreement and the decision that it is invalid shall not affect the validity or enforceability of the remainder of this Agreement.
18. **Interpretation** - In this Agreement:
 - (a) reference to the singular includes a reference to the plural, and vice versa, unless the context requires otherwise;
 - (b) article and section headings have been inserted for ease of reference only and are not to be used in interpreting this agreement;
 - (c) the term "enactment" has the meaning given to it under the *Interpretation Act* (British Columbia) on the reference date of this Agreement;
 - (d) reference to any enactment includes any regulations, orders or directives made under the authority of that enactment;
 - (e) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced from time to time, unless otherwise expressly provided;
 - (f) reference to a particular numbered section, or to a particular lettered schedule, is, unless otherwise expressly provided, a reference to the correspondingly numbered section or lettered schedule of this Agreement;
 - (g) all Schedules to this Agreement form an integral part of this Agreement;
 - (h) time is of the essence; and

- (i) where the word "including" is followed by a list, the contents of the list are not intended to limit or otherwise affect the generality of the expression preceding the word "including".
19. **Governing Law** – This Agreement shall be governed by and construed in accordance with the laws of the Province of British Columbia, which shall be deemed to be the proper law hereof.
20. **Enurement** – This Agreement hereof shall enure to the benefit of the parties and their respective successors and assigns, as the case may be.
21. **Entire Agreement** – This Agreement is the entire agreement between the parties regarding its subject.
22. **Execution in Counterparts & Electronic Delivery** - This Agreement may be executed in any number of counterparts and delivered by e-mail, each of which shall be deemed to be an original and all of which taken together shall be deemed to constitute one and the same instrument, provided that any party delivering this Agreement by e-mail shall also deliver to the other party an originally executed copy of this Agreement.

As evidence of their agreement to be bound by this Agreement, the parties have executed the General Instrument – Part 1 (*Land Title Act* Form C and Form D) attached to and forming part of this Agreement.

SCHEDULE A

Geotechnical Hazard Assessment, dated January 22, 2021

GEOTECHNICAL HAZARD ASSESSMENT

858 Barclay Place, Ucluelet, BC
Single-Family Residence

Legal Address:

Lot 30, Section 1, Barclay District, (Situated
in Clayoquot District), Plan VIP61995,
PID: 023-196-459

Prepared For:

Mr. Fredric Carman
c/o What Ever Wood Works Ltd.
2520 8th Avenue
Port Alberni, BC
V9Y 2L7

Attention:

Mr. Martjin Zuydervelt
Mr. Fredric Carman

January 22, 2021

File No.: F9192.01
Revision No.: 00
Prepared by:
Paul Fraser, B.A., CTech.
Chris Hudec, M.A.Sc., P.Eng.

Lewkowich Engineering Associates Ltd.

1900 Boxwood Road
Nanaimo, BC, V9S 5Y2
250-756-0355 (Office)
250-756-3831 (Fax)

www.lewkowich.com
geotech@lewkowich.com



OQM
CERTIFIED

DISCLAIMER

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 acknowledged that this Report and any conditions contained within 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 expense of Mr. Fredric Carman c/o Mr. Martjin Zuydervelt of What Ever Wood Works Ltd. 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, available floodplain data, current construction techniques, and generally accepted engineering practices. No other warranty, 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. Future construction shall be carried out within the requirements and recommendations of the Environmental Consultant (if applicable), any defined jurisdictional bylaws, or any existing restrictive covenants, whichever is more stringent. Any environmental setbacks and/or jurisdictional limitations may supersede the recommendations in this Report.
5. 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.
6. 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).

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, 858 Barclay Place, Ucluelet, BC, from this point forward referred to as “the Property,” is located on the west coast of Vancouver Island within the jurisdictional boundaries and southern region of the DoU. The Property is located at the south end of Barclay Place and is bordered to the immediate west and south by the Pacific Ocean. The proposed development for the Property at the time of this Report includes construction of a new single-family residence.
3. A site-specific hazard assessment was conducted to identify potential geotechnical hazards for the subject Property. The primary geotechnical hazards identified relate to steep slopes $>30^\circ$, the Property’s boundary with the Pacific Ocean and the associated oceanic flooding due in part to future sea level rise (SLR), as well as consideration for the risk of tsunami inundation.
4. EGBC recommends that the most current and best available information be used when preparing flood hazard assessments. We understand the DoU retained Ebbwater Consulting Inc. (ECI), and its partner Cascadia Coastal Research Ltd. (CCRL), to assess regional flood hazards in the area. Our review of the ECI findings indicates a Flood Construction Level (FCL) of 9.6m geodetic datum (GD), which includes 1.0m of relative SLR, for the Zone 11 area of Ucluelet. The recommended FCL for the Property is 9.6m GD.
5. Current EGBC and provincial guidelines relating to ocean frontage properties require a minimum horizontal setback of 15.0m from the estimated Future Natural Boundary (FNB) of the sea at the Year 2100. Based on our review of the topographic survey provided by Underhill Geomatics Ltd. (UGL), the buildable area will be defined by a combination of the required 15.0m from the estimated FNB setback, a reduced foreshore setback of 7.5m from the Present Natural Boundary (PNB) of the south surge channel, and/or a minimum of 2.0m from the crest of slopes $>30^\circ$, whichever results in the greater setback.
6. Provided the recommendations outlined in this Report are followed, we consider the land can be made safe for the proposed development.

List of Abbreviations Used in the Report

Abbreviation	Title
AHJ	Authority Having Jurisdiction
BCBC	British Columbia Building Code
CCRL	Cascadia Coastal Research Ltd.
CM	Combined Method
DoU	District of Ucluelet
DPA	Development Permit Area
ECI	Ebbwater Consulting Inc.
EGBC	Engineers and Geoscientists of British Columbia
FCL	Flood Construction Level
FNB	Future Natural Boundary
GD	Geodetic Datum
LEA	Lewkowich Engineering Associates Ltd.
MFLNRO	Ministry of Forests, Lands, and Natural Resource Operations
OCP	Official Community Plan
PNB	Present Natural Boundary
SLR	Sea Level Rise
SLS	Service Limit State
SRW	Statutory Right-of-Way
UGL	Underhill Geomatics Ltd.
ULS	Ultimate Limit State

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1.0 INTRODUCTION

1.1 General

- a. As requested, LEA has carried out a geotechnical hazard assessment of the subject Property with respect to the future construction of a new single-family residence. This Report provides a summary of our findings and recommendations.

1.2 Background

- a. LEA understands the purpose of this assessment is to determine development constraints and to provide geotechnical information relating to the safe and suitable development of the land, 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 a single-family residence, expected to be of conventional construction methods, preferably constructed utilizing a cast-in-place foundation and slab-on-grade/suspended slab type flooring system with a concrete and wood-framed superstructure.
- c. As per the current 2011 DoU OCP, the Property is not located within a DPA¹. However, the updated 2018 OCP, currently issued as a draft version, indicates the Property is located within a DPA for Hazardous Conditions (shown on the Schedule 'G' map), specifically for steep slopes greater than 30° and shoreline areas subject to flooding². The Property is located on the west coast of Vancouver Island, within the southern region of the DoU, adjacent to the Pacific Ocean. See Figure 1.2 below.

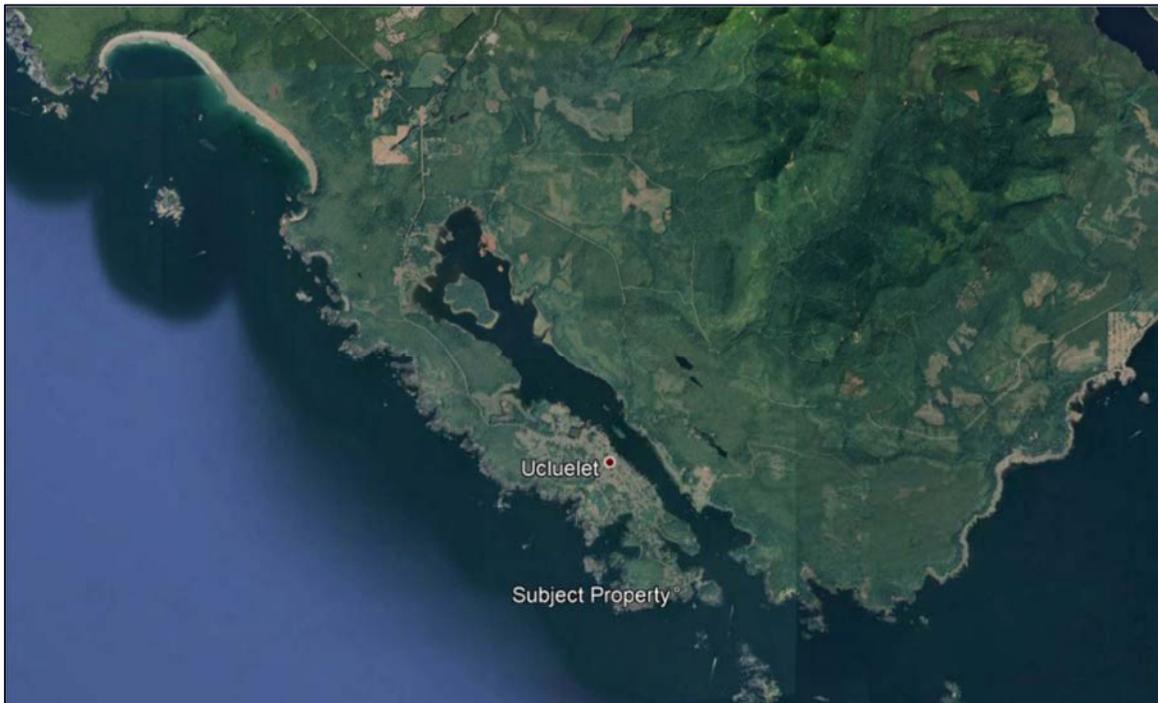


Figure 1.2 – Large Scale Location Plan (Satellite Imaging from Google Earth®)

- d. The Property is currently zoned as “Single-Family Residential” (R-1), and is bound by other “Single-Family Residential” (R-1) properties to the northwest and east³. The parcel is bound to the immediate west and south by the Pacific Ocean and to the north by Barclay Place.
- e. Following EGBC’s Professional Practice Guidelines for Legislated Flood Assessments⁴, this Report would be categorized as a Class 0 assessment, applicable for developments related to:
 - i. Renovations.
 - ii. Expansions.
 - iii. New single-family residence.
 - iv. New duplex residence.
- f. In preparation of this Report, we have reviewed the most current and relevant technical documents provided by EGBC, MFLNRO⁵ and ECI, along with historical air photo data.

1.3 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 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 EJ96930.
- c. Covenant EJ96930 (1995) relates to oceanic flooding, stating no building shall be constructed nor mobile home located within 15.0m of the natural boundary of the sea on natural ground less than 7.0m GD. Further, this covenant states fill shall not be placed on natural ground lower than 5.0m GD, and the toe of said fill shall adhere to the above noted setback from the natural boundary of the sea. This covenant is based on limited information from the 1964 tsunami event in Alaska.

1.4 Assessment Methodology

- a. A visual reconnaissance of the Property was carried out on November 5, 2020, which included observations of the existing site conditions, the foreshore, topography, and assumed building site. In preparation of this Report we have conducted a desktop review of the area geology and topography, including a review of a previous site inspection conducted by our firm in 2011.
- b. LEA reviewed the attached topographic site plan provided by UGL, dated January 13, 2021, and available topographical information provided by the DoU LIDAR mapping.

2.0 SITE CONDITIONS

2.1 Physical Setting

- a. The Property is located at the south extent of the District of Ucluelet, southwest of Peninsula Road. The Property location is shown below in Figure 2.1.



Figure 2.1 – Small Scale Location Plan (Satellite Imaging from Google Earth®)

2.2 Terrain and Features

- a. The terrain rises gently from the Barclay Place frontage to a plateau making up the majority of the center of the parcel. The plateau is bordered to the northwest by a steep slope ($>30^\circ$) up to 3.5m in height and orientated from northeast to southwest. The plateau is also bordered to the south by a near-vertical, south-facing bedrock slope up to 4.7m in height that defines the north extent of an open surge channel. Near-vertical bedrock slopes estimated up to 10.0m in height define the east and west limits of the channel. To the west of the plateau the terrain undulates down to the foreshore area generally sloping at 3 Horizontal to 1 Vertical (3H:1V). Total relief across the site is estimated to be 7.0m from the western PNB (average elevation 3.5m GD) to the center of the plateau (10.5m GD).

2.3 Regional Geology

- a. Surficial geology for the area is classified as shallow colluvium, comprised of sediments generally less than 1.0m thick, overlying bedrock⁶.
- 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 period⁷. The bedrock in this region is typically moderately fractured near surface (1.5m), and more homogenous with depth.

2.4 Soil Conditions

- a. A visual site assessment was conducted on November 5, 2020, to review current site conditions, including hand-probing of site soils using a T-bar.
- b. The majority of the site is comprised of homogenous bedrock, with localized dense sand, silt and gravel.
- c. The observed site conditions were consistent with the previous site review conducted by LEA personnel on June 22, 2011. Typical soil and bedrock conditions are shown in Figures 2.4.1 and 2.4.2.



Figure 2.4.1 – Site Conditions November 5, 2020 (View Looking East)



Figure 2.4.2 – Site Conditions June 22, 2011 (View Looking East)

2.5 Surface and Groundwater Conditions

- a. There was no ponded or surface water or any evidence of abnormal groundwater conditions observed during our field review.
- 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 Foreshore Conditions

- a. The foreshore can be characterized as rugged and irregular with extensive bedrock slopes to the south that create an open, south to north surge channel; and low-lying bedrock outcropping to the west side of the Property. The north extent of the surge channel is comprised of rock rubble, assumed to be from previous site manipulation (2011), minor vegetation cover (beach grass), and significant driftwood and debris to a maximum estimated elevation of 6.0m GD.
- b. The exposed bedrock outcropping visible to the west of the subject Property borders a larger surge

channel with an island-like feature to the immediate west. It is likely this feature becomes an island during larger than normal tides and storm events. Tidal influence in the area occurs on the west and east sides of the island feature generally from south to north, adjacent to the subject Property.

- c. The exposed bedrock outcroppings are covered with sporadic mature trees and moderate vegetative cover, including beach grass and brush.
- d. Based on our review of the topographic site plan prepared by UGL, the average PNB elevations along the west extent and south surge channel are 3.5m GD, and 5.5m GD, respectively.
- e. The foreshore conditions at the time of our assessment are shown in Figure 2.6.1 and 2.6.2 below.



Figure 2.6.1 – General Foreshore Conditions (View Looking North)



Figure 2.6.2 – General Foreshore Conditions (View Looking Northwest)

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 $>30^\circ$, oceanic flooding due in part to future SLR, as well as tsunami inundation, are the only potential geotechnical hazards for the Property.

3.2 Covenant Discussions

- a. Our review of Covenant Document EJ96930, indicates a minimum 15.0m setback from the natural boundary of the sea is required. We have inferred this to be the PNB.
- b. The information in the covenant document EJ96930 speaks to coastal setbacks and FCLs. The language in this document is outdated and does not align with current best practices.
- c. It is the opinion of LEA that the buildable area for the site should be defined by a combination of the required coastal setback, steep slope setback, and FCL as recommended in this Report. Therefore, at the discretion of the DoU, this Report may be appended to the land title to replace the existing covenant relating to oceanic flooding (Document No. EJ96930).

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 and in the designated "Open Coast" coastal region of BC, therefore the associated flood risk due to tsunami inundation would be considered high. However, there are no design or mitigation measures provided in this Report relative to potential tsunami impacts. 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 community. If a Tsunami Warning is issued for the area, evacuation procedures provided by local and provincial government agencies should be followed.

3.4 Coastal Flood Construction Level

- a. LEA understands, in accordance with the current DoU 2011 OCP⁸:
"Areas used for habitation, business, or storage of goods damageable by floodwaters shall be established within any building at an elevation such that the underside of the floor system thereof is no lower than 4 metres above the natural boundary of the sea".
- b. For this Property, the elevation of 4.0m above the natural boundary of the sea (PNB) equates to an FCL of approximately 7.75m GD using an average PNB elevation of 3.75m GD. This is higher than the covenant registered against the title of the Property, where a minimum ground surface elevation of 7.0m GD is required for new construction. We note there is a discrepancy in the language of these two sources, where the OCP provides an FCL for a new floor system, while the covenant provides a simple minimum ground surface elevation for new construction, and makes no mention of construction elevations relative to floor systems. We have assumed the covenant language has the same general intent as the bylaw language.
- c. More recently, the DoU retained ECI and its partner CCRL to assess the regional coastal flood hazards for

the Ucluelet area in accordance with current guidelines and best practices. Therefore, in preparation of this Report, we have reviewed the Coastal Flood Mapping Appendix C: Coastal Flood Hazard Map Atlas, prepared by ECI, dated June 26, 2020⁹. We understand the DoU will be adopting a new flood bylaw based on the FCLs determined in the ECI report.

- d. The ECI report and floodplain mapping designates an FCL of 9.6m GD, which includes an allowance for 1.0m of relative SLR, for the Zone 11 area of Ucluelet. Therefore, based on this most current information, we recommend an FCL of 9.6m GD for this Property.
- e. 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. LEA understands as per the DoU 2011 OCP:

“No building shall be constructed, nor mobile home located within 15 horizontal metres of the natural boundary of the sea; this may be reduced to 7.5 horizontal metres where the frontage is on bedrock or adequately protected from erosion or through works designed by a suitably qualified professional engineer and a member in good standing of the Association of Professional Engineers and Geoscientists of BC”.

- b. Provincial guidelines recommend building setbacks should be at least the greater of 15.0m from the estimated FNB of the sea at year 2100, or landward of the location where the natural ground elevation contour is equivalent to the year 2100 FCL.
- c. Based on our review of the topographic site plan prepared by UGL, the average PNB elevations for the west and south sides of the Property are 3.5m and 5.5m, respectively; therefore, the estimated FNB elevations are 4.23m and 6.23m in 100 years (determined by PNB + SLR - Regional Adjustment).
- d. It is LEA’s opinion that a minimum setback of 15.0m from the FNB elevation of 4.23m is appropriate for the west side of the Property. Adhering to this setback from the southern surge channel drastically reduces the buildable area of the Property. Therefore, provided the recommended foundation and building design criteria outlined in Section 3.10 of this Report are met, it is LEA’s opinion the coastal foreshore setback may be reduced to 7.5m from the PNB of the southern surge channel. Figure 3.5.1 below shows the estimated coastal setback from the FNB and PNB.
- e. Safe setback lines shall be established in detail utilizing a qualified land surveyor and confirmed by the Geotechnical Engineer prior to construction. Setbacks or other restrictions imposed by local ordinances or environmental/riparian requirements may supersede geotechnical requirements.

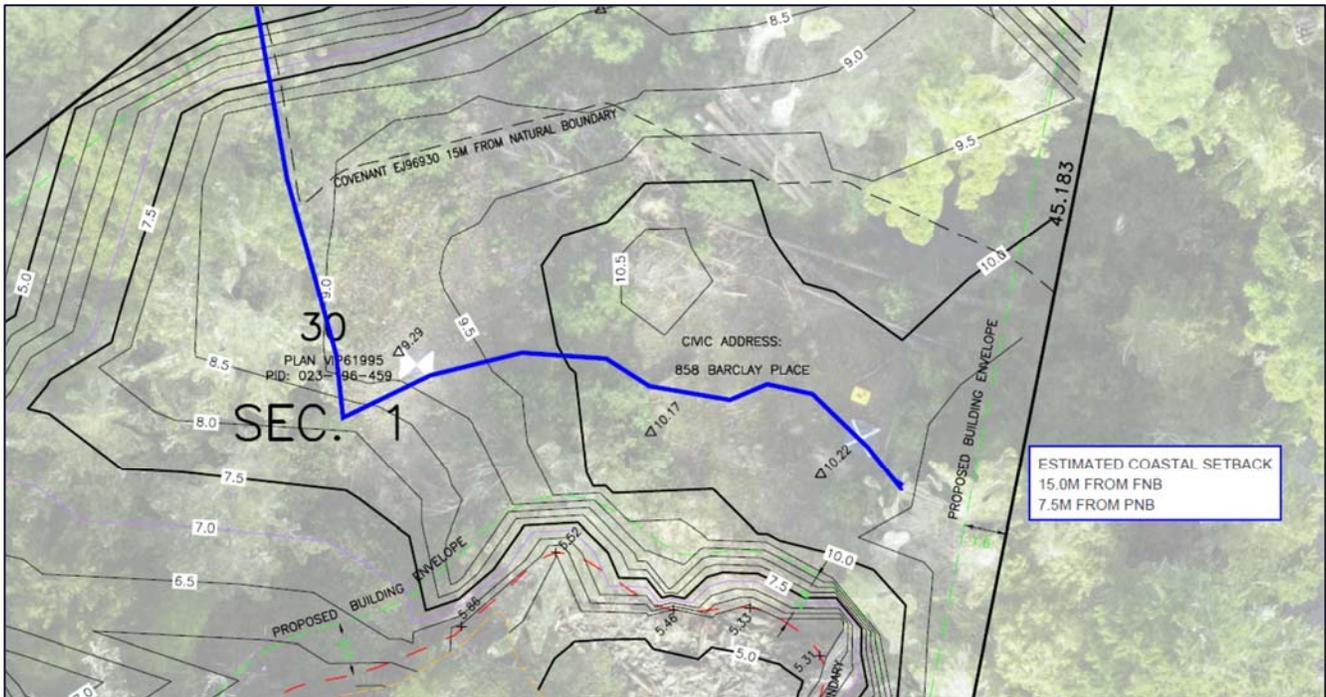


Figure 3.5.1 –Estimated Coastal Setback (to be confirmed)

- f. Prior to construction, the Geotechnical Engineer should review the desired building location to provide recommendations based on site conditions.

3.6 Slope Setback

- a. Steep slopes ($>30^\circ$) are present along the northwest and southern limits of the defined plateau of the Property. The slope heights vary from approximately 3.0m to 4.5m, with inclinations varying from 30° to near vertical.
- b. Due to the homogenous composition of bedrock LEA considers the global stability of the underlying bedrock to be stable. However, further investigation at the time of construction will be required to confirm there are no fractures, joints and fissures within the proposed building area.
- c. A conservative method of determining a safe setback from crests of bedrock slopes is to propagate a 1H:1V line from the toe of the slope up into the slope and ensure footings of the building are located beyond the setback line, where it projects up through the ground surface above the slope crest.
- d. To address slope stability requirements for the northwest-facing slope area, the required geotechnical setback would be a minimum of 2.0m from the crest of slope. Further review during the construction phase is required to confirm suitable footing locations.
- e. The slope stability requirements above the near-vertical, south-facing steep slope area are satisfied with the required setback of 7.5m from the PNB.
- f. Safe setback lines shall be established in detail utilizing a qualified land surveyor and confirmed by the

Geotechnical Engineer prior to construction. All setbacks shall be reviewed and confirmed by the Geotechnical Engineer prior to construction. Setbacks or other restrictions imposed by local ordinances or environmental/riparian requirements may supersede geotechnical requirements.

- g. Prior to construction, the Geotechnical Engineer should review the desired building location to provide recommendations based on site conditions.
- h. EGBC's - Appendix D: Landslide Assessment Assurance Statement is appended to this report.

3.7 Floodwater and Inundation

- a. The recommended coastal 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 FCL establishes the minimum elevation of the underside of a wooden floor system or top of concrete slab for any Habitable Area.
- 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 minimum FCL geodetic elevation.
- d. In the event of a design flood, it is likely that floodwater from the Pacific Ocean would inundate a large portion of the Property. The general risk of flooding increases as the sea level rises.
- e. Given the proximity and terrain of the Property, we expect wave effects during large and extreme storm events will be amplified by the near vertical bedrock slopes of the southern surge channel. In addition, there is the possibility of damage to structures from debris carried by floodwaters.
- f. 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.

3.8 Foreshore Revetment

- a. The conventional design-life of a single-family residence with ocean frontage utilizing typical construction methods is 50-years, however current best practices require design standards for a 100-year period. Over the required 100-year design life of the project, SLR will likely expose the existing shoreline to increased wave action that may result in erosion of the foreshore area, specifically along the west side of the Property. Evaluation of the rate and/or extent of erosion is beyond the scope of this Report. It should be noted however, we expect the alignment and location of the PNB in this area may slowly shift over time.
- b. If the Client wishes to address the issue of potential erosion along the natural boundary and within the foreshore area, then further investigation and analysis into the use and installation of mitigative measures is required. LEA can provide recommendations for design of mitigative works for foreshore erosion if requested.

- c. As a minimum, we recommend the foreshore and alignment of the natural boundary be regularly monitored by the current and future Property owners. Any notable regression of the natural boundary, specifically following a significant storm event or winter season or otherwise, would require a reassessment of the foreshore conditions.

3.9 Flood Depth

- a. EGBC Flood Assessment guidelines provide examples of unacceptable flood risk, where, in the judgement of the Qualified Professional, the land may not be suitable for the intended use. Such situations include:
- i. The site being in a floodway or an active erosional area;
 - ii. The site being in an avulsion or debris flow path;
 - iii. A flood depth greater than 2.5m;
 - iv. A flood velocity greater than 1 m/s;
 - v. Where safe access and egress is not possible.
- b. Considering the recommended FCL of 9.6m GD and the existing topography within the development area, the potential flood depth would vary from 6.0m (west side) to 2.7m at the Barclay Place frontage. The flood depth could therefore exceed 2.5m and label the Property as a high hazard floodplain area. We acknowledge these areas are considered to be outside of the buildable area for the Property. It is also possible safe access and egress would be difficult in the event the residence becomes partially surrounded by water.
- c. It is anticipated that in the event of ocean flooding due to large design storm events, the majority of the southwest side of Barclay Place and surrounding area will flood. However, there are two low tides each day, where floodwaters should recede sufficiently to allow easier evacuation, if necessary.

3.10 Foundation Design Options

- a. Prior to construction, the building areas should be stripped to remove all unsuitable materials to provide a suitable subgrade for footing support.
- b. Foundation loads on the south and west sides of the building should be supported on homogenous bedrock approved for use as a bearing stratum by our office. An SLS bearing pressure of 250 kPa, and a ULS of 333 kPa may be used for design purposes where footings bear on bedrock.
- c. For footing bearing on dense, naturally deposited soil, or engineered fill, an SLS bearing pressure of 150 kPa, and a ULS of 200 kPa shall be used.
- d. Exterior footings should be provided with a minimum 0.45m depth of ground cover for frost protection purposes.
- e. The aforementioned foundation setbacks are considered suitable for the Property provided the building is

designed in consultation with a Structural Engineer in a manner to protect the building against potential impacts of wave effects and debris. Furthermore, the following requirements must be met to satisfy the setback reduction:

- i. We expect, at a minimum, the south and west-facing foundation and ground/first level walls to be comprised entirely of concrete.
 - ii. Windows must be shatter-proof to protect against impacts from debris, or steel storm shutters should be installed, or a combination of both protective measures.
 - iii. Due to potential for damage by wave effects, the reduced setback does not permit the construction/installation of an elevated deck supported by pad footings and columns on the south-facing side of the building. A slab-on-grade patio is considered suitable for this area. The Geotechnical Engineer should be consulted to review the design and location of such a deck on the west-facing side of the building.
 - iv. All footings along the west and south sides of the building should be anchored to bedrock. Recommendations for founding directly on bedrock (i.e. rock anchors) shall be based on the conditions encountered during construction and requirements of the Structural Engineer.
- f. Settlements should be within the ranges considered “Normal and Tolerable” for typical wood frame buildings. 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.

3.11 Seismic Issues

- a. Based on the 2018 BCBC, Division B, Part 4, Table 4.1.8.4.A, ‘Site Classification for Seismic Site Response,’ we expect the soils and strata would be ‘Site Class C’ (Very Dense Soil and Soft Rock) if founded on competent bedrock or approved engineered fill materials.

4.0 CONSTRUCTION PHASE

4.1 Excavation

- a. Prior to construction, all unsuitable materials should be removed to provide a suitable base of 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. We expect rock breaking by way of an excavator-mounted rock hammer, or blasting, will be required to create a level building area more conducive to footing construction.

- c. The Geotechnical Engineer shall review the proposed building location to provide any necessary recommendations relating to exposed fractures, fissures, or jointing that may impact footing location.
- d. The bedrock should be power-washed and cleaned to remove loose debris from within the proposed footing areas to promote a suitable bond between concrete and bedrock.
- e. Groundwater ingressing into any excavations should be controlled with a perimeter ditch located just outside of the building areas, connected to positive drainage.
- f. 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.
- d. Structural fills under foundations 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.

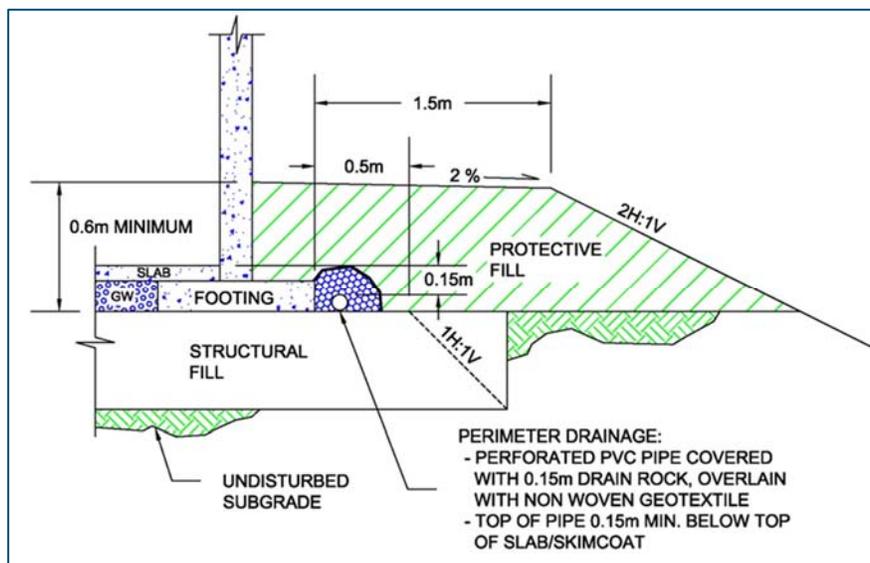


Figure 4.2 – Typical Section, Structural Fill

- 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 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 Foundation Drainage

- a. Conventional requirements of the 2018 BCBC pertaining to building drainage are considered suitable at this site.
- b. Once final plans and tentative elevations are determined, the Geotechnical Engineer should be consulted to provide further dewatering data.
- c. Ground surfaces should be graded to direct surface water away from buildings and structures. Settlement of backfill should be negligible provided backfill is placed and compacted following our recommendations regarding structural fill.

4.4 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. In general, subgrade soil conditions consist of a thin veneer of organic materials, overlying shallow bedrock or glacial till.
- c. Based on the expected subgrade soil conditions (shallow glacial till or bedrock), it is the opinion of LEA that site conditions are not conducive to the installation of an on-site stormwater infiltration medium.

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 Bylaw No. 1140, dated October 5, 2011⁸, 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 within the requirements of the DoU or jurisdictional limitations, as applicable.
- c. Based on our review of the relevant publications and site-specific field assessment, it is the opinion of LEA that oceanic flooding and tsunamis from the Pacific Ocean are the only significant aspects, or potential geotechnical hazards within the subject 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 permanent siting of a single-family residence, with the probability of a geotechnical failure resulting in property damage of less than:
 - i. 2% in 50 year for seismic events,
 - 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. EGBC's - Appendix I: Flood Assurance Statement additional information is appended to the report.

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., C.Tech
Senior Technician



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

7.0 ATTACHMENTS

1. Underhill Geomatics Ltd (UGL), Topographic Survey, dated January 13, 2021.
2. EGBC Appendix I: Flood Assurance Statement, signed January 22, 2021.
3. EGBC Appendix D: Landslide Assessment Assurance Statement, signed January 22, 2021.

8.0 REFERENCES

1. District of Ucluelet map titled "Official Community Plan BYLAW - Schedule 'C', Development Permit Areas," Dated October 4, 2011.
2. District of Ucluelet map titled "Official Community Plan, Schedule G, Development Permit Areas for Hazardous Conditions," Dated September 13, 2018.
3. District of Ucluelet map titled "*Zoning Bylaw No.1160, 2013 – Consolidated Schedule A – Zoning Map of the District of Ucluelet,*" revised December 4, 2019.
4. 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.
5. BC Ministry of Forests, Lands, Natural Resource Operations and Rural Development report titled "*Flood Hazard Area Land Use Management Guidelines,*" Amended January 1, 2018.
6. Ministry of Environment Mapping, Produced by R.H. Guthrie and C.R. Penner, titled "Vancouver Island Geology."
7. Geoscience BC map titled "Map 2013-NVI-1-1, Geology, Northern Vancouver Island Project," Dated January 2013.
8. District of Ucluelet, "Official Community Plan Bylaw No. 1140", dated October 5, 2011.
9. Ebbwater Consulting Inc. report titled "District of Ucluelet Coastal Flood Mapping – Appendix C: Coastal Flood Hazard Map Atlas – Map Series 2/4: Coastal Storm Flood Planning Support", dated June 26, 2020.



AVERAGE PRESENT NATURAL BOUNDARY ELEVATION IN CAROLINA CHANNEL ADJACENT TO MOST WESTERN BOUNDARY OF LOT 30, PLAN VIP61995=3.5m

AVERAGE PRESENT NATURAL BOUNDARY ELEVATION IN NORTHERN MOST LOCATION OF SURGE CHANNEL=5.5m

- LEGEND :**
- TITLED PROPERTY BOUNDARY PER PLAN VIP61995
 - - - PRESENT NATURAL BOUNDARY
 - - - PROPOSED BUILDING ENVELOPE SUPPLIED BY CLIENT
 - △ - DENOTES MEG NAIL SET BY CLIENT

NOTES:
 ELEVATIONS ARE IN METRES, TO CGVD28 GEODETIC DATUM BASED ON DUAL FREQUENCY DIFFERENTIAL CARRIER PHASE GNSS OBSERVATIONS
 ELEVATIONS SHOWN THUS : 4.3⁵⁰
 CONTOUR INTERVAL = 0.5m

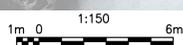
PROPERTY LINES ARE BASED ON PLAN VIP61995 AND FIELD SURVEY, AND ARE SUBJECT TO CHANGE UPON LEGAL SURVEY.
 PROPOSED BUILDING ENVELOPE SETBACKS ARE PROVIDED BY CLIENT AND NOT VERIFIED BY UNDERHILL.

THIS CERTIFICATE MAY BE AFFECTED BY THE FOLLOWING NON-FINANCIAL REGISTERED DOCUMENTS:

DOCUMENT#	DESCRIPTION
S9107	PROVISO
EJ96914	COVENANT
EJ96930	COVENANT
EJ96942	STATUTORY BUILDING SCHEME

THIS PARCEL MAY HAVE LEGAL CHARGES AND/OR ENCUMBRANCES THAT ARE NOT IDENTIFIED. CHECK THE CURRENT STATE OF THE REGISTERED TITLE IN THE LAND TITLE OFFICE.

2021 RPAS IMAGERY



<p>UNDERHILL GEOMATICS LTD. ENGINEERS & SURVEYORS #103-575 10th STREET COURTENAY, BC, V9N 1P9 TEL. (250) 871-4599</p>		DRAWN BY EW/XS	JOB NO. V21CV001	TITLE TOPOGRAPHIC SURVEY OF PART OF LOT 30, SECTION 1, BARCLAY DISTRICT, (SITUATED IN CLAYOQUOT DISTRICT), PLAN VIP61995	DRAWING NO. LCV-2021-001	REV. 0
		SCALE 1:150	DATE OF SURVEY JAN. 13, 21	CLIENT WHAT EVER WOOD WORKS LTD.	SHEET 1 OF 1	

FILE NO. V21CV001-TOP-01-M-R0.dwg

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: January 22, 2021, LEA File# F9192

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* (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 30, Section 1, Barclay District, (Situated in Clayoquot District), Plan VIP61995, PID: 023-196-459; 858 Barclay Place

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:

- 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* (Sections 919.1 and 920), my Flood Assessment Report will "assist the local government in determining what conditions or requirements under [Section 920] subsection (7.1) it will impose in the 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 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.

January 22, 2021

Date

Chris Hudec

Prepared by

Chris Hudec

Name (print)

Chris Hudec

Signature

Reviewed by

Name (print)

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)

APPENDIX D: LANDSLIDE ASSESSMENT ASSURANCE STATEMENT

Note: This Statement is to be read and completed in conjunction with the "APEGBC Guidelines for Legislated Landslide Assessments for Proposed Residential Development in British Columbia", March 2006/Revised September 2008 ("APEGBC Guidelines") and the "2006 BC Building Code (BCBC 2006)" and is to be provided for *landslide assessments* (not floods or flood controls) for the purposes of the Land Title Act, Community Charter or the Local Government Act. Italicized words are defined in the APEGBC Guidelines.

To: The *Approving Authority*

Date: January 22, 2021 File# F9192

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 (Sections 919.1 and 920) – Development Permit
- Community Charter (Section 56) – Building Permit
- Local Government Act (Section 910) – Flood Plain Bylaw Variance
- Local Government Act (Section 910) – Flood Plain Bylaw Exemption
- British Columbia Building Code 2006 sentences 4.1.8.16 (8) and 9.4 4.4.(2) (Refer to BC Building and Safety Policy Branch Information Bulletin B10-01 issued January 18, 2010)

For the Property: Lot 30, Section 1, Barclay District, (Situated in Clayoquot District), Plan VIP61995,

PID: 023-196-459; 858 Barclay Place

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*.

I have signed, sealed and dated, and thereby certified, the attached *landslide assessment* report on the Property in accordance with the *APEGBC Guidelines*. That report must be read in conjunction with 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* 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*
8. Where the *Approving Authority* has **not** adopted a *level of landslide safety* 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 this guideline 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)

I hereby give my assurance that, based on the conditions^[1] contained in the attached *landslide assessment report*,

- Check one
- 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 (Sections 919.1 and 920), my report will "assist the local government in determining what conditions or requirements under [Section 920] subsection (7.1) it will impose in the 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 registered covenants.
- without any registered covenant.

- for flood plain bylaw variance, as required by the "Flood Hazard Area Land Use Management Guidelines" associated with the Local Government Act (Section 910), "the development may occur safely".
- for flood plain bylaw exemption, as required by the Local Government Act (Section 910), "the land may be used safely for the use intended".

Chris Hudec, M.A.Sc., P.Eng.

Name (print)

Signature

January 22, 2021

Date

^[1] When seismic slope stability assessments are involved, *level of landslide safety* is considered to be a "life safety" criteria as described in the National Building Code of Canada (NBCC 2005), Commentary on Design for Seismic Effects in the User's Guide, Structural Commentaries, 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".

1900 Boxwood Road, Nanaimo, BC, V9S 5Y2

Address

250 756 0355

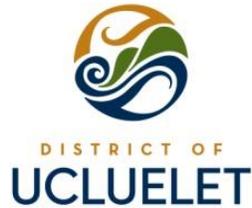
Telephone



(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. (Print name of firm)



STAFF REPORT TO COUNCIL

Council Meeting: March 23, 2021
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: JOSEPH ROTENBERG, MANAGER OF CORPORATE SERVICES

FILE NO: 3900-25 BYLAW 1285

SUBJECT: WATER AND SEWER PARCEL TAX – ADOPTION

REPORT NO: 21-33

ATTACHMENT(S): APPENDIX A - BYLAW NO. 1285, 2021

APPENDIX B –BYLAW NO. 1286, 2021

APPENDIX C – WATER AND SEWER PARCEL TAX BYLAWS – REPORT NO: 21-25

RECOMMENDATION(S):

1. **THAT** Council adopt Sewer Parcel Tax Bylaw No. 1285, 2021.
2. **THAT** Council adopt Water Parcel Tax Bylaw No. 1286, 2021.

PURPOSE:

The purpose of this report is to bring back Sewer Parcel Tax Bylaw No. 1285, 2021, and Water Parcel Tax Bylaw No. 1286, 2021 (the “Bylaws”) for Council to consider adopting these Bylaws.

BACKGROUND:

On March 9, 2021 Council received a report about the Bylaws (**Appendix C**) and gave the Bylaws first, second and third reading. Since the Bylaws have received three readings and there are no additional legislative requirements, Council is now in a position to adopt the Bylaws.

TIME REQUIREMENTS – STAFF & ELECTED OFFICIALS:

If the Bylaws are adopted, nominal staff time will be required to process them.

FINANCIAL IMPACTS:

The water parcel tax rate of \$80 per year will remain the same for 2021-2025. The sewer parcel tax rate of \$85 per year will remain the same for 2021-2025.

POLICY OR LEGISLATIVE IMPACTS:

Adoption of the sewer and water parcel tax bylaws must occur prior to the adoption of the five-year financial plan bylaw which is scheduled to occur on May 11, 2021.

OPTIONS REVIEW:

1. **THAT** Council adopt Sewer Parcel Tax Bylaw No. 1285, 2021. **(Recommended)**
2. **THAT** Council adopt Water Parcel Tax Bylaw No. 1286, 2021. **(Recommended)**
3. **THAT** Council provide alternative direction to Staff.

RESPECTFULLY SUBMITTED: Joseph Rotenberg, Manager of Corporate Services

Appendix A

DISTRICT OF UCLUELET

BYLAW NO. 1285, 2021

A bylaw to impose a sewer parcel tax on owners of land under the provisions of
section 200 of the *Community Charter*

WHEREAS the Council of the District of Ucluelet is empowered by the *Community Charter* to impose and levy a parcel tax to provide all or part of the funding for a service;

AND WHEREAS certain costs have been incurred by the District of Ucluelet in providing sewer services within its boundaries;

AND WHEREAS it is deemed desirable and expedient to impose and levy a parcel tax on each parcel within the District of Ucluelet to provide a part of the funding for the service;

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

1. In this bylaw, unless the context otherwise requires, "Municipality" means District of Ucluelet.
2. A tax shall be and is hereby imposed upon the owners of land or real property included in the sewer parcel tax roll prepared in accordance with "Sewer Parcel Tax Roll Bylaw No. 1139, 2011"; to provide part of the funding for the sewer service; the aforesaid tax to be hereinafter referred to as the "parcel tax".
3. The parcel tax shall be levied in each year from 2021 to 2025 on each parcel within the Municipality included in the water parcel tax roll, whether or not they are in fact being provided with the service.

4. The amount of the annual parcel tax shall be:

2021	\$ 85.00	Per parcel
2022	\$ 85.00	Per parcel
2023	\$ 85.00	Per parcel
2024	\$ 85.00	Per parcel
2025	\$ 85.00	Per parcel

5. This bylaw may be cited as "Sewer Parcel Tax Bylaw No. 1285, 2021"

READ A FIRST TIME this 9th day of **March, 2021**.

READ A SECOND TIME this 9th day of **March, 2021**.

READ A THIRD TIME this 9th day of **March, 2021**.

ADOPTED this th day of , **2021**.

CERTIFIED CORRECT; "Sewer Parcel Tax Bylaw No. 1285, 2021"

Mayco Noël
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 B

DISTRICT OF UCLUELET

Bylaw No. 1286, 2021

A bylaw to impose a water parcel tax on owners of land under the provisions of section 200 of the *Community Charter*

WHEREAS THE Council of the District of Ucluelet is empowered by the *Community Charter* to impose and levy a parcel tax to provide all or part of the funding for a service;

AND WHEREAS certain costs have been incurred by the District of Ucluelet in providing water services within its boundaries;

AND WHEREAS it is deemed desirable and expedient to impose and levy a parcel tax on each parcel within the District of Ucluelet to provide a part of the funding for the service;

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

1. In this bylaw, unless the context otherwise requires, "Municipality" means District of Ucluelet.
2. A tax shall be and is hereby imposed upon the owners of land or real property included in the 2011 parcel tax roll prepared in accordance with "Water Parcel Tax Roll Bylaw No.1138, 2011" to provide part of the funding for the water service. The aforesaid tax is to be hereinafter referred to as the "parcel tax".
3. The parcel tax shall be levied in each year from 2021 to 2025 on each parcel within the Municipality included in the water parcel tax roll, whether or not they are in fact being provided with the service.
4. The amount of the annual parcel tax shall be:

2021	\$ 80.00	Per parcel
2022	\$ 80.00	Per parcel
2023	\$ 80.00	Per parcel
2024	\$ 80.00	Per parcel
2025	\$ 80.00	Per parcel
5. This bylaw may be known and cited for all purposes as the "Water Parcel Tax Bylaw No. 1286, 2021".

READ A FIRST TIME this 9th day of **March, 2021**.

READ A SECOND TIME this 9th day of **March, 2021**.

READ A THIRD TIME this 9th day of **March, 2021**.

ADOPTED this day of , 2021.

CERTIFIED CORRECT; “Water Parcel Tax Bylaw No. 1286, 2021”

Mayco Noël
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 C



STAFF REPORT TO COUNCIL

Council Meeting: MARCH 9, 2021
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: DONNA MONTEITH, CHIEF FINANCIAL OFFICER

FILE NO: 3900-25

SUBJECT: WATER AND SEWER PARCEL TAX BYLAWS

REPORT NO: 21-25

ATTACHMENT(S): APPENDIX A – SEWER PARCEL TAX BYLAW NO. 1285, 2021
APPENDIX B – WATER PARCEL TAX BYLAW NO. 1286, 2021

RECOMMENDATION(S):

1. **THAT** the Sewer Parcel Tax Bylaw No. 1285, 2021 be given first, second, and third reading.
2. **THAT** the Water Parcel Tax Bylaw No. 1286, 2021 be given first, second, and third reading.

PURPOSE/DESIRED OUTCOME:

The purpose of this report is to request Council give three readings to Sewer Parcel Tax Bylaw No. 1285, 2021 and Water Parcel Tax Bylaw No. 1286, 2021.

BACKGROUND

In 2011 the District of Ucluelet established Water and Sewer Parcel Tax Rolls, Bylaw No. 1138, 2011 and Bylaw No 1139, 2011 respectively under Section 200 of the *Community Charter*. This allowed the District to impose parcel taxes for both water and sewer utilities to support the funding of these services. Both Parcel Tax Rolls indicate that parcel taxes will be based on a single amount per parcel as defined under Section 202 (2).

Subsequent Parcel Tax Bylaws were adopted to impose the actual tax levy, also as defined by Section 200 of the *Community Charter*. The Water Parcel Tax Bylaw No. 1197, 2016 expired December 31, 2020. The Sewer Parcel Tax Bylaw No. 1243, 2019 expired December 31, 2020. Staff have incorporated the 2020 parcel tax rates for both water and sewer services into the 2021-2025 draft financial plan, and as such, are not recommending any increases over the next five years.

TIME REQUIREMENTS – STAFF & ELECTED OFFICIALS:

There are no extra time requirements required implementing these bylaws.

FINANCIAL IMPACTS:

The water parcel tax rate of \$80 per year will remain the same for 2021-2025. The sewer parcel tax rate of \$85 per year will remain the same for 2021-2025.

POLICY OR LEGISLATIVE IMPACTS:

Adoption of the sewer and water parcel tax bylaws must occur prior to the adoption of the five-year financial plan bylaw May 11, 2021.

OPTIONS REVIEW:

1. **THAT** the Sewer Parcel Tax Bylaw No. 1285, 2021 be given first, second, and third reading.
(Recommended)
2. **THAT** the Water Parcel Tax Bylaw No. 1286, 2021 be given first, second, and third reading.
(Recommended)
3. **THAT** Council provides alternative direction to staff.

Respectfully submitted: Donna Monteith, Chief Financial Officer
Warren Cannon, Manager of Public Works