



REGULAR MEETING OF COUNCIL

George Fraser Community Room, Ucluelet Community Centre,
500 Matterson Drive, Ucluelet, and
Electronically via Zoom ([Ucluelet.ca/CouncilMeetings](https://ucluelet.ca/CouncilMeetings))
Tuesday, September 24, 2024 @ 4:00 PM

AGENDA

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1. CALL TO ORDER	
1.1. ACKNOWLEDGEMENT OF THE YUULU?I?ATH	
Council would like to acknowledge the Yuulu?i?ath, on whose traditional territories the District of Ucluelet operates.	
1.2. NOTICE OF VIDEO RECORDING	
Audience members and delegates are advised that this proceeding is being video recorded and broadcast on YouTube and Zoom, which may store data on foreign servers.	
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Bruce Greig, Director of Community Planning

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Duane Lawrence, Chief Administrative Officer

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[Correspondence Related to Stop Signs at Bay Street and Peninsula Road](#)

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Rick Geddes, Fire Chief

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12. MAYOR'S ANNOUNCEMENTS AND COUNCIL COMMITTEE REPORTS

- 12.1. Councillor Shawn Anderson

Deputy Mayor, April 1 - June 30, 2024

- 12.2. Councillor Jennifer Hoar
Deputy Mayor, January 1 - March 31, 2024
- 12.3. Councillor Ian Kennington
Deputy Mayor, July 1 - September 30, 2024
- 12.4. Councillor Mark Maftei
Deputy Mayor, October 1 - December 31, 2024
- 12.5. Mayor Marilyn McEwen

13. QUESTION PERIOD

14. CLOSED SESSION

14.1. Procedural Motion to Move In-Camera

THAT the September 24, 2024 Regular Council Meeting be closed to the public pursuant to the following sections of the Community Charter:

- 90(1)(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality; and
- 90(2)(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

15. ADJOURNMENT



SPECIAL MEETING OF COUNCIL
Ucluelet Community Centre,
500 Matterson Drive, Ucluelet
Tuesday, August 27, 2024 @ 5:00 PM

MINUTES

Present: **Chair:** Mayor McEwen
Council: Councillors Anderson, Hoar (via Zoom), Kennington, and Maftei
Staff: Duane Lawrence, Chief Administrative Officer
Joseph Rotenberg, Manager of Corporate Services
Samantha McCullough, Manager of Human Resources and Communications

Regrets:

1. CALL TO ORDER

The August 27, 2024, Special Council Meeting was called to order at 5:20 PM.

1.1 PROCEDURAL MOTION TO WAIVE NOTICE OF SPECIAL COUNCIL MEETING

2024.2033.SPECIAL *IT WAS MOVED AND SECONDED:*

***THAT** Council waive giving notice of the August 27, 2024, special council meeting (this council meeting), pursuant to section 127 (4) of the Community Charter.*

CARRIED.

This motion was adopted through a unanimous vote of all Council members.

1.2 ACKNOWLEDGEMENT OF THE YUULU?IL?ATH

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

2. APPROVAL OF AGENDA

2.1 August 27, 2024, Special Council Meeting

2024.2034.SPECIAL *IT WAS MOVED AND SECONDED:*

***THAT** the August 27, 2024, Special Council Meeting Agenda be adopted as presented.*

CARRIED.

2024.2035.SPECIAL *IT WAS MOVED AND SECONDED:*

***THAT** section 10.6 (b) of the Council Procedure Bylaw be waived for the remainder of*

this Council meeting to allow Councillor Hoar to attend the closed section of the meeting.

CARRIED.

3. CLOSED SESSION

3.1 Procedural Motion to Move In-Camera

2024.2036.SPECIAL *IT WAS MOVED AND SECONDED:*

***THAT** the meeting be closed to the public in order to address agenda items under the following section of the the Community Charter:*

- *90(1)(c) labour relations or other employee relations.*

CARRIED.

4. ADJOURNMENT

Council returned to open session from closed session at 6:40 PM.

4.1 Procedural motion to adjourn

2024.2037.SPECIAL *IT WAS MOVED AND SECONDED:*

***THAT** the August 27, 2024, Special Council Meeting be adjourned AT 6:40 PM.*

CARRIED.

CERTIFIED CORRECT:

Duane Lawrence, Corporate Officer

Marilyn McEwen, Mayor



REGULAR MEETING OF COUNCIL

George Fraser Community Room, Ucluelet Community Centre,
500 Matterson Drive, Ucluelet, and

Electronically via Zoom ([Ucluelet.ca/CouncilMeetings](https://ucluelet.ca/CouncilMeetings))

Tuesday, September 3, 2024 @ 4:00 PM

MINUTES

Present: **Chair:** Mayor McEwen
 Council: Councillors Anderson, Hoar (via Zoom), Kennington, and Maftei
 Staff: Duane Lawrence, Chief Administrative Officer
 Bruce Greig, Director of Community Planning
 James MacIntosh, Director of Engineering Services
 Rick Geddes, Fire Chief
 Joseph Rotenberg, Manager of Corporate Services
 Madeleine Haynes, Planning Assistant
 Nancy Owen, Executive Assistant

Regrets:

1. CALL TO ORDER

The September 3, 2024, Regular Council Meeting was called to order at 4:00 PM.

1.1 ACKNOWLEDGEMENT OF THE YUULU?IL?ATH

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

1.2 NOTICE OF VIDEO RECORDING

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

1.3 Maple Ridge 2024 BC Summer Games - Acknowledgement of Local Participants' Achievements

The Mayor recognized residents of Ucluelet and Tofino that medaled at the 2024 BC Summer Games.

2. LATE ITEMS

2.1 Additional Public Hearing Written Submissions Related to Bylaw Nos. 1337, 2024 and 1322, 2024

2.2 Support Documentation Related to Item 9.3. "4-Way Stop at Peninsula Road and Bay Street (Verbal Report)"

2024.2257.REGULAR *IT WAS MOVED AND SECONDED:*

THAT the agenda be amended by:

- *adding the late item titled "Additional Public Hearing Written Submissions Related to Bylaw Nos. 1337, 2024 and 1322, 2024", under item 6.3; and*
- *adding the late item titled "Support Documentation Related to Item 9.3 "4-Way Stop at Peninsula Road and Bay Street (Verbal Report)" under item 9.4?*

CARRIED.

3. APPROVAL OF THE AGENDA

3.1 September 3, 2024, Regular Council Meeting Agenda

2024.2258.REGULAR *IT WAS MOVED AND SECONDED:*

THAT the September 3, 2024, Regular Council Agenda be adopted as amended.

CARRIED.

4. ADOPTION OF MINUTES

4.1 June 11, 2024 Regular Council Meeting Minutes

2024.2259.REGULAR *IT WAS MOVED AND SECONDED:*

THAT Council adopt the June 11, 2024, Regular Council Meeting Minutes as presented.

CARRIED.

4.2 July 30, 2024 Regular Council Meeting Minutes

2024.2260.REGULAR *IT WAS MOVED AND SECONDED:*

THAT Council adopt the July 30, 2024, Regular Council Meeting Minutes as presented.

CARRIED.

5. PUBLIC INPUT & DELEGATIONS

5.1 Delegations

Josh Jenkins, Executive Director, Ucluelet Chamber of Commerce

Re: Community Economic Development - Partnership with the District of Ucluelet

The Delegate outlined the Chamber's 2024 workplan including their work developing the Ucluelet Economic Development Strategy. The Delegate described the Economic Development Committee, the Chamber's plan for communicating with Council, Chamber capacity issues, and a proposed partnership with the District of Ucluelet to enhance economic development efforts.

The Chamber requested that Council provide \$35,000 in funding for the Ucluelet Economic Development Strategy. The Chamber also requested a letter of support for their Rural Economic Diversification and Infrastructure Program application for phase two of the Ucluelet Economic Development Strategy.

2024.2261.REGULAR

IT WAS MOVED AND SECONDED:

***THAT** Council refer the Chamber of Commerce's request to staff for a report to be presented at the September 24th Council meeting.*

CARRIED.

6. PUBLIC HEARINGS

6.1 District of Ucluelet Official Community Plan Amendment Bylaw No. 1337, 2024, and District of Ucluelet Zoning Amendment Bylaw No. 1322, 2024

The Mayor provided a brief legislative history of Bylaw No. 1337, 2024, and noted that this is the second public hearing on Bylaw No. 1337, 2024 and Bylaw No. 1322, 2024.

The Mayor outlined the public hearing rules and Staff outlined how members of the public can participate in-person and electronically. Staff further noted that all related documents were available for review at the place of the meeting and on the District's website.

The Mayor opened the public hearing on District of Ucluelet Official Community Plan Amendment Bylaw No. 1337, 2024, and District of Ucluelet Zoning Amendment Bylaw No. 1322, 2024 at 4:18 PM.

6.2 Proposed Bylaws & Related Information

The Director of Community Planning provided a brief overview of the subject bylaws in general terms.

6.3 Related Written Correspondence Received During the Notice Period

The Mayor noted the written correspondence in the agenda package, including the late item. The following summarizes that correspondence:

- Patricia Sieber, Carl Sieber, and Silva Johnson (Helen Road) wrote in opposition to the development. They raised concerns with increased density, Helen Road's capacity for increased traffic, the Causeway's narrow road width, and the potential precedent approving this development could set. They further outlined difficulties associated with widening the road but acknowledged the need for housing in Ucluelet.
- Lindsey Black (Helen Road), wrote in opposition to the subject bylaws and noted the development would not be consistent with Official Community Plan policy 3.155. Ms. Black further noted concerns with pedestrian safety, increased density, and the development's impact on the area's natural state.
- Shirley and Keith Martin (Helen Road), wrote in opposition to the development. They cited concerns with the density of the development and increased traffic.
- Benoît Sandjian (Helen Road), outlined a number of questions related to the development. The questions related to parking, the housing capacity of each dwelling unit, affordability, vegetation retention, and impact on land values.
- Jennifer Yakimishyn and Darren Salisbury (Helen Road), wrote in opposition to the development. They raised concerns related to density, traffic, and the narrow width of the Causeway.
- Leanne Pelosi (Helen Road), wrote in opposition to the development and noted concerns related to density, ecological impact, and pedestrian safety.
- Kristen O'Keefe (Rupert Road), wrote in opposition to the development and noted concerns related to density, ecological impact, pedestrian safety, and issues with emergency vehicle access to Helen Road.
- Tracy Eeftink (Helen Road), wrote in opposition to the development. She cited concerns related to density and setting a precedent for future development approvals in the neighbourhood.
- Christine Skucas (Helen Road), wrote in opposition to the development and cited concerns related to density, traffic, road widths, and community impact.
- Thomas Burley (Helen Road), wrote in opposition to the development. He noted that the original intent of the developed lots were for single family homes or a lodge with 2 guesthouses, and that multi-family dwellings on a lot would degrade the value of the surrounding properties.
- Paul Zhan (the Developer's Agent) wrote to advocate for the rezoning of the property. He noted the proposal is in line with the

province's housing plan to increase residential density and is a opportunity to address housing shortages in Ucluelet.

- Spencer O'Brien (Marine Drive) wrote in opposition to the development. She cited concerns related to road and lot density, loss of greenspace and wildlife corridors, and pedestrian safety.
- Shirley and Keith Martin (Helen Road) wrote in opposition to the development and reiterated their concerns with the density of the development and increased traffic.
- Bridget Reichert Kelly (Resident) wrote in opposition to the development. She noted concerns related to excessive density, environmental impacts, pedestrian safety, and the location being unsuitable for high density.
- Adrian Marcoux (Resident) wrote in opposition to the development and cited concerns related to road and lot density, loss of greenspace and wildlife corridors, and pedestrian safety.
- Leanne Pelosi (Helen Road), wrote in opposition to the development and reiterated her concerns related to density, ecological impact, and pedestrian safety.
- Jennifer Yakimishyn and Darren Salisbury (Helen Road), wrote in opposition to the development. They raised concerns related to current infrastructure and overall community vision.
- Tracy Eeftink (Helen Road), wrote in opposition to the development. She cited concerns related to traffic flow and suitability of low-income housing in the area.

6.4 Applicant Presentation

The applicant was invited to speak. The applicant did not speak at this time.

6.5 Public Input

The Mayor called three times for speakers.

Tracey Eeftink (Helen Road), spoke in opposition to the development. She noted her letter and concerns with the following:

- increased density and lower income housing in this area;
- Helen Road's narrow width; and
- setting a precedent for future development on Hyphocus Island.

Patricia Sieber (Helen Road), spoke in opposition to the development. She noted that the proposed density is not appropriate for this site.

Dennis Morgan (Helen Road), noted that the District should maintain a public database of all developments that are underway. He noted that no development plans or drawings are available for public review. Staff

clarified that the development plans and drawings were included in the agenda package. Mr. Morgan further noted that restrictions should be put in place to prohibit short-term rentals on the property. Council clarified that short-term rentals would not be permitted under the proposed zoning but are permitted under the property's current zoning.

Lisbeth Edwards (Helen Road), spoke in opposition to the development and noted concerns with the increased traffic and speeding. Ms. Edwards further noted the need for speedbumps on Helen Road and challenges with installing a sidewalk in the area.

The Developer's agent, Paul Zhan (Vancouver), noted that the development would result in six units, which is permitted under the current zoning. He further noted that under the proposed zoning, short-term rentals would not be permitted, which helps to address local housing shortages. Mr. Zhan also noted that the proposed development would have limited impact on local traffic.

Matt Harbidge (Peninsula Road), noted the proposed development would result in fair market value homes not affordable or attainable homes.

Nancy Lobaw (Rainforest Drive), did not object to the development but noted that it would be a unique development in the area. She noted that the proposed zoning would not increase the sites density, the living area for the units would be 1500 sqft, the current zoning allows for taller buildings than proposed in the development, and potential traffic on Helen Road would likely be reduced by the zoning amendment as short-term rentals would not be permitted. Ms. Lobaw further noted that there would be an increase of four parking spots under the proposed zoning to a minimum of 9 parking spots. She recommended that the 9 parking spot minimum be converted into a maximum to address traffic concerns and that the owner be encouraged to designate which parking spots are assigned to which unit. Ms. Lobaw noted potential tax revenues from the development and the shoreline setback provides a wildlife corridor that is larger than recommended by the Qualified Environmental Professional.

Todd Evelina (resident), noted a trend of residents wanting housing to be developed but not in their neighbourhood. He further noted that increased density is required to address local housing shortages. Mr. Evelina noted that Councillor Anderson has a potential conflict of interest as his wife submitted a letter in opposition to this development.

The Mayor closed the public hearing on District of Ucluelet Official Community Plan Amendment Bylaw No. 1337, 2024, and District of

7. UNFINISHED BUSINESS

7.1 Clarification re: Section 4(1) of the District of Ucluelet Development Application Procedures Bylaw 1350 (Verbal Report)

Bruce Greig, Director of Community Planning

Mr. Greig, presented this verbal report. He explained that section 4(1) of the Development Application Procedure Bylaw No. 1350, 2024, enables Council to waive rules set out in that bylaw through a unanimous vote of Council members present at a meeting. Mr. Greig noted that a unanimous vote is commonly required where procedural rules are suspended and provided examples from other local bylaws.

8. BYLAWS

8.1 Rezoning and OCP Amendment for 1061 Helen Road

Anneliese Neweduk, Planner

The Mayor noted the public hearing held on the subject bylaws earlier in the meeting and explained that the following motion was defeated on June 25th:

- **THAT** Council give third reading to District of Ucluelet Official Community Plan Amendment Bylaw No. 1337, 2024.

The Mayor further noted that she required reconsideration of this motion on July 9th, because there was confusion about the current uses allowed on the property. The vote to reconsider was deferred to this meeting, so a second public hearing could be held.

In response to Council questions, Staff clarified that the property's current zoning allows short-term rentals and under the proposed zoning short-term rentals would be prohibited.

Council discussed the motion and considered the following:

- whether the rezoning would result in increased density and whether that density is appropriate for the area;
- whether the rezoning would cause increased traffic and its impact;
- pedestrian and vehicle safety issues associated with the width of Helen Road and the Causeway;
- ingress and egress challenges;
- public input received at the public hearings;
- the need for increased housing supply;
- the need for additional information related to widening Helen

Road in this area and the Causeway to improve pedestrian and vehicle safety; and

- deferring the motion on third reading of Bylaw No. 1337, 2024 until after a report on widening Helen Road is presented.

2024.2262.REGULAR *IT WAS MOVED AND SECONDED:
THAT Council give third reading to District of Ucluelet Official Community Plan Amendment Bylaw No. 1337, 2024.*

2024.2263.REGULAR *IT WAS MOVED AND SECONDED:
THAT Council defer consideration of the motion to give District of Ucluelet Official Community Plan Amendment Bylaw No. 1337, 2024 third reading, until Council receives a staff investigation into the feasibility of widening Helen Road.*

CARRIED.

8.2 Records Management Bylaw Update - Adoption **Joseph Rotenberg, Manager of Corporate Services**

2024.2264.REGULAR *IT WAS MOVED AND SECONDED:
THAT Council adopt Records Management Bylaw No. 1353, 2024.*

CARRIED.

9. REPORTS

9.1 Peninsula Road Paving Update and Line Paint Options **James MacIntosh, Director of Engineering Services**

Mr. MacIntosh presented this report and slides which depict the proposed line painting.

Council discussed the recommended line painting and planned paving.

2024.2265.REGULAR *IT WAS MOVED AND SECONDED:
THAT Council reject Option A and wait to consider all highway line painting and other highway improvements until such time as funds are in hand to do the job properly.*

DEFEATED.

2024.2266.REGULAR *IT WAS MOVED AND SECONDED:
THAT Council authorize Option A of the highway line painting configuration to be completed as presented in Report No. 24-89.*

CARRIED.

9.2 Mobile Vending Application - KIKAN **Madeline Haynes, Planning Assistant**

Ms. Haynes presented this report.

The Applicant outlined KIKAN'S current operations and menu, and noted that she is seeking to move the food truck to the Army Navy Air Force because of its central location in Ucluelet.

2024.2267.REGULAR *IT WAS MOVED AND SECONDED:*

THAT Council approve the issuance of a mobile vending business license for the "KIKAN" food truck proposed to be located at 1708 Peninsula Road, Lot 1, Plan VIP5190, Clayoquot District.

CARRIED.

9.3 4-Way Stop at Peninsula Road and Bay Street (Verbal Report) Councillor Maftei

Councillor Maftei presented this verbal report in opposition to the new stop sign on Peninsula Road at Bay Street. Councillor Maftei submitted that:

- stop signs are not an effective means of speed control;
- stop signs should be used as a last resort;
- stop signs redirect traffic to other areas, which in Ucluelet's case, are residential;
- vehicles ignore stop signs when they are unnecessary; and
- removing stop signs where appropriate, increases safety and reduces greenhouse gasses.

Councillor Maftei further submitted that implementing a 30km/hour speed limit throughout Ucluelet is the best way to increase traffic and pedestrian safety.

2024.2268.REGULAR *IT WAS MOVED AND SECONDED:*

THAT District Staff present a report on the feasibility and justification for:

- a. the implementation of a blanket 30 km/hour speed limit in the community;*
- b. the removal of the stop-sign on Peninsula Road at Bay Street (the ones on Bay Street can and should stay); and*
- c. the removal of any other extraneous signage at intersections in the community.*

CARRIED.

10. NOTICE OF MOTION

There were no notices of motion.

11. CORRESPONDENCE

11.1 Request for Letter of Support for REDIP Funding Application Michelle Hall, Donor Relations & Biosphere Centre Campaign, Clayoquot Biosphere Trust

2024.2269.REGULAR *IT WAS MOVED AND SECONDED:*

THAT Council issue a letter of support for Clayoquot Biosphere Trust's application to the Rural Economic Diversification and Infrastructure Program for funding to construct the Clayoquot Sound Biosphere Centre.

CARRIED.

2024.2270.REGULAR *IT WAS MOVED AND SECONDED:
THAT the meeting be recessed for five minutes.*

CARRIED.

The meeting was recessed at 6:34 PM. The meeting returned to session at 6:40 PM.

11.2 Water Situation

Lara Kempf, Assistant General Manager, Black Rock Resort

In response to Council questions, Staff provided an update on the Water Filtration project, which is at the preliminary design stage. Staff also outlined the water testing regime and applicable safe water criteria.

12. INFORMATION ITEMS

12.1 RCMP Monthly Policing Report - July 2024

Marc Jones, Sergeant, Ucluelet RCMP Detachment

12.2 Hyphocus Development

Lisbeth Edwards, Resident

12.3 Lot 543 (Hyphocus) Comments

Dennis Morgan, Resident

12.4 Eliminate Fossil Fuel Funding of SILGA and UBCM

Mayor Victor I. Cumming, City of Vernon

12.5 UBCM Resolution - Fail to Appear Charges in Policing Statistics

Mayor Michelle Staples, City of Duncan

12.6 City of Pitt Meadows Resolutions to Reform the Farm Property Tax System

Mayor Nicole MacDonald, City of Pitt Meadows

12.7 Consultation on Marine Shellfish Licence Reissuance and Conditions of Licence

Reagan Newcom, A/Operations Director, Aquaculture Management Division, Fisheries and Oceans Canada

12.8 NR14 - Gender Equity: Provisions for Menstrual Supplies

Vanessa Washington, Manager of Legislative Services, City of Port Coquitlam

12.9 Urgent Request for Provincial Support in Addressing Homelessness in Campbell River

Mayor Kermit Dahl, City of Campbell River

12.10 Fire Safety Act
Brian Godlonton, Fire Commissioner, Office of the Fire Commissioner

13. MAYOR'S ANNOUNCEMENTS AND COUNCIL COMMITTEE REPORTS

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

Councillor Anderson attended an Economic Development Committee meeting hosted by the Ucluelet Chamber of Commerce on August 18th and met with representatives from the Tofino Housing Corporation to discuss the process of establishing a housing authority.

Councillor Anderson has a meeting planned to discuss seaweed processing training available on Vancouver Island. He also plans to meet with Cascadia Seaweed Corporations to discuss expanding their operations into Ucluelet.

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

Councillor Hoar encouraged residents to participate in the Dinner Theatre program offered this fall and advertised in the Fall Recreation Guide.

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

Councillor Kennington attended the Accessibility Committee Meeting on August 14th and the Economic Development Committee meeting hosted by the Chamber of Commerce later that day.

Councillor Kennington noted that ERIF will be conducting an open house on September 11th at 5:30 PM at the Ucluelet Community Centre. The company is looking for input on their housing development.

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

Councillor Maftei attended the West Coast Reuse-It Centre's grand opening.

13.5 Mayor Marilyn McEwen

Mayor McEwen noted that the 2024 Fall Recreation Guide is now available, the Multiplex Society Golf Scrambler will be held on September 21st, and Main Road will be resurfacing sections of Highway

4 near Kennedy Hill from September 9th to October 18th. Motorists should expect delays.

Mayor McEwen attended the Westcoast Community Resources Society's Ukee Reuse-It Store grand opening on August 23rd. On August 27th the Mayor attended a meeting with the Ministry of Transportation and Infrastructure regarding the above mentioned highway construction work, and on August 28th the Mayor attended and Alberni Clayoquot Regional District Committee of the Whole Meeting in the morning and a Board meeting in the afternoon.

14. QUESTION PERIOD

There were no questions.

15. CLOSED SESSION

15.1 Procedural Motion to Move In-Camera

2024.2271.REGULAR *IT WAS MOVED AND SECONDED:*

THAT the September 3, 2024 Regular Council Meeting be closed to the public pursuant to the following sections of the Community Charter:

- *90(1)(c) labour relations or other employee relations;*
- *90(1)(g) litigation or potential litigation affecting the municipality; and*
- *90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.*

CARRIED.

The meeting was closed to the public at 7:00 PM.

16. ADJOURNMENT

16.1 Procedural Motion to Adjourn

Council returned from closed session at 8:11 PM.

2024.2272.REGULAR *IT WAS MOVED AND SECONDED:*

THAT the September 3, 2024, Regular Council Meeting be adjourned at 8:11 PM.

CARRIED.

CERTIFIED CORRECT:

Duane Lawrence, Corporate Officer

Marilyn McEwen, Mayor

Certified Fair and Accurate, Joseph
Rotenberg, Manager of Corporate
Services

**MONTHLY
Mayor's / Chief's / President's
POLICING REPORT
August, 2024
Ucluelet Detachment
"E" Division
British Columbia**



Calls for Service: 161

Annual Performance Plan (A.P.P.'S) Community Priorities

- (1) Crime Reduction
 - a) Speed Enforcement / Awareness

- (2) Build and Maintain Relations with the Community
 - a) Community Involvement
 - b) Reconciliation

- (3) Vulnerable Persons
 - a) Community Referrals

High Risk Charges

Domestic Violence Charges: 0

Sexual Assault Charges: 0

Crime Reduction

Road Safety

Check stops: 1

Impaired Driving: 8 files

Traffic Tickets: 2

Written Warning: 2

Build and Maintain Relations with the Community

Community Involvement

- Members attended the West Coast Community resources meetings
- Members attended the Ucluelet Community Center daycare for a visit and handed out stickers
- Members have continued making foot patrols in the whiskey dock and business area.
- Members have continued extra patrols focusing on impaired driving within the communities.
- Members have continued extra speed enforcement within the playground zone in front of the schools.

Reconciliation

- Cst. HARRY continues to dedicate a considerable amount of his personal time by participating in the following:
 - a) Visited with elders on numerous occasions
 - b) Attended to the Macoah community lunch and visited with staff afterwards.
 - c) Attended a community meeting at the Hitacu basketball court following an assault on the local youth.
 - d) Spoke with the youth in Hitacu about bike safety and offered some equipment. After the conversation went with the youth to the docks to fish with them and visit.
 - e) Conducted foot patrols in the Hitacu community. Continued visiting and talking with local youth.
 - f) Attended the Hitacu sports day and barbeque.
 - g) Spent the day and evening at Macoah moveable feast / music festival.

- Detachment members have continued to do proactive visits to the communities to open positive interactions with community members.

Vulnerable Persons

Community Referrals

0 for the month of August

Other Police Services

Criminal Record Checks

Criminal record / Vulnerable Sector checks: 17

OCCURRENCES	Current Month	Year to Date	Current Month of previous year	Previous Year Total
Assaults (Not including sexual assaults)	5	28	4	50
Sexual Offences	0	7	1	13
Break and Enters (Residence & Business)	4	12	2	18
Theft of Motor Vehicle	0	5	1	6
Theft Under \$ 5000.00	4	28	2	22
Theft Over \$ 5000.00	1	4	1	8
Drugs (Possession)	0	3	0	3
Drugs (Trafficking)	1	4	0	3
Causing a Disturbance	5	42	11	45
Liquor Act	9	48	7	34
Mischief - damage to property	3	27	2	24
Mischief - obstruct enjoyment	3	16	5	31
Impaired Driving	8	29	8	44
IRP / 24 hr suspension	10	39	2	16
Utter threats	1	14	2	13
Bylaw	3	23	8	52
Mental Health	6	48	7	57
Total Calls for service	161	989	135	1199

JUSTICE REPORTS	Current Month	Year to Date	Current Month of previous year	Previous Year Total
Victim Services Referral - Accepted	2	16	2	17
Victim Services Referral - Declined	1	12	2	17
Victim Services - Proactive Referral	0	1	1	1
Restorative Justice Referrals	0	1	0	0
Prisoners Held	4	32	2	38
Prisoners escorted	0	1	4	11
Liquor Destroyed Immediately	7	34	1	8

Should you have any questions or concerns regarding this report, please feel free to contact me to discuss.

Prepared by: Sgt. Marc JONES

Telephone: 250 726-7773

Email: marc.jones@rcmp-grc.gc.ca

Extended Distribution List:
District Advisory NCO

FROM: JOHN TOWGOOD, MUNICIPAL PLANNER

FILE NO: 3360-20-REZ24-09 3090-20-DVP24-04

SUBJECT: ZONING AMENDMENT AND DVP FOR LOT 2 PLAN EPP117265

REPORT NO: 24-94

ATTACHMENT(S): APPENDIX A – APPLICATION
APPENDIX B – ZONING AMENDMENT BYLAW NO. 1355
APPENDIX C – DEVELOPMENT VARIANCE PERMIT 24-04

RECOMMENDATION(S):

1. **THAT** Council give first and second reading to *District of Ucluelet Zoning Amendment Bylaw No. 1355, 2024*; and
2. **THAT** Council direct Staff to give notice for a public hearing to be held on *District of Ucluelet Zoning Amendment Bylaw No. 1355, 2024* and Development Variance Permit 24-04.

BACKGROUND:

In 2020, Go Cabin Vacation Property Management Inc. (the “**Applicant**”) developed an abandoned segment of Peninsula Road as an extension of their existing “The Cabins at Terrace Beach” resort. This development involved zoning amendments, road dedications, consolidation of multiple parcels of land, trail dedications, and a return of land to the Yuułuʔiłʔatḥ Government. Once all approvals were completed, building permits were issued for twelve cabins and those cabins have now been built.

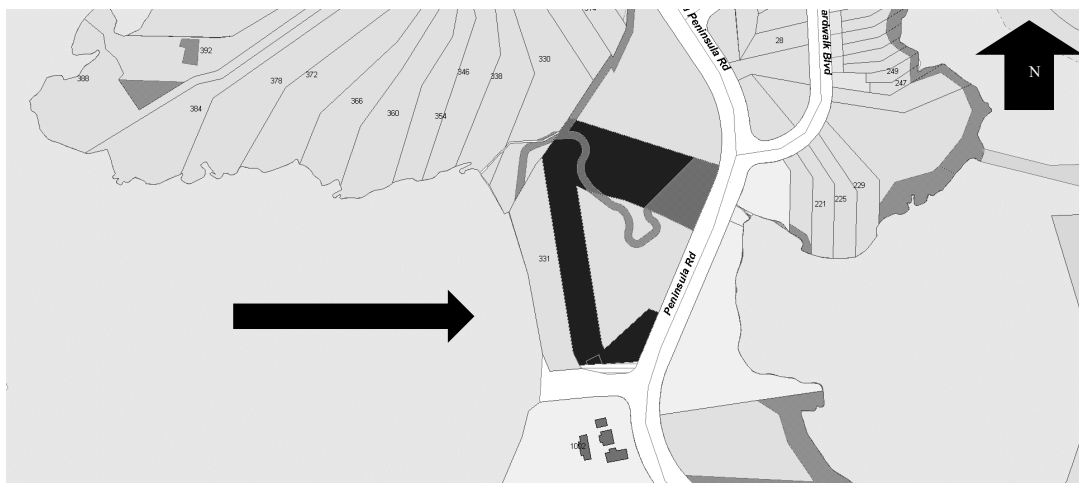


Figure 1. Area of Lot 2 Plan EPP117265

DISCUSSION:

The new cabins are located on part of the new Lot 2, Section 21, Clayoquot District, Plan EPP117265 (see **Figure 1**).

The applicant wishes to stratify the newly created cabins so that each of the twelve cabin buildings would have a separate strata title. This would be accomplished in two steps. The first step would be to create a subdivision of three fee-simple lots from the parent Lot 2. The second step would be to register a phased strata subdivision over the proposed new Lot "A" initially containing the twelve new cabins. A future phase of the phased strata would include the small remainder of Lot "A" which could accommodate a thirteenth cabin that was part of the owners' original plans (as was approved in the DP for this development).

Step One:

The following three proposed lots would be created by the first step, as shown in **Figure 2** below:

- **Lot A** – is a 3,368.7sqm property containing the twelve recently constructed cabins, access road, and services. This proposed parcel would be subsequently subdivided as a phased building strata (further described below and in **Figure 3**).
- **Lot B** – is a 4,055sqm property with developable area near the Peninsula Road frontage with the remainder of the rear lot containing a wetland. The wetland has been defined by a biologist and the new lot created by this subdivision would retain the wetland protection covenant charge CB1208206 on its title. Access and services would be from Peninsula Road.
- **Lot C** – is a 681.8sqm property with developable area fronting Peninsula Road and with access from the municipal Seabridge Way road right-of-way. Access easements would need to be registered over the new Lot C for the services and access (including fire access) crossing from Lot A to Seabridge and Peninsula.

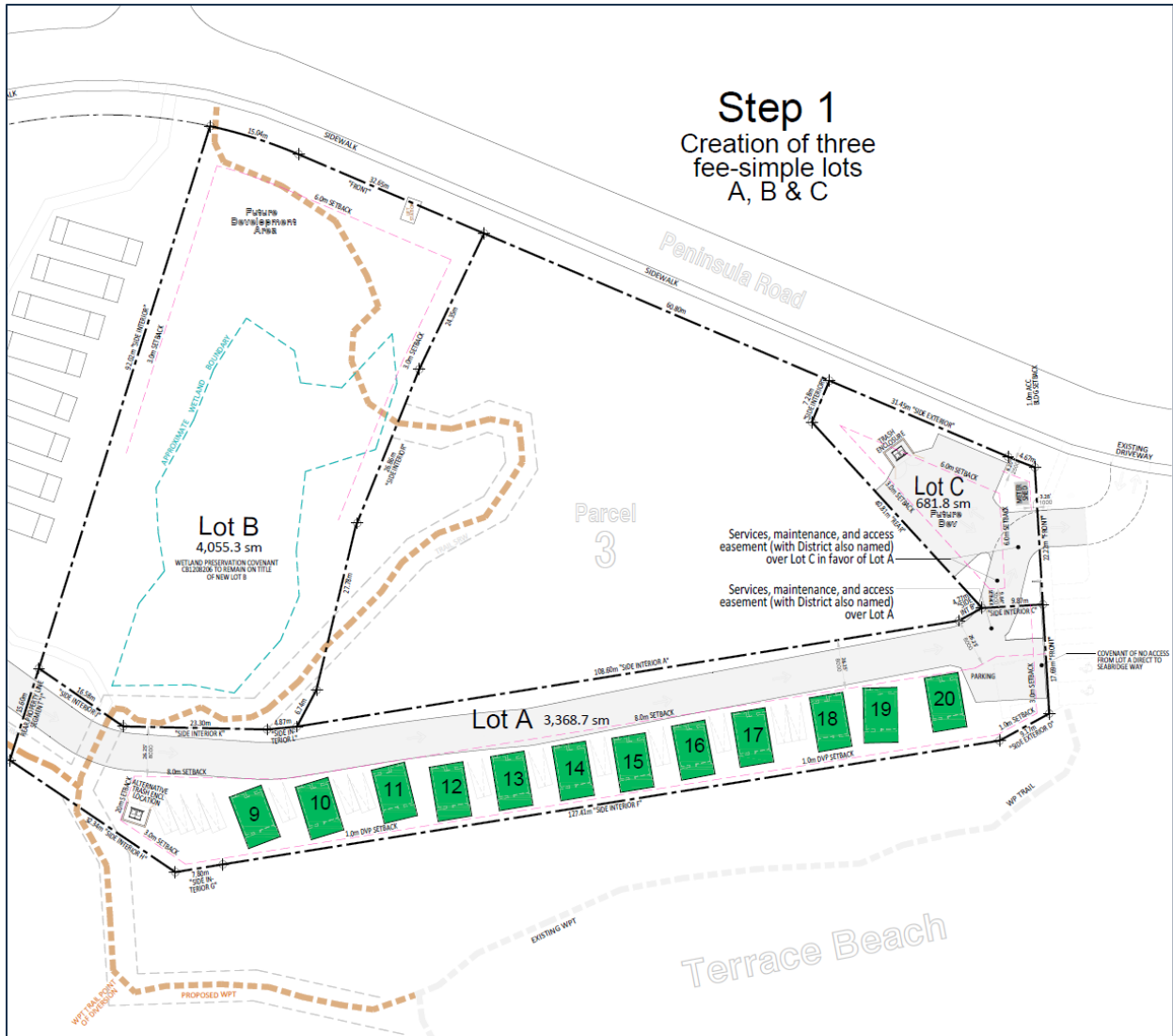


Figure 2 – Future Subdivision: Step One (three fee-simple parcels)

Step Two:

The second proposed step would see the owners register a phased strata plan for the cabins on the new Lot A. This could happen immediately following the registration of the subdivision plan discussed as step one, above. The plan would create a strata containing the 12 existing cabins, with a small remainder parcel (see **Figure 3**) which could accommodate a 13th cabin at a later date.

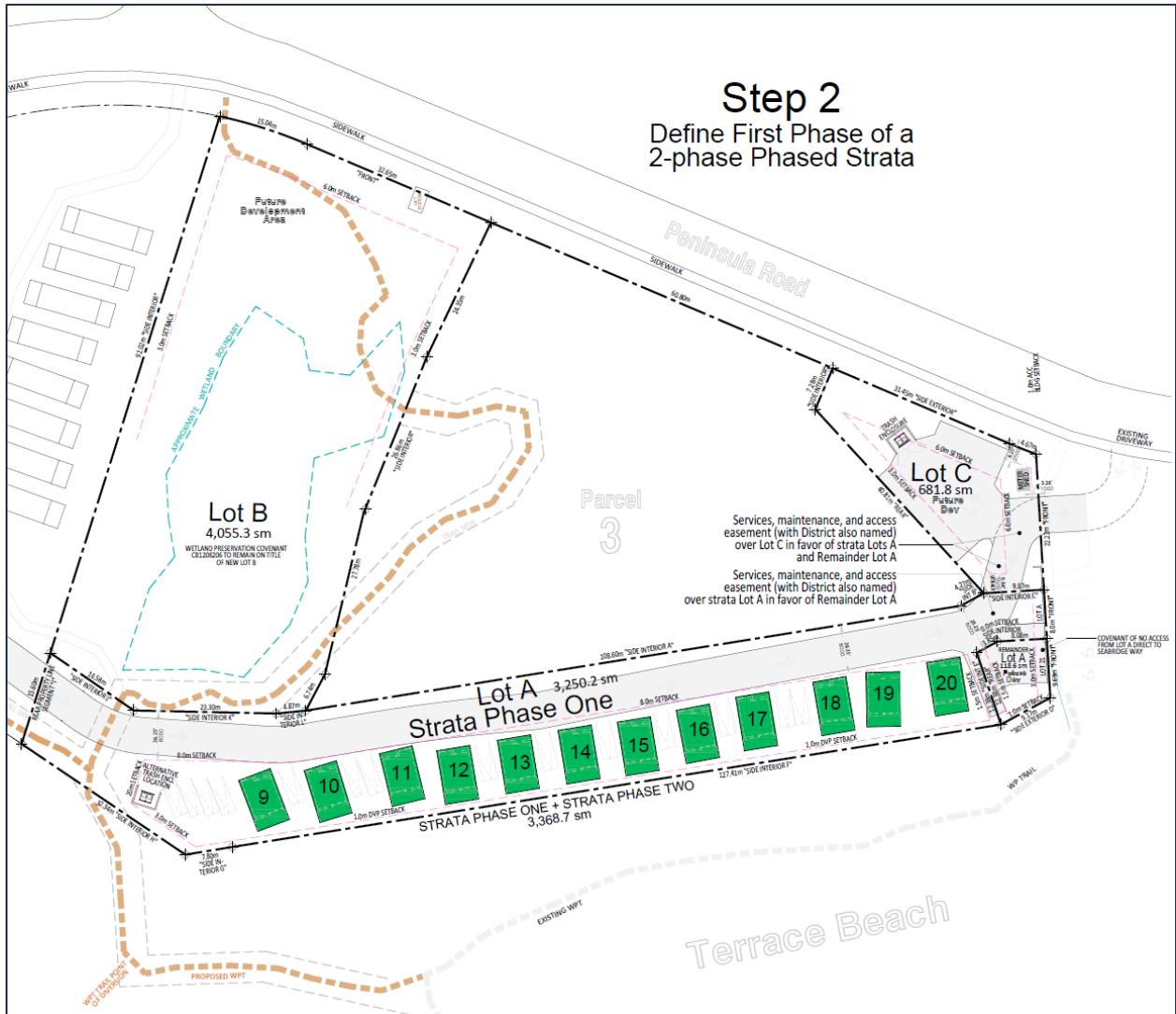


Figure 3 - Future Subdivision: Step Two (phased strata of Lot A)

Zoning:

The property is currently zoned CS-5 Tourist Commercial. It is proposed that the property retain the CS-5 zoning designation, with the following subsection added to achieve the applicant's desired outcome:

“CS-5.7 Other Regulations:

CS-5.7.1 Notwithstanding other regulations of this bylaw, on the lands legally described as Lot 2, Section 21, Clayoquot District, Plan EPP117265, the following regulations apply in the areas of the lands outlined in thick dashed lines and as labelled on the Future Subdivision Map at the bottom of this section:

- (1) In the area of the proposed Lot C:
 - a. Minimum Lot Size: 680m²

- (2) In the area of the proposed Lot A:
 - a. Minimum Front Yard setback: 3.0m
 - b. Minimum Side Yard Interior setback: 1.0m
- (3) In the area of the proposed Remainder Lot A:
 - a. Minimum Lot Size: 118.0m²
 - b. Minimum Front Yard setback: 3.0m
 - c. Minimum Rear Yard setback: 1.5m
 - d. Minimum Side Yard Exterior setback: 1.0m
 - e. Minimum Side Yard Interior setback of 0.0m
 - f. On proposed Remainder Lot A, a *Resort Condo* use may contain one unit.”

The above amendment to the zoning regulations would provide the necessary adjustments to allow the minimum lot sizes for Lot C and the Lot A remainder, and reduced setbacks for Lot A and the Lot A remainder matching the approved DP and DVP that were issued for the cabin construction. The requested zoning amendments align with the development plan presented for the 2020 development permit, affecting only the internal lot configuration and maintaining the public realm within Seabridge Way.

Development Variance Permit

The applicant will need variances to the zoning bylaw to allow the proposed subdivision. These variances are specified in Development Variance Permit (DVP) 24-04 which is attached as **Appendix “C”** of this report. Similar to the requested zoning amendments, the requested variances are in line with the development plan anticipated in the 2020 development permit.

The DVP would permit a reduced frontage for Lot A – necessary during the first phase of the phased strata (the minimum frontage in the CS-5 zone would be met once the second phase were to join the strata). The two setbacks varied by the DVP would legalize an existing electrical shed on the area of the property proposed as Lot C, sited to meet Hydro requirements near Peninsula Road and Seabridge Way.

No Access Covenant to Seabridge Way

To ensure that Lot A, Lot C and the Lot A remainder will be accessed from the current development’s existing internal access road, a no-access Section 219 covenant would be applied to those future properties. This covenant would specifically restrict any additional access points from Seabridge Way. The District is to be named on these covenants, so that future owners could not discharge the covenant without first obtaining approval from the municipality.

Servicing and access covenants:

To ensure access and servicing rights to Lot A and Lot C a set of covenants and easements will be required. The District of Ucluelet will need to be a party to some of these agreements to ensure that the charges could not be removed from the property title without District approval.

Frontage - Local Government Act:

Both Lot A and the remainder of Lot A (the remainder would be a smaller fee-simple parcel at the conclusion of the first phase of the proposed phased strata) do not meet the minimum frontage required under section 512(2) of the *Local Government Act* which states:

512(1) If a parcel being created by a subdivision fronts on a highway, the minimum frontage on the highway must be the greater of:

- (a) 10% of the perimeter of the lot that fronts on the highway, and*
- (b) the minimum frontage that the local government may, by bylaw, provide.*

With the adoption of the *District of Ucluelet Development Application Procedures Bylaw No. 1350, 2024*, the District of Ucluelet’s Approving Officer now has delegated authority to grant an exemption from the minimum frontage requirements under section 512.

Servicing

The Lot A remainder would require use of the existing services for Lot A. The proposed Lot C would either require access to the Lot A services or will be required to create new service connections on the Peninsula Road frontage. Lot B would only be serviced from Peninsula Road. As the proposed zoning amendment does not change the uses or densities currently allowed, a larger servicing capacities review is not triggered by this application.

Fire Services

The original development has been reviewed and approved by Ucluelet’s emergency services. There is no proposed change to the physical layout from the 2020 development plans.

ANALYSIS OF OPTIONS:

A	Council give first and second reading to District of Bylaw No. 1355, and Direct Staff to give notice of public hearing	<u>Pros</u>	<ul style="list-style-type: none"> • Would allow District of Ucluelet Zoning Amendment Bylaw No. 1355, 2024 to advance to a public hearing.
		<u>Cons</u>	<ul style="list-style-type: none"> • Unknown at this time.
		<u>Implications</u>	<ul style="list-style-type: none"> • Would allow District of Ucluelet Zoning Amendment Bylaw No. 1355, 2024 to advance to a public hearing. • DVP and other decisions of Council would be considered at a future meeting once notification has been completed.

B	Modify the draft zoning bylaw prior to directing Staff to give notice of first reading.	<u>Pros</u>	<ul style="list-style-type: none"> A modification to the bylaw amendment that Council deems appropriate may be beneficial to the application.
		<u>Cons</u>	<ul style="list-style-type: none"> Unknown at this time.
		<u>Implications</u>	<ul style="list-style-type: none"> The application would be delayed.
		<u>Suggested Motion</u>	<ul style="list-style-type: none"> THAT Council directs Staff to modify the draft <i>District of Ucluelet Zoning Amendment Bylaw No. 1355, 2024</i>, to (state desired outcome of amendments), for further consideration at a future meeting.
D	Reject the application.	<u>Pros</u>	<ul style="list-style-type: none"> Unknown at this time.
		<u>Cons</u>	<ul style="list-style-type: none"> Unknown at this time.
		<u>Implications</u>	<ul style="list-style-type: none"> The application would not proceed. Additional Staff time will be required to follow up with applicant and consultants.
		<u>Suggested Motion</u>	<p>THAT <i>District of Ucluelet Zoning Amendment Bylaw No. 1355, 2024</i> be rejected; and,</p> <p>THAT Council direct Staff and to advise the applicant that in order to proceed with the development the following changes are necessary: [state reasons].</p>

POLICY OR LEGISLATIVE IMPACTS:

This application would amend the *District of Ucluelet Zoning Bylaw No. 1160, 2013*.

NEXT STEPS:

If Council directs Staff to give notice of public hearing of *District of Ucluelet Zoning Amendment Bylaw No. 1355, 2024*, Staff will schedule the public hearing and undertake the necessary notification.

Respectfully submitted:

JOHN TOWGOOD, MUNICIPAL PLANNER
 BRUCE GREIG, DIRECTOR OF COMMUNITY PLANNING
 DUANE LAWRENCE, CAO



Doug Cole Architect, AIBC
16802 3rd Avenue
La Conner, WA 98257
360-466-2555

April 22, 2024
(revised September 4, 2024)

District of Ucluelet Planning Department
PO Box 999
Ucluelet, BC V0R 3A0

Re: Application for Lot Subdivision & Strata Conversion at 1082 Peninsula Road
Statement of Intent

Dear Planning Staff:

On behalf of the owners of The Cabins at Terrace Beach I am requesting District and ACRD reviews and approvals to subdivide the existing Cabins Lot 2 into four distinct tax parcels which for the purposes of this application we are calling Lot A, Remainder Lot A, Lot B and Lot C.

The property under consideration is the recently completed Cabins expansion project which included the construction of twelve cabins for “tourist commercial accommodation” uses within the zoning designation of CS-5. The parcel was developed under the conditions of Development Permit DP20-17, Development Variance Permit DVP21-02 and District of Ucluelet building permits BP22-08 thru BP22-19 (commonly referred to as Cabins 9-20). Construction of both site servicing and all twelve cabins is complete, with final occupancy permits issued for the project on May 16, 2024.

It is the ownerships desire to stratify that portion of the parcel which contains cabins 9-20 via the creation of “Lot A”. Additionally, the ownership wishes to create a separate lot adjacent to Cabin 20 which would accommodate a 13th cabin or other form of commercial use as allowed under the current zoning bylaw (“Remainder Lot A”). It should be noted that the original DP and DVP approved up to thirteen cabin units on the lands, however due to a variety of factors, only the first twelve were constructed, with the owner’s intention of preserving the right to place a structure on the remainder of the property at some time in the future. However, to do this, a distinct lot must be created with the option of it being absorbed into the strata at some future time.

In addition to Lot A and Remainder Lot A there are two additional parcels to be created. These are labeled on the site plan as “Lot B” and “Lot C” included in this application. Lot B is proposed as a one-acre parcel which includes an existing restrictive covenant protecting the wetland areas of the parcel. Some future development of Lot B may be warranted along the Peninsula Road end, however at this time we are only seeking to create the parcel itself. Lot C is the irregular-shaped area at the southeast end of the development. The original Development Permit contemplated a 1,900 sf Resort Condo/Mixed Use support facility with two nightly accommodations and

resort services in this location. That portion of the project was not brought forward to the point of a formal building permit application and the area had been used for construction staging, site servicing and utilities, and now provides an area for surface parking and a waste/recycle enclosure for Cabins operations and guest use. It should be noted that in the event of the future sale of Lot C, the trash and recycling enclosure facility could be relocated to be completely on Lot A as shown on the site plan exhibits.

Lastly, in the location where a 13th cabin was to have gone (cabin 21), we are proposing to preserve the right for a 13th structure to be constructed - which may join the strata at some time in the future. This structure would likely be in a similar form and character to the existing cabins and would request the same setbacks as were approved in the original Development Permit.

Both Lots A and Remainder Lot A would require an access easement over Lot C to Seabridge Way, and Lot A would require an access easement over Remainder Lot A as well.

A comparison of how each lot complies with the existing regulations for the CS-5 zone is attached to this letter. The areas of requested adjustment related to setbacks and lot sizes are shown in **red font** on that study and these represent our request for a zoning amendment to be applied to this parcel.

In general, there is nothing being requested in this application from a land use or density perspective beyond what was already approved during the original DP and DVP processes.

Thank you for your consideration and please do not hesitate to contact me with any questions or comments.

Sincerely,



Doug Cole, AIBC
British Columbia Architect 2075

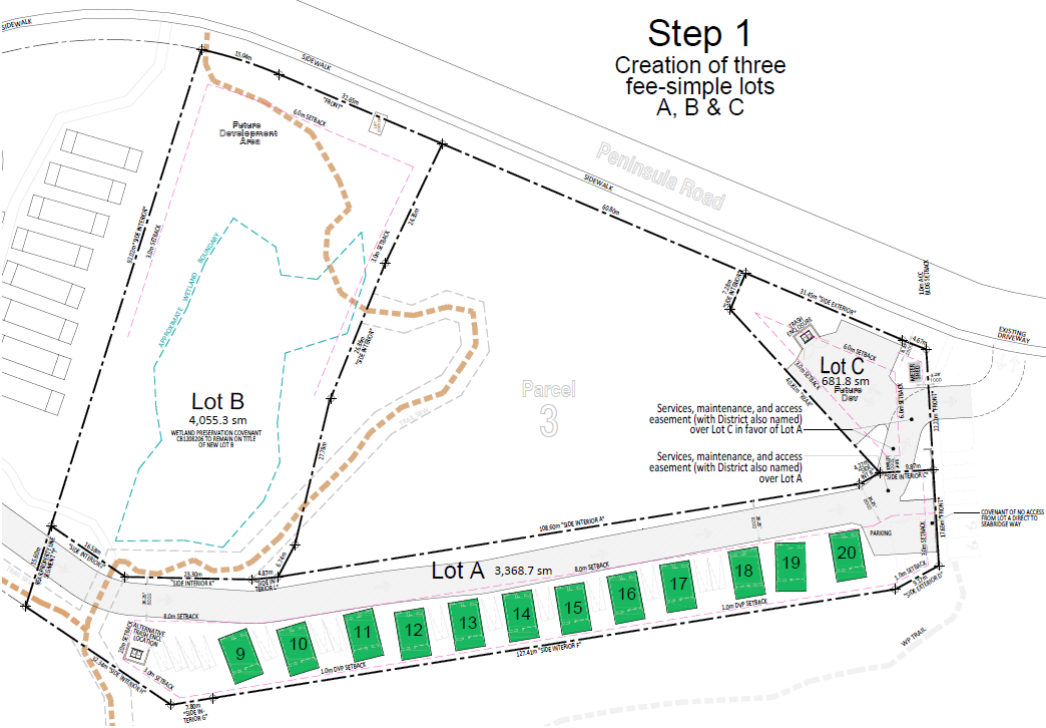
cc: Ross Elliott, Loughheed Properties
Ron Clayton, Go Cabins Vacation Management
Trevin Rogers, Baker Newby

attachments: Strata Conversion Site Plan, Bylaw Analysis

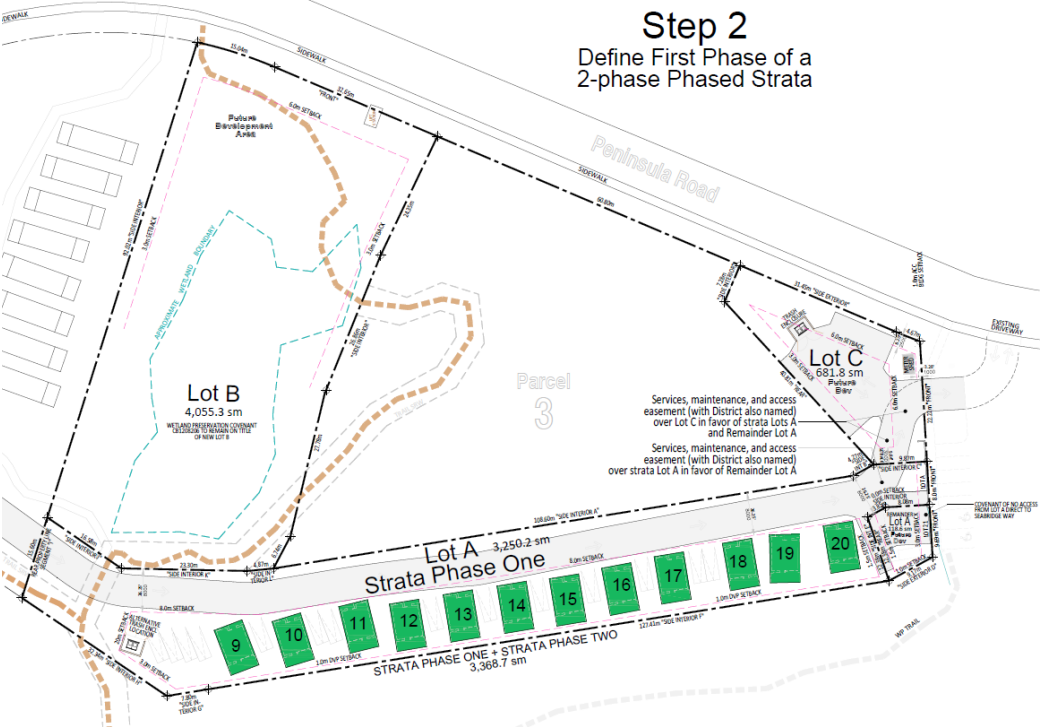
BYLAW ANALYSIS

R3 Cabins		Red font indicates where modifications from current bylaws are requested					
Strata Conversion							
5/16/2024 rev 9/4/2024							
Zoning: CS-5 Tourist Commercial		Units	Lot A Strata Ph 1	Remainder Lot A Strata Ph 2	Total Lot A Phased Strata	Lot B	Lot C
Lot & Building Statistics							
Lot Area (by proposed preliminary layout pre-survey)	m ²		3,250.2	118.6	3,368.8	4,055.3	681.8
Building Floor Areas by Footprint and by Lot		Per Bldg.	12 Structures	1 Structure (Future)		Future Dev	Future Dev
Building Gross Floor Areas - including balconies (for FAR)	m ²	134.5	1613.7	134.5	1,748.2	tbd	tbd
Building Footprints (for Lot Coverage)	m ²	48.8	585.3	48.8	634.1	tbd	tbd
Bylaw Compliance							
CS-5.2 Lot Regulations		Bylaw Req	12 Units	1 Unit		Future Dev	Future Dev
Minimum Lot Size / Compliant?	1000 m ²	Yes	Yes	118.6 / No (a)	Yes	Yes	681.8 / No
Minimum Lot Frontage / Compliant?	15.0 m	8.00 / No (b)	8.00 / No (b)	9.69 / No (b)	17.69 / Yes	87.3 / Yes	22.22 / Yes
Minimum Lot Width	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Minimum Lot Depth	n/a	n/a	n/a	n/a	n/a	n/a	n/a
CS-5.3 Density		Bylaw Req					
Maximum Floor Area Ratio & Max Gross Floor Areas	0.70 %	0.50	0.50	1.13	0.52	Future Dev	Future Dev
Compliant?		Yes	Yes	No	Yes	tbd	tbd
Maximum Lot Coverage & Max Building Footprint	40.0 ratio	18.0	18.0	41.1	18.8	Future Dev	Future Dev
Compliant?		Yes	Yes	No	No	tbd	tbd
CS-5.4 Maximum Size (Gross Floor Area)		Bylaw Req					
Principal Building	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Accessory Buildings	n/a	n/a	n/a	n/a	n/a	n/a	n/a
CS-5.5 Maximum Height		Bylaw Req					
Principal Buildings & Structures	12.0 m	11.8 (c)	11.8 (c)	Future Dev	Future Dev	Future Dev	Future Dev
Compliant?		Yes	Yes	tbd	tbd	tbd	tbd
Accessory Buildings	5.5 m	n/a	n/a	n/a	n/a	tbd	Yes
CS-5.6 Minimum Setbacks		Bylaw Req					
Principal Buildings & Structures			Proposed	Proposed	Proposed	Proposed	Proposed
Front	6.0 m	3.0 (e)	3.0 (e)	3.0 (d)	3.0	6.0	6.0
Rear	3.0 m	20.0 (f)	20.0 (f)	1.5 (g)	20 (h)	wetland tbd	3.0
Side (Interior)	3.0 m	See below	See below	See below	See below	3.0	3.0
Side (Exterior)	6.0 m	see below	see below	see below	see below	n/a	6.0
LOT A Side (Interior) Setbacks							
Segment A, B, C, K, & L	3.0 m	8.0 (i)	8.0 (i)	8.0 (i)	8.0 (i)		
Segments D, F, & G (Terrace Beach)	3.0 m	1.0 (j)	1.0 (j)	1.0 (j)	1.0 (j)		
Segment E	3.0 m	1.5 (k)	1.5 (k)	1.5 (k)	n/a (k)		
Segment H	3.0 m	3.0	3.0	3.0	3.0		
Accessory Buildings							
Front	6.0 m	n/a	n/a	n/a	n/a	6.0	1.0 (l)
Rear	3.0 m	n/a	n/a	n/a	n/a	wetland	3.0
Side (Interior)	3.0 m	n/a	n/a	n/a	n/a	3.0	3.0
Side (Exterior)	6.0 m	n/a	n/a	n/a	n/a	n/a	2.5 (l)
Footnotes							
(a) Upon joining the Strata, Remainder Lot A merges in with Lot A, which is already compliant in terms of minimum lot size. Until then the lot requires variance to the minimum lot size.							
(b) Lot A and Remainder Lot A are initially non-compliant in terms of lot frontage until such time Remainder Lot A joins the strata, then the merged lots frontage will become >15m along Seabridge Way.							
(c) Existing Building Heights are averages per survey. All existing buildings are height compliant.							
(d) Remainder Lot A proposes a 3.0m front yard setback to allow a structure of similar size to the existing cabins be placed on this parcel.							
(e) Proposing a 3.0m setback to match that of Remainder Lot A							
(f) 20m setback from the upper north end road to the flat area north of Cabin 9.							
(g) Remainder Lot A's front yard is against Seabridge way, leaving the rear yard towards Cabin 20.							
(h) Upon Remainder Lot A joining the strata, Remainder Lot A's property lines dissolve, leaving the 20m rear yard at the north end of the lot.							
(i) While 3m is the bylaw requirement, the 8m proposed respects the existing laneway.							
(j) Same as the originally approved DP & DVP.							
(k) Prior to merging of Lots A and Remainder Lot A, segment E is a "side interior" line for Lot A and a "rear yard" line for Remainder Lot A. Upon merging, this property line dissolves.							
(l) Recognizes existing meter shed.							

STEP ONE: CREATE 3 FEE-SIMPLE LOTS



STEP TWO: CREATE A PHASED STRATA ON LOT A



DISTRICT OF UCLUELET**Bylaw No. 1355, 2024**

A bylaw to amend the “District of Ucluelet Zoning Bylaw No. 1160, 2013”.

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. Citation

This bylaw may be cited as “District of Ucluelet Zoning Amendment Bylaw No. 1355, 2024”.

2. Text Amendment

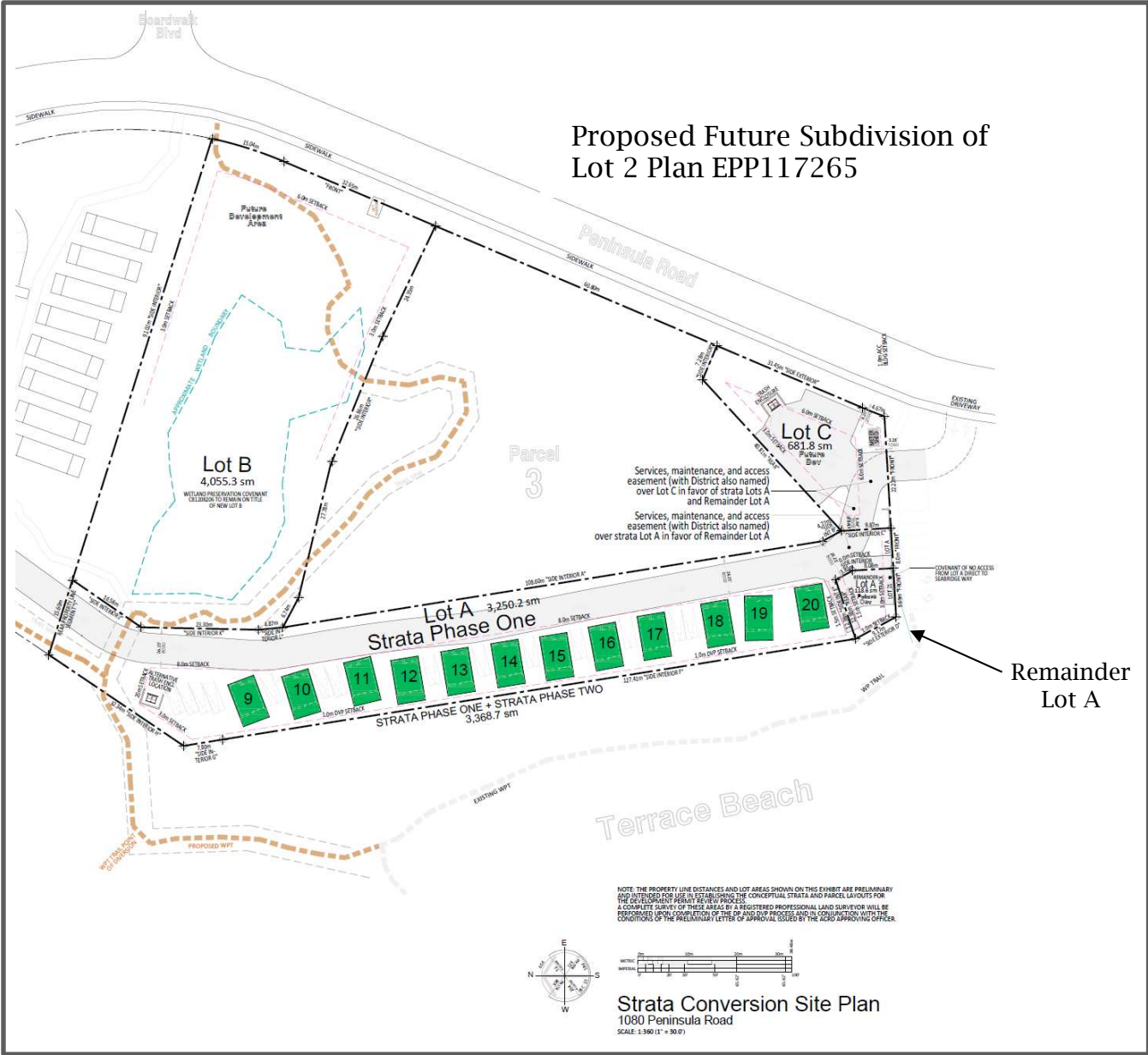
The District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by adding a new subsection alphanumerically in Schedule B – The Zones within the CS-5 Zone – TOURIST COMMERCIAL such that the new subsection reads as follows:

“CS-5.7 Other Regulations:

CS-5.7.1 Notwithstanding other regulations of this bylaw, on the lands legally described as Lot 2, Section 21, Clayoquot District, Plan EPP117265, the following regulations apply in the areas of the lands outlined in thick dashed lines and as labelled on the Future Subdivision Map at the bottom of this section:

- (1) In the area of the proposed Lot C:
 - a. Minimum Lot Size: 680m²
- (2) In the area of the proposed Lot A:
 - a. Minimum Front Yard setback: 3.0m
 - b. Minimum Side Yard Interior setback: 1.0m
- (3) In the area of the proposed Remainder Lot A:
 - a. Minimum Lot Size: 118.0m²
 - b. Minimum Front Yard setback: 3.0m
 - c. Minimum Rear Yard setback: 1.5m
 - d. Minimum Side Yard Exterior setback: 1.0m
 - e. Minimum Side Yard Interior setback of 0.0m
 - f. On proposed Remainder Lot A, a *Resort Condo* use may contain one unit.

Future Subdivision Map



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

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

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

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

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

District of Ucluelet Zoning Amendment Bylaw No. 1355, 2024

CERTIFIED CORRECT; "District of Ucluelet Zoning Amendment Bylaw No. 1355, 2024".

Marilyn McEwen
Mayor

Duane Lawrence
Corporate Officer

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

Duane Lawrence
Corporate Officer

DEVELOPMENT VARIANCE PERMIT DVP24-04

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:

GO CABIN VACATION PROPERTY MANAGEMENT INC.
(the "Owner")

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:

PID 032-127-812, Lot 2, Plan EPP117265, Section 21, Clayoquot Land District

3. The work authorized by this Permit may only be carried out in compliance with all federal, provincial, and municipal statutes, regulations, and bylaws.

4. This permit authorizes the following variances to *District of Ucluelet Zoning Bylaw No. 1160, 2013*, for the future parcels specified on the Future Subdivision Map attached as **Schedule A**, and for the proposed creation of a phased strata on proposed Lot A:

- i. Lot A: a minimum lot frontage of 8.0 m, whereas section CS-5.2.2 of the zoning bylaw specifies a minimum of 15.0 m.
- ii. Lot C: a minimum front yard setback for an existing accessory building of 1.0 m, whereas section CS-5.6.1 (2) (a) of the zoning bylaw indicates a minimum of 6.0 m.
- iii. Lot C: a minimum exterior side yard setback for an existing accessory building of 2.5 m, whereas section CS-5.6.1 (2) (d) of the zoning bylaw indicates a minimum of 6.0 m.

5. The above variances are granted for the proposed initial subdivision and buildings on the Land as shown on Schedule A. Should the Land or portions of the Land be redeveloped at some future date, this Development Variance Permit shall cease to apply and the zoning in effect at the time shall apply.

6. This permit is valid for a period of 24 months from the date of issuance. If by that time a final plan of subdivision is not registered with the BC Land Title Survey Authority in general accordance with Schedule A, then this Development Variance Permit shall cease to apply and the zoning standards in effect at the time shall apply.

7. 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.

8. This Permit is NOT a Building Permit.

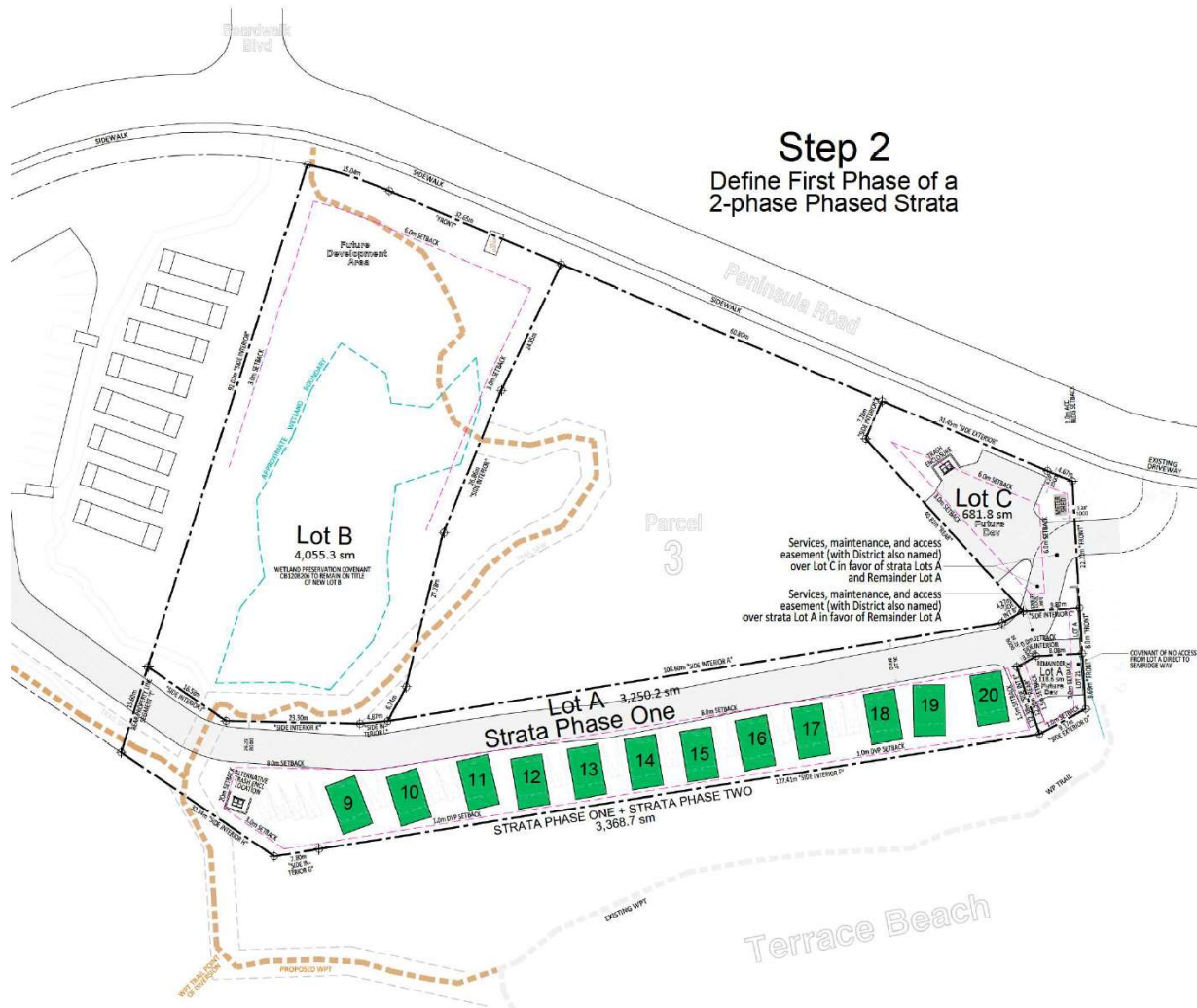


AUTHORIZING RESOLUTION passed by the Municipal Council on the XX day of XX, 2024.

ISSUED the XX day of XX, 2024.

Bruce Greig
Director of Community Planning

SCHEDULE A



Step 2
Define First Phase of a
2-phase Phased Strata

Services, maintenance, and access easement (with District also named) over Lot C in favor of strata Lots A and Remainder Lot A
Services, maintenance, and access easement (with District also named) over strata Lot A in favor of Remainder Lot A

NOTE: THE PROPERTY LINE DISTANCES AND LOT AREAS SHOWN ON THIS EXHIBIT ARE PRELIMINARY AND INTENDED FOR USE IN ESTABLISHING THE CONCEPTUAL STRATA AND PARCEL LAYOUTS FOR THE DEVELOPMENT PERMIT REVIEW PROCESS. A COMPLETE SURVEY OF THESE AREAS BY A REGISTERED PROFESSIONAL LAND SURVEYOR WILL BE PERFORMED UPON COMPLETION OF THE EP AND DVP PROCESS AND IN CONJUNCTION WITH THE CONDITIONS OF THE PRELIMINARY LETTER OF APPROVAL ISSUED BY THE AID APPROVING OFFICER.



Strata Conversion Site Plan
1080 Peninsula Road
SCALE: 1/800 (1" = 30.48')

Doug Cole, Architect
DCAO ARCHITECTURE LTD.
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WWW.DOUGCOLE-ARCHITECT.COM
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2024-03-21 PLAN ANALYSIS SITE PLAN
2024-02-21 PLAN ANALYSIS SITE PLAN

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REPORT TO COUNCIL

Council Meeting: September 24, 2024
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: JEFFREY CADMAN, DIRECTOR OF FINANCE

FILE No: 3900-25

SUBJECT: PERMISSIVE TAX EXEMPTION BYLAW

REPORT No: 24-96

ATTACHMENT(S): APPENDIX A - PERMISSIVE TAX EXEMPTIONS
APPENDIX B – DENIED PERMISSIVE TAX EXEMPTION APPLICATIONS
APPENDIX C – PERMISSIVE TAX EXEMPTION BYLAW No. 1358, 2024

RECOMMENDATION(S):

THAT Council give District of Ucluelet Permissive Tax Exemption Bylaw No. 1358, 2024 first, second, and third reading.

BACKGROUND:

Section 224 of the *Community Charter* gives local governments the authority to exempt eligible properties from property taxation for a specified period of time, not to exceed ten years. These exemptions are a means for Council to fulfill the municipal purposes established by *the Community Charter* and must be provided by bylaw.

Permissive Tax Exemption Bylaw No. 1318, 2022 is expiring this year. In order to have an exemption in place for the upcoming fiscal year, the District must adopt its new permissive bylaw by October 31st of the previous year, meaning 2025 exemptions must be adopted by October 31, 2024. If adopted, a copy of the exemption bylaw is provided to BC Assessment, who places the exemptions into the annual property assessment rolls.

Staff followed Permissive Tax Exemption Policy No. 5-1970-1 by requesting organizations apply for a tax exemption. Applications completed prior to the September 1, 2024 deadline were vetted for eligibility by staff. Organizations that rent or lease space from District owned property were not required to apply at this time.

The following outlines the tax exemptions included in the proposed bylaw:

1) NON-PROFIT ORGANIZATIONS USING MUNICIPAL PROPERTY

- a) **Food Bank on the Edge** – 160 Sea Plane Base Road – Roll No. 181.060 being that portion of the Lot 3, Plan VIP 20323, District Lot 284, Clayoquot Land District that is used and owned by the Food Bank on the Edge for the provision of Food stuffs for families and persons in need.

- b) **Westcoast Community Resources Centre** – 500 Matterson Drive – Roll No. 114.960 being that portion of Lot A, Plan VIP56963, District Lot 281, Clayoquot Land District that is used by the Westcoast Community Resources Centre for the provision of family and children support services.
- c) **Nuu-Chah-Nulth Tribal Council** – 500 Matterson Drive – Roll No. 114.960 being that portion of Lot A, Plan VIP56963, District Lot 281, Clayoquot Land District that is used by the Nuuchah-Nulth First Nations for the provision of support services for Nuuchah-Nulth community members.
- d) **Ministry of Child and Family Development** - 500 Matterson Drive – Roll No. 114.960 being that portion of Lot A, Plan VIP56963, District Lot 281, Clayoquot Land District that is used by the Ministry of Child and Family Development for the provision of youth and children support and counselling services.
- e) **Vancouver Island Regional Library** – 500 Matterson Drive – Roll No. 114.960 being that portion of Lot A, Plan VIP56963, District Lot 281, Clayoquot Land District that is used by the Vancouver Island Regional Library for the provision of library services.
- f) **Ucluelet Daycare Society** – 500 Matterson Drive – Roll No. 114.960 being that portion of Lot A, Plan VIP56963, District Lot 281, Clayoquot Land District that is used by the Ucluelet Daycare Society providing daycare programs and services.

2) RESIDENTIAL PROPERTIES

The Land and improvements classified by the BC Assessment Authority as Class 1 (Residential)

- a) Roll No. 6001, being that portion of Lot 1, Plan VIP9200, Section 21, Clayoquot Land District, PID 005-569-206, 1395 Helen Road, that is used and owned by **KUU-US Crisis Line Society** for the provision of family support and temporary accommodation services.
- b) Roll No. 127.994, being Lot 2, Block A, Plan VIP29119 district Lot 282, Clayoquot Land District, PID 001-423-975, 1800 Bay Street, that is owned and used by the **Westcoast Community Resources Society** for the provision of family support and temporary accommodation services.
- g) Roll No. 181.124 being a portion of District Lot 284 Clayoquot Land District that PT shown as PCL A PL EPP132848 that is owned by **Food Bank on The Edge** for the provision of Food stuffs for families and persons in need.

3) BUSINESS PROPERTIES

The land and improvements classified by the BC Assessment Authority as Class 6 (Business)

- a) Folio 152.020 being a Portion of District Lot 1689, AND DL2191 Clayoquot Land District, 180 Main Street, for aquarium purposes, license 113490, **Ucluelet Aquarium Society** for the housing of the Ucluelet Aquarium.

- b) **Food Bank on the Edge** – Roll No. 04-583-00181124 being that portion of District Lot 284, That PT SHOWN AS PCL A PL EPP132848; PID: 032-233-256, that is used and owned by the Food Bank on the Edge.

ANALYSIS OF OPTIONS

Appendix A summarizes all properties subject to the proposed Permissive Tax Exemption Bylaw. The estimate is difficult to provide since assessed values are not known, however staff has built in a 5% increase as a base amount. The total estimate value of properties affected by this bylaw are \$51,362.99 in 2025, \$53,931.14 in 2026, and \$56,627.69 in 2027.

Generally, the purpose of tax exemptions is to support not-for-profit organizations that provide a benefit to the community, and which have limited financial supports that would permit them to pay property taxes. Applicants must include a copy of their financial statements, annual report and budget as part of their application. Staff reviews these materials to look at year-over-year net income levels, revenue generation, cash, reserve and investment quantities. Organizations that are consistently earning net income high enough to pay property taxes, or large revenue generating organizations that should be able to pay property taxes are excluded from the exemption bylaw. It is unusual although not without precedent that societies or not-for-profits that operate a profitable business are provided tax exemptions. It is also unusual to provide tax exemptions for organizations that have land holdings that are not providing a benefit to the community. In the reviewing existing tax exemptions staff noted two properties where it would be appropriate for Council to reconsider their tax exemption status.

Appendix B summarizes the two applicants that staff has suggested to exclude from the Permissive Tax Exemption bylaw. KUU-US Crisis Line Society has two properties, in the past the property at 1395 Helen Road has received the exemption and the property at 1686 Bay Street which is vacant land has not. It is recommended that 1686 Bay Street continue to be excluded from the Permissive Tax Exemption bylaw because the vacant land is not providing a benefit to the community. It is also suggested that the Redd Fish Restoration Society be excluded from the Permissive Tax Exemption bylaw. After a review of the financial statements and budget, it is staff's opinion that based on Redd Fish's financial health they do not require the tax exemption to continue operations.

As a note, given the short notice period and the fact that the Ucluelet Aquarium Society has received the exemption in the past, it is recommended that they remain on the exemption for this period. However, for the future, staff is recommending Council give consideration to reviewing their tax exemption status given their business nature and ability to find a means to pay.

It is recommended that Council have an opportunity to review permissive tax exemptions once per term, thus the proposed bylaw will be in effect for the 2025 to 2027 tax years to align with council elections.

A	Council give Permissive Tax Exemption Bylaw No. 1358, 2024 first three readings	<u>Pros</u>	<ul style="list-style-type: none"> Organizations within the District of Ucluelet continue to be supported
		<u>Cons</u>	<ul style="list-style-type: none"> Exact value of property tax exemptions is unknown
		<u>Implications</u>	<ul style="list-style-type: none"> Estimated permissive tax exemptions are already within the 2025 financial plan
B	Council give Permissive Tax Exemption Bylaw No. 1358, 2024 first three readings as amended	<u>Pros</u>	<ul style="list-style-type: none"> Organizations within the District of Ucluelet continue to be supported
		<u>Cons</u>	<ul style="list-style-type: none"> Exact value of property tax exemptions is unknown
		<u>Implications</u>	<ul style="list-style-type: none"> Amending the bylaw could put the exemptions at risk of not being adopted prior to October 31st, due to the election
		<u>Suggested Motion</u>	<p>THAT Council give first and second reading to District of Ucluelet Permissive Tax Exemption Bylaw No. 1358, 2024.</p> <p>THAT Council amend District of Ucluelet Permissive Tax Exemption Bylaw No. 1358, 2024 by:</p> <p style="margin-left: 40px;">a. deleting _____; and</p> <p style="margin-left: 40px;">b. inserting _____.</p> <p>THAT Council give third reading to District of Ucluelet Permissive Tax Exemption Bylaw No. 1358, 2024, as amended.</p>
C	Council does not make a motion	<u>Pros</u>	<ul style="list-style-type: none"> The District would collect approximately \$51,000 in municipal taxes in 2025
		<u>Cons</u>	<ul style="list-style-type: none"> Organizations would be subject to property taxes effective 2025
		<u>Implications</u>	<ul style="list-style-type: none"> It is recommended that organizations be given more time to plan to pay municipal property taxes
		<u>Suggested Motion</u>	No motion is required.

POLICY OR LEGISLATIVE IMPACTS:

Sections 224–227 of the *Community Charter* regulates permissive tax exemptions.

NEXT STEPS

- Provide notice of Council’s intention to adopt in accordance with Community Charter Section 227
- Adopt and provide bylaw to BC Assessment by October 31, 2024

Respectfully submitted: Jeffrey Cadman, Director of Finance

Appendix A

2024 Permissive Tax Exemptions

Organization Name	2025 Municipal Taxes	2026 Municipal Taxes	2027 Municipal Taxes
Food Bank on the Edge	\$1,636.82	\$1,718.66	\$1,804.59
Food Bank on the Edge	Awaiting assessment	-	-
Westcoast Community Resources Centre	\$2,109.76	\$2,215.25	\$2,326.01
Westcoast Community Resources Centre	\$2,234.05	\$2,345.75	\$2,463.03
Nuu-Chah-Nulth Tribal Council	\$742.17	\$779.28	\$818.24
Ministry of Child and Family Development	\$742.17	\$779.28	\$818.24
Vancouver Island Regional Library	\$4,737.72	\$4,974.61	\$5,223.34
Ucluelet Daycare Society	\$2,044.45	\$2,146.67	\$2,254.01
Ucluelet Aquarium Society	\$34,856.53	\$36,599.35	\$38,429.32
KUU-US Crisis Line Society	\$2,259.32	\$2,372.29	\$2,490.91
Total Municipal Property Tax Exemption	\$51,362.99	\$53,931.14	\$56,627.69

Appendix B

Denied 2024 Permissive Tax Exemption Applications

Organization Name	2025 Municipal Taxes	2026 Municipal Taxes	2027 Municipal Taxes
KUU-US Crisis Line Society	\$2,716.47	\$2,852.29	\$2,994.90
Redd Fish Restoration Society	\$11,752.07	\$12,339.68	\$12,956.66
Total Municipal Property Tax Exemption	\$14,468.54	\$15,191.97	\$15,951.56

DISTRICT OF UCLUELET**Bylaw No. 1358, 2024**

A bylaw to exempt from taxation certain lands and/or improvements.

WHEREAS the Community Charter provides for the exemption from taxation certain land, improvements or both;

AND WHEREAS it is deemed expedient to exempt from said taxation certain properties within the District of Ucluelet.

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

1. This bylaw may be known and cited for all purposes as the “District of Ucluelet Permissive Tax Exemption Bylaw No. 1358, 2024”.
2. The following described properties are hereby exempted from taxation for a period of three years (2025-2027), as per section 224 of the *Community Charter*:

Exemption for Organizations Using Municipal Property

- a) Food Bank on the Edge - 160 Sea Plane Base Road - Roll No. 181.061 being that portion of Lot 3, Plan VIP20323, District Lot 284, Clayoquot Land District, PID 003-534-618, that is used by the Food Bank on the Edge;
- b) Westcoast Community Resources Centre – 500 Matterson Drive - Roll No. 114.960 being that portion of Lot A, Plan VIP56963, District Lot 281, Clayoquot Land District that is used by the Westcoast Community Resources Centre;
- c) Nuu-Chah-Nulth Tribal Council - 500 Matterson Drive - Roll No. 114.960 being that portion of Lot A, Plan VIP56963, District Lot 281, Clayoquot Land District that is used by the Nuu-Chah-Nulth First Nations;
- d) Ministry of Child and Family Development – 500 Matterson Drive - Roll No. 114.960 being that portion of Lot A, Plan VIP56963, District Lot 281, Clayoquot Land District that is used by the Ministry of Child and Family Development;
- e) Vancouver Island Regional Library – 500 Matterson Drive - Roll No. 114.960 being that portion of Lot A, Plan VIP56963, District Lot 281, Clayoquot Land District that is used by the Vancouver Island Regional Library;
- f) Ucluelet Daycare Society – 500 Matterson Drive - Roll No. 114.960 being that portion of Lot A, Plan VIP56963, District Lot 281, Clayoquot Land District that is used by the Ucluelet Daycare Society;

Exemption for Residential Properties

- g) KUU-IS Crisis Line Society - Roll No. 6001, being that portion of Lot 1, Plan VIP9200, Section 21, Clayoquot Land District, PID 005-569-206, 1395 Helen Road;

h) Westcoast Community Resources Society - Roll No 127994, being Lot 2, Block A, Plan VIP29119 District Lot 282, Clayoquot Land District; PID 001-423-975, 1800 Bay Street;

Exemption for Aquarium

i) Ucluelet Aquarium Society - Roll No. 152.020 being a Portion of District Lot 1689, and DL2191 Clayoquot Land District, 180 Main Street, for aquarium purposes, license 113490; and

Exemption for Food Bank

j) Food Bank on the Edge – Roll No. 04-583-00181124 being that portion of District Lot 284, That PT SHOWN AS PCL A PL EPP132848; PID: 032-233-256, that is used and owned by the Food Bank on the Edge.

READ A FIRST TIME this ** day of ***, 20**.

READ A SECOND TIME this ** day of ***, 20**.

READ A THIRD TIME this ** day of ***, 20**.

ADOPTED this ** day of ***, 20**.

CERTIFIED CORRECT; "District of Ucluelet Permissive Tax Exemption Bylaw Bylaw No. 1358, 2024".

Marilyn McEwen
Mayor

Duane Lawrence
Corporate Officer

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

Duane Lawrence
Corporate Officer



REPORT TO COUNCIL

Council Meeting: September 24, 2024
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, DIRECTOR OF COMMUNITY PLANNING **FILE NO:** 3030-01 PRE-APP 24-06_221 MINATO

SUBJECT: PRELIMINARY DISCUSSION - 221 MINATO ROAD (ERIF)

REPORT NO: 24-97

ATTACHMENT(S): APPENDIX A - PRELIMINARY PLANS
 APPENDIX B - RECENT PROPERTY HISTORY
 APPENDIX C - S.219 COVENANT CB265207 EXCERPTS

RECOMMENDED PROCESS:

This report aims to gauge Council’s general sense of the community interest for a potential housing development at 221 Minato Road, and the degree of support or concern for specific aspects of the preliminary proposal and its impacts. Potential questions to consider and discuss are presented at the end of the report – Council may have others. Staff recommend that Council resolutions on these matters is not appropriate at this time, since a formal application has not yet been submitted; a more general discussion and comment on initial impressions or concerns may be helpful as the applicants finalize their plans for submission and formal review.

BACKGROUND:

ERIF Sustainable Solutions (ERIF) have approached the community of Ucluelet with an intriguing suite of concepts for delivering housing. ERIF first introduced themselves to Council as a delegation at the June 11, 2024, Council meeting. ERIF also held a well-attended community open house on September 11, 2024, at the Ucluelet Community Centre.

Staff have met several times with the ERIF team and are pleased with the open communication on the 221 Minato Road property. As with all developments proposing affordable and attainable housing options, staff are committed to moving things forward as quickly as possible. The discussions to date have been fruitful and have fleshed out a number of areas and possibilities for identifying and clearing hurdles for the housing concept and proposed development at 221 Minato Road.

The ERIF team has a number of unanswered questions about the site and its feasibility for the development program they are pursuing. Answers to some of those questions hinge on decisions by the municipality. Some technical questions can be resolved at the staff level, but others will depend on decisions made by Council.

THE PRELIMINARY PROPOSAL:

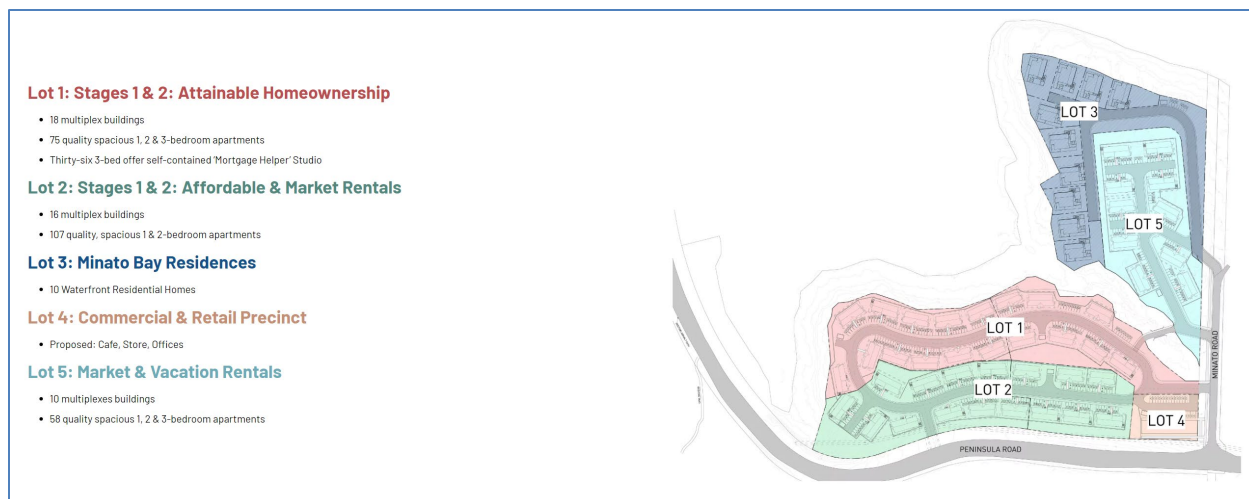
The ERIF team has presented preliminary plans for a development on the 221 Minato Road site including 221 residential units, 29 vacation rentals and a 1,200m² commercial building.



The proposed housing program currently includes:

“240 Apartments:
75 Attainable Homeownership
53 Affordable Rentals (CMHC)
83 Market Sales and Rentals
29 Vacation Rentals
10 Waterfront Homes”

The proposed building form is 2-storey modular clusters of 1-, 2- and 3-bedroom apartments that would employ an innovative construction system. A total of 55 buildings are shown in the project summary. The combination of a modular core with SIPS panel framing is a creative approach to managing building costs. The plan includes a total of 398 surface parking spaces (see **Appendix A**).



PROPERTY BACKGROUND:

A brief outline of recent development steps is included in **Appendix B**. The current zoning of the property is a site-specific comprehensive development zone CD-6 – Minato Road that was created with the adoption of zoning amendment Bylaw No. 1312, 2022. That rezoning process began with a Committee-of-the-Whole meeting discussion [May 24, 2022](#), with a similar discussion of the site and high-level feedback to the proponent on their preliminary plans. That report includes a discussion of the background issues on the site. The CD-6 zoning permits up to 212 housing units on the property in a mix of single-family, duplex and multi-family forms. A mix of affordable and attainable rental and ownership housing was included, totalling 78% of the total units.

With the 2022 rezoning, there were a handful of issues that were not fully resolved – the owners wished to seek support for the zoning with the intent of following up with further engineering, archaeological and environmental work. Those items would need to be addressed prior to subdivision and development of the land, which could follow. The owners agreed to register a section 219 restrictive covenant on title to ensure that their commitments would be met, further details and studies would be provided, and that the development would proceed as proposed. A copy of the relevant excerpts from the registered covenant is found in **Appendix C**. The owners have subsequently provided the promised road and park dedication, and have obtained a licence of occupation for their existing bridge.

CONTEXT & PROCESS:

ERIF is pursuing an aggressive timeline and assessing how best to address issues in their application.

The purpose of this report is to provide a chance for ERIF to gauge the degree of Council support on several issues that may inform the project design and steps forward. This report is, by necessity, at a high level since we are not yet at the point of receiving a complete application - this report does not provide a complete staff analysis and recommendations for decisions. Once a formal application has been received and a full review has been completed Council will be able to consider

any request made by the developer. Until that time staff are presenting this information for guidance purposes only. No decisions of Council are being requested at this time.

SUMMARY OF TECHNICAL CHALLENGES:

As with any development, there are a number of technical issues that the need to be solved prior to subdivision and construction on the site at 221 Minato Road. Much of this work involves engineering analysis and design to ensure the safe and appropriate infrastructure is installed to support the development, while protecting sensitive and/or valuable features on- and off-site. The 2022 covenant in Appendix C provides a starting point. In some cases the requirements are set by bylaw, standard engineering practice and/or regulatory requirements of other agencies (e.g., Ministry of Transportation and Infrastructure). A brief overview of these items is listed below.

As proponents develop their plans, a balancing of site servicing and construction costs is part of their decision-making. The ERIF team has requested confirmation of some areas where Council decisions would affect the costs borne by the developer. Those are highlighted in the questions at the end of this report.

A. Site Servicing

The proponent will need to provide all on-site infrastructure including roads, sidewalks, water, sewer, electrical and data, street lighting, etc. The adequacy of municipal off-site water and sewer infrastructure is the subject of current engineering work by the District. A strategy for addressing the known sewer capacity issues in this catchment area, and funding options, will be presented to Council at an upcoming meeting – expected in October. The mechanism and degree of developer contributions will doubtless factor into the total project costs.

B. Tsunami Flood Hazard

The District's flood hazard mapping identified that the land at 221 Minato Road may be at risk of flooding in the event of a tsunami. Provincial guidance would point new development away from areas identified as being potentially subject to those types of hazards. The District's interim flood risk tolerance policy enables the property owner to propose an engineered solution to mitigate flood risks. The ERIF team are aware of the further work necessary to confirm the tsunami flood reference plane and possible mitigation features – and their costs – and confirming that a qualified engineer can provide a flood assurance statement to enable subdivision and development in those areas. In other words, the exact areas where housing construction will be feasible has not yet been confirmed. Staff understand that ERIF has engaged a consultant to do the engineering work; the results of that analysis will presumably confirm the site suitability or may trigger changes to the development approach and site plan.

C. Environmental and Archaeological assessment of the site:

As identified in 2022, further environmental assessment and wetland delineation work is necessary prior to subdivision or development. While a change in the zoning could

proceed ahead of those studies being completed, there is a risk that the results may identify areas unsuitable for development. Generally, best practice is to have complete site analysis prior to developing a site plan, but approvals can proceed with the understanding that the developer may have to change course as the work is completed.

D. Site Access, Circulation and Road Design:

No detailed plans have been submitted for the proposed road and pedestrian infrastructure beyond what is shown on the site plan. The site plan shows surface parking spaces backing directly onto the proposed road – this configuration treats the street more as the drive aisle for a parking lot, which is effective and safe at only the lowest speeds. Review and comment on whether this is possible while meeting the needs of emergency access would happen after an application has been made.

A comparable road cross-section might be the design for the current OceanWest phase 5 subdivision extending Forbes Road to Marine Drive. A pathway separated by a planted boulevard, integrated surface drainage design and parallel on-street parking spaces where space allows have consistently been part of recent residential subdivisions in Ucluelet.

As noted above, the completion of environmental assessment and wetland delineation may require some realignment of the proposed roads.

A consideration to be explored with this development is the appropriate use of public roads versus private lanes. The developers are encouraged to think ahead to the legal structure of individual fee-simple and/or strata lots and how they will connect to municipal services – this can influence where public roads and service mains extend into the property, and the extent of private service connections.

Q. Do Council members have any initial concerns about a road configuration with limited pedestrian facilities and vehicle parking spaces backing onto the roadway?

POLICY ISSUES AND QUESTIONS:

1. Park Land Dedication:

As noted above, the owners of the property have already dedicated the road right-of-way to widen Minato Road and the park land to protect the marine shoreline and stream corridor, as was promised in 2022. The ERIF team are requesting confirmation that no further park dedication will be required for the future development of the site.

Staff generally consider this to be a reasonable request, but note the following:

- If the complete environmental assessment and wetland delineation identifies further sensitive areas that should be protected, park dedication is a stronger conservation tool than a covenant on private property. Such areas might be better protected and maintained long term as additions to the park corridors; and,

- With 250 new homes there should be some consideration of play space. Tugwell Field and the Lions Park are the nearest existing park play spaces. From the corner of Minato Road and Peninsula Road, it is 1.1km to the nearest playground, requiring children and families to cross the highway to access suitable play spaces. A small green space is shown on the site plan; either a strata-maintained play space (with ongoing strata maintenance costs) or public park dedication for a play area should be considered within the proposed new neighbourhood.

Q: Do Council members have any initial concerns with the concept of no additional park land dedication for this development?

2. Construction of Public Trails:

Currently, the property owner has committed to constructing, at their cost, gravel pedestrian trails within the stream corridor and shoreline park areas as part of the development of the property (see covenant sections 2(c), 2(d) and 4 of the covenant in **Appendix C**). Olsen Bay is a very sensitive marine ecosystem, and can be impacted by disturbance as minor as footprints. It is therefore important that appropriate trails or protections be constructed within the park areas before new residents begin to occupy the site, to enable people to experience the landscape (and connect to the Wild Pacific Trail) without inadvertently damaging the environment. The ERIF team are requesting that constructing trails, and the costs, be borne by the municipality.

Q: Do Council members have any initial concerns with the concept of taking on the cost of constructing the trails, and making this a priority capital project so that trails can be completed prior to occupancy of the site by new residents?

3. Peninsula Road 30m Buffer and Further Lot Clearing:

The Ucluelet OCP bylaw includes policy 3.163 which applies to this, and other areas designated for comprehensive development planning:

“Policy 3.163 A 30-metre wide tree buffer with no development must be provided along both sides of the Pacific Rim Highway.”

The intent of this policy has been to maintain a forested entry into the community. Approaching Ucluelet is an experience of traveling through the forest, with glimpses of the surrounding mountains and Olsen Bay, before arriving in town. The proposed development plan would change the experience of how residents and visitors approach and arrive in the community.

The site plan with the 2022 rezoning maintained the 30-m treed buffer adjacent to Peninsula Road (see site plan attached to covenant in **Appendix C**). OCP Policy 3.162 prohibits the wholesale clearing of land on development sites, and points to tree retention as a community priority:

“Policy 3.162 Clear-cutting tracts of land greater than 0.5 hectare is prohibited; habitat protection and tree retention is to guide and form the character of the development.”

The OCP Policy 3.171 further points to tree retention as a priority:

“Policy 3.171 The area on Minato Road north of Peninsula Road is designated for Future Comprehensive Planning. This area is envisioned as a residential community with potential for guest accommodation, with significant tree retention. The shoreline and marine wetlands of Olsen Bay is recognised as having important ecosystem values. No development should approach within 30m of the high water mark of Olsen Bay. A greenbelt should be maintained along stream corridors and the shoreline.”

The site plan provided by ERIF maximizes the number of buildings on the site. To achieve the density shown, the plan proposes the following:

- Clear most of the remaining trees on the site (excluding dedicated park areas);
- Remove the 30m treed buffer adjacent to Peninsula Road;
- Extensive retaining walls and regrading to create areas above potential flood construction level.

The retained trees around the new neighbourhood would effectively be limited to those standing in the park areas.

Q: Do Council have any initial concerns with a proposal to remove a 30-metre treed buffer along Highway 4 and substantial tree clearing throughout the developable lands that would maximize the area for housing construction on the 221 Minato Road site, and which would diverge from OCP Policies 3.162, 3.163 and 3.171 meant to limit the clearing of trees and changes to the public entrance to town?



Figure 1. Aerial photo showing 221 Minato Road and areas cleared by previous owner



Figure 2. Areas of further clearing (tan) per proposed site plan.

4. Highway 4 Speed Reduction:

Watt Consulting has analysed the traffic impacts, access and turning movements for the proposed development. One item noted by the traffic engineers is that the speed limit drops to 50km/h near Minato Road, and with the proposed development it would be beneficial for the safety and comfort of road users to move the transition from 70km/h to 50km/h further west. ERIF has asked if the District would support or make a request to the Ministry of Transportation and Infrastructure to change the speed transition point on the highway.

Staff note that parking on the road edge near the Ancient Cedars trailhead to the Wild Pacific Trail is less than ideal. Reducing the speed limit to 50km/h northwest of that point – perhaps at the corner near the Olsen Bay pump station – could improve the safety and comfort of road users at that point as well. Travel time for a vehicle travelling at 50km/h vs 70km/h over that distance would mean an additional 20 seconds to reach town.

Q: Do Council members support extending the 50km/hr speed zone northwest by approximately 1000m and staff making a request to MoTI in advance of receiving a development application by ERIF.

5. Qualifying Local Renters and Buyers:

The ERIF proposal suggests that the affordable and market rentals shown on proposed Lot 2 would be developed with financing support from BC Housing and CMHC. These programs typically see preferential financing based on a percentage of units to be rented at below-market rates to qualifying households.

The attainable ownership units shown on the proposed Lot 1 are described as below-market ownership units supported by the ERIF Not-for-Profit Housing Association including a 5% vendor take-back loan to help with down payments. The proponents have described the sale of these units and the qualification of buyers would be handled by the ERIF association and RE/Max. Typical with non-market housing agreements, qualifying buyers and monitoring housing agreements is done by a third party – either a housing authority or non-profit housing organization experienced in property management. The S.219 covenant provided by the owners for the 2022 rezoning committed to entering into Housing Agreements and covenants to ensure the affordability and qualification criteria of buyers. This is typical with non-market housing; a recent example is the Lot 13 development where housing agreements specify that qualified buyers cannot own other property, must fall within the agreed income levels and must have been a resident of the west coast for an agreed-to period of time.

Q: Do Council members expect that if a zoning amendment and other approvals are granted, the affordable and/or attainable housing units would need to be ensured through housing agreements and covenants that are administered and monitored by the municipality or an experienced qualified third-party?

6. Commercial Component:

The ERIF proposal includes a 1,200m² commercial building right at the corner of Minato Road. The building site would be within the 30m buffer discussed above. That area of the site is also shown as “parks and open space” on the OCP Schedule A Long-Range Land-Use Plan. Schedule A shows the balance of the property as a mix of single-family and multi-family residential. Nearby properties to the southeast on Peninsula Road have commercial designations.

Q: Do Council members have any initial concerns with the concept of extending a commercial designation to the area on the corner of Minato Road?

7. Vacation Rentals:

A number of recent rezonings for housing developments have proposed components of tourist accommodation, but these have consistently failed to gain Council support as the community prioritizes housing. The prior designation of the property at 221 Minato included tourist commercial (in alignment with the former campground zoning on a portion of the property). Since 2022 the zoning and OCP designations on the property have been for residential uses only.

The ERIF proposal shows short-term vacation rentals as a component for the 10 waterfront market homes on Proposed Lot 3 and 29 of the units on proposed Lot 5. The ERIF team have indicated the need for the short-term vacation option to off-set the costs of developing affordable housing. The 2022 rezoning proposal for 221 Minato initially included short-term rentals as a proposed use in 47 of the units - but that component was not supported by Council and was removed from the proposal to focus the development on housing.

Q: Do Council members have any initial concerns over a component of short-term vacation rentals in the current proposal at 221 Minato Road?

8. Temporary Use Permit:

ERIF has enquired if a TUP would be possible to situate a temporary manufacturing site on the phase 5 portion of the development to facilitate the construction process. No details have been provided at this time.

Q: Subject to meeting environmental and servicing requirements, and subject to public comment, do Council members have any initial concerns with the concept of a temporary manufacturing facility on the eastern portion of the site?

NEXT STEPS:

- To keep moving on their desired timeline, in the coming days ERIF will need to submit a complete application for rezoning and environmental development permit:
 - a. These would set the stage for the subsequent applications for subdivision and further development permits for the proposed multi-family building sites. Those

applications can follow at a point when there is confidence in the alignment of parcel boundaries, roads and services.

- b. The applicant will need to provide a complete set of [application materials](#) and fees as one package.
 - c. The application will need to include a statement of the housing mix and the levels of affordability, addressing [OCP](#) policy 3.143 and 3.134
 - d. The application should include an updated environmental assessment and archaeological assessment: if these are not available yet, at least submit statements from the consultants confirming their engagement, process and timing.
- First stage of approvals (timing dependent of submissions of complete application materials) would include the following authorized by Council:
 - e. Consider OCP amendment bylaw;
 - f. Consider Zoning amendment bylaw;
 - g. Consider Housing Agreement bylaw;
 - h. Consider Phased Development Agreement Bylaw;
 - i. Public Hearing (OCP amendment, rezoning, housing agreement and phased development agreement bylaws)
 - j. Amend or replace the restrictive covenant on the property title;
 - k. Adopt bylaws
 - l. Issue environmental DP to enable subdivision and site works;
 - m. Authorize municipal off-site infrastructure works;
 - Subsequent applications (some may progress concurrently with the above - timing will depend on the developer's decisions and their consultants' timing to provide the required plans and analyses):
 - k. Subdivision - Preliminary Layout Assessment
 - l. Final Subdivision
 - m. Development Permit(s) for individual multi-family and commercial sites
 - n. Building Permit applications for each structure

Council discussion on the questions above will assist staff and the ERIF team in gauging the degree of comfort with the direction indicated by the preliminary details of the development, as the proponent finalizes their plans. Staff look forward to seeing more details on the ERIF proposal and

continuing to work through the development approvals process to see a housing development take shape on the site that meets the community needs and expectations.

Respectfully submitted: **Bruce Greig, Director of Community Planning**
Duane Lawrence, Chief Administrative Officer

SITE PLAN



Preliminary Discussion - 221 Minato Road (ERIF) Bruce Greig, Director of...



MINATO ROAD PROPERTIES 221 MINATO ROAD, UCLUELET | 2024-08-29



PROPOSED SUBDIVISION

Subdivision Lots

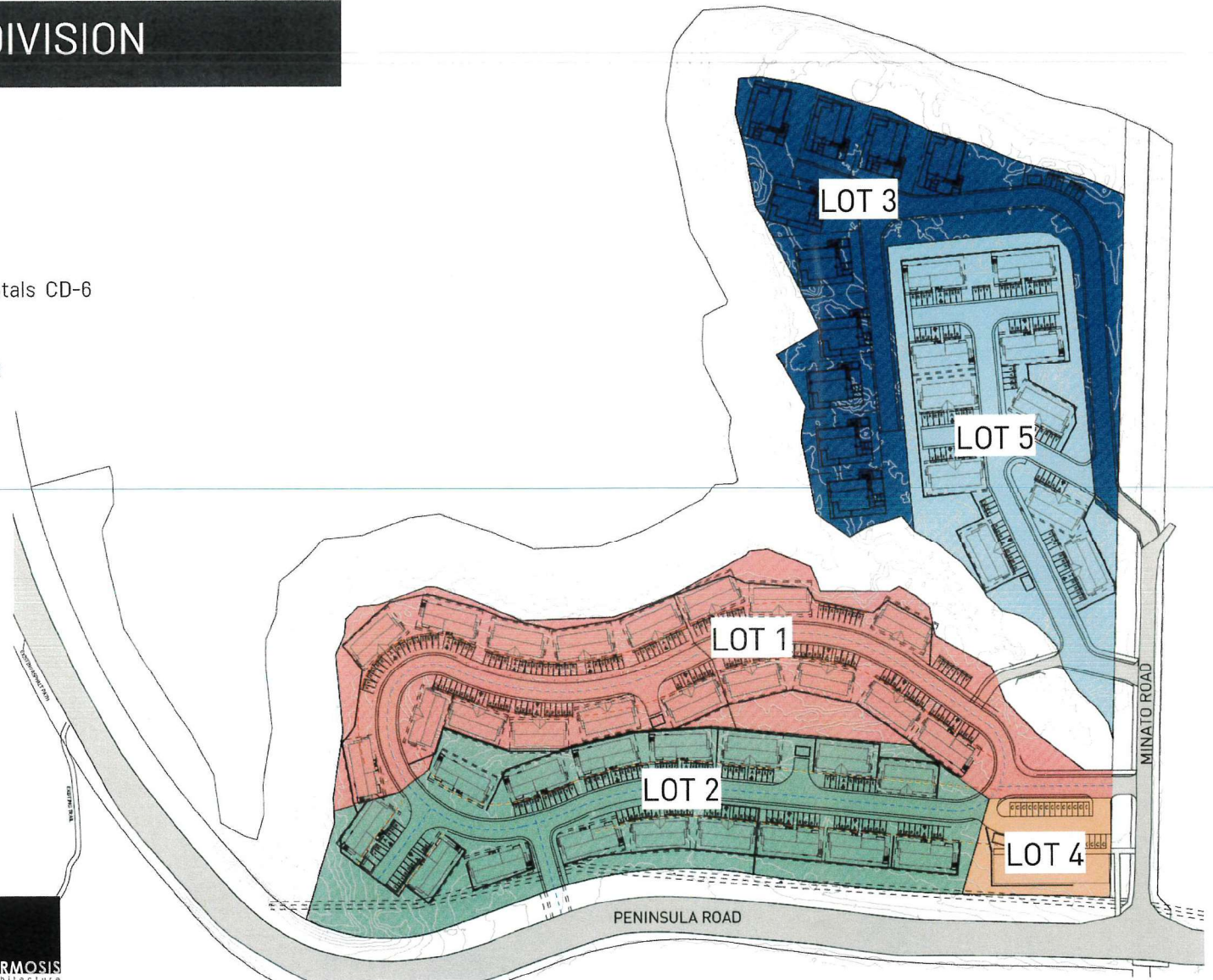
- LOT 1: Below-Market Sales CD-6
- LOT 2: Affordable Rentals 30% & Market Rentals CD-6
- LOT 3: Ten Waterfront Homes CD-6
- LOT 4: Small Business & Retail Precinct CS2
- LOT 5: Market Apartments CD-6

Incorporating Updates to:

- Official Community Plan
- By Law Update CD-6
- Rezone Lot 4 as CS2
- Site Covenant Restrictions

With Agreement for:

- Licence of Occupation for Bridge
- Subdivision Approval
- Phased Development Plan
- Strata Title for Lot 1 and Lot 5



PROJECT DATA

PROJECT DATA															
	Buildings	Studio	1 Bed	2 Bed	3 Bed	4 Bed	Total Suites	Total Gross Floor Area (m ²)	Parking Req'd	Visitors Req'd	Total Parking Req'd	Parking Provided	Visitors Provided	Accessible Provided	Total Parking Provided
South Site															
Lot 1 Stage 1 Attainable	7	0	2	13	14		29	1,444 m ²	29	6	35	29	5	5	39
Lot 1 Stage 2 Attainable	11	0	4	20	22		46	2,261 m ²	46	10	56	42	12	5	59
Lot 2 Stage 1 Housing	6	12	6	21	0		39	1,197 m ²	39	8	47	62	11	9	82
Lot 2 Stage 2 Housing	10	20	16	32	0		68	1,938 m ²	68	14	82	42	10	5	57
Lot 4 Commercial	1						1	1,200 m ²	30		30	27		2	29
Sub-Totals	35	32	28	86	36		182	8,040 m²	212	38	250	202	38	26	266
North Site															
Lot 5 Market Rentals	10	14	8	30	6		58	2,014 m ²	58	12	70	62	12	10	84
Lot 3 Waterfront Home Lots	10					10	10	3,500 m ²	40	8	48	40	8		48
Sub-Totals	20	14	8	30	6	10	68	5,514 m²	98	20	118	102	20	10	132
Totals	55	46	36	116	42	10	250	13,554 m²	310	58	368	304	58	36	398
		[18%]	[14%]	[46%]	[17%]	[4%]									

ATTAINABLE HOME SALES

Lot 1 Stage 2: Eagle 1/3
Strata Attainable Sales

46 Apartments - Sales

UNITS	No.
Multiplexes	11
1 Bedroom	4
2 Bedroom	20
3 Bedroom	22
Adaptable Studios	22
Parking	78

Lot 1 Stage 1: Eagle 1/3
Strata Attainable Sales

29 Apartments - Sales

UNITS	No.
Multiplexes	7
1 Bedroom	2
2 Bedroom	13
3 Bedroom	14
Adaptable Studios	14
Parking	63

AFFORDABLE RENTALS: 30%

Lot 2 Stage 1: Eagles 1.1/3.1
30% Affordable Rental

39 Apartments - Rent

UNITS	No.
Multiplexes	6
1 Bedroom	18
2 Bedroom	21
3 Bedroom	0
Adaptable Studios	0
Parking	39

Lot 2 Stage 2: Eagle 1.1/3.1
30% Affordable Rental

68 Apartments - Rent

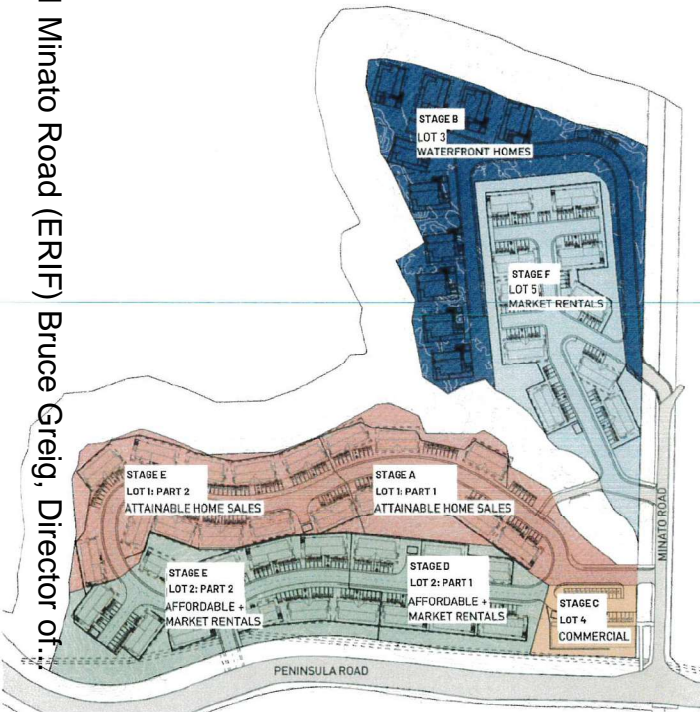
UNITS	No.
Multiplexes	10
1 Bedroom	32
2 Bedroom	24
3 Bedroom	0
Adaptable Studios	0
Parking	59



221 MINATO ROAD, UCLUELET | 2024-08-29



PHASED DEVELOPMENT PLAN



Stages	Built Form & Type	Title & Conditions
Stage A	LOT 1: PART 1 <ul style="list-style-type: none"> Attainable Home Sales - Below-Market Homeownership 7 Multiplex Buildings 29 Keys 2 x 1-bedroom 13 x 2-bedroom 14 x 3-bedroom 	<ul style="list-style-type: none"> Sales Strata Titled Six Eagle 1 & Three Eagle 3 Note: Studios not to be separated in count as will be strata titled and sold in 3-bedroom apartments. Note: 3-bedroom apartments include a studio apartment. Studio apartments available for long-term rental.
Stage B Concurrent with Stage A	LOT 3: Waterfront Homes <ul style="list-style-type: none"> 10 x Waterfront Family Home 	<ul style="list-style-type: none"> Fee Simple Subdivision (Home Association) Designed with option for intergenerational living with self-contained studio available for long-term and or short-term rentals. CONDITION: Stage A construction concurrent with Stage B.
Stage C	LOT 4: Commercial Precinct <ul style="list-style-type: none"> 600m2 Ground Floor Retail - Cafe, Store, Etc. 600m2 Upper Floor Offices 	<ul style="list-style-type: none"> Held in one line. NOTE: Phase D and E may be brought forward if government funding available and demand for rentals and sales is fully taken up.
Stage D	LOT 2 - PART 1: <ul style="list-style-type: none"> Affordable Rentals - 30% of Keys Market Rentals 6 Multiplex Buildings. 39 Keys. 18-bedroom 21 x 2-bedroom. 	<ul style="list-style-type: none"> Held in one line. CONDITION: Subject to government funding and approval timing. Three Eagle 1 & Two Eagle 2 (Same floor plan but may be adaptably leased as 2-bedroom plus separate studio - not as a 3-bedroom).
Stage E	LOT 1: PART 2 <ul style="list-style-type: none"> Attainable Home Sales - Below-Market Homeownership 11 Multiplex Buildings 46 Keys 4 x 1-bedroom 20 x 2-bedroom 22 x 3-bedroom Note: 3-bedroom apartments include a studio apartment. Studio apartments available for long-term rental. LOT 2 - PART 2: <ul style="list-style-type: none"> Affordable Rentals - 30% of Keys Market Rentals 10 Multiplex Buildings. 68 Keys 32 x 1-bedroom 24 x 2-bedroom 	LOT 1: PART 2 - Sales Strata Titled <ul style="list-style-type: none"> Nine Eagle 1 & Two Eagle 3 Note: Studios not to be separated in count as will be strata titled and sold in 3-bedroom apartments. Note: 3-bedroom apartments include a studio apartment. Studio apartments available for long-term rental. CONDITION: Subject to and commencing after Attainable Homes in Lot 1 Part 1 are sold out. LOT 2 - PART 2 <ul style="list-style-type: none"> Held in one line. CONDITION: Subject to government funding and commencing when grant funding received and Lot 2: Part 1 fully leased. (Same floor plan but may be adaptably leased as 2-bedroom plus separate studio - not as a 3-bedroom)
Stage F	LOT 4: Market Apartments: <ul style="list-style-type: none"> Market rentals and sales. 10 multiplex buildings. 58 Keys. 22 x 1-bedroom 30 x 2-bedroom 6 x 3-bedroom 	<ul style="list-style-type: none"> Strata Titled Apartments for long-term and short term vacation rentals.



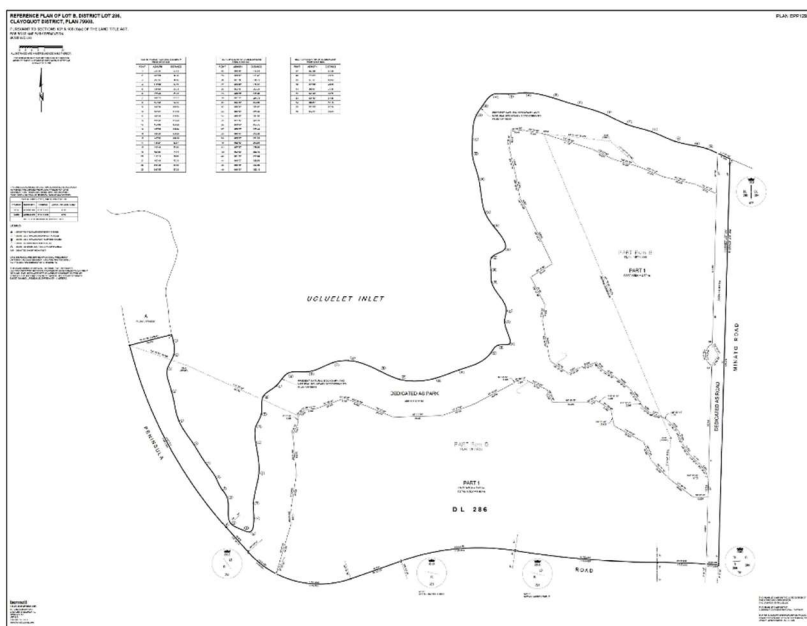
221 MINATO ROAD, UCLUELET | 2024-08-29



PAST APPLICATIONS:

A number of steps toward development have occurred in recent years on the property at 221 Minato Road:

- 2017: rezoning application for campground and guest house (later withdrawn)
- 2017: previous owners cleared much of the site (without first obtaining a development permit)
- 2018: new zoning application for campground and guest house uses
- 2019: DP issued for restoration of riparian areas
- 2020: rezoning bylaw No. 1244 adopted
- 2020: DP issued for subdivision (to create campground parcel and guest house parcel). Subdivision not completed by owners.
- 2022: Change of ownership – rezoning application for 212 housing units; bylaw No. 1312 adopted January, 2023. S.219 covenant registered by owners to ensure commitments (see **Appendix C**).
- 2023: owners submit survey plan for dedication of park and road (as proposed with the rezoning of the property). Expansion of the Minato Road alignment, shoreline and stream park corridors are now transferred to the District.
- 2023: the District Group submits incomplete rezoning and subdivision applications for the property, with authorization from the current owners.
- 2024: the District Group applications are withdrawn.
- 2024: Licence of Occupation granted to the current owners of the property to allow continued use of the existing bridge spanning the stream (park) corridor.



Survey plan of park and road dedication

TERMS OF INSTRUMENT – PART 2

COVENANT (Section 219 *Land Title Act*)

THIS COVENANT dated for reference the ___ day of _____, 2022 is

BETWEEN:

MINATO DEVELOPMENT CORP. (BC1281485)

2842 – 140 Street
Surrey BC V4P 2H9

(the “Grantor”)

AND:

DISTRICT OF UCLUELET

Box 999
200 Main Street
Ucluelet BC V0R 3A0

(the “District”)

WHEREAS:

- A. The Grantor is the registered owner of land located at 221 Minato Road in Ucluelet, British Columbia and more particularly described as:

PID: 026-487-764
Lot B District Lot 286 Clayoquot District Plan VIP79908

(the “Land”);

- B. Section 219 of the *Land Title Act* permits the registration of a covenant of a negative or positive nature in favour of the District, in respect of the use of land or buildings, or the building on land;
- C. The Grantor has applied to the District for a rezoning of the Land to permit the development of housing on the Land, and in connection with the Grantor’s application for rezoning the Grantor has offered grant this Covenant to the District;
- D. The Grantor wishes to grant this Covenant to the District to confirm it will not subdivide or develop the Land except generally in accordance with the development plan prepared in conjunction with the Grantor’s rezoning application and presented to the District Council and the public in connection with the application;

THIS COVENANT is evidence that in consideration of the payment of TWO DOLLARS (\$2.00) by the District to the Grantor, and other good and valuable consideration (the receipt and sufficiency of which are acknowledged by the parties), the Grantor covenants and agrees with the District, in accordance with section 219 of the *Land Title Act*, as follows:

Definitions

1. In this Covenant:

- (a) "Affordable Housing Units" means any of the housing units with price, occupancy or tenure restrictions in accordance with the Housing Agreements;
- (b) "Development Plan" means the drawing attached to this Agreement as Schedule A;
- (c) "Director" means the District's Director of Community Planning;
- (d) "Housing Agreements" means, collectively, the housing agreements and covenants to be registered in respect of housing units under s. 4 of this Agreement;
- (e) "Median Income" means the current median annual household income for all Ucluelet households, as published by Statistics Canada.

Restrictions on Use, Subdivision and Development of the Land

2. The Grantor will not alter, subdivide or develop the Land for any purpose, and although nothing in this covenant affects or limits the Grantor's right to apply for a subdivision or any permit from the District in relation to the Land, neither the District nor its approving officer shall be obliged to approve any alteration, subdivision or development of the Land, until and unless the Grantor has complied with all of the following conditions and requirements:

- (a) Before March 1st, 2023, or such later date as the District may agree to in its sole discretion, the Grantor must dedicate as park the areas shown outlined in black and labelled P-1 on the Development Plan, and must dedicate as road the area shown hatched and labelled "Road Dedication" and "Future Parking Area" on the Development Plan.
- (b) The Grantor must provide all of the following, in writing, to the District:
 - (i) an archaeological assessment of the site and the proposed development with recommendations for any mitigation measures, design changes and/or permitting requirements to protect archaeological and cultural resources;
 - (ii) an assessment by a Qualified Environmental Professional (QEP) of the ecological resources of the Lands and surrounding ecosystem, with recommendations for how the proposed development can avoid and/or mitigate impacts on terrestrial and marine ecosystems or enhance the existing ecological function of the site;
 - (iii) grading and rainwater management plans for the proposed development of the Lands (incorporating the recommendations of the QEP and landscape plans for the proposed development);
 - (iv) engineering analysis and design for safe vehicular and pedestrian access to the proposed residential development on the Lands in a location and configuration to the satisfaction of both the District and BC Ministry of Transportation and Infrastructure;

- (v) engineering analysis and design of off-site works and services required to ensure that District infrastructure will accommodate the impact of the proposed development on the Lands, including water, sanitary, roads and pathways;
 - (vi) proposed phasing and servicing plans, identifying thresholds for when infrastructure upgrades (including road access, water, sewer) would be necessary before additional housing units are constructed;
 - (vii) proposed layout and approach to subdivision (including all proposed elements of fee-simple, bare land strata, or building stratas) identifying proposed property boundaries and the location and extent of public and private infrastructure, facilities, roads, pathways, parks, open space, etc.;
 - (viii) more detailed plans for proposed road and open space design including plans for public / shared recreation and play infrastructure;
 - (ix) description of proposed green building measures including electrical vehicle charging at all units;
 - (x) engineering analysis of all aspects of the proposed development on the Lands located in areas identified as subject to tsunami flood hazard, according to District of Ucluelet Tsunami Risk Tolerance Interim Policy 8-5280-1.
- (c) The Grantor must provide to the District, and receive the Director's approval of, a detailed plan for the construction of gravel-surfaced pedestrian trails, viewing platforms, and associated infrastructure, to the District's Wild Pacific Trail standards, in the approximate alignment shown on the Development Plan (the "Trail Plan").
- (d) The Trail Plan must:
- (i) specify trail alignments that achieve the following objectives:
 - A. minimize impact on the natural environment
 - B. minimize pedestrian encroachment into the salt marsh and intertidal areas;
 - C. minimize tree removal;
 - D. maximize the experience by trail users;
 - E. fit the character of the existing municipal trail network;
 - (ii) include stairs, bridges, boardwalks, ramps, railings and other similar trail structures as reasonably necessary to achieve the above-noted objectives;
 - (iii) include view platform designs that are of a scale and quantity to allow future residents and trail users to enjoy the views (minimum 800 square feet, in two separate platforms);
 - (iv) include archaeological and environmental assessment and oversight as necessary during construction.

- (e) The Grantor must grant to the District and register on title to the Land, a housing agreement (or agreements) under s. 483 of the *Local Government Act* and a restrictive covenant (or covenants) under s. 219 of the *Land Title Act*, all to the satisfaction of the Director, to ensure the following:
 - (i) At least ten rental housing units with rental rates restricted to ensure affordability for households earning a maximum of 80% of Median Income, with the following unit mix: four units with one bedroom, four units with two bedrooms, and two units with three bedrooms;
 - (ii) At least 88 rental housing units with rental rates restricted to ensure affordability for households earning between 80% and 100% of Median Income, with the following unit mix: 40% of the units with one bedroom, 40% of the units with two bedrooms, and 20% of the units with three bedrooms;
 - (iii) At least 67 houses or townhouses with rental or sale prices restricted to be affordable for households earning up to 130% of median income, with a mix of unit sizes.

and the Director may require the Grantor to include in the Housing Agreements additional terms and conditions respecting the timing and phasing of any development of the Lands, to ensure construction and occupancy of any Affordable Housing Units is reasonably proportionate to the subdivision of lots and/or issuance of building permits for other residential uses on the Lands and without limiting the Director's discretion under this section, the Grantor agrees that Affordable Housing Units must comprise at least 65% of housing units constructed in the first phase of development of the Lands.

- 3. If the Grantor wishes to construct a bridge in the area to be dedicated as park but marked "Licence of Occupation Area" the Grantor must first request from the District a licence for that purpose, and the District will grant the licence provided it requires the Grantor to maintain liability insurance in an amount satisfactory to the Director, acting reasonably, and to indemnify the District against any claims that might be made against the District as a result of the existence or use of the bridge, and provided further that the Grantor agrees to construct and operate the bridge in a manner that causes no disruption or minimal disruption to the public use of and right to pass through the dedicated park.
- 4. Despite any construction that may have been authorized after the Grantor has fulfilled its obligations under section 2 of this Agreement, the use or occupancy of any building on the Land is further restricted as follows:
 - (a) No building on the Land shall be used or occupied until and unless the Grantor has completed the construction of the portion of trail in the area labeled T-1 in the Development Plan, in accordance with the Trail Plan;
 - (b) No building on the areas of the Land labeled B, C and D on the Development Plan shall be used or occupied until and unless the Grantor has completed the construction of the portion of trail in the area labeled T-2 in the Development Plan, in accordance with the Trail Plan;

- (c) No building on the areas of the Land labeled E, F or G on the Development Plan shall be used or occupied until and unless the Grantor has completed the construction of the portion of trail in the area labeled T-3 on the Development Plan, in accordance with the Trail Plan.

Inspections

- 5. The District and any of its officers and employees may enter on the Land at all reasonable times, to inspect the Land for the purpose of ascertaining compliance with this Covenant.

Amendment

- 6. This Covenant may be altered or amended only by an agreement in writing signed by the parties.

No Public Law Duty

- 7. Whenever in this Covenant the District is required or entitled to exercise any discretion in the granting of consent or approval, or is entitled to make any determination, take any action or exercise any contractual right or remedy, the District may do so in accordance with the contractual provisions of this Covenant only and will not be bound by any public law duty, whether arising from the principles of procedural fairness or the rules of natural justice or otherwise.

No Obligations on District

- 8. The rights given to the District by this Covenant are permissive only and nothing in this Covenant:
 - (a) imposes any duty of care or other legal duty of any kind on the District to the Grantor or to anyone else;
 - (b) obliges the District to enforce this Covenant, which is a policy matter within the sole discretion of the District; or
 - (c) obliges the District to perform any act, or to incur any expense for any of the purposes set out in this Covenant.

No Effect on Laws or Powers

- 9. This Covenant does not,
 - (a) affect or limit the discretion, rights or powers of the District under any enactment or at common law, including in relation to the use or subdivision of the Land;
 - (b) affect or limit any law or enactment relating to the use or subdivision of the Land; or
 - (c) relieve the Grantor from complying with any law or enactment, including in relation to the use or subdivision of the Land.

District's Right to Equitable Relief



REPORT TO COUNCIL

Council Meeting: September 24, 2024
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: DUANE LAWRENCE, CAO

FILE NO: 6750-20

SUBJECT: CHAMBER OF COMMERCE ECONOMIC DEVELOPMENT INITIATIVE

REPORT NO: 24-93

ATTACHMENT(S): APPENDIX A - COMMUNITY ECONOMIC DEVELOPMENT – CAPACITY BUILDING

RECOMMENDATION(S):

THAT Council direct staff to provide a letter of support for the Chamber of Commerce 2024 Rural Economic Diversification and Infrastructure Program grant application in support of a Community Economic Development Capacity Building project;

THAT Council direct staff to allocate \$35,000 to the Chamber of Commerce in support of the Community Economic Development Capacity Building project for 2024; and,

THAT Council direct staff to include for consideration an allocation of \$35,000 in the 2025 and 2026 budgets for the development of an economic development agreement with the Chamber of Commerce.

BACKGROUND:

The Chamber of Commerce first made a request for financial support to Council in September of 2023 in the amount of \$35,000. The request was to support an application to the Rural Economic Diversification and Infrastructure Program (REDIP) for a two-year project with the broad goals of developing an ongoing system of data collection and analysis with the intent of identifying resiliency, sustainability, and recovery strategies for local businesses affected by significant business disruptions.

Council supported providing the funding contingent on the success of the Chambers grant application. The District was advised in February of 2024 that the grant application was unsuccessful. The Chamber was advised that in order for Council to consider providing the funding an updated request would be required outlining the intended purpose of the available funds and how those funds would be utilized.

At the September 3, 2024, regular meeting, the Chamber presented an updated proposal to develop a Ucluelet Economic Development Capacity Building initiative. In general terms, the intent of the Chamber's program is to work collaboratively with local and regional stakeholders, support the Chamber Economic Development Committee, develop a sustainability model, collect key data

points from local business, apply for a REDIP grant to hire a coordinator, and work towards building capacity for sustainable Economic Development in Ucluelet and neighbouring communities.

The proposal requests the allocation of \$35,000 from the District to fund activities between April 2024 and March of 2025. The Chamber is also requesting Council give consideration to an additional \$35,000 to support this initiative for 2025/2026 and 2026/2027 with a total 3-year allocation of \$105,000.

ANALYSIS OF OPTIONS

Council supported the allocation of \$35,000 in 2024 to the Chamber’s REDIP application to develop an economic resiliency strategy. The current proposal expands on the original program and is working towards enhancing economic development in Ucluelet and the region. These funds remain unallocated at this time and are available to support this initiative.

The District has allocated \$25,000 towards economic development through the Chamber of Commerce within the annual budget prior to 2023. This allocation was not utilized in 2023. As noted previously \$35,000 was allocated in 2024 to support the Chamber of Commerce request for grant matching funds. The existing \$35,000 has been included in the budget and is funded.

As the District does not have an economic development program there is significant potential benefits to working with the Chamber to advance economic development opportunities in Ucluelet. Any partnership and funding allocation should be linked to key performance indicators agreed to by both parties in order to ensure funding supports the goals and objectives of Council. Including key performance indicators in an agreement would provide a level of accountability for the allocation of any funds. The Chamber, within their proposal, has indicated several milestones and KPI’s that could be included in an agreement.

The Chamber also requested a letter of support for an application to the 2024 Rural Economic Diversification and Infrastructure Program grant application in support of a Community Economic Development Capacity Building project. Providing a letter of support would show support for the initiative.

A	Support the 2024 request, consider future funding requests as part of the budget process, and authorize the letter of support	<u>Pros</u>	<ul style="list-style-type: none"> • Supports the economic development program as presented by the Chamber. • Furthers Council’s economic development goals and objectives through a partnership with the Chamber of Commerce. • Future allocation of funds can be considered in the greater context of the entire municipal budget process.
		<u>Cons</u>	<ul style="list-style-type: none"> • Allocated funding would not be available for other municipal priority projects and initiatives
		<u>Implications</u>	<ul style="list-style-type: none"> • \$35,000 would be provided to the Chamber of Commerce.

B	Support the full request	<u>Pros</u>	<ul style="list-style-type: none"> Partnering with the Chamber allows the District to work collaboratively on the furtherance of both the Districts and Chamber’s economic development goals and objectives. Longer term funding is more likely to yield positive outcomes.
		<u>Cons</u>	<ul style="list-style-type: none"> Funding allocation for 2025 and 2026 would not be considered in the greater context of the municipal budget.
		<u>Implications</u>	<ul style="list-style-type: none"> Allocation of \$105,000 over three years \$35,000 has been allocated and requisitioned through property taxes in 2024. The 5-year financial plan would need to be adjusted to include the \$35,000 in 2025 and 2026. Staff time to facilitate the partnership estimated at 30 – 50 hours annually.
		<u>Suggested Motion</u>	<p>THAT Council direct staff to provide a letter of support for the Chamber of Commerce 2024 Rural Economic Diversification and Infrastructure Program grant application in support of a Community Economic Development Capacity Building project.</p> <p>THAT Council direct staff to allocate \$35,000 to the Chamber of Commerce in support of the Community Economic Development Capacity Building project annually for 2024, 2025, and 2026 totaling \$105,000 over three years; and,</p> <p>THAT Council direct staff to include an allocation of \$35,000 annually within the 2025 – 2029 financial plan for economic development.</p>
C	Do not fund the request	<u>Pros</u>	<ul style="list-style-type: none"> Existing funds could be re-allocated to other municipal priorities
		<u>Cons</u>	<ul style="list-style-type: none"> Partnership between the Chamber and District would not be developed.
		<u>Implications</u>	<ul style="list-style-type: none"> \$35,000 within the 2024 budget would be available for other priorities.
		<u>Suggested Motion</u>	No motion is required.

NEXT STEPS

- Develop a partnering agreement between the Chamber of Commerce and the District of Ucluelet.

Respectfully submitted: Duane Lawrence, CAO

COMMUNITY ECONOMIC DEVELOPMENT – CAPACITY BUILDING
Ucluelet Economic Development Strategy (Readiness, Recovery & Resilience)

As presented to District of Ucluelet (Mayor & Council) on Sept 26/2023 and subsequently approved by Council to budget funding in the amount of \$35,000 (fee for service) to the Ucluelet Chamber of Commerce to support the Ucluelet Economic Development – Capacity Building initiative.

PHASE ONE – Scope of Work (Jan 2024 – Mar 2025)

1. Collaborate with local rightsholders & stakeholders and develop an Economic Development Committee (EDC) of local business & workforce representatives from District of Ucluelet, Yuułu?ił?ath First Nation, and Toquaht First Nations, AlberniClayoquot Regional District (Area C – Long Beach) who will meet regularly to share information and discuss sustainable Economic Development... starting with a SWOT analysis (strengths, weakness, opportunities and threats).
2. Provide administrative services to the Economic Development Committee, schedule and record monthly meetings, establish meeting agendas, follow up on action items and provide for discussion and opportunity for collaboration.
3. Develop a ‘sustainability model’ (key performance indicators) and collect data to measure & monitor fluctuations, provide a measuring tool to gauge the success of alignment strategies. The sustainability benchmarks/factors will be determined and adjusted annually by the working group. This ‘tool’ will be used by rural & remote communities to measure success how to overcome the challenges and achieve the balance between business/sectoral performance and workforce supply & demand.
4. Work with District of Ucluelet staff to revise current business application form to include KPI’s questionnaire. The information would be collected annually as businesses renew their licences and the data collected would become available to the Ucluelet Chamber of Commerce for further tracking & analysis.
5. Business license questionnaire to align with this initiative, to include data under the 4 pillars (Business, Workforce, Skills/Ed, Leadership) criteria as determined by the Working Group, with socio-economic related issues such as housing, childcare & transportation needs.
6. Reporting regularly on progress of EDC and its work with Ucluelet Chamber of Commerce Board of Directors and its partners.
7. Ucluelet Chamber of Commerce will apply for a REDIP grant to hire a coordinator for the period of 2 years to provide administrative support to the Economic Development Committee, administer data collection/review and report to the project partners.
8. Ucluelet Chamber of Commerce intends to work with its partners to further the goals and objectives, building capacity for sustainable Economic Development for Ucluelet and its neighbouring communities.

COMMUNITY ECONOMIC DEVELOPMENT – CAPACITY BUILDING
 Ucluelet Economic Development Strategy (Readiness, Recovery & Resilience)

PROJECT TITLE: COMMUNITY ECONOMIC DEVELOPMENT – CAPACITY BUILDING
 Ucluelet Economic Development Strategy (Readiness, Recovery & Resilience)

PHASE ONE: Ucluelet Economic Development - Partnership Agreement & Workplan

Timeframe: Jan 2024 -Apr 2025

Funding Sources: District of Ucluelet (\$35,000)
 Ucluelet Chamber of Commerce (\$24000)

ECONOMIC DEVELOPMENT PROJECT - PHASE ONE

(Apr 2024-Mar 2025)	Details	# of hrs	Costs	%
Consulting & Professional				
Administrative Costs	Project Management (Chamber)	500	\$20,000	34%
	Project Coordination & Admin (Contractor)	600	\$24,000	41%
	Database design & model (Contractor)	350	\$14,000	24%
	Meetings (facility - in kind)		\$500	1%
	Office (computer software/equip/supplies)		\$500	1%
EC DEV PROJECT - PHASE ONE	TOTAL ADMIN/PROFESSIONAL		\$59,000	100%

EC DEV PROJECT - REVENUE SOURCES				
	Distict of Ucluelet		\$35,000	59%
	Ucluelet Chamber of Commerce		\$24,000	41%
	TOTAL PROJECT REVENUE SOURCES		\$59,000	100%

2024-2025 EC DEV WORKPLAN					
TIMELINE	ACTIVITY	WHO	STATUS	Milestones	Status
Apr to Jun 2024	Create Community Ec Dev Committee	UCOC	complete	Establish Ec Dev Committee	complete
	Develop & organize function (roles/responsibilities & terms of reference)	UCOC	complete		
	Engage Ec Dev participation	UCOC	WIP	Key performance indicators (measurable KPI's) database design	WIP
	Plan, Host & record EDC meetings	UCOC	WIP		
	Community Ec Dev Strategy Framework	UCOC	WIP		
	sectoral business reps		confirmed	REDIP #3 - grant proposal 2 yr Ec Dev project (Jun 2025- Jul 2027)	WIP
	Dist of Ucluelet staff		confirmed		
	Clayoquot Biosphere Trust		confirmed		
	Community Futures		confirmed		
	Ucluelet First Nation		confirmed		
Toquaht First Nation		unconfirmed			
Ucluelet Secondary School		unconfirmed			
Workforce - AVEC		confirmed			
Workforce - NETP		unconfirmed			
Tourism Ucluelet		confirmed			
July to Dec 2024	Hire part time Ec Dev contractor	UCOC	WIP		
	develop a set of indicators				
	develop FN Ec Dev protocols (include grandmother perspective)	EDC	WIP		
	develop protocols & prepare database	EDC	WIP		
July 1 to Oct 2024	develop survey for DoU Bus Lic form amend DoU bus lic form	EDC	WIP		
	Apply for REDIP #3 grant 2 yr grant for Ec Dev Capacity	UCOC	WIP		
January to April 2025	EDC Contractor to work with DoU staff present draft bus lic form for approval review information exchange protocols test database with new bus lic form	EDC	WIP		

COMMUNITY ECONOMIC DEVELOPMENT – CAPACITY BUILDING
 Ucluelet Economic Development Strategy (Readiness, Recovery & Resilience)

PHASE TWO – Proposed Economic Development Strategy (2026 & 2027)

Applicant Ucluelet Chamber of Commerce
Project Title Ucluelet Economic Development Strategy - Readiness, Recovery & Resilience

3 Year Workplan					Capacity building for diversified & sustainable economies in rural & remote communities key measurable checkpoints of the project	
4 Pillars in Capacity Building (Employers, Workforce, Skills/Education, Leadership)		2024-25	2025-26	2026-27		
GOALS	INPUTS (Activities)	YEAR 1	YEAR 2	YEAR 3	MILESTONES (Key check points)	STATUS
1 To assist & support the revitalization of an economy to increase resiliency & sustained growth in the community of Ucluelet	Establish & maintain an Economic Development Committee of volunteers, a community-based working group of rightsholders & stakeholders - aligning Economic Development Strategies	yr 1	yr 2	yr 3	YR 1 -Ucluelet Economic Development Committee - established as a functioning working group that advises on Economic issues/concerns and reviews on Ec Dev initiatives	complete December 2023
To update Ucluelet Economic Development Strategy annually	Attain a 3 year service agreement with the District of Ucluelet to deliver a sustainable Economic Development Program	yr 1			Sustainable EC DEV planning & priorities	complete July 2024
2 To be able to measure and monitor EC Dev performance fluctuations annually & develop mitigation strategies to respond to those impacts	Design, develop, a database with ongoing review of Community based indicators for the purpose of measuring cause & effect of social economic impacts & develop response strategies to mitigate negative impacts	yr 1	yr 2	yr 3	Business Continuity, Resilience Strategies through Economic Diversification	to be completed by March 31 2025
3 Hire EC DEV Coordinator to provide admin & facilitate EC DEV project	To facilitate the work of the Ucluelet Economic Development Committee and facilitate intra community relations		yr 2	yr 3	REDIP grant - Capacity Building 2025-27	REDIP #3
4 To recognise and build capacity in our socio/economic interdependencies and capacities with neighboring FN communities	Collaborate with local First Nation representative and identify their interpretation of the 'Grandmother's Perspective' to determine common goals & objectives and possible partnerships.	yr 1	yr 2	yr 3	Intra & Inter Community Relationship Building - CBT key performance indicators (KPI)	REDIP #3
	Develop with neighboring communities a Communications Protocol to allow for alignment and collaboration on Ec Dev strategies and initiatives		yr 2	yr 3	Communications Protocol,	REDIP #3
5 To understand current values within the 4 Pillars of Ec Development with our rural & remote community	Needs Assessment & Gap Analysis, Action Plan - 4 Pillars (Employers, Workforce, Skills/Ed, Leadership)		yr 2	yr 3	Economic Stabilization - Impact Resilience & Recovery Strategy	REDIP #3
	Align Ec Dev Strategies with neighboring communities & determine partnership possibilities		yr 2	yr 3	Regional Economic Stabilization & Alignment Strategy, KPI Annual Review (CBT)	REDIP #3
	Ec Dev Database performance - review & update	yr 1	yr 2	yr 3		REDIP #3
	Review & Update Ucluelet Economic Development Strategy	yr 1	yr 2	yr 3		REDIP #3



REPORT TO COUNCIL

Council Meeting: September 24, 2024
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: JEFFREY CADMAN, DIRECTOR OF FINANCE

FILE NO: 2550-20

SUBJECT: LIVING ORGAN DONOR SUPPORT POLICY

REPORT NO: 24-91

ATTACHMENT(S): APPENDIX A -LIVING ORGAN DONOR SUPPORT POLICY

RECOMMENDATION(S):

THAT Council adopt the District of Ucluelet Living Organ Donor Support Policy number 7-2550-1.

BACKGROUND:

At the July 30th, 2024 Council Meeting, staff was directed by Council to prepare a report outlining the implications of joining the Kidney Foundation of Canada's Living Donor Circle of Excellence program.

To qualify for the program, employers must support employees by providing a minimum of four weeks leave at eighty percent salary. The Kidney Foundation provides the calculation that assuming a median salary of \$60,000 at the eighty percent minimum support level, the cost of the four weeks coverage is \$4,000. At the proposed one hundred percent coverage, using the same formula, the District of Ucluelet would incur a cost of \$5,000.

The Kidney Foundation reports that there are only fifteen living organ donors per one million population in Canada. With the low cost and low probability of this expense, the District would be able to adjust for it in any given year as an unforeseen expense.

The Policy has no overlap with long-term disability which begins at four months and any medication, hospitalization or rehab is covered under the Extended Health Plan.

NEXT STEPS:

If accepted, staff will implement the policy and create the necessary time code to track the expense once incurred.

Respectfully submitted: Jeffrey Cadman, Director of Finance
Duane Lawrence, CAO

**POLICY NUMBER: 7-2550-1****REFERENCE:**

Living Organ Donor Support

ADOPTED BY: Council

Date Adopted

AMENDED DATE:

N/A

SUPERSEDES:**New****DEPARTMENT:**

Administration

EFFECTIVE DATE:

Date

Policy Statement:

This Policy applies to all District of Ucluelet regular and casual employees who have passed their probationary period. The District of Ucluelet will grant a leave of absence up to a maximum of four (4) weeks with pay to any employee who is assessed as and becomes a living organ donor. Employees who request time off to serve as a living organ donor are eligible for paid leave in addition to regular vacation and sick leave benefits as outlined in the applicable Employment and Collective Agreements. Such leave of absence will include the employee's full salary and continuation of benefits for time off from work for surgery and post-operative recovery. Time off under this Policy will not decrease the employee's vacation and sick leave balances. Any additional time off due to medical reasons that exceed the maximum four (4) weeks will be taken under regular sick leave conditions.

Procedure:

Employees wishing to make an application for a leave of absence under this Policy must adhere to the following procedures:

- a) An employee who has passed their probationary period and has been assessed and participating in solid living organ or bone marrow donation must submit a written medical living donor leave request to their immediate supervisor or Director for approval. The written medical living donor leave request must have the appropriate documented evidence that they have been accepted as a Living Organ Donor from their healthcare practitioner as verification of the upcoming donation procedure.
- b) Applications for leave must be submitted thirty (30) days prior to the scheduled surgery date.



The Corporation of the District of Ucluelet

MUNICIPAL POLICY MANUAL

- c) Once the donation procedure has been confirmed and the application has been approved, the employee will be notified that they will be eligible for a maximum of four weeks of paid leave for their surgery and recovery.
- d) During the leave, employees will be coded as Sick pay living donor (Sld), in order that the benefit provided by the District of Ucluelet under this policy may be tracked and measured.
- e) In order to facilitate the donor assessment process, the employer will make diligent efforts to accommodate work schedules for medical appointments. These appointments will be considered regular medical appointments and are not included in the four weeks leave; they will be covered through regular sick pay.
- f) Employees may be asked to provide clearance from a physician before returning to work.

Duane Lawrence, CAO
District of Ucluelet

Marilyn McEwen, Mayor
District of Ucluelet

FROM: MADDIE HAYNES, PLANNING ASSISTANT

FILE No: 2450-01-2024

SUBJECT: ADU COVENANT AUTHORIZATION – 359 MARINE DRIVE

REPORT No: 24-92

ATTACHMENT(s): APPENDIX A - S.219 COVENANT

RECOMMENDATION:

THAT Council authorize the Mayor and Corporate Officer to execute the Section 219 restrictive covenant for 359 Marine Drive for registration at the Land Title Office.

PURPOSE:

The purpose of this report is to inform Council of the requirement for a Section 219 covenant as stipulated by Section 408.1(8) of the *District of Ucluelet Zoning Bylaw No. 1160, 2013*, and to seek authorization to enter into an agreement for 359 Marine Drive (Lot 5, Plan VIP17976, Section 21, Clayoquot Land District - the 'subject property').

The covenant pertains to an Accessory Dwelling Unit (ADU) built on the applicant's property and establishes that the property owner cannot create a separate title for the accessory dwelling unit. The new dwelling has received a provisional occupancy, awaiting the registration of the attached covenant.

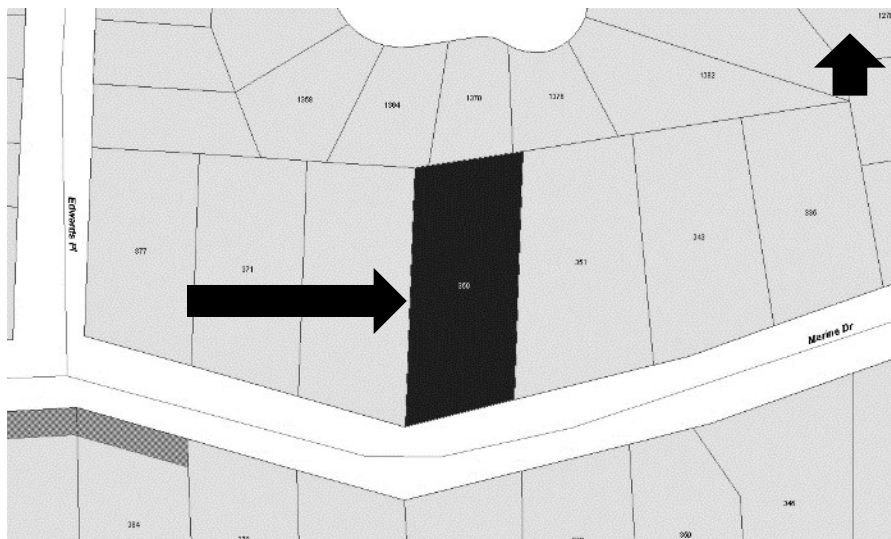


Figure 1: Subject property

BACKGROUND:

Section 408.1(8) of the zoning bylaw was introduced through amendments adopted by Council in *Bylaw No. 1310, 2022*, and stipulates the following:

An Accessory Residential Dwelling Unit is only permitted where the owner of the lot has registered a covenant under section 219 of the Land Title Act against the title of the lot, in favour of the District of Ucluelet and satisfactory in its form and priority of registration, providing that the Accessory Residential Dwelling Unit must not be subdivided from the lot containing the principal building, whether pursuant to the Strata Property Act, the Land Title Act, or otherwise.

This provision is common in municipal zoning bylaws for ADUs. The covenant for the subject property was prepared based on a template provided by the municipal solicitors.

DISCUSSION:

The owner has provided the attached covenant to meet the requirements of the zoning bylaw for their project.

The current process requires a Council resolution authorizing each covenant or covenant modification. To reduce future delays in project timelines, it will be proposed in the *Delegated Authority Bylaw* that the authority to sign covenants arising from development approvals, zoning, the building bylaw, or by an official exercising their duties under the *Community Charter* (e.g. hazard or greenspace covenants) can be delegated to staff. These covenants put into effect the requirements established by Council or by provincial legislation; delegating the authority to follow through on the details would streamline our current processes. A report on delegated authorities will be presented to Council on an upcoming agenda.

In the meantime, staff recommend that Council authorize the covenant for the subject property.

ANALYSIS OF OPTIONS:

A	Approve authorization of the ADU Covenant for 359 Marine Dr	<u>Pros</u>	<ul style="list-style-type: none"> Allows the applicant to obtain occupancy for the ADU
		<u>Cons</u>	<ul style="list-style-type: none"> Unknown at this time
		<u>Implications</u>	<ul style="list-style-type: none"> Creates a new long-term dwelling unit within the community
B	Provide alternative direction	<u>Pros</u>	<ul style="list-style-type: none"> Unknown at this time
		<u>Cons</u>	<ul style="list-style-type: none"> Unknown at this time
		<u>Implications</u>	<ul style="list-style-type: none"> Unknown at this time
		<u>Suggested Wording</u>	THAT Council, with regard to authorization of the ADU Covenant for 359 Marine Drive, (<i>provide alternative direction here</i>)
C	Reject authorization of the ADU Covenant for 359 Marine Dr [not recommended]	<u>Pros</u>	<ul style="list-style-type: none"> Unknown at this time
		<u>Cons</u>	<ul style="list-style-type: none"> Does not allow the applicant to obtain final occupancy for the ADU at this time
		<u>Implications</u>	<ul style="list-style-type: none"> Would put into question the occupancy status of the now existing accessory dwelling. Would also call into question the goal of current housing regulations and policies and, in particular, would trigger review of section 408.1(8) of the zoning bylaw.
		<u>Suggested Wording</u>	THAT Council reject authorization of the ADU Covenant for 359 Marine Drive.

Next steps:

If authorized by Council, the covenant can be signed and then registered with the Land Title Office by the owner. The ADU could then receive final occupancy.

Respectfully submitted: Maddie Haynes, Planning Assistant
 Bruce Greig, Director of Community Planning
 Duane Lawrence, Chief Administrative Officer

TERMS OF INSTRUMENT - PART 2

SECTION 219 COVENANT – ACCESSORY RESIDENTIAL DWELLING UNIT

THIS AGREEMENT dated for reference June _____, 2024 is BETWEEN:

JASON RICHARD HAYES-HOLGATE

359 Marine Drive
Ucluelet, BC V0R 3A0

(the “Grantor”)

AND:

DISTRICT OF UCLUELET

Box 999
200 Main Street
Ucluelet BC V0R 3A0

(the “District”)

WHEREAS:

- A. The Grantor is the registered owner of the land legally described in Item 2 of Part 1 of the *Land Title Act* Form C to which this Agreement is attached and which forms part of this Agreement (the “Lands”);
- B. Section 219 of the *Land Title Act* of British Columbia permits the registration of a covenant of a negative or positive nature in favour of a municipality, in respect of the use of land, the building on land, the subdivision of land and the preservation of land or specified amenity on the land;
- C. The Grantor has made an application to the District for a building permit to construct an accessory residential dwelling on the Lands (the “Accessory Residential Dwelling Unit”); and
- D. In connection with the Grantor’s application for a building permit to construct the Accessory Residential Dwelling Unit, the District’s zoning bylaw requires, and the Grantor has agreed to grant to the District, a covenant under section 219 of the *Land Title Act* prohibiting any subdivision that would create a separate title for the Accessory Residential Dwelling Unit or the area of the Lands on which the Accessory Residential Dwelling Unit is or will be constructed.

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the covenants herein contained and the sum of one dollar (\$1.00) paid by the District to the Grantor, the receipt and

sufficiency of which the Grantor acknowledges, the Grantor and the District agree, pursuant to section 219 of the *Land Title Act* as follows:

1. **Definitions** – In this agreement:
 - (a) **“Parcel”** has the meaning assigned to it the *Land Title Act*.
 - (b) **“Principal Residence”** means a dwelling or building that is the principal building or dwelling on a Parcel for the purposes of the Zoning Bylaw, and:
 - (i) if the resident owns the property on which the residence is located, the dwelling or building where the resident lives and claims the provincial home owner grant; or
 - (ii) if the resident does not own the property on which the residence is located, the dwelling or building where the resident lives, makes their home, and conducts their daily affairs including, without limitation, paying bills and receiving mail and is generally the dwelling unit with the residential address used on documentation related to billing, identification, taxation and insurance purposes, including, without limitation, income tax returns, Medical Services Plan documentation, driver’s licences, personal identification, vehicle registration and utility bills
 - (c) **“Subdivision”** means to divide, apportion, consolidate or subdivide land or any building on land, or the ownership or right to possession or occupation of land or any building on land, into two or more lots, strata lots, parcels, parts, portions or shares, whether by plan, descriptive words or otherwise, under the *Land Title Act*, the *Strata Property Act*, or otherwise, and includes the creation, conversion, organization or development of “cooperative interests” or a “shared interest in land” as defined in the *Real Estate Development Marketing Act*.
 - (d) **“Zoning Bylaw”** means District of Ucluelet Zoning Bylaw No. 1160, 2013.
2. **Subdivision Restrictions** – The Lands shall not be Subdivided if such Subdivision will result in the Accessory Residential Dwelling Unit, land containing the Accessory Residential Dwelling Unit, or any portion thereof, being located on or within a Parcel that is separate from the Parcel containing the Principal Residence located on the Lands.
3. **Inspection** – The District, its officers, employees, contractors and agents, shall have reasonable access to the Lands and any buildings thereon at all reasonable times in order to ascertain compliance with Agreement.
4. **Bylaws to the Contrary** – This Agreement shall restrict use of the Lands in the manner provided herein despite any right or permission to the contrary contained in any bylaw or permit of the District.

5. **Municipal Permits** – The Grantor 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 Lands, as the District may, in its sole discretion, consider necessary to ensure compliance with this Agreement.
6. **Indemnity** – As an integral part of this Agreement, pursuant to section 219(6)(a) of the *Land Title Act*, the Grantor hereby indemnifies the District and each of its elected or appointed officials, officers, employees or agents:
 - (a) from and against any and all liability, actions, causes of action, claims, suits, proceedings, judgements, damages, expenses, legal fees, 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 Grantor’s obligations under this Agreement, any breach of any provision under this Agreement; and
 - (b) for all costs, fees and expenses, including legal fees, incurred by the District in the enforcement of this Agreement as result of any breach of any provision of this Agreement by the Grantor.
7. **Release** – The Grantor, on its behalf, hereby releases and forever discharges the District and each of its elected or appointed officials, officers, employees or agents, from and against all claims, demands, damages, actions, or causes of action by reason of or arising out of or which would or could not occur but for the terms and operation of this Agreement, or, except to the extent arising from the negligence or wilful misconduct of the District or those for whom it is at law responsible, the exercise by the District of any of its right under this Agreement.
8. **Survival** – The indemnity and release set out in this Agreement will survive termination or discharge of this Agreement.
9. **Specific Relief** – The Grantor 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.
10. **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 Lands;

- (b) affect or limit any enactment relating to the use, development or subdivision of the Lands; or
- (c) relieve the Grantor from complying with any enactment, including in relation to the use, development or subdivision of the Lands;

And the Grantor covenants and agrees to comply with all such enactments with respect to the Lands.

11. **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.
12. **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.
13. **Agreement Runs with Lands** – This Agreement shall burden and run with, and bind the successors in title to, the Lands and each and every part into which the Lands may be subdivided by any means (including by deposit of a strata plan of any kind under the *Strata Property Act* (British Columbia)).
14. **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.
15. **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.

16. **Priority** – The Grantor shall cause this Agreement to be registered in the applicable land title office against title to the Lands 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.
17. **Modification** – This Agreement may not be modified except by an agreement or instrument in writing signed by the Grantor or its successor in title and the District or a successor or assignee.
18. **Further Assurances** – The Grantor 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.
19. **Grantor’s Expense** – The Grantor shall perform its obligations under this Agreement at its own cost and expense and without compensation from the District.
20. **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.
21. **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) time is of the essence; and
 - (h) 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".
22. **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.
23. **Enurement** – This Agreement hereof shall enure to the benefit of the parties and their respective successors and assigns, as the case may be.
24. **Entire Agreement** – This Agreement is the entire agreement between the parties regarding its subject.
25. **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 the terms of this instrument, the parties have executed the General Instrument – Part 1 (*Land Title Act* Form C) attached to and forming part of this Agreement.

September 7, 2024

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

Dear: District of Ucluelet Council

I am writing on behalf of Sunset Point Strata members regarding the District of Ucluelet's boardwalk located between 1239 and 1251 Sunset Point Road. The boardwalk is in a state of utter disrepair, a hazard which could potentially lead to serious injury if not attended to in a timely manner. I have enclosed photos for your consideration and reference. It must be noted that I personally sent in a request for service on July 29, 2024, regarding the boardwalk, and I have yet to hear back from any District officials, though I had specifically asked for a call back.

As you may not be aware, our strata members pay significant annual fees to maintain our small gated community and we oblige our responsibility to keep the street lit, landscaped and free of refuse. Strata members find the boardwalk and its visitors to be increasingly imposing and costly due to the disturbances brought here by visitors of the boardwalk. Just this summer alone we have had visitors of the boardwalk trespass on one of the vacant lots and start a fire, groups of intoxicated visitors jump the boardwalk fence into private property causing significant noise and have seen quite a bit of vandalism on our street and boardwalk leaving litter, cigarette butts and food waste. In summers past, residents on the street have had personal belongings stolen, visitors have spray painted on natural rockscapes as well on several of the resident's lots. Residents of the street have had to put up cameras to monitor their property as some of us now feel unsafe due to the influx of foot traffic brought to our small community in search of the boardwalk. The traffic caused by the District's boardwalk has become a significant issue as we have to pay for the street's cleanliness and have had to increase the amount of work needed to ensure the Strata's standards are met.

I would also like to bring to your attention that the residents of this street pay some of the highest property taxes in the District and we do not receive public dollars to maintain our street, as we are responsible for the road maintenance as well as the street lighting. Maintaining this boardwalk is not something any of us wish to see our strata dollars nevermind our tax dollars spent on when there are other locales on public property within the District that could benefit from attention. To that point, considering the vast amount of public property on the oceanfront that the District has for viewpoints, I am not clear why our small private street would have a public boardwalk such as this. As I am aware, there are no other cul-de-sacs in town that have a boardwalk/view point.

Sunset Point Strata members propose a discussion with Council on the state of the boardwalk. Ultimately, we would like to see it dismantled as it is currently in a hazardous state. Further, if the District wishes to maintain a public path and viewpoint the Strata requests for the path to be

regularly maintained; assurance that visitors to the street will not impose any harm or detriment to residents or their property; and, compensation to the Strata should the Strata have to pay for debris cleanup or vandalism.

Please provide your response via e-mail to [REDACTED] at your earliest convenience.

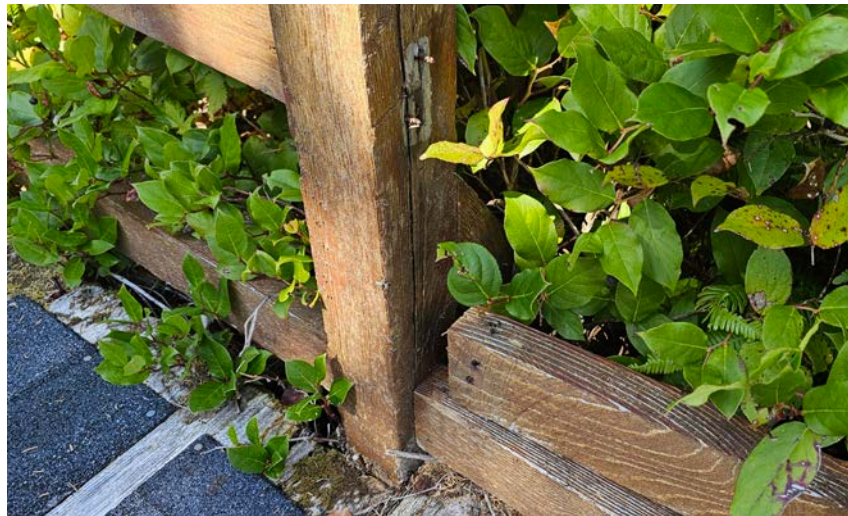
Much appreciate your time in addressing this matter.

Rochelle Willier
Sunset Point Strata President

Enlc.







September 8, 2024

Dear Mayor & Council

I hope this letter finds you well. As a resident of Ucluelet for over 45 years and recently now residing in the Sunset Point neighborhood, I am writing to express my concerns regarding the public boardwalk located in this neighborhood.

After moving to Sunset Point last year, I have been surprised by certain issues that have been ongoing. Despite being a gated community, the volume of pedestrian traffic through Sunset Point has been significantly higher than I expected. During my time here, I have regularly observed instances of trespassing, vandalism on private property, sensitive riparian zones and rockscapes, littering along strata property and the waterfront, and an excessive amount of dog waste left behind by visitors.

These recurring problems have placed a considerable burden on the Strata, which has been responsible for maintaining the community's cleanliness and preserving the beauty of its landscaped areas. Unfortunately, the only part of the neighborhood that has not been consistently maintained is the public boardwalk, which falls under the jurisdiction of the District. The boardwalk has been in a state of disrepair for over a year, and its current condition poses both a liability risk and an aesthetic detriment to the neighborhood.

I understand that discussions are underway regarding the future of this access point, and I would like to propose that the District consider dismantling the boardwalk and restoring the area to its natural state.

This boardwalk was originally constructed prior to the development of the Wild Pacific Trail and the Black Rock Resort. At that time, Sunset Point offered a rare and valuable viewpoint for both locals and tourists to enjoy the Pacific Ocean. However, with the establishment of the Wild Pacific Trail, which now provides 4.5 kilometers of coastal trails and multiple scenic viewpoints, the need for this small, deteriorating viewpoint in a private, gated community is worth reconsidering.

If the District intends to continue encouraging pedestrian access through this neighborhood, I respectfully request that measures be put in place to address the ongoing issues. Specifically, I suggest that the pathway be confined in a manner that prevents trespassing on neighboring properties, that regular garbage collection be implemented, and that the path be maintained to the same high standards that the Strata has been upholding in our common areas.

Thank you for your time and consideration. I would welcome the opportunity to discuss this matter further and explore solutions that balance the interests of the community and the District.

Sincerely,
Romona Sertic
Mike Baird
1239 Sunset Point Rd

From: [Alliance Holdings Payments](#)
To: [Info Ucluelet](#)
Subject: New Stop Signs at Bay and Peninsula
Date: September 12, 2024 7:07:04 PM

[External]

>

> I'm not sure how many times councillor Maftei has tried to make a left turn from Bay Street onto Peninsula, or tried to continue across Peninsula on Bay Street, in the middle of tourist season prior to the installation of the new stop signs but, I suspect it wasn't very often. I view the new stop signs as one of the most positive changes made to Peninsula.

>

> This has been a dangerous intersection with poor sight lines from Bay Street for a long time. The new stop signs do nothing but improve safety no matter what councillor Maftei's studies say. They are not studies of this particular intersection.

>

> Leave the signs where they are.

>

> Art Skoda

> Sent from my iPhone

September 18, 2024

To the Ucluelet Mayor and Council,

I am writing as follow up to the September 3 council meeting and the issue of the new four way stop at Peninsula and Bay St.

I would first like to note the extremely disrespectful and dismissive attitude of Councillor Maftai at the September 3 council meeting, which was also subsequently covered at length in the local paper, in which he bluntly proclaimed all those who did not agree with his opposition to the four way stop as simply “wrong”, dismissed the users of the Bay and Peninsula intersection as the “5 or 10 people who live on Bay St” and proclaimed that while others were being guided by anecdotes, he was interested in the data. This is not what I expect from an elected council member for my community. While this could perhaps be excused as an attempt at levity, the reality is that this behaviour is extremely disrespectful and the residents of this community deserve better. A foundation of respect in our dealings with one another is critical to a healthy and functioning democracy and a supportive community.

As to the issue of the four way stop, it is important not to conflate one issue with another. Stop signs are widely recognized as appropriately applied to address ‘traffic control’. Traffic control devices are primarily installed to assign right of way and prevent collisions. It is widely accepted that stop signs are not intended to be used for ‘traffic calming’. Traffic calming devices are installed to reduce speeds and increase safety. Councillor Maftai put forward the view that the four way stop should be removed and instead that a 30 km/h speed limit should be applied to all of Peninsula Road, assuming that the four way stop is a traffic calming measure rather than a traffic control measure.

A four way stop is warranted as a traffic control measure if any one of the following four reasons apply: a) safety is a concern (crashes have been observed); b) vehicular traffic is high and balanced between the approaches; c) there are high delays on the minor approach; or, d) there are visibility (sight distance) problems. In the case of Peninsula and Bay, safety is a concern, there are high delays on the minor approach (Bay St), and there are visibility (sight distance) problems. Any one of these four conditions would warrant a four way stop – that three of these conditions apply is an indication of the appropriateness of this new intersection design, entirely separate from any traffic calming benefit that may be achieved incidental to this. The new four way stop is a traffic control measure, addressing right of way issues and safety risks for vehicles entering Peninsula from Bay St. The fact that the stop signs have a secondary benefit of calming traffic is just that – a secondary benefit.

The statement was made that stop signs don’t slow traffic. If you look at the literature, you will find it really isn’t as simple as that. While it is true that the prevailing view is that stop signs should not be used for traffic calming, that doesn’t mean that they do not

have an impact. It depends on the nature of the intersection and the surrounding roads. Much of what can be found online on the topic is opinion rather than evidence based research. A recent paper on the topic stands out, however. [Bismarck et al. 2022](#) looked at more than 68,000 (37,668 before and 31,305 after introduction of an all way stop (AWS) intersection) road user trajectories obtained from 104 approaches. The results show that the conversion from a minor access stop intersection (two stop signs on the minor access and no stop signs on the major road) to AWS intersections significantly decreased vehicle speed. This work also shows that implementing AWS significantly increased the yielding rates from 45.7% to 76.7% in minor access stop conditions and reduced the average speed of motor-vehicles. The study concluded that when an intersection was converted to an AWS, the minimum speed in the major approaches was reduced by 60.0%.

This is not to suggest that the new four way stop addresses all of the speeding issues on Peninsula. What it does do is provide much safer access for vehicles entering into and off of Peninsula and slows traffic along that stretch of the road. If Councillor Maftai wishes to put forward a proposal for a 30 km/h speed limit in town, that can be done independent and separate from the issue of the new four way intersection. These are not in contradiction. Consideration of a lower speed limit is independent of a four way stop and the two issues should not be conflated and positioned as if in opposition to one another.

I would also like to address the ‘evidence’ that was included in the late items for the September 3 council meeting by Councillor Maftai. There were six documents included suggesting that these provided ample support for the removal of the new four way stop. I will go through each in turn.

- (1) Policy Options, [Cities can speed up climate action by slowing down traffic](#), January 2024. An article published by Policy Options written by Jörg Broschek, a professor of political science and Laurier research chair at Wilfrid Laurier University. This article states that a 30 km/h speed limit is a more effective traffic control measure than four way stops. This article is about the benefits of a 30 km/h speed limit and the articles cited are in reference to these benefits. There is a throw away comment in the article that ‘four-way stops are terrible for managing traffic’. There are no citations included to back up the author’s assertions against the use of four way stops. The author is a political scientist and not a traffic engineer, municipal planner or other profession that would suggest expertise on this issue. Of course, people are allowed to publish articles putting forth their opinions, but it is important that we do not in turn treat that opinion as some kind of evidence. All that this article shows is that there is extensive support for the use of 30 km/h speed limit and the author, a professor of political science, doesn’t like four way stops.

(2) Psychology Today, [Death by Stop Sign](#), May 2016. This article by John Staddon, Professor of Psychology and Professor of Biology and Neurobiology, rails against the use of stop signs in the United States, in comparison to the use of yield signs and other traffic control measures common in the United Kingdom. The concluding statement is that almost all stop signs should be replaced by yield signs or roundabouts. The article cites an Economist article about the use of roundabouts in France, an article from 2008 by the author published in The Atlantic on why stop signs and speed limits endanger Americans, and traffic fatality statistics. As far as the author's assertion that stop signs should not be used, this is an 'evidence-free' article expressing the opinion of the author and little else. The author cites statistics and makes the jump that the higher fatality numbers in the US are due to the use of stop signs rather than roundabouts without justification or evidence. Other plausible hypotheses worth considering include the nature of the road infrastructure in the US, with wider roads and higher travelling speeds, the nature of the vehicle stock in the US, notably much larger vehicles including trucks and SUVs, which historically had lower safety ratings, etc. This article should not be cited as evidence of anything other than the opinions of the author, who notably is well-published in the peer-reviewed literature, but not on anything to do with traffic control. He is an [expert](#), but not on traffic control or four way stops, and offers no evidence in this article to support his conclusion.

(3) National Post, [Hampstead crash: Stop signs cause more harm than good, some experts say](#), February 2012. This is an article in the National Post about a tragic vehicle accident in which the driver of a van carrying migrant farm workers ran a stop sign. The argument put forward in the article, with reference to three experts interviewed or otherwise referenced (U.K. traffic consultant Ben Hamilton-Baillie, engineer Thomas Szirtes, traffic engineer and former safety director at the City of New York Department of Transportation Richard Retting) is that stop signs should be replaced by roundabouts or yield signs, and not specific to four way stops. This article is about a tragic accident in which 11 people were killed and the lives of the three survivors were irrevocably marred. The cause of the accident was determined to be driver error. The driver did not hold the appropriate licence for the van he was driving. Furthermore, the driver was not only responsible for driving the farm workers from farm to farm, then home, but he also had to work all day on the farm himself. This incident has been cited as an example of unsafe working conditions for migrant workers in Canada. This article in the National Post, shifting the focus to the use of stop signs and away from unsafe working conditions, is questionable at best. The citing of this article as

‘evidence’ against the use of the four way stop in Ucluelet is completely inappropriate and without merit.

- (4) BC Ministry of Transportation and Highways, [Manual of Standard Traffic Signs & Pavement Markings](#), September 2000. Four way stop signs should be used to control right of way conflicts and should not be used to control speed or as a primary tool for traffic calming. Multi-way stops are a useful means of control in specific applications. Nothing about this supports removal of the four way stop – as per the earlier clarification that the four way stop at Peninsula and Bay is primarily a traffic control measure, not a traffic calming measure, and that the slower speeds observed is a secondary benefit and not the primary purpose.
- (5) DriveSmartBC, [Stop Signs Are Not For Speed Control](#), June 2024. This unattributed article on DriveSmartBC is not evidence. DriveSmartBC is a community web site about traffic law and road safety in BC that is run as a hobby by a retired RCMP officer (as per the DriveSmartBC [About](#) page). As such, DriveSmartBC should not be cited as if it is an official source or peer-reviewed research. Furthermore, the article cited notes that the stop sign is an effective traffic control device when it is used in the right place and in the proper situation. As per this article, the sign's job is to help road users to decide who has the right of way at an intersection. The article states that stop signs should not be used as speed control. As noted previously, this is not an argument for removal of the four way stop at Peninsula and Bay, which is primarily a traffic control measure.
- (6) DriveSmartBC, [The Difficulty With Stop Signs](#), January 2020. This article is arguing that roundabouts are preferred over stop signs and that until roundabouts are common, following proper stop sign etiquette is important, namely, stopping before entering the intersection and proceeding safely. As with the previous article, this is an unattributed article from a hobby website, it is not in itself evidence, and furthermore, it offers no arguments against four way stops, other than to reference the article at (2) above and support roundabouts.

In conclusion on the issue of the ‘evidence’ but forth by Councillor Maftai – it is overall of a poor quality, consisting mostly of opinion pieces by non-experts and lacking supporting evidence on the issue of four way stops for the purposes of traffic control. Four way stops should not be used primarily for traffic calming, but rather, for traffic control. The main improvement at Peninsula and Bay is one of traffic control.

Finally, I would like to address the comment by the Councillor that the new four way stop is only of benefit for the “5 or 10 people living on Bay St”. I would like to invite the Councillor to visit the neighbourhoods around Bay St so that he can be better acquainted with the community in this area, and the reality of these neighbourhoods.

Holly Crescent is one of the highest density residential areas in town – a simple count of the vehicles on the street often tops more than 50 vehicles. There are hundreds of people living on Bay St, both above and below Peninsula, St Jacques Blvd, Larch Rd and Holly Crescent that are impacted by the new four way intersection. Previously, many would avoid entering onto Peninsula from Bay St, especially if turning left, because of the high traffic flows and low visibility. Vehicle traffic would go around, up Larch past the co-op and onto Marine Drive, down Bay St to Rainforest Drive and to Norah or to Cynamocka. These were ridiculous detours that doubled or tripled driving distance and increased traffic on these otherwise quiet residential streets but were still better than sitting for an extended period at Bay St waiting for an opportunity to enter onto Peninsula in between cars appearing suddenly over the hill. With the re-design of this intersection, Bay and Peninsula is a functioning intersection again supporting safe entry and exit onto the main road through town.

By all means, ask the province for their report on the road design process. Consider traffic calming measures that can be implemented. Consider what other improvements can be made to make Ucluelet a safer and more enjoyable community to walk, bike and drive around. However, and in conclusion, please keep in mind these points:

(1) don't confound one issue with another – this does not need to be, nor should it, be an either/or of which traffic control or traffic calming measure to use – we have many tools in the toolbox, and they can work together and accomplish multiple objectives;

(2) if you are going to 'reference the literature' and state that you are taking a 'data based' approach, it is important to do so; the actual scientific literature does not argue against the use of four way stops for traffic control and indicates that in fact lower speeds are attained with a four way stop over a minor way stop;

(3) this new four way stop is a traffic control measure that is warranted: safety is a concern; there are high delays on the minor approach; and, there are visibility (sight distance) problems. Slower speeds as a result is a secondary benefit.

(3) please treat people with respect – disagreeing with a Councillor does not make one 'wrong'. Dismissing people's lived experiences as merely 'anecdotal information' is incredibly disrespectful and dismissive and does us all a great disservice. When constituents take the time to communicate with their elected officials, they do not deserve your scorn. Please remember that in future.

Respectfully,
Danielle Edwards, BSc, MRM, PhD
Holly Crescent, Ucluelet



INFORMATION REPORT

Council Meeting: September 24, 2024
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: RICK GEDDES, FIRE CHIEF

FILE NO: 7380-20

SUBJECT: FIRE AND EMERGENCY SERVICES 2024 Q1-Q2 REPORT

REPORT NO: 24-95

ATTACHMENT(S): N/A

PURPOSE:

This report is to provide Council with a brief overview of Ucluelet Fire and Emergency Services initiatives and activities for the first half of 2024.

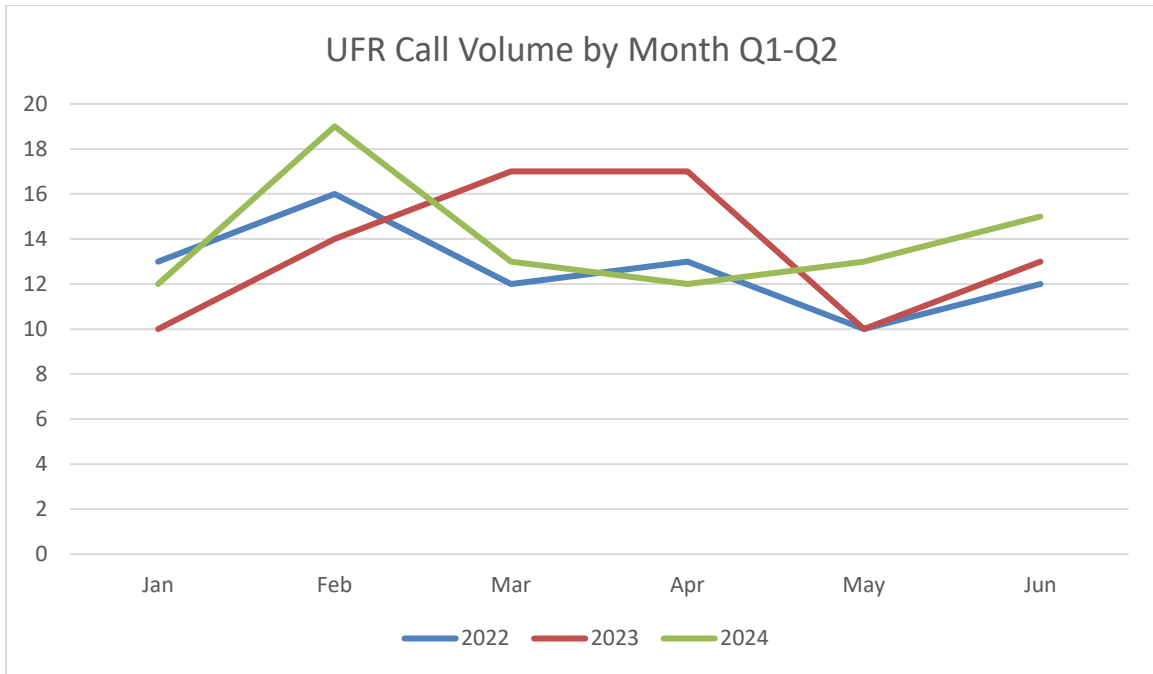
OPERATIONS:

From January 1st, 2024, to June 30th, 2024, Ucluelet Fire Rescue responded to eighty (80) calls. This represents a marginal decrease from the same period last year (81 calls in Q1-Q2 of 2023).

Call breakdown includes:

- Alarm Activations 13
- Ambulance Assists 3
- Beach / Brush Fires 2
- Burning Complaints 5
- Chimney Fires 1
- Duty Officer Investigations 5
- Medical Calls 25
- Motor Vehicle Incidents 17
- Public Service 1
- Propane / Gas Leaks 3
- Structure Fires 1
- Other 4

- Included in this total were nineteen (19) responses in contracted areas. Thirteen (13) of these calls were for road rescue.
- There were no emergency operations centre (EOC) activations and one (1) emergency support services (ESS) activation in the reporting period.



TRAINING:

In the first half of 2024, fire department members dedicated over one thousand three hundred (1300) person hours to training. Training highlights include:

- Five recruit firefighters began the National Fire Protection Association (NFPA) 1001 Firefighter 2 Certification Program.
- One firefighter completed NFPA 1021 Fire Officer Level 1.
- Three firefighters attended Live Fire 1 certification training in Comox.
- Three firefighters attended Live Fire 2 certification training in Comox.
- Two firefighters completed Fire Instructor Level 1 certification.
- Three firefighters completed Hazardous Materials Operations certification training in Errington.
- Two firefighters completed First Responder re-certification.
- Four firefighters attended Survival Training and Rescue Techniques (START) training at the Comox fire training centre.

FIRE PREVENTION:

Eighty-four (84) fire safety inspections were completed during the period. This is a significant increase over 2023, where thirty-two (32) inspections were completed in the same period.

Commercial kitchens are widely considered one the highest fire risk classifications in British Columbia. The fire department achieved its goal of inspecting all non-mobile food service establishments in the first half of the year. While some significant issues were observed,

compliance was easily achieved in most instances. During this project, two restaurants were issued orders to comply, one of which is still outstanding.

The next fire prevention initiative will be to complete inspections of all of the District's mobile food vendors, as well as all hotels, motels, and resorts. The fire department continues to work closely with the Planning Department as a vital component of the business licence application process.

Just as municipalities are legislated to provide fire safety inspections, pre-fire plans are required for all complex structures (multi-story, commercial complexes, etc.). Pre-fire plans are essential for identifying potential fire hazards, ensuring proper fire department access, and detailing emergency procedures. Thirteen (13) pre-fire plans were completed. The fire department is utilizing new software to build out our inventory of pre-fire plans.

GENERAL INFORMATION:

2024 is the fire department's 75th anniversary. A celebration is being planned for October 6th that will coincide with fire prevention week (October 6th – 12th).

Five recruit firefighters joined the department in February. These firefighters have all completed probation, been assigned to their respective duty crews, and are now responding to calls.

Respectfully Submitted: Rick Geddes, Fire Chief