



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:

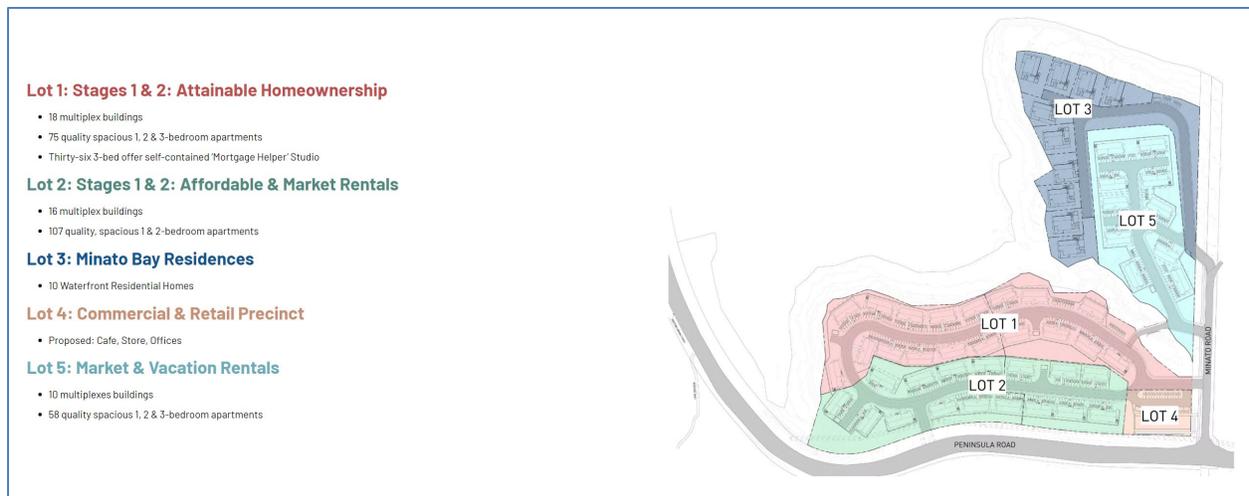
The ERIF team has presented preliminary plans for a development on the 221 Minato Road site including 221 residential units, 29 vacation rentals and a 1,200m² commercial building.



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



PROPOSED SUBDIVISION

Subdivision Lots

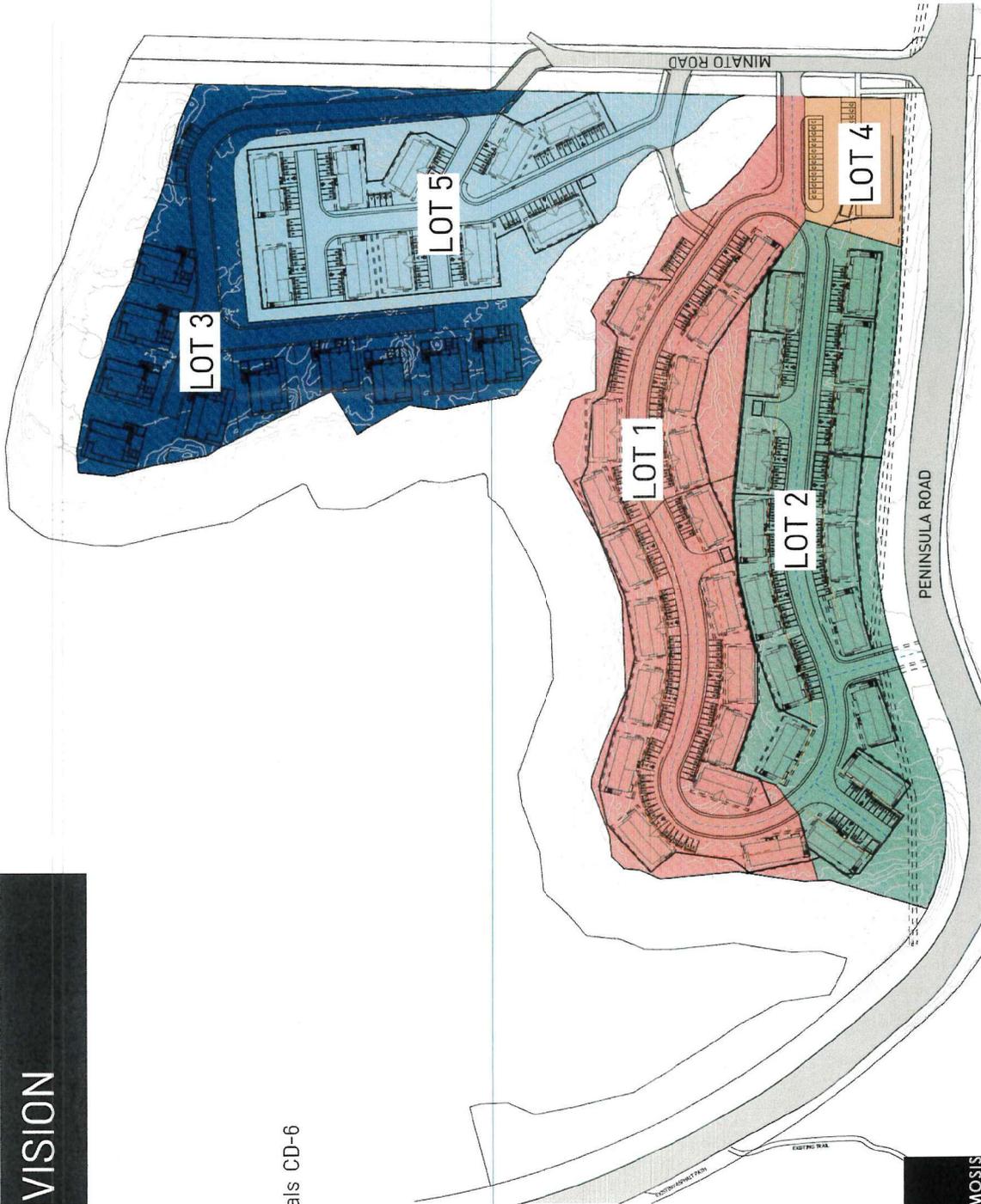
- LOT 1: Below-Market Sales CD-6
- LOT 2: Affordable Rentals 30% & Market Rentals CD-6
- LOT 3: Ten Waterfront Homes CD-6
- LOT 4: Small Business & Retail Precinct CS2
- LOT 5: Market Apartments CD-6

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



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



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 | | | | | | | 1,200 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 |

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: 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 |

AFFORDABLE RENTALS: 30%

Lot 2 Stage 2: Eagle 1.1/3.1
30% Affordable Rental
68 Apartments - Rent

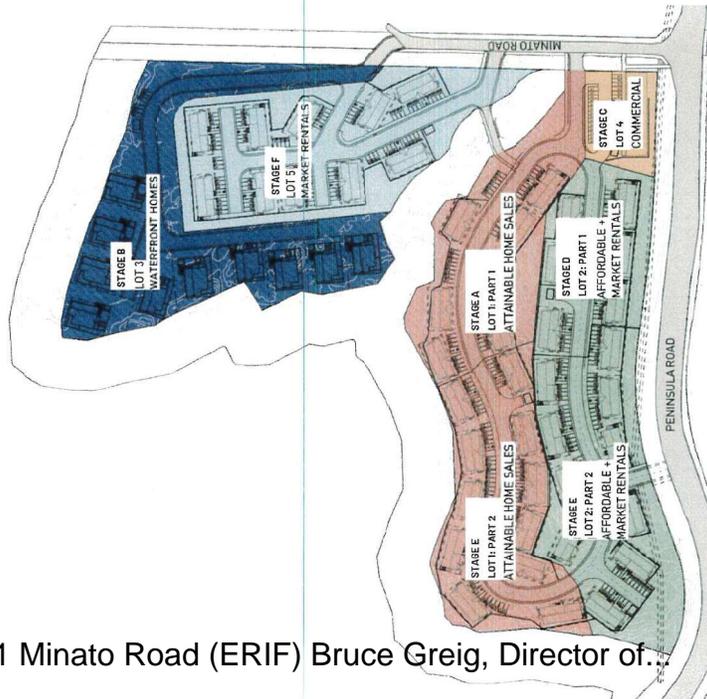
| UNITS | No. |
|-------------------|-----|
| Multiplexes | 10 |
| 1 Bedroom | 32 |
| 2 Bedroom | 24 |
| 3 Bedroom | 0 |
| Adaptable Studios | 0 |
| Parking | 59 |



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



PHASED DEVELOPMENT PLAN



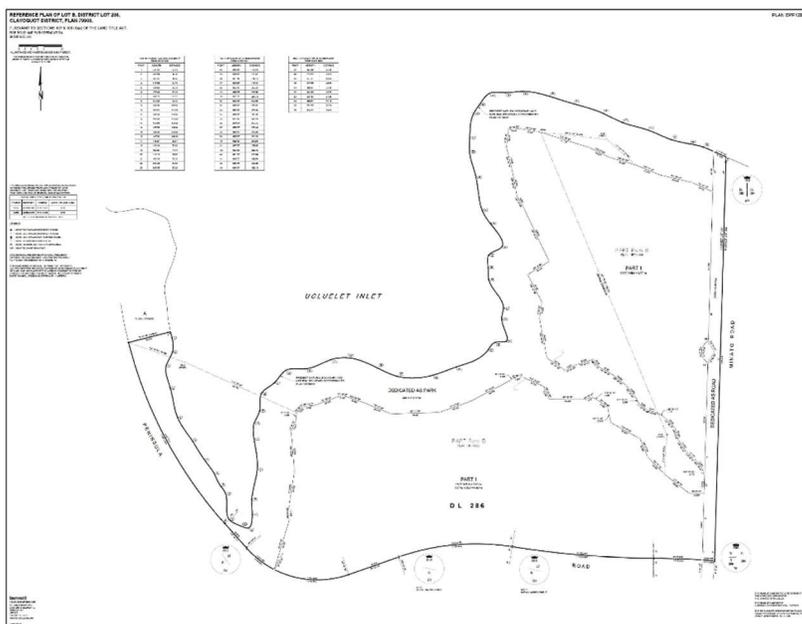
MINATO ROAD 221 MINATO ROAD, UCLUELET | 2024-08-28
 PROPERTIES — **FORMOSIS**
 CONSULTANTS

| Stages | Built Form & Type | Title & Conditions |
|---|--|---|
| <p>Stage A</p> | <p>LOT 1: PART 1</p> <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. |
| <p>Stage B Concurrent with Stage A</p> | <p>LOT 3: Waterfront Homes</p> <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. |
| <p>Stage C</p> | <p>LOT 4: Commercial Precinct</p> <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. |
| <p>Stage D</p> | <p>LOT 2 - PART 1:</p> <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). |
| <p>Stage E</p> | <p>LOT 1: PART 2</p> <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. <p>LOT 2 - PART 2:</p> <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 | <p>LOT 1: PART 2 - Sales Strata Titled</p> <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. <p>LOT 2 - PART 2</p> <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) |
| <p>Stage F</p> | <p>LOT 4: Market Apartments:</p> <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. |

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

Schedule A

DRAFT 2022-05-30

| LAND USE AREAS | AREA |
|----------------|--------------------------|
| A. | 20,336.8 m ² |
| B. | 5,765.7 m ² |
| C. | 1,985.2 m ² |
| D. | 8,860.2 m ² |
| E. | 4,602.4 m ² |
| F. | 12,062.4 m ² |
| G. | 11,150.8 m ² |
| P-1 | 35,848.5 m ² |
| Total | 100,612.0 m ² |

