



REPORT TO COUNCIL

Council Meeting: January 28, 2025
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, DIRECTOR OF COMMUNITY PLANNING

FILE NO: 3360-20RZ24-13

SUBJECT: 221 MINATO ROAD (ERIF): 3RD READING OF OCP AMENDMENT &
REZONING BYLAWS No. 1366, 2024 AND 1367, 2024

REPORT NO: 25-07

ATTACHMENT(S): APPENDIX A - OCP AMENDMENT BYLAW No. 1366, 2024
APPENDIX B - ZONING AMENDMENT BYLAW No. 1367, 2024
APPENDIX C - ZONING AMENDMENT BYLAW No. 1367, 2024 (CHANGES TRACKED)

RECOMMENDATION(S):

1. **THAT** Council give third reading to *District of Ucluelet Official Community Plan Amendment Bylaw No. 1366, 2024*.
2. **THAT** Council amend *District of Ucluelet Zoning Amendment Bylaw No. 1367, 2024*, to correct three typos in sections CD-6.4 and CD-6.9 of the bylaw.
3. **THAT** Council give third reading to *District of Ucluelet Zoning Amendment Bylaw No. 1367, 2024*, as amended.
4. **THAT** Council indicate that approval of *District of Ucluelet Official Community Plan Amendment Bylaw No. 1366, 2024*, and *District of Ucluelet Zoning Amendment Bylaw No. 1367, 2024*, would be subject to the owners of the property at 221 Minato Road registering a restrictive covenant on the title of the property, to ensure the development proceeds as proposed - to the satisfaction of Council - and direct staff to work with the municipal solicitors and the applicant to bring amended housing agreements and an amended restrictive covenant back for Council consideration at the earliest opportunity.

BACKGROUND:

At its January 21, 2025, special meeting Council held a public hearing on the *District of Ucluelet Official Community Plan Amendment Bylaw No. 1366, 2024*, *District of Ucluelet Zoning Amendment Bylaw No. 1367, 2024*, and *District of Ucluelet Housing Agreement Bylaw No. 1368, 2024*. (the "Bylaws"). Council is now in a position to consider third reading of the Official Community Plan (OCP) and Zoning amendment bylaws.

DISCUSSION:

The bylaws to consider for third reading are attached as **Appendices A and B**. A copy of *District of Ucluelet Zoning Amendment Bylaw No. 1367, 2024*, is attached in **Appendix C** with changes tracked showing three typos corrected (in sections CD-6.4 and CD-6.9 of the bylaw). These typos were noted during the staff overview of the bylaws at the January 21st public hearing. The corrections do not affect the substance of the bylaw amendments and would not trigger the need to hold another public hearing. Staff recommend that Council amend Bylaw No. 1367 before considering third reading.

The draft housing agreements that form schedules A and B of the *District of Ucluelet Housing Agreement Bylaw No. 1368, 2024*, and the draft restrictive covenant advanced by Council at its December 19, 2024, meeting, are versions drafted by the applicant. The municipal solicitors will be providing advice to Council on these draft agreements. If Council decides that changes are necessary to any of the agreements to ensure the public interest, then staff would coordinate making those changes with the municipal solicitors. After circulation to the applicant for review and discussion, updated versions of the agreements would be brought back to Council for acceptance prior to registration.

At the point the restrictive covenant is signed by both parties and registered on title, Council could consider adopting the OCP amendment, rezoning and housing agreement bylaws, and then issue the environmental Development Permit for the proposed subdivision.

ANALYSIS OF OPTIONS:

A	Give 3 rd reading to Bylaw No. 1366, amend and give 3 rd reading to Bylaw No. 1367, direct changes to restrictive covenant and housing agreements.	<u>Pros</u>	<ul style="list-style-type: none">• Moves the project forward• Ensures the restrictive covenant and housing agreements meet Council's expectation for the development to proceed in alignment with the public interest
		<u>Cons</u>	<ul style="list-style-type: none">• Would take additional time
		<u>Implications</u>	<ul style="list-style-type: none">• Staff would coordinate revision and review of the agreements with the municipal solicitors and applicant, to be brought back to Council at the earliest opportunity.
B	Give 3 rd reading to Bylaw No. 1366, amend and give 3 rd reading to Bylaw No. 1367, proceed with restrictive covenant and housing agreement drafts as proposed by the applicant.	<u>Pros</u>	<ul style="list-style-type: none">• Moves the project forward
		<u>Cons</u>	<ul style="list-style-type: none">• May not ensure that the restrictive covenant and housing agreements meet Council's expectation for the development to proceed in alignment with the public interest
		<u>Implications</u>	<ul style="list-style-type: none">• To be determined, following advice to Council from the municipal solicitors
		<u>Suggested Motion</u>	<p>THAT Council give third reading to <i>District of Ucluelet Official Community Plan Amendment Bylaw No. 1366, 2024</i>.</p> <p>THAT Council amend <i>District of Ucluelet Zoning Amendment Bylaw No. 1367, 2024</i>, to correct three typos in sections CD-6.4 and CD-6.9 of the bylaw.</p> <p>THAT Council give third reading to <i>District of Ucluelet Zoning Amendment Bylaw No. 1367, 2024</i>, as amended.</p>

C	Direct changes to the proposed development that Council would need to see before granting approval for the proposed development.	<u>Pros</u>	<ul style="list-style-type: none"> Would provide an opportunity for the applicant to amend their application to address any concerns of Council, having heard from the community at the public hearing.
		<u>Cons</u>	<ul style="list-style-type: none"> Would add time to the process Applicant may choose not to proceed
		<u>Implications</u>	<ul style="list-style-type: none"> Amending the application could trigger amendments to the bylaws and/or agreements to suit the new proposal Would trigger another public hearing on the OCP and zoning amendment bylaws. Additional staff time
		<u>Suggested Motion</u>	THAT Council indicate to the applicant that Council would like to see the following changes to the application to better meet the community's needs: <i>[insert desired changes]</i>
D	Do not proceed with approvals for the development of the property as proposed.	<u>Pros</u>	
		<u>Cons</u>	<ul style="list-style-type: none"> Delays the project.
		<u>Implications</u>	<ul style="list-style-type: none"> Current application would not proceed Applicant could submit new application Applicant may choose not to proceed with alternative application Staff time would focus on other priorities of Council
		<u>Suggested Motion</u>	[Council would move and defeat the first resolution at the outset of this report – in that case, those voting to defeat should state their concerns with the current proposal which would need to be changed to consider approval in the future]

NEXT STEPS:

Materials for a preliminary application for subdivision have been submitted by ERIF. At the time of the writing of this report the application fee is outstanding, but staff have been advised that it is on its way. The application materials are being circulated for internal and external review, in parallel with the ongoing consideration of the bylaws, to expedite the Preliminary Layout Assessment process for the subdivision.

The next stages of the approval process include the following steps authorized by Council:

- Register restrictive covenant on the property title
- Adopt bylaws
- Issue environmental DP to enable subdivision and site works
- Authorize municipal off-site infrastructure works

Subsequent steps (some may progress concurrently with the above - timing dependent on the developer's decisions and their consultants' timing to provide the required plans and analyses):

- e. Subdivision - Preliminary Layout Assessment
- f. Site clearing, grading and civil works
- g. Final Subdivision
- h. Application for Development Permit(s) for multi-family and commercial sites
- i. Building Permit applications for each structure

Respectfully submitted: Bruce Greig, Director of Community Planning
Duane Lawrence, CAO