



REGULAR MEETING OF COUNCIL
Tuesday, January 28, 2020 @ 3:30 PM
George Fraser Room, Ucluelet Community Centre,
500 Matterson Drive, Ucluelet

AGENDA

	Page
1. CALL TO ORDER	
2. ACKNOWLEDGEMENT OF FIRST NATIONS TERRITORY	
Council would like to acknowledge the Yuułu?if?ath First Nation, on whose traditional territories the District of Ucluelet operates.	
3. NOTICE OF VIDEO RECORDING	
Audience members and delegates are advised that this proceeding is being video recorded and broadcast on YouTube.	
4. ADDITIONS TO AGENDA	
5. APPROVAL OF AGENDA	
6. ADOPTION OF MINUTES	
6.1. January 14, 2020 Regular Minutes	3 - 8
2020-01-14 Regular Council	
7. UNFINISHED BUSINESS	
8. MAYOR'S ANNOUNCEMENTS	
9. PUBLIC INPUT, DELEGATIONS & PETITIONS	
9.1 Public Input	
10. CORRESPONDENCE	
10.1. UBC Rural Evidence Review Project Follow-Up	9 - 19
C-1 UBC Rural Evidence Review Project	
10.2. Clayoquot Biosphere Trust Grant Announcement	21
C-2 CBT Grant Announcement Letter	
11. INFORMATION ITEMS	
12. COUNCIL COMMITTEE REPORTS	
12.1 Councillor Marilyn McEwen	
<i>Deputy Mayor January - March 2020</i>	
12.2 Councillor Lara Kemps	

Deputy Mayor April- June 2020

12.3 Councillor Jennifer Hoar
Deputy Mayor July - September 2020

12.4 Councillor Rachelle Cole
Deputy Mayor October - December 2020

12.5 Mayor Mayco Noël

13. REPORTS

13.1. Board of Variance Member Appointees 23 - 24
John Towgood, Planner 1
[R-1 BOV Appointments](#)

14. LEGISLATION

14.1. Building Infractions and Zoning Bylaw Amendment for 2088 Peninsula Road 25 - 61
John Towgood, Planner 1
[L-1a 3360-20-RZ20-01 Raven Motel 2088 Peninsula](#)
[L-1b 2020-01-21 Kaikkonen Correspondence](#)

15. OTHER BUSINESS

- Additional matters and new items for information purposes

16. QUESTION PERIOD

17. ADJOURNMENT

DISTRICT OF UCLUELET
MINUTES OF THE REGULAR COUNCIL MEETING
HELD IN THE GEORGE FRASER ROOM, 500 MATTERSON DRIVE
Tuesday, January 14, 2020 at 3:30 PM

Present: **Chair:** Mayor Noël
 Council: Councillors Cole, Hoar, Kemps, and McEwen
 Staff: Mark Boysen, Chief Administrative Officer
 Donna Moneith, Chief Financial Officer
 Rick Geddes, Fire Chief
 Joseph Rotenberg, Manager of Corporate Services
 Bruce Greig, Manager of Community Planning
 John Towgood, Planner 1
 Nicole Morin, Corporate/ Planning Clerk

Regrets:

1. CALL TO ORDER

1.1 Mayor Noël called the meeting to order at 3:30 PM.

2. ACKNOWLEDGEMENT OF FIRST NATIONS TERRITORY

Council acknowledged the Yuułuʔiłʔatḥ First Nation, on whose traditional territories the District of Ucluelet operates.

3. NOTICE OF VIDEO RECORDING

Audience members and delegates were advised that this proceeding is broadcast on YouTube.

4. ADDITIONS TO AGENDA

4.1 Addition to Agenda Item No. 9 Information Items

a. Add Letter 2020-01-13 HWY 4 Kennedy Hill Traffic Interruptions Update

4.2 Addition to Agenda Item No. 7.2 Delegations

a. Add D-2 Black Rock Delegation From and Correspondence after page 4

4.3 Addition to the Agenda Item No. 11.2 Development and Development Variance Permit for 1580 Peninsula Road

a. Add 2020-01-174 Brian and Shirley Baird Correspondence

5. APPROVAL OF AGENDA

5.1 January 15, 2020 Regular Agenda

2020.001.REGULAR It was moved by Councillor Cole and seconded by Councillor McEwen

THAT Council approve the January 15, 2020 Regular Agenda as amended.

CARRIED.

6. MAYOR'S ANNOUNCEMENTS

6.1 Mayor Noël noted:

- Happy New Years to everyone.
- January 15th is the Seniors Lunch at Forest Glen and they are seeking volunteers.
- January 16th is West Coast Community Resource Society's first community lunch of the year, and it is held each Thursday throughout the year.

7. PUBLIC INPUT, DELEGATIONS & PETITIONS

7.1 Public Input

There were no members of the public who wished to speak.

7.2 Delegations

Megan Francis, Central Westcoast Forest Society

Re: Kennedy Flats Clean-ups

Megan Francis, Project Manager for Central Westcoast Forest Society, led this delegation. She presented a slideshow regarding the Kennedy Flats Clean Up effort, highlights included:

- Garbage collection.
- They are seeking conifer wood specimens with the root wad attached for stream restoration.
- They requested monetary support from Council in the amount of \$2000 per year to support the Kennedy Flats Clean Ups.

Council advised that the funding request would be included in the upcoming budget discussions.

Ted Bailey & Mark Udell, Black Rock Oceanfront Resort & Spa

Re: Directional Signage

Ted Bailey, General Manager for Black Rock Oceanfront Resort & Spa, led this delegation. He noted that they would like to see some directional signage to help guests find the resort.

2020.002.REGULAR **It was moved by Councillor Cole and seconded by Councillor Kemps**
THAT Staff work with Black Rock Oceanfront Resort & Spa to identify unique solutions for navigation to the resort.

CARRIED.

8. CORRESPONDENCE

8.1 **Surfrider Foundation Pacific Rim - Cut the Cutlery and Forget the Foam Campaign**

Lilly Woodbury, Surfrider Pacific Rim Chapter Manager

Council discussed the letter from Surfrider, and Mr. Boysen, Chief Administrative Officer noted that Surfrider would be appearing before Council as a delegation in an upcoming meeting.

8.2 **Sea View Seniors' Housing Society - Request for Letter of Support** **Randy Oliwa, Sea View Seniors' Housing Society Board Member**

Randy Oliwa, resident and Board Member for Seaview Seniors Society, spoke to the request for a letter of support. He noted that they will be presenting a business case to BC Housing for funding of 10-12 new units.

2020.003.REGULAR **It was moved by Councillor Cole and seconded by Councillor Kemps**
THAT Staff provide a letter of support regarding the Sea View Seniors Housing Society's business plan for the development of 10-12 new units at Forest Glenn.

CARRIED.

8.3 **BC Council of Forest Industries - 2020 Annual Convention** **Diana Gillrie, BC Council of Forest Industries Administrative Assistant**

Council discussed sending either a Barkley Community Forest board member or Councillor Cole to the convention.

9. INFORMATION ITEMS

10. COUNCIL COMMITTEE REPORTS

10.1 **Councillor Marilyn McEwen** **Deputy Mayor January - March 2020**

10.2 **Councillor Lara Kemps** **Deputy Mayor April - June 2020**

- 10.3 Councillor Jennifer Hoar
Deputy Mayor July - September 2020
- 10.4 Councillor Rachelle Cole
Deputy Mayor October - December 2020
- 10.5 Mayor Mayco Noël

11. REPORTS

- 11.1 Community Emergency Preparedness Fund - ESS Program Grant
Rick Geddes, Fire Chief

2020.004.REGULAR **It was moved by Councillor Cole and seconded by Councillor Kemp**

THAT Council approve recommendation 1 and 2 of report item, "Community Emergency Preparedness Fund - ESS Program Grant" which state:

1. *THAT Council supports the activities outlined in the District of Ucluelet 2020 grant application to the UBCM Community Emergency Preparedness Fund Emergency Support Services Grant.*
2. *THAT Council will provide overall grant management if the District of Ucluelet is awarded the UBCM Community Emergency Preparedness Fund Emergency Support Services Grant.*

CARRIED.

- 11.2 Development and Development Variance Permit for 1580 Peninsula Rd.
John Towgood, Planner 1

Councillor Hoar declared a conflict of interest arising from her being an employee of the Ucluelet Consumers Co-operative. She recused herself and left the meeting at 4:08 PM.

Bruce Greig, Manager of Planning, summarized the proposed changes to exterior, landscaping and signage.

2020.005.REGULAR **It was moved by Councillor McEwen and seconded by Councillor Kemp**

THAT Council approve recommendation 1 of report item, "Development and Development Variance Permit for 1580 Peninsula Rd" which states:

1. *THAT Council, with regard to the proposed exterior building renovation, landscaping and signage at the Ucluelet Consumers Co-operative store on Lot 1, District Lot 282, Clayoquot District, Plan VIP30080 (1580 Peninsula Road), approve the following:*
 - a. *subject to public comment, issue Development Variance Permit DVP19-05 to allow 12 fascia signs with an overall area of 42.8 square metres, whereas section 3.21 and 4.3 of the District of Ucluelet's Sign Bylaw No. 1060, 2007, would allow only one fascia sign that is no greater than 2.3 square metres; and,*
 - b. *issue Development Permit DP19-05 for a general building*

renovation, landscaping and signage on the CO-OP Grocery Store property.

CARRIED.

11.3 Cheque Listing - December 2019
Nicole Morin, Corporate / Planning Clerk

Councillor Hoar returned to meeting at 4:15 PM after Council dealt with item 11.2.

There were no questions or comments.

11.4 Resolution Tracking - December 2019
Nicole Morin, Corporate / Planning Clerk

Council discussed the items on the resolution tracker, and requested an update on the item pertaining to the Ucluelet & Area Historical Society's lease. Mr. Boysen advised that Abby Fortune, Director of Parks & Recreation, would provide an update at a future Council meeting.

12. LEGISLATION

12.1 Zoning Bylaw Amendment for 2100 Peninsula Road - 3rd Reading
Joseph Rotenberg, Manager of Corporate Services

Mayor Noël declared conflict of interest due to his ownership of a neighbouring property. He recused himself from the meeting at 4:26 PM.

Councillor Cole declared a non-pecuniary conflict of interest due to her relative being business partners with Mayor Noël. She recused herself from the meeting at 4:26 PM.

2020.006.REGULAR **It was moved by Councillor Cole and seconded by Councillor McEwen**

That Council approve recommendation 2 of report item, "Zoning Bylaw Amendment for 2100 Peninsula Road - 3rd Reading" which states:

2. THAT Council directs Staff to present a report that identifies options for the regulation of odor and noise, including a covenant.

CARRIED.

12.2 Zoning Bylaw Amendment for Two Existing Duplex Properties
John Towgood, Planner 1

Mayor Noël and Councillor Cole returned to the meeting at 4:35 PM after Council dealt with item 12.1.

Bruce Greig, Manager of Planning spoke to this report. He noted that only 2 of 13 duplexes will be addressed.

There were no questions or comments.

2020.007.REGULAR **It was moved by Councillor Hoar and seconded by Councillor Cole**

THAT Council approve recommendation 1 of report item, "Zoning Bylaw Amendment for Two Existing Duplex Properties" which states:

1. *THAT District of Ucluelet Zoning Amendment Bylaw No. 1261, 2020, be given first and second reading and advanced to a public hearing.*

CARRIED.

13. OTHER BUSINESS

13.1 There was no other business.

14. QUESTION PERIOD

14.1 There were no questions from the public.

15. ADJOURNMENT

15.1 Mayor Noël adjourned the meeting at 4:39 PM.

CERTIFIED CORRECT: Minutes of the Regular Council Meeting held on Tuesday, January 14, 2020 at 3:30 pm in the George Fraser Room, Ucluelet Community Centre, 500 Matterson Road, Ucluelet, BC.

Mayco Noël
Mayor

Mark Boysen
CAO

Joseph Rotenberg

From: Darcey Bouvier on behalf of Info Ucluelet
Sent: January 13, 2020 2:49 PM
To: Mark Boysen
Cc: Joseph Rotenberg
Subject: UBC-Rural Evidence Review Project-Follow Up
Attachments: RER Survey Findings - Summary and Map - August 2019 - Final.pdf; RSON OOP Costs Survey Flyer - PDF.pdf

From: Rural Evidence Review <rer.crhr@ubc.ca>
Sent: January 13, 2020 2:37 PM
Cc: Carthew, Christine <christine.carthew@ubc.ca>
Subject: UBC-Rural Evidence Review Project-Follow Up

Dear Mayor and Council,

I am writing to you from the Centre for Rural Health Research, within UBC's Department of Family Practice. Our team reached out to your community earlier this year to share information about an ongoing research study to understand rural and remote community priorities for health care across British Columbia: the Rural Evidence Review project (led by Dr. Jude Kornelsen). The Rural Evidence Review (RER) has funding under Canada's Strategy for Patient-Oriented Research to work with rural citizens to provide high-quality and useful evidence for rural health care planning in BC. To do this, we ask rural citizens about the health care priorities that matter the most to their communities and share what we learn with policy- and decision-makers, and rural communities across BC.

Thank you to your community for support to share information about the project with the residents of your area – we are so grateful! Through telephone interviews and an online survey, our team has heard from approximately 1,500 people across 211 rural BC communities about their health care needs and priorities. I have attached to this email a summary write-up of the survey findings, as well as a map of the survey responses across the province. The summary report can also be accessed here: bit.ly/RERsurveysummary. Please also note that this survey is ongoing and will remain active until the project's end, March 2021. The survey is available here: bit.ly/ruralevidencereview.

We heard from survey participants about the difficulties that they experienced when travelling to other communities for care, including financial costs to patients and their families (costs that are not often

considered when services are planned). To follow up, we have created a survey to understand patients' out-of-pocket costs when travelling for health care. The voices and experiences of rural citizens-patients are critical for health care planning. We will use the findings to create a complete understanding of what it costs when health services are not available locally. As always, we will share the findings with the Health Authorities and the Ministry of Health, and rural communities across BC. I have attached a flyer with more information about the survey. The survey is available until January 31, 2020 and can be accessed here: bit.ly/CostsRural.

We would be most appreciative if you could share information about both surveys, including the initial findings of the first survey and links to access both surveys, with the residents of your community.

Thank you for your support for this work to improve rural health services in BC.

Sincerely,

The RER Team

Principal Investigator:

Jude Kornelsen, PhD

Associate Professor, Department of Family Practice, University of British Columbia (UBC)

Co-Director, Centre for Rural Health Research

E: jude.kornelsen@familymed.ubc.ca

T: (250) 653-4325

Research Coordinator:

Christine Carthew, MPH

Centre for Rural Health Research, Department of Family Practice, UBC

E: christine.carthew@ubc.ca

T: (604) 827-2193

I acknowledge that my place of work is located within the ancestral, traditional and unceded territory of the xʷməθkʷəyəm (Musqueam) First Nation.



Centre for Rural Health Research
rigorous evidence for sustainable rural health services



About the Rural Evidence Review

The Rural Evidence Review (RER) project is a joint initiative between the Centre for Rural Health Research (Department of Family Practice, University of British Columbia) and the Rural Coordination Centre of British Columbia. The RER is funded under Canada's Strategy for Patient-Oriented Research (Canadian Institutes for Health Research). The goal of the project is to work with rural citizens-patients-communities to provide high quality and useful evidence for rural health services planning in British Columbia, Canada. To do this, we: (1) ask rural citizens-patients-communities about the health care priorities that matter most to them and their communities, (2) review the international evidence to learn about best practices from other jurisdictions, and (3) share what we learn with policy- and decision-makers and rural communities across the province.

About the RER Survey

The Rural Evidence Review Team developed a brief, anonymous online survey to learn about rural citizen-patient-community priorities for health care in British Columbia. The survey link has been distributed widely through rural community Facebook pages, local community media (newspapers and radio stations) and Chambers of Commerce, reaching more than 200 rural and remote communities across the province. As of August 2019, more than 1,500 survey responses have been received.

The survey is ongoing and will be available until March 2021 (i.e., the end of the project). The survey is available here: <http://bit.ly/ruralevidencereview>

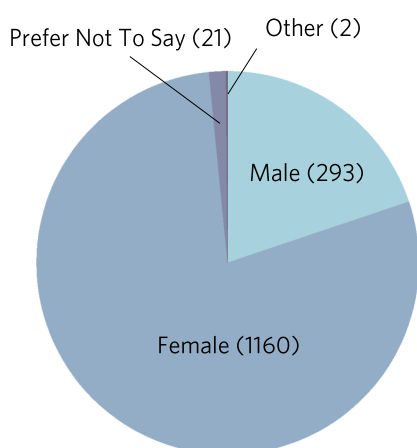
2018-2019 Outreach Survey Findings¹

Number of Responses	1476
Number of Communities	211

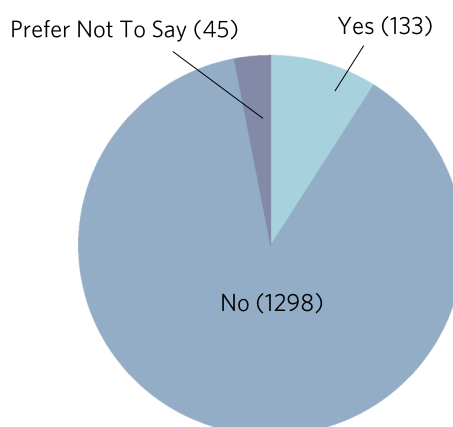
Age of Respondents	
Average	52 Years
Range	16-89 Years

Time Living in the Community	
Average	21.25 Years
Range	1 month — 83 Years

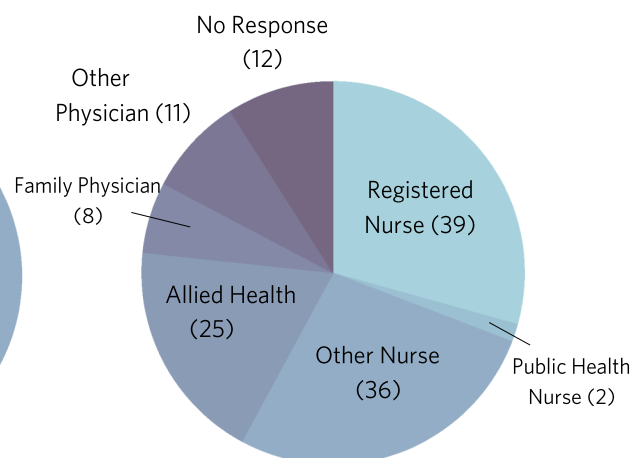
Gender



Are you a paid health care provider?



Provider Type



¹Data from April 16, 2018 to July 10, 2019.

Demographics & Ecology

- Communities have wide age ranges, requiring a wide range of services.
- Communities are growing and need services to grow as well.
- The mountainous terrain and dangerous weather make travelling to other communities for care very difficult.
- Island communities are dependent on ferry services to access care.
- Communities with strong tourist industries have higher needs for health care during peak seasons, when wait times increase dramatically.
- Some communities feel that they are the source of health care services for too many neighboring communities, making it hard for local citizens to access care.

Difficulties Travelling for Care

Respondents cited the following difficulties associated with travelling outside of their community for care:

- Many rural communities are lacking in local or nearby health services.
- Rural citizens face physical and financial barriers when travelling for health care.
- Some communities have a high incidence of emergencies and fear that they will not be able to access care fast enough in the case of an emergency.
- Expectant mothers from some communities need to pay for lodging outside of their community for up to four weeks prior to delivery, and have to travel hours to a neighbouring community with maternity services should they go into labour early.
- Rural citizens feel that there needs to be better recognition of mental health and addiction issues, and more local services tailored toward mental health and substance use care.
- Many respondents do not have family physicians and end up relying on emergency services for non-emergency issues. The high turn-over rate of rural physicians leads to a lack of continuity of care.
- A lack of local home care or long-term care facilities forces seniors to leave their home community in the final stages of their lives, placing them far from family and friends. Many seniors also spend long periods of time in the hospital waiting for a long-term care bed, reducing the amount of vacant hospital beds. Seniors cannot always afford to move to another community for care and struggle to travel long distances for care.
- Patients are often referred outside of their rural community for specialist, diagnostic and testing services, and experience long wait times for care.

Consequences of a Lack of Local Care

Respondents cited the following consequences associated with a lack of local access to care:

- Avoiding or missing treatment as a result of the difficulties and costs associated with needing to travel for care.
- A lack of local care negatively impacts the integrity of the community, as many citizens move to be closer to health services.
- Needing to leave the community for care leads to patients going through treatment and recovery away from their support networks (family, friends, etc.).

Expand, Increase or Improve Local Availability of Health Services

Respondents recommended to:

- Improve the local availability of a variety of care types.
- Expand the opening hours of medical facilities.

- Improve the quality of care provided, including through improvements in management:
 - Better communication and collaboration among health care provider
 - Review and/ or improve policies and procedures
- Improve opportunities for community participation and community-led initiatives.
- Improve the quality and availability of local equipment and facilities, by improving funding to the local health care system.
- Create walk-in clinics or community health centres to reduce patients' reliance on emergency services, wait times, and the need to travel outside of the community for care.

Increase the Local Workforce (Size and Capacity)

Respondents recommended the following to improve the size and capacity of the local workforce:

- Increase the number of local providers through enhanced recruitment and retention efforts, including:
 - Improve attraction or advertising of the rural community
 - Improve working conditions or contracts for providers
 - Improve or facilitate finding housing in the community
 - Provide incentives, financial or otherwise
- Improve the roles or capacity of health care providers other than physicians, such as nurse practitioners and community nurses.
- Increase spots in medical schools and prioritize training local rural students.

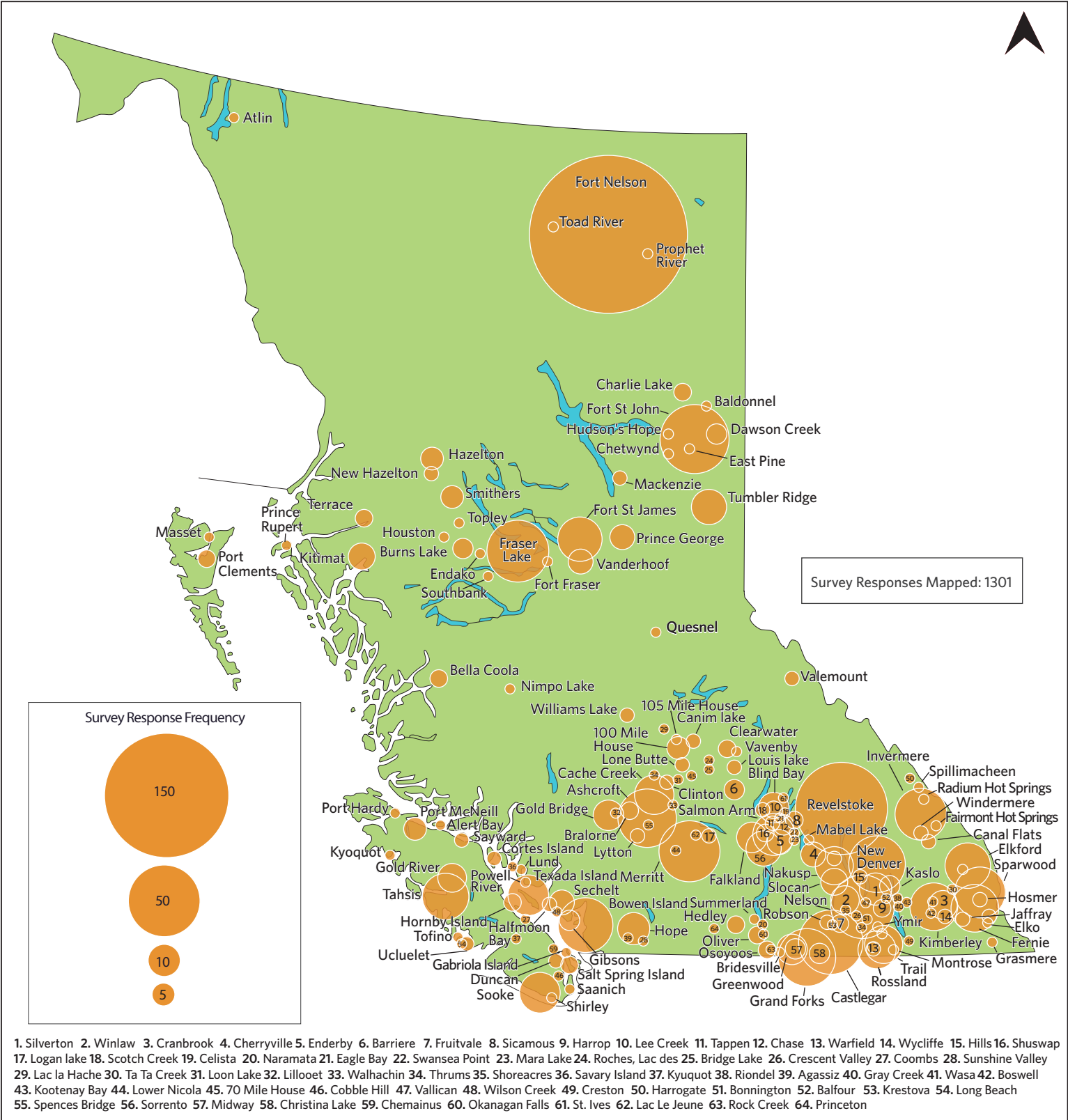
If Local Care Cannot Be Increased, Improve Access To Care

Respondents recommended the following to improve access to care:

- Regular visits to the community from visiting providers, to reduce the need for residents to travel to access care (note, this can include mobile clinics).
- Allow inter-provincial care for communities closer to services in Alberta.
- Incorporate more technology into medical services through the use of telehealth services (note, this may involve improving internet connectivity and cell phone networks across rural and remote B.C.).
- Improve transport services to and from medical care outside of the community.
- Provide funding for patients needing to travel for care and for families needing to relocate for care.

Survey Response Map

British Columbia, Canada



Data Source: Centre for Rural Health Research, Abacus Dataverse Network, Data BC Catalogue, Google Maps

Created on 14th June, 2019 by: CRHR | Department of Family Practice | UBC

Updated on 18th July, 2019

UBC Rural Evidence Review Project Follow-Up

Centre for Rural Health Research
Department of Family Practice, University
of British Columbia
320-5950 University Boulevard
Vancouver, BC V6T 1Z3
<http://crhr.med.ubc.ca>

Contact:

Christine Carthew, Coordinator
christine.carthew@ubc.ca



@centreforruralhealthresearch



@CRHR_Public



Have you had to travel for health care?

If you were 19 years of age or older AND living in a rural BC community when you had to travel to access health care, we would like to hear from you!

We invite you to complete a 15-25 minute anonymous online survey for a research study on experiences and costs for rural patients accessing health care.

Everyone who completes the survey will be entered into a draw for one of three **Amazon gift cards, valued at \$50, \$150, and \$250!**

Survey link:
[Bit.ly/CostsRural](https://bit.ly/CostsRural)

The researchers conducting this study are Drs. Jude Kornelsen and Asif Khowaja (University of British Columbia). The "Rural Surgical and Obstetrical Networks (RSON) Evaluation Study" is funded by the Joint Standing Committee for Rural Issues. Please contact Eva Sullivan at eva.sullivan@ubc.ca or 604-827-2147 for more information.



Jan 22, 2019

Dear Mayor and Council,

The CBT is pleased to announce the opening of our 2020 grant cycle. This year marks the 18th year of CBT granting with more than \$140,000 available to support local projects. Until March 5, we will be accepting grant applications from qualified donees for the following granting areas:

Arts & Culture	grants up to \$5000
Youth & Education	grants up to \$5000
Research & Environment	grants up to \$5000
Community Development	grants up to \$5000
Biosphere Research Award	one grant of \$20,000
Vital Grants	grants up to \$20,000

Additionally, we will be accepting applications for Green Neighbourhood Small Grants from March 15 – April 15. These are the only CBT grants available to individuals and provide up to \$500 to support environmentally-themed projects that build a sense of community ownership and pride while respecting and celebrating diversity.

We will be hosting grant information sessions in each community over the coming weeks. Please stay tuned to our social media channels for announcements of the dates and times. You can learn about eligibility criteria and funding guidelines [on our website](#).

The Clayoquot Biosphere Trust (CBT) is a registered charity that works to promote the health of individuals, communities and ecosystems throughout the Clayoquot Sound Biosphere Region. Established in 2000, CBT is the only organization in Canada that is both a community foundation and a UNESCO biosphere reserve. We pair this spirit of community with the power of a global presence to bring more people together for a shared understanding. Updates on grants and other CBT initiatives are shared monthly through our newsletter, which you can [sign up for here](#).

Thank you for your ongoing support of our work and helping to share this news with your community.

Sincerely,

Rebecca Hurwitz
Executive Director



STAFF REPORT TO COUNCIL

Council Meeting: JANUARY 28, 2020
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: JOHN TOWGOOD, PLANNER 1

FILE NO: 0540-20 BOV

SUBJECT: BOARD OF VARIANCE MEMBER APPOINTEES

REPORT NO: 20-07

ATTACHMENT(S): N/A

RECOMMENDATION(S):

1. **THAT** Council reappoint Leif Hagar, Matt Harbidge, and Erik Larsen to serve on the Board of Variance for a three-year term.

PURPOSE:

To consider reappointing Leif Hagar, Matt Harbidge and Erik Larsen to the Board of Variance.

BACKGROUND:

The *Local Government Act (LGA)* requires a local government that has adopted a zoning bylaw to establish a Board of Variance (**BOV**). Ucluelet's BOV must consist of three persons appointed by Council. BOV appointments are for a period of three years.

Ucluelet's BOV appointees are nearing the end of their term. All three appointees have expressed interest in continuing for another term. Section 5.6 of the District of Ucluelet Board of Variance Bylaw No. 1163, 2014 specifically allows for the reappointment of BOV members.

DISCUSSION:

The District of Ucluelet BOV meets between two to five times a year. The current BOV met six times during their term.

Appointing current BOV members to serve for an additional term will result in staff time savings associated with attracting, vetting and introducing BOV members to applicable legislation and processes.

TIME REQUIREMENTS – STAFF & ELECTED OFFICIALS:

Reappointing the current BOV members will require minimal staff time.

FINANCIAL IMPACTS:

Reappointing the current BOV members will have minimal financial impact.

POLICY OR LEGISLATIVE IMPACTS:

A local government that has adopted a zoning bylaw must establish a Board of Variance. The *LGA* and Board of Variance Bylaw allow for the reappointments of BOV members.

SUMMARY:

The BOV has functioned competently over the last 3 years. Planning Staff supports the reappointment of Leif Hagar, Matt Harbidge, and Erik Larsen to serve on the Board of Variance for another three-year term.

Alternatively, Council has the following option:

2. **THAT** the meeting be closed to the public in order to address agenda items under section 90(1)(a) of the *Community Charter*.

Respectfully submitted: John Towgood, Planner1
Bruce Greig, Manager of Community Planning
Mark Boysen, Chief Administration Officer



STAFF REPORT TO COUNCIL

Council Meeting: January 28, 2020
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: JOHN TOWGOOD, PLANNER 1

FILE NO: 3360-20-RZ20-02 & 4020-20-BUILDING-RAVEN MOTEL

REPORT NO: 20-08

SUBJECT: BUILDING INFRACTIONS AND ZONING BYLAW AMENDMENT FOR 2088 PENINSULA ROAD

ATTACHMENT(S): APPENDIX A – ZONING AMENDMENT BYLAW NO. 1262, 2020

APPENDIX B – 1995 DEVELOPMENT PERMIT

APPENDIX C – LETTER TO OWNERS DATED OCTOBER 30, 2019

APPENDIX D – LETTER TO OWNERS DATED JANUARY 21, 2020

RECOMMENDATION:

1. **THAT** Council provide an opportunity for the owners of the property at 2088 Peninsula Road to address Council, should they wish to make representations or appeal the cancellation of their Motel business licence #4214 and/or the proposed registration of a notice on title for work done without permits;
2. **THAT** Council provide an opportunity for residents, neighbours or other community members with an interest in the property to address Council if they wish to do so at this time;
3. **THAT** a Notice pursuant to the authority of Section 57 of the *Community Charter* be filed in the Land Titles Office against the Title of Lot 8, District Lot 284, Clayoquot Land District, Plan VIP58757; PID 018-743-668; having a civic address of 2088 Peninsula Road; and,
4. **THAT** District of Ucluelet Zoning Amendment Bylaw No. 1262, 2020, be given first and second reading and advanced to a public hearing.

PURPOSE:

To provide Council with information on infractions against the Building Bylaw and steps to bring the property into compliance, plus a proposed zoning amendment bylaw that would rezone Lot 8, Plan VIP58757, District Lot 284, Clayoquot Land District (2088 Peninsula Road- the "**Subject Property**") from the *CS-2 Zone-Service Commercial* to the *R-3 Zone-High Density Residential* to recognize the multi-family uses occurring on the subject property.



Figure 1 – Subject Property

BACKGROUND:

In March of 1995, Glen Kaikkonen the owner of the subject property at the time (Mr. Kaikkonen is still part owner of the property) applied to the District of Ucluelet for a Development Permit (**DP**) for 6-10 detached motel units and an office building large enough to accommodate two or three office storefronts (see **Figure 2**).

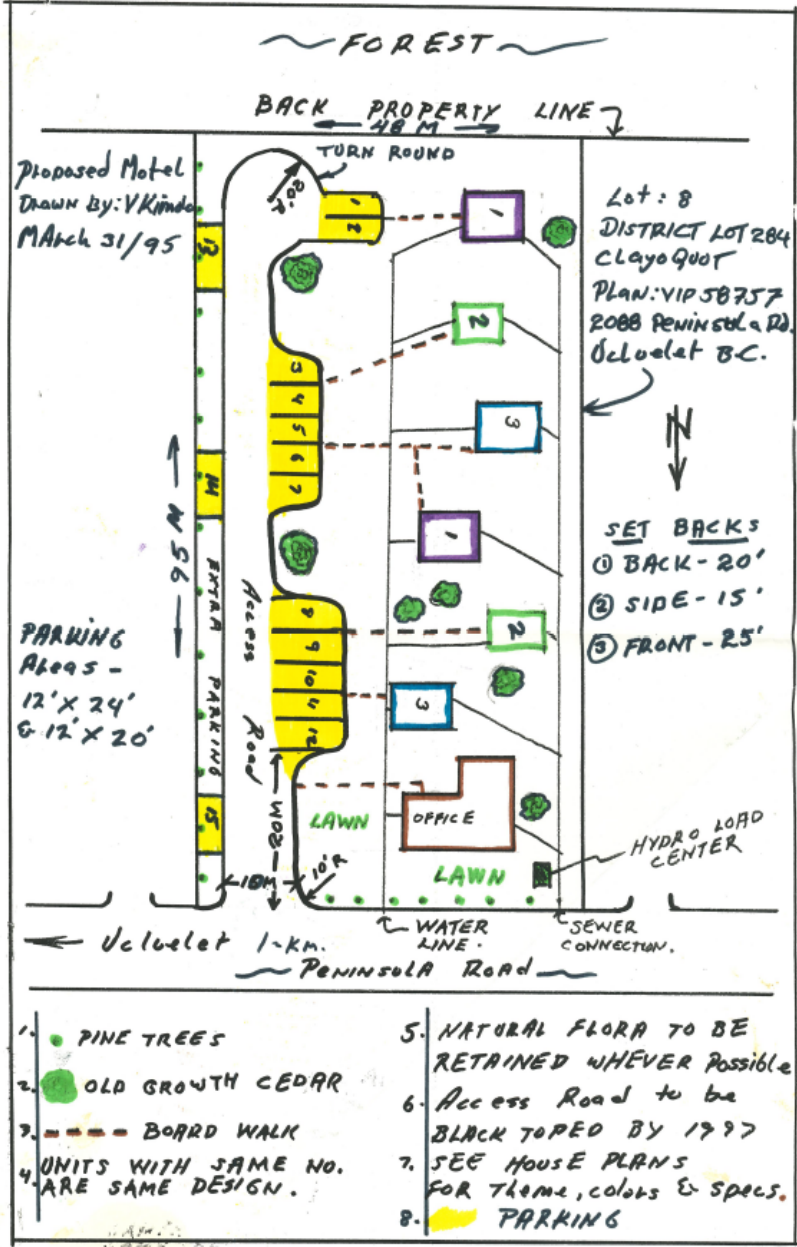


Figure 2 - DP Site Plan

The 1995 Development Permit was approved subject to:

- Ministry of Transportation & Infrastructure approval
- Infrastructure assessment
- Formal plans
- Landscape drawings
- Complete drawings that showed setbacks, garbage containers, siting, screening parking, loading, color/material schemes.

The District of Ucluelet's planner at the time was concerned that these units could be used as fulltime residential and recommended registering a restrictive covenant intending to prohibit residential use of the property. It is unclear if any of the above subjects were completed and a covenant was not placed on title restricting residential use. In April of 2002 the owners requested to register separate strata titles for some of the units. This request was turned down by Council.

The buildings on the property were built between 1995 and 2000 somewhat consistent with the 1995 DP. Building Permits (BP) were taken out for each individual building labeled A through G (indicated in **Figure 3** below) with occupancies being given to buildings A, B, D, E, F, and G. It should be noted that there are discrepancies between what was approved under the respective BP's and what was physically built on the property. The following diagram locates the structures on site:

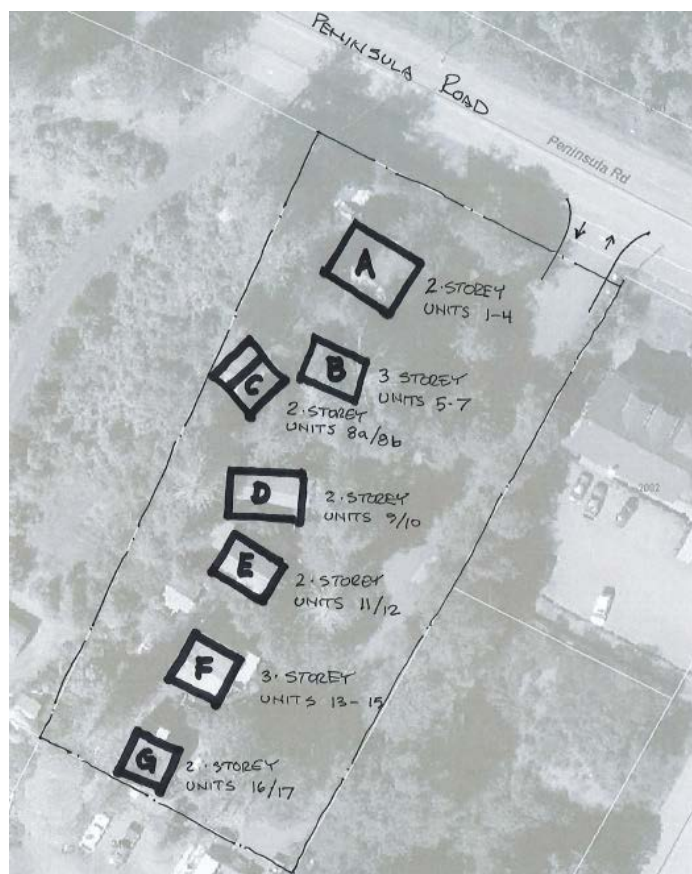


Figure 3 – Current Site Plan

On October 7, 2019, the District of Ucluelet building inspector entered the subject property to apply a Stop Work Order as non-permitted works were being actively constructed. As part of the Stop Work Order review it was noted that other buildings had been clearly modified, additional suites had been added, and major structural renovations had occurred which are not consistent with the current building code. Upon review this work would seem to have been done without DP or BP approvals. In talking to the owners and tenants it also became evident that the motel units were not being used as motel units but rather as full-time residential use.

Staff reviewed the historical record for the property and confirmed it was constructed as a motel and office. A review of business license records show that there has been an active business license for a thirteen-unit motel since 1996. The active business license conflicts with the owners' and tenants' representations that the property is and has been used for many years as a residential property. The following table represents the conflicting information on the subject property:

Approved by DP:	6 to 10 motel units and 1 office building
Approved by BP (built):	12 motel units and 1 office building
Business License:	13 motel units (since 1996)
Site Review:	17 residential units (2 owner occupied units, 15 tenanted units)

Table 1 – Conflicting information on file

DISCUSSION:

There are full time residents residing on the subject property in a non-lawful status. This multi-family residential rental use is a needed form of housing in Ucluelet, and the tenants have expressed a high level of anxiety with the non-lawful status of their homes; Staff therefore feel it is important to promptly bring a zoning amendment bylaw forward to recognize and secure the continued multi-family use.

It is important to note that the life safety and fire code issues with the buildings and structures on the subject property will be dealt with separately and in parallel to the rezoning amendment proposed in this report. A letter was sent to the property owners and tenants on January 21, 2020, (see **Appendix D**) including a draft copy of this staff report and a summary of the findings from the building review. The owners are responsible for obtaining permits and ensuring that all buildings on the property comply with the *BC Building Code* and municipal *District of Ucluelet Building Bylaw No. 1165, 2014*, regardless of whether the zoning is amended; in other words, the building upgrades would be required whether the dwelling units were being used for residential or motel purposes.

Progressive measures to enforce the *Building Bylaw* which the District could pursue include further Stop Work and Do Not Occupy notices, fines, remedial action orders, court injunction, etc., to compel full permitting, occupancy and bylaw compliance. The letter to owners on January 21, 2020, includes a summary of staff observations on the buildings and a list of upgrades which staff consider key to providing a basic level of protection for the safety and health of occupants. If the owners take progressive steps to fix these deficiencies in a timely manner, under the necessary building permits, then Council could hold off on taking further measures to enforce the *Building Bylaw*.

Section 57 Notice on Title

Because construction has been completed on the property without the required permits, staff recommend that a notice be filed against the title of the subject property pursuant to Section 57 of the *Community Charter*. By registering a notice on title, future owners will be aware that work has been completed in contravention of the building bylaw, without the required permits or inspections. Notices filed against the land title would be removed when the infractions have been

resolved to the satisfaction of the Building Official; i.e., once Occupancy Permits have been obtained for all structures.

Business Licence

By the owners' admission and statements by the residents, it is clear that the property is not operating as a Motel, and has not done so for many years (if ever). Therefore the Licence Inspector has revoked business licence #4214. The owners have been advised that if they wish to appeal this decision they may do so in writing, for reconsideration by Council.

Official Community Plan

The subject property is currently designated for "Service Commercial" land use by the District of Ucluelet Official Community Plan Bylaw No. 1140, 2011, (OCP). Section 3.6 of the OCP describes "Commercial Development" as follows:

3.6 Commercial Development

Ucluelet provides a range of commercial facilities and services for the convenience of residents and visitors. Commercial uses help to foster a sustainable local economy by strengthening the commercial tax base, providing employment opportunities and accommodating a viable tourist economy. Commercial land uses are also recognized for their contribution to a complete community through the provision of services and shopping close to home.

With "Service Commercial" being specifically described as follows:

3.6 (i) Service Commercial

Lands designated for Service Commercial uses are generally located along both sides of Peninsula Road between Forbes Road and Bay Street.

As part of the new Draft OCP, Staff have been reviewing the designation of commercial land uses and associated guidelines. Along the Peninsula Road corridor from Main Street to Seaplane Base Road (the central commercial area of town - as indicated in red below), Staff consider it important for all new development to have a direct connection to the street, with parking at the rear. The next part of Peninsula Road, between Seaplane Base Road and Forbes Road (as indicated in orange below), is a transition area where it is preferred that buildings have a direct connection to the street but it is also understood that businesses such as gas stations and lumber yards are or will be set back with parking in front of the building. The forested edge along the east side of Peninsula Road in this section further gives this area a distinctive character.

To retain a strong presence and "gateway" experience at the entrance to town, the remaining Peninsula Road corridor, from Forbes Road to the District of Ucluelet boundary, should remain in as natural a state as possible (area indicated in green below). For a resident or visitor entering Ucluelet from the north, the forest will gradually peel back as more intensive land uses and building density concentrate toward the Village Square. The area north of Forbes Road would best fit uses which do not require pedestrian customer traffic and peek out of the forest rather than face the road with a more urban storefront (see **Figure 4**).

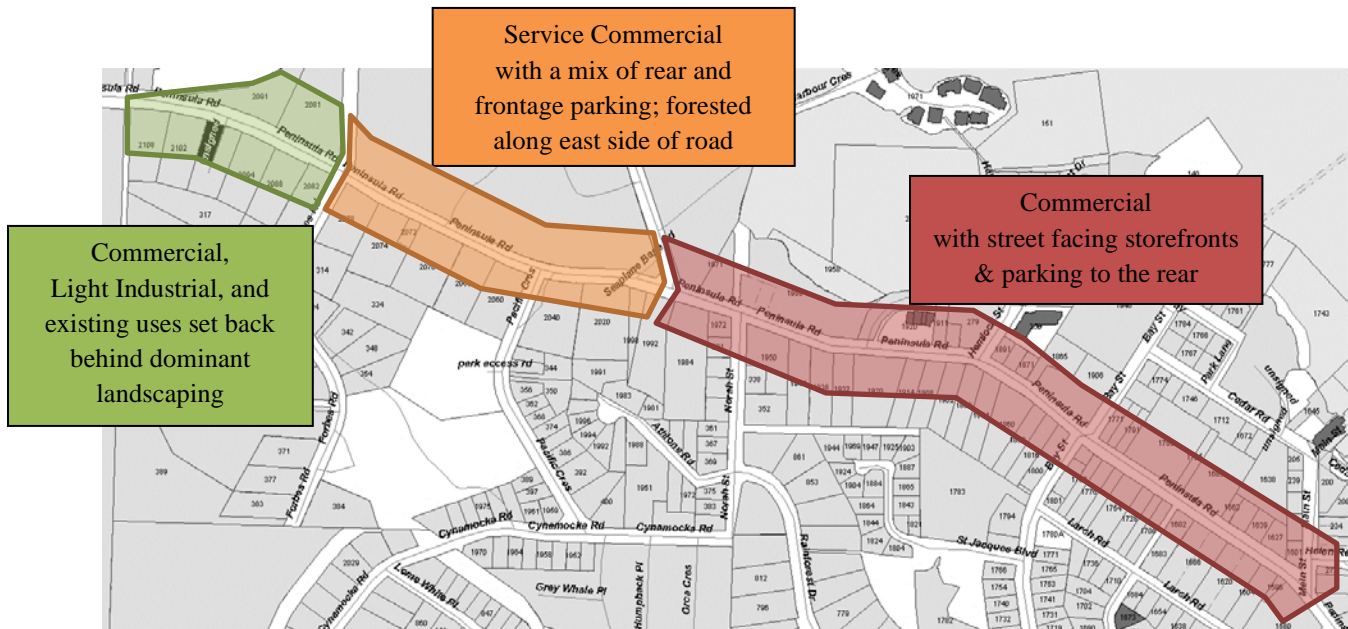


Figure 4 – Appropriate land use within the Peninsula Road corridor

As mentioned above the importance of street facing commercial frontage is not as important as the retention of green belt in this part of Peninsula Road. Without the need for commercial frontage a multifamily residential use could be seen as appropriate. The following OCP Affordable Housing Policies support affordable housing options such as the current use:

7. Encourage alternative housing options, including bare land strata and small lot subdivisions;
8. Use comprehensive development zoning to promote rental housing development and accommodate special needs housing development, guest house accommodation, and the provision of housing for seasonal workers;
9. Zone land using low to moderate densities and use density bonusing to secure affordable housing in any larger development;

The OCP does not directly contemplate the protection of existing rental residential units but when considering the totality of the housing policy within the current and proposed OCP and that this zoning amendment is a recognition of an existing use; Staff consider this application consistent with the OCP.

A Development Permit (**DP**) will be required for any significant exterior works and could form part of a DP & BP submission by the owner, as the owners address the life safety and fire code issues with the buildings and structures.

Zoning

The Property is currently zoned CS-2 Service Commercial and has the following permitted uses:

CS-2.1 Permitted Uses:

CS-2.1.1 The following uses are permitted, but secondary permitted uses are only permitted in conjunction with a principal permitted use:

(1) Principal:

- (a) Hotel*
- (b) Motel*
- (c) Mixed Commercial/Residential*
- (d) Mixed Commercial/Resort Condo*
- (e) Office*
- (f) Tourist Information Booth*
- (g) Retail, including supermarket*
- (h) Convenience Store*
- (i) Restaurant*
- (j) Bistro/Café*
- (k) Take Out Food Services*
- (l) Personal Services*
- (m) Commercial Recreation*
- (n) Studio*
- (o) Community Use*

(2) Secondary:

- (a) Accessory Residential Dwelling Unit*

Staff consider the best means of recognizing and securing the current multi-family use is to rezone the property to R-3 Zone High Density Residential (**R-3**). The permitted uses under the R-3 designation are as follows:

R-3.2 Permitted Uses:

R-3.2.1 The following uses are permitted, but secondary permitted uses are only permitted in conjunction with a principal permitted use:

(1) Principal:

- (a) Multiple Family Residential*

(2) Secondary:

- (a) Home Occupation*

While the current definition of *Multiple Family Residential* describes groups of buildings with three or more dwelling units, the bylaw amendment has been drafted to include a site-specific amendment to the R-3 Zone to allow single and duplex multi-family units (as exist on the property currently) as follows:

1. Map Amendment:

Schedule A (Zoning Map) of District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by changing the zoning designation of Lot 8, District Lot 284, Clayoquot Land District, Plan VIP58757 [PID 018-743-668; 2088 Peninsula Road] shown shaded on the map attached to this Bylaw as Appendix "A", from CS-2 Zone-Service Commercial to R-3 Zone-High Density Residential.

2. Text Amendment:

Schedule B of the District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by adding subsection (i) directly below section R-3 .1.1 (1) (a), as follows:

"(i) Despite the definition of *Multiple Family Residential* in section 103 of this bylaw, on Lot 8, District Lot 284, Clayoquot Land District, Plan VIP58757, [PID 018-743-668; 2088 Peninsula Road] a *Multiple Family Residential* use may be in a *building* or group of *buildings* containing one or more *dwelling units* for residential use."

TIME REQUIREMENTS – STAFF & ELECTED OFFICIALS:

Should the application proceed, staff time will be required to process this Zoning Bylaw Amendment, including giving notice of a Public Hearing. Staff time will also be required for processing a Section 57 notice, and any building permits which arise from these actions. Should Council find it necessary to pursue additional steps to enforce the *Building Bylaw*, additional time and resources will be required; the specifics of those steps would be the subject of a future report to Council.

FINANCIAL IMPACTS:

There are no direct financial implications to the District by advancing the proposed Bylaw to public hearing. It should be noted that prior to 2007 this property was outside the requirement for Development Cost Charge (DCC) contributions. Any units built after 2007 without a permit will be required to have a building permit review and will be required to pay a DCC contribution.

POLICY OR LEGISLATIVE IMPACTS:

Ucluelet is presently in the process of updating its OCP. The draft Bylaw No. 1236, “The District of Ucluelet Official Community Plan”, is currently at first reading. Updates to the draft plan, which are underway, will reflect the land use considerations discussed in this report.

OPTIONS:

The proposed zoning bylaw amendment would recognize and secure the current multi-family residential use occurring at 2088 Peninsula Road. This form of housing is needed in the community and Staff consider it important to protect all of Ucluelet’s rental housing stock; therefore, Staff recommend that the draft bylaw be given first and second reading and advanced to a public hearing. Revoking the Motel business licence and registering a Section 57 notice on title are reasonable steps given the past and current use and structures on the property. Alternatively, Council could consider the following:

2. **THAT** Council direct Staff to revise the draft Bylaw No. 1262 to instead provide a site-specific amendment to insert the Multiple Family Residential use into the list of permitted uses under the CS-2 zoning for this property; **or**,
3. **THAT** Council reject the zoning bylaw amendment, direct staff to seek advice from the municipal solicitors on enforcement options and steps, and/or provide alternative direction to staff.

Respectfully submitted: John Towgood, Planner 1
Bruce Greig, Manager of Planning
Mark Boysen, Chief Administrative Officer

DISTRICT OF UCLUELET**Zoning Amendment Bylaw No. 1262, 2020**

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

(2088 Peninsula Road)

WHEREAS the District of Ucluelet Council by Bylaw No. 1160, 2013, adopted the Zoning Bylaw and now deems it appropriate to amend the Zoning Bylaw;

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

1. Map Amendment:

Schedule A (Zoning Map) of District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by changing the zoning designation of Lot 8, District Lot 284, Clayoquot Land District, Plan VIP58757 [PID 018-743-668; 2088 Peninsula Road] shown shaded on the map attached to this Bylaw as Appendix "A", from CS-2 Zone-Service Commercial to R-3 Zone-High Density Residential.

2. Text Amendment:

Schedule B of the District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by adding subsection (i) directly below section R-3 .1.1 (1) (a), as follows:

"(i) Despite the definition of *Multiple Family Residential* in section 103 of this bylaw, on Lot 8, District Lot 284, Clayoquot Land District, Plan VIP58757, [PID 018-743-668; 2088 Peninsula Road] a *Multiple Family Residential* use may be in a *building* or group of *buildings* containing one or more *dwelling units* for residential use."

3. Citation:

This bylaw may be cited as "District of Ucluelet Zoning Amendment Bylaw No. 1262, 2020".

READ A FIRST TIME this day of , 2020.

READ A SECOND TIME this day of , 2020.

PUBLIC HEARING held this day of , 2020.

READ A THIRD TIME this day of , 2020.

ADOPTED this day of , 2020.

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Amendment Bylaw No. 1262, 2020.”

Mayco Noël
Mayor

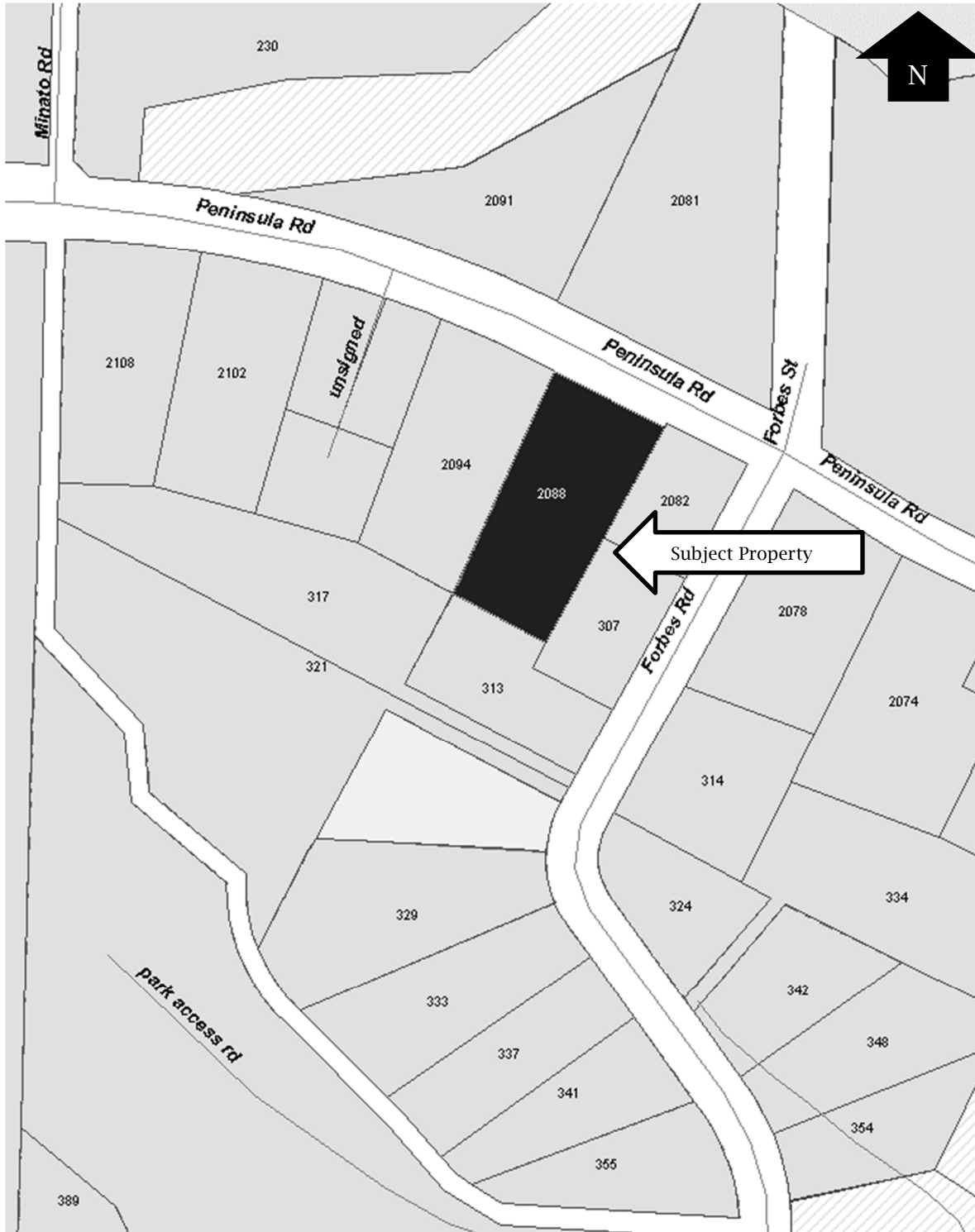
Mark Boysen
Corporate Officer

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

Mark Boysen
Corporate Officer

District of Ucluelet Zoning Amendment Bylaw No. 1262, 2020

From: CS-2 Service Commercial
To: R-3 High Density Residential



M E M O

Appendix B

TO: Wallace Mah, Clerk Administrator

FROM: Jim McManus, Director of Planning

DATE: March 27, 1995

SUBJECT: Longhouse Developments - Lot 8, D.L. 284, Plan VIP 58757, C.D.

This present response supersedes previous comments dated March 15th and is based on formal and full submission referred to me.

1.0 APPLICATION

For Development Permit

2.0 RECOMMENDATION

Approval in principal subject to:

- (i) positive referral response from the Ministry of Transportation & Highways;
- (ii) positive infrastructure assessment by both Public Works and Village Engineers;
- (iii) Council concurrence with "theme", colours and specs submitted;
- (iv) Council directive on bonding requirement for the proposal and also use of restrictive covenants (see Section 4.0 below);
- (v) formal resubmission by applicants of deficiencies noted in Section 3.0.

3.0 DEFICIENCIES NOTED:

The following need to be addressed by applicants;

- need formal plans/elevations of ALL unit styles as well as the "three office/store fronts";
- landscaping treatments and landscape retention areas specified (including specifics to be planted);
- all ground cover/treatments specified;

- garbage containment - siting, screening and landscaping;
- sizes and treatments for access road aisle widths and parking bays etc. (eg. blacktopped);
- all external colours/materials specified;
- loading/unloading requirements;
- setbacks specified.

4.0 COUNCIL ISSUES

- (a) due to size of units I recommend restrictive covenant precluding year round occupation. Would Council concur or otherwise?
- (b) bonding - would Council consider the appropriateness or otherwise of this here and instruct staff accordingly?

Respectfully submitted.


**ALBERNI-CLAYOQUOT
REGIONAL DISTRICT**

3008 Fifth Avenue, Port Alberni, B.C. CANADA V9Y 2E3

Telephone (604) 720-2700 FAX: (604) 723-1327

MEMORANDUM
RECEIVED

MAR 15 1995

VILLAGE OF UCLUELET

TO: Wallace Mah, Administrator
FROM: Jim McManus, Director of Planning
DATE: March 15, 1995
SUBJECT: Proposed Motel Development - Longhouse Developments - Lot 8, D.L. 284, Clayoquot District, Plan VIP58757

I have presumed the drawings done by Vic Kimola re the above have been referred to me for informal comment. Such being, indeed, the case I would respond as follows:

ZONING BY-LAW 519 - Comments:

- zoned "C-5" - motels and motor hotels permitted by virtue of section 125.1(5);
- the proposal, by virtue of by-law definition, is for a motel (9 unit) with office and/or dwelling unit?;
- Section 125.2(3) [in particular subsection (a)] is NOT addressed in the submission;
- zoning setbacks under Bulk and Site regulations need addressing in the submission;
- the applicants attention should also be drawn to Section 6.11 re floor areas, Section 300 re car parking requirements and sizes, aisle widths, etc, section 400 re loading/unloading requirements - all of which need incorporation into the submission.

OCP BY-LAW 498 - Comments:

- "permitted" under Future Tourist/Highway Commercial designation in OCP;
- also within a designated Development Permit Area (Section "H" Commercial, policy 7 is referenced) and the guidelines laid out (1-4) should be acknowledged by the applicant to a greater degree than submitted;
- external materials and colours, landscaping, surface treatments - blacktopped areas, etc. (??) need to be addressed;

Members: City of Port Alberni, Village of Ucluelet, District of Tofino

Electoral Areas "A" (Barrfield), "B" (Beaufort), "C" (Long Beach), "D" (Sprout Lake), "E" (Beaver Creek) and "F" (Cherry Creek)

Building Infractions and Zoning Bylaw Amendment for 2088 Peninsula Road ...

GENERAL COMMENTS:

- needs referral to Ministry of Transportation and Highways;
- needs emphasis on landscaping and landscape retention;
- needs infrastructure/service assessment by Village Engineers and Public Works;
- garbage containment - siting, screening and landscaping;
- should be referred to Building Inspector as early in process as possible;
- need formal plans/elevations of all style of units;
- due to size of units suggested, I would recommend restrictive covenant precluding year-round occupation (residential component).

Please accept this as a rough first-out at this submission. Please discuss as and when you can.

Respectfully submitted

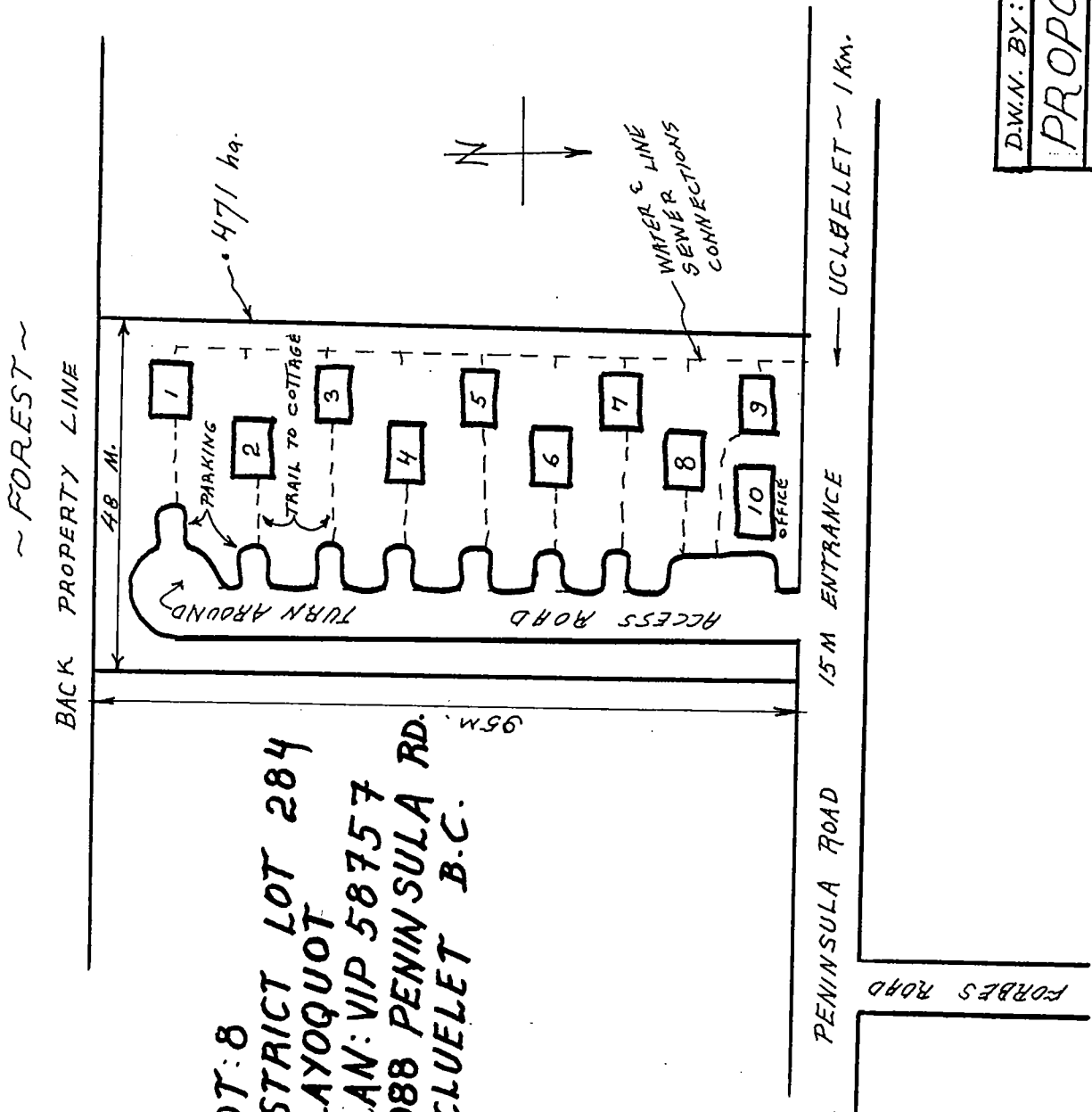
GENERAL NOTES ~	
1.	NUMBERS 1-9 MOTEL UNITS NUMBER 10 OFFICE
2.	UNITS TO BE BUILT IN SUCH A MANNER TO MAINTAIN NATURAL BEAUTY OF PROPERTY.
3.	TRAILS TO PROVIDE PRIVACY.
4.	ALL UNITS TO BE BUILT TO NATIONAL BUILDING CODE.
5.	UNITS WILL VARY IN SIZE & STYLE.
6.	APPROX. AVERAGE SIZE 600 R'
7.	CEDAR SHAKE ROOF. TYPICAL CEDAR SIDING TYPICAL
8.	SEE ATTACHED DRAWING'S FOR CONST. DETAILS.

RECEIVED

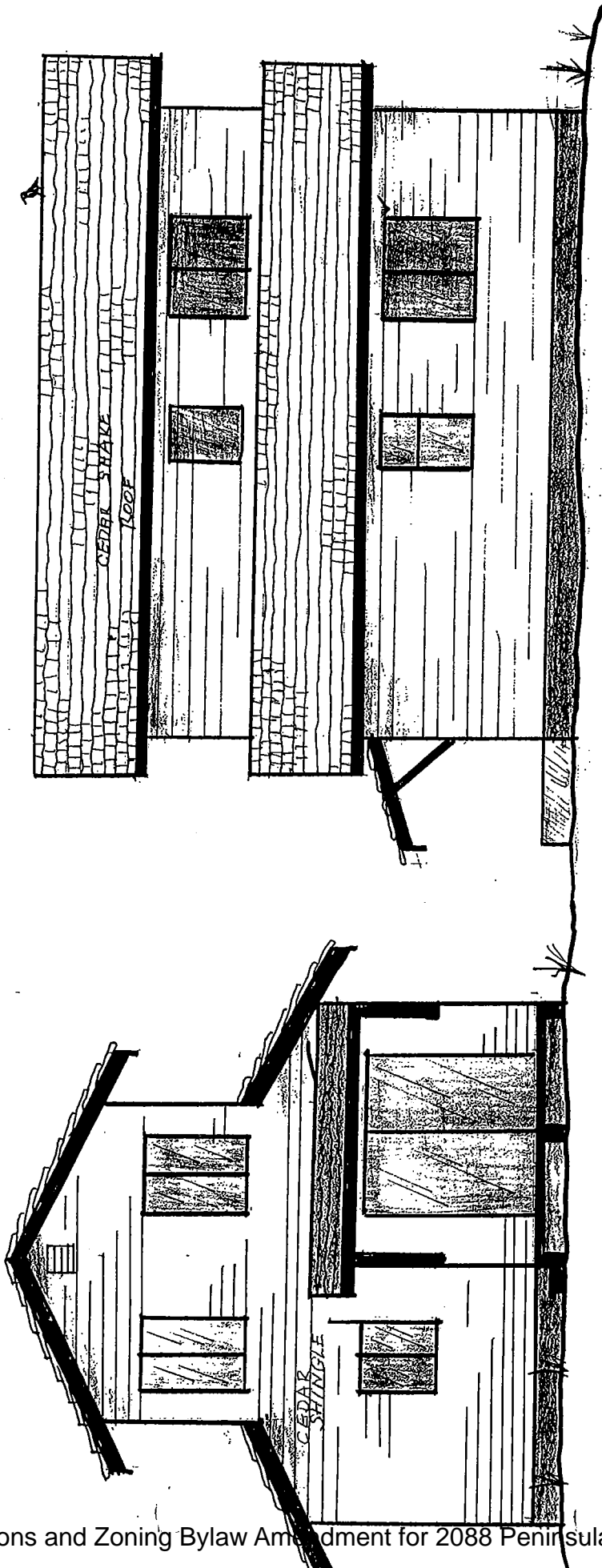
MAR 14 1995

VILLAGE OF UCLUELET

D.W.N. BY: VIC KIMOLA - ENGINEER MARCH 5/95
**PROPOSED MOTEL 10 UNITS
 LONGHOUSE DEVELOPMENTS**



**LOT: 8
 DISTRICT LOT 284
 CLAYOQUOT
 PLAN: VIP 58757
 2088 PENINSULA RD.
 UCLUELET B.C.**



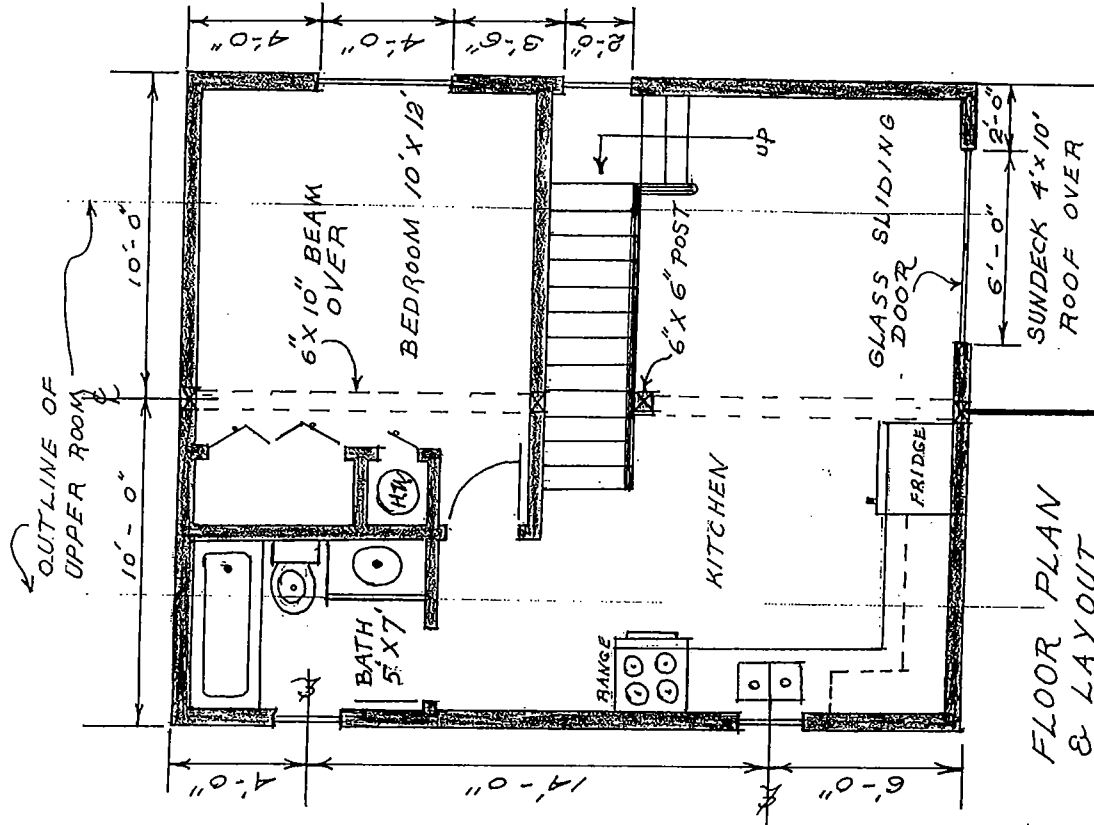
SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

EAST ELEVATION
SCALE: 1/4" = 1'-0"

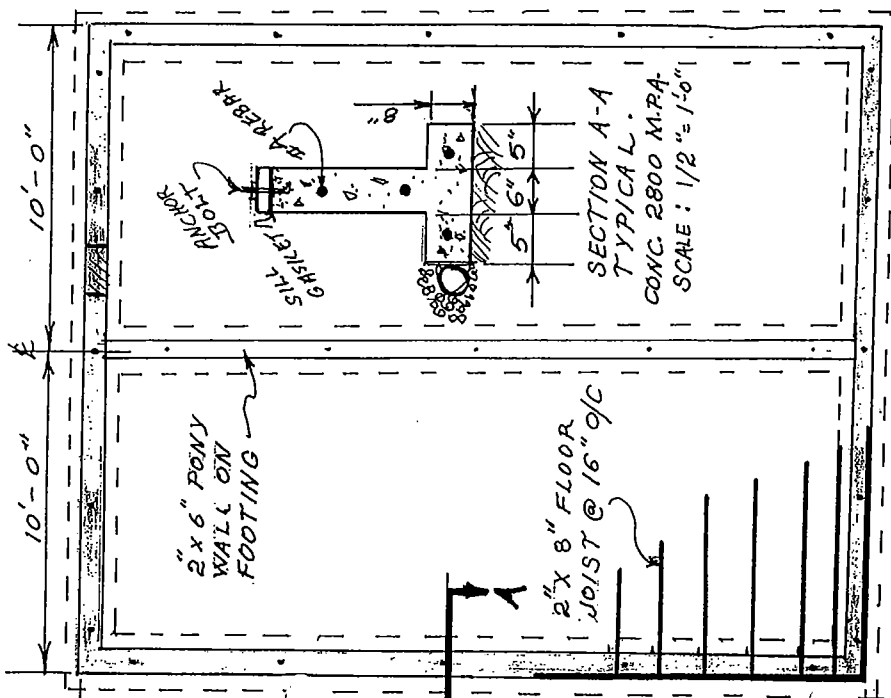
DRAWN BY: VIC KIMOLA	MARCH 11/95
ELEVATIONS	
LONGHOUSE DEVELOPMENTS	

GENERAL NOTES:

1. CONC. FOR FOOTINGS & FOUNDATION WALLS 3000 P.S.I.
2. ALL FRAME LUMBER CONST. GRADE OR BETTER.
3. EXTERIOR WALLS 2" X 6" TYPICAL.
4. ALL WINDOWS THERMAL PANE.

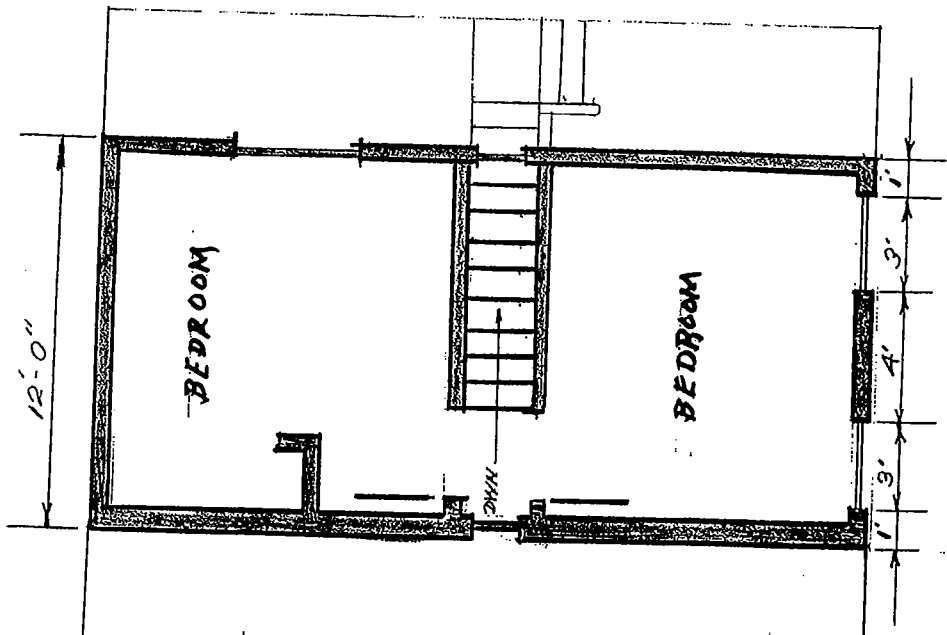
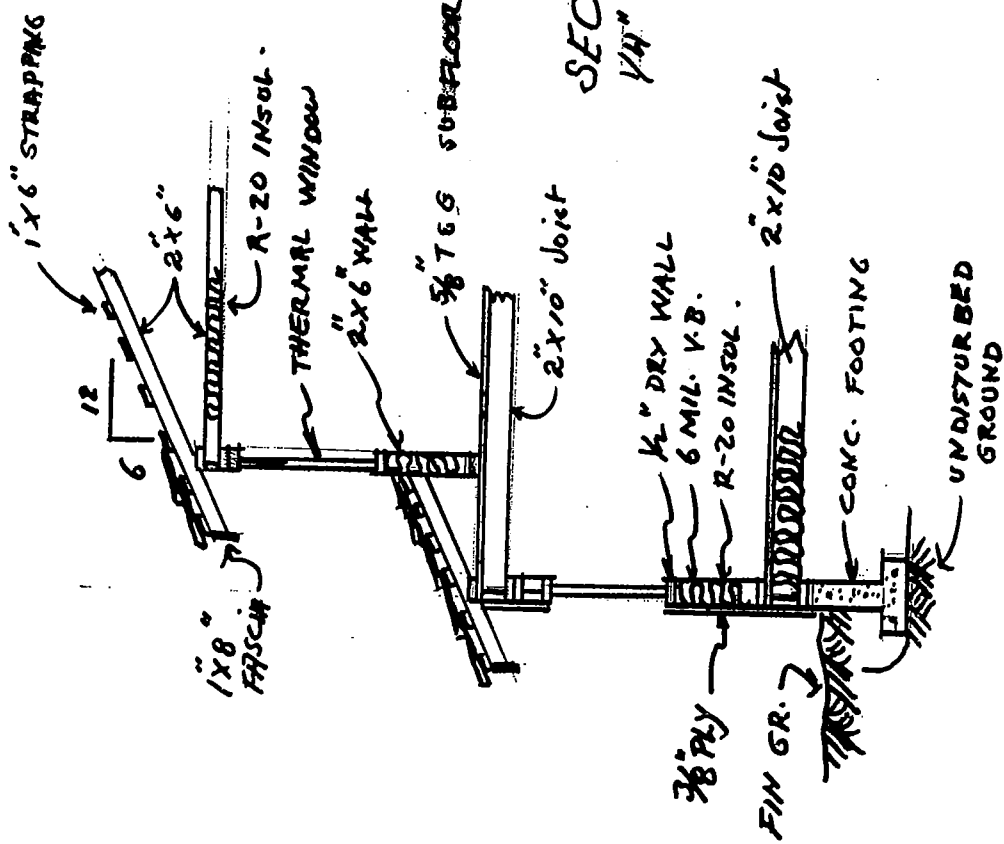


FLOOR PLAN & LAYOUT
SCALE: 1/4" = 1'-0"



FOUNDATION PLAN & DETAILS
SCALE: 1/4" = 1'-0"
(EXCEPT AS NOTED)

DRAWN BY: VIC KIMOLA MARCH 8/95
FOUNDATION & FLOOR PLAN
LONGHOUSE DEVELOPMENTS



DRAWN BY: VIC KINOLA | MARCH 13, 2025
 UPPER FLOOR PLAN & TYP. SECTION DETAILS
 LONGHOUSE DEVELOPMENTS



Appendix C

District of Ucluelet

Planning Department
 200 Main Street, Ucluelet, BC
 VOR 3A0, PO. Box 999
 tel 250-726-4770 fax 250 726 7335

Notice of Zoning, Building and Fire Inspection

Date: October 30th, 2019

Owners: Glen Charles Kaikkonen; Vincente Michael Kimola; Tara May Ryan; Melissa Turner

Address: 2088 Peninsula Road

Legal: Lot 8, District Lot 284, Clayoquot District, Plan VIP58757 (PID 018-743-668)

To: All Owners and Occupants of the property at 2088 Peninsula Road

On October 7, 2019, District of Ucluelet building inspection staff entered the property at 2088 Peninsula Road to apply a Stop Work Order on an addition being constructed without building permit. As part of the Stop Work Order review it was noted that there appear to be additions and modifications to other buildings on site. The primary use occurring on the site appears to be residential; this use is not compliant with the permitted uses for land designated as CS-2 Service Commercial under the District of Ucluelet Zoning Bylaw.

Note that the Development Permit and Building Permits issued in the past were for a Motel use. Our records show that the property has had a business licence for a 13-room Motel since 1996, and should be operating as a single, unified Motel.

"Motel" means a building, or group of buildings on the same lot, providing four (4) or more separate guest rooms or dwelling units with the entrance to each room being to the outside of the building, for commercial tourist accommodation use only, functioning from an on-site staffed office, and with on-site parking in close proximity to each guest room or dwelling unit;

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

It was apparent from our site visit and online investigation that the property is not operating as a motel, but rather as a cluster of multiple residential units.

Regarding the structures on the property, it was also evident from our site visit that there has been work done without building permit to many if not all of the buildings. There appear to have been structural renovations, additions, and the creation of new units within the buildings. The building permit records show that some buildings have never been granted a final occupancy permit. We also noted that some of the work may not meet the minimum health and safety requirements of the *BC Building Code*.

In the short term, the District of Ucluelet will inspect all units of the motel to review the buildings for minimum life and safety deficiencies, fire safety requirements, and zoning compliance. District staff will be visiting the property and will require access to the interior of all units to perform a visual inspection at 10:00am on Thursday, November 14th, 2019.

If we cannot access individual units, a Do Not Occupy notice may be posted on any uninspected buildings on the property. The District will then consider next steps in enforcing the bylaws, including the potential of issuing fines to the property owners. We understand that there may be people living in these units full time and **we do not want to see any residents displaced from their homes**. At the same time, the District is in the role of maintaining the safety and wellbeing of the community by ensuring that minimum building standards are met. Since we have become aware that there may be issues with this property, the District of Ucluelet will take steps to ensure the property is safe and compliant with the minimum standards of the *BC Building Code* and *Fire Code*.

We appreciate the difficulty finding housing in Ucluelet and that a notice of this type may cause concern and worry for residents, and that you may have questions. **We invite any residents and owners of the property to meet with District staff to answer your questions at 5:00pm on Monday, November 4th, 2019, in the George Fraser Room at the Ucluelet Community Centre, 500 Matterson Drive.**

For the long term, we suggest the owners of the property discuss and decide on your preferred long-range use of the property and then take the necessary steps to bring the property up to the minimum standards for that use. We consider the following as important steps to bring the property to a state where it will be safe and in compliance with District bylaws:

1. Present a clear vision to the District for the future use of the property.
2. Submit a rezoning request to bring the property into compliance by adjusting the permitted uses on this site (if required).
3. Submit a surveyed site plan identifying the structures, roads, parking, garbage pick-up locations and all current and proposed uses on the property.
4. Commission a review of buildings and structures for compliance with the Building Code – this could involve an architect and/or engineers.
5. Apply for building permits for any re-construction necessary to fix any deficiencies found in the architectural and engineering review.

The District of Ucluelet staff see value in this type of housing within the mix of housing stock in the community, and encourage the owners to come forward with a plan to bring the property into compliance to ensure its continuity. We also encourage the owners to take immediate steps to ensure that the buildings are safe for their intended use.

Respectfully,



Bruce Greig
Manager of Community Planning

cc: Mark Boysen, Chief Administrative Officer
Rick Geddes, Fire Chief
John Towgood, Planner
Nick Henderson, Building Inspector
Brent Ashton, Bylaw Enforcement Officer

Follow-up: Zoning, Building and Fire Inspection

Date: January 21st, 2020

Owners: Glen Charles Kaikkonen; Vincente Michael Kimola; Tara May Ryan; Melissa Turner

Address: 2088 Peninsula Road

Legal: Lot 8, District Lot 284, Clayoquot District, Plan VIP58757 (PID 018-743-668)

To: **All Owners and Occupants of the property at 2088 Peninsula Road**

This letter is following up on our letter of October 30th, 2019, the meeting with residents and owners on November 4th, 2019, and the subsequent site inspection on November 14th, 2019. The District's primary interest in seeking bylaw compliance on the property is to ensure that minimum standards of health, safety and wellbeing are met for the occupants; we recognize the value that this type of housing provides within the mix of housing stock in the community, and **we do not want to see any residents displaced from their homes as a result of this process**. I would like to extend my thanks again to the residents who made their homes available for inspection on November 14th.

A. Land Use:

From the site inspection and representations from the owners and tenants, it is clear that the property is not operating as a motel, and has not operated as a motel over the past years; instead the use of the property has been and continues to be a cluster of multiple residential units. In the meeting on November 14th, the owners present indicated that their hope is to continue to provide long-term housing on the property.

As noted previously, the current commercial zoning designation for the property does not include multi-family residential as a permitted use. To legalize the current use and reflect the desire of the owners and tenants to continue the residential occupancy of the property, staff have prepared a zoning amendment bylaw for Council to initially consider at its January 28th, 2020, regular meeting which is scheduled to begin at 3:30pm. A draft staff report and copy of the bylaw is attached. If any owners or occupants wish to submit comments for Council to consider, they can be submitted in writing up until noon on January 22nd to be included in the agenda; we also expect that Council will provide an opportunity in the meeting on the 28th for interested parties in attendance to speak to this matter. As the bylaw proceeds, there would also be a Public Hearing scheduled for a later date to be determined (with notification in advance). In brief, the bylaw would simply change the designation of the property from *CS-2 Zone-Service Commercial* to the *R-3 Zone-High Density Residential*. If this zoning amendment bylaw were adopted by Council, the permitted principal use on the property would therefore become Multiple Family Residential; this means the owners do not need to submit an application to rezone the property at this time, and can focus instead on making some necessary upgrades to the buildings.

In addition, we have cancelled Business Licence #4214 for the Raven Motel, as clearly this is not a Motel operation in compliance with the *Ucluelet Business Regulation and Licensing Bylaw No. 922, 2003*. If the owners wish to appeal this licence cancellation, they can do so by submitting their appeal in writing within 10 days. Please note that the cancellation of the business licence does not affect the continued rental of the residential units; although the use of the property is not currently in compliance with the Zoning Bylaw, the District is not pursuing enforcement of the Zoning Bylaw at this time while the above-

mentioned zoning amendment is being considered. To be clear, **there should be no need to interrupt residential tenancies** while this zoning amendment is in process; the intent of the draft Ucluelet Zoning Amendment Bylaw No. 1262, 2020, is to bring the property's zoning designation into alignment with the residential use of the property to allow the residential tenancies to continue.

B. Buildings:

Under the *District of Ucluelet Building Bylaw No. 1165, 2014*, **the owners of the property are responsible for obtaining permits and ensuring that all buildings and structures comply with the *British Columbia Building Code***. From the file review and site inspection, it appears that there are a number of upgrades necessary to bring the units up to the minimum standard of health and safety established by the building code. Attached is a summary of these findings and a prioritized list of key upgrades which the District sees as vital; **all work is to be completed under valid building permits**.

It was noted that there appear to be some vacant units on site and we encourage the owners to make arrangements for residents of the most code-deficient units to locate in more compliant units until the necessary repairs and upgrades have been completed. This should be considered in particular for those units in buildings B, C and G which are identified as top priorities for upgrading – see the attached building notes for details.

It is evident that there have been modifications done without building permit to many of the buildings on site, contrary to the *Building Bylaw*. Some buildings have never been granted a final occupancy permit. We also noted that some of the work may not meet the minimum health and safety requirements of the *BC Building Code*. We recognize that bringing all buildings up to code and documenting that compliance is a large task. The District's approach will be as follows:

- for buildings with occupancy permits which resemble the original permit conditions, the District will assume that construction conformed to the applicable Code of the day;
- currently visible non-compliant construction and life safety issues such as inadequate smoke alarms and egress conditions should be corrected immediately. The current *BC Building Code* reflects the best information available on what constitutes minimum levels of life safety, and upgrades should be made to meet these standards where unsafe conditions exist; The owners are responsible for obtaining permits and ensuring all buildings comply with the *Building Code*;
- for buildings which have been modified from the original permit conditions and non-conforming construction took place without the knowledge of the District, the owners will need to apply for building permits to correct the non-conforming construction;
- Staff are recommending that Council authorize the registration of a notice on the title of the property of work done without permits, under Section 57 of the *Community Charter*. This is to alert any potential future owner of the existence of non-compliant buildings and structures built without permit. Such a notice is removed from the property title once all deficiencies have been remedied under a valid building permit and the owners have obtained occupancy permits for all work;
- **Attached to this letter is a list of upgrades which the District considers are vital to provide a basic level of protection for the safety and health of the occupants. If the owners take progressive steps to fix these deficiencies in a timely manner** (again, under the necessary building permits), **Council may hold off on taking measures to enforce the Building Bylaw** (e.g., further Stop Work or Do Not Occupy notices, fines, remedial action orders, seeking court injunction, etc.) to compel full permitting, occupancy and bylaw compliance.

A registered professional may be necessary to sign off on certain aspects of the building upgrades (e.g., structural) as the case may be. Further discussion with the Building Inspector will be necessary as the owners prepare plans for obtaining individual building permits.

The owners are required to **respond in writing with a proposed plan and timeline for addressing the building deficiencies and work done without permits by February 21st, 2020**. We encourage the owners to take immediate steps to ensure that all buildings are safe for their intended use. Note that this is one shared property with four registered owners; we cannot recognize individual ownership or separation of the responsibility for specific units – it will be up to the owners to coordinate how they wish to share costs and coordinate the work. We encourage the owners to designate an agent to provide a single point of contact and coordinate communication for these building issues. Another option is for the four owners to authorize different individual owners to be the acting agent responsible for different individual building permits.

In the long term, if the owners have other plans for the property or wish to seek additional approvals such as subdivision or adding other permitted uses, we would encourage you to discuss these with staff at the District; we can discuss the options and process for seeking those future approvals. At this time, however, we would suggest that clearing up the current land use and building bylaw issues should remain the focus.

This is a complex property, with a complex history. We trust the above strikes a fair balance of respecting the owners' and tenants' interests, while addressing the District's concerns for ensuring that minimum standards are met for the health, safety and wellbeing of the current and future occupants of the property. Please don't hesitate to contact me if you have any questions.

Respectfully,

A handwritten signature in black ink, appearing to be 'B Greig', enclosed within a hand-drawn oval.

Bruce Greig
Manager of Community Planning

cc: Mark Boysen, Chief Administrative Officer
Rick Geddes, Fire Chief
John Towgood, Planner
Nick Henderson, Building Inspector
Brent Ashton, Bylaw Enforcement Officer

Observations from site visit to 2088 Peninsula Road on November 14, 2019:

The following notations relate to the building labels shown on the layout in the attached site plan "Appendix 1".

A survey of the property should be conducted to ensure buildings are constructed within the property boundaries and Zoning setbacks. The un-permitted addition to Building C is a concern in this respect. Variances could be applied for if/where the setbacks required by the Zoning bylaw have been contravened.

A professional assessment of the servicing of the property should be undertaken to determine if the buildings have adequate water and sewer services.

Code issues have been identified in all buildings on the property, as noted below. The following are the most pressing and should be given immediate priority by the owners:

priority	Building	Unit	Actions
1	G	#17	relocate occupant; access/egress stairs; smoke alarms
2	C	#8a	egress window; remove ladder/upper level; smoke alarms
3	B		access/egress; smoke alarms
4	A		deck/walkway/guardrails; smoke alarms
5	A	#1	stairs/guards; handrails; smoke alarms
6	F	#14	smoke alarms
7	F		structural support of decks/walkways/stairs; smoke alarms

Note that the property owners are responsible for the state of the property and the safety of the occupants of all buildings on site - we encourage the owners to take immediate steps to ensure that all buildings are safe for their intended use.

Building Notes: 2088 Peninsula Road

Building A:

- Original BP# 95-12 issued May 16, 1995 for a motel office building
- No plans on file
- Received Occupancy permit June 4, 1996. No documentation of the configuration of the building at occupancy

Current configuration:

- 3 storeys, 4 dwellings (1,2,3 & 4) (5 sleeping rooms) plus small unoccupied “office” and bathroom
- Upper floors:
(Unit 1) One 2-storey, 1-bedroom dwelling (living room down, bedroom up)
(Unit 2) One 2-storey, 2-bedroom dwelling (Living room & bedroom down, bedroom up)
- Ground floor: Two 1-bedroom dwellings (Units 3 & 4)
- All units occupied with long-term tenants

Compliance:

- Applicable Code: 1992 BC Building Code (with revisions up to 1995)
- No records of inspections being requested during construction

Observed non-compliance and life safety issues:

- Unit 1: Old battery-operated smoke alarm, very uneven unit risers on winder stairs, pointed winder treads (non-compliant runs), no stair opening guard, no handrail
[*Priority Item #5]
- Unit 2: No smoke alarms, very low headroom over stairs to upper bedroom
- Unit 3: Old battery-operated smoke alarm, bedroom egress window opening only .27m² (.35m² minimum)
- Unit 4: No smoke alarm, no kitchen exhaust, wood cabinetry and shelves within 0.4 m of cooktop, bedroom egress window opening only .27m² (.35m² minimum)
- Egress decks & walkways with inadequate bearing support and framing, deck/ walkway guards inadequately attached and in poor condition; needs replacing **[*Priority Item #4]**
- Fire separations between units not confirmed

Key upgrades:

- Brand new smoke alarms to be fixed to ceiling in all bedrooms. Preferably hardwired with battery back up
- Building permit required
- Update to current Code for life safety and egress
- Rebuild deck/ walkways/ guards to Code
- Electrical inspection / permits – contact Technical Safety BC

Building Notes: 2088 Peninsula Road

Building B:

- Original BP# 96-11 issued August 27, 1996 for a 2-storey, 2 unit motel cabin
- No plans on file
- Received Occupancy permit May 10, 1999. No documentation of the configuration of the building at occupancy

Current configuration:

- 3-storey, 3-dwelling units (Units 5,6 & 7) (3 sleeping rooms)
- Unit 5: Ground floor, 1-bedroom dwelling
- Unit 6: 2nd floor, studio apartment
- Unit 7: 3rd floor, studio apartment
- All units occupied with long term tenants

Compliance:

- Applicable Code: 1992 BC Building Code (with revisions up to 1995)
- No records of inspections being requested during construction

Observed non-compliance and life safety issues [**Priority Item #3**]:

- Unit 5: No bedroom egress window. Old battery-operated smoke alarm
- Unit 6: Access/ egress, missing smoke alarm (battery operated)
- Unit 7: Access/ egress by significantly non-compliant stairs and deck platforms
- Stairs have sloping/ uneven unit-rises
- No handrails
- Decks are constructed out of 2x6 with unpermitted cantilevers. Supported by very long knee braces (non-compliant deck support)
- Fire separations cannot be confirmed

Key upgrades:

- Brand new smoke alarms to be fixed to ceiling in all bedrooms. Preferably hardwired with battery back up
- Building permit required
- Upgrade to current Code for all life safety and egress
- Possible structural engineering assessment for deck support. Re-build stairs to Code, install handrails
- Electrical inspection / permits – contact Technical Safety BC

Building Notes: 2088 Peninsula Road

Building C:

- Original BP# 00-04 issued January 31, 2000 for a 1-storey “caretaker suite”
- Plans on file depict a single-storey cabin
- No Occupancy Permit

Current configuration:

- 2-storey building with 2 dwelling units (Units 8a and 8b) (2 sleeping rooms)
- Unit 8a: ground floor 1-bedroom dwelling unit with access to a second floor
- Unit 8b: studio apartment on ground floor
- Unit 8a is un-occupied (and could be considered for temporary accommodation of tenants displaced during construction on other units), 8b has a single long-term tenant

Compliance:

- Applicable Code: 1998 BC Building Code (with revisions up to 1999)
- No records of inspections being requested during construction

Observed non-compliance and life safety issues:

- Unit 8a: electrical panel covered by refrigerator, no egress window in bedroom, ladder/ stair to second level (Ladder not permitted form of access. Second level constructed with no building permit), old battery-operated smoke alarm, structural support of second level questionable, porch roof not adequately supported, exterior padlock on exit door poses serious egress issue. [***Priority Item #2 – requires egress window and remove ladder**]
- Unit 8b: Entire unit addition built with no building permit. Foundation is wooden shims and pallets. Roof does not appear adequately supported. Battery operated smoke alarms not mounted. No cooktop exhaust. [**Temporarily mount smoke alarms and kitchen exhaust; long-term, demolish or re-build**]

Key upgrades:

- Brand new smoke alarms to be fixed to ceiling in all bedrooms. Preferably hardwired with battery back up
- Upgrade to current Code for all life safety
- Decommission second storey of Unit 8a or Building Permit with structural engineering assessment to re-build to current Code
- Decommission Unit 8b or Building Permit with complete re-build to current Code
- Electrical inspection / permits – contact Technical Safety BC

Building Notes: 2088 Peninsula Road

Building D:

- Original BP# 97-11 issued August 26, 1997 for a 2-storey, 2 unit motel building
- Plans on file depict 2- storey building with open verandas in front of both levels
- Occupancy permit issued May 10, 1999

Current configuration:

- 2- storey, 2- dwelling units
- Stop work order posted on October 7, 2019 for building an addition without a building permit
- Unit 9: 1-bedroom dwelling on ground level. Long-term tenant
- Unit 10: 1-bedroom dwelling on second floor. Property owner vacation home

Compliance:

- Applicable Code: 1992 BC Building Code (with revisions up to 1995)
- No records of inspections being requested during construction

Observed non-compliance and life safety issues:

- Smoke alarms are old and battery-operated only
- Fire separations not confirmed
- Ground conditions under new addition not verified
- New addition roof framing not deep enough for Code conforming insulation and ventilation

Key upgrades:

- Brand new smoke alarms to be fixed to ceiling in all bedrooms. Preferably hardwired with battery back up
- Upgrade to current Code for all life safety
- Building Permit for new addition with Geotechnical engineering assessment of bearing conditions and structural engineering assessment of solid wood elements of framing (ungraded timbers used for posts and beams)
- Electrical inspection / permits – contact Technical Safety BC

Building Notes: 2088 Peninsula Road

Building E:

- Original BP# 02-15 issued August 1, 2002 for a 2-storey up/down duplex for motel rental purposes
- No plans on file
- Occupancy permit issued June 27, 2003

Current configuration:

- 2 storey, 2 dwelling units (one up one down)
- Unit 11: Ground floor 1-bedroom dwelling
- Unit 12: Second floor 1-bedroom dwelling
- Both units occupied by long-term tenants

Compliance:

- Applicable Code: 1998 BC Building Code (with revisions up to 1999)
- No records of inspections being requested during construction

Observed non-compliance and life-safety issues:

- Unit 11: Old battery-operated smoke alarm, combustible shelving less than 600mm above cooktop, no cooktop exhaust
- Unit 12: Old battery-operated smoke alarm, access/ egress deck and stairs not adequately framed and in poor condition, no handrails,
- Non-GFCI plug by kitchen sink

Key upgrades:

- Brand new smoke alarms to be fixed to ceiling in all bedrooms. Preferably hardwired with battery back up
- Building permit required
- Upgrade all life safety to current Code
- Rebuild deck and stairs to Code
- Electrical inspection / permits – contact Technical Safety BC

Building Notes: 2088 Peninsula Road

Building F:

- Original BP# 02-21 issued July 18, 2002 for a 3-storey 3-plex
- No plans on file
- No occupancy permit

Current configuration:

- 3-storey, 3-dwelling units (Units 13-15)
- Unit 13: Ground floor studio apartment
- Unit 14: Second floor studio apartment
- Unit 15: Third floor studio apartment
- All units occupied by long-term tenants

Compliance:

- Applicable Code: 1998 Building Code (with revisions up to 1999)
- No records of inspections being requested during construction / No occupancy permit

Observed non-compliance and life safety issues:

- All smoke alarms are battery-operated, most are old. Unit 14 smoke alarm inoperable [***Priority Item #6**]
- Structural framing and support of access/ egress decks, walkways, and stairs not adequate, severely oversized cantilevers do not comply with Code [***Priority Item #7**]
- Fire separations not confirmed

Key upgrades:

- Brand new smoke alarms to be fixed to ceiling in all bedrooms. Preferably hardwired with battery back up
- Building permit
- Upgrade all life safety to current Code
- Rebuild all decks and stairs to current Code
- Structural engineering assessment of cantilevers not in conformance with Part 9 BCBC
- Electrical inspection

Building Notes: 2088 Peninsula Road

Building G:

- Original BP# U-00-10 issued May 19, 2000 for a 2-storey, 2 unit motel building
- Plans on file depict a 2-storey 2-unit building with crawlspace
- Occupancy permit issued July 3, 2001

Current configuration:

- 2-storey building with two 1-bedroom dwelling units (Units 16 & 17, one up one down)
- Unit 16: Ground floor 1-bedroom dwelling
- Unit 17: Second floor 1-bedroom dwelling
- Both dwellings occupied with long-term tenants

Compliance:

- Applicable Code: 1998 BC Building Code (with revisions to 1999)
- No records of inspections being requested during construction

Observed non-compliance and life safety issues:

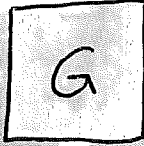
- Unit 16: Bedroom egress window less than minimum width and overall size, inoperable battery-operated smoke alarm, access/ egress deck and stairs not adequately framed/ supported
- Unit 17: Bedroom has no egress window (non-opening window), battery-operated smoke alarm inoperable, non-GFCI plug near sink, open electrical, **access/ egress stairs are in a severe state of disrepair and have inadequate structural support [Priority Item #1]**
- Fire separations not confirmed

Key upgrades:

- Cease use of stairs to second floor immediately until upgraded to meet code**
- Brand new smoke alarms to be fixed to ceiling in all bedrooms. Preferably hardwired with battery back up
- Building permit required
- Structural engineering assessment of egress facilities
- Upgrade life safety issues to current Code
- Electrical inspection. Contact Technical Safety BC

APPENDIX I

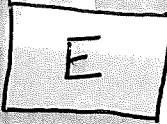
2088 PENINSULA RD.
"RAVEN LODGE"



2-STOREY
UNITS 16/17



3-STOREY
UNITS 13-15



2-STOREY
UNIT 11/12



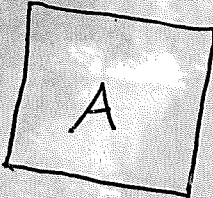
2-STOREY
UNITS 9/10



2-STOREY
UNITS 8a
8b

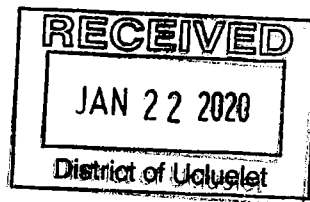


3-STOREY
UNITS 5-7



2-STOREY
UNITS 1-4

Peninsula Road



Jan 21, 2020

- This is my request to propose a necessary extension on the proposed Jan 22 deadline for submissions. Glen Kaikka

* Re: letter received evening of
JAN 21, 2020.

- This stated deadline was considered unreasonable at this time.

Glen Kaikka

GLEN KAIKKONEN

It was only at dusk
on JAN 21 was this letter and
proposed deadline suggested,

as received at this late hour. E. M. Johnson