



**REGULAR MEETING OF COUNCIL
Tuesday, June 14, 2022 @ 4:00 PM
Ucluelet Community Centre,
500 Matterson Drive, Ucluelet**

AGENDA

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1. CALL TO ORDER	
2. ACKNOWLEDGEMENT OF THE YUULU?I?ATH	
2.1 Council would like to acknowledge the Yuulu?i?ath, on whose traditional territories the District of Ucluelet operates.	
3. NOTICE OF VIDEO RECORDING	
3.1 Audience members and delegates are advised that this proceeding is being video recorded and broadcast on YouTube and Zoom, which may store data on foreign servers.	
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[348 Pass of Melfort](#)

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15.2	Councillor Lara Kempes <i>Deputy Mayor March 16 - May 31, 2022</i>	
15.3	Councillor Jennifer Hoar	

Deputy Mayor June 1 - August 15, 2022

15.4 Councillor Rachelle Cole
Deputy Mayor August 16 - October 31, 2022

15.5 Mayor Mayco Noël

16. QUESTION PERIOD

17. CLOSED SESSION

17.1 Procedural Motion to Move In-Camera

THAT the meeting be closed to the public in order to address agenda items under following Section of the Community Charter:
Section 90 (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality; and
Section 90 (e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the municipality.

18. RECONVENE FROM CLOSED SESSION

19. ADJOURNMENT

DISTRICT OF UCLUELET
MINUTES OF THE REGULAR COUNCIL MEETING
HELD IN THE UCLUELET COMMUNITY CENTER, 500 MATTERSON DRIVE
Tuesday, May 31, 2022 at 4:00 PM

Present: **Chair:** Mayor Noël
 Council: Councillors Cole, Hoar, Kemps, and McEwen
 Staff: Duane Lawrence, Chief Administrative Officer
 Bruce Greig, Director of Community Planning
 Abby Fortune, Director of Parks and Recreation
 James MacIntosh, Director of Engineering Services
 John Towgood, Municipal Planner
 Samantha McCullough, Executive Assistant
 Nicole Morin, Building Official
 Monica Whitney-Brown, Planning Assistant
 Paula Mason, Manager of Corporate Services

Regrets:

1 CALL TO ORDER

1.1 The meeting was called to order at 4:00pm.

2 ACKNOWLEDGEMENT OF THE YUULU?IŁ?ATH

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

3 NOTICE OF VIDEO RECORDING

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

4 LATE ITEMS

4.1 There were no late items.

5 APPROVAL OF AGENDA

5.1 May 31, 2022 Agenda

2022.2107.REGULAR *It was moved and seconded THAT Council approve the May 31, 2022 Regular Agenda.*

CARRIED.

6 ADOPTION OF MINUTES

6.1 May 10, 2022 Regular Minutes

2022.2108.REGULAR *It was moved and seconded THAT Council approve the May 10, 2022 Regular Minutes.*

CARRIED.

7 PUBLIC INPUT & DELEGATIONS

71 Public Input

72 Delegations

Jim Chisolm / Saya Masso, Tla-o-qui-aht First Nations Tribal Guardian Program - Kennedy Back Road System

Saya Masso presented the details of the Tribal Guardian program to Council and requested their support. He will provide Council with program updates during the year.

2022.2109.REGULAR *It was moved and seconded THAT Council direct staff to reallocate \$20,000 designated for the relocation of the Tourism Ucluelet office to the District of Ucluelet Grants in Aid program; and
It was moved and seconded THAT Council authorize a \$20,000 Grant in Aid to the Tla-o-qui-aht First Nations Tribal Park Guardian program for the oversight of dispersed camping.*

CARRIED.

Glenn Kaczmar / Brent Ashton, Pacific Rim Fishing Charters and Guest Lodge Re: Staff Accom's zoning completion

Mr. Kaczmar request that Council reconsider their March 15, 2022 decision regarding Bylaw No. 1303. Mr. Ashton also spoke in support of Mr. Kaczmar's request.

2022.2110.REGULAR *It was moved and seconded THAT Council direct staff to bring March 15, 2022 Staff Report No. 22-29 back to Council for their reconsideration at the June 14, 2022 Council meeting.*

CARRIED.

8 UNFINISHED BUSINESS

8.1 There was no unfinished business.

2022.2111.REGULAR *It was moved and seconded THAT Council go into a Committee of the Whole at 4:42pm to discuss Items 9.1 and 9.2 on the agenda.*

CARRIED.

9 COMMITTEE OF THE WHOLE

9.1 Peninsula Road Safety and Revitalization Next Steps James MacIntosh, Director of Engineering Services

Mr. MacIntosh presented an overview of the project. Kate Evans from Lanarc Consultants provided the Committee with a slideshow presentation detailing the project process, public engagement overview and highlights, and next steps.

Mr. MacIntosh requested feedback from the Committee regarding the following key questions:

1. What are the Committee's key concerns, if any?

The Committee discussed concerns such as parking, landscaping, pullouts for delivery trucks, keeping the existing trees and reducing gravel as much as possible including in private driveways that meet the roadway.

2. What does the Committee like most about the conceptual design?

The Committee highlighted the following things they like the most in the conceptual design as active transportation, sidewalks, accessibility, safety and beautification.

3. Does the Committee support and endorse the overall direction?

The Committee is 100% in support of the overall direction of the project.

4. Is there anything the team has missed that needs to be discussed?

The Committee expressed the importance of addressing the lack of parking in the town. They discussed the creation of an overall parking management plan for the community as a whole.

A preliminary design will be brought to Council for an informational update in July 2022.

9.2 Affordable Housing RFP Duane Lawrence, Chief Administrative Officer

Mr. Lawrence presented the Committee with what the District has completed to date, next steps and options the District should be considering in the future, in order to address the lack of attainable and affordable housing.

2022.2112.REGULAR *It was moved and seconded THAT the Committee of the Whole recommend that Council direct staff to issue a request for proposal to engage a housing authority.*

It was moved and seconded THAT the Committee of the Whole direct staff to continue to investigate:

the purchase of land to be dedicated to affordable housing projects; and the use of affordable housing partnership development agreements; and reducing development cost charges for affordable housing developments.

It was moved and seconded THAT the Committee of the Whole recommend Council authorize the Mayor to execute a Memorandum of Understanding in support of the development of a regional governance framework for coordinating and sharing resources to address affordable housing on the West Coast peninsula as presented in the May 31, 2022 Affordable Housing report.

It was moved and seconded THAT the Committee of the Whole rise and report to Council at 5:51pm.

It was moved and seconded THAT Council direct staff to issue a request for proposal to engage a housing authority.

It was moved and seconded THAT Council direct staff to continue to investigate:

the purchase of land to be dedicated to affordable housing projects; and the use of affordable housing partnership development agreements; and reducing development cost charges for affordable housing developments.

It was moved and seconded THAT Council authorize the Mayor to execute a Memorandum of Understanding in support of the development of a regional governance framework for coordinating and sharing resources to address affordable housing on the West Coast peninsula as presented in the May 31, 2022 Affordable Housing report.

It was moved and seconded THAT Council take a brief recess at 5:56pm, returning to session at 6:08pm.

CARRIED.

10 BYLAWS

10.1 Zoning Amendment and Development Permit for 604 Rainforest Drive

Bruce Greig, Director of Community Planning

Mr. Greig provided a summary of his report.

2022.2113.REGULAR *It was moved and seconded THAT Council, with regard to the proposed development at 604 Rainforest Drive:*

1. Give first reading to District of Ucluelet Zoning Amendment Bylaw No. 1309, 2022;
2. Give second reading to District of Ucluelet Zoning Amendment Bylaw No. 1309, 2022;
3. Direct staff to give notice for a public hearing to be held on District of Ucluelet Zoning Amendment Bylaw No. 1309, 2022;
4. Indicate to the applicant and the public that adoption of District of Ucluelet Zoning Amendment Bylaw No. 1309, 2022, would be subject to registration of a Section 219 restrictive covenant on the title of 604 Rainforest Drive to ensure, as a matter of public interest, that the use, building, site works, and landscaping be developed as proposed in Staff Report No. 22-67.

CARRIED.

10.2 Update / Replacement of Official Community Plan Bruce Greig, Director of Community Planning

Mr. Grieg presented a summary of his report providing information on steps to adopt a new Official Community Plan (OCP) bylaw - including new notification of a public hearing - for a draft OCP containing the same content as the recently adopted 2020 OCP, but with minor changes to clarify District policy affecting Francis Island.

- 2022.2114.REGULAR *It was moved and seconded THAT Council has considered the consultation requirements under Section 475 of the Local Government Act in relation to District of Ucluelet Official Community Plan Bylaw No. 1306, 2022;*
- It was moved and seconded THAT Council is satisfied that given the extensive consultation with owners of land affected by the District of Ucluelet Official Community Plan Bylaw No. 1306, 2022, during the 5 years of preparation of the draft Official Community Plan that was adopted by District of Ucluelet Official Community Plan Bylaw No. 1236, 2020, earlier this year, is sufficient for the purpose of consultation under Section 475 of the Local Government Act;*
- It was moved and seconded THAT Council is satisfied that consultation under Section 475 of the Local Government Act in relation to District of Ucluelet Official Community Plan Bylaw No. 1306, 2022, does not need to be early and ongoing;*
- It was moved and seconded THAT Council is satisfied that, given that the narrow focus of changes incorporated into District of Ucluelet Official Community Plan Bylaw No. 1306, 2022, are specific to Francis Island and minor clarifications, consultation on District of Ucluelet Official Community Plan Bylaw No. 1306, 2022, with the persons, organizations, and authorities identified in section 475(2)(b) of the Local Government Act, including the Yuułuʔiłʔatḥ Government, Alberni-Clayoquot Regional District, District of Tofino, School District 70 Board of Education or provincial agencies, is not required;*

It was moved and seconded THAT Council has consulted with the boards of education of those school districts whose area includes the area covered by District of Ucluelet Official Community Plan Bylaw No. 1306, 2022;

It was moved and seconded THAT Council give first reading to District of Ucluelet Official Community Plan Bylaw No. 1306, 2022;

It was moved and seconded THAT Council give second reading to District of Ucluelet Official Community Plan Bylaw No. 1306, 2022;

It was moved and seconded THAT Council consider District of Ucluelet Official Community Plan Bylaw No. 1306, 2022, in conjunction with the District of Ucluelet Financial Plan;

It was moved and seconded THAT Council consider District of Ucluelet Official Community Plan Bylaw No. 1306, 2022, in conjunction with the Waste Management Plan;

It was moved and seconded THAT Council refer District of Ucluelet Official Community Plan Bylaw No. 1306, 2022, to a public hearing; and,

It was moved and seconded THAT Council direct staff to refer the staff report and bylaw to the Yuułuʔiłʔatḥ Government for their information.

CARRIED.

10.3 Zoning Amendments: Housing vs. Short Term Rentals **Bruce Greig, Director of Community Planning**

Mr. Greig presented a summary of his report recommending that action aimed at improving the availability and affordability of housing in the community be taken.

2022.2115.REGULAR *It was moved and seconded THAT Council give first reading to Ucluelet Zoning Amendment Bylaw No. 1310, 2022, that would remove Bed and Breakfast and add a detached Accessory Residential Dwelling Unit as a permitted accessory use in most single-family residential zones in the community;*

It was moved and seconded THAT Council give second reading to Ucluelet Zoning Amendment Bylaw No. 1310, 2022;

It was moved and seconded THAT Council refer Ucluelet Zoning Amendment Bylaw No. 1310, 2022, to a public hearing;

It was moved and seconded THAT Council give first reading to Ucluelet Zoning Amendment Bylaw No. 1311, 2022, to create a new Schedule "D" B&B Overlay specific to those properties with established, licensed Bed and Breakfast operations as of June 1, 2022;

It was moved and seconded THAT Council direct staff to update the draft table and map amendments designating the properties in the new R-1B zone to include, in addition to those B&B operations already holding a valid

business licence, properties that can provide the following as of June 10, 2022:

- a. proof of owner occupancy of the property as their principal residence prior to June 1, 2022, and a complete business licence application, demonstrating compliance with all municipal bylaws, for a new Bed and Breakfast operation;*
- b. proof of ownership of the property prior to June 1, 2022, and a complete building permit application for construction of a new house or renovation of an existing house to contain new Bed and Breakfast rooms; or,*
- c. proof of ownership of the property prior to June 1, 2022, and proof of building plans underway for a new house containing Bed and Breakfast rooms (including site plan, floor plans, contract and/or correspondence with house designer showing design to include Bed and Breakfast uses);*

It was moved and seconded THAT Council direct staff to bring Ucluelet Zoning Amendment Bylaw No. 1311, 2022, back for consideration of second reading after any amendments to the table and map of subject properties in the draft Schedule "D" has been updated following June 10, 2022;

It was moved and seconded THAT Council advise potential applicants that after June 10, 2022, it will consider - under section 463 of the Local Government Act - directing staff to withhold building permits for any renovation, new construction or change of use for new Bed and Breakfast rooms or suites while Ucluelet Zoning Amendment Bylaw No. 1310, 2022, is under preparation;

It was moved and seconded THAT Council direct staff to use all District communication platforms to advise community members and property owners of the proposed zoning changes and process to consider Bylaw Nos. 1310 and 1311;

It was moved and seconded THAT Council direct staff to create a page on the District website containing links to all past staff reports and research into short term vacation rental (STR) uses and their impacts on housing supply, property values and community;

It was moved and seconded THAT Council direct staff to prepare an Official Community Plan bylaw amendment to create a new "Intensive Residential Development" designation and guidelines for a new Development Permit Area applying to the construction of new detached Accessory Residential Dwelling Units, for consideration at a future Committee-of-the-Whole meeting; and,

It was moved and seconded THAT Council direct staff to include a report to the Committee-of-the-Whole discussing options for creating permit-ready plans and/or a program to streamline construction of new detached Accessory Residential Dwelling Units on residential properties.

CARRIED.

11 REPORTS

11.1 Pilot Project for Single Night Camping Abby Fortune, Director of Parks & Recreation

Ms. Fortune presented her report regarding potentially undertaking a single night overflow camping pilot project to address illegal camping within the boundaries of the District of Ucluelet. Council expressed concerns with providing a place for people to camp when they arrive to the area without proper reservations, and encouraged continued collaboration with Tourism Ucluelet in educating potential visitors to reserve ahead.

11.2 Contractor's Temporary Land Use James MacIntosh, Director of Engineering Services

Mr. MacIntosh presented a report proposing that staff be authorized to offer District lands to contractors if needed, to temporarily house their workers in recreational vehicles (RV) while working on District capital projects, in attempt to reduce construction cost estimates that include contractor accommodations.

2022.2116.REGULAR *It was moved and seconded THAT Council approve Option A, to authorize the use of District-owned land to temporarily house contractors while working on District capital projects; and
It was moved and seconded THAT Council direct Staff to return to Council with the details and planning necessary to administer temporary contractor housing.*

CARRIED.

11.3 Recreational Vehicle Parking Pilot James MacIntosh, Director of Engineering Services

Mr. MacIntosh provided an overview of a proposed pilot project beginning in June 2022 and ending in October 2022 to take advantage of readily available parking locations ideal for RVs and to use signage to direct vehicles to those locations. Council requested that the Small Craft Harbour be removed from the list of potential locations that could be used. This pilot is part of a phased approach to control traffic within the community.

2022.2117.REGULAR

It was moved and seconded THAT Council approve Option A, authorize Staff to undertake a Recreational Vehicle Parking Pilot Project for 2022.

CARRIED.

12 NOTICE OF MOTION

12.1 There were no Notices of Motions.

13 CORRESPONDENCE

13.1 Luxury Tax on Recreational Boats

Christine Fraser, Mayor, Township of Spallumcheen

13.2 Medical Clinic

David McColm & Sandra Benassini, Ucluelet residents

13.3 Updates on DFO Shellfish Aquaculture Management Advisory Committee

Daniel Arbour, AVICC - DFO/SAMAC Representative

13.4 Marine Drive Public Walkway - Pedestrian Crossing

Christine Brice, Strata Manager, Ardent Properties Inc.

This crosswalk will be included in the upcoming line painting planned for the near future.

13.5 BC Hydro UBCM Meeting Request Form

Ted Olynyk, Community Relations Manager, BC Hydro

14 INFORMATION ITEMS

14.1 Resolution Tracking - May 2022

Paula Mason, Manager of Corporate Services

14.2 ACRD News Release

Heather Thomson, ACRD Communications Coordinator

15 MAYOR'S ANNOUNCEMENTS

15.1 Mayor Noël expressed his pleasure at the recent steps taken to resolve the Ucluelet Medical Clinic's issues.

16 COUNCIL COMMITTEE REPORTS

16.1 Councillor Marilyn McEwen

Deputy Mayor January 1 - March 15, 2022

May 18, 2022: Attended the Open House provided by the developer for Minato Bay Developments

May 24, 2022 : Attended the District of Ucluelet's Committee of the Whole meeting regarding the same development

16.2 Councillor Lara Kemps
Deputy Mayor March 16 - May 31, 2022

May 18, 2022: Attended the Open House provided by the developer for Minato Bay Developments

May 18, 2022: Attended USS PAC meeting

May 19, 2022: Attended the Chamber of Commerce meeting

May 24, 2022 : Attended the District of Ucluelet's Committee of the Whole meeting regarding the Minato Bay development

16.3 Councillor Jennifer Hoar
Deputy Mayor June 1 - August 15, 2022

May 18, 2022: Attended the Open House provided by the developer for Minato Bay Developments

May 24, 2022 : Attended the District of Ucluelet's Committee of the Whole meeting regarding the same development

June 1, 2022: Attending a Wild Pacific Trail Society meeting

16.4 Councillor Rachelle Cole
Deputy Mayor August 16 - October 31, 2022

May 18, 2022: Attended the Open House provided by the developer for Minato Bay Developments

May 24, 2022 : Attended the District of Ucluelet's Committee of the Whole meeting regarding the same development

Attended a live ACRD meeting, a Health Network meeting and a UEN meeting.

16.5 Mayor Mayco Noël

Mayor Noël asked Councillor Cole to report back to Council regarding the recent activity/land use at the Long-Beach airport lands.

17 QUESTION PERIOD

17.1

There was no public input via the audience, Zoom, telephone or email.

18 ADJOURNMENT

18.1 The meeting was adjourned at 7:54pm.

CERTIFIED CORRECT: Minutes of the Regular Council Meeting held on Tuesday, May 31, 2022 at 4:00 pm in the Ucluelet Community Centre, 500 Matterson Road, Ucluelet, BC.

Mayco Noël, Mayor

Paula Mason, Deputy Corporate Officer



DISTRICT OF UCLUELET

Request to Appear as a Delegation

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

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

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

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

Requested Council Meeting Date: _____

Organization Name: _____

Name of person(s) to make presentation: _____

Topic: _____

Purpose of Presentation:

- Information only
- Requesting a letter of support
- Other (provide details below)

Please describe:

Contact person (if different from above): _____

Telephone Number and Email: _____

Will you be providing supporting documentation? Yes No

If yes, what are you providing?

Handout(s)
 PowerPoint Presentation

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

Wild Pacific Trail Free Interpretive Walks

UCLUELET, B.C.

WildPacificTrail.com or scan QR for
Next walk:



Sundays 10am meet at Brown's Beach every Sunday Talking Trees & Fantastic Fungus How do trees communicate, share nutrients & fight pests? June 12, 19 & 26th	Tuesdays 10am meet at the Whale parking lot June 7 & 14th Forest Walk Explore this rich ecosystem with a forest expert! THE Salmon Trail Visit our booth at the Lighthouse! REDD FISH RESTORATION June 21 and 28th	Wednesdays 10am Kid-friendly Lighthouse event STRAWBERRY ISLE MARINE RESEARCH SOCIETY BUILD-A-WHALE Assemble an Orca: June 8th Pacific Rim National Park Reserve Interpreter Booth June 15th Sea Wolf Walk 10am: Whale Lot Trailhead Secrets of coastal predators June 22 & 29th	Thursdays 10am meet at the Whale parking lot June 9, 23 & 30 Force of Nature Survival on the edge! Explore how weather shapes life on this stormy coastline. June 9, 23 & 30th WILD SAFE BC June 16: Lighthouse	Fridays 10am meet at Big Beach picnic shelter every Friday Big Beach Trail naturalist exploration June 10 & 24th Ucluelet AQUARIUM Tidepools Please wear sturdy shoes to explore the shore with an expert guide. Rocks not suitable for toddlers. June 17th	Saturdays 10am meet at the Whale parking lot every Saturday Beneath the BOG Discover secrets of dwarf trees and carnivorous plants with our Naturalist. June 11, 18, 25 & July 2
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No events on Mondays



- 10 am start at:
- **Whale Parking Lot** (Lighthouse Loop)
 - **Lighthouse** (Discovery Tent)
 - **Big Beach** (Picnic Shelter)
 - **Brown's Beach** (Trailhead Map)
- Thanks to our partners: Redd Fish, Ucluelet Aquarium, Strawberry Isle Marine Research, WildSafe BC & Pacific Rim National Park Reserve. Most events are 1 hour.

Event calendar (locations by colour):

	S	M	T	W	T	F	S
JUNE		7	8	9	10	11	
12	13	14	15	16	17	18	
19	20	21	22	23	24	25	
26	27	28	29	30	July 1	2	

The Wild Pacific Trail Society (WPTS) wishes to thank District staff and Council for their 23 year partnership. The economic, social and environmental health of our community is the clear winner of our shared goals. It is important to recognize the people giving their time, especially Abby Fortune, Bruce Greig, Oyster Jim and WPTS volunteers.

- Our shared goals :**
- ◆ Enhancement of present and future trails for locals and visitors
 - ◆ Protection of the wild spaces, coastlines and sustainable trail use
- WPTS funds support:**
- ◆ Educational programs and signs (fostering stewardship)
 - ◆ Coordination of 7+ partner organizations leading programs
 - ◆ Relationships honoring First Nations territory and teachings
 - ◆ Trail improvements, online promotion and user orientation

Our unique partnerships leverage donations and grants for projects. Our advocacy for green space preservation resists development pressures on the trail corridors. It should be noted that everything we create become the property of the community/district. We are very proud of our unique relationship and hope for many more decades nurturing the treasures we share.

Come out for some of our guided nature walks, we aim to surprise even seasoned locals!

Sincerely, Barbara Schramm for the Wild Pacific Trail Society
Wild Pacific Trail Society overview Barbara Schramm

June 14, 2022 council meeting



REPORT TO COUNCIL

Council Meeting: June 14, 2022

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM:	BRUCE GREIG, DIRECTOR OF COMMUNITY PLANNING	FILE NO: 3360-20-RZ17-04
SUBJECT:	ZONING AMENDMENT APPLICATION PACIFIC RIM CHARTERS & GUEST LODGE (354 FORBES ROAD)	REPORT NO: 22-77
Attachment(s):	APPENDIX A – STAFF REPORT MARCH 15, 2022	

RECOMMENDATIONS:

THAT Council consider the motions in Option A from the staff report of March 14, 2022.

BACKGROUND:

At the May 31, 2022, Regular Council Meeting the owners of Pacific Rim Charters, Glenn and Dianna Kaczmar, requested that Council re-visit the staff report first considered on March 15, 2022, and their request regarding their property at 354 Forbes Road.

The background is provided in the March staff report (and its appendices) in **Appendix “A”**.

DISCUSSION:

The following excerpts are pulled from the March 15, 2022, report:

RESTRICTIVE COVENANT:

“The Owners have now asked that the zoning amendment be adjusted to achieve much of the same assurances that the restrictive covenant provides, with the hope that Council would adopt the zoning amendment without the restrictive covenant being registered on title. Staff have therefore drafted a new *Ucluelet Zoning Amendment Bylaw No. 1303, 2022* (“Bylaw No. 1303”), which is presented for Council’s consideration in **Appendix A** [to the March staff report]. This new zoning amendment bylaw more closely defines the site-specific uses and defines areas within the property where the *tourist accommodation* and *staff housing* uses can occur. The effect is that the area where 6 staff accommodation units had been proposed could only be put to that use, or left vacant. Note this approach would not guarantee or compel the owners to construct staff accommodation units. Should the property change ownership, the zoning limitations would still apply. Council should consider whether the new Bylaw No. 1303 satisfies the public interest; i.e., whether it meets the intent of condition b(iii) from the Council motion of October 19, 2018.”

FIRE ACCESS:

“An item which arose from the code review of the building is that fire access is required over a portion of the neighbouring lot, which is under the same ownership. A typical way to address this type of deficiency would be for the Owner to register an access easement on the title of their

neighbouring property. As with the restrictive covenant, the Owners indicate they are not willing or able to register such an easement on title at this time.

The occupancy permit for the building would remain provisional until such time as the access easement were registered. In addition, should the zoning be adopted to authorize the *Commercial Tourist Accommodation* use, then any business license issued for such use could contain a condition explicitly noting that the fire access be maintained and kept clear. In that case, should the ownership of the adjacent lot change and block that access, the business license could be suspended – providing a mechanism if necessary to ensure the accommodation units are not occupied without the necessary fire access. To avoid putting the municipality in a position where it is responsible for monitoring the fire access, staff recommend a condition on the business license stipulating that it would not be renewed without the easement in place. This would give the Owners one year to arrange to either consolidate their lots or register the appropriate easement.”

ANALYSIS OF OPTIONS

With respect to the addition of *Commercial Tourist Accommodation* to the uses permitted by the zoning of the property at 354 Forbes Road, Council can consider the following:

A	That Council abandon the previous Zoning Amendment Bylaw No. 1248, 2019, and proceed with first readings of Zoning Amendment Bylaw No. 1303, 2022, and amendment of the Housing Agreement.	<u>Pros</u>	<ul style="list-style-type: none"> • For the Owners, allows them to move forward toward obtaining a business licence for their guest lodge. • Would enable a degree of closure on a longstanding bylaw infraction with the subject property. • The narrowly-defines uses in the zoning would create a high likelihood of staff housing being eventually developed on the site as proposed.
		<u>Cons</u>	<ul style="list-style-type: none"> • Would not guarantee a timeline for constructing a minimum of 6 employee housing units. • Would not necessarily see the landscape improvements previously proposed for the public boulevard and neighbouring park.
		<u>Implications</u>	<ul style="list-style-type: none"> • This appears to be the best option at this point for moving forward and addressing the minimum health and safety issues with the use of the building, while enabling the fishing charter business to proceed with providing accommodation for its clients. • The zoning amendment, as drafted, would leave the door open for staff accommodation units and would create a situation where the use of the building for accommodating staff is likely.
		<u>Suggested Motion</u>	<ol style="list-style-type: none"> 1. THAT Council give first and second readings to <i>Ucluelet Zoning Amendment Bylaw No. 1303, 2022</i>; 2. THAT Council refer <i>Ucluelet Zoning Amendment Bylaw No. 1303, 2022</i>, to a public hearing; 3. THAT Council rescind third reading of <i>Ucluelet Housing Agreement Bylaw No. 1249, 2019</i>; 4. THAT Council amend <i>Ucluelet Housing Agreement Bylaw No. 1249, 2019</i>, to include the new section 3 in Schedule A and to replace Schedule B as shown in Appendix B to the staff report dated March 15, 2022;

		<p>5. THAT Council give <i>Ucluelet Housing Agreement Bylaw No. 1249, 2019</i>, third reading as amended; and,</p> <p>6. THAT Council direct that any business license issued for <i>Commercial Tourist Accommodation</i> use on the property at 354 Forbes Road contain the condition that the business license would not be renewed unless an appropriate fire access easement is first registered on the title of the neighbouring vacant lot.</p>	
B	That Council indicate to the Owners its expectation that the conditions for adopting the requested zoning amendment remain unchanged.	<u>Pros</u>	<ul style="list-style-type: none"> • May result in the covenant being registered and, by extension, could ensure the provision of 6 staff accommodation units. • May result in the landscape improvements being installed sooner.
		<u>Cons</u>	<ul style="list-style-type: none"> • More likely would result in a bylaw enforcement issue demanding District resources to resolve.
		<u>Implications</u>	<ul style="list-style-type: none"> • A business licence could not be issued for the operation of the guest lodge at this time. If the owners were to proceed with accommodating guests, it would then become a matter of bylaw enforcement.
		<u>Suggested Motion</u>	THAT Council direct staff to advise the applicant to arrange for the registration of the section 219 restrictive covenant and access easement on the title of the property at 354 Forbes Road, and defer further consideration of amending the zoning designation of the property until such time as the conditions stated by Council in October 2018 are met.

POLICY OR LEGISLATIVE IMPACTS:

If Council gives first and second readings to the zoning amendment Bylaw No. 1303, a public hearing would be scheduled and the statutory notification would be completed.

If Council directs that the original conditions be met, then once the Owners have completed the outstanding items the original Zoning Amendment Bylaw No. 1248, 2019, would be brought back to Council for adoption.

RESPECTFULLY SUBMITTED:

BRUCE GREIG, DIRECTOR OF COMMUNITY PLANNING

DUANE LAWRENCE, CAO



REPORT TO COUNCIL

Council Meeting: March 15, 2022

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, DIRECTOR OF COMMUNITY PLANNING **FILE NO:** 3360-20-RZ17-04

SUBJECT: ZONING AMENDMENT APPLICATION **REPORT NO:** 22-29
PACIFIC RIM CHARTERS & GUEST LODGE (354 FORBES ROAD)

Attachment(s): APPENDIX A – UCLUELET ZONING AMENDMENT BYLAW NO. 1303, 2022
APPENDIX B – UCLUELET HOUSING AGREEMENT BYLAW NO. 1249, 2019
APPENDIX C – S.219 COVENANT
APPENDIX D – STAFF REPORT OCTOBER 9, 2018
APPENDIX E – STAFF REPORT APRIL 9, 2019
APPENDIX F – NOTES ON LANDSCAPE PLAN

RECOMMENDATION(S):

Staff are not making a recommendation in this case. Council may consider options A and B as presented below.

BACKGROUND:

Council received a report on the past uses and request to rezone the property at 354 Forbes Road at its October 9, 2018, meeting. The background on the application is found in the staff report presented at that meeting (see **Appendix D**). Following discussion, Council passed the following motion:

“THAT Council indicate support for the concept of adding 12 commercial tourist accommodation rooms and a minimum of 6 staff housing units as permitted uses on the property at 354 Forbes Road and:

- a. indicate to the applicant that detailed building, site, and landscape plans are required to show the impact of the proposal on the surrounding industrial lands, public streetscape and park land;*
- b. indicate that adoption of a zoning amendment bylaw would be subject to the following:*
 - i. the owners first obtaining a building permit, then completing the necessary building renovations to bring the building up to code and finally obtaining an occupancy permit to clarify that the building is safe for its intended use;*
 - ii. the owners entering into a Housing Agreement to ensure that the employee housing units are occupied by seasonal or long-term resident workers;*
 - iii. to owners providing a restrictive covenant to ensure the provision of staff housing and that occupancy of the guest accommodation units is tied to the ongoing operation of a fishing guide business from the property; and,*
- c. once a complete set of rezoning plans has been submitted by the owners, direct staff to prepare the zoning amendment and housing agreement bylaws for consideration by Council at a future meeting.”*

The owners of Pacific Rim Charters, Glenn and Dianna Kaczmar, subsequently submitted the necessary plans prepared under the guidance of their architect. Accordingly, staff drafted *Ucluelet Zoning Amendment Bylaw No. 1248, 2019* (“Bylaw No. 1248”) and *Ucluelet Housing Agreement Bylaw No. 1249, 2019* (“Bylaw No. 1249”) for Council consideration (see **Appendix E**). On April 9, 2019, Council then passed the following:

“THAT Council, with regard to the proposal to renovate the building on Lot 17, District Lot 281, Clayoquot District, Plan VIP76147 (354 Forbes Road) and request for zoning amendments to permit commercial tourist accommodation on the property:

- a. give first and second readings to Ucluelet Zoning Amendment Bylaw No. 1248, 2019;*
- b. give first and second readings to Ucluelet Housing Agreement Bylaw No. 1249, 2019;*
- c. indicate support, subject to public comment, to issue a Development Variance Permit to vary the following aspects of the Eco-Industrial Park (CD-1) zoning regulations for the existing building:*
 - i. reduce the side yard setback per CD-1.6.1(3) on the south side from a minimum of 5m to 1.22m;*
 - ii. reduce the rear yard setback per CD-1.6.1(3) from a minimum of 6m to 4.05m;*
 - iii. reduce the parking setback per 503.2(1) from a minimum of 3m to 1.5m, subject to the owner installing the proposed landscaped screening within the reduced setback area;*
 - iv. increase the permitted building height per CD-1.5.1(4) from a maximum of 12m to 12.95m; and,*
 - v. waive the requirement per 602.1(1) for screening of waste and recycling bins, located at the rear of the building;*
- d. direct staff to give notice of a public hearing to receive comment on the requested bylaws and Development Variance Permit.”*

Notification was given and a public hearing was held on April 30, 2019. At its regular meeting held May 14, 2019, Council gave third reading to Bylaw No. 1248 and Bylaw No. 1249. At that meeting Council also authorized issuance of Development Variance Permit 3090-20-DVP19-03.

In June of 2019 the owners applied for a building permit to undertake the renovations identified by their architect as necessary to bring the building into compliance - meeting the minimum health and safety standards of the building code for the intended use.

On December 21, 2021, the owners obtained a provisional occupancy permit for the building, conditional on the following:

1. Fire department access must be maintained to the building at all times to the satisfaction of the Fire Inspector.
2. All areas on the Architectural drawing dated December 18, 2021, noted as having no occupancy and not permitted to be used for storage are to remain empty and clear from all combustible materials.
3. The building is to be used only in accordance with the phasing plan approved by the Professional of Record.

DISCUSSION:

A few items are outstanding which, back in 2018, were expected to be completed prior to the rezoning bylaw being adopted. These items are discussed below.

RESTRICTIVE COVENANT:

The Owners have signed the restrictive covenant (see **Appendix C**), but the covenant has not being registered on the title of the subject property. The Owners have indicated that their bank is not willing or able to assent to having the covenant registered in priority on the property title. In effect, the covenant is a binding agreement between the Owners and the District, but without being registered it would not transfer with the land if the property were sold.

The salient sections of the restrictive covenant are shown in the excerpt below:

The effect of the covenant is threefold: to connect the Commercial Tourist Accommodation to the ongoing operation of the existing Guide and Charter business, to ensure that the staff housing proposed by the Owners would be constructed according to their proposed timeline, and to ensure it would only be used for the proposed staff accommodation purpose.

	<p>Restriction on Commercial Tourist Accommodation</p> <p>3. The Grantor will not use the Land for the purpose of providing Commercial Tourist Accommodation unless such use is operated as an integral component to provide accommodation for guests of a commercial fish guiding business also operating from the Land;</p>
	Page 6
	<p>Provision of Staff Housing</p> <p>4. The Grantor will not use the Land for Commercial Tourist Accommodation unless:</p> <ul style="list-style-type: none"> (a) the Grantor applies for and obtains a building permit from the District for the construction of a minimum of six (6) staff housing units on the Land by May 1, 2022; (b) the Grantor obtains an occupancy permit for a minimum of six (6) staff housing units on the Land by May 1, 2024; and (c) upon completion of (a) and (b), a minimum of six (6) staff housing units built in conformance with (a) are made available to local workers and operated according to the terms of a Housing Agreement between the Grantor and the District authorized by <i>Ucluelet Housing Agreement Bylaw No. 1249, 2019</i>.

The Owners have now asked that the zoning amendment be adjusted to achieve much of the same assurances that the restrictive covenant provides, with the hope that Council would adopt the zoning amendment without the restrictive covenant being registered on title. Staff have therefore drafted a new *Ucluelet Zoning Amendment Bylaw No. 1303, 2022* ("Bylaw No. 1303"), which is presented for Council's consideration in **Appendix A**. This new zoning amendment bylaw more closely defines the site-specific uses and defines areas within the property where the *tourist accommodation* and *staff housing* uses can occur. The effect is that the area where 6 staff accommodation units had been proposed could only be put to that use, or left vacant. Note this approach would not guarantee or compel the owners to construct staff accommodation units. Should the property change ownership, the zoning limitations would still apply.

Council should consider whether the new Bylaw No. 1303 satisfies the public interest; i.e., whether it meets the intent of condition b(iii) from the Council motion of October 19, 2018.

FIRE ACCESS:

An item which arose from the code review of the building is that fire access is required over a portion of the neighbouring lot, which is under the same ownership. A typical way to address this type of deficiency would be for the Owner to register an access easement on the title of their neighbouring property. As with the restrictive covenant, the Owners indicate they are not willing or able to register such an easement on title at this time.

The occupancy permit for the building would remain provisional until such time as the access easement were registered. In addition, should the zoning be adopted to authorize the *Commercial Tourist Accommodation* use, then any business licence issued for such use could contain a condition explicitly noting that the fire access be maintained and kept clear. In that case, should the ownership of the adjacent lot change and block that access, the business licence could be suspended – providing a mechanism if necessary to ensure the accommodation units are not occupied without the necessary fire access. To avoid putting the municipality in a position where it is responsible for monitoring the fire access, staff recommend a condition on the business licence stipulating that it would not be renewed without the easement in place. This would give the Owners one year to arrange to either consolidate their lots or register the appropriate easement.

LANDSCAPING:

With their original application, the Owners had proposed to install landscape screening along Forbes Road and new trees along the edge of the adjacent park. Back in 2019 staff provided notes on what planting might be acceptable on the public boulevard and within the park (see **Appendix F**). While the restrictive covenant (unregistered) commits the Owners to construct the development according to the plans they submitted for the rezoning – including the landscape improvements - staff suggest that this be treated as a desirable but not crucial addition. Staff support moving forward with the zoning amendment and focus on bringing all aspects of the building and its uses into compliance for health and safety purposes, and leave the landscape treatment for another phase.

HOUSING AGREEMENT BYLAW:

The Housing Agreement attached to Bylaw No 1249 has been amended to include a new section 3. This section provides that if at some future date the current for future owners of the property wished to discontinue the *Commercial Tourist Accommodation* use, then the dwelling units could be used as additional *Staff Accommodation* under the same terms as the previous draft of the Housing Agreement.

ANALYSIS OF OPTIONS

With respect to the addition of *Commercial Tourist Accommodation* to the uses permitted by the zoning of the property at 354 Forbes Road, Council can consider the following:

		<u>Pros</u>	<ul style="list-style-type: none"> • For the Owners, allows them to move forward toward obtaining a business licence for their guest lodge. • Would enable a degree of closure on a longstanding bylaw infraction with the subject property.
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A	That Council abandon the previous Zoning Amendment Bylaw No, 1248, 2019, and proceed with first readings of Zoning Amendment Bylaw No. 1303, 2022, and amendment of the Housing Agreement.		<ul style="list-style-type: none"> The narrowly-defines uses in the zoning would create a high likelihood of staff housing being eventually developed on the site as proposed.
		<u>Cons</u>	<ul style="list-style-type: none"> Would not guarantee a timeline for constructing a minimum of 6 employee housing units. Would not necessarily see the landscape improvements previously proposed for the public boulevard and neighbouring park.
		<u>Implications</u>	<ul style="list-style-type: none"> This appears to be the best option at this point for moving forward and addressing the minimum health and safety issues with the use of the building, while enabling the fishing charter business to proceed with providing accommodation for its clients. The zoning amendment, as drafted, would leave the door open for staff accommodation units and would create a situation where the use of the building for accommodating staff is likely.
		<u>Suggested Motion</u>	<ol style="list-style-type: none"> THAT Council give first and second readings to <i>Ucluelet Zoning Amendment Bylaw No. 1303, 2022</i>; THAT Council refer <i>Ucluelet Zoning Amendment Bylaw No. 1303, 2022</i>, to a public hearing; THAT Council rescind third reading of <i>Ucluelet Housing Agreement Bylaw No. 1249, 2019</i>; THAT Council amend <i>Ucluelet Housing Agreement Bylaw No. 1249, 2019</i>, to include the new section 3 in Schedule A and to replace Schedule B as shown in Appendix B to the staff report dated March 15, 2022; THAT Council give <i>Ucluelet Housing Agreement Bylaw No. 1249, 2019</i>, third reading as amended; and, THAT Council direct that any business licence issued for <i>Commercial Tourist Accommodation</i> use on the property at 354 Forbes Road contain the condition that the business licence would not be renewed unless an appropriate fire access easement is first registered on the title of the neighbouring vacant lot.
B	That Council indicate to the Owners its expectation that the conditions for adopting the requested zoning amendment remain unchanged.	<u>Pros</u>	<ul style="list-style-type: none"> May result in the covenant being registered and, by extension, could ensure the provision of 6 staff accommodation units. May result in the landscape improvements being installed sooner.
		<u>Cons</u>	<ul style="list-style-type: none"> More likely would result in a bylaw enforcement issue demanding District resources to resolve.
		<u>Implications</u>	<ul style="list-style-type: none"> A business licence could not be issued for the operation of the guest lodge at this time. If the owners were to proceed with accommodating guests, it would then become a matter of bylaw enforcement.

		<u>Suggested Motion</u>	<p>THAT Council direct staff to advise the applicant to arrange for the registration of the section 219 restrictive covenant and access easement on the title of the property at 354 Forbes Road, and defer further consideration of amending the zoning designation of the property until such time as the conditions stated by Council in October 2018 are met.</p>
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POLICY OR LEGISLATIVE IMPACTS:

If Council gives first and second readings to the zoning amendment Bylaw No. 1303, a public hearing would be scheduled and the statutory notification would be completed.

If Council directs that the original conditions be met, then once the Owners have completed the outstanding items the original Zoning Amendment Bylaw No. 1248, 2019, would be brought back to Council for adoption.

RESPECTFULLY SUBMITTED:

BRUCE GREIG, DIRECTOR OF COMMUNITY PLANNING

DUANE LAWRENCE, CAO

DISTRICT OF UCLUELET**Zoning Bylaw Amendment Bylaw No. 1303, 2022**

A bylaw to amend the District of Ucluelet Zoning Bylaw (354 Forbes Road).

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

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

1. Text and Map Amendment:

Schedule B of the District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by adding the following subsection (3) to section CD-1.1.3 in alphanumerical order, as follows:

“(3) On Lot 17 District Lot 284 Clayoquot District Plan VIP76147 (PID: 025-926-811, 354 Forbes Road) the following uses are permitted:

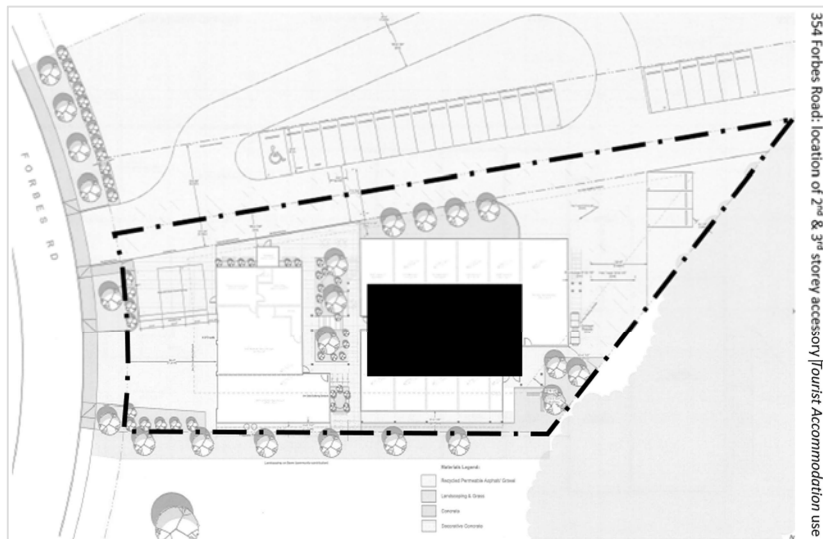
Principal Uses:

- (a) *Recreational Services* limited to marine-related guiding, tours or charters;
- (b) *Light Industry*;
- (c) *Staff Housing*, subject to the terms of a Housing Agreement with the District pursuant to section 483 of the *Local Government Act*;

Accessory Uses:

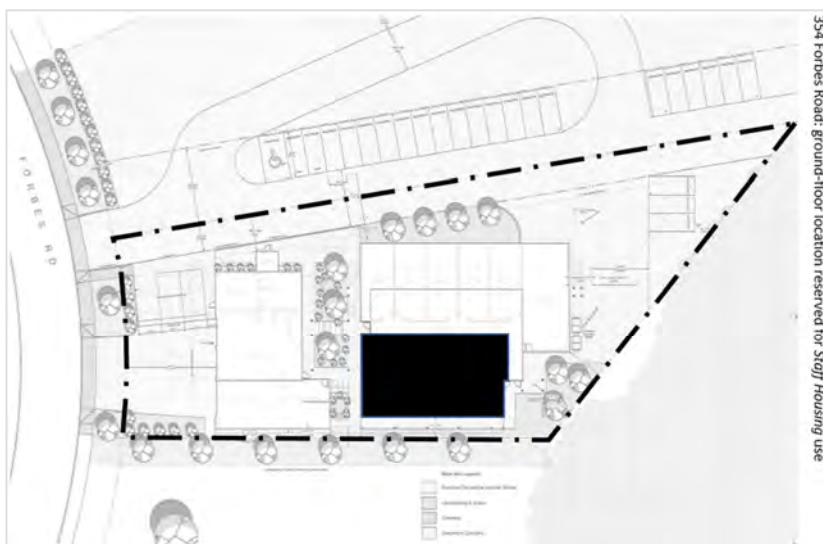
- (a) *Single-Family Residential*;

(b) *Commercial Tourist Accommodation* is permitted as an accessory use on the second and third levels of a mixed-use building on the area of the Lot shaded in black on the site plan below, so long as marine-related *Recreational Services* is active as the principal use of the property:



Limitation on ground-floor use of the rear of the property, adjacent to park:

(a) The ground-floor area of the Lot shaded in black on the site plan below may only be used for *Staff Housing*, or left vacant:



2. Citation

This bylaw may be cited as “District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1303, 2022”.

READ A FIRST TIME this day of , 2022.

READ A SECOND TIME this day of , 2022.

PUBLIC HEARING held this day of , 2022.

READ A THIRD TIME this day of , 2022.

ADOPTED this day of , 2022.

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Amendment Bylaw No. 1248, 2019.”

Mayco Noël
Mayor

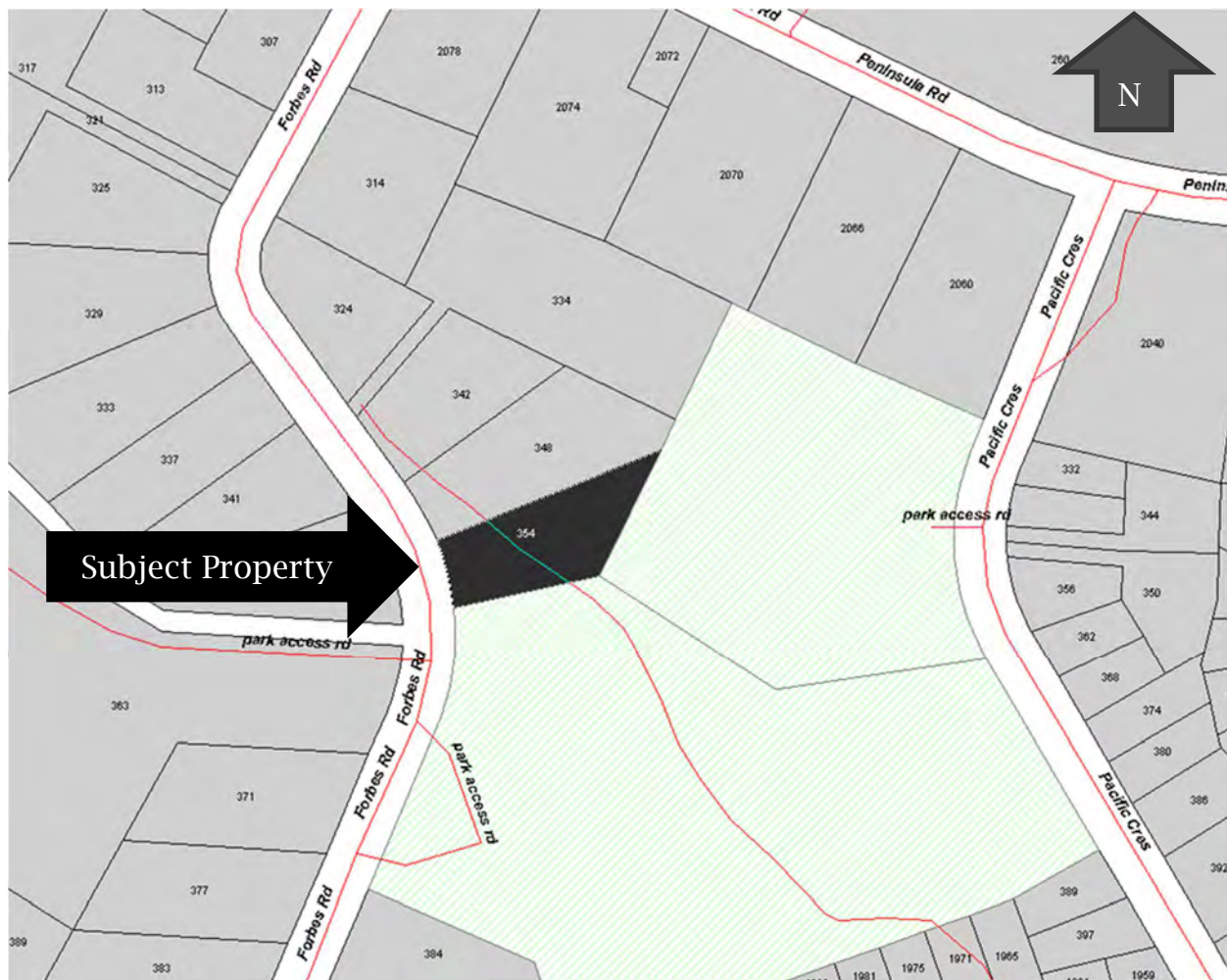
Paula Mason
Deputy Corporate Officer

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

Paula Mason
Deputy Corporate Officer

SCHEDULE 'A'
Bylaw No. 1303, 2022

Subject property:
Lot 17, District Lot 281, Clayoquot District, Plan VIP76147 (354 Forbes Road)



DISTRICT OF UCLUELET**Bylaw No. 1249, 2019**

A Bylaw to Authorize the District of Ucluelet to Enter into a Housing Agreement.
(the 354 Forbes Road staff housing)

WHEREAS the Municipality may, by Bylaw, under Section 483 of the *Local Government Act* enter into a Housing Agreement which may include terms and conditions agreed to by the Municipality and the Owner regarding the occupancy of the housing units identified in the Agreement;

AND WHEREAS the Municipality has rezoned the property at 354 Forbes Road to enable the Owner to rectify building construction issues and add new tourist accommodation units on upper floors, and as a part of that rezoning the owner has proposed that the lower level of the building be used for employee housing with a proposed timeline for constructing and making the employee housing available to Ucluelet workers;

AND WHEREAS the Owner has offered to register a Housing Agreement to ensure that staff housing units are maintained on the Lands described in this Bylaw, and the Municipality has deemed it expedient to require the Owner to enter into a Housing Agreement with the Municipality pursuant to Section 483 of the *Local Government Act*;

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

1. The Municipality is authorized to enter into a Housing Agreement pursuant to Section 483 of the *Local Government Act*, in substantially the form attached to this Bylaw as Schedule "A", with respect to the land located in the District of Ucluelet having a civic address of 354 Forbes Road and being more particularly known and described as:

Lot 17, District Lot 281, Clayoquot District, Plan VIP76147

as shown shaded on the map attached to this bylaw as Appendix "A".

2. The Mayor and the Chief Administrative Officer of the Municipality are authorized to execute the Housing Agreement on behalf of the Municipality.

CITATION

3. This bylaw may be known and cited for all purposes as the "**Ucluelet Housing Agreement Bylaw No. 1249, 2019**".

READ A FIRST TIME this 9th day of **April**, 2019.

READ A SECOND TIME this 9th day of **April**, 2019.

PUBLIC HEARING held this 30th day of **April**, 2019.

READ A THIRD TIME this 14th day of **May**, 2019.

THIRD READING RESCINDED this day of , 2022.

AMENDED this day of , 2022.

READ A THIRD TIME AS AMENDED this day of , 2022.

ADOPTED this day of , 2019.

CERTIFIED CORRECT: "Ucluelet Housing Agreement Bylaw No. 1249, 2019"

Mayco Noël
Mayor

Paula Mason
Deputy Corporate Officer

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

Paula Mason
Deputy Corporate Officer

Appendix "A" to Ucluelet Housing Agreement Bylaw No. 1249, 2019

Subject property: Lot 17, District Lot 281, Clayoquot District, Plan VIP76147 (354 Forbes Road)



Schedule "A" to Bylaw No. 1249**HOUSING AGREEMENT****(Section 483, *Local Government Act*)**

This Agreement, dated for reference the ___ day of _____, 2022 is

BETWEEN:

The District of Ucluelet
200 Main Street (PO Box 999)
Ucluelet, BC
V0R 3A0

(the "District")

and:

William Glenn Kaczmar and Dianna Kacsmar
P.O. Box 1143
Ucluelet, BC
V0R 3A0

(the "Owner")

WHEREAS:

- A. The Owner is the registered owner of land located at 354 Forbes Road in the District of Ucluelet, which land is within the CD-1 Zone under the District's Zoning Bylaw 1160, and is more particularly described as:

PID: 025-926-811

Lot 17 District Lot 284 Clayoquot District Plan VIP76147

(the "Land");

- B. The Owner has offered to enter into this agreement restricting the occupancy of the proposed staff housing unit to employees of "Pacific Rim Fishing Charters" business operating on the Land, or other employees of light industrial, tourist accommodation, commercial or service businesses operating within the boundaries of the District of Ucluelet;
- C. The District may, pursuant to Section 483 of the *Local Government Act*, enter into a housing agreement with an owner of land that includes terms and conditions regarding the

occupancy, tenure and availability to specified classes of persons of the housing that is subject to the agreement; and,

- D. The Council of the District has, by Housing Agreement Bylaw No. 1249, 2019, authorized the District to enter into this Agreement with the Owner,

THIS AGREEMENT is evidence that in consideration of \$2.00 paid by the District to the Owner, the receipt and sufficiency of which are acknowledged by the Owner, and in consideration of the promises exchanged below, the parties agree, as a housing agreement between the Owner and the District under s. 483 of the *Local Government Act*, as follows:

STAFF HOUSING UNITS

1. **Occupancy Restriction.** The Owner agrees that any housing units located on the lower floor of the mixed-use building located on the Land, as indicated in Schedule B to this Agreement, will be occupied only by the employees of the Owner or employees of light industrial, tourist accommodation, commercial or service businesses located within the boundaries of the District of Ucluelet, and the children and spouses of those employees, provided that children and spouses are only allowed to occupy a unit while the unit is occupied by the employee.
2. **Annual Verification.** No later than January 15 of each year beginning in 2023 the Owner will provide to the District, substantially in the form attached as Schedule A to this Agreement unless the District agrees to accept another form, a written statement of the Owner confirming the occupancy in respect of each employee housing unit on the Land complies with section 1, above.
3. **Conversion of Tourist Accommodation.** At any time, the Owner has the option to convert Tourist Accommodation units on the upper levels of the mixed-use building located on the Land into additional Staff Housing, in which case the Owner agrees that any such housing units would follow the same occupancy restrictions and annual verification as set out in sections 1 and 2 above.

DEFAULT AND REMEDIES

4. The Owner agrees that any breach or default in the performance of this Agreement on its part must be corrected, to the satisfaction of the District, within the time stated in any notice of default provided to the Owner by the District.
5. The Owner acknowledges that an award of damages may be an inadequate remedy for a breach of this Agreement and that the District is entitled in the public interest to an order for specific performance of this Agreement, a prohibitory or mandatory injunction to cure any breach of this Agreement, and a declaration that a residential tenancy agreement or any portion of such an agreement or a strata corporation bylaw constitutes a breach of this Agreement and is unenforceable.

GENERAL PROVISIONS

6. **Housing Agreement.** The Owner acknowledges that this Agreement constitutes a housing agreement under s.483 of the *Local Government Act* and that the District will register a notice of this housing agreement against title to the Land.
7. **Indemnity.** The Owner shall indemnify and save harmless the District and each of its elected officials, officers, directors, employees and agents from and against all claims, demands, actions, loss, damage, costs and liabilities for which any of them may be liable by reason of any act or omission of the Owner or its officers, directors, employees, agents or contractors or any other person for whom the Owner is at law responsible, that constitutes a breach of this Agreement.
8. **Release.** The Owner releases and forever discharges the District and each of its elected officials, officers, directors, employees and agents and each of their heirs, executors, administrators, personal representatives, successors and assigns from all claims, demands, damages, actions or causes of action arising out of the performance by the Owner of its obligations under this Agreement.
9. **Survival.** The obligations of the Owner set out in sections 10 and 11 shall survive any termination of this Agreement.
10. **Municipal Powers Unaffected.** This Agreement does not limit the discretion, rights, duties or powers of the District under any enactment or the common law, impose on the District any duty or obligation, affect or limit any enactment relating to the use or subdivision of the Land, or relieve the Owner from complying with any enactment.
11. **No Public Law Duty.** Where the District is required or permitted by this Agreement to form an opinion, exercise a discretion, express satisfaction, make a determination or give its consent, the District is under no public law duty of fairness or natural justice in that regard and the Owner agrees that the District may do any of those things in the same manner as if it were a private party and not a public body.
12. **Notice.** Notice required or permitted to be served under this Agreement is sufficiently served if delivered in person or mailed to the postal address of the Owner or the District, as the case may be, at the address set out above, and in the case of mailed notice shall be deemed to have been received on the third day following mailing.
13. **Enuring Effect.** This Agreement is binding upon, and enures to the benefit of the parties and their respective successors and permitted assigns.
14. **Severability.** If any provision of this Agreement is found to be invalid or unenforceable, it shall be severed from this Agreement and the remainder shall remain in full force and effect.
15. **Remedies and Waiver.** All remedies of the District under this Agreement are cumulative, and

may be exercised in any order or concurrently, any number of times. Waiver of or delay by the District in exercising any remedy shall not prevent the later exercise of any remedy for the same or any similar breach.

16. **Sole Agreement.** This Agreement represents the entire agreement between the parties respecting the tenure, use and occupancy of the housing units to be located on the Land, and there are no representations, conditions or collateral agreements on the part of the District other than those set out in this Agreement.

17. **Further Assurance.** The Owner must forthwith do all acts and execute such instruments as may be reasonably necessary in the opinion of the District to give effect to this Agreement.

18. **Runs with the Land.** This Agreement runs with the Land, including any part into which the land may be subdivided, and is binding on the Owner and all persons who acquire an interest in the Land.

19. **No Joint Venture.** Nothing in this Agreement will constitute the District as the joint venturer, agent or partner of the Owner or give the Owner any authority to bind the District in any way.

Owners:

William Glenn Kaczmar
Dianna Kacsmar

Date:

The Corporation of the District of Ucluelet,
by its authorized signatories:

Mayor:

Date:

Corporate Officer:

Date:

Schedule A to Housing Agreement

STATUTORY DECLARATION

CANADA)	IN THE MATTER OF A HOUSING
)	AGREEMENT WITH THE DISTRICT OF
)	UCLUELET
)	
PROVINCE OF BRITISH COLUMBIA)	("Housing Agreement")
)	

TO WIT:

I, _____ of _____, British Columbia, do solemnly declare that:

1. I am the owner or authorized signatory of the owner of land located at 354 Forbes Road in the District of Ucluelet, (the "Lands"), and make this declaration to the best of my personal knowledge.
2. This declaration is made pursuant to the Housing Agreement in respect of the Lands.
3. For the period from _____ to _____ the Lands were occupied only by employees of the Pacific Rim Fishing Charters or employees of other light industrial, tourist accommodation, commercial or service businesses operating within the District of Ucluelet, or the children or spouses of those employees. Attached to this declaration is a list of the tenants of each of the units located on the Lands, and their place of employment.
4. I make this solemn declaration, conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and pursuant to the *Canada Evidence Act*.

DECLARED BEFORE ME at the District of _____)
 Ucluelet, in the Province of British Columbia,)
 this _____ day of _____, 20____.)
 _____)
 _____)
 _____)
 A Commissioner for Taking Affidavits in the)
 Province of British Columbia)

 DECLARANT

Schedule "B" to Housing Agreement

EMPLOYEE HOUSING UNITS

(354 Forbes Road – Pacific Rim Fishing Charters)



Pacific Rim Fishing Charters

354 Forbes Rd, Ucluel, BC

Site Plan

**LAND TITLE ACT
FORM C (Section 233) CHARGE**

GENERAL INSTRUMENT - PART 1 Province of British Columbia

PAGE 1 OF 2 PAGES

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



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

Kurt Meyer, Notary Public
Kurt Meyer Notary Corporation
4201 Johnston Rd.
Port Alberni

BC V9Y 5M8

Phone No. (778) 421-2526
File No. 20-297

Deduct LTSA Fees? Yes

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID] [LEGAL DESCRIPTION]

025-926-811 LOT 17 DISTRICT LOT 284 CLAYOQUOT DISTRICT PLAN VIP76147

STC? YES

3. NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

Covenant

s. 219 Land Title Act Covenant

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) Filed Standard Charge Terms D.F. No.

(b) Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

**WILLIAM GLEN KACZMAR AND DIANNA KACZMAR AS TO COVENANT
ROYAL BANK OF CANADA AS TO PRIORITY AGREEMENT**

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

DISTRICT OF UCLUELET

BOX 999, 200 MAIN STREET
UCLUELET

V0R 3A0

BRITISH COLUMBIA
CANADA

7. ADDITIONAL OR MODIFIED TERMS:

N/A

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

Officer Signature(s)

KURT WILLIAM MEYER

Notary Public

4201 Johnston Rd.
Port Alberni, BC V9Y 5M8
Ph. (778) 421-2526

Execution Date

Y	M	D
20	11	05

Transferor(s) Signature(s)

WILLIAM GLEN KACZMAR

DIANNA KACZMAR

OFFICER CERTIFICATION:

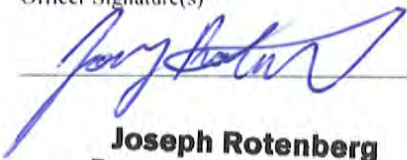
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution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

LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

PAGE 2 of 2 PAGES

Officer Signature(s)



Joseph Rotenberg
Deputy Corporate Officer
District of Ucluelet
200 Main St., PO Box 999
Ucluelet, B.C. V0R 3A0

A Commissioner for
taking affidavits in the
Province of British Columbia


(AS to both signatures)

Execution Date

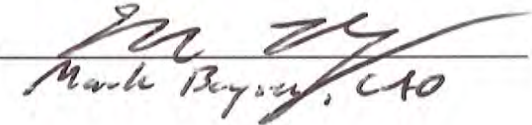
Y	M	D
20	11	24

Transferor / Borrower / Party Signature(s)

DISTRICT OF UCLUELET, by its
authorized signatories



Mayor



Mark Boyce, CAO

ROYAL BANK OF CANADA, by its
authorized signatories:

OFFICER CERTIFICATION:

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

TERMS OF INSTRUMENT – PART 2COVENANT (Section 219 *Land Title Act*)

THIS COVENANT dated for reference the 5 day of November, 2020 is

BETWEEN:

William Glen Kaczmar and Dianna Kaczmar
P.O. Box 1346
Ucluelet, BC
V0R 3A0

(the "Grantor")

AND:

DISTRICT OF UCLUELET
Box 999
200 Main Street
Ucluelet BC V0R 3A0

(the "District")

WHEREAS:

- A. The Grantor is the registered owner of land located at 354 Forbes Road in Ucluelet, British Columbia and more particularly described as:

PID: 025-926-811
Lot 17 District Lot 284 Clayoquot District Plan VIP76147

(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 non-residential, daily or short-term accommodation for paying guests ("Commercial Tourist Accommodation") 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 develop the Land except 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, and in particular that it will provide the landscaping and screening presented with the rezoning application;
- E. The Grantor wishes to grant this Covenant to the District to confirm that the Commercial Tourist Accommodation will not operate except as an integrated component of a fish guiding business operating from the same property; and,
- F. The Grantor wishes to grant this Covenant to the District to confirm that the Commercial Tourist Accommodation will only operate if the staff housing is provided as proposed.

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:

Restriction on Development of the Land

- 1. The Grantor will not alter the Land, or construct or place any building or structure on the Land, nor apply for any building permit from the District in relation to the Land, except to the extent that the alteration, construction or placement is in accordance with, or is to facilitate the implementation of, the plan(s) for the development of the Land attached to this Covenant as Schedule A (the "Development Plan(s)").

Amendments to Development Plans

- 2. The Grantor may request, and the District's Manager of Planning may, in his or her sole discretion, approve minor deviations from the Development Plan(s), provided that any such requests or approvals must be made in writing.

Restriction on Commercial Tourist Accommodation

- 3. The Grantor will not use the Land for the purpose of providing Commercial Tourist Accommodation unless such use is operated as an integral component to provide accommodation for guests of a commercial fish guiding business also operating from the Land;

Provision of Staff Housing

4. The Grantor will not use the Land for Commercial Tourist Accommodation unless:
 - (a) the Grantor applies for and obtains a building permit from the District for the construction of a minimum of six (6) staff housing units on the Land by May 1, 2022;
 - (b) the Grantor obtains an occupancy permit for a minimum of six (6) staff housing units on the Land by May 1, 2024; and
 - (c) **upon completion of (a) and (b)**, a minimum of six (6) staff housing units built in conformance with **(a)** are made available to local workers and operated according to the terms of a Housing Agreement between the Grantor and the District authorized by *Ucluelet Housing Agreement Bylaw No. 1249, 2019*.

Subject to Bylaws

5. This Covenant does not relieve the Grantor in any way from complying with all applicable bylaws of the District or other enactments applicable to the Land.

Inspections

6. 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

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

No Public Law Duty

8. 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

9. 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

10. 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

11. The Grantor agree that the District is entitled to obtain an order for specific performance or a prohibitory or mandatory injunction in respect of any breach by the Grantor of this Covenant.

Covenant Runs With the Land

12. Every obligation and covenant of the Grantor in this Covenant constitutes both a contractual obligation and a covenant granted under section 219 of the *Land Title Act* in respect of the Land and this Covenant burdens the Land and runs with it and binds the successors in title to the Land. For certainty, unless expressly stated otherwise, the term "Grantor" refers to the current and each future owner of the Land. This Covenant burdens and charges all of the Land and any parcel into which it is subdivided by any means and any parcel into which the Land is consolidated.

Registration

13. The Grantor agrees to do everything necessary, at the Grantor's expense, to ensure that this Covenant is registered against title to the Land with priority over all financial charges,

liens and encumbrances registered, or the registration of which is pending, at the time of application for registration of this Covenant.

Waiver

14. An alleged waiver by the District of any breach of this Covenant by the Grantor is effective only if it is an express waiver in writing of the breach in respect of which the waiver is asserted. A waiver by the District of a breach by the Grantor of this Covenant does not operate as a waiver of any other breach of this Covenant.

Notice

15. Any notice to be given pursuant to this Covenant must be in writing and must be delivered personally or sent by prepaid mail. The addresses of the parties for the purpose of notice are the addresses on the first page of this Covenant and in the case of any subsequent owner, the address will be the address shown on the title to the Land in the Land Title Office.

If notice is delivered personally, it may be left at the relevant address in the same manner as ordinary mail is left by Canada Post and is to be deemed given when delivered. If notice is sent by mail, it is to be deemed given 3 days after mailing by deposit at a Canada Post mailing point or office. In the case of any strike or other event causing disruption of ordinary Canada Post operations, a party giving notice for the purposes of this Covenant must do so by delivery as provided in this section.

Either party may at any time give notice in writing to the other of any change of address and from and after the receipt of notice the new address is deemed to be the address of such party for giving notice.

Enurement

16. This Covenant binds the parties to it and their respective corporate successors, heirs, executors, administrators and personal representatives.

Joint and Several

17. If at any time more than one person (as defined in the *Interpretation Act* (British Columbia)) owns the Land, each of those persons will be jointly and severally liable for all of the obligations of the Grantor under this Covenant.

Further Acts

18. The Grantor must do everything reasonably necessary to give effect to the intent of this Covenant, including execution of further instruments.

As evidence of their agreement to be bound by the terms of this instrument, the parties hereto have executed the Land Title Office Form C which is attached hereto and forms part of this Covenant.

PRIORITY AGREEMENT

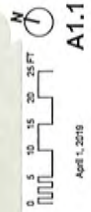
This Priority Agreement is between ROYAL BANK OF CANADA (the "Prior Chargeholder"), being the registered owner and holder of Mortgage No. FB423654 (the "Prior Charge"), and the District of Ucluelet, being the registered owner and holder of the covenant under section 219 of the *Land Title Act* (British Columbia) to which this Priority Agreement is attached (the "Subsequent Charge").

In consideration of the sum of ten dollars (\$10.00) now paid to the Prior Chargeholder and other good and valuable consideration, the receipt and sufficiency of which the Prior Chargeholder acknowledges, the Prior Chargeholder hereby approves of and consents to the granting of the Subsequent Charge and hereby postpones all of the Prior Chargeholder's rights under the Prior Charge to the rights of the Municipality under the Subsequent Charge in the same manner and to the same extent as if the Prior Charge had been registered immediately after the Subsequent Charge.

As evidence of its agreement to be bound by this Priority Agreement, the Prior Chargeholder has executed the General Instrument – Part 1 (*Land Title Act* - Form C) attached to and forming part of this Priority Agreement dated for reference November 5, 2020.

END OF DOCUMENT

Schedule A - Development Plans



Site Plan

354 Forbes Rd, Ucluelet, BC

Pacific Rim Fishing Charters



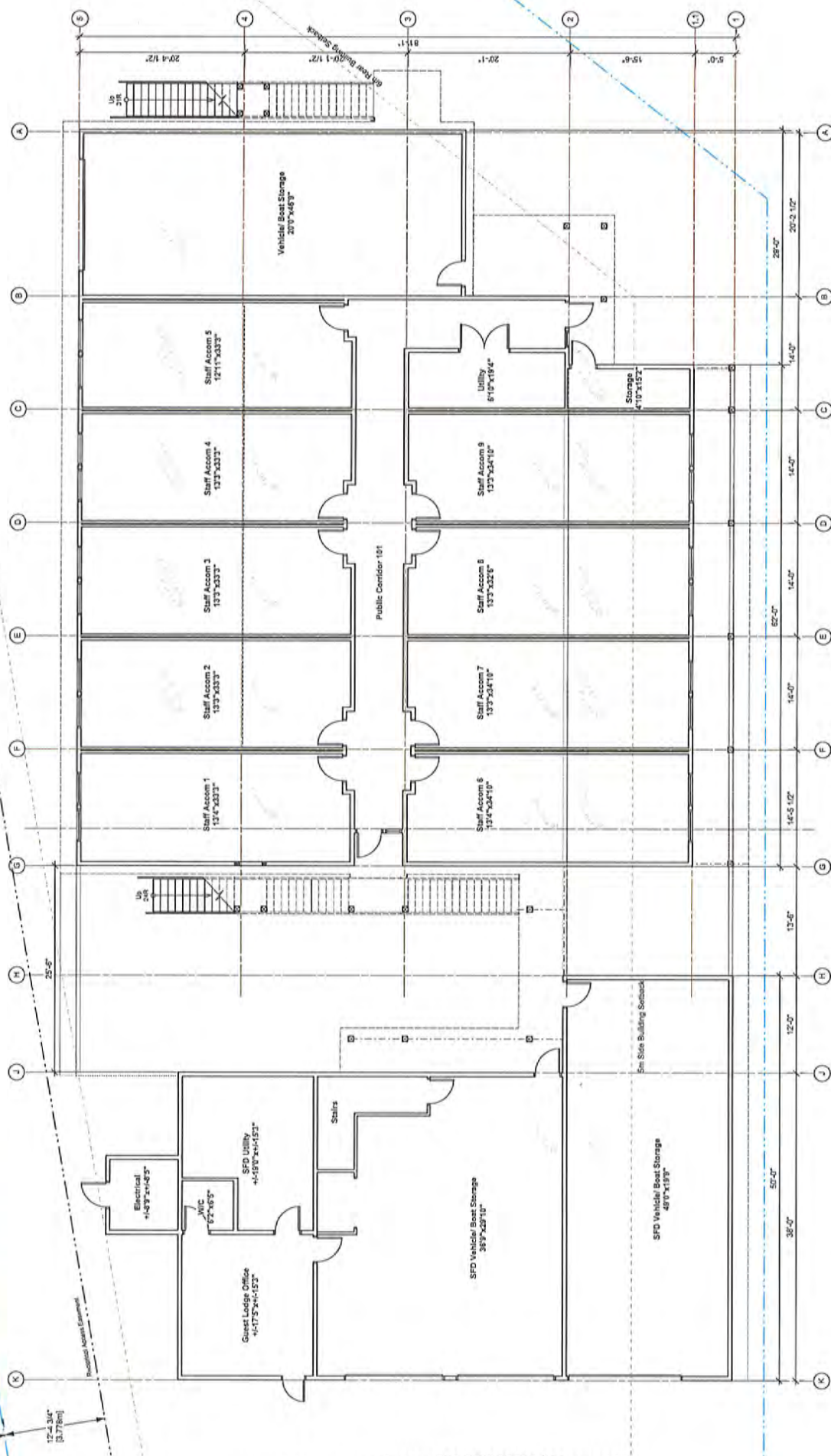
A2.1

April 1, 2018

L1 Plan

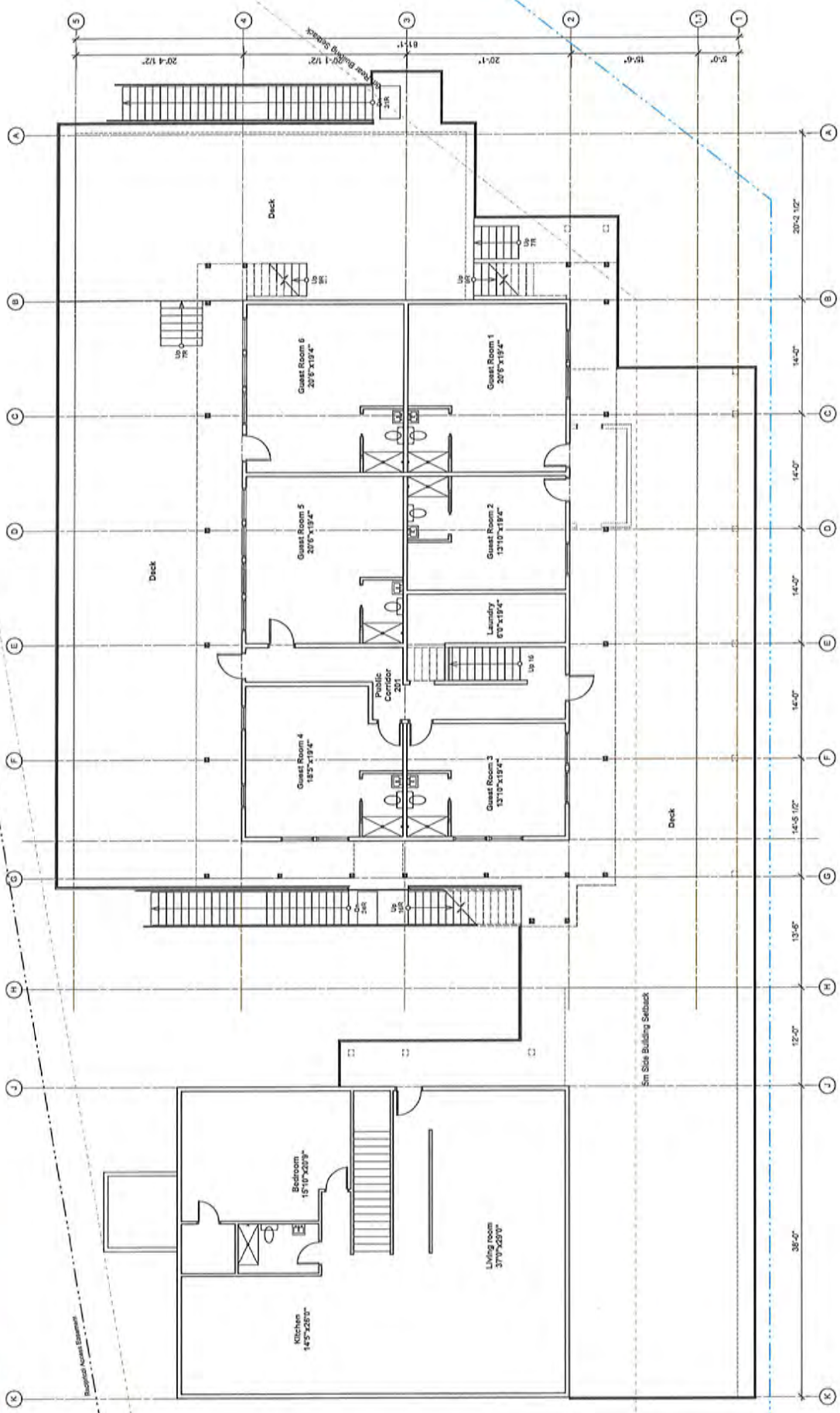
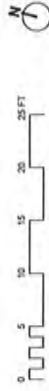
354 Forbes Rd, Ucluelet, BC

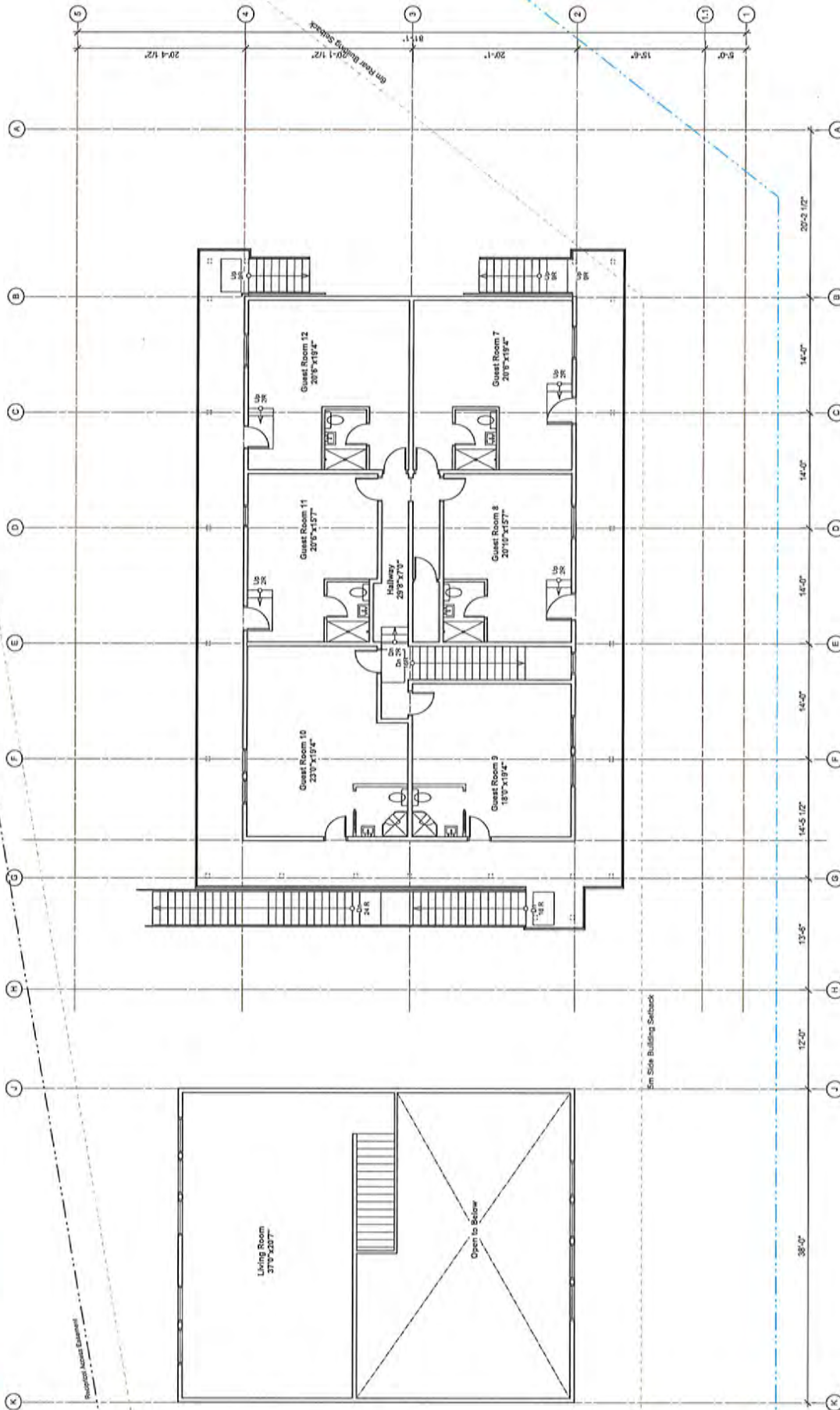
Pacific Rim Fishing Charters





RAYMOND & BELD ARCHITECT INC.







1 North West Perspective

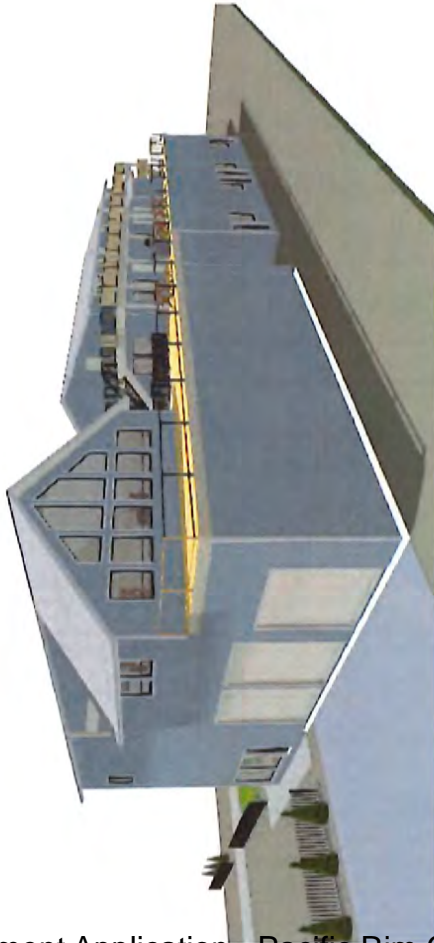


2 South Deck Perspective

3 Project Data

Project Information		Site Information		Financial Summary	
Item	Description	Area (sq. ft.)	Value	Area (sq. ft.)	Value
1	Site Preparation	10,000	\$100,000	10,000	\$100,000
2	Foundation	10,000	\$200,000	10,000	\$200,000
3	Structural Steel	10,000	\$500,000	10,000	\$500,000
4	Exterior Cladding	10,000	\$300,000	10,000	\$300,000
5	Interior Finishes	10,000	\$400,000	10,000	\$400,000
6	Mechanical/Electrical	10,000	\$150,000	10,000	\$150,000
7	Landscaping	10,000	\$50,000	10,000	\$50,000
8	Contingency	10,000	\$100,000	10,000	\$100,000
Total		10,000	\$1,700,000	10,000	\$1,700,000

<p>Client: Pacific Rim Fishing Charters 354 Forbes Rd, Ucluelet, BC Tel: 250-754-4871 Email: info@pacificrim.com</p>	<p>General Contractor / Designer: North & Associates Inc. 1410 Blenheim Street Ucluelet, BC V1M 4L7 Tel: 250-754-4800 Email: info@northand.com</p>	<p>Architect: North & Associates Inc. 1410 Blenheim Street Ucluelet, BC V1M 4L7 Tel: 250-754-4800 Email: info@northand.com</p>	<p>Structural Engineer: North & Associates Inc. 1410 Blenheim Street Ucluelet, BC V1M 4L7 Tel: 250-754-4800 Email: info@northand.com</p>	<p>Electrical Engineer: North & Associates Inc. 1410 Blenheim Street Ucluelet, BC V1M 4L7 Tel: 250-754-4800 Email: info@northand.com</p>	<p>Mechanical Engineer: North & Associates Inc. 1410 Blenheim Street Ucluelet, BC V1M 4L7 Tel: 250-754-4800 Email: info@northand.com</p>	<p>Interior Designer: North & Associates Inc. 1410 Blenheim Street Ucluelet, BC V1M 4L7 Tel: 250-754-4800 Email: info@northand.com</p>	<p>Building Envelope Designer: North & Associates Inc. 1410 Blenheim Street Ucluelet, BC V1M 4L7 Tel: 250-754-4800 Email: info@northand.com</p>	<p>Cost Consultant: North & Associates Inc. 1410 Blenheim Street Ucluelet, BC V1M 4L7 Tel: 250-754-4800 Email: info@northand.com</p>	<p>Building Consultant: North & Associates Inc. 1410 Blenheim Street Ucluelet, BC V1M 4L7 Tel: 250-754-4800 Email: info@northand.com</p>
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1 South Perspective



2 South East Perspective



3 North Perspective



4 South West Perspective



STAFF REPORT TO COUNCIL

Council Meeting: OCTOBER 9TH, 2018
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, MANAGER OF COMMUNITY PLANNING

FILE NO: 3360-20-RZ17-04

SUBJECT: ZONING AMENDMENT APPLICATION –
PACIFIC RIM CHARTERS & GUEST LODGE (354 FORBES ROAD)

REPORT NO: 18-103

ATTACHMENT(S): APPENDIX A – APPLICATION MATERIALS
APPENDIX B – BUILDING ASSESSMENT BY RAYMOND DE BEELD ARCHITECT INC.

RECOMMENDATION(S):

1. **THAT** Council indicate support for the concept of adding 12 *commercial tourist accommodation* rooms and a minimum of 6 *staff housing* units as permitted uses on the property at 354 Forbes Road and:
 - a. indicate to the applicant that detailed building, site, and landscape plans are required to show the impact of the proposal on the surrounding industrial lands, public streetscape and park land;
 - b. indicate that adoption of a zoning amendment bylaw would be subject to the following:
 - i. the owners first obtaining a building permit, then completing the necessary building renovations to bring the building up to code and finally obtaining an occupancy permit to clarify that the building is safe for its intended use;
 - ii. the owners entering into a Housing Agreement to ensure that the employee housing units are occupied by seasonal or long-term resident workers;
 - iii. to owners providing a restrictive covenant to ensure the provision of staff housing and that occupancy of the guest accommodation units is tied to the ongoing operation of a fishing guide business from the property; and,
 - c. once a complete set of rezoning plans has been submitted by the owners, direct staff to prepare the zoning amendment and housing agreement bylaws for consideration by Council at a future meeting.

PROPOSAL:

The purpose of this report is to advise Council of the current proposal for amending the zoning of the property at 354 Forbes Road and seek direction on next steps. Glenn and Dianna Kaczmar, owners of Pacific Rim Fishing Charters and Guest Lodge, have applied to amend the permitted uses in section CD-1.1.3 of the CD-1 Eco-Industrial Park zoning to enable the addition of up to 12 *commercial tourist accommodation* units and a minimum of 6 *staff housing* units in the existing building on the subject property (see Appendix 'A'). The single-family residence, office and storage uses would continue on the property as well. There are a number of elements to consider with this application including the history of the building and bylaw compliance, how the requested uses are

proposed to support the existing fishing charter business, and how the proposed uses would fit in this location.

BACKGROUND:

The following provides a brief outline of the steps leading to the current zoning amendment application:

- A Building Permit (permit U-06-41) was issued in 2006 for a grade-level storage building plus a single-family dwelling over an office space on the west end, in the areas indicated in red below:



- There is record that some building inspections were done during construction but there is no record of final inspection and no Occupancy Permit issued for Building Permit U-06-41;
- A Development Variance Permit application was considered by Council in June of 2007 to reduce the side and rear setbacks, to allow for an additional 2,500 sq.ft. of additional storage space to be added to the building (which was then under construction). The variances were granted by Council at its June 26, 2007, meeting but there is no record that the building permit was subsequently amended to include the additional building area;
- There is no record of a building permit for the eastern addition of a second and third storey over the storage garage containing tourist accommodation units;
- BC assessment, business license and servicing records do not reflect multiple guest suites being located on the property.
- In June of 2016 the District received a bylaw complaint that an unauthorized guest lodge was operating on the property. Staff follow-up revealed that a business licence was valid for the fishing charter business, but not guest accommodation. The owners were forthcoming that the guest lodge had been in operation since 2010 and inquired about steps to obtain an updated business licence reflecting the intended use.

rezoning would be prepared for consideration by Council. At that time, a set of revised drawings was anticipated to accompany the application.

The owners face significant costs to bring the building up to code for its intended use. The owners have been clear that they will not invest further to upgrade the building unless, at the end of the process, they are able to legally rent out tourist accommodation units as part of a package with their fishing charter business. At this point, the owners are seeking an indication of whether their requested zoning amendment will find support, before they commission more detailed architectural and engineering plans to define the building upgrades.

DISCUSSION:

A. Proposed Uses:

Tourist accommodation is not generally considered the most compatible land use in an industrial area. That said, there are a couple aspects to this proposal which set it apart. First, the location of the building on the edge of the Forbes Road industrial area, immediately next to the Tugwell Field park, is a different and better context for the proposed use compared to other locations. A site in the middle of the industrial park would not be supported by staff, where the tourist accommodation use would be expected to be surrounded by active businesses generating noises, sights and smells which could be found objectionable to guests and become a point of conflict.

A second consideration is that the use of the property for the storage and maintenance of boats for the fishing charter business is a permitted and valid use of this industrial property. The tourist accommodation is proposed to be co-located on property as an integrated part of the business. This lends support for the proposal that a standalone motel, for example, would not enjoy. Generally the community value of having adequate land designated for industrial uses comes from the support it provides for businesses and the jobs they create. The proposed tourist accommodation use would see the continued use of the property to support the fishing guide business. Staff are recommending that if approved on this basis, a restrictive covenant would be appropriate to ensure that the tourist accommodation remains as an integrated component of a fish guiding business, and is also only operated if the staff housing is provided as proposed.

Staff support the inclusion of six staff housing units as a part of this proposal. The CD-1 zoning currently permits “*mixed industrial / residential*” uses, but the definition limits the residential component to the second storey or higher. The proposal in this case is to re-purpose a portion of the large ground floor of the building to create six staff accommodation units. Including staff housing on site would benefit both the business and the community. Providing this additional housing would be a positive step and staff suggest that, if this forms part of Council’s support for the rezoning, a Housing Agreement would be an appropriate instrument to ensure the terms and availability of the staff housing as intended.

B. Process:

As noted above, approval of the requested zoning amendment would be just one step toward bringing the building and property uses in compliance with the municipal bylaws and provincial code. Fundamentally, this is about confirming that the building meets the minimum health and safety standards for its intended use.

Should the zoning amendment be supported in concept, the owner should then provide zoning-level drawings showing the location of all intended uses within the building, access, parking and

landscaping. Improved landscaping and screening along the Tugwell Field and Forbes Road edges of the property would be appropriate elements to include with the overall building upgrades.

Once a full set of drawings is received, the application along with draft bylaws would be brought back to a future meeting of Council for further consideration. Should a rezoning bylaw proceed through the steps of a public hearing and receive third reading (often considered approval in principle), the owners would then need to apply for the appropriate building permits and complete the necessary building alterations. Once the building was renovated, certified as safe for its intended use and an Occupancy Certificate were issued, then the bylaw would return to Council for final adoption. At that point, the District could issue a business licence for the tourist accommodation component of the Pacific Rim Fishing Charters and Guest Lodge business.

The guest accommodation suites are to remain unoccupied until the municipality issues a Certificate of Occupancy. Even if the rezoning is supported and proceeds quickly, given the amount of work required to bring the building up to code it is extremely unlikely that the building would be ready for occupancy in time for the 2019 summer fishing season. Therefore, staff recommend that the owners make alternative arrangements for accommodating their guests for the 2019 season.

Should the requested rezoning not proceed, the building will remain posted with “do not occupy” notices. The owners would then need to decide whether to re-purpose the building for a different use (with the necessary building permits, of course), demolish the building, or leave it vacant.

FINANCIAL IMPACTS:

A building permit fee would be charged based on the construction value. The value of the property would be expected to increase with the proposed improvements, and additional commercial tax assessment would result. Water and sewer fees would be collected based on metered usage. These additional revenues are expected to offset the incremental increase in municipal services and infrastructure.

OPTIONS REVIEW:

1. **THAT** Council indicate support for the concept of adding 12 *commercial tourist accommodation* rooms and a minimum of 6 *staff housing* units as permitted uses on the property at 354 Forbes Road and:
 - a. indicate to the applicant that detailed building, site, and landscape plans are required to show the impact of the proposal on the surrounding industrial lands, public streetscape and park land;
 - b. indicate that adoption of a zoning amendment bylaw would be subject to the following:
 - i. the owners first obtaining a building permit, then completing the necessary building renovations to bring the building up to code and finally obtaining an occupancy permit to clarify that the building is safe for its intended use;
 - ii. the owners entering into a Housing Agreement to ensure that the employee housing units are occupied by seasonal or long-term resident workers;
 - iii. to owners providing a restrictive covenant to ensure the provision of staff housing and that occupancy of the guest accommodation units is tied to the ongoing operation of a fishing guide business from the property; and,

- c. once a full set of plans has been submitted by the owners, direct staff to prepare the necessary zoning amendment and housing agreement bylaws for consideration by Council at a future meeting.

(Recommended)

or;

2. **THAT** Council defer consideration of the rezoning application for the property at 354 Forbes Road at this time;

or;

3. **THAT** Council reject the rezoning application for the property at 354 Forbes Road at this time, and indicate to the owners that obtaining a certificate of occupancy is required before the unauthorized guest suite addition area of the building can be occupied for any use.

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



STAFF REPORT TO COUNCIL

Council Meeting: APRIL 9, 2019

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, MANAGER OF COMMUNITY PLANNING

FILE NO: 3360-20-RZ17-04

SUBJECT: ZONING AMENDMENT APPLICATION –
PACIFIC RIM CHARTERS & GUEST LODGE (354 FORBES ROAD)

REPORT NO: 19-42

ATTACHMENT(S): APPENDIX A – ADDITIONAL APPLICATION MATERIALS
APPENDIX B – STAFF REPORT FROM OCTOBER 9, 2018
APPENDIX C – UCLUELET ZONING AMENDMENT BYLAW No. 1248, 2019
APPENDIX D – UCLUELET HOUSING AGREEMENT BYLAW No. 1249, 2019

RECOMMENDATION(S):

1. **THAT** Council, with regard to the proposal to renovate the building on Lot 17, District Lot 281, Clayoquot District, Plan VIP76147 (354 Forbes Road) and request for zoning amendments to permit *commercial tourist accommodation* on the property:
 - a. give first and second readings to Ucluelet Zoning Amendment Bylaw No. 1248, 2019;
 - b. give first and second readings to Ucluelet Housing Agreement Bylaw No. 1249, 2019;
 - c. indicate support, subject to public comment, to issue a Development Variance Permit to vary the following aspects of the Eco-Industrial Park (CD-1) zoning regulations for the existing building:
 - i. reduce the side yard setback per CD-1.6.1(3) on the south side from a minimum of 5m to 1.22m;
 - ii. reduce the rear yard setback per CD-1.6.1(3) from a minimum of 6m to 4.05m;
 - iii. reduce the parking setback per 503.2(1) from a minimum of 3m to 1.5m, subject to the owner installing the proposed landscaped screening within the reduced setback area;
 - iv. increase the permitted building height per CD-1.5.1(4) from a maximum of 12m to 12.95m; and,
 - v. waive the requirement per 602.1(1) for screening of waste and recycling bins, located at the rear of the building;
 - d. direct staff to give notice of a public hearing to receive comment on the requested bylaws and Development Variance Permit.

BACKGROUND:

Council received a report on the past uses and current request to rezone the property at 354 Forbes Road at its October 9, 2018, meeting. The full background on this application is attached in the staff report presented at that meeting (see **Appendix B**). Following discussion, Council passed the following motion:

1 |

“THAT Council indicate support for the concept of adding 12 commercial tourist accommodation rooms and a minimum of 6 staff housing units as permitted uses on the property at 354 Forbes Road and:

- a. indicate to the applicant that detailed building, site, and landscape plans are required to show the impact of the proposal on the surrounding industrial lands, public streetscape and park land;*
- b. indicate that adoption of a zoning amendment bylaw would be subject to the following:*
 - i. the owners first obtaining a building permit, then completing the necessary building renovations to bring the building up to code and finally obtaining an occupancy permit to clarify that the building is safe for its intended use;*
 - ii. the owners entering into a Housing Agreement to ensure that the employee housing units are occupied by seasonal or long-term resident workers;*
 - iii. to owners providing a restrictive covenant to ensure the provision of staff housing and that occupancy of the guest accommodation units is tied to the ongoing operation of a fishing guide business from the property; and,*
- c. once a complete set of rezoning plans has been submitted by the owners, direct staff to prepare the zoning amendment and housing agreement bylaws for consideration by Council at a future meeting.”*

The owners of Pacific Rim Charters, Glenn and Dianna Kaczmar, have now submitted the necessary plans prepared under the guidance of their architect (see **Appendix A**). Accordingly, staff have drafted Zoning Amendment Bylaw No. 1248 and Housing Agreement Bylaw No. 1249 for Council consideration.

DISCUSSION:

A. Building Plans and Proposed Uses:

The October 2018 staff report discussed the pros and cons of locating tourist accommodation within a light industrial area, and noted the context of this particular site and the integration of accommodation with the existing fishing charter business:

“... the use of the property for the storage and maintenance of boats for the fishing charter business is a permitted and valid use of this industrial property. The tourist accommodation is proposed to be co-located on property as an integrated part of the business. This lends support for the proposal that a standalone motel, for example, would not enjoy. Generally the community value of having adequate land designated for industrial uses comes from the support it provides for businesses and the jobs they create. The proposed tourist accommodation use would see the continued use of the property to support the fishing guide business. Staff are recommending that if approved on this basis, a restrictive covenant would be appropriate to ensure that the tourist accommodation remains as an integrated component of a fish guiding business, and is also only operated if the staff housing is provided as proposed.”

The plans now submitted show a section of the building being removed to create a courtyard separating the existing house / office portion from the building which contained workshop space, storage and guest suites. The plans show new stairs built to service the guest rooms (providing multiple points of egress) and the ground level is now shown with 9 potential future staff accommodation residential units. A vehicle / boat storage space is still shown located at the rear of the building, but overall the majority of the floor area is proposed to be used for accommodation purposes of one sort or another. Adding staff accommodation could be a positive step in providing

needed housing in the community; at the same time, staff note that this proposal essentially removes light industrial uses from the property. The owner notes that the staff accommodation could serve to support other local businesses including light industrial use on nearby properties – including the neighbouring lots which are under the same ownership. On balance, the addition of staff accommodation units could be a positive and pragmatic addition if this building is to be renovated for the purpose of the requested tourist accommodation use. Staff consider that other compatible light industrial uses of the lower floor of the building are also possible and would in the long term be the preferred pattern of land use for the diversity of the local economy.

Staff note that the applicant has submitted letters of support from neighbouring residents (see **Appendix A**).

A number of variances are being requested to reflect the size and location of the existing building. Staff note that the encroachments within zoning setbacks are primarily at the side and rear of the building, and given the location next to Tugwell Field will not likely impact neighbouring properties. The parking setback variance is reasonable if the proposed landscaping is installed in the reduced setback area. Subject to public comment, staff can recommend support for the requested variances for this proposal.

B. Housing Agreement Bylaw:

Ucluelet Housing Agreement Bylaw No. 1249, 2019, would authorize the District to enter into a housing agreement with the property owner. This would be registered on title and govern the use and occupancy of the staff accommodation units (i.e. to ensure that these units can not be used for short-term rentals). The owners are proposing that constructing the staff accommodation units would be started within three years, with all units available for occupancy within 5 years. If this commitment is part of the consideration for adopting the requested zoning bylaw, it can be ensured by covenant as indicated in the October 9, 2018, Council motion.

C. Process:

As noted previously, approval of the requested zoning amendment is the first step toward bringing the building and property uses in compliance with the municipal bylaws and provincial code. The owner has now provided zoning-level drawings showing the location of all intended uses within the building, access, parking and landscaping. Improved landscaping and screening along the Tugwell Field and Forbes Road edges of the property are shown at a conceptual level. Security to ensure completion of the proposed landscaping can be included with the covenant which will be brought forward to Council prior to adoption of the rezoning bylaw.

Should the rezoning bylaw proceed through the steps of a public hearing and receive third reading (often considered approval in principle), the owners could then obtain a building permit and complete the necessary building alterations. Once the building was renovated, certified as safe for its intended use and an Occupancy Certificate were issued, then the bylaw would return to Council for final adoption. At that point, the District could issue a business licence for the tourist accommodation component of the Pacific Rim Fishing Charters and Guest Lodge business.

The existing guest accommodation suites are to remain unoccupied until the municipality issues a Certificate of Occupancy. Therefore, staff again recommend that the owners make alternative arrangements for accommodating their guests for the 2019 season.

Should the requested rezoning not proceed, the building will remain posted with “do not occupy” notices. The owners would then need to decide whether to re-purpose the building for a different use (with the necessary building permits, of course), demolish the building, or leave it vacant.

FINANCIAL IMPACTS:

A building permit fee would be charged based on the construction value. The value of the property would be expected to increase with the proposed improvements, and additional commercial tax assessment would result. Water and sewer fees would be collected based on metered usage. These additional revenues are expected to offset the incremental increase in municipal services and infrastructure.

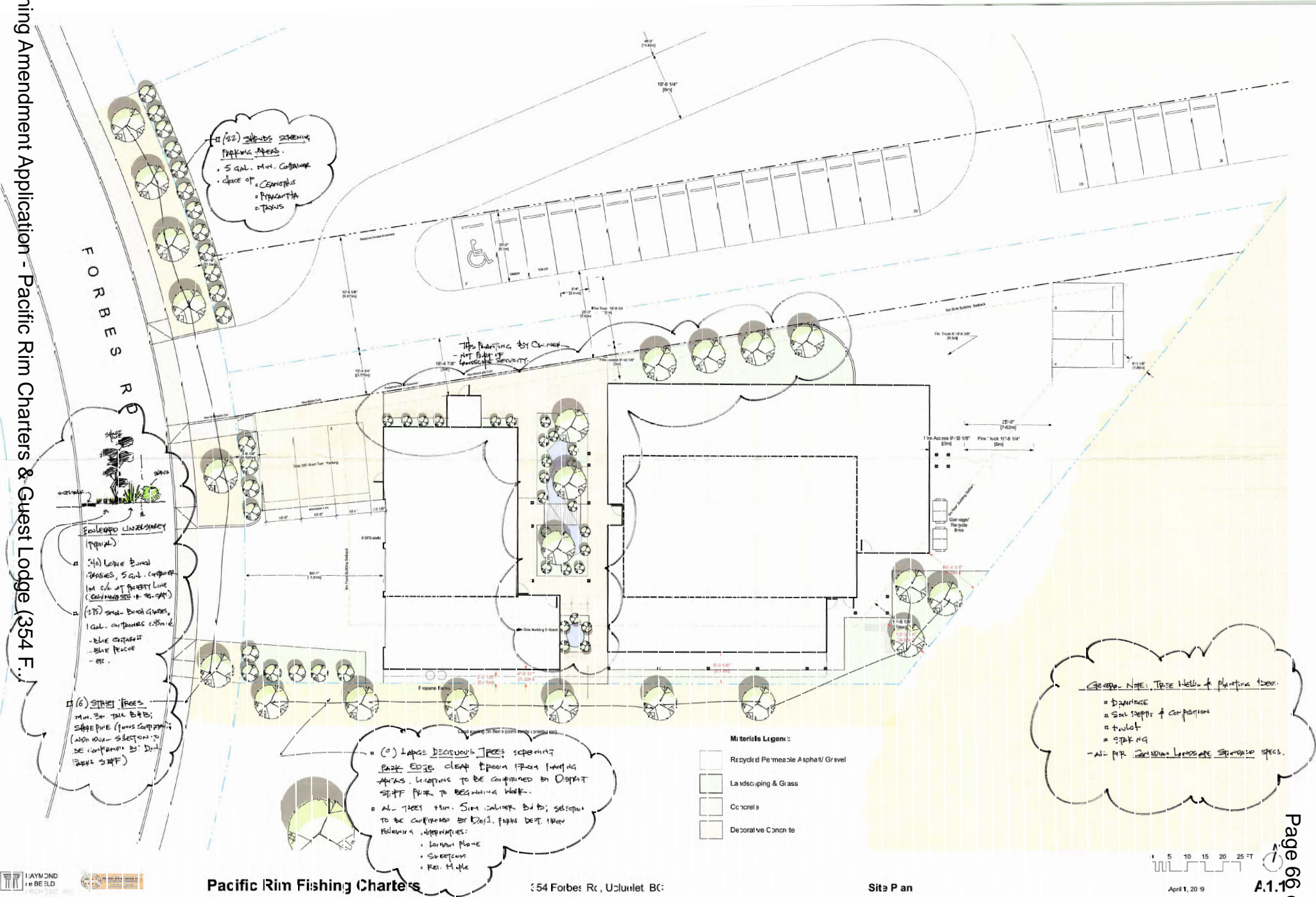
The Forbes Road light industrial area currently enjoys an exemption from the collection of Development Cost Charges.

OPTIONS REVIEW:

Per the recommended motions listed at the start of this report, staff suggest that Council give initial readings to the attached bylaws and advance the application to a public hearing to gather views on the requested change of use proposed by this application. Alternatively, Council could consider the following options:

2. **THAT** Council defer consideration of the rezoning application for the property at 354 Forbes Road at this time.
3. **THAT** Council reject the rezoning application for the property at 354 Forbes Road at this time, and indicate to the owners that obtaining a certificate of occupancy is required before the unauthorized guest suite addition area of the building can be occupied for any use.

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



11 (22) SPACES SCREENING PARKING AREAS.
 • 5 GAL. MINI-CONTAINER
 • choice of:
 - Ceanothus
 - Pittosporum
 - Taxus

THIS PLANTING BY CHARTER NOT PART OF LANDSCAPE SECURITY

FOURLEAF CLEMATIS (TYPICAL)
 (14) Large Bushy shrubs, 5 gal. container in row at forest line (Ceanothus or Pittosporum)
 (15) Small Bushy shrubs, 1 gal. containers (typical)
 - Blue Chastity
 - Blue Pacific
 - etc.

(6) STRIPY TREES
 MIN. 30" TALL BARS, SHARP PINE (PINO SPINOSA) (with 100% selection to be confirmed by Dist. Parks Staff)

(8) Large Deciduous TREES screening PARK EDGES clear 100' from parking AREAS. Plantings to be confirmed by District Staff prior to beginning work.
 • ALL TREES min. 10" DBH at 4.5' to 5.0' to be confirmed by Dist. Parks Dept. prior following alternatives:
 • Lemon Plane
 • Sweetgum
 • Red Maple

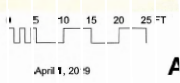
- Materials Legend:
- Recycled Permeable Asphalt/Gravel
 - Landscaping & Grass
 - Concrete
 - Decorative Concrete

General Note: These include planting trees:
 • Drainage
 • Soil depth & composition
 • Mulch
 • Spacing
 - All per ~~Landscaping~~ Landscape Specifications.

Pacific Rim Fishing Charters

354 Forbes Rd, Uclulet BC

Site Plan



April 1, 2019



REPORT TO COUNCIL

Council Meeting: June 14, 2022
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: JOHN TOWGOOD, MUNICIPAL PLANNER

FILE NO: 2360-30 **FOLIO:** 200-050

SUBJECT: TRAIL RIGHT OF WAY OVER 348 PASS OF MELFORT

REPORT NO: 22-78

ATTACHMENT(S): APPENDIX A – S.218 COVENANT

RECOMMENDATION(S):

THAT Council, for the purposes of creating a public pathway over 348 Pass of Melfort, Strata Lot 10, Plan VIS5896, Section 1, Barclay Land District:

1. Direct District of Ucluelet staff to execute and register the S.218 Statutory Right of Way attached as Appendix A of staff report 22-78.
2. Direct District of Ucluelet staff to coordinate the environmental and estimating work required so that a public pathway over 348 Pass of Melfort and relocated elements of the Wild Pacific Trail can be considered and prioritized in future budgeting process.

BACKGROUND:

The Pass of Melfort subdivision is a Single-Family Dwelling subdivision located on the south end of the peninsula created in 2006. While there was some consideration of pedestrian movement in and around the subdivision (green lines in **Figure 1**), a critical section of trail that would have allowed a pedestrian connection to the coast guard lands and the Wild Pacific Trail (**WPT**) was not secured. Since 2005, the public has been crossing over 348 Pass of Melfort (the "**Subject Property**"). The new owners in consultation with staff have agreed to terms within a S.218 Statutory Right of Way (**SRW**) covenant that would allow public trail connection through their property (red line in **Figure 1**) in exchange for a relocation of a segment of WPT (orange line in **Figure 1**) that currently runs adjacent to their western property line. The new trails segment would be located close to an existing stream and within an existing SRW secured for the purposes of stream protection. The District would be responsible for all legal, environmental, planning, and constructions costs associated to new the trail segment and the trail relocation.



Figure 1 – Subject Site

DISCUSSION

The missing trail segment over the subject property is a critical link for the pedestrian movement and connectivity for the Pass of Melfort, Kimoto Drive, and Elina Road neighbourhoods. Residents and visitors of the area use this route to travel, to and from, the Amphitrite Lighthouse lands and beyond. With the owner constructing their home the current connecting route is not available and pedestrians will be forced to reroute to Peninsula Road and Coastguard Road, where there are no sidewalks. This will make pedestrian movement more difficult, less enjoyable, and less safe. It may also result in more residents and visitors traveling by car to the lighthouse parking lot, adding further pressure to what is already limited parking.

POLICY OR LEGISLATIVE IMPACTS:

This application is compliant with the Official Community Plan.

ANALYSIS OF OPTIONS

A	Direct staff to execute and register a SRW and over 348 Pass of Melfort.	<u>Pros</u>	<ul style="list-style-type: none"> This corrects a critical pedestrian movement gap in the Pass of Melfort area and would encourage residents and visitors to walk instead of driving and parking at the Amphitrite Lighthouse Parking lot.
		<u>Cons</u>	<ul style="list-style-type: none"> The District will be responsible for the staff time and expense for creating the new trail segments.
		<u>Implications</u>	<ul style="list-style-type: none"> There will be better pedestrian connectivity in the area.
B	Direct Staff to not pursue this trail connection.	<u>Pros</u>	<ul style="list-style-type: none"> Less construction and maintenance costs to the district.
		<u>Cons</u>	<ul style="list-style-type: none"> There will be less pedestrian connectivity in the area.
		<u>Implications</u>	<ul style="list-style-type: none"> There will be less pedestrian connectivity in the area.
		<u>Suggested Motion</u>	<ul style="list-style-type: none"> “That does not support the registration of this SRW and request Staff not pursue a trail connection through 348 Pass of Melfort”

NEXT STEPS

- If this application is approved:
 - District of Ucluelet staff will execute and register a S.218 Statutory Right of Way.
 - Staff will coordinate the work required so that a public pathway over 348 Pass of Melfort can be constructed.

Respectfully submitted: John Towgood, Municipal Planner
 Bruce Greig, Director of Community Planning
 Duane Lawrence, CAO

TERMS OF INSTRUMENT – PART 2**STATUTORY RIGHT OF WAY**

THIS AGREEMENT dated for reference the ___ day of June, 2022, is

BETWEEN:

YAN REZNIKOV and MARIA REZNIKOVA

853 East 8th Avenue
Vancouver, BC V5T 1T6

(collectively, the “Owner”)

AND:

DISTRICT OF UCLUELET

200 Main Street
Ucluelet, BC V0R 3A0

(the “District”)

WHEREAS:

- A. The Owner is the registered owner in fee simple of the lands located in the District of Ucluelet, British Columbia legally described as:

PID: 026-493-748

Strata Lot 10 Section 1 Barclay District (Situated in Clayoquot District) Strata Plan VIS5896

(the “Land”);

- B. Section 218 of the *Land Title Act*, RSBC 1996, c 250 enables the Owner to grant in favour of the District an easement without a dominant tenement to be known as a statutory right of way;
- C. The District requires and the Owner wishes to grant to the District a statutory right of way over a portion of the Land for a pedestrian pathway; and
- D. This statutory right of way is necessary for the operation and maintenance of the District's undertaking.

NOW THEREFORE in consideration of the premises contained in this Agreement, \$1.00 paid by the District to the Owner, and other good and valuable consideration, the receipt and sufficiency of

which are acknowledged by the parties, the parties agree pursuant to section 218 of the *Land Title Act* as follows:

Grant of Statutory Right of Way

1. The Owner hereby grants and conveys in perpetuity at all times to the District the full, free and uninterrupted right, license, liberty, privilege, easement and right of way in common with the Owner over the area of the Land shown outlined in heavy black on Plan VIP79982 (the “Statutory Right of Way Area”) for the District and its servants, employees, agents, contractors, invitees and licensees:
 - (a) to permit the general public to have unobstructed access (without the need for specific invitation or authorization) to enter, use, go, return, pass and repass to, along, over, upon and from the Statutory Right of Way Area at any and all times, to use the Statutory Right of Way Area and the Works set out in subsection (b) below as a pedestrian pathway;
 - (b) to enter over, on, in, across and under the Statutory Right of Way Area, with or without workers, machinery, vehicles, equipment and materials, to:
 - (i) conduct surveys and examinations;
 - (ii) dig up, remove and replace soil and other surface and subsurface materials and clear trees, growth, structures and obstructions; and
 - (iii) construct, lay down, install, entrench, operate, use, maintain, clean, cover with soil, alter, relocate, extend, modify, repair, renew, inspect, replace or otherwise establish certain works generally described as a pedestrian pathway, including hard surfacing of the pathway, landscaping, lighting, railings, fences, signs, waste receptacles and similar fixtures, together with all ancillary attachments and fittings (collectively, the “Works”);
 - (c) for the purposes of subsection (b) to:
 - (i) store temporarily on the Statutory Right of Way Area all personal property (including equipment) necessary for the construction, laying down, installation, entrenchment, operation, use, maintenance, cleaning, covering of soil, alteration, relocation, extension, modification, repair, renewal, inspection, replacement or otherwise establishment of the Works;
 - (ii) alter the Statutory Right of Way Area as necessary for the purposes for which it is granted, including by the establishing grades and levels in the Statutory Right of Way Area;

- (d) to clear the Statutory Right of Way Area and keep it clear of anything which in the opinion of the District constitutes or may constitute an obstruction to the use of the Statutory Right of Way Area, the Works or rights granted under this Agreement;
 - (e) to cross over the Land for reasonable access to the Statutory Right of Way Area and make reasonable ancillary use of the Land for carrying out the Works; and
 - (f) to do all other acts which, in the opinion of the District, are incidental to the foregoing.
2. The District shall only exercise its rights under this Agreement over the 8.5m portion of the Statutory Right of Way Area adjacent to the northern boundary of the Land as shown on the sketch attached to this Agreement as Schedule A.

Promises of the Owner

3. The Owner shall:
- (a) not do or permit to be done any act or thing which, in the opinion of the District, may interfere with, injure, impair the operating efficiency of, or obstruct access to or the use of the Statutory Right of Way Area, the Works or the rights granted under this Agreement;
 - (b) execute all further documents and things for the better assuring unto the District of the rights granted by this Agreement; and
 - (c) permit the District to peaceably hold and enjoy the rights granted by this Agreement.

Promises of the District

4. The District shall:
- (a) use the Statutory Right of Way Area and carry out the construction and maintenance of the Works in a good and workmanlike manner and shall not cause unnecessary damage or disturbance to the Land or any improvement on the Land;
 - (b) not bury debris or rubbish in excavations or backfill on the Land;
 - (c) remove shoring and like temporary structures as backfilling proceeds;
 - (d) rake up all rubbish and construction debris it creates in order to leave the Statutory Right of Way Area in a reasonably neat and clean condition;
 - (e) exercise care not to damage the Land or any improvements on the Land during construction of the Works or any other work required on the Land, and if the District should cause any such damage, the District shall, as soon as weather and soil

conditions permit, and so often as it may exercise its right of entry hereunder to the Statutory Right of Way Area, restore the damaged Land or improvement thereon to as close to their pre-damaged condition as is reasonably practicable with reasonable dispatch or, where the District deems restoration to be impracticable, reimburse the Owner for all damage the District has caused but not restored; and

- (f) be responsible for the upkeep, maintenance, safety and cleanliness of the Works for as long as this Agreement is in effect.
5. The District shall not exercise its rights under this Agreement unless and until the District relocates a portion of the trail adjacent to the Owner's Land as shown on the sketch attached to this Agreement as Schedule B.

Indemnity

6. The District shall indemnify and save harmless the Owner from and against any claim, action, damage, liability, cost and expense of any nature in connection with loss of life, personal injury, loss of property, damage to property or other loss or damage arising from the District's exercise of its rights under this Agreement or any default of the District under this Agreement.

No Effect on Laws or Powers

7. This Agreement does not:
- (a) obligate the District to construct, install, remove, replace, repair, alter, modify, maintain, operate, improve, extend, protect or otherwise service the Works or any works on, along, over or under the Statutory Right of Way Area, enforce this Agreement or exercise any of the rights herein granted, except nothing in this subsection shall affect the contractual rights and obligations of the District as expressly provided herein; or
 - (b) affect or limit any statute, bylaw or other enactment relating to the Land.

Priority

8. The Owner shall do or cause to be done all acts reasonably necessary to grant priority to this Agreement over all financial charges and encumbrances which may have been registered against the title to the Land in the Land Title Office, save and except those as have been specifically approved in writing by the District.

General

9. This Agreement shall endure to the benefit of and be binding on the parties notwithstanding any rule of law or equity to the contrary.

10. An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach in respect of which the waiver is asserted. A waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.
11. Every reference to each party is deemed to include the heirs, executors, administrators, successors, assigns, employees, agents, officers and invitees of such party, wherever the context so requires or allows.
12. If any part of this Agreement is for any reason held to be invalid by the decision of a court of a competent jurisdiction, the invalid part shall be severed and the decision that it is invalid shall not affect the validity of the remainder of the Agreement.
13. This Agreement shall be governed in accordance with the laws of the Province of British Columbia.
14. In the case of the Owner comprising more than one person, the grants, covenants, agreements and liabilities of each person shall be construed and held to be several as well as joint.
15. This Agreement is the entire agreement between the parties regarding its subject.
16. No amendment of this Agreement is valid or binding unless in writing and executed by the parties.

IN WITNESS WHEREOF the parties acknowledge that this Agreement has been duly executed and delivered by the parties executing Part 1 of Form C attached to and forming part of this Agreement.

PRIORITY AGREEMENT

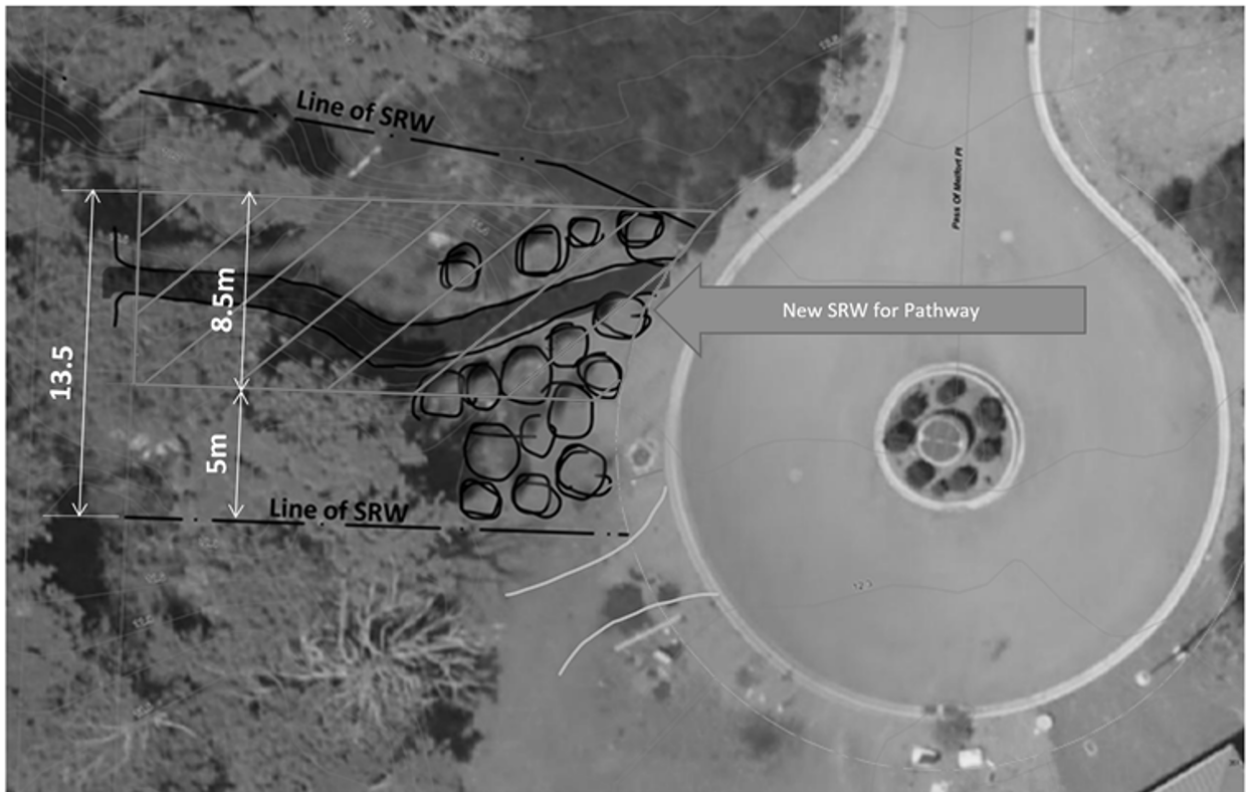
WHEREAS BANK OF MONTREAL (the "Chargeholder") is the holder of a Mortgage (the "Charge") encumbering the lands (the "Land") described in item 2 of the *Land Title Act* Form C attached hereto, which was registered in the Victoria Land Title Office under number CA9585903.

The Chargeholder, in consideration of the premises and the sum of One Dollar (\$1.00) now paid to the Chargeholder by the Transferee, hereby approves of, joins in and consents to the granting of the within Agreement and covenants and agrees that the same shall be binding upon its interest in or charge upon the Land and shall be an encumbrance upon the Land prior to the Charge in the same manner and to the same effect as if it had been dated and registered prior to the Charge.

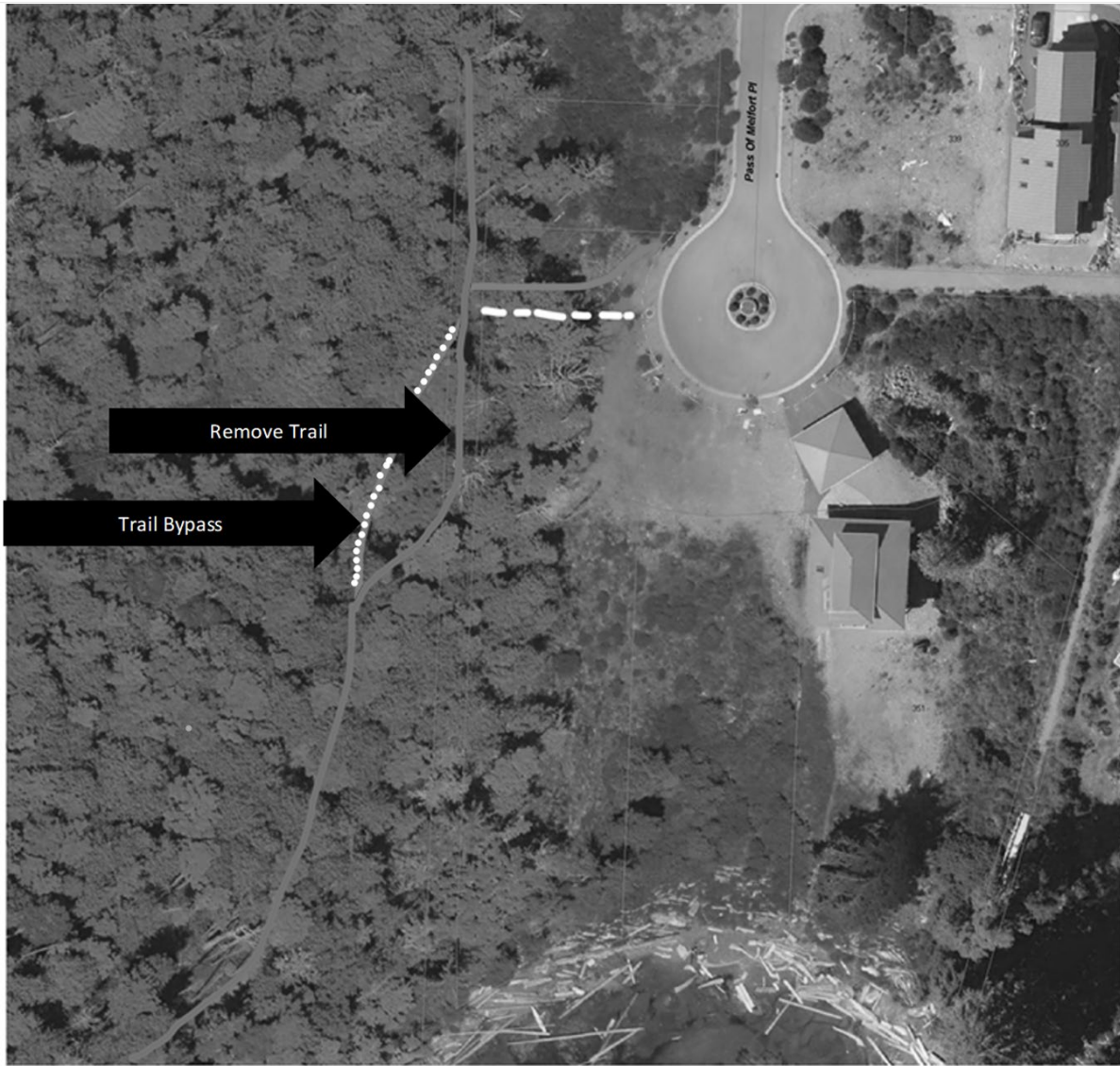
IN WITNESS WHEREOF the Chargeholder has executed this Agreement on Form C to which this Agreement is attached and which forms part of this Agreement.

DRAFT

SCHEDULE A



SCHEDULE B



END OF DOCUMENT



REPORT TO COUNCIL

Council Meeting: June 14, 2022

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: PAULA MASON, MANAGER OF CORPORATE SERVICES **FILE NO:** 1760-20
SUBJECT: APPROVAL TO PROCEED TO AN ALTERNATIVE APPROVAL PROCESS **REPORT NO:** 22- 75
ATTACHMENT(S): APPENDIX A - LOAN AUTHORIZATION BYLAW 1304, 2022
 APPENDIX B - INSPECTOR OF MUNICIPALITIES – STATUTORY APPROVAL CERTIFICATE
 APPENDIX C - STATUTORY NOTICES TO ELECTORS
 APPENDIX D - ELECTOR RESPONSE FORM

RECOMMENDATION(S):

WHEREAS the District of Ucluelet has given three readings to Loan Authorization Bylaw No. 1304, 2022 which proposes that authorization be given to borrow upon the credit of the municipality a sum not exceeding thirteen million dollars (\$13,000,000) to finance the costs of the development of a water treatment system for the District’s well fields, surface water supply and increasing of the District’s water storage capacity, which will be repaid over a period not to exceed thirty (30) years;

AND WHEREAS the District of Ucluelet cannot adopt Bylaw No. 1304, 2022 until the approval of the electors has been obtained;

THEREFORE BE IT RESOLVED THAT Council direct the Corporate Officer to undertake an Alternative Approval Process to determine the opinion of the electors with regard to the matter; and

THAT Council establish a period of 30 days, from July 7, 2022 to August 8, 2022, for the submitting and receiving of Elector Response Forms; and

THAT Council approve the Elector Response Form, attached to Staff Report number 22-75 for conducting the Alternative Approval Process for Loan Authorization Bylaw No. 1304, 2022; and

THAT Council establish 2060 electors as the number of electors for the District of Ucluelet.

BACKGROUND:

On March 15, 2022, Council gave first, second and third readings to Water System and Filtration Improvements project Loan Authorization Borrowing Bylaw No. 1304, 2022. (**“Appendix A”**) A certified copy of the bylaw was forwarded to the Ministry of Municipal Affairs and Housing, Governance and Structure Branch (the Ministry) for provincial staff review and approval by the Inspector of Municipalities. Following completion of the Ministry staff’s review of the documentation for legislative compliance and financial viability, the Inspector of Municipalities gave his final approval on May 31, 2022 and issued the attached statutory approval certificate. (**“Appendix B”**)

Now that Ministerial approval is granted, the District of Ucluelet can proceed with the next steps in the Alternative Approval Process (AAP). As required under the *Community Charter*, Council must establish the deadline for receiving Elector Response Forms, approve the Elector Response Forms and establish the number of eligible electors in the District of Ucluelet.

ANALYSIS OF OPTIONS

1. Statutory Notice of the AAP

The attached Statutory Notice to Electors for the AAP must be published in accordance with section 94 of the *Community Charter* and must include:

- (a) a general description of the proposed bylaw, agreement or other matter to which the approval process relates;
- (b) a description of the area to which the approval process applies;
- (c) the deadline for elector responses in relation to the approval process;
- (d) a statement that the council may proceed with the matter unless, by the deadline, at least 10% of the electors of the area indicate that the council must obtain the assent of the electors before proceeding;
- (e) a statement that elector responses must be given in the form established by the council, elector response forms are available at the municipal hall, and the only persons entitled to sign the forms are the electors of the area to which the approval process applies; and
- (f) the number of elector responses required to prevent the Council from proceeding without the assent of the electors.

The attached statutory notices are scheduled to be published in the June 29, 2022 and July 6, 2022 editions of the *Westerly News* newspaper. (“**Appendix C**”)

2. Elector Response Form

In accordance with [section 86\(3\)\(b\)](#) of the *Community Charter*, Council must establish an Elector Response Form. The Elector Response Form (“**Appendix D**”) must contain the following: sufficient information to ensure that the person signing is an eligible elector entitled to participate in the AAP, must provide a clear description about the nature of the proposal so that electors understand enough about the matter to make an informed response, and must clearly state that if at least 10% of the eligible electors within the area defined in the AAP submit responses, that Council may not proceed with the matter unless elector approval is subsequently obtained by assent voting (i.e. referendum).

3. Establish the deadline for receiving Elector Response Forms

Council must establish the deadline for receiving Elector Response Forms on a date that is at least 30 days from the day on which second notice was published. [Sections 25 to 25.5](#) of the *Interpretation Act* stipulate how the deadline is to be determined. In this AAP, the Electoral Response Period would run from **July 7, 2022 until August 8, 2022**. As the deadline day naturally falls on a weekend (Saturday, August 6, 2022) it must be extended to the next business day of August 8, 2022.

4. Determine the number of Eligible Electors

As the area defined for this AAP includes the entire municipality, every eligible resident elector and non-resident property elector can sign their name to an elector response form (see Attachment 4 for details on elector eligibility).

The following criteria must be met in order to be considered an eligible elector:

1. **Resident Elector:** When signing an elector response form during an AAP, a resident elector must: be 18 years of age or older; be a Canadian citizen; have lived in British Columbia for at least six months; have lived in the jurisdiction (e.g. municipality or electoral area) for at least 30 days; live in the area defined for the AAP; and, not be disqualified under the Local Government Act, or any other enactment from voting in a local election, or be otherwise disqualified by law.
2. **Non-resident Property Elector:** When signing an elector response form during an AAP, a non-resident property elector must: be at least 18 years of age; be a Canadian citizen; have lived in British Columbia for at least six months; have owned property in the jurisdiction (e.g. municipality or electoral area) for at least 30 days; own property in the area defined for the AAP; and, not be disqualified under the Local Government Act, or any other enactment from voting in a local election, or be otherwise disqualified by law. In addition,
 - A) only one owner can sign the elector response form when a property is owned by more than one registered owner. That owner must have the written consent of a majority of the other property owner(s) to sign the response form.
 - B) where such property is owned in whole or in part by a corporation, no one is eligible to sign the elector response form. [LGA, section 66]

The estimated number of eligible electors within the area defined for this AAP is based on information from two sources:

- a) Provincial Voters List - to determine resident electors (1615); and
- b) Property Tax Notice data from the District of Ucluelet's Finance department – to determine non-resident electors (445).

In accordance with *Local Government Act, section 66*, duplicate addresses, property owners who live outside of British Columbia and corporations have been removed from the property tax notice data used to determine eligible non-resident voters. Residents of Ucluelet were also removed from this data, as they are already recognized on the provincial voters list.

This data will be reproduced on the first day of the Elector Response Period (July 7, 2022) to ensure that electors who have owned property or have lived in the electoral area within 30 days of signing the elector response form, are accurately captured.

Using the methods as detailed above, the total number of Eligible Electors for this AAP is **2,060**. Therefore, if more than **206** (10%) of eligible electors respond, Council must proceed to assent voting (or referendum).

5. Determining the Result of the AAP

Corporate Officers need not review and certify individual elector response forms to determine the AAP result, when the number of forms submitted by the deadline established for the AAP is below the 10% threshold. If more than 10% (206) of eligible electors submit a response form before the deadline the Corporate Officer must determine whether submitted forms were signed by an eligible elector, submitted before the deadline, and must certify whether elector approval was received. If more than 10% (206) of eligible electors submit a response form before the deadline, the matter must proceed to assent voting, no later than 80 days after the deadline. As we are currently in an election year, the assent voting (or referendum) question would be added onto the 2022 General Local Election ballot.

A	Approve the undertaking of the AAP process, the electoral response form, the deadline, and the number of eligible voters	<u>Pros</u>	<ul style="list-style-type: none"> Meets the requirements of the proceeding with the AAP
		<u>Cons</u>	<ul style="list-style-type: none"> If 10% or more of the eligible electors submit response forms the municipality would need to proceed with a referendum to consider the borrowing bylaw or discontinue the project.
		<u>Implications</u>	<ul style="list-style-type: none"> Cost to publish notice to the electors in two issues of the newspaper.
B	Do not proceed with the loan authorization bylaw.	<u>Pros</u>	<ul style="list-style-type: none"> Approved funding in the capital budget can be re-allocated for use on other projects.
		<u>Cons</u>	<ul style="list-style-type: none"> Existing water quality concerns remain. Increased water system maintenance and flushing will be required Grant funds agreement will be cancelled. High levels of manganese, iron and particulate may result in an order to undertake a water filtration project.
		<u>Implications</u>	<ul style="list-style-type: none"> Loss of grant funding for the water system project. Increased staff time required to maintain existing water system.
		<u>Suggested Motion</u>	THAT Council direct staff to abandon Loan Authorization Bylaw No. 1304, 2022.

NEXT STEPS

- Advertisement of the AAP (Corporate Services)
- Corporate Officer's Certification of Alternative Approval Process Results (Corporate Services)
- Report to Council on reporting results (Corporate Services)
- Report to Council to consider adoption of the borrowing bylaw (Finance)
- One month quashing period (Corporate Services)
- Apply to Inspector of Municipalities for issuance of Certificate of Approval (Finance)
- Proceed with Security Issuing Process (Finance)

Respectfully submitted: PAULA MASON, MANAGER OF CORPORATE SERVICES
DUANE LAWRENCE, CAO

DISTRICT OF UCLUELET
Loan Authorization Bylaw 1304, 2022

A bylaw to authorize the borrowing to complete a water treatment project.

WHEREAS it is deemed desirable and expedient to construct a water treatment system for the District's well fields, surface water supply and increase water storage capacity;

AND WHEREAS the estimated cost of the water treatment project including expenses incidental thereto is the sum of twenty million dollars (\$20,000,000) of which the sum of thirteen million dollars (\$13,000,000) is the maximum amount of debt intended to be borrowed by this bylaw;

1. **NOW THEREFORE** the Council of the District of Ucluelet in open meeting assembled enacts as follows: This bylaw may be cited as the "Loan Authorization Bylaw No. 1304, 2022".
2. The District of Ucluelet is hereby authorized to borrow upon the credit of the Municipality a sum not to exceed thirteen million (\$13,000,000).
3. The entire amount authorized to be borrowed pursuant to this bylaw is for the purpose of carrying out the development of a water treatment system for the District well fields, surface water supply and increased water storage capacity and to acquire all such real property, easements, rights-of-way, licenses, rights or authorities as may be requisite or desirable for or in connection with the development of a water treatment system for the Districts well fields, surface water supply and increasing of the Districts water storage capacity.
4. The maximum term of which debentures may be issued to secure the debt created by this bylaw is thirty (30) years.

READ A FIRST TIME this **15th** day of **March, 2022**.

READ A SECOND TIME this **15th** day of **March, 2022**.

READ A THIRD TIME this **15th** day of **March, 2022**.

Received the approval of the Inspector of Municipalities this **31st** day of **May, 2022**.

Received the Assent of the Electors of the District of Ucluelet this ___ day of ____ 2022.

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

Mayco Noël
Mayor

Duane Lawrence
Corporate Officer

CERTIFIED CORRECT; "District of Ucluelet Loan Authorization Bylaw No. 1304, 2022".

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

Duane Lawrence
Corporate Officer



Statutory Approval

Under the provisions of section _____ 179

of the _____ Community Charter

I hereby approve Bylaw No. _____ 1304

of the _____ District of Ucluelet,

a copy of which is attached hereto.

Dated this 31st *day*

of May *, 2022*

A handwritten signature in blue ink, appearing to be "Paula Mason", written over a horizontal line.

Deputy Inspector of Municipalities



NOTICE TO ELECTORS OF THE DISTRICT OF UCLUELET OF AN ALTERNATIVE APPROVAL PROCESS

Notice is hereby given that pursuant to the *Community Charter*, this is the first of two notices to advise electors in the District of Ucluelet, of the intention to adopt Loan Authorization Bylaw No. 1304, 2022. The purpose of the bylaw is to borrow an amount not to exceed \$13,000,000 (13 million dollars) to be repaid over a period not exceeding 30 years in order to finance the costs of the development of water treatment systems within the District of Ucluelet. A copy of Loan Authorization Bylaw No. 1304, 2022 and a summary of the proposal are available from the local government's offices during each business day of the week between 8:00am and 4:00pm.

Further notice is hereby given that the District of Ucluelet may proceed with the adoption of Loan Authorization Bylaw No. 1304, 2022, borrow the money and undertake the development of water treatment systems within the District of Ucluelet unless, by **4:00PM on August 8, 2022**, at least 10% of the electors in the District of Ucluelet sign an Elector Response Form, opposing the implementation of the proposal, indicating that Council must obtain the assent of the electors (referendum) before proceeding. The number of elector responses required to prevent the District of Ucluelet from proceeding unless a vote is held, is estimated to be 206. A report respecting the basis on which this determination was made is available upon request from the local government.

Elector responses are required to be submitted to the local government on forms that can be obtained during regular business hours (Monday through Friday from 8:30am – 4:00pm) from the District of Ucluelet Municipal office, located at:

**200 Main Street,
Ucluelet BC, V0R 3A0**

The form can also be downloaded from the District of Ucluelet's Alternate Approval Process webpage at <https://ucluelet.ca/community/district-of-ucluelet-council/alternate-approval-process> The only Elector Response Forms that will be accepted by the local government are the ones provided by the District of Ucluelet, or an accurate copy of the form.

Only electors of the District of Ucluelet are eligible to sign the Elector Response Form. There are two types of electors – **resident electors and non-resident property electors**.

Resident Elector: When signing an Elector Response Form during an AAP, a resident elector must: be 18 years of age or older; be a Canadian citizen; have lived in British Columbia for at least six months; have lived in the jurisdiction (e.g. municipality or electoral area) for at least 30 days; live in the area defined for the AAP; and, not be disqualified under the Local Government Act, or any other enactment from voting in a local election, or be otherwise disqualified by law.

Non-resident Property Elector: When signing an Elector Response Form during an AAP, a non-resident property elector must: be at least 18 years of age; be a Canadian citizen; have lived in British Columbia for at least six months; have owned property in the jurisdiction (e.g. municipality or electoral area) for at least 30 days; own property in the area defined for the AAP; and, not be disqualified under the Local Government Act, or any other enactment from voting in a local election, or be otherwise disqualified by law.

Note: Only one non-resident property elector may sign an Elector Response Form per property, regardless of how many people own the property; and, that owner must have the written consent of a majority of the other property owner(s) to sign the response form on their behalf. **Property owned in whole or in part by a corporation does not qualify under the non-resident property elector provisions.**

Resident electors signing the Elector Response Form must provide their name and address.

Non-resident property electors must provide their name and the address of the property in relation to which they are entitled to register as a non-resident property elector. The local government will not share the information on the form with anyone other than the Corporate Officer, or other person designated by the Corporate Officer.

For more information on elector qualifications, please contact the District of Ucluelet's Corporate Service department. Elector Response Forms can be submitted:

In Person: 200 Main Street, Ucluelet BC V0R 3A0

Via Mail: PO Box 999, Ucluelet BC V0R 3A0

Via E-mail: info@ucluelet.ca



NOTICE TO ELECTORS OF THE DISTRICT OF UCLUELET OF AN ALTERNATIVE APPROVAL PROCESS

Notice is hereby given that pursuant to the *Community Charter*, this is the second of two notices to advise electors in the District of Ucluelet, of the intention to adopt Loan Authorization Bylaw No. 1304, 2022. The purpose of the bylaw is to borrow an amount not to exceed \$13,000,000 (13 million dollars) to be repaid over a period not exceeding 30 years in order to finance the costs of the development of water treatment systems within the District of Ucluelet. A copy of Loan Authorization Bylaw No. 1304, 2022 and a summary of the proposal are available from the local government's offices during each business day of the week between 8:00am and 4:00pm.

Further notice is hereby given that the District of Ucluelet may proceed with the adoption of Loan Authorization Bylaw No. 1304, 2022, borrow the money and undertake the development of water treatment systems within the District of Ucluelet unless, by **4:00PM on August 8, 2022**, at least 10% of the electors in the District of Ucluelet sign an Elector Response Form, opposing the implementation of the proposal, indicating that Council must obtain the assent of the electors (referendum) before proceeding. The number of elector responses required to prevent the District of Ucluelet from proceeding unless a vote is held, is estimated to be 206. A report respecting the basis on which this determination was made is available upon request from the local government.

Elector responses are required to be submitted to the local government on forms that can be obtained during regular business hours (Monday through Friday from 8:30am – 4:00pm) from the District of Ucluelet Municipal office, located at:

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The form can also be downloaded from the District of Ucluelet's Alternate Approval Process webpage at <https://ucluelet.ca/community/district-of-ucluelet-council/alternate-approval-process> The only Elector Response Forms that will be accepted by the local government are the ones provided by the District of Ucluelet, or an accurate copy of the form.

Only electors of the District of Ucluelet are eligible to sign the Elector Response Form. There are two types of electors – **resident electors and non-resident property electors**.

Resident Elector: When signing an Elector Response Form during an AAP, a resident elector must: be 18 years of age or older; be a Canadian citizen; have lived in British Columbia for at least six months; have lived in the jurisdiction (e.g. municipality or electoral area) for at least 30 days; live in the area defined for the AAP; and, not be disqualified under the Local Government Act, or any other enactment from voting in a local election, or be otherwise disqualified by law.

Non-resident Property Elector: When signing an Elector Response Form during an AAP, a non-resident property elector must: be at least 18 years of age; be a Canadian citizen; have lived in British Columbia for at least six months; have owned property in the jurisdiction (e.g. municipality or electoral area) for at least 30 days; own property in the area defined for the AAP; and, not be disqualified under the Local Government Act, or any other enactment from voting in a local election, or be otherwise disqualified by law.

Note: Only one non-resident property elector may sign an Elector Response Form per property, regardless of how many people own the property; and, that owner must have the written consent of a majority of the other property owner(s) to sign the response form on their behalf. **Property owned in whole or in part by a corporation does not qualify under the non-resident property elector provisions.**

Resident electors signing the Elector Response Form must provide their name and address.

Non-resident property electors must provide their name and the address of the property in relation to which they are entitled to register as a non-resident property elector. The local government will not share the information on the form with anyone other than the Corporate Officer, or other person designated by the Corporate Officer.

For more information on elector qualifications, please contact the District of Ucluelet's Corporate Service department. Elector Response Forms can be submitted:

In Person: 200 Main Street, Ucluelet BC V0R 3A0

Via Mail: PO Box 999, Ucluelet BC V0R 3A0

Via E-mail: info@ucluelet.ca



ELECTOR RESPONSE FORM
Alternative Approval Process (AAP)
 Loan Authorization Bylaw No. 1304, 2022

Pursuant to Section 86 of the *Community Charter*, the District of Ucluelet is proposing to seek approval of the electors by alternative approval process.

By completing this Elector Response Form, I **OPPOSE** the District of Ucluelet's intention to adopt Loan Authorization Bylaw No. 1304, 2022 which authorizes the borrowing of up to \$13,000,000 (13 million dollars) to be repaid over a period not exceeding 30 years, in order to finance the costs of the development of water treatment systems within the District of Ucluelet, without first obtaining the assent of the electors by way of assent voting (referendum).

Full name of elector _____ (please print)
 (e.g. Donald Smith – not D. Smith)

Signature _____

Address _____

Choose one: I am a resident elector (see reverse for eligibility requirements)

I am a non-resident property elector who lives in another community and owns property in the jurisdiction located at:

_____ (address)

_____ (see reverse for additional eligibility requirements)

The deadline for submitting this Elector Response Form to the District of Ucluelet is 4:00PM on August 8, 2022.

The address for submission is:

In Person: 200 Main Street, Ucluelet BC V0R 3A0

Via Mail: PO Box 999, Ucluelet BC V0R 3A0

Via E-mail: info@ucluelet.ca

The District of Ucluelet may proceed with the adoption of Loan Authorization Bylaw No. 1304, 2022 unless 10% (206) of eligible electors sign and submit a completed copy of this Elector Response Form to the local government by the deadline.

A person must not sign more than one Elector Response Form in relation to this alternative approval process. Personal information contained on this form is collected under the *Freedom of Information and Protection of Privacy Act* and will be used only for the purpose of this transaction.

Additional information can be found on the reverse side of this form about the subject of this alternative approval process as well as the Elector Qualifications.

District of Ucluelet

200 Main Street, PO BOX 999, Ucluelet, British Columbia V0R 3A0

(250) 726-7744 • info@ucluelet.ca • www.ucluelet.ca



ELECTOR RESPONSE FORM
Alternative Approval Process (AAP)
 Loan Authorization Bylaw No. 1304, 2022

The District of Ucluelet intends to adopt Loan Authorization Bylaw No. 1304, 2022. The purpose of the bylaw is to borrow an amount not to exceed \$13,000,000 (13 million dollars) to finance the cost of the development of water treatment systems within the District of Ucluelet, that will be repaid over a period not to exceed 30 years.

A copy of Loan Authorization Bylaw No. 1304, 2022 and a report summarizing the project is available from the local government's offices during each business day of the week between 8:30am and 4:00pm.

NOT OPPOSED – if you are NOT OPPOSED you need do nothing.

OPPOSED – if you are OPPOSED to the adoption of Loan Authorization Bylaw No. 1304, 2022 you can sign and submit an Elector Response Form, if you qualify as an elector of the District of Ucluelet.

Additional Information About Elector Eligibility

In order to sign an Elector Response Form in relation to the alternative approval process, a person must either be a resident elector or a non-resident property elector.

A **resident elector** is an individual who is entitled to sign an Elector Response Form during an AAP by virtue of living within that jurisdiction. When signing an Elector Response Form, a resident elector must:

- be 18 years of age or older;
- be a Canadian citizen;
- have lived in British Columbia for at least six months;
- have lived in the jurisdiction (e.g. municipality or electoral area) for at least 30 days;
- live in the area defined for the AAP; and,
- not be disqualified under the Local Government Act, or any other enactment from voting in a local election, or be otherwise disqualified by law.

A **non-resident property elector** is an individual that does not live in a jurisdiction and who is entitled to sign an Elector Response Form during an AAP by virtue of owning property in that jurisdiction. When signing an elector response form, a non-resident property elector must:

- be at least 18 years of age;
- be a Canadian citizen;
- have lived in British Columbia for at least six months;
- have owned property in the jurisdiction (e.g. municipality or electoral area) for at least 30 days;
- own property in the area defined for the AAP; and,
- not be disqualified under the Local Government Act, or any other enactment from voting in a local election, or be otherwise disqualified by law.

Note: Only one non-resident property elector may sign an Elector Response Form per property, regardless of how many people own the property; and, that owner must have the written consent of a majority of the other property owner(s) to sign the response form on their behalf. **Property owned in whole or in part by a corporation does not qualify under the non-resident property elector provisions.**

District of Ucluelet

200 Main Street, PO BOX 999, Ucluelet, British Columbia V0R 3A0
 (250) 726-7744 • info@ucluelet.ca • www.ucluelet.ca



REPORT TO COUNCIL

Council Meeting: June 14, 2022

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: DUANE LAWRENCE, CAO **FILE NO:** 8200-30
SUBJECT: MRDT - DESIGNATED RECIPIENT **REPORT NO:** 22-79
ATTACHMENT(S): 2022-05-05 TU DESIGNATED RECIPIENT MRDT

RECOMMENDATION(S):

Staff have reviewed the request and determined that either option, retaining the designated recipient status or relinquishing the designated recipient status to Tourism Ucluelet is primarily political in nature and is therefore not presenting a preferred recommendation.

BACKGROUND:

Ucluelet has been the recipient of the Municipal Resort Development Tax (MRDT) since 2009. The original purpose of the MRDT was to promote resort municipalities as a destination with the intent of increasing tourism activities in a community. In recent years the MRDT has transitioned to destination management from purely a promotional function.

MRDT funding has very specific uses and can only be used for purposes as determined by the province. In general, these eligible expenditure areas are limited to promotion of tourism destinations, expanding tourism market, visitor education and awareness, tourism sustainability, dedicated visitor experience projects, enhancing visitor experience projects and affordable housing initiatives. Currently there is a general prohibition on a local government utilizing the MRDT funds for anything related to general operations, community infrastructure or amenities.



Figure 1

In order to access MRDT funding a participating municipality may manage and operate the MRDT program as a function of the municipality or utilize a third-party non-profit organization or destination marketing organization (DMO). Figure 1 outlines the basic process for gaining access to and overseeing the collection of the funds.

The District engaged Tourism Ucluelet TU), under agreement, as the DMO with the mandate to manage the planning, application process, program delivery and reporting of the MRDT. The process outlined in Figure 1 is undertaken by the DMO for the administration and oversight of the MRDT funds.

Through this process the Municipality has an opportunity to provide direction to the DMO on key priorities which are then integrated into their strategic plan. The strategy must be approved by the member organizations who collect the funds.

At this stage in TU development, they are requesting Council give consideration to relinquishing the designated recipient status to TU.

ANALYSIS OF OPTIONS

The designated recipient is the organization that applies and is responsible to the Province for MRDT within a designated accommodation area. A designated recipient can be a municipality, a regional district, or an eligible not-for-profit business association or DMO.

Currently the Municipality is the designated recipient (DR) for all MRDT and OAP funds. What this means is that the Municipality is registered with the Province as the organization that will receive, distribute, and report on the use of the MRDT and OAP funds. All changes to an approved strategy must be approved by the DR prior to being reviewed by the Province.

As the DMO for the District, Tourism Ucluelet develops the MRDT strategic plan, engages with local accommodation providers, undertakes the reporting on the approved strategy objectives and expenditures and completes reporting requirements that are submitted on behalf of the Municipality. In this current structure, TU as the DMO must seek approval for all substantial changes to the MRDT strategy which must go through the District prior to being approved by the Province. This situation maintains a requirement that the DMO, District Staff and Council regularly interact.

If the District relinquished DR status to the DMO, the DMO would continue to report to the District on an annual basis to gain endorsement of the annual strategy and to report on the past years activities but would no longer need to consult with the District on substantial changes to the strategy. This is beneficial to the DMO as there are less steps required to gain approval for changes, although Council may feel that there is less engagement between the DMO and District than they are comfortable with. The DMO is proposing to mitigate this by offering Council a dedicated voting seat on the DMO board. This could lead to improved reporting on TU activities, as the Council representative would be engaged with the board on an ongoing basis and be able to report back to Council regularly.

Council should note that there have been recent developments with other communities requesting eligible expenditures of MRDT funding to include municipal infrastructure projects. It appears that the Province is considering this request and may make changes to how the MRDT

funds could be utilized in the future. If this is the case consideration on how the District and the DMO engage to confirm spending priorities should be weighed in any decision.

A	Authorize TU as the Designated Recipient.	<u>Pros</u>	<ul style="list-style-type: none"> Slight reduction in work required by District staff. Council would have a voting seat on the DMO board.
		<u>Cons</u>	<ul style="list-style-type: none"> Eligible MRDT funded projects may be changing in the near term and the District may want to know what those changes entail before making a decision. DMO has reduced reporting requirements, once per year, for approval of the MRDT Strategy. Reconsidering the designated recipient status in a future year would be very difficult for a future Council and likely damage the working relationship if withdrawn. DMO to Staff engagement is no longer an integral part of the working relationship. DMO would not be required to gain approval from Council on the annual tactical plan or budget.
		<u>Implications</u>	<ul style="list-style-type: none"> None
		<u>Suggested Motion</u>	THAT Council approve option A, to designate Tourism Ucluelet as the Designated Recipient of the Municipal Resort Development Tax.
B	Maintain the status quo.	<u>Pros</u>	<ul style="list-style-type: none"> Positive working relationship is maintained. Current situation is maintained and is working. Can always approve the DR request in another year. Maintains a requirement for ongoing DMO to staff engagement. Council would retain a non-voting seat at the DMO board. Council required to provide approval for annual tactical plan and budget.
		<u>Cons</u>	<ul style="list-style-type: none"> Council would not have a voting seat on the DMO board.
		<u>Implications</u>	<ul style="list-style-type: none"> None
		<u>Suggested Motion</u>	No motion is required

NEXT STEPS

- Advise TU of Council’s decision.

Respectfully submitted: Duane Lawrence, CAO

May 3, 2022.

To Mayor Noel and Council,

Re: Designated Recipient status transfer to Tourism Ucluelet

Since Tourism Ucluelet's establishment in late 2009 the district has observed and supported our growth and development into the organization it is today. Especially over the last 6 years, after separating from the Ucluelet Chamber of Commerce, the organization has dedicated itself as an effective and transparent partner with the community, all businesses, and key partners. We continually strive to find balance in our commitment to keep the charm of a small town all the while challenging our fundamental purpose of driving visitation and business through marketing to support our stakeholders. We recognize that balance for the community, bringing the 'right' like-minded consumer to town and dispersion are key to maintaining balance throughout the year while protecting a few pockets, so locals and businesses alike have some reprieve. We feel we have proven ourselves to be a committed functional organization following the path put forward in our new mission statement as well as pillars for long term growth and sustainability.

With this this mind, Tourism Ucluelet is asking the district and council to transfer the designated recipient title to Tourism Ucluelet for the Municipal Regional District Tax (MRDT) program. What does this mean? Tourism Ucluelet would hold the contract with the province, receiving the funds directly and distribute the On-line Accommodation Program (OAP) funds to the district.

To offer assurance to council and staff, the district/council would retain the ultimate veto on the tax being collected in town, and should the district and council feel that Tourism Ucluelet is not conducting itself in a way that supports our new direction, council can revert Tourism Ucluelet back to a contractor. To clarify, while voting stakeholders would continue to only have the power to approve how the funds are spent, the district would have final say as to whether the tax gets collected at all. Additionally, to strengthen our commitment of collaboration with the district, Tourism Ucluelet would offer one voting seat on the board of directors, instead of the current arrangement as a non—voting representative. In maintaining our communication with council, we would also continue to present our plan to council annually.

By awarding Tourism Ucluelet the ability to operate as the designated recipient it would allow the organization to,

1. Fall in-line with best practice protocols around the province
2. Receive funds directly, reducing the up to 2 months wait before funds are received and make it more effective for budgeting
3. Give the organization a greater level of independence
4. Streamline the approval and reporting process
5. Reduce additional administrative work for district staff

For the district:

6. Would remove added administrative work for staff except the OAP paperwork due annually
7. Funds would come in as revenues only through OAP instead of a "flow through"
8. The district will no longer need to approve the budget or tactical plan through a motion at council

Tourism Ucluelet believes, we have shown that we are able to operate as a stable, functioning organization with the community's best interest at heart. Our partnership with the district continues to be a cornerstone of our success. We feel that Tourism Ucluelet has proved itself as a trustworthy and community minded organization and ask council to complete the final step of our development by granting this request.

To keep with our current submission timeline, we are respectfully asking for a response by the end of May 2022.

On behalf of the board of directors, we thank you as always for your continued support and consideration.

Regards,



Denise Stys-Norman
Executive Director
Tourism Ucluelet

Cc: Duane Lawrence, CAO District of Ucluelet
Heather Riddick, Chair, Tourism Ucluelet



REPORT TO COUNCIL

Council Meeting: June 14, 2022

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: ABIGAIL K. FORTUNE, DIRECTOR OF PARKS & RECREATION **FILE NO:** 8100-20
SUBJECT: CANADA DAY ROAD CLOSURE **REPORT NO:** 22- 80
ATTACHMENT(S): N/A

RECOMMENDATION(S):

THAT Council approve Option A, to authorize the closure of Fraser Lane from 8:00 a.m. to 4:00 p.m. in front of the Village Green on Friday, July 1, 2022.

BACKGROUND:

In order to allow for planned Canada Day activities, the closure of Fraser Lane in front of the District Office is required. The Ucluelet Parks & Recreation Department will distribute a poster with Canada Day event information to appropriate media outlets as well as inform the businesses, in writing, of the road closure.

We have received a grant from the Minister of Canadian Heritage for \$1,200 for the general expenses of the day.

ANALYSIS OF OPTIONS

By closing the section of Fraser Lane in front of the District of Ucluelet Municipal Hall, the Parks and Recreation Department is able to program a full event for Canada Day.

By not closing the section of road, traffic will not be disrupted but programming space for the event will be limited.

Council supporting and inviting the community, allows everyone to be aware of the event and to participate if they wish to.

A	Road closure approved	<u>Pros</u>	<ul style="list-style-type: none"> Allows planned activities to take place
		<u>Cons</u>	<ul style="list-style-type: none"> There would be reduced parking for the area for the actual day.
		<u>Implications</u>	<ul style="list-style-type: none"> The full program and programming space can be used as is being planned for. Staff will place and remove barriers for the event
B	Do not approve the road closure and host all the activities on the lawn.	<u>Pros</u>	<ul style="list-style-type: none"> No disruption to parking or traffic for the day
		<u>Cons</u>	<ul style="list-style-type: none"> Limited space available for the Canada Day activities Lack of open/flow through space for the event
		<u>Implications</u>	<ul style="list-style-type: none"> Possible reduction in programming for the event

Next Steps

- Finalize plans for event
- Inform businesses, community of road closure

Respectfully submitted: Abby Fortune, Director of Parks & Recreation



REPORT TO COUNCIL

Council Meeting: June 14, 2022
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM:	JOHN TOWGOOD, MUNICIPAL PLANNER	FILE No: 3070-TUP22-02
SUBJECT:	TEMPORARY USE PERMIT 1632 BAY STREET	REPORT No: 22-81
ATTACHMENT(S):	APPENDIX A – APPLICATION APPENDIX B – TEMPORARY USE PERMIT 22-02	

RECOMMENDATION(S):

THAT Council, subject to public comment, authorize the issuance of Temporary Use Permit 22-02 to allow one seasonal RV camping space for local workers in the front yard of 1632 Bay Street for a period of 6 months.

BACKGROUND:

This Temporary Use Permit (**TUP**) application was received in May 2022, for the property located at 1632 Bay Street, PID 002234955, Lot 1, Plan VIP27909, District Lot 282, Clayoquot Land District. (the “**subject property**”).



Figure 1 – Subject Property

Temporary Use Permit:

A Temporary Use Permit allows a use of land, on a temporary basis, not otherwise permitted in the District of Ucluelet’s Zoning Bylaw. Temporary use permits may be issued for a period up to three years from the

date the permit was approved by Council. Temporary use permits may be renewed once, subject to Council approval. Conditions under which a temporary use may be allowed are established in the permit, including the site design and layout, and length of time the temporary use can occur. Security deposits and letters of undertaking may also be required to ensure conditions are met. Some of the considerations of a temporary use permit are:

- if the temporary use will operate at an intensity of use suitable to the surrounding area;
- if the temporary use will be compatible with regard to use, design, and operation with other surrounding land uses; and
- that the temporary use will operate on a temporary basis only and includes plans, or a letter of undertaking to terminate the use and restore the site by the expiry date of the permit.

Public Notice

Pursuant to section 494 of the *Local Government Act*, notification has been given for this application as follows:

- This application was advertised in the June 8, 2022, edition of the *Westerly News*.
- The property owners (registered on the title with BC Land Title and Survey) within 100m of the subject property have been notified by a mailout.
- Tenants in properties within 100m of the subject property have been notified by hand delivery.

Council should provide an opportunity for anyone wishing to speak to the application an opportunity to be heard prior to making a decision on the requested permit.

Existing Zoning

The subject property falls within the R-1 zone. The following are the allowed uses permitted in the zone:

R-1.1.1 The following uses are permitted, but secondary permitted uses are only permitted in conjunction with a principal permitted use:

(1) Principal:

(a) Single Family Dwelling

(2) Secondary:

(a) Bed and Breakfast

(b) Home Occupation

(c) Secondary Suite

Proposed Temporary Use

The applicant is requesting to use the front of the subject property for one seasonal RV camping space for local workers for a period of 6 months. The trailer is already located on site in the location proposed.

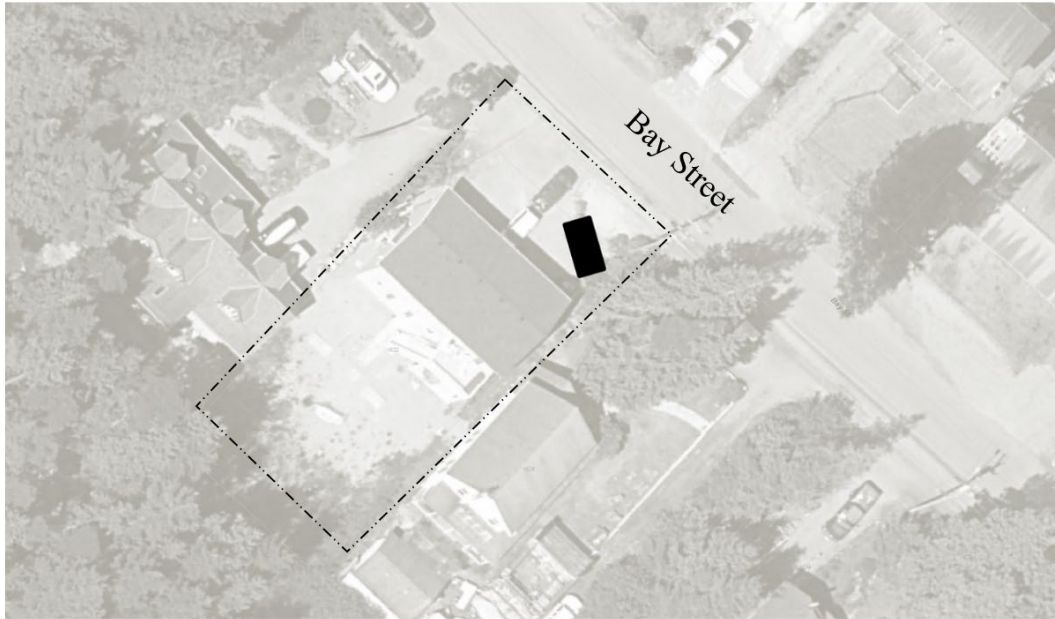


Figure 2 – Site Plan



Figure 3 – Street View

Servicing

The trailer is currently connected to electrical and water from the house and the septic will be pumped out as required. The occupants of the unit will have access to the bathrooms and laundry facilities of the dwelling on the subject property.

Fire Services

Prior to anyone occupying the RV, the Fire Department will require that the RV be inspected, and that the RV is equipped with the following fire safety items:

- One portable extinguisher having a 2-A rating.
- A working smoke alarm.
- A working carbon monoxide alarm.

Security

As a condition of the issuance of the permit, the District of Ucluelet would hold a \$1,000 security deposit to ensure that the development is carried out and operated in accordance with the terms and conditions of the permit.

TUP Terms and Conditions

1. No other temporary uses other than the above-mentioned uses shall be permitted.
2. The recreational vehicle/trailer camping space is to be located as indicated on the site plan
3. An on-site parking space shall be provided for the unit, in addition to the required parking for all other uses on site.
4. Access aisles and vehicle turnarounds are to be kept free at all times, for emergency access, and
5. The Permittee or a manager/caretaker must oversee the use of the Lands and their telephone and email contact shall be provided to the District and updated as required.
6. The RV/trailer unit must be licensed and in good condition.
7. The proposed seasonal trailer space is for staff accommodation to be inhabited by a maximum of two people, with a minimum of one person being a seasonal worker employed in the community. For clarity, this permit does not authorize short-term commercial tourist accommodation use of the proposed trailer space. The minimum length of stay is 30 consecutive days. The maximum length of stay is 6 months.
8. At the end of each seasonal stay, or within 6 months (whichever is less), the Permittee shall notify the Bylaw Enforcement Officer in writing that the RV/trailer unit has been vacated.
9. No person shall make, allow, or cause to be made any loud, objectionable, or unnecessary noise anywhere within the seasonal camping area which may disturb the peace, quiet, rest, enjoyment, comfort, and/or convenience of the neighborhood between the hours of 10 pm of one day and 7 am of the next day.
10. The Permittee shall provide for collection and pickup of garbage and recycling in appropriate wildlife-proof containers.
11. Areas around the RV/trailer unit will be kept clean and tidy at all times.
12. If the permittee is to provide hydro electricity to the RV/trailer unit, it must be done in a safe manner inspected by a registered electrician.

13. Prior to anyone occupying the unit, contact the Fire Department to arrange an inspection by emailing rgeddes@ucluelet.ca or calling (250) 726-7744. The permittee is responsible for maintaining the following for each unit;
- A working multipurpose fire extinguisher,
 - A working smoke alarm,
 - A working carbon monoxide alarm,
 - No portable heating or cooking appliances within the unit.
14. The municipal Bylaw Enforcement Officer may arrange for site inspection at any time, in a reasonable manner, to monitor compliance with the terms of the Temporary Use Permit.
15. Failure of the Permittee to meet and maintain any of the terms listed above may result in suspension of the permit and forfeiture of the security deposit.

ANALYSIS OF OPTIONS

A	Authorize the issuance of Temporary Use Permit 22-02	<u>Pros</u>	<ul style="list-style-type: none"> Will allow temporary seasonal accommodation for an employee on the subject property while that owner looks to a more permanent solution.
		<u>Cons</u>	<ul style="list-style-type: none"> Approval will allow the application to proceed, Staff time will be required to process this application
		<u>Implications</u>	<ul style="list-style-type: none"> Approval will allow the application to proceed. Staff time will be required to process this application.
B	Provide alternative direction	<u>Pros</u>	<ul style="list-style-type: none"> Unknown at this time
		<u>Cons</u>	<ul style="list-style-type: none"> Unknown at this time
		<u>Implications</u>	<ul style="list-style-type: none"> Unknown at this time
		<u>Suggested Motion</u>	<ul style="list-style-type: none"> THAT Council, in regards to Temporary Use Permit 22-02, (<i>provide alternative direction here</i>)
C	Reject the application	<u>Pros</u>	<ul style="list-style-type: none"> The neighbourhood would not have this added use.
		<u>Cons</u>	<ul style="list-style-type: none"> The seasonal RV camping space would not be available for a local worker.
		<u>Implications</u>	<ul style="list-style-type: none"> The application would not proceed.
		<u>Suggested Motion</u>	THAT Council reject the application for Temporary Use Permit 22-02.

POLICY OR LEGISLATIVE IMPACTS:

This application is compliant with the Local Government Act.

NEXT STEPS

If this application is approved:

- The attached TUP will be signed by the Director of Community Planning, issued to the applicant, and then filed with the Land Title Office.
- The applicant of the subject property will be required to meet all conditions of the permit and any other conditions set out by Council for the proposed permit.

Respectfully submitted:

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



District of Ucluelet

TUP Application

The attached purpose of this application is to have extra, much needed staff accommodation for our team *for a period of six months.*

This fifth wheel will be connected to the Bay Steet house electrical and will be getting septic pumped out on a regular basis. The occupants also have access to the bathroom and laundry facilities in the house.

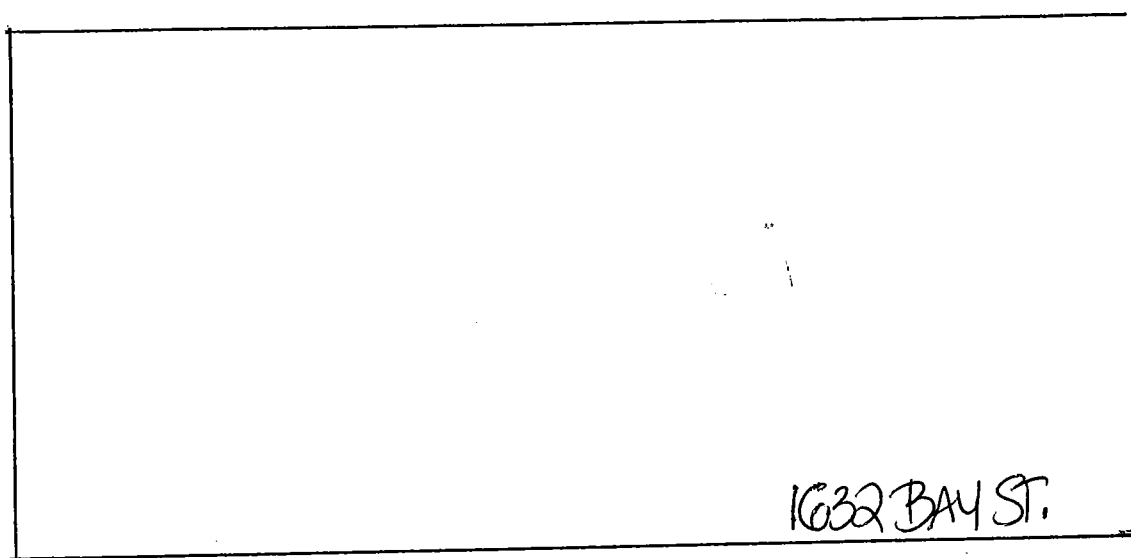
If you have any further questions, please don't hesitate to contact me.

Sincerely-

A handwritten signature in black ink, appearing to read "Lara Kemp".

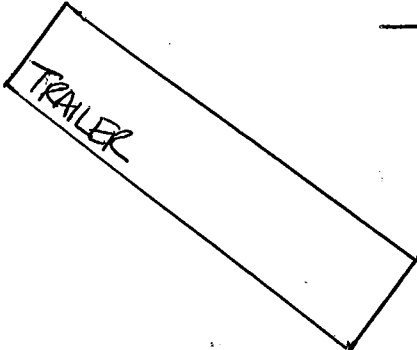
Lara Kemp

AGM-Black Rock Resort



FENCE

FENCE



TEMPORARY USE PERMIT – RV/TRAILER CAMPING SPACE

TEMPORARY USE PERMIT TUP22-02

General Terms

1. This Temporary Use Permit is issued to:

S-384 HOLDINGS LTD.; 701-17665 66A AVE, SURREY, BC, V3S 2A7
(the "**Permittee**")

as the registered owner of, and shall apply only to, the lands and premises situate in the District of Ucluelet, in the Province of British Columbia, and more particularly described as:

1632 BAY STREET.; PID 002234955, LOT 1, PLAN VIP27909, DISTRICT LOT 282,
CLAYOQUOT LAND DISTRICT
(the "**Lands**").

2. This Temporary Use Permit is issued pursuant to section 492 to 497 of the *Local Government Act*.
3. This Temporary Use Permit is issued subject to compliance with all applicable District of Ucluelet Bylaws.
4. This Temporary Use Permit authorizes the following uses on the Lands:

One seasonal RV camping space for local workers in the front yard of 1632 Bay Street.

5. This permit does not relieve an owner or occupier from obtaining any other approvals required by any other jurisdiction, or from meeting any other applicable regulations.
6. The permit holder, as a condition of issuance of this Permit, agrees to comply with the requirements and conditions of **Schedules 1-4**, which are attached hereto and form part of this permit.
7. The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit.
8. Notice shall be filed in the Land Title Office under section 503 of the *Local Government Act*, and upon such filing, the terms of this Permit or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
9. This Permit is NOT a Building Permit.
10. This Permit is NOT a Development Permit.
11. Provisions of sections 495, 496 and 502 of the *Local Government Act* requiring security applies to this permit as set forth in **Schedule 2**.

TEMPORARY USE PERMIT – RV/TRAILER CAMPING SPACE

AUTHORIZING RESOLUTION passed by the Municipal Council on the **of** , **2022**.

IN WITNESS WHEREOF this Temporary Use Permit is hereby executed and issued by the Municipality the **_** **day of** , **2022**.

THIS PERMIT SHALL EXPIRE on the day of **14 day of January 2023** (6 Months).

THE DISTRICT OF UCLUELET

by its authorized signatories:

OWNER

by its authorized signatory

ISSUED the **day of** , **2022**.

Bruce Greig - Manager of Community Planning

TEMPORARY USE PERMIT – RV/TRAILER CAMPING SPACE

Schedule 1 Required Undertaking

TO THE DISTRICT OF UCLUELET:

I (We), representing *the Lands* hereby undertake as a condition of issuance of this Temporary Use Permit to:

- a) Cease use and remove any structures built to support the temporary use from the subject property not later than 1 month after the termination date set out on the Temporary Use Permit.
- b) Abide by all conditions of the Temporary Use Permit.
- c) Provide the occupant’s contact information to the District of Ucluelet.

I(We) understand that should we not fulfill the undertakings described herein, the District of Ucluelet or its agents may enter upon *the Lands* and perform such work as is necessary to eliminate the temporary use and bring the use and occupancy of the property into compliance with the District of Ucluelet bylaws, and that any securities submitted to the District pursuant to the Temporary Use Permit shall be forfeited and applied to the cost of restoration of *the Lands* as herein set out.

We further understand that in the event of a default of the conditions contained within the Temporary Use Permit, we shall forfeit the securities submitted to the District of Ucluelet.

This undertaking is attached hereto and forms part of the Temporary Use Permit.

Contact Information for the Owner/Manager

Cell: _____ Email: _____

Date: _____

Owner: _____

Signature: _____

Owner: _____

Signature: _____

Witness: _____

Signature: _____

Schedule 2 Security

As a condition of the issuance of this Permit, the District of Ucluelet is holding a security set out below to ensure that development is carried out and operated in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to use the land as authorized according to the terms and conditions of the Permit and within the time provided, the District of Ucluelet may use the security to carry out the work by its servants, agents, or contractors, and any surplus shall be paid over to the Permittee; or should the Permittee carry out the development permitted by this Permit within the set time set out above, the security shall be returned to the Permittee. There is filed accordingly:

- a) A Letter of Credit or cash to be deposited into a specified bank account, to be held for the term of the permit in the amount of \$1,000 (\$1000 per unit). The purpose of the security is to cover any associated costs to the District of Ucluelet with respect to the removal of recreational vehicle units and associated structures or services.

Schedule 3 Temporary Use Permit Conditions

General Conditions:

- a) The permitted temporary use shall be limited to the following uses;
 - One (1) seasonal RV camping space(s) for local workers.***
- b) No other temporary uses other than the above-mentioned uses shall be permitted.
- c) The recreational vehicle/trailer camping space is to be located as indicated on the site plan **(Schedule 4)**
- d) An on-site parking space shall be provided for the unit, in addition to the required parking for all other uses on site.
- e) Access aisles and vehicle turnarounds are to be kept free at all times, for emergency access, and
- f) The Permittee or a manager/caretaker must oversee the use of the Lands and their telephone and email contact shall be provided to the District and updated as required.
- g) The RV/trailer unit must be licensed and in good condition.
- h) The proposed seasonal trailer space is for staff accommodation to be inhabited by a maximum of two people, with a minimum of one person being a seasonal worker employed in the community. For clarity, this permit does not authorize short-term commercial tourist accommodation use of the proposed trailer space. The minimum length of stay is 30 consecutive days. The maximum length of stay is 6 months.
- i) At the end of each seasonal stay, or within 6 months (whichever is less), the Permittee shall notify the Bylaw Enforcement Officer in writing that the RV/trailer unit has been vacated.
- j) No person shall make, allow, or cause to be made any loud, objectionable, or unnecessary noise anywhere within the seasonal camping area which may disturb the peace, quiet, rest, enjoyment, comfort, and/or convenience of the neighborhood between the hours of 10 pm of one day and 7 am of the next day.
- k) The Permittee shall provide for collection and pickup of garbage and recycling in appropriate wildlife-proof containers.
- l) Areas around the RV/trailer unit will be kept clean and tidy at all times.
- m) If the permittee is to provide hydro electricity to the RV/trailer unit, it must be done in a safe manner inspected by a registered electrician.
- n) Prior to anyone occupying the unit, contact the Fire Department to arrange an inspection by emailing rgeddes@ucluelet.ca or calling (250) 726-7744. The permittee is responsible for maintaining the following for each unit;
 - i. A working multipurpose fire extinguisher,
 - ii. A working smoke alarm,
 - iii. A working carbon monoxide alarm,
 - iv. No portable heating or cooking appliances within the unit.
- o) The municipal Bylaw Enforcement Officer may arrange for site inspection at any time, in a reasonable manner, to monitor compliance with the terms of the Temporary Use Permit.
- p) Failure of the Permittee to meet and maintain any of the terms listed above may result in suspension of the permit and forfeiture of the security deposit.

TEMPORARY USE PERMIT – RV/TRAILER CAMPING SPACE

Servicing Conditions

- a) **Potable Water:**
The permittee is responsible for providing sufficient potable water for the needs of the tenants.
- b) **Sewer Service:**
The permittee is responsible to contain all sewage and gray water in holding tanks and to pump those tanks out prior to any overflow or spillage. It should be noted that any sewage or graywater contamination in the area of the RV space will be considered a breach in the conditions of this permit.
- c) **Access to Washrooms:**
The permittee is responsible for providing access to a washroom.
- d) **Hydro:**
The permittee is responsible for providing a hydro connection by way of appropriately sized exterior outlet and extension cord.

TEMPORARY USE PERMIT – RV/TRAILER CAMPING SPACE

Schedule 4 Site Plan





REPORT TO COUNCIL

Council Meeting: June 14, 2022

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM:	JOHN TOWGOOD, MUNICIPAL PLANNER	FILE No: 3070-TUP22-03
SUBJECT:	TEMPORARY USE PERMIT 1992 PENINSULA RD	REPORT No: 22-82
ATTACHMENT(S):	APPENDIX A – APPLICATION APPENDIX B – TEMPORARY USE PERMIT 19-04 APPENDIX C – TEMPORARY USE PERMIT 19-04 AS AMENDED (TUP22-03)	

RECOMMENDATION(S):

That Council, subject to public comment authorize;

1. Amend Temporary Use Permit 19-04 by adding two new seasonal RV camping spaces for local workers to the rear of the Howlers Restaurant to the existing permit allowance of one space; **and**
2. Renew Temporary Use Permit 19-04, as amended, for a total of three seasonal RV camping spaces for local workers to the rear of the Howlers Restaurant for a period of 3 Years.

BACKGROUND:

This Temporary Use Permit (**TUP**) renewal and amendment application was received in May 2022, for the property located at 1992 Peninsula, PID 023782251, Lot 1, Plan VIP65432, District Lot 284, Clayoquot Land District (the “**subject property**”).

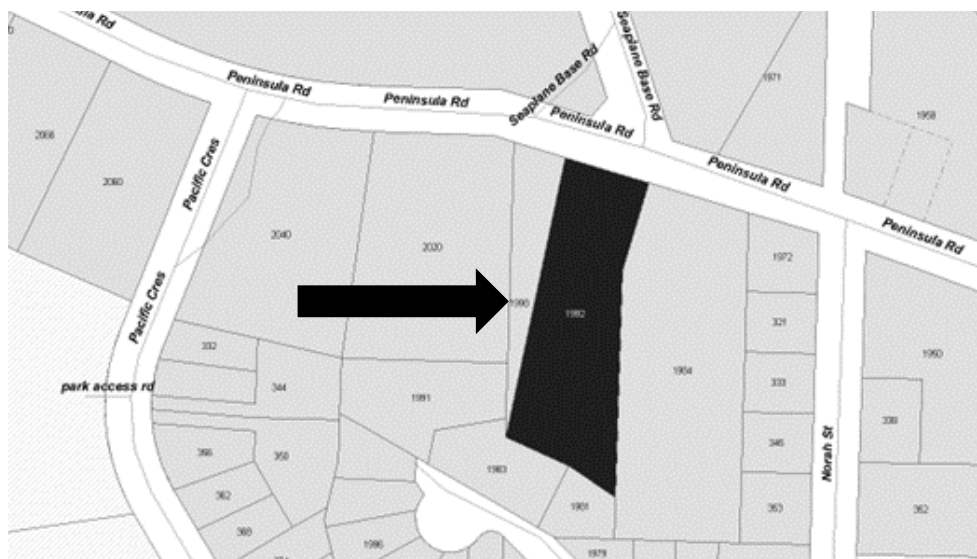


Figure 1 – Subject Property

Temporary Use Permit:

A Temporary Use Permit allows a use of land, on a temporary basis, not otherwise permitted in the District of Ucluelet's Zoning Bylaw. Temporary use permits may be issued for a period up to three years from the date the permit was approved by Council. Temporary use permits may be renewed once for a further three-year period, subject to Council approval. Conditions under which a temporary use may be allowed are established in the permit, including the site design and layout, and length of time the temporary use can occur. Security deposits and letters of undertaking may also be required to ensure conditions are met. Some of the considerations of a temporary use permit are:

- if the temporary use will operate at an intensity of use suitable to the surrounding area;
- if the temporary use will be compatible with regard to use, design, and operation with other surrounding land uses; and
- that the temporary use will operate on a temporary basis only and includes plans, or a letter of undertaking to terminate the use and restore the site by the expiry date of the permit.

Public Notice

Pursuant to section 494 of the *Local Government Act*, notification has been given for this application as follows:

- This application was advertised in the June 8, 2022, edition of the *Westerly News*.
- The property owners (registered on the title with BC Land Title and Survey) within 100m of the subject property have been notified by a mailout.
- Tenants in properties within 100m of the subject property have been notified by hand delivery.

Council should provide an opportunity for anyone wishing to speak to the application an opportunity to be heard prior to making a decision on the requested permit.

Existing Zoning

The subject property falls within the CS-2 zone. The following are the allowed uses permitted in the zone:

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:

Hotel, Motel, Mixed Commercial/Residential, Mixed Commercial/Resort Condo, Office, Tourist Information Booth, Retail, including supermarket, Convenience Store, Restaurant, Bistro/Café, Take Out Food Services, Personal Services, Commercial Recreation, Studio, and Community Use

Proposed Temporary Use

The applicant is requesting the renewal of one seasonal RV camping space for local workers to the rear of the Howlers Restaurant for a period of 3 Years and to amend the existing permit by adding 2 new spaces. The RV spaces appear to already be in use on the subject property in the locations proposed.



Figure 2 – Site Plan



Figure 3 – Street View

Servicing

The RV's are to be connected to electrical and potable water from the Howlers Restaurant and the septic will be pumped out as required.

Fire Services

Prior to anyone occupying the RV, the Fire Department will require that the RV be inspected, and that the RV is equipped with the following fire safety items:

- One portable extinguisher having a 2-A rating.
- A working smoke alarm.
- A working carbon monoxide alarm.

Security

As a condition of the issuance of the permit, the District of Ucluelet would hold a \$1,000 security deposit per unit to ensure that the development is carried out and operated in accordance with the terms and conditions of the permit.

TUP Terms and Conditions

1. No other temporary uses other than the above-mentioned uses shall be permitted.
2. The recreational vehicle/trailer camping space(s) is to be located as indicated on the site plan

3. An on-site parking space shall be provided for the unit, in addition to the required parking for all other uses on site.
4. Access aisles and vehicle turnarounds are to be kept free at all times, for emergency access, and
5. The Permittee or a manager/caretaker must oversee the use of the Lands and their telephone and email contact shall be provided to the District and updated as required.
6. The RV/trailer unit must be licensed and in good condition.
7. The proposed seasonal trailer space is for staff accommodation to be inhabited by a maximum of two people, with a minimum of one person being a seasonal worker employed in the community. For clarity, this permit does not authorize short-term commercial tourist accommodation use of the proposed trailer space. The minimum length of stay is 30 consecutive days. The maximum length of stay is 6 months.
8. At the end of each seasonal stay, or within 6 months (whichever is less), the Permittee shall notify the Bylaw Enforcement Officer in writing that the RV/trailer unit has been vacated.
9. No person shall make, allow, or cause to be made any loud, objectionable, or unnecessary noise anywhere within the seasonal camping area which may disturb the peace, quiet, rest, enjoyment, comfort, and/or convenience of the neighbourhood between the hours of 10 pm of one day and 7 am of the next day.
10. The Permittee shall provide for collection and pickup of garbage and recycling in appropriate wildlife-proof containers.
11. Areas around the RV/trailer unit will be kept clean and tidy at all times.
12. If the permittee is to provide hydro electricity to the RV/trailer unit, it must be done in a safe manner inspected by a registered electrician.
13. Prior to anyone occupying the unit, contact the Fire Department to arrange an inspection by emailing rgeddes@ucluelet.ca or calling (250) 726-7744. The permittee is responsible for maintaining the following for each unit;
 - a. A working multipurpose fire extinguisher,
 - b. A working smoke alarm,
 - c. A working carbon monoxide alarm,
 - d. No portable heating or cooking appliances within the unit.
14. The municipal Bylaw Enforcement Officer may arrange for site inspection at any time, in a reasonable manner, to monitor compliance with the terms of the Temporary Use Permit.
15. Failure of the Permittee to meet and maintain any of the terms listed above may result in suspension of the permit and forfeiture of the security deposit.

ANALYSIS OF OPTIONS

A	Authorize the issuance of Temporary Use Permit 22-03	<u>Pros</u>	<ul style="list-style-type: none"> • Will allow temporary seasonal accommodation for an employee on the subject property while that owner looks to a more permanent solution.
		<u>Cons</u>	<ul style="list-style-type: none"> • Approval will allow the application to proceed, • Staff time will be required to process this application
		<u>Implications</u>	<ul style="list-style-type: none"> • Approval will allow the application to proceed. • Staff time will be required to process this application.
		<u>Pros</u>	<ul style="list-style-type: none"> • Unknown at this time

B	Provide alternative direction	<u>Cons</u>	<ul style="list-style-type: none"> Unknown at this time
		<u>Implications</u>	<ul style="list-style-type: none"> Unknown at this time
		<u>Suggested Motion</u>	<ul style="list-style-type: none"> THAT Council, in regards to Temporary Use Permit 22-03, (<i>provide alternative direction here</i>)
C	Reject the application	<u>Pros</u>	<ul style="list-style-type: none"> The neighbourhood would not have this added use.
		<u>Cons</u>	<ul style="list-style-type: none"> The seasonal RV camping space would not be available for a local worker.
		<u>Implications</u>	<ul style="list-style-type: none"> The application would not proceed.
		<u>Suggested Motion</u>	THAT Council reject the application for Temporary Use Permit 22-03.

POLICY OR LEGISLATIVE IMPACTS:

This application is compliant with the Local Government Act.

NEXT STEPS

If this application is approved:

- The attached TUP will be signed by the Director of Community Planning, issued to the applicant, and then filed with the Land Title Office.
- The applicant of the subject property will be required to meet all conditions of the permit and any other conditions set out by Council for the proposed permit.

Respectfully submitted:

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

Temp Use Permit RENEWAL for 1992 Peninsula Road, plus 2 additional spots

Application for 3 year allowance.

The purpose of this application is to request renewal of my current TUP for 1992 Peninsula Road, but also to add 2 more spots directly adjacent to current to be used for summer staff for either myself or even a fellow business who might need a staff spot.

This year is my last year running the junction and with that we are in a situation where there are many displaced working persons due to the lack of sites available in the summer that have not been able to find a solution even with 2 months notice prior to summer.

Currently with the housing crises including lack of RV spots, I turn persons working locally in Tofino, Ucluelet as well as out of province every other day.

They would be placed side by side in the back right corner of our parking lot. In the future we would like to clear more land so the parking will become more ample as we are loosing 9 in the fall of 22.

Septic Service will be provided by Ucluelet Rent it Centre and for our staff they are welcome to use our facilities, garbage and recycling will be provided. I will be providing power.

These will only be used a summer, temporary spots asides from our one full time local Chef Irvin Williams, will go vacant in winter as the fishing/tourist season ends and seasonals return home.

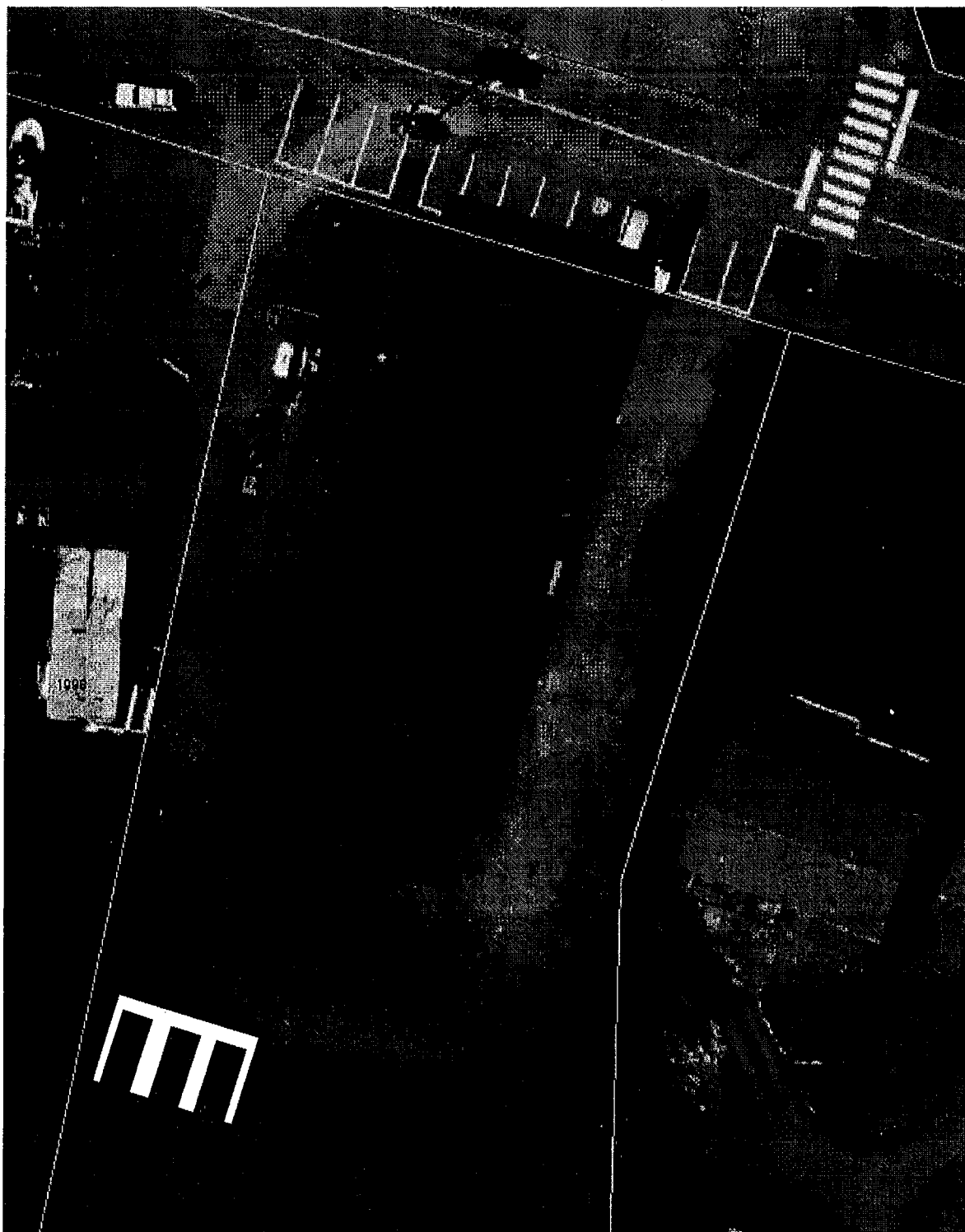
This by no means is a permanent solution but only a temporary answer to our current situation of Ucluelet. If I could simply send them to another campground or persons, I would. Unfortunately, the labour shortage will always be perpetuated by the housing shortage and I only look to help in a small way.

I hope this application can be renewed with also the added 2 spots so we can focus on a busy season rather than turning away every resume requiring a place to live, while nearly every restaurant in Ucluelet and Tofino are currently hiring.

Regards,

Amie Shimizu

May, 1 2022





TEMPORARY USE PERMIT TUP19-04

General Terms

1. This Temporary Use Permit is issued to:

Khan West Kitchen Inc. No. BC1026445
 P.O. Box 1274
 Ucluelet, BC V0R 3A0

(the "**Permittee**")

as the registered owner of, and shall apply only to, the lands and premises situate in the District of Ucluelet, in the Province of British Columbia, and more particularly described as:

Lot 1, District Lot 284 Clayoquot District, Plan VIP65432
 PID 023-782-251 (1992 Peninsula Road)

(the "**Lands**").

2. This Temporary Use Permit is issued pursuant to section 492 to 497 of the *Local Government Act*.
3. This Temporary Use Permit is issued subject to compliance with all applicable District of Ucluelet Bylaws.
4. This permit does not relieve an owner or occupier from obtaining any other approvals required by any other jurisdiction, or from meeting any other applicable regulations.
5. The permit holder, as a condition of issuance of this Permit, agrees to comply with the requirements and conditions of **Schedules 1-4**, which are attached hereto and form part of this permit.
6. The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit.
7. If the Permittee or its successor(s) in title does not substantially commence any construction with respect to which this permit was issued within six months after the date it was issued, the Permit shall lapse.
8. Notice shall be filed in the Land Title Office under section 503 of the *Local Government Act*, and upon such filing, the terms of this Permit or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
9. This Permit is NOT a Building Permit.
10. This Permit is NOT a Development Permit.
11. Provisions of sections 495, 496 and 502 of the *Local Government Act* requiring security applies to this permit as set forth in **Schedule 2**.



Temporary Use Permit TUP19-04 (1992 Peninsula Road) May 28, 2019

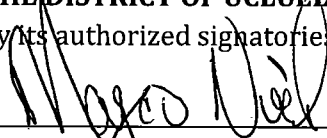
AUTHORIZING RESOLUTION passed by the Municipal Council on the 28th day of May, 2019.

IN WITNESS WHEREOF this Temporary Use Permit is hereby executed and issued by the Municipality the 28th day of May, 2019.

THIS PERMIT SHALL EXPIRE on the day of **May 27, 2022**.

THE DISTRICT OF UCLUELET

by its authorized signatories:



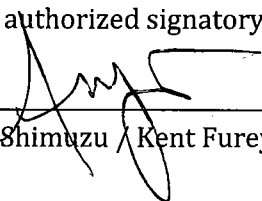
Mayco Noel - Mayor



Mark Boysen - Corporate Officer


OWNER

by its authorized signatory



Amie Shimuzu / Kent Furey

ISSUED the 28th day of May, 2019.



Bruce Greig - Manager of Planning

Office Use Only:

Folio No: 186.001 File No: TUP19-04 Date: Jan 17, 2020 Receipt No: 65859

Fee: \$1000.00



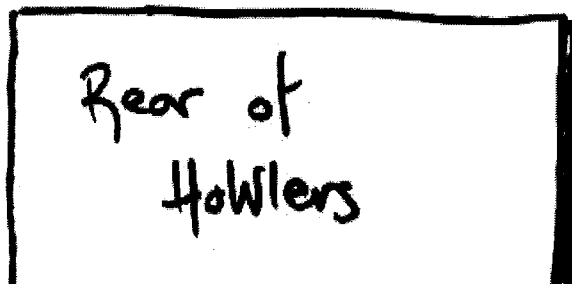
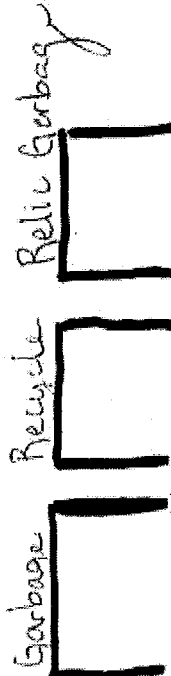
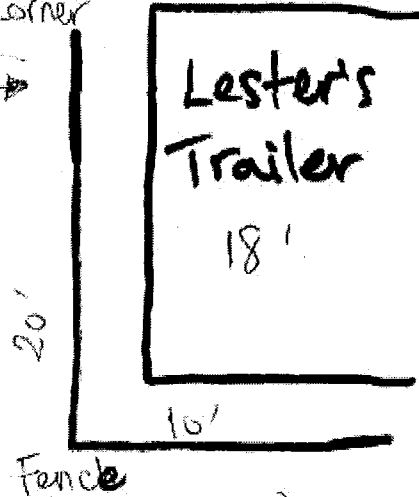
DISTRICT OF
UCLUELET

Temporary Use Permit TUP19-04 (1992 Peninsula Road) May 28, 2019

Schedule 4 Site Plan

Parking
Lot

Rear Right Corner
of Parking
Lot →





Schedule 3 Terms of Temporary Use Permit Conditions

- a) The permitted temporary commercial use shall be limited to the following uses;
- One long-term seasonal recreational vehicle / trailer camping space.***
- b) The RV space is to be located as indicated on the site plan (**Schedule 4**)
- c) The Permittee or a manager / caretaker must oversee the use of the Lands and their telephone and email contact shall be provided to the District and updated as required.
- d) The proposed seasonal RV space is for staff accommodation to be inhabited by employees working for the Permittee. For clarity, this permit does not authorize short-term commercial tourist accommodation use of the proposed RV space. The minimum length of stay is 30 consecutive days. The maximum length of stay is 6 months.
- e) At the end of each seasonal stay, or within 6 months (whichever is less), the Permittee shall notify the Bylaw Services Officer in writing that the unit has been vacated.
- f) No person shall make, allow, or cause to be made any loud, objectionable, or unnecessary noise anywhere within the seasonal camping area which may disturb the peace, quiet, rest, enjoyment, comfort, and/or convenience of the neighborhood between the hours of 10 pm of one day and 7 am of the next day.
- g) The Permittee shall provide for collection and pickup of garbage and recycling in appropriate wildlife-proof containers.
- h) On-site washroom facilities are to be provided by the Permittee for use of the employee, to the satisfaction of the District.
- i) An on-site parking space shall be provided for the seasonal RV space, in addition to the required parking for all other uses on site.
- j) No other temporary uses other than the above-mentioned uses shall be permitted.
- k) The municipal Bylaw Services Officer may arrange for site inspection at any time, in a reasonable manner, to monitor compliance with the terms of the Temporary Use Permit.



Schedule 2 Security

As a condition of the issuance of this Permit, the District of Ucluelet is holding a security set out below to ensure that development is carried out and operated in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to use the land as authorized according to the terms and conditions of the Permit and within the time provided, the District of Ucluelet may use the security to carry out the work by its servants, agents, or contractors, and any surplus shall be paid over to the Permittee; or should the Permittee carry out the development permitted by this Permit within the set time set out above, the security shall be returned to the Permittee. There is filed accordingly:

- a) A Letter of Credit or cash to be deposited into a specified bank account, to be held for the term of the permit in the amount of \$1000. The purpose of the security is to cover any associated costs to the District of Ucluelet with respect to the removal of recreational vehicle units and associated structures or services.



Schedule 1 Required Undertaking

TO THE DISTRICT OF UCLUELET:

I, Amie Shimiziu, representing *the Lands* hereby undertake as a condition of issuance of this Temporary Use Permit to:

- a) Cease use and remove any structures built to support the temporary use from the subject property not later than 1 month after the termination date set out on the Temporary Use Permit.
- b) Abide by all conditions of the Temporary Use Permit.

I understand that should I not fulfill the undertakings described herein, the District of Ucluelet or its agents may enter upon *the Lands* and perform such work as is necessary to eliminate the temporary use and bring the use and occupancy of the property into compliance with the District of Ucluelet bylaws, and that any securities submitted to the District pursuant to the Temporary Use Permit shall be forfeited and applied to the cost of restoration of *the Lands* as herein set out.

I further understand that in the event of a default of the conditions contained within the Temporary Use Permit, I shall forfeit the securities submitted to the District of Ucluelet.

This undertaking is attached hereto and forms part of the Temporary Use Permit.

DATE: 1/17/2020

OWNERS: Amie Shimizu

WITNESS: [Signature]

SHIMIZU, A.
Receipt #: 01-65859

17/01/20 13:34:41

26 Misc.
00 1041470000
1041470000
TUP19-04
SHIMIZU, A.

\$1,000.00

INTER

\$1,000.00

GST #: R106985633

AMOUNT TENDERED
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\$1,000.00
\$0.00

District of Ucluelet
THANK YOU
Regular Office Hours - 8:30 AM to 4 PM
Monday through Friday
www.ucluelet.ca

TEMPORARY USE PERMIT – RV/TRAILER CAMPING SPACE

TEMPORARY USE PERMIT 19-04 as amended (TUP22-03)**General Terms**

1. This Temporary Use Permit is issued to:

KHAN WEST KITCHEN INC.; PO BOX 1274 UCLUELET BC V0R 3A0
(the "**Permittee**")

as the registered owner of, and shall apply only to, the lands and premises situate in the District of Ucluelet, in the Province of British Columbia, and more particularly described as:

1992 PENINSULA; PID 023782251, LOT 1, PLAN VIP65432, DISTRICT LOT 284,
CLAYOQUOT LAND DISTRICT
(the "**Lands**").

2. This Temporary Use Permit is issued pursuant to section 492 to 497 of the *Local Government Act*.
3. This Temporary Use Permit is issued subject to compliance with all applicable District of Ucluelet Bylaws.
4. This Temporary Use Permit renewal authorizes the following uses on the Lands:

Three (amended TUP22-03) seasonal RV camping space for local workers in the rear yard of 1992 Peninsula Road
5. This permit does not relieve an owner or occupier from obtaining any other approvals required by any other jurisdiction, or from meeting any other applicable regulations.
6. The permit holder, as a condition of issuance of this Permit, agrees to comply with the requirements and conditions of **Schedules 1-4**, which are attached hereto and form part of this permit.
7. The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit.
8. Notice shall be filed in the Land Title Office under section 503 of the *Local Government Act*, and upon such filing, the terms of this Permit or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
9. This Permit is NOT a Building Permit.
10. This Permit is NOT a Development Permit.
11. Provisions of sections 495, 496 and 502 of the *Local Government Act* requiring security applies to this permit as set forth in **Schedule 2**.

TEMPORARY USE PERMIT – RV/TRAILER CAMPING SPACE

AUTHORIZING RESOLUTION passed by the Municipal Council on the **of** , **2022**.

IN WITNESS WHEREOF this Temporary Use Permit is hereby executed and issued by the Municipality the **_** **day of** , **2022**.

THIS PERMIT SHALL EXPIRE on the day of **14 day of June, 2025** (3 Years)

THE DISTRICT OF UCLUELET

by its authorized signatories:

OWNER

by its authorized signatory

ISSUED the **day of** , **2022**.

Bruce Greig - Manager of Community Planning

TEMPORARY USE PERMIT – RV/TRAILER CAMPING SPACE

Schedule 1 Required Undertaking

TO THE DISTRICT OF UCLUELET:

I (We), representing *the Lands* hereby undertake as a condition of issuance of this Temporary Use Permit to:

- a) Cease use and remove any structures built to support the temporary use from the subject property not later than 1 month after the termination date set out on the Temporary Use Permit.
- b) Abide by all conditions of the Temporary Use Permit.
- c) Provide the occupant’s contact information to the District of Ucluelet.

I(We) understand that should we not fulfill the undertakings described herein, the District of Ucluelet or its agents may enter upon *the Lands* and perform such work as is necessary to eliminate the temporary use and bring the use and occupancy of the property into compliance with the District of Ucluelet bylaws, and that any securities submitted to the District pursuant to the Temporary Use Permit shall be forfeited and applied to the cost of restoration of *the Lands* as herein set out.

We further understand that in the event of a default of the conditions contained within the Temporary Use Permit, we shall forfeit the securities submitted to the District of Ucluelet.

This undertaking is attached hereto and forms part of the Temporary Use Permit.

Contact Information for the Owner/Manager

Cell: _____ Email: _____

Date: _____

Owner: _____

Signature: _____

Owner: _____

Signature: _____

Witness: _____

Signature: _____

Schedule 2 Security

As a condition of the issuance of this Permit, the District of Ucluelet is holding a security set out below to ensure that development is carried out and operated in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to use the land as authorized according to the terms and conditions of the Permit and within the time provided, the District of Ucluelet may use the security to carry out the work by its servants, agents, or contractors, and any surplus shall be paid over to the Permittee; or should the Permittee carry out the development permitted by this Permit within the set time set out above, the security shall be returned to the Permittee. There is filed accordingly:

- a) A Letter of Credit or cash to be deposited into a specified bank account, to be held for the term of the permit in the amount of \$1,000 (\$1000 per unit). The purpose of the security is to cover any associated costs to the District of Ucluelet with respect to the removal of recreational vehicle units and associated structures or services.

Schedule 3 Temporary Use Permit Conditions

General Conditions:

- a) The permitted temporary use shall be limited to the following uses;
- Three (3) seasonal RV camping space(s) for local workers.***
- b) No other temporary uses other than the above-mentioned uses shall be permitted.
- c) The recreational vehicle/trailer camping space is to be located as indicated on the site plan **(Schedule 4)**
- d) An on-site parking space shall be provided for the unit, in addition to the required parking for all other uses on site.
- e) Access aisles and vehicle turnarounds are to be kept free at all times, for emergency access, and
- f) The Permittee or a manager/caretaker must oversee the use of the Lands and their telephone and email contact shall be provided to the District and updated as required.
- g) The RV/trailer unit must be licensed and in good condition.
- h) The proposed seasonal trailer space is for staff accommodation to be inhabited by a maximum of two people, with a minimum of one person being a seasonal worker employed in the community. For clarity, this permit does not authorize short-term commercial tourist accommodation use of the proposed trailer space. The minimum length of stay is 30 consecutive days. The maximum length of stay is 6 months.
- i) At the end of each seasonal stay, or within 6 months (whichever is less), the Permittee shall notify the Bylaw Enforcement Officer in writing that the RV/trailer unit has been vacated.
- j) No person shall make, allow, or cause to be made any loud, objectionable, or unnecessary noise anywhere within the seasonal camping area which may disturb the peace, quiet, rest, enjoyment, comfort, and/or convenience of the neighborhood between the hours of 10 pm of one day and 7 am of the next day.
- k) The Permittee shall provide for collection and pickup of garbage and recycling in appropriate wildlife-proof containers.
- l) Areas around the RV/trailer unit will be kept clean and tidy at all times.
- m) If the permittee is to provide hydro electricity to the RV/trailer unit, it must be done in a safe manner inspected by a registered electrician.
- n) Prior to anyone occupying the unit, contact the Fire Department to arrange an inspection by emailing rgeddes@ucluelet.ca or calling (250) 726-7744. The permittee is responsible for maintaining the following for each unit;
- i. A working multipurpose fire extinguisher,
 - ii. A working smoke alarm,
 - iii. A working carbon monoxide alarm,
 - iv. Two means of egress in case of emergency,
 - v. A label on the inside of the door that displays the property address.
 - vi. The unit number (i.e. A, B, C, D etc) must be prominently displayed on the exterior of the unit facing the access.
 - vii. No portable heating or cooking appliances within the unit.

TEMPORARY USE PERMIT – RV/TRAILER CAMPING SPACE

- o) The municipal Bylaw Enforcement Officer may arrange for site inspection at any time, in a reasonable manner, to monitor compliance with the terms of the Temporary Use Permit.
- p) Failure of the Permittee to meet and maintain any of the terms listed above may result in suspension of the permit and forfeiture of the security deposit.

Servicing Conditions

- a) **Potable Water:**
The permittee is responsible for providing sufficient potable water for the needs of the tenants.
- b) **Sewer Service:**
The permittee is responsible to contain all sewage and gray water in holding tanks and to pump those tanks out prior to any overflow or spillage. It should be noted that any sewage or graywater contamination in the area of the RV space will be considered a breach in the conditions of this permit.
- c) **Access to Washrooms:**
The permittee is responsible for providing access to a washroom.
- d) **Hydro:**
The permittee is responsible for providing a hydro connection by way of appropriately sized exterior outlet and extension cord.

TEMPORARY USE PERMIT – RV/TRAILER CAMPING SPACE

Schedule 4 Site Plan



Temporary Use Permit:

A Temporary Use Permit allows a use of land, on a temporary basis, not otherwise permitted in the District of Ucluelet's Zoning Bylaw. Temporary use permits may be issued for a period up to three years from the date the permit was approved by Council. Temporary use permits may be renewed once, subject to Council approval. Conditions under which a temporary use may be allowed are established in the permit, including the site design and layout, and length of time the temporary use can occur. Security deposits and letters of undertaking may also be required to ensure conditions are met. Some of the considerations of a temporary use permit are:

- if the temporary use will operate at an intensity of use suitable to the surrounding area;
- if the temporary use will be compatible with regard to use, design, and operation with other surrounding land uses; and
- that the temporary use will operate on a temporary basis only and includes plans, or a letter of undertaking to terminate the use and restore the site by the expiry date of the permit.

Public Notice

Pursuant to section 494 of the *Local Government Act*, notification has been given for this application as follows:

- This application was advertised in the June 8, 2022, edition of the Westerly News.
- The property owners (registered on the title with BC Land Title and Survey) within 100m of the subject property have been notified by a mailout.
- Tenants in properties within 100m of the subject property have been notified by hand delivery.

Council should provide an opportunity for anyone wishing to speak to the application an opportunity to be heard prior to making a decision on the requested permit.

Existing Zoning

The subject property falls within the R-1 zone. The following are the allowed uses permitted in the zone:

R-1.1.1 The following uses are permitted, but secondary permitted uses are only permitted in conjunction with a principal permitted use:

(1) Principal:

(a) Single Family Dwelling

(2) Secondary:

(a) Bed and Breakfast

(b) Home Occupation

(c) Secondary Suite

Proposed Temporary Use

The applicant is requesting to use the mid part of the subject property for three seasonal RV camping space for local workers for a period of 3 years. The internal area where the proposed spaces are to occur has been recently cleared and the fringe of this area is treed giving the area screening.



Figure 2 – Site Plan



Figure 3 – Street View

Servicing

The trailer be connected to electrical and water from the house next door at 878 Barclay Place and the septic will be pumped out as required.

Fire Services

Prior to anyone occupying the RV, the Fire Department will require that the RV be inspected, and that the RV is equipped with the following fire safety items:

- One portable extinguisher having a 2-A rating.
- A working smoke alarm.
- A working carbon monoxide alarm.

Security

As a condition of the issuance of the permit, the District of Ucluelet would hold a \$1,000 security deposit to ensure that the development is carried out and operated in accordance with the terms and conditions of the permit.

TUP Terms and Conditions

1. No other temporary uses other than the above-mentioned uses shall be permitted.
2. The recreational vehicle/trailer camping space is to be located as indicated on the site plan
3. An on-site parking space shall be provided for the unit, in addition to the required parking for all other uses on site.
4. Access aisles and vehicle turnarounds are to be kept free at all times, for emergency access, and
5. The Permittee or a manager/caretaker must oversee the use of the Lands and their telephone and email contact shall be provided to the District and updated as required.
6. The RV/trailer unit must be licensed and in good condition.
7. The proposed seasonal trailer space is for staff accommodation to be inhabited by a maximum of two people, with a minimum of one person being a seasonal worker employed in the community. For clarity, this permit does not authorize short-term commercial tourist accommodation use of the proposed trailer space. The minimum length of stay is 30 consecutive days. The maximum length of stay is 6 months.
8. At the end of each seasonal stay, or within 6 months (whichever is less), the Permittee shall notify the Bylaw Enforcement Officer in writing that the RV/trailer unit has been vacated.
9. No person shall make, allow, or cause to be made any loud, objectionable, or unnecessary noise anywhere within the seasonal camping area which may disturb the peace, quiet, rest, enjoyment, comfort, and/or convenience of the neighborhood between the hours of 10 pm of one day and 7 am of the next day.
10. The Permittee shall provide for collection and pickup of garbage and recycling in appropriate wildlife-proof containers.
11. Areas around the RV/trailer unit will be kept clean and tidy at all times.
12. If the permittee is to provide hydro electricity to the RV/trailer unit, it must be done in a safe manner inspected by a registered electrician.

13. Prior to anyone occupying the unit, contact the Fire Department to arrange an inspection by emailing rgeddes@ucluelet.ca or calling (250) 726-7744. The permittee is responsible for maintaining the following for each unit;
- A working multipurpose fire extinguisher,
 - A working smoke alarm,
 - A working carbon monoxide alarm,
 - No portable heating or cooking appliances within the unit.
14. The municipal Bylaw Enforcement Officer may arrange for site inspection at any time, in a reasonable manner, to monitor compliance with the terms of the Temporary Use Permit.
15. Failure of the Permittee to meet and maintain any of the terms listed above may result in suspension of the permit and forfeiture of the security deposit.

ANALYSIS OF OPTIONS

A	Authorize the issuance of Temporary Use Permit 22-04	<u>Pros</u>	<ul style="list-style-type: none"> Will allow temporary seasonal accommodation for an employee on the subject property while that owner looks to a more permanent solution.
		<u>Cons</u>	<ul style="list-style-type: none"> Approval will allow the application to proceed, Staff time will be required to process this application
		<u>Implications</u>	<ul style="list-style-type: none"> Approval will allow the application to proceed. Staff time will be required to process this application.
B	Provide alternative direction	<u>Pros</u>	<ul style="list-style-type: none"> Unknown at this time
		<u>Cons</u>	<ul style="list-style-type: none"> Unknown at this time
		<u>Implications</u>	<ul style="list-style-type: none"> Unknown at this time
		<u>Suggested Motion</u>	<ul style="list-style-type: none"> THAT Council, in regards to Temporary Use Permit 22-04, (<i>provide alternative direction here</i>)
C	Reject the application	<u>Pros</u>	<ul style="list-style-type: none"> The neighbourhood would not have this added use.
		<u>Cons</u>	<ul style="list-style-type: none"> The seasonal RV camping space would not be available for a local worker.
		<u>Implications</u>	<ul style="list-style-type: none"> The application would not proceed.
		<u>Suggested Motion</u>	THAT Council reject the application for Temporary Use Permit 22-04.

POLICY OR LEGISLATIVE IMPACTS:

This application is compliant with the Local Government Act.

NEXT STEPS

If this application is approved:

- The attached TUP will be signed by the Director of Community Planning, issued to the applicant, and then filed with the Land Title Office.
- The applicant of the subject property will be required to meet all conditions of the permit and any other conditions set out by Council for the proposed permit.

Respectfully submitted:

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

Temp Use Permit for 917 Barclay Place, Lot 27

Application for 3 year allowance.

The purpose of this application is to create 3 Temp. Sites to make available for my return fishermen that have been currently coming to stay at the Khan West Camp in the summers for the last 3 years.

This year is my last year running the junction and with that we are in a situation where there are many displaced working persons due to the lack of sites available in the summer that have not been able to find a solution even with 2 months notice prior to summer.

Currently with the housing crises including lack of RV spots, I turn persons working locally in Tofino, Ucluelet as well as out of province every other day.

Currently our land is cleared and ready to have 3 spots comfortably centred in the 0.211 ha.

They would be placed side by side.

Septic Service will be provided by Ucluelet Rent it Centre. I will be providing power.

There is hedging that covers the entire property providing privacy for both sides.

These will only be used a summer, temporary spots and will go vacant in winter as the fishing/tourist season ends.

This by no means is a permanent solution but only a temporary answer to our current situation of Ucluelet. If I could simply send them to another campground or persons I would. Unfortunately, the labour shortage will always be perpetuated by the housing shortage and I only look to help in a small way.

I have spoken almost all of the neighbours 100 paces around us and they have all shown support to our application, I will continue to communicate/canvas the remainder neighbors.

Regards,

Amie Shimizu

May, 1 2022

TEMPORARY USE PERMIT – RV/TRAILER CAMPING SPACE

TEMPORARY USE PERMIT TUP22-04

General Terms

1. This Temporary Use Permit is issued to:

KENT FUREY; AMIE SHIMIZU; PO BOX 1274 UCLUELET BC V0R 3A0
(the "**Permittee**")

as the registered owner of, and shall apply only to, the lands and premises situate in the District of Ucluelet, in the Province of British Columbia, and more particularly described as:

912 BARCLAY PL; PID 023196424, Lot 27, Plan VIP61995, Section 1, Barclay Land District,
(SITUATED IN CLAYOQUOT DISTRICT)
(the "**Lands**").

2. This Temporary Use Permit is issued pursuant to section 492 to 497 of the *Local Government Act*.
3. This Temporary Use Permit is issued subject to compliance with all applicable District of Ucluelet Bylaws.
4. This Temporary Use Permit authorizes the following uses on the Lands:

Three seasonal RV camping space for local workers on 912 Barclay Place.

5. This permit does not relieve an owner or occupier from obtaining any other approvals required by any other jurisdiction, or from meeting any other applicable regulations.
6. The permit holder, as a condition of issuance of this Permit, agrees to comply with the requirements and conditions of **Schedules 1-4**, which are attached hereto and form part of this permit.
7. The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit.
8. Notice shall be filed in the Land Title Office under section 503 of the *Local Government Act*, and upon such filing, the terms of this Permit or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
9. This Permit is NOT a Building Permit.
10. This Permit is NOT a Development Permit.
11. Provisions of sections 495, 496 and 502 of the *Local Government Act* requiring security applies to this permit as set forth in **Schedule 2**.

TEMPORARY USE PERMIT – RV/TRAILER CAMPING SPACE

AUTHORIZING RESOLUTION passed by the Municipal Council on the **of** , **2022**.

IN WITNESS WHEREOF this Temporary Use Permit is hereby executed and issued by the Municipality the **_** **day of** , **2022**.

THIS PERMIT SHALL EXPIRE on the day of **14 day of June, 2025** (3 Years).

THE DISTRICT OF UCLUELET

by its authorized signatories:

OWNER

by its authorized signatory

ISSUED the **day of** , **2022**.

Bruce Greig - Manager of Community Planning

TEMPORARY USE PERMIT – RV/TRAILER CAMPING SPACE

Schedule 1 Required Undertaking

TO THE DISTRICT OF UCLUELET:

I (We), representing *the Lands* hereby undertake as a condition of issuance of this Temporary Use Permit to:

- a) Cease use and remove any structures built to support the temporary use from the subject property not later than 1 month after the termination date set out on the Temporary Use Permit.
- b) Abide by all conditions of the Temporary Use Permit.
- c) Provide the occupant’s contact information to the District of Ucluelet.

I(We) understand that should we not fulfill the undertakings described herein, the District of Ucluelet or its agents may enter upon *the Lands* and perform such work as is necessary to eliminate the temporary use and bring the use and occupancy of the property into compliance with the District of Ucluelet bylaws, and that any securities submitted to the District pursuant to the Temporary Use Permit shall be forfeited and applied to the cost of restoration of *the Lands* as herein set out.

We further understand that in the event of a default of the conditions contained within the Temporary Use Permit, we shall forfeit the securities submitted to the District of Ucluelet.

This undertaking is attached hereto and forms part of the Temporary Use Permit.

Contact Information for the Owner/Manager

Cell: _____ Email: _____

Date: _____

Owner: _____

Signature: _____

Owner: _____

Signature: _____

Witness: _____

Signature: _____

Schedule 2 Security

As a condition of the issuance of this Permit, the District of Ucluelet is holding a security set out below to ensure that development is carried out and operated in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to use the land as authorized according to the terms and conditions of the Permit and within the time provided, the District of Ucluelet may use the security to carry out the work by its servants, agents, or contractors, and any surplus shall be paid over to the Permittee; or should the Permittee carry out the development permitted by this Permit within the set time set out above, the security shall be returned to the Permittee. There is filed accordingly:

- a) A Letter of Credit or cash to be deposited into a specified bank account, to be held for the term of the permit in the amount of \$1,000 (\$1000 per unit). The purpose of the security is to cover any associated costs to the District of Ucluelet with respect to the removal of recreational vehicle units and associated structures or services.

Schedule 3 Temporary Use Permit Conditions

General Conditions:

- a) The permitted temporary use shall be limited to the following uses;
- Three (3) seasonal RV camping space(s) for local workers.***
- b) No other temporary uses other than the above-mentioned uses shall be permitted.
- c) The recreational vehicle/trailer camping space is to be located as indicated on the site plan **(Schedule 4)**
- d) An on-site parking space shall be provided for the unit, in addition to the required parking for all other uses on site.
- e) Access aisles and vehicle turnarounds are to be kept free at all times, for emergency access, and
- f) The Permittee or a manager/caretaker must oversee the use of the Lands and their telephone and email contact shall be provided to the District and updated as required.
- g) The RV/trailer unit must be licensed and in good condition.
- h) The proposed seasonal trailer space is for staff accommodation to be inhabited by a maximum of two people, with a minimum of one person being a seasonal worker employed in the community. For clarity, this permit does not authorize short-term commercial tourist accommodation use of the proposed trailer space. The minimum length of stay is 30 consecutive days. The maximum length of stay is 6 months.
- i) At the end of each seasonal stay, or within 6 months (whichever is less), the Permittee shall notify the Bylaw Enforcement Officer in writing that the RV/trailer unit has been vacated.
- j) No person shall make, allow, or cause to be made any loud, objectionable, or unnecessary noise anywhere within the seasonal camping area which may disturb the peace, quiet, rest, enjoyment, comfort, and/or convenience of the neighborhood between the hours of 10 pm of one day and 7 am of the next day.
- k) The Permittee shall provide for collection and pickup of garbage and recycling in appropriate wildlife-proof containers.
- l) Areas around the RV/trailer unit will be kept clean and tidy at all times.
- m) If the permittee is to provide hydro electricity to the RV/trailer unit, it must be done in a safe manner inspected by a registered electrician.
- n) Prior to anyone occupying the unit, contact the Fire Department to arrange an inspection by emailing rgeddes@ucluelet.ca or calling (250) 726-7744. The permittee is responsible for maintaining the following for each unit;
- i. A working multipurpose fire extinguisher,
 - ii. A working smoke alarm,
 - iii. A working carbon monoxide alarm,
 - iv. No portable heating or cooking appliances within the unit.
- o) The municipal Bylaw Enforcement Officer may arrange for site inspection at any time, in a reasonable manner, to monitor compliance with the terms of the Temporary Use Permit.
- p) Failure of the Permittee to meet and maintain any of the terms listed above may result in suspension of the permit and forfeiture of the security deposit.

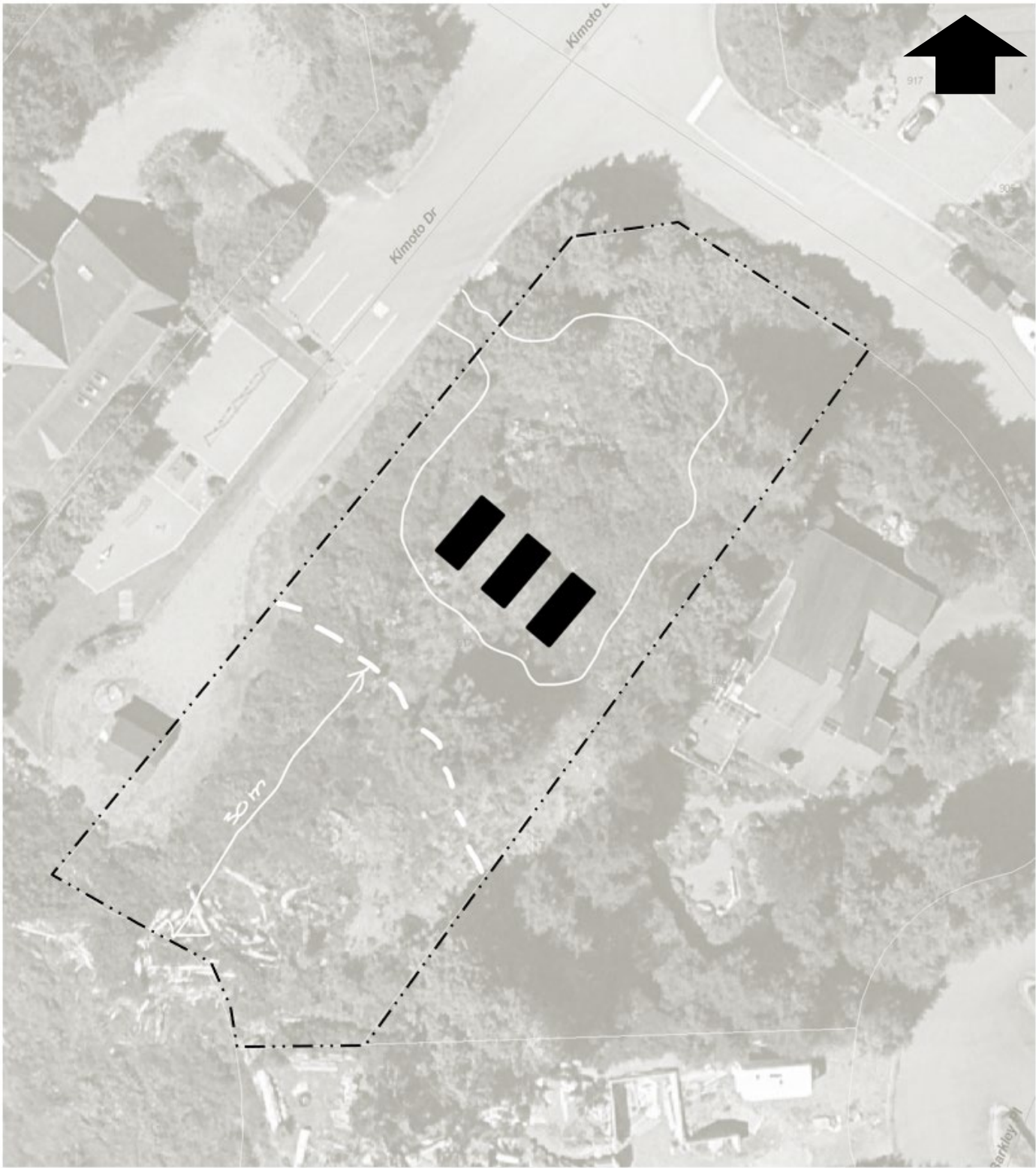
TEMPORARY USE PERMIT – RV/TRAILER CAMPING SPACE

Servicing Conditions

- a) **Potable Water:**
The permittee is responsible for providing sufficient potable water for the needs of the tenants.
- b) **Sewer Service:**
The permittee is responsible to contain all sewage and gray water in holding tanks and to pump those tanks out prior to any overflow or spillage. It should be noted that any sewage or graywater contamination in the area of the RV space will be considered a breach in the conditions of this permit.
- c) **Access to Washrooms:**
None
- d) **Hydro:**
The permittee is responsible for providing a hydro connection by way of appropriately sized exterior outlet and extension cord.

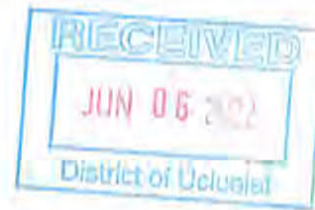
TEMPORARY USE PERMIT – RV/TRAILER CAMPING SPACE

Schedule 4 Site Plan



District of Ucluelet

June 6 2022



RE Temporary Use Permit TUP22-04

To whom it may Concern

I am Don Ferris, a registered property owner and resident of 855 Barkley Place Ucluelet .

I have viewed TUP22-04 and offer the following comments and concerns. I note and appreciate the District's concern regarding the housing shortage, in particular for seasonal workers. I note the Temporary Use Permits policy and the District's efforts to alleviate the housing shortage.

I have a number of concerns with this application.

First. The temporary Use Permit Policy as described on the District website is intended to "maintain a reasonable level of compatibility with surrounding neighbourhood". The neighbourhood in question has single family homes, ocean frontage providing habitat for migrating birds, and a children's Park (Kimoto Park) directly facing the subject property.

The neighbourhood is composed of single-family homes occupied by a mix of working families with young children and retired individuals. Temporary housing is not compatible with this neighbourhood.

In addition, the corner of Kimoto Drive and Barkley Place is a risky 4 way intersection, facing a children's park and with a lot of foot traffic. Requests for a 4 way stop at this corner have not met with success so it remains a risk. Adding multiple vehicles to the traffic mix is unwise for safety reasons. I suggest the District might be accelerating an identified safety risk and thus its potential liability.

Second The TUP Policy also mentions the requirement for environmental protection and performance security.

Noting the sensitive nature of Pass of Melfort Beach (birds, grasses) I see no extra environment protection being applied. Portable toilets on the property (facing Kimoto Park) will be visually distracting leaving apart the potential for odour. Gray water drainage would go to the ocean which I understand is not allowed. Further one of the trailers (parked on Barkley Place right now in violation of the parking by-law) looks very old and in this climate provides concern for electrical and other systems. Power cords from the applicants' property to the temporary trailers pose a fire risk particularly given the number of trees in the area.

On performance security -how to ensure that bylaws for noise, fireworks, parking etc. would be adhered to by the applicant and the temporarily housed without other residents having to raise concerns. I note that in past years the applicant has been subject to numerous complaints to the ByLaw office in some cases requiring face to face meeting. I believe the violations include Policy 948 Parking (5.1 a and 5.1 i), 803 Dogs (4a), 915 Noise (3 g and i), and 967 Fireworks (4-a and 4 d)

To highlight my concern re "performance security" at present a RV connected to a truck has been parked on the street outside the applicants' property at least 5 days in violation of the parking bylaw. Barkley Place is narrow and this reduces the road to one way.

Third

The District has wisely established the wonderful children's park, Kimoto Park. This Park is a major plus for the District and its value would be diminished by this temporary housing. In addition, there are only 3-4 spots to park to use the park. These parking spots would be utilized by the temporary workers, leaving parents to park on the street?

In addition given the efforts by the Federal, provincial, and municipal governments to acknowledge and make reparations for past treatment of Japanese Canadians something that is done that diminishes the value of this Park dedicated to one of our prominent local family seems very distasteful.

Fourth

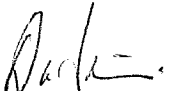
I understand seasonal is meant to be 6 months. On performance security would the trailers be moved out after 6 months and moved back in again later?

I thank District Council for their attention to this and for their attempts to alleviate a real problem in the District.

However this change to a neighbourhood with a wonderful children's park and single family homes where seniors, adults, children, and infants live would be a terrible mistake.

Thank you

Don Ferris



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

June 4, 2022

Jeanne Keith-Ferris
855 Barkley Pl.
Ucluelet, BC
V0R 3A0

Re: Temporary Use Permit No. TUP22-04

To Whom It May Concern:

I am a registered property owner at listed address and am providing written comment related to the Temporary Use Permit: TUP22-04 submitted to council by our neighbour; residence: 912 Barkley Place.



Council has the important responsibility to try and balance housing needs for seasonal workers while also maintaining civil, and safe living spaces for full-time residents.

With the later point in mind, our neighbourhood is unsuitable for granting this Temporary Use Permit for the following reasons:

1. Concern for increased vehicle flow and parking along Komoto Drive and Barkley Place. Barkley Place is a cul-de-sac with limited view for on-coming vehicles. Children playing in this cul-de-sac would be at increased risk. Further, traffic flow is tight on our cul-de-sac. More parked vehicles would impede – block – the passage of the Ucluelet fire truck. Former fire chief, Ted Eftink raised this concern when he supervised the tsunami evacuation order of 2018.
2. A vehicle egress has already been excavated into the proposed lot (prior to being shut-down by the District for lack of permit). This egress is directly in-line with parking and pedestrian access to the children's playground entrance raising significant safety issues.
3. Temporary seasonal worker's housing, located right across the street from a children's playground, just seems like a bad mix and poor match related to children's safety.
4. TPU applicant has built-up a track record for non-compliance to city bylaws and disregard for bylaws especially related to repeated violations of: fireworks, noise, burning, derelict vehicle street-parking, unlicensed dogs, and others. Documented complaints, and violations, should be in the District's records.
5. Temporary housing is proposed to be in recreational vehicles. This raises the question related to discharge of grey water. The land in question is adjacent to a sensitive water-foul, amphibian wet-lands.
6. Proposed port-a-potties are planned for the RV living quarters. On hot summer days, the odor from port-a-potties may render the playground useless. And finally;
7. Electrical hook-ups to RV's may pose an unacceptable fire hazard.

The proposed TUP would have a profound negative impact on the livability and safety for permanent area residence and I urge council to reject the request.

Sincerely

Jeanne Keith-Ferris

FILENO:
X-REF:

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

Lani Barrett
869 Barkley Place
Ucluelet, BC
V0R 3A0

Re: Temporary Use Permit No. TUP22-04



To Whom It May Concern:

I live at the above listed address and am writing in regard to the Temporary Use Permit: TUP22-04 submitted to council by our neighbour; residence: 912 Barkley Place.

I strongly oppose this project and do not believe that our neighbourhood is suitable for granting this Temporary Use Permit for the following reasons:

1. Concern for increased vehicle flow and parking along Kimoto Drive and Barkley Place. The property owners in question already take up a large portion of the road with trailers, trucks and other vehicles instead of parking in their own driveway. Barkley Place is a cul-de-sac with limited view for on-coming vehicles. Children playing in this cul-de-sac would be at increased risk. Further, traffic flow is tight on our cul-de-sac. More parked vehicles would impede – block – the passage of the Ucluelet fire truck. Former fire chief, Ted Eftink raised this concern when he supervised the tsunami evacuation order of 2018.
2. A vehicle egress has already been excavated into the proposed lot (prior to being shut-down by the District for lack of permit). This egress is directly in-line with parking and pedestrian access to the children's playground entrance raising significant safety issues.
3. Temporary seasonal worker's housing, located right across the street from a children's playground, just seems like a bad mix and poor match related to children's safety.
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and others. Documented complaints, and violations, should be in the District's records.

5. Temporary housing is proposed to be in recreational vehicles. This raises the question related to discharge of grey water. The land in questions is adjacent to a sensitive water-foul, amphibian wet-lands. If pets are allowed off leash (as the owners of the property allow their dogs to roam) with the tenants of these campsites this could create more of an opportunity for negative wildlife interactions and impact with wolves bears and cougars.
6. Proposed port-a-potties are planned for the RV living quarters. Not only does this seem extremely impractical but on hot summer days, the odor from port-a-potties may render the playground useless.
7. This is a quiet residential neighborhood, seniors live here as well as families with small children. Many homes run bed and breakfast or vacation rentals. This neighborhood has already been disturbed by the property in question on many occasions for far too long due to loud parties late into the night, engine revving and dirt bikes being ridden up and down the street. Surely this proposed campground will create even more noise which is completely unacceptable.
8. Finally, if fire pits are attached to these campsites not to mention Electrical hook-ups to RV's could pose an unacceptable fire hazard.

The proposed TUP would have a profound negative impact on the livability and safety for permanent area residence and I urge council to reject the request.

Sincerely

Lani Barrett

From: [REDACTED]
To: [Info Ucluelet: Community Input Mailbox](#)
Subject: Temporary use permit no. TUP22-04
Date: June 7, 2022 11:01:28 AM

[External]

To whom it may concern:

I am a registered (senior) property owner of 869 Barkley PL. Ucluelet and am submitting written comment concerning Temporary use Permit : TUP22-04 submitted to council by our neighbour: 912 Barkley PL

I have concerns about parking along cul-de sac and obvious egress to lot across from children's playground which is to hold recreational vehicles.

This proposed TUP would be disruptive to all and i urge council to reject the request.

Sincerely

Sheilagh A . Barrett

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

Tim Crossman
 869 Barkley Place
 Ucluelet, BC
 V0R 3A0



Re: Temporary Use Permit No. TUP22-04

To Whom It May Concern:

I live at the above listed address and am writing in regard to the Temporary Use Permit: TUP22-04 submitted to council by our neighbour; residence: 912 Barkley Place.

I strongly oppose this project and do not believe that our neighbourhood is suitable for granting this Temporary Use Permit for the following reasons:

1. Concern for increased vehicle flow and parking along Kimoto Drive and Barkley Place. The property owners in question already take up a large portion of the road with trailers, trucks and other vehicles instead of parking in their own driveway. Barkley Place is a cul-de-sac with limited view for on-coming vehicles. Children playing in this cul-de-sac would be at increased risk. Further, traffic flow is tight on our cul-de-sac. More parked vehicles would impede – block – the passage of the Ucluelet fire truck. Former fire chief, Ted Eftink raised this concern when he supervised the tsunami evacuation order of 2018.
2. A vehicle egress has already been excavated into the proposed lot (prior to being shut-down by the District for lack of permit). This egress is directly in-line with parking and pedestrian access to the children's playground entrance raising significant safety issues.
3. Temporary seasonal worker's housing, located right across the street from a children's playground, just seems like a bad mix and poor match related to children's safety.
4. TPU applicant has built-up a track record for non-compliance to city bylaws and disregard for bylaws especially related to repeated violations of: fireworks, noise, burning, derelict vehicle street-parking, unlicensed dogs,

and others. Documented complaints, and violations, should be in the District's records.

5. Temporary housing is proposed to be in recreational vehicles. This raises the question related to discharge of grey water. The land in questions is adjacent to a sensitive water-foul, amphibian wet-lands. If pets are allowed off leash (as the owners of the property allow their dogs to roam) with the tenants of these campsites this could create more of an opportunity for negative wildlife interactions and impact with wolves bears and cougars.
6. Proposed port-a-potties are planned for the RV living quarters. Not only does this seem extremely impractical but on hot summer days, the odor from port-a-potties may render the playground useless.
7. This is a quiet residential neighborhood, seniors live here as well as families with small children. Many homes run bed and breakfast or vacation rentals. This neighborhood has already been disturbed by the property in question on many occasions for far too long due to loud parties late into the night, engine revving and dirt bikes being ridden up and down the street. Surely this proposed campground will create even more noise which is completely unacceptable.
8. Finally, if fire pits are attached to these campsites not to mention Electrical hook-ups to RV's could pose an unacceptable fire hazard.

The proposed TUP would have a profound negative impact on the livability and safety for permanent area residence and I urge council to reject the request.

Sincerely

Tim Crossman

District of Ucluelet

June 7, 2022

RE: Temporary Use Permit TUP22-04

To: Mayor, Council and Staff of the District of Ucluelet

My name is Jurrie Bekker. My wife, Rina Bekker- Vigneault, and I are residents and property owners of 926 Peninsula Road.

Recognizing that the District of Ucluelet suffers from a housing shortage, I understand that the District is looking for a means to at least partially alleviate this problem. Hence the idea to grant seasonal TUP's. However, the location of these permits needs to be compatible with the areas they are approved for.

Reviewing the TUP22-04 application I would like to make the following comments and observations:

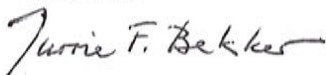
The Edge subdivision is a quiet residential neighbourhood, inhabited by working people and retirees. Young couples have children of assorted ages. A number of residents host B&B's for visiting vacationers. These guests choose to stay here because of the quietness, the natural environment and the proximity to the ocean.

Locating a TUP in the heart of this neighbourhood does not make sense. This seasonal RV site for local workers, adjacent to the Kimoto Playground (which was omitted on the map in the notice of application) is inappropriate in the The Edge subdivision. Safety of playing children, extra traffic, parking space, noise, garbage, dogs, and wildlife attractants, are some of the issues that come to mind.

The foreshore, adjacent to both the vacant lot in question and to the District playground, is a breeding habitat for songbirds, sandpipers and waterfowl. It is also the only travel corridor left for wildlife between the Wild Pacific Trail and the forested areas at the end of the peninsula and Frances Island. The increased activity from this proposed TUP will be a disturbance of the salt-marsh foreshore and the creatures using it.

In short, I request that the District turns down this application for the reasons listed in this letter.

Sincerely,



Jurrie Bekker



June 6th, 2022

District of Ucluelet

200 Main St
P.O. Box 999
Ucluelet, BC
VOR 3A0

Attention:

Mayco Noël mnoel@ucluelet.ca

Rachelle Cole rcole@ucluelet.ca

Jennifer Hoar jhoar@ucluelet.ca

Lara Kemps lkemps@ucluelet.ca

Marilyn McEwen mmcewen@ucluelet.ca

Dear District Councilors and Mayor,

RE: Temporary Use Permit No. TUP22-04

We, Jonathan Greenglass and Robyn Ross, owners/permanent residents of 917 Barkley Place are vehemently opposed to the temporary use application brought forward by Kent Furey and Amy Shimizu for the Vacant Property 912 Barkley Place. The property is located directly across from our house and we have numerous concerns which are outlined below:

1. Negative Affect on Property Value & Quality of our Environment

We are concerned that having people living in 3RV's directly across from our home will negatively affect our property value. 912 Barkley Place is our direct view from our main living room, master bedroom, and front patio living spaces. We did not purchase our home with the intention of looking at RV's and campers out the windows or listening to them. RV's are notoriously noisy as they have minimal sound proofing.

2. Zoning/Neighborhood Dynamic

Our neighborhood is Zoned R-1: (Single Family Residential) with a few properties Zoned VR-1 (Vacation Rental 1) . Before purchasing our home in 2018, we did extensive research into the zoning and bought based upon the zoning rules. The Neighborhood is really a very small pocket neighborhood which is family orientated. The vacation rentals and B&B's, including our B&B are selective in who they accommodate and have zero impact on the neighborhood dynamic. They

are all compliant within the zoning bylaws which include parking for guests on the B&B property. Allowing something outside the zoning is not fair to all the property owners who have followed the property development rules in place to date. To clarify, 912 Barkley Place is an undeveloped waterfront lot with no services currently in place.

3. Proximity to Children's Park

912 Barkley Place is also directly next to Kimoto Park, as it is a corner lot. Having seasonal workers live in RV's directly next to a children's park during the season in which the park is most utilized, is not in the best interests of the neighborhood and community.

4. Neighborhood History of Applicants

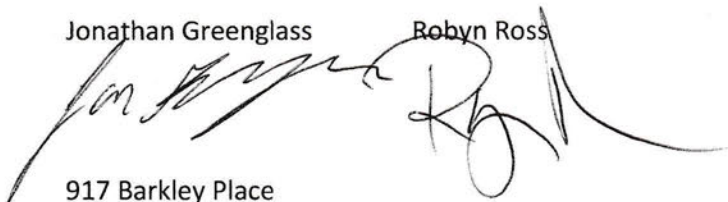
It is our understanding that the applicants Kent Furey and Aimie Shimuzu have a history of bylaw infractions, mostly for noise complaints, dating back to before we purchased our home. This does not instill faith in us that rules will be followed or enforced. To speak directly to this application, the applicants started clearing the vacant lot with an excavator for RV's without any of the required development permits in place.

Thank-you for your time in this matter. We really hope you consider the negative impact this application has on us and our quite neighborhood in your decision. It should be noted that the applicants previously owned a home that was used for staff housing, which was sold for a profit a few years back. In essence they have created their own circumstance. As members of the community we do have empathy for the staff housing situation in Ucluelet. May we suggest the district allow them to put RV's behind their restaurant (as it is a large commercial property), or provide a more suitable solution on district land away from residential homes. We strongly believe it is not equitable to ask neighbours to agree to something that will negatively affect everyone other than the applicants.

Sincerely,

Jonathan Greenglass

Robyn Ross




917 Barkley Place

P.O. Box 1176

Ucluelet, BC

VOR 3A0

From: 
To: [Community Input Mailbox](#)
Subject: Temporary Use Permit No. TUP22-04 - OPPOSED
Date: June 3, 2022 8:53:02 AM

[External]

Please recognize this letter as a statement in opposition to Temporary Use Permit No. TUP22-04 (912 Barclay Place). Use of this land for RV camping raises a number of concerns:

1. Noise – A group campsite will undoubtedly increase the amount of noise pollution in the immediate area.
2. Safety – This property is directly beside a playground frequented by a number of young children and families. Increased vehicular and foot traffic around this lot poses a hazard in this area.
3. Parking – With essentially 3 extra residences there will be an increase of traffic and parking in the area. The proposed street already frequently has a number of vehicles parked in the roadway.
4. Encouragement of further camping – We struggle every year with illegal camping and public urination in this area of Ucluelet and specifically on our street. A lot full of RV's has the definite potential to encourage and attract other camping and related unwanted activities.
5. Property Value – Ucluelet is a beautiful community and the area of town where this proposed site is located is particularly tranquil and serene. A lot full of RV's and vehicles can only detract from and ruin the peaceful aesthetic that currently exists.

While we understand the necessity of staff accommodation, erecting a campground in the middle of a residential area does not seem to be the responsible or appropriate solution. It is for these reasons that we are opposed to the issuance of Temporary Use Permit No. TUP22-04 allowing for RV camping at 912 Barclay Place.

Jeremy and Robin Myck
884 Elina Road



Virus-free. www.avg.com

From: [REDACTED]
To: [Community Input Mailbox; Nick Haisch \(Societies: BC Association of Surf Instructors\)](#)
Subject: Temporary use permit no. TUP22-04
Date: June 2, 2022 4:39:22 PM

[External]

To whom it may concern,

I am against this temporary use permit no. TUP22-04 that allows three seasonal RVs on the vacant property across the street from our home.

We have a lot of experience with seasonal RVs and people camping. Our main concerns are:

1. Bear attractants. We've already had an issue with a bear this season and it's always difficult for people who are camping seasonally to keep their bear attractants contained.

-2. The trailers being an "eyesore" for the neighborhood. Quite frankly, we moved away from Surf Junction Campground to escape campers and our seasonal staff and we have no interest in having them next to our home.

3. Noise issues. Even with our own seasonal staff at the campground, we have issues with them being quiet at night. When you start putting multiple people and RVs in one lot, people tend to hang out- to no fault of theirs, it just happens naturally with people who live and work together.

4. More traffic in the area. We have 2 small children who ride around on bikes and play in the neighborhood. We already have issues with people speeding through. We want to keep traffic down to a minimum and three more trailers or RV's means three more vehicles at a minimum coming and going.

Hope the applicants don't take this personally. We just truly don't believe this will benefit the neighborhood.

Cheers,

Kaleigh Day

Home address:

920 Amphitrite Place,
Ucluelet, BC
V0R 3A0

Owner at Surf Junction Campground

2650 Tofino-Ucluelet Hwy,

Ucluelet, BC V0R 3A0

Cell: 250.266.0403

Work: 250.726.7214

www.surfjunction.com



REPORT TO COUNCIL

Council Meeting: June 14, 2022

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM:	PAULA MASON, MANAGER OF CORPORATE SERVICES	FILE NO: 1760-20
SUBJECT:	2022 UBCM COMMUNITY EXCELLENCE AWARDS	REPORT NO: 22- 86
ATTACHMENT(S):	N/A	

RECOMMENDATION(S):

THAT Council authorize staff to submit a joint application in collaboration with the District of Tofino, for consideration for UBCM's 2022 Community Excellence Awards - Excellence in Sustainability category, for the bylaw amendments banning Single-Use Plastic Utensils in both municipalities, as recently adopted in the Spring of 2022.

BACKGROUND:

Each year the Union of BC Municipalities accepts applications from municipalities around British Columbia for the Community Excellence Awards. The awards recognize and celebrate UBCM member first nations, regional districts and municipalities that have implemented projects or programs that go above and beyond in meeting the purposes of local government in BC. The awards are designed to profile promising practices and to encourage local governments to learn from the success of other members in order to implement changes in their own communities.

The Excellence in Sustainability category specifically recognizes UBCM members that incorporate a long-term sustainability lens by considering the four pillars - cultural, social, economic and environmental issues - in planning, policy and practice. In this case, sustainability is defined as meeting current needs without compromising the ability of future generations to meet their own needs.

ANALYSIS OF OPTIONS

Program Criteria for the Excellence Awards include:

- Leadership
- Financial management and planning
- Partnerships and collaboration
- Innovation and promising practices
- Engagement and communications
- Transferability
- Performance measurement

Leadership: The District of Tofino and the District of Ucluelet are proud to be the first two municipalities in BC to regulate all of the single-use items suggested in the Provincial Order M309 and are now listed on the Government of BC's Environmental Protection and Sustainability website page, providing a resource for other municipalities to follow.

Financial management and planning: Providing a transitional time-period for local businesses to use up any existing stocks of plastic utensils they may have on hand, and source out appropriate and available product alternatives, helps reduce financial impact on our communities.

Partnerships and collaboration: The District of Tofino and the District of Ucluelet worked closely together to ban these items in close timing with each other, ensuring that the two West Coast communities receive the same information, resources and programming at the same time. Implementing the bylaws in this way, increased the success of the program.

Innovation and promising practices: The creation of the “Cut the Cutlery” campaign, launched in both communities simultaneously, got the whole region involved to make a difference.

Engagement and communications: Both municipalities utilized many different forums to increase public awareness and promote the campaign such as both municipal websites, the Westerly News newspaper, Tuff City Radio station, both District’s social media platforms, posters, business tent cards, the Surfrider Pacific Rim website, Tourism Vancouver Island’s Ocean Friendly Marketing Campaign and Tofino and Ucluelet Chambers of Commerce.

Transferability: Sharing our bylaws, our methods of engaging the public and our success story is something we’re proud to share with other municipalities, helping everyone to reach their goal of implementing better environmentally sustainable practices in BC. An email was sent to all municipalities via Civic Info with a link to the new bylaw amendment, for those who want to use it as a guide when preparing their own bylaw.

Performance measurement: In September 2021, Surfrider Pacific Rim reported that all 60 Ocean Friendly Businesses in Tofino and Ucluelet supported the ban on plastic utensils, with 44 businesses already in compliance. As of May 2022, more than 75% of local businesses in Tofino and Ucluelet have complied with the new regulations, prior to the regulation bylaws coming into force.

With this in mind, staff would be honoured to submit an application to the upcoming UBCM 2022 Community Excellence Awards, on behalf of both municipal Councils.

A	Authorize staff to submit a joint application with DoT to the 2022 UBCM Excellence Awards	Pros	<ul style="list-style-type: none"> • Recognizes and celebrates the implementation of a project that went above and beyond meeting the purposes of local government in BC • Publicly profiles promising practices in our community • Encourages other local governments to implement changes in their own communities • Promotes the use of more widely used sustainable resources
		Cons	<ul style="list-style-type: none"> •
		Implications	<ul style="list-style-type: none"> • If an award is given, one or both Councils, or their designates, may need to receive it in person at the upcoming UBCM conference
B	Do not proceed with the submission	Pros	<ul style="list-style-type: none"> • No staff time required
		Cons	<ul style="list-style-type: none"> • An opportunity is missed to recognize the hard work and dedication put into bringing tangible actions into play to create a more environmentally sustainable community
		Suggested Motion	<ul style="list-style-type: none"> • No motion required.

NEXT STEPS

- Submit application and certified resolution to UBCM

Respectfully submitted:

PAULA MASON, MANAGER OF CORPORATE SERVICES
DUANE LAWRENCE, CAO

From: [REDACTED]
To: [Info Ucluelet](#)
Subject: with thanks re: May 31st meeting
Date: June 6, 2022 8:43:04 PM

[External]

Dear Mayor and Council,

Just a short note to say thank you for the work you and the District of Ucluelet team are doing.

I watched the May 31st meeting because of my interest in the changes to the zoning bylaw related to short-term vacation rentals in residential zones. I found I was curious about several agenda items and continued to watch from home. I was delighted about the support you allocated to the Tribal Parks Guardians and proud that Ucluelet has contributed to their work this summer. I was also appreciative of the proactive strategies and interventions that the staff brought forward related to tourism, as well as your thoughtful discussion and decisions. No doubt it will be a busy season. I'm grateful for the work your staff is doing and your willingness to consider new policies while centering our community needs. Way to go!

Rebecca Hurwitz

1301 Edwards Place, Ucluelet



INFORMATION REPORT

Council Meeting: June 14, 2022

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: JAMES MACINTOSH, DIRECTOR OF ENGINEERING SERVICES

FILE NO: 5600-05

SUBJECT: CLEAN DRINKING WATER ACTION PLAN UPDATE

REPORT NO: 21- 84

ATTACHMENT(S): APPENDIX A - PRESENTATION SLIDE: WATER FLUSHING

PURPOSE

To provide Council with an update concerning Ucluelet's Clean Drinking Water Action Plan, specifically the results of the water distribution flushing and what can be expected in the year ahead.

BACKGROUND

The District of Ucluelet sources its potable water from two locations: Lost Shoe Creek Aquifer (LSCA) and Mercantile Creek. Lost Shoe Creek Aquifer is the primary water source for the District, while Mercantile Creek is available as a supplemental source for high seasonal demands.

The current water sources and existing treatment processes do not meet current regulatory requirements as defined by the Canadian Clean Water Drinking Act. The District's post-treatment water quality regularly tests higher in Manganese, Iron, and turbidity than the regulatory criteria.

In November of 2021, Council heard from District Staff that a revamped operations and maintenance strategy for the water distribution system would be implemented by Engineering and Public Works in the New Year. The strategy, called Ucluelet's Clean Drinking Water Action Plan, itemizes immediate, intermediate, and long-term actions to improve the system and water quality.

The Plan, which sets a new standard for the management, operations and maintenance of the water system, includes preparatory work for the approaching water treatment plant upgrades. A key maintenance improvement is water distribution system flushing. The District's water distribution system and reservoirs were previously flushed in 2015.

REPORT

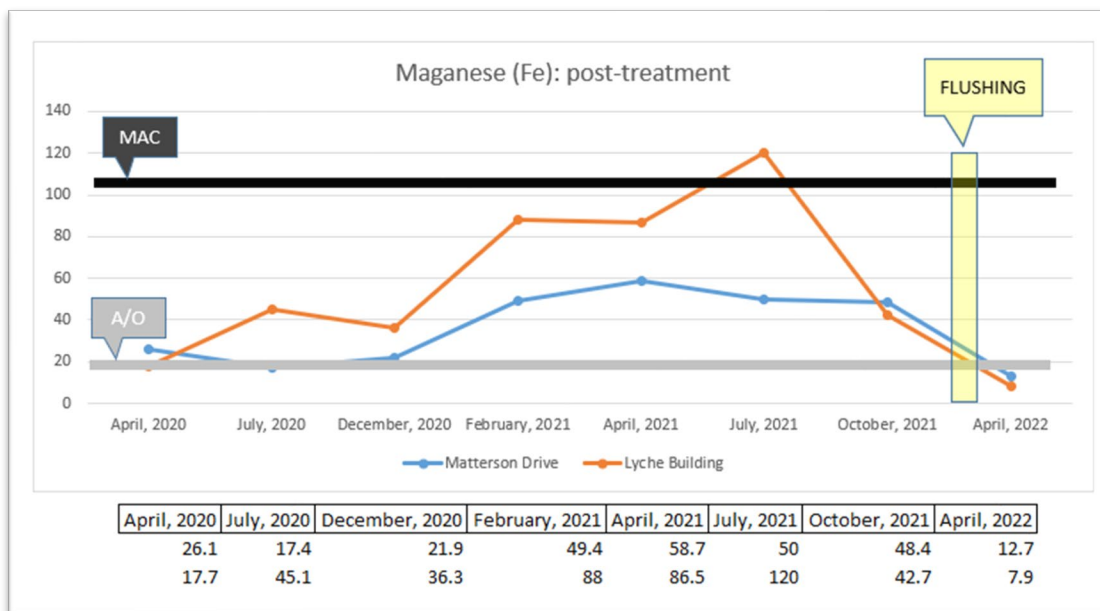
A municipal water distribution system requires regular water flushing. Regular flushing reduces unwanted sediment that has accumulated in the system because of the treatment process and inflow/infiltration. In Ucluelet's case, the necessary addition of chlorine to treat the water for biological contaminants, produces coagulated iron and manganese which builds up in the system. Ucluelet's primary water source is high in iron and manganese, thus, there are high levels of iron/manganese sediment that accumulate, unfiltered by the current treatment technology.

In late 2021, flushing was planned and carried out in March 2022. The team was confident that flushing would bring positive results; however, they planned for the worst knowing the condition of the system, quality of the water, and impact on homes and businesses from water disturbances and outages during the maintenance. Work plans and a communication strategy was created to inform the community and keep them up-to-date with any changes throughout the maintenance.

Over the course of three weeks the team worked with Ridgeline Mechanical flushing lines, problem solving, and ensuring the system continued to provide water to the community. The most significant challenge was keeping the reservoirs and distribution lines at appropriate pressures while isolating and aggressively flushing select zones. The volume of sediment in the system was both anticipated and surprising for the team. The extended flushing hours and multiple schedule changes are evidence of the amount of sediment which continued to be observed. Photos show the amount of sediment removed from the reservoirs and black/brown water flushed from hydrants.

The impact of the maintenance was significant on homes and businesses. The community endured three weeks of planned outages, unplanned disruptions, and discoloured water. Small pockets of the community experienced unplanned outages resulting from heavy sediment being pushed into areas which blocked them off from water supply. As well, throughout the two weeks, heavy sediment was pushed across the inlet affecting the water quality for YFN. The team worked with YFN water operators for several weeks post-flushing to help improve the water quality.

The point of flushing is to improve the quality by removing sediment. Did the maintenance work and how well? The lab has recorded Manganese to be at the lowest levels in several years (two years of data was available). The graph below illustrates the lab results of Manganese levels post treatment at two locations in the community. The standard used to measure safe Manganese is defined by the World Health Organization, incorporated into the Canadian Clean Water Drinking Act and monitored by Vancouver Island Health. The criteria is called the Maximum Allowable Concentrate (MAC) and the Aesthetic Objective (AO).



The intention is to improve the water quality, measure the results and adjust the flushing frequency as needed to continually improve the quality while approaching the construction of the new water treatment plants. The Public Works team will flush in a consistent and regular basis. System flushing will be completed each month in two zones during off season. Levels will continue to be tested to help inform and adjust the maintenance.

Thank-you to the community for their patience, understating and support through the flushing period and while the District continues to move closer towards pristine water quality.

Respectfully submitted: JAMES MACINTOSH, DIRECTOR OF ENGINEERING SERVICES
 Duane Lawrence, CAO



INFORMATION REPORT

Council Meeting: June 14, 2022

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM:	ABIGAIL K. FORTUNE, DIRECTOR OF PARKS & RECREATION	FILE NO: 6240-11
SUBJECT:	WAYFINDING STANDARDS	REPORT NO: 22- 85
ATTACHMENT(S):	Appendix A - TRAILHEAD SIGNAGE DESIGN Appendix B - SIGNAGE LOCATION MAP Appendix C - TRAILHEAD LOCATIONS	

PURPOSE

To provide Council with information regarding the Wayfinding Standards project.

BACKGROUND

In 2021 through the Resort Municipality funding program, headed by the Parks and Recreation Department, with Public Works and Planning and the consultants Urban Systems, we launched a three-year pilot program to support the District of Ucluelet with the design and implementation of its initial trailhead signage design/build project, which will support ongoing improvements to the multi-use pathway network and community wayfinding system.

The Wayfinding Standards Package has been prepared to support the District of Ucluelet in establishing a unique and consistent community-wide public signage program to direct and inform visitors and residents alike to key destinations and recreation amenities. Improvement of the community wayfinding system is particularly important given the significant public realm redevelopment work being undertaken. Establishing the trailhead signage design and implementing these trailhead signs is the first phase of a larger wayfinding approach that may, in future, include signage components extending from initial contact with visitors approaching the District, through to route-marking, community amenities and facilities, and information and educational signage.

Icons specific to Ucluelet's character and communication needs are included and will respond to the diverse needs of trail users. Each identified trailhead location has been provided with an accompanying trailhead faceplate. The overall design approach has been outlined to guide future faceplate designs.



TRAILHEAD SIGNAGE DESIGN GUIDE

Intended Function

District of Ucluelet staff have conceived the idea of a family of trails signage to respond to a need for consolidated, easily recognizable trails signage to be applied to the town trail network. These signs are intended to lead users towards destinations, trails, and their respective amenities.

Signage may be located in more isolated locations, surrounded by natural amenities, the aesthetic is intended to be lower maintenance and to be simple, so as to not detract from the surroundings.

Goals for Signage

- To promote safe and enjoyable experiences
- To provide safe navigation
- Where applicable, specify distances from current location to signage identified destinations
- To identify, or indicate public access

Pedestrian Scale

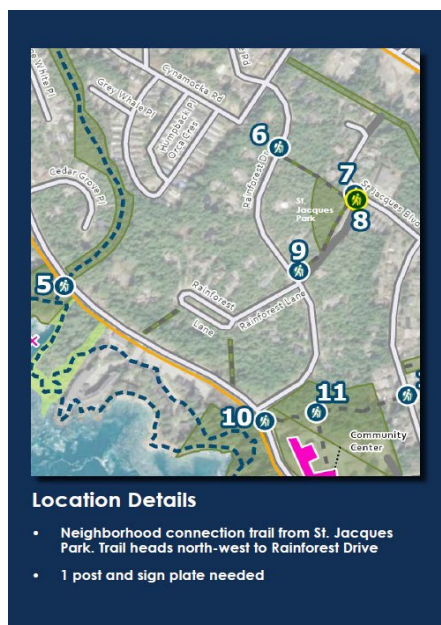
These signs are intended to be used for navigation and orientation by users of the local trail network; thus, they have been designed using typical viewing heights and font sizes for pedestrian use.

Primary Trailhead Signs Function

These signs are used separately and will most commonly be found at trailheads along roadways within the District of Ucluelet, to point the direction and indicate distance and amenities or natural attractions such as beaches or lookouts. Arrows will align to the destination being marked and distances are marked in metres. The signs include information about the current location of trail users, the immediate trail destination, type of trail (all walking trails), common trail etiquette and expectations of users (i.e. Dogs on leash), accessibility (if accessible), wildlife messaging, and distances in metres.

Location/Orientation

Trailhead signs will be single-sided and installed at the beginning of a trail loop or connecting trail location. These trailheads are not necessarily located where there are parking amenities and have been designed at a pedestrian scale for users.



Location 8 - To Rainforest Drive (North)



The primary goal is to establish a unique and consistent community-wide public signage program to direct and inform visitors and residents alike to key destinations and recreation amenities. Improvement of the community wayfinding system is particularly important given the significant public realm redevelopment work currently underway within the District’s core. Over time, this could include signage components extending from initial contact with visitors approaching the District, through to route-marking, community amenities and facilities, and information signage.



Staff have established Resort Municipality Initiative funding to launch an initial ‘pilot program’ phase of the wayfinding signage program in 2021 and 2023. This includes the design and implementation of clearly marked and recognizable signage at key trailheads throughout the District, particularly the “coast-to-coast connector” trails that link neighbourhoods along the west (Wild Pacific Trail) and east (Safe Harbour Walk) edges of the peninsula. This signage would also typically include travel distances to support trip planning and decision-making while guiding residents and visitors to their destinations.

The 'pilot project' approach offers the District the opportunity to assess, implement and refine the wayfinding signage design and approach in select areas prior to larger-scale implementation across the community.

- Phase 1: Programming & Design (2021)
- Phase 2: Installation (2022-23)

NEXT STEPS

- Confirm pricing
- Order the signs
- Hire contractor for install – to be completed by March 31, 2023

Respectfully submitted: Abby Fortune, Director of Parks & Recreation

District of Ucluelet



Trailhead Signage Design Guide

Summer 2021

Prepared for:

District of Ucluelet | 200 Main Street | Ucluelet, BC V0R 3A0

District of Ucluelet Trailhead

Signage Design Guide

Context

Project Background

This trailhead signage design guide has been prepared to support the District of Ucluelet to establish a unique and consistent community-wide public signage program to direct and inform visitors and residents alike to key destinations and recreation amenities. Improvement of the community wayfinding system is particularly important given the significant public realm redevelopment work being undertaken. Establishing the trailhead signage design and implementing these trailhead signs is the first phase of a larger wayfinding approach that may, in future, include signage components extending from initial contact with visitors approaching the District, through to route-marking, community amenities and facilities, and information and educational signage.

The opportunity to start small with trailhead signage at existing and established trailheads will allow for the District to learn from the process and eventually expand to meet the community's and visitor's needs or ultimately "pilot" the trailhead signage designs before expanding the program. Should more trailheads be identified, this trailhead signage design guide could facilitate the installation and expansion thereby allowing the District to respond and adapt to this demand organically to best meet community needs and resources.

Introduction: How to Use this Design Guide

This Trailhead Signage Design Guide features signage specific to trailheads detailed for the District of Ucluelet.

Icons specific to Ucluelet's character and communication needs are included and will respond to the different needs of trail users. Each identified trailhead location has been provided with an accompanying trailhead faceplate. The overall design approach has been outlined to guide future faceplate designs as desired.

Design Philosophy and Intent

Intended Function

District of Ucluelet staff have conceived the idea of a family of trails signage to respond to a need for consolidated, easily recognizable trails signage to be applied to the town trail network. These signs are intended to lead users towards destinations, trails, and their respective amenities. As the trailhead

signage may be located in more isolated locations, surrounded by natural amenities, the aesthetic is intended to be lower maintenance and to be simple as to not detract from the surroundings.

Goals for Signage

- To promote safe and enjoyable experiences
- To provide safe navigation
- Where applicable, specify distances from current location to signage identified destinations
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Pedestrian Scale

These signs are intended to be used for navigation and orientation by users of the local trail network; thus, they have been designed using typical viewing heights and font sizes for pedestrian use.

Primary Trailhead Signs

Function

These signs are used separately and will most commonly be found at trailheads along roadways within the District of Ucluelet to point the direction and indicate distance and amenities or natural attractions such as beaches or lookouts. Arrows will align to the destination being marked and distances are marked in metres. The signs include information about the current location of trail users, the immediate trail destination, type of trail (all walking trails), common trail etiquette and expectations of users (ie. Dogs on leash), accessibility (if accessible), wildlife messaging, and distances in metres.

Location/Orientation

Trailhead signs will be single-sided and installed at the beginning of a trail loop or connecting trail location. These trailheads are not necessarily located where there are parking amenities and have been designed at a pedestrian scale for users.

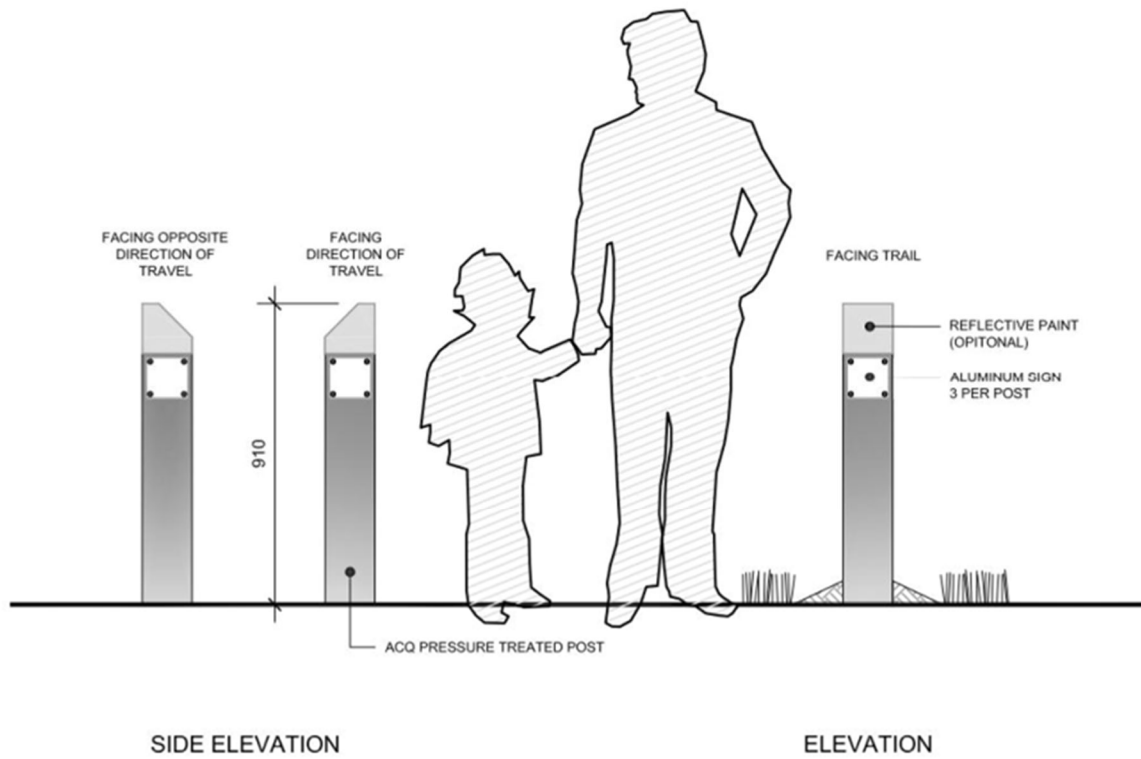


Figure 1: Visual Example, Signage Scale

Design Goals

- To ensure a consistent signage approach that reflects the character of Ucluelet (ie. “Ukee Grit”)
- Support a unique, attractive experience for out-of-town visitors
- Directional signage to assist users along trails and to destinations
- Signage to include distance to immediate trail destinations
- Icon symbols to suggest amenities encountered on the trail (lookouts, beaches, parks, fields, etc.)
- Indicate permitted uses (no cycling, dogs on leash), respect for trails and wildlife
- Reinforce community branding while inspired by neighboring wayfinding systems

Sign Aesthetics

The materials and colours selected reflect the District’s current Visual Identity Guidelines (graphic standards) and offer consistency.

A consistent palette of Western Red Cedar posts, metals, exposed hardware, and natural colour palette unify the trailhead signs as shown **Figure 4**. The sign and detailed finish aligns with other pre-existing

bollards present throughout the community including the Ucluelet Community Center, See **Figure 2**. The signage designs also considered Parks Canada (as a neighboring entity with specific trailhead signage design requirements) to ensure familiarity and relative consistency while remaining true to Ucluelet’s character.



Figure 2: Current Community Wayfinding and Precedent Examples (2021)

Signage Locations

Priority trailhead signage locations were identified by District of Ucluelet staff. They are shown below in **Figure 3** (Trailhead Signage Locations), with larger scale for reference included in **Appendix A**, with location specific details provided in **Appendix B**.



Figure 3: Wayfinding Sign Locations

Installation Details

The post and sign detail, specifications, and application guidance is provided below and shown in Figure 2.

Post Details

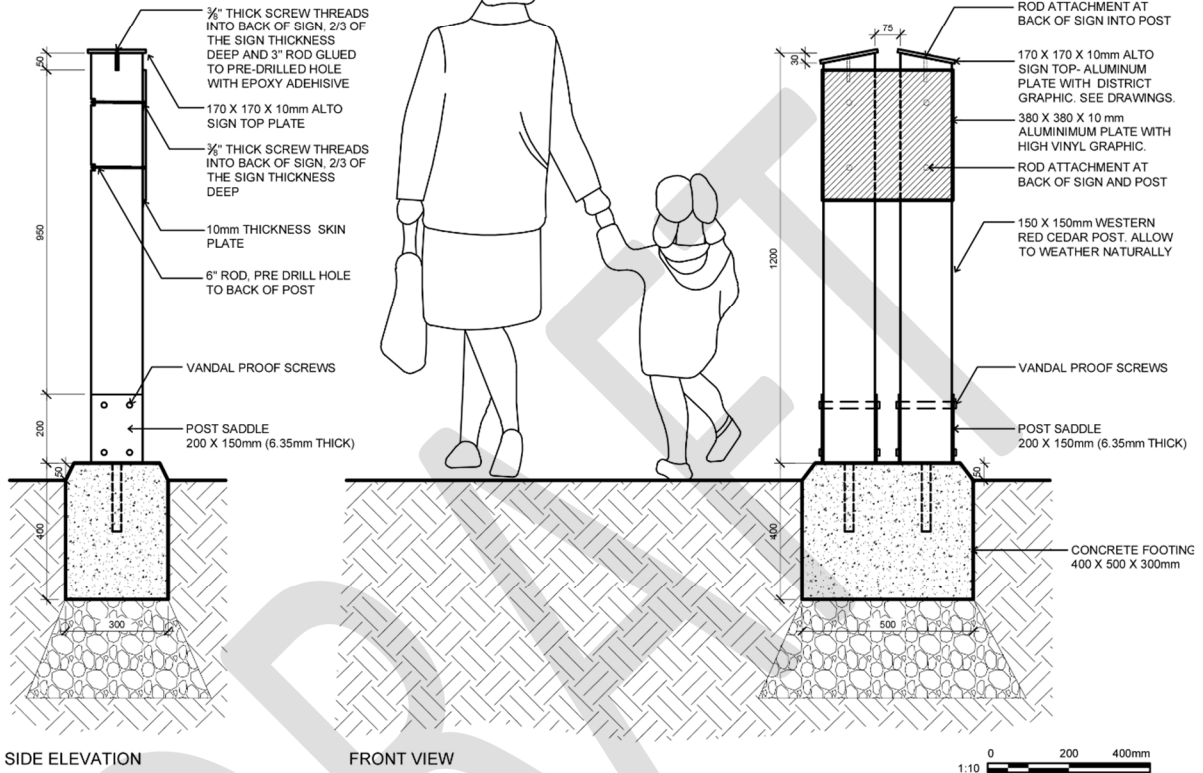
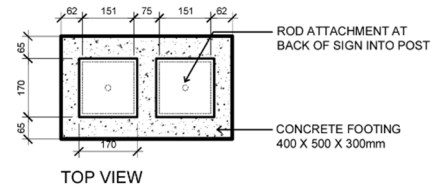
- Two (2), 150 x 150 x 1200mm Western Red Cedar posts (to be weathered naturally)
- One (1) 400 x 500 x 300mm concrete footing on ¾" granular base.
- Two post saddles (200 x 150mm) and four vandal-proof bolts on each side
- 75 mm gap between posts.
- A 30 mm chamfer on top of posts

Sign Details

- One (1) 380 x 380 x 10mm Aluminum Sign Plate (5052 grade aluminum, corrosion resistant) attached to cedar posts by four 1/8" thick screw threads and 6" rods into back of sign, 2/3 of the sign thickness deep.
- To be inserted on posts in pre-drilled holes. Rods to be flushed with back of posts.
- Two (2) 170 x 170 x 10mm Aluminum Top Plates attached to the top of each post with one 3" rod each into back of plate, 2/3 of the plate thickness deep. To be inserted on post in pre-drilled holes and affixed with epoxy adhesive.

NOTES:

1. PROVIDE HIGH QUALITY VINYL GRADES SIGN WITH HIGH-RESOLUTION DIGITAL IMAGE - UV PROTECTED GRAFFITI RESISTANT, FADE RESISTANT
2. 10mm THICKNESS MINIMUM
3. SIGN AND PLATE TO BE FIXED TO POST BY HILTI BOLTS AND EPOXY ADHESIVE
4. CONTRACTOR TO PROVIDE SHOP DRAWINGS SHOWING DIMENSIONS OF ALL INCLUDING COORDINATION AND SUBMITTALS BY THE SIGN MANUFACTURER.
5. SIGNS AND GRAPHICS TO BE INSTALLED PER MANUFACTURER SPECIFICATIONS.



00 WAYFINDING SIGN
SCALE AS SHOWN

P1-1427-0018-C

Figure 4: Trailhead Signage Specifications

Colours

- The colours used for the trailhead signage reflects colours found within the District’s current logo (Figure 4, for reference), existing community infrastructure (see Figure 2), and the Districts Visual Identity Guidelines.



Figure 5: District of Ucluelet Logo (2021)

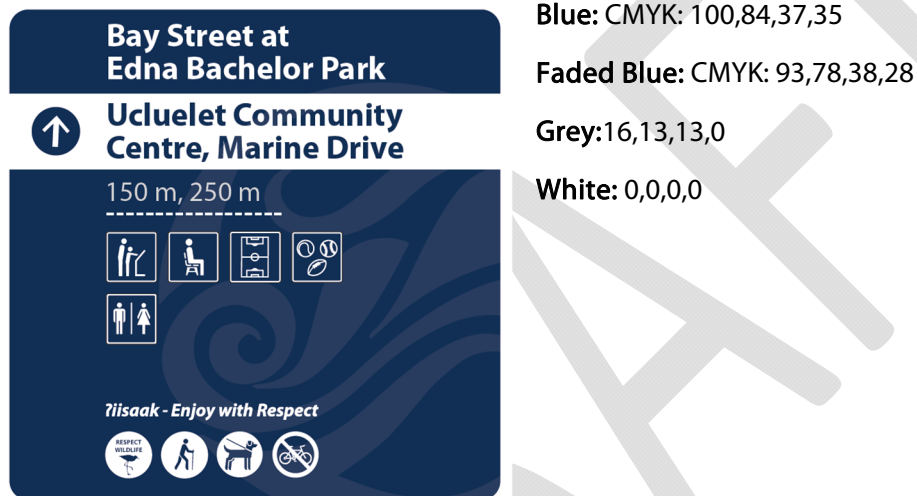


Figure 6: Visual Example, Faceplate

Faceplate Details

The trailhead signage is made up of 15-inch faceplates (380mm x 380mm) reflecting pedestrian scale signage. This approach marries Parks Canada, with the District's unique character and visual identity.

Typography

Fonts are consistent with the Myriad Font family, with font sizes and icon dimensions and tone have been based on viewing distances and accessibility (contrast). At the current mounted size the viewable distance of the sign is between 8-10 Meter Viewing distance.

Font used: Myriad Font Family

Icon Set

Various icons have been developed, with select icons being identified as most applicable by District staff. The icon menu has been provided below (Figure 5).



Figure 3: Ucluelet Trailhead Signage Icon Menu

Cost Estimates

Cost estimates have been developed to include the sign plate and post details including the supply and installation of all materials and delivery. A contingency has been included at the bottom of the estimate to account for market factors. Refer to **Appendix C**.

Priority Locations

Due to budget constraints, we understand that the District would like to install the signs in phases, half in 2021 to monitor, and the remaining in 2022. The goal 12 locations have been identified as higher priority locations for this initiative. These locations have been prioritized due to lack of other signage in the area, such as locations with existing Wild Pacific Trail signage, and areas that would benefit most from shared knowledge of public accesses. Locations where directions are clearer such as locations originating in parks of the UCC have been identified as lower priority. For reference, the location map has been included in **Appendix A**.

- 1A
- 1B
- 2
- 4A
- 4B
- 12
- 14
- 16
- 19
- 20

Implementation & Next Steps

In order to facilitate implementation of the wayfinding signs, we have developed a Request for Quotation (RFQ) document which can be utilized to procure a General Contractor. The Contractor should review the quotation bid package and submit a price to conduct the work following the terms including the stated specifications, drawing detail, sign locations, and target schedule for completion. Urban Systems is available to support the District to review the quotation package submissions and then provide construction assistance thereafter. The Contractors scope of work should involve consultation with Urban Systems and the sign manufacturer to review and confirm the sign graphics including the directional arrows. Shop drawings of the graphics along with confirmation of sign locations must be submitted for review. See **Appendix D** to review the RFQ package. This should be reviewed and adapted to suit the District of Ucluelet standard procurement documents.

We understand that the goal is for the District to work with the Contractor on a few of the signs during installation such that, when the District would like to install more wayfinding signs, it can be facilitated through the Parks and Recreation staff.

DISTRICT OF UCLUELET TRAILHEAD SIGNAGE FRAMEWORK

Sept 22, 2021



DISTRICT OF UCLUELET TRAILHEAD SIGN FRAMEWORK CONSIDERATIONS

Primary Trail Route Markers

- Directional signage to assist users. Signage to include distance to immediate trail destination
- Icon symbols to suggest amenities encountered on the trail (bathroom, lookouts, surfing, beach)
- Indicate permitted uses (eg. hiking, ATV, dogs on/off leash, cycling)
- Reinforce graphic image (Ucluelet logo)
- Consider First Nations language
- Trail etiquette including wildlife warnings/considerations

(Future) Secondary Trail Route Markers

- Smaller signage. Confirmation and reassurance that the trail user is still on right route
- Not currently in scope

Sign plate product specifications



UV Protection



Graffiti Resistant



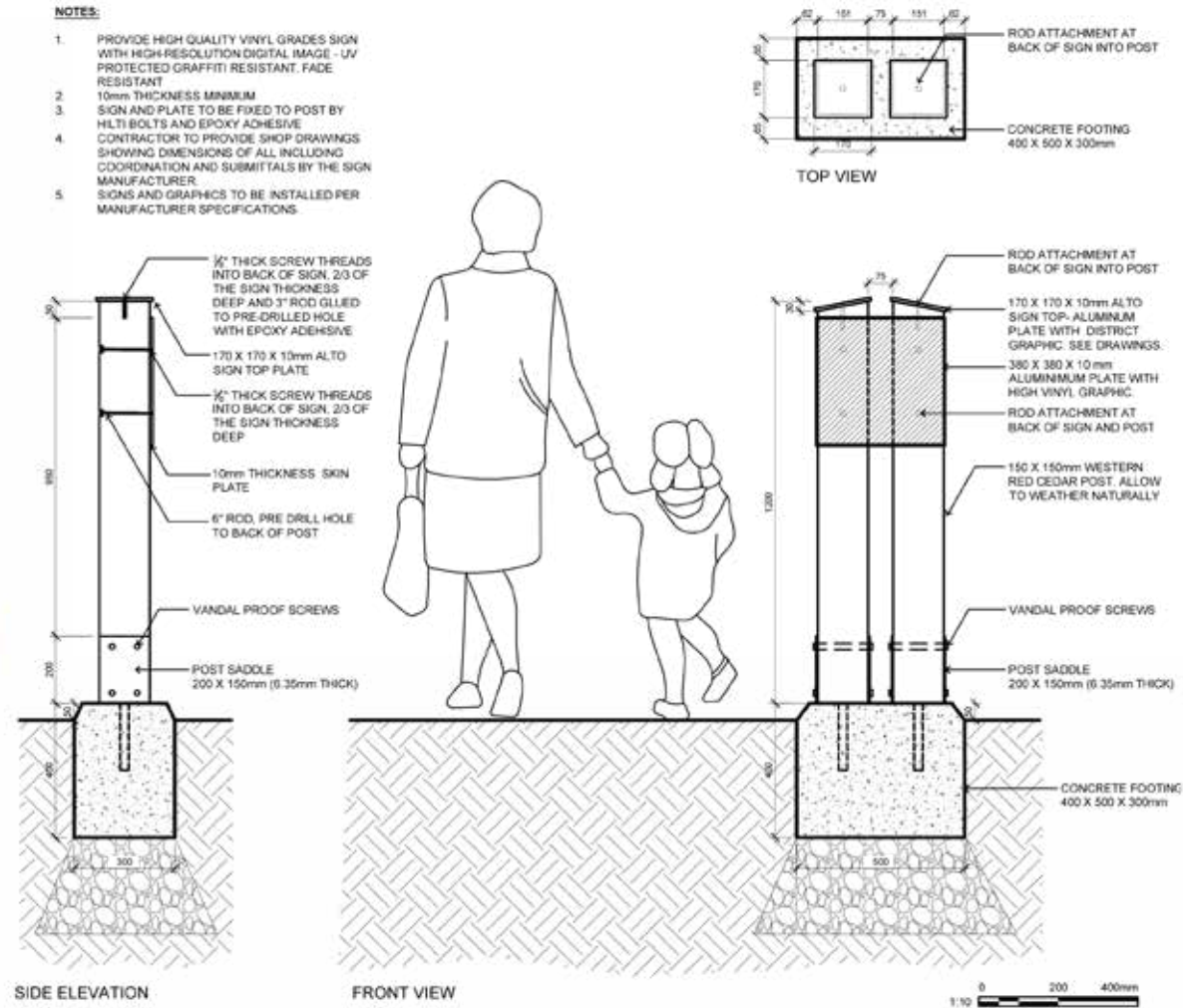
Easy Maintenance



Fade Resistant



Eco Friendly



URBAN SYSTEMS

DISTRICT OF UCLUELET TRAILHEAD SIGNAGE FRAMEWORK MAP





Location Details

- There are two trailheads that connect to the Wild Pacific Trail at this location. They start at the end the vehicular access on Marine Drive North
- Trails are on west side of road
- Signage can occur on one post with two directional signage plates

Location 1a & 1b - To Wild Pacific Trail



View of both trails



1a Upper Trail - Headed North

Marine Drive

↑ Wild Pacific Trail

Access



ʔiisaak - Enjoy with Respect



Marine Drive

↑ Wild Pacific Trail

Access



ʔiisaak - Enjoy with Respect





Location Details

- This trailhead starts from Marine Drive at the end of the vehicular access.
- One post with sign plate on the east side of Marine Drive needed
- Trail has steep grades (<10% slope)

Location 2 - To Tugwell Field



View of trail entrance from Marine Drive

Marine Drive



Tugwell Field

200 m



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Location Details

- Access trailhead from Marine Drive
- One post with sign plate, entrance on west side of road needed
- There is an existing WPT sign here.

Location 3 - To Wild Pacific Trail



View of trailhead from Marine Drive

Marine Drive

↑ Wild Pacific Trail

Access



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Location 4a & 4b - Neighborhood Trails



4a- Looking north across Cynamocka -Trail to Tugwell Field



4b- Looking south across Cynamocka -Trail to Marine Drive

Location Details

- There are two neighborhood trailheads on Cynamocha Drive
- One trail goes to the north toward Tugwell Field and the other toward Marine Drive
- Two separate trail signs needed

Cynamocka Road

↑ **Tugwell Field**

100 m

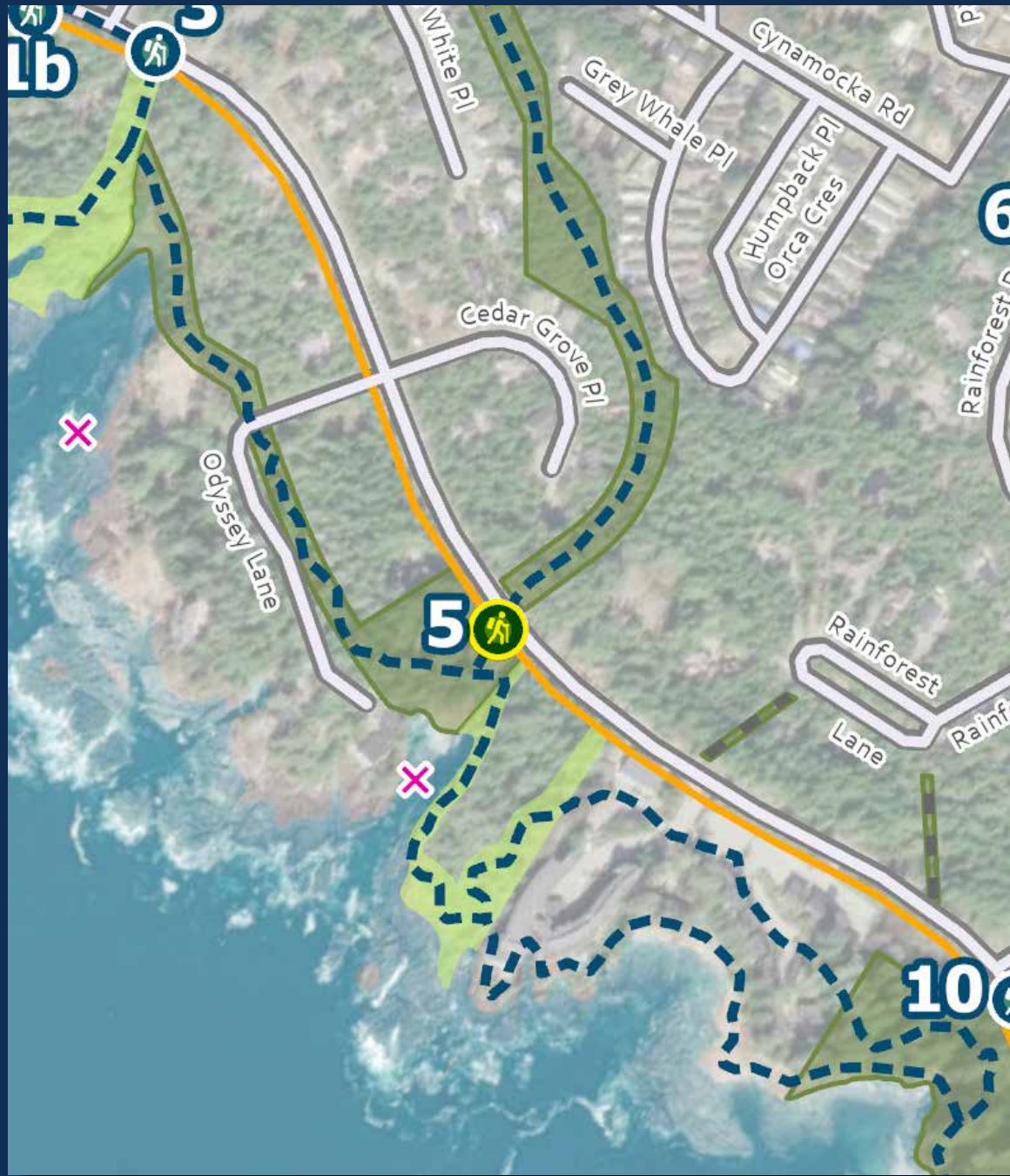
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Cynamocka Road

↑ **Marine Drive,
Wild Pacific Trail**

500 m

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Location 5 - To Cynamocka Road



View of trail looking east



View of trail from Marine Drive



View of trail from Marine Drive

Location Details

- Neighborhood connection trail from Marine Drive. Trail goes to the north east and connects to Cynamocka Road
- Crosswalk on Marine Drive. Need to install gravel path across boulevard. 1 post and sign plate needed.

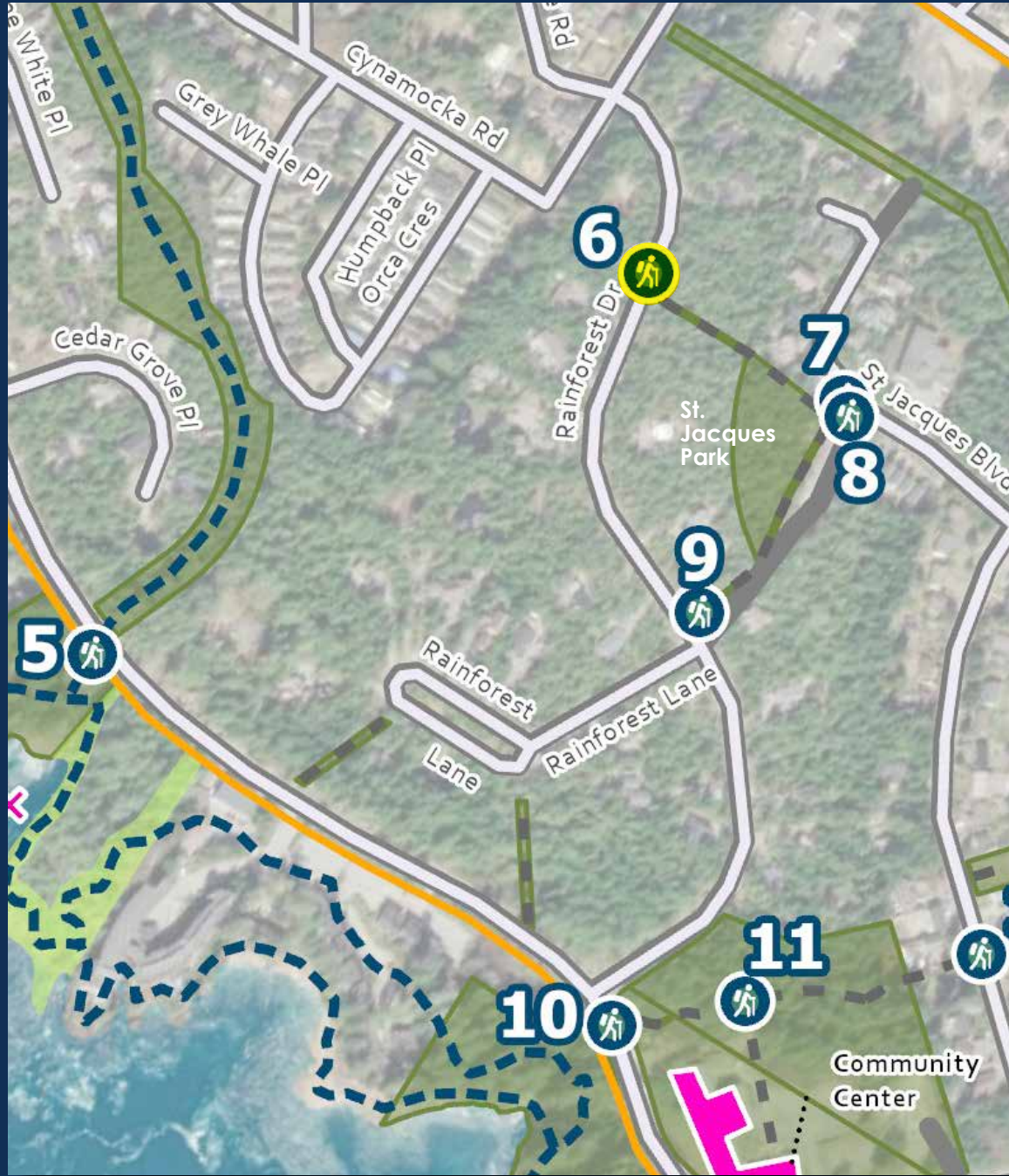
Marine Drive

↑ Cynamocka Road

500 m

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RESPECT WILDLIFE



Location Details

- Neighborhood connection trail from Rainforest Drive to St. Jacques Park and St. Jacques Boulevard
- 1 post and sign plate needed

Location 6 - To St. Jacques Boulevard



View of trail looking south-east



View of trail looking south-east to St. Jacques



View looking at Rainforest Drive from trailhead

Rainforest Drive

↑ St. Jacques Park & Boulevard

160 m

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Location 7 - To Rainforest Drive (South)



View of trail looking south from St. Jacques Park



St. Jacques Park seating area



View looking south from St. Jacques Blvd. Location where trail 7 and 8 converge.

Location Details

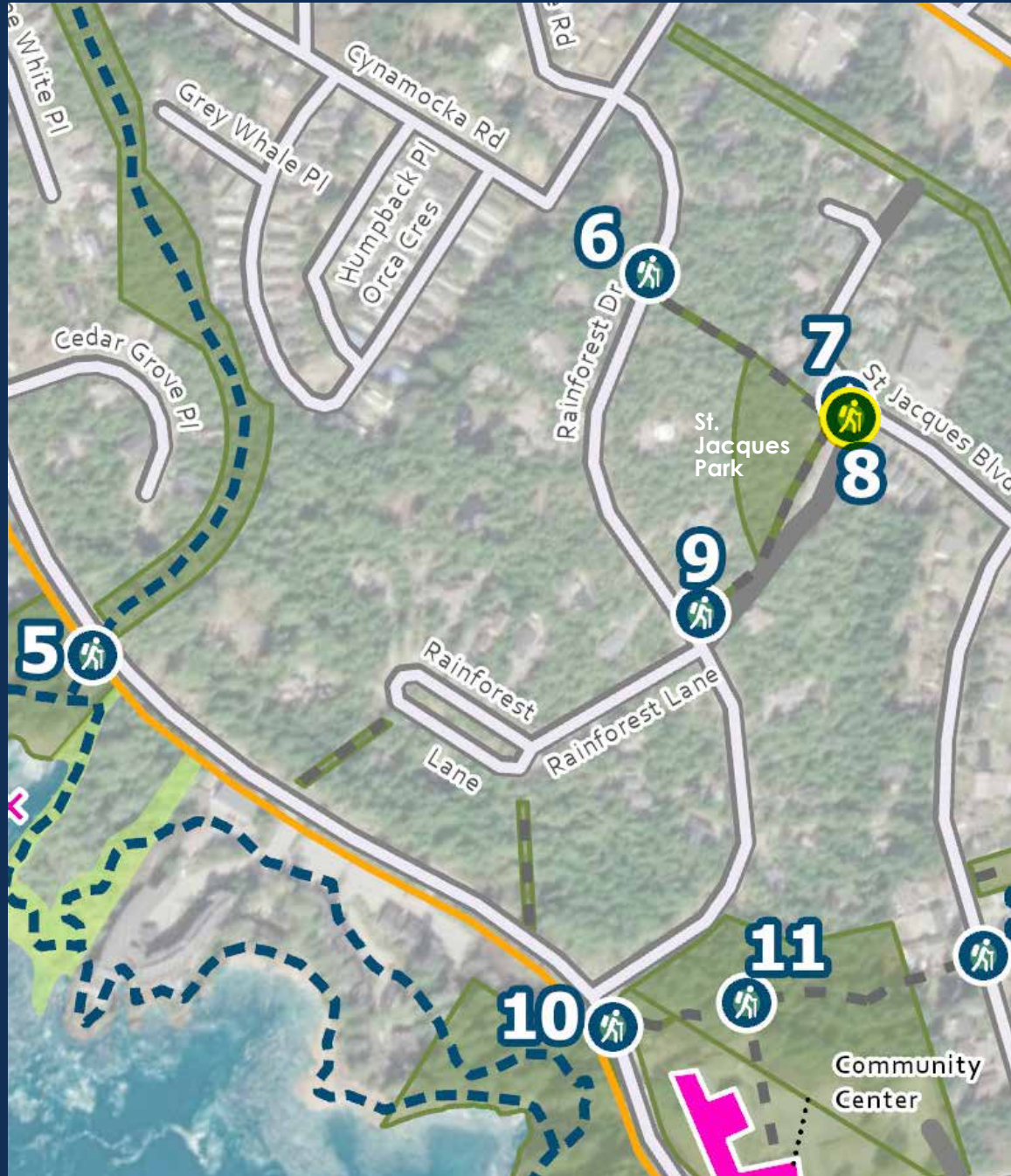
- Neighborhood connection trail from St. Jacques Park. Trail heads south-west to Rainforest Drive
- 1 post and sign plate needed

St. Jacques Boulevard

↑ **Rainforest Drive**

160 m

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Location 8 - To Rainforest Drive (North)



View of trail looking north-west
Toward Rainforest Drive



View of trail looking north-west
Toward Rainforest Drive



View looking south from St. Jacques Blvd. Location where trail 7
and 8 converge.

Location Details

- Neighborhood connection trail from St. Jacques Park. Trail heads north-west to Rainforest Drive
- 1 post and sign plate needed

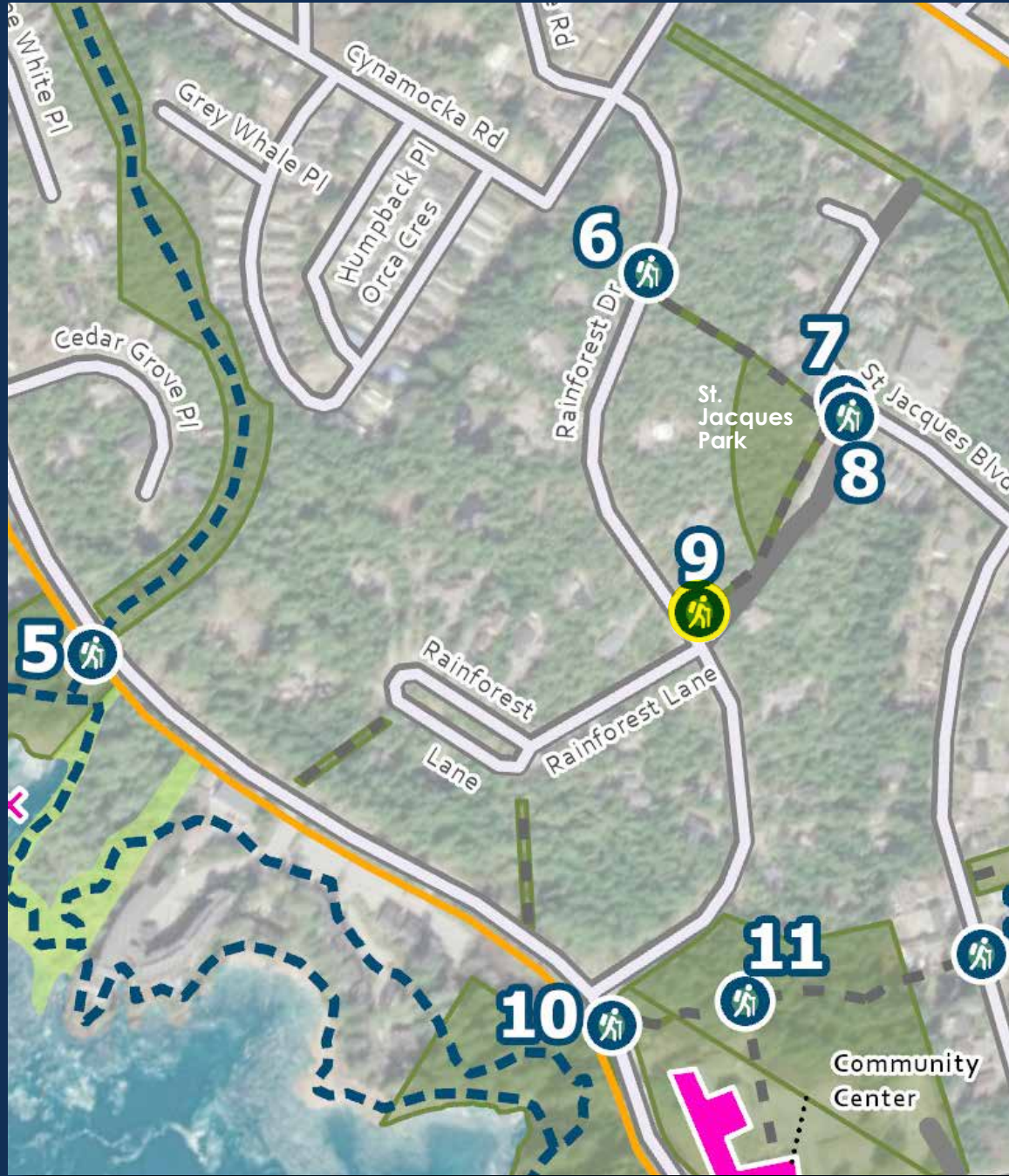
St. Jacques Boulevard

↑ Rainforest Drive

150 m

ᑭᑭᑭᑭᑭ - Enjoy with Respect

RESPECT WILDLIFE



Location 9 - To St Jacques Boulevard



View of trail looking from Rainforest Drive to east toward St. Jacques Boulevard

Rainforest Drive



St. Jacques Park & Boulevard

150 m

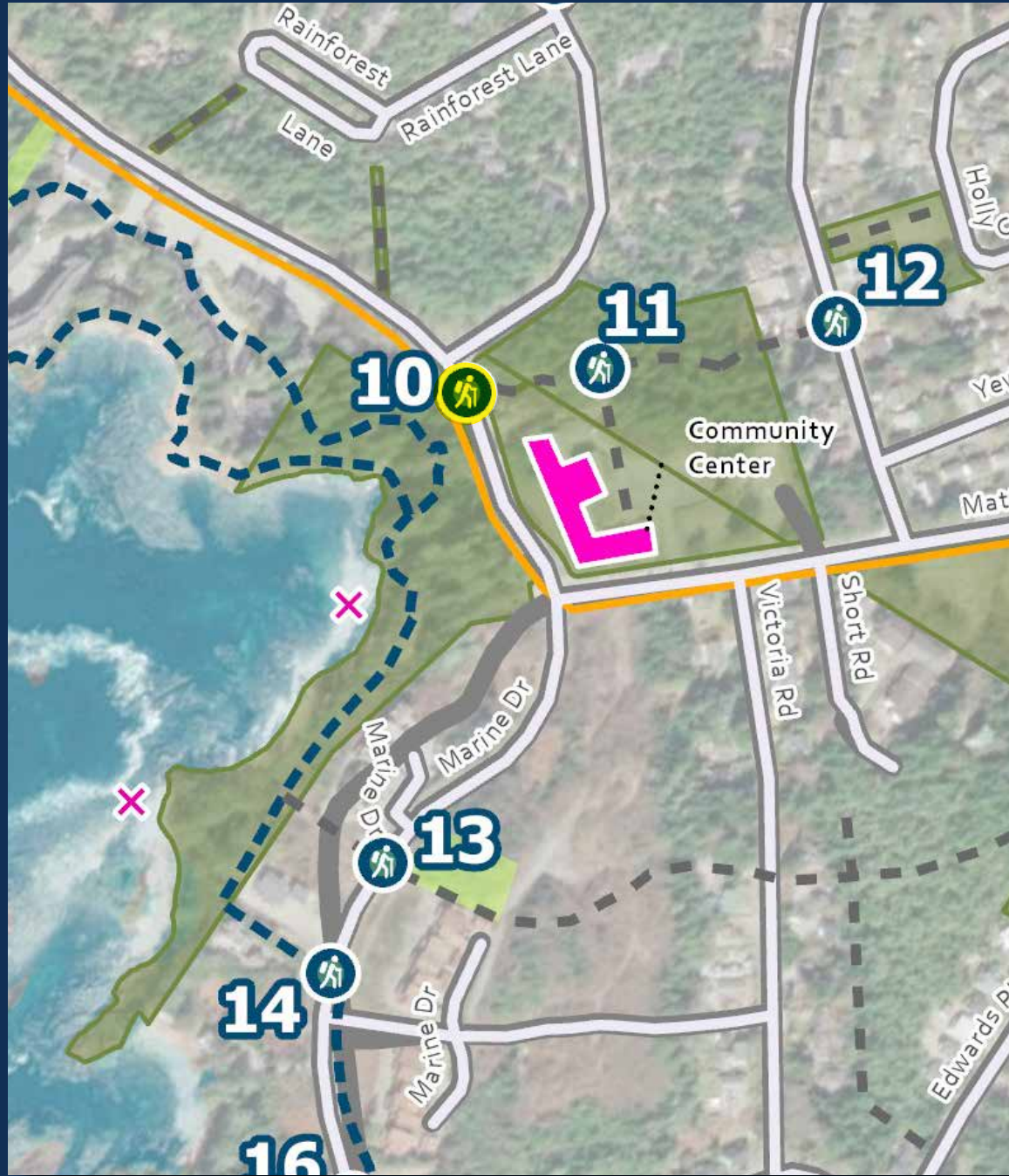


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Location Details

- Neighborhood connection trail from Rainforest Drive to the east toward St. Jacques Park and Boulevard
- 1 post and sign plate needed



Location 10 - To UCC & Bay Street



View of trail looking east from Marine Drive entrance



View of trail looking east from across Marine Drive

Location Details

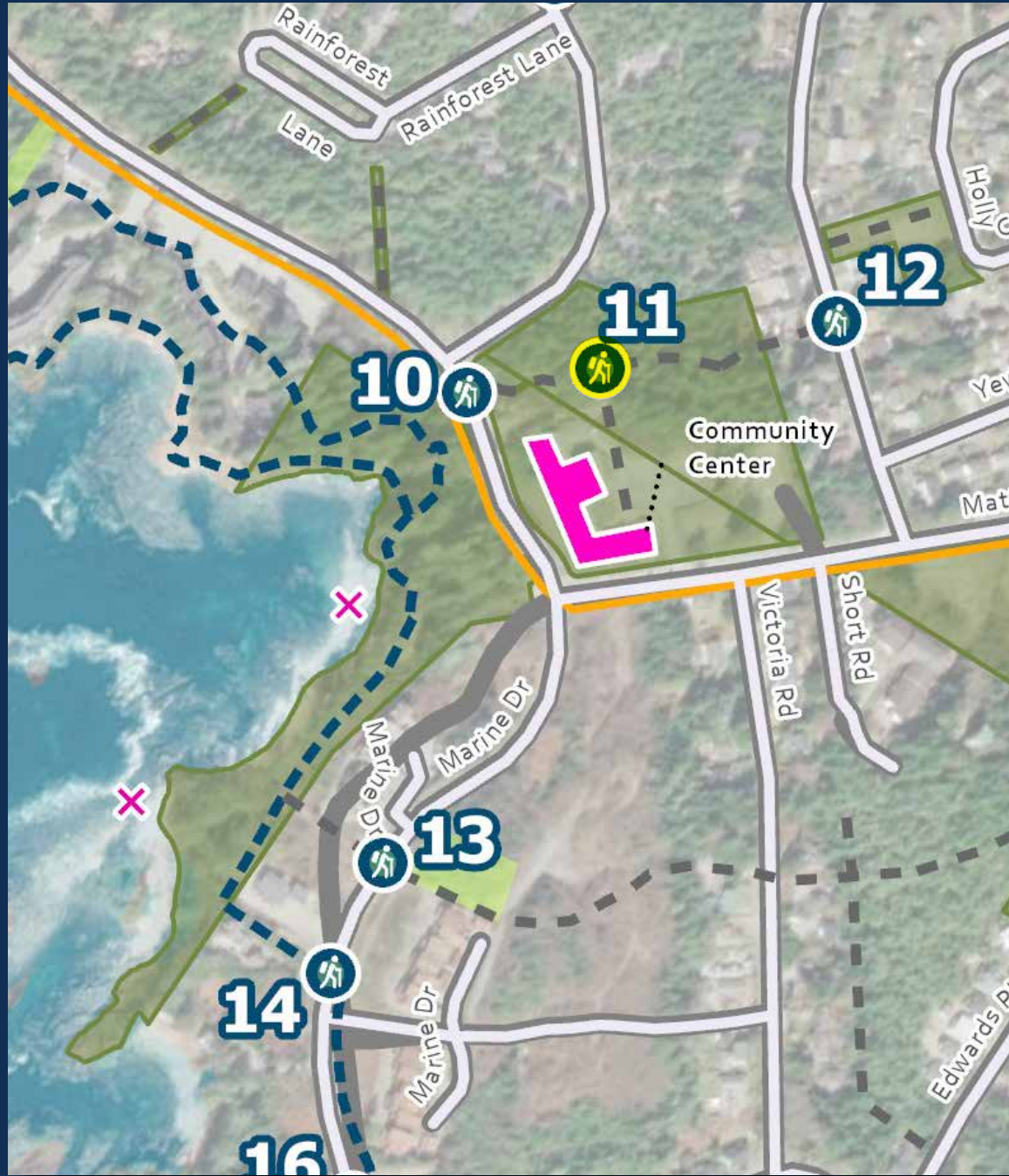
- Neighborhood connection trail from Marine Drive. Trail heads to the east and connects to Ucluelet Community Centre and continues to the east toward Bay Street
- 1 post and sign plate needed

Marine Drive

↑
Ucluelet Community Centre, Bay Street

100 m, 250 m

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Location 11 - UCC Trail Connection



View of trail looking east from UCC trail connection



View of trail connection looking toward the UCC building

Location Details

- Neighborhood connection trail from the UCC building
- 1 post and sign plate needed

Ucluelet Community Centre

↑ Marine Drive, Bay Street

100 m, 150 m

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Location 12 - To UCC & Marine Drive



View of trail looking west from Bay Street



View of trail looking west from Bay Street

Location Details

- Neighborhood connection trail from Bay Street to the west with connection to the UCC and Marine Drive
- 1 post and sign plate needed

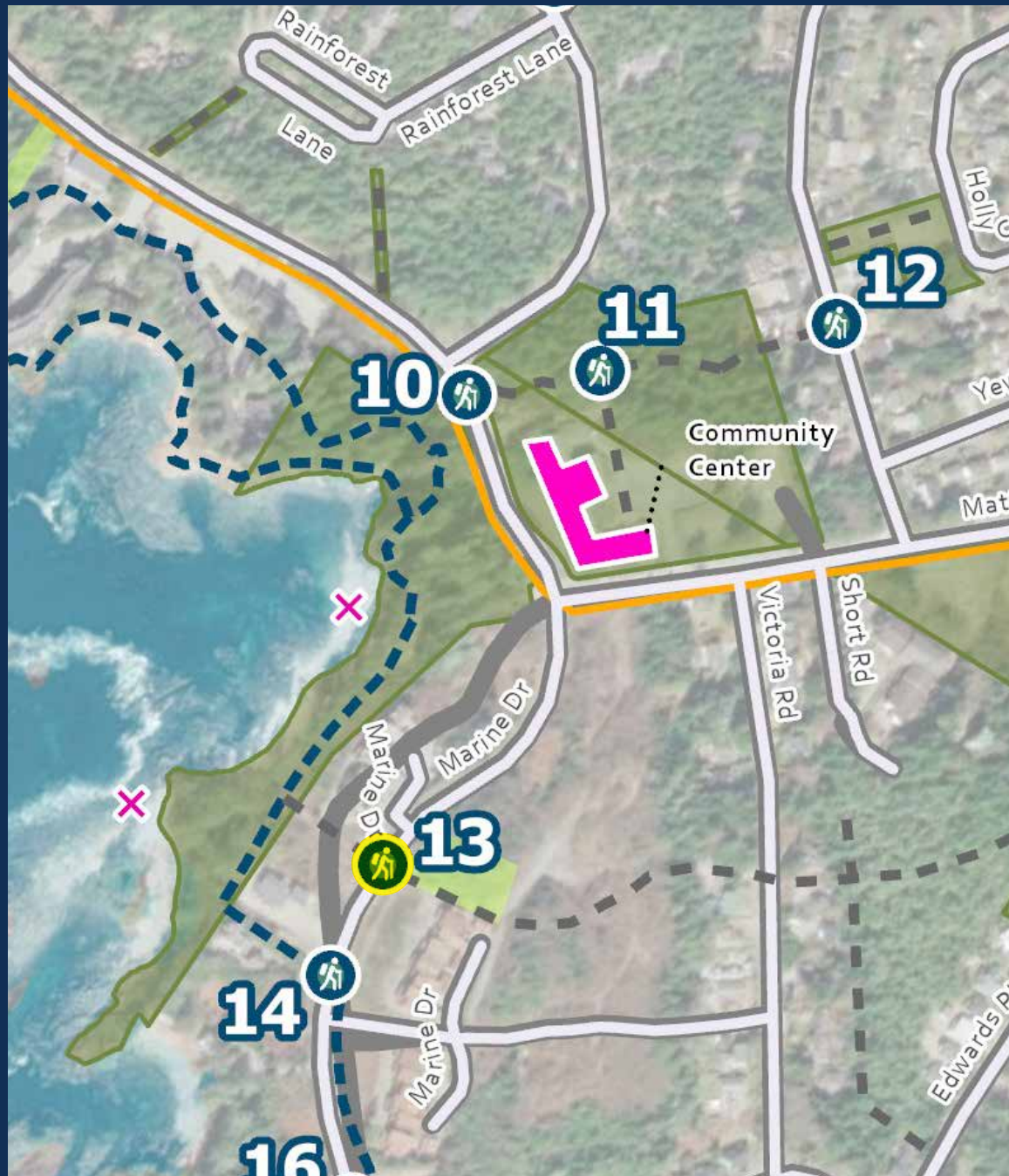
Bay Street

↑

Ucluelet Community Centre, Marine Drive

150 m, 250 m

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Location Details

- Trail connection to Big Beach and Wild Pacific Trail
- 1 post and sign plate needed

Location 13 - Ridge Development connection to Big Beach & Wild Pacific Trail



View of trail looking west across Marine Drive from east pedestrian walkway



View of trail looking west



View of existing east trail. Provide connection across boulevard

Marine Drive

↑ Wild Pacific Trail,
Big Beach

Access, 250 m

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Location 14 - Connection to Big Beach & Wild Pacific Trail



View from Marine Drive looking west toward Wild Pacific Trail Access



View from across Marine Drive looking west toward Wild Pacific Trail Access

Location Details

- Trail connection to Big Beach and Wild Pacific Trail
- 1 post and sign plate needed

Marine Drive

↑

Wild Pacific Trail,
Big Beach

Access, 450 m





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Location 15 - To Sunset Point Lookout



Start of boardwalk to look out point from within gated community



On route to the west toward lookout point



View from Sunset Point




Location Details

- Trail connection to boardwalk and lookout point from Sunset Point Road
- Pedestrian access is allowed within gated community to access Sunset Point
- 1 post and sign plate needed





Sunset Point Road

↑ Sunset Point Lookout

Access

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Location 16 - To Sunset Point Boardwalk



Start of boardwalk to look out point from within gated community

Marine Drive



Sunset Point Boardwalk (Public Access)

200 m

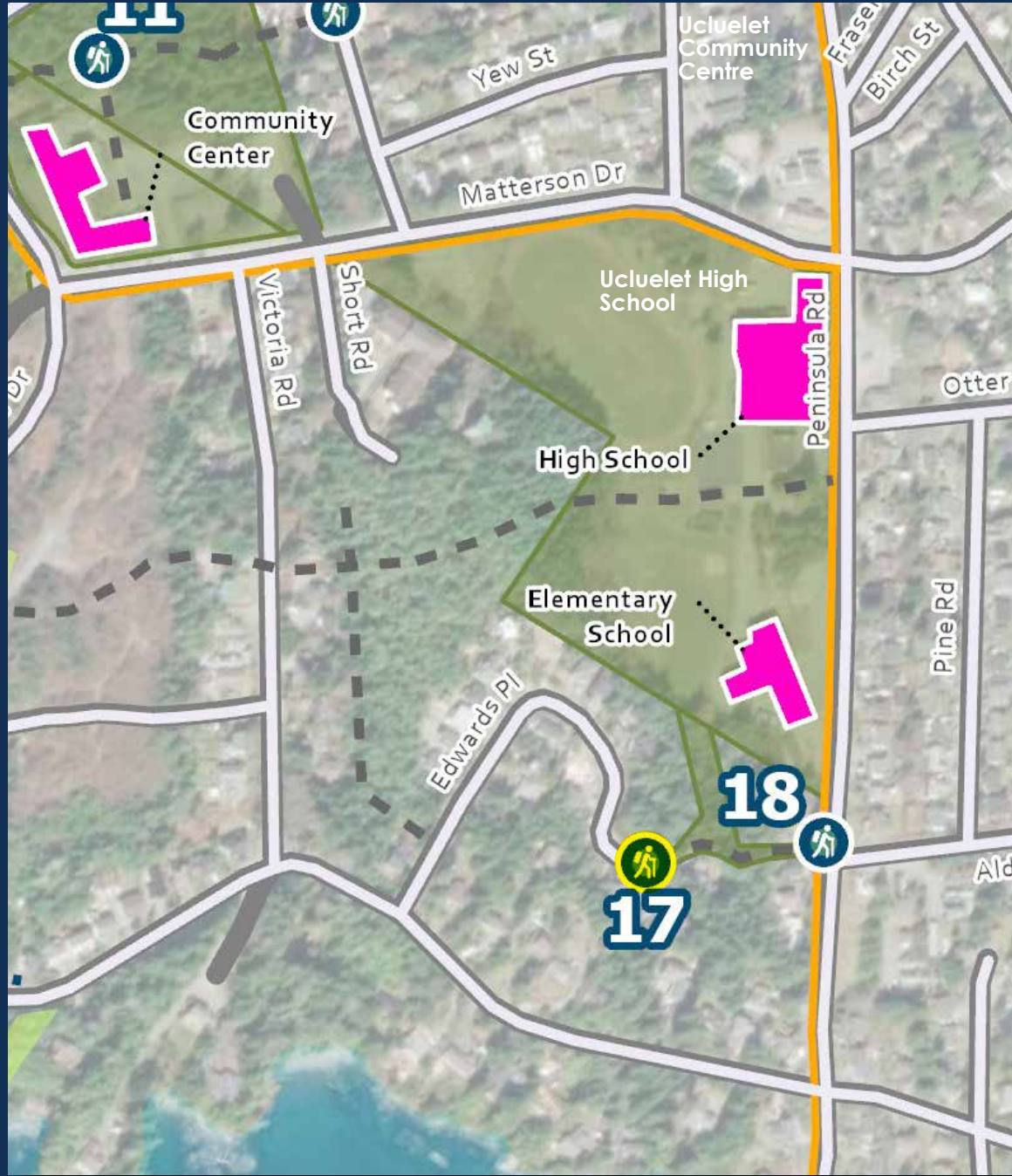


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Location Details

- Trail connection to boardwalk from Marine Drive
- Pedestrian access is allowed within gated community to access Sunset Point
- Custom signage needed to describe the public right-of-way condition and rules to access trail



Location 17 - To Peninsula Road



View from Edwards Place looking east toward Peninsula Road



View of trailhead looking west toward Edwards Place

Location Details

- Neighborhood trail connection from Edwards Place toward Peninsula Road
- Trail includes bollard lighting for length of trail
- 1 post and sign plate needed

Edwards Place

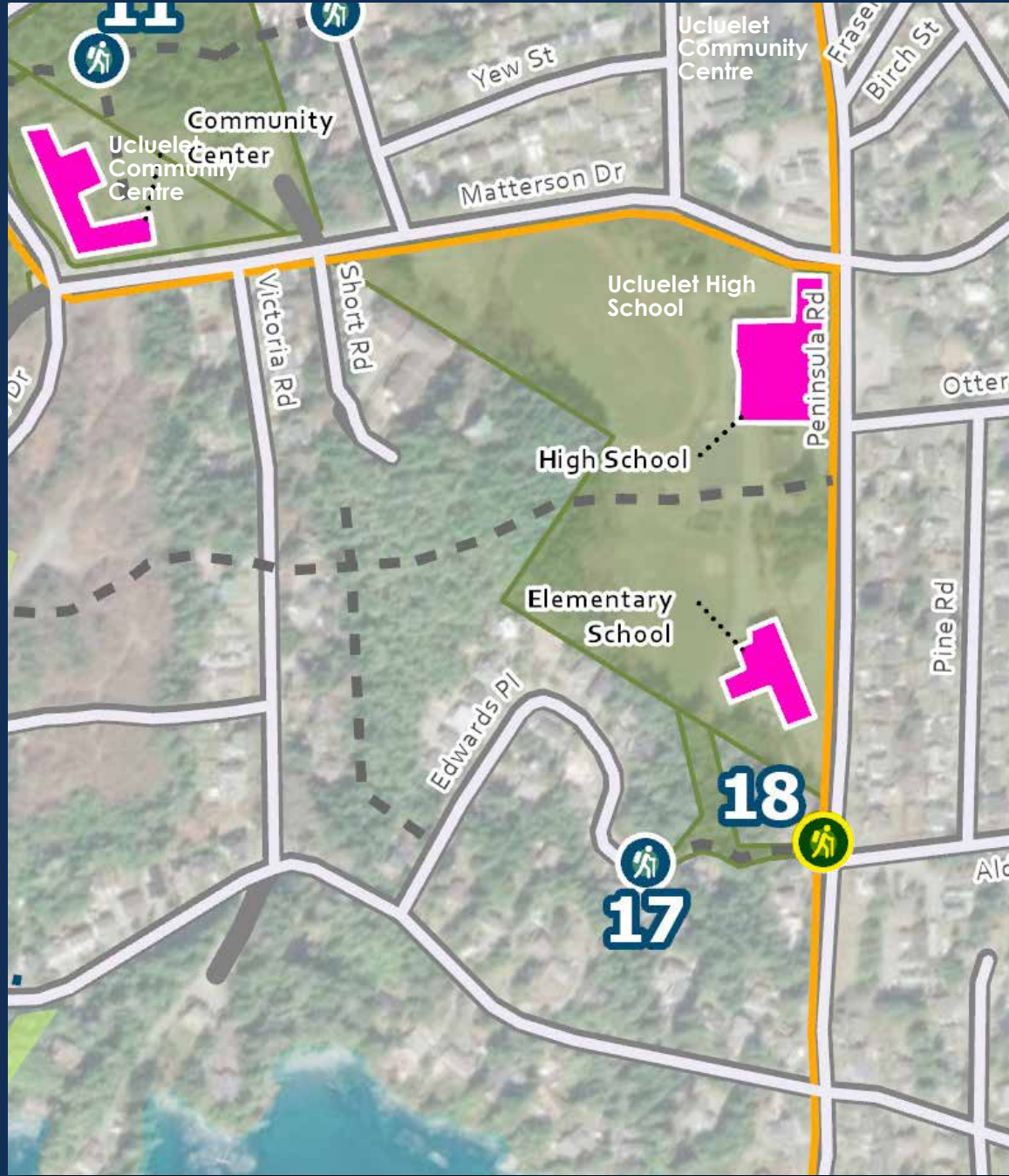
↑ Peninsula Road

100 m



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Location Details

- Neighborhood trail connection from Peninsula Road toward Edwards Place
- Trailhead and access will be a challenge due to driveways and grade changes. Signage will need to be provided at sidewalk on Peninsula Road

Location 18 - To Edwards Place



View looking east from across Peninsula road toward trail access



Trail access is public right-of-way between two residential property driveways



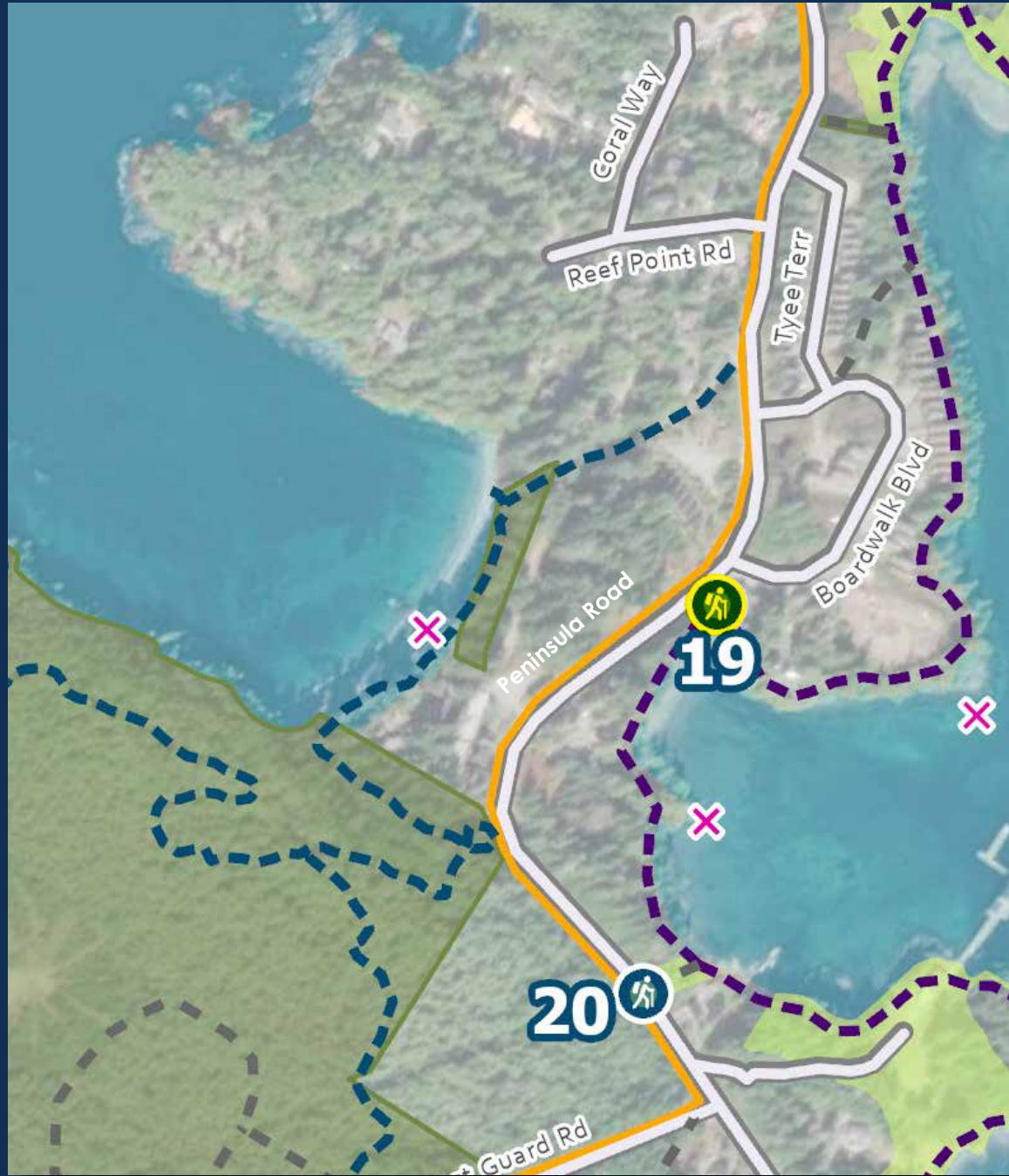
View looking east from driveways where trail starts

Peninsula Road

↑ Edward Place

100 m

?iisaak - Enjoy with Respect



Location 19 - North access to Spring Cove Trail



North trail access from Peninsula Road



Spring Cove interpretive look out points

Location Details

- North trail connection from Peninsula Road to access Spring Cove Trail
- 1 post and sign plate needed
- Number of lookout points with seating and interpretive/education components along the trail



Spring Cove interpretive and look out points

Peninsula Road

↑ Spring Cove Trail

Access

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RESPECT
WILDLIFE



Location Details

- South trail connection from Peninsula Road to access Spring Cove Trail
- Number of lookout points with seating and interpretative/education components along the trail

Location 20 - South access to Spring Cove Trail



Spring Cove interpretive and look out points



Spring Cove interpretive look out points

Peninsula Road

↑
Spring Cove Trail

Access

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0 150 300 600 Meters

- Municipal Boundary
- Trail Heads
- View Points
- Multi-Use Trails
- Connectors
- Wild Pacific Trail
- Safe Harbour Trail
- Sidewalks
- Roads
- Active Transport Generators
- Bike Lanes
- Existing Parks
- Future Parks