



REGULAR MEETING OF COUNCIL

George Fraser Community Room, Ucluelet Community Centre,
500 Matterson Drive, Ucluelet, and
Electronically via Zoom ([Ucluelet.ca/CouncilMeetings](https://ucluelet.ca/CouncilMeetings))
Tuesday, December 10, 2024 @ 4:00 PM

LATE ITEM(S) - Part II

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Michelle Belanger & Mike Foy
346 Reef Point Rd
Ucluelet, BC VOR 3A0



December 10, 2024

District of Ucluelet Planning Dept.
Mayor and Council, District of Ucluelet
Ucluelet, BC VOR 3A0
communityinput@ucluelet.ca

Dear Sir/Madam:

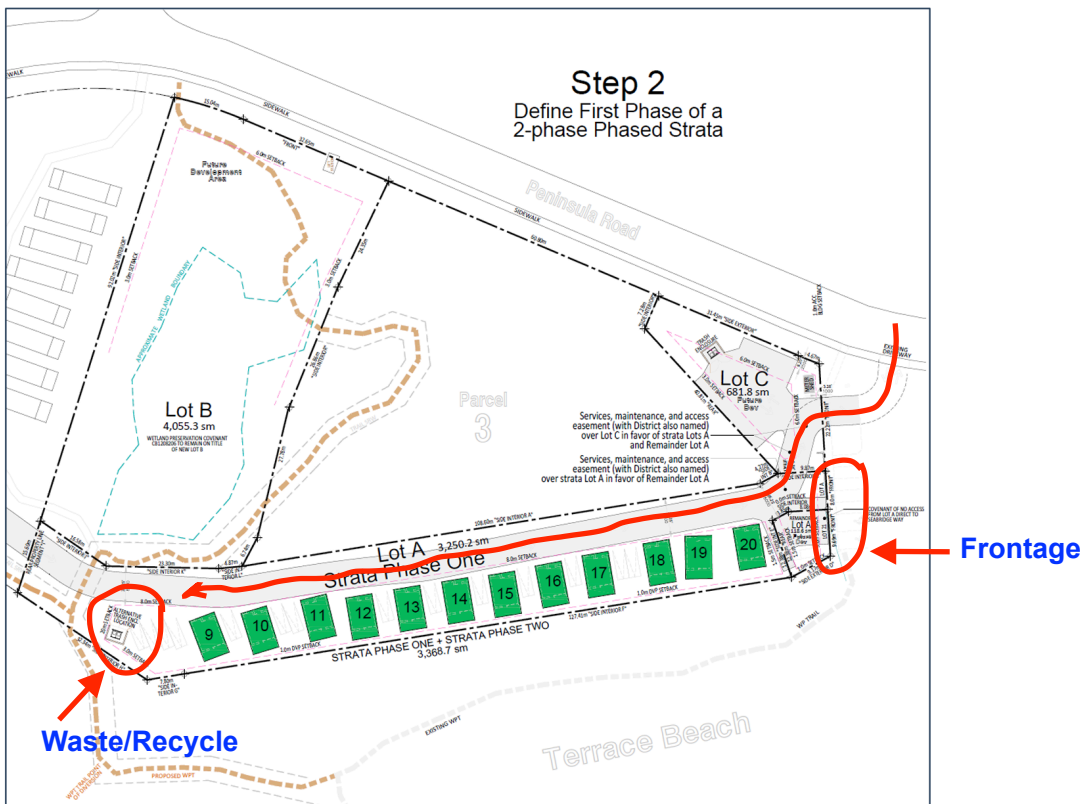
**Re: Public Hearing December 10, 2024
Amended District of Ucluelet Zoning Amendment Bylaw No. 1355, 2024.
Development Variance Permit 24-04**

As owners of Lot #33 (346 Reef Point Rd) in Reef Point Beach Estates (Reef Point Rd and Coral Way), we are writing to voice our opposition to the proposed bylaw changes and DVP listed above. We became aware of these proposals when the Notice of Public Hearing was left at our property on November 29.

The proposed subdivision and subsequent stratification of the newly created lot with the 12+1 newly constructed cabins ("Lot A") requires multiple zoning bylaw changes and the DVP listed above.

Frontage

The newly created Lot A will be a cigar-shaped lot with frontage well below the required 10%. Future Lot C is currently being used for site servicing and a waste/recycle enclosure for The Cabins operations and guest use. After subdivision, this will need to be relocated to the distal end of Lot A. In the original development proposal, traffic was to flow through the original The Cabins property, then uni-directionally along the narrow driveway fronting the new cabins, per Figure 12 below. Will there be an access easement on The Cabins North property (not involved in this subdivision plan) to allow for this? Otherwise, large commercial service trucks will need to back out or do a three point turn on an ecologically and architecturally sensitive area to service the site.



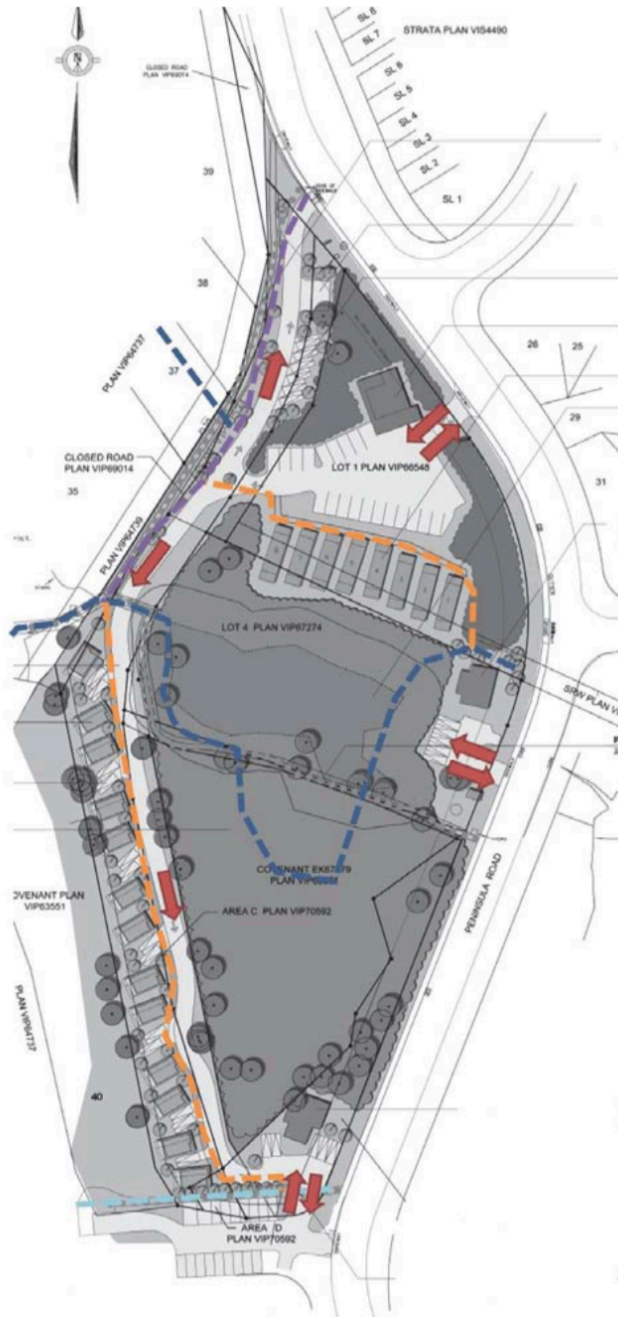


Figure 12 – The Cabins vehicle and pedestrian movement

Lot C

The minimum lot size in CS-5 is 1,000 sq m. No explanation is provided as to why it appropriate or desired for Lot C to be only 680 sq m. Will this allow sufficient space for a mixed use building, parking and servicing of the property?

Setbacks

In order to accommodate 13 three-storey cantilevered cabins on old Peninsula Road behind Terrace Beach, it was necessary for the District to shrink existing setbacks by up to 75%. This is an archeologically and ecologically sensitive area within a proposed Provincial Heritage Site Designation. When the original proposal was put forward in 2020-21, we strongly opposed the changes to the setbacks, and felt that a smaller number of cabins, respecting existing setbacks, would have been more suitable for the site.

These large cabins now dominate the landscape at Terrace Beach North. During high season, these 13 cabins now add up to 80 additional people residing adjacent to Terrace Beach. Unlike day-users, the larger groups occupying these cabins have led to an increase in beach parties and campfires after hours, even during campfire bans. In addition to the noise issues, Terrace Beach is already challenged by its lack of bathroom facilities and garbage collection, and by-law-enforcement is a perennial problem in Ucluelet, due to under-resourcing. As you are aware, complaints are not dealt with in real time, and the weekend perpetrators of the infractions are typically long gone when business hours at the District resume on Monday morning. In the past, we were advised to direct complaints to the management of The Cabins; now, there will be multiple individual owners with no one in charge.

The 13 new cabins were meant to be a small part of a larger resort and the original changes were approved to support "investment in expanding one of the community's well-known and highly regarded resort operations"¹. Now, it has become clear that the owners of the property were not seeking to expand their resort operation, but rather laying the groundwork for subdivision and stratification of their property for maximal profit.

The owners' application states that the cabins are already present and that the changes to the setbacks simply reflect the status quo, but it is unlikely that the original changes to setbacks would have been approved for 13 individually owned "resort condo cabins", rather than as a component of a larger development that was providing SROs to the District for access trails on their property. As today, 12 cabins have been constructed and have occupancy permits, but there are no pedestrian trails through the property and no public access trail to Terrace Beach. The existing private trail connecting the beach to The Lodge, which trespasses onto Lot #34, has still not been moved.

In our January 20, 2021 written submission for the original public hearing on this development, we had cautioned about development creep, in which an initial "public interest" project morphs over time into a vehicle for private profit, at the expense of the local community and environment.

Cui bono? We understand that the property owners stand to profit from the subdivision and subsequent stratification of their property, but how do these changes benefit the District and community as a whole?

It is expected that any Council members who have a conflict of interest by having been involved in the development and/or design of this property, or who may become future owners of a resort condo cabin(s) on Lot A will recuse from the discussion and vote on these changes.

Respectfully submitted,



Michelle Belanger & Mike Foy

¹ 2020-12-15 Staff Report to Council, page 201

Nancy Owen

From: Nancy Owen
Sent: December 10, 2024 9:41 AM
To: Nancy Owen
Subject: FW: Advance share of ERIF Response to Agenda Dec 10th 2024 - 221 Minato OCP and Zoning By Laws
Attachments: Executive Summary ERIF Correspondence for Meeting Dec 10 2024 (1).pdf; ERIF Correspondence for Meeting Dec 10 2024 - Attachment 2 (1).pdf

From: Joshua Hunt <joshua.h@erif.ca>
Sent: December-08-24 6:49 PM
To: Marilyn McEwen (Ucluelet Mayor) <mmcewen@ucluelet.ca>; Ian Kennington (Ucluelet Council) <ikennington@ucluelet.ca>; Shawn Anderson (Ucluelet Council) <sanderson@ucluelet.ca>; Mark Maftai (Ucluelet Council) <mmaftei@ucluelet.ca>; Jennifer Hoar (Ucluelet Council) <jhoar@ucluelet.ca>
Subject: Advance share of ERIF Response to Agenda Dec 10th 2024 - 221 Minato OCP and Zoning By Laws

[External]

Dear Marilyn and Council Members

221 Minato Rd is listed in the agenda for Council's meeting on December 10th. The Agenda provides two options to Council for our project

1. To request additional information on 5 matters OR
2. to proceed to first and second readings of the OCP Amendment and Zoning By Law Amendment.

The Planning Department has recommended that Council seek more reports and information on 5 matters, which will unnecessarily delay the first and second reading of the OCP Amendment and By Law Update. The request is not warranted and will result in potentially months of delays in much needed housing for the community.

Deeply conscious of the urgency of meeting the housing crisis in Ucluelet, our team has worked tirelessly through the weekend to prepare a fulsome response to each of the issues raised in the Agenda. We want to informally send this to the Councillors as soon as possible to ensure they can have time to review, given the enormous load of the agenda documentation supplied by Staff. Our aim is to provide all the information Council require to proceed with the OCP and Zoning By Law readings.

The documents will also be formally supplied to District Staff and Councillors prior to the meeting to ensure this can be publicly referenced and is on file with our submissions.

Please find attached:

1. Covering letter and 2 page Executive Summary
2. Detailed Response to all matters raised in the Agenda

In addition to seeking Council's support of the OCP and Zoning By Law updates, we have consolidated the previous Council feedback on Covenant Restrictions and provided:

- supporting information on how each Covenant Restriction has been satisfied by lodgement of plans and reports
- a request that Council to waiver the need for the developer to build parkland trials, expediting construction of attainable homes.
- A request for new Covenant Restriction to be signed by ERIF to indemnify Council for their development approval as confirmed at last Council meeting, as well as entering a Housing Agreement and allowing additional ecological setback in accordance with the Environmental Report recommendations.

When Council are satisfied with the information provided, we recommend proceeding with first and second reading then directing staff to prepare for public hearing. The public hearing, third OCP and Zoning By Law reading, and approval of the Development Permit could be finalised at the Council meeting on January 14th 2025.

We would love to kick start 2025 with a great news story for Ucluelet and the Province of our Council leading the way to address the housing crisis and provide a thriving future.

I trust this will provide all that is required but please let me know if anything additional can assist.

With thanks

Kind Regards,

Joshua Hunt | CEO

📞 [\(236\) 507 - 4309](tel:(236)507-4309) | ✉ joshua.h@erif.ca | 🌐 www.erif.ca



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PART 2: AGENDA ITEMS RAISED DEC 10, 2024 – ERIF Provision of Requested Information

PART 2.1 - ARCHEOLOGICAL SITES

DOU STAFF REQUESTED – Grading and Civil Works for Archaeological Sites

a) Staff requested: Detailed plans of proposed grading and civil works within the vicinity of known and potential archaeological and traditional use sites, showing measures to ensure complete avoidance of impact to the one registered archaeological site, the two areas of potential, and the one traditional use site identified in the November 2024 Preliminary Field Reconnaissance report.

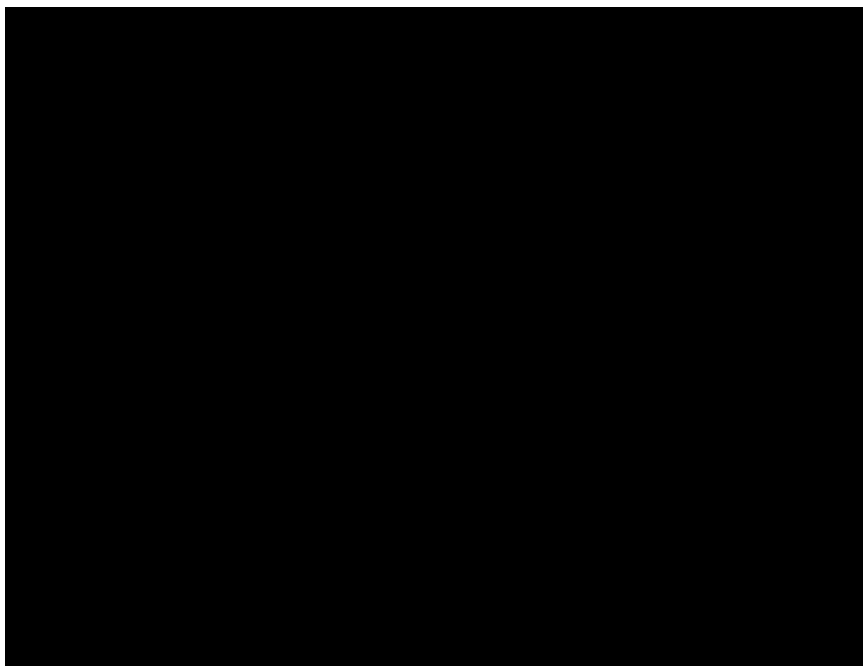
ERIF Response: This query from staff was addressed by ERIF in our response dated **November 22, 2024**, which included a map overlaying the Archaeologist-mapped sites with the lodged Masterplan. The image clearly identifies the cultural and archaeological features relative to the development site, with the protected sites falling within Parkland Dedication.

Specifically:

- The pre-1846 Culturally Modified Tree (CMT) located in the northern area (marked with a black triangle) and the ‘areas of potential’ in the western portion (marked with yellow ovals) are fully within the waterfront area already dedicated back to the district as parkland.
- The seven contemporary culturally modified cedars nearest to Peninsula Road, while not protected under the Heritage Conservation Act, will be preserved wherever possible.

ERIF continues to work collaboratively with the Yuułuᑦiᑦᑭᑦᑭᑦᑭᑦ Government and their representing Archaeologist to ensure these requirements are fully addressed.

Image 1: Overlay of Masterplan with identified cultural sites shown in setback areas.



DOU Staff has further requested reports on grading, utilities and rainwater management, and their potential impact on cultural sites (Agenda Page 132).

ERIF Response:

- ERIF has already confirmed that the protected sites to the north and west of the property are entirely contained within District-owned parkland, where no grading, utilities, or rainwater management work will occur.
- Preliminary grading, utilities, and rainwater management plans are not required in the DOU's Development Permit Checklist but have been supplied by ERIF on September 20, 2024.
- ERIF's Build Permit submission will further detail grading, utilities and rainwater management. **This will** include any proximity considerations to the traditional use site in the south, which is not protected under the Heritage Conservation Act, but ERIF is committed to preserving it wherever feasible.

Covenant Restriction Met (221 Minato Road, Clause 2(b)(i))

The Covenant Restriction explicitly states the requirement:

"An archaeological assessment of the site and the proposed development with recommendations for any mitigation measures, design changes, and/or permitting requirements to protect archaeological and cultural resources."

This requirement has been satisfied with the Archaeological Report prepared by Yuułu?if?ath Government - Ucluelet First Nation (UFN) Department of Culture, Language & Heritage, included in pages 251–261 of the Agenda and linked here:

https://drive.google.com/drive/folders/1JKBJOzjt_VI0KuGP-ZzjNz4IHHLQNw4N?usp=sharing

ERIF has fully met the requirements outlined in the Covenant Restrictions by supplying the necessary archaeological assessment and related recommendations to mitigate any impact on cultural sites. As the protected sites are entirely within District parkland and do not intersect with the development zone, further delays on this matter are unwarranted.

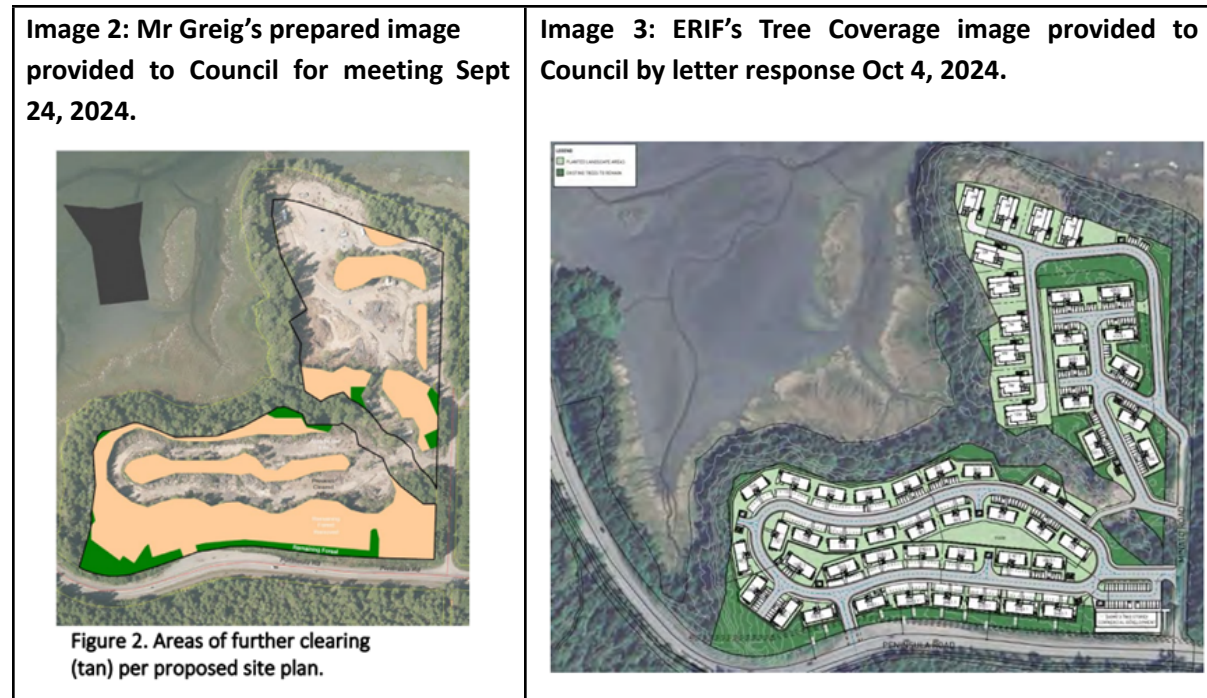
Recommendation: That the Covenant Restriction requiring preparation of an Archaeological Report is satisfied for Development Permit approval. Grading and civil works will be lodged with the Build Permit application as required, noting proximity to cultural sites.

PART 2.2 - TREE PRESERVATION

Tree retention was extensively discussed by Council on Sept 24, 2024 with the Council confirming the need for housing to be balanced against tree preservation (refer to notes in Agenda p305). Mr Greig again raises this matter in the current agenda, representing the project on p132 as *"Clear most of the remaining trees on the site; and Remove the 30m treed buffer adjacent to Peninsula Road"*.

This overstates clearing required, as did the report and image prepared by DoU staff for Council on Sept 24, 2024' (see Agenda page 147). As you can see below, ERIF's image supplied Oct 4 shows substantially

larger tree retention in dark green and light green landscaped areas. ERIF argues the image prepared by Mr Greig misrepresents the lodged plan to Council and community.



Unfortunately, Mr Greig’s prepared image was relied upon by Yuułu?if?ath Government who wrote on October 4th stating “we recommend the remaining vegetation and setbacks remain intact”, including the image prepared by Mr Greig in their letter.

However, on clarification by ERIF, the Archaeology report was updated with page 2 now stating:

“Construction of this proposed residential development would require significant alterations to the land consisting of extensive ground alterations and it was communicated to UFN that further tree felling requirements will be kept to a minimum to remove danger trees and to facilitate the site plan, which was not provided at the time of this assessment but has been provided since this survey.”.

The current agenda again presents the project as “Clear most of the remaining trees on the site; and Remove the 30m treed buffer adjacent to Peninsula Road” (Agenda p132). It does not acknowledge the clarification provided by ERIF on Oct 4, 2024 (p305 of the Agenda) supplying the accurate tree retention image, and that the proposed change is not to ‘remove the 30m treed buffer’ but to reduce this to **10m** from the boundary line, which is approximately a **20m setback from Peninsula Road**.

ERIF has heard the Councillor’s position that the community’s urgent need for housing must be considered, finding a balance to deliver this while preserving the trees we can. ERIF’s approach going forward is supported by an expert team of Environmental Biologists and Arborists who have already supplied reports and recommendations to be carefully followed in the development. This should not further delay the first and second readings for this OCP and ByLaw.

PART 2.3 - ENVIRONMENTAL REPORT
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DOU STAFF REQUESTED: Further Environmental Report

b) Staff requested: A report including the outstanding portions of a biophysical assessment for the existing property and adjacent park lands in their current state by a Qualified Environmental Professional including the delineation of all wetlands in accordance with the Ministry of Environment standards for wetland delineation under the Water Sustainability Act and providing recommendations for how the proposed development:

- i. can avoid and/or mitigate impacts to terrestrial, riparian and marine ecosystems on the site and adjacent park land – including setbacks appropriate to protect the critical root zones of trees within the park land adjacent to C’iifuk^wis (Olsen Bay); and,*
- ii. can enhance the existing ecological function of the site per the requirements of the environmental Development Permit guidelines and covenant on title.*

ERIF is deeply concerned that Mr Greig arbitrarily dismisses the 55 page Environmental Impact Assessment prepared by Qualified Environmental Professionals (QEP), Aquaparian in October 2024 (supplied in pages 321-376 of the Agenda). This report was prepared after extensive site visits over multiple weeks and ERIF are surprised by the expert assessment and detailed recommendations of the QEP being called into question. Mr Greig instead references an outdated 2017 report and a preliminary plan for a development application that was never finalised nor submitted by another applicant (p132 Agenda) before requesting that Council seek yet another Environmental report.

Covenant Restriction Requirements Satisfied: The Covenant Restriction is clear for 221 Minato in 2(b)(ii): *“an assessment by a Qualified Environmental Professional (QEP) of the ecological resources of the Lands and surrounding ecosystem, with recommendations for how the proposed development can avoid and/or mitigate impacts on terrestrial and marine ecosystems or enhance the existing ecological function of the site”.*

ERIF seeks Council’s confirmation that the 55-page Environmental Impact Assessment provided by the QEP Aquaparian in October 2024 meets the requirements of the Covenant Restriction.

See the complete report in Agenda p321-376 and linked here:

https://drive.google.com/file/d/1XSMgMbB_OV6OqmJwCVlqxd0xHO-U9sII/view?usp=sharing

Specifically, the Covenant Restriction requires *“an assessment by a Qualified Environmental Professional (QEP) of the ecological resources of the Lands and surrounding ecosystem”*, which the report provides in:

- Pages 1-27 pages carefully document the current site including the ecological resources of the land and surrounding ecosystem as required (p321-349 of the Agenda).
- The report also provides an additional 25 pages of mapping and images of the site detailing the ecology and (p352-376 of the Agenda).

The Covenant Restriction then requires “*recommendations for how the proposed development can avoid and/or mitigate impacts on terrestrial and marine ecosystems or enhance the existing ecological function of the site*” which this report provides in:

- Pages 31-36 present thirty-three recommendations for how the proposed development can avoid or mitigate impacts on the terrestrial and marine ecosystem as the covenant restriction directs (p351-356 of the Agenda).
- The report pages 29-31 further document a riparian regeneration plan for planting to enhance the existing ecological function of the site, including details of tree types being planted and suitable sources for native plants and seeds to regenerate the land (p349-351 of the Agenda).

Exceeding the requirements of the Covenant Restriction and Development Permit Checklist, ERIF has also provided a map of tree coverage relative to the site masterplan, an Arborist Report mapping Sitka Spruce and danger trees and an initial Landscaping Plan (not required until Build Permit stage under the DOU Checklist).

Mapping of Environmental Features: Mr Greig claims that the QEP’s Environmental report is not sufficient and that “*this report does not map the existing environmental features on the site or analyse the impacts that the proposed development would have on the ecological features of the site and the adjacent parkland*” (Agenda p132) and further claims a “*biophysical assessment is what the Ucluelet OCP (and covenant on title) calls for*” and recommends yet another report be prepared, in addition to the 55 page report ERIF has supplied.

Mr Greig questions the Qualified Environmental Professional’s assessment claiming that “the report does not map the existing environmental features on the site”. However, this claim misrepresents that the existing **environmental features have already been carefully surveyed, mapped, and dedicated back to the District as parkland (approximately 15% of site)**. In addition, Mr Greig does not acknowledge the multiple site visits, and very carefully **considered setbacks stipulated in the 33 recommendations** for each of the ecological assets, in addition to the parkland dedication setbacks from the Creeks and Waterfront. There are 33 recommendations in the report detailing this including:

- “*That the 30m Park Dedication areas given to the DOU along the foreshore and dedicated along the Middle Stream be extended by an additional setback under covenant restriction of one metre in order to protect the stability of the banks*” (p34 of the report, on p354 of the Agenda).
- “*That the development provides a minimum 10m setback from the top of the bank for the Western Stream, targeting 15m wherever possible, with consultation with Aquaparian on retaining wall design if required in this area to enhance the protection of the Western Stream*”.

Mr Greig’s report appears to question the expert assessment of the Qualified Environmental Professional who prepared the 55-page report. To be clear, the QEP who prepared the report is the expert in the Provincial Standards that Mr Greig describes and is professionally bound to follow these standards in preparing this report and the 33 recommendations presented. ERIF has carefully considered these setbacks, including retaining wall design with the respective civil, structural, coastal and geotechnical

engineers and have updated the Masterplan to reflect this. The final Masterplan and By Laws are in the Appendix to this document reflecting the setbacks requested by the QEP. .

Recommendation: That Council confirms that the Covenant Restriction requiring preparation of an Environmental Report has been met, and that the further 1m setback recommended in that report be included as a new Covenant Restriction. Landscaping Plans and Retaining wall plans will be lodged with the Build Permit application as required.

PART 2.4 - GRADING AND RAINWATER MANAGEMENT PLANS

DOU STAFF REQUESTED – Grading and Rainwater Management Plans

c) Staff requested: Detailed grading and rainwater management plans for the proposed development of the site which integrate the preliminary engineered plans for civil works, the recommendations of the Qualified Environmental Professional, and the landscape plans for the proposed development.

While grading and rainwater plans are not required by the DOU’s published Checklist until Build Permit stage. However, exceeding the requirements and in line with the Covenant Restrictions, ERIF has already supplied:

- Initial Grading Plan by Herold Engineering with the Development Permit on Sept 20th, 2024 (p445-451 of the Agenda).
- Masterplan and Civil Engineering Plans show preliminary rainwater management plans.
- A draft landscaping plan by MacDonald Gray supplied on Agenda p550-560.

In addition, the Environmental Impact Assessment makes clear that collaboration on the design for the rainwater management plan has already been underway between the Civil Engineers (Herold) and the Environmental Biologist (Aquaparian) as the environmental Impact Assessment report recommendations p24 include directions that “the stormwater design for the Middle Creek is to include the top of benched embankment area” (p24 of the Environmental Report, on page 354 of the Agenda).

While the requirements for documentation for Development Permit has been met and exceeded by ERIF, we will provide further documentation for the Build Permit stage that integrates the Civil works, QEP recommendations and landscape plans. ERIF notes the DOU’s request for this to include runoff volume calculations in the landscape design and in collaboration with the QEP where required.

Recommendation: That ERIF provide updated grading and rainwater management plans for the proposed development of the site which integrate the civil works, the recommendations of the Qualified Environmental Professional, and the landscape plans for the proposed development in the Build Permit submission.

PART 2.5 - DEVELOPMENT PROFORMA
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DOU STAFF REQUESTED – Public distribution of commercial-in-confidence Development Proforma

Staff Requested: A copy of the development proforma that was previously presented to members of Council, for public distribution ahead of a public hearing.

ERIF has been transparent in all dealings with Council and DOU Staff, sharing our commercial-in-confidence development proforma costings and feasibility for the project. Mr Greig has requested that this commercial-in-confidence data be publicly distributed. As you know, costings for a project evolve with the process of documentation and approval. For example, since the original open home the retaining wall height has increased in response to the Staff request for an additional Flood Study fundamentally changing the cost base. Similarly, the DOU Staff have not finalized costings for infrastructure upgrade plans, with a document issued last week indicating a \$1,000,000 variance against previous costs. Therefore, it is unsuitable to publish a point-in-time proforma.

Nonetheless, ERIF values transparency with the Ucluelet community and always seeks to exceed expectations. We will meet this unprecedented request by holding an unrecorded live meeting during the notification period and prior to the public hearing so interested community members can view the proforma and raise questions.

PART 2.6 - NOT FOR PROFIT HOUSING ASSOCIATION DETAILS
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DOU STAFF REQUESTED – Not for Profit Housing Association Details

d) Staff requested: Details of the ERIF Housing Association, its directors and constitution under the Societies Act, to inform the preparation of a draft Housing Agreement bylaw

Overview of ERIF Housing Association

- Incorporated under Societies Act on August 28, 2024. Number: S0080987;
- Incorporated Board - ERIF Housing Association Board will be expanded in due course (commercial in confidence);
- Certified ERIF Housing Association Bylaws.

Objective and Purpose

ERIF Housing Association is a registered not-for-profit organization committed to addressing the critical need for accessible and sustainable housing across British Columbia. Housing is the cornerstone of thriving communities and meaningful lives, and we balance sustainability, affordability, and inclusivity, we strive to foster vibrant, resilient neighbourhoods.

While the Serenity Landing development at 221 Minato Road is a flagship project, it is only the beginning. ERIF Housing Association will manage numerous future projects throughout Canada, all with the same dedication to quality, accessibility, and community well-being.

Key Benefits

- Fair and Accessible Pricing: Homes and rentals priced to ensure affordability while maintaining exceptional quality.
- Prioritizing Locals: Housing opportunities tailored to the needs of residents and workers within the community.
- Supporting Local Economies: Employee housing helps local businesses retain talent and strengthens the local economy.
- Community-Centered Management: Developments are designed and managed to reflect the unique values and priorities of each community.

Overview of the Serenity Landing Housing Committee

Purpose: The Serenity Landing Housing Committee is a key initiative established to ensure the successful implementation of the Attainable Homeownership Initiative at 221 Minato Road, Ucluelet.

This committee will guide the process of allocating 75 attainable homeownership apartments, offered at below comparable market prices and the market rental apartments, should they be oversubscribed. Its primary purpose is to oversee the eligibility assessment and ensure a clear, transparent, and community-focused approach to the selection process.

Committee Composition

With the support of the Ucluelet Chamber of Commerce, the Mayor, and Council, we have carefully identified a group that includes local business owners, representatives from community support organizations, and members of the Toquaht Nation and Ucluelet First Nation.

This collaborative representation ensures the committee reflects the unique needs, values, and priorities of our community. We are now in the process of inviting members from this selected group to join the housing committee and contribute to this meaningful initiative.

Roles and Responsibilities

Committee members will:

- Review applications to ensure applicants meet the eligibility criteria for the attainable homeownership program.
- Provide input and guidance to create a clear and transparent process for applicant selection.
- Serve as ambassadors for the community, ensuring the program reflects local values and priorities.
- Collaborate to address housing needs for families, workers, and businesses, fostering economic growth and stability in Ucluelet.

PART 2.7 - ATTAINABLE HOMES AND HOUSING AGREEMENT

ERIF again raises that we are deeply concerned that the report presented to Council contains inferences or representations that are factually incorrect. ERIF fully recognizes the Municipality's critical objective to address inequities in Ucluelet's housing supply, ensuring that new developments prioritize attainable and affordable housing for residents rather than contributing to the vacation rental pool.

As solution providers, ERIF has consistently prioritized **maximizing the delivery of affordable and attainable housing** units throughout all discussions with Council and Staff. Our position has been unequivocal: to achieve this goal, costs and covenant restrictions must be carefully managed to maintain commercial viability. ERIF has been transparent from the outset, clearly outlining that certain designated portions of the project—specifically the 11 waterfront homes and the approval for Vacation Rental/STR—are integral to covering a substantial percentage of the project’s costs, enabling the provision of affordable housing elsewhere within the development.

ERIF has already provided a comprehensive response addressing the criteria for attainable and affordable housing as defined in the current OCP. This response, included in Appendix C9 ("ERIF Response to September 24, 2024, Council Discussion," dated October 4, 2024), but we draw Council’s attention again to these OCP definitions and the complexities of being able to meet them in Ucluelet.

Council has adopted a policy to clarify what is meant by attainable: *“attainable” housing is considered housing that is affordable to Ucluelet households earning 120% or less than the median gross household income, as determined by the latest census, spending no more than 30% of their household income on housing costs”.*

ERIF’s Response: This is what rental and sale prices look like based on the DoU definition of **“attainable”**:

<p>2021 Census Median household income in Ucluelet: \$83,000. DoU Attainable Housing Criteria a) Adjusted income: up to 120% of median income = \$99,600 b) Housing cost cap: 30% of adjusted income = Max rental: \$29,880/year or \$2,483/month</p>	
<p>2024 Market Rent (Monthly) · 2-Bed: \$2,200–\$2,500 · 3-Bed: \$2,400–\$2,900</p>	<p>Mortgage Attainability · Annual housing budget (\$29,880) supports a loan of up to \$550,000. · With a 90% loan, the maximum purchase price is \$611,000.</p>
<p>Developer Perspective · Land cost: \$600,000 · Build cost: \$425/sq ft · Maximum unit size: 731 sq ft (for two apartments)</p>	<p>Conclusion: This results in a cramped 2-bedroom or a spacious 1-bedroom, neither of which meets the needs of long-term local residents in Ucluelet.</p>

This is what rental and sale prices look like based on the DoU definition of **“affordable”:**

The OCP bylaw defines “affordable housing” as: “housing costing 30% or less of annual household income suitable for households of low and moderate income, equal to 80% or less than the median household income in the District of Ucluelet, as reported by Statistics Canada and as defined by Canada Mortgage Housing Corporation, CMHC”.

2021 Census: Median gross household income in Ucluelet: \$83,000	
<u>DoU Affordable Housing Criteria</u>	
<ul style="list-style-type: none"> · Adjusted income: 80% of median = \$66,400 · Max housing cost: 30% of adjusted income = \$19,920/year or \$1,660/month 	
CMHC Guidelines (as provided to ERIF): <ul style="list-style-type: none"> · Proposed Median Rents: <ul style="list-style-type: none"> o 1-Bed: \$900 o 2-Bed: \$1,170 o 3-Bed: \$1,450 	Required Affordable Rents (30% of income for eligible tenants): <ul style="list-style-type: none"> o 1-Bed: \$743 o 2-Bed: \$972 o 3-Bed: \$1,200
Conclusion: These CMHC affordable rents are significantly lower than current market rates in Ucluelet and even fall below the DoU definition of affordability.	

CMHC, as the principal funder, will govern rental rates and eligibility criteria for 30% of the site designated for affordable housing for decades under grant terms. Given this, additional restrictions or covenants from the DoU on the land are unnecessary and would complicate project execution.

Representation of the Project: Mr Greig’s summarised understanding of the project in his report for Council has a **number of factual corrections to be noted**. We have provided the following comparative table for reference as well as bring these to your attention here:

1. Number of Housing Units: DOU Staff noted on p130 of the Agenda – ‘*The Proposal: The ERIF team has presented plans for a development on the 221 Minato Road site including 262 units: 211 residential apartments, 11 residential / vacation rental houses (+ secondary suites), 29 vacation rental apartments and a 1,200m2 commercial building.*’

ERIF CORRECTION: 240 Apartments and 11 residential homes = 251 keys

Apartment configuration:

- 75 attainable home ownership apartments,
- 107 rental apartments of which 30% will be affordable as per CMHC program
- 58 rental apartments (half of which have an STR option)
- 11 residential homes (STR option)

The residency mix has been discussed with both Council and Staff with “open book” on the costs to provide an understanding of how ERIF plans to be able to provide quality affordable housing and why the need for STR and vacation rental approvals on parts of the project is essential to providing commercial viability of the entire site.

2. Stage One construction and % attainable: DOU Staff noted on p131 of the Agenda *'The first phase of the development would include the 11 market waterfront homes with vacation rentals, the commercial building on the corner of Minato Road and Peninsula Road, and 29 apartment condos to be sold "at cost" (with the price to be determined)'*. This appears to understate the number of attainable homes in stage one and overall by inflating waterfront suite counts.

ERIF CORRECTION: The first phase will be Lot 1 - Stage 1: 29 Attainable homeownership apartments and the construction of 11 waterfront residential homes.

Stage 1 has been driven by moving as quickly as we can to get additional housing built for the community. ERIF elected to start with the Lot 1 so that additional delays were not encountered whilst waiting for the final funding approvals from CMHC for the affordable rentals. As these will be privately sold at an attainable price, we require pre-sales to meet construction finance. To achieve pre-sales we need demonstrated support of Council by approval of the Build Permit and expedited early works on site giving local purchasers confidence in the development proceeding.

Should Council desire, ERIF could "adjust" the numbers to provide only 1- and 2-bedroom configurations (no 3 bedrooms) therefore, everything being built is in the attainable pricing category including the apartments proposed on Lot 5 (market rentals). This would achieve a percentage of attainable housing of 84%.

3. Timing not 'if' for future phases of construction: DOU Staff noted on p131 of the Agenda *"ERIF states that future phases (including the 107 market and affordable rental units) would depend on obtaining preferential financing from CMHC and/or BC Housing, and on full absorption of units in the preceding phase. Those attainable and affordable rental units, plus secondary suites in the waterfront homes (likely long-term rentals) represent 45% of the total proposed dwellings."*

ERIF CORRECTION: This statement is incorrect. The inference made by Staff in this statement suggests that ERIF is not prioritizing affordable housing. This is false. As mentioned previously, Lot 2 Stages 1 & 2 will commence as soon as CMHC funding is available. For absolute clarity, in our lodgments ERIF stated that the "timing" of stages was based on the trigger point of receiving funding approval by CMHC. ERIF has had several positive meetings with CMHC and are confident that funding will be provided but like any Government body, timing of such approvals and delivery of funds can take time. Time that Ucluelet doesn't have to spare with the current housing needs. Unlike Mr Greig's report, ERIF has never proposed that these stages are an "IF" we receive funding but "WHEN".

We also remind Council that ERIF does NOT control what the affordable apartments rent for, that is entirely defined by the CMHC funding guidelines and therefore the number of apartments in this category actuality is outside our control (like any builder utilizing this funding, as witnessed by the First Light project here in town). ERIF have pledged that the minimum we will commit is 30% based on that funding but we also are hopeful and are working to stack BC Housing funding to increase and provide more than 30% affordable rentals. In addition, by the 'attainable' definition ERIF upholds more than 80% of the proposed dwellings as attainable with net (after mortgage-helper) rent/ mortgage below \$2483/month.

ERIF wishes to clarify that, Lot 2 (affordable rental housing) has no dependency on Lot 1 (attainable housing) being fully sold. These parts of the project are not linked. However, the commencement of Stage 2 of Lot 1 will be determined by sales in Stage 1 Lot 1. Commercial viability dictates that if supply has exceeded the demand for below market sales, additional construction will move in line with this demand as ERIF does not intend to build apartments and have them unnecessarily vacant.

We are also concerned that the tone of this statement by Staff may infer or represent that ERIF are only going to build Stage 1 &2 and not the further stages which is totally false. Through the discussions with Council and Staff ERIF have been transparent that the project only becomes viable with the various residential and commercial mix options in play.

4. Housing Agreement: ERIF confirms our intention to enter Housing Agreements for Lots 1 and 2 and will work with the DOU to prepare these documents prior to the third reading meeting proposed for January 14th, 2025. ERIF considers the OCP target of 75% attainable homes in developments as a key contributor to the high failure rate of applications, approvals and feasible construction in Ucluelet, to the detriment of the community and housing shortfall. This definition of ‘attainable’ has not been updated since 2021 and does not reflect the global impacts of rising cost of living and inflation, and the OCP expectations have not been updated to reflect these market conditions. Given the consistent failure of project feasibility across the District, going forward the ‘attainable’ definition must be pegged against CPI increases to mirror market reality and ERIF expects reasonableness in the application of this policy.

Nevertheless, ERIF has considered the OCP definition of attainable housing and can offer the following:

- ERIF has considered the Attainable definition and considers attainable rent to be less than \$2,483 per month.
- All 1 and 2 bedroom units in Lots 1 and 2 meet this definition of attainable housing.
- While the 3 bedroom units in Lots 1 and 2 total rental/ mortgage repayments may exceed the threshold for ‘attainable’, they have been cleverly designed with a lettable studio to offset the principal dwelling rent/ mortgage which brings the net household mortgage/ rent expense down to meet the attainable definition.
- In addition, for Lot 5, ERIF will offer up to 50% of the dwellings as attainable priced rentals creating an additional 29 dwellings available to Ucluelet residents. These will be subsidised by the vacation rentals for the balance of Lot 5 dwellings.
- Therefore, ERIF offers a maximum of 75 homes in Lot 1, 107 homes in Lot 2 and 29 homes in Lot 5 for a potential **211 homes that meet the ‘attainable’ definition**, or are offset with studio income so net rent/ mortgage repayments are at an attainable level.
- This is **more than 80% of all residential dwellings on site meeting the attainable definition**.
- This offering will be subject to being able to build every home as per the Masterplan and appropriate concessions on infrastructure and contributions to ensure construction costs enable attainable rent and sale pricing.

ERIF urge Staff and Council to recognize that achieving affordable and attainable housing requires a collaborative effort from all stakeholders including modifications and changes to the OCP and By-Laws for this parcel of land. Together we can work together towards our end goal; the provision of additional affordable and attainable housing for the residents of Ucluelet.

PART 2.8 - OTHER MATTERS - Site Servicing, Emergency Services

SITE SERVICING

DOU Staff noted on p136 of the Agenda that the Site Servicing report was received on Sept 20, 2024 but that *“review and comment by the District’s Engineering consultants is underway, with results expected by the beginning of the new year”*.

This should not delay the first and second reading, as the District has a clear infrastructure upgrade program released in November 2024 which will allow for servicing capacity for the proposed development. However, in the event of any delay to this upgrade rollout, ERIF has proposed a temporary on-site wastewater storage solution by Creus Engineering.

EMERGENCY SERVICES

DOU Staff noted on p136 of the Agenda that they *“have not had opportunity to provide full comment on the suitability of the proposed development for Fire and Emergency Services”*. ERIF has met with the Fire Chief, Rick Geddes, Emergency Response and Fire Department, Ucluelet. He reviewed the plans in detail to ensure compliance with the Fire Policy and emergency protocols and offered improvements reflected in the final Masterplan. These included reducing the length of the western road in Lot 3 and the southernmost home was relocated to the north of the lot to allow for pedestrian emergency egress and emergency vehicle turnaround, adding an eleventh home.

ERIF has prepared an Emergency Management Plan which has been reviewed by both Rick Geddes, and the Flood Engineer KWL who issued the Flood Assurance Statement confirming suitability of the proposed development for the site with the structural mitigations outlined.

PART 2.9 - AGREEMENTS - Phased Development Agreement

The Agenda p137 states that *“staff consider that a phased development agreement (PDA) is not the best tool for this development”* and *“a phased development agreement (which would need to contain all the details and timing commitments for each phase before a public hearing is held on the PDA By Law”*. Phased Development Agreements are provided for under the BC Local Government Act Part 14 Division 12. They are a common way for both the municipality and developer to have confirmation of the By Law approval remaining in place, and costs related to each construction stage being met as required, while developing each stage for up to 10 years. The proforma provided by ERIF at Agenda p673 has been used by neighbouring municipalities including Nanaimo. ERIF recommends that the terms of the Phased Development Agreement be agreed at the prior to the next Council meeting. ERIF has supplied a Draft Phased Development Agreement to DoU on September 20th, 2024 updated Nov 3rd here: <https://docs.google.com/document/d/1F6KqgGjTf6wa5FhHMK18QL1gT0KHnzJ/edit?usp=sharing&oid=116257945114196824088&rtpof=true&sd=true>

PART 3: COVENANT RESTRICTIONS - Current Restrictions Satisfied, Waived and Proposed Restrictions

ERIF has set out how each Covenant Restriction has been met, agreed to be waived (park trail) should be replaced by Housing Agreements in p667 of the Agenda, lodged to DoU on Sept 20th, 2024. ERIF also proposes new restrictions to add to the land to protect the environment and indemnify the DoU for the development. These are summarised below and included as a motion.

2022 Covenant Restrictions – Satisfied, Amended and Waived by Agreement

The original Covenant Restrictions are here:

https://drive.google.com/file/d/1itHg9RNp9qMW_WjAc98OHc3oR07oJTrG/view?usp=sharing

This table seeks to respond to each 2022 Covenant Restriction as **satisfied**, **waived** or **replaced** and any follow up actions.

#	Section	Type	Restriction	Satisfied	Action
1	2(b)(i)	Archaeological Assessment	(i) an archaeological assessment of the site and the proposed development with recommendations for any mitigation measures, design changes and/or permitting requirements to protect archaeological and cultural resources;	SATISFIED – November 2024 Archaeological Report by Yuułu?i?ath Government - Ucluelet First Nation (UFN) Department of Culture, Language & Heritage	Propose Council Motion be passed that is satisfied.
2	2(b)(ii)	Environmental Assessment	an assessment by a Qualified Environmental Professional (QEP) of the ecological resources of the Lands and surrounding ecosystem, with recommendations for how the proposed development can avoid and/or mitigate impacts on terrestrial and marine ecosystems or enhance the existing ecological function of the site;	SATISFIED – September 2024 Environmental Assessment by Aquaparian Environmental Consulting.	Propose Council Motion be passed that is satisfied.
3	2(b)(iii)	Grading and Rainwater Plan	(iii) grading and rainwater management plans for the proposed development of the Lands (incorporating the recommendations of the QEP and landscape plans for the proposed development);	SATISFIED – September 2024 supplied by Herold Engineering including incorporating Aquaparian input on benched natural drainage to middle Creek.	Satisfied upon Build Permit Lodgement with sediment control plan

#	Section	Type	Restriction	Satisfied	Action
4	2(b)(iv)	Traffic	(iv) engineering analysis and design for safe vehicular and pedestrian access to the proposed residential development on the Lands in a location and configuration to the satisfaction of both the District and BC Ministry of Transportation and Infrastructure;	SATISFIED September 2024 updated Traffic Report by Watt Consulting Engineers.	Satisfied subject to Ministry of Transportation and Infrastructure approval
5	2(b)(v)	Engineering for Water, Sanitary, Roads and Pathways	(v) engineering analysis and design of off-site works and services required to ensure that District infrastructure will accommodate the impact of the proposed development on the Lands, including water, sanitary, roads and pathways;	SATISFIED September 2024 updated Servicing Plan by Herold Engineers. SATISFIED Mar 19 2024 Koers Engineering modelling water and sanitary demands	Satisfied pending agreement on infrastructure costs.
6	2(b)(vi)	Phasing and Servicing Plans	(vi) proposed phasing and servicing plans, identifying thresholds for when infrastructure upgrades (including road access, water, sewer, etc.) would be necessary before additional housing units are constructed;	SATISFIED September 2024 updated Servicing Plan by Herold Engineers SATISFIED Mar 19 2024 Koers Engineering modelling water and sanitary demands	Approval of Phased Development Plan pending traffic build out plan with Ministry of Transport and sewage upgrades rollout with DOU.
7	2(b)(vii)	Subdivision Layout and Titling (Strata)	(vii) proposed layout and approach to subdivision (including all proposed elements of fee-simple, bare land strata, or building stratas) identifying proposed property boundaries and the location and extent of public and private infrastructure, facilities, roads, pathways, parks, open space, etc.;	SATISFIED September 2024 provided Draft Subdivision Plan from Williamson Surveyors and details for each lot.	Site plans will be enhanced by additional survey points.
8	2(b)(viii)	Open recreation space design	(viii) more detailed plans for proposed road and open space design including plans for public / shared recreation and play infrastructure;	SATISFIED September 2024 provided plans, visual supports and Landscaping Plans.	Additional detailed Landscaping in Build Permit phase.
9	2(b)(ix)	Energy Measures	(ix) description of proposed green building measures including electrical vehicle charging at all units;	SATISFIED September 2024 provided details of solar panels, EV charging to each lot, low waste methodology for build.	
10	2(b)(x)	Engineering for Tsunami	(x) engineering analysis of all aspects of the proposed development on the Lands located in areas identified as subject to tsunami flood hazard, according to District of Ucluelet Tsunami Risk Tolerance Interim Policy 8-5280-1.	SATISFIED November 2024 Kerr Wood Leidel Flood Assurance Statement confirming levels. Also, July 2022 Stantec Tsunami resilient construction plan for retaining and lower levels.	Structural and Geotech Engineer design of footings, retaining walls.

#	Section	Type	Restriction	Satisfied	Action
11	2(c)	Plan for Wild Pacific Trail	(c) The Grantor must provide to the District, and receive the Director's approval of, a detailed plan for the construction of gravel-surfaced pedestrian trails, viewing platforms, and associated infrastructure, to the District's Wild Pacific Trail standards, in the approximate alignment shown on the Development Plan (the "Trail Plan").	PROPOSED WAIVED The Parkland Dedication is now owned and controlled by DOU. Confirmed Sept 24 th 2024 Council Meeting to seek grant funding for DOU to install trails.	Propose Council Motion be passed that is waived.
12	2(d)	Criteria for Trail Plan	(d) The Trail Plan must: (i) specify trail alignments that achieve the following objectives: A. minimize impact on the natural environment B. minimize pedestrian encroachment into the salt marsh and intertidal areas; C. minimize tree removal; D. maximize the experience by trail users; E. fit the character of the existing municipal trail network; (ii) include stairs, bridges, boardwalks, ramps, railings and other similar trail structures as reasonably necessary to achieve the above-noted objectives; (iii) include view platform designs that are of a scale and quantity to allow future residents and trail users to enjoy the views (minimum 800 sq ft in two separate platforms) (iv) including archaeological and environmental assessment and oversight as necessary during construction.	PROPOSED WAIVED The Parkland Dedication is now owned and controlled by DOU who are best placed to undertake trail construction if desired.	Propose Council Motion be passed that is waived.
13	2(e) (i)	Housing Agreement Covenant -10 affordable rental units	(e) The Grantor must grant to the District and register on title to the Land, a housing agreement (or agreements) under s. 483 of the Local Government Act and a restrictive covenant (or covenants) under s. 219 of the Land Title Act, all to the satisfaction of the District's Manager of Planning, to ensure the following: (i) At least ten rental housing units with rental rates restricted to ensure affordability for households earning a maximum of 80% of median income, with the following unit mix: four units with one bedroom, four units with two	PROPOSED REPLACED clause tied to superseded unfeasible site plan. Drafted Housing Agreement and replaced clause in Covenant Restriction. designs meet and exceed criteria	AMEND Covenant Restriction to replacing with Housing Agreement signed by ERIF Housing Association for Lot 1&2.

#	Section	Type	Restriction	Satisfied	Action
14	2(e) (ii)	Housing Agreement Covenant - 42% total units affordable	(ii) At least 42% of the total units will be rental housing units with rental rates restricted to ensure affordability for households earning between 80% and 100% of median income, with the following unit mix: 40% of the units with one bedroom, 40% of the units with two bedrooms, and 20% of the units with three bedrooms;	PROPOSED REPLACED AMEND clause tied to superseded unfeasible site plan. Drafted Housing Agreement and replaced clause in Covenant Restriction. designs meet and exceed criteria	AMEND Covenant Restriction to replacing with Housing Agreement signed by ERIF Housing Association for Lot 1&2.
15	2(e) (iii)	Housing Agreement Covenant - 32% of units affordable rental or sale	(iii) At least 32% of the total units will be houses or townhouses with rental or sale prices restricted to be affordable for households earning up to 130% of median income, with a mix of unit sizes. and the District's Manager of Planning may require the Grantor to include in the Housing Agreements additional terms and conditions respecting the timing and phasing of any development of the Lands, to ensure construction and occupancy of any Affordable Housing Units is reasonably proportionate to the subdivision of lots and/or issuance of building permits for other residential uses on the Lands and without limiting the Planner's discretion under this section, the Grantor agrees that Affordable Housing Units must comprise at least 65% of housing units construction in the first phase of development of the Lands.	PROPOSED REPLACED clause tied to superseded unfeasible site plan. Drafted Housing Agreement and replaced clause in Covenant Restriction. designs meet and exceed criteria	AMEND Covenant Restriction to replacing with Housing Agreement signed by ERIF Housing Association for Lot 1&2.
16	3	No a) occupation until T1 trail b) building zones BCD until T2 trail c) building EFG until T3 built.	3. Despite any construction that may have been authorized after the Grantor has fulfilled its obligations under section 2 of this Agreement, the use or occupancy of any building on the Land is further restricted as follows: (a) No building on the Land shall be used or occupied until and unless the Grantor has completed the construction of the portion of trail in the area labeled T-1 in the Development Plan, in accordance with the Trail Plan; (b) No building on the areas of the Land labeled B, C and D on the Development Plan shall be used or occupied until and unless the Grantor has completed the construction of the portion of trail in the area labeled T-2 in the Development Plan, in accordance with the Trail Plan; (c) No building on the areas of the Land labeled E, F or G on the Development Plan shall be used or occupied until and unless the Grantor has completed the construction of the portion of trail in the area labeled T-3 on the Development Plan, in accordance with the Trail Plan.	PROPOSED WAIVED The Parkland Dedication is now owned and controlled by DOU who are best placed to undertake trail construction if desired. Trail must not delay urgent development of Affordable homes.	Propose Council Motion be passed that is waived.

APPENDIX 1 - FINAL ByLaws for OCP Amendment as per Agenda page 695

Appendix E**DISTRICT OF UCLUELET****Official Community Plan Amendment Bylaw No. 1366, 2024**

A bylaw to amend the District of Ucluelet Official Community Plan
(221 Minato Road - Lot B District Lot 286 Clayoquot District Plan VIP79908
Comprehensive Development).

WHEREAS Section 471 of the Local Government Act identifies the purposes of an Official Community Plan as “a statement of objectives and policies to guide decisions on planning and land use management, within the area covered by the plan, respecting the purposes of local government”, and the District has adopted an Official Community Plan;

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

1. Text Amendments:

The “District of Ucluelet Official Community Plan Bylaw No. 1306, 2022”, as amended, is hereby further amended by inserting the following policy in alphanumerical order:

“Policy 3.171b - 221 Minato Road

In consideration of the community housing benefit provided by the proposed development of the property at 221 Minato Road, site clearing and construction is supported notwithstanding the following objectives and policies adopted in this plan:

- Policy 1.8
- Objective 2A
- Policy 2.1
- Policy 2.2
- Policy 3.163
- General environmental Development Permit Area guidelines E1, E4, E7 and guidelines within environmental Development Permit Areas V, VI and VII.”

2. Map Amendments:

The “District of Ucluelet Official Community Plan Bylaw No. 1306, 2022”, as amended, is hereby further amended as follows:

- A. Schedule ‘A’ Long Range Land Use Plan is hereby further amended by changing the designation of areas of Lot B District Lot 286 Clayoquot District Plan VIP79908 (PID 026-487-764), shown shaded on the map attached to this Bylaw as Appendix “A”, to Single Family Residential, Multi-Family Residential, Service Commercial, Tourist Commercial / Residential, and Parks & Open Space.

Appendix E

3. Citation:

This bylaw may be cited as "District of Ucluelet Official Community Plan Amendment Bylaw No. 1366, 2024".

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

Considered in conjunction with the District of Ucluelet Financial Plan and Waste Management Plan under Section 477 of the *Local Government Act* this day of , 2024.

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

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

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

ADOPTED this day of , **2024.**

CERTIFIED CORRECT: "Official Community Plan Amendment Bylaw No. 1360, 2024"

Marilyn McEwen
Mayor

Duane Lawrence
Corporate Officer

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

Duane Lawrence
Corporate Officer

District of Ucluelet Official Community Plan Amendment Bylaw No. 1366, 2024 Page 2

221 Minato Road (ERIF): OCP Amendment / Rezoning / Environmental DP Bruc... Page 696 of 929

Appendix E

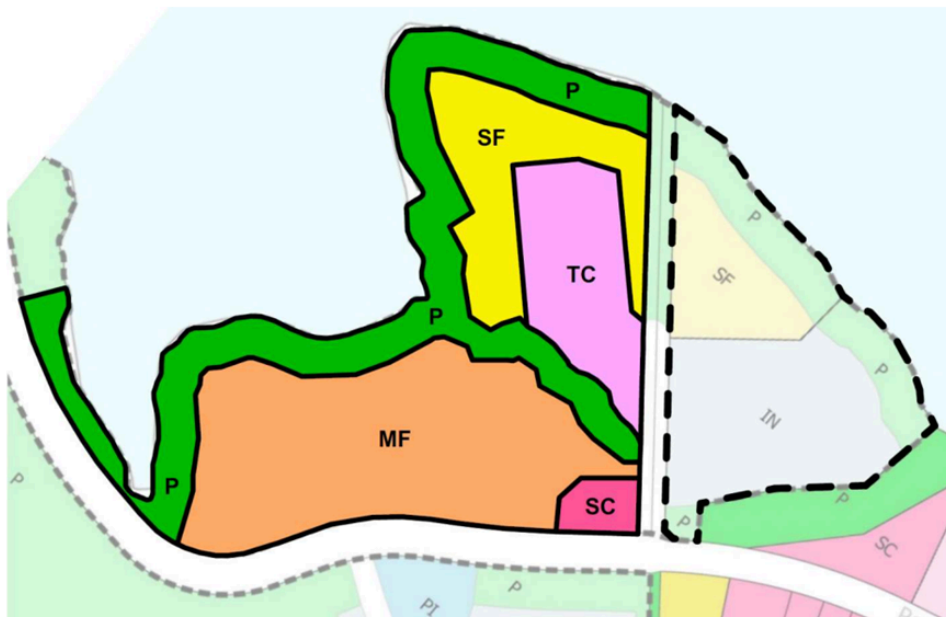
Appendix 'A'

Official Community Plan Amendment Bylaw No. 1366, 2024

OCP Schedule 'A' Long Range Land Use Plan

Amendments in the area of Lot B District Lot 286 Clayoquot District Plan VIP79908
- 221 Minato Road:

- SF = Single Family Residential
- MF = Multi-Family Residential
- SC = Service Commercial
- TC = Tourist Commercial / Residential
- P = Parks & Open Space



Appendix G

Policies and objectives referenced in Ucluelet OCP Amendment Bylaw No. 1366, 2024:

- **Policy 1.8** Endeavour to understand and consider Indigenous perspectives when making decisions on land-use issues
- **Objective 2A** To develop carefully and use land wisely to ensure that the most sensitive and valuable environmental features are protected, and ecological functions are not irreparably disturbed.
- **Policy 2.1** Use the regulatory tools available to local governments to ensure new development responds to the community's goal of maintaining a healthy, diverse natural environment.
- **Policy 2.2** Maintain significant areas of natural green space and forest cover. Large scale clearing to accommodate development is not supported.
- **Policy 3.163** A 30-metre wide tree buffer with no development must be provided along both sides of the Pacific Rim Highway
- General environmental Development Permit Area guidelines E1, E4, E7 [Environmental DP areas]
- Guidelines within environmental Development Permit Areas **V** [Terrestrial Ecosystems (Mature Forest)] **VI** [Stream and Riparian Areas] and **VII** [Marine Shoreline]

APPENDIX 2 - Final Zoning ByLaw amended for building heights to updated Masterplan Dec 2024

**DISTRICT OF UCLUELET
Zoning Amendment Bylaw No. 1367, 2024**

A bylaw to amend the "District of Ucluelet Zoning Bylaw No. 1160, 2013".
(221 Minato Road – Comprehensive Development)

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 Amendment:

Schedule "B" of the District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended as follows:

- 1) By deleting the existing section **CD-6 Zone – MINATO ROAD.**
- 2) By adding a new Comprehensive Development zone, to Schedule B – The Zones that directly follows **CD-5- FORMER WEYCO FOREST LANDS** such that the new section reads as follows: within Division 100 - Enactment and Interpretation.

"CD-6 Zone – MINATO ROAD

This Zone is intended for the development of a mix of multi-family and single-family residential development including affordable rental, market rental, attainable ownership (under a housing agreement covenant) and market ownership homes, some with accessory vacation rental uses.

CD-6 Zone Plan (Development Areas):



CD-6.1 Definitions

Despite definitions defined elsewhere in this bylaw, the following definitions shall apply to uses within the CD-6 zone.

“**Height**” means the shortest vertical distance from the average elevation of the finished grade, if homes are required to be sited above the Flood Construction Level (FCL) or above the Tsunami Risk Level (TRL), then the height is to be taken from the higher of the existing grade or the FCL or TRL.

“**Single Family Waterfront**”, means a detached *building* consisting of at least one dwelling that may be used for both *residential* and *vacation rental* use for the primary dwelling and secondary suites. While designed for single family occupation, the inclusion of at least one secondary suite permits *residential rental tenures* and *vacation rental* use for each part of the home.

“**Vacation Rental**”, means the use of an *otherwise residential* dwelling unit for *commercial tourist accommodation*.

CD-6.2 Permitted Uses:

The following uses are permitted within the corresponding Development Areas shown in the CD-6 Zone Plan:

Development Area	Principal Use	Building Form	Secondary Uses
Lot 1	Multiple Family	Apartment	Home Occupation Secondary Suite
Lot 2	Rental Multiple Family	Apartment	Home Occupation
Lot 3	Single Family Waterfront	House	Home Occupation Secondary Suite Vacation Rental
Lot 4	Principal uses permitted within the CS-2 Zone - Service Commercial	Commercial/Retail	CS-2 Zone – Service Commercial Permitted Uses
Lot 5	Multiple Family	Apartment	Home Occupation Secondary Suite Vacation Rental

CD-6.3 Lot Regulations:

CD-6.3.1 Minimum Lot Size:

Minimum Lot Frontage is 10.00m.

Development Area	Principal Use	Proposed Lot Area	Minimum Lot Size
Lot 1	Multiple Family	19,000 m2	16,000m2
Lot 2	Rental Multiple Family	17,800 m2	16,000m2
Lot 3	Single Family Waterfront	14,700 m2	13,000m2
Lot 4	Retail Trade & Services	2,300 m2	2,000m2
Lot 5	Rental Multiple Family	13,100 m2	12,000m2
TOTAL		66,900 m2	

CD-6.4 Density

CD-6.4.1 Maximum Density:

Development Area	Principal Use	Density (max # of buildings)	Density (max. # dwelling units)	Density (per unit/ha)
Lot 1	Multiple Family	18	75	39.5 unit / ha
Lot 2	Rental Multiple Family	16	107	60.1 unit / ha
Lot 3	SingleDFamily Waterfront	11	11	7.5 unit / ha
Lot 4	Retail Trade & Services	2	-	-
Lot 5	Rental Multiple Family	10	58	44.3 unit / ha
TOTAL		55	250	37.4 units / ha

CD-6.5 Maximum Size (Gross Floor Area):

Development Area	Principal Use	Building Footprint	Total Gross Floor Area (m2)	Proposed Lot Coverage	Maximum Lot Coverage
Lot 1	Multiple Family – Part 1	1,289 m2	6,633	17 %	25%
	Multiple Family – Part 2	2,027 m2			
Lot 2	Rental Multiple – Part 1	1,141 m2	6,094	18 %	25%
	Rental Multiple – Part 2	1,906 m2			
Lot 3	Single Family Waterfront	2,475 m2	3,850	17 %	20%
Lot 4	Retail Trade & Services	600 m2	1,120	25 %	50%
Lot 5	Rental Multiple Family	1,884 m2	3,768	14%	25%
TOTAL		11,322 m2	21,465	17%	

CD-6.6 Maximum Size of Accessory Buildings

CD-6.6.1 on lots containing a *Single Family*: 30 m2 (323 ft2) total.

CD-6.6.2 on lots containing a *Multiple Family or Rental Multiple Family*: 50 m2 (538 ft2) total.

CD-6.6.3 on lots containing a *Commercial*: 100 m2 (1077 ft2) total.

CD-6.7 Maximum Heights

Development Area	Principal Use	Principal	Accessory
Lot 1	Multiple Family	9.5 m	5.5 m
Lot 2	Rental Multiple Family	9.5 m	5.5 m
Lot 3	Single Family Waterfront	12.6 m	5.5 m
Lot 4	Retail Trade & Services	11.5 m	5.5 m
Lot 5	Rental Multiple Family	9.5 m	5.5 m

CD-6.8 Minimum Setbacks:

For all buildings there is a lot line setback of 0.0m between strata phases.

The following minimum setbacks apply, as measured from the *front lot line, rear lot line, and side lots line(s)* respectively:

Development Area	Principal Use	Front	Rear	Side Interior	Side Exterior	Phased Strata Lot Line
Proposed Setback						
Lot 1	Multiple Family	10.0 m	3.3 m	0.7 m	1.5 m	0.0 m
Lot 2	Rental Multiple Family	10.0 m	1.5 m	0.6 m	6.5 m	0.0 m
Lot 3	Single Family Waterfront	5.1 m	1.3 m	4.5 m	4.5 m	0.0 m
Lot 4	Retail Trade & Services	3.0m	23.0 m	9.5 m	3.0 m	0.0 m
Lot 5	Rental Multiple Family	3.9 m	4.0 m	7.5 m	7.5 m	0.0 m
Minimum Setback						
Lots 1/2/5	Multiple Family	3.0 m	1.0 m	0.5 m	1.0 m	0.0 m
Lot 3	Single Family	2.0 m	0.8 m	3.0 m	3.0 m	0.0 m
Lot 4	Retail Trade & Services	3.0 m	3.0 m	1.5 m	2.0 m	0.0 m

CD- 6.8 Parking Requirements:

The following minimum car spaces apply:

For Multiple Family in Lots 1, 2 and 5: one space per *dwelling unit* plus one visitor park per multi-family *building*.

For Lot 3 Single Family Waterfront: 3 spaces per lot.

For Lot 4 Commercial: 15 spaces per lot”

2. Citation:

This By Law may be cited as the *“District of Ucluelet Zoning Amendment By Law No 1367, 2024”*.

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

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

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

ADOPTED this ** day of ***, 2024

CERTIFIED CORRECT; “District of Ucluelet Zoning Amendment Bylaw No. 1367, 2024”.

Marilyn McEwan

Mayor

THE CORPORATE SEAL of the

District of Ucluelet was hereto

Affixed in the presence of

Duane Lawrence

Corporate Officer

Duane Lawrence

Corporate Officer

APPENDIX 3 – Final Development Permit Masterplan for Motion

The updated Masterplan is linked here:

https://drive.google.com/file/d/111xBx_FBMP-z373xTL7SZp7YUYa_EtHn/view?usp=sharing



PROJECT INFORMATION

LEGAL ADDRESS
LOT B, DISTRICT LOT 286 & 471 & 472 & 473, CLAYOQUOT DISTRICT, PLAN V1P79908

CWIC ADDRESS
221 MINATO ROAD, UCLUELET, BRITISH COLUMBIA, V0R

PID
026-487-764

ZONING
REZONING TO: CD-6

OCCUPANCY
EXISTING: N/A VACANT
PROPOSED: C RESIDENTIAL
D BUSINESS AND PERSONAL SERVICES
E MERCANTILE

SITE AREA
10.06 HECTARES

LEGEND

- RESIDENTIAL PARKING
- VISITOR PARKING
- ACCESSIBLE PARKING
- EV CHARGER PARKING
- COMMERCIAL PARKING
- GARBAGE ENCLOSURE
- SURF SHED
- LARGE SURF SHED

UNIT TYPE LEGEND

[E1.0] EAGLE 1 2x (2 BEDS) / 2x (3 BEDS)
 [E1.1] EAGLE 1.1 2x (STUDIOS) / 4x (2 BEDS)
 [E3.0] EAGLE 3 2x (1 BEDS) / 1x (2 BEDS) / 2x (3 BEDS)
 [E3.1] EAGLE3.1 2x (STUDIOS) / 2x (1 BEDS) / 3x (2 BEDS)
 [W] WATERFRONT DETACHED HOME

Development Area	Principal Use	Minimum Setbacks				Building Heights	
		Front	Rear	Side Interior	Side Exterior	Principal	Accessory
Lot 1	Multiple Family	10.0 m	3.3 m	0.7 m	1.5 m	9.5 m	5.5 m
Lot 2	Rental Multiple Family	10.0 m	1.5 m	0.6 m	6.5 m	9.5 m	5.5 m
Lot 3	Single Family	3.5 m	0.9 m	3.8 m	3.9 m	12.6 m	5.5 m
Lot 4	Commercial	3.0 m	23.0 m	9.5 m	3.0 m	11.5 m	5.5 m
Lot 5	Rental Multiple Family	3.9 m	4.0 m	7.5 m	7.5 m	9.5 m	5.5 m

221 MINATO ROAD, UCLUELET - PROJECT DATA																				
	Buildings	01	1 Bed	2 Bed	3 Bed	4 Bed	Total Suites	Total Gross Floor Area [m ²]	Lot Area	Density (Units/Ha)	Floor Space Ratio	Building Footprint	Lot Coverage	Parking Req'd	Visitors Req'd	Total Parking Req'd	Parking Provided	Visitors Provided	Accessible Provided	Total Parking Provided
South Site																				
Lot 1 Part 1 Attainable	7	0	2	13	14	29	2,579 m ²	19,000 m ²	39.5 unit/ha	0.35	1,289 m ²	17%	29	6	35	29	6	7	42	
Lot 1 Part 2 Attainable	11	0	4	20	22	46	4,054 m ²				2,027 m ²	17%	46	10	56	42	10	11	63	
Lot 2 Part 1 Housing	6	12	6	21	0	39	2,282 m ²				1,141 m ²	17%	39	8	47	48	8	6	62	
Lot 2 Part 2 Housing	10	20	16	32	0	68	3,812 m ²	17,800 m ²	60.1 unit/ha	0.34	1,906 m ²	17%	68	14	82	43	14	10	67	
Lot 4 Commercial	1						1,120 m ²	2,300 m ²			600 m ²	26%	30		30	27			2	29
Sub-Totals	35	32	28	84	36	182	13,847 m²	39,100 m²			6,964 m²		212	38	250	189	38	36	263	
North Site																				
Lot 3 Waterfront Homes	11					11	3,850 m ²	14,700 m ²	7.5 unit/ha	0.26	2,479 m ²	17%	44	9	53	44	6		50	
Lot 5 Market Rentals	10	14	8	30	6	58	3,748 m ²	13,100 m ²	44.3 unit/ha	0.29	1,884 m ²	14%	58	12	70	67	12	10	79	
Sub-Totals	21	14	8	30	6	69	7,618 m²	27,800 m²			4,359 m²		102	21	123	101	18	10	129	
Totals	56	46	36	116	42	251	21,465 m²	66,900 m²	37.5 unit/ha	0.32	11,323 m²	17%	314	59	373	290	56	46	392	

APPENDIX 4 – ERIF Housing Assn Directors and Constitution

Staff Requested on Agenda p129 1E) Details of the ERIF Housing Association, its directors and constitution under the Societies Act, to inform the preparation of a draft Housing Agreement bylaw.

Documents are linked here:

<https://drive.google.com/file/d/1-MNMgTcRjOjtquxhq4-Xrk9ERZ4SUTjk/view?usp=sharing>

December 10th, 2024

Incorporation No: BC 1319635
2200, 885 Georgia St West, Vancouver, British Columbia, CA V6C 3E8

To: Mayor and Councillors
Cc: Duane Lawrence and Bruce Greig

RE: 221 MINATO RD – OCP, SUBDIVISION, DEVELOPMENT PERMIT RESPONSES TO AGENDA Dec 10

Dear Councillors,

We are writing to address the agenda items raised by Bruce Greig, the Planning Director, for the Council meeting on December 10th, 2024. In the Agenda the Planning Department have prepared two alternative Motions for Council. The first seeks additional information on five matters. The second alternative Motion is to proceed with first and second readings for the OCP and Zoning By Law.

The purpose of this correspondence is to respond to the five items raised to satisfy that there are no outstanding ERIF unequivocally asserts that there are no outstanding matters that should delay the first and second readings of the OCP Bylaws at the upcoming meeting. We are writing directly to Council due to short timelines to respond to the uploaded Agenda prior to the meeting. In addition, it is essential to ensure our proposal and submissions are accurately represented to Council, as prior meetings may not have fully conveyed the facts or the substantial progress ERIF has made.

We have fulfilled all requirements stipulated by the District of Ucluelet's published Checklists for Subdivision, OCP Amendment, and Development Permit. Additionally, ERIF has submitted all documentation required under the Covenant Restrictions on 221 Minato Road from the 2022 approved rezoning for the land and seek endorsement that these have been satisfied.

It is noteworthy that Staff have provided 578 pages of documentation in the agenda supporting this project. Further requests for additional reports or analysis are unwarranted and would only serve to delay the progress of this development of much-needed attainable homes.

To facilitate Council's review, this letter outlines the following:

1. Executive Summary of Responses to Key Issues - *Pages 2-3*
2. Detailed Responses to Items Raised by Mr. Greig, with references to supporting documentation - *Attachment 2 Pages 1-10*
3. Overview of Current and Proposed Covenant Restrictions on 221 Minato Road - *Attachment 2 Pages 14-17*
4. Appendices:
 - a. OCP Amendment (*Attachment 2 Pages 18–21*),
 - b. Bylaw Amendment (*Attachment 2 Pages 22–27*),
 - c. Final Master Plan (*Attachment 2 Page 28*), and
 - d. ERIF Housing Association Directors and Constitution (*Attachment 2 Page 29*).

Proceeding with the first and second readings will initiate the public notification period, a critical step in ensuring transparency and community engagement in this important project. ERIF remains steadfast in its commitment to delivering affordable housing to Ucluelet, with this project aiming to deliver 80% attainable homes. We urge Council to take decisive action to advance this project, demonstrating commitment to address the housing crisis and leading Ucluelet residents into a thriving future.

In partnership,



Joshua Hunt

CEO – ERIF Sustainable Solutions

Part 1: EXECUTIVE SUMMARY - Key Issues Resolved for 221 Minato Rd, Ucluelet

Part 1.1 Items raised by Staff Dec 10th Agenda – Agenda page 129 items 1a-e

ERIF seeks to respond to each of the items raised in the Agenda to demonstrate how the requirements have been satisfied so that there is no further delay to first and second readings by Council.

1.1A ARCHEOLOGICAL SITES

a) Staff requested: Detailed plans of proposed grading and civil works within the vicinity of known and potential archaeological and traditional use sites, showing measures to ensure complete avoidance of impact to the one registered archaeological site, the two areas of potential, and the one traditional use site identified in the November 2024 Preliminary Field Reconnaissance report

ERIF Response: ERIF is working closely with Yuułuʔiłʔatḥ Government to avoid and protect the identified sites in the Archaeological report.

- **Registered Archaeological Site (DfSj-TBA):** this site is entirely within the land already dedicated to the district as parkland, located in the northern section of the property.
- **Two Identified Areas of Potential:** situated within the District’s parkland in the west.
- **Traditional Use Site:** the single contemporary traditional use site in the southern portion of the property, while not protected under the Heritage Conservation Act, will be preserved to the greatest extent possible.

The sites in dedicated District Parklands do not require grading or civil works plans, as they are already protected. Further supporting mapping showing these are outside the masterplan build area are in Part 2.1 below. In addition to the preliminary reports already submitted, ERIF will provide the Civil and Grading plans (including proximity to all archaeological sites) in the lodgement of documents for the Build Permit. We respectfully urge planning staff to recognize the completeness of our submissions and allow this project to move forward without unnecessary delay.

1.1B ENVIRONMENTAL REPORT

b) Staff requested: A report including the outstanding portions of a biophysical assessment for the existing property and adjacent park lands in their current state by a Qualified Environmental Professional including the delineation of all wetlands in accordance with the Ministry of Environment standards for wetland delineation under the Water Sustainability Act and providing recommendations for how the proposed development: i. can avoid and/or mitigate impacts to terrestrial, riparian and marine ecosystems on the site and adjacent park land – including setbacks appropriate to protect the critical root zones of trees within the park land adjacent to C’iilukʷis (Olsen Bay); and, ii. can enhance the existing ecological function of the site per the requirements of the environmental Development Permit guidelines and covenant on title.

ERIF Response: ERIF has provided a comprehensive 55-page Environmental Impact Assessment prepared in October 2024 by Aquaparian, a Qualified Environmental Professional with extensive expertise and bound by professional guidelines. The report meets all requirements of the Covenant Restrictions and gives detailed assessment of the site and thirty-three recommendations which include strategies to mitigate impacts on identified ecosystems, establish appropriate setbacks, and implement measures to enhance biodiversity during and after the development process.

ERIF requests that Council:

1. Confirm the Covenant Restriction to provide the report has been met; and
2. That an additional Covenant Restriction be imposed for further 1m setback as recommended by the Aquaparian report.

c) Staff requested: Detailed grading and rainwater management plans for the proposed development of the site which integrate the preliminary engineered plans for civil works, the recommendations of the Qualified Environmental Professional, and the landscape plans for the proposed development.

ERIF Response: Grading and Rainwater Management Plans are required at the Build Permit Stage under the DOU's published Checklist. Nevertheless, these are referenced in the Covenant Restrictions ERIF lodged:

- Initial Grading Plan and Preliminary Rainwater Management Plans: prepared by Herold Engineering, submitted on September 20th (Agenda pages 445–451).
- A Draft Landscaping Plan prepared by MacDonald Gray (Agenda pages 550–560).
- Collaborative rainwater management design as per QEP recommendations in the Environmental Impact Report include specific directions for stormwater design to protect and enhance the Middle Creek benched embankment area (Agenda page 354).

ERIF will provide further documentation on the Civil works, QEP recommendations and landscape plans in Build Permit submission. This should not delay OCP, Subdivision and Build Permit approval.

1.1D DEVELOPMENT PROFORMA

d) Staff Requested: A copy of the development proforma that was previously presented to members of Council, for public distribution ahead of a public hearing.

ERIF Response: ERIF has transparently shared our development proforma with Council and DOU Staff. It is unsuitable for commercial-in-confidence data to be publicly distributed, not least because the cost base is point-in-time and being refined daily. ERIF can offer the same open book approach for community by holding an unrecorded live meeting during the notification period and prior to the public hearing so interested community members can view the proforma and raise questions.

ERIF will clearly define the 'attainable' definition in the OCP and how this has been applied to create 211 attainable dwellings, and over 80% of the dwellings in the development as 'attainable' for the benefit of Ucluelet residents.

1.1E ERIF HOUSING ASSOCIATION

e) Staff requested: Details of the ERIF Housing Association, its directors and constitution under the Societies Act, to inform the preparation of a draft Housing Agreement bylaw

ERIF Response: The ERIF Housing Association Constitution, ByLaws, and Directors are supplied following documentation (page 32). We have adhered to best-practice recommendations for housing providers, including the BC Neighbourhood Housing ByLaws.

In addition, we are implementing a Housing Committee formed of local representatives of business owners, community support organizations and First Nation. Its primary purpose is to oversee the eligibility assessment and ensure a clear, transparent, and community-focused approach to the selection process for the Minato Road attainable homeownership and rental apartments.

ERIF recommends that Council consider the following next steps to expedite the process:

- That the Environmental and Archaeological reports satisfy the Covenant Restrictions.
- That the Covenant Restrictions to build trails in parkland will be waived.
- That Covenant Restrictions will be added to reflect Housing Agreements with ERIF, indemnify Municipal Staff and Council for development approval, and increase ecology setbacks.
- That the first and second reading of the OCP Amendment and Zoning By Law are passed.
- That Council directs DoU Staff to prepare notices for public hearing and proposed third reading and issuance of Development Permit on 14 January 2025.