

PREPARED BY:



7-1920 Lyche Rd.  
Ucluelet, BC  
V0R 3A0  
250.726.3973

PREPARED FOR:

BNEE Enterprises Ltd  
Pirates Bay Holdings Ltd  
2040 Peninsula Rd  
Ucluelet, BC

PROJECT TITLE:

# Minato Road Subdivision Plan

NOTES:

SCALE INDICATED AT ARCH D PLOT SIZE

REVISIONS:

REVISION NO.:	DATE:
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3	---
4	---
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7	---
8	---
9	---
10	---

DRAWING TITLE:

SITE PLAN

DRAWN BY:

IK

SCALE:

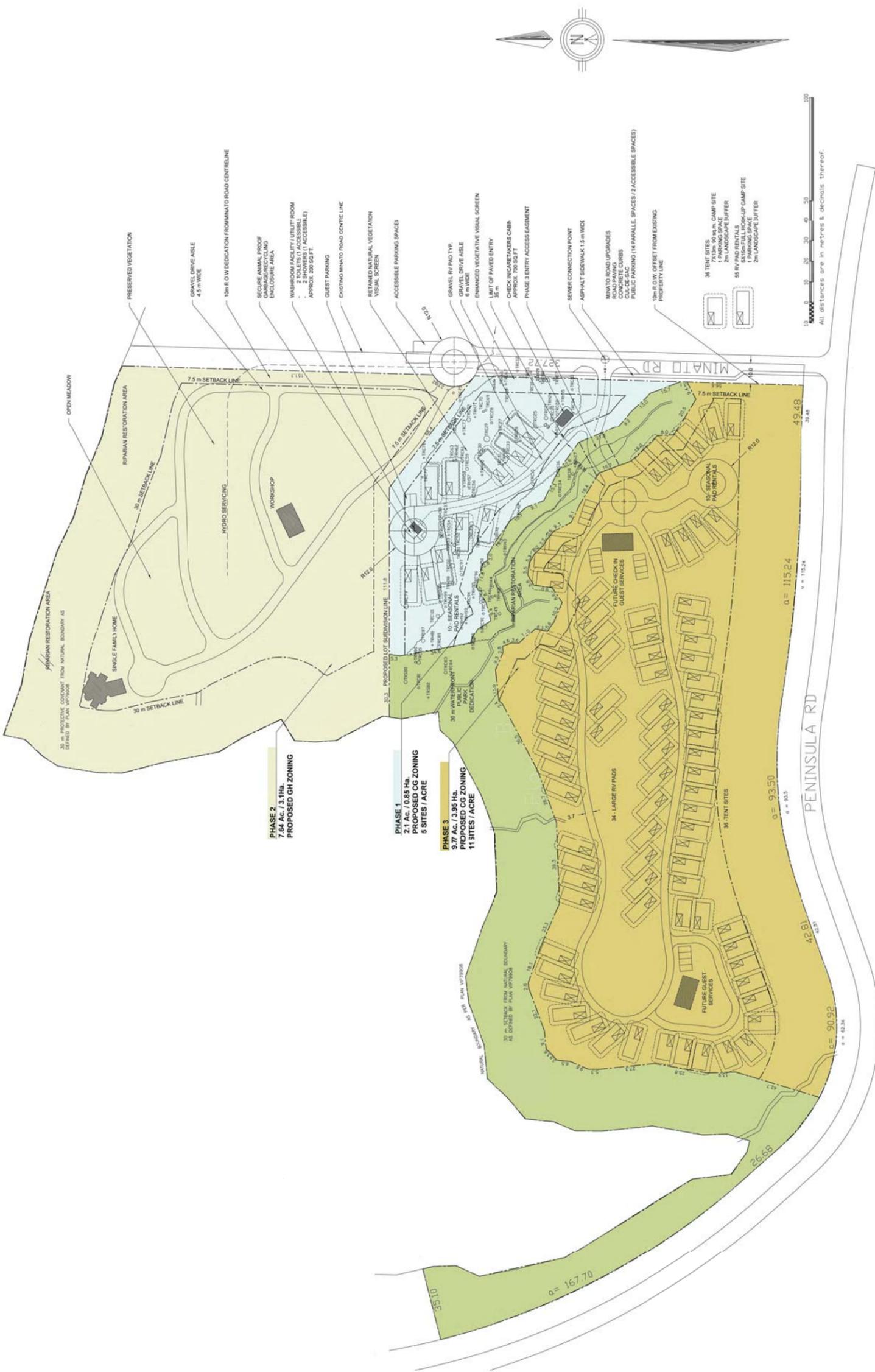
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DATE:

02/20/2020

DRAWING NO.:

**SUB-01**



PREPARED BY:  
**The Design Centre**  
 Ucluelet

7-1920 Lyche Rd.  
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PREPARED FOR:  
 BNEE Enterprises Ltd  
 Pirates Bay Holdings Ltd  
 2040 Peninsula Rd  
 Ucluelet, BC

PROJECT TITLE:  
**Minato Road  
 Phase 1  
 Campground**

NOTES:  
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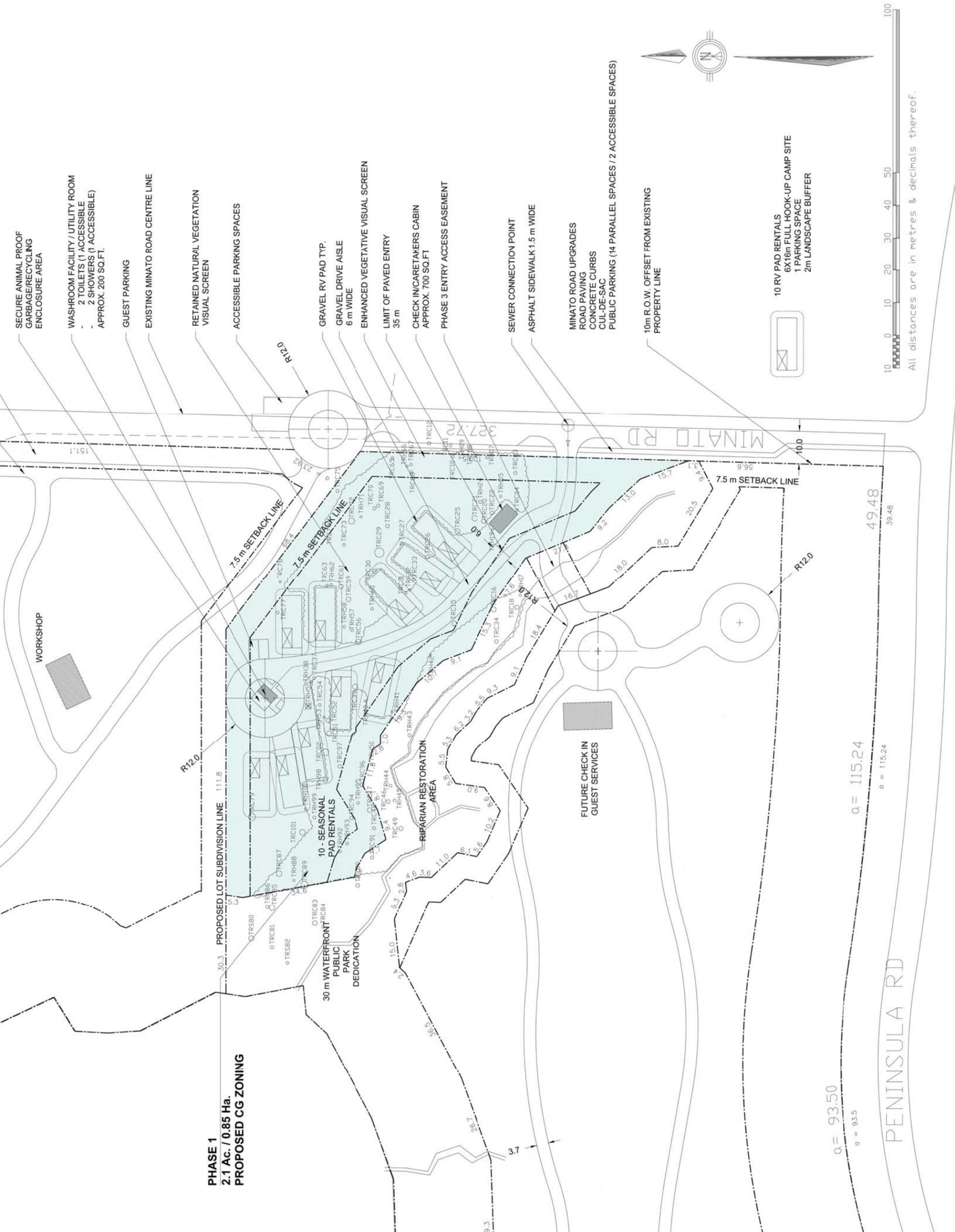
DRAWING TITLE: **SITE PLAN**

DRAWN BY: **IK**

SCALE: **1:500m**

DATE: **02/20/2020**

DRAWING NO.: **SPP1-01**



PREPARED BY:  
**The Design Centre**  
 Ucluelet

7-1920 Lyche Rd.  
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 V0R 3A0  
 250.726.3973

PREPARED FOR:  
 BNEE Enterprises Ltd  
 Pirates Bay Holdings Ltd  
 2040, Peninsula Rd  
 Ucluelet, BC

PROJECT TITLE:  
**Minato Road  
 Phase 1  
 Campground**

NOTES:  
 SCALE INDICATED AT ARCH D PLOT SIZE

REVISIONS:

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DRAWING TITLE: **LANDSCAPE PLAN**

DRAWN BY: **IK**

SCALE: **1:250m**

DATE: **02/20/2020**

DRAWING NO.: **LA-01**



PLANT LIST

TREES:	SPECIES:	SIZE:	SPACING:	QTY:
WHITE CEDAR (THUJA OCCIDENTALIS)	10 GAL	1m	1m	99
WESTERN RED CEDAR (THUJA PLICATA)	10 GAL	1m	1m	48
WESTERN RED CEDAR (THUJA PLICATA)	10 GAL	1m	5m	21
SITKA SPRUCE (PICEA SITCHENSIS)	10 GAL	5m	5m	21

NATIVE SHRUBS/FERNS:	SPECIES:	SIZE:	COVERAGE:	MIX	QTY:
SALAL (GAUTHIERIA SHALLOO)	9 CM	1 per 5m <sup>2</sup>	22%		382
SAL MONBERRY (VIBURNUM SPECIABILIS)	1 GAL	1 per 1m <sup>2</sup>	10%		174
RED HUCKLEBERRY (VACCINIUM PARVIFOLIUM)	1 GAL	1 per 1m <sup>2</sup>	7.5%		130
SWOORD FERN (POLYSTICHUM MUNITUM)	1 GAL	1 per 1m <sup>2</sup>	14%		243
DEER FERN (BLECHNUM SPICANT)	1 GAL	1 per 5m <sup>2</sup>	45%		782

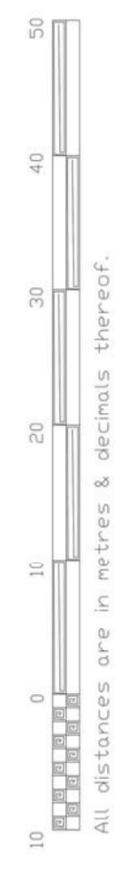
(NATIVE PLANT SPECIES ARE MIX BASED ON AQUARIAN RECOMMENDATION FOR ADJACENT RESTORATION PROJECT)

**NATIVE TREE SPECIES (100 COUNT)**

**NATIVE PLANT LANDSCAPE AREAS (1757 m<sup>2</sup>)**

**EXISTING TREES TO REMAIN**

**10 RV PAD RENTALS  
 6X16m FULL HOOK-UP CAMP SITE  
 1 PARKING SPACE  
 2m LANDSCAPE BUFFER**





## STAFF REPORT TO COUNCIL

Council Meeting: OCTOBER 8, 2019  
500 Matterson Drive, Ucluelet, BC V0R 3A0

**FROM:** BRUCE GREIG, MANAGER OF COMMUNITY PLANNING

**FILE NO:** 3060-20-DP19-01  
3360-20-RZ18-08  
3090-20-DVP19-02  
3070-20-TUP19-01

**SUBJECT:** PROPOSED REZONING, SUBDIVISION AND DEVELOPMENT PERMITS FOR 221 MINATO ROAD (LOT B, DISTRICT LOT 286, CLAYOQUOT DISTRICT, PLAN VIP79908).

**REPORT NO:** 19-129

**ATTACHMENT(S):** APPENDIX A – APPLICANTS’ UPDATED PROPOSAL  
APPENDIX B – ENVIRONMENTAL PROGRESS LETTER DATED AUGUST 13, 2019  
APPENDIX C – STAFF REPORT DATED APRIL 9, 2019  
APPENDIX D – ZONING AMENDMENT BYLAW NO. 1244 – MAP AMENDMENT  
APPENDIX E – ZONING AMENDMENT BYLAW NO. 1256 – TEXT AMENDMENT (NEW CG ZONE CAMPGROUND)

### RECOMMENDATIONS:

1. **THAT** District of Ucluelet Zoning Amendment Bylaw No. 1256, 2019, be given First and Second readings and be referred for legal review.
2. **THAT** Council:
  - a. indicate support for the updated proposal including an offer of a \$10,000 contribution to the District of Ucluelet for adding fencing, interpretive signs and protective barriers at trail ends to protect adjacent marine shoreline habitat;
  - b. give the District of Ucluelet Zoning Amendment Bylaw No. 1244, 2019 First and Second reading; and,
  - c. direct staff to prepare the necessary permits, covenants and agreements and present them to Council prior to Bylaw No. 1244 proceeding to a public hearing.

### BACKGROUND

At the April 9, 2019 regular meeting of Council, Staff presented a report for the potential subdivision, rezoning and development of the property at 221 Minato Road (Lot B, District Lot 286, Clayoquot District, Plan VIP79908), (the “**Subject Property**”). Council made the following motions at this meeting:

1. *THAT Council authorize issuance of Development Permit DP19-01 for the restoration of the previously damaged riparian and marine shoreline areas of the property at 221 Minato Road.*
2. *THAT Council indicate support for the concept of rezoning the property at 221 Minato Road for a 2-lot subdivision to create a Guest House parcel and a Campground parcel, and indicate*

*that adoption of a zoning amendment bylaw for the requested uses would be subject to the following:*

- a. *completion of the site restoration work under Development Permit DP19-01 including monitoring and sign-off by the Qualified Environmental Professional;*
  - b. *including, as part of the subdivision to create the two parcels, dedication for park purposes of a 30m corridor upland from the natural boundary along the marine shoreline of both parcels, plus the entire stream setback area surrounding Stream 1;*
  - c. *the owners providing a restrictive covenant on the proposed Guest House parcel which would restrict any further subdivision of that lot unless at that future date the following are provided by the property owner:*
    - i. *dedication for park purposes a 30m corridor upland from the natural boundary along the marine shoreline adjacent to the property; and,*
    - ii. *appropriate funds to construct a trail system and viewing platform to municipal standards in the shoreline park dedicated in (i) above;*
  - d. *the owners providing a contribution for half the cost of constructing the stream section of trail and viewing platform, prior to commencing construction of the Long-Term Camping spaces in the proposed Phase 1;*
  - e. *the owners providing a restrictive covenant on the proposed Campground parcel ensuring that construction of the Short-Term Camping shown as Phase 3 will not commence before the adjacent section of Olsen Bay trail has been constructed.*
3. *THAT Council indicate support for the concept of issuing a Temporary Use Permit to permit long-term camping in the proposed designated area of the campground, subject to conditions including:*
- f. *Seasonal camping stays are not to exceed six months;*
  - g. *No additions, accessory buildings, structures or outdoor storage is permitted in long-term camping spaces;*
  - h. *A resident campground manager is required on-site; and,*
  - i. *The campground manager is to maintain a register of campers, contact information and vehicle registration, and make the register available at all times if requested by the District.*
4. *THAT Council indicate support for the concept of issuing a Development Permit for the subdivision of the property into the proposed Guest House and Campground parcels, subject to the following conditions:*
- j. *that the owners provide a detailed landscape plan showing replanting of native tree and understory species in the undeveloped portions of the Minato Road 10m road right-of-way dedication areas:*
    - i. *at the future public access trail to Olsen Bay at the end of Minato Road; and,*
    - ii. *screening of the proposed long-term camping spaces adjacent to Minato Road including appropriate fencing;*
  - k. *that prior to subdivision approval, the owners providing:*
    - i. *a civil engineering assessment and design for all required services including road, water, sewer, on- and off-site stormwater management and the location of private power and data utilities; and,*
    - ii. *a traffic engineering safety assessment of vehicle and pedestrian movements resulting from the proposed development and upgrades, if necessary, at the intersection of Peninsula Road and Minato Road and at the future trail*

*crossing of Peninsula Road to the Ancient Cedars loop, for review and approval by the municipality and the Ministry of Transportation and Infrastructure.*

5. *THAT, subject to public comment, Council indicate support for considering a variance to increase the maximum permitted height of the main house on the proposed Guest House parcel from 8.5m (28 ft.) to 10.9m (36 ft.); and,*
6. *THAT Council indicate that issuance of a future Development Permit for construction of the proposed Short-Term Campground (phase 3) would be subject to protecting the full 30m forested buffer along the Peninsula Road frontage, unless the owners can demonstrate that the proposed tent sites within this area would not be visible from the road.*

The adopted motion, above, was modified from the original Staff recommendation as represented in the bold text below:

Original:

*"2. b. including, as part of the subdivision to create the two parcels, dedication for park purposes of a 30m corridor upland from the natural boundary along the marine shoreline **adjacent to the proposed Campground parcel**, plus the entire stream setback area surrounding Stream 1;"*

As adopted:

*"2.b. including, as part of the subdivision to create the two parcels, dedication for park purposes of a 30m corridor upland from the natural boundary along the marine shoreline **of both parcels**, plus the entire stream setback area surrounding Stream 1;"*

Staff understand the intent of this Council direction was that the 30m shoreline portion of the proposed Guest House (GH) lot was to be dedicated as public park land rather than register a 30m green space covenant over the shoreline area. One of the main concerns expressed was for the level of protection of the shoreline of Olsen Bay. As the salt marshes are a very delicate marine ecosystem, Council felt a park dedication rather than a covenant was a better way to protect this area.

Since the April 9, 2019 meeting, the applicant has met with planning staff several times and the applicant has come forward with the following counteroffer.

#### **UPDATED PROPOSAL AUGUST 13, 2019**

**A.** The applicant is not agreeable to offering the 30m shoreline area of the proposed GH lot for park dedication as requested by Council April 9, 2019. They have instead offered to augment the original Staff recommendation with a \$10,000 cash contribution to the District of Ucluelet for fencing, interpretive signs and protective barriers. In discussion with the owners, this is intended to provide trail features so that the public could view the salt marsh of Olsen Bay at either end of the property, but foot traffic would be clearly directed away from trampling sensitive shoreline areas.

The other measures originally recommended by staff would also apply, which read as follows:

*"To provide a 30m restrictive green space covenant on the proposed Guest House parcel which would also restrict any further subdivision of that lot unless at that future date the following are provided by the property owner:*

- *dedication for park purposes a 30m corridor upland from the natural boundary along the marine shoreline adjacent to the property; and,*
- *appropriate funds to construct a trail system and viewing platform to municipal standards in the shoreline park dedicated."*

B. The applicant is now offering to contribute a full 30m Park Dedication along the entire shoreline of the proposed campground lot. They had previously only offered a 20m park dedication plus a 10m no-build covenant on the campground lot in favor of the District of Ucluelet.

C. The applicant has also reduced the riparian area of Steam #1 to concur with the boundaries of an updated riparian area as presented by their environmental consultant:

2,  
an VIP79908

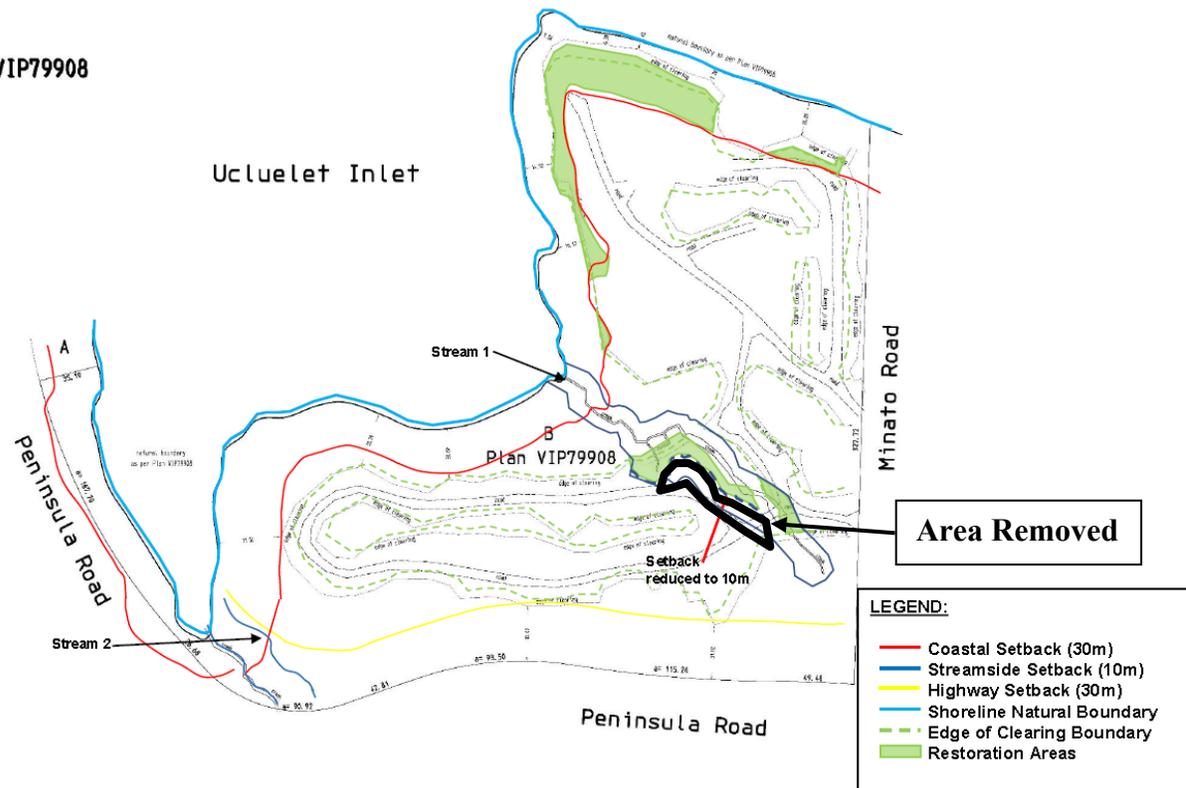


Figure 1 – Updated Riparian Map

**DISCUSSION:**

It is important that this report be read in conjunction with the April 9, 2019 staff report on this proposed development (see **Appendix C**). The report in hand is specific to the changes in the applicant's updated proposal and the details of the zoning amendment bylaws prepared by staff.

**Updated Item A**

The applicant is offering a \$10,000 cash contribution to the District of Ucluelet for fencing, interpretive signs and protective barriers. Each side of the property where the shoreline interfaces with a public space will require some measure to deter the public from walking across sensitive shoreline habitat. The \$10,000 offered would need to be divided between those two points, amounting to roughly \$5,000 per side. This money would be spent at the discretion of the District of Ucluelet, typically following discussion with the Wild Pacific Trail Society. Staff Consider the modest barrier and high education approach taken in the Spring Cove trail segment shown below (**Figure 2 & Figure 3**) is appropriate for this shoreline area. Staff also consider the \$10,000 offered the minimum contribution for this work.



Figure 2 – Spring Cove photo 1



Figure 3 – Spring Cove photo 2

The most robust long-term protection for sensitive ecosystems is by full park dedication. A few environmental consultants have observed that, “it is the homeowner and their weedwhacker or chainsaw” who does the most damage to environmentally sensitive areas. If this shoreline area is not to be a dedicated public park, considering the sensitivity of the ecosystem and the remoteness of parts of the covenant area, it will be important to ensure that the terms of the section 219 Restrictive Covenant are detailed enough to give confidence that this area will be protected. Staff would work with the municipal solicitors to ensure that the covenant is enforceable on the following points:

1. all flora and fauna are preserved and undisturbed;
2. allow the District of Ucluelet staff to, at their discretion, walk the covenant area and inspect for any modification or damage to the natural environment;
3. make enforcement of any infraction clear and cost-effective; and,
4. any access point to the water for the owner is minimal, defined, and can easily be restored back to its pre-modified state.

The details of this covenant would be brought forward to Council prior to Zoning Amendment Bylaw No. 1244, 2019, being referred to a public hearing.

Updated Item B

In front of the proposed campground parcel, the 30m park dedication offered would give better environmental protection and be simpler to manage than the previously offered 20m park dedication plus a 10m no-build covenant.

Note that the applicant has requested a zero setback for camp sites to the 30m park dedication area; this variance would be considered with the DVP19-02.

Updated Item C

The park dedication along Stream #1 was previously based on a 10m environmental setback of both Sides of Stream #1, plus the area of an associated wetland (now labeled as “Area Removed” in **Figure 1** above).

The applicant’s environmental consultant reclassified this area as a non-riparian area and the applicant has removed it from the park dedication. In the report by Aquaparian Environmental Consulting Ltd. dated June 18, 2019 (see **Appendix B**), the biologist states that further site investigation, “... showed the area not to have evidence of a defined watercourse or wetland vegetation... that would signify wet or moist soils characteristic of a stream or wetland”, and further states, “we do not anticipate that the reduction in the setback and restoration area is to have any negative [effect] on the health of the stream.”

Staff have also had verbal conversation with the applicant’s environmental consultant about the District of Ucluelet’s intention to route a trail within the stream setback area. The consultant signaled that it should be possible provided the approach taken to the construction of the trail is done with due care and sensitivity.

**ZONING BYLAW NO. 1244 – MAP AMENDMENT:**

The proposed zones are to follow the proposed property lines as indicated in **Figure 4** below. The property line between the GH zoned lot and the Campground lot have had a slight adjustment to straighten them out, compared to the original proposal, to create a more regular parcel layout. As mentioned in updated Item B, the park boundary is now 30m from the natural boundary of the sea. The Stream 1 riparian area has been reduced as per Updated Item C.



Figure 4 – Rough Map of Zoning Areas

**ZONING BYLAW NO. 1256 – NEW CAMPGROUND ZONING:**

Planning Staff continually work with and review the zoning bylaw. Staff have noted that it may not be appropriate for campgrounds to be included in the CS-5 Tourist Commercial Zone. The CS-5 zone allows a wide range of uses. Campground and, for example, Hotel are very different land uses. Staff have also noted that the current regulations around Campgrounds are not well defined. The following are proposed in the draft bylaw amendment to clarify and clearly designate campground uses:

1. Create a new zone for campgrounds called CG Zone - Campground.
2. Add a new section in the Supplemental Regulation division for campgrounds.
3. Add new definitions for:
  - a. “Camping Space”;
  - b. “Camping Unit”; and,
  - c. “Recreational Vehicle”
4. Remove and replace the definition for “Campground.”

Please refer to the draft Zoning Amendment Bylaw No. 1256, 2019, (see **Appendix E**) for the specifics of these proposed bylaw changes.

**DP19-01 – ENVIRONMENTAL PROGRESS REPORT:**

An environmental progress report from Aquaparian Environmental Consulting is attached (see **Appendix B**). This report details the current status of the environmental reclamation work and the remaining work still to be done on the property. The report briefly details that the applicant's required reclamation work is progressing and that most of the planting is to occur this fall (re-planting work was curtailed by dry summer conditions).

**OPTIONS REVIEW:**

Staff suggest that it is timely to initiate the general changes to Campground regulations contemplated by Zoning Amendment Bylaw No. 1256 in parallel with this development application. The updated Campground zoning could be applied to other properties containing existing or potential campground uses at a later date. Staff recommend that the progress of the general Campground amendments be considered somewhat independently and proceed regardless of the status or progress of the site-specific development application for 221 Minato Road.

If Council is supportive of the current proposal, staff recommend that the requested Guest House and Campground rezoning shown in Bylaw No. 1244 be given first and second readings. Scheduling of a public hearing would be considered at a later date, once a draft restrictive covenant, Development Permit, Development Variance Permit and Temporary Use Permit have been presented to Council and become part of the public record ahead of the hearing. Alternatively, Council could consider the following:

3. **THAT** Council considers the adopted motion from the April 9, 2019, Regular Council meeting in which a full park dedication is required around the Guest House lot is critical to any rezoning approval for 221 Minato Road moving forward and suggest the applicant reconsider that contribution; **or**,
4. **THAT** Council provide alternative direction to staff.

**Respectfully submitted:** Bruce Greig, Manager of Community Planning  
Mark Boysen, Chief Administration Officer



## STAFF REPORT TO COUNCIL

Council Meeting: APRIL 9, 2019  
500 Matterson Drive, Ucluelet, BC V0R 3A0

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**FROM:** BRUCE GREIG, MANAGER OF COMMUNITY PLANNING

**FILE NO:** 3060-20-DP19-01  
3360-20-RZ18-08  
3090-20-DVP19-02  
3070-20-TUP19-01

**REPORT NO:** 19-40

**SUBJECT: PROPOSED REZONING, SUBDIVISION AND DEVELOPMENT PERMITS FOR 221 MINATO ROAD LOT B, PLAN VIP79908 CLAYOQUOT DISTRICT, DISTRICT LOT 286.**

**ATTACHMENT(S):** APPENDIX A – APPLICATION  
APPENDIX B – ENVIRONMENTAL IMPACT ASSESSMENT REPORT (AQUAPARIAN)  
APPENDIX C – VEGETATION MANAGEMENT PLAN  
APPENDIX D – TIMELINE  
APPENDIX E – DEVELOPMENT PERMIT DP19-01

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**RECOMMENDATIONS:**

1. **THAT** Council authorize issuance of Development Permit DP19-01 for the restoration of the previously damaged riparian and marine shoreline areas of the property at 221 Minato Road.
2. **THAT** Council indicate support for the concept of rezoning the property at 221 Minato Road for a 2-lot subdivision to create a Guest House parcel and a Campground parcel, and indicate that adoption of a zoning amendment bylaw for the requested uses would be subject to the following:
  - a. completion of the site restoration work under Development Permit DP19-01 including monitoring and sign-off by the Qualified Environmental Professional;
  - b. including, as part of the subdivision to create the two parcels, dedication for park purposes of a 30m corridor upland from the natural boundary along the marine shoreline adjacent to the proposed Campground parcel, plus the entire stream setback area surrounding Stream 1;
  - c. the owners providing a restrictive covenant on the proposed Guest House parcel which would restrict any further subdivision of that lot unless at that future date the following are provided by the property owner:
    - i. dedication for park purposes a 30m corridor upland from the natural boundary along the marine shoreline adjacent to the property; and,

- ii. appropriate funds to construct a trail system and viewing platform to municipal standards in the shoreline park dedicated in (i) above;
  - d. the owners providing a contribution for half the cost of constructing the stream section of trail and viewing platform, prior to commencing construction of the Long-Term Camping spaces in the proposed Phase 1;
  - e. the owners providing a restrictive covenant on the proposed Campground parcel ensuring that construction of the Short-Term Camping shown as Phase 3 will not commence before the adjacent section of Olsen Bay trail has been constructed.
- 3. **THAT** Council indicate support for the concept of issuing a Temporary Use Permit to permit long-term camping in the proposed designated area of the campground, subject to conditions including:
  - a. Seasonal camping stays are not to exceed six months;
  - b. No additions, accessory buildings, structures or outdoor storage is permitted in long-term camping spaces;
  - c. A resident campground manager is required on-site; and,
  - d. The campground manager is to maintain a register of campers, contact information and vehicle registration, and make the register available at all times if requested by the District.
- 4. **THAT** Council indicate support for the concept of issuing a Development Permit for the subdivision of the property into the proposed Guest House and Campground parcels, subject to the following conditions:
  - a. that the owners provide a detailed landscape plan showing replanting of native tree and understory species in the undeveloped portions of the Minato Road 10m road right-of-way dedication areas:
    - i. at the future public access trail to Olsen Bay at the end of Minato Road; and,
    - ii. screening of the proposed long-term camping spaces adjacent to Minato Road including appropriate fencing;
  - b. that prior to subdivision approval, the owners providing:
    - i. a civil engineering assessment and design for all required services including road, water, sewer, on- and off-site stormwater management and the location of private power and data utilities; and,
    - ii. a traffic engineering safety assessment of vehicle and pedestrian movements resulting from the proposed development and upgrades, if necessary, at the intersection of Peninsula Road and Minato Road and at the future trail crossing of Peninsula Road to the Ancient Cedars loop, for review and approval by the municipality and the Ministry of Transportation and Infrastructure.
- 5. **THAT**, subject to public comment, Council indicate support for considering a variance to increase the maximum permitted height of the main house on the proposed Guest House parcel from 8.5m (28 ft.) to 10.9m (36 ft.); and,
- 6. **THAT** Council indicate that issuance of a future Development Permit for construction of the proposed Short-Term Campground (phase 3) would be subject to protecting the full 30m forested buffer along the Peninsula Road frontage, unless the owners can demonstrate that the proposed tent sites within this area would not be visible from the road.

## **PURPOSE**

The purpose of this report is to give Council information on the background of clearing activity on the property, restoration plans and a development proposal submitted by Rick and Rebekka Lim of Pirates Bay Holding Company Ltd., for their property at 221 Minato Road (see **Figure 1**), Lot B, Plan VIP79908 Clayoquot District, District Lot 286 (the “**Subject Property**”).

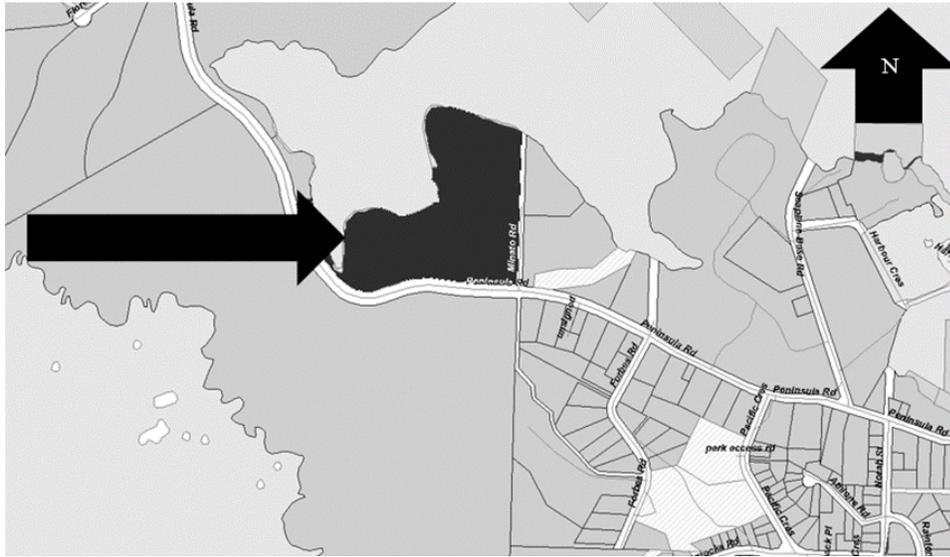


Figure 1 – The Subject Property

## **BACKGROUND AND SITE CONTEXT:**

The subject property is a 10 ha (25-acre) lot located on the north side of Peninsula Road and on the west side of Minato Road, adjacent to Olsen Bay and the Ucluelet Inlet to the north. The current zoning designation of the property is Rural Residential (RU).

This property was considered to have considerable environmental value prior to extensive logging and clearing in late 2016. The site contained a full forest of mature trees (some old growth) at 20m to 30m with pockets of trees at 30m to 40m height, and included the understory vegetation and habitat values which come with mature coastal forests. Two fish bearing streams and associated riparian areas cross the site, one of which has been impacted by the site clearing. A more detailed timeline is attached to this report (see **Appendix D**).

The owners were issued a formal letter dated December 13, 2017, notifying the owner to cease all land altering activities and advising that they would be required to obtain a Development Permit (DP) for any further site work including restoration of the disturbed areas. The owners subsequently stopped all works and have engaged a Qualified Environmental Professional (QEP) to prepare a *Vegetation Environmental Management Plan* (see **Appendix C**) to form part of their required site restoration DP. They have also worked with staff to understand what is required to bring a development application forward. This current application proposes to:

- address the Development Permit required for the restoration of damaged ecological areas on the subject property; and,

- present development plans for the rezoning, DP, and subdivision processes required for the proposed development of the property.

In brief, staff recommend that three elements are necessary for the owners to move forward with the development of their land in an appropriate manner:

- First and foremost, the site restoration work must be completed as recommended and under the supervision of the consulting biologists (the QEP).
- Second, development of the site must include adequate measures to protect the remaining forest elements and the marine shoreline and stream riparian ecosystems. This should include adequate areas of park land set aside for conservation purposes. It also must include proper facilities to enable public access in the proper (and limited) locations to ensure that future use does not trample the ecological values of the site.
- Finally, the proposal for this site, as with any new development, must include adequate measures to mitigate the impacts on public spaces and infrastructure and bear the costs for servicing these land uses.

Subject to the conditions outlined in the list of staff recommendations, the proposed development of the site contains uses which can be supported in this location and, if managed properly, would result in a net benefit to the community.

#### **DISCUSSION:**

This application includes multiple related development approval processes. Individually these are as follows:

- DP19-01 - Development Permit for the restoration of damaged ecological areas
- RZ19-01 - Rezoning from Rural Residential to Guest House & Campground uses
- DP19-02 - Development Permit for Subdivision into two lots (Guest House & Campground)
- SD19-02 - Subdivision of the subject property into two lots
- DVP19-02 – Development Variance Permit to increase height for proposed house

These processes are guided by Ucluelet’s Official Community Plan Bylaw No. 1140, 2011 (**OCP**), and Zoning Bylaw 1160, 2013 (**Zoning Bylaw**). The subject lands fall into Development Permit Area No. 8 (Former Forest Reserves Lands). The following are pertinent DP guidelines found within the OCP bylaw, to consider for this development:

*“The coastal environment within this DPA is characterized by rocky bluffs and headlands along the exposed western shoreline, while a gentler rocky coast - along with sensitive marine wetlands, predominates along the protected eastern shoreline of Ucluelet inlet. This rugged and wild coast, along with the extensive forest that carpets the rolling and often steep terrain contribute immeasurably to the character of the site. There is therefore a demonstrated need to ensure that development within this area should be protected from hazardous conditions and makes adequate provision for fitting itself harmoniously into the existing natural environment while maintaining a balance between the need for such protection and development of this land. All development should provide for the Wild Pacific Trail that makes its way through the area.*

*In addition to development being sensitive to significant natural features worthy of protection, this area is designated for mixed use development which requires a high standard of design cohesion which reflects the natural heritage of the area.”*

### Guidelines

1. All developments must preserve and maintain 100% of the Wild Pacific Trail along the coast where feasible on properties located along the waterfront;
2. No development can approach within 30m of the high-water mark around the sensitive marine wetlands indicated on the map below;
3. A 30-metre-wide tree buffer with no development must be provided along both sides of the Pacific Rim Highway;
4. The layout of the proposed collector through DPA No. 8 that runs parallel to the Pacific Rim Highway, must respond to the natural conditions and topography of the land. Adequate buffering along the frontage of the road should also be retained to provide an attractive entrance into the community. A tree preservation plan should be a major priority in order to preserve this spectacular natural environment.
5. All developments should respect archaeological resources and comply with all relevant statutes and regulations for the protection thereof. The District may require, at their discretion, that the applicant provide at their own cost an archaeological assessment report;
6. All development, including campsites with no individual water supply or no individual sewage disposal facilities, must be connected to the municipal sanitary sewer system;
7. Developments shall strive to create openness, connections, or views to the waterfront areas through open spaces or pathways
8. No development shall impede public access to the foreshore beyond private property boundaries;
9. A landscape preservation plan for all developments must be included as part of the development application process in order to ensure protection of existing significant trees and shrubs. This will include plans showing pre and post-development conditions in order to prevent over-cutting;
10. The removal of any native tree species that is 30cm Dbh or greater (Diameter at Breast Height = 1.3m) measured with a proper tree caliper is prohibited.
11. Any landscaping maintenance program must meet all applicable governmental regulations involving the use of fertilizers, herbicides and pesticides and the owners must ensure that no harmful pesticides or chemicals enter the ocean, either directly or by way of groundwater infiltration;
12. All sitka spruce must be identified by a qualified arborist and, where they are determined to be healthy, preserved;

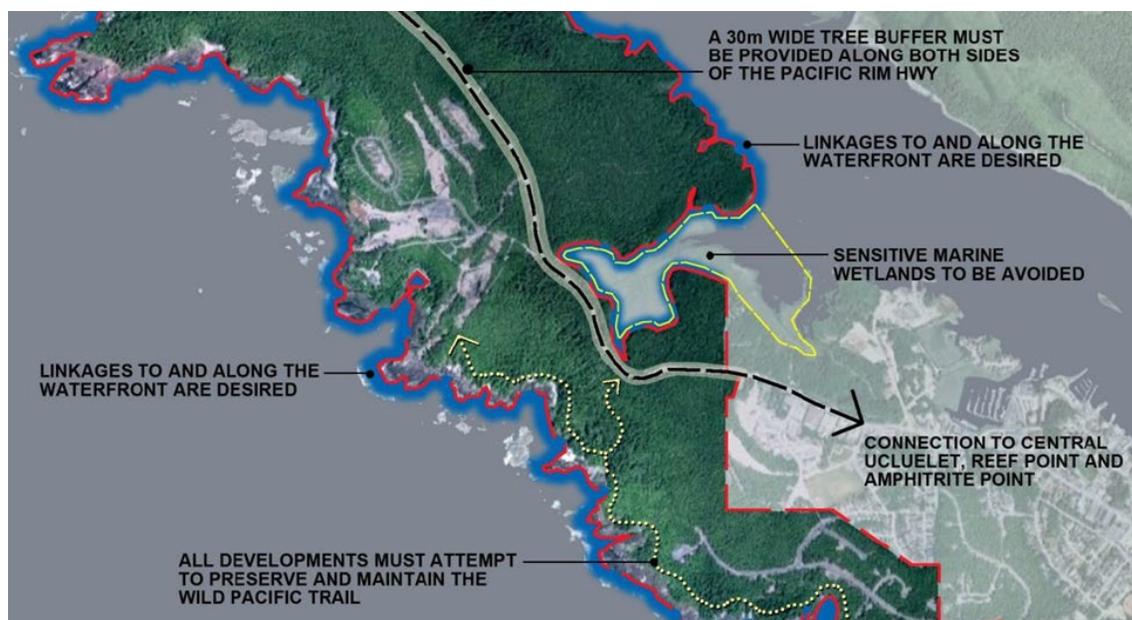


Figure 2 - DPA 8.2 Development Permit Area No. 8 Conceptual Diagram

The following are relevant OCP Environment Policies:

*“To encourage the maintenance of natural green space and forest cover and eliminate large clear cuts to accommodate development”*

*“To identify natural corridors for public and wildlife use or as natural landscapes”*

*“Properties greater than 0.8 hectare in size will require an Environmental Impact Assessment to evaluate the impacts of a proposed development on the natural environment and for the protection of developments from hazardous conditions.”*

A compressive review of the regulatory requirements is listed in section “1.2 Regulatory Review” of the Environmental Impact Assessment Report (see **Appendix B**).

### **DP19-01 – Development Permit for the restoration of damaged ecological areas**

The purpose of this DP area designation is the protection of the natural environment, its ecosystems and biological diversity. The applicant is applying to reinstate the impacted vegetation within the riparian setback of ‘Stream No.1 and the area between the natural boundary of the Ucluelet Inlet and 30m back from that boundary (the “**Marine Shoreline Area**”). This replanting will strictly follow the Vegetation Environmental Management Plan (see **Appendix C**) and its recommendations. This permit will be complete only after all recommended restoration work is done and inspected by the authors of the attached management plan. Staff recommend that final adoption of a rezoning bylaw should only be considered after the restoration work is completed, inspected and signed off by the QEP. (see **Figure 3**).

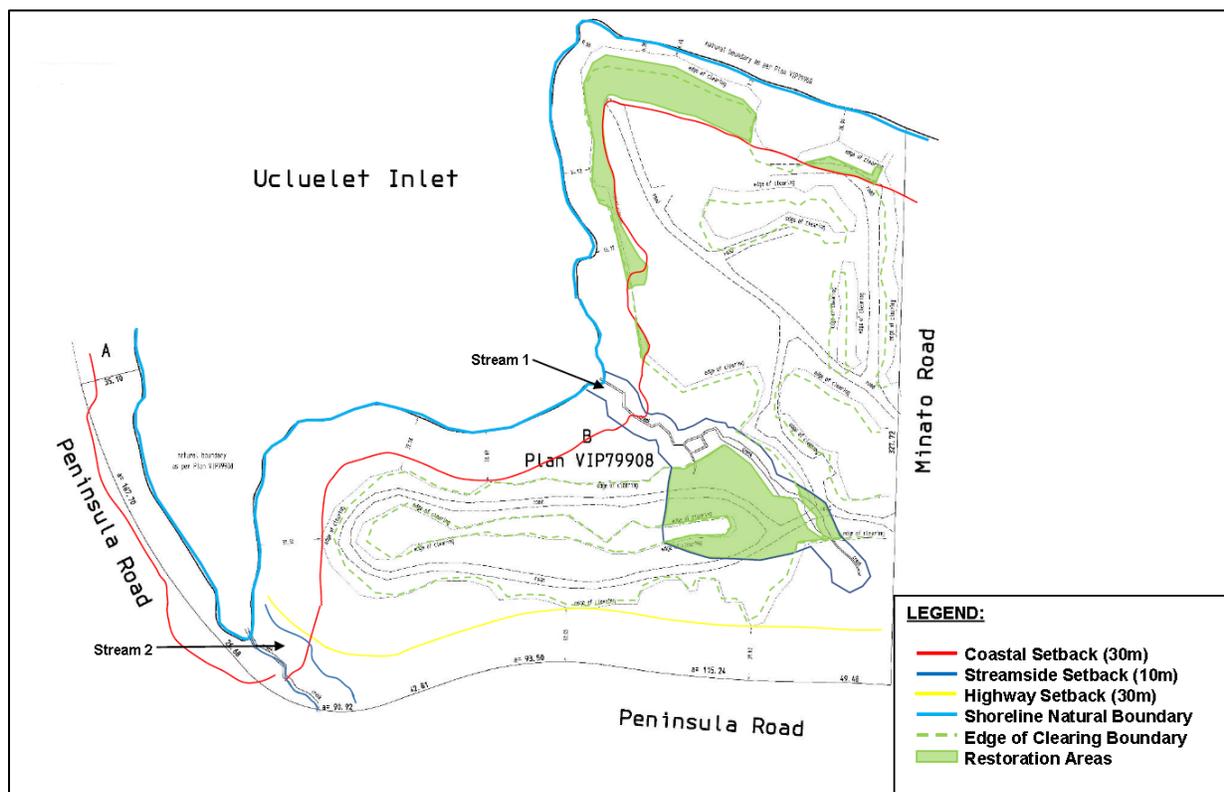


Figure 3 – Vegetation Management Plan – Restoration Areas

## **RZ19-01 - Rezoning from Rural Residential to Guest House / Campground**

The proposed rezoning and subdivision of the land is being approached so that the appropriate permitted uses would be associated with the respective new lot areas. The applicant is proposing two lots: one to include their family home with Guest House zoning, and the other to include a Campground which is proposed to include areas for both short-term and long-term camping use.

### Guest House zoned parcel

The owners are proposing to create an (approx.) 3.4 ha (8.5-acre) lot with a permitted use of *Guest House (GH)*. This permitted use is intended for commercial tourist accommodation mixed with residential in the form and appearance of a traditional single-family dwelling (**SFD**), with or without small scale guest cottages. The relevant zoning regulations to this application are:

- *The Minimum Lot Size: 2,000 m<sup>2</sup> (½ acre).*

This is significant as the proposed GH lot is over 8 acres in size. Therefore, the property would have potential for further subdivision in the future.

- *The commercial Short-Term Rental (STR) elements of the Guest House zone for the large lot are regulated as follows:*
  - *6 guest rooms if the lot area exceeds 4,000 m<sup>2</sup> (1 acre); plus*
  - *4 guest cottages per lot if the lot area exceeds 4,000 m<sup>2</sup> (1 acre).*

This indicates the scale of the commercial use on the proposed GH lot. The applicant has provided the following sketch to indicate their guest house, guest cottages, private driveways and garage location (see **Figure 4**):



Figure 4 – Guest House parcel

The size and location of this lot may lend itself to greater density, use and community benefit than what is currently being proposed. The creation of 8-acre rural acreages is not considered the ideal long-term pattern for Ucluelet's limited land base. With this large GH acreage the applicant has stated that they do not want a public trail to pass in front of their home and guest cottages. While this is understandable, the balance of private interest and the community benefit must also be considered. The proposed GH use does have a high commercial STR use associated to it and a continuous trail around the entire coastline would benefit both the owners' guests and beyond. If a higher density development were being proposed at this time, staff would be recommending the inclusion of a full 30m park dedication complete with a constructed public trail. With this application the owners are offering a 30m greenspace protection covenant along the shoreline, which does somewhat protect the marine shoreline area from further impacts but would not provide public access at this time.

If the proposed single large Guest House lot is looked at as an interim step from the current rural residential zoning, it is possible that that the full public benefit could be realized at a future date if/when further subdivision and/or changes in land use were being considered. A covenant could be placed on the title of the proposed GH lot, to restrict further subdivision until the marine shoreline area of the GH lot were dedicated as park and a public trail built to the Wild Pacific Trail standards. This compromise would allow the applicant to use the land for their private home at this time, and retain the potential for further public access, tied to future development of the site. At the same time, full public access is proposed adjacent to the proposed campground portion of the site. This compromise approach to public access is supportable in light of the short- and long-term context.

Currently, the public right-of-way containing Minato Road is currently 10m wide; half the regular 20m right-of-way width. Therefore, roadway dedication along the length of the property will be required as a condition of subdivision to achieve the standard 20m corridor for public access and utilities. The owner has cleared part of this future expansion area next to the proposed Guest House parcel, in a location likely to be used for a public water access trail from the end of Minato Road to Olsen Bay. As part of the development of this property, replanting of this area in native species trees and underbrush should be secured prior to approval of the subdivision plan.

#### Campground Property

The applicant is proposing a campground with both tent camping spaces and two types of recreational vehicle (RV) camping:

- short-term camping normally associated with RV camping and tourist use; and,
- longer-term RV camping.

The longer-term RV camping is proposed to benefit Ucluelet's housing spectrum with a form of housing that is more transient in nature. Also proposed are three auxiliary buildings, internal circulation roads and dedicated park lands (see **Figure 5**).

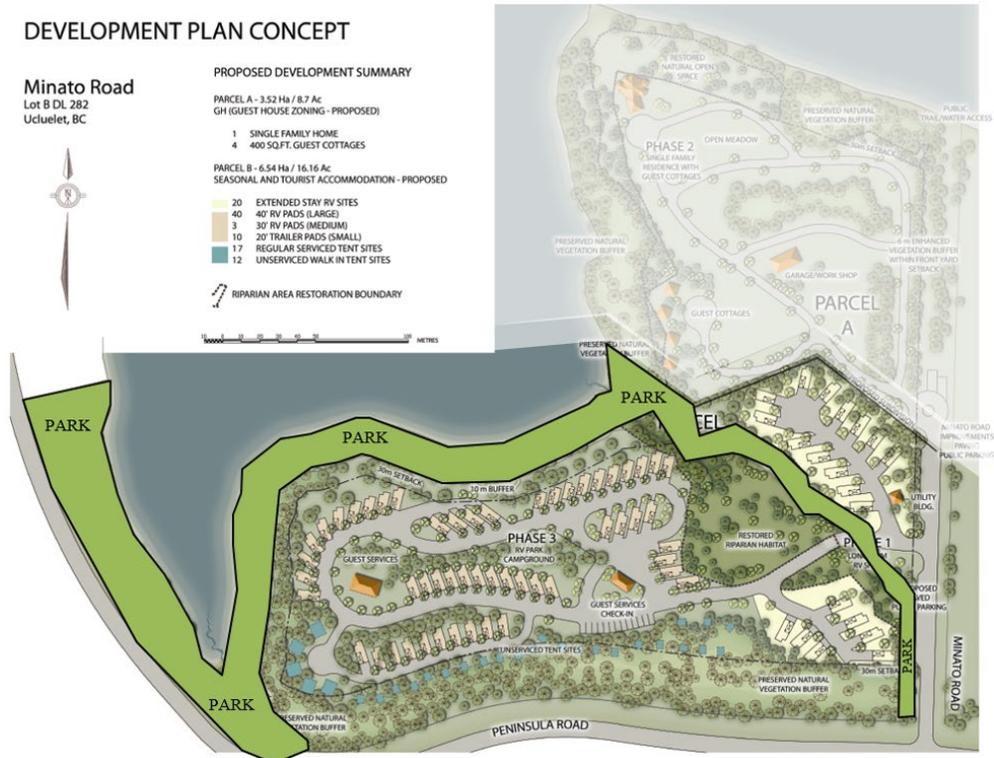


Figure 5 – Campground Parcel

The above sketch highlights the basic elements and layout of 3.85-acre (approx.) proposed campground lot. Indicated are the areas proposed for park (in green), the tent spaces (in turquoise), and differentiates the short term and long-term RV spaces (in light green). The proposed campsite development consists of:

- 20 Long-Term RV spaces
  - 52 Short-Term RV spaces
  - 14 tent spaces
  - 15 tent spaces (within the Peninsula Road 30m green space covenanted area)
- 
- 101 total camping spaces**

At capacity this development would present a significant change to this area of town. Movement of cars and RV's to and from the subject property, camp fires and other impacts naturally follow 200 to 400 people and their pets. For comparison the Ucluelet Campground is of similar area and advertises 125 spaces within 13 acres. Staff are recommending that, as a condition of a DP for the subdivision which would create the campground parcel, the owner be required to provide a traffic safety analysis for the District and Ministry of Transportation and Infrastructure review of the expected impact and any improvements required for Peninsula Road as a result of this development.

The applicant has indicated that the first phase of the development is to be a form of seasonal housing with RV spaces that would allow camping for a term of six months minus a day. Done right the proposed long-Term camping could add an element of flexible housing for seasonal workers. If it were not managed properly, this use could become unsightly and present a burden to municipal building and bylaw enforcement staff.

The applicant has offered a 20m park dedication plus a 10m greenspace covenant along the marine shoreline area and a 10m park dedication for a trail in the riparian area of *Stream No.1*. This dedication is less than what Staff consider appropriate, taking into account the direct benefit to the guests of the proposed campground, and the area reasonably necessary to protect the marine shoreline and riparian areas from further impact. Staff recommend a full 30m marine shoreline park dedication, plus dedication of the entire *Stream No.1* riparian area.

Considering that campgrounds have minimal infrastructure and could be converted to a higher density at some point in the future, campground use is supportable. A new campground in close proximity to the village core may also have a positive economic effect as its guests patronize the community's commercial businesses.

If this proposal is to move forward, staff will recommend creating a new zone specifically for campgrounds. This will allow the clear distinction of density limits and appropriate setbacks for campsites. This zoning designation could be applied to future and existing campgrounds. The bylaw would need to update the current definition for "*Campground*" to specifically allow short-term camping, and then create a new definition for "*Long-Term Camping*". To differentiate the long- and short-term uses for the proposed lot, Staff consider the best approach would be to zone the entire campground lot for camping use (i.e., short-term) and then issue a Temporary Use Permit (TUP) for long-term camping in the proposed designated area. This initial approach would allow Council and the community an ability to assess the success of this long-term camping / seasonal housing approach and modify conditions for this new land use, if necessary.

### Park lands

The addition of the proposed campground use represents a significant up-zoning of the property. To be consistent with the OCP policy and guidelines, and offer the community a clear public benefit, the applicant has offered dedicated park areas as indicated in green above (see **Figure 5**). This park, as described, is to preserve this pristine marine shoreline area, provide access for the general public, and serve as access for the guests of the proposed campground to the broader District trail system. It will be important that the trails and viewing platforms within this park be constructed prior to the campground opening. The trail would be a significant amenity for guests of the proposed campground. Properly defined trail facilities and access points will be important to provide safe access, views of Olsen Bay and beyond, and to protect the marine shoreline ecosystem. (see **Figure 6**).



Figure 6 – Suggested Trails and viewing platform

Without a defined trail system and viewing platforms, it can be expected that increased use brought about by the campground development would result in environmental damage to the shoreline, the marine environment, and to the riparian areas.

This section of trail would be approximately 840m long; total approximate cost of the trail and viewing platforms would be approximately \$100,000. Staff recommend that dedication of the park corridor be a condition of the rezoning and be completed as part of the initial subdivision. The owners have not offered to contribute at this time to the cost of constructing this section of trail. If development of the short-term campground (shown as phase 3) does not occur for some time, the District could proceed with trail construction independent of the property owners (i.e., seeking funding from other sources). Staff recommend that completion of the trail construction – with or without the owners' financial contribution – be a pre-condition to development of the short-term campground. In other words, if the trail has not yet been constructed, and the owners wish to develop the campground, they could accelerate its construction by partnering with the District to help with construction costs. Either way, it is important that the trail infrastructure be completed before campers are on site seeking access to Olsen Bay.

Staff suggest that the entire riparian area of *Stream No.1* (shown in blue below) and a full 30m marine shoreline area be dedicated as park lands (see **Figure 7**).



Figure 7 – Extended Park Area

The applicant is also requesting to locate tent sites within an area that is covenanted in the name of the District of Ucluelet for a 30m green space buffer (EV124432) running along the Peninsula Road frontage. Staff do not support this request; a fully green and treed Peninsula Road Corridor is an important feature to the overall experience of the entrance to town for both visitors and residents alike. Construction new commercial use within this green buffer is contrary to the OCP guidelines.

### **DP19-02 - Development Permit for Subdivision**

Pending an indication of support for the concept of rezoning the property for the proposed uses, Staff have not requested that the owners provide the full studies and documentation required for this DP at this time. Some elements of the development could be reasonably defined in more detail and approved at the subdivision stage. The following is a cursory review of DP requirements.

The Former Forest Reserve Lands Development Permit Area (DPA No.8), is established for the purposes of:

- Protection of the natural environment, its ecosystems and biological diversity;
- Protection of development from hazardous conditions; and,
- Establishment of objectives for the form and character of development in the resort region.

For the relevant guidelines see the analysis section above and in section “1.2 Regulatory Review” of the Environmental Impact Assessment Report (**Appendix B**).

#### *Protection of the natural environment, its ecosystems and biological diversity*

As discussed above, the site’s marine shoreline and riparian areas will be replanted under DP19-01. This DP will focus on the subdivision and the proposed campground and GH property. The combination of a 30m Marine Shoreline area park dedication and 30m greenspace protection covenant area back from the natural boundary meets the OCP Guidelines which state:

*“No development can approach within 30m of the highwater mark around the sensitive marine wetlands indicated on the map below”*

If developed as described, this would be consistent with the above guideline. The built elements of the development would be set back from the natural boundary and the riparian areas, and these setbacks areas are also specified under a recent environmental management plan. Staff consider that the management plan (**Appendix C**) is consistent with the OCP if all recommendations from that plan are implemented and monitored by the QEP.

#### *Protection of development from hazardous conditions*

The majority of the built form of this development is above 7m from the natural boundary. This proposal does not appear to be subject to hazardous conditions as presented. The Building Inspector will have the opportunity to review site specific conditions at the time of building permit and can require geotechnical reviews to specific conditions, if required.

#### *Establishment of objectives for the form and character of development in the resort region*

The Former Forest Reserve Lands is the largest of Ucluelet’s Development Permit Areas. Special conditions of this landscape include some of the district’s richest forested habitat and the potential for spectacular residential and commercial development. Covering roughly half of Ucluelet’s land

base, the area is largely untouched by development - offering an excellent opportunity to carefully build on the sense of place as development progresses. Objectives of this DPA include protecting the natural qualities that make this place so special. The following are considered key DP guidelines for this development:

- *The layout of the proposed collector through DPA No. 8 that runs parallel to the Pacific Rim Highway, must respond to the natural conditions and topography of the land. Adequate vegetative buffering along the frontage of the road should also be retained to provide an attractive entrance into the community. A tree preservation plan should be a major priority in order to preserve this spectacular natural environment.*
- *All developments should respect archaeological resources and comply with all relevant statutes and regulations for the protection thereof. The District may require, at their discretion, that the applicant provide at their own cost an archaeological assessment report;*
- *Developments shall strive to create openness, connections, or views to the waterfront areas through open spaces or pathways. No development shall impede public access to the foreshore beyond private property boundaries;*
- *A landscape preservation plan for all developments must be included as part of the development application process in order to ensure protection of existing significant trees and shrubs. This will include plans showing pre and post-development conditions in order to prevent over-cutting;*
- *All sitka spruce must be identified by a qualified arborist and, where they are determined to be healthy, preserved;*

#### Proposed Subdivision

The proposed lot layout is straightforward, splitting the property roughly in line with the area of the stream corridor. The proposed layout would enable both lots to have access from Minato Road, and is supportable.

#### Vehicle Access and Traffic Safety

As mentioned above, full civil drawings have not been supplied for this proposal. Road dedication to widen the Minato Road right-of-way from 10m to the standard 20m road allowance will be required as part of the subdivision. The applicant has indicated 3.6m paved road lanes, parallel parking, a standard turnaround and parking areas at the end of the paved turnaround. The proposed development will also likely require a pedestrian crossing of Peninsula Road at Minato Road which would need to be constructed to Ministry of Transportation and Infrastructure Standards. Staff recommend that a traffic safety analysis be required prior to subdivision. With the density of visitor use proposed in the campground, providing safe and enjoyable pedestrian circulation, including connections to the multi-use path on Peninsula Road, will be key.

#### Public Pedestrian Access

The owners' proposal falls short of providing the full access and connections directed in the OCP, but subject to the conditions recommended in this report the development is supportable considering both the short- and long-term development potential of this site. The park dedication and trail connection following the stream corridor and shoreline would provide an excellent addition to the community trail network, as part of the long-term Safe Harbor Trail extending from the small craft harbor to the Onni lands and connecting to the Ancient Cedars Loop of the Wild Pacific Trail.

#### Landscaping, Tree Retention and Removal

All remaining mature trees are to be retained. Full detailed civil and landscape plans of the campground – including tree retention measures - will be required as part of a future DP application for the campground development.

#### Storm Water Management

At this time the applicants have not submitted civil engineering design including storm drainage. The detailed design will be required as part of the future campground DP and subdivision approvals. It could be expected that Minato Road will be developed to the alternative standard used in both the Rainforest and OceanWest subdivisions. On-site features for retention and filtering of sediment to ensure water quality in Olsen Bay will be expected as part of the runoff control design.

#### Sewage Disposal

The applicant will be required to run a sewer main to municipal standards down Minato Road at their expense to serve the proposed lots. The civil engineering design may involve a pump station at the north end of Minato Road to push wastewater to the Peninsula Road sewer main. Any proposed works by the owners' civil engineer will be reviewed by the District of Ucluelet's engineering consultants prior to subdivision approval.

#### Water Supply

The proposed lots created will need to be fully serviced and water meters installed as part of the subdivision. The owners' engineer will be required to review the adequacy of the existing municipal infrastructure in this location for water service, including fire protection, and make upgrades at their expense if necessary.

#### **OCP Designation:**

The 2011 OCP designates the site as Comprehensive Development, and includes policy 3.9.ii(4):

*“The area on Minoto Road [sic] north of Peninsula Road is designated for Comprehensive Development. This area is envisioned primarily as a residential community with significant tree retention. The shoreline is recognized as having important ecosystem values. A greenbelt should be maintained along the shoreline.”*

With awareness of the clearing which has subsequently occurred on the site, the Land Use Map in the draft 2019 OCP indicates a portion of the property designated as Tourist Commercial, consistent with the potential campground uses in this location.

Staff consider the campground uses as a potentially positive addition to town, and the long-term camping aspect for seasonal workers is worth pursuing as a pilot for addressing a current affordable housing need.

#### **DVP19-02 Development Variance Permit**

The owners are requesting a variance to permit an 8' increase to the maximum building height for their proposed home. Given the location of the house and size of the property, the added height would have no impact on neighbouring properties. Subject to public comment, the requested variance is supportable.

**SD19-02 - Subdivision review**

Once a DP is issued by Council for the proposed layout, review of the subdivision of this property is the responsibility of the municipal Approving Officer. This step is a technical review for conformity with all policies and regulations of the OCP, Zoning Bylaw, Subdivision Services Control Bylaw and all applicable federal and provincial laws and regulations. Prior to final subdivision approval, the applicant will be required to produce full civil engineering drawings for water, sewer, storm drainage, electrical service and roads. The applicant may also need geotechnical and environmental studies and to complete an archeological assessment.

**TIME REQUIREMENTS – STAFF & ELECTED OFFICIALS:**

If this application is approved, Staff time will be required to prepare the necessary bylaw and permits for Council consideration, and coordinate the process for the rezoning, DP and the subsequent subdivision. A public hearing would need to be scheduled to gather community input on the rezoning bylaw, Temporary Use Permit and Development Variance Permit. As part of the subdivision process the municipal Approving Officer will be required to create a Preliminary Layout Assessment (PLA) and staff will be required to assist and monitor that process as well.

**FINANCIAL IMPACTS:**

Each of the 2 lots in this subdivision will incur a Development Cost Charge (DCC) of \$12,882. It should be noted that under the current DCC bylaw, campground development does not currently trigger DCC's - even though there would be an expected incremental impact to the District's infrastructure as a result of the proposed uses.

**POLICY OR LEGISLATIVE IMPACTS:**

Subject to the conditions recommended in this report, the restoration of the property and proposed development of the site would be aligned with the OCP.

**SUMMARY:**

The previous environmental damage to the property has been done, and the owners have taken steps to begin rectifying that damage. The campground and guest house development proposal is supportable subject to the conditions described in the recommendation of this report. Alternatively, the most sensitive areas of the site could be restored according to the QEP recommendations and left as a large rural property with some potential for further development at a future date.

**OPTIONS REVIEW:**

The six recommended motions at the outset of this report would authorize the site work to complete the restoration of the site and set in motion the process of further Council consideration – with public input – of the various elements required for development of the property according to the owner’s submitted plans. Alternatively, Council could consider the following options:

7. **THAT** Council issue Development Permit DP19-01 for the restoration of the previously damaged riparian and marine shoreline areas of the property at 221 Minato Road, and direct the following:
  - a. That the site restoration work be completed to the satisfaction of the QEP and the District within 12 months;
  - b. That no other permits for site works or development on the property be considered until the site restoration work under DP19-01 has been completed to bring the property into compliance with municipal bylaws; and,
  - c. That the municipal solicitors be instructed, if the site restoration has not been completed within 12 months, to initiate legal proceedings to compel the owners to restore the site and compensate the District for costs and damages as a result of site clearing activities contrary to the Official Community Plan Bylaw No. 1140, 2011.

**Or,**

8. **THAT** Council defer consideration pending receipt of further information requested of the applicant.

**Respectfully submitted:** Bruce Greig, Manager of Community Planning  
Mark Boysen, Chief Administration Officer

**DISTRICT OF UCLUELET**

**Zoning Bylaw Amendment Bylaw No. 1244, 2019**

A bylaw to amend the District of Ucluelet Zoning Bylaw (221 Minato 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. Map Amendment:**

Schedule A (Zoning Map) of District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by changing the zoning designation of Lot B, District Lot 286, Clayoquot District, Plan VIP79908 (221 Minato Road, PID 026-487-764), from “RU: Rural Residential” to areas designated as “CG: Campground”, “GH: Guest House” and “P-1: Public Institutional” as outlined in black on the map attached to this Bylaw as Appendix “A”.

2. This bylaw may be cited as “District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1244, 2019”.

**READ A FIRST TIME** this    day of            , 2019.

**READ A SECOND TIME** this    day of            , 2019.

**PUBLIC HEARING** held this    day of            , 2019.

**READ A THIRD TIME** this    day of            , 2019.

**ADOPTED** this    day of            , 2019.

**CERTIFIED A TRUE AND CORRECT COPY** of “District of Ucluelet Zoning Amendment Bylaw No. 1244, 2019.”

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Mayco Noël  
Mayor

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Mark Boysen  
Corporate Officer

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

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Mark Boysen  
Corporate Officer



**DISTRICT OF UCLUELET****Zoning Bylaw Amendment Bylaw No. 1256, 2019**

A bylaw to amend the District of Ucluelet Zoning Bylaw (Campground).

---

**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:**

The District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended as follows:

- A. By** adding the following definitions in alphabetical order within Division 100 – Enactment and Interpretation, Section 103 Definitions, such that the new definitions read as follows:

““Camping Space” means a measure of land that one camping unit will occupy.

“Camping Unit” means a tent, tent trailer, truck camper, travel trailer, fifth wheel, recreational vehicle, motor home and any other conveyance designed to travel on a publicly maintained road, which is constructed and intended or equipped to be used as non- residential, daily or short-term (not acceding 30 days) accommodation. Camping unit does not include park model trailers, park model mobile homes, or tiny homes sited on a permanent foundation.

“Recreational Vehicle (RV)” means any camper, travel trailer, fifth wheel or motor home with a maximum width of 2.6m in transit mode which can be used to provide sleeping accommodation and which is capable of being licensed for highway use pursuant to the Motor Vehicle Act or any subsequent Act or Acts which may be enacted in substitution therefore.”

- B. By** adding Section 407 numerically to Division 400 – Supplemental Regulations such that the new section reads as follows:

**“407 CAMPGROUND**

**407.1** Where a *Zone* specifically includes *Campground* as a permitted use, all the following conditions must be satisfied for the establishment and continued use and operation of the *Campground*:

- (1) The *campground* layout shall promote the conservation and management of habitat, wetlands, and steep slopes. The layout shall take advantage of existing clearings and open areas. The layout shall maintain and promote natural systems connectivity.
- (2) A naturally landscape buffer shall be located between each *camping space* with a minimum width of 2 m (6 ft).
- (3) Only one camping unit and parking associated with such unit shall be allowed in a single camping space.
- (4) No *camping units* shall be located elsewhere than in a *camping space*.
- (5) No buildings of any type are permitted on *camping spaces* and no additions to any RV, travel trailer, or other camping unit shall be permitted in any *camping spaces*.
- (6) Each *Camping space* is to be on a well-drained site that is at all times free of stagnant pools and is graded for rapid drainage.
- (7) Campground Washroom facilities:
  - (a) Campgrounds shall provide a minimum of one centrally located washroom facility.
  - (b) Washroom facility(s) for un-serviced Camping Spaces are to be equipped with a minimum of one (1) toilet and half (.5) a shower stall per five (5) Camping Spaces.
  - (c) Washroom facility(s) for fully serviced Camping Spaces (camping spaces equipped with a sewer and water connection) are to be equipped with a minimum of one (1) toilet and one (.5) shower stall per eight (8) Camping Spaces.
  - (d) Each washroom facility must contain an accessible washroom in conformance with the BC Building Code.
- (8) Servicing:
  - (a) A potable water connection shall be provided in all recreational vehicle *camping spaces* and in centralized locations in all campgrounds.

- (b) A sanitary sewer connection shall be provided on 50% of recreational vehicle *camping spaces*.
  - (c) A centralized and winterized sewage disposal facility (dump station) shall be provided for the remainder of RV *camping spaces*. These facilities must be easily accessible and separated from the recreational vehicle stalls and any amenity spaces.
- (9) Each *camping space* shall have:
- (a) a clearly identifiable number and a permanent campground location map must be located at the entrance to the campground
  - (b) a camping area of grass or compacted gravel, which is otherwise well maintained.
  - (c) visible and clearly defined space boundaries marked on the ground by permanent flush stakes or markers.
- (10) The *campground* shall:
- (a) comply with all Provincial regulations relating to health, sanitation, fire, fire protection, and other matters.
  - (b) develop a fire safety plan that must include details on how to manage fire pits and campfires if permitted especially during provincial fire bans.
  - (c) have a Wildlife Attractant strategy with animal proof collection bins provided throughout the campground.
  - (d) ensure all lighting of internal roads and pedestrian paths are fully shielded fixtures that minimize glare in the nighttime environment in accordance with the International Dark Sky Association (IDA) standards and best practices.
- (11) Minimum road width requirements shall be as follows:
- (a) all two-lane access roads to and from a campground shall have a minimum width of 6.0 m.
  - (b) internal campground roads shall be one way, and shall have a minimum width of 3.66 m.

(c) dead end roadways shall have a hammerhead turnaround or cul-de-sac with a turning circle minimum radius of 12 m.

**407.2** For greater certainty, notwithstanding of provisions of this bylaw:

(1) No camping unit shall be permitted on any camping space continuously for a period of more than 30 days. No camping unit may reoccupy any camping space in the same campground for a period of not less than 60 days from the date of departure.

**407.3** Off-street parking must be provided in accordance with Section 505.1 of this Bylaw.”

**C.** By adding a new Campground zone, to Schedule B – The Zones that directly follows CS-7 Zone – Tourist Commercial & Residential such that the new section reads as follow:

**“CG Zone – CAMPGROUND**

*This Zone is intended for commercial use of campgrounds, with an accessory residential dwelling unit and accessory retail sales and administration, in accordance with the District’s related bylaws.*

**CG.1** Permitted Uses

CG.1.1 The following uses are permitted, but *secondary permitted uses* are only permitted in conjunction with a *principal permitted use*:

(1) Principal:

(a) *Campground*

(2) Secondary:

(a) *Accessory Residential Dwelling Unit*

(b) *Accessory Retail Sales and Administration Office*

**CG.2 Lot Regulations**

CG.2.1	Minimum Lot Size:	6,070 m <sup>2</sup> (1.5 acres)
CG.2.2	Minimum Lot Frontage:	23 m (75 ft)
CG.2.3	Minimum <i>Camping Space</i> size:	90 m <sup>2</sup> (969 ft <sup>2</sup> )
CG.2.4	Minimum <i>Camping Space</i> Width:	6 m (20 ft)
CG.2.5	Minimum <i>Camping Space</i> Depth:	

(1) Tent - *Camping Space*: 11 m (36 ft)

(2) *Recreational Vehicle - Camping Space*: 16 m (52 ft)

**CG.3 Density:**

CG.3.1 Maximum Number:

(1) *Camping Space*: 10 spaces per acre

(2) *Accessory Residential Dwelling Unit*: 1 per lot

CG.3.2 Maximum Floor Area Ratio: 0.023

CG.3.3 Maximum Lot Coverage: 2.3%

**CG.4 Maximum Height:**

CG.4.1 Principal Buildings & Structures: 7.5 m (25 ft)

CG.4.2 Accessory Buildings & Structures: 7.5 m (25 ft)

**CG.5 Minimum Setbacks:**

CG.5.1 Despite Section 306.1, the minimum setbacks listed in Section CG.5.2, below, shall also apply to *camping spaces*.

CG.5.2 The following minimum setbacks apply, as measured from the *front lot line, rear lot line and side lot lines(s)*, respectively, of the *Campground*:

	(a) Front Yard Setback	(b) Rear Yard Setback	(c) Side Yard – Interior Setback	(d) Side Yard – Exterior Setback
(1) Principal	7.5 m (25 ft)	7.5 m (25 ft)	7.5 m (25 ft)	7.5 m (25 ft)
(2) Accessory	7.5 m (25 ft)	7.5 m (25 ft)	7.5 m (25 ft)	7.5 m (25 ft)

“

**D.** By replacing the parking requirement in the chart found in Section 505.1 under “Campground” such that that chart category now reads as follows:

“1 space per *camping space* plus 1 space per 10 *camping spaces* for visitor parking “

- This bylaw may be cited as “District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1256, 2019”.

**READ A FIRST TIME** this **8th** day of **October**, 2019.

**READ A SECOND TIME** this **8th** day of **October**, 2019.

**SECOND READING RESCINDED** this day of , 2020

**AMENDED** this day of , 2020

**READ A SECOND TIME AS AMENDED** this day of , 2020

**PUBLIC HEARING** held this day of , 2020.

**READ A THIRD TIME** this day of , 2020.

**ADOPTED** this day of , 2020.

**CERTIFIED A TRUE AND CORRECT COPY** of “District of Ucluelet Zoning Amendment Bylaw No. 1256, 2019.”

---

Mayco Noël  
Mayor

---

Mark Boysen  
Corporate Officer

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

---

Mark Boysen  
Corporate Officer

**FILE COPY**

## DEVELOPMENT PERMIT DP19-01

Pursuant to Part 14, Division 7 of the Local Government Act, R.S.B.C 2015 C.1 as amended:

1. This Development Permit is issued to:

PIRATES BAY HOLDING COMPANY LTD, PO BOX 286, UCLUELET, BC, V0R 3A0

2. This Development Permit applies to and only to those lands within the District of Ucluelet described below and all buildings, structures, and other development thereon:

LOT B, DISTRICT LOT 286, CLAYOQUOT DISTRICT, PLAN VIP79908 (221 MINATO ROAD)  
PID: 026-487-764

3. This Development Permit is issued subject to compliance with all bylaws of the District of Ucluelet.

4. This Permit authorizes the following improvements on the Lands:

- a. The complete restoration of the coastal and riparian areas as indicated by the Vegetation Management Plan completed by Aquaparian Environmental Consulting Ltd on March 8, 2018. This restoration work must be monitored by the Qualified Environmental Professional and their written confirmation of completion according to the Vegetation Management Plan must be provided for acceptance by the District of Ucluelet.

These improvements apply only in the locations indicated, and otherwise in accordance with, the drawings and specifications contained in the Vegetation Management Plan attached to this Permit as **Schedule A**.

5. The work authorized by this Permit may only be carried out in compliance with all federal, provincial, and municipal statutes, regulations, and bylaws. The owner is responsible for ensuring that the timing of the work and any required permits or notifications by other agencies are obtained as required to comply with all applicable regulations.
6. 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.
7. This Permit is NOT a Building Permit.
8. **Schedules "A"** attached hereto shall form part of this Permit. The Municipality's Chief Administrative Officer is hereby authorized to approve minor amendments to the plans provided that such amendments are consistent with the overall character and intent of the original plans.

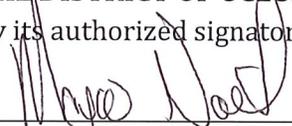


**AUTHORIZING RESOLUTION** passed by the Municipal Council on the **9th** day of **April, 2019**.

**IN WITNESS WHEREOF** this Development Permit is hereby executed and issued by the Municipality the **6** day of **May**, 2019.

**THE DISTRICT OF UCLUELET**

by its authorized signatories:

  
\_\_\_\_\_  
Mayco Noël – Mayor

  
\_\_\_\_\_  
Mark Boysen – Corporate Officer

**OWNER**

by its authorized signatory

  
\_\_\_\_\_  
PIRATES BAY HOLDING COMPANY LTD.

**ISSUED** the **6** day of **May**, 2019.

  
\_\_\_\_\_  
Bruce Greig - Manager of Planning



## Schedule A

221 Minato Road, Ucluelet, BC

Vegetation Management Plan

Prepared by Aquaparian Environmental Consulting Ltd.

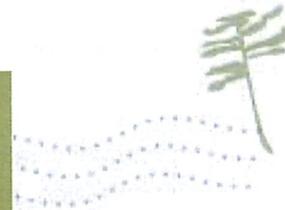
March 8, 2018





# AQUAPARIAN

Environmental Consulting Ltd.



March 8, 2018

Rick and Rebekka Lim  
BNEE Enterprises Ltd.  
Pirates Bay Holdings Ltd.  
2040 Peninsula Road  
Ucluelet, BC

Via Email: rickandrebekka@hotmail.com

RE: **221 MINATO ROAD, UCLUELET BC  
VEGETATION MANAGEMENT PLAN**

## 1.0 INTRODUCTION

Aquaparian Environmental Consulting Ltd (Aquaparian) has been retained by you to complete a Vegetation Management Plan (VMP) to support a land development proposal for your property at 221 Minato Road in Ucluelet BC which includes the development of a single-family home, supporting outbuilding and a public tent and RV campground. The subject parcel is legally identified as:

- **Lot B, District Lot 286 & 471 & 472 & 473, Clayoquot District, Plan VIP 79908.**

The VMP is a District of Ucluelet (DoU) requirement under the Development Approvals Procedures Bylaw 1164. A site location map has been included as Figure 1 and a property map has been included as Figure 2. Site photographs taken on January 31, 2018 have been included in this document as Appendix A.

Aquaparian completed an Environmental Impact Assessment (EIA) report of the subject property dated May 18, 2017 after the completion of significant land clearing works and a post-clearing report dated February 6, 2018 in response to a compliance letter produced for the property by the DoU dated December 13, 2018. Requirements for vegetation restoration works are based on the EIA report and the District of Ucluelet Rezoning and Land Clearing evaluation. The following are requirements as per page 2 of the district letter:

- "Under the Development Approvals Procedures Bylaw 1164, you are required to provide a written statement outlining the land development proposal for your property in full; provide a complete site plan and landscape plan (see section 5.3 of bylaw No. 1164). The site plan and landscape plan is to demonstrate how the environmental and

203-321 WALLACE ST. NANAIMO, BC V9R 5B6, 250-591-2258  
CELL SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

**MINATO ROAD VEGETATION RESTORATION PLAN**  
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community values identified for this property in the Official Community Plan (OCP) will be achieved and protected; specifically,

- A. Protection of a 30m buffer along the shoreline to preserve sensitive marine wetlands (estuary) and mitigation measures for any clearing or disturbance within this area;
- B. Protection of fish bearing streams and mitigation measures for disturbance already within 30m of watercourses;
- C. Extension of the **Wild Pacific Trail** along the shoreline;
- D. Protection of a 30m treed buffer along the Pacific Rim Highway;
- E. Identification and preservation of Sitka Spruce trees.

The subject parcel is subject to the following DoU Development Permit Area (DPA):

- DPA No. 8 - Former Forest Reserve Lands applying to protection of a 30m buffer along the shoreline to preserve sensitive marine wetlands (estuary) and protection of a 30m treed buffer along the Pacific Rim Highway.

The DOU recognizes the provincial Riparian Areas Regulation (RAR) and the policy guideline in protecting watercourses including all streams, rivers, lakes, ponds, and wetlands. These watercourses are considered protected if they support fish or flow into fish bearing waters and are considered as DPAs requiring protective riparian buffers. The DoU OCP states:

- “There will be a minimum setback of 5 meters on all streams in the DPA regardless of whether they are fish bearing or not, as they are corridors for animals. The QEP will use their own discretion to determine further setbacks or default to the “riparian assessment area” distances, as stated on page 2, in the Riparian Areas Regulation, July 27 2004.”

The subject property contains two watercourses and a protective riparian buffer of 10m was determined (based on RAR guidelines) for both streams including side channels. The setback is measured from the High Water Mark (HWM) on both sides of the stream. As understood, a Stormwater Management Plan for the property and design of stream crossings is required and will be completed by Cascara Consulting Engineers Ltd (Cascara). The shoreline HWM, extent of land clearing, roads and location of watercourses have been surveyed and mapped by AG Surveys.

Results from the survey indicate the following:

- The edge of clearing near the Pacific Rim Highway was found to be outside the 30m Highway setback;
- Land clearing along the shoreline extends into the 30m setback in certain areas up to 4.5m from the HWM; and,



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- Vegetation within a portion of the headwater section of “Stream 1” had been removed and encroached into the 10m riparian setback (refer to Figure 4: Development Permit Areas Map).

This Vegetation Management Plan (VMP) report has been prepared to provide a re-vegetation and environmental protection plan for submission to the DoU with the land development proposal for the project. The intent is to re-instate impacted vegetation within the riparian setbacks of the stream and the marine shoreline. **Aquaparian recommends that the owner of the property should retain a Certified / Professional Landscape Architect to assist the owner in completing a proper site layout for the single family home, outbuilding and layout of the campground after vegetation setbacks have been reinstated within the property that would meet DoU “Design Requirements”. The Landscape Architect is to also aid in defining a suitable alignment location for the Wild Pacific Trail within the property.**

Final site plans are to be approved by a QEP prior to the start of construction activities.

## 2.0 SITE DESCRIPTION

The subject parcel is located within mostly undeveloped lands northwest of the Village of Ucluelet. The property is irregularly-shaped with a total area of 24.7 acres. The subject property is bounded to the north and west within a sheltered bay of the Ucluelet Inlet, to the south by Peninsula Road and to the east by Minato Road. The western portion of the parcel is a narrow forested strip that follows a curve along Peninsula Road around the bay for approximately 175m. The property supports the lower reaches of two watercourses that flow into Ucluelet Inlet. Both watercourses are understood to be fish bearing near their confluence with the ocean. “Stream 1” (eastern watercourse) bisects the middle of the site and “Stream 2” is located in the western portion of the site near Peninsula Road. Stream 1 contains side channel drainages that connect to the main channel and were pooling at the time of the site assessment.

The property is gently sloping towards the ocean with the higher land being along Peninsula Road. A section of intact forest consists of mature second-growth coastal western hemlock forest with some veteran Western cedar trees. The northern edge of the property primarily consists of salt marsh habitat influenced by upland drainage and tidal mudflat.

Approximately half of the southern portion of the parcel has been mostly cleared of trees. A narrow ground vegetation strip with scattered trees still exists in the centre and a circular road with roadside ditching has been constructed and surfaced with gravel. The vegetation within the west side of the property and in and around Stream 2 has been left intact. The intact 10m riparian setback for Stream 2 is 1400m<sup>2</sup>. The northern portion of the parcel is almost entirely cleared with exception to a strip of vegetation along the shoreline that varies in width from 4.5m to approximately 30m and a couple of small retained tree stands (refer to Figure 3 site plan).



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Constructed gravel roads with access to Minato Road bisect the cleared area. Stream 1 bisects the middle of the lot and the riparian habitat has been damaged with clearing up to the HWM in some areas. A log bridge (non-compliant) has been constructed across Stream 1 that presently allows for only 15cm of free board from the bottom of the creek.

### 3.0 VEGETATION MANAGEMENT PLAN

The following remediation measures are to be completed within the streamside setback and the shoreline DPA before any further site preparation / development works in the property are completed. A completed plan which is intended to re-vegetate the impacted habitat within the property is provided in Figure 5. The total estimated vegetated treatment areas are summarized in Table 1.

**Vegetation remediation of the site is to include the following:**

- Along the impacted 10m riparian buffer strip of Stream 1 headwaters including inflowing side channels, Aquaparian recommends re-instating with native trees and shrubs (see Table 2) interspersed with existing remaining riparian vegetation. Some natural regeneration is expected to occur from the existing seed bank in the soils;
- Upon removal and replacement of the Stream 1 bridge crossing, re-instate graded streambanks using native trees and shrubs; and,
- In order to remediate the impacted coastal foreshore area, Aquaparian recommends protection of intact shoreline habitat and re-instating the impacted coastal foreshore area with native tree and shrub species to the 30m setback mark from the present natural boundary or High Tide Line. Native plant species were selected based on existing native shrub species and suitability to the site conditions (see Table 3).
- As per discussion with DOU planning staff, the layout of camping pads and alignment of the Wild Pacific Trail within the property will require DOU approval.

As per AG Surveys, the total area of restoration is approximately **6,650m<sup>2</sup>** to be planted with native trees and shrubs including a **2850m<sup>2</sup>** riparian area along Stream 1 and 3800m<sup>2</sup> along the coastal riparian buffer in the northeastern portion of the property.

**Table 1. Estimated Treatment Area Within the DPA for Restoration Requirement:**

<b>Riparian Streamside Protection Area:</b>	
Stream 1 streamside protection area within the parcel (10m setback)	~5750m <sup>2</sup>
Stream 2 streamside protection area within the parcel (10m setback)	~1400m <sup>2</sup>
Total cleared area within Stream 1 streamside protection area	<b>~3800m<sup>2</sup></b>
Total cleared area within Stream 2 streamside protection area	0m <sup>2</sup>
Estimated streamside restoration area	<b>~3800m<sup>2</sup></b>



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Coastal Protection DPA Area:	Area Estimate (m <sup>2</sup> )
Total DPA area within the parcel (30m setback)	~25800m <sup>2</sup>
Total cleared area within the DPA	~2850m <sup>2</sup>
Estimated coastal restoration area	~2850m <sup>2</sup>
<b>Total estimated planting restoration area: Stream 1 and Coastal</b>	<b>6650m<sup>2</sup></b>

Where possible, use stockpiled organic soil on site as a growing medium for planting areas and salvage native plants, logs and stumps to transplant within the site and incorporate into the planting plan for landscaping surrounding the house and campground. This will assist in reducing costs, incorporate potential salvage of native plant seed banks, provide delineated boundaries between camping pads and add natural local form and character to the development

### 3.1 PLANTING PLAN

The following species have been selected for the re-vegetation areas (see Table 2 &3). Overall planting density to be achieved is a minimum of one plant per square meter with the goal of 100% cover within 2-3 years.

The re-instatement of natural trees and shrub vegetation will help to stabilize the soils and improve natural habitat in the riparian zones. Riparian setbacks and restoration areas are to be considered a No-Go zones and left to naturally infill after planting with native riparian species (either transplanted or purchased). The cost has been based on all plant materials being purchased rather than transplanted from within the site.

Table 2. Streamside Planting Plan (Stream 1)

Common Name	Species	Spacing	Size	Quantity	Cost Per	Total
<b>Trees</b>						
Western redcedar	<i>Thuja plicata</i>	5m <sup>2</sup>	1 Gal	100	\$4.75	\$475.00
Coastal western hemlock	<i>Tsuga heterophylla</i>	5m <sup>2</sup>	1 Gal	65	\$4.75	\$308.75
Sitka spruce	<i>Picea sitchensis</i>	5m <sup>2</sup>	1 Gal	45	\$4.75	\$213.75
Red alder	<i>Alnus rubra</i>	5m <sup>2</sup>	1 Gal	30	\$4.75	\$142.50
<b>Sub-total</b>				<b>240</b>		<b>\$1140</b>
<b>Shrubs</b>						
Salal	<i>Gaultheria shallon</i>	0.5m <sup>2</sup>	9cm	900	\$2.25	\$2025.00
Salmonberry	<i>Rubus spectabilis</i>	1m <sup>2</sup>	1 Gal	400	\$4.75	\$1900.00
Red huckleberry	<i>Vaccinium parvifolium</i>	1m <sup>2</sup>	1 Gal	300	\$4.75	\$1425.00
Sword fern	<i>Polystichum munitum</i>	1m <sup>2</sup>	1 Gal	550	\$4.75	\$2612.50
Deer fern	<i>Blechnum spicant</i>	0.5m <sup>2</sup>	1 Gal	1800	\$4.75	\$8550.00
<b>Sub-total</b>				<b>3950</b>		<b>\$16,512.50</b>
<b>TOTAL</b>				<b>4190</b>		<b>\$17,652.50</b>



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Table 3. Shoreline Planting Plan

Common Name	Species	Spacing	Size	Quantity	Cost Per	Total
<b>Trees</b>						
Western redcedar	<i>Thuja plicata</i>	5m <sup>2</sup>	1 Gal	75	\$4.75	\$365.25
Sitka spruce	<i>Picea sitchensis</i>	5m <sup>2</sup>	1 Gal	50	\$4.75	\$237.50
Coastal western hemlock	<i>Tsuga heterophylla</i>	5m <sup>2</sup>	1 Gal	35	\$4.75	\$166.25
<b>Sub-total</b>				<b>160</b>		<b>\$769</b>
<b>Shrubs</b>						
Salal	<i>Gaultheria shallon</i>	0.5m <sup>2</sup>	9cm	1200	\$2.25	\$2700.00
Salmonberry	<i>Rubus spectabilis</i>	1m <sup>2</sup>	1 Gal	300	\$4.75	\$1425.00
Evergreen huckleberry	<i>Vaccinium ovatum</i>	1m <sup>2</sup>	1 Gal	350	\$4.75	\$1662.50
Sword fern	<i>Polystichum munitum</i>	1m <sup>2</sup>	1 Gal	500	\$4.75	\$2375.00
Bracken fern	<i>Pteridium aquilinum</i>	1m <sup>2</sup>	1 Gal	200	\$4.75	\$950.00
Deer fern	<i>Blechnum spicant</i>	0.5m <sup>2</sup>	1 Gal	250	\$4.75	\$1187.50
<b>Sub-total</b>				<b>2800</b>		<b>\$10,300</b>
<b>TOTAL</b>				<b>2960</b>		<b>\$11,069</b>

\*Note: cost estimates are based on the Streamside Native Plants Wholesale Price Guide

\*Note: cost estimates may be reduced where existing native plants can be salvaged and transplanted from within the site.

### 3.2 PLANT SOURCE

#### Streamside Native Plants

7455 Island Highway West, Bowser, British Columbia V0R 1G0

Phone/Fax: 250-757-9999 / Toll Free: 877-570-3138

[http://members.shaw.ca/nativeplants/streamside\\_home.html](http://members.shaw.ca/nativeplants/streamside_home.html)

E-mail: [Richard@streamsidenativeplants.com](mailto:Richard@streamsidenativeplants.com)

The nursery is located at 7455 Island Highway West (Highway 19A) Bowser B.C.

#### Green Thumb Nurseries

6261 Hammond Bay Road

Nanaimo BC V9T 5M4

250-758-0808

E-mail: [grnthumb@shaw.ca](mailto:grnthumb@shaw.ca)

### 3.3 LANDSCAPE COMPANY

#### Stick In the Mud Landscaping

1079 Pacific Rim Highway

Tofino BC V0R 2Z0



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250-725-2606

E-mail: stickmud@telus.net

Landscape Architects.

Victoria Drakeford Landscape Architects

Nanaimo, BC,

250-754-4335

#### **4.0 INSTALLATION RECOMMENDATIONS**

The following recommendations are provided to maximize success of the project:

- Retain the services of a recognized landscaping company familiar with local planting conditions to complete the planting/landscaping works.
- Installation of vegetation will be completed either in the fall or early spring and must be maintained and irrigated as necessary through at least two summer seasons to optimize survival. Planting in cool wet weather will reduce transplant shock and allow plants to establish root systems without drought stress. Overall shrub density should be a minimum of one plant per m<sup>2</sup> and plant placement should mimic a natural growth pattern i.e. clusters of same species. Planting works to achieve a 70-80% survival rate or replacement of plants required.
- Any existing riparian vegetation along the streambanks should be left intact with plantings interspersed among intact vegetation.
- Install a silt fence at the extent of the planting area at the high water mark on both sides of the stream and at the extent of clearing along the coastline prior to the start of landscaping works. Anchor the silt fence in a 0.3m trench and check fencing for disrepair periodically over the course of the riparian work area. Silt fences should remain during and after plantings until the site is stable and mulch is applied but should be removed before the fall rainy season to prevent inundation.
- Native topsoil from the site should be used in the planting areas where possible to increase the likelihood of natural infilling from the soil seed bank. Imported topsoil can be added if necessary for a planting medium. Add a handful of bone meal (reduces transplant shock) to each planting. A minimum 3" deep layer of composted bark mulch is recommended for the planting areas to prevent moisture loss and soil erosion. Small downed logs and branches from the site clearing can be chipped to provide mulch. Place the mulch after the plants are installed leaving a gap around each plant.



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- Every year the site will need to be inspected for invasive species growth and dead plants. Invasive plants (i.e. broom, blackberry, ivy) are to be removed as often as necessary and dead plants are to be replaced. Infill is expected to occur from the selected species.
- The restoration works are to be inspected by Aquaparian following installation to ensure the environmental protection measures are followed and to provide a completion report.
- Retain as many tree stumps with remaining live vegetation (i.e. deer fern) and logs as boundary and visual barriers when delineating camping pads.

## **5.0 ENVIRONMENTAL PROTECTION MEASURES**

Environmental protection measures are to be in place prior to excavation, construction and landscaping activities. Recommendations contained in this report should be reviewed with the construction crew prior to the start of the project.

Aquaparian recommends the following Environmental Protection Measures for this project based on the information provided:

- Environmental monitoring on a part-time basis is recommended for the restoration plan completion and construction activities.
- As per the DOU, retain all remaining vegetation (including trees, understorey vegetation, remaining stumps and natural large woody debris) still standing within the property.
- Complete excavation and construction activities during periods of dry weather or minimal rain forecast if possible. No sedimentation of the streams or the marine environment is to be allowed.
- As required, a Certified Engineer should be retained to complete an engineering plan for the installation of a bridge across Stream 1. The existing log stringer culvert should be removed and a properly engineered crossing installed. The stream crossing bridge replacement works should be completed in the reduced risk window for fish on Vancouver Island of June 15<sup>th</sup> to September 15<sup>th</sup>. A Section 11 Notification Application will be required to the Ministry of Forest Lands and Natural Resource Operations prior to any physical installation works.
- The riparian protection areas should be clearly defined with a visual boundary and should be considered a no-go zone after restoration works are completed.



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**MINATO ROAD VEGETATION RESTORATION PLAN****MARCH 2018****9**

- No encroachment or removal of vegetation should occur in the 30m Pacific Rim Highway buffer.
- Do not stockpile waste materials on site – remove as soon as possible.
- All heavy equipment should be clean and free of leaks and to have a fully stocked spill kit on board.
- Control of site drainage and runoff is necessary during or following excavation, construction, and landscaping activities to prevent migration of fines. Drainage channels that have been trenched and are directing ponded water into the marine foreshore may result in sedimentation to the marine environment. Block and re-direct drainage channels to prevent runoff from entering the marine environment. Aquaparian understands that a site drainage management plan is to be completed by Cascara Consulting Engineers Ltd.
- No soil piles should be allowed within 30m of the streams on site and the near foreshore. Temporarily soil stockpiles will require protection from heavy rain. Either temporarily put soils in a dump truck, or cover with a tarp or sheet of poly, or take off site.
- Stockpiling of soil adjacent to vegetated areas has resulted in the burial of tree trunks and the root systems of several retained trees. Remove soil piles from the base of mature trees and cease stockpiling near naturally vegetated areas.
- If evidence of an archaeological site is encountered during development, activities must be halted immediately and the Archaeological Branch contacted at 250-953-3334 for guidance. No further clearing or excavation should occur until an Archaeological Assessment is completed by a Professional Archaeologist.
- A danger tree assessment should be completed by a Certified Arborist before any construction works commence on the residence or the campground. If standing trees are identified as unstable, retain the stump in place and the surrounding vegetation.
- Extension of the Wild Pacific Trail is required along the shoreline and is to be included in the site plan. Trail alignment is to be approved by the QEP and the DOU. The width of the trail can vary as little as 1.5m and can be partially aligned off the highway corridor within the property, but must still provide some access and viewing location of Ucluelet Inlet.

**6.0 SUMMARY**

The subject parcel has been partially cleared with the intent of constructing a single-family residence and a campground with RV use. The land clearing was completed



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without a permit and is subject to the Former Forest Reserve DPA and the provincial Riparian Areas Regulation. A 30m coastal protection setback, a 10m streamside protection setback and a 30m Pacific Rim Highway setback have been identified within the subject parcel. The District of Ucluelet has provided the property owner with a Rezoning and Land Clearing evaluation letter requiring the submission of a vegetation management plan. This report has been completed to fulfill this requirement and to demonstrate how the environmental and community values identified for this property in the Official Community Plan (OCP) will be achieved and protected.

Re-vegetation of the identified disturbed areas within the coastal setback and the streamside setback is recommended to restore fish habitat, and to minimize erosion and sediment release into fish habitat. **The total restoration area recommended is 6650m<sup>2</sup> (2850m<sup>2</sup> within the coastal setback and 3800m<sup>2</sup> within the streamside setback).**

If all mitigation measures are implemented as recommended in this report, the risk of further negative impacts to foreshore and stream habitat will be minimized and impacted riparian conditions will be improved over existing conditions with the intent of restoring a naturally functioning buffer in the long term.

## **7.0 CLOSURE**

This report is based on a site assessment, past project experience and in accordance with generally accepted biological practices. No other warranty is made, either expressed or implied.



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Aquaparian trusts that the information provided in this report meets your requirements. Any questions regarding information provided in this document, please contact the undersigned at (250) 591-2258.

Sincerely,

**AQUAPARIAN ENVIRONMENTAL CONSULTING LTD**

Prepared by:

Review & Prepared by:



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Crystal Campbell, Environmental Tech.

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Chris Zamora B.Sc, R.P.Bio  
Senior Biologist/Principal

\\AQUAPARIAN-NAS\Documents\Projects\Projects\N358 Minato Road Ucluelet\VMPI\221 Minato Road Vegetation Restoration Plan.docx



203-321 WALLACE ST, NANAIMO, BC V9R 5B6  
SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

FIGURE 1  
SITE LOCATION MAP



203-321 WALLACE ST, NANAIMO, BC V9R 5B6  
SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

FIGURE 1. SITE LOCATION MAP  
221 MINATO ROAD, UCLUELET, BC

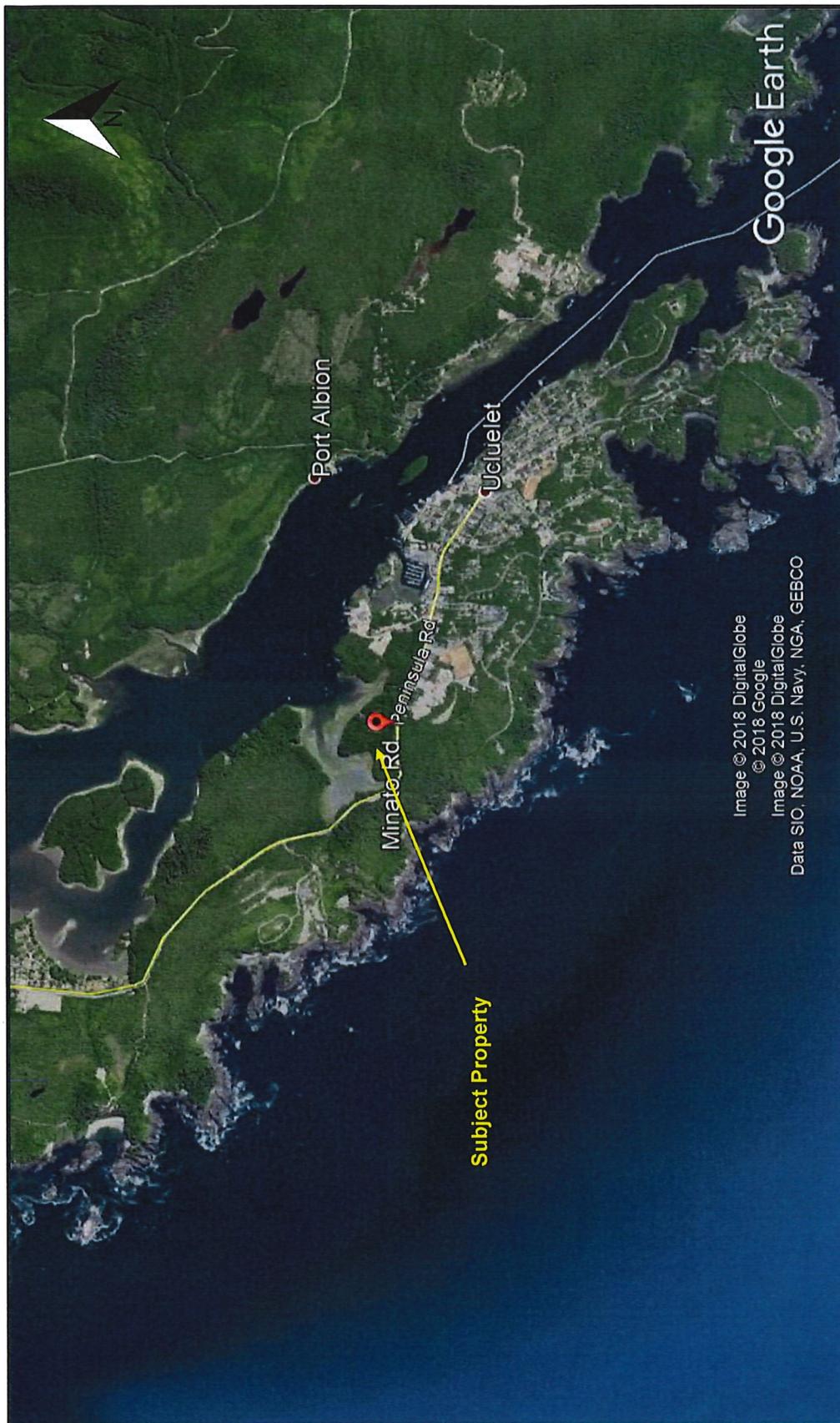


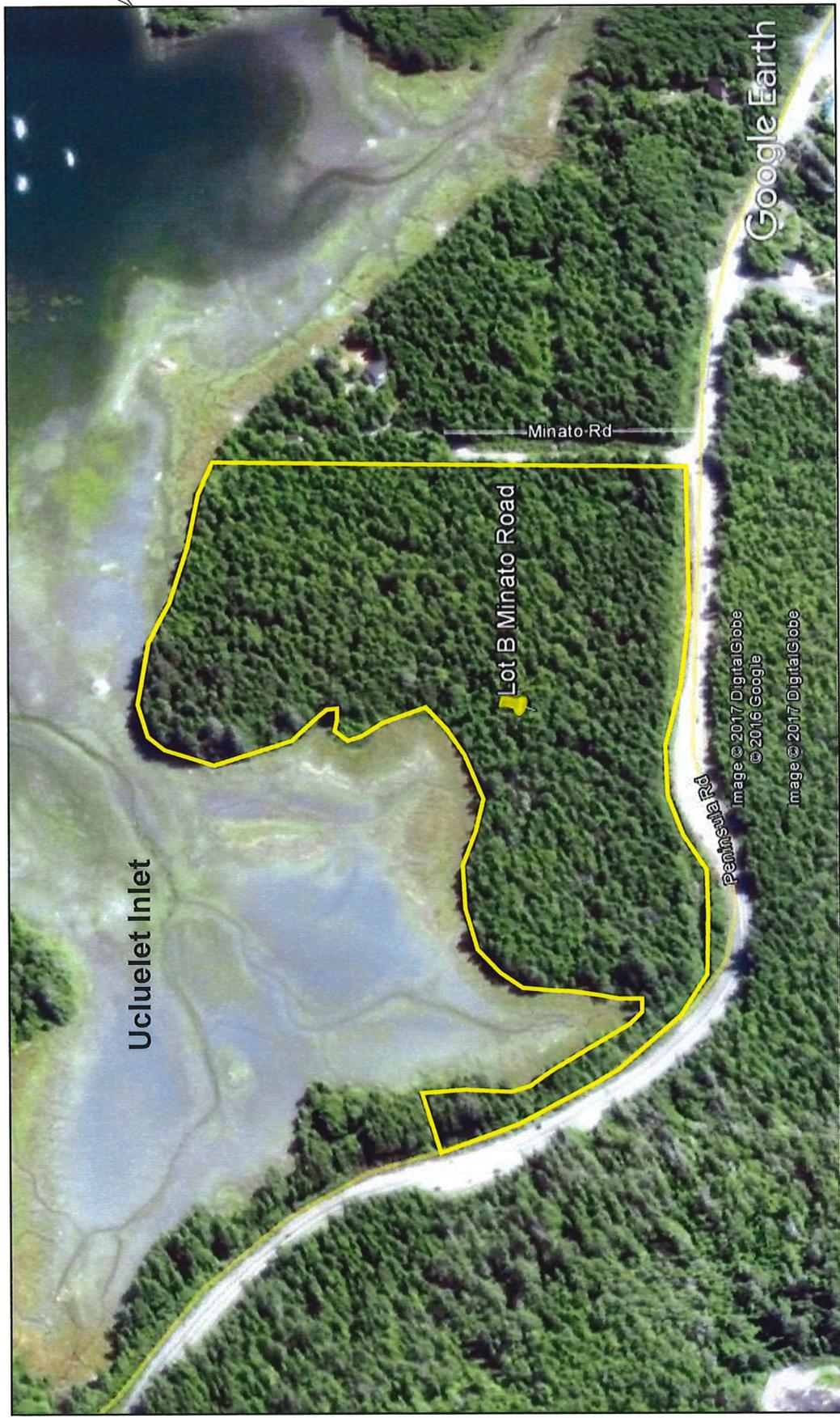
FIGURE 2  
PROPERTY MAP



203-321 WALLACE ST, NANAIMO, BC V9R 5B6  
SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864



**FIGURE 2. PROPERTY MAP  
221 MINATO ROAD, UCLUELET, BC**



**FIGURE 3**  
**AG SURVEYS SITE PLAN**



**203-321 WALLACE ST, NANAIMO, BC V9R 5B6**  
**SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864**

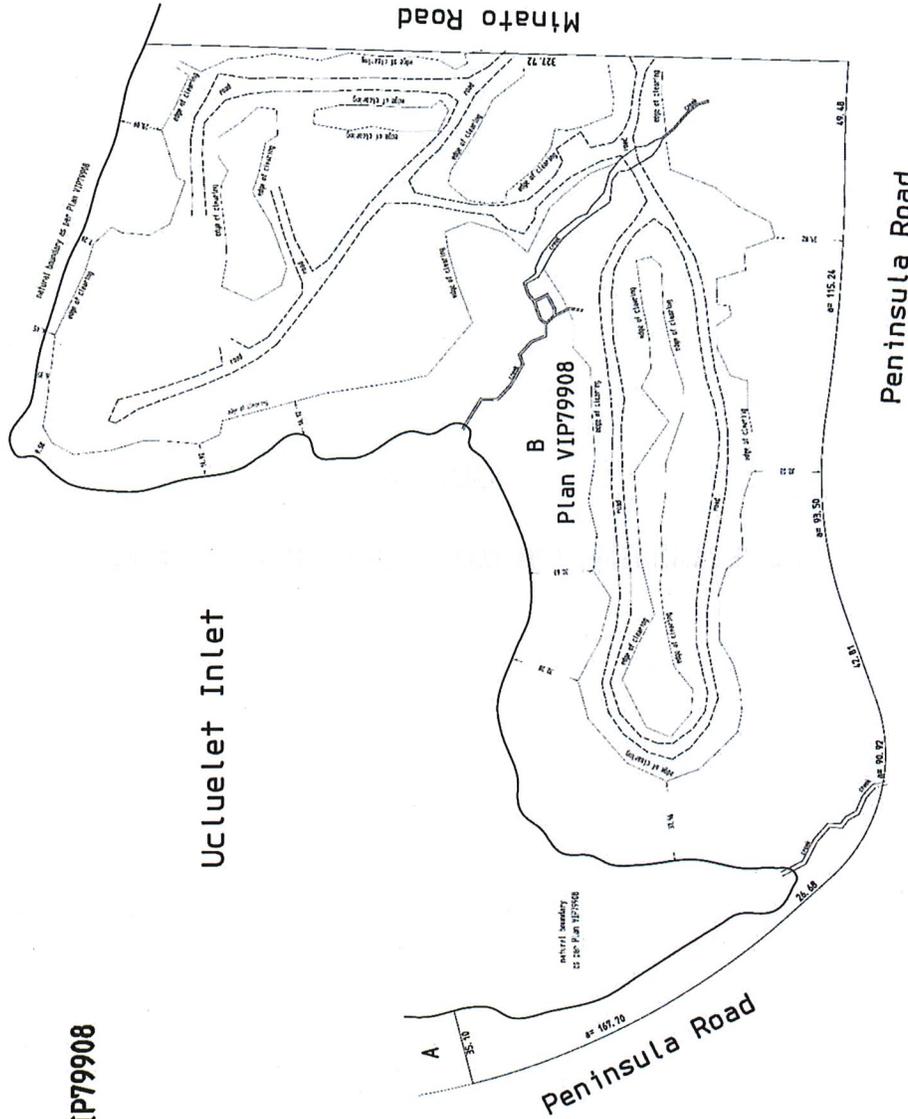
FIGURE 3. MINATO ROAD "AG SURVEYS" PROPERTY SITE SURVEY

Site Plan of:

Lot B, District Lot 282,  
Clayoquot District, Plan VIP79908

Parcel Identifier: 026-487-764

SCALE - 1:1000  
As shown on the Survey Certificate  
(plot on Arch D sheet)



The following non-financial changes are shown on the current title and may affect the property:  
EY2432 - Covenant  
Parcel dimensions shown hereon are derived from Land Title Office records.

FILE: 160-Minato  
DATE: 2018-02-10  
AG Surveys  
545 - 110 Marine Drive  
Ucluelet, BC V0R 3A0  
phone (250) 266-4336

Survey date: February 2018

**FIGURE 4**  
**DEVELOPMENT PERMIT AREAS SETBACK MAP**



203-321 WALLACE ST, NANAIMO, BC V9R 5B6  
**SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864**

FIGURE 4. DEVELOPMENT PERMIT AREAS SETBACKS

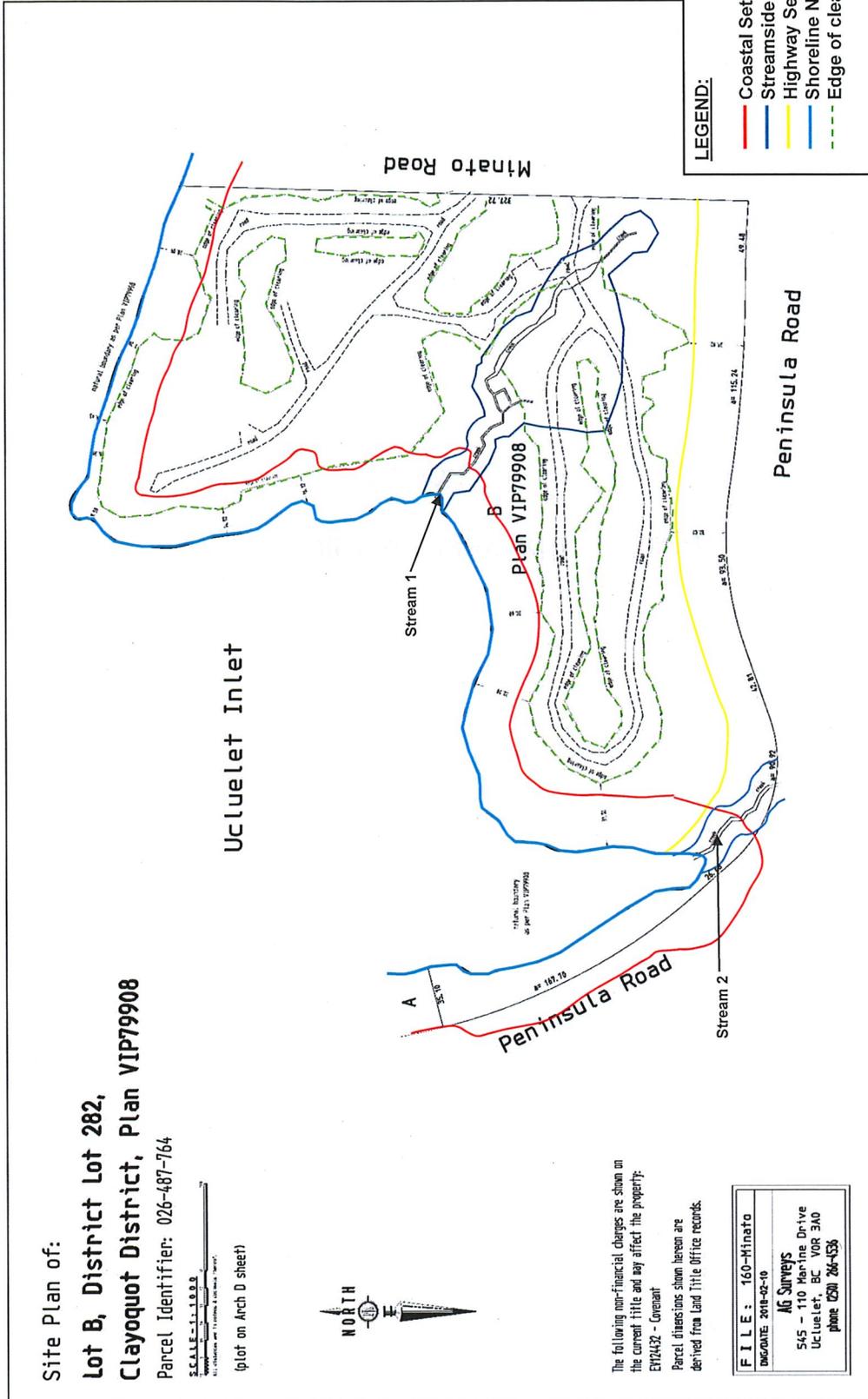


FIGURE 5  
RESTORATION AREAS WITHIN DPAS MAP



203-321 WALLACE ST, NANAIMO, BC V9R 5B6  
SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

FIGURE 5. RESTORATION AREAS WITHIN DEVELOPMENT PERMIT AREAS

Site Plan of:

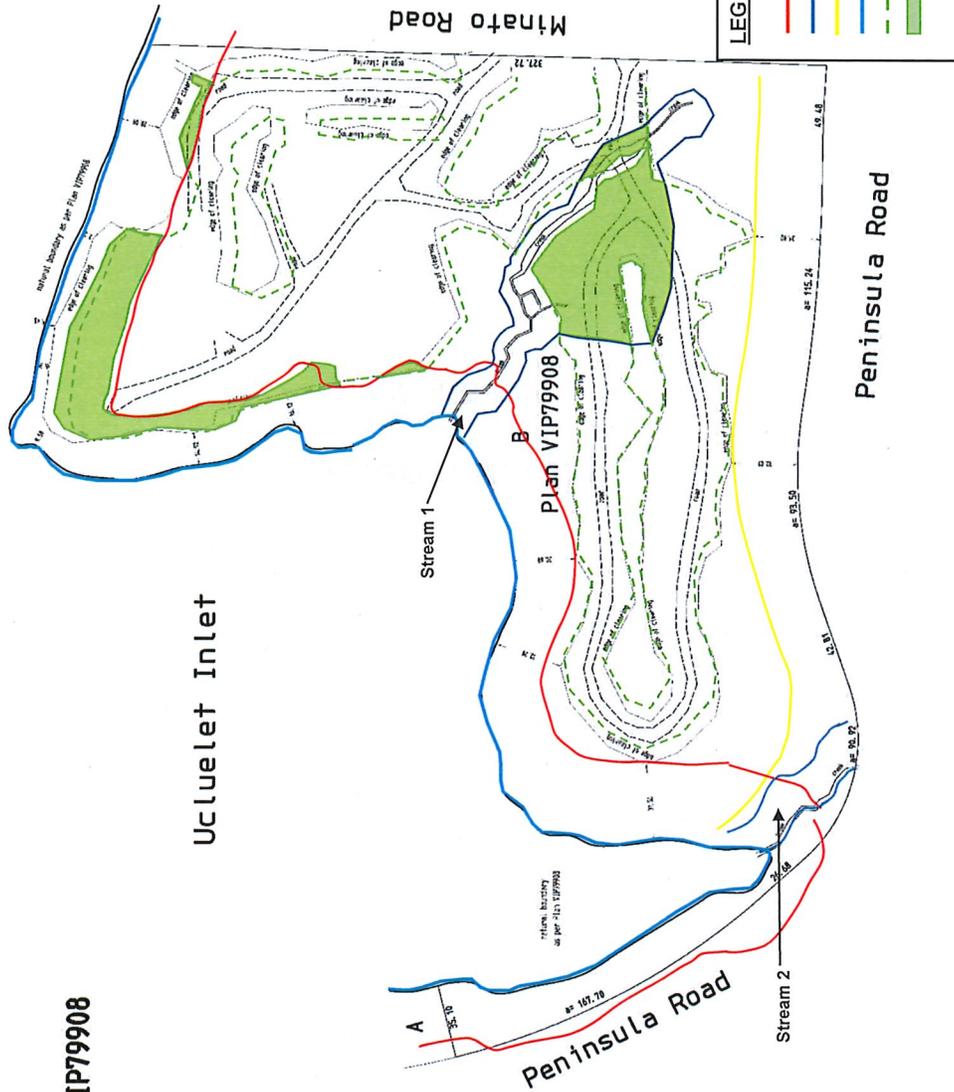
Lot B, District Lot 282,  
Clayoquot District, Plan VIP79908

Parcel Identifier: 026-487-764

SCALE = 1:1,000

1:1,000 means that 1 centimetre on this map equals 10 metres in reality.

(plot on Arch D sheet)



The following non-financial charges are shown on the current title and may affect the property:  
EVI2432 - Covenant  
Parcel dimensions shown herein are derived from Land Title Office records.

FILE : 160-Minato  
DATE: 2018-02-10  
AG Surveys  
545 - 110 Marine Drive  
Ucluelet, BC V0R 3A0  
phone (250) 264-4536

APPENDIX A  
SITE PHOTOGRAPHS



203-321 WALLACE ST, NANAIMO, BC V9R 5B6  
SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

### Appendix A: Site Photographs



Photo 1: View of entrance leading into Minato Rd property

Photo 2: View of logs and stumps stockpiled to side of road



Photo 3: View of Stream 1 and stringer log bridge. Bridge to be removed and replaced. 6" flow clearance

Photo 4: View of Stream 1 and stringer log bridge. Riparian vegetation to be re-established.



Photo 5: View of Stream 1 where it crosses bridge. Riparian area cleared to left side of bridge.

Photo 6: View along main access road in proposed campground. Road clearer to edge of 30m highway setback.





Photo 7: View on opposite side of road alignment in campground area. Clearing went through lower part of drainage.



Photo 8: Impacted drainage. Engineer to complete Stormwater management plan for site.



Photo 9: Clearer section of site near location proposed for house. Foreshore buffer area cleared during tree removal.

Photo 10: Clearer section of site within 30m foreshore buffer. Riparian buffer to be re-established.



Photo 11: Stockpiled soil burying the base of some trees in 30m foreshore DPA needs to be removed.



## DEVELOPMENT PERMIT DP19-02

Pursuant to Part 14, Division 7 of the Local Government Act, R.S.B.C 2015 C.1 as amended:

1. This Development Permit is issued to:

PIRATES BAY HOLDING COMPANY LTD, PO BOX 286, UCLUELET, BC, V0R 3A0

2. This Development Permit applies to and only to those lands within the District of Ucluelet described below and all buildings, structures, and other development thereon:

LOT B, DISTRICT LOT 286, CLAYOQUOT DISTRICT, PLAN VIP79908 (221 MINATO ROAD)  
PID: 026-487-764

3. This Development Permit is issued subject to compliance with all bylaws of the District of Ucluelet.

4. This Permit authorizes the following improvements on the Lands:

- a. The creation of a subdivision consisting of:
  - i. One Guest house Lot (Phase 2 in Schedule A) with an approx. area of 30,978m<sup>2</sup>
  - ii. One Campground Lot (Phase 1 & 3 in Schedule A) with a approx. area of 40,036m<sup>2</sup>
  - iii. The remainder is parkland dedication (Labeled Park in Schedule A)
- b. A 10m road dedication along the existing 10m Minato Road.
- c. Full servicing (underground hydro, potable water, sanitary sewer, storm sewer) of Minato Road.
- d. Full paved road construction including but not limited to 3.6 lane widths, line painting, traffic signage, parallel parking, cul-de-sac roundabout as per the Subdivision Services Control Bylaw No. 521, 1989 and the Master Municipal Construction Documents (MMCD).
- e. Full night sky compliant Street lighting with a LED light source.
- f. Full landscaping of the road boulevard in native species.
- g. A paved 1.5m multiuse path on the west side of Minato Road constructed consistent with the MMCD.
- h. Crosswalks and crosswalk signage for a crossing of Peninsula road
- i. Paved driveway aprons a minimum of 5m from road edge with gravel driveways roughed in.
- j. A gravel parking area at the cul-de-sac and parallel spaces indicated in Schedule A.

These improvements apply only in the locations indicated, and otherwise in accordance with, the drawings and specifications attached to this Permit as **Schedule A**.

5. The work authorized by this Permit may only be carried out in compliance with all federal, provincial, and municipal statutes, regulations and bylaws, and all requirements of the municipal Approving Officer. The owner is responsible for ensuring that the timing of the work and any required permits or notifications by other agencies are obtained as required to comply with all applicable regulations and requirements of the municipal Approving Officer.



6. 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.
7. This Permit is NOT a Building Permit.
8. **Schedules "A"** attached hereto shall form part of this Permit. The Municipality's Chief Administrative Officer is hereby authorized to approve minor amendments to the plans provided that such amendments are consistent with the overall character and intent of the original plans.

**AUTHORIZING RESOLUTION** passed by the Municipal Council on the      day of      , 2020.

**IN WITNESS WHEREOF** this Development Permit is hereby executed and issued by the Municipality the      day of      , 2020.

**THE DISTRICT OF UCLUELET**

by its authorized signatories:

\_\_\_\_\_  
Mayco Noël – Mayor

\_\_\_\_\_  
Mark Boysen – Corporate Officer

**OWNER**

by its authorized signatory

\_\_\_\_\_  
PIRATES BAY HOLDING COMPANY LTD.

**ISSUED** the      day of      , 2020.

\_\_\_\_\_  
Bruce Greig - Manager of Planning





## DEVELOPMENT PERMIT DP20-02

Pursuant to Part 14, Division 7 of the Local Government Act, R.S.B.C 2015 C.1 as amended:

1. This Development Permit is issued to:

PIRATES BAY HOLDING COMPANY LTD, PO BOX 286, UCLUELET, BC, V0R 3A0

2. This Development Permit applies to and only to those lands within the District of Ucluelet described below and all buildings, structures, and other development thereon:

AREA DESIGNATED PHASE 1 ON LOT B, DISTRICT LOT 286, CLAYOQUOT DISTRICT, PLAN VIP79908 (221 MINATO ROAD) PID: 026-487-764

3. This Development Permit is issued subject to compliance with all bylaws of the District of Ucluelet.

4. This Permit authorizes the following improvements on the Lands:

- a. The creation of a 2-acre campsite that consists of ten fully serviced RV sites.
- b. One two storey 800sqft caretaker cabin.
- c. One washroom facility with two toilets (1 accessible), 2 showers (1 accessible).
- d. One animal-proof garbage enclosure.
- e. A 6m compact gravel access road and landscaped cul-de-sac.
- f. Fully paved access road connection to Minato Road.
- g. Full landscaping of the road frontage and grounds in native species.
- h. All exterior lighting to be full cut-off and night sky compliant.
- i. All existing trees to be retained.

These improvements apply only in the locations indicated, and otherwise in accordance with, the drawings and specifications attached to this Permit as **Schedule A**.

5. The work authorized by this Permit may only be carried out in compliance with all federal, provincial, and municipal statutes, regulations, and bylaws. The owner is responsible for ensuring that the timing of the work and any required permits or notifications by other agencies are obtained as required to comply with all applicable regulations.
6. 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.
7. This Permit is NOT a Building Permit.



8. **Schedules "A"** attached hereto shall form part of this Permit. The Municipality's Chief Administrative Officer is hereby authorized to approve minor amendments to the plans provided that such amendments are consistent with the overall character and intent of the original plans.

**AUTHORIZING RESOLUTION** passed by the Municipal Council on the      day of      , 2020.

**IN WITNESS WHEREOF** this Development Permit is hereby executed and issued by the Municipality the      day of      , 2020.

**THE DISTRICT OF UCLUELET**  
by its authorized signatories:

\_\_\_\_\_  
Mayco Noël – Mayor

\_\_\_\_\_  
Mark Boysen – Corporate Officer

**OWNER**  
by its authorized signatory

\_\_\_\_\_  
PIRATES BAY HOLDING COMPANY LTD.

**ISSUED** the      day of      , 2020.

\_\_\_\_\_  
Bruce Greig - Manager of Planning



# Schedule A





## DEVELOPMENT VARIANCE PERMIT DVP19-02

Pursuant to section 498 of the Local Government Act, 2015:

1. This Development Variance Permit is issued to:

PIRATES BAY HOLDING COMPANY LTD, PO BOX 286, UCLUELET, BC, V0R 3A0

2. This Development Variance Permit applies to, and only to, those lands within the District of Ucluelet described below, and the buildings, structures, and other development thereon:

LOT B, DISTRICT LOT 286, CLAYOQUOT DISTRICT, PLAN VIP79908 (221 MINATO ROAD) PID: 026-487-764

3. The work authorized by this Permit may only be carried out:

- a. in compliance with the requirements of the District of Ucluelet Zoning Bylaw No. 1160, 2013, except where specifically varied or supplemented by this development variance permit.
- b. in compliance with all federal, provincial, and municipal statutes, regulations, and bylaws.

4. This Permit authorizes the following variances for the proposed campsite development of the Lands as shown on the plans attached as **Schedule A**:

- i. **Reduce the required side yard setback for a campsite to 1.5m whereas the District of Ucluelet Zoning Bylaw No. 1160, 2013, section CG.5.2 (1) (c) requires a minimum of 7.5m.**

5. This Permit authorizes the following variances for the proposed Guest House of the Land as shown on the plans attached as **Schedule B**:

- ii. **Increase the allowable Maximum Height for the principle building (Single Family Dwelling) to 10.9m whereas the District of Ucluelet Zoning Bylaw No. 1160, 2013 indicates a maximum allowable height of 8.5m.**

6. The above variances are granted for the proposed development of the Land as shown on Schedules A and B. Should the Land or portions of the Land be redeveloped at some future date, this Development Variance Permit shall cease to apply and the zoning and servicing standards in effect at the time shall apply.

7. 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.

8. This Permit is NOT a Building Permit.





AUTHORIZING RESOLUTION passed by the Municipal Council on the     day of     , 2020.

THE DISTRICT OF UCLUELET  
by its authorized signatories:

ISSUED the     day of     , 2020.

\_\_\_\_\_  
Bruce Greig - Manager of Community Planning



SCHEDULE A





SCHEDULE B









## TEMPORARY USE PERMIT TUP19-01

### General Terms

1. This Temporary Use Permit is issued to:

PIRATES BAY HOLDING COMPANY LTD, PO BOX 286, UCLUELET, BC, V0R 3A0

(the "**Permittee**")

as the registered owner and responsible tenant 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:

AREA DESIGNATED PHASE 1 ON LOT B, DISTRICT LOT 286, CLAYOQUOT DISTRICT, PLAN VIP79908 (221 MINATO ROAD) PID: 026-487-764

(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. This Temporary Use Permit authorizes the following use of the Lands, despite the regulations adopted in Ucluelet Zoning Bylaw No. 1160, 2013, as amended:
  - a. **to permit seasonal accommodation in up to 10 Camping Spaces, located on the Lands as shown on Schedule 2 and subject to the conditions listed on Schedule 1.**
6. The permit holder, as a condition of issuance of this Permit, agrees to comply with the requirements and conditions of **Schedules 1**, which are attached hereto and form part of this permit.
7. The land described herein shall be used and developed strictly in accordance with the terms and conditions and provisions of this Permit.
8. If the Permittee does not substantially commence the use with respect to which this permit was issued within six months after the date it was issued, the Permit shall lapse.
9. 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.
10. This Permit is NOT a Building Permit.
11. This Permit is NOT a Development Permit.



**AUTHORIZING RESOLUTION** passed by the Municipal Council on the    day of    , 2020.

**IN WITNESS WHEREOF** this Temporary Use Permit is hereby executed and issued by the Municipality the    day of    , 2020.

**THIS PERMIT SHALL EXPIRE** on the    day of    , 2023.

**THE DISTRICT OF UCLUELET**  
by its authorized signatories:

\_\_\_\_\_  
Mayco Noël – Mayor

\_\_\_\_\_  
Mark Boysen – Corporate Officer

**OWNER**  
by its authorized signatory

\_\_\_\_\_  
PLEASE PRINT

**ISSUED** the    day of    , 2020.

\_\_\_\_\_  
Bruce Greig - Manager of Community Planning



## Schedule 1 Terms of Temporary Use Permit Conditions TUP19-01

- a) The permitted temporary use shall be limited to the following:

***A maximum of Ten (10) long-term seasonal recreational vehicle (RV) / trailer camping units, in the spaces shown.***

- b) The RV spaces are to be located only as indicated on the site plan (**Schedule 2**).
- c) The Permittee must oversee the use of the Lands and keep a manager / caretaker resident on site during any period when the seasonal employee units are occupied. The on-site manager's telephone and email contact shall be provided to the District and updated as required.
- d) The campground manager is to maintain a register of campers, contact information and vehicle registration, and make the register available at all times if requested by the District.
- e) The proposed seasonal RV spaces are for local and regional staff accommodation,
- f) At the end of each seasonal stay, or within 6 months less a day, the Permittee shall notify the Bylaw Services Officer in writing that the unit has been vacated.
- g) 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.
- h) The Permittee shall provide for collection and pickup of garbage and recycling in appropriate wildlife-proof containers.
- i) No RV spaces are to be occupied unless they are serviced by approved potable water and sewage disposal systems. Any failure to properly collect and dispose of septic waste will result in suspension of this permit and forfeit of the security deposit.
- j) No RV spaces are to be occupied until the access drive aisles, parking spaces, trailer pads and fire lanes are delineated to the satisfaction of the District. Access aisles and vehicle turnarounds are to be kept free at all times, for emergency access.
- k) No RV spaces are to be occupied until the Permittee has provided the site amenities and landscaping as shown on **Schedule 2**. The Permittee is to provide a detailed plan for fencing, landscaping and site amenities prior to construction, for approval by District staff.
- l) An on-site parking space shall be provided for each seasonal RV pad, in addition to the required parking for all other uses on site.
- m) No additions, accessory buildings, structures or outdoor storage is permitted in long-term seasonal RV spaces;
- n) 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



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

THIS COVENANT dated for reference the \_\_\_\_ day of \_\_\_\_\_, 2020 is

BETWEEN:

**PIRATES BAY HOLDING COMPANY LIMITED, INC. NO. BC1068513**

PO Box 286  
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 221 Minato Road in Ucluelet, British Columbia and more particularly described as:

PID: 026-487-764  
Lot B District Lot 286 Clayoquot District Plan VIP79908

(the “Land”);

- B. Section 219 of the *Land Title Act* permits the registration of a covenant of a negative or positive nature in favour of the District, in respect of the use of land or buildings, or the building on land;
- C. The Grantor has applied to the District for a rezoning of the Land to permit the development of a campground and guest houses on the Land, and in connection with the Grantor’s application for rezoning the Grantor has offered grant this Covenant to the District;

- D. The Grantor wishes to grant this Covenant to the District to confirm it will not subdivide or develop the Land except generally in accordance with the development plan prepared in conjunction with the Grantor's rezoning application and presented to the District Council and the public in connection with the application;

THIS COVENANT is evidence that in consideration of the payment of TWO DOLLARS (\$2.00) by the District to the Grantor, and other good and valuable consideration (the receipt and sufficiency of which are acknowledged by the parties), the Grantor covenants and agrees with the District, in accordance with section 219 of the *Land Title Act*, as follows:

## Definitions

### 1. In this Covenant:

- (a) "Campground Parcel" means the area of the Land labelled "CG Lot (Phase 1)" and CG Lot (Phase 2)" on the Subdivision Plan;
- (b) "Guest House Parcel" means the area of the Land labelled "GH Lot" on the Subdivision Plan;
- (c) "Long-Term Camping" means the area of the Land lying between the Park and Minato Road labelled "CG Lot (Phase 1)" on the Subdivision Plan;
- (d) "Olsen Bay Trail" means the trail running from the terminus of the paved portion of Minato Road to Olsen Bay labelled "Olsen Bay Trail" on the Subdivision Plan;
- (e) "Park" means the area of the Land labelled "Park" on the Subdivision Plan, generally within 30m of Olsen Bay and within 10m either side of Stream 1;
- (f) "Riparian Trail" means the pedestrian trail proposed to be constructed in the Park, parallel to Stream 1 from Minato Road to the foreshore of Olsen Bay, labelled as "Riparian Trail" on the Subdivision Plan;
- (g) "Shoreline Trail A" means the pedestrian trail proposed to be constructed in the area labelled "Park" adjacent to the foreshore labelled as "Shoreline Trail A" on the Subdivision Plan;
- (h) "Shoreline Trail B" means the pedestrian trail proposed to be constructed in the area labelled GH Lot adjacent to the foreshore labelled as "Shoreline Trail B" on the Subdivision Plan;
- (i) "Shoreline Green Space" means the area of the land extending 30m inland from the natural boundary of Olsen Bay along the entire shore of the Guest House Parcel, labelled "30m No Build / Green Space" on the Subdivision Plan;
- (j) "Short-Term Camping" means the area of the Land lying between the Park and Peninsula Road labelled as CG Lot (Phase 2) on the Subdivision Plan;
- (k) "Subdivision Plan" means the proposed plan for the subdivision of the Land shown in the drawing / sketch plan attached to this Agreement as Schedule A;

- (l) “Viewing Platforms” means two viewing platforms to be constructed adjacent to the natural boundary of Olson Bay in the general locations labelled as “Viewing Platforms” on the Subdivision Plan.

### **Restriction on Use, Subdivision and Development of the Land**

2. The Grantor will not alter, develop or otherwise use the Land for any purpose, other than passive recreation or the carrying out of survey work in preparation for subdivision, and without limiting the foregoing, will not construct or place any building or structures on the Land, until and unless the Grantor has subdivided the Land in accordance with this Agreement.
3. The Grantor will not subdivide the Land unless:
  - (a) the subdivision creates parcels having boundaries substantially in accordance with the Subdivision Plan;
  - (b) the Grantor dedicates the area labelled “Park” to the District, as park;
  - (c) the Grantor pays to the District \$10,000 towards the construction of 2 Viewing Platforms, fencing, and signage;
  - (d) the Grantor pays to the District \$50,000 towards the construction of pedestrian trails in the Park;
  - (e) concurrent with the deposit of a plan to subdivide the Land as authorized by subsection 3(a), the Grantor registers as a charge against the title to the Guest House Parcel a covenant:
    - (i) prohibiting the removal of trees and vegetation from the Shoreline Green Space area restricting the use of the Shoreline Green Space area to passive recreation, and restricting development within the Shoreline Green Space area to one non-permanent structure having a floor area no greater than 10 m<sup>2</sup>;
    - (ii) prohibiting any further subdivision of the Guest House Parcel unless the Owner dedicates the Shoreline Green Space area to the District as park, and pays to the District 100% of the cost of constructing the Shoreline Trail B.
  - (f) concurrent with the deposit of a plan to subdivide the Land as authorized by subsection 3(a), the Grantor registers as a charge against the title to the Campground Parcel a covenant prohibiting the construction, development or use

of any Short-Term Camping spaces or facilities on the Land before the construction of the Shoreline Trail A is complete.

### **Discharge**

4. The District agrees that if the Grantor:
  - (a) Subdivides the Land in accordance with section 3 and delivers to the District a registrable discharge of this Covenant, the District will execute the discharge, and return the executed discharge to the Grantor, and the Grantor may apply to register it in the Victoria land title office.

### **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**

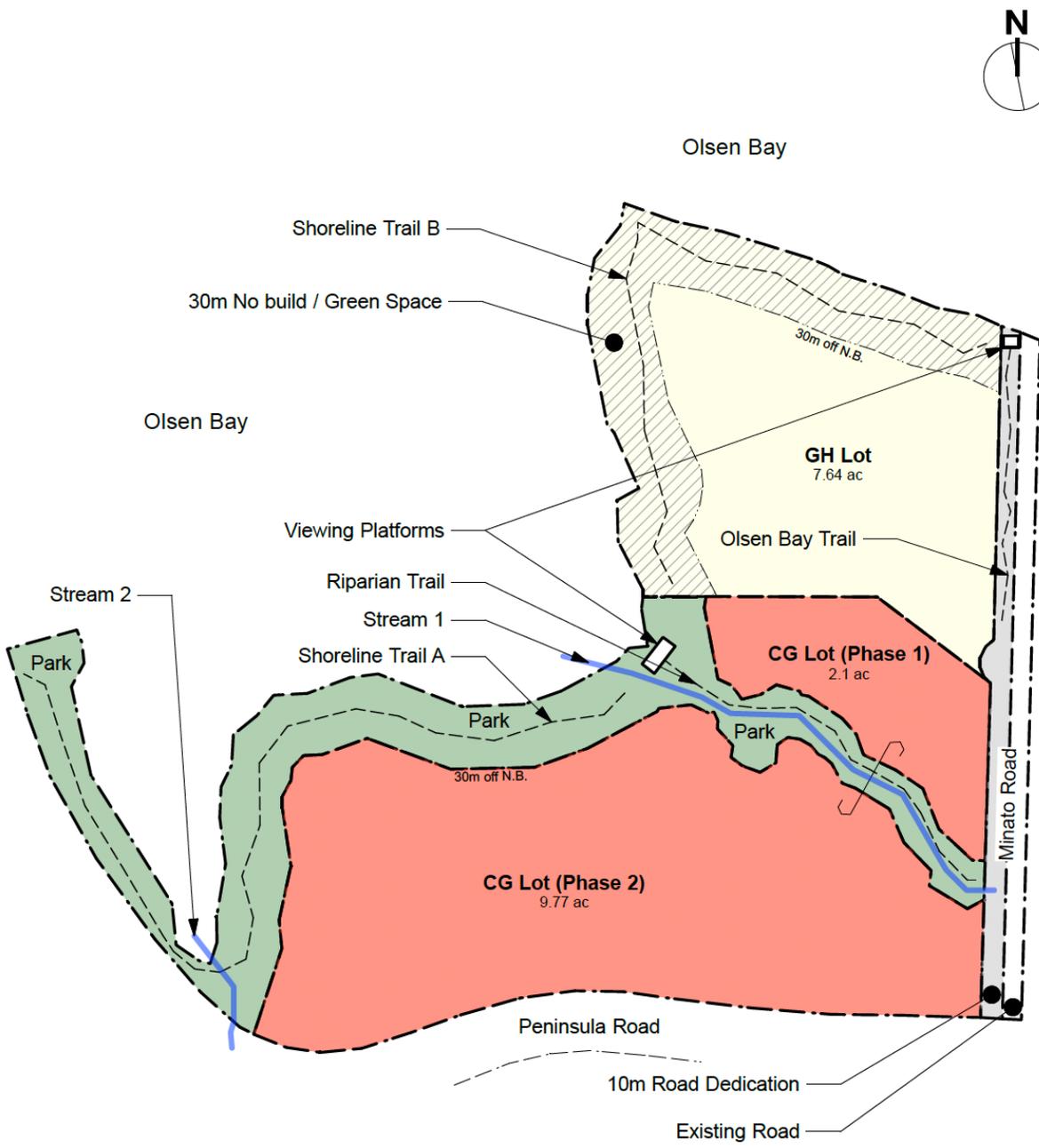
17. If at any time more than one person (as defined in the *Interpretation Act* (British Columbia) owns the Land, each of those persons will be jointly and severally liable for all of the obligations of the Grantor under this Covenant.

#### **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.

### Schedule A – Subdivision Plan



**Subdivision Plan**  
221 Minato Road (NTS)

PRIORITY AGREEMENT

This Priority Agreement is between Coastal Community Credit Union (the “**Prior Chargeholder**”), being the registered owner and holder of Mortgage No. CA5148927 and Assignment of Rents No. CA5148928 (the “**Prior Charges**”), 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.

END OF DOCUMENT





## STAFF REPORT TO COUNCIL

Council Meeting: June 23, 2020  
500 Matterson Drive, Ucluelet, BC V0R 3A0

**FROM:** JOHN TOWGOOD, PLANNER 1

**FILE NO:** 3360-20-RZ20-03

**SUBJECT:** ZONING BYLAW AMENDMENT FOR 799 MARINE DRIVE

**REPORT NO:** 20- 53

**ATTACHMENT(S):** APPENDIX A – APPLICATION  
APPENDIX B – ZONING AMENDMENT BYLAW NO. 1263, 2020

### RECOMMENDATION:

1. **THAT** District of Ucluelet Zoning Amendment Bylaw No. 1263, 2020, be given first and second reading and advanced to a public hearing;

### PURPOSE:

To provide Council with information on an application to amend Zoning Bylaw No. 1160, 2013, for Lot 16, District Lot 283, Clayoquot District, Plan VIP84686, PID 027-473-562 (799 Marine Drive - the "Subject Property") to allow for a detached cottage instead of an attached secondary suite.

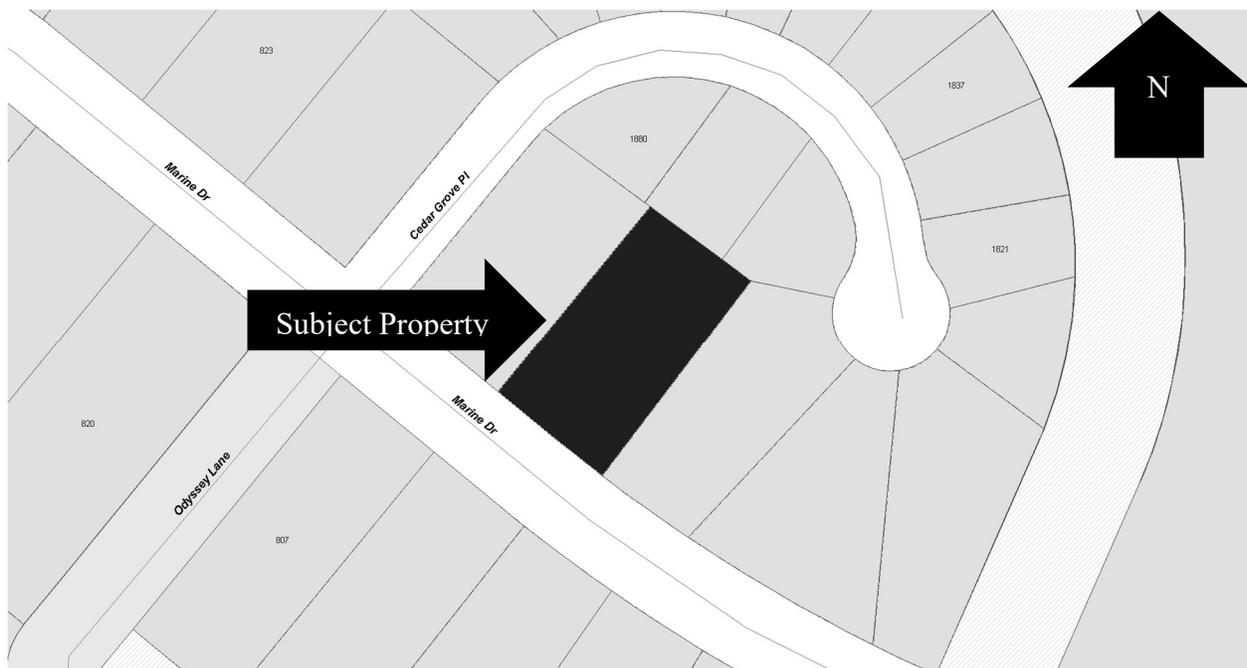


Figure 1 – Subject Property

**BACKGROUND:**

This application was submitted by Renny Talbot on August 22, 2019. The applicant requests a zoning amendment to allow a detached cottage, or *accessory residential dwelling unit (ARDU)*, instead of a secondary suite (**SS**) in the Single Family Dwelling (**SFD**) on the Subject Property. Currently suites are only permitted as a secondary use within a single-family home per s. 403.1 (1) (c) of the District of Ucluelet Zoning Bylaw No. 1160, 2013 (the “**Zoning Bylaw**”).

The Subject Property is a 1,650m<sup>2</sup> lot in a fee-simple subdivision that was created in March of 2008. There is an occupied single-family home located to the front of the property (occupancy was given on March 18<sup>th</sup>, 2018) and a 28m<sup>2</sup> accessory building to the rear (see **Figure 2** and **Appendix A**). This accessory building has been built in such a way that if this application is successful it could be converted to a code-compliant dwelling unit with only minor modifications (under a new building permit for that conversion).

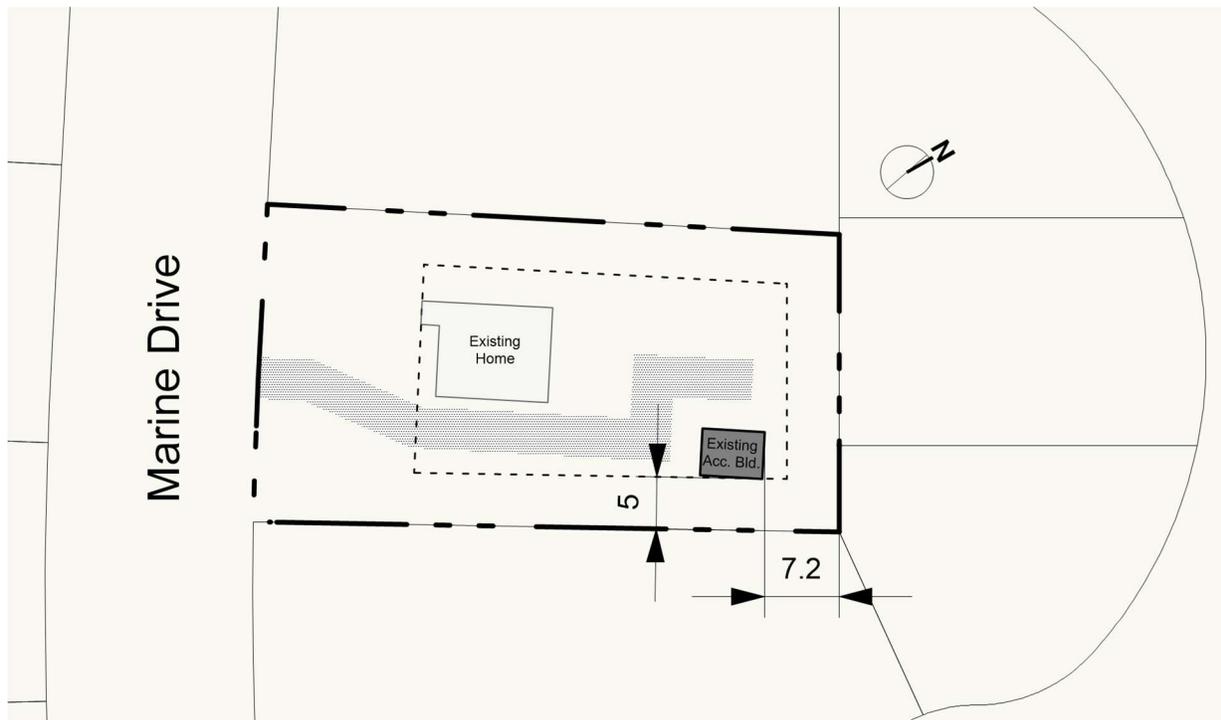


Figure 2 – Site Plan

The Subject Property is in a residential neighborhood with vacant residential properties to both sides and directly to the rear. For the full neighbourhood context see **Figure 3** below.



Figure 3 – Neighbourhood Context

**BYLAW HISTORY:**

- Compliance inspection January 31, 2020 found whole-house rental – not compliant with the “permanent & present resident” requirement in zoning;
- business licence for Bed & Breakfast (**B&B**) suspended on February 3, 2020, and tickets issued for non-compliance with business licence and zoning bylaws;
- tenant found occupying accessory building before obtaining an occupancy permit for the building. Owner notified that residential use of accessory “studio” building does not currently comply with zoning bylaw – ticket issued;
- February 4, 2020, owner confirms that they will cancel their B&B operation and wish to solely pursue the rezoning application for allowing a carriage house (ARDU).
- occupancy permit issued June 3, 2020 for the accessory building - NOT as a dwelling at this time.

**DISCUSSION:**

The Subject Property is currently zoned “CD-5C Plan (Development Area #3)” (**CD-5C**) and has the following permitted uses:

***CD5C.1.1** The following uses are permitted on Lots 14-36 Plan VIP84686 (and lots subdivided therefrom), in the areas of the CD-5C SubZone Plan labeled “Single Family”, and portions of the*

*undeveloped remainder in accordance with the Concept Plan, 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) Secondary Suite*

Secondary suites are allowed only as a secondary use of a SFD and they must be physically within the home. The requirement for the suite to be attached within a SFD generally ensures that the secondary dwelling is in close proximity to the SFD. This proximity may reduce any impact of the additional residents on a property resulting from a suite (such as noise), especially on smaller properties.

The existing regulations in section 404 of the zoning bylaw stipulate that a Bed and Breakfast use must not be combined with or located in an accessory residential dwelling unit. To be clear, a B&B would not be permitted in the main house if the accessory building at 799 Marine Drive is converted to an ARDU.

Over the last few years staff have seen a reduction of SS units being built and the conversion of secondary suite residential units to Bed and Breakfast units. Anecdotal evidence suggests that this trend is associated with the requirement for suites to be within SFDs as well as the increased success and ease of online short-term rental bookings.

This trend is detrimental to the community's rental housing stock and represents a loss of dozens of existing and potential affordable rental dwellings. To address this trend and encourage the creation of smaller residential units, Staff support housing options such as the detached accessory residential dwelling unit being proposed in this application.

A detached dwelling also has the potential to provide a degree of privacy and independence for the residents which would be qualitatively different from a secondary suite. Support for the detached dwelling is contingent on the ARDU being located in an appropriate setting. In this case, given the location, size and depth of the lot, the ARDU appears to be situated where little impact would result. Also, the approval process would enable an opportunity for neighboring property owners to comment on the siting.

To facilitate the applicant's request to allow the secondary dwelling to be detached from the main house, Staff considered multiple approaches. We looked at options for creating a new zone or modifying the existing CD-5C zone more broadly. Both of those could trigger a wider community conversation. Staff consider it appropriate to limit this application to a site-specific rezoning at this time. Staff propose to modify the list of permitted accessory uses within the CD-5C zone to include an ARDU on the subject property. The Zoning Bylaw would need to be modified as follows:

Section CD-5C.1.1 currently permits the following uses:

*(1) Principal:*

*(a) Single Family Dwelling*

*(2) Secondary:*

*(a) Bed and Breakfast*

*(b) Secondary Suite*

To allow a detached accessory dwelling unit staff propose that the following be added alphanumerically to this section:

*“(3) On the following properties Accessory Residential Dwelling Unit is also permitted as a secondary use to the principal Single Family Dwelling, located within a detached accessory building on the same property, provided that the Single Family Dwelling does not contain a Secondary Suite or Bed and Breakfast:*

*(a) Lot 16, District Lot 283, Clayoquot District, Plan VIP84686 (799 Marine Drive).”*

**TIME REQUIREMENTS – STAFF & ELECTED OFFICIALS:**

Should the application proceed, staff time will be required to process this Zoning Bylaw Amendment, including giving notice of a Public Hearing.

**FINANCIAL IMPACTS:**

There are no direct financial implications to the District of Ucluelet.

**POLICY OR LEGISLATIVE IMPACTS:**

As the requested change does not change the Residential – Single Family land use designation, Staff consider this application to be consistent with the *Official Community Plan*.

**SUMMARY:**

For some time planning staff have been reviewing the creation of a zoning amendment as a more broadly-applied option for allowing detached accessory residential dwelling units on larger residential lots - as an alternative or perhaps as an addition to an attached internal secondary suite. Due to competing priorities and the complexity of amending zoning regulations as they apply to existing neighborhoods, this amendment has not yet been brought forward. Staff expect to bring this forward for Council consideration in the near future. Staff are supportive of creating regulations to permit this use as it could supply an additional needed housing type. Community input will be necessary to ensure that any impacts on existing neighborhoods are carefully considered.

While this current zoning amendment does not address the bigger picture to create a community-wide housing alternative, it is a step forward.

**OPTIONS:**

Staff support the zoning amendment moving forward for the ARDU being proposed for 799 Marine Drive. Alternatively, Council could consider the following:

2. **THAT** Council direct Staff to prepare a zoning amendment bylaw to enable the short-term rental B&B use within the main house in addition to an ARDU on the property at 799 Marine Drive; **or**,
3. **THAT** Council reject the application.

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

## Appendix A

Renny Talbot  
1840 Kelsie Road  
Nanaimo BC  
V9X 1B7

August 15, 2019

District of Ucluelet – Planning Department  
ATTENTION: Board of Variance  
200 Main Street  
PO 999 Ucluelet BC  
V0R 3A0

**Subject: Application for Variance of R-1 Zone Permitted Uses**

Dear Board of Variance members:

I (Renny Talbot) am requesting a zoning variance to allow for a carriage house on Lot 16 (799 Marine drive).

This request is to allow the conversion of an existing studio on Lot 16 into a livable dwelling within the existing foot print of the studio. No additional structures will be created.

Lot 16 is approximately 0.4 Acre and significant vegetated setbacks have been maintained providing visual and acoustic buffering from all neighbouring properties. Therefore, secondary family occupancy is anticipate have minimal impact on the surrounding residential neighbourhood thus maintaining the R-1 zoning intention.

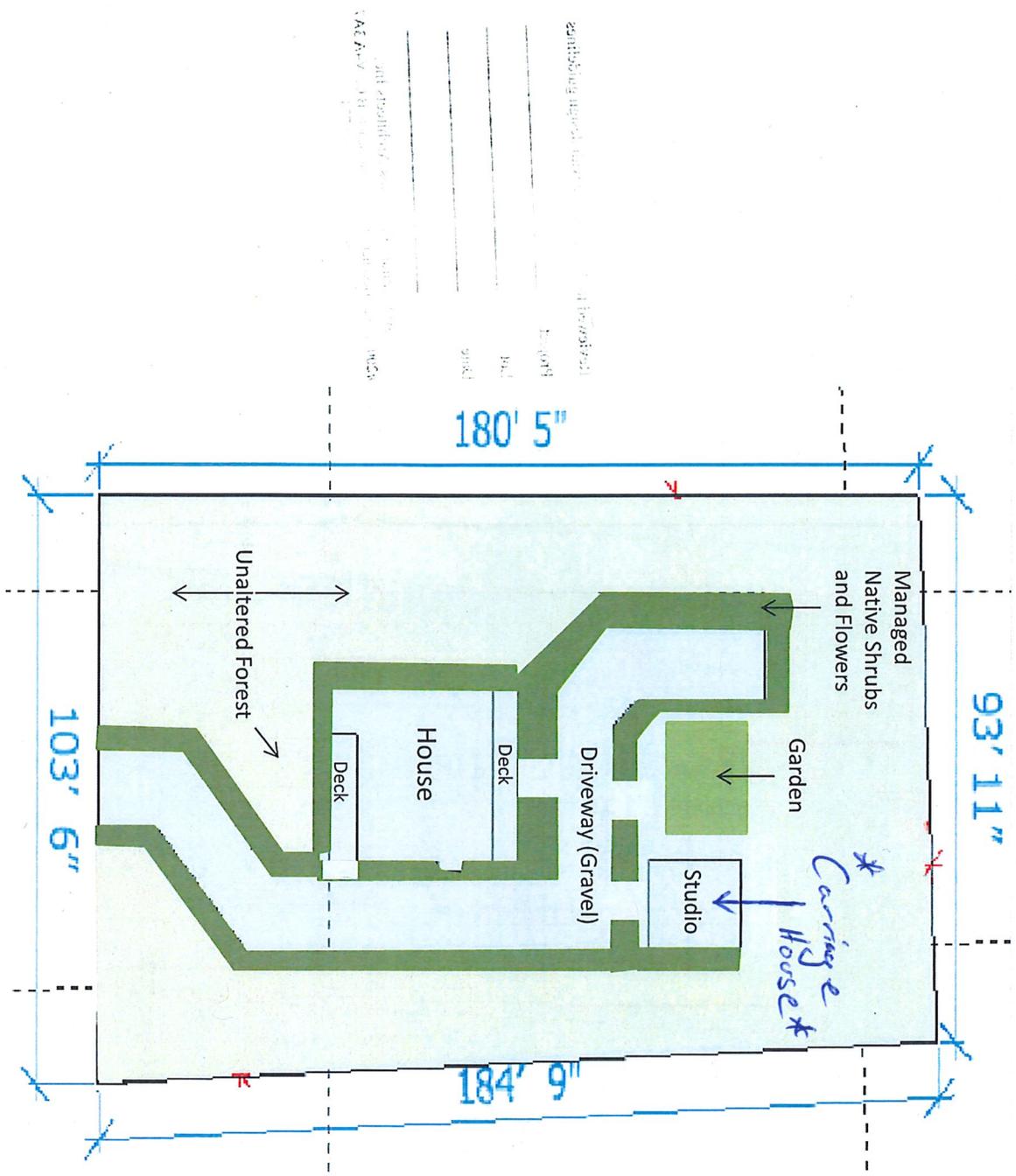
If approved, the carriage house will be available for long term tenants only. Given the shortage of long term rental units in Ucluelet approving this variance will aid the current housing shortage resulting in a benefit to the community of Ucluelet.

Thank you very much for your time and consideration..

Yours sincerely,



Renny Talbot



Submitting applicant name: \_\_\_\_\_  
 Date of application: \_\_\_\_\_  
 Project name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_  
 State: \_\_\_\_\_  
 Zip: \_\_\_\_\_  
 Phone: \_\_\_\_\_  
 Email: \_\_\_\_\_  
 Architect name: \_\_\_\_\_  
 Architect address: \_\_\_\_\_  
 Architect phone: \_\_\_\_\_  
 Architect email: \_\_\_\_\_

\* PLEASE SUBMIT # OF  
 STUBS (WITH NAMES) &  
 TREES FOR REVIEW.  
 (PLEASE ALSO IND. SIZE AS  
 LABEL)

Reviewed for conformance with design guidelines  
 Project 0619  
 Lot 16  
 Date NOV. 23, 2016  
 \_\_\_\_\_  
 Ankenman Associates Architects Inc.  
 #200, 12321 Buechler St., Crescent Beach, B.C. V4A 3A7  
 Tel: 536-1600 Fax: 536-5774

**DISTRICT OF UCLUELET****Zoning Amendment Bylaw No. 1263, 2020**

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

(799 Marine Drive)

---

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

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

**1. Text 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-5C.1.1 in alphanumerical order, as follows:

"(3) On the following properties *Accessory Residential Dwelling Unit* is also permitted as a secondary use to the principal *Single Family Dwelling*, located within a detached accessory building on the same property, provided that the *Single Family Dwelling* does not contain a *Secondary Suite* or *Bed and Breakfast*:

(a) Lot 16, District Lot 283, Clayoquot District, Plan VIP84686 (799 Marine Drive)."

**2. Citation:**

This bylaw may be cited as "District of Ucluelet Zoning Amendment Bylaw No. 1263, 2020".

**READ A FIRST TIME** this    day of                    , 2020.

**READ A SECOND TIME** this    day of                    , 2020.

**PUBLIC HEARING** held this    day of                    , 2020.

**READ A THIRD TIME** this    day of                    , 2020.

**ADOPTED** this    day of                    , 2020.

**CERTIFIED A TRUE AND CORRECT COPY** of “District of Ucluelet Zoning Amendment Bylaw No. 1263, 2020.”

---

Mayco Noël  
Mayor

---

Mark Boysen  
Corporate Officer

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

---

Mark Boysen  
Corporate Officer





## STAFF REPORT TO COUNCIL

Council Meeting: June 23, 2020  
500 Matterson Drive, Ucluelet, BC V0R 3A0

**FROM:** JOHN TOWGOOD, PLANNER 1

**FILE NO:** 3360-20-RZ19-06  
3060-20-DP20-03

**UPLAND: ZONING AMENDMENT AND DEVELOPMENT PERMIT FOR 2015 BAY STREET**     **REPORT NO:** 20-55

**ATTACHMENT(S):** APPENDIX A – APPLICATION  
APPENDIX B – ZONING AMENDMENT BYLAW NO. 1271, 2020  
APPENDIX C – DEVELOPMENT PERMIT DP20-03

### RECOMMENDATION:

1. **THAT** District of Ucluelet Zoning Amendment Bylaw No. 1271, 2020, be given first and second reading and advanced to a public hearing.

### PURPOSE:

To provide Council with information on an application to amend District of Ucluelet Zoning Bylaw No. 1160, 2013 (the “**Zoning Bylaw**”), for 2015 Bay Street, Lot B, DL 282, Clayoquot District, Plan 29748 (the “**Upland Lot**”) and District Lot 2042, Clayoquot Land District, Licence #114427 (the “**Water Lot**”) to allow for a two-unit motel, parking, and the allowance for mobile vending.



Figure 1 – Upland Lot and Water Lot

**BACKGROUND:**

This application was submitted by Nancy Van Heest on October 23, 2019. The Upland Lot and Water Lot historically were industrial properties supplying ice and packing fish for the fishing industry. The building on the dock housed the ice plant, office, storage and a place for the manager to sleep. The property has not been used in this industrial capacity for many years but it may have at times been used as a dwelling. The Upland Lot is currently zoned CS-1 Village Square Commercial and the Water Lot is zoned M-3 Marine Commercial. Since the industrial use has been inactive for many years there is no lawful nonconformity to that industrial use. The applicant purchased the property late in 2018 and has done substantive aesthetic works along with some structural pier work. They have also converted the existing sleeping area and office area in to two guestrooms or dwelling units. After discussions with Staff the applicant was made aware that a Development Permit would be required for these works and a zoning amendment would be required to allow the proposed use on the water lot and for the standalone parking use on the Upland Lot. The applicant has also indicated that they would like to have the ability to locate a food truck within the Water Lot and staff suggested that this request also be included in this application.

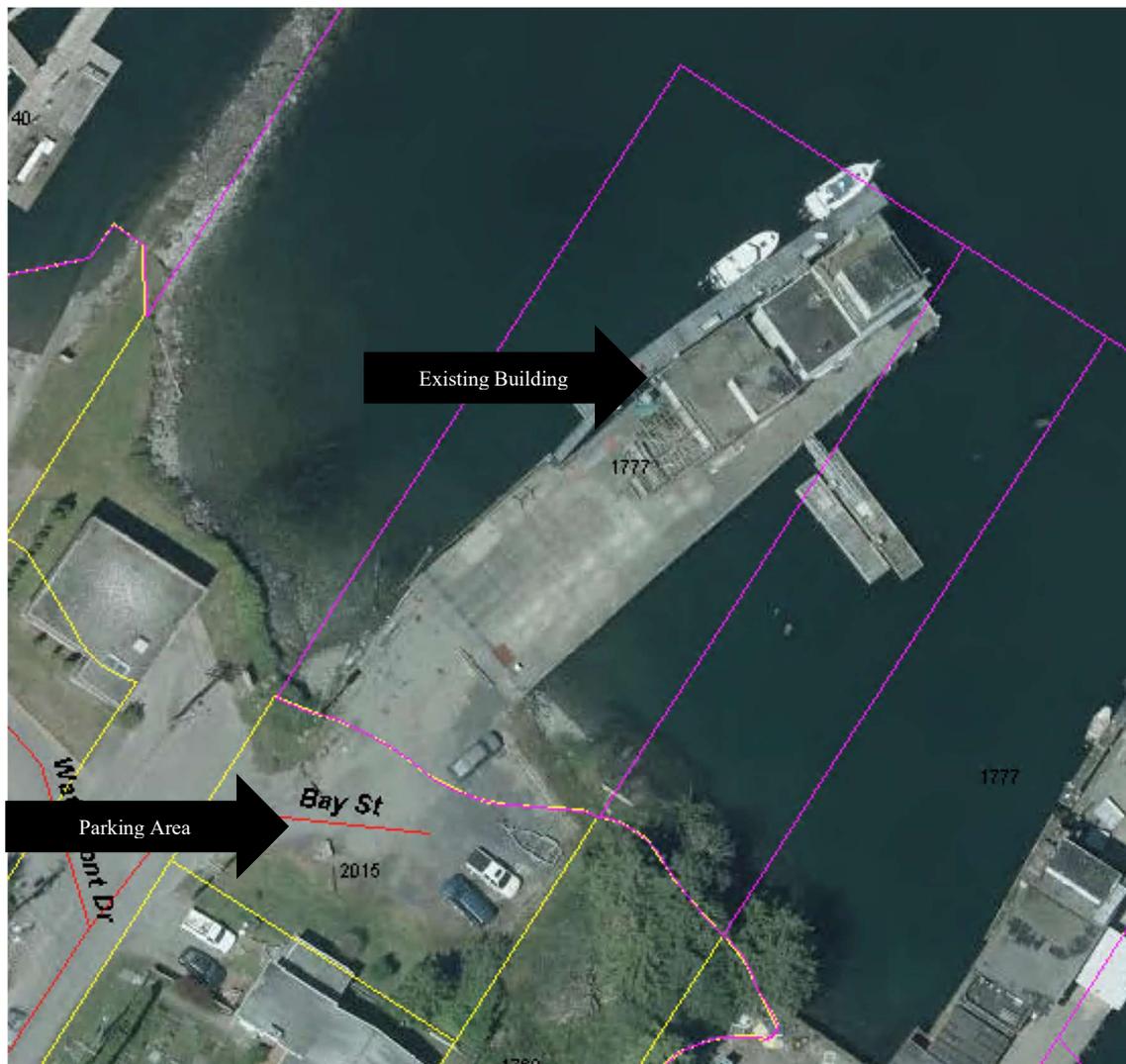


Figure 2 – Orthographic Image

**DISCUSSION:****Official Community Plan - Marine land use policy**

The utilization of Ucluelet's inlet that celebrates this distinct and stunning physical feature and its history is strongly supported by policy. The District of Ucluelet Official Community Plan Bylaw No. 1140, 2011 (the "OCP") captures this sentiment in section 3.4 "Small Craft Harbour / Marine" of the OCP as follows:

*"The calm waters in this natural inlet have provided refuge for mariners for a long period of time. The harbour has potential to maintain and promote what makes Ucluelet a great place – a place that services the fishing and sport fishing industries, the tourist industry, inspires artists and photographers and supports daily recreational enjoyment by many within the community. The harbour is an asset worth protecting for the future economic prosperity and livability in the District."*

**Official Community Plan - Development Permit Area No.1 - Village Square**

The Village Square Development Permit Area (DPA No.1) is established for the following purposes:

- revitalization of an area in which a commercial use is permitted; and
- establishment of objectives for the form and character of development in the resort region.

**Revitalization**

This application proposes repurposing the historical icehouse infrastructure into a two-unit motel and enhancing the upland lot's parking and defining the access. The upland and water lot fall within Development Permit Area No.1 - Village Square. The Village Square section of the OCP touches on the revitalization of the area as follows:

*"The objectives that justify this designation include assisting in the revitalization of the Village Square and enhancing and creating form and character that befits the community's core area. Ucluelet is designated a "resort region" under Provincial legislation, and seeks to distinguish itself from nearby Tofino and other resort regions through its distinctive location, historical development and other attributes, much of which is to be characterized by its core Village Square."*

**Form and Character**

These are excerpts of the DP Area No .1 - Village Square guidelines that Staff consider specifically relevant to the form and character of the proposal:

1. *Buildings and associated landscapes should be designed to reflect the west-coast fishing village character and cultural heritage of Ucluelet.*
2. *Where adjoining properties have uses of different intensity (e.g. single family next to multi-family residential) or different types (e.g. residential next to commercial) an appropriate architectural, building and landscaping transition must be provided;*
3. *Developments shall strive to create openness, connections, or views to the waterfront areas through open spaces or pathways. No development shall impede public access to the foreshore beyond private property boundaries;*

4. *New developments should enhance the network of adjacent public open spaces and trails that connect and cross through the area;*

The buildings size and shape are not changing, and the cladding materials, landscaping and parking proposed are consistent with the village square guidelines. The proposed re-purposing of iconic waterfront buildings and structures such as a fishing wharf and icehouse is strongly supported.

#### Safe Harbour Trail

The current OCP guidelines for the Village Square state that all new developments should enhance the network of adjacent public open spaces and trails that connect and cross through the area. The draft OCP Bylaw No. 1236, 2018, has received first reading. Policy 2.50 of this draft Bylaw sets a priority to create and extend the Safe Harbour Trail by creating a pedestrian route along the Small Craft Harbour connecting to the Village Square as shown on the excerpt of Schedule C below (Figure 3).



Figure 3 – Schedule C from draft OCP Bylaw No.1236

The draft OCP policies clarify and strengthen the existing support for waterfront pedestrian connections found in the 2011 OCP Development Permit Area No. 1 guidelines #3 and 4, quoted above. The Economic Development Strategy also considers the importance of expanding and connecting the Safe Harbour Trail:

*“Policy 4.56 A major draw and economic opportunity lies in the trails by which visitors experience the beauty of the Ucluth Peninsula. Approach funding for extension and upgrade to the Wild Pacific Trail and Safe Harbour Trail equally as an investment.”*

The parks and Recreation master plan supports a Harbour Walk, which synonyms with the Safe Harbour Trail, as follows:

*“The Harbour Walk is a proposed trail connection largely along the waterfront from Seaplane Base Road, through the Small Craft Harbour area, to the Village Square and beyond. Its alignment is conceptual in nature at this time but may connect existing public rights-of-way with new ones, link with recent improvements in the Small Craft Harbour, and/or follow existing roadways. It is anticipated that the Inner Harbour Walk would be achieved over time, through new development and/or through negotiation with existing property owners.”*

As part of a 1999 subdivision the reconfigured Lot 15 and Lot 18 Plan 11055 to Lot A and Lot B Plan VIP68634 (1753 Cypress Road) the District obtained part of this trail system in the form of a public right of way over Lot B. (Figure 4).

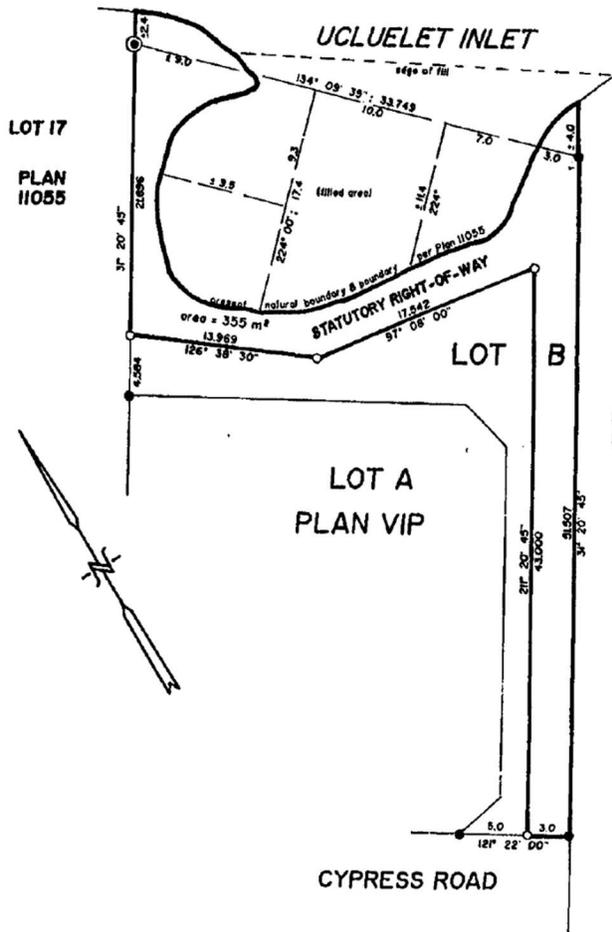


Figure 4 - SRW over Lot B

The applicant has agreed to provide a 5m statutory right-of-way (SRW) for a pedestrian path to become part of the Safe Harbour Trail as part of this process (Figure 5). It should be noted that there is a provincial SRW along the waterfront of the Canadian Princess property and that it is likely that a SRW for a waterfront Trail will form part of any development on the Island West Property; these links will make a continual harbour-front Trail increasingly viable (Figure 6). The draft SRW will be brought forward prior to a public hearing on the zoning amendment if the bylaw proceeds to that point.



Figure 5 – SRW's over the property and area.

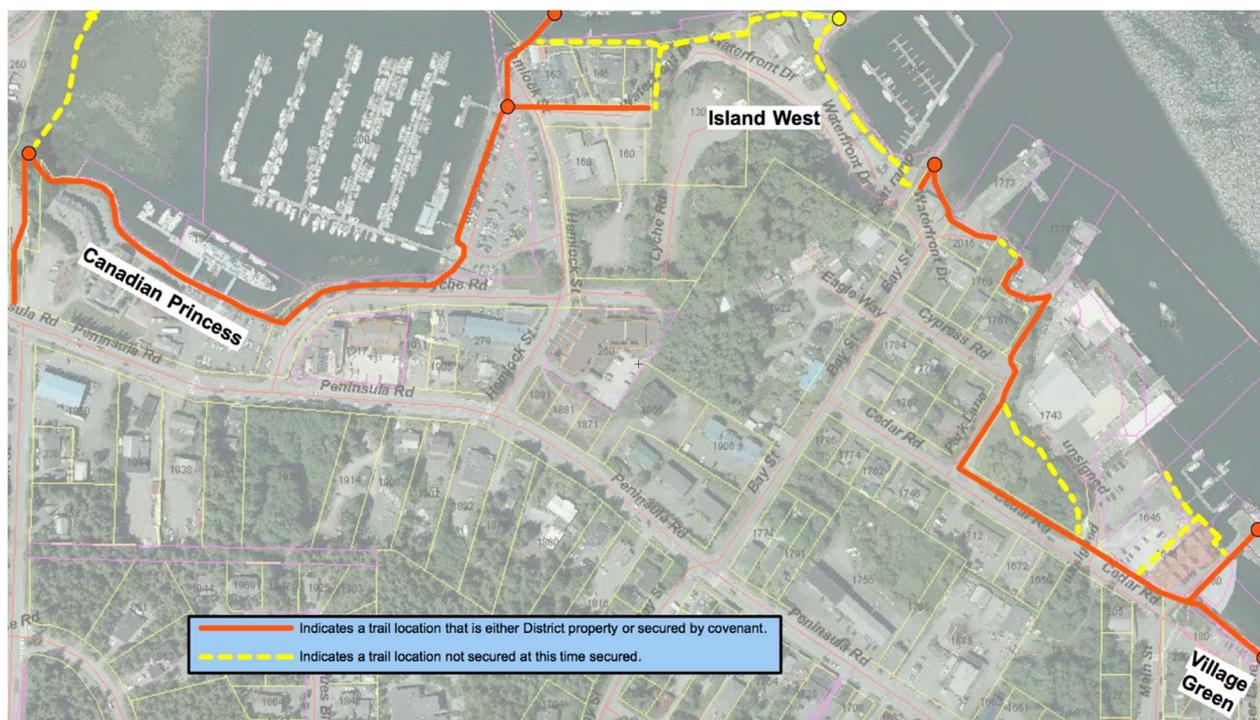


FIGURE 6 – SAFE HARBOUR TRAIL

#### LANDSCAPING OF PARKING LOT

The applicant has indicated that the parking area will be defined and landscaped as per **Figure 7** below. The parking requirement will be two spaces for the tourist accommodations and considering the marina could hold 4 boats and the mobile vending may attract a parking requirement the owner has indicated a total of eight parking spaces plus some space on the dock.

The landscaping will be done in native species with the parking area in packed gravel with no curbing. The trail indicated will not be built by the applicant but by the District when it has secured the other sections to connect the trail system. The applicant has also stated that they will add historical marine objects into landscaped area of the parking lot as a tribute to the fishing industry and its history in Ucluelet.



Figure 7 - Landscaping

**ZONING AMENDMENT:**

To facilitate the applicant's requested uses, Staff propose the following amendments to the District of Ucluelet Zoning Bylaw No. 1160, 2013 (the "Zoning Bylaw").

**A. Water Lot**

The Water Lot's current zoning designation of M-3 is intended for limited commercial, recreation and transportation uses and has the following principal uses:

*"M-3.1.1 The following uses are permitted, with no secondary permitted uses:*

*(1) Principal*

- (a) Fish Buying & Selling Stations*
- (b) Recreational Services*
- (c) Marine Recreation*
- (d) Water and Air Transportation"*

The current M-3 zoning is appropriate for the water lot, and it is proposed to make a site-specific amendment specific for the proposed development. To allow the applicant's request for two Guest Rooms or Dwelling Units, limited marina uses, and Mobile Vending uses on the Water Lot, staff propose the following be added to the M-3 zone:

*"M-3.1.6 On Water Lot DL 2042, Clayoquot Land District (the Bay Street Icehouse):*

- 1) Marina is also a permitted principal use specifically excluding marine fueling station;*
- 2) Mobile Vending is also a permitted principal use;*

- 3) *Residential use and Commercial Tourist Accommodation are also principal permitted uses within two dwelling units which may be operated as guest rooms.”*

The following are key zoning bylaw definitions for the proposed amendment above:

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

**“Dwelling Unit”** means a self-contained set of contiguous habitable rooms, consisting of at least kitchen, sanitary (bathroom), living and sleeping rooms and facilities, in the same building;

**“Guest Room”** means a room used or designated for use for sleeping purposes, with or without an en-suite bathroom and cooking facilities limited to:

- (a) kettle,
- (b) coffee maker,
- (c) toaster (not including a toaster-oven), and
- (d) microwave (excluding convection/microwave combination), and is used for commercial tourist accommodation;

**“Mobile Vending”** means the provision of merchandise, services, or food, while temporarily stationary but primarily on foot, bicycle, vehicle or any other means of transportation or with any type of mobile receptacle, including but not limited to carts, tables, and wagons, other than a delivery vehicle owned and operated by a licensed retailer or wholesaler within the District, and specifically excluding hawkers, hucksters and peddlers;

**“Recreational Services”** means the commercial use of land, buildings or structures for sports and leisure activities and services, both on- and off-shore, and includes tours, charters, a health club, spa or swimming pool, specifically excluding a fairground;

**“Residential”** means the occupancy or use of a building or part thereof as a dwelling unit, as the residence and domicile of a person or family who intend to return when absent, and excludes commercial tourist accommodation;

**“Marina”** means the use of land, buildings or structures for the commercial or non-commercial moorage of watercraft, excluding permanent storage, and may include any or all of the following as accessory uses only:

- (a) Sale or rental of watercraft,
- (b) Marine-related charters and tours,
- (c) Marine fueling station,
- (d) Marine-related retail supplies and equipment,
- (e) Boat Building and Repair,
- (f) Restaurant,
- (g) Bistro/Café,
- (h) Marina management office,
- (i) One Accessory Residential Dwelling Unit;

**“Marine Recreation”** means non-commercial leisure or recreational activities on or in the water, such as fishing, swimming, boating and water skiing;

**B. UPLAND LOT**

The upland lot is currently zoned CS-1 Village Square. This lot has a small area with limited building potential and will be required for parking for the guest rooms and marina use proposed on the water lot. As a stand-alone parking use is not listed within the CS-1 zone, Staff propose the following be added to the CS-1 zone:

**“CS-1.1.6** PID 001-357-247 on Lot B, District Lot 282, Clayoquot District, Plan 29748 [2015 Bay Street], *Parking Lot* is also a permitted principal use, including overnight parking.”

The following are key zoning bylaw definitions for the proposed amendment above:

**“Parking Lot”** means the principal use of land for parking spaces and maneuvering aisles for the short-term parking of vehicles, and specifically excluding overnight parking or storage.

**TIME REQUIREMENTS – STAFF & ELECTED OFFICIALS:**

Should the application proceed, staff time will be required to process this Zoning Bylaw Amendment, including giving notice of a Public Hearing.

**FINANCIAL IMPACTS:**

There are no direct financial implications.

**POLICY OR LEGISLATIVE IMPACTS:**

This application is consistent with the *Official Community Plan*.

**SUMMARY:**

Ucluelet’s historic harbour is a feature that makes Ucluelet a unique and special place. The proposed zoning amendment and development supports the area’s revitalization and commercial viability.

**OPTIONS:**

Staff support the zoning amendment and DP being proposed for 2015 Bay Street. Alternatively, Council could consider the following:

2. **THAT** Council provide alternative direction to Staff and/or the applicant; **or**,
3. **THAT** Council reject the application.

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

## Appendix A

Nancy VanHeest and Edward Hudson  
PO Box 775  
Tofino BC V0R 2Z0

March 15, 2020

## STATEMENT OF INTENT - ADDITION

REZONING APPLICATION RE: DISTRICT LOT 2042 CLAYOQUOT DISTRICT/LOT B PLAN VIP29748 DL 282

Further to the suggestions of the planning department, this is to propose the improvement of the upland portion of this property, which is in the CS-1 Village Square Development Permit area.

The additional use to be permitted on this lot is parking. This will be for use by owners, tenants, employees and patrons of the water lot businesses.

In order to ensure a pleasing appearance, we will landscape with a greenspace buffer according to the plan provided.

We agree to allow the District right-of-way for a waterfront walkway through this lot as shown.

We also wish to create a memorial to the long-time mariners of the West Coast. This would include name plaques and nautical artifacts, such as a large propeller and life raft, interspersed with the foliage.

These improvements, alongside the renovation of the water lot, will further the community goal to maintain and enhance Ucluelet's unique character and preserve its heritage.

Thank you again for your consideration of this proposal.

Sincerely,

  
Nancy VanHeest

  
Edward Hudson



Zoning Amendment and Development Permit for 2015 Bay Street John Towgood...

District of Ucluellet  
 Planning Department  
 Main Street, Ucluellet, BC  
 V0R 3A0, P.O. Box  
 726-4770 fax 250

registered in the Land Registry Office of  
 Victoria BC in the 2<sup>nd</sup> day of January, 1963

p Denotes non post found  
 Denotes by square shown non post set  
 s derived from Plan 11055

**DISTRICT OF UCLUELET****Zoning Amendment Bylaw No. 1271, 2020**

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

(2015 Bay Street and adjacent Water Lot)

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

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

**1. Text Amendment:**

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

- a. by adding the following subsection to section M-3.1 in alphanumerical order, as follows:

“M-3.1.6 On Water Lot DL 2042, Clayoquot Land District (the 2015 Bay Street Icehouse):

- 1) *Marina* is also a permitted principal use specifically excluding marine fueling station;
- 2) *Mobile Vending* is also a permitted principal use;
- 3) *Residential* use and *Commercial Tourist Accommodation* are also principal permitted uses within two *Dwelling Units* which may be operated as *Guest Rooms*.

- b. by adding the following subsection to section CS-1.1 in alphanumerical order, as follows:

“CS-1.1.6 PID 001-357-247 on Lot B, District Lot 282, Clayoquot District, Plan 29748 [2015 Bay Street], *Parking Lot* is also a permitted principal use, including overnight parking.”

**2. Citation:**

This bylaw may be cited as “District of Ucluelet Zoning Amendment Bylaw No. 1271, 2020”.

**READ A FIRST TIME** this    day of                    , 2020.

**READ A SECOND TIME** this    day of                    , 2020.

**PUBLIC HEARING** held this    day of                    , 2020.

**READ A THIRD TIME** this    day of                    , 2020.

**ADOPTED** this    day of                    , 2020.

**CERTIFIED A TRUE AND CORRECT COPY** of “District of Ucluelet Zoning Amendment Bylaw No. 1271, 2020.”

---

Mayco Noël  
Mayor

---

Mark Boysen  
Corporate Officer

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

---

Mark Boysen  
Corporate Officer



## DEVELOPMENT PERMIT DP20-03

Pursuant to Part 14, Division 7 of the Local Government Act, R.S.B.C 2015 C.1 as amended:

1. This Development Permit is issued to:

NANCY LOUISE VAN HEEST, EDWARD WALTER ROBERT HUDSON, PO Box 775, UCLUELET, BC

2. This Development Permit applies to and only to those lands within the District of Ucluelet described below and all buildings, structures, and other development thereon:

DL 2042, CLAYOQUOT LAND DISTRICT (THE "WATER LOT"):

AND

PID 001-357-247, LOT B, DISTRICT LOT 282, CLAYOQUOT DISTRICT, PLAN 29748 (2015 BAY STREET)

3. This Development Permit is issued subject to compliance with all bylaws of the District of Ucluelet.
4. This Permit authorizes the following improvements on the Lands:

- a. The exterior renovation of the icehouse and associated decking;
- b. The defining of parking area and adjacent landscaping;
- c. Adding historical marine objects to the landscaped area; and,
- d. New floats and ramps within the Water Lot.

These improvements apply only in the locations indicated, and otherwise in accordance with, the drawings and specifications attached to this Permit as **Schedule A**.

5. Prior to commencing work, the Owner is required to provide a final detailed plan of the proposed landscape improvements for review and approval by the District's Manager of Community Planning.
6. The work authorized by this Permit may only be carried out in compliance with all federal, provincial, and municipal statutes, regulations, and bylaws. The owner is responsible for ensuring that the timing of the work and any required permits or notifications by other agencies are obtained as required to comply with all applicable regulations.
7. 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.
8. This Permit is NOT a Building Permit.



9. **Schedules "A"** attached hereto shall form part of this Permit. The Municipality's Chief Administrative Officer is hereby authorized to approve minor amendments to the plans provided that such amendments are consistent with the overall character and intent of the original plans.

**AUTHORIZING RESOLUTION** passed by the Municipal Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**IN WITNESS WHEREOF** this Development Permit is hereby executed and issued by the Municipality the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**THE DISTRICT OF UCLUELET**  
by its authorized signatories:

\_\_\_\_\_  
Mayco Noël – Mayor

\_\_\_\_\_  
Mark Boysen – Corporate Officer

**ISSUED** the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Bruce Greig - Manager of Planning

# Schedule A

## Landscape Concept:







## STAFF REPORT TO COUNCIL

Council Meeting: June 23, 2020  
500 Matterson Drive, Ucluelet, BC V0R 3A0

**FROM:** JOHN TOWGOOD, PLANNER 1

**FILE NO:** 3360-20-RZ20-04

**SUBJECT:** ZONING BYLAW AMENDMENT FOR 796 MARINE DRIVE

**REPORT NO:** 20-56

**ATTACHMENT(S):** APPENDIX A – APPLICATION  
APPENDIX B – ZONING AMENDMENT BYLAW NO. 1267, 2020

### RECOMMENDATION:

1. **THAT** District of Ucluelet Zoning Amendment Bylaw No. 1267, 2020, be given first and second reading and advanced to a public hearing.

### PURPOSE:

To provide Council with information on an application to amend The District of Ucluelet Zoning Bylaw No. 1160, 2013 (the “**Zoning Bylaw**”), for 796 Marine Drive, Lot 8, District Lot 283, Clayoquot District, Plan VIP84686 (the “**Subject Property**”) to allow for two detached Guest Cottages (**GC**) instead of two attached Vacation Rental Suites (**VRS**) and the addition of a Secondary Suite (**SS**).

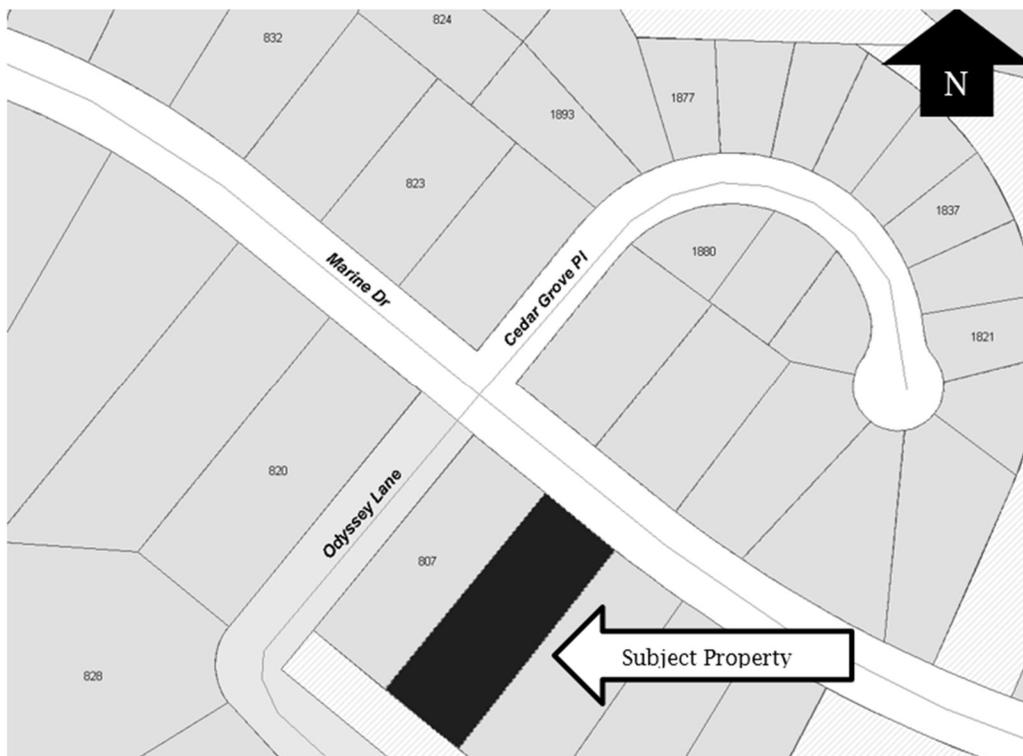


Figure 1 – Subject Property

**BACKGROUND:**

This application was submitted by Chelsea Ruben on December 31, 2019. The applicant requests a zoning amendment to allow two detached GC instead of the two VRS that are currently allowed by the VR-1 zoning designation of the subject property. The applicant also wishes to have a SS within the Single Family Dwelling (**SFD**).

The Subject Property is a 2,057m<sup>2</sup> vacant lot in a fee-simple subdivision that was created in March of 2008. The lot is mostly forested with mature trees to the rear of the property. The lot slopes 6m from the frontage to the rear of the property and the Wild Pacific Trail runs parallel in a District of Ucluelet trail corridor to the rear of the property. The neighborhood has a large component of VR-1 and Guest House zoned properties on the west side of Marine Drive with large residential properties across Marine Drive (**Figure 3**).

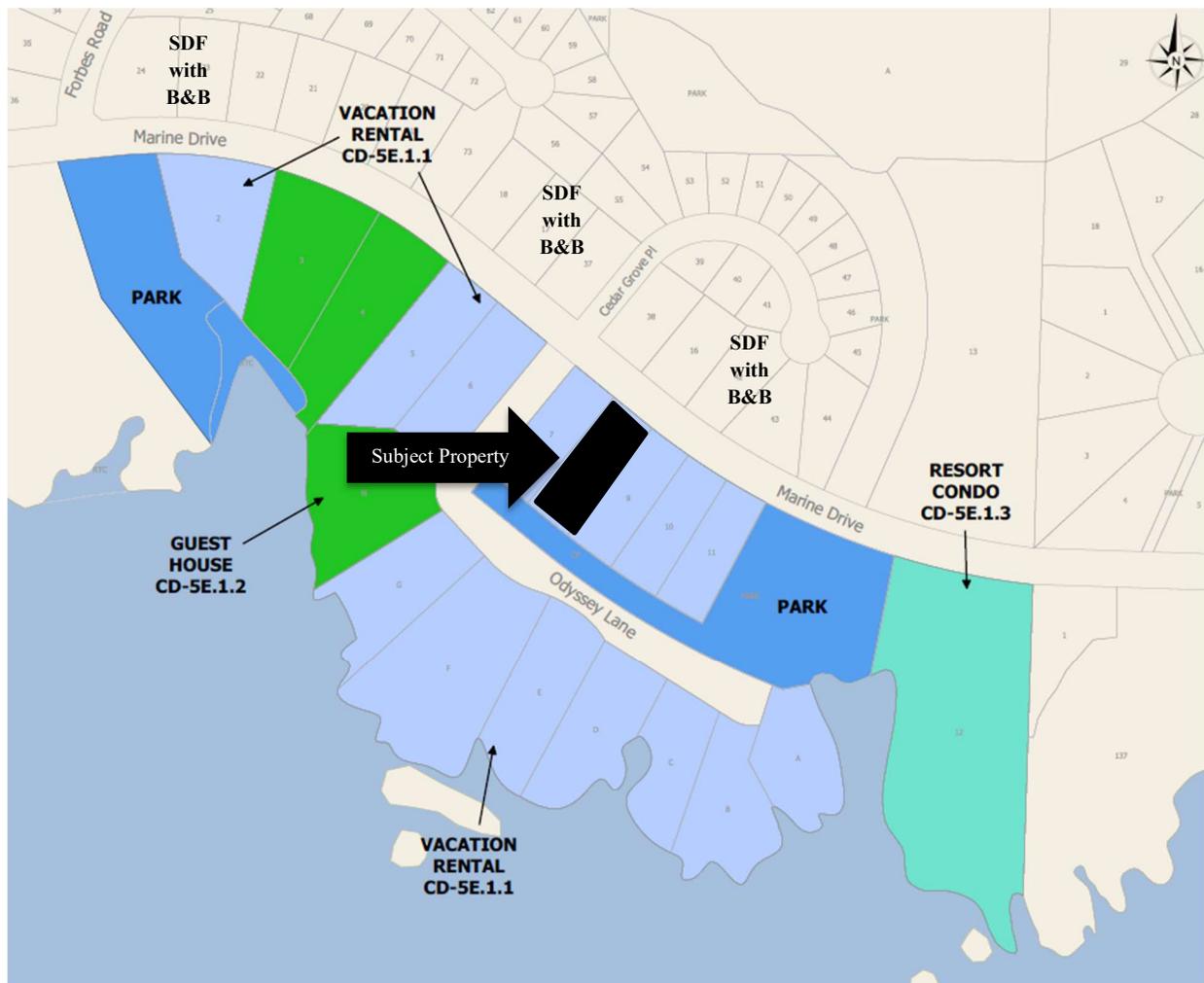


Figure 3 – Neighbourhood Zoning Context

**DISCUSSION:**

The Subject Property is currently zoned “CD-5E Plan (Development Area #5)” (**CD-5E**) and has the following permitted uses:

**CD-5E.1.1** The following uses are permitted on Lots 2 and 5-11 Plan VIP84686 and Lots A-G Plan VIS6520, in the areas of the CD-5E SubZone Plan labeled “Vacation Rental (VR-1)”, but secondary permitted uses are only permitted in conjunction with a principal permitted use:

- (1) Principal:
  - (a) Single Family Dwelling
- (2) Secondary:
  - (a) Vacation Rental (VR-1)

The Vacation Rental (**VR-1**) use is defined in the zoning bylaw as follows:

**“Vacation Rental”** means the use of an otherwise residential dwelling unit for commercial tourist accommodation, provided in accordance with Section 406 of this Bylaw;

**406.1** Where a Zone specifically includes Vacation Rental (VR-1) or Vacation Rental (VR-2) as a permitted use, all the following conditions must be satisfied for the establishment and continued use and operation of the vacation rental:

- (1) The “VR-1” designation restricts the commercial tourist accommodation as:
  - (a) accessory to a permanent residential use and administered by the full-time and present resident occupying at least sixty percent (60%) of the principal building;
  - (b) occupying a maximum of two (2) secondary suites; and
  - (c) occupying a maximum of forty percent (40%) of the principal building on the lot, and no part of an accessory building or structure.

**406.2** For greater certainty, notwithstanding other provisions of this Bylaw:

- (1) VR-1 uses are permitted within single family dwellings and duplexes (including their secondary suites), but are not permitted in multiple family residential buildings;

The applicant is proposing two land use changes:

- 1. A change from two VRS to two GC

The Following are the existing use configurations possible within the current CD-5E.1.1 zoning designation:

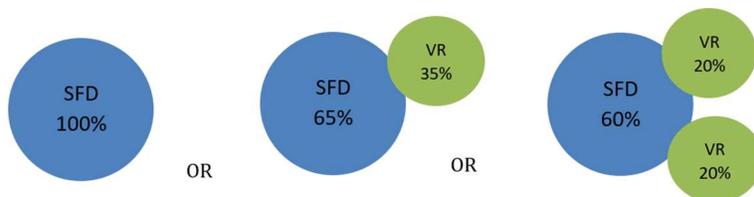


Figure 4- Existing Uses

The applicant is proposing that instead of the two VRS (required to be within the SFD) currently allowed, they propose two GC, one of which is to be age friendly and accessible. The zoning bylaw definition for GC:

*“Guest Cottage” means an accessory detached dwelling unit built on a full and continuous foundation on the same lot as the principal use of a guest house or single family dwelling, and is used for commercial tourist accommodation;*

This proposed change does not represent a change to the number of units (two) or the type of use (short term rental) within the units, but it does represent a change to the building form. Currently the two VR suites are required to be contained within the SFD and it can be considered that this proximity will mitigate impacts such as noise and disturbance from the VRS. As indicated by the applicants site plan (**Figure 5**), the proposed GC are separated from the SFD and buffered by the existing forested landscape. The GC are also pulled back from the side yards and there is an attempt to retain the existing vegetation.

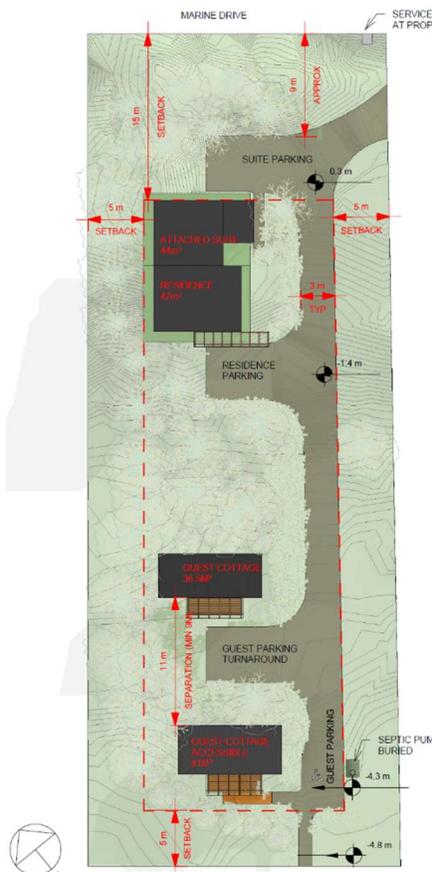


Figure 5 – Proposed Plan

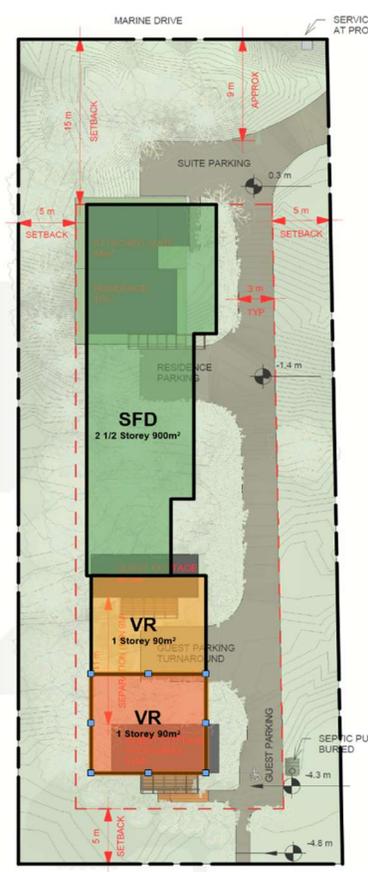


Figure 6 – Potential allowable currently.

The proposal is quite modest in scale with; two 40m<sup>2</sup> 1-bedroom GC, a 44m<sup>2</sup> 1-bedroom SS, and the 85m<sup>2</sup> 3-bedroom SFD. Figure 6 above indicates the potential allowable within the current zoning with a two 2-bedroom 90m<sup>2</sup> VRS and a 900m<sup>2</sup> SFD shown over top of the proposed development. Although it is not likely that a 900m<sup>2</sup> SFD would be built on the property, it should be noted that the potential impact on the site’s environmental attributes from uses under the current zoning could be substantially greater than what is being proposed by the applicant.

## 2. An addition of an allowable SS

The applicant is requesting the allowance for a residential only SS:

**“Secondary Suite”:**

*(a) in all instances other than a Vacation Rental (VR-1) designation, means one separate accessory dwelling unit, for residential use only, located within a single family dwelling, in accordance with Section 403 of this Bylaw; or*

SS are a very important element in Ucluelet’s housing spectrum. Staff have seen a large loss of SS within Ucluelet as a result of the SS being converted to Bed and Breakfast units. Staff have specifically designed the proposed zoning amendment such that Short-Term Rental (**STR**) uses cannot occur in the SS or in the SFD (Guest House or Bed and Breakfast will not be allowable uses on the property). Staff have also considered the management of the guest cottages. It is important that the short-term vacation rental of the cottages be managed by the primary residential use on the property; the SFD rather than the SS. This approach lessens the likelihood that the main house would become a secondary or investment home. Figure 7 below indicates the proposed uses:

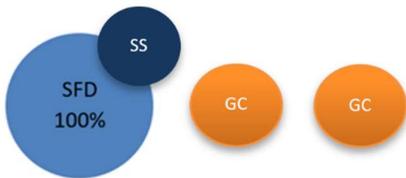


Figure 7 – Proposed uses

**ZONING AMENDMENT:**

Staff considered the options on how to approach the proposed zoning amendment to allow the requested land uses, and recommend that removing the property from CD-5E and giving the property the GH-Guest House zoning designation with some site-specific restrictions was the best approach.

The first part of the proposed zoning amendment is to amend the zoning maps of District of Ucluelet Zoning Bylaw No. 1160, 2013 as follows:

*Schedule A (Zoning Map) of District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by changing the zoning designation of Lot 8, District Lot 283, Clayoquot District, Plan VIP84686 [PID 027-473-481 at 796 Marine Drive], shown shaded on the map attached to this Bylaw as Appendix “A”, from VR-1 Zone - Vacation Rental to GH Zone-Guest House.*

The second part is an amendment to the text of the Guest House zone that would allow the two GC’s and the SS while restricting the Guest House use in the SFD and SS:

a. *by adding the following subsection to section GH.1 in alphanumerical order, as follows:*

*“GH-1.2 Despite section GH.1.1 above, Secondary Suite is permitted as a secondary use and a Guest House is not permitted as a principle use on the following properties:*

*(a) PID 027-473-481, Lot 8, District Lot 283, Clayoquot District, Plan VIP84686 [796 Marine Drive]”*

The third part is the addition of the text “Single Family Dwelling” to the supplemental Guest house section 405.2 (1) (c) that would clarify which residential use on the property would administer the GC’s:

*“as accessory to a permanent residential use and administered by the full-time and present resident occupying the principle Single Family Dwelling or Guest House. “*

**COVENANT ENSURING THE DEVELOPMENT PROPOSED IS THE DEVELOPMENT BUILT**

As the scale of the development proposed is a very important consideration on this application, a covenant entered into by the applicant is recommended to ensure that what is being proposed is what is ultimately built on the property. The applicant has agreed with this requirement and the draft covenant will be presented to Council ahead of a public hearing, if the proposed bylaw proceeds to that point.

**TIME REQUIREMENTS – STAFF & ELECTED OFFICIALS:**

Should the application proceed, staff time will be required to process this Zoning Bylaw Amendment, including giving notice of a Public Hearing.

**FINANCIAL IMPACTS:**

There are no direct financial implications.

**POLICY OR LEGISLATIVE IMPACTS:**

As the requested change does not change the Residential – Single Family land use designation, Staff consider this application to be consistent with the *Official Community Plan*.

**SUMMARY:**

From a land use perspective, the VR to GC change proposed is predominantly a shift in the building form and the addition of a SS is to the community’s benefit. It should be noted that this application does increase the number of dwellings on the property but the modest size of the development will help retain trees and vegetation on the site, and would have less impact than a full build-out of the property under the current zoning.

**OPTIONS:**

Staff support the zoning amendment being proposed for 796 Marine Drive. Alternatively, Council could consider the following:

2. **THAT** Council provide alternative direction to Staff and/or the applicant; **or**,
3. **THAT** Council reject the application.

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

Chelsea Ruben & Nigel Harrison  
PO Box 1367, Cumberland, BC V0R1S0  
[frogfur@hotmail.com](mailto:frogfur@hotmail.com)  
778-992-0362

Dec 11, 2019

**RE: rezoning application for 796 Marine Drive**

Dear John Towgood, and Ucluelet planning staff,

Please find attached our application for rezoning the property at 796 Marine Drive. We have worked with John Salmen (from Station Design) in preparing the plans and application. As you probably remember from conversations with ourselves and John, our aim in asking for a rezoning is to allow for the two vacation rental suites that the property is currently zoned for to be detached cottages, and to allow an additional long-term residential suite to be added to the main house, to provide local housing.

We first 'discovered' Ucluelet when we began to take our kids on camping and surfing trips out to the coast, and were drawn to the natural beauty of the area and the laid-back, friendly community. We began to spend more and more time there, and when we came across this lot for sale, right on the edge of the Pacific Crest Trail, we decided to make some changes to our lives and commit to the area.

We understand that a previous prospective buyer had applied for guesthouse zoning, to allow four attached guest rooms on the main house and two detached vacation cottages. This application was denied, but the council did offer that the two vacation rentals could be detached. We were intrigued by this offer. By having the vacation cottages be detached, we feel that we can maximize both the guests' and our privacy, as well as tuck multiple smaller buildings in among the stands of larger trees, in order to preserve as much of the mature forest as possible.

The previous application also made us wonder if it would be possible to help address the housing situation in Ucluelet. We understand from local friends that housing is very hard to come by. Nigel comes from a region of the UK with similar difficulties, where some villages have more than half of their housing stock rented out to vacationers. We talked about how we would love to be able to provide local housing as well as vacation rentals. However, looking at finances, the current zoning that allows for two vacation rentals was important for us to be able to afford to build a home on the property. Thus we are asking for a spot zoning that would allow for an additional long-term residential suite attached to the house, rather than four more guest suites. I understand there is no specific zoning that exists for this scenario, so we are asking for a spot zoning. (Except that it is similar to, but certainly less dense, than the guest house zoning, which the lot is large enough to qualify for.)

In working with John Salmen we have explored ways to make the house and cottages fit in with the land, both to minimize their aesthetic and physical impact on the forest. John suggested the idea to make one of the guest cottages accessible, which we heartily agreed with. We have gotten such pleasure from our own outdoor lifestyle, we would love to help people enjoy the lovely coastline and nature paths who also need accessible accommodation.

Please let me know if you have any questions, concerns or comments on our application.

Regards,

Chelsea

# Development Application

## Type of Application

An application is submitted for one or more of the following:

- |  |  |
|--|--|
| <input type="checkbox"/> Official Community Plan Amendment   | <input type="checkbox"/> Development Variance Permit |
| <input type="checkbox"/> Zoning Bylaw Amendment              | <input type="checkbox"/> Temporary Use Permit        |
| <input type="checkbox"/> Development Permit (no variances)   | <input type="checkbox"/> Board of Variance           |
| <input type="checkbox"/> Development Permit (with variances) | <input type="checkbox"/> Strata Conversion           |
| <input type="checkbox"/> Development Permit Amendment        | <input type="checkbox"/> Subdivision                 |

## Description of Property

Civic Address (es): \_\_\_\_\_  
 Legal Description: Lot \_\_\_\_\_ Plan \_\_\_\_\_ Block \_\_\_\_\_ Section \_\_\_\_\_ DL \_\_\_\_\_

## Applicant Information

Notice of Disclosure to Applicant(s): The following contact information will be available to the public and may be posted on the Districts' website to allow interested parties to contact you about this application.

Applicant name: \_\_\_\_\_ Company name: \_\_\_\_\_  
 Mailing address: \_\_\_\_\_ Postal Code: \_\_\_\_\_  
 Tel : \_\_\_\_\_ Cell : \_\_\_\_\_  
 Email : \_\_\_\_\_ Fax : \_\_\_\_\_

The undersigned owner/authorized agent of the owner makes an application as specified herein, and declares that the information submitted in support of the application is true and correct in all respects.

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Registered Owner(s)

List all registered owners. For strata properties, provide accompanying authorization from all strata owners (not just strata corp.). If the owner is an incorporated company/society, attach a current corporate/society search or "notice of directors".

Registered Owner (s) name: \_\_\_\_\_  
 Mailing address: \_\_\_\_\_ Postal Code: \_\_\_\_\_  
 Tel : \_\_\_\_\_ Cell : \_\_\_\_\_  
 Email : \_\_\_\_\_ Fax : \_\_\_\_\_

Freedom of Information and Protection of Privacy Act (FOIPPA): Personal information is collected, used and disclosed under the authority of the Local Government Act, and section 26 (c) of the FOIPPA. The information will be used for the purpose of processing this application.

Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Office Use Only:

Folio No.:	File No.:	Date:	Receipt No.:	Fee:
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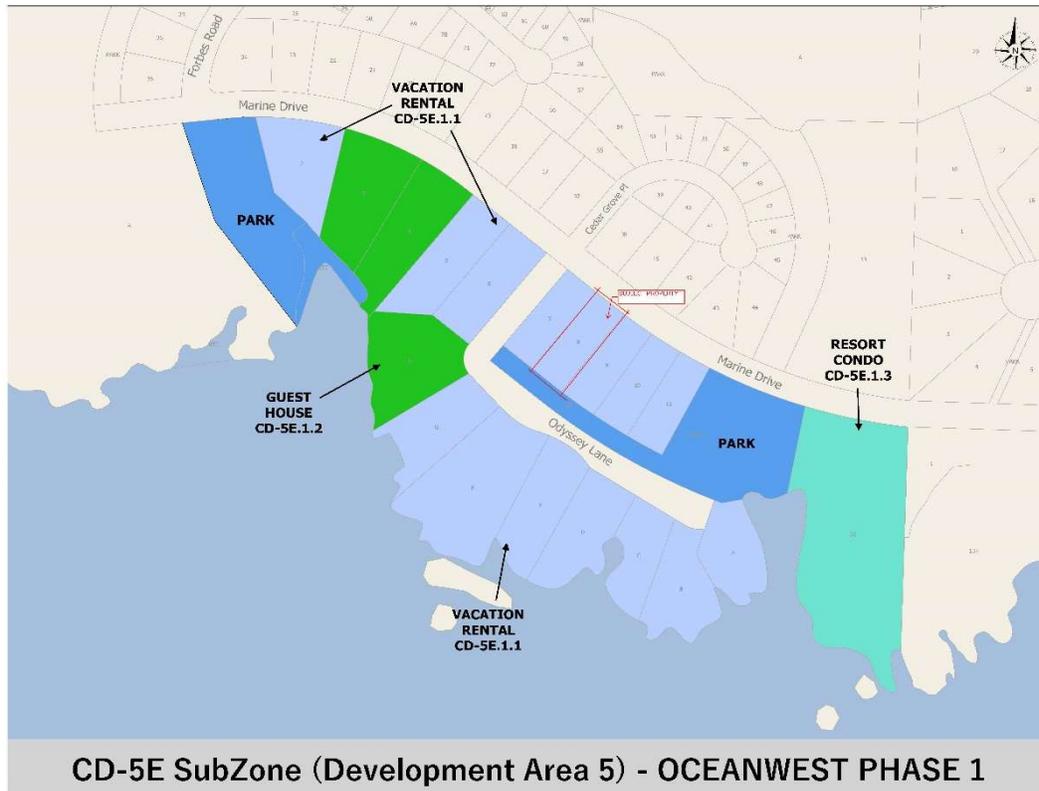
**DOCUMENTS ENCLOSED**

PG

- 1** REZONING APPLICATION SUMMARY
  - Purpose*
  - Property Context*
  - Proposal*
  - OCP Context*
- 2** REZONING APPLICATION SUMMARY
  - Proposed Zoning*
  - Proposed Development - Building Footprints*
  - Lot Coverage - Floor Area Ratio (FAR)*
  - Building Heights*
- 3** SITE PLAN
  - Proposed Development with Description*
- 4** SITE ELEVATION - ORTHOGRAPHIC
  - Site Views*
- 5** RESIDENCE WITH SUITE
  - Floor Plans*
- 6** RESIDENCE WITH SUITE
  - Elevations*
- 7** GUEST COTTAGE (1)
  - Floor Plans and Elevations*
- 8** GUEST COTTAGE 2 - ACCESSIBLE
  - Floor Plans and Elevations*
- 9 to 11** STATE OF TITLE CERTIFICATE
  - December 5th, 2019*

796 Marine Drive, Ucluelet - Rezoning Application

prepared by John Salmen (Station Design) on behalf of Chelsea Rubin and Nigel Harrison (owners)



Ucluelet Zoning Bylaw No. 1160, Consolidated CD 5E 10/16/2017

PID: 027-473-481

LOT 8 DISTRICT LOT 283 CLAYOQUOT DISTRICT PLAN VIP84686

LOT SIZE 2057 M2

LOT FRONTAGE

26.76M

CURRENT ZONING - CD-5E.1

#### PURPOSE

*This application proposes to rezone the .206ha property from CD-5E.1 to a spot zoning similar to GH Zone to provide for a main residence with an attached long-term rental suite and two vacation rental guest cottages - one of which is to be developed as accessible within reach of the Wild Pacific Trail*

#### PROPERTY CONTEXT

*The property is located within the CD-5E SubZone (Development Area #5) Oceanwest  
The property is undeveloped and undisturbed retaining its coastal forest characteristics  
The property is serviced at Marine Drive (water, sewer and hydro). A previous rezoning was requested for the property by previous a previous applicant - requesting a higher vacation rental density - a lower density (2 guest cottages) was proposed by council*

#### PROPOSAL

*This proposal seeks to implement councils recommendation of 2 guest cottages consistent with the GH Zone which provides for 2 guest cabins plus main residence on a lot area greater than 2000m2. This proposal is designed for minimal lot coverage to maintain the native coastal landscape, consistent with the trail (see pg.2)  
The development is configured within existing zone setbacks - to be maintained*

#### OCP CONTEXT

*This proposal meets Policy 3.22 (accessibility) and Policy 3.1220 D,E,G (long term tenancy) of the proposed Official Community Plan*

**PROPOSED ZONING**

*Spot zoning intended to provide mixed housing and vacation rental options  
To include a single family dwelling with attached long term rental suite  
and two small scale guest cottages for tourist accomodation - one of  
which to be developed as accessible accomodation*

*Policy 3.22 (accessibility - proposed OCP)*

*Policy 3.120 D,E,G (long term- tenancy - proposed OCP)*

**PROPOSED DEVELOPMENT - BUILDING FOOTPRINTS***Single Family Dwelling*

<i>3 Bdrm Residence</i>	60 m <sup>2</sup>
<i>Attached Suite</i>	44 m <sup>2</sup>
<b>Total</b>	<b>104</b>

*Small Scale Guest Cottage*

<i>1 bedroom</i>	36.5 m <sup>2</sup>
<i>ext deck</i>	7.75
<b>Total</b>	<b>44.25</b>

*Accessible Guest Cottage*

<i>1 bedroom</i>	39.8 m <sup>2</sup>
<i>ext deck</i>	7.75
<b>Total</b>	<b>47.55</b>

*Accessory*

<i>electrical</i>	1.5 m <sup>2</sup>
<i>pump house</i>	1.5 m <sup>2</sup>
<i>conditional</i>	90 m <sup>2</sup>
<b>Total</b>	<b>93</b>

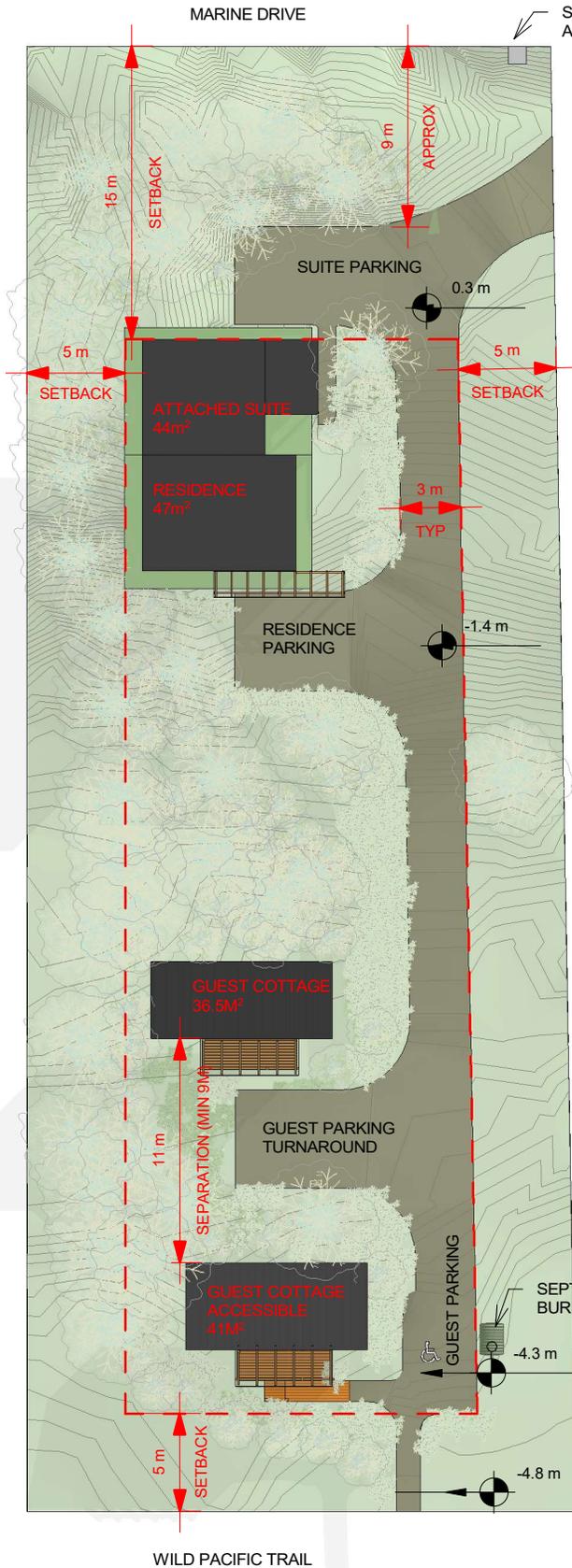
**LOT COVERAGE - FLOOR AREA RATIO**

<i>Total Building Coverage (incl decks)</i>	288.8 m <sup>2</sup>
<b>Lot Coverage</b>	<b>14.04 %</b>

<i>Buildable area (within setbacks)</i>	958.3 m <sup>2</sup>
<i>Gross Floor Area</i>	333.3
<b>Floor Area Ratio</b>	<b>0.35</b>

**BUILDING HEIGHTS**

<i>2 Story Main Residence</i>	7 m
<i>Guest Cabins</i>	3.6 m



SERVICES AT PROPERTY LINE

796 MARINE DRIVE, UCLUELET  
 LOT 8 DISTRICT LOT 283 DISTRICT PLAN VIP84686  
 PID 027-473-481

LOT SIZE: 2057 M<sup>2</sup>  
 LOT FRONTAGE: 26.76 M  
 CURRENT ZONING: CD-5E.1

LOT COVERAGE: 14%  
 FAR: 0.35

**NOTE:**  
 Topographical data is derived from Municipality of Ucluelet Lidar data. Landscape foliage is approximate and intended to represent the existing landscape.

Building and drive locations are approximate - final locations are dependent on maintaining existing native landscape and topographical features.

Buildings and primary drive to be within setback boundaries as shown- Drive entrance is as existing and Suite Parking to be located within the front 15m setback - approximately as shown to maintain road buffer - with respect to native landscape and topographical features.

**BUILDINGS**

Construction of all buildings is designed to conform to aesthetic guidelines. Exterior cladding to be metal to provide fire resistance with exterior porch and entry details to be natural wood. Total footprint of buildings are estimated at 13.4% Lot Coverage (40% allowed).

**Main Residence** is designed as a 2 story structure to minimize footprint with an attached 1 story long-term rental suite. Approximate footprint as shown (approx. 5% Lot Coverage)

**Guest Cottage (1)** is below the zoning standard of 40M<sup>2</sup> at 36.5M<sup>2</sup> (approx. 1.2% Lot Coverage)

**Guest Cottage (2)** designed as an accessible cabin meets the zoning standard at 39.8 M<sup>2</sup> (approx. 2% Lot Coverage) due to the increased area required for accessibility but remains within the intent of the zoning density

**Accessory Buildings** are currently estimated for housing services at 3M<sup>2</sup> but provision is made for 93M<sup>2</sup> to provide for future accessory construction (approx. 4.5% Lot Coverage).

**DRIVEWAY** 3 M Width

Primary Driveway to be overland construction to maintain natural drainage - with permeable topping (crushed gravel)

Parking is representative of zoning requirements and ease of access.

Note: final location may vary and be minimized to maintain existing native landscape and reduce ground disturbance

796 MARINE DRIVE, UCLUELET

PROPOSED REZONING

**SITE PLAN**



SITE VIEWS ILLUSTRATING APPROXIMATE SITE LAYOUT AND DEVELOPMENT

*Topographical data is derived from Municipality of Ucluelet Lidar data. Landscape foliage is approximate and intended to represent the existing landscape.*

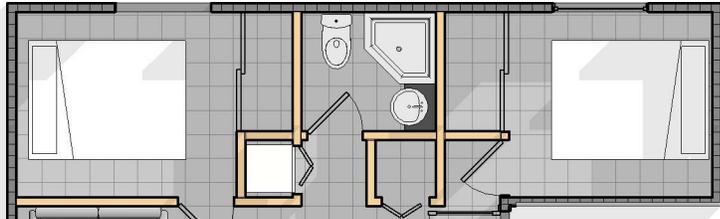
*Building and drive locations are approximate - final locations are dependent on maintaining existing native landscape and topographical features.*

### SITE ELEVATION - ORTHOGRAPHIC

796 MARINE DRIVE, UCLUELET  
PROPOSED REZONING

29' - 10"

40' - 6"

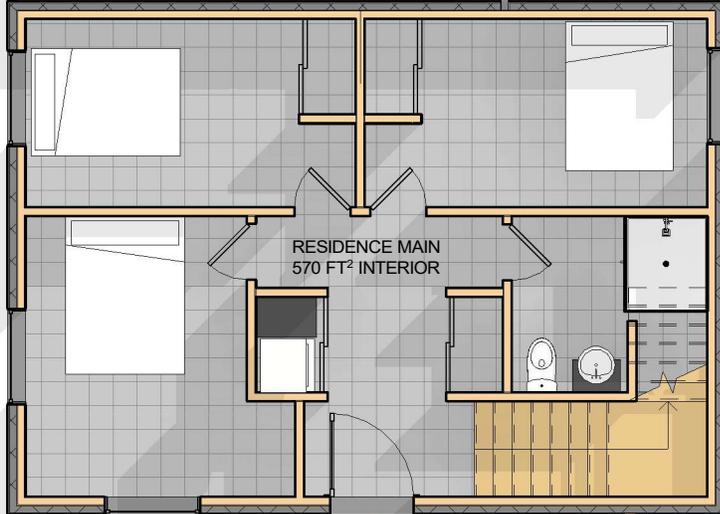


**MAIN RESIDENCE WITH ATTACHED SUITE**

SUITE 446 FT<sup>2</sup> - 41.4 M<sup>2</sup> INTERIOR  
 RESIDENCE  
 MAIN 570 FT<sup>2</sup> - 42.9 M<sup>2</sup> INTERIOR  
 2ND 570 FT<sup>2</sup> - 42.9 M<sup>2</sup> INTERIOR

EXTERIOR FOOTPRINT 1119 FT<sup>2</sup> - 104 M<sup>2</sup>

NOTE: FINAL IFP PLANS TO BE AS PER OWNERS SPECIFICATIONS, BCBC, AND MUNICIPALITY OF UCLUELET



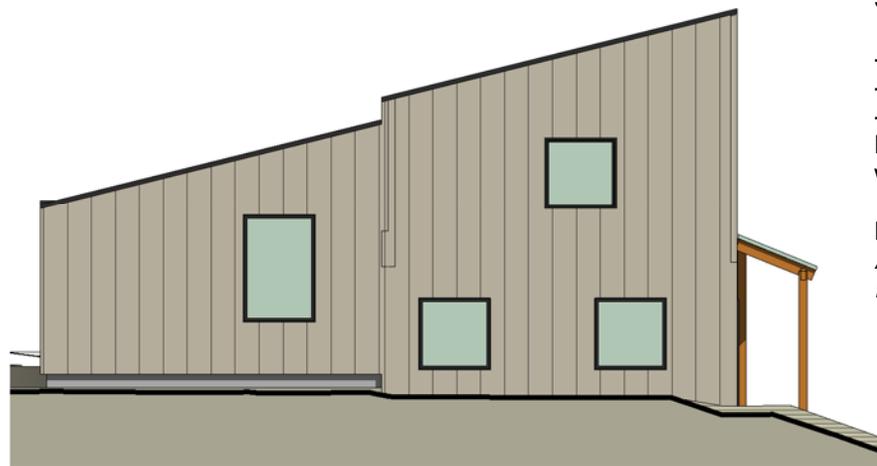
796 MARINE DRIVE, UCLUELET

RESIDENCE / SUITE

**FLOORPLANS**



796 MARINE DRIVE, UCLUELET



**MAIN RESIDENCE AND ATTACHED SUITE - EXTERIOR FINISHES**

- 26 GA. METAL ROOFING
- 26 GA METAL SIDING
- ACRYLIC TRANSLUCENT MAIN ENTRY ROOFING w/ D.F. STRUCT FRAMING

NOTE: FINAL IFP PLANS TO BE AS PER OWNERS SPECIFICATIONS, BCBC, AND MUNICIPALITY OF UCLUELET

RESIDENCE / SUITE

**ELEVATIONS**

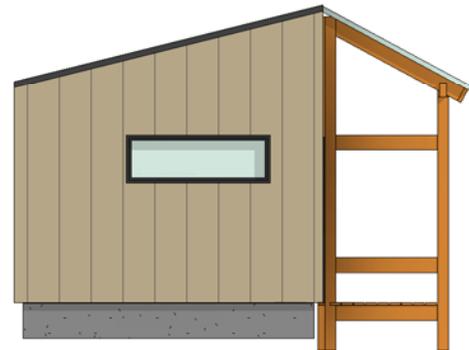
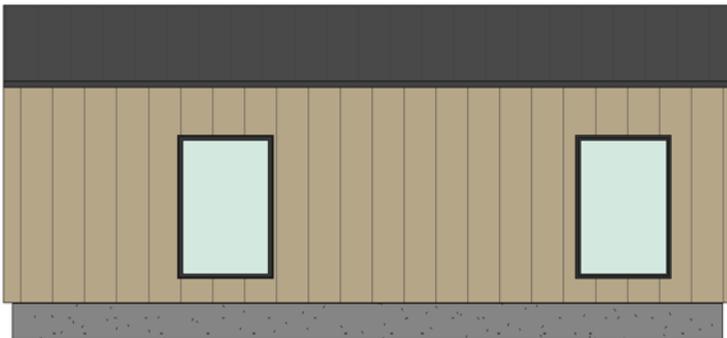
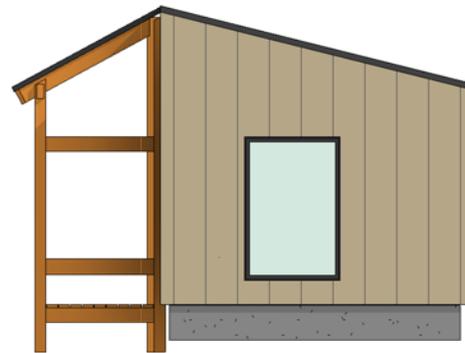
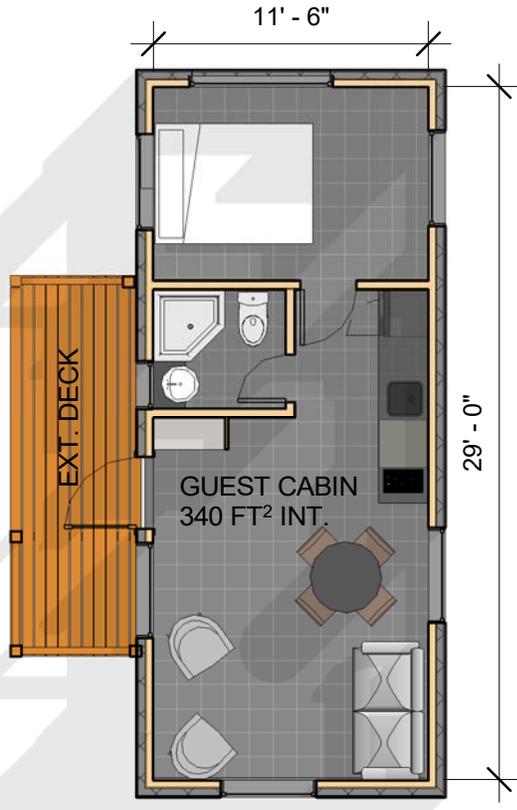
**GUEST COTTAGE 1**

1 BDRM VACATION RENTAL COTTAGE  
 340 FT<sup>2</sup> - 31.6 M<sup>2</sup> INTERIOR  
 393 FT<sup>2</sup> - 36.5 M<sup>2</sup> EXTERIOR

**EXTERIOR FINISHES**

- 26 GA. METAL ROOFING
- 26 GA METAL SIDING
- ACRYLIC TRANSLUCENT DECK ROOFING
- STRUCT D.F. FIR EXTERIOR DECK FRAMING
- 2x6 CEDAR DECKING AND RAMP DECKING

NOTE: FINAL IFP PLANS TO BE AS PER OWNERS SPECIFICATIONS, BCBC, AND MUNICIPALITY OF UCLUELET



796 MARINE DRIVE, UCLUELET

GUEST COTTAGE

**GUEST COTTAGE 1**

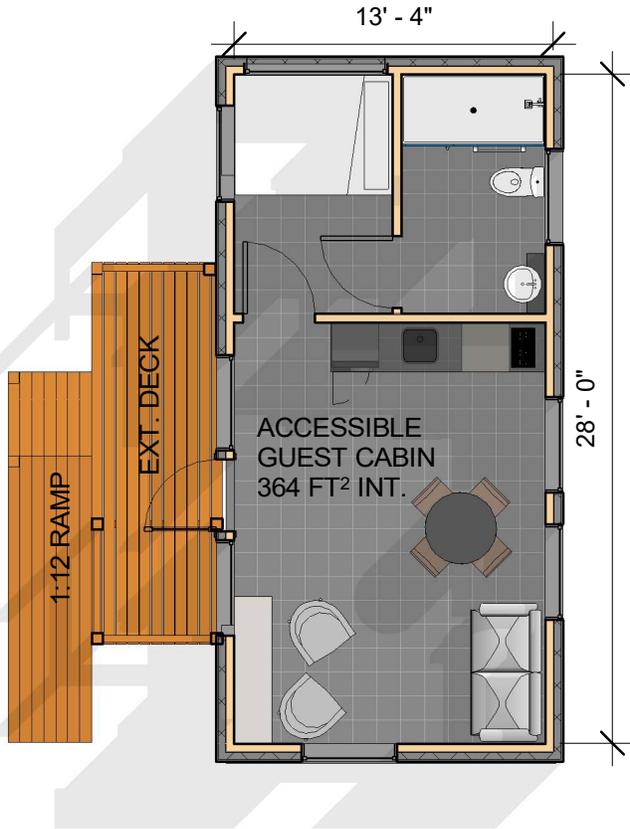
**GUEST COTTAGE 2 (ACCESSIBLE)**

1 BDRM VACATION RENTAL COTTAGE  
 364 FT<sup>2</sup> - 33.8 M<sup>2</sup> INTERIOR  
 428 FT<sup>2</sup> - 39.8 M<sup>2</sup> EXTERIOR

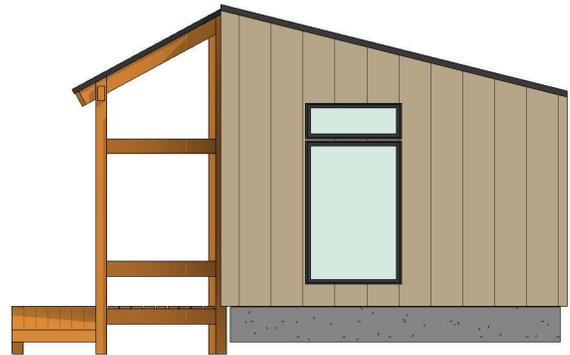
**EXTERIOR FINISHES**

- 26 GA. METAL ROOFING
- 26 GA METAL SIDING
- ACRYLIC TRANSLUCENT DECK ROOFING
- STRUCT D.F. FIR EXTERIOR DECK FRAMING
- 2x6 CEDAR DECKING AND RAMP DECKING

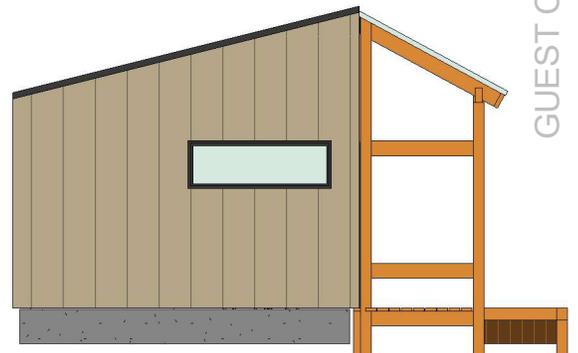
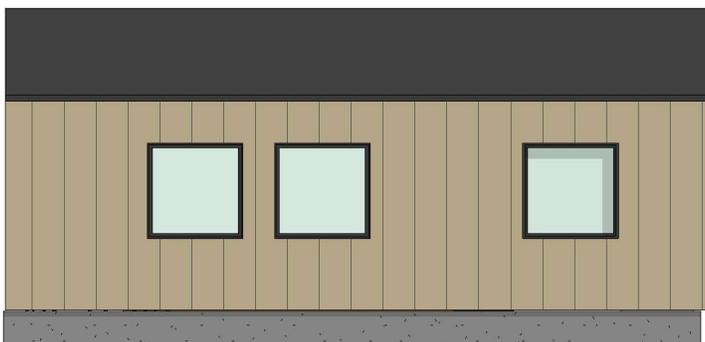
*NOTE: FINAL IFP PLANS TO BE AS PER OWNERS SPECIFICATIONS, BCBC, AND MUNICIPALITY OF UCLUELET*



796 MARINE DRIVE, UCLUELET



GUEST COTTAGE



**GUEST COTTAGE 2 - ACCESSIBLE**

LAND TITLE OFFICE  
**STATE OF TITLE CERTIFICATE**  
 Certificate Number: STSR2963695

John Salmen  
 4465 UPHILL RD  
 DUNCAN BC V9L6M7  
 Pick up by: John Salmen

A copy of this State of Title Certificate held by the land title office can be viewed for a period of one year at <https://apps.ltsa.ca/cert> (access code 145782).

I certify this to be an accurate reproduction of title number **CA7774468** at 11:50 this 5th day of December, 2019.

  
 \_\_\_\_\_  
 REGISTRAR OF LAND TITLES




---

<b>Land Title District</b> Land Title Office	VICTORIA VICTORIA
<b>Title Number</b> From Title Number	CA7774468 CA776027
<b>Application Received</b>	2019-09-27
<b>Application Entered</b>	2019-10-01
<b>Registered Owner in Fee Simple</b> Registered Owner/Mailing Address:	NIGEL ROBERT HARRISON, SKI INSTRUCTOR CHELSEA ANNE RUBEN, BUSINESS ADMINISTRATOR PO BOX 1367 CUMBERLAND, BC V0R 1S0 AS JOINT TENANTS
<b>Taxation Authority</b>	Ucluelet, District of

LAND TITLE OFFICE  
**STATE OF TITLE CERTIFICATE**

Certificate Number: STSR2963695

**Description of Land**

Parcel Identifier: 027-473-481  
 Legal Description:  
 LOT 8 DISTRICT LOT 283 CLAYOQUOT DISTRICT PLAN VIP84686

**Legal Notations**

HERETO IS ANNEXED EASEMENT FB154858 OVER PART OF LOT 9 PLAN VIP84686  
 SHOWN ON PLAN VIP84687

**Charges, Liens and Interests**

Nature: COVENANT  
 Registration Number: EX125879  
 Registration Date and Time: 2005-10-03 10:02  
 Registered Owner: DISTRICT OF UCLUELET  
 Remarks: INTER ALIA  
 MODIFIED BY FB49737  
 MODIFIED BY FB439221

Nature: MODIFICATION  
 Registration Number: FB49737  
 Registration Date and Time: 2007-05-18 13:33  
 Remarks: INTER ALIA  
 MODIFICATION OF EX125879

Nature: COVENANT  
 Registration Number: FB154804  
 Registration Date and Time: 2008-03-14 13:09  
 Registered Owner: DISTRICT OF UCLUELET  
 THE CROWN IN RIGHT OF BRITISH COLUMBIA  
 Remarks: INTER ALIA

Nature: COVENANT  
 Registration Number: FB154853  
 Registration Date and Time: 2008-03-14 13:12  
 Registered Owner: DISTRICT OF UCLUELET  
 Remarks: INTER ALIA

Nature: EASEMENT  
 Registration Number: FB154857  
 Registration Date and Time: 2008-03-14 13:13  
 Remarks: PART ON PLAN VIP84687;  
 APPURTENANT TO LOT 9 PLAN VIP84686

Nature: COVENANT  
 Registration Number: FB154867  
 Registration Date and Time: 2008-03-14 13:15  
 Registered Owner: DISTRICT OF UCLUELET  
 Remarks: INTER ALIA

LAND TITLE OFFICE

### STATE OF TITLE CERTIFICATE

Certificate Number: STSR2963695

Nature: STATUTORY BUILDING SCHEME  
Registration Number: FB154882  
Registration Date and Time: 2008-03-14 13:19  
Remarks: INTER ALIA

**Duplicate Indefeasible Title** NONE OUTSTANDING

**Transfers** NONE

**Pending Applications** NONE

*This certificate is to be read subject to the provisions of section 23(2) of the Land Title Act(R.S.B.C. 1996 Chapter 250) and may be affected by sections 50 and 55-58 of the Land Act (R.S.B.C. 1996 Chapter 245).*

**DISTRICT OF UCLUELET****Zoning Amendment Bylaw No. 1267, 2020**

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

(796 Marine Drive)

---

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

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

**1. Map Amendment:**

Schedule A (Zoning Map) of District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by changing the zoning designation of Lot 8, District Lot 283, Clayoquot District, Plan VIP84686 [PID 027-473-481 at 796 Marine Drive], shown shaded on the map attached to this Bylaw as Appendix “A”, from VR-1 Zone - Vacation Rental to GH Zone–Guest House.

**2. Text Amendment:**

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

- a. by adding the following subsection to section GH.1 in alphanumerical order, as follows:

“GH-1.2 Despite section GH.1.1 above, *Secondary Suite* is permitted as a secondary use and a *Guest House* is not permitted as a principle use on the following properties:

(a) PID 027-473-481, Lot 8, District Lot 283, Clayoquot District, Plan VIP84686 [796 Marine Drive]”

- b. by replacing subsection 405.2 (1) (c) with the following text:

“as accessory to a permanent residential use and administered by the full-time and present resident occupying the principle Single Family Dwelling or Guest House. “

**3. Citation:**

This bylaw may be cited as “District of Ucluelet Zoning Amendment Bylaw No. 1267, 2020”.

**READ A FIRST TIME** this    day of            , 2020.

**READ A SECOND TIME** this    day of            , 2020.

**PUBLIC HEARING** held this    day of            , 2020.

**READ A THIRD TIME** this    day of            , 2020.

**ADOPTED** this    day of            , 2020.

**CERTIFIED A TRUE AND CORRECT COPY** of “District of Ucluelet Zoning Amendment Bylaw No. 1267, 2020.”

---

Mayco Noël  
Mayor

---

Mark Boysen  
Corporate Officer

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

---

Mark Boysen  
Corporate Officer

**Appendix 'A'**  
**Bylaw No. 1267, 2020**

**From: VR-1**  
**To: GH**







## STAFF REPORT TO COUNCIL

Council Meeting: June 23, 2020  
500 Matterson Drive, Ucluelet, BC V0R 3A0

**FROM:** JOSEPH ROTENBERG, MANAGER OF CORPORATE SERVICES

**FILE NO:** 3900-25 BYLAW 1264

**SUBJECT:** COUNCIL PROCEDURE BYLAW UPDATE – 3RD READING

**REPORT NO:** 20-57

**ATTACHMENT(S):** APPENDIX A: BYLAW No. 1264, 2020

APPENDIX B: COUNCIL PROCEDURE BYLAW REPORT No. 20-40

### **RECOMMENDATION(S):**

1. **THAT** Council rescind second reading of “District of Ucluelet Council Procedures Bylaw No. 1264, 2020”;
2. **THAT** Council give “District of Ucluelet Council Procedures Bylaw No. 1264, 2020” second reading as amended; and
3. **THAT** Council give “District of Ucluelet Council Procedures Bylaw No. 1264, 2020” third reading.

### **PURPOSE:**

The purpose of this report is to bring back the “District of Ucluelet Council Procedures Bylaw No. 1264, 2020” (the “Bylaw”) for second reading as amended, and third reading.

### **BACKGROUND:**

At the May 26, 2020 Regular Meeting, Council received Report No. 20-40 (**Appendix B**) which outlines the procedural changes proposed by the Bylaw and carried the following resolutions:

1. **THAT** Council give “District of Ucluelet Council Procedures Bylaw No. 1264, 2020” first reading.
2. **THAT** Council give “District of Ucluelet Council Procedures Bylaw No. 1264, 2020” second reading and direct Staff to provide notice of the proposed bylaw.

At the time of drafting this report, Staff identified three redundant subsections sections of the Proposed Bylaw. They are as follows:

*45.2. (l) Section 48 [Committee Procedures];*

*46.6. (k) Part 5 [Motions] except a motion made at a meeting of the Committee of the Whole is not required to be seconded;*

*46.6. (k) Section 48 [Committee Procedures].*

To eliminate the redundant sections identified above, Staff recommend that second reading of the Bylaw be rescinded, and the Bylaw be read a second time as amended.

To date, the Corporate Services Office has received questions from members of the public about the proposed Bylaw but not written comments.

**OPTIONS REVIEW:**

1. **THAT** Council rescind second reading of “District of Ucluelet Council Procedures Bylaw No. 1264, 2020”; **(Recommended)**
2. **THAT** Council give “District of Ucluelet Council Procedures Bylaw No. 1264, 2020” second reading as amended; and **(Recommended)**
3. **THAT** Council give “District of Ucluelet Council Procedures Bylaw No. 1264, 2020” third reading. **(Recommended)**
4. **THAT** Council provide alternative direction to Staff.

**RESPECTFULLY SUBMITTED:** Joseph Rotenberg, Manager of Corporate Services

## Appendix A

**DISTRICT OF UCLUELET****BYLAW NO. 1264, 2020**

A Bylaw to establish procedures for Council, Committees and Commissions

\*\*\*\*\*

**WHEREAS** the *Community Charter* requires that Council must, by bylaw, establish the general procedures to be followed by council and council committees;

**AND WHEREAS** the Mayor and Council are further empowered to establish additional procedures and otherwise facilitate the conduct of the District's business;

**AND WHEREAS** this table of contents is inserted for purposes of ease of reference only:

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2.	Interpretation and Definitions	...2
3.	Scope and Application	...6
4.	Additional and Alternate Procedural Rules	...6
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7.	Cancellation and Rescheduling	...7
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**NOW THEREFORE** the Council of the District of Ucluelet in open meeting assembled enacts as follows:

## **PART 1 – ADMINISTRATION & INTERPRETATION**

### **1. TITLE AND REPEAL**

- 1.1. This bylaw may be cited for all purposes as “District of Ucluelet Council Procedures Bylaw No. 1264, 2020” or the “Council Procedures Bylaw”.
- 1.2. “District of Ucluelet Council Procedure Bylaw No. 1166, 2014” and all amendments thereto are hereby repealed.

### **2. INTERPRETATION AND DEFINITIONS**

- 2.1. In this bylaw, the following terms have the following meanings:
  - (a) **“Acting Mayor”** means the Councillor designated under section 11 of this bylaw to act in place of the Mayor when the Mayor is absent or otherwise unable to act, or when the Office of the Mayor is vacant;

- (b) **“Acting Mayor Schedule”** means a schedule of when each Councillor is to serve as Acting Mayor on a rotating basis for the period January 1 to December 31. The Acting Mayor Schedule for an upcoming year is approved by Council in accordance with section 12 of this bylaw.
- (c) **“Agenda”** means a list of items of business to come before a Public Hearing or Meeting;
- (d) **“Agenda Deadline”** means:
  - (i) 12:00 P.M. five clear days before the Council Meeting or Committee of the Whole, for all matters other than those submitted by District Staff; and
  - (ii) a time at the discretion of the Corporate Officer for matters submitted by District Staff provided advance permission is obtained from the Corporate Officer and the notice requirements of this bylaw are satisfied;
- (e) **“Agenda Package”** means the Agenda and any other associated reports bylaws or other documents;
- (f) **“Annual Meeting Schedule”** means a schedule of the date, time and place of Regular Council, Regular Committee of the Whole and the Ucluelet Harbour Authority Meetings for the period of January 1 to December 31;
- (g) **“Board of Variance”** means the District of Ucluelet’s Board of Variance;
- (h) **“Chair”** means a person who has authority to preside over a Meeting or public hearing and is also known as the Presiding Member;
- (i) **“Commission”** means a municipal commission established in accordance with the *Community Charter*;
- (j) **“Committee”** means a standing, select, or other committee of Council but does not include a Committee of the Whole. Committees meet to consider, but not decide, matters of District business. Committees sit in a deliberative capacity only and must forwards their recommendations to Council for consideration;
- (k) **“Committee of the Whole”** means a committee comprised of all Council Members that meets to consider, but not decide, matters of District business. The Committee of the Whole sits in a deliberative capacity only and must forwards its recommendations to Council for consideration;
- (l) **“Committee of the Whole Meeting”** means:
  - (i) a Regular Committee of the Whole Meeting; and
  - (ii) a Special Committee of the Whole Meeting;
- (m) **“Corporate Officer”** means the District of Ucluelet’s appointed Corporate Officer and his or her deputy;
- (n) **“Council”** means District of Ucluelet Council;
- (o) **“Council Chambers”** means the George Fraser Room in the District of Ucluelet Community Centre, located at 500 Matterson Drive, Ucluelet, British

Columbia;

- (p) **“Council Committee”** means:
  - (i) a Standing Committee of Council;
  - (ii) a Select Committee of Council; and
  - (iii) any other body established by Council composed solely of Council members but does not include a Committee of the Whole;
- (q) **“Council Meeting”** means:
  - (i) an Inaugural Council Meeting;
  - (ii) a Regular Council Meeting; and
  - (iii) a Special Council Meeting;
- (r) **“Council Member”** means Mayor or a Councillor;
- (s) **“Councillor”** means a person who currently holds office as a District of Ucluelet Councillor;
- (t) **“District”** means the District of Ucluelet;
- (u) **“District Office”** means the District of Ucluelet local government administration office, located at 200 Main Street, Ucluelet, British Columbia;
- (v) **“Inaugural Council Meeting”** means the first Regular Council Meeting following a general local election;
- (w) **“Mayor”** means the Mayor for the District of Ucluelet, and includes the Councillor designated to act as Mayor during such periods necessary;
- (x) **“Majority Vote”** means the majority of the Members present at a duly convened meeting, being a Meeting where Quorum and notice requirements are met;
- (y) **“Meeting”** means a Council Meeting or a meeting of the Committee of the Whole or any Council Committee, Commission, the Board of Variance or Other District Body;
- (z) **“Member”** means a Council Member, Committee of the Whole Member or any member of a Council Committee, Commission, the Board of Variance or other District Body;
- (aa) **“Motion”** includes a resolution;
- (bb) **“Other District Body”** means:
  - (i) a Committee;
  - (ii) a Commission;
  - (iii) the Board of Variance;
  - (iv) the District of Ucluelet Harbour Authority;
  - (v) any advisory body established by Council;
  - (vi) a Court of Revision

- (vii) a parcel tax roll review panel established under the *Community Charter*; and
  - (viii) any body prescribed by regulation;
  - (cc) **“Presiding Member”** means the Mayor, Acting Mayor or other Member who presides over a Council Meeting or a meeting of any Voting Body, and is also known as the Chair;
  - (dd) **“Public Notice Posting Places”** means:
    - (i) the notice board at the District Office; and
    - (ii) the District’s website, except when subject to electronic failures.
  - (ee) **“Quorum”** is the number of Members who must be present to conduct business, being a majority of the Voting Body’s members, excepts as otherwise provided for in this bylaw;
  - (ff) **“Regular Committee of the Whole Meeting”** means a Committee of the Whole meeting listed on the Annual Meeting Schedule;
  - (gg) **“Regular Council Meeting”** means a Council Meeting listed on the Annual Meeting Schedule;
  - (hh) **“Select Committee”** means a committee established and the members appointed by Council in accordance with the *Community Charter* for a specific purpose. At least one member of a Select Committee must be a Council Member. Select Committees consider, inquire into, report and make recommendations to Council on matters referred by Council;
  - (ii) **“Standing Committee”** means a committee established and members appointed by the Mayor in accordance with the *Community Charter* for matters the Mayor considers would be better dealt with by committee. At least half the members of a standing committee must be Council Members;
  - (jj) **“Special Committee of the Whole Meeting”** means a Committee of the Whole meeting other than a Regular Committee of the Whole Meeting called in accordance with section 46.2. of this bylaw.
  - (kk) **“Special Council Meeting”** means a Council meeting other than a Regular Council meeting or an adjourned Council meeting that is called in accordance with section 9.1. of this bylaw.
  - (ll) **“Voting Body”** means Council, the Committee of the Whole or a Council Committee, Commission, the Board of Variance or Other District Body.
- 2.2. Any legislation or statute referred to in this bylaw is a reference to an enactment of British Columbia and its regulations, as amended, revised, consolidated or replaced from time to time, and any bylaw referred to in this bylaw is a reference to an enactment of the Council of the District of Ucluelet as amended, revised, consolidated or replaced from time to time.
- 2.3. Any section, subsection, sentence, clause or phrase of this bylaw, which is for any reason held to be invalid by the decision of any Court of competent jurisdiction, may be severed from the balance of this bylaw without affecting the validity of the

remaining portions of this bylaw.

### **3. SCOPE AND APPLICATION**

- 3.1. The Bylaw applies to Public Hearings, Council Meetings, Committee of the Whole Meetings, Committee meetings, Commission meetings, Boards of Variance meetings District of Ucluelet Harbour Authority Meetings and meetings conducted by other bodies established by Council.
- 3.2. Nothing contained within this bylaw shall relieve any person from the responsibility to seek and comply with other applicable legislation.
- 3.3. The failure of Council or District staff to observe the provisions of this bylaw does not affect the validity of resolutions passed or bylaws enacted by Council otherwise in compliance with statutory requirements.

### **4. ADDITIONAL AND ALTERNATE PROCEDURAL RULES**

- 4.1. In circumstances not provided for under this bylaw or applicable legislation, the most current edition of Robert's Rules of Order, Newly Revised, apply to the extent that those rules are:
  - (a) applicable in the circumstances; and
  - (b) not inconsistent with provisions of this bylaw, the *Community Charter, Local Government Act* or other applicable legislation.
- 4.2. Any one or more of the procedures in this bylaw, except those required by the *Community Charter, Local Government Act or any other legislation*, may be temporarily suspended by Majority Vote.

## **PART 2 – MEETINGS & NOTICE**

### **5. INAUGURAL COUNCIL MEETING**

- 5.1. Following a general local election, the Inaugural Council Meeting must be held on the first Tuesday in November in the year of the election.
- 5.2. If Quorum of the Council Members elected at the general local election has not taken office by the date of the Inaugural Council Meeting referred to in section 5.1 of this bylaw, the first meeting must be called by the Corporate Officer and held as soon as reasonably possible after quorum has taken office.

### **6. MEETING PLACE AND TIME**

- 6.1. All Council Meetings must take place in Council Chambers unless Council resolves to hold the Council Meeting elsewhere and directs the Corporate Officer to give notice of a different meeting place by posting a notice of the change on the Public Notice Posting Places at least twenty-four (24) hours prior to the time of the Council Meeting.
- 6.2. After the Inaugural Council Meeting, Regular Council Meetings and Regular Committee of the Whole Meetings must occur on the dates and at the times specified

in the Annual Meeting Schedule, except where such a meeting, is cancelled or rescheduled in accordance with section 7 of this bylaw.

6.3. Council Meetings:

- (a) are adjourned no later than two and a half hours after commencement, unless Council otherwise resolves;
- (b) may include two brief recesses for any reason called by the Mayor, who must state the approximate length of time of the recess or the approximate time when the meeting will reconvene; and
- (c) may include a recess of up to thirty (30) minutes, called by the Mayor or by Council Resolution, in order to review this bylaw, the *Community Charter*, other applicable legislation, Robert's Rules of Order or to enter in-camera.

## 7. CANCELLATIONS AND RESCHEDULING

7.1. Council Meetings and Committee of the Whole Meetings may be cancelled or rescheduled:

- (a) by Council resolution;
- (b) by the Mayor;
- (c) if the Corporate Officer determines that there is insufficient business to warrant holding the Meeting; or
- (d) if the Corporate Officer has been notified by a majority of members no later than twenty-four (24) hours prior to the meeting that they will not be present for the meeting

provided notice is given in accordance with section 7.2.

7.2. If a Council Meeting is cancelled or rescheduled, the Corporate Officer must give at least twenty-four (24) hour advanced notice:

- (a) to Council Members, by delivering a copy of the notice to the place that each Council Member designated for receiving notices; and
- (b) to the public, by posting a copy of the notice at the Public Notice Posting Places.

7.3. Council Meetings and Committee of the Whole Meetings may be cancelled if:

- (a) quorum is not present within fifteen (15) minutes after the time appointed for commencement of the meeting, in which case the names of the members present will be entered in the minutes; or
- (b) quorum is lost for the balance of the agenda, in which case the time of conclusion and the names of the members then present shall be entered in the minutes.

7.4. Where a Meeting is cancelled or rescheduled, the business on the Agenda for that meeting is to be included in the next meeting.

## **8. NOTICE OF REGULAR COUNCIL AND REGULAR COMMITTEE OF THE WHOLE MEETINGS**

- 8.1. In accordance with the *Community Charter*, Council must annually:
- (a) on or before November 30 prepare an Annual Meeting Schedule which establishes the date, time and place of Regular Council Meetings and Regular Committee of the Whole Meetings are to be held in the upcoming year;
  - (b) post the Annual Meeting Schedule at the Public Notice Posting Places; and
  - (c) give notice of the Annual Meeting Schedule's availability on or before January 31, in accordance with the *Community Charter*.
- 8.2. Where revisions are necessary to the Annual Meeting Schedule, the Corporate Officer must, as soon as possible, post a notice at the Public Notice Posting Places which indicates any revisions to the date, time and place or cancellation of a Regular Council Meeting or Regular Committee of the Whole Meeting.

## **9. SPECIAL COUNCIL MEETINGS**

- 9.1. A Special Council Meeting may be called in accordance with the *Community Charter*.
- 9.2. Except where notice of a Special Council Meeting is waived by unanimous vote of all Council Members, a notice of the date, hour, and place of Special Council Meeting must be given at least twenty-four (24) hours before the time of the meeting, by:
- (a) posting a copy of the notice at the Public Notice Posting Places; and
  - (b) by delivering a copy of the notice to the place that each Council Member designated for receiving notices.
- 9.3. The notice under section 9.2. of this bylaw must describe in general terms the purpose of the meeting and be signed by the Mayor or Corporate Officer.

## **10. COUNCIL MEETINGS BY ELECTRONIC MEANS**

- 10.1. Provided the conditions set out in the *Community Charter* are met and the Corporate Officer receives authorization of the Mayor:
- (a) a Special Council Meeting may be conducted by electronic or other communication facilities; and
  - (b) a Member who is unable to attend a Council Meeting, Committee of the Whole Meeting or Committee Meeting, may participate in the meeting by electronic or other communication facilities.
- 10.2. Participation by a Member in a meeting pursuant to 10.1.(b) is only available:
- (i) if the Member is too ill to attend in person or is outside the District's municipal boundaries;
  - (ii) for up to two (2) Members per Meeting; and
  - (iii) for up to four (4) Meetings per year, per Member.
- 10.3. A Member participating in a meeting by electronic or other communication facilities pursuant to 10.1.(b) may not Chair the meeting.

- 10.4. A Member participating by audio means only must indicate his or her name and vote verbally.
- 10.5. Notice of a Special Council Meeting conducted under 10.1.(a) must contain information about the way in which the meeting is to be conducted and place where the public may attend to hear, or watch and hear, the proceeding of the meeting that are open to the public.
- 10.6. If communication facilities fail or malfunction during a Meeting, the affected Member will be deemed to have left the meeting.

## **11. ANNUAL REPORT**

- 11.1. In accordance with *Community Charter*, Council must annually consider the Annual Municipal Report.
- 11.2. The Corporate Officer must give notice in accordance with the *Community Charter* of the date, time and place when Council will:
  - (a) consider the Annual Report; and
  - (b) receive submissions and questions from the public about the Annual Report.

## **PART 3 – DESIGNATION OF MEMBER TO ACT IN PLACE OF MAYOR**

### **12. DESIGNATION PROCEDURES**

- 12.1. Annually, in December, Council must, from amongst its members, adopt an Acting Mayor Schedule for the upcoming year, which provides for each Councillor to serve as Acting Mayor on a rotating basis when:
  - (a) the Mayor is unable to attend a meeting in person;
  - (b) the Mayor is otherwise unable to act; or
  - (c) the office of the Mayor is vacant.
- 12.2. The Acting Mayor has the same powers as the Mayor and must fulfil the responsibilities of the Mayor in his or her absence.
- 12.3. If both the Mayor and Acting Mayor are absent or unable to act, the Councillor next in succession on the Acting Mayor Schedule shall be the Acting Mayor.

## **PART 4 – COUNCIL PROCEEDINGS**

### **13. OPEN MEETING RULE**

- 13.1. All Council Meetings must be open to the public, except as provided for under the *Community Charter*.
- 13.2. Before holding a meeting or part of a meeting that is to be closed to the public, Council must state, by resolution passed in open meeting:
  - (a) the fact that the meeting or part is to be closed; and

- (b) the basis under the *Community Charter* on which the meeting or part is to be closed.

13.3. Despite section 13.1., the Chair may expel or exclude from a meeting of a Voting Body a person in accordance with the rules set out in the *Community Charter*.

#### **14. CALLING TO ORDER**

14.1. As soon as there is a Quorum present, at the time specified for a Council meeting, the Mayor, if present, must take the Chair and call the Council meeting to order.

14.2. If the Mayor is absent, the Acting Mayor, must take the Chair and call the meeting to order.

#### **15. ADJOURNING THE MEETING – NO QUORUM**

15.1. If there is no quorum of Council present within 15 minutes of the scheduled time for a Council meeting, the Corporate Officer must:

- (a) record the names of the Council Members present and those absent; and
- (b) adjourn the meeting until the next scheduled meeting.

#### **16. AGENDA AND ORDER OF BUSINESS**

16.1. Prior to each Council Meeting and Committee of the Whole Meeting, the Corporate Officer must prepare an Agenda.

16.2. The deadline for submission to the Corporate Officer of items for inclusion on the Council Meeting and Committee of the Whole Agenda is the Agenda Deadline.

16.3. Items received by the Corporate Officer after the Agenda Deadline must not be placed on the Agenda, but instead must be placed on the Agenda for the consideration at the following Council Meeting or Committee of the Whole Meeting, unless the items is introduced as Late Item pursuant to section 17 of this bylaw.

16.4. The Corporate Officer must make the Agenda available to the members of Council and the public:

- (a) forty-eight (48) hours before a Regular Council Meeting;
- (b) forty-eight (48) hours before a Regular Committee of the Whole Meeting;
- (c) twenty-four (24) hours before a Special Council Meeting; and
- (d) twenty-four (24) hours before a Special Committee of the Whole Meeting.

16.5. Only those matters included on the Agenda may be considered or dealt with at the Council or Committee of the Whole Meeting unless a new matter is introduced as a Late Item pursuant to section 17 of this bylaw.

16.6. The usual order of business at a Regular Council Meeting and Special Council Meeting is as set out in the Agenda for that meeting under the following headings, as appropriate:

- (a) CALL TO ORDER;
- (b) ACKNOWLEDGEMENT OF YUULU?IL?ATH? FIRST NATIONS;

- (c) NOTICE OF VIDEO RECORDING;
- (d) LATE ITEMS;
- (e) APPROVAL OF THE AGENDA;
- (f) ADOPTION OF MINUTES;
- (g) UNFINISHED BUSINESS;
- (h) MAYOR'S ANNOUNCEMENTS;
- (i) PUBLIC INPUT & DELEGATIONS;
- (j) REPORTS;
- (k) LEGISLATION;
- (l) NOTICE OF MOTION;
- (m) CORRESPONDENCE;
- (n) INFORMATION ITEMS;
- (o) COUNCIL COMMITTEE REPORTS;
- (p) OTHER BUSINESS;
- (q) QUESTION PERIOD;
- (r) PUBLIC AND STATUTORY HEARINGS AND THIRD READING OR ADOPTION OF BYLAWS WHERE APPLICABLE AFTER EACH HEARING;
- (s) CLOSED SESSION;
- (t) RECONVENE FROM CLOSED SESSION;
- (u) ADJOURNMENT.

16.7. The usual order of business at a Regular Committee of the Whole Meeting and Special Committee of the Whole Meeting are as set out in the Agenda for the meeting under the following headings, as appropriate:

- (a) CALL TO ORDER;
- (b) ACKNOWLEDGEMENT OF YUUKU?I?ATH? FIRST NATIONS;
- (c) NOTICE OF VIDEO RECORDING;
- (d) LATE ITEMS;
- (e) APPROVAL OF THE AGENDA;
- (f) UNFINISHED BUSINESS;
- (g) MAYOR'S ANNOUNCEMENTS;
- (h) CORRESPONDENCE;
- (i) INFORMATION ITEMS;
- (j) PUBLIC INPUT & DELEGATIONS;
- (k) REPORTS;

- (l) OTHER BUSINESS;
  - (m) QUESTION PERIOD;
  - (n) CLOSED SESSION;
  - (o) RECONVENE FROM CLOSED SESSION;
  - (p) ADJOURNMENT.
- 16.8. All items on an Agenda must be taken up in the order in which they appear on the Agenda unless the Committee of the Whole or Council resolves otherwise by Majority Vote.
- 16.9. An item of business on a Regular Council, Special Council, Regular Committee of the Whole or Special Committee of the Whole Agenda may by Majority Vote, be:
- (a) deleted; or
  - (b) postponed to a future meeting of the same body.
- 16.10. Agendas are adopted by Majority Vote at the designated point in the agenda (ADOPTION OF THE AGENDA) either as presented or as amended.

## **17. LATE ITEMS**

- 17.1. A late item may be approved for addition to an Agenda by the Corporate Officer and by resolution of Council at the appropriate time in the Agenda (LATE ITEM), if the subject matter is of an urgent nature such that the item cannot be held to the next Council Meeting.
- 17.2. The deadline for late items to be included on an Agenda is two (2) hours before the Council or Committee of the Whole Meeting. Late items must be distributed to Council prior to the commencement of the Council Meeting or Committee of the Whole Meeting.

## **18. NOTICE OF MOTION**

- 18.1. A Council Member must give notice of his or her intention to introduce a motion for Council's consideration by:
- (a) verbally stating at the appropriate point in the agenda (NOTICE OF MOTION) that he or she intends to introduce the motion at a subsequent meeting; and
  - (b) submitting a written copy of the motion to the Corporate Officer by the Agenda Deadline for the next Council Meeting.
- 18.2. Notwithstanding section 18.1., in the case of urgent business a Council Member may introduce a motion for Council's consideration without prior notice by:
- (a) submitting a written copy of the proposed motion to the Corporate Officer at least 24 hours before the Council Meeting; and
  - (b) obtaining the Corporate Officer and Council's approval to introduce the motion as a Late Item.

## 19. PUBLIC INPUT AND DELEGATIONS

- 19.1. At each Regular Council meeting and Regular Committee of the Whole, ten (10) minutes will be made available for public input on any matter on the Agenda or within the competence of Council, in accordance with the following procedures:
- (a) when recognized by the Mayor, each person will be allowed up to two (2) minutes to address Council; and
  - (b) if at the end of the ten-minute Public Input period there remain any persons who wish to speak, the Members may, by unanimous resolution, agree to extend the length of the Public Input period.
- 19.2. Persons or groups wishing to address Council for longer than two (2) minutes, or who have been invited by Council, may be received as a delegation in accordance with the following procedures:
- (a) prospective delegations must be made by prior arrangement through the Corporate Officer before the Agenda Deadline or at the Meeting by resolution of Council;
  - (b) prospective delegations must provide to the Corporate Officer information concerning the subject matter, and the name(s), address(es) and contact information of the spokesperson(s);
  - (c) prospective delegations must provide to the Corporate Officer any materials that they will present to Council by the Agenda Deadline;
  - (d) delegations must limit their presentation to ten (10) minutes, except by prior arrangement through the Corporate Officer before the Agenda Deadline or at the meeting by resolution of Council; and
  - (e) at the Chair's discretion, members of Council may query or converse with delegations, notwithstanding the specified time limit.
- 19.3. The number of delegations on any Council Meeting Agenda will be limited to four (4).
- 19.4. Council must not consider a submission or act on a request made during Public Input and Delegations until at least the next Regular Council Meeting, unless:
- (a) Council resolves unanimously to consider the matter; or
  - (b) the matter is elsewhere included on the Agenda.
- 19.5. The provisions of this section are suspended from the close of nominations preceding a general local election or by-election until the meeting of Council following the election, except where Council, by resolution, permits a person or delegation to address Council.
- 19.6. Delegates and speakers providing Public Input must not be heard by Council on:
- (a) any matter that has been the subject of a public hearing held in accordance with a legislation as a pre-requisite to the:
    - (i) adoption of a bylaw; or
    - (ii) passing of a resolution authorizing a permit;

- (b) a reconsideration or appeal of a Council decision held in accordance with an enactment, except for the person entitled to such reconsideration or appeal, or their legal representatives;
  - (c) District employee relations;
  - (d) the promotion of commercial products or services;
  - (e) litigation or potential litigation affecting the District;
  - (f) any matter related to an election campaign; or
  - (g) any matter about records held in confidence by the District, unless that record has been lawfully released to the public by the District.
- 19.7. The Corporate Officer has the authority to screen delegation requests and, if appropriate, refuse to place a delegation on the Agenda if the subject matter of the proposed delegation:
- (a) is listed under section 19.6. of this bylaw;
  - (b) the delegate has previously made a delegation to Council on the same issue and no new information is provided; or
  - (c) is not within the jurisdiction of Council.

## **20. CORRESPONDENCE ADDRESSED TO MAYOR AND COUNCIL**

- 20.1. Correspondence addressed to the Mayor or Council which requires, or requests Council action must:
- (a) be legible
  - (b) be signed by, or identified as being from, at least one person who provides a name;
  - (c) not contain libellous statements about third parties;
  - (d) be submitted to the Corporate Officer by the Agenda Deadline, unless Council so resolves to accept the correspondence as a late item; and
  - (e) be approved by the Corporate Officer or Mayor and placed on the agenda for the next Regular Council Meeting.
- 20.2. District staff must acknowledge receipt of the correspondence and advise the writer of where the correspondence has been referred.
- 20.3. Correspondence referred to the Agenda must be presented in its entirety, excluding contact information, unless the author requests that specific personal information, except the author's name, be redacted.

## **21. INFORMATION ITEMS**

- 21.1. Information items may be placed on the Agenda under the appropriate section (INFORMATION ITEMS).
- 21.2. Information items include:

- (a) correspondence of interest to the public or Council which does not require or request Council action; and
- (b) in-camera items approved for public release.

## 22. QUESTION PERIOD

- 22.1. At each Regular Committee of the Whole and Council Meeting, ten (10) minutes must be made available for a members of the public to question Council on any matter within the competence of Council, in accordance with the following procedures:
  - (a) persons wishing to ask questions must state their name before asking their question;
  - (b) a person asking a question may ask a supplementary question but must, following the response to the supplementary question, yield to allow other persons opportunity to ask questions; and
  - (c) no speeches are permitted in Question Period.
- 22.2. If at the end of the ten-minute question period there remains any person wishing to speak, Council may, by unanimous resolution, agree to extend the length of the Question Period.
- 22.3. The provisions of this section do not permit verbal representations concerning a bylaw that was subject to a statutory public hearing that has been completed.

## 23. MINUTES

- 23.1. Minutes of Council meetings must be:
  - (a) legibly recorded;
  - (b) certified as correct by the Corporate Officer; and
  - (c) signed by the Mayor.
- 23.2. The minutes of a previous meeting may be corrected, but not debated or reflected upon, at the time they are considered for adoption.
- 23.3. Subject to section 23.4 of this bylaw and in accordance with the *Community Charter*, Minutes of the proceeding of Council, Committees, Committees of the Whole, Commission and Committees must be available for public inspection at the District Office during regular office hours.
- 23.4. Section 23.3 does not apply to Minutes of a Council Meeting or part thereof which persons were excluded under Section 90 of the *Community Charter*.

## PART 5 – MOTIONS

### 24. READING AND CONSIDERATION OF MOTIONS

- 24.1. Council may debate and vote on a motion only if it is first made by one Council Member and then seconded by another.
- 24.2. A Member may require the motion under consideration to be read.

- 24.3. The Chair may refuse to accept a motion if he or she is of the opinion that the motion is:
- (a) contrary to this bylaw;
  - (b) relates to matters outside the competence of Council or Council's jurisdiction under legislation; or
  - (c) deals with a matter that was voted upon by Council and defeated within the last six (6) months.
- 24.4. If a motion is refused pursuant to section 24.3. the Chair must apprise the Council Members of the refusal to accept and must state the rule or authority applicable.
- 24.5. A Council Member may appeal the Chair's refusal to accept a motion under section 24.3. according to the procedures set out in section 38 of this bylaw.

## **25. RECORDING OF MOTIONS IN THE MINUTES**

- 25.1. The names of the Council Members who moved and seconded a motion must be recorded in the Minutes.

## **26. MOTIONS PERMITTED WHILE MATTER UNDER DEBATE**

- 26.1. When a matter is under debate, no motion is in order except:
- (a) to withdraw, only if made by the original mover;
  - (b) to adjourn;
  - (c) to defer (postpone) to a certain day (time);
  - (d) to refer to a committee or staff for report; or
  - (e) to amend.
- 26.2. The motions listed in 26.1. have precedence in the order listed.

## **27. AMENDMENTS**

- 27.1. A Council Member may, without notice, move to amend a motion that is being considered at a Council Meeting.
- 27.2. An amendment may propose removing, replacing, or adding to the words of an original motion.
- 27.3. A proposed amendment must be reproduced in writing by the mover if requested by the Chair.
- 27.4. A proposed amendment must be decided or withdrawn before the motion being considered is put to a vote unless there is a call for the main question.
- 27.5. An amendment may be amended once only.
- 27.6. A Council Member may propose an amendment to an adopted amendment.
- 27.7. An amendment that has been defeated by a vote of Council cannot be proposed again.

- 27.8. The Chair must put the main question and its amendments in the following order for the vote of Council:
- (a) a motion to amend a motion amending the main question;
  - (b) a motion to amend the main question, or an amended motion amending the main question if the vote under subsection (a) is positive; then
  - (c) the main question.

## **28. RECONSIDERATION**

- 28.1. Reconsideration of a matter voted upon, other than to postpone indefinitely, may only be advanced:
- (a) by the Mayor, in accordance with the *Community Charter*, or
  - (b) by another Member of Council at the next Council meeting, if that member voted as the majority did on the matter.
- 28.2. Council must not discuss the main matter to be reconsidered unless the motion to reconsider that matter is first adopted in the affirmative.
- 28.3. No matter may be reconsidered more than once.
- 28.4. A vote to reconsider must not be reconsidered.
- 28.5. Council may only reconsider a matter that has not:
- (a) had the approval or assent of the electors and been adopted;
  - (b) been reconsidered by the Mayor in accordance with the Community Charter; or
  - (c) been acted on by an officer, employee, or agent of the District.
- 28.6. The conditions that applied to the original bylaw, resolution, or proceeding apply to its reconsideration under this section.
- 28.7. A bylaw, resolution, or proceeding that is reaffirmed under this section is as valid and has the same effect as it had before reconsideration.

## **PART 6 – BYLAWS**

### **29. COPIES OF THE BYLAW**

- 29.1. A proposed bylaw may be introduced at a Council Meeting only if a copy of it has been delivered to each Council Member at least twenty-four (24) hours before the Council Meeting, unless all Council Members unanimously agree to waive this requirement.

### **30. FORM OF BYLAWS**

- 30.1. A bylaw introduced at a Council meeting must:
- (a) be printed;
  - (b) have a distinguishing name;

- (c) have a distinguishing number;
- (d) contain an introductory statement of purpose; and
- (e) be divided into sections.

### **31. BYLAWS TO BE CONSIDERED SEPERATELY OR JOINTLY**

- 31.1. Council must consider a proposed bylaw at a Council meeting either:
- (a) separately when directed by the Chair or requested by another Council Member; or
  - (b) jointly with other proposed bylaws in the sequence determined by the Chair.

### **32. READING AND ADOPTING BYLAWS**

- 32.1. Every proposed bylaw must receive three readings prior to its final adoption.
- 32.2. The readings of the bylaw may be given by stating the Bylaw title or Bylaws titles.
- 32.3. In accordance with the *Community Charter, Local Government Act or other enactment*, Council may give up to three readings to a proposed bylaw at the same Council Meeting.
- 32.4. Subject to any statutory requirement or a Council Member requesting that the reading be considered separately, a proposed bylaw may be introduced and given first, second and third reading in one motion. Where a public hearing is required, a proposed bylaw may be introduced and given first and second reading in one motion.
- 32.5. Subject to official community plan adoption procedure under the *Local Government Act*, each reading and adoption of a proposed bylaw must receive the affirmative vote of a majority of the Council Members present at a Meeting.
- 32.6. A bylaw subject to statutory public hearing requirements must be referred to a public hearing before third reading, unless the public hearing requirement is waived in accordance with applicable legislation.
- 32.7. A proposed bylaw may be debated and amended at any time during the first three readings unless prohibited by the *Community Charter, Local Government Act* or other enactment.
- 32.8. There must be at least one day between third reading and adoption of the bylaw except:
- (a) in the case of an official community plan, zoning or heritage designation bylaw, the proposed bylaw may, in accordance with the *Local Government Act* be adopted at the same meeting it received third reading; and
  - (b) where the *Community Charter, Local Government Act* or any other enactment requires otherwise.
- 32.9. If the bylaw requires approval of the Lieutenant Governor in Council, a Minister or the Inspector of Municipalities, or approval of the electors through a counter petition opportunity or assent of the electors, the approval must be obtained before the bylaw is adopted in accordance with applicable legislation.

32.10. Readings may be reconsidered in accordance with the procedures set out in section 28 of this bylaw.

32.11. A bylaw is deemed to have been abandoned if:

- (a) any bylaw fails to receive a mover and seconder at any reading or at adoption, and the bylaw is not otherwise tabled or dealt with; or
- (b) an Official Community Plan amendment or Zoning Bylaw amendment bylaw has not been advanced for further consideration since its previous reading for a period of 18 months.

### **33. BYLAW MUST BE SIGNED**

33.1. After a bylaw is adopted, and signed by the Corporate Officer and the presiding member of the Council Meeting at which it was adopted, the Corporate Officer must have it placed in the District's records for safekeeping and endorse upon it:

- (a) the District's corporate seal;
- (b) the dates of its readings and adoption; and
- (c) the date of Ministerial approval or approval of the electorate, if applicable.

### **34. FORCE AND EFFECT**

34.1. A bylaw comes into force and effect the later of:

- (a) the date it is adopted by Council; or
- (b) a date established by the bylaw.

## **PART 7 – VOTING**

### **35. GENERAL VOTING RULES**

35.1. Voting is to proceed in accordance with the general voting rules determined by the *Community Charter*.

35.2. When the motion under consideration contains distinct propositions, and a member of Council so requests, the vote may be taken upon each proposition separately.

35.3. When debate on a motion is complete, the Chair must immediately put the motion to a vote.

35.4. In Conducting a vote, the Chair must:

- (a) first call for all members in favour of the motion and then all those opposed to the motion; and
- (b) announce the outcome of the vote by declaring the motion carried or defeated.

35.5. After the Chair has put the motion to a vote, a Member must not speak to the question or make a further motion concerning it. The Chair's decision as to whether a motion has been finally put is conclusive.

- 35.6. Votes must be by show of hand except:
- (a) where votes are taken by unanimous consent according to section 35.9. of this bylaw; or
  - (b) where section 10.4. of this bylaw applies.
- 35.7. A Member present at the meeting at the time of the vote who abstains from voting is deemed to have voted in the affirmative.
- 35.8. If the votes of the members present at the meeting at the time of the vote are equal for and against, the motion is defeated, and the Chair must declare the motion defeated.
- 35.9. Some motions may be voted on by Unanimous Consent, an informal way of taking a vote that is used for routine and non-controversial decisions of a procedural nature. The procedure involves asking if any Member objects to adopting the motion and if no one does, it is adopted. Where one member objects, a vote must be taken.

## **PART 8 – RULES OF CONDUCT AND DEBATE**

### **36. POWERS AND DUTIES OF THE CHAIR**

- 36.1. The Chair at a Council Meetings is:
- (a) the Mayor;
  - (b) in the absence of the Mayor, the Acting Mayor; or
  - (c) in the absence of both the Mayor and Acting Mayor, the next Councillor on the Acting Mayor Schedule that is in attendance.
- 36.2. Where the Mayor or Acting Mayor joins a meeting already in progress, he or she shall Chair the Meeting upon arrival.
- 36.3. If the Mayor wishes to vacate the Chair for any reason during a meeting, he or she shall call upon the Acting Mayor to Chair the Meeting or, in the absence of the Acting Mayor, the next Councillor on the Acting Mayor Schedule that is in attendance.
- 36.4. The Chair is responsible for:
- (a) maintaining order and decorum at Council Meetings;
  - (b) recognizing Council Members, District staff, delegations and other meeting attendees who, in accordance with this bylaw, wish to address Council;
  - (c) ruling on which Council member has a right to speak;
  - (d) ensuring that all Council Members who wish to speak to a motion or an agenda item have spoken;
  - (e) deciding points of order, subject to an appeal to Council under section 38 of this bylaw;
  - (f) deciding questions of privilege according to section 38 of this bylaw;
  - (g) calling a Member or person to order;

- (h) ruling on whether or not a motion is out of order;
- (i) stating motions and announcing the outcome of votes; and
- (j) providing other leadership functions as necessary to conduct Council Meetings in an efficient and effective manner.

36.5. The Chair:

- (a) may make and second motions;
- (b) may participate in debate without vacating the Chair; and
- (c) must vote under the same rules as Members, in accordance with sections 35 of this bylaw.

36.6. The Chair must recognize members desiring to speak in the order in which the members indicate their request, preference being given to the mover and to the seconder should either or both wish to speak.

36.7. Debate is closed by the Chair when in the Chair's opinion there has been adequate debate.

### **37. APPEALING THE CHAIR'S RULING**

37.1. A Member may immediately appeal a ruling of the Chair to Council by requesting that the Chair put the question "Shall the ruling of the Chair be sustained?" This question must be decided without debate by Majority Vote, excluding the Chair. The Chair shall be governed by the result and in cases where the votes are tied, the motion passes in the affirmative.

37.2. If the Chair refuses to put the question in accordance with section 38.1. of this bylaw, Council must immediately appoint another Member to temporarily Chair the Meeting and that Member must proceed in accordance with section 38.1. of this bylaw. A motion passed under this section is as binding as if passed under subsection 38.1.

### **38. QUESTION OF PRIVILEGE**

38.1. Any Member may raise a question of privilege (matter affecting the welfare of Council as a whole or a Member personally that needs to be dealt with immediately) to remedy a pressing matter at any time by pointing to the matter (e.g. room temperature, noise or other distractions). The Chair must immediately decide whether to accept the question of privilege and, if accepted, order any actions necessary to address it. Where a motion results from an accepted point of privilege, it is not debatable or amendable.

### **39. GENERAL CONDUCT**

39.1. When the Chair desires to speak any member desiring to speak at the same time must cede to the Chair.

39.2. Members and other participants should be addressed, as appropriate, in the following manner:

- (a) the Mayor as:
  - (i) Your Worship, or

- (ii) Mayor;
  - (b) a presiding member who is not elected as the Mayor as Chair;
  - (c) a Councillor as Councillor (here use the surname).
- 39.3. No member or other person attending the meeting may:
  - (a) interrupt a member who is speaking, except in accordance with this bylaw;
  - (b) cause a disturbance, disrupt or in any manner delay the conduct of business at a meeting; or
  - (c) use rude or offensive language.
- 39.4. If a person, other than a Member, resists or disobeys an order of the Chair or other person presiding over a Meeting, that person may be removed by the Corporate Officer, or if necessary, by a peace officer at the direction of the Chair. An order issued under this section may be enforced as if it were a court order.
- 39.5. Where the Chair is of the opinion that a Member is conducting themselves in an improper or unparliamentary manner, the Chair may order the member expelled from the meeting and, if necessary, to be removed by a member of the RCMP. An order issued under this section may be enforced as if it were a court order.
- 39.6. If, through the Corporate Officer, an expelled Member advises the Chair that he or she wishes to apologize:
  - (a) the Chair must so advise Council; and
  - (b) Council, without debate and by a two-thirds (2/3) vote of the Members present, may:
    - (i) pass a motion allowing the expelled Member to proceed to the public podium to apologize; and
    - (ii) where an apology is permitted and made, pass a motion allowing the expelled Member to return to the meeting.

#### **40. CONDUCT OF SPEAKER**

- 40.1. A Member wishing to speak for the purpose of making a motion or entering the debate may speak after being recognized by the Chair but only to:
  - (a) make the motion; or
  - (b) speak directly and concisely on the matter under debate.
- 40.2. A Member wishing to speak for the purpose of requesting the Chair consider and decide on any of the following matters may do so without recognition and, if necessary, by interrupting a member who is speaking:
  - (a) a violation of a specific rule or a particular mistake, omission, or error in procedure (point of order); or
  - (b) a matter of the comfort, convenience or privilege of the Council or of the member (question of privilege),

but a Member must cease speaking when called to order and while the point of order or question of privilege is being stated, after which the Member may explain.

#### **41. MATTERS OPEN TO DEBATE**

41.1. Members may debate a motion:

- (a) to deal with a report;
- (b) in relation to any reading, amendment and adoption of a bylaw;
- (c) to issue a permit;
- (d) to refer a report for inquiry, comment, further study, or recommendation;
- (e) to amend a motion that is debatable;
- (f) to postpone to a certain day; or
- (g) to deal with routine proceedings including the appointment and conduct of officers of the Council and the correctness of the records of the Council or the Voting Body.

41.2. All other business is decided without debate or amendment, or as otherwise provided in these rules of procedure.

### **PART 9 – PUBLIC HEARINGS**

#### **42. TIME AND PLACE OF PUBLIC HEARINGS**

42.1. Public hearings required by legislation must occur in Council Chambers unless otherwise advertised, on an as required basis and may be scheduled by the Corporate Officer to occur:

- (a) during a Regular Council Meetings;
- (b) during a Special Council Meetings; or
- (c) as a public hearing held independently of a Special Council Meeting or Regular Council Meeting.

#### **43. ORDER OF BUSINESS AT A PUBLIC HEARING**

43.1. The usual order of business at a public hearing is as set out in the agenda for that public hearing under the following headings, as appropriate:

- (a) CALL TO ORDER;
- (b) ACKNOWLEDGEMENT OF YUULU?IŁ?ATH? FIRST NATIONS;
- (c) NOTICE OF VIDEO RECORDING;
- (d) LATE ITEMS;
- (e) STATEMENT OF THE CHAIR:
  - (i) REVIEW OF THE PUBLIC HEARING PROCEDURES;
  - (ii) PROPOSED BYLAW OR PERMIT SUMMARY;

- (f) PROPOSED BYLAW OR PERMIT:
  - (i) PUBLIC NOTICE SUMMARY;
  - (ii) RELATED DOCUMENT (BYLAW OR PERMIT AND STAFF REPORTS);
- (g) WRITTEN SUBMISSION RECEIVED DURING THE NOTICE PERIOD;
- (h) APPLICATION/AGENT/STAFF PRESENTATION;
- (i) PUBLIC INPUT;
- (j) ADJOURNMENT.

#### 44. PROCEDURES

- 44.1. Prior to each public hearing, the Corporate Officer must prepare an Agenda.
- 44.2. The Corporate Officer must make the Agenda available to the members of Council and the public forty-eight (48) hours before the public hearing.
- 44.3. Subject to subsection section 44.4. of this bylaw, any written materials and submissions considered by Council at the public hearing will be available for review by the public during at the hearing.
- 44.4. Written submissions received during the notice period will be added to the public record in their entirety, excluding contact information, unless at the time of submission the author requests that other personal information, except the author's name, be redacted.
- 44.5. Written submissions may be delivered to the District Office via email, mail or hand, up to forty-eight (48) hours before the public hearing or must be delivered at the public hearing.
- 44.6. Individuals that speak during the PUBLIC INPUT portion of the public hearing must:
  - (a) first identify themselves by stating their name and address and, where applicable, the name and address of the person or persons they represent;
  - (b) limit their remarks to matters contained in the proposed bylaw or permit; and
  - (c) not make a reply, rebuttal or further submission without the Chair's/Presiding Member's permission.
  - (d) Only Council Members may ask questions of speakers to clarify what has been said.
- 44.7. The Chair may establish additional rules of conduct that apply to public hearings provided they are consistent with this bylaw, the *Community Charter, Local Government Act* and any other applicable enactment.
- 44.8. A public hearing may be cancelled by the Corporate officer where insufficient public notice is given.
- 44.9. The following sections of this bylaw apply to public hearings with references to the Chair, the body and other provisions modified as appropriate:
  - (a) Sections 7.1 and 7.2 [Cancellations and Rescheduling] except Public Hearings may also be cancelled by the Corporate Officer in the event that the statutory

notice requirements are not met;

- (b) Section 37 [Powers and Duties of the Chair];
- (c) Section 39 [General Conduct]; and
- (d) Section 41 [Conduct of Speakers].

## **PART 10 – COMMITTEES, COMMISSIONS & OTHER BODIES**

### **45. COMMITTEE OF THE WHOLE**

- 45.1. Council must meet regularly as a Committee of the Whole at the place, date and time specified in the Annual Meeting Schedule for Regular Committee of the Whole Meetings, except where the Regular Committee of the Whole Meeting is cancelled or rescheduled in accordance with this section.
- 45.2. Special Committee of the Whole Meetings may be called by the Mayor provided notice of the date, time and location of the meeting is given:
  - (a) to Council Members, by delivering a copy of the Agenda Package to the place to which the member has directed notices be sent twenty-four (24) hours before the Special Committee of the Whole Meeting; and
  - (b) to the public by posting notice on the Public Notice Places twenty-four (24) hours before the Special Committee of the Whole Meeting notice is waived by unanimous vote of all members of Council.
- 45.3. The following sections of this Bylaw apply to meetings of the Committee of the Whole, with references to the Chair, the body and other provisions modified as appropriate:
  - (a) Section 7 [Cancellations and Rescheduling]
  - (b) Section 10 [Council Meetings by Electronic Means] at the discretion of the Chair member noting the cost and availability of electronic meeting facilities;
  - (c) Section 13 [Open Meeting Rule];
  - (d) Section 16 [Agenda and Order of Business];
  - (e) Section 17 [Late Items];
  - (f) Section 19 [Public Input and Delegations];
  - (g) Section 20 [Correspondence Addressed to Mayor and Council];
  - (h) Section 21 [Information Items];
  - (i) Section 22 [Question Period];
  - (j) Section 23 [Minutes] except certification is by the Chair if the Corporate Officer is not in attendance; and,
  - (k) Part 5 [Motions] except a motion made at a meeting of the Committee of the Whole is not required to be seconded.
- 45.4. The previous section does not apply if alternate provisions are provided for:

- (a) in another District bylaw;
- (b) in applicable legislation; or
- (c) when the other body was established.

#### **46. OTHER DISTRICT BODIES**

- 46.1. The rules of the Council procedure must generally be observed during Other District Body meetings:
- (a) so far as is possible in the determination of the Chair recognizing the more informal nature of such bodies; and
  - (b) except strict compliance is required for sections specifically referenced in this section or elsewhere in this bylaw.
- 46.2. The Chair of an Other District Body must give notice of the time, place and date of a meeting by posting a notice at the Public Notice Posting Places:
- (a) seventy-two (72) hours before a regularly scheduled meeting of the Other District Body; and
  - (b) twenty-four (24) hours before a special meeting of the Other District Body.
- 46.3. At least twenty-four (24) hours before an Other District Body meeting, the Chair must make the meeting agenda available by:
- (a) leaving copies of the agenda at the reception counter at the District Office for the purpose of making them available to members of the public; and
  - (b) leaving one copy of the Agenda for each Other District Body member at the place to which the member has directed notices be sent.
- 46.4. Council members attending a meeting of a Committee, of which they are not a member, may participate in the discussion only with the permission of a majority of the committee members present.
- 46.5. A motion made at a meeting of a Committee or Commission is not required to be seconded.
- 46.6. The following sections of this bylaw apply to meetings of an Other District Body with references to the Chair, the body and other provisions modified as appropriate:
- (a) Section 7 [Cancellations and Rescheduling]
  - (b) Section 10 [Council Meetings by Electronic Means] at the discretion of the Chair member noting the cost and availability of electronic meeting facilities;
  - (c) Section 13 [Open Meeting Rule];
  - (d) Section 16 [Agenda and Order of Business];
  - (e) Section 17 [Late Items];
  - (f) Section 19 [Public Input and Delegations];
  - (g) Section 20 [Correspondence Addressed to Mayor and Council];
  - (h) Section 21 [Information Items];

- (i) Section 22 [Question Period]; and,
- (j) Section 23 [Minutes] except certification is by the Chair if the Corporate Officer is not in attendance.

46.7. The previous section does not apply if alternate provisions are provided for:

- (a) in another District bylaw;
- (b) in applicable legislation; or
- (c) when the other body was established.

## **PART 11 – WORKSHOPS**

### **47. COUNCIL WORKSHOPS**

- 47.1. Members of Council may meet informally for educational, political, social or spiritual purposes, including attendance at the annual Union of British Columbia Municipalities conference.
- 47.2. Provided no District business is formally advanced through the taking of votes:
  - (a) such encounters are not to be considered meetings of Council;
  - (b) no notice is required; and
  - (c) the rules of procedures in this Bylaw do not apply.

**READ A FIRST TIME** this **26<sup>th</sup>** day of **May, 2020**.

**READ A SECOND TIME** this **26<sup>th</sup>** day of **May, 2020**.

**READ A THIRD TIME** this \*\*\*day of \*\*\*\*\*, **2020**.

**PUBLIC NOTICE given in accordance with the *Community Charter***, including newspaper notices this \*\*\* day of \*\*\*\*\*, **2020** and this \*\*\* day of \*\*\*\*\*, **2020**.

**ADOPTED** this \*\*\*day of \*\*\*\*\*, **2020**.

**A TRUE AND CORRECT COPY** of "District of Ucluelet Council Procedures Bylaw No. 1264, 2020".

---

Mayco Noël  
Mayor

---

Mark Boysen  
Corporate Officer

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

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Mark Boysen  
Corporate Officer

## Appendix B

**STAFF REPORT TO COUNCIL**

Council Meeting: May 26, 2020  
500 Matterson Drive, Ucluelet, BC V0R 3A0

**FROM:** JOSEPH ROTENBERG, MANAGER OF CORPORATE SERVICES

**FILE NO:** 3900-25 BYLAW 1264

**SUBJECT:** COUNCIL PROCEDURE BYLAW UPDATE

**REPORT NO:** 20-40

**ATTACHMENT(S):** APPENDIX A: BYLAW No. 1264, 2020

**RECOMMENDATION(S):**

1. **THAT** Council give “District of Ucluelet Council Procedures Bylaw No. 1264, 2020” first reading.
2. **THAT** Council give “District of Ucluelet Council Procedures Bylaw No. 1264, 2020” second reading and direct Staff to provide notice of the proposed bylaw.

**PURPOSE:**

The purpose of this report is to introduce the draft “District of Ucluelet Council Procedures Bylaw No. 1264, 2020” (the Proposed Procedure Bylaw) for consideration and discussion.

**BACKGROUND:**

Council previously instructed staff to update the “District of Ucluelet Council Procedure Bylaw No. 1166, 2014” (the Current Procedure Bylaw) to reflect the new meeting schedule. After reviewing the Bylaw, staff determined that it would appropriate to replace it to address gaps in the Current Procedure Bylaw and better reflect Council’s current needs and practices.

**DISCUSSION:**

The Community Charter requires that Council establish, by bylaw, the general procedures to be followed during council and council committee proceedings. The proposed bylaw does exactly that. It also stipulates meeting procedures for the District of Ucluelet Board of Variance and Harbour Authority.

The following chart highlights the significant changes introduced by the Proposed Procedure Bylaw:

<b>Section or Part Title</b>	<b>Proposed Changes</b>
Definitions	Definitions updated to support the provisions of the Proposed Procedure Bylaw.

Corporate Seal	Reference to the Corporate Seal is removed with the exception of reference to it in the Bylaw Section.
Scope	Scope of the bylaw is extended to include Public Hearings and District of Ucluelet Harbour Authority Meetings.
Meetings and Notices	Regular Council Meetings and Regular Committee of the Whole Meetings to be held according to the Council Meeting Schedule rather than on the second and fourth Tuesday of the month (with exceptions).
Cancellation	Allows for the Corporate Officer to cancel or reschedule Council and Committee of the Whole Meetings if he or she determines that there is insufficient business to warrant holding the meeting and removes reference to postponing Council Meetings.
Council Meetings by Electronic Means	Allows Council to convene Special Council Meetings exclusively by electronic means (provided appropriate notice is given) and introduces a requirement to verbalize votes if a member is participating electronically by audio means only (by phone).
Agenda and Order of Business	Sets out order of business for Committees of the Whole, changes the usual order of business for Regular Council Meetings to include Public Hearings and Notices of Motions.
Late Items	Establishes the deadline for Late Items to be included in an agenda package to be two hours before a Council and Committee of the Whole Meetings.
Notice of Motion	Sets out procedures for Council Members to give notice of their intent to introduce a motion at a subsequent meeting.
Public Input and Delegations	Removes reference to petitions and prohibits public input and delegations about a number of subject matters including but not limited to bylaws that have been subject to a statutory public hearing, employee relations, promotion of commercial products/services, litigation affecting the District of Ucluelet, matter related to an election campaign and matter related to records held in confidence by the District. The section also authorizes the Corporate Officer to screen Delegation requests.
Correspondence Addressed to Mayor and Council	Sets out procedures for redacting correspondence and requirements for staff to relay where the correspondence has been forwarded. Requires correspondence to display the writers name and not be libelous.
Minutes	Removed reference to when and how closed meeting minutes are disclosed.

Motions	Allows the Chair to refuse to accept a motion if it deals with a matter that was voted upon by Council and defeated within the last six months and refers to a procedures for the Chair's ruling to be challenged. The part also introduces new language around what can and cannot be amended and iterates the order of operations required to amend a motion.
Reconsideration	Prohibits Council from reconsidering matters that have been approved by the electors, reconsidered by the Mayor in accordance with the <i>Community Charter</i> , or acted on by an employee of the District.
Bylaws	Authorizes Council to give three readings to a bylaw in a single motion. Defines the elements of a bylaw and clarifies that bylaw may be effective at adoption or a later date.
Voting	Authorizes the Chair to use consent voting procedures for non-controversial decisions, removes reference to what constitutes a voting majority and removes the requirement to record negative votes in the minutes.
Rules and Conduct of Debate	More specifically defines the powers and duties of the Chair and introduces procedure for the appeal of the Chair's decision as well as a section regarding questions of privilege. Authorizes the Chair to remove members and audience members from Chambers when they are out of order.
Public Hearings	Introduces new procedures which apply to statutory public hearings.
Committees, Commissions and Other Bodies	Consolidates the Commission, Standing Committees and Select Committees sections into a single section. Extends the scope of the bylaw to include the Harbour Authority.

**TIME REQUIREMENTS – STAFF & ELECTED OFFICIALS:**

If the recommended motion is adopted by Council, Staff will publish a notice of the proposed changes and bring this the Proposed Procedure Bylaw back to Council for third reading and adoption at two subsequent meetings. The staff time required to complete these tasks is anticipated to amount to approximately four hours.

Since “District of Ucluelet Board of Variance Bylaw No. 1163, 2014” (the Board of Variance Bylaw) incorporates the Current Procedure Bylaw by reference, the Board of Variance Bylaw will have to be amended if the Current Procedure Bylaw is repealed and replaced. This is anticipated to take approximately three hours of Staff time and two Council Meetings.

**FINANCIAL IMPACTS:**

Since notice is required to adopt or amend the procedure bylaw, a quarter page ad in two consecutive versions of the Westerly News will be purchased if the recommendations are adopted. The total cost of the two advertisements is approximately \$350.00.

**POLICY OR LEGISLATIVE IMPACTS:**

If adopted, the Proposed Procedure Bylaw will give Council greater flexibility and transparency by better aligning the procedure bylaw with their current practices. The Board of Variance Bylaw will also have to be amended because it incorporates the Current Procedure Bylaw by reference.

**OPTIONS REVIEW:**

1. **THAT** Council give “District of Ucluelet Council Procedures Bylaw No. 1264, 2020” first reading. **(Recommended)**
2. **THAT** Council give “District of Ucluelet Council Procedures Bylaw No. 1264, 2020” second reading and direct Staff to provide notice of the proposed bylaw. **(Recommended)**
3. **THAT** Council provide alternative direction to Staff.

**RESPECTFULLY SUBMITTED:** Joseph Rotenberg, Manager of Corporate Services



## STAFF REPORT TO COUNCIL

Council Meeting: June 23, 2020  
500 Matterson Drive, Ucluelet, BC V0R 3A0

**FROM:** ABBY FORTUNE, MANAGER OF RECREATION & TOURISM

**FILE NO:** 0540-20HA

**SUBJECT:** RESERVE BERTHAGE AT THE UCLUELET HARBOUR

**REPORT NO:** 20-61

**ATTACHMENTS:** APPENDIX A - UCLUELET HARBOUR REGULATION BYLAW NO. 1276, 2020

### **RECOMMENDATION(S):**

1. **THAT** Council direct Staff to equalize any overall deficit incurred by the Small Craft Harbour resulting from COVID-19 by drawing funds from the Harbour reserve fund, if available;
2. **THAT** Council give “Ucluelet Harbour Regulation Bylaw No. 1276, 2020” first reading;
3. **THAT** Council give “Ucluelet Harbour Regulation Bylaw No. 1276, 2020” second reading;
4. **THAT** Council give “Ucluelet Harbour Regulation Bylaw No. 1276, 2020” third reading; and
5. **THAT** Council Direct Staff to offset shortfalls to the Harbour Manager’s revenues associated with the three-month reserve berth fees set out in Bylaw No. 1276, 2020 to a maximum of \$4,860 by drawing funds from the Harbour reserve fund.

### **PURPOSE:**

To present the Ucluelet Harbour Regulation Bylaw No. 1276, 2020 (the “Proposed Bylaw”) for consideration and adoption

The Proposed Bylaw allows berths to be reserved for a three-month time period as opposed to the one or six-month options.

### **BACKGROUND:**

On May 26, 2020 Council received report number 20-42 titled “Reserve Berth Fees” which describes reserve berthage use and revenues as follows:

	<b>Charter Boats</b>	<b>Recreational Boats</b>	<b>Parks Boats</b>	<b>Total # of Boats</b>	<b>Total Income</b>
<b>Inner Boat Basin</b>	28	9	2	39	\$17,550
<b>Outer Boat Basin</b>	3	2	1	6	\$2,700
<b>Whiskey Dock</b>	3			3	\$1,350
<b>Totals</b>	34	11	3	48	<u>\$21,600</u>

After receiving the report Council made the following motion:

*THAT Council direct Staff to provide a report about amending the Ucluelet Harbour Regulation Bylaw No. 1134, 2011 to allow for monthly reserved berths.*

Under Ucluelet Harbour Regulation Bylaw No. 1134, 2011 as amended (the “Current Bylaw”), reserve berths are currently only available on a six-month basis at a cost of \$450.00.

The Proposed Bylaw allows berths to be reserved for a three-month period at the price of \$225.00. This approach avoids vessels cherry picking the peak months of July and August and decreases the administrative burden associated with monthly reserve berths. It also consolidates and replaces the Current Bylaw rather than amending it for a third time.

The three-month recommendation as opposed to the monthly charge is based on discussions and feedback received from the Harbour Manager which is outlined below:

- The three-month option guarantees the peak period is accounted for i.e. June, July, August.
- The three-month option allows fairness to all groups creating an even playing field for the user as monthly would see potential disadvantage to local vessels and operators.
- Monthly rates could potentially see locals being required to purchase excess months beyond the peak periods to maintain their spots.
- The Harbour Manger anticipates that for the 2020 Season, all 48 reserved spaces will be occupied.

**FINANCIAL IMPACTS:**

The potential loss in reserve berth fees due to the Proposed Bylaw has been calculated at approximately \$10,800 for 2020. Since the Proposed Bylaw decreases the minimum reservation period from six months to three months and the Harbour Manager is entitled to 45% of those fees, the Harbour Manager may lose up to \$4,860 as a result of the Proposed Bylaw. As a measure of goodwill, Staff recommend compensating the Harbour Manager up to a maximum of \$4,860 in 2020 to offset this loss. Staff recommend that these funds be drawn from harbour reserve fund.

Best practice would be to review the entire Current Bylaw during the 2021 budget cycle.

In addition, the Harbour Master is estimating a loss in revenue in 2020 for the Small Craft Harbour of \$70,000 due to the COVID-19 pandemic. This would be over and above any reserve berth revenue cuts. This is not something the District was able to adequately address during the budget process as restrictions for travel, gatherings and businesses were unclear at the time. The financial impacts during these uncertain times could mean that the Small Craft Harbour would not be able to contribute the budgeted funds to the infrastructure reserve fund.

It is further recommended that any deficits resulting from COVID-19 be equalized by the harbour reserve fund, if available.

**POLICY OR LEGISLATIVE IMPACTS:**

The Proposed Bylaw gives greater flexibility to charter and recreational harbour users that reserve berths. In doing so, it may provide some financial relief.

Ministerial Order M139 was repealed and replaced by M192. As a result, adoption of the proposed bylaw must occur at a future Council Meeting.

**TIME REQUIREMENTS – STAFF & ELECTED OFFICIALS:**

No additional Staff Time will be required after the Proposed Bylaw is adopted.

**OPTIONS REVIEW:**

1. **THAT** Council direct Staff to equalize any overall deficit incurred by the Small Craft Harbour resulting from COVID-19 by drawing funds from the Harbour reserve fund, if available;  
**(Recommended)**
2. **THAT** Council give “Ucluelet Harbour Regulation Bylaw No. 1276, 2020” first reading;  
**(Recommended)**
3. **THAT** Council give “Ucluelet Harbour Regulation Bylaw No. 1276, 2020” second reading;  
**(Recommended)**
4. **THAT** Council give “Ucluelet Harbour Regulation Bylaw No. 1276, 2020” third reading; and  
**(Recommended)**
5. **THAT** Council Direct Staff to offset shortfalls to the Harbour Manager’s revenues associated with the three-month reserve berth fees set out in Bylaw No. 1276, 2020 to a maximum of \$4,860 by drawing funds from the Harbour reserve fund. **(Recommended)**
6. **THAT** Council provide alternative direction to Staff.

**Respectfully submitted:** Abigail K. Fortune, Manager of Recreation & Tourism  
Donna Monteith, Chief Financial Officer

## DISTRICT OF UCLUELET

### BYLAW NO. 1276, 2020

A bylaw to administer and regulate the use and operation of harbour facilities in Ucluelet

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**WHEREAS** Local Governments are empowered to make agreements with a public authority respecting:

- i) the undertaking, provision and operation of activities, works or services,
- ii) the operation and enforcement in relation to the exercise of regulatory authority within the powers of a party to the agreement, and
- iii) the management of property or an interest in a property held by a party to the agreement, and, in exercising its powers, to establish any terms and conditions it considers appropriate;

**AND WHEREAS** approval of the electors has been obtained through a counter petition opportunity for a Harbour Authority Lease between the District of Ucluelet and Her Majesty the Queen, in right of Canada, as represented by the Minister of Fisheries and Oceans acting through the Regional Director, for the primary purpose of operating, maintaining and managing a public commercial fishing harbour at Ucluelet;

**AND WHEREAS** the Local Government is empowered to operate, maintain and manage the harbour facilities owned by and located in the District of Ucluelet, and set the fees for moorage and any other fees or charges it deems necessary for the efficient operation and maintenance of such facilities;

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

#### 1. **DEFINITIONS**

**"Abandoned"** means leaving a vessel or watercraft at a dock without payment of moorage for a period in excess of forty-five (45) days.

**"Berth"** means a location at a dock where a vessel or watercraft may be moored.

**"Berthage or Moorage"** means a charge for the occupation by a vessel of a berth or other space at a harbour.

**"Broker, Buyer, Processor"** means any entity, including but not limited to companies, corporations, etc., that purchases, processes, delivers and/or sells marine products, including trucks or other vehicles used to conduct such business.

**"Bylaw Enforcement Officer"** means a person designated by the Harbour Authority to enforce the regulations of this bylaw.

**"Charter Operator"** means a person or persons engaged in or used for providing goods or services for sale or rent to the public with the primary motive being profit.

**“Commercial Business”** means a commercial or industrial undertaking of any kind or nature or the providing of professional, personal or other services for the purpose of gain or profit.

**“Facility”** means the wharves, floats, docks and equipment located at Main Street (Whiskey Dock), Otter Street (52 Steps Dock), and the areas defined in the Small Craft Harbours Lease, being Ucluelet West (Inner and Outer Boat Basins).

**“Harbour Authority”** means the Council of the District of Ucluelet.

**“Harbour Manager”** means the person(s), organization or other entity retained by the Harbour Authority to manage the harbour facilities in the District of Ucluelet.

**“Loading Zone”** means that area of dock used solely for the loading and unloading of passengers, supplies or freight and identified by a yellow painted tie rail.

**“Moor”** means to secure a vessel or watercraft by the means of lines, cables or anchors.

**“Owner”** means,

- a) in the case of a vessel, the master, operator or person in charge of the vessel, and
- b) in the case of goods, the agent, consignor, consignee or carrier of the goods.

**“Seaplane”** means an aircraft on floats whether operated privately or commercially.

**“Small Craft Harbour”** means the areas and equipment as defined in the lease agreement between the District of Ucluelet and Her Majesty the Queen, in right of Canada, as represented by the Minister of Fisheries and Oceans for use by the Harbour Authority for the purpose of operating, maintaining and managing a public commercial fishing harbour at Ucluelet.

**“Small Craft Harbour Lease”** means the Harbour Authority Lease between the District of Ucluelet and Her Majesty the Queen, in right of Canada, as represented by the Minister of Fisheries and Oceans acting through the Regional Director.

**“Solicitation”** means to initiate communicate, in person, using the spoken, written or printed word, except for company or business names on vessels, a gesture or another means, for the purpose of receiving money or another thing of value, regardless of whether consideration is offered or provided in return.

**“Wharfage”** means a charge for the placing of goods on a wharf or for the loading of goods or persons on or unloading of goods or persons from a vessel at a wharf.

## **2. VESSEL CLASSIFICATIONS**

For purposes of this bylaw, vessels shall be classified as follows:

### **1. Charter Vessel**

Any vessel that is used to conduct a commercial business by offering or providing any type of goods or services to the public.

### **2. Commercial Fishing Vessel (CFV)**

- a) Any person or vessel that has been issued a current Commercial Fishing license by Fisheries and Oceans Canada or a current Aquaculture License by the Ministry of Agriculture, Food & Fisheries enabling such vessel to harvest sea products for the purposes of selling such products. For the purposes of this bylaw, the Commercial Fishing Vessel (CFV) category will include Tug Boats.
- b) For the purpose of this bylaw, other vessels used for commercial purposes not otherwise classified in this document will be included as Commercial Fishing Vessels

### **3. Recreational Vessel**

Any vessel that is primarily used for recreational or pleasure use and does not conduct a business on board the vessel and is not involved in the harvesting of sea products for the purpose of selling such products.

## **3. HARBOUR AUTHORITY**

1. The Harbour Authority hereby establishes berthage/moorage rates and other such rates and fees or other charges as are deemed necessary and such rates and fees or other charges are attached hereto as Schedule "A".
2. The Harbour Authority may pay out such monies as may be requisite for any expenses involved in the operation of the aforesaid facility.
3. The Harbour Authority may make any regulations necessary for the safe and efficient operation of the facilities.
4. The Harbour Authority may, by resolution, enter into a contract with an individual, individuals or a company for the management of said facilities.

## **4. GENERAL REGULATIONS**

The following regulations apply to the facilities:

1. All persons shall abide by all applicable statutes, regulations, bylaws and policies, including the Fishing & Recreational Harbour Act and the District of Ucluelet's bylaws and policies.
2. All persons shall comply with the policy provisions of the Environmental Management Plan established by the Harbour Authority for marine facilities.
3. All persons using Ucluelet harbour facilities, whether a vessel owner, his agent, guests or members of the public, do so at their own risk, and the Ucluelet Harbour Authority shall not be responsible for any loss, damage, expense, death or injury sustained by such a person.
4. No person shall moor any boat without proper authorization of the Harbour Manager and/or authorized personnel and completion of a berthage/moorage agreement, in

the form prescribed by the District of Ucluelet, the terms and conditions of which are to be considered regulations for the purpose of this bylaw.

5. The Harbour Authority and/or its representatives are hereby empowered to move or to direct to be moved, any vessel (s) from one location at a facility to another location at a facility whenever it is deemed necessary.
6. The Harbour Authority and/or its representatives are hereby empowered to order the removal of any vessel moored directly or indirectly to the floats, which in their opinion, is in danger of sinking or is a hazard to water borne traffic. If the owner or person responsible for the vessel cannot be found, the Harbour Authority or its representatives may take any action considered necessary to correct or alleviate the matter; the cost of all such actions shall be at the owner's expense.
7. The Harbour Manager and/or authorized personnel may assign berths to vessels at the wharves and floats in such order or precedence as it deems fit.
8. The Harbour Manager and/or authorized personnel shall determine the overall length of the vessel by measuring from bow to stern adding all appendages such as swim boards, outboard motors, bow sprits and such determinations shall be conclusive.
9. No person shall berth any boat in front of any section of floats or wharves marked "loading zone" except for the purpose of loading and unloading, and such boats shall not be left unattended in the said "loading zone".
10. All vessels shall be clearly marked with name and/or registration numbers. All vessels must have an emergency contact number posted on the vessel when the owner/operator is absent.
11. No person shall leave gear, equipment, small boats or any other type of material or object on the floats.
12. If, in the opinion of the Harbour Authority and/or its representatives, any boats, gear, or personnel materials beached, abandoned, or berthed at the floats or wharf head, are considered to be abandoned or derelict, the Harbour Authority or its representatives may order the owner(s) to remove such boats, gear or materials, and if, after advertising by a notice in the local newspaper and posting a copy of such notice at the facility, such boats, gear or materials have not been removed by the owner or owners thereof within fifteen (15) days of the date of such notice, then such boats, gear and/or materials may be disposed of by the Harbour Authority or its representatives as they see fit; the cost of all such actions shall be at the owner's expense
13. No person shall remove, damage or destroy any notice posted at the harbour facilities.
14. No person shall obstruct or impede in any way the docking or undocking of any vessel in the harbour.

15. Where goods or articles fall overboard from a vessel, the master or person in charge of the vessel shall make every reasonable effort to recover those goods or articles. Where the master or person in charge of a vessel is unable to recover any goods or articles that have fallen overboard, he shall report such failure to the Harbour Manager and/or authorized personnel.
16. No person shall supply to, receive into or discharge from a vessel in a harbour or vehicle on harbour property, any gasoline or other fuel or oil.
17. No person shall dispose of garbage, sewage or wastes at a harbour except in a place specifically provided for that purpose or as directed by the Harbour Manager and/or authorized personnel.
18. No person who is the owner or operator of a vessel shall permit the vessel to leave a harbour facility until all charges payable in respect of the vessel have been paid. Owners or operators of a vessel with outstanding accounts will be refused moorage at all District of Ucluelet and Small Craft Harbour facilities until payment has been received at the District of Ucluelet Municipal Office.
19. It shall be unlawful for any person or persons to connect to any outlet for heating purposes with an extension cord other than that constructed from a single length not exceeding 125 feet (41.6 metres), of not less than #12 wire – 3 wire grounded cord.
20. It shall be unlawful for any person(s) to park or leave standing any vehicle, except for the purpose of loading or unloading, on the approach to the wharf head.
21. No person shall solicit at any harbour facility.
22. No person shall use bikes, skateboards or roller blades on wharves or floats at any harbour facility.
23. Animals must be kept on a leash at all times and owners are responsible for cleaning up after their animals at all harbour facilities.
24. No person(s) shall use a wood-burning stove or permit any other open fire on board a vessel while moored at any harbour facility.
25. No person shall put into the water any offal/waste off any dock or float from any Small Craft Harbour or District of Ucluelet facility. All offal/waste shall be removed to outside the mouth of the harbour or parallel to Francis Island.
26. No person shall leave or park a boat trailer upon any Small Craft Harbour property.

## **5. MOORING REGULATIONS**

1. It shall be unlawful for any person to berth a derelict boat, hull, scow, log float, log or logs at harbour facilities.

2. It shall be unlawful for any person to berth a float house, houseboat, or boathouse at a Ucluelet Harbour facility, without the written permission of the Harbour Authority through a lease agreement or license issued by the District of Ucluelet.
3. No person shall permit the lines of a vessel that is berthed or moored at a harbour to be made fast to anything other than the facilities provided for berthing or mooring or permit such lines to lie across any wharf or across any channel in such a manner as to obstruct or interfere with any other vessel, vehicle, or person.
4. Where a vessel is moored in a harbour, the master or person in charge shall, where necessary, permit another vessel to move alongside and make fast to it.
5. Where two or more vessels are moored alongside one another at the same wharf, one vessel outside the other, and the vessel on the outside does not have a gangway extending to the wharf, the person in charge of the vessel lying nearer to the wharf shall allow persons on the vessel farther from the wharf free and unencumbered passage over its deck.
6. Where a vessel is made fast to or secured alongside another vessel, one vessel outside the other,
  - a) the lines of the vessel that is so made fast or secured shall not, except in an emergency, be cut or cast off by any person unless that person gives notice of his intention to do so to the master or person in charge of that vessel; and
  - b) the master or person in charge of the inside vessel, when ready to leave harbour, may move any outside vessel if the owner or persons in charge of any such vessel cannot be located, and shall re-secure said vessel to the float once the vessel has been moved.
7. A fee for connection and use of electricity services will be charged as prescribed in Schedule "A".
8. If, in the opinion of the Harbour Manager and/or authorized personnel, a vessel requires pumping out, a pump may be placed on any vessel located at the facility without fear of liability or reproach. A fee as set out in Schedule "A" attached to and forming a part of this bylaw may be levied against the owner should it be necessary to pump out a vessel with or without the owner's consent.

## **6. STAYING ON BOARD A VESSEL**

1. Staying on board a Charter Vessel is prohibited at all harbour facilities, unless the Harbour Authority has approved the implementation of a Liveboard lease agreement for the vessel.
2. Owners, operators and crewmembers may stay aboard Commercial Fishing Vessels (CFVs) and Recreational Vessels at all harbour facilities, subject to **all** of the following conditions:
  - a. Owner, operator and crewmembers must notify the Harbour Manager of their intention to stay on board the vessel and the expected length of stay;
  - b. Maximum stay (total of all nights staying aboard at all harbour facilities) is fourteen (14) days in any rolling thirty 30 day period;

- c. The vessel must be able to move under its own power;
- d. The vessel must have holding tanks or seals placed on the toilets;
- e. No equipment or personal belongings are to be attached to or left on the docks;
- f. The area of berthage will be determined by the Harbour Manager and/or authorized personnel.

## **7. LIVEBOARDS**

1. No person shall berth in a harbour, a vessel to be used as a residence unless **all** of the following criteria are met:
  - (a) An application for a lease agreement has been completed and forwarded to the Harbour Authority;
  - (b) Approval of the lease agreement has been granted by the Harbour Authority and such approval shall be entirely at the Harbour Authority's discretion;
  - (c) Lease fees, as prescribed in Schedule "A", have been paid in advance;
  - (d) The vessel must be able to move under its own power;
  - (e) The vessel must have holding tanks or seals placed on the toilets;
  - (f) No equipment or personal belongings are to be attached to or left on the docks;
  - (g) The area of berthage will be determined by the Harbour Manager and/or authorized personnel.
2. Vessels approved as Liveboards under a lease agreement will pay the electrical connection fees, if applicable, as set out in Schedule "A".
3. Lease fees for the first three months are non-refundable.

## **8. RESERVED BERTHS**

1. Reserved berthage is assigned by the Harbour Manager, subject to District Policy.
2. Reserved berths are only available on a three month basis. Vessels requiring less than three months will pay the reservation fee for the entire three months.
3. Reservation fees are non-refundable.

## **9. CHARTER VESSELS**

1. Staying on board a Charter Vessel is prohibited at all harbour facilities, unless the Harbour Authority has approved a Liveboard lease agreement for the vessel.
2. All Charter Vessels must have a valid and subsisting business license with the District of Ucluelet.
3. All Charter Vessels must have a \$2,000,000.00 liability insurance policy and supply the District of Ucluelet with a copy.
4. Charter Vessels shall pay moorage fees, electrical connection fees if the vessel requires an electrical service, and any other applicable fees, as prescribed in Schedule "A", at time of registration.

**10. COMMERCIAL FISHING VESSEL (CFVs)**

1. Commercial Fishing Vessels (CFVs) may sell their marine products provided the vessel has been issued a vendors license by the Department of Fisheries & Oceans and has a current District of Ucluelet Business License.
2. Commercial Fishing Vessels (CFVs) will ensure all nets and/or gear is clear and cleaned of all marine life before docking at facilities.
3. Commercial Fishing Vessels (CFVs) will pay moorage fees, electrical connection fees if the vessel requires an electrical service, and any other applicable fees prescribed in Schedule "A".
4. Any vessel/person that has been issued a Commercial Fishing Vessel (CFV) license by Fisheries and Oceans Canada or an Aquaculture License issued by the Ministry of Agriculture, Food & Fisheries that is operating as a Charter Vessel will be charged the Charter Vessel moorage rate.

**11. RECREATIONAL VESSELS**

1. Subject to availability, Recreational Vessels may be assigned moorage by the Harbour Manager and/or authorized personnel.
2. Recreation Vessels will pay, in advance, the applicable moorage fees, electrical connection fees if using an electrical connection, and any other applicable fees, as set out in Schedule "A".

**12. WHARFAGE FEES**

1. All Commercial Vessels that are utilizing Ucluelet harbour facilities for the loading or unloading of goods and/or persons at any time will pay wharfage fee(s) as prescribed in Schedule "A".
2. All Commercial Fishing Vessels (CFVs) loading or unloading goods at any harbour facility will pay the wharfage fee(s) prescribed in Schedule "A".
3. All Brokers, Buyers, Processors loading or unloading goods and/or persons at any harbour facility will pay the wharfage fee(s) prescribed in Schedule "A".
4. All Commercial businesses operating from or on board a vessel that utilize any Ucluelet harbour facilities in the course of their business activities will pay a wharfage fee prescribed in Schedule "A".
5. Subject to the approval of the Harbour Manager and/or authorized personnel, harbour facilities may be used for temporary storage or for working on gear and the fees prescribed in Schedule "A" will apply.

**13. BYLAW ENFORCEMENT OFFICER**

1. For the purposes of this bylaw, the designated Bylaw Enforcement Officer means any of the following;
  - a) Harbour Manager and/or authorized personnel for the District of Ucluelet
  - b) Chief Administrative Officer for the District of Ucluelet
  - c) Bylaw Enforcement Officer for the District of Ucluelet

2. The Bylaw Enforcement Officer is authorized and empowered to inspect, compel, and require that all the regulations and provisions prescribed in this bylaw are carried out.

**14. VIOLATION/PENALTIES**

1. No person shall prevent or obstruct, or attempt to prevent or obstruct, the Bylaw Enforcement Officer, or any other employee of the Municipality authorized to enforce the provisions of this bylaw.
2. No person shall do any act or suffer or permit any act or thing to be done in contravention of this bylaw.
3. Every person who violates any of the provisions of his bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw is liable on summary conviction to a fine of not more than two thousand dollars (\$2,000.00) and costs (including the costs of the committal and conveyance to the place of imprisonment) for each offense, and in default of payment therefore, to imprisonment of a term not exceeding six months in jail. Each day that such violation is permitted to continue shall be a separate offence.

**15. TICKETING**

Tickets issued for offences against this bylaw shall be in accordance with Schedule "B", attached hereto and forming part of this Bylaw.

**16. SEVERABILITY**

If any provision of this Bylaw is determined by a court of competent jurisdiction to be unlawful or unenforceable, that provision shall be severed from this Bylaw and shall not affect the validity of any remaining provision of this Bylaw.

**17. ADMINISTRATIVE PROVISIONS:**

1. Ucluelet Harbour Regulation Bylaw No. 1134, 2011 and all amendments thereto are hereby repealed.
2. This Bylaw may be cited for all purposes as "Ucluelet Harbour Regulation Bylaw No. 1276, 2020".

**READ A FIRST TIME** this \*\*\* day of \*\*\*\*\*, \*\*\*\*.

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

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

**ADOPTED** this \*\*\*\* day of \*\*\*\*\*, \*\*\*\*.

**A TRUE AND CORRECT COPY** of the "Ucluelet Harbour Regulation Bylaw No. 1276, 2020".

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Mark Boysen  
CAO

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

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Mayco Noël  
Mayor

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Mark Boysen  
CAO

**Bylaw No. 1276, 2020****SCHEDULE "A"  
Moorage Rates**

Rates, fees and charges at all District of Ucluelet harbour facilities including Main Street (Whiskey Dock), Ucluelet West Small Craft Harbours (Inner And Outer Boat Basins), Otter Street (52 Steps) are as follows:

**MOORAGE RATES:**

Any vessel/person that has been issued a Commercial Fishing Vessel (CFV) license by Fisheries and Oceans Canada or an Aquaculture License issued by the Ministry of Agriculture, Food & Fisheries that is operating as a Commercial Vessel will be charged the higher moorage rate.

**CHARTER OPERATORS**

Moorage Rates are charged per foot (overall length of the vessel)

<b>Daily</b>	<b>Weekly</b>	<b>Monthly</b>	<b>Quarterly</b>	<b>Annual</b>
n/a	n/a	\$7.30	n/a	\$46.50

**COMMERCIAL FISHING VESSELS (CFVs) and  
OTHER VESSELS USED FOR COMMERCIAL PURPOSES**

Moorage rates are charged per foot (overall length of the vessel)

<b>Small Craft Harbour facilities</b>				
<b>Daily</b>	<b>Weekly</b>	<b>Monthly</b>	<b>Quarterly</b>	<b>Annual</b>
\$.20	N/A	\$3.00	\$5.50	\$15.00

<b>Whiskey Dock facility</b>				
<b>Daily</b>	<b>Weekly</b>	<b>Monthly</b>	<b>Quarterly</b>	<b>Annual</b>
\$.21	N/A	N/A	N/A	N/A

**RECREATIONAL VESSEL**

Moorage rates are charged per foot (overall length of the vessel)

	<b>Daily</b>	<b>Weekly</b>	<b>Monthly</b>	<b>Quarterly</b>	<b>Annual</b>
Oct 1 to Mar 31	\$.60	\$3.65	\$5.45	\$8.50	\$44.55
Apr 1 to Sep 30	\$.90	\$5.30	\$7.00	\$17.60	\$44.55

**SEAPLANES – Moorage rates are charged for tie up periods (dropping off or picking up passengers)**

<b>2 hour period</b>	<b>Each Additional Hour</b>
\$50.00	\$25.00

In addition, Wharfage Fees will apply, if applicable.

**LIVE ABOARD – LEASE RATES**

Lease rates for all Liveboards approved by the Harbour Authority are payable, in advance, as follows:

Lease rates are charged per foot (length of the vessel)

<b>Annual (in advance)</b>
\$54.00

Lease fees for the first three months are non-refundable with the balance refunded at 85% of the unused portion.

Electrical Connection Fees are applicable if an electrical connection is required.

**RESERVED BERTH**

For vessels approved for a three-month Reserved Berth the following reservation fee is payable, in advance of the reserved berth being made available.

\$225.00 for up to and including three months

**WHARFAGE FEES****Charter Vessels:**

For Charter Vessels that have **not** paid a moorage fee within the twenty-four hour period immediately before or after loading or unloading goods and/or persons, other than owner and crewmembers, at any harbour facility, the Wharfage fee, payable in advance, is as follows:

- |   |           |
|---|-----------|
| 1. Per day or part thereof  | \$50.00   |
| 2. Annual rate (January 1 <sup>st</sup> – December 31 <sup>st</sup> ) | \$1500.00 |

For Commercial Vessels that have paid a moorage fee within the twenty-four hour period immediately before or after loading or unloading goods and/or persons, other than owner and crewmembers, at any harbour facility, the Wharfage fee, payable in advance, is as follows:

- |   |          |
|---|----------|
| 1. Per day or part thereof  | \$25.00  |
| 2. Annual rate (January 1 <sup>st</sup> – December 31 <sup>st</sup> ) | \$500.00 |

**Commercial Fishing Vessels (CFVs):**

For Commercial Fishing Vessels (CFVs) that have **not** paid a moorage fee within the twenty-four hour period immediately before or after loading or unloading goods at any harbour facility, the Wharfage fee, payable in advance, is as follows:

Per day or part thereof	\$250.00
Annual Rate	\$2,000.00

**Other Business Activities**

For all other businesses operating on or utilizing harbour facilities during the course of their business activities, the Wharfage fees, payable in advance, are as follows:

Per day or part thereof	\$100.00
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**ELECTRICITY (POWER) CONNECTION FEES**

	Daily	Monthly
30 Amp Power	\$3.00/outlet	\$50/outlet
50 amp power	\$6.00/outlet	\$100.00/outlet

**MISCELLANEOUS SERVICES, FEES AND CHARGES**

1. At the discretion of the Harbour Authority, a fee may be levied if the Harbour Manager and/or authorized personnel is/are called out between the hours of 10:00 p.m. and 7:00 a.m. for any reason.

First hour	\$75.00
Each additional hour	\$50.00

2. A fee of \$75.00 will be levied per vessel pump out in addition to the Harbour Manager and/or authorized personnel call out fee, if applicable.
3. Interest at 2% per month will be charged on accounts unpaid after 30 days.
4. All fees are subject to applicable taxes.

## Harbour Regulation Bylaw No. 1276, 2020

### Schedule "B" Violation & Penalties

<b>Offence</b>	<b>Section</b>	<b>Fine – First Offence</b>	<b>Fine – 2<sup>nd</sup> and Each Subsequent Offence</b>
Not adhering to rules, policies & regulations	4.1	\$100.00	\$200.00
Not adhering to provisions of EMP.	4.2	\$100.00	\$200.00
Mooring without authorization or berthage agreement	4.4	\$100.00	\$200.00
Berth and/or Tie vessel at marked loading zone	4.9	\$100.00	\$200.00
Leave vessel unattended at loading zone	4.9	\$100.00	\$200.00
Vessel not displaying name, registration number, emergency contact number	4.10	\$100.00	\$200.00
Leave gear, equipment, materials on dock /float	4.11, 6.2(e), 7.1(f)	\$100.00	\$200.00
Remove, damage or destroy posted notices	4.13	\$100.00	\$200.00
Impede docking or undocking of vessel	4.14	\$100.00	\$200.00
Fail to retrieve and notify Harbour Manager and/or authorized personnel of articles falling overboard	4.15	\$100.00	\$200.00
Supply, receive into or discharge fuels or oil from a vessel without authorization	4.16	\$100.00	\$200.00
Dispose of garbage, sewage or waste inappropriately	4.17	\$200.00	\$400.00
Put offal/waste into water from any SCH or District facility	4.25	\$200.00	\$400.00
Leave harbour with outstanding payments	4.18	\$200.00	\$400.00
Connect to outlet with nonconforming cord	4.19	\$100.00	\$200.00
Leave vehicle standing on wharf head approach	4.20	\$100.00	\$200.00
Solicit at any harbour facility	4.21	\$200.00	\$400.00
Use skateboard, roller blade or bicycle on docks	4.22	\$100.00	\$200.00
Pet off-leash and non removal of feces	4.23	\$100.00	\$200.00
Use a wood burning stove or permit an open fire on board while berthed at any harbour facility	4.24	\$100.00	\$200.00
Leave or park a boat trailer upon Small Craft harbour Property	4.26	\$100.00	\$200.00
Berth a derelict boat, hull, scow, log float, log(s)	5.1	\$200.00	\$400.00
Berth a float house, houseboat, boathouse	5.2	\$100.00	\$200.00

Make fast a vessel inappropriately, permit lines to interfere with other vessels or persons	5.3	\$100.00	\$200.00
Refuse another vessel to make fast	5.4	\$100.00	\$200.00
Refuse rafted vessel passage to wharf	5.5	\$100.00	\$200.00
Cut or cast off rafted vessel without notice	5.6(a)	\$100.00	\$200.00
Exceed maximum stay at harbour facilities	6.2(b)	\$200.00	\$400.00
Vessel unable to operate under own power	6.2(c), 7.1(d)	\$200.00	\$400.00
Vessel without seal on sewer outlet	6.2(d), 7.1(e)	\$200.00	\$400.00
Berth a vessel as a residence without a lease agreement with the Harbour Authority	7.1(b), 9.1	\$200.00	\$400.00
Berth a vessel as a residence owing lease fees	7.1(e)	\$100.00	\$200.00
Commercial vessel without valid Business License	9.2	\$200.00	\$400.00
Commercial vessel without liability insurance	9.3	\$200.00	\$400.00
Commercial vessel without municipal decal	9.5	\$100.00	\$200.00
CFV selling product without vendors license	10.1	\$200.00	\$400.00
CFV selling product without business license	10.1	\$200.00	\$400.00
CFV moored with marine life in nets or gear	10.2	\$100.00	\$200.00
Unpaid wharfage fees	12.1,12.2, 12.3	\$200.00	\$400.00
Attempt to prevent or obstruct a Bylaw Enforcement Officer	14.1	\$200.00	\$400.00
Permit contravention of this bylaw	14.2	\$100.00	\$200.00