



PUBLIC HEARING
Thursday, April 8, 2021 @ 5:30 PM
George Fraser Room, Ucluelet Community Centre,
500 Matterson Drive, Ucluelet

AGENDA

This Public Hearing is being held electronically, without in-person public attendance, under Ministerial Order M192 and due to the COVID-19 Pandemic and the Public Health Order related to Events and Gatherings.

The public can participate in this Public Hearing by phone, through Zoom online, or by email.

By Phone: dial 1 778 907 2071. When prompted, enter Webinar ID 865 8866 8864 and hit the # sign. No participation ID is required.

- To speak, press *9. When its your turn, staff will unmute your mic, and Zoom will indicate that you have been unmuted. You may need to unmute your mic as well.

By Zoom: enter <https://us02web.zoom.us/j/86588668864> into your browser and follow the prompts. Please update your Zoom name to your first and last name.

- To speak, click the "Raise Your Hand Icon". When its your turn, staff will unmute your mic and Zoom will indicate that you have been unmuted. You may need to unmute your mic as well.

By Email: send your comments to communityinput@ucluelet.ca before the public hearing is closed. Comments received after the Public Hearing closes, will not be forwarded to Council. Emails will be read by staff during the public input sections.

Page

1. CALL TO ORDER
2. ACKNOWLEDGEMENT OF FIRST NATIONS TERRITORY

Council would like to acknowledge the Yuułuᑭiᑦᑭᑦᑭᑦ First Nation, on whose traditional territories the District of Ucluelet operates.

3. NOTICE OF VIDEO RECORDING

Audience members and public hearing participates are advised that this proceeding is being broadcast on YouTube and Zoom, which may store data on foreign servers.

4. LATE ITEMS
5. STATEMENT OF THE CHAIR

5.1. Review of the Public Hearing Procedures

6. PUBLIC HEARING - DISTRICT OF UCLUELET OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW NO. 1281, 2020, ZONING AMENDMENT BYLAW NO. 1282,

- 6.1. Proposed Bylaw and Permit 5 - 145
1. Public Notice Summary
 2. Related Documents (Bylaw, Permits, Staff Reports, Minute Excerpts & Other Related Documents)
- [Notice - Bylaw 1281, 1282 and DVP20-06](#)
[Bylaw 1281 - OCP Amendment Bylaw 330 and 316 Reef Point Road](#)
[Bylaw 1282 - Zoning Amendment Bylaw 330 and 316 Reef Point Road](#)
[DVP20-06 The Cabins Draft Permit](#)
[Illustrated Site Plan 1](#)
[Illustrated Site Plan 2](#)
[2020-12-15 - Report No. 20-138](#)
[2020-12-15 Regular Meeting Minutes Excerpt](#)
[2021-01-26 - Report No. 21-11](#)
[2021-01-26 Regular Meeting Minutes Excerpt](#)
[2021-03-23 - Report No. 21-36](#)
[2021-03-23 Regular Meeting Minutes Excerpt](#)
- 6.2. Written Submissions Received During the Notice Period 147 - 289
- [2021-01-18 Reef Point Estates](#)
[2021-01-19 Y Eeftink](#)
[2021-01-19 Quilty](#)
[2021-01-20 Belanger Foy](#)
[2021-01-20 Skene](#)
[2021-01-22 Dick](#)
[2021-01-22 Hertel](#)
[2021-01-22 Reef Point Estates](#)
[2021-01-23 Petrowitz Turner](#)
[2021-01-23 Walter](#)
[2021-01-25 McCreary](#)
[2021-01-25 Reef Point Estates](#)
[2021-01-25 Ucluelet First Nation](#)
[2021-01-25 White](#)
[2021-01-25 Wild Pacific Trail Society](#)
[2021-01-26 Clayton](#)
[2021-01-26 Gordon-Beaumier](#)
[2021-01-26 Heyduck](#)
[2021-01-26 Johnson](#)
[2021-01-26 Muyyson Ferrer](#)
[2021-01-26 Neumann](#)
[2021-01-26 Plumb Porter](#)
[2021-01-26 Taschereau](#)
[2021-01-27 Harwood](#)
[2021-01-27 Smith](#)
[2021-01-28 Corlazzoli](#)
[2021-02-02 Lyons](#)
[2021-02-09 T Eeftink](#)
[2021-03-18 Belanger](#)
[2021-03-31 Petrowitz Turner](#)
[2021-04-01 Neumann](#)
[2021-04-02 Y Eeftink](#)

[2021-04-06 Belanger](#)
[2021-04-06 Belanger 2](#)

- 6.3. Applicant Presentation
- 6.4. Public Input
- 7. PUBLIC HEARING - DISTRICT OF UCLUELET ZONING AMENDMENT BYLAW NO. 1287, 2021
 - 7.1. Proposed Bylaw 291 - 328
 - 1. Public Notice Summary
 - 2. Related Documents (Bylaw, Staff Reports, Minute Excerpts & Other Related Documents)

[Notice - Bylaw 1287, 2021](#)
[Bylaw 1287, 2021](#)
[2020-11-24 Report No. 20-128](#)
[2020-11-24 Minutes Excerpt](#)
[2021-03-09 Report No. 21-31](#)
[2021-03-09 Draft Minutes Excerpt](#)
 - 7.2. Written Submissions Received During the Notice Period
 - 7.3. Public Input
- 8. ADJOURNMENT



Notice of Public Hearing

Notice is hereby given that a Public Hearing will be held in the George Fraser Room in the Ucluelet Community Centre at 500 Matterson Drive, Ucluelet BC, on **Thursday, April 8th, 2021, commencing at 5:30 p.m.** on the following proposed Bylaws and Permit pursuant to Sections 464, 465, 466 and 499 of the *Local Government Act*. Due to COVID-19 and pursuant to Ministerial Order No. 192 the District of Ucluelet is offering the opportunity to participate by electronic means. In-person attendance is not permitted at this time.

- A. Official Community Plan Amendment Bylaw No. 1281, 2020;**
- B. Zoning Amendment Bylaw No. 1282, 2020; and,**
- C. Development Variance Permit DVP20-06**

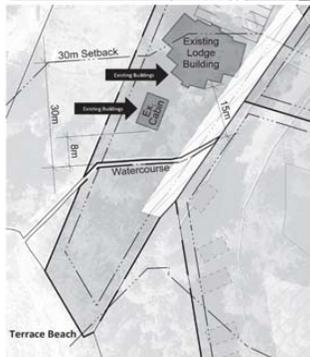
Applicant: 0933164 B.C. LTD., INC.NO. BC0933164, PO BOX 909, UCLUELET, BC V0R 3A0

Location: 316 and 330 Reef Point Road, Ucluelet, BC

Legal Description: Lot 37, Plan VIP64737, Section 21, Clayoquot Land District (PID: 023-656-271) and Lot 35, Plan VIP64737, Section 21, Clayoquot Land District (PID: 023-656-255).

- Purpose:**
- A.** In general terms the purpose of *Official Community Plan Amendment Bylaw No. 1281, 2020*, is to:
 - i. amend Schedule 'A' (Proposed Land Use Designations) by changing the future land use designation of Lot 35 and 37 from **Residential-Single Family** to **Tourist Commercial**; and,
 - ii. amend Schedule 'C' (Development Permit Areas) by designating Lot 35 and Lot 37 to be within Development Permit Area #3 - Reef Point.
 - B.** In general terms the purpose of this *Zoning Amendment Bylaw No. 1282, 2020*, is to:
 - i. amend Schedule B (Zoning Bylaw) by adding the following secondary permitted use to section CS-5.3.1 Maximum Number in alphanumeric order, as follows:

"(2) Despite subsection (1) above, a **maximum of two (2) Accessory Residential Dwelling Units** are permitted on Lot 37, Section 21, Clayoquot Land District, Plan VIP64737 (316 Reef Point Road)".
 - ii. amend Schedule A (Zoning Map) by changing the zoning designation of Lot 37 and Lot 35, from **GH Guest House** and **R-1 Single Family Residential**, respectively, to **CS-5 Tourist Commercial**.
 - C.** In general terms the Development Variance Permit DVP20-06 would authorize the following variances to *Ucluelet Zoning Bylaw No. 1160, 2013*:
 - i. whereas section 306.2 (1) (b) requires a 30m setback from the natural boundary of a watercourse, the existing southernmost cabin requires an 8m minimum setback and the existing main building requires a 15m minimum setback.



Anyone who believes these bylaws or variances will affect their interests may make a written submission and/or will be given an opportunity to be heard at the Public Hearing as follows:

Participate by Written Submission: Written submissions must be received before the start of the Public Hearing and include your name and street address. They are considered part of the public record pursuant to the Freedom of Information and Protection of Privacy Act.

Drop-off or Mail	Email
Box 999 200 Main Street Ucluelet, BC, V0R 3A0 (there is a drop-box on site)	communityinput@ucluelet.ca

Attend the Public Hearing: Due to the COVID-19 Pandemic and to ensure physical distancing, the District of Ucluelet is offering an opportunity to participate by electronic means pursuant to Ministerial Order No. 192. Anyone who believe they are affected by the proposed bylaw will be given the **opportunity to be heard via Zoom**. The public hearing will also be livestreamed on the District of Ucluelet's YouTube Channel. Zoom meeting details are below and for more information about how to participate via Zoom visit <https://ucluelet.ca/community/district-of-ucluelet-council/public-hearings> or contact the Corporate Service Department at 250-726-7744 or rotenberg@ucluelet.ca.

In-person	Via Zoom
Due to the COVID-19 pandemic, in-person attendance is not permitted at this time.	Webinar ID: 865 8866 8864. Participant ID Not required. Join from a PC, Mac, iPad, iPhone or Android device: <ul style="list-style-type: none"> • URL: https://us02web.zoom.us/j/86588668864
	Or iPhone one-tap: <ul style="list-style-type: none"> • +17789072071,,86588668864# Canada
	Or join by phone: <ul style="list-style-type: none"> • Canada: +1 778 907 2071
	International numbers available: https://us02web.zoom.us/j/keqY5x1cmw

Review the application: The application, bylaws, permits and other relevant materials may be inspected online at <https://ucluelet.ca/community/district-of-ucluelet-council/public-hearings>. Paper copies may be requested by phoning 250-726-7744 or by email to communityinput@ucluelet.ca. COVID-19 protocols apply to all pick-ups

Questions? Contact the District of Ucluelet Planning Department at 250-726-7744 or jtowgood@ucluelet.ca.

DISTRICT OF UCLUELET

Official Community Plan Amendment Bylaw No. 1281, 2020

A bylaw to amend the District of Ucluelet Official Community Plan
(Lot 35 and 37 VIP64737 – Land Use designation change).

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

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

1. Map Amendments:

The “District of Ucluelet Official Community Plan Bylaw No. 1140, 2011, as amended, is hereby further amended as follows:

- A. Schedule ‘A’ (Proposed Land Use Designations) is hereby further amended by changing the designation of Lot 37, Plan VIP64737, Section 21, Clayoquot Land District (PID: 023-656-271) and Lot 35, Plan VIP64737, Section 21, Clayoquot Land District (PID: 023-656-255), shown shaded on the map attached to this Bylaw as Appendix “A”, from Residential–Single Family to Tourist Commercial; and,
- B. Schedule ‘C’ (Development Permit Areas) is hereby further amended by designating Lot 37, Plan VIP64737, Section 21, Clayoquot Land District (PID: 023-656-271) and Lot 35, Plan VIP64737, Section 21, Clayoquot Land District (PID: 023-656-255), shown shaded on the map attached to this Bylaw as Appendix “A”, within Development Permit Area #3 - Reef Point.

2. Citation:

This bylaw may be cited as “District of Ucluelet Official Community Plan Amendment Bylaw No. 1281, 2020”.

READ A FIRST TIME this 15th day of December, 2020.

Considered in conjunction with the District of Ucluelet Financial Plan and Waste Management Plan under Section 477 of the *Local Government Act* this 15th day of December, 2020.

READ A SECOND TIME this 15th day of December, 2020.

PUBLIC HEARING held this day of , 20 .

READ A THIRD TIME this day of , 20 .

ADOPTED this day of , 20 .

CERTIFIED A TRUE AND CORRECT COPY of “Official Community Plan Amendment Bylaw No. 1281, 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'

Official Community Plan Amendment Bylaw No. 1281, 2020

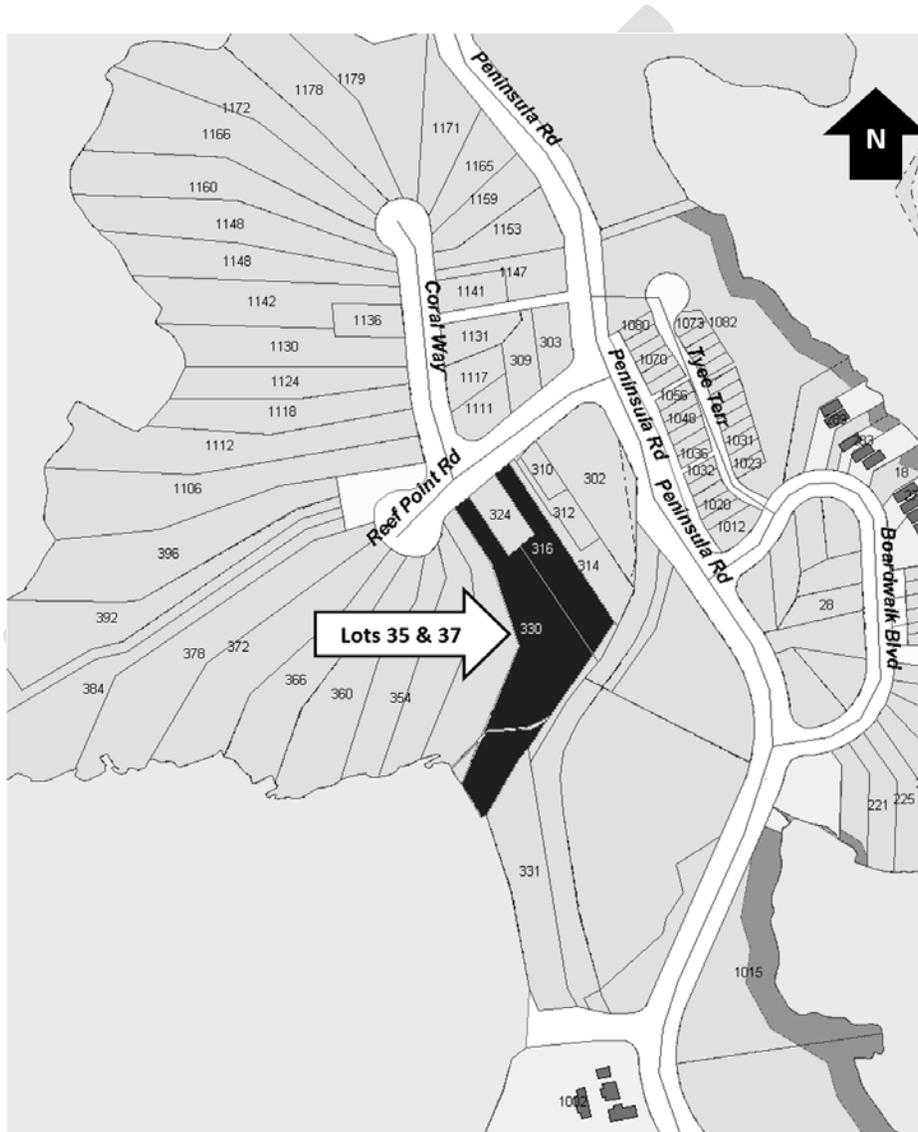
OCP Schedule 'A' Proposed Land Use Designations

From: "Residential - Single Family"

To: "Tourist Commercial"

OCP Schedule 'C' Development Permit Areas

Add to DPA "#3 Reef Point"



DISTRICT OF UCLUELET

Zoning Amendment Bylaw No. 1282, 2020

A bylaw to amend the “District of Ucluelet Zoning Bylaw No. 1160, 2013”.
(316 and 330 Reef Point Road, Zoning designation change from R-1 and GH to CS-5)

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:

THAT Schedule B of the District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by adding the following secondary permitted use to section *CS-5.3.1 Maximum Number* in alphanumerical order, as follows:

“(2) Despite subsection (1) above, a maximum of two (2) *Accessory Residential Dwelling Units* are permitted on Lot 37, Section 21, Clayoquot Land District, Plan VIP64737 (316 Reef Point Road)”

2. Map Amendment:

Schedule A (Zoning Map) of District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended:

- a. by changing the zoning designation of Lot 35, Section 21, Clayoquot Land District, Plan VIP64737 (PID: 023-656-255), shown shaded and annotated on the map attached to this Bylaw as Appendix “A”, from GH Guest House to CS-5 Tourist Commercial; and,
- b. by changing the zoning designation of Lot 37, Section 21, Clayoquot Land District, Plan VIP64737 (PID: 023-656-271) shown shaded and annotated on the map attached to this Bylaw as Appendix “A”, from R-1 Single Family Residential to CS-5 Tourist Commercial.

3. Citation:

This bylaw may be cited as “District of Ucluelet Zoning Amendment Bylaw No. 1282, 2020”.

READ A FIRST TIME this 15th day of December, 2020.

READ A SECOND TIME this 15th day of December, 2020.

SECOND READING REPEALED this 26th day of January, 2021.

READ A SECOND TIME AS AMENDED this 26th day of January, 2021.

PUBLIC HEARING held this day of , 2021.

READ A THIRD TIME this day of , 2021.

ADOPTED this day of , 2021.

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Amendment Bylaw No. 1282, 2020.”

Mayco Noël
Mayor

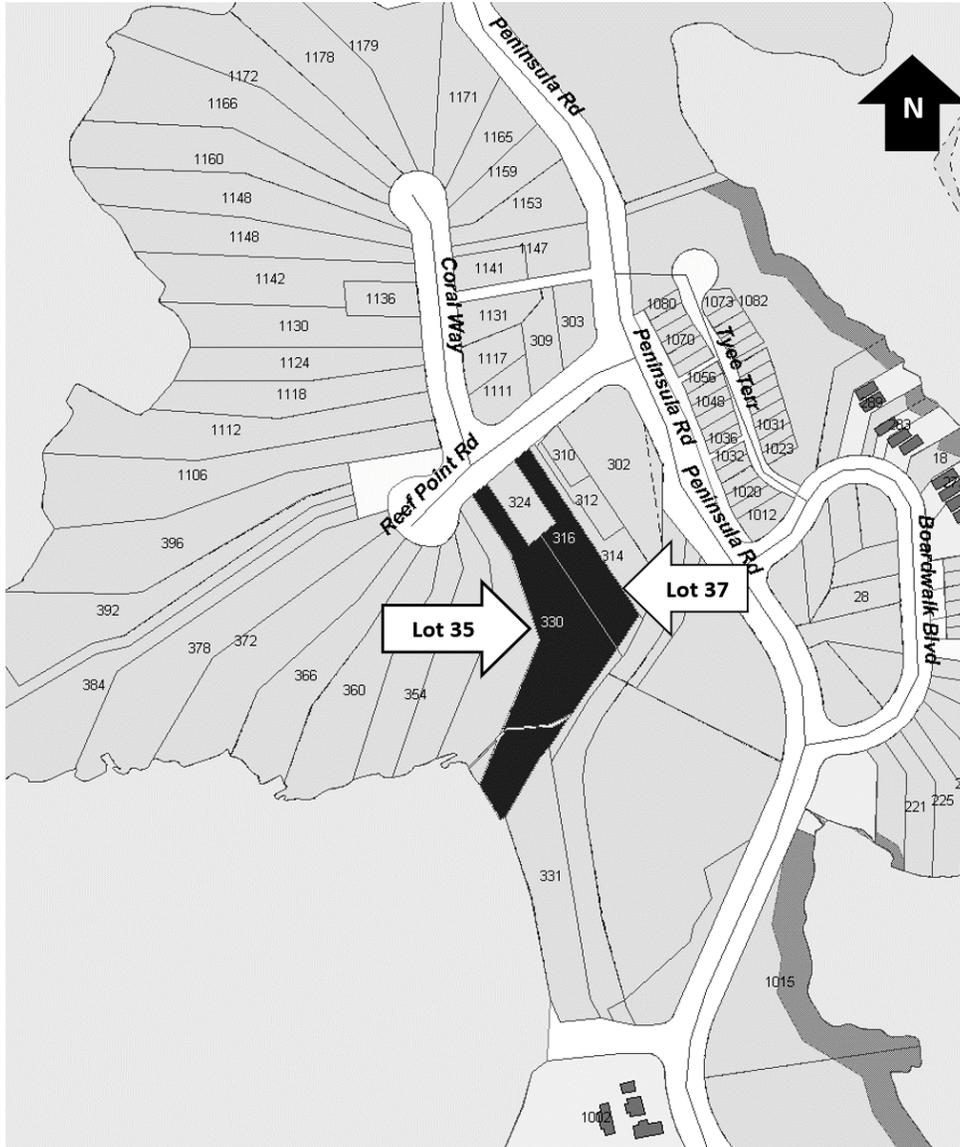
Mark Boysen
Corporate Officer

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

Mark Boysen
Corporate Officer

Schedule 'A'
District of Ucluelet Zoning Amendment Bylaw No. 1282, 2020

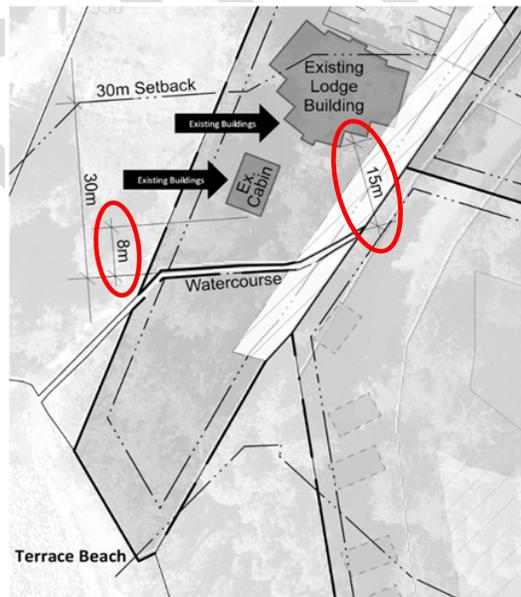
<p>Lot 35 From: GH Guest House To: CS-5 Tourist Commercial</p>	<p>Lot 37 From: R-1 Single Family Residential To: CS-5 Tourist Commercial</p>
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DEVELOPMENT VARIANCE PERMIT DVP20-06

Pursuant to section 498 of the Local Government Act, R.S.B.C 2015 C.1 as amended:

1. This Development Variance Permit is issued to:
0933164 B.C. LTD., INC.NO. 0933164.
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:
330 Reef Point Road, Lot 35, Plan VIP64737, Section 21, Clayoquot Land District (the "Lodge Property").
3. The work authorized by this Permit may only be carried out 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 and in compliance with all federal, provincial, and municipal statutes, regulations, and bylaws.
4. This Permit authorizes the following variances specific to the plans and details attached as Schedule "A":
 - a. **The existing southernmost cabin has a 8m setback and the existing main building has a 15m setback to the natural boundary of this watercourse, whereas section 306.2 (1) (b) of the *District of Ucluelet Zoning Bylaw No.1160, 2013*, requires a 30m setback from a watercourse.**





5. The above variances are granted for the proposed structures and use of the land as shown on Schedule A. Should the building be later removed or destroyed, this Development Variance Permit shall cease to apply and the zoning requirements in effect at the time shall apply.
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.

AUTHORIZING RESOLUTION passed by the Municipal Council on the day of , 2021.

ISSUED the day of , 2021.

Bruce Greig - Manager of Community Planning

DRAFT

Schedule A



From: [Nicole Morin](#)
To: [Nicole Morin](#)
Subject: FW: Refined rendered plan for public hearing-The Cabins
Date: March 25, 2021 11:26:29 AM
Attachments: [210208_CabinsMP-Siteplan-illustrative05.pdf](#)

From: Ian Kennington <[REDACTED]>
Sent: February 8, 2021 9:22 AM
To: Bruce Greig <bgreig@ucluelet.ca>; John Towgood <JTowgood@ucluelet.ca>;
[REDACTED]; Ron Clayton <[REDACTED]>
Subject: Refined rendered plan for public hearing-The Cabins

As discussed last week I have made some small tweaks to the plan to help define the entry to the lodge without going into too much detail the note suggests some improvements to the entry to address some of the concerns which came from residents of Coral Way.

Ian Kennington, BLA



7-1920 Lyche Rd.
[REDACTED]
Ucluelet, BC
V0R 3A0
ph. [REDACTED]

SITE ENTRANCE UPGRADES

- CLEAR DIRECTIONAL SIGNAGE
- PAVED DRIVEWAY ENTRY
- CEDAR FENCE SEPARATION FROM NEIGHBOURING DRIVEWAY
- LOW VOLTAGE GROUND LIGHTING
- HEDGING CEDAR SCREEN

RELOCATED SECURED WASTE AND RECYCLING AREA

- FENCED BEAR PROOF ENCLOSURE

EXISTING LODGE AND GUEST CABINS



PROPOSED PUBLIC TRAIL

- PRESERVED GREEN SPACE
- BEACH ACCESS

MIXED USE

- 2 STAFF ACCOMMODATION UNITS
- OFFICE
- LAUNDRY
- PARKING

TERRACE BEACH PUBLIC ACCESS

- 5m WIDE WILD PACIFIC TRAIL CORRIDOR
- ALIGNMENT TO BE DETERMINED IN COLLABORATION WITH THE WPTS

PRESERVED NATURAL GREEN SPACE

P-1 PUBLIC LAND



STAFF REPORT TO COUNCIL

Council Meeting: December 15, 2020
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: JOHN TOWGOOD, PLANNER 1 **FILE No:** 6480-20-OCP20-01
3360-20-RZ20-07
3390-20-DVP20-06
3060-20 DP20-17

SUBJECT: DEVELOPMENT OF "THE CABINS" PROPERTIES IN THE REEF POINT AREA **REPORT No:** 20-138

ATTACHMENT(S): APPENDIX A – OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW No. 1281, 2020
APPENDIX B – ZONING AMENDMENT BYLAW No. 1282, 2020
APPENDIX C – HOUSING AGREEMENT BYLAW No. 1283, 2020
APPENDIX D – DEVELOPMENT VARIANCE PERMIT DVP20-06
APPENDIX E – DEVELOPMENT PERMIT DP20-17
APPENDIX F – APPLICATION FOR 1082 PENINSULA ROAD "THE CABINS"
APPENDIX G – ENVIRONMENTAL ASSESSMENT REPORT

RECOMMENDATION:

THAT, with regard to the proposed further development of "the Cabins at Terrace Beach" resort on the Lodge property, the Staff Housing property, and the Cabins property - as described in the staff report of December 15, 2020 - Council indicate the following:

1. **THAT** District of Ucluelet Official Community Plan Amendment Bylaw No. 1281, 2020, be introduced and be given first reading by title only;
2. **THAT** Council consider District of Ucluelet Official Community Plan Amendment Bylaw No. 1281, 2020, in conjunction with the District of Ucluelet Financial Plan;
3. **THAT** Council consider District of Ucluelet Official Community Plan Amendment Bylaw No. 1281, 2020, in conjunction with the Waste Management Plan;
4. **THAT** District of Ucluelet Official Community Plan Amendment Bylaw No. 1281, 2020, be given second reading;
5. **THAT** District of Ucluelet Official Community Plan Amendment Bylaw No. 1281, 2020, be referred to the following agencies:
 - a. Yuułuʔiłʔatḥ Government;
 - b. Alberni Clayoquot Regional District;
 - c. Wild Pacific Trail Society;
 - d. Tourism Ucluelet; and
 - e. Ucluelet Chamber of Commerce;

6. **THAT** Council indicate whether District of Ucluelet Official Community Plan Amendment Bylaw No. 1281, 2020, be referred to additional agencies;
7. **THAT** District of Ucluelet Official Community Plan Amendment Bylaw No. 1281, 2020, be referred to a public hearing;
8. **THAT** District of Ucluelet Zoning Amendment Bylaw No. 1282, 2020, be given first and second reading and advanced to a public hearing; and,
9. **THAT** District of Ucluelet Housing Agreement Bylaw No. 1283, 2020, be given first, second, and third reading;
10. **THAT** Council direct Staff to give the statutory notice for Development Variance Permit DVP20-06 to provide an opportunity for public input on the proposed Development Variance Permit at the public hearing on the OCP amendment and Zoning amendment bylaws;
11. **THAT** Council authorize the following:
 - a. discharge of Statutory Right-of-Way EL10355 from the Cabins Property, as defined in this report, at the time the subdivision is registered to redefine the parcel boundaries for the subject properties; and,
 - b. removal of section 3.a from Statutory Right-of-Way EL10354 from the Lodge and the Staff Housing Property, as defined in this report, at the time the subdivision is registered to redefine the parcel boundaries for the subject properties; and,
12. **THAT** Council indicate that final adoption of the requested bylaws would be subject to the following:
 - a. registration of a Section 219 Restrictive Covenant on the properties to ensure:
 - i. that, prior to obtaining an occupancy permit for any of the proposed cabins, the subdivision to consolidate the lots and resolve the parcel boundaries will have been registered; and,
 - ii. that the development and use of the Lodge and Staff Housing will conform to the plans presented;
 - b. registration of Section 218 Statutory Rights-of-Way to allow for construction and maintenance of the public access trails by the District, as proposed on the submitted plans.

PURPOSE:

To provide Council with information on a multifaceted development application on multiple properties that involves an amendment to the future land use map of the District of Ucluelet Official Community Plan Bylaw No. 1140, 2011 (the “**OCP**”), a map amendment to The District of Ucluelet Zoning Bylaw No.1160, 2013 (the “**Zoning Bylaw**”), a Development Variance Permit (**DVP**), and a Development Permit (**DP**).

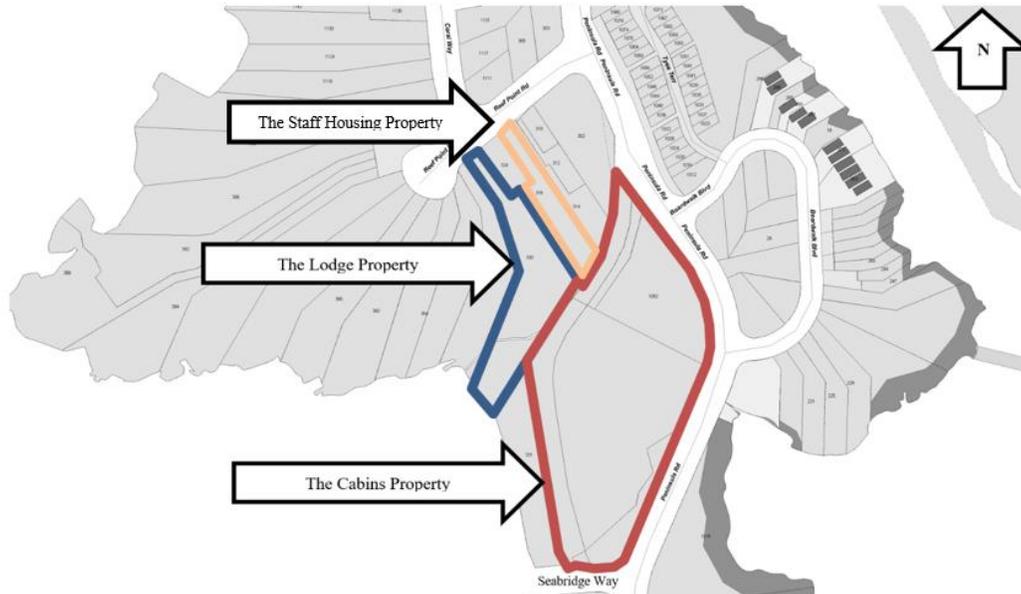


Figure 1 – Subject Properties

BACKGROUND:

In the early part of 2020, the applicant submitted a development application for:

1. An OCP and Zoning Bylaw amendment for:
 - a. 330 Reef Point Road, Lot 35, Plan VIP64737, Section 21, Clayoquot Land District (the “**Lodge Property**”); and,
 - b. 316 Reef Point Road, Lot 37, Plan VIP64737, Section 21, Clayoquot Land District (the “**Staff Housing Property**”).

The request is to change the zoning designation of these properties from the GH- Guest House (**GH**) to CS-5 Tourist Commercial (**CS-5**) and to add two units of staff housing as an allowable secondary use for the property. This zoning request will require an amendment to the 2011 OCP’s Schedule ‘A’ Proposed Land Use Designation map.

2. A DP and DVP which would apply over multiple legal parcels (collectively the “**Cabins Property**”) as follows:
 - a. 1082 Peninsula Road, Lot 1, Plan VIP66548, Section 21, Clayoquot Land District, Except Plan VIP70592.
 - b. Plan VIP70592, Section 21, Clayoquot Land District, that part shown as area B.
 - c. Lot C, Plan VIP70592, Section 21, Clayoquot Land District, shown as area C Plan VIP70592.
 - d. Lot D, Plan VIP70592, Section 21, Clayoquot Land District, that part of sec 21 ld 09 shown as area D on plan VIP70592.
 - e. Lot 3 and 4, Plan VIP67274, Section 21, Clayoquot Land District.
 - f. Lot 4, Plan VIP67274, Section 21, Clayoquot Land District.

- g. Section 21, Clayoquot Land District, that part incl within Plan VIP69014, adjacent & fronting Lot 1 Plan VIP66186, lying N of a line & said line produced & extended from the SW boundary of said Lot 1 having a bearing of 295 degrees 40'23".
- h. Plan VIP69014, Section 21, Clayoquot Land District, that part adjacent to & fronting lot 35 pl VIP64737, lying S of a line & said line produced & extended from the mostly NE boundary of said Lot 35 having a bearing of 145 degrees 00'00".
- i. Section 21, Clayoquot land district, that part incl within pl VIP69014 adjacent & fronting Lot 37 Plan VIP64737, lying S of a line produced & extended from the NE boundary of said lot 37 having a bearing of 145 degrees 00'00" & lying M of a line produced & extended from the mostly SW boundary of said lot 37 having a bearing of 145 degree.

The request for the Cabins Property is to allow for the addition of 13 motel cabins, associated roads, paths and landscaping. A future DP will be submitted at the time the applicant has completed plans defining the architectural form and character for the two mixed-use buildings indicated within the application on the Cabins property.

DISCUSSION:

There are many parts to this application. The subject properties include the old alignment of Peninsula Road, a substantial stand of mature trees and an archaeological midden site protected by restrictive covenant. The proposal includes new public rights-of-way being offered for pedestrian circulation and connection through the site - enabling public access from the north end of Terrace Beach to both Spring Cove and north toward Little Beach. The resort owners are also offering to dedicate a portion of land to enable the Seabridge Way public right-of-way to be widened, enabling future improvements for better public parking and pedestrian access. The total benefits proposed cross over between the property boundaries and should be considered overall when weighing each of the individual development requests.

The report will be structured as follows:

- An OCP Bylaw Amendment for the Lodge and Staff Housing Properties.
- A Zoning Bylaw Amendment and DVP for the Lodge and Staff Housing Properties.
- A DP and DVP for the Cabins Properties.
- Existing restrictive covenants.
- New restrictive covenants.
- Sequencing.
- Time requirements – staff & elected officials.
- Financial impacts.
- Policy or legislative impacts.
- Options.

OCP BYLAW AMENDMENT

Any zoning amendment should be supported by the Ucluelet OCP and be consistent with the adopted *Schedule A - Proposed Land Use Designation* map. The current designation for the Lodge Property and The Staff Housing property is Residential - Single Family (the yellow color below). To facilitate the requested zoning of the Lodge property and the Staff Housing property, the *OCP Schedule - A*, would need to first be amended by changing the designation for those two properties to Tourist Commercial (the pink color below). It would also be prudent to add those two properties

to the mapping within *Development Permit Area No. 3 (Reef Point)* so that the DP policies and requirements for *DP Area no.3* would apply to the Lodge and Staff Housing properties.

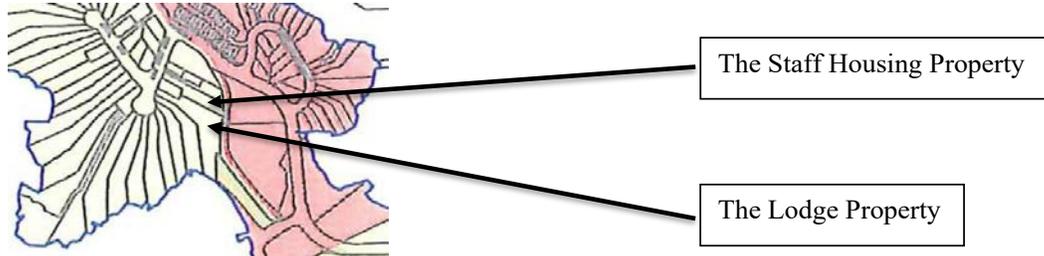


Figure 2 – Clip from OCP's Schedule - A

ZONING BYLAW AMENDMENT

The Lodge Property

The Lodge Property is part of a subdivision created in 1997, and the property was originally zoned as *R-1 Single Family Residential (R-1)*. On February 17, 2004, Council adopted bylaw No. 927, 2004, which changed the property's zoning designation from R-1 to *GH – Guest House (GH)*. The GH zone on this 4,525 m² property would have permitted the following uses:

- A principal use (required) of One Single-Family Dwelling (**SFD**) that could contain up to six Guest Rooms (**GR**).
- A secondary use of up to four Guest Cabins (**GC**).
- **13 Bedrooms Total** (for context we used 3-bedroom SFD as an average)

The main SFD building and two cabins were issued a building permit on September 30, 2004, with occupancy given on August 15, 2006. The plans on file show that the main SFD building was purpose-built containing the following configurations of rooms and suites:

- 8 one-bedroom guest rooms grouped around a common kitchen and recreation area (main and top floor).
- 1 two-bedroom dwelling unit (has its own kitchen).
- 1 one-bedroom staff accommodation dwelling unit (has its own kitchen).
- 1 guestroom-type staff housing unit (does not have a kitchen).
- **12 Bedrooms Total**

A walk through by staff of the building confirms that, other than minor changes, the building was built as per plans submitted. This building, with these uses in place, did not and does not conform to the GH zoning. Current staff cannot speak to why or how this was approved; we can only comment that the building's configuration appears to have been reviewed and approved by the District of Ucluelet.

Because there was an active business licence at the time the current owner purchased the property, and this business had been in operation for years prior to the sale of the property, the owner was under the impression that the use of the business conformed to the property's zoning. The Bylaw Officer and Planning staff have been working with the owner to bring their current business operation into conformity. Staff suggested that since the building and cabins were purpose-built more as a motel than as a SFD, and that the property has essentially been operating as a motel, that

the best way forward would be to change the zoning designation to *CS-5 Tourist Commercial (CS-5)* which contains Motel as a principal use.

In consideration of the up-zoning or increased allowable density of this property the applicant has offered as an amenity, a Statutory Right-of-Way (**SRW**) to alleviate a District of Ucluelet trail trespass (**Figure 3**) that occurs over 338 Reef Point Road (property to the west of the Lodge Property). The new SRW would be routed away from 338 Reef Point Road and would connect to the existing Wild Pacific Trail (**WPT**) within the municipal park fronting Terrace Beach. This new route would work around mature Sitka Spruce trees and be of significant benefit to the WPT trail system.

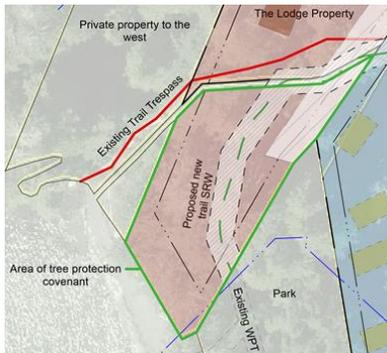


Figure 3 – The Lodge Property trail rerouting plan

Development Variances for the Lodge Property

It is best practice at the time of rezoning to recognize any variances that may be required for the existing buildings on a property.

1. The Lodge property contains a small seasonal creek close to the ocean boundary, the southernmost cabin requires an 8m setback and the main building requires a 15m setback to the natural Boundary of this creek, whereas section 306.2 (1) (b) of the District of Ucluelet Zoning Bylaw No.1160, 2013, requires 30m (**Figure 4**).



Figure 4 – DVP for the Lodge Property

Considering that the building plans were approved by previous staff, that the property has been essentially operating as a motel for years, and that current Planning staff are not aware of any complaint to this operation, staff support the change of zoning from GH to CS-5 and the DVP request. The proposed SRW amenity represent substantial benefit to the community.

The Staff Housing Property

This panhandle lot is currently vacant and zoned R-1 and has the potential to contain:

- 1 SFD; and,
- 3 Bed and Breakfast guest rooms; or
- 2-bedroom Secondary Suite to 90 m2 (969 ft2) of gross floor area.
- **6 Bedrooms Total** (for context we used 3-bedroom SFD as an average)

The applicant is requesting that this parcel be amalgamated with the Lodge property and that the zoning designation be amended to allow a staff housing use in the form of two *accessory residential dwelling units* (ARDU) atop a proposed new laundry room. Staff consider the best way to do this would be to give the property a CS-5 zoning designation, add a site-specific amendment to allow a second ARDU on the property, and register a Section 219 restrictive covenant over the buildable area of the staff housing property to ensure that only the proposed use could occur in that area.

As staff housing is a much-needed commodity in the community, the inclusion of the proposed units is strongly supported.

It should be noted that the applicant would be subject to a development permit for any future development on the site (including the building of the laundry and staff housing building). Vehicle access for the future Staff housing building will use the existing vehicle access of 330 Reef Point Road, as the applicant wishes to retain the existing trees within the panhandle and to the rear of 324 Reef Point Road. The applicant is also offering a 5m pedestrian trail connection through the Staff Housing property along the eastern property line that would connect Reef Point Road, Coral Way and Little Beach to Terrace Beach. This Route (**Figure 5**) would be a pleasant alternative to the current route along Peninsula Road for someone traveling from Terrace Beach to Little Beach and beyond, and would allow the Reef Point neighbourhood more direct connections to the beaches on either end. This could also be seen as another connection of the WPT trail network and help connect the southern part of the WPT (at Amphitrite Point) with the northern section (Big Beach and beyond). It should also be noted that the trail SRW can be seen as a buffer to the residence to the west and that the impact of the staff accommodation use is generally diminished when it is directly connected to the resort operation (i.e., the resort has a vested interest in keeping the noise of the tenants to a minimum, not only for the impact to the neighbors but also to the guests of the resort).

Within Ucluelet's housing continuum, staff housing is recognized as being one of the most important; considering the trail SRW through the property being offered by the applicant, the use of this property to support the resort operations on the Lodge and Cabins properties as proposed is strongly supported by staff.

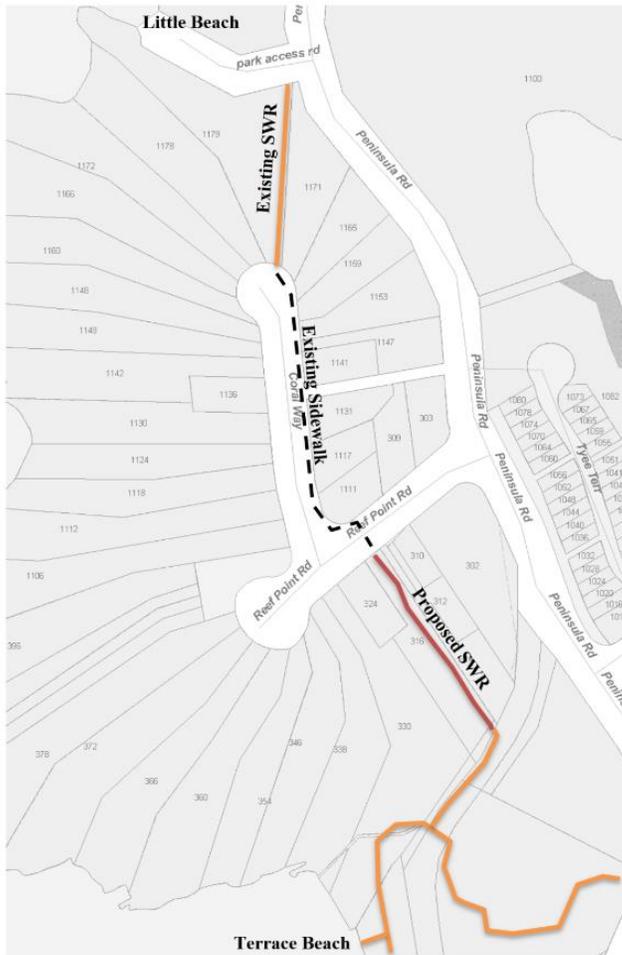


Figure 5 – Trail to Little Beach

DP FOR THE CABINS PROPERTY

The Cabins Property falls into the Reef Point Development Permit Area (**DPA No.3**), which is established for the purposes of:

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

Protection of the natural environment, its ecosystems and biological diversity

Aquaparian Environmental Consultants completed an Environmental Assessment Report for the property dated March 18, 2020 (see **Appendix G**). Although this property contains significant environmental features, most of these environmental elements occur in a protected midden area

and are not planned to be removed or altered. The 13 proposed cabins, their parking and access road are to be built over the old Peninsula Road with little impact to the trees and shrubs adjacent to the previously disturbed roadbed. The proposed mixed-use building to the south of the property and its parking lot is to be built over the existing gravel parking lot fronting Seabridge Way. The proposed mixed-use building to the north of the property and its parking lot is to be built on an existing gravel pad. Both of these mixed-use buildings and their parking lots are expected not to have an adverse environmental impact. The Aquaparian report describes regulatory development measures that the applicant must follow if the development is to proceed.

All trail works indicated in this proposal are anticipated to be done by the District of Ucluelet and would require both an archaeological permit and an environmental review before trail construction is started.

Protection of development from hazardous conditions

The 13 proposed cabins would be constructed on the old Peninsula Road base and as such are required to have a geotechnical assessment. The geotechnical assessment was completed December 19, 2019, by Lewkowich and Associated Engineering. As part of this assessment a minimum Flood Construction Level (**FCL**) was set at 8.95m above Geodetic (a standardized high tide level). This level matches the recent modeling work done within the Ucluelet's Flood Mapping Project (**Figure 6**) which describes a FCL of 8.9m above geodetic considering a 1m Sea Level Rise, an AEP of 0.5% (a rare storm event), and 0.6m freeboard (a safety margin).

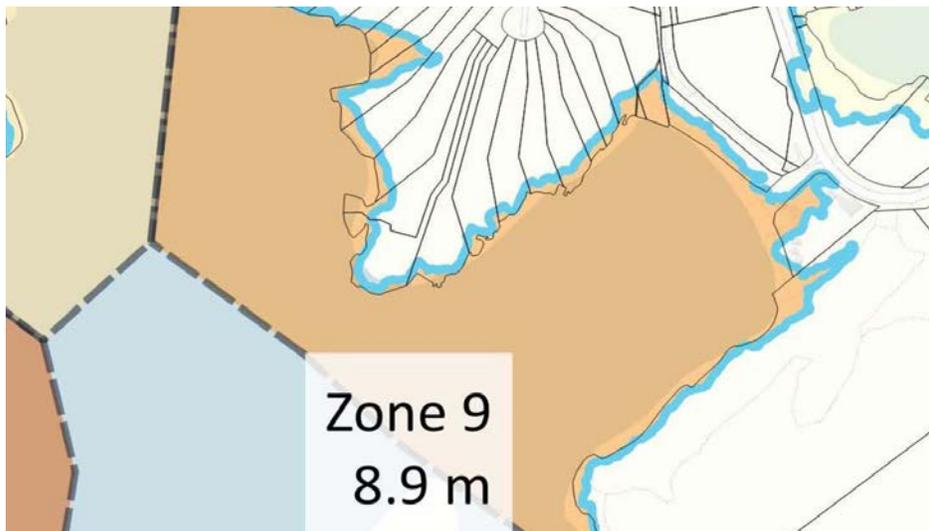


Figure 6 – Clip from the Coast Storm Flooding Support Map

The FCL modeling in the District of Ucluelet's Coastal Storm Flooding Support Map does not consider tsunami flooding. Tsunami modeling information will typically become a consideration for new development involving the subdivision of land which would create new lots (i.e., where new development parcels can be created to avoid potential tsunami flood zones). It is recommended that the resort operators develop a Tsunami evacuation plan for their resort that considers the new tsunami information generated by the Ucluelet Flood Hazard Mapping Project.

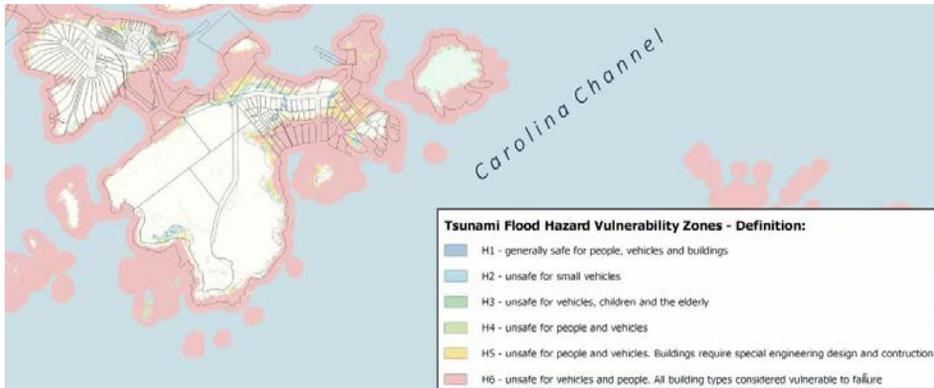


Figure 7 – Clip from the Tsunami Flood Planning Support Map

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

The form and character of this development will be broken down to the specific elements that form the proposal.

Amalgamation of redundant properties

The applicant and Planning staff consider it the appropriate time to amalgamate the multiple existing parcels that form the resort into three newly-defined parcels and a road dedication as follows:

1. The Cabins Property North (Purple).
2. The Cabins Property South (Light Blue).
3. The Lodge / Staff Housing Property (Orange).
4. The Road Dedication (Green)

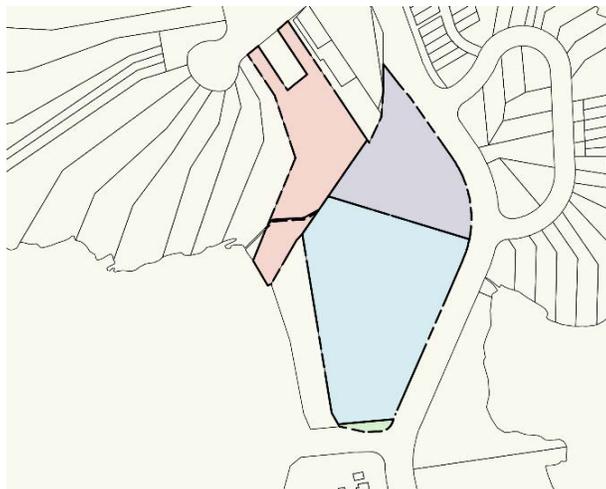


Figure 8 – Final property configuration.

The proposed redefinition of the lot boundaries would also relocate a property line between the north and south Cabins lots to fix a building / property line conflict with the existing cabins (see **Figure 15**). The applicant has offered the road dedication parallel to Seabridge Way (green in **Figure 8** above and hatched in **Figure 9** below). This contribution is to be considered as part of the OCP and Zoning request for the Lodge and Staff housing properties. This road dedication to the District of Ucluelet would provide an important amenity contribution for the realization of a double-loaded parking area and better pedestrian access to Terrace Beach in the Seabridge Way alignment.



Figure 9 – Seabridge Way public parking concept

The Cabins along the old Peninsula Road

The proposal shows 13 three-storey, two-bedroom cabins positioned along the old Peninsula Road. The proposed cabins (**Figure 10**) will be positioned back and above the beach. With the existing trees and understory in the park, these buildings should not dominate landscape but blend in much like the Terrace Beach Resort cabins to the south (**Figure 11**).



Figure 10 – Proposed cabins



Figure 11 – Existing nearby Terrace Beach Resort cabins

The proposed cabins will be clad in horizontal stained cedar siding, cedar fascia and trim with a gray metal roof. The shape and look of these cabins is a modern twist to the west coast cabin. It is encouraged that the applicant breaks up the colors of the exterior siding of these cabins to add interest to the grouping.

The Northern Mixed-Use Building

This three-storey, mixed-use building consists of 950 sq.ft. of operations space for the resort on the ground floor, 950 sq.ft. of commercial space on the main floor and two 425 sq.ft. tourist accommodation units on the top floor. Detailed drawings for this building have not been included in this application but the applicant has stated they will maintain the general character and materials of the 13 proposed cabins. This building would be subject to a future DP application when the architectural and site design are further resolved. The inclusion of small-scale neighbourhood commercial use in this location is a good addition, near the crosswalk at the intersection of Boardwalk Boulevard and adjacent Spring Cove trail.

The Southern Mixed-Use Building

This two-storey, mixed-use building consists of 950 sq.ft. of commercial space on the main floor and two 425 sq.ft. accommodation units on the top floor. Detailed drawings for this building have not been included in this application but the applicant has stated they will maintain the general character and materials of the 13 proposed cabins. This building would be subject to a future DP application when the architectural and site design are further resolved.

Roads and Pedestrian Pathways

The vehicle access (red arrows below) to the site will continue to be through the existing parking for the Cabins property with the main egress being proposed to be one-way outs in two directions (one north and one south). This routing is appropriate considering the constraints of the building sites for the proposed cabins, and the small amount of traffic expected.

The pedestrian routes throughout the site will be much improved by this proposal. The applicant has offered a 5m SRW for a public path as indicated in blue below (**Figure 12**) through the forested midden. This new trail segment would be a direct connection to the crosswalk at the corner of Boardwalk Boulevard and the Spring Cove trail and create a loop between Spring Cove and Terrace Beach. The initial trail alignment has been walked in the field with staff from the Yuułu?i?ath Government, and after review with their Council they have expressed support for working with the District on developing a trail in this location. The trail presents an opportunity to introduce people to the rich history, cultural importance and natural beauty of this site.

The applicant has also offered a section of the old Peninsula Road indicated in purple below to be for public use as a shared (pedestrian/vehicle/bike) roadway. Guest and staff of the resort may also move on private pathways indicated in orange below.

Also, with the proposed road dedication, there will be an opportunity for the District to build a pathway to create an accessible connection between Terrace Beach and the Peninsula Road sidewalk (indicated in light blue below).

These new legal rights for pedestrian routes through the resort's property represents a significant amenity being offered to the community. These trails and loops systems improve livability for residents and are economic drivers forming part of Ucluelet's identity as a wild and green place. The gradual expansion of the trail network is a community goal. Staff recommend that the required survey, archeological and environmental work plus the construction and maintenance cost of these trails should be the responsibility of the District.

Landscaping

The applicant has indicated that they will landscape any disturbed areas in native species similar to what has already been done on the property. A final detailed landscape plan would be required as a standard condition of the DP. Any work in the district boulevard will require a works permit and may require a landscape deposit. This deposit will be secured at building permit.

Zoning

The subject property is zoned CS-5 Tourist commercial. With drawings submitted proposal meets zoning requirements except for the variances listed below. A further more detailed of the buildings review will be completed at the building permit stage.

In summary, the draft DP20-17 (see Appendix E) would authorize the subdivision (to realign the parcel boundaries), construction of the 13 new cabins, new access, pathways and landscaping of disturbed areas. Future DP's would be submitted at the time the applicant has completed plans defining the architectural form and character for the mixed-use buildings on the Cabins Property and the resort service / staff accommodation building on the Staff Housing Property.

Development Variances - The Cabins Proposal

The Cabins proposal will require the following setback variances:

1. The southernmost cabin will require an exterior side yard setback of 2m, whereas section CS-5.6.1 (1) (d) of Ucluelet Zoning Bylaw No. 1160, 2013, requires 6m; and
2. Multiple cabins along the old Peninsula Road will require a rear yard setback of 1m, whereas section CS-5.6.1 (1) (b) of Ucluelet Zoning Bylaw No. 1160, 2013, requires 3m; and

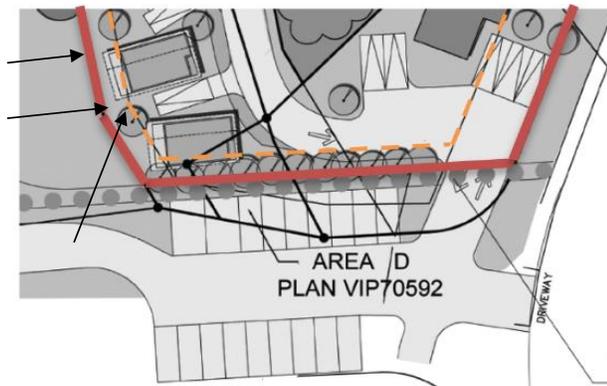


Figure 13

3. The four of proposed cabin to the north will require a natural boundary of 8m, whereas section 306.2 (1) (b) requires 30m.

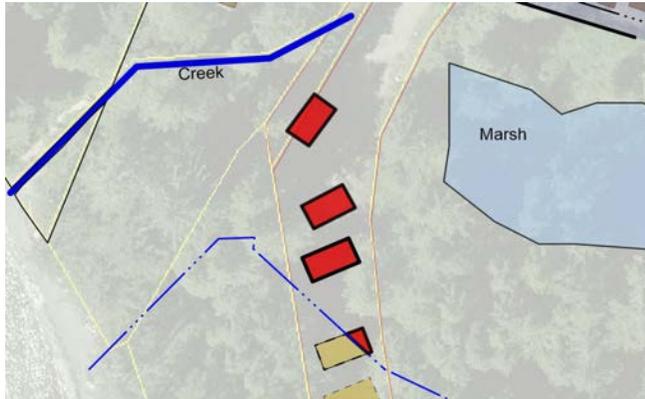


Figure 14

The DVP20-06 has been drafted to accommodate these variances (see **Appendix 'D'**). It is recommended that notification for public input on the variances be done at the same time as the public hearing on the bylaws.

EXISTING RESTRICTIVE COVENANTS:

There are two covenants on the property titles that can be removed as the proposed development proceeds (see **Figure 15**):

Statutory Right-of-Way EL10355 (trail)

This SRW is for a pedestrian foot path and it was in place prior to the rerouting of Peninsula Road. As indicated in **Figure 15** below this SRW has been built over and is no longer practical to be used. As the applicant is giving the District of Ucluelet a new and better route, the removal of this SRW from the Cabin's property is supported.

Statutory Right-of-Way EL10354 (footpath/sewer)

This SRW is for both a community sewer line and a footpath. As this location is on a steep bank. As the applicant has given the District of Ucluelet a better route for the foot path, removing the footpath elements from the covenant the Lodge and the Staff Housing property is supported and can be done at the time the new subdivision is registered.



Figure 15 – Existing Covenants

HOUSING AGREEMENT BYLAW

To ensure that the area proposed for Staff housing is only to be used to accommodate staff, a housing agreement needs to be placed on title with the adoption of the zoning amendment bylaw. A housing agreement must be authorized by bylaw and Staff recommend that Council give Bylaw No. 1283 three readings prior to public hearing. A draft of the housing agreement is contained in **Appendix C**.

SEQUENCE OF PROCESSES

If this application is to move forward, Staff consider the best sequence would be as follows:

1. First and Second Reading of:
 - a. OCP Amendment Bylaw No. 1281
 - b. Zoning Amendment Bylaw No. 1282
2. First three readings of:
 - a. Housing Agreement Bylaw No. 1283
3. Public Hearing for input on:
 - a. OCP Amendment Bylaw No. 1281
 - b. Zoning Amendment Bylaw No. 1282
 - c. Variances in DVP20-06
4. Third Readings, Adoption or Approval of:
 - a. Third reading to OCP Amendment Bylaw No. 1281
 - b. Third reading to Zoning Amendment Bylaw No. 1282
 - c. Adoption of Housing Agreement Bylaw No. 1283
 - d. Approval of DVP for both the Cabins property and the Lodge property.
 - e. Approval of the Cabins DP
5. Before adoption of the Zoning and OCP amendment Bylaws the applicant would need to:
 - a. register a restrictive covenant to ensure:
 - i. that, prior to obtaining an occupancy permit for the proposed new cabins, the subdivision to consolidate the lots and resolve the parcel boundaries

- will have been registered (note this would allow for building permits to be issued while the subdivision process is underway); and,
- ii. that the development and use of the Lodge and Staff Housing will conform to the plans presented;
 - b. register Section 218 Statutory Rights-of-Way to allow for construction and maintenance of the public access trails by the District, as proposed on the submitted plans.
 - c. execute the Housing Agreement for the staff housing units.
6. Adoption of OCP and Zoning amendment bylaws;
 7. Application for building permits for cabins;
 8. Registration of subdivision; and,
 9. Occupancy of cabins.

TIME REQUIREMENTS – STAFF & ELECTED OFFICIALS:

Should this application proceed, staff time will be required to process the Bylaw Amendments (including giving notice of a Public Hearing), the DVP, the DP, the Housing Agreement, SRW and covenant and ultimately, building permits. It is quite a package, but the draft bylaws and permits attached to this report have been put together so that this could move forward efficiently, and so that the public can see the entire proposal and provide input as part of the process.

FINANCIAL IMPACTS:

The District of Ucluelet will be required to put together the legal and survey framework to secure the trail SRW. The construction of the trail would be a future project for consideration by Council. The Development Cost Charges for the new development will be collected at building permit:

- per unit for the accommodation units; and,
- per meter of floor area for the commercial units.

POLICY OR LEGISLATIVE IMPACTS:

This application amends both Ucluelet’s OCP and Zoning bylaws. The motions recommended at the outset of this report include the necessary Council consideration for any OCP amendment in conjunction with the District’s Financial Plan and Waste Management Plan. The amendment to the 2011 OCP is deemed minor and staff recommend would not require an extensive referral process. Council should turn its mind to what agencies, if any, should receive a referral to prompt their consideration of whether the proposed OCP amendment would affect their interests – staff have suggested a short list of pertinent agencies but look to Council for direction.

OPTIONS:

This proposal represents a recognition of the existing uses, a repair to the disjointed land parcels and existing SRW's, and a major improvement to pedestrian movement in the area. The proposal is for sensitive site development and investment in expanding one of the community's well-known and highly regarded resort operations. The dedication of the road area to Seabridge Way would allow the District to make an efficient and accessible public access to Terrace Beach. Considering the totality of this proposal and the community benefits it represents, it is fully supported by staff.

Alternatively, Council could consider the following:

2. **THAT** Council provide alternative direction to staff.

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

DISTRICT OF UCLUELET

Appendix A

Official Community Plan Amendment Bylaw No. 1281, 2020

A bylaw to amend the District of Ucluelet Official Community Plan
(Lot 35 and 37 VIP64737 – Land Use designation change).

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

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

1. Map Amendments:

The “District of Ucluelet Official Community Plan Bylaw No. 1140, 2011, as amended, is hereby further amended as follows:

- A. Schedule ‘A’ (Proposed Land Use Designations) is hereby further amended by changing the designation of Lot 37, Plan VIP64737, Section 21, Clayoquot Land District (PID: 023-656-271) and Lot 35, Plan VIP64737, Section 21, Clayoquot Land District (PID: 023-656-255), shown shaded on the map attached to this Bylaw as Appendix “A”, from Residential–Single Family to Tourist Commercial; and,
- B. Schedule ‘C’ (Development Permit Areas) is hereby further amended by designating Lot 37, Plan VIP64737, Section 21, Clayoquot Land District (PID: 023-656-271) and Lot 35, Plan VIP64737, Section 21, Clayoquot Land District (PID: 023-656-255), shown shaded on the map attached to this Bylaw as Appendix “A”, within Development Permit Area #3 - Reef Point.

2. Citation:

This bylaw may be cited as “District of Ucluelet Official Community Plan Amendment Bylaw No. 1281, 2020”.

READ A FIRST TIME this day of _____, 2020.

Considered in conjunction with the District of Ucluelet Financial Plan and Waste Management Plan under Section 477 of the *Local Government Act* this day of _____, 2020.

READ A SECOND TIME this day of _____, 20 .

PUBLIC HEARING held this day of _____, 20 .

READ A THIRD TIME this day of _____, 20 .

ADOPTED this day of _____, 20 .

CERTIFIED A TRUE AND CORRECT COPY of "Official Community Plan Amendment Bylaw No. 1281, 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'

Official Community Plan Amendment Bylaw No. 1281, 2020

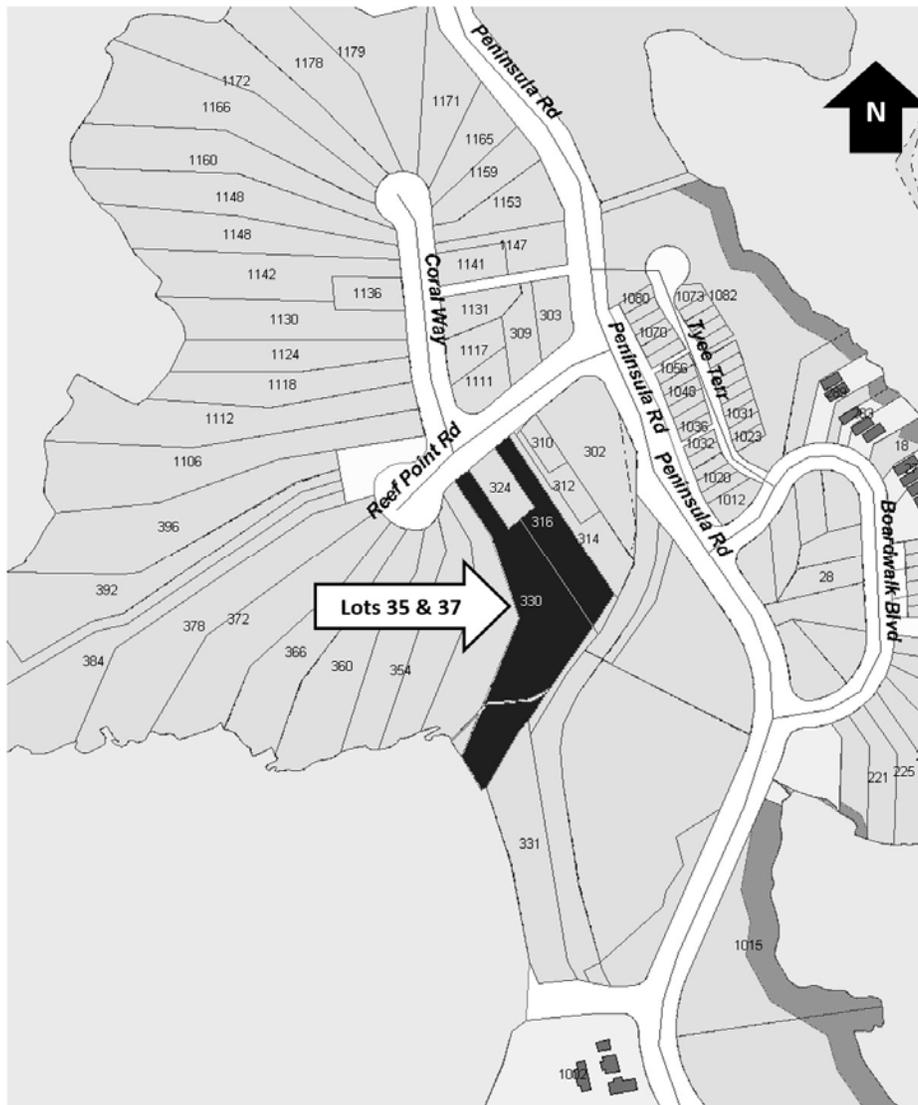
OCP Schedule 'A' Proposed Land Use Designations

From: "Residential - Single Family"

To: "Tourist Commercial"

OCP Schedule 'C' Development Permit Areas

Add to DPA "#3 Reef Point"



DISTRICT OF UCLUELET
Zoning Amendment Bylaw No. 1282, 2020

Appendix B

A bylaw to amend the "District of Ucluelet Zoning Bylaw No. 1160, 2013".
(316 and 330 Reef Point Road, Zoning designation change from R-1 and GH to CS-5)

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:

THAT Schedule B of the District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by adding the following secondary permitted use to section *CS-5.3.1 Maximum Number* in alphanumerical order, as follows:

"(2) Despite subsection (1) above, a maximum of two (2) *Accessory Residential Dwelling Units* are permitted on Lot 37, Section 21, Clayoquot Land District, Plan VIP64737 (316 Reef Point Road)"

2. 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 37, Section 21, Clayoquot Land District, Plan VIP64737 (PID: 023-656-271) and Lot 35, Section 21, Clayoquot Land District, Plan VIP64737 (PID: 023-656-255), shown shaded on the map attached to this Bylaw as Appendix "A", from R-1 Single Family Residential to CS-5 Tourist Commercial.

3. Citation:

This bylaw may be cited as "District of Ucluelet Zoning Amendment Bylaw No. 1282, 2020".

READ A FIRST TIME this day of , 20 .

READ A SECOND TIME this day of , 20 .

PUBLIC HEARING held this day of , 20 .

READ A THIRD TIME this day of , 20 .

ADOPTED this day of , 20 .

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Amendment Bylaw No. 1282, 2020.”

Mayco Noël
Mayor

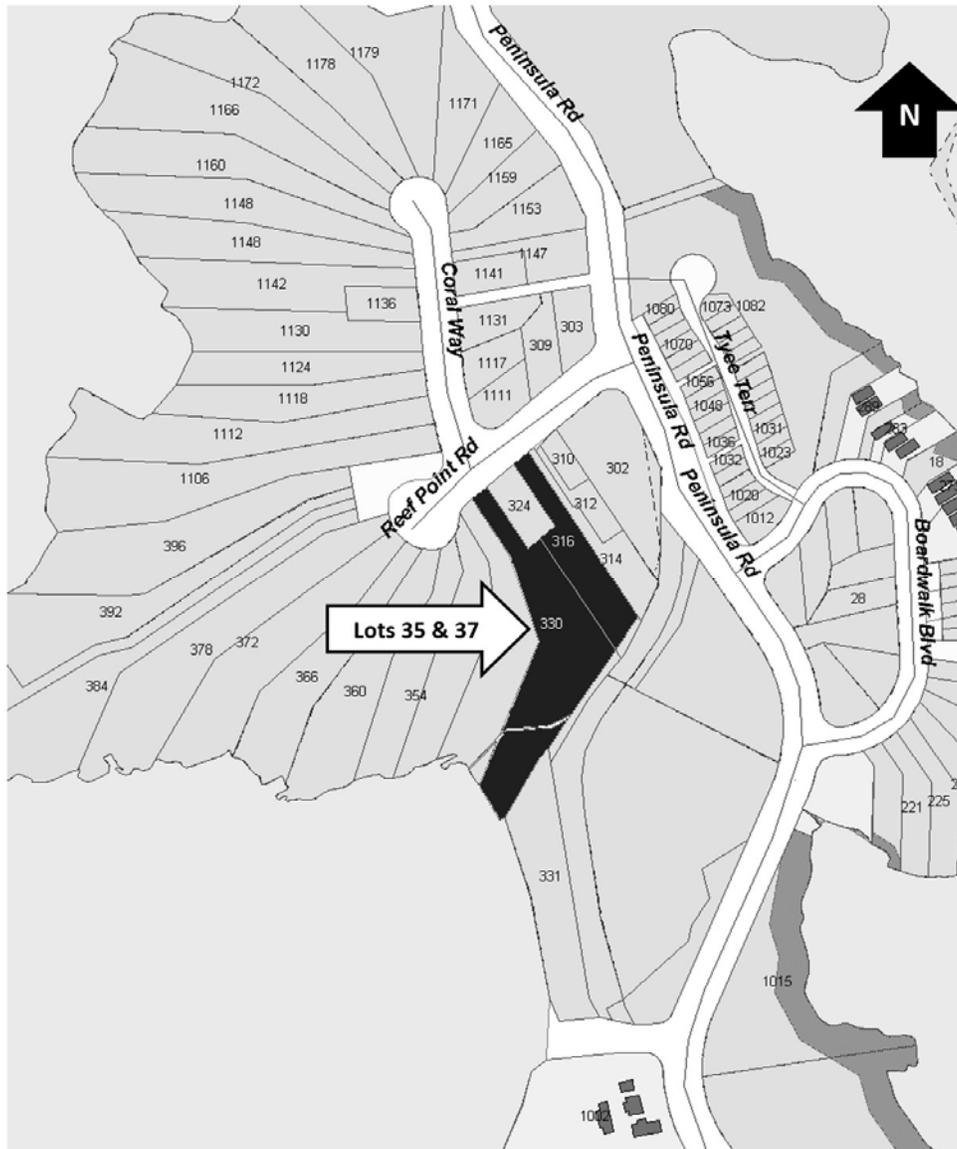
Mark Boysen
Corporate Officer

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

Mark Boysen
Corporate Officer

Schedule 'A'
District of Ucluelet Zoning Amendment Bylaw No. 1282, 2020

From: R-1 Single Family Residential
To: CS-5 Tourist Commercial



DISTRICT OF UCLUELET

Bylaw No. 1283, 2020

Appendix C

A Bylaw to Authorize the District of Ucluelet to Enter into a Housing Agreement.

(316 Reef Point Road Housing Agreement)

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

AND WHEREAS the Municipality has rezoned the lands described in this Bylaw to enable the Owner to construct and maintain a Staff Housing complex on the Lands and the Municipality has deemed it expedient to require the Owner, as a condition of rezoning, to enter into a Housing Agreement with the Municipality pursuant to Section 483 of the Local Government Act;

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

1. The Municipality is authorized to enter into Housing Agreements pursuant to Section 483 of the *Local Government Act*, in substantially the form attached to this Bylaw as Appendix "A", with respect to the land located in the District of Ucluelet having a civic address of 316 Reef Point Road and legally described as Lot 37, Plan VIP64737, Section 21, Clayoquot Land District (PID: 023-656-271), as shown shaded on the map attached and forming part of this bylaw as Schedule 'B'.
2. The Mayor and the Chief Administrative Officer of the Municipality are authorized to execute the Housing Agreements on behalf of the Municipality.

CITATION

3. This bylaw may be known and cited for all purposes as the "Ucluelet Housing Agreement Bylaw No. 1283, 2020".

READ A FIRST TIME this day of , 20 .

READ A SECOND TIME this day of , 20 .

READ A THIRD TIME this day of , 20 .

ADOPTED this day of , 20 .

CERTIFIED A TRUE AND CORRECT COPY of “Ucluelet Housing Agreement Bylaw No. 1283, 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" to Bylaw No. 1283

HOUSING AGREEMENT

(Section 483, Local Government Act)

This Agreement, dated for reference the ___ day of _____, 2021 is

BETWEEN:

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

(the "District")

and:

0933164 B.C. LTD., INC.NO. 0933164
PO BOX 315
UCLUELET, BC
V0R 3A0

(the "Owner")

WHEREAS:

- A. The Owner is the registered owner of land located at 316 Reef Point Road in the District of Ucluelet, which land is within the CD-5 Zone under the District's Zoning Bylaw 1160, and is more particularly described as:

PID: 023-656-271

LOT 37 SECTION 21 CLAYOQUOT DISTRICT PLAN VIP64737

(the "Land");

- B. The Owner has offered to enter into this agreement restricting the use of the land and occupancy of the proposed staff housing *Accessory Residential Dwelling Units* to employees of "the Cabins at Terrace Beach" business operating on the Land, or other employees of hotels, motels or restaurants operating within the boundaries of the District of Ucluelet;
- C. The District may, pursuant to Section 483 of the *Local Government Act*, enter into a housing agreement with an owner of land that includes terms and conditions regarding the occupancy, tenure and availability to specified classes of persons of the housing that is subject to the agreement; and,

- D. The Council of the District has, by Housing Agreement Bylaw No. 1283, 2020, authorized the District to enter into this Agreement with the Owner.

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

STAFF HOUSING UNITS

1. **Occupancy Restriction.** The Owner agrees that the employee housing unit located on the upper floor of the Check-in Centre building located on the Land, as indicated in Schedule B to this Agreement, will be occupied only by the employees of the Owner or employees of restaurants, hotels or motels located within the boundaries of the District of Ucluelet, and the children and spouses of those employees, provided that children and spouses are only allowed to occupy a unit while the unit is occupied by the employee.
2. **Annual Verification.** No later than January 15 of each year the Owner will provide to the District, substantially in the form attached as Schedule A to this Agreement unless the District agrees to accept another form, a written statement of the Owner confirming the occupancy in respect of each unit on the Land complies with section 1, above.

DEFAULT AND REMEDIES

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

GENERAL PROVISIONS

5. **Housing Agreement.** The Owner acknowledges that this Agreement constitutes a housing agreement under s.483 of the *Local Government Act* and that the District will register a notice of this housing agreement against title to the Land.
6. **Indemnity.** The Owner shall indemnify and save harmless the District and each of its elected officials, officers, directors, employees and agents from and against all claims, demands, actions, loss, damage, costs and liabilities for which any of them may be liable by reason of

any act or omission of the Owner or its officers, directors, employees, agents or contractors or any other person for whom the Owner is at law responsible, that constitutes a breach of this Agreement.

7. **Release.** The Owner releases and forever discharges the District and each of its elected officials, officers, directors, employees and agents and each of their heirs, executors, administrators, personal representatives, successors and assigns from all claims, demands, damages, actions or causes of action arising out of the performance by the Owner of its obligations under this Agreement.
8. **Survival.** The obligations of the Owner set out in sections 3 and 4 shall survive any termination of this Agreement.
9. **Municipal Powers Unaffected.** This Agreement does not limit the discretion, rights, duties or powers of the District under any enactment or the common law, impose on the District any duty or obligation, affect or limit any enactment relating to the use or subdivision of the Land, or relieve the Owner from complying with any enactment.
10. **No Public Law Duty.** Where the District is required or permitted by this Agreement to form an opinion, exercise a discretion, express satisfaction, make a determination or give its consent, the District is under no public law duty of fairness or natural justice in that regard and the Owner agrees that the District may do any of those things in the same manner as if it were a private party and not a public body.
11. **Notice.** Notice required or permitted to be served under this Agreement is sufficiently served if delivered in person or mailed to the postal address of the Owner or the District, as the case may be, at the address set out above, and in the case of mailed notice shall be deemed to have been received on the third day following mailing.
12. **Enuring Effect.** This Agreement is binding upon, and enures to the benefit of the parties and their respective successors and permitted assigns.
13. **Severability.** If any provision of this Agreement is found to be invalid or unenforceable, it shall be severed from this Agreement and the remainder shall remain in full force and effect.
14. **Remedies and Waiver.** All remedies of the District under this Agreement are cumulative, and may be exercised in any order or concurrently, any number of times. Waiver of or delay by the District in exercising any remedy shall not prevent the later exercise of any remedy for the same or any similar breach.
15. **Sole Agreement.** This Agreement represents the entire agreement between the parties respecting the tenure, use and occupancy of the housing units to be located on the Land, and there are no representations, conditions or collateral agreements on the part of the District other than those set out in this Agreement.

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

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

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

0933164 B.C. LTD., by its authorized signatories:

Name:

Date:

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

Mayor:

Date:

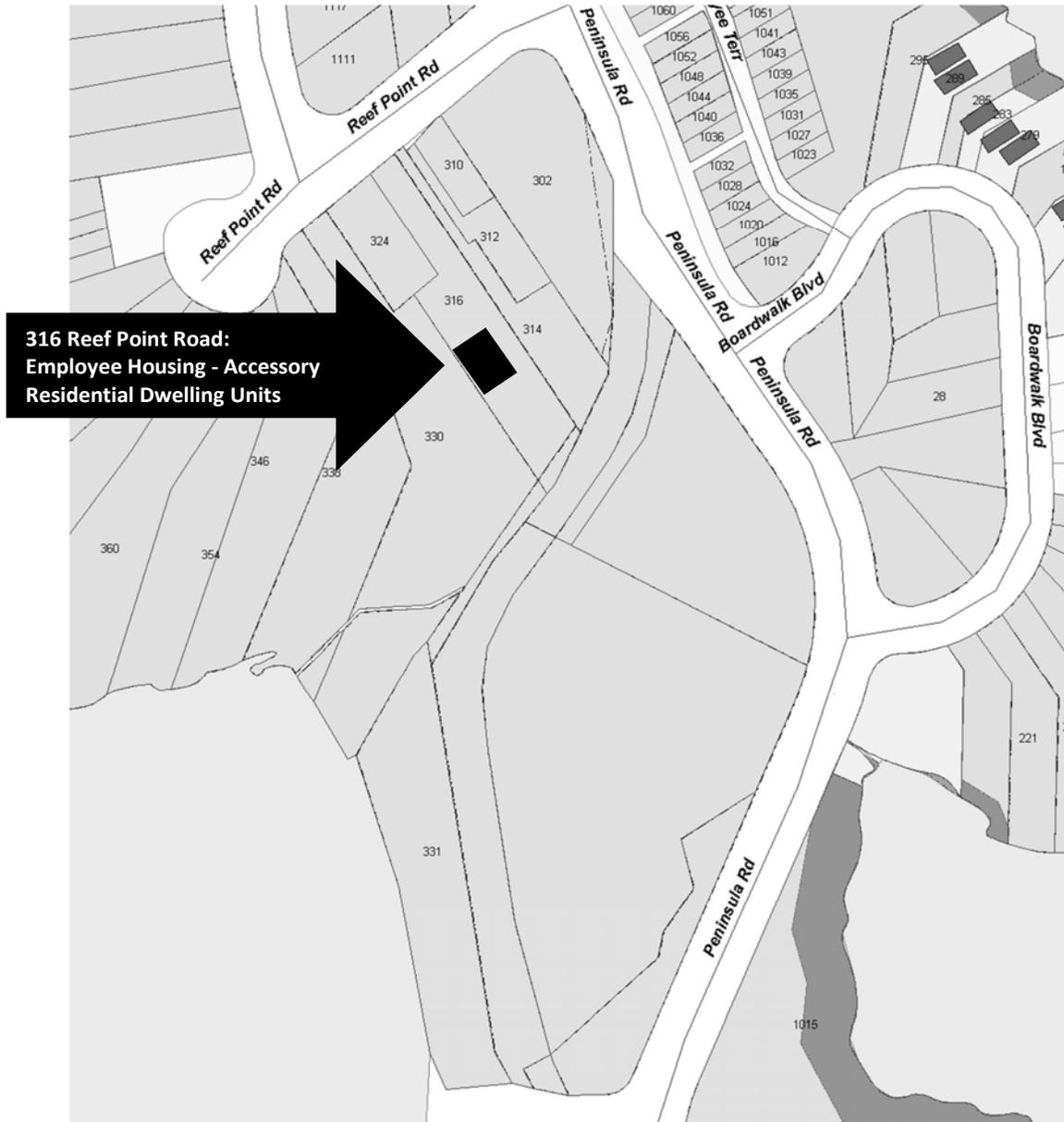
Corporate Officer:

Date:

Schedule "B" to Housing Agreement

EMPLOYEE HOUSING UNITS

(316 Reef Point Road – the Cabins at Terrace Beach)



DEVELOPMENT VARIANCE PERMIT DVP20-06

Pursuant to section 498 of the Local Government Act, R.S.B.C 2015 C.1 as amended:

1. This Development Variance Permit is issued to:

**LOUGHEED ENTERPRISES LTD., INC.NO. BC0998092, 102 2455 DOLLARTON HIGHWAY,
NORTH VANCOUVER, BC, V7H 0A2;**

**GO CABIN VACATION PROPERTY MANAGEMENT INC., INC.NO. BC0647673, 1566
PENINSULA ROAD, UCLUELET, BC, V0R 3A0; and,**

0933164 B.C. LTD., INC.NO. 0933164.

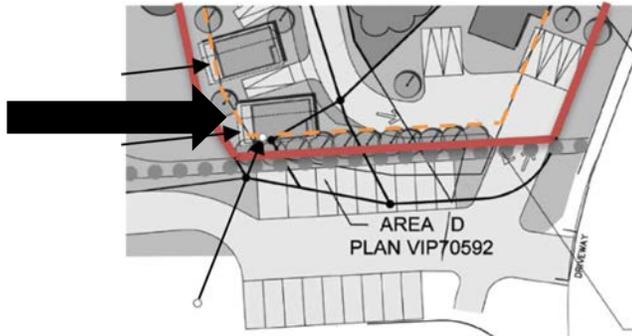
2. This Development Variance Permit applies to, and only to, those lands within the District of Ucluelet described below, and the buildings, structures, and other development thereon:

Over multiple lots as follows:

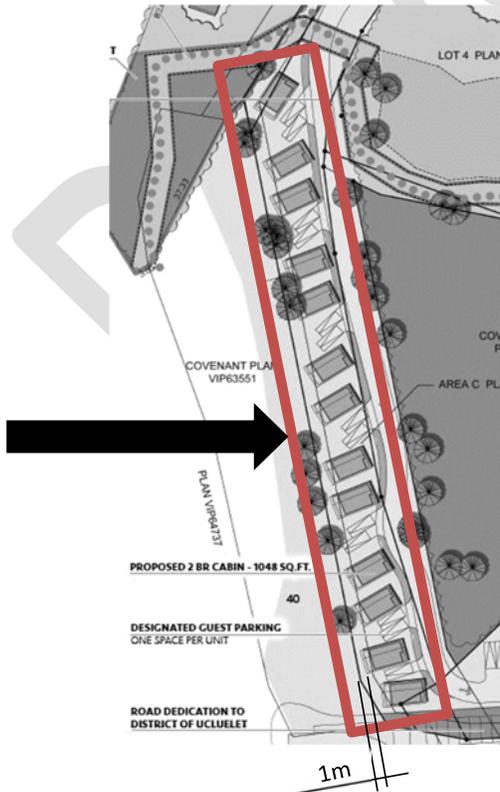
- a) Lot 1, Plan VIP66548, Section 21, Clayoquot Land District, Except Plan VIP70592.
 - b) Plan VIP70592, Section 21, Clayoquot Land District, that part shown as area B.
 - c) Lot C, Plan VIP70592, Section 21, Clayoquot Land District, shown as area C Plan VIP70592.
 - d) Lot D, Plan VIP70592, Section 21, Clayoquot Land District, that part of sec 21 ld 09 shown as area D on pl vip70592.
 - e) Lot 3 and 4, Plan VIP67274, Section 21, Clayoquot Land District.
 - f) Lot 4, Plan VIP67274, Section 21, Clayoquot Land District.
 - g) Section 21, Clayoquot Land District, that part incl within Plan VIP69014, adjacent & fronting Lot 1 Plan VIP66186, lying N of a line & said line produced & extended from the SW boundary of said Lot 1 having a bearing of 295 degrees 40'23".
 - h) Plan VIP69014, Section 21, Clayoquot Land District, that part adjacent to & fronting lot 35 pl VIP64737, lying S of a line & said line produced & extended from the most sly NE boundary of said Lot 35 having a bearing of 145 degrees 00'00".
 - i) Section 21, Clayoquot land district, that part incl within pl VIP69014 adjacent & fronting Lot 37 Plan VIP64737, lying S of a line produced & extended from the NE boundary of said lot 37 having a bearing of 145 degrees 00'00" & lying M of a line produced & extended from the most sly SW boundary of said lot 37 having a bearing of 145 degree. (collectively, the "Cabins Property"); and,
 - j) 330 Reef Point Road, Lot 35, Plan VIP64737, Section 21, Clayoquot Land District (the "Lodge Property").
3. The work authorized by this Permit may only be carried out 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 and in compliance with all federal, provincial, and municipal statutes, regulations, and bylaws.

4. This Permit authorizes the following variances specific to the plans and details attached as Schedule "A":

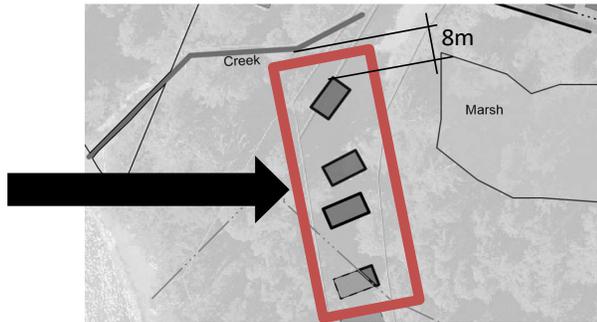
- a. **The southernmost cabin will require an exterior side yard setback of 2m, whereas section CS-5.6.1 (1) (d) of Ucluelet Zoning Bylaw No. 1160, 2013, requires 6m; and**



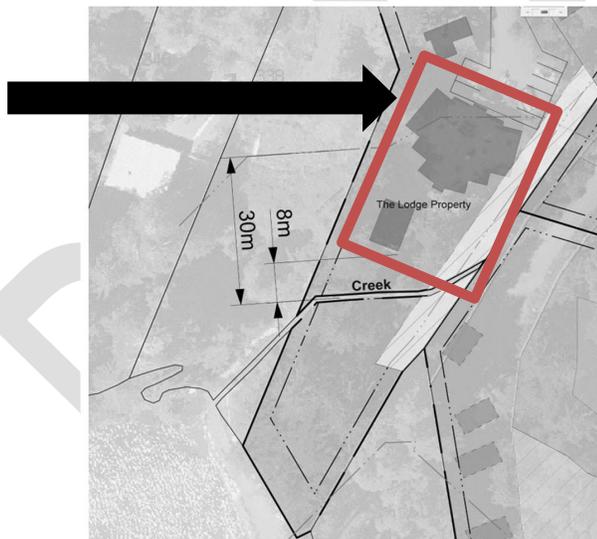
- b. **Multiple cabins along the old Peninsula Road will require a rear yard setback of 1m, whereas section CS-5.6.1 (1) (b) of Ucluelet Zoning Bylaw No. 1160, 2013, requires 3m; and**



- c. **The four of proposed cabin to the north will require a natural boundary of 8m, whereas section 306.2 (1) (b) required 30m.**



- d. **The existing southernmost cabin requires a 8m setback and the existing main building requires a 15m setback to the natural Boundary of this creek, whereas section 306.2 (1) (b) of the District of Ucluelet Zoning Bylaw No.1160, 2013, requires 30m (Figure 4).**



5. This variance is authorized subject to the condition that the owners install, at their cost, a fire hydrant or a fire standpipe located to the rear of the existing building prior to receiving an occupancy permit, to the satisfaction of the Fire Inspector.
6. The above variances are granted for the proposed structures and use of the land as shown on Schedule A. Should the building be later removed or destroyed, this Development Variance Permit shall cease to apply and the zoning requirements 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 , 202 .

ISSUED the day of , 202 .

Bruce Greig - Manager of Community Planning

DRAFT

Schedule A



DEVELOPMENT PERMIT DP20-17

Appendix E

Pursuant to section 488 of the Local Government Act, R.S.B.C 2015 C.1 as amended:

1. This Development Permit is issued to:

**LOUGHEED ENTERPRISES LTD., INC.NO. BC0998092, 102 2455 DOLLARTON HIGHWAY,
NORTH VANCOUVER, BC, V7H 0A2;** and,

**GO CABIN VACATION PROPERTY MANAGEMENT INC., INC.NO. BC0647673, 1566
PENINSULA ROAD, UCLUELET, BC, V0R 3A0**

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

Over multiple lots as follows:

- a) Lot 1, Plan VIP66548, Section 21, Clayoquot Land District, Except Plan VIP70592.
 - b) Plan VIP70592, Section 21, Clayoquot Land District, that part shown as area B.
 - c) Lot C, Plan VIP70592, Section 21, Clayoquot Land District, shown as area C on Plan VIP70592.
 - d) Lot D, Plan VIP70592, Section 21, Clayoquot Land District, shown as area D on plan VIP70592.
 - e) Lot 3 and 4, Plan VIP67274, Section 21, Clayoquot Land District.
 - f) Lot 4, Plan VIP67274, Section 21, Clayoquot Land District.
 - g) Section 21, Clayoquot Land District, that part incl within Plan VIP69014, adjacent & fronting Lot 1 Plan VIP66186, lying N of a line & said line produced & extended from the SW boundary of said Lot 1 having a bearing of 295 degrees 40'23".
 - h) Plan VIP69014, Section 21, Clayoquot Land District, that part adjacent to & fronting lot 35 Plan VIP64737, lying S of a line & said line produced & extended from the mostly NE boundary of said Lot 35 having a bearing of 145 degrees 00'00".
 - i) Section 21, Clayoquot land district, that part incl within Plan VIP69014 adjacent & fronting Lot 37 Plan VIP64737, lying S of a line produced & extended from the NE boundary of said lot 37 having a bearing of 145 degrees 00'00" & lying M of a line produced & extended from the mostly SW boundary of said lot 37 having a bearing of 145 degree.
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 reconfiguration and amalgamation of the properties listed above into 2 parcels plus road dedication.**
 - b) **The construction of thirteen (13) 1,048 sq.ft. motel buildings each consisting of two one-bedroom motel units and associated road, parking, and landscaping.**
 - c) **Paved circulation roads and access road to Seabridge Way.**
 - d) **Paved or gravel parking area.**
 - e) **Underground water, sewer, storm drain, electrical and private utilities.**

- f) Landscaping of the road edges and on any disturbed area.
- g) All exterior lighting to be full cut-off and night sky compliant (lighting/electrical plan to be approved by Staff prior to construction).
- h) All existing trees and understory to be retained where possible.
- i) The establishment of a Statutory Right-of-Way for a pedestrian route system.

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. The work authorized by this permit must be done following all recommendations of the QEP detailed in the report by Aquaparian Environmental Consulting Ltd., dated March 18, 2020. A letter from the QEP confirming that construction has complied with all requirements will be required at the project completion.
- 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 , 2021 .

ISSUED the day of , 2021.

Bruce Greig - Manager of Community Planning

Schedule A

(See Appendices F & G)

DRAFT



District of Ucluelet Planning Department
200 Main Street,
PO Box 999,
Ucluelet, BC,
V0R3A0

Date: August 11, 2020

Attn: Bruce Greig

Re: Development Permit with Variance, 1090 Peninsula Road "The Cabins at Terrace Beach" zoned CS-5 Tourist Commercial

This letter of intent is to inform the District of Ucluelet of our wish to develop the properties formally described as:

(PID 024008648) Lot 1, Plan VIP66548, Section 21, Clayoquot Land District, Except Plan VIP70592

(PID 024167517) Lot 4, Plan VIP67274, Section 21, Clayoquot Land District

(PID 024167509) Lot 3, Plan VIP67274, Section 21, Clayoquot Land District

(PID 024769215) Lot C, Plan VIP70592, Section 21, Clayoquot Land District, SHOWN AS AREA C ON PL VIP70592

(PID 024769223) Lot D, Plan VIP70592, Section 21, Clayoquot Land District, THAT PT OF SEC 21 LD 09 SHOWN AS AREA D ON PL VIP70592

(PID 024769207) Plan VIP70592, Section 21, Clayoquot Land District, THAT PART SHOWN AS AREA B

(PID 024531758) Section 21, Clayoquot Land District, THAT PART INCL WITHIN PL VIP69014 ADJACENT & FRONTING LOT 37 PL VIP64737, LYING S OF A LINE PRODUCED & EXTENDED FROM THE NE BOUNDARY OF SAID LOT 37 HAVING A BEARING OF 145 DEGREES 00'00" & LYING N OF A LINE PRODUCED & EXTENDED FROM THE MOST SLY SW BOUNDARY OF SAID LOT 37 HAVING A BEARING OF 145 DEGREES

(PID 024531651) Plan VIP69014, Section 21, Clayoquot Land District, THAT PART ADJACENT TO & FRONTING LOT 35 PL VIP64737, LYING S OF A LINE & SAID LINE PRODUCED & EXTENDED FROM THE MOST SLY NE BOUNDARY OF SAID LOT 35 HAVING A BEARING OF 145 DEGREES 00'00"

(PID 024531774) Section 21, Clayoquot Land District, THAT PART INCL WITHIN PL VIP69014, ADJACENT & FRONTING LOT 1 PL VIP66186, LYING N OF A LINE & SAID LINE PRODUCED & EXTENDED FROM THE SW BOUNDARY OF SAID LOT 1 HAVING A BEARING OF 295 DEGREES 40'23"

Project Overview:

The Cabins at Terrace Beach owned by Lougheed Enterprises Ltd has developed a masterplan to expand existing operations along the old Peninsula Road Right of Way with the addition of 13 two bedroom cabins and two small mixed use buildings adjacent to the existing Peninsula Road.

A portion of the site contains a covenant for an archaeological First Nations midden deposit. Terra Archaeology was engaged to oversee the development and retain the necessary permits to develop the non-covenanted areas as well as consult with First Nations stakeholders as part of the permit process. A geotechnical evaluation by Lewkowich Geotechnical concluded the site is suitable for development and will provide fill recommendations for foundations. Herold Engineering has provided the preliminary site servicing report. An environmental impact assessment was conducted by Aquaparian Environmental Consulting.

The cabins will be situated on the old Peninsula Road bed on previously disturbed soil and will be utilizing a "Cap and Fill" procedure to protect the potential remaining artifacts under the old road bed. The access route to the cabins will consist of a 15 ft gravel one way access lane and a 5 ft shoulder for fire access. The plan makes an effort to retain all significant trees (*as determined by District of Ucluelet guidelines*). The trees were identified by a survey conducted by AG Surveys in 2019.

Two small mixed use commercial buildings are proposed for the site. One building on Lot 3, Plan VIP67274, Section 21, Clayoquot Land District would contain tourist commercial on the ground floor with 2 nightly rental suites above - approximately 1900 sq.ft.. The second building on Lot 4, Plan VIP67274, Section 21, Clayoquot Land District would contain resort operations in a basement level, tourist commercial uses on the main floor and 2 nightly rental suites on the second floor - approximately 2850 sq.ft. These buildings plans are not finalized but will maintain the character and materials of the proposed cabins.

Community Benefit:

Terrace Beach is an important part of the trail network in Ucluelet. We are committed to enhancing access for tourists and locals to this public asset. We are proposing 2 public beach access dedications through the property and the possibility of a third.

The first access is north along the old peninsula road right of way and this would connect to the beach through the adjacent property (The Rainforest Lodge) owned by a sister company of Lougheed Enterprises Ltd.

The second access point would be a 3m wide dedication through the centre of lot 4 adjacent to the covenant. This alignment would be staked and dedicated after an alignment is set in coordination with The District of Ucluelet and The Wild Pacific Trail Society to determine the route that showcases and protects the natural features in the area.

The third potential access point is at the south end of the property. The applicant is willing to assist and work with The District of Ucluelet should they desire to construct a public parking lot with access to Terrace Beach.

Variance Request:

The site has a narrow developable area along the old Peninsula Right of Way. In order to utilize the area in such a way that is sensitive to the archaeological and environmental features we are asking for a variance to the rear lot setback overhang limits for roof and cantilevered decks of up to 6ft. Foundation

areas would respect the existing rear yard setback requirement under CS-5 Zoning. This variance would allow us to keep the drive aisle further away from the covenant area and preserve 7 of the 8 trees located adjacent to the midden. The overhang extension would not increase the site clearing required for the cap and fill slope to the property line.

As part of the Parking community benefit outlined above, one of the land dedications would impact proposed Cabin 13 which would require an easing of the sideyard setback adjacent to the dedicated parcel. Additionally, should that dedication be accepted there will need to be a retaining wall constructed along the property line to something other than the prescribed 1:1 slope for the structural fill. This will not be possible without a larger retaining wall which will also provide a privacy screen through elevation change between the public walkway and the adjacent cabin.

Zoning Requirements CS5

LOT AREA: 19745 SQ.M. / 212,536 SQ.FT.

	MIN/MAX	PROPOSED	CONFORMS
HEIGHT:	39' FT	37'6"	YES * (see note)
FRONT YARD:	20'	20'	YES
REAR YARD:	10'	10'	YES ** (see note)
INTERIOR SIDE:	10'	00' (MIN.)	YES
EXTERIOR SIDE:	10'	15' (MIN.)	NA
LOT COVERAGE:	40%	10,860 SQ.FT.(5%)	YES
FLOOR AREA RATIO	(.70):	.126	YES

** (note: height is from existing natural grade and includes estimated 36" structural fill)

** (note: variance required for deck/roof overhangs)

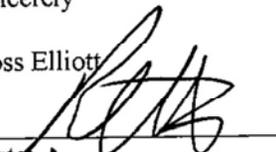
FLOOR SPACE:

EXISTING CHECK IN CENTRE:	1900 SQ.FT.
EXISTING CABINS 8 X 800 SQ.FT.:	6400 SQ.FT.
PROPOSED CABINS 13 X 1048 SQ.FT.:	13624 SQ.FT.
MIXED USE BUILDING 1:	1900 SQ.FT.
MIXED USE BUILDING 2:	2850 SQ.FT.
TOTAL:	26,674 SQ.FT.

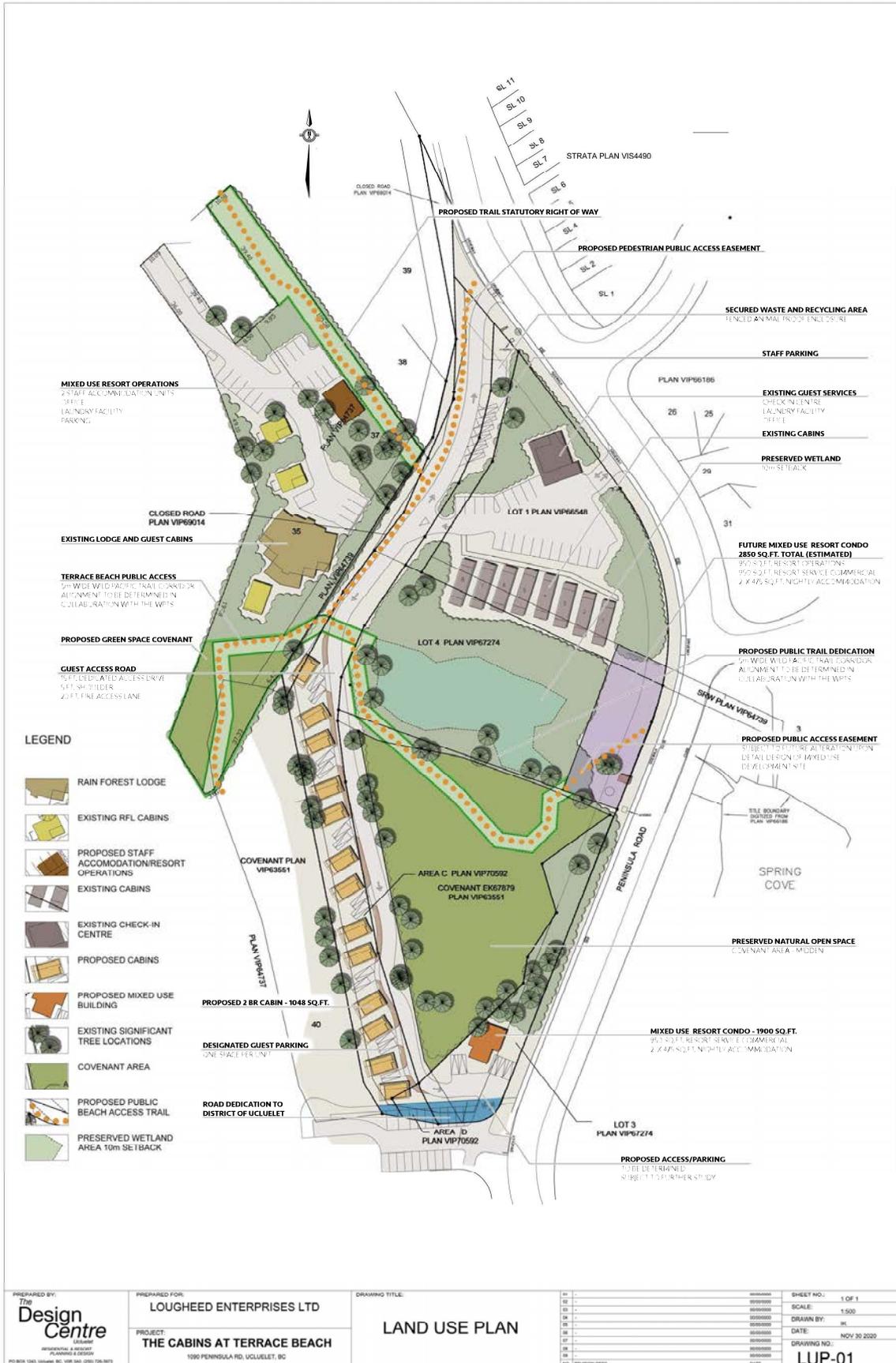
Thank you for your consideration of the above.

Sincerely

Ross Elliott



Date: Aug 11/2020





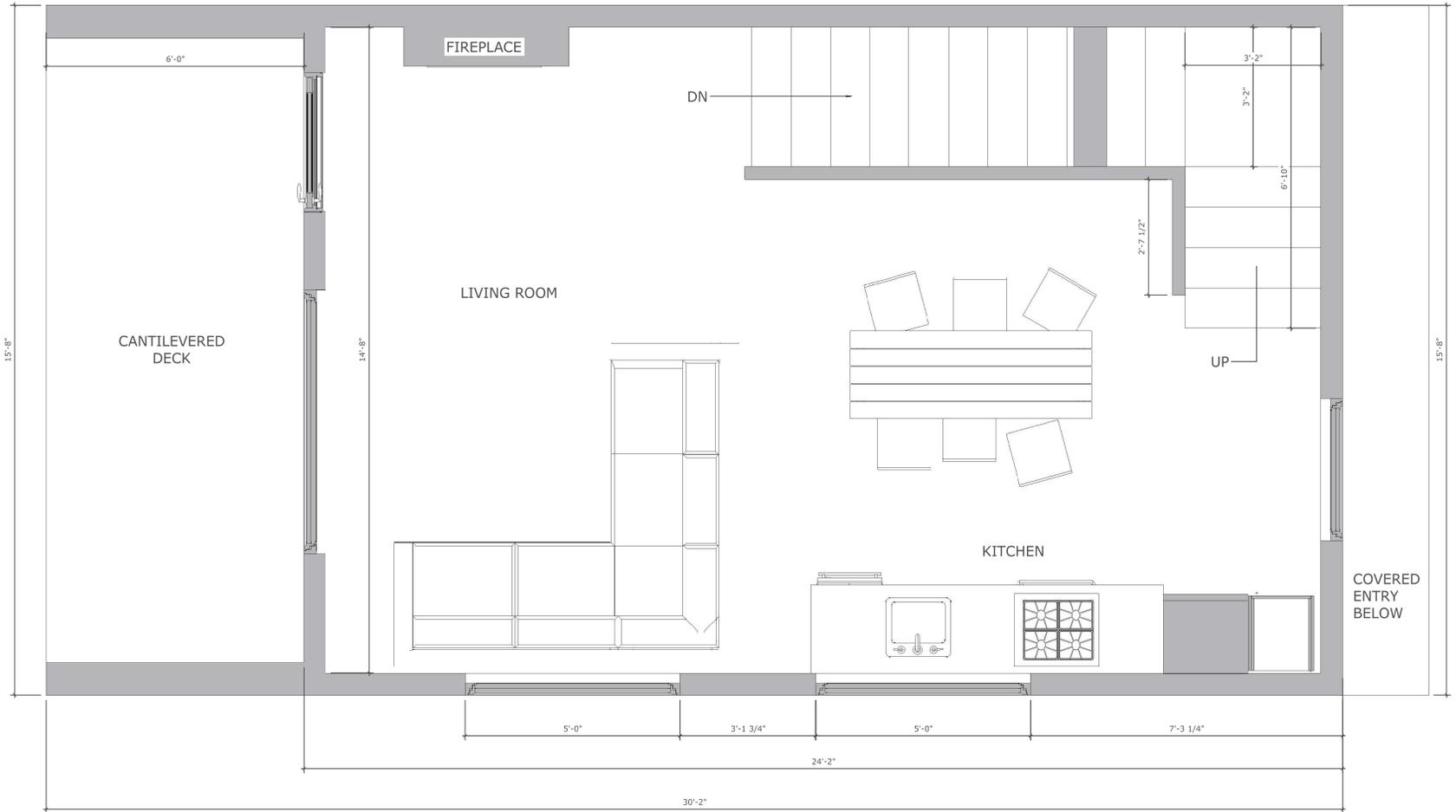
Prepared by:
Ian Kennington, BIA
The Design Centre Ucluelet
7-1920 Lyche Rd.
PO Box 1243, Ucluelet, BC
V0R 3A0
250.726.3973

The Cabins at Terrace Beach



NOTE: EXTERIOR DIMENSIONS INCLUDE 1/2" SHEATHING,
 INTERIOR DIMENSIONS TO FRAMING

GROUND FLOOR PLAN - SCALE: 1" = 1'-0"
 363 SQ.FT
 (NOTE: AREA MEASURED TO EXTERIOR SHEATHING)
 1015 SQ.FT TOTAL FLOOR AREA



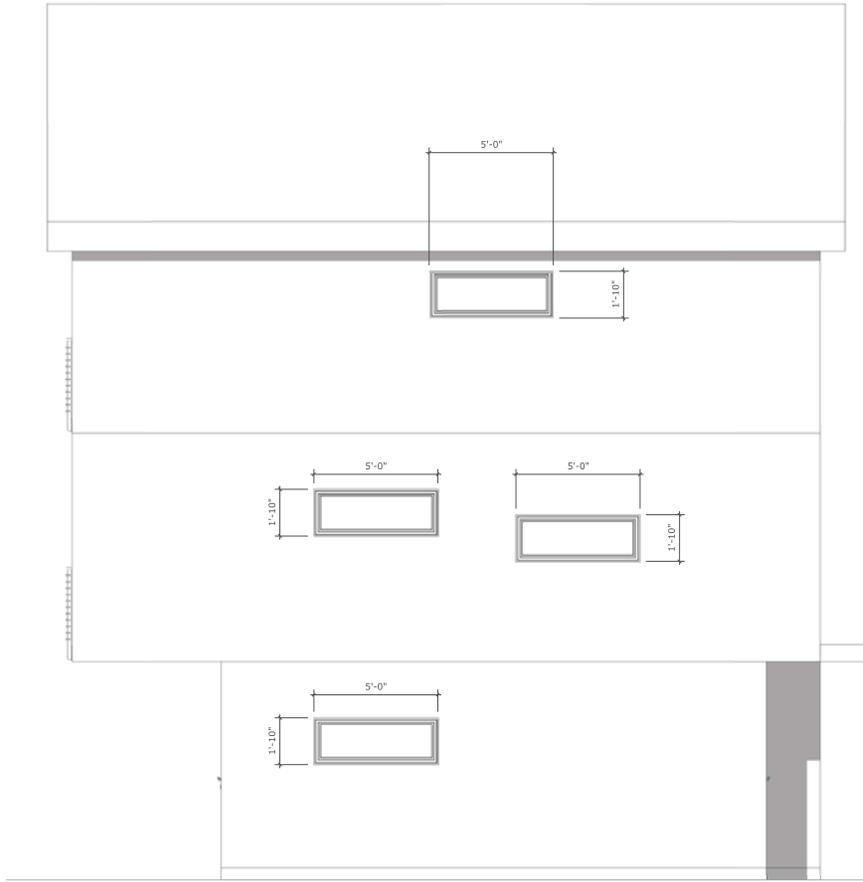
NOTE: EXTERIOR DIMENSIONS INCLUDE 1/2" SHEATHING,
INTERIOR DIMENSIONS TO FRAMING

2ND FLOOR PLAN - SCALE: 1" = 1'-0"
326 SQ.FT
(NOTE: AREA MEASURED TO EXTERIOR SHEATHING)
1015 SQ.FT TOTAL FLOOR AREA

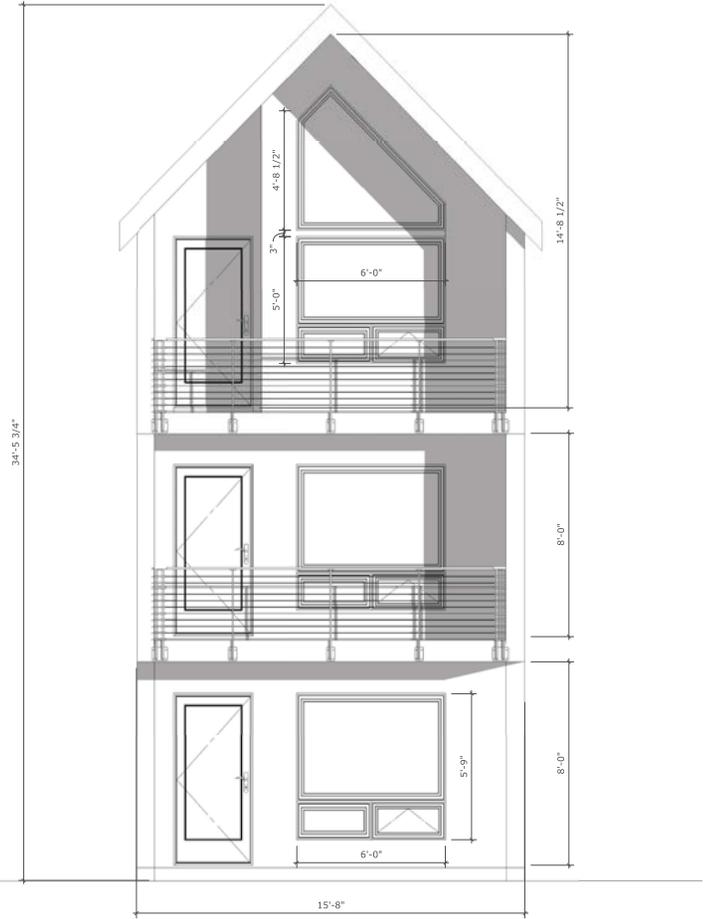


NOTE: EXTERIOR DIMENSIONS INCLUDE 1/2" SHEATHING,
INTERIOR DIMENSIONS TO FRAMING

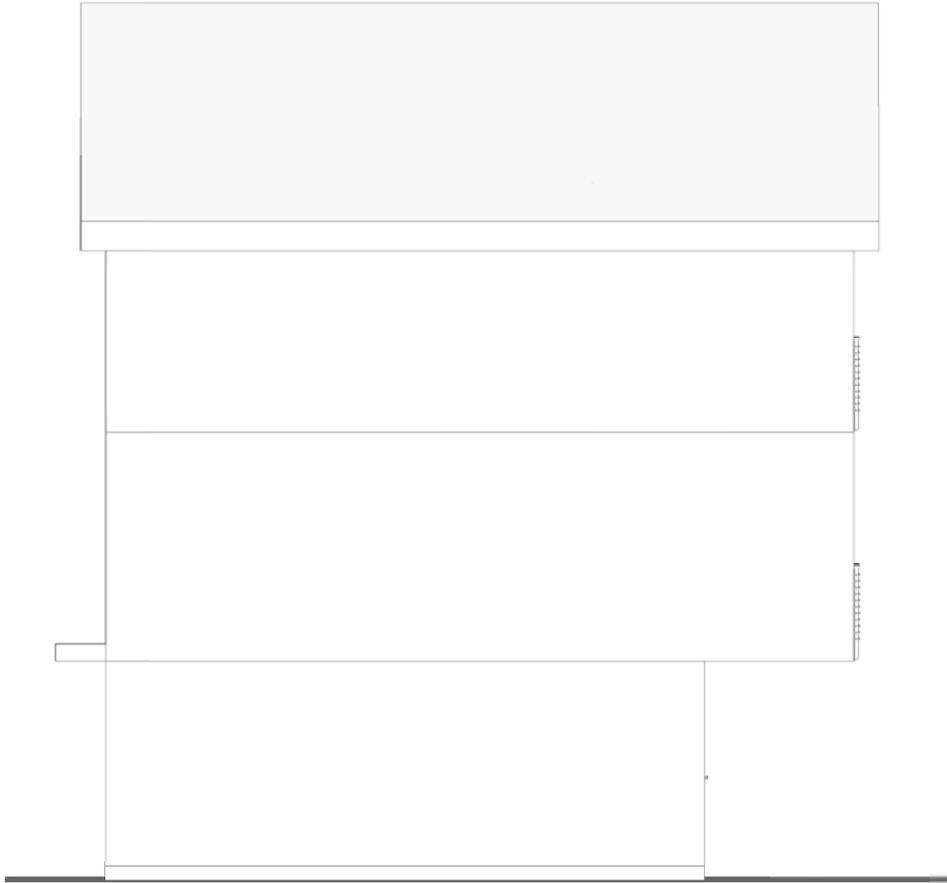
3RD FLOOR PLAN - SCALE: 1" = 1'-0"
326 SQ.FT
(NOTE: AREA MEASURED TO EXTERIOR SHEATHING)
1015 SQ.FT TOTAL FLOOR AREA



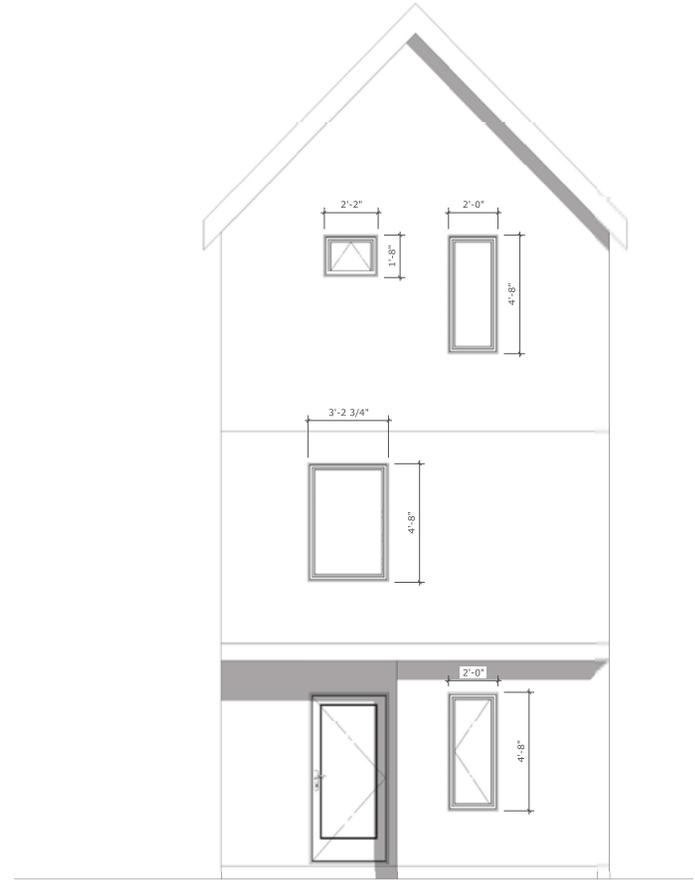
SOUTH ELEVATION - SCALE: 1/2" = 1'-0"



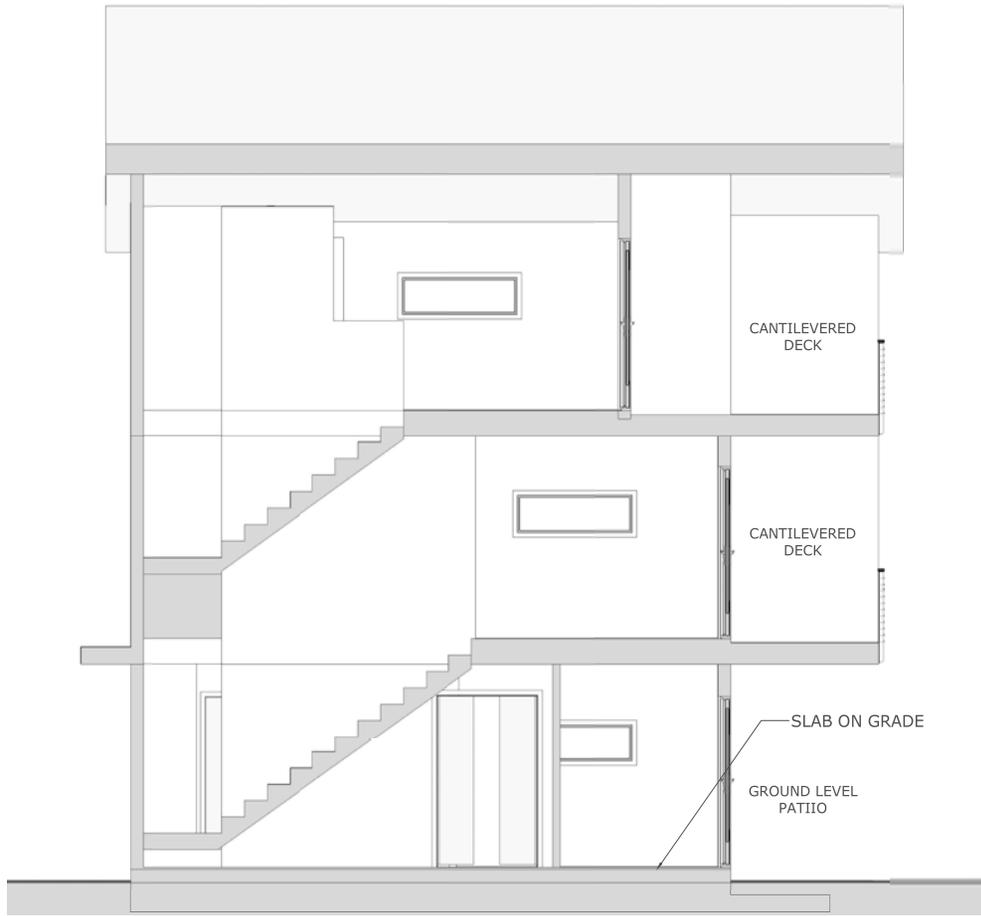
WEST ELEVATION - SCALE: 1/2" = 1'-0"



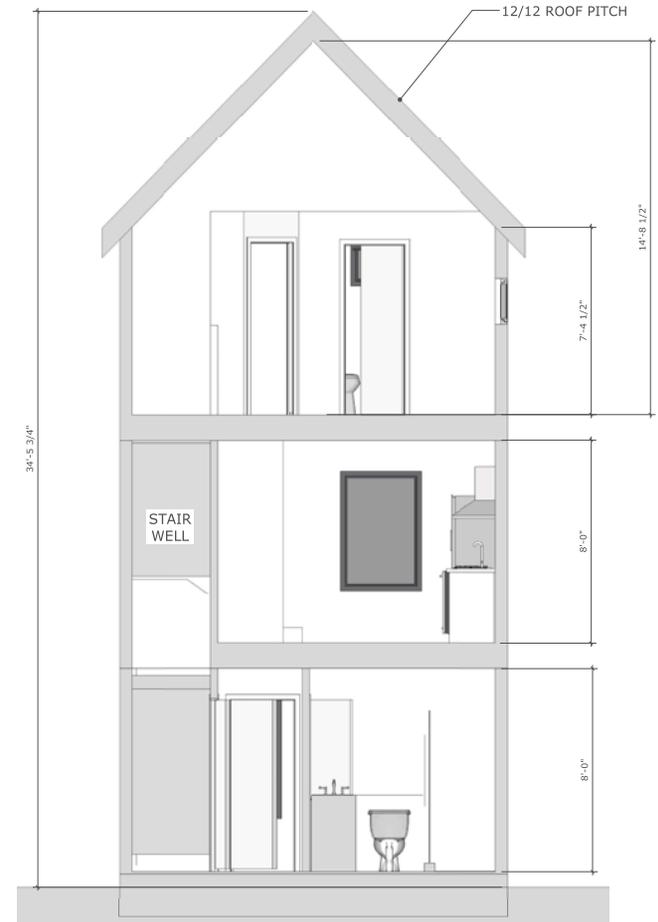
NORTH ELEVATION - SCALE: 1/2" = 1'-0"



EAST ELEVATION - SCALE: 1/2" = 1'-0"



SECTION 1 - SCALE: 1/2" = 1'-0"



SECTION 2 - SCALE: 1/2" = 1'-0"







**ENVIRONMENTAL ASSESSMENT REPORT
THE CABINS AT TERRACE BEACH DEVELOPMENT,
UCLUELET, BC**



Ross Elliott
c/o Lougheed Properties Ltd
#102 2455 Collarton Hwy.
North Vancouver, BC
iankennington@gmail.com

March 18, 2020

Suite 203-321 Wallace Street, Nanaimo, BC V9R 5B6
Office 250-591-2258; Cell [CHRIS ZAMORA](mailto:CHRIS.ZAMORA@250-714-8864) 250-714-8864

The Cabins Resort
March 2020

2

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203-321 Wallace Street, Nanaimo, BC V9R 5B6
SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

1.0 INTRODUCTION

Aquaparian Environmental Consulting Ltd (Aquaparian) was retained by Ross Elliot of Lougheed Properties Ltd for the owner of “The Cabins at Terrace Beach Resort” located in Ucluelet, BC to complete a general environmental assessment (EA) of the property in preparation for 15 new recreational resort cabins and a mixed-use commercial/resort building. The purpose of the EA is to identify environmental features of the parcel and to determine environmental constraints and opportunities for its development following Municipal and Provincial land development regulations. Aquaparian understands that D.R. Clough Consulting was hired in August 2019 to complete an environmental assessment of the property but that additional natural resource information and the identification of municipal bylaws and land development regulations applicable to the property is required by the District of Ucluelet in order for them to complete a full environmental review of development.

The Cabins at Terrace Beach (subject property) carries the civic address 1090 Peninsula Road. However, the property is understood to be divided amongst several legal lots identified as:

- **Peninsula Road, PID 024167517; Lot 4 Plan VIP 67274, Section 21, Clayoquot District;**
- **Old Peninsula Road, PID 024769215; Lot C, Plan VIP 70592, Section 21, Clayoquot District;**
- **331 Seabridge Way, PID 023656301; Lot 40 Plan VIP 647737, Section 21, Clayoquot District. (Ocean side lot and west of Old Peninsula Rd)**

In preparation for this EA, Aquaparian completed an assessment of the property on February 14, 2020. The purpose of the site assessment was to acquire an understanding of the environmental site characteristics of the property including topography and drainage, forest cover species and composition, presence of wildlife trees, watercourses, wetlands, environmentally sensitive or rare habitat types, as well as, evidence of general wildlife use. This report will not include a detailed inventory of species associated with the property, however, comments will be provided on level of habitat value that exists on the site. This report can also be considered as an addendum to the D. R. Clough Report (dated August 19, 2020).

A site location map of the study area has been included in this report as Figure 1 and a site development plan for the 15 cabins and multi-use building produced by “The Design Centre” has been included in this report as Figures 2. A selection of photographs taken during Aquaparian’s site assessment has been included in this report as Appendix A.



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1.1 PROJECT DESCRIPTION

The Cabins at Terrace Beach have been in operation for more than ten years and presently includes eight small wood framed cabins with parking located within the northern half of the property. Other facilities include a separate resort office and crushed gravel recreational trail leading down to the beach and ocean. The property is currently zoned as Tourist Commercial (TC), is tear shaped and is bounded to the north and east by New Peninsula Road, to the south by resort development and parking and to the west by the ocean (Terrace Beach).

As understood, the property owner intends to include the addition of 12-15 nightly rental cabins similar to what exists on site along the old Peninsula Road bed that traverse through the property and the construction of a mixed use Resort Condo building which includes commercial space. The new cabins will be constructed on top of the existing road bed. Asphalt remains will be stripped off and a new layer of compacted crush material will be laid on top as sub-base. The cabins will be supported on piers and will not include any excavation for foundation support. The resort condo building will be located within a previously disturbed area just off of New Peninsula Road. The owner would also like to include a narrow 1.5m wide crushed gravel trail and section of elevated wooden board through the ravine to connect the series of new cabins with the resort condo building (See Figure 2 Conceptual Master Plan produced by the Design Centre).

1.2 REGULATORY REVIEW

The following is a review of federal, provincial and municipal (District of Ucluelet Official Community Plan 2018 (Schedule 1 to the District of Ucluelet Official Community Plan Bylaw No. 1236, 2018) that may apply to the development of the property:

- **District of Ucluelet Official Community Plan** - Development Permit Area (DPA No.8 Former Forest Reserve Lands; starting page 118).

The Official Community Plan (OCP) Schedule E for the District of Ucluelet identifies that the natural area surrounding the community maybe associated with various environment Development Permit Areas (DPA's). Applicable DPA's subject top to the parcel may include the following:

- DPA VI – Stream and Riparian Areas Protection - These DPA's include lands within 30m of a stream and watercourses, including lakes, streams, ponds and wetlands identified as fish supportive habitat or connected to a watercourse that supports fish (excluding marine shoreline or estuaries).
- DPA VII – Marine Shoreline. This DPA includes shoreline waters and natural fish and wildlife habitat that could be subject to degradation due to development of



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harmful use and applies to all lands within 30m, measured horizontally in both landward and seaward directions, from the natural boundary of the ocean. Includes the siting of new buildings, extensions to existing buildings as well as structures, roads, driveways, parking areas, trails, paths and utilities.

- **Section 34 of the Provincial Wildlife Act**

Section 34 of the Provincial Wildlife Act states that a person commits an offence if the person, except as provided by regulation, possesses, takes, injures, molests or destroys:

- (a) a bird or its egg,
- (b) the nest of an eagle, peregrine falcon, gyrfalcon, osprey, heron or burrowing owl; or
- (c) the nest of a bird not referred to in paragraph (b) when the nest is occupied by a bird or its egg.

In areas with no local government tree protection bylaws, outside of the nesting season, a landowner has the right to cut down any trees right up to and beside a tree containing the nest. During the nesting season, such an activity may 'molest' the nesting birds, and could result in an offense. Provincial guidelines indicate the songbird nesting season is from April 1st to July 31st of a given year.

*Eagle, Osprey and Great Blue Heron nests are provincially protected year-round, whether or not the nest is in use (as per the Provincial Wildlife Act). Bald eagles, ospreys and herons typically nest in forest stands near the ocean (including near protected coves). Bald eagle nesting season generally starts in January and extends until the end of August of a given year. Nesting activity can occur outside these dates depending on the weather.

- **Provincial Water Sustainability Act (WSA), Section 11 (2016)**

Prohibits any changes in or about a stream without submitting a provincial Section 11 Notification or Approval of proposed works or receiving an Approval from the BC Ministry of Environment. Changes in and about a stream is defined in the WSA as:

- Any modification to the nature of a stream, including any modification to the land, vegetation and natural environment of a stream or the flow of water in a stream or,
- Any activity or construction within a stream channel that has or may have an impact on a stream or a stream channel; includes culvert and bridge installations.



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No works such as Culvert or Bridge Installation are to be completed without Notification or Approval by the crown.

- **Heritage Conservation Act.**

All archaeological sites, recorded or not, are protected under the Heritage Conservation Act and must not be altered or damaged without a site alteration permit from the Archaeology Branch. Culturally Modified Trees (CMT) are protected under the BC Heritage Act and require a permit before removal. Old growth trees may also be protected under the BC Heritage Act depending on species, size and significance.

- **Fisheries Act, 2012.**

Recent changes to the federal fisheries act in 2012 have re-focused efforts on protecting the productivity of commercial, recreational and Aboriginal fisheries. Changes to the Fisheries Act include the prohibition against causing serious harm to fish that are part of or support a commercial, recreational and Aboriginal fishery (as per Section 35), and includes the prohibiting the altering the passage for fish and modifying the flow of watercourses.

- **Federal Migratory Birds Convention Act, 1994.**

Most species of birds in Canada are protected under this act. "Migratory birds" are defined by Article I of the Convention which names the families and sub-families of birds protected, and provides some clarification of the species included. In general, birds not falling under federal jurisdiction within Canada include grouse, quail, pheasants, ptarmigan, hawks, owls, eagles, falcons, cormorants, pelicans, crows, jays, kingfishers, and some species of blackbirds.

Vegetation clearing in the nesting season may result in an impact to birds protected under this Act and are required to undertake a bird nest presence survey prior to any clearing works.

2.0 SITE DESCRIPTION

Main biophysical features within the development includes a second growth forest stand and shallow ravine located in the middle of the property and Terrace Beach (west side). The west side of the property also includes a 300m long section of the old Peninsula Road which presently acts as a walking trail (See Figure 2). The old road bed is made of fill and raised to allow for a suitable grade. Sections of the road still remaining include asphalt capping and the yellow divider line. This road bed borders the west side of the shallow forested ravine which is



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covenanted. A road side ditch from the old Peninsula Road drains into the ravine and exits 300m down gradient through the ravine under New Peninsula Road to the northeast and then to the ocean through a 400mm metal culvert. The location of the proposed mixed-use commercial/resort building is within a previously cleared area alongside the new Peninsula Road. The back of the cleared area includes small piles of fill and organic matter which has allowed for wet tolerant vegetation to pioneer the area. The drainage feature which traverses the shallow ravine maybe subject to a Stream and Riparian Area DPA (DPA V1) as per the District of Ucluelet s Official Community Plan (OCP).

3.0 ENVIRONMENTAL SETTING

The following section provides an overview of biophysical attributes and land use of the site.

3.1 Physical Resources

The physical resources of the region are interrelated and are influenced by the surficial geology, topography, climate and drainages of the surrounding environment. These physical attributes are described as follows:

3.1.1 *Topography*

The property undulates and gently slopes to the west towards Terrace Beach and the ocean. Remains of the old Peninsula Road which traverse the length of rock peninsula at Ucluelet can be found within the property immediately above the bluff that slopes to the ocean. The road bed wraps around a shallow ravine which historically would have been slowly down-cut by drainage and conveyed water directly to the ocean. The feature is now bordered by road and its fill berm and by a new section of Peninsula Road to the west. Property immediately to the north exist on an elevated bench of rock. The section of shoreline found within the study area consists of irregular exposures of volcanic bedrock.

3.1.2 *Climate*

The property is found within the Coastal Western Hemlock Submontaine Very Wet Maritime CWHvh1 subzone variant. The CWHvh1 is restricted to the southwest coast at low elevations between sea level and approximately 200m. The CWHvh1 is restricted to a narrow coastal fringe on the outer coast of southwest Vancouver Island near Port Renfrew to Quatsino Sound (Green and Klinka, 1994). The proximity of the site to the Pacific Ocean moderates temperatures and results in a common occurrence of fog, cloud and drizzle



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throughout the year. Precipitation varies widely in this sub-region, with lowest values occurring in the local rain shadow on the north eastern part of Vancouver Island at Bull Harbour (Green R.N. and Klinka, K, 1994).

The mean annual precipitation in the area ranges between 2009 to 3943 mm. The mean annual temperature is 9.1 °C.

3.1.3 *Land/soil*

A review of the Ministry of Environment Technical Report 17, Soils of Southern Vancouver Island identified the most common soils within the subject property are comprised of the Hankin Soil Association, with the taxonomic classification of Duric Ferro-Humic Podzol (Jungen, Technical Report 17).

Hankin soils occur in the Western redcedar subzone of the Coastal Western Hemlock – Pacific Silver fir (*Amabilis* fir) within the Estevan Coastal Plan. The soils have developed in cobble, gravelly fine and/or gravelly sand colluvial morainal deposits, less than 1m thick overlaying argillite bedrock. (Jungen, Technical Report 17). Slopes typically vary between 1 to 30% with elevation from sea level to 600m.

3.1.4 *Surface Water*

The subject property contains two drainage features and an unmapped forested wetland (D.R. Clough Consulting, August 19, 2019). An investigation of the property confirmed the presence of a small drainage (0.6 to 0.8m wide) that runs along the old Peninsula road bed passing underneath the road bed as it turns and then down a steep embankment to the beach below. A small drainage spur branches from this road drainage where it enters the start of the shallow ravine. It appears that the drainage has stripped fines from the road bed and deposited them in the shallow ravine where it's created a small flat wet area supporting some wet tolerant vegetation. The drainage then continues to flow along the base of the ravine under logs and terrestrial forest vegetation over a distance of 300m until discharging to the ocean on the other side new Peninsula Road.

Based on observations made during the site visit, it appears that the drainage feature within the ravine does not fully include features associated with a wetland or forested swamp. The feature is better defined as the remains of a small narrow stream. At the time of the site visit, the Ucluelet area had just experienced heavy winter rains (past 72 hrs). Flows into the ravine were



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observed to be minimal while flows observed discharging at the ocean had greatly increased suggesting the ravine likely acts as a conduit (collection) for groundwater seepage from the surrounding hillsides. Flows are likely most active during high seasonal (winter) groundwater levels. While the feature contains wet tolerant vegetation (i.e. salmonberry, skunk cabbage and horsetail, visible drainage in the ravine is likely absent for 9 to 10 months of the year. The ravine is also well shaded and exposed to ocean fog allowing for soils to stay moist most of the year.

3.1.5 Groundwater

As mention, the ravine within the property is exposed to fluctuating ground water conditions and is seasonally affected by surface run-off from ditching along the section of old Peninsula Road. The drainage feature in the ravine is also expected to be dry during most of the year.

3.2 BIOLOGICAL RESOURCES

3.2.1 Flora

The CWHvh1 zonal forests (Coastal Western Hemlock Submontaine Very Wet Maritime CWHvh1 subzone variant) are dominated by Western hemlock (*Tsuga heterophylla*), Sitka spruce (*Picea sitchensis*), western redcedar (*Thuja plicata*) and minor amounts of amabilis fir (*Abies amabilis*). Major under story vegetation commonly includes salal (*Gaultheria shallon*), Alaskan blueberry (*Vaccinium alaskaense*), red huckleberry (*Vaccinium parvifolium*), deer fern (*Blechnum spicant*), step moss (*Hylocomium splendens*) and lanky moss (*Rhytidiadelphus loreus*). Evergreen huckleberry (*Vaccinium ovatum*) is a minor species on zonal sites, but more common on drier sites (Green and Klinka, 1994).

The site survey was completed on February 14, 2020 and confirmed the site to be partially cleared within the area of the main office, resort parking area, and within the area of a series of small recreation cabins. Observation of the surrounding forest stand noted the property to be represented by the vegetation Site Series 01 (CwHw –Salal) and Site Series 13 (CwSs – Skunk Cabbage) (Green, R.N and K. Klinka, 1994). The shallow ravine within the centre of the property was found to support a forest mixed with spruce, hemlock and cedar. Understory vegetation is dominated by salal, evergreen huckleberry, red huckleberry, false azalea, deer fern, Bracken fern, various mosses including Oregon-beaked moss (*Eurhynchium oregonum* and lichens. Vegetation found associated with the drainage and associated wet soils at the base of the ravine at



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the time of the site visit include salmonberry and common horsetail. A site visit by D.R. Clough in August 2019 further identified the drainage area to also support skunk cabbage. A survey of rare plants was not completed for this project and is no deemed necessary.

Observations made along the upper shoreline included an unaltered forest stand dominated by Pacific spruce, Western redcedar and Western hemlock, and a thick understorey dominated by salal and evergreen huckleberry. The section of road bed between the shoreline and ravine (old Peninsula Road) is still partially capped by asphalt and crushed gravel. Pioneering vegetation includes grasses and the rebounding of natural vegetation. A wildflower and/or rare plant survey was not completed for this project by Aquaparian and is not expected to be required as the construction of new cabins is proposed to be restricted along the previously disturbed road bed.

3.2.2 *Fauna*

The coastal rainforest of western Vancouver Island supports a broad diversity of wildlife including large and small mammals, bats, songbirds and amphibians. Large terrestrial mammals expected to be found within the forests within and adjacent to the parcel include black bear (*Ursus americanus*), black tailed deer (*Odocoileus hemionus*), cougar (*Puma concolor*) and wolf (*Canis lupus*). Smaller mammals commonly associated with the CWHvh1 zone include American mink (*Mustela vison*), ermine (*Mustela erminea*), river otter (*Lontra canadensis*) and several species of mice and voles. The wetter areas likely support several amphibians including Northwestern Salamander (*Ambystoma gracile*), Pacific tree frog (*Hyla regilla*) and red-legged frog (*Rana aurora*).

Wildlife observations during the site visit was limited to deer scat and tracks and pileated woodpecker (*Dryocopus pileatus*) holes. Bald eagles and a number of songbirds were also noted during the site investigation.

3.2.3 *Birds*

A detailed bird survey was not completed by Aquaparian for this project. The area is suitable habitat for eagle, osprey and heron nesting use due to its ocean front location and presence of mature trees. A number of bird species are expected to utilize the area throughout the year such as various song birds, humming birds, woodpeckers, northwestern crow, American robin (*Turdus migratorius*), common raven (*Corvus corax*), hawks and owls.



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Review of the Wildlife Tree Stewardship (WITS) nest inventory database did not identify the presence of any recorded bald eagle nests or heron nesting rookeries within the property. The closest eagle nest identified was located 800m southwest of the subject property near Amphitrite Point (Nest BAEA-108-307 / 309). It should be noted that the WITS database has not been updated for several years. A search of the existing forest stand did not result in the observations of feathers, guano splashes, pellets, or prey remains at the base of trees or within open area's. The nesting period for bald eagles on Vancouver Island is typically mid-February to the end of June. Osprey are typically active between mid-April to the beginning of July, while Great blue-herons nest between March and August. The project is not expected to require the removal of any large or significant trees.

While still early in the breeding season, the property does provide suitable nesting platforms and cavity nesting opportunities for various hawks and owls including Northern Goshawk (*Accipiter gentilis*), Barred Owls (*Strix varia*), and Western screech owl (*Otus kennicottii*). The property is well positioned close to the ocean and to open forest patches where mice and song birds can be hunted.

3.2.4 Fisheries

A reconnaissance of the drainage feature found within the ravine has led to the determination that the feature is not fish bearing. While it does connect to the ocean through a culvert under the new Peninsula Road, fish accessing the culvert would become stranded on the upstream side. The drainage is also dry most of the year and provides no fish habitat such as pools or riffle sequences, spawning gravels or suitable winter or summer rearing pools required by salmonids including cutthroat trout or coho salmon.

3.2.5 Species-at-Risk

The Species-at-Risk Act (SARA) is designed to prevent or reduce the likelihood of wildlife species becoming extinct or extirpated and to provide for the recovery and management of endangered, threatened and species of special concern as a result from harm by human activity. Provisions of SARA include prohibiting the taking or possession of listed species and the damaging or destruction of their residents and critical habitat.

Red-Listed species includes any ecological community, and indigenous species and subspecies that is extirpated, endangered, or threatened in British Columbia. Red-listed species and sub-species may be legally designated as, or may be



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considered candidates for legal designation as Extirpated, Endangered or Threatened under the Wildlife Act.

Blue-Listed species includes any ecological community, and indigenous species and subspecies considered to be of special concern (formerly vulnerable) in British Columbia.

A search of the BC Species and Ecosystem Explorer Database for red and blue-listed vertebrates, invertebrates, vascular, non-vascular plants and lichens within the Vancouver Island region, South Island, Alberni-Clayoquot Regional District, Coastal Western Hemlock BGC Zone for habitats including: Forest, Ocean, Riparian, Stream/River and Wetland resulted in 18 red-listed species and 48 blue-listed species. The BC CDC species search results have been included as Appendix C.

A search of the BC Conservation Data Center (BC CDC) rare species occurrence records and map (Record 27687) have identified the presence of a blue-listed plant species found within the surrounding area. The California wax-myrtle (*Morella californica*). This vascular plant is known to be present near Reef Point Beach Estates, the lighthouse at Amphitrite Point and at several locations on Peninsula Road. Aquaparian has identified this plant at several locations in the area surrounding the community of Tofino.

The BC Species and Ecosystems Explorer Database has also identified two rare species that could be associated within the study area: the Seaside Centipede Lichen (*Heterodermia stchensis*) and the Marbeled Murrelet (*Brachyramphus marmoratus*).

The following includes a description of sensitive wildlife species that are likely to be found either within the subject property or within the adjacent lands immediately surrounding the subject lands:

Seaside Centipede Lichen (*Heterodermia stchensis*): Red-listed (COSEWIC Status Endangered)

This lichen is a pale greyish, leafy, basally attached lichen. It can be recognized by the presence of marginal cilia and tiny urn-like structures near the lobe tips. In Canada, it occurs only in coastal British Columbia, where it ranges 210km from northern Vancouver Island south to Pacific Rim National Park. Within this region, it is known exclusively from the Very Wet Hypermaritime subzone of the Coastal Western Hemlock Zone. Throughout its range, this lichen occurs exclusively at



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seaside on nitrogen-enriched twigs in the lower canopy of old Sitka spruce trees (BC CDC).

This rare species of lichen was identified in the provincial HabitatWizard database as occurring in only two locations in the area including the northern tip of the subject property on old Sitka spruce trees near the shoreline. A narrow buffer of approximately ~8m was left intact along the shoreline at the northern tip of the property where the rare lichen had been recorded. The only other known location of the species was identified at the end of Seaplane Base Road approximately 0.6km east of the subject parcel.

Marbled Murrelet (*Brachyramphus marmoratus*): Blue-listed

A chunky seabird with a black bill and an entirely dark tail. The nesting season is late March to late September. In coastal areas, the bird is mainly in salt water within 2 km of shore, including bays and sounds; not uncommon up to 5 km offshore; occasionally also on rivers and lakes usually within 20 km of ocean. Nesting is found in old growth forest, especially stands of large Sitka spruce and western hemlock. In British Columbia, the adult diet during the breeding season is mostly fishes, primarily Pacific Sandlance and Pacific Herring (BC CDC).

This species was identified in the provincial Habitat Wizard database as occurring within the study area along Peninsula Road and along Minato Road as well as identified in surrounding areas adjacent to the site. It is believed that calm waters of Ucluelet Inlet likely provide foraging opportunities for murrelets.

Other species of animals that could be found within the surrounding area include the following:

Townsend's Big-eared Bat (*Corynorhinus townsendii*): Blue-listed

In Canada, it is restricted to British Columbia. On the coast, it inhabits Vancouver Island, the Gulf Islands and the Vancouver area. In British Columbia this species is associated with a variety of habitats from coastal forests to arid grasslands of the interior. Its elevational range in the province is from sea level to 1070 metres, although most occurrences are from low elevations. Although it is widespread across most of southern British Columbia, this bat is particularly vulnerable to human activity. The only nursery colony found in British Columbia was in the attic of a house on Vancouver Island; it consisted of about 60 females and their young. A late flyer, Townsend's Big-eared Bat emerges an hour or so after dark. It is an agile bat that is capable of flying at slow speeds. Food habits have not



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been studied in British Columbia (BC CDC). The area surrounding the subject parcel may provide foraging and perching habitat for these bats.

Keen's Myotis (*Myotis keenii*): Blue-listed

These bats frequently use moist to wet coniferous forest habitats. The distributional range suggests an association with coastal forest habitat. Apparently this bat is associated with mature forests. Across its range it has been found roosting in southwest-facing rock crevices, among geothermally heated rocks, in tree cavities, in bark crevices, and in buildings. Tree cavities and loose bark are important natural roost sites and may be limiting in some parts of the range. Known maternity roosts and summer feeding areas in British Columbia are at elevations below 240 meters; known hibernation sites occur above 400 meters in caves over 100 meters long. These bats have been observed foraging over hot spring pools and clearings above scrubby salal (BC CDC). Surrounding forests and estuary may provide foraging opportunities for these bats.

Northern Red-legged Frog (*Rana aurora*): Blue-listed

Range extends from southwestern British Columbia, including Vancouver Island in Canada, south along the coast of the United States. Red-legged frogs have been observed in a variety of aquatic and terrestrial habitats. They breed in shallow, littoral zones of lakes, temporary and permanent pools, wetlands, bogs and fens in close proximity to forests. Lotic habitats with little to no flow may be utilized by red-legged frogs, and riparian areas are important for newly metamorphosed froglets. Outside of the breeding season, red-legged frogs primarily utilize all forest and woodland types, but individuals are occasionally found in more open and rural areas such as shrubland/chaparral, cropland/hedgerow, old fields, and suburban/orchard. Red-legged frogs are most common at elevations below 500m with low slopes and containing moist, mature/old forest in some areas (BC CDC). Moist forest conditions within the property likely support the red-legged frog.

A northern red-legged frog occurrence is identified within the provincial Habitat Wizard database approximately 1.3km southeast of the subject property and extending approximately 1km in a southeast direction. The small wet forested swamps likely support red-legged frogs.



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Western Toad (*Anaxyrus boreas*): Blue-listed

Western toads have been observed in a variety of aquatic and terrestrial habitats. They breed in shallow, littoral zones of lakes, temporary and permanent pools and wetlands, bogs and fens, and roadside ditches. Toads utilize a variety of terrestrial habitats in BC, including all forest and woodland types, shrubland/chaparral, savanna, cropland/hedgerow, grassland/herbaceous cover, old fields, and suburban/orchard. Hibernacula are located in areas with loose soils and burrows. Toads have been observed using downed wood for cover in recent clearcuts (BC DCD). Wet areas within the property may provide suitable habitat for this species.

Ermine (*Mustela erminea anguinae*): Blue-listed

Ermine are endemic to Vancouver Island and they inhabit a variety of forest and woodland habitats. Ermine are highly adaptable predators, easily invading small burrows to feed on voles, mice, and young rabbits. They also eat earthworms, frogs, and squirrels, climbing trees and swimming if necessary. In the summer, the Ermine's coat is brown, but in the winter it is pure white except for the tip of the tail, which stays black. Ermine population density tends to fluctuate as rodent populations fluctuate. Ermine prefer coniferous or mixed forests and streamside woodlands (BC CDC). The forest habitat within and adjacent to the parcel may support this species. The two riparian corridors are likely provide suitable habitat for ermine to utilize.

Wandering Salamander (*Aneides vagrans*): Blue-listed

This salamander is widespread on Vancouver Island and neighboring islands in British Columbia, and also has been found on the mainland. Habitat ranges from moist coniferous forests; in forest edge, forest clearings, talus, and burned over areas. The salamander is usually found under bark, in rotten logs, or in rock crevices. It may aggregate in decayed logs in summer. Logs are the primary microhabitat in spring, summer, and fall on Vancouver Island. It lays eggs in cavities in rotten logs, in rock crevices, under bark, or among vegetation. The wandering salamander feeds on small arthropods and is inactive in cold temperatures and hot, dry weather (BC CDC). The subject parcel contains damp and wet areas with downed logs that may support this species.

Cutthroat Trout (*Oncorhynchus clarkia clarkia*): Blue-listed

Cutthroat trout (*clarkii subspecies*) are anadromous meaning this cutthroat trout subspecies spawns and rears in freshwater (small streams and large rivers) but



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can also forage in tidal waters as an adult. Some resident fish spend their entire life in freshwater. Cutthroat will forage in tidal estuaries but are typically found up freshwater systems utilizing all inflowing systems including stream mainstems, tributaries, lakes and forested swamps (BC CDC). The streams within the subject property provide suitable habitat for cutthroat trout.

Western Screech Owl *kennicottii* subspecies (*Megascops kennicottii kennicottii*): Blue-listed

The range of this small owl extends from south-coastal and southeastern Alaska, south through coastal British Columbia to coastal Oregon. In Canada, the species occurs only in British Columbia in two regions: along the coast of BC including Vancouver Island, but excluding the Queen Charlotte Islands, and in the southern interior part of the province, with most of the interior birds being found in the Okanagan Valley. This subspecies has a very low population in Canada where it depends on lower elevation mature riparian woodlands for nesting and roosting. This owl prefers open forest for foraging and requires cavities in old, large trees for nesting and roosting. Populations have apparently declined in southern Vancouver Island and the Lower Mainland concurrently with the recent arrival of the Barred Owl, which is likely a predator of this species. The Western Screech-owl is a nocturnal, non-migratory species that is territorial year-round (BC CDC). The western screech owl may use the mature riparian forest habitat of the study area and adjacent lands.

3.2.6 *Sensitive Ecosystem Inventory*

The Sensitive Ecosystems Inventory of East Vancouver Island and the Gulf Islands (SEI) systematically identified and mapped specific rare and fragile ecosystems. The purpose of the SEI project was to identify remnants of rare and fragile terrestrial ecosystems and to encourage land-use decisions that will ensure the continued integrity of these ecosystems.

Seven sensitive ecosystem types were mapped in the east coast of Vancouver Island study area as follows: Wetland, Woodland, Riparian, Older Forest (>100yrs), Terrestrial Herbaceous, Sparsely Vegetated and Coastal Bluff. Two other important ecosystems were mapped for their general biodiversity and wildlife habitat values: Older Second Growth Forest (60-100yrs) and Seasonally Flooded Agricultural Fields.

The property was observed to support on four habitat units including a mature second-growth forest with some old growth conifers spread throughout the



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property; riparian stream habitat found along the two identified streams dominated by skunk cabbage, salal and deer fern pockets, small vernal pocket wetlands dominated by skunk cabbage and slough sedge, and salt marsh shoreline habitat dominated by salt tolerant sedge and unique shrub habitat.

A description of the two vegetation communities are as follows:

Second-growth Older Forest (OSG:CWH)

The forest is identified as an Older Second Growth Forest dominated by conifers within the Coastal Western Hemlock (CWH) bio-geoclimatic zone. Trees within the stand average 100 years or greater. The forest floor is composed of a dense litter of needles and small branches and favouring a cool moist moss ground layer built up over time.

The majority of the site appeared to have consisted of a second growth forest stand with much of the canopy cover dominated by Western redcedar, Western hemlock and Sitka spruce. Minor tree species also included red alder and amabilis fir. Western redcedar dominated the canopy of the property near Peninsula Road with western redcedar and western hemlock dominating the eastern portion of the lot and older western redcedar with mature Sitka spruce dominating the western portion of the property. Several large mature red cedars were identified within the intact tree stand with tree diameters ranging from 76 to 123cm (DBH).

Understory vegetation predominantly consisted of salal, salmonberry (*Rubus spectabilis*), evergreen huckleberry, deer fern, licorice fern (*Polypodium glycyrrhiza*), red huckleberry, and sword fern (*Polystichum munitum*). Other species present include bracken fern (*Pteridium aquilinum*), Scotch broom (*Cytisus scoparius*) and reindeer lichen (*Cladonia rangiferina*). Mosses and lichens noted included Oregon-beaked moss (*Eurhynchium oregonum*).

Down and dead logs, fallen wood debris and the trunks of old growth cedars were commonly covered with several moss species, liverworts, hanging lichens and ferns. Mosses included Oregon beaked moss, lanky moss, tree moss, step moss and cat-tail moss (*Isoethecium myosuroides*). Thick hanging lichens including witches hair (*Alecteria sarmentosa*) were common amongst old-growth trees.



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Riparian Mature Forest (RI:5) – mature forest

Mature riparian forests generally have a dominant canopy cover with the understory more developed where the canopy opens up. Forest stands are generally 80 to 200 years in age. The riparian vegetation along the identified streams are dominated by skunk cabbage, salal, common horsetail (*Equisetum arvense*), deer fern, red huckleberry, Solomon's seal (*Polygonatum multiflorum*), Oregon beaked moss and witches hair. Canopy cover species includes western hemlock, western redcedar and sitka spruce. The riparian areas of the subject parcel include streamside riparian zones along both sides of the two identified streams and the riparian zone of the ocean shoreline.

3.3 LAND USE

3.3.1 Special Places

The study area falls within the lands traditionally occupied by the Ucluelet First Nation which are part of the collective Nuu-chah-nuth First Nation. A review of cultural and historical information for the subject parcel was conducted through the BC Archaeological Branch of the Ministry of Forests, Land and Natural Resource Operations (MFLNRO). Provincial records indicate that a known archaeological cultural find is associated with the property sites known within the property and is understood to be a shell midden (DfSj-0035). This owner of the property is presently working with the province and local first nations to protect the midden from construction of the cabins (Inspection permit 2019-0328 – Terra Archaeology). A record of e-mail response from the province has been included with this report in Appendix D

4.0 SUMMARY

The subject parcel is located south of the Village of Ucluelet and along new Peninsula Road. The property presently includes a series of resort style cabins and a small administration office. The proposed location for 15 new resort cabins is along a section of the old Peninsula Road which was historically constructed on an aggregate fill sub-base capped with asphalt paving. The cabins will be constructed on top of the road base which includes added fill material to protect a known cultural deposit (shell midden) underneath. The location of a mixed-use commercial/resort building is in a previously disturbed site that may have been used as a gravel borrow site for road bed construction. Aquaparian understands that the Regional District recognizes a 15m setback from all wetlands. It is Aquaparian's opinion that the feature within the ravine is not a true wetland and that a riparian or leaf strip setback of 10m is sufficient to protect the feature from surrounding development. Retaining the protective covenant on the



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ravine does help to protect the feature and it's intact forest which provides important habitat for birds, amphibians and mammals.

4.1 Regulatory Development Measures

The following environmental concerns were identified during completion of this EA.

- Because the site is known to support a known archaeological find, that the construction of resort cabins be confined to the old Peninsula Road bed and that all excavations / asphalt or soil stripping works be completed with a certified Archaeologist on site.
- That the wetland feature within the shallow previously identified by D.R. Clough is not considered a true wetland and be restricted by a Riparian DPA regulations. However, Aquaparian does understand that the ravine is protected by a covenant, as such, no development be allowed within it and no vegetation is removed beyond its existing state. The drainage and ravine regional provide important wildlife habitat a corridor to other intact forest stands within the surrounding area.
- That the footprint of the resort cabin be restricted to a 10m setback from the edge of the shallow ravine. The location of the facility is within a previously cleared and disturbed location that includes disposed refuse (i.e. soil piles and organic waste (roots and tree stumps)).
- No removal of trees or vegetation is to be conducted within the strip of land on the upper head lands of the beach.
- That the ravine be incorporated into the site Stormwater management and that roof designs and roof leaders for the cabins and resort condo be directed into a french drain or soak away pit that can direct water back to the ravine providing a source of water for potential amphibian use.
- That the clearing of native vegetation for the development be restricted to the alignment of the old Peninsula Road bed and natural clearing area and outside the federal migratory bird nesting window (if possible) between March 15th – August 15 of a given year. If vegetation (trees & understory) is to be removed within this time period, that a QEP be on site to complete a bird nest sweep of the area.
- That construction works for the project follow Environmental Protection measures to minimize impacts from erosion and sediment transport to the ravine and its drainage and to the ocean.



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5.0 CONCLUSION

Aquaparian Environmental Consulting Ltd (Aquaparian) was retained by Ross Elliot of Loughheed Properties Ltd for the owner of The Cabins at Terrace Beach resort located in Ucluelet BC to complete a general environmental assessment (EA) of the property in preparation for a 15 new recreational resort cabins and a mixed-use commercial/resort building. This environmental assessment has been completed to determine possible constraints and opportunities for the development within the subject parcel based on development requirements by the District of Ucluelet as identified in the Official Community Plan for the area.

The habitat values within the property were found to be moderate in value and considered important in providing foraging and rearing habitat for various bird species, as well, amphibians and small mammals. However, no sensitive watercourses exist on the site and no obvious nest trees (bald eagle or great blue heron) were observed. It is Aquaparian's professional opinion that the proposed works as outlined in this report can be completed successfully if mitigation measures included are followed.

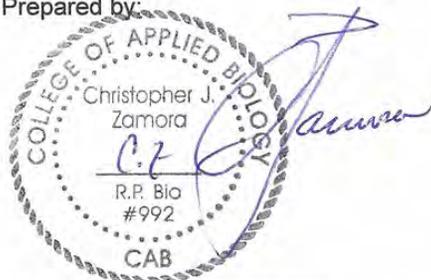
6.0 CLOSURE

This report has been completed in accordance with generally accepted biological practices. No other warranty is made, either expressed or implied. 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.

Respectfully submitted,

AQUAPARIAN ENVIRONMENTAL CONSULTING LTD.

Prepared by:



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

\\AQUAPARIAN-NAS\Documents\Projects\Projects\N603 The Cabins Ucluelet\The Cabins Resort EA.docx



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7.0 REFERENCES

British Columbia Breeding Bird Atlas. 2008. Data accessed from NatureCounts, a node of the Avian Knowledge Network, Bird Studies Canada. Available: <http://www.naturecounts.ca/>. Accessed: April 20, 2017.

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BC Ministry of Environment. Soils of British Columbia. <http://www.env.gov.bc.ca/soils/landscape/3.5columbia.html>

Clough, D.R. (D.R. Clough Consulting. August 19, 2019. Environmental Assessment: 1090 Peninsula Road, Terrace Beach, Ucluelet, BC.

Community Mapping Network. Wildlife Tree Stewardship Atlas. <http://cmnmaps.ca/wits/> (Accessed April 21, 2017).

Green R.N. and K. Klinka. 1994. A field Guide to Site Identification and Interpretation for the Vancouver Forest Region. Province of British Columbia, Ministry of Forests Research Branch.

Matsuda, Brent M, David M. Green and Patrick T. Gregory. 2006 Amphibians and Reptiles of British Columbia. Royal BC Museum Handbook.



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FIGURE 1a & 1b
SITE LOCATION MAP
UCLUELET, BC



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THE CABINS AT TERRACE BEACH - SITE LOCATION MAP(S)

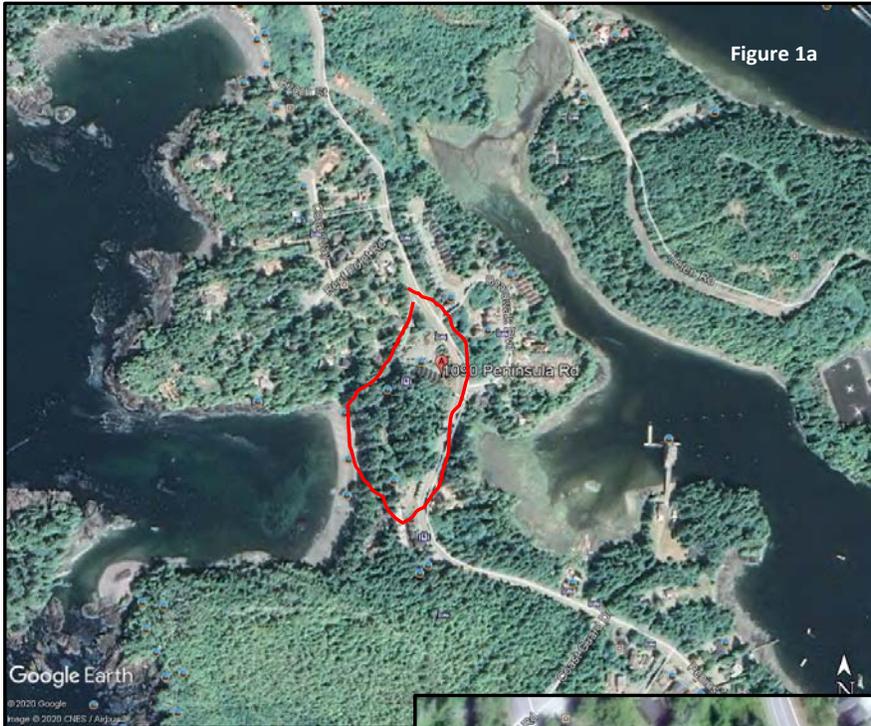


FIGURE 2
“THE CABINS AT TERRACE BEACH”
CONCEPTUAL MASTER PLAN BY THE DESIGN CENTRE



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PREPARED BY:



7 - 1922 LECHE RD.
 UCLUELET, BC
 V0R 3A0
 250.726.3973



The Cabins at Terrace Beach Conceptual Master Plan

February 24 2020

APPENDIX A
SITE PHOTOGRPAHS



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APPENDIX A: SITE PHOTOGRAPHS OF “THE CABINS AT TERRACE BEACH”

Old Peninsula Road



Section of old Peninsula Rd that runs through “The Cabins” property

Section of old Peninsula Rd that runs through “The Cabins” property. Drainage ditch on right side.



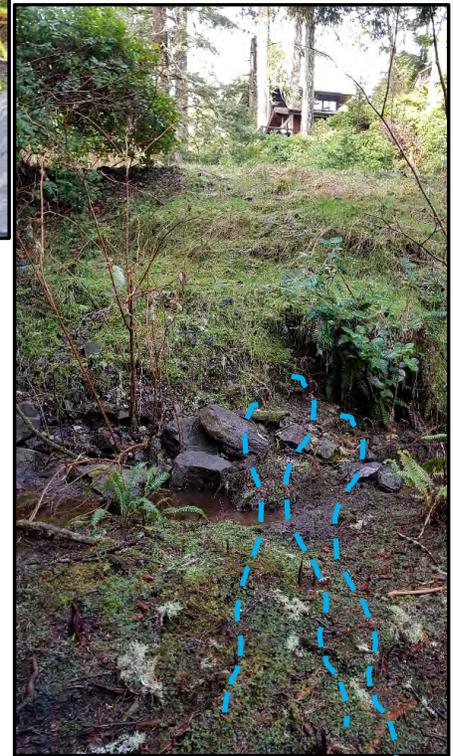
Proposed location of 15 cabins along old road bed of Peninsula Rd.

Drainage Ditch along Peninsula Road

Right/below: Ditch along section of old Peninsula Road within resort.

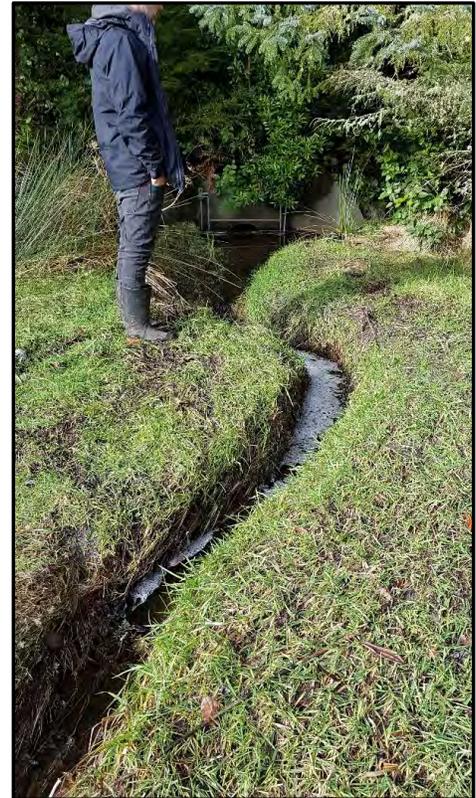


Looking north at shallow ravine edge and start of drainage location leading into ravine.





View looking south along ravine and at wet tolerant vegetation. No real wetland was found to exist. Wet forested section only.



View of drainage/ creek outlet with the ocean 300m away from where it started at the top of the ravine.



Left/below: View of proposed resort condo location just off of new Peninsula Road.



View looking west towards ravine and back of resort condo location. Salmonberry growing out of pile of soil and organic dumped on site. No wetland. Owner proposes to construct 1.5m wide trail through ravine and to location of new cabins.

APPENDIX B
BC HABITAT WIZARD SITE SEARCH RESULTS



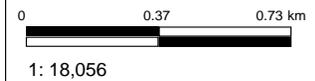
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Habitat Wizard 1090
 Peninsula Road
Legend

- All Fish points**
 POINT_TYPE_CODE
- Observation
 - Summary

- Stream Centre Line Network**
 WDIC_SPFTP_CODE
- 100 - Coastline
 - 1000 - Single-line blueline, main
 - 1050 - Single-line blueline, thro
 - 1100 - Single-line blueline, seco
 - 1150 - Single-line blueline, seco
 - 1200 - Construction line, main fl
 - 1250 - Construction line, double
 - 1300 - Construction line, secon



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Datum: NAD83
 Projection: WGS_1984_Web_Mercator_Auxiliary_Sphere

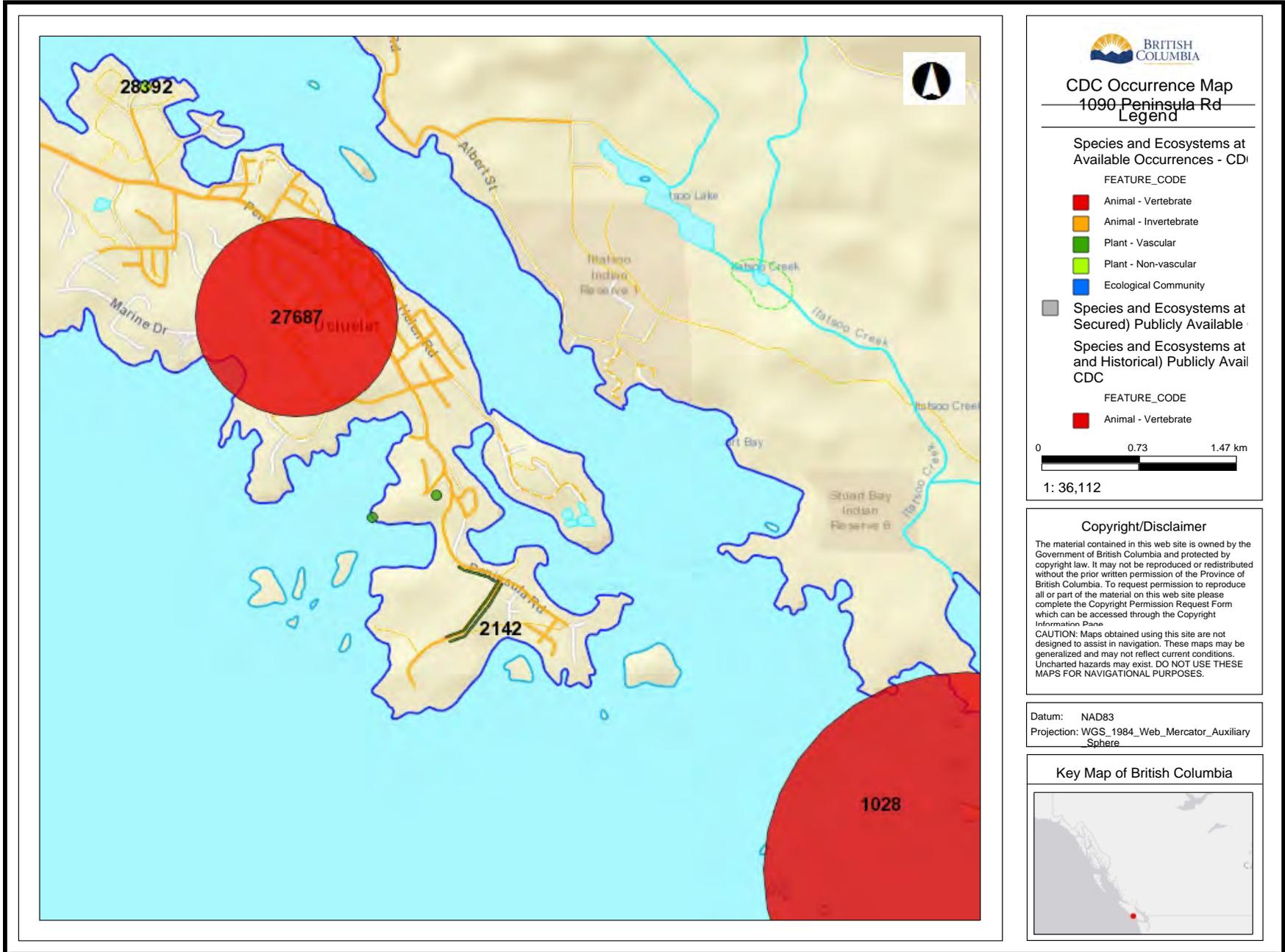
Key Map of British Columbia



APPENDIX C
BC CONSERVATION DATA CENTRE SYSTEM EXPLORER
SEARCH RESULTS



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BC Conservation Data Centre: Species Occurrence Report

Shape ID: 2142

Scientific Name: *Morella californica*
English Name: California wax-myrtle

Identifiers

Occurrence ID: 1270
Shape ID: 2142
Taxonomic Class: dicots
Element Group: Vascular Plant

Status

Provincial Rank: S3?
BC List: Blue
Global Rank: G5
COSEWIC:
SARA Schedule:

Locators

Survey Site: AMPHITRITE POINT, UCLUELET
Directions: 1.2 km south of Ucluelet in residential lots on the Reef Point Beach Estates, on Amphitrite Point along Coast Guard Road on both sides of road for 400 m from intersection of Coast Guard Road and Peninsula Road, and along Peninsula Road from intersection heading north towards Ucluelet for 200 m.

Biogeoclimatic Zone:

Ecosection: VIS;WIM

Area Description

General Description:

Vegetation Zone: Lowland

Min. Elevation (m): 2 **Max. Elevation (m):**

Habitat: TERRESTRIAL: Forest Needleleaf, Roadside

Occurrence Information

First Observation Date: 1961-06-27

Last Observation Date: 2002-07-27

Occurrence Data:

2002-07-27: At least 29-34 plants over at least 5,008 square m across 4 subpopulations. All in leaf; 5 in flower, 10 with immature fruit and 1 with mature fruit. Along forest edges and roadsides with *Thuja plicata*, *Tsuga heterophylla*, *Pinus contorta*, *Gaultheria shallon*, *Vaccinium ovatum*, *Anaphalis margaritacea*, *Pteridium aquilinum*, *Polystichum munitum* and some *Cytisus scoparius*. Mesic moisture regime, in partial to filtered light and on both upper and lower slope positions (M. Donovan, pers. comm. 2002). 1964-05-06: Collected (University of British Columbia Herbarium). 1961-06-27: A single 12' tree growing out of old stump by roadside (University of Washington herbarium).

Occurrence Rank and Occurrence Rank Factors

Rank: BC : Good or fair estimated viability

Rank Date: 2002-07-27

Rank Comments:

Possible threat of removal from development on private lots.

Condition of Occurrence:

1961: A single 12' tree (University of Washington herbarium). 2002: Plants were in flower and had immature fruit and most ranged in height from 30-100 cm tall with the tallest individual being 7.6 m. One plant had mature fruit. Subpopulations appeared to be self-sustaining (M. Donovan, pers. comm. 2002).

Size of Occurrence:

1961: A single tree (University of Washington herbarium). 2002: At least 29-34 plants over 5,008 square m across 4 subpopulations (M. Donovan, pers. comm. 2002).

Landscape Context:

2002: Building lots for subpopulations 1 and 2 had undergone some clearing of vegetation but no construction as of July 2002. Covenant on property requires retention of large cedar trees (M. Donovan, pers. comm. 2002).

Version

Version Date: 2017-01-18

Version Author: Chytyk, P.

Mapping Information

Estimated Representation Accuracy: Medium

Estimated Representation Accuracy Comments:

Confident that full extent is represented by Occurrence: ?

Confidence Extent Definition: Uncertain whether full extent of EO is known

Additional Inventory Needed: Y

Inventory Comments: To determine full extent and viability of population.

Documentation

References:

Biosystematic Research Centre., Agric. Can., Cent. Exp. Farm, Ottawa, K1A 0C6.

Donovan, M. Personal communication. Botanist. B.C. Conservation Data Centre. B.C. Minist. Env.

University of British Columbia. Dep. Bot., Dep. Zool., Biol. Sci. Bldg., 6270 Univ. Blvd., Vancouver, BC.

Specimen: Szczawinski, A.F. (s.n.), 1961. #213952. WTU.; Calder, J.A. (31016). 1961. #215744. WTU.

Suggested Citation:

B.C. Conservation Data Centre. 2014. Occurrence Report Summary, Shape ID: 2142, California wax-myrtle. B.C. Ministry of Environment. Available: <http://maps.gov.bc.ca/ess/hm/cdc>, (accessed Mar 3, 2020).

APPENDIX D
BC ARCHAEOLOGY BRANCH SITE SEARCH RESULTS



203-321 Wallace Street, Nanaimo, BC V9R 5B6
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Chris Zamora (Aquaparian)

From: Forgeng, Eric E FLNR:EX <Eric.Forgeng@gov.bc.ca>
Sent: March 4, 2020 2:26 PM
To: Chris Zamora (Aquaparian)
Subject: RE: Data Request: Chris Zamora - Aquaparian Environmental Consulting Ltd

Hi Chris,

The archaeological site recorded on the property [PID 024167517] is a shell midden, Borden number Dfsj-0035. There are currently two HCA permits issued for the property: Inspection permit 2019-0328, held by Ewan Anderson at Terra Archaeology, and alteration permit 2019-0329, held by Ross Elliot.

Please let me know if you have any questions or need any additional information.

Best regards,
Eric

Eric Forgeng, BSc, MA | Archaeologist / Heritage Resource Specialist
Archaeology Branch | Ministry of Forests, Lands, Natural Resource Operations and Rural Development
Phone: 250-953-3362 | Fax: 250-953-3340 | e-mail: eric.forgeng@gov.bc.ca
3rd Floor – 2975 Jutland Road, Victoria BC V8T 5J9 | PO Box 9816 Stn Prov Govt, Victoria, BC V8W 9W3
www.gov.bc.ca/archaeology

From: Chris Zamora (Aquaparian) <czamora@aquaparian.com>
Sent: March 4, 2020 2:20 PM
To: Forgeng, Eric E FLNR:EX <Eric.Forgeng@gov.bc.ca>
Subject: RE: Data Request: Chris Zamora - Aquaparian Environmental Consulting Ltd

Hi Eric – Ian Kennington, the architect mentioned them to me and said they appear to be in the sub-base of the old Peninsula Road. I am completing an environmental assessment for the owner of the property (Ross Elliott) as per requirements from the District of Ucluelet so I want to make sure that they are reference in our report so District knows I have identified them.

Cheers and Thanks
Chris Zamora, B.Sc., R.P.Bio.
AQUAPARIAN ENVIRONMENTAL CONSULTING LTD.
321 Wallace Street, Suite 203 (New Address)**
Nanaimo, BC V9R 5B6
Cell: 250-714-8864
Office: 250-591-2258
czamora@aquaparian.com

From: Forgeng, Eric E FLNR:EX [<mailto:Eric.Forgeng@gov.bc.ca>]
Sent: March 4, 2020 2:15 PM
To: Chris Zamora (Aquaparian) <czamora@aquaparian.com>

Cc: Towstego, Lucas FLNR:EX <Lucas.Towstego@gov.bc.ca>
Subject: FW: Data Request: Chris Zamora - Aquaparian Environmental Consulting Ltd

Dear Chris,

I've been asked to contact you about your request for archaeological data at 1090 Peninsula Rd in Ucluelet, PID 024167517. There is a Heritage Conservation Act - protected archaeological site recorded on that property, and there are currently two HCA permits issued for archaeological work there, on behalf of Mr. Ross Elliot. There are no final reports available for this work as yet. We suggest going to Mr. Elliot for any updates, as he would have the most recent information on the status of the property.

Please feel free to contact me if you have any other questions

Best regards,

Eric Forgeng, BSc, MA | Archaeologist / Heritage Resource Specialist
Archaeology Branch | Ministry of Forests, Lands, Natural Resource Operations and Rural Development
Phone: 250-953-3362 | Fax: 250-953-3340 | e-mail: eric.forgeng@gov.bc.ca
3rd Floor – 2975 Jutland Road, Victoria BC V8T 5J9 | PO Box 9816 Stn Prov Govt, Victoria, BC V8W 9W3
www.gov.bc.ca/archaeology

From: czamora@aquaparian.com <czamora@aquaparian.com> **On Behalf Of** ArchDataRequest@gov.bc.ca
Sent: March 3, 2020 4:31 PM
To: Arch Data Request FLNR:EX <ArchDataRequest@gov.bc.ca>
Subject: Data Request: Chris Zamora - Aquaparian Environmental Consulting Ltd

Terms and Conditions Accepted	Yes
Name	Chris Zamora
Email	czamora@aquaparian.com
I am a	Professional Biologist
Affiliation	Aquaparian Environmental Consulting Ltd
Address	Suite 203 321 Wallace Street
City	Nanaimo
Province	British Columbia
Postal Code	V9R 5B6
Phone Number	250-714-8864
Information Requested	Other (describe in detail below): The presence of any known cultural information for the resort property at 1090 Peninsula Road, Ucluelet BC. The legal address is also known as PID 024167517; Lot 4 Plan VIP 67274 Section 21, Clayoquot District.
Why Site Information is Required	Other (describe below): Aquaparian has been retained by the owner Ross Elliott of "The Cabins at Terrace Beach" in Ucluelet, BC to complete an environmental assessment of the property. Addition of new resort Cabins
Third Party Access	The following person(s) may have access to this information: Ross Elliott - Owner of The Cabins & Ian Kennington - Local Architect.
Format Required	PDF

Who Prompted	Biological Consultant
File Attachment#1	image 2.jpg
File Attachment#2	CDC Map 1090 Peninsula Rd.pdf
File Attachment#3	
File Attachment#4	
File Attachment#5	



DISTRICT OF UCLUELET

Excerpts from the December 15, 2020 Regular Meeting Minutes

14. LEGISLATION

14.1 Development of "The Cabins" Properties in the Reef Point Area *John Towgood, Planner 1*

Mr. Greig presented a slideshow about an OCP Bylaw Amendment, Zoning Bylaw Amendment, Housing Agreement Bylaw, Development Variance Permit, the discharge of statutory right-of-way, the amendment of another statutory right-of-way and a Development Permit, all of which are associated with the proposed expansion of the resort known as the Cabins at Terrace Beach.

This expansion / development relates to properties located at the following civic addresses:

1. 330 Reef Point Road (the "Lodge Property");
2. 316 Reef Point Road (the "Staff Housing Property");
3. 1082 Peninsula Road and several other legal parcels near that civic address (the "Cabins Property").

The OCP and Zoning Amendment Bylaws

Mr. Greig noted that the OCP and Zoning Amendment Bylaws (Bylaw Nos. 1281, 2020 and 1282, 2020, respectively) apply to the Lodge and Staff Housing Properties. He explained that the OCP Amendment Bylaw would change the land use designation from Residential-Single Family to Tourist Commercial and the Zoning Amendment Bylaw would change the zoning designations of these properties from Guest House to CS-5 Tourist Commercial. The Zoning Amendment Bylaw would also allow a maximum of two accessory dwelling units as a secondary permitted use on the Staff Housing Property.

Mr. Greig explained that the use of the building that is currently on the Lodge Property is akin to a motel use which would conform with the CS-5 Tourist Commercial zoning designation.

The developer has offered a statutory right-of-way to the District for a trail which could be connected from Spring Cove to the Wild Pacific Trail.

Development Variance Permit for the Lodge Property

Mr. Greig explained that this DVP would allow one existing cabin to be set back eight metres and another cabin to be set back fifteen metres from a creek on the Lodge Property. Whereas the requirement is thirty metres.

The Staff Housing Property

The owners are requesting that the Staff Housing property be amalgamated with the Lodge Property. The owners plan to build two staff housing units atop a proposed laundry room. The Housing Agreement Bylaw (Bylaw No. 1283, 2020) will be used to ensure that this building is used staff housing.

A Development Permit for the staff housing / laundry building will be sought at a later date. The developer has offered a trail to connect Reef Point Road, Coral Way and Little Beach with Terrace Beach.

The Cabins Property

Mr. Greig noted that these properties are zoned CS - 5 Tourist Commercial which matches the current and intended uses of the Cabins Property. He also outlined:

- the character of the proposed 13 three-storey, two-bedroom cabins, which will be constructed on what used to be Peninsula Road. He also outlined the character and location of two proposed mixed use-buildings which would include an operations or commercial space and two tourist accommodations units in each building;
- geotechnical issues including flood construction levels and the recommendation that the resort develop a tsunami evacuation plan;
- planned roads, traffic circulation, parking, and pathways;
- planned statutory rights-of-way for public trails which would connect to the crosswalk at the corner of Boardwalk Boulevard and the Spring Cove Trail and create a loop between Spring Cove and Terrace Beach;
- the Yuułu?iif?ath Government has reviewed the trail location; and,
- an area of proposed road dedication which offers the District an opportunity to develop accessible trail connection between Terrace Beach and Peninsula Road.

Mr. Greig outlined a number of variances required by the cabins related to their rear and side setbacks as well as setbacks from the natural boundary of a creek.

Mr. Greig noted that there is an archeological site on the property. An archeological study has been conducted and a site alteration permit from the Province will be a required part of the developer's process.

Statutory Rights-of-Way

Mr. Greig outlined the existing Statutory rights-of-way that can be removed as development proceeds, one was for a trail and the other for a footpath/sewer. These rights-of-way are poorly situated for their designated use or unusable due to development on site and will be replaced with the proposed new rights-of-way in the proper locations.

Sequence of Process

Mr. Greig outlined the next steps in the development process.

Trail Costs

Mr. Greig noted that the District would bear the costs of constructing trails on the statutory rights-of-way but these costs would be eligible for Gas Tax and RMI funds.

Recommended Motions

Mr. Greig outlined the recommended motion.

Council discussed referring the OCP Bylaw Amendment to the Toquaht Nation and the Tla-o-qui-aht First Nation in addition to the recommended agencies.

- 2020.252.REGULAR **It was moved by Councillor Hoar and seconded by Councillor McEwen**
1. ***THAT*** District of Ucluelet Official Community Plan Amendment Bylaw No. 1281, 2020, be introduced and be given first reading by title only;
CARRIED.
- 2020.253.REGULAR **It was moved by Councillor Hoar and seconded by Councillor McEwen**
2. ***THAT*** Council consider District of Ucluelet Official Community Plan Amendment Bylaw No. 1281, 2020, in conjunction with the District of Ucluelet Financial Plan;
CARRIED.
- 2020.254.REGULAR **It was moved by Councillor Hoar and seconded by Councillor Kemps**
3. ***THAT*** Council consider District of Ucluelet Official Community Plan Amendment Bylaw No. 1281, 2020, in conjunction with the Waste Management Plan;
CARRIED.
- 2020.255.REGULAR **It was moved by Councillor Hoar and seconded by Councillor McEwen**
4. ***THAT*** District of Ucluelet Official Community Plan Amendment Bylaw No. 1281, 2020, be given second reading;
CARRIED.
- 2020.256.REGULAR **It was moved by Councillor Hoar and seconded by Councillor McEwen**

5. **THAT** District of Ucluelet Official Community Plan Amendment Bylaw No. 1281, 2020, be referred to the following agencies:

- a. Yuułuʔiłʔatḥ Government;
- b. Alberni Clayoquot Regional District;
- c. Wild Pacific Trail Society;
- d. Tourism Ucluelet; and,
- e. Ucluelet Chamber of Commerce;

CARRIED.

2020.257.REGULAR **It was moved by Councillor Hoar and seconded by Mayor Noël**

6. **THAT** District of Ucluelet Official Community Plan Amendment Bylaw No. 1281, 2020, also be referred to the following agencies:

- a. Toquaht Nation; and,
- b. Tla-o-qui-aht First Nation;

CARRIED.

2020.258.REGULAR **It was moved by Councillor Hoar and seconded by Councillor McEwen**

7. **THAT** District of Ucluelet Official Community Plan Amendment Bylaw No. 1281, 2020, be referred to a public hearing;

CARRIED.

2020.259.REGULAR **It was moved by Councillor Hoar and seconded by Councillor McEwen**

8. **THAT** District of Ucluelet Zoning Amendment Bylaw No. 1282, 2020, be given first and second reading and advanced to a public hearing;

CARRIED.

2020.260.REGULAR **It was moved by Councillor Hoar and seconded by Councillor McEwen**

9. **THAT** District of Ucluelet Housing Agreement Bylaw No. 1283, 2020, be given first, second, and third reading;

CARRIED.

2020.261.REGULAR **It was moved by Councillor Hoar and seconded by Councillor McEwen**

10. **THAT** Council direct Staff to give the statutory notice for Development Variance Permit DVP20-06 to provide an opportunity for public input on the proposed Development Variance Permit at the public hearing on the OCP amendment and Zoning amendment bylaws;

CARRIED.

2020.262.REGULAR **It was moved by Councillor Hoar and seconded by Councillor McEwen**

11. **THAT** Council authorize the following:

- a. discharge of Statutory Right-of-Way EL10355 from the Cabins Property, as defined in this report, at the time the subdivision is registered to redefine the parcel boundaries for the subject properties; and,
- b. removal of section 3.a from Statutory Right-of-Way EL10354 from the Lodge and the Staff Housing Property, as defined in this report, at the time the subdivision is registered to redefine the parcel boundaries for the subject properties; and,

CARRIED.

2020.263.REGULAR **It was moved by Councillor Hoar and seconded by Councillor McEwen**

12. THAT Council indicate that final adoption of the requested bylaws would be subject to the following:

a. registration of a Section 219 Restrictive Covenant on the properties to ensure:

i. that, prior to obtaining an occupancy permit for any of the proposed cabins, the subdivision to consolidate the lots and resolve the parcel boundaries will have been registered; and,

ii. that the development and use of the Lodge and Staff Housing will conform to the plans presented;

b. registration of Section 218 Statutory Rights-of-Way to allow for construction and maintenance of the public access trails by the District, as proposed on the submitted plans.

CARRIED.



STAFF REPORT TO COUNCIL

Council Meeting: January 26, 2021
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, MANAGER OF COMMUNITY PLANNING

FILE NO: 3360-20-RZ20-07

**SUBJECT: DISTRICT OF UCLUELET ZONING AMENDMENT BYLAW NO. 1282, 2020
(THE LODGE AT TERRACE BEACH) – RESCIND 2ND READING AND AMEND**

REPORT NO: 21-11

ATTACHMENT(S): APPENDIX A – DRAFT AMENDED BYLAW NO. 1282, 2020
APPENDIX B – BYLAW NO. 1282, 2020, AS PREVIOUSLY RECEIVED 2ND READING

RECOMMENDATION:

1. **THAT** second reading of District of Ucluelet Zoning Amendment Bylaw No. 1282, 2020, be repealed;
2. **THAT** District of Ucluelet Zoning Amendment Bylaw No. 1282, 2020, be amended as attached as Appendix A to the staff report dated January 26, 2021, to correct errors in how the existing zoning of Lot 35 was depicted;
3. **THAT** District of Ucluelet Zoning Amendment Bylaw No. 1282, 2020, be given second reading as amended;
4. **THAT** District of Ucluelet Zoning Amendment Bylaw No. 1282, 2020, be referred to a public hearing; and,
5. **THAT** the public hearing currently scheduled for Thursday January 28, 2021, be cancelled.

BACKGROUND:

Bylaw No. 1282, 2020, (the “Bylaw”) received first and second reading at the December 15, 2020 Regular Meeting and was referred to a public hearing. Notice has been issued for a public hearing to be held on Thursday, January 28, 2021.

Staff have become aware of an error in the Bylaw. The two properties which are subject to the zoning amendment, Lots 35 and 37, are currently zoned GH Guest House and R-1 Single Family Residential, respectively. Bylaw No. 1282 was incorrectly drafted referring to both properties as having an existing zoning designation of R-1 Single- Family Residential (see **Appendix ‘B’**).

The new draft of Zoning Amendment Bylaw No. 1282, 2020, attached as **Appendix ‘A’** to this report, and its Schedule A map include the correct reference to the existing zoning of both Lots 35 and 37.

PROCESS:

Second reading of the bylaw should be repealed, and then Council could consider giving the bylaw second reading with the proposed amendments. The public hearing set for this Thursday should be cancelled at this point. A date for a new public hearing will be set in the Council calendar, and a new

notice of public hearing will need to be prepared and distributed - with the correct reference to the amended bylaw. The applicant would not be charged an additional fee for this re-notification.

Respectfully submitted: Bruce Greig, Manager of Community Planning

DISTRICT OF UCLUELET

Appendix A

Zoning Amendment Bylaw No. 1282, 2020

A bylaw to amend the “District of Ucluelet Zoning Bylaw No. 1160, 2013”.
(316 and 330 Reef Point Road, Zoning designation change from R-1 and GH to CS-5)

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:

THAT Schedule B of the District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by adding the following secondary permitted use to section *CS-5.3.1 Maximum Number* in alphanumerical order, as follows:

“(2) Despite subsection (1) above, a maximum of two (2) *Accessory Residential Dwelling Units* are permitted on Lot 37, Section 21, Clayoquot Land District, Plan VIP64737 (316 Reef Point Road)”

2. Map Amendment:

Schedule A (Zoning Map) of District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended:

- a. by changing the zoning designation of Lot 35, Section 21, Clayoquot Land District, Plan VIP64737 (PID: 023-656-255), shown shaded and annotated on the map attached to this Bylaw as Appendix “A”, from GH Guest House to CS-5 Tourist Commercial; and,
- b. by changing the zoning designation of Lot 37, Section 21, Clayoquot Land District, Plan VIP64737 (PID: 023-656-271) shown shaded and annotated on the map attached to this Bylaw as Appendix “A”, from R-1 Single Family Residential to CS-5 Tourist Commercial.

3. Citation:

This bylaw may be cited as “District of Ucluelet Zoning Amendment Bylaw No. 1282, 2020”.

READ A FIRST TIME this 15th day of December, 2020.

READ A SECOND TIME this 15th day of December, 2020.

SECOND READING REPEALED this day of , 2021.

READ A SECOND TIME AS AMENDED this day of , 2021.

PUBLIC HEARING held this day of , 2021.

READ A THIRD TIME this day of , 2021.

ADOPTED this day of , 2021.

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Amendment Bylaw No. 1282, 2020.”

Mayco Noël
Mayor

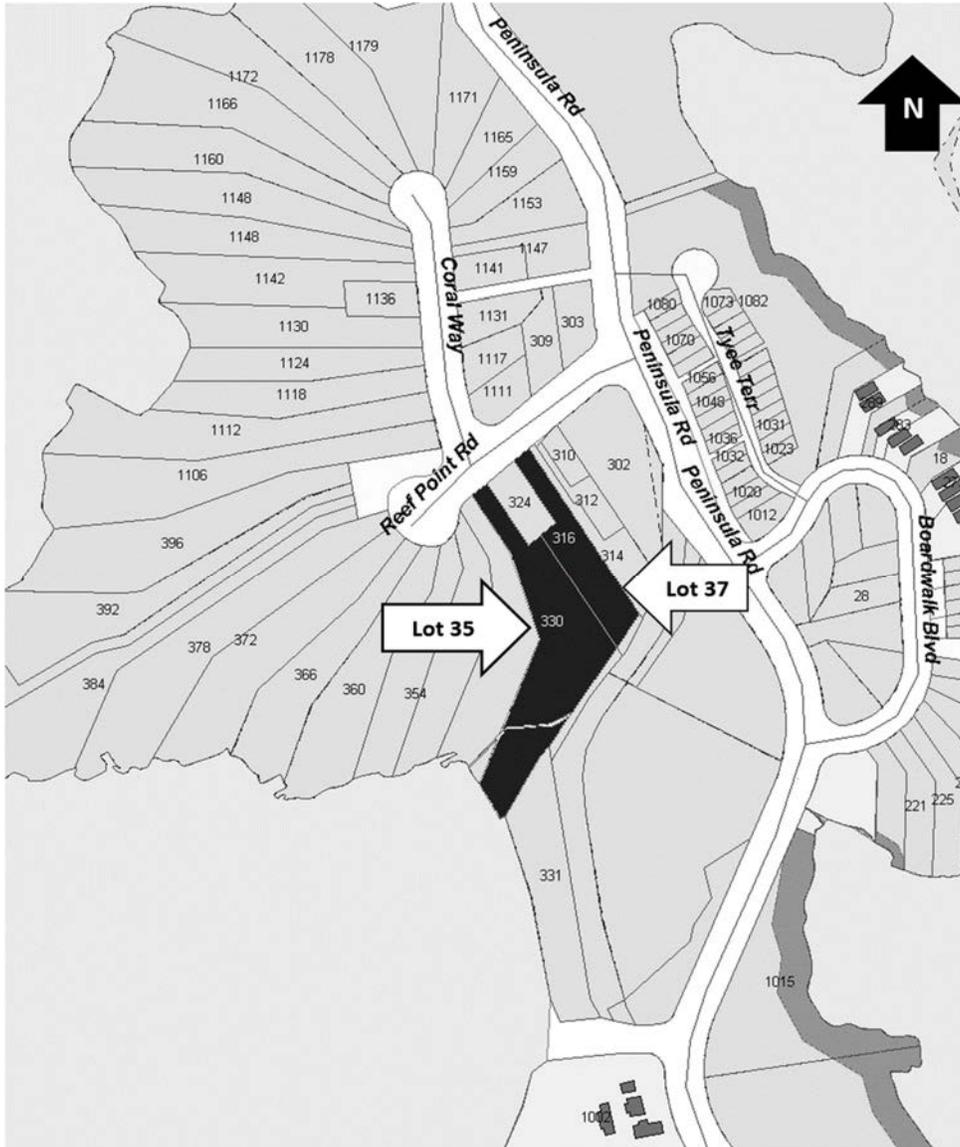
Mark Boysen
Corporate Officer

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

Mark Boysen
Corporate Officer

Schedule 'A'
District of Ucluelet Zoning Amendment Bylaw No. 1282, 2020

<u>Lot 35</u> From: GH Guest House To: CS-5 Tourist Commercial	<u>Lot 37</u> From: R-1 Single Family Residential To: CS-5 Tourist Commercial
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DISTRICT OF UCLUELET
Zoning Amendment Bylaw No. 1282, 2020

Appendix B

A bylaw to amend the “District of Ucluelet Zoning Bylaw No. 1160, 2013”.
(316 and 330 Reef Point Road, Zoning designation change from R-1 and GH to CS-5)

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:

THAT Schedule B of the District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by adding the following secondary permitted use to section *CS-5.3.1 Maximum Number* in alphanumeric order, as follows:
“(2) Despite subsection (1) above, a maximum of two (2) *Accessory Residential Dwelling Units* are permitted on Lot 37, Section 21, Clayoquot Land District, Plan VIP64737 (316 Reef Point Road)”

2. 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 37, Section 21, Clayoquot Land District, Plan VIP64737 (PID: 023-656-271) **and Lot 35, Section 21, Clayoquot Land District, Plan VIP64737 (PID: 023-656-255)**, shown shaded on the map attached to this Bylaw as Appendix “A”, from **R-1 Single Family Residential** to CS-5 Tourist Commercial.

3. Citation:

This bylaw may be cited as “District of Ucluelet Zoning Amendment Bylaw No. 1282, 2020”.

READ A FIRST TIME this 15th day of December, 2020.

READ A SECOND TIME this 15th day of December, 2020.

PUBLIC HEARING held this day of , 20 .

READ A THIRD TIME this day of , 20 .

ADOPTED this day of , 20 .

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Amendment Bylaw No. 1282, 2020.”

Mayco Noël
Mayor

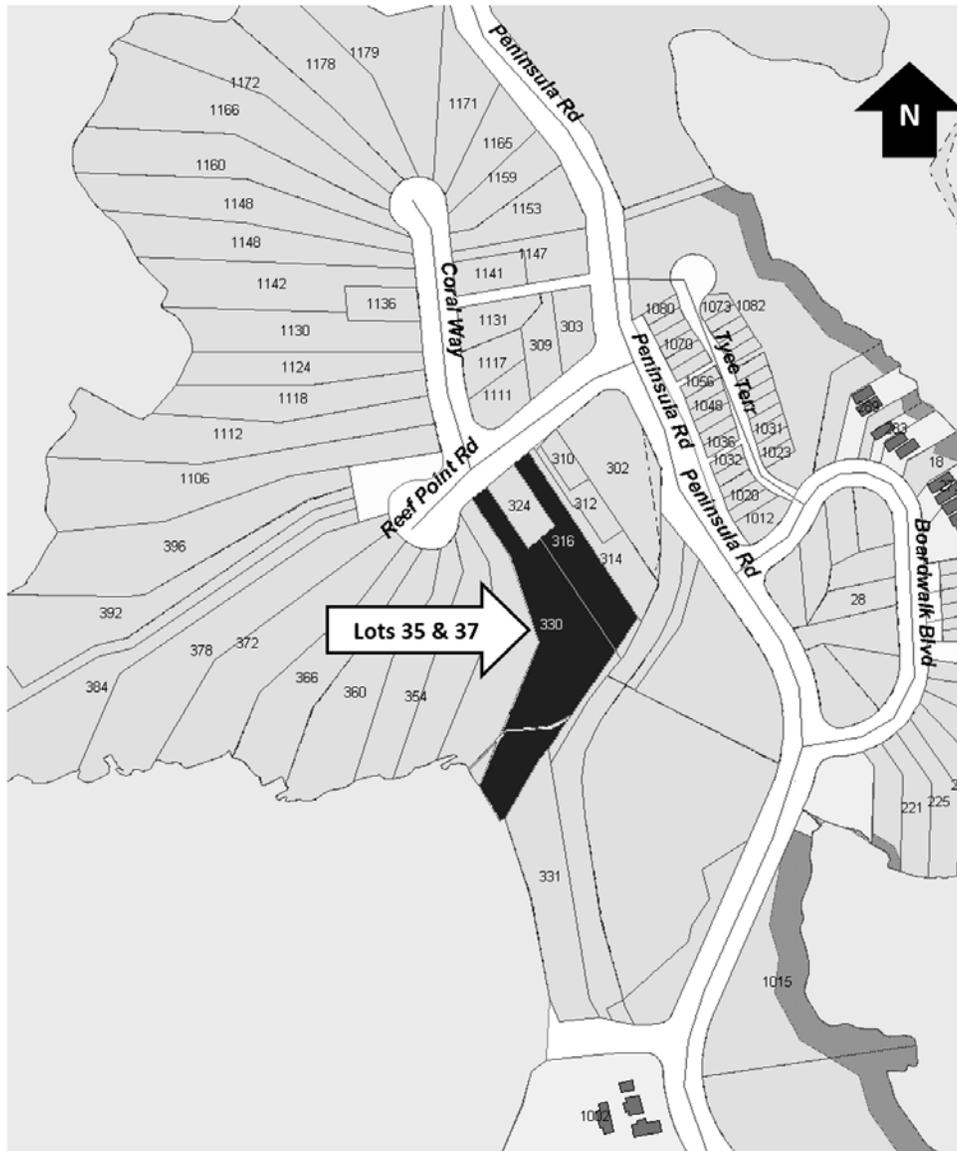
Mark Boysen
Corporate Officer

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

Mark Boysen
Corporate Officer

Schedule 'A'
District of Ucluelet Zoning Amendment Bylaw No. 1282, 2020

From: **R-1** Single Family Residential
To: CS-5 Tourist Commercial





DISTRICT OF UCLUELET

Excerpts from the January 26, 2021 Regular Meeting Minutes

12. LEGISLATION

12.2 District of Ucluelet Zoning Amendment Bylaw No. 1282, 2020 (The Lodge at Terrace Beach) Rescind 2nd Reading and Amend *Bruce Greig, Manager of Community Planning*

Mr. Greig, noted that Staff became aware of a drafting error in Bylaw No. 1282, 2020, which must be addressed before conducting a Public Hearing. He explained the error and noted that Staff recommends Council cancel the Public Hearing scheduled for January 28, 2021.

Mr. Greig also noted that a number of community members have requested that the Public Hearing be delayed.

- 2021.2039.REGULAR **It was moved by Councillor Hoar and seconded by Councillor Cole**
THAT second reading of District of Ucluelet Zoning Amendment Bylaw No. 1282, 2020 be repealed;
CARRIED.
- 2021.2040.REGULAR **It was moved by Councillor Hoar and seconded by Councillor McEwen**
THAT District of Ucluelet Zoning Amendment Bylaw No. 1282, 2020, be amended as attached as Appendix A to the staff report dated January 26, 2021, to correct errors in how the existing zoning of Lot 35 was depicted;
CARRIED.
- 2021.2041.REGULAR **It was moved by Councillor Hoar and seconded by Councillor Kemps**
THAT District of Ucluelet Zoning Amendment Bylaw No. 1282, 2020, be given second reading as amended;
- 2021.2042.REGULAR **It was moved by Councillor Hoar and seconded by Councillor Kemps**
THAT District of Ucluelet Zoning Amendment Bylaw No. 1282, 2020, be referred to a public hearing; and,
CARRIED.
- 2021.2043.REGULAR **It was moved by Councillor Hoar and seconded by Councillor McEwen**
THAT the public hearing currently scheduled for Thursday January 28, 2021, be cancelled.
CARRIED.



STAFF REPORT TO COUNCIL

Council Meeting: March 23, 2021
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, MANAGER OF COMMUNITY PLANNING **FILE NOS:** 6480-20-OCP20-01
3360-20-RZ20-07
3390-20-DVP20-06
3060-20 DP20-17

SUBJECT: PUBLIC HEARING ON BYLAW NOS. 1281, 1282 **REPORT NO:** 21- 36
AND DVP20-06 FOR "THE LODGE & STAFF
HOUSING" PROPERTIES IN THE REEF POINT AREA,
AND DISCUSSION OF TIMING FOR "THE CABINS".

ATTACHMENT(S): APPENDIX A – PUBLIC HEARING NOTICE FOR APRIL 8, 2021 AT 5:30PM
APPENDIX B – DRAFT DVP20-06

1. RECOMMENDATION:

This report is for Council's information.

2. PURPOSE:

To provide Council with an information update on the Public Hearing and timing for the bylaws and permits connected to the development application for "The Lodge & Staff Housing" and "The Cabins" multiple properties in the Reef Point area.

3. BACKGROUND:

Council received a report at its December 15, 2020, regular meeting and passed several motions to advance the development proposal. Initial readings were given to *Ucluelet Official Community Plan Amendment Bylaw No. 1281, 2020* and *Ucluelet Zoning Amendment Bylaw No. 1282, 2020* and then Council referred the bylaws to a public hearing along with Development Variance Permit DVP20-06 to provide an opportunity for public input on these elements of the proposal.

Subsequently, at its January 26, 2021, regular meeting Council received a report on rescinding 2nd reading of *Ucluelet Zoning Amendment Bylaw No. 1282, 2020* in order to correct an error in the bylaw. The Bylaw was given 2nd reading as amended and again referred to a public hearing.

Notice has been given for a public hearing to be held on April 8, 2021, at 5:30pm (see **Appendix 'A'**).

4. ADDITIONAL INFORMATION:

Archaeology Branch:

In response to questions raised by the public on the status of the permits issued for “The Cabins” site by the provincial Archaeology Branch, staff reached out to the Province for clarification of what information can be shared, while respecting the District’s responsibilities under the *Freedom of Information and Privacy Protection Act*. The Archaeology Branch provided the following:

“The Archaeology Branch suggests that the following could be disclosed to the public:

1. *Two Heritage Conservation Act permits were issued in 2019 for archaeological work on the subject properties. These permits were subject to First Nations consultation prior to issuance.*
2. *Referral to the Archaeology Branch website, which provides a fulsome overview of the types of permits the Branch issues, the process, as well as the application templates, which include the standard terms and conditions and general content that these applications are expected to contain to support a statutory decision under the HCA.*
 - a. *Overview of HCA Permits :*
<https://www2.gov.bc.ca/gov/content/industry/natural-resource-use/archaeology/permits>
 - b. *Permit Application Templates:*
<https://www2.gov.bc.ca/gov/content/industry/natural-resource-use/archaeology/guides-templates>

HCA Permitting Process Policy Guide: https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/natural-resource-use/archaeology/forms-publications/hca_permitting_process_policy_guide.pdf - there are some helpful graphics which outline the entire step by step process on Pages 7 and 8”.

Yuułuʔiłʔatḥ Government:

In response to the bylaw referral, the following was provided by the Yuułuʔiłʔatḥ Government:

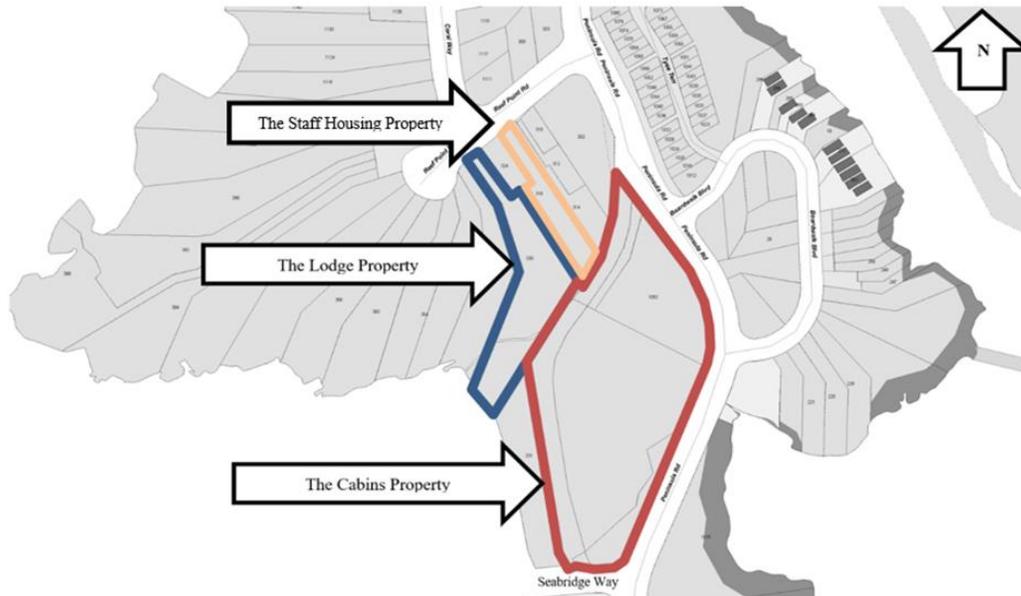
“Re: Public Hearing on Ucluelet Bylaws No. 1281 & 1282, Development Variance Permits and Development Permit for “The Cabins” development:

The Yuułuʔiłʔatḥ Government has no objection to the District of Ucluelet proceeding with its process for the bylaws and permits affecting the properties at 316 and 330 Reef Point Road.

On the nearby areas of land that are identified as an Archaeological and Cultural Heritage site, the Yuułuʔiłʔatḥ Government requests that the District of Ucluelet Council defer further consideration of the requested Development Permit and associated variances for the proposed new cabins (which would also be subject to provincial Site Alteration Permit), until the property owner and the Yuułuʔiłʔatḥ Government have finalized their discussions.”

Note that the public hearing is required for the OCP and zoning amendment bylaws, which apply to “The Lodge & Staff Housing” properties at 316 and 330 Reef Point Road. Although adjacent to those lands, the Development Permit for the 13 proposed new cabins is not required to be part of the public hearing (as “The Cabins” property is already zoned for its proposed use). The Public Hearing

has been scheduled to obtain public input on the OCP Amendment bylaw, zoning amendment bylaw and variances (DVP) that apply to “The Lodge & Staff Housing” properties.



To respect the timing of discussion between the property owner and the Yuułu?i?ath Government, the Development Permit and variances for the 13 proposed new cabins on “The Cabins” property can be left for Council to consider another day. Staff have discussed this timing with the Yuułu?i?ath Government and the property owner and both are in agreement with this approach.

Staff expect that the Development Permit and variances for the 13 proposed new cabins will make it to a Council agenda in the near future. Staff will undertake the necessary notification for that Development Variance Permit at that time and the public will be given an opportunity to comment on The Cabins’ variances during that Council meeting.

Consequently, the draft Development Variance Permit DVP20-06 has been updated to only include the variances pertinent to “The Lodge” property (see **Appendix ‘B’**). The DVP is much simplified as a result.

5. SUMMARY:

Given the feedback received, as discussed above, the public hearing scheduled for April 8th is now focused on “The Lodge & Staff Housing” properties. Leaving further consideration of the permits for “The Cabins” portion of the proposal for a future Council meeting respects the wishes of the Yuułu?i?ath Government and will enable the bylaw amendment parts of the owner’s application to continue forward at this time.

Respectfully submitted: Bruce Greig, Manager of Planning
Donna Monteith, Acting Chief Administrative Officer

Appendix A



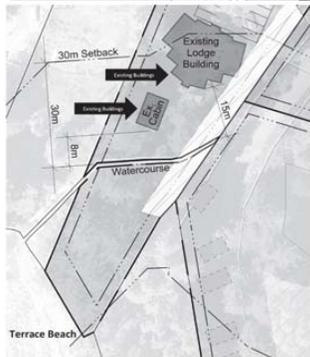
Notice of Public Hearing

Notice is hereby given that a Public Hearing will be held in the George Fraser Room in the Ucluelet Community Centre at 500 Matterson Drive, Ucluelet BC, on **Thursday, April 8th, 2021, commencing at 5:30 p.m.** on the following proposed Bylaws and Permit pursuant to Sections 464, 465, 466 and 499 of the *Local Government Act*. Due to COVID-19 and pursuant to Ministerial Order No. 192 the District of Ucluelet is offering the opportunity to participate by electronic means. In-person attendance is not permitted at this time.

- A. Official Community Plan Amendment Bylaw No. 1281, 2020;**
B. Zoning Amendment Bylaw No. 1282, 2020; and,
C. Development Variance Permit DVP20-06

Applicant: 0933164 B.C. LTD., INC.NO. BC0933164, PO BOX 909, UCLUELET, BC V0R 3A0
Location: 316 and 330 Reef Point Road, Ucluelet, BC
Legal Description: Lot 37, Plan VIP64737, Section 21, Clayoquot Land District (PID: 023-656-271) and Lot 35, Plan VIP64737, Section 21, Clayoquot Land District (PID: 023-656-255).

- Purpose:**
- A.** In general terms the purpose of *Official Community Plan Amendment Bylaw No. 1281, 2020*, is to:
- i. amend Schedule 'A' (Proposed Land Use Designations) by changing the future land use designation of Lot 35 and 37 from **Residential-Single Family** to **Tourist Commercial**; and,
 - ii. amend Schedule 'C' (Development Permit Areas) by designating Lot 35 and Lot 37 to be within Development Permit Area #3 - Reef Point.
- B.** In general terms the purpose of this *Zoning Amendment Bylaw No. 1282, 2020*, is to:
- i. amend Schedule B (Zoning Bylaw) by adding the following secondary permitted use to section CS-5.3.1 Maximum Number in alphanumeric order, as follows:
 "(2) Despite subsection (1) above, a **maximum of two (2) Accessory Residential Dwelling Units** are permitted on Lot 37, Section 21, Clayoquot Land District, Plan VIP64737 (316 Reef Point Road)".
 - ii. amend Schedule A (Zoning Map) by changing the zoning designation of Lot 37 and Lot 35, from **GH Guest House** and **R-1 Single Family Residential**, respectively, to **CS-5 Tourist Commercial**.
- C.** In general terms the Development Variance Permit DVP20-06 would authorize the following variances to *Ucluelet Zoning Bylaw No. 1160, 2013*:
- i. whereas section 306.2 (1) (b) requires a 30m setback from the natural boundary of a watercourse, the existing southernmost cabin requires an 8m minimum setback and the existing main building requires a 15m minimum setback.



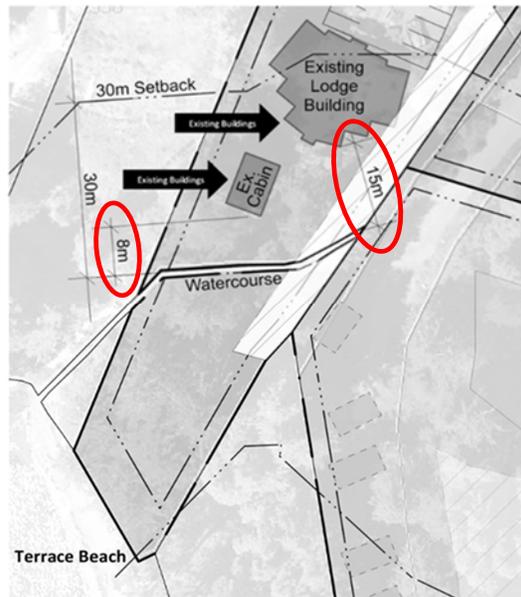
Anyone who believes these bylaws or variances will affect their interests may make a written submission and/or will be given an opportunity to be heard at the Public Hearing as follows:

- Participate by Written Submission:** Written submissions must be received before the start of the Public Hearing and include your name and street address. They are considered part of the public record pursuant to the Freedom of Information and Protection of Privacy Act.
- | | |
|---|---|
| <p>Drop-off or Mail
 Box 999 200 Main Street
 Ucluelet, BC, V0R 3A0
 (there is a drop-box on site)</p> | <p>Email
 communityinput@ucluelet.ca</p> |
|---|---|
- Attend the Public Hearing:** Due to the COVID-19 Pandemic and to ensure physical distancing, the District of Ucluelet is offering an opportunity to participate by electronic means pursuant to Ministerial Order No. 192. Anyone who believe they are affected by the proposed bylaw will be given the **opportunity to be heard via Zoom**. The public hearing will also be livestreamed on the District of Ucluelet's YouTube Channel. Zoom meeting details are below and for more information about how to participate via Zoom visit <https://ucluelet.ca/community/district-of-ucluelet-council/public-hearings>, or contact the Corporate Service Department at 250-726-7744 or rotenberg@ucluelet.ca.
- | | |
|--|---|
| <p>In-person
 Due to the COVID-19 pandemic, in-person attendance is not permitted at this time.</p> | <p>Via Zoom
 Webinar ID: 865 8866 8864. Participant ID Not required.
 Join from a PC, Mac, iPad, iPhone or Android device:
 • URL: https://us02web.zoom.us/j/86588668864
 Or iPhone one-tap:
 • +17789072071,,86588668864# Canada
 Or join by phone:
 • Canada: +1 778 907 2071
 International numbers available: https://us02web.zoom.us/j/keqY5x1cmw</p> |
|--|---|
- Review the application:** The application, bylaws, permits and other relevant materials may be inspected online at <https://ucluelet.ca/community/district-of-ucluelet-council/public-hearings>. Paper copies may be requested by phoning 250-726-7744 or by email to communityinput@ucluelet.ca. COVID-19 protocols apply to all pick-ups
- Questions?** Contact the District of Ucluelet Planning Department at 250-726-7744 or jtowgood@ucluelet.ca.

DEVELOPMENT VARIANCE PERMIT DVP20-06

Pursuant to section 498 of the Local Government Act, R.S.B.C 2015 C.1 as amended:

1. This Development Variance Permit is issued to:
0933164 B.C. LTD., INC.NO. 0933164.
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:
330 Reef Point Road, Lot 35, Plan VIP64737, Section 21, Clayoquot Land District (the "Lodge Property").
3. The work authorized by this Permit may only be carried out 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 and in compliance with all federal, provincial, and municipal statutes, regulations, and bylaws.
4. This Permit authorizes the following variances specific to the plans and details attached as Schedule "A":
 - a. **The existing southernmost cabin has a 8m setback and the existing main building has a 15m setback to the natural boundary of this watercourse, whereas section 306.2 (1) (b) of the *District of Ucluelet Zoning Bylaw No.1160, 2013*, requires a 30m setback from a watercourse.**





5. The above variances are granted for the proposed structures and use of the land as shown on Schedule A. Should the building be later removed or destroyed, this Development Variance Permit shall cease to apply and the zoning requirements in effect at the time shall apply.
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.

AUTHORIZING RESOLUTION passed by the Municipal Council on the day of , 2021.

ISSUED the day of , 2021.

Bruce Greig - Manager of Community Planning

Schedule A





DISTRICT OF UCLUELET

Excerpts from the March 23, 2021 Regular Meeting Minutes

9.2 LEGISLATION

9.2 **Public Hearing on Bylaw Nos. 1281, 1282 and DVP20-06 for "The Lodge & Staff Housing" Properties in the Reef Point are and Discussion of Timing for "The Cabins".**

Bruce Greig, Manager of Community Planning

Council recessed at 5:00 PM and returned to session at 5:08 PM.

Mr. Greig presented this report and noted the responses to District enquiries from the British Columbia Archeology Branch and the Yuułuꞵiꞵꞵath Government shown on page two of the report.

Mr. Greig explained that Development Variance Permit DVP 20-06 has been updated to only include variances related to the Lodge Property (330 Reef Point Rd.). He noted that the Public Hearing scheduled for April 8th will focus on Official Community Plan Bylaw No. 1281, 2020, and Ucluelet Zoning Amendment Bylaw No. 1282, 2020, which apply to the properties at 316 and 330 Reef Point Road. He also noted that this public hearing would also be an opportunity to receive public input on the modified version of Development Variance Permit DVP20-06 which applies to 330 Reef Point Rd. The variances and Development Permit for the Cabins Property will be brought forward at a later date.

Council discussed the importance of having in-person attendance at public hearings.

Staff noted that due to COVID-19, the Province does not permit public in-person attendance at Council meetings is at this time. Staff also outlined the reasons for not allowing public in-person attendance at public hearings at this time.

Dear Council;

We, the residents of the 'Reef Point Estates' would like to offer our concerns regarding the public hearing timing and the issues related to rezoning of 316 and 330 Reef Point Rd. as per public hearing notice for January 28, 2021.

1) *In light of Covid restrictions the date of January 28 for public input is problematic. we do not feel it provides for a reasonable ability to assess the impact of this rezoning. We would request the council postpone the public hearing until mid February.*

2) *We would request council to explain what protections are under consideration for:*

- *Proposed Heritage Designation for Terrace Beach and Hetinkis Park including protocol for presences of middens.*
- *Classification and protection of stream when buffer is seriously reduced*
- *Proposal to ensure proper public access to Terrace Beach (we have few public beaches on Ucluelet peninsula).*
- *Proposal to support Old Growth Shoreline Ecosystem, significant as nest and perch sites*
- *Increase density and related parking and traffic issues such as current speed limit - although this may be a consideration when design plans are formalized, they are important concerns up front. Regardless of current proposal Tourist Commercial CS-5 permitted uses can have a significant impact on traffic and parking (Hotel, Motel, Resort Condo, Restaurants, etc.)*

3) *Although we appreciate the investment commitment to the local economy by the applicant(s), in light of the pending OCP review and Heritage Site Designation in this area, it would more prudent and provide investors in this project with more comfort. if the OCP and Heritage Site designation were completed before any proposed zoning changes were considered.*

4) *In light of the ongoing issues of what appears to be right of way infringements and questionable public access to Terrace Beach under current zoning, we would suggest these matters be resolved before consideration of a proposal for new zoning.*

5) *Before considering lot specific zoning in a rather unique residential neighbourhood 'Reefpoint Estates' we would suggest that the council consider a Local Area Plan covering the land SW of Little Beach. This multi-stake holder option will give residents, investors,*

First Nations and Provincial Government a sense of long term goals for this rather interesting part of our community.

6) Before considering having a trail connecting Terrace Beach and Little Beach by means of navigating through the 'Reef Point Estates', what is the impact of directing additional foot traffic through this residential neighbourhood? There have been multiple disturbances on both beaches in the past - A connecting trail would bring these disturbances right into this residential neighbourhood.

7) One of the hallmarks of our local Beaches is the ability to see the starry sky at night.

- How will the proposed development and increased activity by cars (headlights) at night contribute to the light pollution, especially being in immediate proximity to Terrace Beach.
- To the First Nations Peoples, the night-sky has significant cultural importance - how does the potential increase in light pollution at Terrace Beach impact the full enjoyment of the heritage site and its ability to narrate a complete story at different times of day/night?

Thank you for your consideration of these requests and we respectfully await your response.

The residents of Reef Point Estates:

Andrew & Elisha Dick, 338 Reef Point Road
Leo & Yvonne Eeftink, 324 Reef Point Road
Michelle Belanger and Mike Foy, 346 Reef Point Rd
Thomas & Helena Hertel, 1191 Coral Way
Jens & Nelly Heyduck, 302 Reef Point Rd
Thomas Petrowitz, 1160 Coral Way
Laurie & Brent Skene, 229 Boardwalk Blvd
Ann Turner, 1160 Coral Way
Ryan Walter, 1111 Coral Way Wally and Ann Branscombe, 1117 Coral Way
Leo & Yvonne Eeftink, 324 Reef Point Road
Michelle Belanger and Mike Foy, 346 Reef Point Rd
Thomas Hertel, 1191 Coral Way
Jens Heyduck, 302 Reef Point Rd
Jf pelchat & Kristy LaMantia 1178 Coral Way

James McArthur, 309 Reef Point Rd
Thomas Petrowitz, 1160 Coral Way
Laurie & Brent Skene, 229 Boardwalk Blvd
Ann Turner, 1160 Coral Way
Ryan Walter, 1111 Coral Way

Yvonne & Leo Eeftink
324 Reef Point Road
Ucluelet, BC
VOR 3A0

January 19, 2020

Re: A. Official Community Plan Amendment Bylaw No. 1281, 2020
B. Zoning Amendment Bylaw No. 1282, 2020
C. Development Variance Permit DVP20-06

We write to Ucluelet District Council to strongly object to the re-zoning and development proposal of The Cabins as cited in the above-noted Bylaw amendments and variance permit and as contained in the December 15, 2020 Ucluelet Council Agenda. We are the owners of a private residence at 324 Reef Point Road which is immediately adjacent to both The Lodge property and the currently vacant lot where it is proposed that staff housing and a commercial laundry be constructed. We are also the owners of the Wild Pacific Cabins located at 277 Boardwalk Blvd.

The Reef Point Road and Coral Way RESIDENTIAL neighbourhood has always been zoned as a strictly residential area and was never intended to be an area for tourism enterprises including the operation of a “hotel” and all the activities associated with that commercial business. While some property owners choose to operate bed and breakfast accommodations as allowed under Ucluelet’s R1 zoning, there are none that could be described as commercial enterprises other than The Lodge owned by The Cabins.

Within the application before Council, on page 187 and 188, District Staff point out that The Lodge is not in compliance with the accommodation limitations of its current zoning as a Guest House, nor has it ever been:

“A walk through by staff of the building confirms that, other than minor changes, the building was built as per plans submitted. This building, with these uses in place, did not and does not conform to the GH zoning. Current staff cannot speak to why or how this was approved; we can only comment that the building’s configuration appears to have been reviewed and approved by the District of Ucluelet.”

And further:

“Staff suggested that since the building and cabins were purpose-built more as a motel than as a SFD, and that the property has essentially been operating as a motel, that the best way forward would be to change the zoning designation to CS-5 Tourist Commercial (CS-5) which contains Motel as a principal use.”

To be blunt, this past mistake in construction of The Lodge and its zoning - or the fact that it is just now that the District has “noticed” the mistake, is not the fault of any of the property

owners nor should the solution to that problem be visited on Reef Point Estates property owners who would be negatively impacted by a re-zoning of these properties. To re-zone these properties in an area that was clearly intended to be solely zoned as R1 to accomplish that purpose is completely unreasonable and misguided.

We do not oppose the construction of a single-family dwelling on the vacant land which complies with current R1 zoning which could be used for staff housing. It would not be necessary to rezone the lot to allow for that construction and so we must be suspicious of whether it is actually intended to be a revenue-generating extension of The Lodge.

We ask Council to consider carefully that rezoning of these two lots in the Reef Point Estates is potentially a “slippery slope”. If these two lots, why not others? This re-zoning would set a dangerous precedent that may well have the following negative impacts on the other properties in this area including, but not limited to, the following:

- Decreased re-sale value for homes due to a transition from residential to commercial zoning that significantly alters the “character” of the neighbourhood;
- Re-sale of properties may be negatively impacted even further by this re-zoning because in addition to the potential loss in resale value, it is much more difficult for potential buyers to obtain financing for properties in an area that is zoned Tourist Commercial thereby potentially making the homes in Reef Point Estates more difficult to sell;
- Increased security concerns as more seasonal and transient individuals residing in staff housing and possibly an increased number of tourists are drawn into this now quiet residential area of Ucluelet;
- Increased noise, traffic, garbage and other related concerns from unsupervised staff housing mere feet away from residential homes;
- Potential for commercial delivery trucks needed to regularly access these two lots if developed as proposed;
- Increased guest traffic and vehicle parking overflowing onto Reef Point Road and Coral Way. It should be noted that there is already a significant issue in this regard with Lodge guests often parking RVs, boat trailers and other vehicles on Reef Point Road because there is inadequate parking available on The Lodge property; and
- Increased foot traffic from staff housing and Lodge guests and tourists using the proposed trail connector.

Over the past several years there have been numerous occasions when the District Bylaw Officer and even RCMP have been called to attend to violations and disturbances by guests and staff members staying in The Lodge because there is no on-site 24-hour manager. In addition, Lodge neighbours often have to put up with drunk wedding guests and large groups that spill over onto Reef Point Road and Coral Road due to inadequate security at these Lodge events. All too often, there is garbage left on the street by these Lodge guests such as cups and beer cans and area residents are left to clean up the mess.

Furthermore, the proposal to create a connecting trail from Terrace Beach to Little Beach which would bring even more foot traffic through this quiet RESIDENTIAL area is rampantly misguided. It is clear from the Staff Report to Council found in the December 15 2020 Council Agenda that the development of these trail connectors has been a major incentive in gaining District Staff's support of this project. However, since there is already a perfectly good public sidewalk along Peninsula Road to connect Terrace Beach to Little Beach, there is no good reason to provide a parallel trail such a short distance away that would take tourists through the residential area along Coral Way and thereby subject local residents to the increased foot traffic, noise, garbage left behind, and other potential issues that would result.

It should further be noted that The Cabins made no effort to meet with or consult with neighbours and property owners of Reef Point Estates prior to making this submission on December 15 for rezoning and development even though it is abundantly clear from the Staff Report to Council that there were extensive backroom discussions ongoing with the District Planning Department long before this application was presented to Council. This complete failure of the developer to reach out to Reef Point Estates property owners is an unfortunate indicator that the expansion of the Lodge operations will only lead to more issues as cited previously.

In addition, we have grave concerns about the seeming contradiction of the stated intention of the Province to designate much of the area between Terrace Beach and Peninsula Road as a Provincial Heritage Site as stated in the letter to District Council found in the January 12 2021 Council Agenda and the plans of the developer to build 13 cabins in this sensitive area. We must question whether there is an intention to approve this development application before the area is so designated.

And finally, we find it suspect that District Staff did not present District Council with any other options. Respectfully, we ask that District Council ask District Staff to go back to the drawing board with the developer and come forward with other options that will not negatively impact Reef Point Estates, its property owners and property values. We ask that the Public Hearing currently scheduled for January 28, 2021 be postponed pending further options being presented to District Council. We suggest that the developer be directed to hold a public meeting with Reef Point Estates property owners to further discuss this major development proposal BEFORE it comes back before Council for approval.

Sincerely,

Yvonne & Leo Eeftink

From: [Edward Quilty](#)
To: [Community Input Mailbox](#)
Subject: Development Variance Permit DVP20-06
Date: January 19, 2021 9:48:43 PM

Quilty Family
366 Reef Point Rd
Ucluelet, BC
V0R 3A0
[REDACTED]

January 19, 2021

District of Ucluelet Planning Dept.
PO Box 999, 200 Main Street
Ucluelet, BC V0R 3A0
communityinput@ucluelet.ca

Re: A. Official Community Plan Amendment Bylaw No. 1281, 2020
B. Zoning Amendment Bylaw No. 1282, 2020
C. Development Variance Permit DVP20-06

Dear Sir/Madam:

We are property owners in Reef Point Beach Estates. We have reviewed the full proposal regarding the zoning and bylaw amendment proposals listed above, and also have viewed the presentation to Council on December 15, 2020 (available on YouTube). In addition we have reviewed the letter written by Michelle Belanger and Mike Foy.

Our family opposes the proposed variance to 3m rear yard setback along the Old Peninsula Road. We don't believe that the cabins should be allowed to be built closer to the park & beach than currently allowed. Thirteen densely packed new cabins and parking will add an unreasonable amount of light and noise pollution and every meter of buffer will be important to us. Our house has direct views of Terrace Beach and we are close enough to hear people talking on the beach.

We understand why the District would want to "fix some gaps", especially rights of way and legal community access to Terrace Beach; however, we would like to see that handled in a lower impact way than the proposed zoning amendments and development variances.

We look forward to open and productive discussions during the Public Hearing.

Respectfully submitted,

Ed and Natalie Quilty
Lot #30, 366 Reef Point Road

From: [Michelle Belanger](#)
To: [Community Input Mailbox](#); [Info Ucluelet](#)
Cc: [Mayco Noël](#); [Rachelle Cole](#); [Jennifer Hoar](#); [Lara Kemps](#); [Marilyn McEwen](#); [Mark Boysen](#); [Bruce Greig](#); [John Towgood](#); Karen.MacDowell@gov.bc.ca; heather.chia@gov.bc.ca
Subject: Written Submission for Jan. 28, 2021 Public Hearing
Date: January 20, 2021 12:28:39 PM
Attachments: [2021-01-20 Written Submission to Public Hearing.pdf](#)

We are writing as property owners in the subdivision of Reef Point Beach Estates.

Attached is our written submission to be included in the agenda for the Jan. 28, 2021 Public Hearing.

We intend to participate in the zoom meeting, and have the following questions:

1. Will a presentation be made and will there be an opportunity for questions during the Hearing?
2. How much time will each participant be given to speak?
3. How soon after the Public Hearing will Council be rendering its decision?
4. Can you kindly provide the following documents ahead of the Public Hearing:
 - a) Archeologic assessment of the land parcel at 1083 Peninsula Rd
 - b) Written documentation of consultation with First Nations stakeholders

The existence of this complex project, which has clearly been in the planning stages for a few years, was not widely known in the community. Despite the fact that this proposal directly affects our interests, we and the other owners of the subdivision of Reef Point Beach Estates (RPBE) only became aware of it when the Notice of Public Hearing was posted on January 14, 2021. As you aware, a Request for Postponement of Public Hearing was submitted Monday by a large group of property owners in the area. We sincerely hope that the delay will be granted, in order to give stakeholders an opportunity to inform themselves about the proposal and provide input on this project, which will have a great impact on our residential area, and the community as a whole. We feel that two weeks is insufficient notice, given that many are away because of the provincial advisory against non-essential travel due to the Covid-19 pandemic, and the fact that notification was not sent by regular mail or e-mail.

We hope to be able to work constructively with the District in resolving these issues.

Best regards,

Michelle Belanger and Mike Foy
346 Reef Point Road



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

January 20, 2021

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

Dear Sir/Madam:

Re: A. Official Community Plan Amendment Bylaw No. 1281, 2020
B. Zoning Amendment Bylaw No. 1282, 2020

C. Development Variance Permit DVP20-06

As owners of Lot #33 (346 Reef Point Rd) in Reef Point Beach Estates (Reef Point Rd and Coral Way), we are writing to voice our strong opposition to the proposed zoning and bylaw changes listed above. We only became aware of these proposals when we saw the posted Notice of Public Hearing this week and are surprised and dismayed that the proposed changes have reached this advanced stage of planning without any consultation with the neighbouring owners, who are important stakeholders. We sincerely hope that a Council decision can be deferred until our concerns have been heard and addressed.

Proposals A and B

We purchased our building lot in 2006 with the intent to build a small dwelling, which would ultimately serve as our permanent residence in retirement. Having no desire to rent our home, or any portion thereof (eg. B&B suite), we selected Reef Point Beach Estates, as it is zoned R-1 Single Family Residential, and we thought this would be the zoning most compatible with a quiet and peaceful neighbourhood.

When we purchased our lot, Lot #35 ("The Lodge") was under development by the prior owner, and we were unaware of its ultimate intended use. In the Staff Report to Council pertaining to this application, it is stated that the zoning for this lot was changed from R-1 Single Family Residential to Guest House in 2004. According to Section 405 of the District of Ucluelet Zoning By-Law 1160 pertaining to Guest Houses, "one *guest house* use is permitted within a *single family dwelling*" and "*Guest Houses* are only permitted as *accessory* to a *permanent residential use and administered by the full-time and present resident.*"

Our understanding of the history of the development of this property is discordant with the version outlined in the Staff Report to Council dated December 15, 2020. The current owner acquired the property in or around 2012, when the prior owner was forced to sell because of financial hardship. The original building was, in fact, purpose-built as a Guest House, as it had an owner/caretaker residence on the lower ground floor, and the potential for 6 (or 8?) guest rooms clustered around a great room on the 2 upper floors, along with 3 separate cottages. We believe that only 4 of the guest rooms were completed and operational at the time of purchase (in addition to the cottages), and the prior owner's use of the property, while in operation as the "Rainforest Beach Lodge", was in compliance with the zoning. It was a family-run business, and they were managing the property on-site. The current owner (0933164 B.C. LTD) went on to complete the unfinished guest rooms before beginning its operations at the property, and we understand that there was an on-site manager living there for a short time. At some point, the entire owner/caretaker living area on the lower ground floor was renovated and re-purposed into a 3 separate nightly rentals – a 3-bedroom suite ("Hidden Treasure") and 2 smaller junior suites ("Sweet Forest" and "Pequena"), and this was the point at which the property was intentionally converted into a hotel. The current owner is a sophisticated property developer, and it is simply not plausible for these costly renovations to have been undertaken without prior awareness of the zoning designation and its restrictions.

January 20, 2021

When we viewed the property soon after it was acquired by the current owner, and interior construction activities were in progress, it still had its Guest House configuration, and we understood that it was going to be operated as such, with bookings being managed by the sister company "The Cabins". We later found out that there was no longer an on-site resident manager and we have only recently become aware of the conversion of the lower ground floor to nightly-rental units, and would be interested to know how the necessary building and business permits could have been issued by the District, given the zoning limitations.

It is correct to state that the property has been running as a de facto hotel, but **this has only been the case under the new ownership**. Despite its Guest House zoning, "The Lodge" is being marketed to large groups for activities such as yoga retreats and weddings with up to 60 guests. The on-going commercial use of the property has led to several issues, which have impacted us directly:

1. Large groups (particularly wedding parties) have been observed to be boisterous, often contravening noise by-laws by hosting loud parties (sometimes including fireworks) after 10pm on the property itself, or on neighbouring Terrace Beach. These congregations often include intoxicated people who are one-time visitors to Ucluelet, and may pose a security risk to the community. When issues have arisen in the past, there has been no one living onsite at the property to direct complaints to;
2. The property can now accommodate 14 separate groups, and parking facilities are inadequate, resulting in an overflow onto Reef Point Rd. Furthermore, overflow guests from large wedding parties have used the Reef Point Rd cul-de-sac as an overnight camping spot for their RVs while attending the wedding;
3. The increased use of the north half of Terrace Beach, which has no bathroom facilities, has resulted in us finding human waste at the bottom of our property on numerous occasions. Garbage, including broken bottles, from late-night campfires on Terrace Beach is routinely left behind (which we understand to be a problem on Big Beach as well¹); and,
4. The commercial use of the property has led to increased truck traffic and wear-and-tear on Reef Point Rd, and the permanent presence of a commercial garbage dumpster at the property entrance, visible from Reef Point Rd, is unsightly.

Although the current commercial use of the property has been a source of aggravation to us, we made the conscious decision to not lodge a formal complaint to the District, in the interest of avoiding conflict and maintaining our collegial relationship with the current property managers. However, this does not imply that we have ever condoned these activities, and we would have likely opted otherwise had we known the extent of the interior modifications, which, in retrospect, explains the increase in activity on the property in recent times.

We are in strong opposition to the property zoning being changed to CS-5 Tourist Commercial. This would not only allow the existing activities to continue unchecked, but also sanction further uses, including restaurant, commercial entertainment, commercial recreation, recreational services and spa. These types of commercial activities have no place in a Single Family Residential-zoned neighbourhood. While we have no indication that the current owner intends to pursue new additional commercial activities, once the zoning has changed, there would be little to prevent a future owner, which could be an overseas corporation with no ties to the community, from doing so.

¹ <https://www.westerlynews.ca/community/big-beach-parties-spark-concern-in-ucluelet/>

January 20, 2021

As previously outlined, we purchased our property with the goal of enjoying our retirement in a quiet, peaceful and beautiful natural setting. The conversion of Lots #35 ("The Lodge") and #37 (single family lot) to CS-5 zoning, and their subsequent amalgamation with "The Cabins" property, including its proposed expansion, will divert commercial tourist traffic from the Terrace Beach area into Reef Point Beach Estates, and we will become direct neighbours to what is effectively a new mega-resort. This will impair our enjoyment of our property, and will decrease its value. We would not have purchased a lot in this location had we known of the potential for this re-development to happen.

A related concern pertains to the application for Lot #37 to be converted to staff housing and a laundry facility. "The Lodge" was originally built with ample living space for the "full time and present resident", and additional staff, and it includes a large laundry room. These ought to have been used for their intended purpose, obviating the need for staff housing and laundry facilities on a separate lot. However, in contravention of the Guest House zoning restrictions, the new owner sought to maximize profits by replacing this accommodation with 3 nightly rental units. Seasonal staff in resort communities have a history of causing noise and security disturbances associated with loud parties, inebriation and substance use. This issue is acknowledged in the District of Ucluelet's Staff Report to Council.² A stand-alone multi-unit staff house would fit poorly into our quiet residential neighbourhood.

The way this is unfolding amounts to development creep. A property has been inappropriately developed, and is improperly being used beyond its zoning restrictions, and "cleaning up" the status quo is being used as an argument for up-zoning. Unfortunately, the zoning changes, while being in the business interest of the owner, do not align with Ucluelet's Official Community Plan, and run counter to the interests of the other property owners in this **residential** neighbourhood. A further consideration is that, by allowing this practice, the District of Ucluelet would be setting a dangerous precedent for future applications for zoning changes. The practice will also foster neighbourly disputes by forcing neighbours to complain to the District about each other's questionable property use, even if it is rather benign, for fear that not doing so will lead to the activity being 'grandfathered' in.

Perhaps most importantly, the entire Reef Point Beach Estates subdivision sits under a restrictive covenant limiting development to single family dwellings. As you are likely aware, restrictive covenants dovetail conventional land use bylaws by further limiting land use possibilities. It is our understanding that once a restrictive covenant is registered against a title, removing it requires all of the owners of every lot affected to agree, in writing, to remove it, or a court order. In turn, the court order requires the Judge to be satisfied that the restrictive covenant is no longer relevant in the neighbourhood. This would be a difficult case to make here.

In our opinion, the proper remedy is for the owner to be made to revert the 3 illegal nightly-rental suites on the lower ground level to resident manager/staff accommodation, and have an on-site manager. This would put the property in compliance with its existing zoning. Lot #37 can be developed in conformance with its R-1 zoning, and the dwelling can certainly be used as a long-term rental for resort staff. The ideal location for dedicated staff housing is actually The Cabins property, which already has CS-5 zoning, and is not in proximity to residential areas.

² Page 25 of 121: "It should be also be noted that the trail SRW can be seen as a buffer to the residence to the west and that the impact of the staff accommodation use is generally diminished when it is directly connected to the resort operation (i.e., the resort has a vested interest in keeping the noise of the tenants to a minimum, not only for he impact to the neighbors but also to the guests of the resort).

January 20, 2021

Proposal C

As concerns Proposal C, we understand that the land is zoned CS-5 Tourist Commercial, and that the owner has every right to develop the property within current by-laws. The existing property is well-maintained and the business is managed very professionally. We have reviewed their plan to build 13 3-storey cantilevered cabins on the road behind Terrace Beach, and the design of these cabins seems aesthetically pleasing and well-thought-out. However, the rationale for the application to shrink existing set-backs by up to 75% is not explained, and one must assume that the purpose is to increase the size and/or number of the cabins in this space. We would be interested to know how many cabins of the proposed design would fit into the area, under existing set-back by-laws, or how the cabins would need to be re-designed to be in compliance.

During high season, these 13 cabins will add up to 80 additional people residing adjacent to Terrace Beach. Unlike day-users, the larger groups residing in these cabins will lead to an increase in beach parties and campfires after hours. In addition to the noise issues, Terrace Beach is already challenged by its lack of bathroom facilities and garbage collection, and by-law-enforcement is a perennial problem in Ucluelet, due to under-resourcing. We are thus opposed to any changes in setbacks that will permit an increased number of cabins beyond what current setbacks would allow.

We are further concerned about the fact this entire area of development falls within a proposed Provincial Heritage Site Designation under Section 9 of the Heritage Conservation Act (HCA), pursuant to the Maa-nulth/BC Cultural Site Protection Protocol signed February 19, 2015. The designation was proposed because the site includes shell midden and other artefacts, and was identified as an area where traditional and cultural practices of the Ucluelet First Nation are or have been carried out and are of high significance to the Ucluelet people. The Report to Council mentions that an archeological study has been conducted, but no report is included in the document package. The fact that a pedestrian trail through the midden is being proposed to connect the new cabins with the new resort condo building is notable and we feel it is imperative that all local First Nations stakeholders be appropriately consulted before proceeding with this plan. If this has already taken place, we would be interested to see the written documentation of First Nations approval. We would also like to gain an understanding of the implications, if any, of this development permit being issued **before** the Provincial Heritage Site Designation is finalized.

We recognize that the proposed re-development of the Reef Point area would have benefits with respect to improved public access to Terrace Beach and links to the Wild Pacific Trail, but enhanced public access should not be used as a pretext for the expansion of commercial activity beyond what is suitable, and was originally intended, for this area. Moreover, the construction and maintenance costs for the new paths and parking spaces will be borne solely by the District, with no contribution from the applicant, whose guests will likely be the majority users of these trails. These new trails would also serve to resolve two problems for the owner, at the District's expense. The first is that the existing cabins have been inappropriately built onto the statutory right-of-way for the original path. The second is that the existing private trail connecting the beach to The Lodge trespasses onto Lot #34, and would otherwise have to be moved, at the owner's own expense, should the owners of Lot #34 request this.

In conclusion, we oppose the zoning changes and development plans, as proposed, because of the deleterious effects they will have on the character of the residential neighbourhood of Reef Point Beach Estates, and the potential for over-utilization of Terrace Beach.

The Ucluelet District Council should be mindful of the potential for development creep, in which an initial "public interest" project morphs over time into a vehicle for private profit, at the expense of the local community and environment. Indeed, the number one priority in the District of Ucluelet Strategic Plan is "Managing Growth and Maintaining Quality of Life". The plan specifically recognizes that "An increasing demand for housing and development driven by thriving tourism has the potential to diminish the character and liveability of our community..." and that is precisely what is at stake here.

We feel that the Staff Report to Council, which fully supported this proposal, presented a one-sided view which did not consider the interests of the neighbouring residents, and are further concerned that the community planning team may have been misled by misrepresentations in the owner's application.

● Page 4

January 20, 2021

We trust that, as our representatives, the District Council members will act to safeguard the interests of the residents of Reef Point Beach Estates, and the community as a whole. Specifically, we request that the zoning and OCP amendment request be denied, and that operations at The Lodge be made to comply with existing zoning restrictions. In fact, Council may not be in a position to legally change the zoning bylaws and OCP, without a court order, or the unanimous consent of all of the property owners in the subdivision, to remove the restrictive covenant registered against title on all of our properties.

The proposed development at The Cabins property will result in a major change to the landscape at Terrace Beach, which has been enjoyed by the entire community for generations, and there should be more opportunity for public engagement before the Development Variance Permit is approved (either in its original form or a modified version).

We look forward to participating in the upcoming Zoom Public Hearing on January 28, 2021.

Respectfully submitted,

Handwritten signatures of Michelle Belanger and Mike Foy.

Michelle Belanger & Mike Foy

Laurie & Brent Skene
229 Boardwalk Blvd
Ucluelet, BC
V0R 3A0

January 20, 2021

ATTENTION: Ucluelet Mayor & District Council

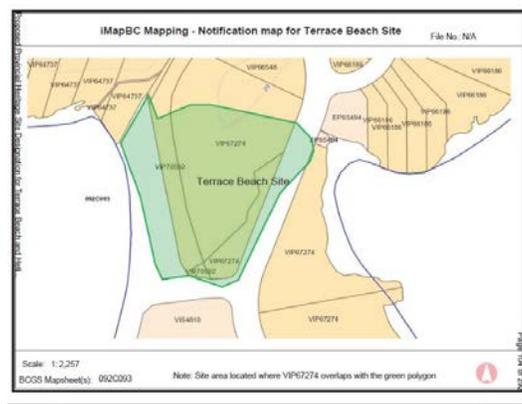
**RE: Proposed Development of "The Cabins" Properties in the Reef Point Area
Report 20-138, December 15, 2020 Council Agenda
Specifically see Appendix D, E, F**

AND

**Designation of Terrace Beach and Hetinkis Park as Provincial Heritage Sites
Letter to the Mayor dated January 5, 2021, see January 12, 2021 Ucluelet District Council
Agenda from the Ministry of Forests, Lands, Natural Resource Operations and Rural
Development**

As nearby property owners to the proposed development to build as many as 15 cabins along the old Peninsula Road that lies between Terrace Beach and now Peninsula Road, we are writing to District Council to express our grave concerns.

We ask that the Public Hearing scheduled for January 28, 2021 be postponed pending the District's Planning Department confirming to the public by providing documentation that the Province has agreed to this proposed development which appears to overrun the lands that the Province plans to designate as a Provincial Heritage Site. In maps provided in District Council Agendas relating to the above noted agenda items there appears to be a conflict between the proposed development and the planned designation of these lands meant to protect their cultural value for future generations.



Map excerpts taken from December 15, 2020 Cabins proposal and January 12, 2021 Provincial letter as contained in District Council Agendas.

It surely appears that the two proposals - "The Cabins" Terrace Beach development and the planned designation of the same area as a Provincial Heritage Site - are incompatible. It should be noted that the Corporation of the Village of Ucluelet was first advised of the province's intention to make this designation in a letter dated June 24, 2019 (also included in the January 12, 2021 Agenda).

One must question whether the rapid effort by the developer and the Planning Department to promote the Development Permit for "The Cabins" without any other options being presented to District Council to consider - put forward on the doorstep of the Christmas season when most people are preoccupied with holiday preparations - was in fact an effort to progress this misguided development BEFORE the area can be designated a Provincial Heritage Site. **We sincerely hope that is not the case and look forward to seeing the assurance that the Province agrees to this development proposal and sees it as compatible to the same area being designated as a Provincial Heritage Site.**

Thank you for your consideration of this request and we look forward to seeing such evidence from the Province (copied).

Sincerely,

Laurie & Brent Skene

C: Karen MacDowell, Project Leader, Negotiations and Regional Operations Division, Ministry of Indigenous Relations and Reconciliation

Andrew Bailey, Westerly News

Andrew & Elisha Dick
338 Reef Point Rd
Ucluelet, BC V0R 3A0



January 22th, 2021

District Of Ucluelet Planning Department
Ucluelet, BC V0R 3A0
Communityinput@Ucluelet.ca

Dear Sir/Madam

Re: - Official Community Plan Amendment Bylaw No. 1281, 2020
- Zoning Amendment Bylaw No. 1282, 2020
- Development Variance Permit DVP20-06

As Owners of Lot 34, 338 Reef Point Road, Reef Point Beach Estates, we are writing to oppose the proposed OCP, zoning and bylaw changes listed above. We only became aware of these proposals upon receiving a notice in the mail January 18th, 2021. Much to our shock, the proposed changes have reached an advanced stage of planning without any prior notice or consultation with the neighbouring property owners. We are asking that any decision by Council be deferred until our concerns are given proper consideration.

We built on Lot 34, Reef Point Road in 2017, which directly borders “The Cabins”. We chose this beautiful location because the neighborhood is primarily designated Single Family zoning, and because of its proximity to the natural splendour of Terrace Beach. We fully understood that the neighboring property, Lot 35, is zoned GH, which includes restrictions on the number of guests allowed as well as the use of the main building as a principal residence. Initially we questioned the unsightly dumpster that belongs to Lot 35 that sits to the left of our driveway, but we were confident that once we built, the owner would be considerate and relocate it. That has not happened, and it is still there to greet us and our guests along with garbage and bags of dog feces that often drift on to our driveway and into our gardens to this day. In the spirit of maintaining a cordial relationship we have, for the time being, put up with it. But over time, we have experienced an ever-increasing litany of indiscretions that continue to directly impact our enjoyment of our property, the beach, and the surrounding neighborhood. These indiscretions include trespassing,

which includes cabin guests driving up our driveway and using our front of house as a turn around, sadly ruining our gardens and plants despite having posted no trespassing signs. Cabin visitors have also blazed their own trails from Lot 35 through to our property ruining the natural landscape. Cabin guests use their decks as smoke pits, which is not only a health risk, but takes away from our right to enjoy fresh, natural air. We also experience street parking, overnight street camping, litter and human fecal matter at the foot of our property, on the trails and beach and party noise that lasts well into the night. One of the most disturbing and dangerous things we have witnessed on several occasions is watching fireworks exploding through the trees well into the morning hours. We can only see the frequency of this increasing exponentially if the capacity of the cabins and guests is increased and having hospitality staff housed on site does not instill any confidence that these behaviours will stop. And since municipal bylaw enforcement has failed to address any of these for a prolonged period of time, we have no confidence enforcement will occur in the future. If this development is permitted to proceed, we believe there will be an increased threat to both the enjoyment of our property and a decrease in our property value.

The developer's approach to this project is also somewhat questionable. First of all, the developer has admitted the property is non-conforming to current zoning, but chooses to continue to operate as usual. This, of course, is to continue to profit but also because of a lack of municipal bylaw enforcement. Now the developer seeks to remedy this situation by submitting an omnibus development application to amend the OCP, statutory rights of way, restrictive covenants and receive setback variances that far exceed what is required by their requested rezoning.

The requested variances for the main residence and cottage are particularly concerning. During our recent experience constructing our home, we willingly and without complaint, complied with all required zoning bylaws, building permits and inspections. Apparently, the Lot 35 structures were built or have been altered without having to adhere to the same stringent scrutiny that we experienced. We would like a full and transparent explanation of how and why this occurred and what steps the municipality will take to remedy this issue without conceding to the omnibus development application being proposed by this non-resident developer. What's more is the very real and very dangerous precedent this could create. It isn't inconceivable that the approval of this application could embolden other local property owners to build nonconforming rentals on their residential lots and then after the fact, put in a GH or CS-5 rezoning request to similarly remedy their situation.

The fact the developer has requested permission from the municipality to begin building before all relevant plans and strata designations are in place seriously contravenes long-standing development standards. It would have been much more cost effective and convenient if we had received the same consideration when we built. We were required to dot every i and cross every t and proceed through the process step-by-step. This process was designed carefully and is standard practice everywhere. It protects the size, scope and quality of a completed structure. The development application states,

“Detailed drawings for this building have not been included...but the applicant has stated they will maintain the general character and materials of the 13 proposed cabins” and “be subject to a future DP application when the architectural and site design are further resolved.”

Promises are not part of the process. Without properly engineered and approved plans it is conceivable that the size and scope of this development could be changed drastically and still conform to the requested zoning. Without an approved building plan and permit, it would be possible for the developer to simply connect all thirteen waterfront cabins into one mega Tin Wis style structure as long as setbacks, density and coverage ratios were met. Development consultant Ian Kennington is quoted as saying,

“I assure you that this is extremely low density compared to what is allowed on this site which could have had a large hotel instead of cabins.”

The implied message here is obvious. Residents with concerns about density should be grateful for this proposal because the developers could build a much higher density resort. And they are requesting to build parts of it based on promises. It seems to be a recurring theme, build first, ask for variances later.

Questions remain with regard to the environmental study that was submitted with the proposal. Mister Kennington explains that “...*only tagged trees will not be removed.*” But this is not comforting as there is a serious potential of opening up the entire beach frontage. There is also the danger of disturbing and or destroying critical bird habitat and nesting opportunities. According to the Aquaparian environmental study, “A detailed bird survey was not completed by Aquaparian for this project.” and that “It should be noted that the WITS database has not been updated for several years.” The fact is, many of us have had the good fortune to enjoy a great many bird species over that section of property, especially eagles, so it’s one thing for Ian Kennington to say the development has had “*an environmental assessment*” but it is

entirely deceiving to claim the assessment was complete and thorough. Statements like this give us little confidence the development is forthcoming and honest. It just makes everyone more sceptical and distrustful.

The renderings of the thirteen three-storey, cantilevered cabins shown to council grossly understate the size and scale of the new resort and will forever change the pristine nature of Terrace Beach. With the proximity of the cabins being located so close to the beach, there is a concern that during the day, Terrace Beach will lose that feeling of living on the edge that is so important to locals and visitors. Instead of a backdrop of lush, green westcoast forest, people will see a wall of multi-storied, multi-coloured cabins. After dark the proposed floor to ceiling windows, oversized decks and hot tubs will pollute the serenity of the beach with light and noise. This unique, natural wonder is being threatened for the sake of unneeded development. But the comments by Mister Kennington would have us believe differently as he explains,

“As a community we are fortunate to have a developer who has actively sought to ensure locals get something out of this and to create a development that respects the area, its history and its visitors.”

This is a serious matter that brings with it serious long-term consequences and is an opportunity for the Council to save this pristine piece of nature for locals and visitors to enjoy for generations.

One of our most obvious and greatest concerns from watching the council meeting of December 15th, is that nowhere in that meeting was there any concern shown or mention of the many possible negative impact this development may have on the existing residents of Reef Point Beach Estates. There was lots of emphasis put on the generosity of the developer to gift rights of way, land for parking spaces and beach access. Mister Kennington likes to emphasise that the locals should embrace *“...all that is being offered to the community.”* However, the benefits they offer are hollow as they are solely for the benefit of the developer. For example, exchanging one right of way for another is simply to remedy their existing encroachments on the existing rights of way. More importantly, it is not a benefit to locals and the public to be given the responsibility to build additional trails and parking lots at expense of local taxpayers. As for beach access, if there were a need for additional beach access, locals would first have to show a desire, then go through the required processes to make that happen. This whole approach of inauthentic generosity shows a great lack of consideration and respect toward local property owners. We feel that the Staff report to council showed a very biased view which did not fully consider us as adjoining residents who have a vested interest in our community.

We ask that the omnibus application to amend the OCP, the statutory rights of way, the restrictive covenants and the changes of variances that far exceed the allowances of their requested rezoning be rejected and that the owners of Lot 35 that currently operates “The Cabins” be made to immediately comply with existing GH zoning bylaws.

We are also hoping the Council will either reject this proposal in whole, or seriously consider rescheduling this hearing so that local property owners can have the opportunity to further investigate and understand the implications of this very serious application to change the face of our neighbourhood...a decision that has the potential to impact many local taxpayers, their families, and equally as important, the cultural heritage and natural beauty of this unique area forever.

With Respect

Andrew & Elisha Dick

Thomas Hertel

1179 Coral Way
Ucluelet, BC VOR 3A0



Date: __January 21, 2021_____

District of Ucluelet Planning Dept.
PO Box 999, 200 Main Street
Ucluelet, BC VOR 3A0
communityinput@ucluelet.ca

Dear Sir/Madam:

- Re: A. Official Community Plan Amendment Bylaw No. 1281, 2020
B. Zoning Amendment Bylaw No. 1282, 2020
C. Development Variance Permit DVP20-06

We are property owners in Reef Point Beach Estates (Reef Point Road/Coral Way) and have reviewed the attached written submission by Michelle Belanger and Mike Foy, of 346 Reef Point Rd, regarding the zoning and bylaw amendment proposals listed above.

We oppose these zoning and by-law changes, because of the effects they will have on our quiet residential neighbourhood and the character of Terrace Beach, as outlined in the letter written by the owners of 346 Reef Point Rd.

Additional concerns of ours include:

Construction of the trail from Coral Way to Little Beach. This trail will increase transient pedestrian traffic through Reef Point Beach Estates. As owner of the property at the end of Coral Way, and immediately adjacent to the proposed trail, we foresee construction of this trail will have considerable negative impact on the use of our property. In the past we have experienced attempted break-ins and theft of property when the trail was previously more accessible. These issues will likely affect the entire subdivision if the trail becomes a main gateway between Little Beach and Terrace Beach.

Respectfully submitted,

Name(s): __Thomas Hertel_____

Lot #: __12_____ Street Address: __1179 Coral Way_____

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

January 20, 2021

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

Dear Sir/Madam:

Re: A. Official Community Plan Amendment Bylaw No. 1281, 2020
B. Zoning Amendment Bylaw No. 1282, 2020

C. Development Variance Permit DVP20-06

As owners of Lot #33 (346 Reef Point Rd) in Reef Point Beach Estates (Reef Point Rd and Coral Way), we are writing to voice our strong opposition to the proposed zoning and bylaw changes listed above. We only became aware of these proposals when we saw the posted Notice of Public Hearing this week and are surprised and dismayed that the proposed changes have reached this advanced stage of planning without any consultation with the neighbouring owners, who are important stakeholders. We sincerely hope that a Council decision can be deferred until our concerns have been heard and addressed.

Proposals A and B

We purchased our building lot in 2006 with the intent to build a small dwelling, which would ultimately serve as our permanent residence in retirement. Having no desire to rent our home, or any portion thereof (eg. B&B suite), we selected Reef Point Beach Estates, as it is zoned R-1 Single Family Residential, and we thought this would be the zoning most compatible with a quiet and peaceful neighbourhood.

When we purchased our lot, Lot #35 ("The Lodge") was under development by the prior owner, and we were unaware of its ultimate intended use. In the Staff Report to Council pertaining to this application, it is stated that the zoning for this lot was changed from R-1 Single Family Residential to Guest House in 2004. According to Section 405 of the District of Ucluelet Zoning By-Law 1160 pertaining to Guest Houses, "one *guest house* use is permitted within a *single family dwelling*" and "*Guest Houses* are only permitted as *accessory* to a *permanent residential use and administered by the full-time and present resident.*"

Our understanding of the history of the development of this property is discordant with the version outlined in the Staff Report to Council dated December 15, 2020. The current owner acquired the property in or around 2012, when the prior owner was forced to sell because of financial hardship. The original building was, in fact, purpose-built as a Guest House, as it had an owner/caretaker residence on the lower ground floor, and the potential for 6 (or 8?) guest rooms clustered around a great room on the 2 upper floors, along with 3 separate cottages. We believe that only 4 of the guest rooms were completed and operational at the time of purchase (in addition to the cottages), and the prior owner's use of the property, while in operation as the "Rainforest Beach Lodge", was in compliance with the zoning. It was a family-run business, and they were managing the property on-site. The current owner (0933164 B.C. LTD) went on to complete the unfinished guest rooms before beginning its operations at the property, and we understand that there was an on-site manager living there for a short time. At some point, the entire owner/caretaker living area on the lower ground floor was renovated and re-purposed into a 3 separate nightly rentals – a 3-bedroom suite ("Hidden Treasure") and 2 smaller junior suites ("Sweet Forest" and "Pequena"), and this was the point at which the property was intentionally converted into a hotel. The current owner is a sophisticated property developer, and it is simply not plausible for these costly renovations to have been undertaken without prior awareness of the zoning designation and its restrictions.

January 20, 2021

When we viewed the property soon after it was acquired by the current owner, and interior construction activities were in progress, it still had its Guest House configuration, and we understood that it was going to be operated as such, with bookings being managed by the sister company "The Cabins". We later found out that there was no longer an on-site resident manager and we have only recently become aware of the conversion of the lower ground floor to nightly-rental units, and would be interested to know how the necessary building and business permits could have been issued by the District, given the zoning limitations.

It is correct to state that the property has been running as a de facto hotel, but **this has only been the case under the new ownership**. Despite its Guest House zoning, "The Lodge" is being marketed to large groups for activities such as yoga retreats and weddings with up to 60 guests. The on-going commercial use of the property has led to several issues, which have impacted us directly:

1. Large groups (particularly wedding parties) have been observed to be boisterous, often contravening noise by-laws by hosting loud parties (sometimes including fireworks) after 10pm on the property itself, or on neighbouring Terrace Beach. These congregations often include intoxicated people who are one-time visitors to Ucluelet, and may pose a security risk to the community. When issues have arisen in the past, there has been no one living onsite at the property to direct complaints to;
2. The property can now accommodate 14 separate groups, and parking facilities are inadequate, resulting in an overflow onto Reef Point Rd. Furthermore, overflow guests from large wedding parties have used the Reef Point Rd cul-de-sac as an overnight camping spot for their RVs while attending the wedding;
3. The increased use of the north half of Terrace Beach, which has no bathroom facilities, has resulted in us finding human waste at the bottom of our property on numerous occasions. Garbage, including broken bottles, from late-night campfires on Terrace Beach is routinely left behind (which we understand to be a problem on Big Beach as well¹); and,
4. The commercial use of the property has led to increased truck traffic and wear-and-tear on Reef Point Rd, and the permanent presence of a commercial garbage dumpster at the property entrance, visible from Reef Point Rd, is unsightly.

Although the current commercial use of the property has been a source of aggravation to us, we made the conscious decision to not lodge a formal complaint to the District, in the interest of avoiding conflict and maintaining our collegial relationship with the current property managers. However, this does not imply that we have ever condoned these activities, and we would have likely opted otherwise had we known the extent of the interior modifications, which, in retrospect, explains the increase in activity on the property in recent times.

We are in strong opposition to the property zoning being changed to CS-5 Tourist Commercial. This would not only allow the existing activities to continue unchecked, but also sanction further uses, including restaurant, commercial entertainment, commercial recreation, recreational services and spa. These types of commercial activities have no place in a Single Family Residential-zoned neighbourhood. While we have no indication that the current owner intends to pursue new additional commercial activities, once the zoning has changed, there would be little to prevent a future owner, which could be an overseas corporation with no ties to the community, from doing so.

¹ <https://www.westerlynews.ca/community/big-beach-parties-spark-concern-in-ucluelet/>

January 20, 2021

As previously outlined, we purchased our property with the goal of enjoying our retirement in a quiet, peaceful and beautiful natural setting. The conversion of Lots #35 ("The Lodge") and #37 (single family lot) to CS-5 zoning, and their subsequent amalgamation with "The Cabins" property, including its proposed expansion, will divert commercial tourist traffic from the Terrace Beach area into Reef Point Beach Estates, and we will become direct neighbours to what is effectively a new mega-resort. This will impair our enjoyment of our property, and will decrease its value. We would not have purchased a lot in this location had we known of the potential for this re-development to happen.

A related concern pertains to the application for Lot #37 to be converted to staff housing and a laundry facility. "The Lodge" was originally built with ample living space for the "full time and present resident", and additional staff, and it includes a large laundry room. These ought to have been used for their intended purpose, obviating the need for staff housing and laundry facilities on a separate lot. However, in contravention of the Guest House zoning restrictions, the new owner sought to maximize profits by replacing this accommodation with 3 nightly rental units. Seasonal staff in resort communities have a history of causing noise and security disturbances associated with loud parties, inebriation and substance use. This issue is acknowledged in the District of Ucluelet's Staff Report to Council.² A stand-alone multi-unit staff house would fit poorly into our quiet residential neighbourhood.

The way this is unfolding amounts to development creep. A property has been inappropriately developed, and is improperly being used beyond its zoning restrictions, and "cleaning up" the status quo is being used as an argument for up-zoning. Unfortunately, the zoning changes, while being in the business interest of the owner, do not align with Ucluelet's Official Community Plan, and run counter to the interests of the other property owners in this **residential** neighbourhood. A further consideration is that, by allowing this practice, the District of Ucluelet would be setting a dangerous precedent for future applications for zoning changes. The practice will also foster neighbourly disputes by forcing neighbours to complain to the District about each other's questionable property use, even if it is rather benign, for fear that not doing so will lead to the activity being 'grandfathered' in.

Perhaps most importantly, the entire Reef Point Beach Estates subdivision sits under a restrictive covenant limiting development to single family dwellings. As you are likely aware, restrictive covenants dovetail conventional land use bylaws by further limiting land use possibilities. It is our understanding that once a restrictive covenant is registered against a title, removing it requires all of the owners of every lot affected to agree, in writing, to remove it, or a court order. In turn, the court order requires the Judge to be satisfied that the restrictive covenant is no longer relevant in the neighbourhood. This would be a difficult case to make here.

In our opinion, the proper remedy is for the owner to be made to revert the 3 illegal nightly-rental suites on the lower ground level to resident manager/staff accommodation, and have an on-site manager. This would put the property in compliance with its existing zoning. Lot #37 can be developed in conformance with its R-1 zoning, and the dwelling can certainly be used as a long-term rental for resort staff. The ideal location for dedicated staff housing is actually The Cabins property, which already has CS-5 zoning, and is not in proximity to residential areas.

² Page 25 of 121: "It should be also be noted that the trail SRW can be seen as a buffer to the residence to the west and that the impact of the staff accommodation use is generally diminished when it is directly connected to the resort operation (i.e., the resort has a vested interest in keeping the noise of the tenants to a minimum, not only for he impact to the neighbors but also to the guests of the resort).

January 20, 2021

Proposal C

As concerns Proposal C, we understand that the land is zoned CS-5 Tourist Commercial, and that the owner has every right to develop the property within current by-laws. The existing property is well-maintained and the business is managed very professionally. We have reviewed their plan to build 13 3-storey cantilevered cabins on the road behind Terrace Beach, and the design of these cabins seems aesthetically pleasing and well-thought-out. However, the rationale for the application to shrink existing set-backs by up to 75% is not explained, and one must assume that the purpose is to increase the size and/or number of the cabins in this space. We would be interested to know how many cabins of the proposed design would fit into the area, under existing set-back by-laws, or how the cabins would need to be re-designed to be in compliance.

During high season, these 13 cabins will add up to 80 additional people residing adjacent to Terrace Beach. Unlike day-users, the larger groups residing in these cabins will lead to an increase in beach parties and campfires after hours. In addition to the noise issues, Terrace Beach is already challenged by its lack of bathroom facilities and garbage collection, and by-law-enforcement is a perennial problem in Ucluelet, due to under-resourcing. We are thus opposed to any changes in setbacks that will permit an increased number of cabins beyond what current setbacks would allow.

We are further concerned about the fact this entire area of development falls within a proposed Provincial Heritage Site Designation under Section 9 of the Heritage Conservation Act (HCA), pursuant to the Maa-nulth/BC Cultural Site Protection Protocol signed February 19, 2015. The designation was proposed because the site includes shell midden and other artefacts, and was identified as an area where traditional and cultural practices of the Ucluelet First Nation are or have been carried out and are of high significance to the Ucluelet people. The Report to Council mentions that an archeological study has been conducted, but no report is included in the document package. The fact that a pedestrian trail through the midden is being proposed to connect the new cabins with the new resort condo building is notable and we feel it is imperative that all local First Nations stakeholders be appropriately consulted before proceeding with this plan. If this has already taken place, we would be interested to see the written documentation of First Nations approval. We would also like to gain an understanding of the implications, if any, of this development permit being issued **before** the Provincial Heritage Site Designation is finalized.

We recognize that the proposed re-development of the Reef Point area would have benefits with respect to improved public access to Terrace Beach and links to the Wild Pacific Trail, but enhanced public access should not be used as a pretext for the expansion of commercial activity beyond what is suitable, and was originally intended, for this area. Moreover, the construction and maintenance costs for the new paths and parking spaces will be borne solely by the District, with no contribution from the applicant, whose guests will likely be the majority users of these trails. These new trails would also serve to resolve two problems for the owner, at the District's expense. The first is that the existing cabins have been inappropriately built onto the statutory right-of-way for the original path. The second is that the existing private trail connecting the beach to The Lodge trespasses onto Lot #34, and would otherwise have to be moved, at the owner's own expense, should the owners of Lot #34 request this.

In conclusion, we oppose the zoning changes and development plans, as proposed, because of the deleterious effects they will have on the character of the residential neighbourhood of Reef Point Beach Estates, and the potential for over-utilization of Terrace Beach.

The Ucluelet District Council should be mindful of the potential for development creep, in which an initial "public interest" project morphs over time into a vehicle for private profit, at the expense of the local community and environment. Indeed, the number one priority in the District of Ucluelet Strategic Plan is "Managing Growth and Maintaining Quality of Life". The plan specifically recognizes that "An increasing demand for housing and development driven by thriving tourism has the potential to diminish the character and liveability of our community..." and that is precisely what is at stake here.

We feel that the Staff Report to Council, which fully supported this proposal, presented a one-sided view which did not consider the interests of the neighbouring residents, and are further concerned that the community planning team may have been misled by misrepresentations in the owner's application.

● Page 4

January 20, 2021

We trust that, as our representatives, the District Council members will act to safeguard the interests of the residents of Reef Point Beach Estates, and the community as a whole. Specifically, we request that the zoning and OCP amendment request be denied, and that operations at The Lodge be made to comply with existing zoning restrictions. In fact, Council may not be in a position to legally change the zoning bylaws and OCP, without a court order, or the unanimous consent of all of the property owners in the subdivision, to remove the restrictive covenant registered against title on all of our properties.

The proposed development at The Cabins property will result in a major change to the landscape at Terrace Beach, which has been enjoyed by the entire community for generations, and there should be more opportunity for public engagement before the Development Variance Permit is approved (either in its original form or a modified version).

We look forward to participating in the upcoming Zoom Public Hearing on January 28, 2021.

Respectfully submitted,

Handwritten signatures of Michelle Belanger and Mike Foy. The signature on the left is for Michelle Belanger and the signature on the right is for Mike Foy.

Michelle Belanger & Mike Foy

From: [Reef Point Estates](#)
To: [Community Input Mailbox](#); [Info Ucluelet](#)
Cc: [REDACTED]
Subject: Re: For immediate attention - Request to postpone public hearing
Date: January 22, 2021 1:28:24 PM
Attachments: [To council for immediate attention rev.2.pdf](#)

Dear Council,

We, the residents of the subdivision known as 'Reef Point Beach Estates' proposed earlier this week, to delay the process and public hearing pertaining to OCP Amendment Bylaw No. 1281, 2020; Zoning Amendment Bylaw No. 1282, 2020 as well as Development Variance Permit DVP20-06.

This would give council the opportunity to develop a comprehensive development strategy, following 'good planning practices' before making specific zoning changes right in the middle of this large and diverse planning area.

As we haven't received any response to our request, please find a revised letter of this request attached to this email.

Sincerely,
The residents:

Ann Branscombe, 1117 Coral Way
Andrew & Elisha Dick, 338 Reef Point Road
Leo & Yvonne Eeftink, 324 Reef Point Road
Michelle Belanger and Mike Foy, 346 Reef Point Rd
Thomas & Helena Hertel, 1191 Coral Way
Jens & Nelly Heyduck, 302 Reef Point Rd
Thomas Petrowitz, 1160 Coral Way
Laurie & Brent Skene, 229 Boardwalk Blvd
Ann Turner, 1160 Coral Way
Ryan Walter, 1111 Coral Way
Leo & Yvonne Eeftink, 324 Reef Point Road
Michelle Belanger and Mike Foy, 346 Reef Point Rd
Kerry Harwood, 1136 Coral Way
Thomas Hertel, 1191 Coral Way
Jens Heyduck, 302 Reef Point Rd
Jf pelchat & Kristy LaMantia 1178 Coral Way

James McArthur, 309 Reef Point Rd
Brian & Dian McCreary, 1166 Coral Way
David Muysson, Reef Point Rd
Pat Neumann, 303 Reef Point Rd
Thomas Petrowitz, 1160 Coral Way
Ed and Natalie Quilty, 366 Reef Pt Rd
Laurie & Brent Skene, 229 Boardwalk Blvd
Ann Turner, 1160 Coral Way
Ryan Walter, 1111 Coral Way
David and Elisa White, 1148 Coral Way

On Mon, 18 Jan 2021 at 20:00, Reef Point Estates [REDACTED] > wrote:
Dear Council;

We, the residents of the 'Reef Point Estates' would like to offer our concerns regarding the public hearing timing and the issues related to rezoning of 316 and 330 Reef Point Rd. as per public hearing notice for January 28, 2021.

1) In light of Covid restrictions the date of January 28 for public input is problematic. we do not feel it provides for a reasonable ability to assess the impact of this rezoning. We would request the council postpone the public hearing until mid February.

2) We would request council to explain what protections are under consideration for:

- *Proposed Heritage Designation for Terrace Beach and Hetinkis Park including protocol for presences of middens.*
- *Classification and protection of stream when buffer is seriously reduced*
- *Proposal to ensure proper public access to Terrace Beach (we have few public beaches on Ucluelet peninsula).*
- *Proposal to support Old Growth Shoreline Ecosystem, significant as nest and perch sites*
-

Increase density and related parking and traffic issues such as current speed limit - although this may be a consideration when design plans are formalized, they are important concerns up front. Regardless of current proposal Tourist Commercial CS-5 permitted uses can have a significant impact on traffic and parking (Hotel, Motel, Resort Condo, Restaurants, etc.)

3) Although we appreciate the investment commitment to the local economy by the applicant(s), in light of the pending OCP review and Heritage Site Designation in this area, it would more prudent and provide investors in this project with more comfort, if the OCP and Heritage Site designation were completed before any proposed zoning changes were considered.

4) In light of the ongoing issues of what appears to be right of way infringements and questionable public access to Terrace Beach under current zoning, we would suggest these matters be resolved before consideration of a proposal for new zoning.

5) Before considering lot specific zoning in a rather unique residential neighbourhood 'Reefpoint Estates' we would suggest that the council consider a Local Area Plan covering the land SW of Little Beach. This multi-stake holder option will give residents, investors, First Nations and Provincial Government a sense of long term goals for this rather interesting part of our community.

6) Before considering having a trail connecting Terrace Beach and Little Beach by means of navigating through the 'Reef Point Estates', what is the impact of directing additional foot traffic through this residential neighbourhood? There have been multiple disturbances on both beaches in the past - A connecting trail would bring these disturbances right into this residential neighbourhood.

7) One of the hallmarks of our local Beaches is the ability to see the starry sky at night.

- How will the proposed development and increased activity by cars (headlights) at night contribute to the light pollution, especially being in immediate proximity to Terrace Beach.
- To the First Nations Peoples, the night-sky has significant cultural importance - how does the potential increase in light pollution at Terrace Beach impact the full enjoyment of the heritage site and its ability to narrate a complete story at different times of day/night?

Thank you for your consideration of these requests and we respectfully await your response.

The residents of Reef Point Estates:

Wally and Ann Branscombe, 1117 Coral Way

Leo & Yvonne Eeftink, 324 Reef Point Road

Michelle Belanger and Mike Foy, 346 Reef Point Rd

Thomas Hertel, 1191 Coral Way

Jens Heyduck, 302 Reef Point Rd

Jf pelchat & Kristy LaMantia 1178 Coral Way

James McArthur, 309 Reef Point Rd

Thomas Petrowitz, 1160 Coral Way

Laurie & Brent Skene, 229 Boardwalk Blvd

Ann Turner, 1160 Coral Way

Ryan Walter, 1111 Coral Way

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- *Increase density and related parking and traffic issues such as current speed limit - although this may be a consideration when design plans are formalized, they are important concerns up front. Regardless of current proposal Tourist Commercial CS-5 permitted uses can have a significant impact on traffic and parking (Hotel, Motel, Resort Condo, Restaurants, etc.)*

3) *Although we appreciate the investment commitment to the local economy by the applicant(s), in light of the pending OCP review and Heritage Site Designation in this area, it would more prudent and provide investors in this project with more comfort, if the OCP and Heritage Site designation were completed before any proposed zoning changes were considered.*

4) *In light of the ongoing issues of what appears to be right of way infringements and questionable public access to Terrace Beach under current zoning, we would suggest these matters be resolved before consideration of a proposal for new zoning.*

5) *Before considering lot specific zoning in a rather unique residential neighbourhood 'Reefpoint Estates' we would suggest that the council consider a Local Area Plan covering the land SW of Little Beach. This multi-stake holder option will give residents, investors,*

First Nations and Provincial Government a sense of long term goals for this rather interesting part of our community.

There also is the issue of a covenant, registered against each title in the Reef Point Beach Estates subdivision, which only can be lifted by court order or by mutual agreement of all land owners. The proposed rezoning is in direct conflict to this covenant - On which grounds is the District of Ucluelet considering a rezoning of properties 316 and 330 Reef Point Rd. to CS-5 'Tourist Commercial' within this residential neighbourhood?

6) Before considering having a trail connecting Terrace Beach and Little Beach by means of navigating through the 'Reef Point Estates', what is the impact of directing additional foot traffic through this residential neighbourhood? There have been multiple disturbances on both beaches in the past, such as noise, garbage and animal feces - A connecting trail would bring these disturbances right into this residential neighbourhood.

7) One of the hallmarks of our local Beaches is the ability to see the starry sky at night.

- How will the proposed development and increased activity by cars (headlights) at night contribute to the light pollution, especially being in immediate proximity to Terrace Beach.
- To the First Nations Peoples, the night-sky has spiritual and significant cultural importance - how does the potential increase in light pollution at Terrace Beach impact the full enjoyment of the heritage site and its ability to narrate a complete story at different times of day/night?

In which way would the proposed development alongside Terrace Beach, by means of building cabins, aid cultural understanding and the enjoyment of this important cultural site?

8) To better understand the position of all First Nations stakeholders, could you please forward us the conversation (letters or email) pertaining to the issue at hand thus far?

We also would like to request the following:

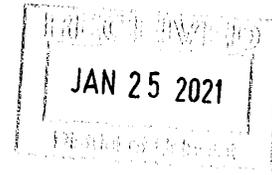
- Archeological assessment of the land parcel at 1083 Peninsula Rd.
- Copies of any and all covenants registered against title on the property at 1083 Peninsula Rd, and any existing by-law amendments pertaining to this property.

Thank you for your consideration of these requests and we respectfully await your response.

The residents of Reef Point Estates:

Ann Branscombe, 1117 Coral Way
Andrew & Elisha Dick, 338 Reef Point Road
Leo & Yvonne Eeftink, 324 Reef Point Road
Michelle Belanger and Mike Foy, 346 Reef Point Rd
Thomas & Helena Hertel, 1191 Coral Way
Jens & Nelly Heyduck, 302 Reef Point Rd
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Laurie & Brent Skene, 229 Boardwalk Blvd
Ann Turner, 1160 Coral Way
Ryan Walter, 1111 Coral Way
David and Elisa White, 1148 Coral Way

Thomas Petrowitz & Ann Turner
1160 Coral Way,
Ucluelet, B.C., V0R 3A0



January 23, 2021

The Mayor and Council,
District of Ucluelet
Box 999, 200 Main Street
Ucluelet, B. C. V0R 3A0

Dear Sir/Mesdames:

Re: Proposed Rezoning Amendment of Bylaw 1282, 2020 regarding Lots 35 and 37 of the Reef Point Beach Estates, 330 and 316 Reef Point Road.

As residents of Reef Point Beach Estates we are writing to express our absolute opposition to the rezoning of Lots 35 and 37 to CS-5 Tourist Commercial and the construction of a pathway between Terrace Beach and Little Beach through our subdivision.

Zoning Violations

The misguided rezoning of Lot 35 from R-1 (Single Family Residential) to GH (Guest House) in 2004 and the subsequent developments and usage of it in violation of that zoning do not make it appropriate to gloss them over with a new zoning that would accommodate them. Two wrongs, or in this case many wrongs, do not make it right. The R-1 to GH rezoning barely passed – the Mayor had to break the voting tie – and it was over the strong written opposition of the neighbours.

The original buildings constructed on Lot 35 (The Lodge) were in violation of the GH zoning in several respects, outlined in the current development proposal. It's unfortunate that "Current staff cannot speak to why or how this was approved." Negligence does not make it right, then or now. It's unfortunate that the current owner did not bother to check for such things as zoning, covenants, etc., before he bought the property, but that doesn't make it right either. Why should ongoing blatant disregard for publicly available and easily accessible information be condoned by District Planning staff and even supported by them in an application for new zoning to make it compliant? Commercial activity on the scale proposed has no place in our quiet single-family residential subdivision, or adjacent to the protected B.C. Heritage Site at Terrace Beach.

A more appropriate resolution to the problem would be to require the current owner of Lot 35 (The Lodge) to remove all developments that violate the GH (Guest House) zoning and operate responsibly in accordance with it, or better still, return it to R-1. Lot 37 should stay R-1 (Single Family Residential) and be developed in accordance with that.

Pathway

The pathway along Coral Way between Terrace Beach and Little Beach is not necessary, and is certainly not desirable as it would bring an influx of non-resident transient traffic through the middle of our subdivision. One only has to look at the unremitting vandalism of signage and amenities along the existing trails, and the recent wholesale destruction of memorial benches along the Wild Pacific Trail, to get an inkling of what we would be bringing into our front yards. There is a perfectly serviceable sidewalk beside Peninsula Road, accessible from The Cabins directly and from Lots 35 and 37 via Reef Point Road. We understand there is also an existing pathway between The Cabins and The Lodge, although we don't know its legal status.

Covenant Violations

Our home at 1160 Coral Way is on Lot 16 of the Reef Point Beach Estates subdivision. The property was marketed as a large waterfront lot with spectacular ocean views upon which we could build our dream home in a secluded neighbourhood of single family residences. The lot was purchased in 1997 and we completed our home in 2005. At the time of signing we were presented with (and agreed to) a document of Restrictive Covenants containing, among other things, a list of uses and restrictions intended to preserve the quiet residential nature of the neighbourhood. The provisions of the restrictive covenant document were agreed to and signed by the Mayor, Bill Irving, and the Municipal Clerk, Jack Copland, in 1996 on behalf of the District of Ucluelet.

Upon reviewing the rezoning application for Lots 35 and 37 we can find no reference to the Restrictive Covenants which are the "law of the land" in the entirety of the Reef Point Beach Estates subdivision. The terms of the proposed application are in direct conflict with provisions of the covenants in several respects:

1. Intended Use Clause 3.3.4 of the Amended Disclosure Statement filed by the Developer with the Superintendent of Real Estate states: "the intended AND PERMITTED use of Lots 1 through 39 shall be for single family residential purposes. Lot 40 will be gifted to the Village of Ucluelet for preservation as a park conservancy."
2. Lot 35 is governed by further restrictive covenants. Clause 5.2 of the Amended Disclosure Statement references Clause 5.3.8 (Archaeological Heritage Covenant) stating that it contains a large area of substantial archaeological significance shown on the map in Schedule A appended to the Statement. No waterfront home could be built there and no trespass permitted.
3. Further provisions cover the allowable cleared envelope for the residence (Clause 2), the size of the residence and accessory building (Clause 4), and permitted uses of the residence (Clause 8), among other things.

The Council and Staff of the District of Ucluelet have chosen to assert that their authority overrides the Restrictive Covenants, presumably on the assumption that the Covenants are irrelevant or not enforceable. According to our counsel the document is legally binding, its provisions take precedence over local bylaws in the event of conflict, and it is enforceable by any and all of the property owners of Reef Point Beach Estates if they choose to bring legal action against the applicants. There is much evidence in case law to indicate such an action would be successful. However, it would be a great pity if we as neighbours had to resort to the courts to resolve this when simple compliance with the Covenants would suffice.

There are many waterfront properties with appropriate zoning and no restrictive covenants still for sale in Ucluelet. We would suggest that the applicants redirect their efforts to one of them instead of inflicting irreparable damage on our quiet residential neighbourhood.

The Council of the District of Ucluelet MUST NOT approve this development application.

Sincerely,



Ann Turner



Thomas Petrowitz

Ryan Walter
1111 Coral Way
Ucluelet BC VOR 3A0
[REDACTED]

Jan 23 2021

District of Ucluelet Planning Dept.
Ucluelet BC VOR 3A0
communityinput@ucluelet.ca

To Whom it may concern:

Re: A. Official Community Plan Amendment Bylaw No. 1281, 2020
B. Zoning Amendment Bylaw No. 1282, 2020
C. Development Variance Permit DVP20-06

As the home owner at 1111 Coral way I am writing to voice my opposition to the preposed bylaws and variance changes listed above. I am also concerned about the short notice given to residents and homeowners to also share their concerns. I would hope a decision is not make until all stakeholders concerns are heard and the public is made thoroughly aware of the changes proposed. I personally was only made aware several days ago when a notice was posted in the neighbourhood and word of mouth slowly began to spread the information threw texts and emails among neighbours.

I purchased my home in 2014 after living in Tofino. The main appeal of choosing Ucluelet as a home was a more community based lifestyle. While living in a neighbourhood surrounded by commercial and tourist based business I was excited to purchase property in what is zoned a R-1 single family residential neighbourhood. At the time of purchasing my home in December 2014 I assumed the "The Lodge" was operating as a guest house. Which are permitted with the presence of a full time resident on location.

Over the next few months I began to realize this was not the case. It became clear that guests were checking in at another location. Many were lost and either asked for directions to the office of "The Cabins" to check in or could not seem to locate the driveway to "The Lodge" or its additional adjacent cabins in transit from the office after checking in.

As I now realize you are aware the "The Lodge" as been operating as a hotel under the disguise of a guest home for several years. Marketing to groups between 60 to 100 people for 'formal receptions' or 'cocktail style receptions' and events such as weddings and yoga retreats. The commercial use of this residential property has already affected the neighbourhood negatively with numerous issues including.

1. Increased traffic and parking overflowing on to the street often blocking access to neighbouring driveways .
2. Loud parties often with fireworks being shot off late into the night both from the Cabins property and in the cul-de-sac of Reef Point Drive.

3. Garbage being thrown on to the streets; beer cans, cigarette butts and dog feces during long weekends and peak tourist season is common.
4. Overnight '*campers*' whom are friends of guests attending events held at "The Lodge" parking and sleeping in the cul-de-sac and along Reef Point Rd / Coral Way
5. The permanent large dumpster seen at the base of " The Cabins" is an eyesore and an attraction for wildlife.

The proposed zoning change to CS-5 commercial would not only exacerbate current problems but lead to potentially greater ones. Under CS-5 zoning restaurant, commercial entertainment, commercial recreation, recreational services and spa could legally develop if current or future owners wish to proceed. These activities and operations have no place in a residential neighbourhood. Changing zoning would set a dangerous precedent where large corporations such *Lougheed Enterprises* could buy up neighbouring residential lots and simply apply for re zoning.

Furthermore I am opposed to the proposed plan of a trail connecting Terrace Beach to South West Little beach via a path leading from " The Cabins" property to Reefpoint rd. / Coral Way. Again this is a residential neighbourhood these are streets that should not facilitate as an extension of the Wild Pacific Trail. Heavy foot traffic from the current cabins and the 13 new ones being proposed would be directed through the neighbourhood. As opposed to taking the current side walk down Peninsula rd. This again would lead to an increase in noise and garbage being left behind.

A company has developed a residential lot beyond its capacity and intended use unchecked . I strongly disagree with the solution to "cleaning up " this mess is to grant further liberties at the expense of the residents of the neighbourhood. I would hope any future development of lot 35 and 37 will be held to Single Family Residential standards. With " The Lodge " adhering to guest house regulations with a full time onsite resident or manager. Perhaps this will also help the need for staff housing within the company. Any further changes regarding commercial activity on the above mentioned lots I would hope would need full consent from all current property owners surrounding Reef Point Estates.

I have confidence that council will protect the rights of the residents of Reef Point Estates and justly deal with current infractions being committed daily.

Cordially,
Ryan Walter

From: [Reef Point Oceanfront B&B](#)
To: [Community Input Mailbox](#)
Cc: [Reef Point Oceanfront B&B](#)
Subject: Proposed Rezoning of Lots #37 & #35
Date: January 25, 2021 12:53:00 PM

Dear Sirs:

We are writing to oppose the proposed rezoning of Lots #35 & #37 on Reef Point Road.

We purchased our lot #15 in 2002 and built our home and 2 suite B & B which opened in 2004. We followed the covenants as listed below.

Building Schemes and Restrictive Covenants

Reef Point Beach Estates was subdivided in 1997, with the Statutory Building Scheme, which has no expiry date. The restrictions in the Building Scheme run with the land (i.e. apply to each subsequent purchaser), and are enforceable between the lot owners on the basis of the common interests between them.

The Reef Point Beach Estates scheme contains many restrictions, the main ones being:

1. No building other than a single family dwelling (SFD) permitted on any lot
2. Bed and breakfast use allowed for up to 4 persons on lots greater than 3,000 sq.ft.

We chose to purchase in Reef Point Beach Estates as we believed this to be a peaceful residential location. Over time we have seen the neighbourhood change and build up. But, for the most part, remain a residential area. We are already seeing the results of changes with the operation of the Cabins as a resort, increasing traffic and noise to the area.

We, as property owners on Coral Way, and as a neighbourhood, are strongly opposed to the Zoning Amendment Request, which would be in direct conflict with the restrictive covenants limiting development in Reef Point Beach Estates.

Respectfully submitted

*Brian & Dian McCreary
Lot #15 1166 Coral Way*

From: [Reef Point Oceanfront B&B](#)
To: [Community Input Mailbox](#); [Mayco Noël](#); [Rachelle Cole](#); [Jennifer Hoar](#); [Lara Kemps](#); [Marilyn McEwen](#)
Cc: [Reef Point Oceanfront B&B](#)
Subject: FW: Proposed Rezoning of Lots #37 & #35
Date: January 25, 2021 11:08:38 PM

Please see our letter below.

From: Reef Point Oceanfront B&B
Sent: January 25, 2021 12:53 PM
To: communityinput@ucluelet.ca
Cc: Reef Point Oceanfront B&B [REDACTED]
Subject: Proposed Rezoning of Lots #37 & #35

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Respectfully submitted

*Brian & Dian McCreary
Lot #15 1166 Coral Way*

From: [Reef Point Estates](#)

To:

■

Subject: Re: For immediate attention - Request to postpone public hearing

Date: January 25, 2021 9:37:26 PM

Attachments: [To council for immediate attention rev.2.pdf](#)

Dear Council,

It came to our attention that letters of opposition to the proposed rezoning will only be presented to you on the day of the hearing.

I strongly encourage you to request these letters from your planning department ahead of time, as they are multiple letters of complex opposition.

The interest group also requested on Monday and again Friday of last week, to postpone the public hearing until mid February - Please find the 3rd copy attached to this email.

Sincerely,

The residents:

Ann Branscombe, 1117 Coral Way
Andrew & Elisha Dick, 338 Reef Point Road
Leo & Yvonne Eeftink, 324 Reef Point Road
Michelle Belanger and Mike Foy, 346 Reef Point Rd
Thomas & Helena Hertel, 1191 Coral Way
Jens & Nelly Heyduck, 302 Reef Point Rd
Thomas Petrowitz, 1160 Coral Way
Laurie & Brent Skene, 229 Boardwalk Blvd
Kerry Harwood, 1136 Coral Way
Jf pelchat & Kristy LaMantia 1178 Coral Way
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David Muysson, Reef Point Rd
Pat Neumann, 303 Reef Point Rd
Thomas Petrowitz, 1160 Coral Way
Ed and Natalie Quilty, 366 Reef Pt Rd
Laurie & Brent Skene, 229 Boardwalk Blvd
Ann Turner, 1160 Coral Way
Ryan Walter, 1111 Coral Way
David and Elisa White, 1148 Coral Way

On Fri, 22 Jan 2021 at 13:28, Reef Point Estates <[REDACTED]> wrote:
Dear Council,

We, the residents of the subdivision known as 'Reef Point Beach Estates' proposed earlier this week, to delay the process and public hearing pertaining to OCP Amendment Bylaw No. 1281, 2020; Zoning Amendment Bylaw No. 1282, 2020 as well as Development Variance Permit DVP20-06.

This would give council the opportunity to develop a comprehensive development strategy, following 'good planning practices' before making specific zoning changes right in the middle of this large and diverse planning area.

As we haven't received any response to our request, please find a revised letter of this request attached to this email.

Sincerely,
The residents:

Ann Branscombe, 1117 Coral Way
Andrew & Elisha Dick, 338 Reef Point Road
Leo & Yvonne Eeftink, 324 Reef Point Road
Michelle Belanger and Mike Foy, 346 Reef Point Rd
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Ann Turner, 1160 Coral Way
Ryan Walter, 1111 Coral Way
David and Elisa White, 1148 Coral Way

On Mon, 18 Jan 2021 at 20:00, Reef Point Estates [REDACTED] wrote:
Dear Council;

We, the residents of the 'Reef Point Estates' would like to offer our concerns regarding the public hearing timing and the issues related to rezoning of 316 and 330 Reef Point Rd. as per public hearing notice for January 28, 2021.

1) In light of Covid restrictions the date of January 28 for public input is problematic. we do not feel it provides for a reasonable ability to assess the impact of this rezoning. We would request the council postpone the public hearing until mid February.

2) We would request council to explain what protections are under consideration for:

- *Proposed Heritage Designation for Terrace Beach and Hetinkis Park including protocol for presences of middens.*
- *Classification and protection of stream when buffer is seriously reduced*
- *Proposal to ensure proper public access to Terrace Beach (we have few public beaches on Ucluelet peninsula).*
- *Proposal to support Old Growth Shoreline Ecosystem, significant as nest and perch sites*
- *Increase density and related parking and traffic issues such as current speed limit - although this may be a consideration when design plans are formalized, they are important concerns up front. Regardless of current proposal Tourist Commercial CS-5 permitted uses can have a significant impact on traffic and parking (Hotel, Motel, Resort Condo, Restaurants, etc.)*

3) Although we appreciate the investment commitment to the local economy by the applicant(s), in light of the pending OCP review and Heritage Site Designation in this area, it would more prudent and provide investors in this project with more comfort, if the OCP and Heritage Site designation were completed before any proposed zoning changes were considered.

4) In light of the ongoing issues of what appears to be right of way infringements and questionable public access to Terrace Beach under current zoning, we would suggest

these matters be resolved before consideration of a proposal for new zoning.

5) Before considering lot specific zoning in a rather unique residential neighbourhood 'Reefpoint Estates' we would suggest that the council consider a Local Area Plan covering the land SW of Little Beach. This multi-stake holder option will give residents, investors, First Nations and Provincial Government a sense of long term goals for this rather interesting part of our community.

6) *Before considering having a trail connecting Terrace Beach and Little Beach by means of navigating through the 'Reef Point Estates', what is the impact of directing additional foot traffic through this residential neighbourhood? There have been multiple disturbances on both beaches in the past - A connecting trail would bring these disturbances right into this residential neighbourhood.*

7) *One of the hallmarks of our local Beaches is the ability to see the starry sky at night.*

- *How will the proposed development and increased activity by cars (headlights) at night contribute to the light pollution, especially being in immediate proximity to Terrace Beach.*
- *To the First Nations Peoples, the night-sky has significant cultural importance - how does the potential increase in light pollution at Terrace Beach impact the full enjoyment of the heritage site and its ability to narrate a complete story at different times of day/night?*

Thank you for your consideration of these requests and we respectfully await your response.

The residents of Reef Point Estates:

Wally and Ann Branscombe, 1117 Coral Way
Leo & Yvonne Eeftink, 324 Reef Point Road
Michelle Belanger and Mike Foy, 346 Reef Point Rd
Thomas Hertel, 1191 Coral Way
Jens Heyduck, 302 Reef Point Rd
Jf pelchat & Kristy LaMantia 1178 Coral Way
James McArthur, 309 Reef Point Rd

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Laurie & Brent Skene, 229 Boardwalk Blvd
Ann Turner, 1160 Coral Way
Ryan Walter, 1111 Coral Way

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First Nations and Provincial Government a sense of long term goals for this rather interesting part of our community.

There also is the issue of a covenant, registered against each title in the Reef Point Beach Estates subdivision, which only can be lifted by court order or by mutual agreement of all land owners. The proposed rezoning is in direct conflict to this covenant - On which grounds is the District of Ucluelet considering a rezoning of properties 316 and 330 Reef Point Rd. to CS-5 'Tourist Commercial' within this residential neighbourhood?

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- To the First Nations Peoples, the night-sky has spiritual and significant cultural importance - how does the potential increase in light pollution at Terrace Beach impact the full enjoyment of the heritage site and its ability to narrate a complete story at different times of day/night?

In which way would the proposed development alongside Terrace Beach, by means of building cabins, aid cultural understanding and the enjoyment of this important cultural site?

8) To better understand the position of all First Nations stakeholders, could you please forward us the conversation (letters or email) pertaining to the issue at hand thus far?

We also would like to request the following:

- Archeological assessment of the land parcel at 1083 Peninsula Rd.
- Copies of any and all covenants registered against title on the property at 1083 Peninsula Rd, and any existing by-law amendments pertaining to this property.

Thank you for your consideration of these requests and we respectfully await your response.

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Ryan Walter, 1111 Coral Way
David and Elisa White, 1148 Coral Way



Yuutu?it?ath

January 25, 2021

District of Ucluelet
P.O. Box 996
Ucluelet, BC
V0R 3A0

Attention: John Towgood

Dear John,

Re: Letter of Support for

Please accept this letter as the Yuutu?it?ath Government – Ucluelet First Nation’s confirmation in favour of working with the District of Ucluelet in developing a trail at the Terrace Beach Cultural Heritage Site.

If you have any questions, please do not hesitate to call me or email me at charles.mccarthy@ufn.ca.

Best regards,

Charles McCarthy
President

Cc: Carey Cunneyworth,
Manager of Culture, Language and Heritage

From: [David White](#)
To: [Community Input Mailbox](#)
Subject: Public Hearing - 28 January 2021
Date: January 25, 2021 3:41:05 AM
Attachments: [ZONING PROPOSALS.pdf](#)

Dear Sirs,

Concerns proposed Amendments ByLaw 1281 and 1282.

Please find attached a written submission to the Mayor, Councillors and the Planning Department objecting to both proposals and calling for a postponement on deliberating these matters.

We would be grateful for your confirmation that these documents have been received correctly, are distributed to the addressees and that they enter into the available public record.

Kind regards

David and Elisa White
1148 Coral Way, Ucluelet.

1148 Coral Way,
Ucluelet, V0R 3A0



His Worship the Mayor,
Councillors,
Planning Department,
District of Ucluelet

Concerns: Official Community Plan Amendment ByLaw 1281, 2020
Zoning Amendment ByLaw No 1282, 2020

As owners of 1148 Coral Way, Reef Point Estate, we add our voices to many others, expressing shock at the proposals and surprise, in the mildest of terms, at the way these issues are being dealt with.

As Council says, these proposed Amendments are extraordinarily complicated. They relate to issues and rights that date back over many years, even decades, embrace a range of concerns out of common with the vast majority of planning business, evidently call for a depth of consideration, evaluation, verifications.

Yet all this is suddenly propelled ahead for decision in the midst of a pandemic, an absolute national health emergency, in which citizens find themselves at a considerable disadvantage in exercising their normal rights to investigate, collect and evaluate material, exchange opinions, reach out to other interested organisations, meet to organise response.

Of course, even in national health emergency, unparalleled in a century, a Council must work to keep essential services going and attend to its own emergencies and requirements generated by Covid response.

With respect, none of this applies to the propulsion of these two proposed By Law Amendments.

An uncharitable mind could well suspect the precise motives, pressure, forces to obtain a decision while **citizens are partially muted**.

Requests have been made for a **postponement**. To **deny** them can do **no honour to the Council and damage trust and sense of fairplay**, essential in the relationship between residents and the administration.

On the specific proposals:

The Lodge.

This is **part of the Reef Point Estate, which** sits under a **Covenant accompanied by a Schedule of Restrictions** that specifically limits the use to which properties may be put. This Covenant and Schedule are in force, registered under the provisions of Law against each property.

Essentially, they provide for the neighbourhood to be developed and maintained for single family dwellings. People invested their savings in what they thought was, and would remain, a quiet residential neighbourhood, with a **firm matrix of control over development creep**.

The Estate Agent at the time made this a big selling point, especially the fact that the **District had been consulted over the drafting of this Covenant, which went hand in hand with its authorisation of the Reef Point Estate Development**.

Boarding houses are specifically excluded, though B & B may be acceptable on larger plots, but only for transient guests, maximum 4. It is disconcerting to read of the peregrinations of the Lodge over the years from Single Family residence to Guest House, which even the Council cannot explain in any precise way, to the proposed "morphing" into Hotel/Motel.

In essence, the Council seeks to correct a **recognised "wrong" by covering it over with another, bigger wrong**, since it would be in open conflict with the Covenant and Schedule.

It is interesting that the Council has sidestepped this Covenant issue (we see no reference to it in its documents). Yet when other Covenants are mentioned that protect its own rights over properties, this is handled with due respect.

The Council cannot simply wish this to go away or simulate ignorance. If it approves the Amendment it must make a **willing decision to act against measures in Law, registered in accordance with the Law**.

Is it prepared to do this? On what basis? According to what advice? Is it confident of being able to defend this before a court?

The Cabins property

We tend to believe that the current phase of development is among the less obtrusive developments in Ucluelet, in terms of landscaping, tidy maintenance etc. That's on the positive side.

The **second phase of development as now proposed** (13 close, 3-storey high cabins in a line, almost regimented along the beach) would make a **gross impact**.

It threatens to transform Terrace Beach. Although there has been some development there in the past, this has been relatively discrete. The beach still manages to capture a sense of quiet refuge, with distinct calm, appropriate to a nature site, respecting its historic and cultural significance.

The change would make it more akin to a busy beach resort. One may recognise recreational needs for busier holiday areas, perhaps, but there are also **needs - more precious, difficult to find and keep, and rarer all the time - for areas of tranquility, where people can communicate with peace, nature, the memory of the past extending into the present.**

Does everything have to be **measured in terms of how much more business to cram into any given space? Is this the standard Ucluelet wants to adopt?** Another 80 or 90 people on that little strand, on top of existing traffic?? A trade-off of frisbee and volleyball against respect for peace, beauty? The proposed 1m setback from park boundary is a frankly horrible precedent.

The developers and council state their wish to mitigate where possible more intense environmental disturbance. That will be a labour of Sisyphus. But, assuming serious intent, a sine qua non is that authorisation should be held back until the proposed Heritage Designation is formalised, to ensure that any development would abide by whatever guidelines it may set or restrictions that it imposes, all to be transparently assessed and debated.

It is clear that the whole Terrace Beach area is very fragile. Any further development has to be set well back from the beach, modest in density, modest in height.

It needs to be completely re-thought as compared with the present Amendment sought by the developers.

The Council has long sought to project itself as championing a modern view of environmental concern and stewardship, reflecting more and more the sentiment of people in the area. It does grave damage to this if it entertains the present proposal.

In this discussion, we see no reference from the Council to **light emission** from existing and proposed increased activity. A great beauty of this area is the ability to see the stars at night, **the Universe as our roof**. Ucluelet is still able to offer this, to its residents, to its visitors. So rare in the world today. But this gift is slowly being teased away from our eyes by the glare of development.

All illumination should be in conformity with the standards of the International Dark Skies Association. This should also apply to the entire Reef Point Estate area (where ludicrously high, fake Georgian street lights currently beam 360 degrees sideways and upwards instead of down onto the ground), indeed **the whole area south of Little Beach**. This is not just a matter of LED lights, which reduce energy consumption, but progressively to change lamp housings so as to concentrate beam downwards from height that is not excessive.

Yours faithfully,

David and Elisa White.



January 25, 2021

To: Whom It May Concern,

RE: District of Ucluelet Public Input for Cabins at Terrace Beach

Support for trails at Cabins at Terrace Beach

Please accept this letter of support for the expansion of trails that would connect the trail fragments at Terrace Beach and Spring Cove Interpretive Trail into a scenic and educational loop. An additional connection further north to Little Beach would also be a great asset to the network allowing a peaceful route away from Peninsula Road.

TRAILS marked on the development plan were toured recently with representatives of the District and Trail Society, we agreed the route is ideal among the huge trees in this archaeological reserve. The Trail Society would like to propose that trail planning start as soon as the rezoning is approved so there is not a long delay in implementation of this loop. If the permits could stipulate that trails can proceed before development, especially for the Terrace Beach Loop, that would give funders for trail projects surety in timelines.

We further suggest careful oversight on cabin construction crews to ensure green spaces are preserved without impact to the ecosystem or trimming for views in parkland.

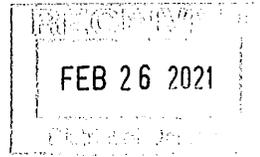
EDUCATION: The Trail Society is also very excited to partner with Yuułu?it?atł First Nation in telling the story of the ancient midden and 5,000 year + history at this location. Interpretive signs would greatly expand upon the two educational signs already posted at Terrace Beach – thanks to content from Barb Touchie and Bob & Vi Mundy. We would be interested expanding this area into a world class experience with **First Nation guided tours** and displays based on content being discovered in the current archeological work being funded by the developer. This priceless information is a time capsule that will deepen understanding for visitors and locals about connections still resonating today. With climate change on the increase, we have a lot to learn from the past. The growth potential for education is limitless. Partner organizations will be attracted to offer programs and experiences. Networking makes us all strong!

Over the last 20 years, the Wild Pacific Trail Society has collaborated with the District in protecting and enhancing the Wild Pacific Trail; we are excited to be involved again now.

Sincerely, 

Barbara Schramm
President, Wild Pacific Trail Society

Box 572 • Ucluelet, BC • V0R 3A0 • E-Mail: info@wildpacifictrail.com • Web: www.wildpacifictrail.com



January 24, 2021

Bruce Greig
Manger of Community Planning
District of Ucluelet
200 Main Street
Ucluelet, BC
V0R 3A0

Re: The Lodge /Lot 37 Consolidation and Rezoning, The Cabins at Terrace Beach

Dear Mr Greig

The purpose of this letter is to inform you that I am aware of the proposal to consolidate Lot 37 (R1 - Single Family) and the Lodge (GH - Guest House) and Rezone the resulting property to (CS5 - Tourist Commercial).

I am aware that the Cabins at Terrace Beach is zoned CS5 and the Rezoning of the Lodge/lot 37 properties is in keeping with the area's current uses.

I am aware that the Lodge will continue to operate as it has been with no additional accommodation units to be permitted.

I am aware the Lodge/Lot 37 Consolidation and rezoning is part of an overall Master Plan which includes a low-density cabin development on top of the existing decommissioned road , adjacent to Terrace Beach and two small parcels of previously disturbed land adjacent to Peninsula Road.

I understand that the Lodge/Lot 37 Rezoning is integral to maintaining a low-density development on Cabins at Terrace Beach property. Rezoning the Lodge/Lot 37 enables the property owner to dedicate significant public access through the Cabins at Terrace Beach property rather than increased density to offset reduced operations at the Lodge.

I am aware that the proposal includes 2 x 2-bedroom staff accommodation units to be built on lot 37 and will contain resort support uses such as laundry and storage on the basement level.

I am aware that the property owners are making a series of public contributions in the form of public trails, lands for public parking and connections to Terrace Beach for residents of Coral Way.

I understand that my signature below indicates my support of this proposal which I believe is a suitable development for the area and will provide the public with tangible benefits including public parking, beach access, Wild Pacific Trail linkages and reduced density on the adjacent Cabins at Terrace Beach Development.

Thank you
Ron Clayton
Go Cabins Vacation Property Management Inc.

JEFF GRIMSHIRE
Name: (Print)


Signature

383 FORBES RD.
Ucluelet street address

I am over 18 years of age Yes No ()

Heather Botterill
Name: (Print)


Signature

383 Forbes Road
Ucluelet street address

I am over 18 years of age Yes No ()

Name: (Print)

Signature

Ucluelet street address

I am over 18 years of age Yes () No ()

Name: (Print)

Signature

Ucluelet street address

I am over 18 years of age Yes () No ()

Name: (Print)

Signature

Ucluelet street address

I am over 18 years of age Yes () No ()

Name: (Print)

Signature

Ucluelet street address

I am over 18 years of age Yes () No ()

From: [Karine Beaumier](#)
To: [Community Input Mailbox](#)
Subject: Public hearing extension
Date: January 26, 2021 11:17:01 AM

Hi,

I hope you are well. I have just been made aware by a friend that the cut off for this is today?

I would like to request then to extend the public hearing for the Development of the Cabins Property until the end of February so that the proposal can be reviewed properly and give the community the time to have a healthy discussion on solutions that develop our town in ways that benefits us all.

Thank you,
Karine Gordon-Beaumier

Heyduck Family
302 Reef Point Rd
Ucluelet, BC
VOR 3A0

District of Ucluelet Planning Dept.
Ucluelet, BC, VOR 3A0

January 26, 2021

Dear Mayor and Council:

Re: A) Official Zoning Plan Amendment Bylaw No. 1281, 2020
 B) Zoning Amendment Bylaw No. 1282, 2020
 C) Development Variance Permit DVP20-06

As owners of Lot #39 (302 Reef Point Rd) we would like to offer our immediate concerns in regards to the cause and justification of the proposed amendments and variance permit.

Proposal A and B:

The main Priority in the District's Strategic Plan is "Managing Growth and the Quality of Life" as it recognizes that "an increasing demand for housing and development, driven by thriving tourism has the potential to diminish the character and liveability of our community..".

The proposed amendments seem to be conflicting the mission statement; although we appreciate the developers' investment in Ucluelet, we feel a hasty rezoning of properties 316 and 330 Reef Point Road to Tourist Commercial CS-5, might in long term be a bad investment in terms of long term public enjoyment of the nearby marine environment. In our opinion a rezoning has the potential to also "diminish the character and livability" within our **Residential Neighbourhood** the District's Strategic Plan seeks to preserve. There has been no thorough long-term consultation with the stakeholders of the subdivision 'Reef Point Beach Estates" which these proposals are affecting. Also a 2-week notice is an extremely short notice, given that we only learned about this days before the official notices went out.

The rezoning and fundamental setback reductions of up to 22m, seek to legitimize the existing buildings and bylaw infractions, which have been commercially driven and reportedly detrimental to the immediate neighbours "livability" of their properties since 2012. There has been no effort made to comply with the current bylaws, by operating within the current zoning limitations (Guest House), nor to operate within the provisions of the restrictive covenant of this subdivision, which is registered against each title.

The amalgamation, reduction in setbacks and rezoning to CS-5 on lot 35 and 37 consequently, has the potential to further development creep into a residential neighbourhood and restrictions the District might seek to place might not safeguard against possible mega-developments by future owners later on, which are one of our main concerns.

The argument of additional staff housing and a public use trail connecting Reef Point Rd with Terrace Beach also should be further examined – To our knowledge, the current zoning (Guesthouse) of the ‘Lodge’ property requires care-givers to live on site, which would negate the need for additional staff housing in this residential neighbourhood. As far as we know the main building on 1082 Peninsula also has provisions for staff accommodation – Are they being used in to that capacity?

The proposed trail on lot #37 in our opinion could diminish the peace and livability of our residential neighbourhood – This far, there have been countless noise complaints for either Terrace Beach and Little Beach in the past – By enabling after-hours party groups to cut right through this neighbourhood on their way back to their respective accommodations, is deeply concerning.

Our own experience of owning a lot alongside of Peninsula Rd and daily morning walks down to both beaches with our two toddlers support our concerns - We encounter new trash, broken glass and new canine facies each time, much to the extent that we have to keep scanning the grassy shoulder, trail or beach itself, to prevent our kids to step in these facies. By leading a trail through this cull-du-sac neighbourhood, in which we plan to teach our kids how to skate or ride a bicycle, a connecting trail will bring these concerns right onto our doorsteps.

Again, the “**Quality of Life**” and preservation of this neighbourhood appear to be in direct conflict to the proposal A. and B. In fact, these proposals **Disturb** the peace of this subdivision, as the current use and proposed re-zoning stands in direct conflict to the registered restricted covenant – By deferring the responsibility in regaining compliance to the stakeholders of ‘Reef Point Beach Estates’, the District would knowingly impact the livelihood of its residents, forcing them into a civil lawsuit.

We see the best course of action to develop an inclusive strategy for this neighbourhood, which would enable the ‘Lodge’ to operate within the current limitations, set out by its property zoning and restrictive covenant. We ask that any consideration of significant zoning changes will be deferred until a broader discussion of vision for the area from Little Beach to the Lighthouse is completed.

Proposal C:

As we are now aware that Terrace Beach, with approval of the District, is being designated as a BC Heritage site, which is a tremendous gift to the community. It would be best practice and to the interest of both the developers as well as the public, to defer any Development Variance Permits until after the designation has been finalized.

With the projected growth of the region both in residents as well as tourist traffic, we would like to hear the argument which explains the benefit to the public of 13 cabins (and 80+ Guest) alongside Terrace Beach, compared to approx., 7 cabins the setbacks appear to currently provision for. It also is unclear how this proposed development fits within the vision of a BC Heritage site. We appreciate the significant investment in Ucluelet this development represents, but it seems like a conflict of interest to ‘enable’ a larger scale of this development by means of Development Variance Permits on the one hand and welcoming a Heritage designation on the other.

Yours respectfully,

Jens, Nelly, Finn and Nuka Heyduck

From: [Sharon Evans](#)
To: [Nicole Morin](#)
Subject: FW: To council, regarding development at "The Cabins at Terrace Beach"
Date: January 26, 2021 1:34:13 PM
Attachments: [image001.png](#)

Sharon Evans



Sharon Evans
Administration Clerk
Box 999, 200 Main Street
Ucluelet, B.C., V0R 3A0
Phone: 250-726-7744

From: Courtney Johnson [REDACTED]
Sent: January 26, 2021 1:31 PM
To: Info Ucluelet <info@ucluelet.ca>
Subject: To council, regarding development at "The Cabins at Terrace Beach"

To council,

I would like to show my support for the development project at the Cabins at Terrace beach for the following reasons:

- This project has been consulted with and approved by the First Nations.
- Only 13 cabins will be placed away from the beach, on land that will require minimal demolition. There could have been up to 39, so 13 is small considering what alternatives could be.
- There will be public parking so locals and travellers who stay at accommodations in the area can have better access to the beach. Pieces of the WPT will be connected as well.
- The staff accommodation is necessary and minimally invasive to neighbouring properties. (In fact, a residential home, which could sit on that lot, would require more development which would potentially be more invasive to the neighbours.) It seems to make more sense that there is a path where a driveway could be, instead of a driveway.
- Time and consideration have been taken with this project. Planning has been done thoughtfully and

patiently to decide the best possible way to develop the land and keep the local neighbourhood in mind.

In conclusion, this project gives a much needed facelift to a very beautiful area of Ucluelet that is used for tourist accommodation by several neighbouring properties. With minimal invasive development, a mindfulness for the surrounding area, a proper staff accommodation, and an approval by the First Nation's community, it is only right that this project move forward.

Regards,

Courtney Johnson



January 25, 2021

David Muysson/Maria Ferrer
Lot 29, Reef Point Beach Estates

District of Ucluelet Planning Department

communityinput@ucluelet.ca

Cc: mnoel@ucluelet.ca, rcole@ucluelet.ca, jhoar@ucluelet.ca, lkemps@ucluelet.ca,
mmcewen@ucluelet.ca

We are writing to Ucluelet District Council to object to the re-zoning and development proposal of The Cabins and Bylaw amendments and variance permit and as contained in the December 15, 2020 Ucluelet Council Agenda.

Official Community Plan Amendment Bylaw No. 1281, 2020 for lots #35 and #37.

Reef Point Beach Estates and Coral Way has always been zoned as residential area. The fact that the Lodge is not in compliance with the accommodation's limitations of its current zoning as a Guest House does not justify a zoning change to C5. This is the equivalent to engaging in wrongful activities and then asking for the laws to be changed so that such actions are no longer deemed incorrect. If the district has now acknowledged the mistake, it is not the fault of any of the surrounding property owners nor should the solution to the problem be placed on the Reef Point Beach Estates and Coral Way residents who would be negatively impacted by the re-zoning of these properties. There are many negative consequences to this potential rezoning as already indicated in letters from other residents of Reef Point Beach Estates and Coral Way.

Furthermore, re-zoning of these properties sets a bad and litigious precedent that will lead to re-zoning requests of other properties in Reef Point Beach Estates and Coral Way. If these lots are re-zoned, which lots will follow...and what arguments will anyone have to stop this.

Perhaps most importantly, the entire Reef Point Beach Estates subdivision sits under a restrictive covenant limiting development to single family dwellings. As we are aware, restrictive covenants dovetail conventional land use bylaws by further limiting land use possibilities. It is our understanding that once a restrictive covenant is registered against a title, removing it requires all of the owners of every lot affected to agree, in writing, to remove it, or a court order. In turn, the court requires the Judge to be satisfied that the restrictive covenant is no longer relevant in the neighborhood. This would be a difficult case to make here.

In conclusion, we ask the town Council to deny the zoning and OCP amendment request and that operations at the Lodge be made to comply with existing zoning restrictions.

Designation of Terrace Beach and Hetinkis Park as Provincial Heritage Sites

We ask the Public hearing for January 28th, 2021 be postponed pending the District's Planning Department confirming to the Public by providing documentation that the Province has agreed to this proposed development which appears to overrun the lands that the Province plans to designate as a

Provincial Heritage Site. There appears to be a conflict between the proposed development and the planned designation of these lands meant to protect their cultural value for future generations.

I should be noted that the Corporation of the Village of Ucluelet was first advised of the Province's intention in a letter dated June 24th, 2019 (also included in the January 12, 2021 Agenda).

In the letter of Jan 5th, 2021 (following one from June 24th 2019) from the Ministry of Forests, Lands, Natural Resources and Rural Development / Archeology Branch to the Mayor of District of Ucluelet he is informed that the Designation of Terrace Beach and Hetinkis Park as cultural sites is proceeding to decision by the Lieutenant Governor in Council.

Like other residents have expressed, we too have concerns about the seeming contradiction of the stated intention of the Province to designate much of the area between Terrace Beach and Peninsula Road as a Provincial heritage Site as stated in the letter to the district found in January 12th 2021. We must question if there is an intention to approve this development application before the area is so designated.

We are further concerned about the fact that this entire area of development falls within a proposed Provincial heritage Site designation under Section 9 of the Heritage Conservation Act (HCA), pursuant to the Maa-nulth/BC Cultural Site Protection Protocol signed February 19, 2015. The report to Council mentions that an archeological study has been conducted, but no report is included in the document package. We also would like to gain an understanding of the implications, if any, of this development permit being issued before the Provincial Heritage Site Designation is finalized.

SetBacks

The rationale for the application to shrink any existing setbacks by up to 75% is not explained. We are opposed to any changes in setbacks that will permit an increased number of cabins beyond what current setbacks would allow. We would be interested to know how many cabins of the proposed design would fit into the area under existing set-back, by-laws or how the cabins would need to be redesigned to be in compliance with existing regulations.

Our family opposes the proposed variance set-back along the Old Peninsula Road. We do not believe that the cabins should be allowed to be built closer to the park and beach than currently allowed. Thirteen densely packed new cabins with reduced setbacks and parking will certainly add more light and noise pollution. Our property has views of Terrace beach and we are close enough to be affected by loud noises from the beach area.

Thank you,

David Muysson & Maria Ferrer

From: [Nicole Morin](#)
To: [Nicole Morin](#)
Subject: FW: DEVELOPMENT OF "THE CABINS" PROPERTIES IN THE REEF POINT AREA
Date: January 27, 2021 12:38:30 PM

From: Pat Neumann <[REDACTED]>
Sent: January 26, 2021 4:52 PM
To: Info Ucluelet <info@ucluelet.ca>; Mayco Noël <mnoel@ucluelet.ca>; Jennifer Hoar <jhoar@ucluelet.ca>; Marilyn McEwen <mmcewen@ucluelet.ca>; Rachelle Cole <rcole@ucluelet.ca>
Subject: DEVELOPMENT OF "THE CABINS" PROPERTIES IN THE REEF POINT AREA

January 26, 2021

To:	District of Ucluelet, PO Box 999 Ucluelet, B.C. Email: info@ucluelet.ca	From:	Pat Neumann 303 Reef Point Road [REDACTED], Ucluelet, B.C. Email: [REDACTED]
Cc:	mnoel@ucluelet.ca ; rcole@ucluelet.ca ; jhoar@ucluelet.ca ; lkemps@ucluelet.ca ; mmcewen@ucluelet.ca		

Re: Rezoning proposal from R-1 GH to C-5 Tourist Commercial

I bought my property at 303 Reef Point Road in November 2015 because it fit my needs as an elderly person with mobility issues, living in and working at home (now retired), as it had an accessible design. Also because of its proximity to Terrace Beach, Spring Cove and Little Beach, the fact that even though I couldn't see the ocean, I could hear the surf from my porch, the clean air, the abundant wildlife, the mature trees on the surrounding properties and what I naively believed were the controls in place, i.e., the Reef Point Estates Covenant, the R-1 zonings, and the OCP against rampant development density.

And here we are only five years later with a proposal to introduce C-5 Tourist Commercial and all that brings with it to two residential lots in the heart of Reef Point Road. Aside from being profoundly disappointed that such rezoning would be considered, I am very apprehensive of the disruptive impact the realization of this proposal could bring.

A current real-estate ad reads: "Rare Investment Opportunity for Oceanfront Developers! Magnificent and Marvelous, this 34-acre property has over 4,000 feet of waterfront beaches with one-of-kind views. Located in an area absent of development land at the head of Ucluelet Inlet, you are in a prime location with exclusivity and privacy. Thriving with tourism like the neighbor Tofino, hundreds and thousands people annually visit the scenic area of Ucluelet for surfing, fishing, camping and storm watching. Offering all services to the site, the Waterside is led onto by a single point access of Helen Road with eastern views of

Ucluelet Inlet, western views of Spring Cove, and southern most point views of Broken Island Group and the open channel. Although currently zoned as residential RU, nearby developments of Sunset Point and Black Rock have been rezoned. For any development proposal approval, contact the district of Ucluelet. Call us now for additional information!" To me this says a lot about the "value" current zonings have in Ucluelet, also that Reef Point could be added to their list.

Yours sincerely,
(Signed)
Pat Neumann.

Sent from [Mail](#) for Windows 10

Rhondda Porter

Michael Plumb

Pender Island, BC V0N 2M2

January 26, 2021

Re: Development Variance permit DVP20-06: specifically sections c) and d)

We are the owners of a small cabin at 1027 Tye Terrace, although our full-time residence is on Pender Island. Over the years we have watched the development of the area around Peninsula Road as more and more of the natural beauty has disappeared: more buildings, more asphalt, fewer trees and native vegetation. The current proposal is just another of the many projects which will further impact the area.

Part of the application for a variance will result in the destruction or at the very least, serious damage to the creek. Streams and creeks are an essential part of the natural hydrology of the area and are key to the survival of many species. For this reason, riparian areas are protected under the Riparian Areas Protection Act - BC Regulation 178/2019 (last amended May 4, 2020 by BC Regulation 99/2020). The minimum setback for any development within a riparian area is 30 metres from the edge of the water course. This project proposes reducing this minimum setback to 8 metres.

The setback of 30 metres was intended to at least partially protect riparian areas from the impact of developments such as the ones being proposed under sections c) and d). There is no way to construct any building 8 metres from a creek without causing irreparable damage. One machine clearing land and digging foundations can in a few hours completely destroy a riparian area beyond remediation. I should know. For the past 10 years I have been part of a group working to restore a riparian area damaged by thoughtless development.

Apart from the removal of native vegetation, the machinery necessary for laying foundations and delivering building materials would compact the area adjacent to the creek and reduce the creek to a channel of silt and mud. Recognition of the damage which results from building too close to a river, stream or creek led to the Riparian Areas Protection Act and the 30 metre minimum setback.

Obviously buildings which currently exist and violate the 30 metre setback cannot be removed, but don't allow any further building within the 30 metre setback. We urge you to refuse the application for this variance and to stop these cabins from being built. We also encourage you to work with the developer to find a less environmentally damaging approach to this entire project.

Yours truly,



From: [REDACTED]
To: [Community Input Mailbox](#)
Subject: Cabins expansion
Date: January 26, 2021 11:34:10 AM

Please hold off till the end of February for this hearing until more information is available
Thx
Michael Taschereau

From: [Nicole Morin](#)
To: [Nicole Morin](#)
Subject: FWD: Request to Postpone Public Hearing - Kerry Harwood 1136 Coral Way
Date: January 27, 2021 12:36:34 PM
Attachments: [sigimg0](#)
[KerryHarwood_PublicHearing_Jan26_2021.pdf](#)

From: [REDACTED]
Sent: January 26, 2021 4:20 PM
To: Mayco Noël <mnoel@ucluelet.ca>; Rachelle Cole <rcole@ucluelet.ca>; Jennifer Hoar <jhoar@ucluelet.ca>; Lara Kemps <lkemps@ucluelet.ca>; Marilyn McEwen <mmcewen@ucluelet.ca>
Cc: Ron Clayton [REDACTED]; Bruce Greig <bgreig@ucluelet.ca>; John Towgood <JTowgood@ucluelet.ca>
Subject: [FWD: Request to Postpone Public Hearing - Kerry Harwood 1136 Coral Way]

Good afternoon Mayco, Rachelle, Jennifer, Lara, Marilyn, Bruce, John, and Ron,

Here is my letter in response to everything I've learned talking to my neighbors and community members over the last 2 weeks. Some of them are very upset and I trust that we can take actions and make compromises to find common ground and meet in the middle where ever possible. This has been a great reminder for me to stay more focused within our town's planning and I apologize if I have mistaken any information. Please let me know so that I may correct myself and set the record straight. I wish nothing but the best for you and our beautiful town.

With respect,

-Kerry

Kerry Harwood B.F.A New Media
Creative Director
[REDACTED]
Ucluelet, BC V0R 3A0

Direct: [REDACTED] (c)
[REDACTED]
www.harwoodvisuals.com



----- Original Message -----

Subject: Request to Postpone Public Hearing - Kerry Harwood 1136 Coral Way
From: [REDACTED]
Date: Tue, January 26, 2021 4:10 pm
To: "communityinput@ucluelet.ca" <communityinput@ucluelet.ca>

Please see my attached letter for the public hearing this Thursday.

Thank you.

Kerry Harwood B.F.A New Media
Creative Director
[REDACTED]
Ucluelet, BC V0R 3A0

Direct: [REDACTED]
www.harwoodvisuals.com



Dear Ucluelet Council and Planning Staff,

Thank you for all the hard work you have done with the planning of the Cabins so far. Thank you Ron at the Cabins for letting us use your beach access and sharing the magic of Terrace Beach with the world. I have heard many opinions from local residents over the last two weeks and if I owned that land, I would do the following.

1. Publically acknowledge the Lodge operating outside of it's legal zoning for the last several year with a firm mandate/action plan from the district to treat/enforce all residents fairly moving forward.
2. Clean up the loose boundaries and create a legal public access to the North end of Terrace Beach to Peninsula Road.
3. Open a community discussion to planning the future multi use building proposed on Peninsula Road. I have attached a quick 3d rendering of a fictitious 4 storey unit for brain storming purposes.
4. Create a covenant/set of laws to protect the north end of Terrace Beach from any future development along with an initiative action plan to look at fertilizing/supporting our forests as they are starting to fall due to increasing storms and winds.
5. If absolutely necessary I would build 3 to a maximum of 5 of the proposed cabins on the existing clearing above Terrace beach.
6. Ban Fireworks on Terrace Beach (I also vote to ban them in the town of Ucluelet) The amount of destruction that fireworks cause to A. Produce. B. Ship. C. Use. D. Disturb residents and their pets, are more than enough reasons in my opinion. A much healthier alternative would be to implement a Public Wolf Howl, encouraging residents and visitors to unite nightly for 1-2 minutes at a scheduled time to A. Celebrate Life. B. Let go of stress. C. Connect with one another. D. End the day feeling better with nothing other than our god given voices.

Since this isn't my land, I can only speak what I would do and in the meantime I will do my best to work with you and The Cabins to bring the residents of Reef Point Road and Coral way together to create solutions that Ucluetians /First Nations young and old along with our beautiful forests and animals we share this land with will all benefit from.

As many of my neighbors have already requested, **I am joining them to extend the Public Hearing Period of these zoning changes by a month** to ensure this plan meets the needs of our environment and community . I feel we already have too many nightly rentals and not enough affordable living accommodations for local residents. I've had more one on one conversations than I can count with people struggling to live here over the last several years. Whether it be from domestic disputes, mold in their houses, mental health issues, workplace abuse, financial issues, etc, etc and I know that many of these problems can be helped with affordable and better living conditions. I am asking you to help solve the problems we currently have before inviting in another 50-100+ nightly guests when these proposed changes are completed. I applaud your work so far with the affordable housing near black

rock and I want to encourage at least another 20-50 affordable units are developed in the next 1-2 years.

I have everything I need to live here and more and I will do whatever I can to help anyone looking to make our town more comfortable to live in. My question is, do we need more tourism or can we put our heads and our hearts together to find healthier more sustainable solutions. It is clear that tourism has the potential to destroy towns if not managed properly and I feel like we are treading on thin ice. In contrast, green houses have the potential to unite towns and local create health, local abundance and local wealth... Ucluelet has a beautiful heart and I will do everything I can to keep it that way.

That said, talk is cheap and I would like to volunteer some of my time and energy over the coming months and years to by either:

1. Donating 3d renderings of environmentally/socially conscious projects.
2. Creating a citizen bylaw support network that helps enforce our local bylaws, (some I've talked to have requested 3-5 full time officers for the summer season which to my understanding we don't have the budget for, it was also noted that we don't have RCMP working on the weekends?)
3. Creating a network/campaign to ensure litter and dog waste is managed better.
3. Creating a garden greenhouse network to create a year round supply of local food that can be enjoyed by residents and tourists.

If those options do not feel beneficial for you, let me know how I can help because I love this town as I know you do and I want nothing more than to use my current availability and energy to support wherever I can be of highest service.

For now, let's take a deep breathe together and find solutions that the majority of us can agree on. If that's the current plan, let us make sure as a community and discuss this again at the end of February.

Best regards,

-Kerry Harwood
1136 Coral Way



TREAD LIGHTLY

4,000 years of history lies beneath this forest.

The greasy black soil on this slope contains an ancient record written in the discarded remains of shellfish, sea mammals, and fish. Today this feature is known as a midden. Artifacts such as bone needles and antler harpoon points are also found here. These tools tell us about some of the materials used and the complex technology involved in ancient harvests.

Different middens mark the shifting of human settlements that followed changing sea levels. Apparently the oldest signs of human habitation along this coast are now covered by the sea, which rose after the last Ice Age. A 5-metre-deep midden located on the ridge above here contains deposits 4,000 to 5,000 years old*. Around that time, stones were being raised at Stonehenge. As the shoreline retreated to today's level, the midden thins to about 2,500 years old.



Never touch these deposits; they are an irreplaceable treasure! Removal or disturbance of material is illegal.

Photo: Terraarchaeology

*Midden dates are based on archaeological studies at many locations along this coast. Text by Jur Bekker. Graphics by Schramm Design

Sign series funded by the District of Ucluelët, the Clayoquot Biosphere Trust, the National Trail Coalition and the Wild Pacific Trail Society



Bone needles with eye
33 mm long

Ulna bone knife
36 mm long

Bone harpoon point
79 mm long

ARTIFACTS

These bone tools were discarded thousands of years ago in a nearby midden. According to elder Barb Touchie, of Ucluelet First Nation, the small pointed tool above was used to gut and slice open the delicate flesh of herring. Then the fish was turned inside out and hung on sticks for smoking.

The harpoon point above has a broken tip. The base was wedged into a split pole, then wrapped with tree bark. Larger harpoon heads were used for whale hunting and smaller ones were used for seals and large fish. Artifacts are very frail and should never be disturbed.

Many thanks to Ucluelet First Nation for historic content and Terraarchaeology for artifact information and photos.



From: [paul.smith](#)
To: [Community Input Mailbox](#)
Subject: Plan and Zone Amendments to Reef Point Road Properties
Date: January 27, 2021 4:26:13 PM

We received notification of a public hearing on the above subject to be held January 28 and we would like to provide our input to that hearing as follows:

My name is Paul Smith and my wife Barbara and I own the house at 378 Reef Point Road. We have no problems with the Lodge making changes to improve it's commercial viability as it has been a good and respectful part of the community. However we and I am sure others in the community use the existing old public service road (black asphalt with a yellow line) to access Terrace Beach and the Wild Coast Trail.

Specifically we would like to see a formal public access amendment to the proposed amendments that would allow for continued community access to the full range of Terrace Beach and a connection to the Wild Coast Trail. We think that this is a reasonable quid pro quo for expansion of the Lodge property as that access basically exists today, there would not be a lot of public use as the public parking lot for the Trail is well away from the area and there would little if any impact on Lodge guests. In fact the connection to the Trail would be good for Lodge business and help fund the Trail via increased donations.

Please call [REDACTED] if you have any questions or require more information.

Paul & Barbara Smith

From: [Carolyn Corlazzoli](#)
To: [Community Input Mailbox](#)
Subject: Development on Cabins Property
Date: January 28, 2021 10:26:01 AM

Good morning,

Want to express our concerns regarding this proposed development.

We are not in favour.

We have not had much time to review the information but the thought of adding that many units in that small an area, near one of Ucluelet's few beaches is too great of an impact on the environment, the infrastructure, increased traffic in a high traffic zone, and furthering the impression of Terrace Beach being a tourists beach, not a locals beach as well. Concerns over the lack of staff accommodation proposed - 2 units??? Also, we believe the Development Permit referred to is long outdated... was there a new/current Development Proposal?

Requesting to make this big of a variance is a reflection of a development that simply is not suitable for the area. It's like trying to cram your tent, poles, sleeping bags, cooking supplies into the stuff bag intended for only your tent!

Is this in line with our Community Plan? Will it make Ucluelet a better place to live and thrive - or will it add to the stress to our roads, water, sewer, Municipal staff, and locals as well as the intertidal life at Terrace Beach?

It's too much to ask. Too many concessions to make.

Thank you for allowing us to express our disapproval.

Carolyn and Dario Corlazzoli

Geoff Lyons
190 Alder Street,
[REDACTED]
Ucluelet, BC
VOR 3A0

January 29th, 2021

To Whom it May Concern,

The Lodge / Lot 37 Consolidation and Rezoning, The Cabins at Terrace Beach

This is to provide my unqualified support for the above development.

I have reviewed the plans in detail and appreciate what is being done to protect the adjacent beach and treed areas.

As such, I commend the developer for the efforts undertaken to minimise the impact, while seeking to complete the original build out.

The addition of staff accommodation further enhances the project, which addresses the complaints that resort owners have previously expected the municipality to address those deficiencies.

I look forward to Council's endorsement of the project as identified.

Yours sincerely,

Geoff Lyons CPA (retired)



Majestic West Coast Wilderness Adventures Ltd. P.O. [REDACTED] 1167 Helen Road, Ucluelet, B.C. V0R 3A0 Canada
Phone: [REDACTED] Fax: [REDACTED] • www.oceankayaking.com • [REDACTED]

February 3, 2021

Ucluelet Mayor and Council

Re: The Lodge, Lot 35, Lot 37, Consolidation and Rezoning to CS5 and
The Cabins at Terrace Beach Development permit.

Hello: Thank you to the Ucluelet Mayor and Council for accepting our letter, and for their attention to the details of the above-mentioned Development Permit regarding The Lodge and The Cabins.

As a tourism provider we have worked with Ron Clayton and his staff at The Cabins and The Lodge over the past 20 years. We see the consistent, respectful, and organized manner that Ron Clayton and his group conduct business and we do not see any reason why that would change. We feel confident that Ron and his partners approach to the new development would be with the same long-term commitment to the community of Ucluelet that they have always had.

We would like to see this development move forward.

Thank you for your consideration,

All the best,

Tracy and Ted Eeftink
Majestic Ocean Kayaking

From: [Michelle Belanger](#)
To: [Info.Ucluelet](#); [Community Input Mailbox](#); [Mayco Noël](#); [Rachelle Cole](#); [Jennifer Hoar](#); [Lara Kemps](#); [Marilyn McEwen](#); [Mark Boysen](#); [Bruce Greig](#); [John Towgood](#)
Cc: [REDACTED]
Subject: Proposed OCP Amendment and Re-Zoning of 316 and 330 Reef Point Rd
Date: March 18, 2021 6:02:06 PM
Attachments: [2021-03-08 RPBE Letter - signed.pdf](#)
[2015-03-15 RPBE Letter - signed.pdf](#)
[Reef Point map zoning building scheme.pdf](#)

To the District of Ucluelet Planning Dept. and Council Members:

On behalf of several owners in the Reef Point Beach Estates neighbourhood, I am sending a copy of a letter sent to 0933164 B.C. Ltd. and Go Cabin Vacation Property Management Inc., as well as Lougheed Properties, regarding their application for an Official Community Plan Amendment (OCP) and Rezoning of 316 and 330 Reef Point Road.

As expressed in our many written submissions for the cancelled January 28, 2021 public hearing, we are in strong opposition to the proposed OCP and zoning changes. Our neighbourhood was always intended to be residential, as outlined in the Building Scheme attached, and we purchased our respective properties with this understanding. The Reef Point Beach Estates neighbourhood remains residential, with the exception of 330 Reef Point Road, which has been operating in clear violation of the Building Scheme.

We do not see any compelling reason for the District of Ucluelet to amend the OCP and grant CS-5 Tourist Commercial zoning to 316 and 330 Reef Point Road. While these changes would serve the business interests of the corporate owners of these two properties, they are strongly opposed by the many owners whose personal use of their properties is in compliance with the Building Scheme, and who fervently wish to maintain the residential character of their neighbourhood. As our representatives, we hope that the District Council members will uphold our interests and vote against the proposal, as presented.

Should the zoning changes be approved, we will be taking action to enforce our rights under the Building Scheme, as outlined in our letter. As you are aware, building schemes/restrictive covenants run with the land and are binding on any future buyers of the properties. They can only be removed with the unanimous consent of all of the covenantees, or by court order. While we recognize that zoning bylaws operate outside of building schemes, it would serve no-one's interest for a legal dispute to be instigated by these proposed OCP and zoning changes.

Lastly, we would appreciate any information you can provide regarding the re-scheduling of the public hearing.

Respectfully,

Michelle Belanger,
on behalf of the signatories from Reef Point Beach Estates

March 8, 2021

0933164 B.C. Ltd. and
Go Cabin Vacation Property Management Inc.
[REDACTED]
1566 Peninsula Road
Ucluelet, BC V0R 3A0

Lougheed Properties
[REDACTED] Dollarton Highway
North Vancouver, BC V7H 0A2

To Whom it May Concern:

Re: Proposed Official Community Plan (“OCP”) Amendment and Rezoning of 316 and 330 Reef Point Road, Ucluelet, BC V0R 3A0 (the “Property”)

We are the owners of properties in Reef Point Beach Estates located in the same neighbourhood as the Property. We received the notice of public hearing regarding the application made by you for an OCP amendment, rezoning of the Property and Development Variance Permit DVP20-06 (collectively, the “**Applications**”) to allow the proposed development of “the Cabins at Terrace Beach” on the Property and the adjacent properties known as the “Cabins Property” (the “**Cabins Project**”), all as further described in the package available at:
https://ucluelet.ca/images/Cabins_Binder_reduced.pdf.

Upon receipt of the notice of public hearing that was originally scheduled for January 28, 2021 (and which was subsequently cancelled), a number of us have already provided letters to the Resort Municipality of Ucluelet (“**Ucluelet**”) setting out our objections to the proposed Applications.

We continue to strongly oppose the Applications and the Cabins Project and intend to raise such objections at the rescheduled public meeting.

Regardless of whether or not Ucluelet approves the proposed Applications, the current operations on the Property and the proposed Cabins Project to be constructed partially on the Property are in violation of the building scheme registered on title to the Property under no. EL10368 (as modified by ES822) (the “**Building Scheme**”) in favour of our properties. The Building Scheme provides, among others:

1. for restrictions on removal of trees, vegetation, soil, gravel, and rock and restrictions on deposit of fill or other material (s. 1.1, s. 1.2, and s. 1.3);
2. for maximum allowable cleared envelopes based on lot size (s. 2);

3. that no building other than *a two storey single family dwelling* may be constructed on any lot (s. 4(a));
4. that no single family home constructed on a lot may exceed 475 square metres of floorspace “including all storeys, basement, unroofed sundecks, attics or other annexures” with a foundation less than 375 square metres on lots less than 3000 square metres (s. 4(b));
5. that no single family home constructed on a lot may exceed 600 square metres of floorspace with a foundation less than 525 square metres for lots greater than 3000 square metres (s. 4(b));
6. that no accessory or temporary building may be constructed which may interfere with the view of an adjacent lot, and such accessory buildings are limited in size depending on the size of the lot (s. 4(d));
7. that no boarding house shall be permitted on any lot and any “bed and breakfast” is limited to transient guests of up to 4 persons and only on lots greater than 3000 square metres (s. 8); and
8. that noise is to be controlled so as to reduce disruption to other owners and no owner is permitted to make or permit excessive noise (s. 13).

The current use of the Property and the Cabins Project are in clear violation of the Building Scheme and we intend to enforce our legal and equitable rights as holders of the benefit of the Building Scheme, including, without limitation, seeking an injunction.

Yours truly,

DocuSigned by:

A7F841CF5E3348D
Pat Neumann, owner of 303 Reef Point Road

3/7/2021

DocuSigned by:

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Leo and Yvonne Eeftink, owners of 324 Reef Point Road

3/7/2021

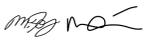


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3/9/2021

Andrew and Elisha Dick, owners of 338 Reef Point Road

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3/7/2021

Mike Foy and Michelle Belanger, owners of 346 Reef Point Road

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3/8/2021

Edward and Natalie Quilty, owners of 366 Reef Point Road

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3/8/2021

David Muiysson, owner of 372 Reef Point Road

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3/7/2021

Ryan Walter, owner of 1111 Coral Way

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3/9/2021

David White, owner of 1142 and 1148 Coral Way

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3/7/2021

3/7/2021

Thomas Petrowitz and Ann Turner, owners of 1160 Coral Way

cc *Resort Municipality of Ucluelet, Planning Department*



ADDITIONAL SIGNATURES

March 15, 2021

0933164 B.C. Ltd. and
Go Cabin Vacation Property Management Inc.
[REDACTED]
1566 Peninsula Road
Ucluelet, BC V0R 3A0

Lougheed Properties
[REDACTED] Dollarton Highway
North Vancouver, BC V7H 0A2

To Whom it May Concern:

Re: Proposed Official Community Plan (“OCP”) Amendment and Rezoning of 316 and 330 Reef Point Road, Ucluelet, BC V0R 3A0 (the “Property”)

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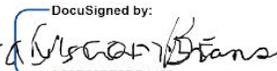
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2. for maximum allowable cleared envelopes based on lot size (s. 2);

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5. that no single family home constructed on a lot may exceed 600 square metres of floorspace with a foundation less than 525 square metres for lots greater than 3000 square metres (s. 4(b));
6. that no accessory or temporary building may be constructed which may interfere with the view of an adjacent lot, and such accessory buildings are limited in size depending on the size of the lot (s. 4(d));
7. that no boarding house shall be permitted on any lot and any “bed and breakfast” is limited to transient guests of up to 4 persons and only on lots greater than 3000 square metres (s. 8); and
8. that noise is to be controlled so as to reduce disruption to other owners and no owner is permitted to make or permit excessive noise (s. 13).

The current use of the Property and the Cabins Project are in clear violation of the Building Scheme and we intend to enforce our legal and equitable rights as holders of the benefit of the Building Scheme, including, without limitation, seeking an injunction.

Yours truly,

DocuSigned by:  DocuSigned by:  3/15/2021 3/15/2021
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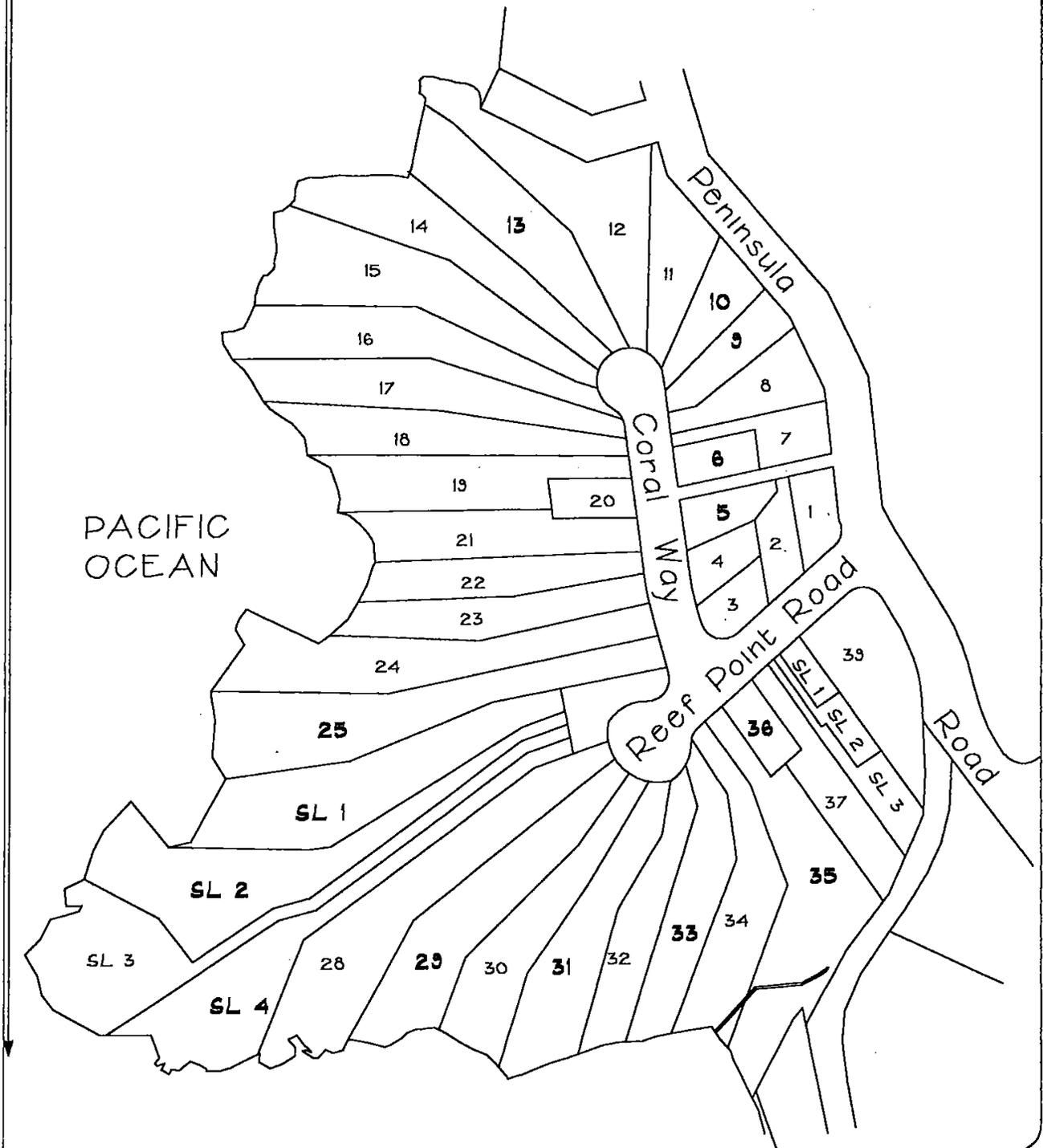
**Wally and Ann Branscombe, owners of
1117 Coral Way**

cc *Resort Municipality of Uchuelet, Planning Department*



REEF POINT BEACH ESTATES

LOTS CURRENTLY FOR SALE



RE/MAX Mid-Island Realty

103 - 1801 Bay Street, PO Box 195
Ucluelet, BC V0R 3A0
Phone: (250) 726-2228

Zones

2.1 Single Family Residential R-1 Zone

This zone is intended to provide for traditional single family residences with the provision for secondary suites.

2.1.1 Permitted Land Uses

Permitted Uses	Minimum Lot Size
One (1) Single Family Dwelling	650 m ² (7000 ft ²)
Home Occupation	
Secondary Suites	
Accessory Buildings	

2.1.2 Building and Structure Specifications

Maximum number of Single Family Dwellings (excluding secondary suites)	One (1) per lot
Total Floor Area for all Accessory Buildings	60 m ² (646 ft ²)
Maximum Height and Storey's of Principle Building	8.5 m (28 ft.)/2½ storey's
Maximum Height of Accessory Buildings and Structures	5.5 m (18 ft.)
Maximum Lot Coverage	35%
Minimum Lot Frontage	18 m (60 ft.)
Maximum Floor Area Ratio	0.50
Minimum width of Single Family Dwelling❶	6.5m (21.3 ft.)

- ❶ Exclusive of carports, porches, stairways, or any other extensions to the original dwelling unit.

2.1.3 Minimum Building Setbacks

Use	Front lot line setback	Rear lot line setback	Exterior lot line setback	Interior lot line setback
Principle Building	7.5 m (25 ft.)	6 m (20 ft.)	5 m (16.5 ft.)❶	1.5 m (5 ft.)❶
Accessory buildings and structures	7.5 m (25 ft.)	1.5 m (5 ft.)	5 m (16.5 ft.)	1.5 m (5 ft.)

- ❶ Total of interior and exterior side setbacks shall not be less than 20% of the lot width.

2.1.4 Off-Street Parking and Loading

Off-street parking and loading shall be provided according to Part IV of this Bylaw.

2.1.5 Landscaping and Screening

Landscaping and Screening shall comply with the requirements outlined in Part VI of this Bylaw.

2.1.6 Additional Requirements

1. Secondary Suites are permitted within single family dwellings subject to Section 6.8 of this Bylaw.
2. Refer to the general regulations on accessory buildings and structures in Section 6.5 of this Bylaw.

Reef Point Beach Estates - Building Scheme

SCHEDULE OF RESTRICTIONS

1. Applicable Law

Where there is a conflict between this Building Scheme and the zoning bylaw of the Village of Ucluelet, wheresoever permitted by law, the provisions of this document shall prevail and take precedence over the zoning by-law. In all other respects, the use of the lots is subject always to any applicable municipal building codes, setbacks and by-laws.

2. Greenbelt

2.1 There shall be no cutting, removal or disturbance of trees or their roots, shrubs or vegetation, dead or living, nor alteration or removal of soil, gravel or rock, nor depositing of rubbish, ash, garbage, waste, fill or any other material, nor building of a trail, path or access for vehicle or on foot, nor delivery of utilities or services within five and one-half (5.5) metres of the boundary of Lots 1, 7, 8, 9, 10, 11, 12, 35, 37, 38, or 39 fronting on Peninsula Road and within five and one-half (5.5) metres of the boundary of Lot 12 fronting on Little Beach Road.

2.2 There shall be no falling, topping or removal or disturbance of trees, shrubs or vegetation, dead or living, nor alteration or removal of soil, gravel, rock, nor depositing of rubbish, ash, garbage or waste or any other material within five and one-half (5.5) metres of the lot line fronting on the subdivision road for Lots 1, 2, 3, 4, 5, 6, 20 and 36 nor within twenty (20) metres of the lot line fronting the subdivision road for the balance of the lots in the Development excepting always for the provision of one only driveway.

2.3 There shall be no cutting, removal or disturbance of trees, shrubs or vegetation, nor alteration or removal of soil, gravel, rock, nor depositing of any material within two (2) metres of any side lot line or common boundary or within seven and one half (7.5m) metres of the natural boundary of the Pacific Ocean excepting always for the construction of a fence along the common boundary of any lot.

3. Clearing

Subject always to clause 2 herein, the following are the maximum allowable cleared envelopes inclusive of the footprint of the foundation of a single family residence but exclusive of a driveway and parking spaces for two domestic vehicles:

Lot Size	Maximum Clearing
less than 1000m ²	350m ²
between 1000m ² and 2000m ²	550m ²
between 2000m ² and 3000m ²	750m ²
between 3000m ² and 4000m ²	1000m ²
between 4000m ² and 5000m ²	1300m ²
over 5000m ²	1750m ²

4. Landscaping

Up to fifty (50%) percent of the trees situate on the remaining portion of each lot after allowances and limitations under clauses 2 and 3 herein may be removed. A tree is defined for the purpose of this section to mean any living or dead evergreen or coniferous tree having more than a twelve (12") inch diameter trunk two (2') feet above the ground. Notwithstanding clauses 2 and 3 herein, the balance of any standing trees on an oceanfront lot may be limbed to thirty (30%) percent of the total height of the trunk. Wheresoever possible, mature trees, especially nesting and perching trees, should be left standing provided that any living or dead tree which poses a threat to the life and property of any person may be removed with the prior written consent of the Developer or its designate.

5. Construction

Subject always to any applicable municipal building code and zoning bylaw, no construction whatsoever shall be built, located, or placed temporarily or permanently, except in accordance with the foregoing and the following:

- (a) No building, other than a single family dwelling shall be erected or placed on any lot and only unless the said structure shall have a minimum gross living area exclusive of garages, basement, unroofed sundecks, attics or other annexures on the main floor of a two storey building as follows:

Lot	Size
Lots 1 to 11, 20 and 36	100m2
All other Lots	150m2

- (b) Subject to clause 3 herein, no single family dwelling shall exceed 475 square metres of floorspace including all storeys, basement, unroofed sundecks, attics or other annexures with a maximum footprint of any kind of foundation to the said floorspace being 375 square metres on lots less than 3000 square metres and shall not exceed 600 square metres of floorspace with a maximum footprint of any kind of foundation to the said floorspace being 525 square metres on lots greater than 3000 square metres in total area. For the purposes of this clause, definitions under the local land use bylaw will apply.

- (c) No accessory or temporary building shall be constructed, placed or located on any lot.

- (d) Provided that the location of such does not adversely interfere with the view of any adjacent lot's dwelling up to one accessory building may be constructed in accordance with the following:

Lot Size	Maximum Floorspace
between 1000m2 and 2000m2	16m2
between 2000m2 and 3000m2	24m2
between 3000m2 and 4000m2	32m2
over 4000m2	40m2

- (e) No temporary or unfinished exterior surface such as vapour barriers, sheathing,

plywood or particle board shall be permitted to remain for a period in excess of 180 days from the commencement of construction thereto.

- (f) All dwelling units and any ancillary structure or cottage shall be substantially completed in accordance with these restrictions and design guidelines and an Occupancy Permit obtained within twelve months of the commencement of construction.
- (g) No structure shall be occupied by any person or persons unless and until the structure is substantially complete and a Final Occupancy Permit issued by the Building Inspector's office.

6. Driveway

Each lot will be permitted to clear one only five (5) metre strip for a driveway connecting the dwelling to the subdivision road.

7. Utilities and Services

All electrical and communication services, domestic water, storm, sewerage disposal and suchlike shall be buried under the driveway to each and every lot.

8. View Corridors

Every waterfront lot owner is encouraged to respect the view from an adjoining lot's residence or dwelling and to facilitate and cooperate wherever reasonable and possible in the trimming of trees to enhance such views in accordance with clause 4 herein.

9. Home Occupation

No nursery, kindergarten, boarding house, foster home, kennel or pet boarding facility shall be permitted on any lot. The operation of a "bed and breakfast", being the provision of transient accommodation and service of breakfast food only for transient guests of up to four (4) persons shall be permitted on lots greater than 3000 square metres.

10. No mobile home, house trailer or premanufactured home will be permitted on any lot as a form of residence, guest cottage, or camp, except one trailer of no greater than 24 feet in length, is permitted without the Developer's consent for living accommodation during house construction only within the time limits set out in paragraph 6 herein.

11. No commercial vehicles or machinery in the nature of logging trucks, bulldozers, dumptrucks or like vehicles shall be parked on any lot except for the specific temporary purpose of doing construction or maintenance work upon any of the lots for the improvement and benefit thereof, or for temporary parking for the purposes of conducting regular business in or about any of the lots. Further there shall not be stored, kept or permitted to be stored or kept on any lot or street adjacent to any lot, any derelict vehicles or parts thereto or any salvage material or junk or goods nor shall refuse or waste be kept on any lot; provided, however, that recreational vehicles (including travel trailers and boats under 7.5 metres in length) may be stored or parked on a lot provided that it is screened from the view of the street and neighbouring lots owners residences within Reef Point Beach Estates.

12. No satellite receiving dishes greater than 24" in diameter, television antennae, short wave aerials, clothes lines or any erections of a similar or like nature shall be permitted to be placed upon roof tops or visible from any road or any lot in Reef Point Beach Estates.

13. No fence visible from the public road shall be constructed of any materials other than wood or natural unpainted materials or black iron.

14. All levels of noise are to be controlled to reduce the disruption to other property owners. No owner shall make or permit excessive noise in or about a lot including barking dogs and the operation of machinery except in the course of normal building construction, gathering of personal firewood supply, cultivation of personal garden, maintenance of property. And no such operation of machinery shall be run on a Sunday nor other than between 8:00 a.m. and 5:00 p.m.

15. No owner shall operate a motorcycle, trailbike or any kind of motorcycle, go carts or dune buggies or off-road vehicle on any lot for recreational purposes.

16. In the event of any breach of any one or more of the restrictions herein contained, the Developer or its designee shall have the right but shall not be obligated to enter upon the lot and take whatever steps are necessary to cure such breach at the expense of the owner of the lot being in breach and any cost and expenses related thereto shall constitute a charge upon the owner's lot and may be collected from the owners of the offending lot by the Developer as justly due and owing.

17. Nothing herein contained shall be construed or implied as imposing upon the Developer, its agents or employees, any liability in the event of non-compliance or non-fulfillment of any of the terms, restrictions and benefits set forth herein and no liability or responsibility whatsoever shall be incurred by the Developer, its agents or employees in performance or non-performance of their rights and obligations herein.

18. No lot shall be further subdivided or have any alteration of boundaries save and except Lots 11, 12, 24, 25, 26, 27, 28 to 35 inclusive, 37, 38 and 39, subject always to the conditions set by the Approving Officer.

19. Where the approval or consent of the declarants is required to be obtained, such approval or consent may be given by such agent, committee, person or persons, or approving officer as the declarants for the purposes of giving consents and approvals and such power of appointment or right of nomination may be delegated by the declarants. The declarants or the person designated by them may in writing waive or vary their rights to require compliance with the terms of any of the foregoing restrictions by any particular lot owner or owners.

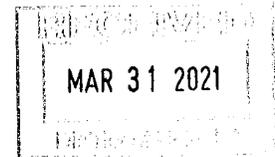
20. Sole Discretion

The Developer shall have the right and power in its absolute discretion from time to time by any deed or deeds in writing to waive or vary or release any of the foregoing restrictions as regards to any lot or lots affected by the said restrictions provided always that the Developer is the registered owner of that lot. In the event that all of the said restrictions are so waived as regards any lot, then no benefit of the said restrictions shall accrue to such lot in relation to any other lot or

lots in the building scheme created. For the purposes of this paragraph and S.216(3) of the Land Title Act, all of the Lots remain undisposed of at this time.

End of Document

Thomas Petrowitz & Ann Turner
1160 Coral Way,
Ucluelet, B.C., V0R 3A0



March 31, 2021

The Mayor and Council,
District of Ucluelet
Box 999, 200 Main Street
Ucluelet, B. C. V0R 3A0

Dear Sir/Mesdames:

Re: OCP Amendment Bylaw No. 1281, 2020;
Zoning Amendment Bylaw No. 1282, 2020; and
Development Variance Permit DVP20-06
regarding Lots 35 and 37 of Reef Point Beach Estates (330 and 316 Reef Point Road)

As residents of Reef Point Beach Estates we are writing to express our absolute opposition to the rezoning of Lots 35 and 37 to CS-5 Tourist Commercial, and to their inclusion in Development Permit Area #3 – Reef Point

Zoning Violations

The misguided rezoning of Lot 35 from R-1 (Single Family Residential) to GH (Guest House) in 2004 and the subsequent developments and usage of it in violation of that zoning do not make it appropriate to gloss them over with a new zoning that would accommodate them. Two wrongs, or in this case many wrongs, do not make it right. The R-1 to GH rezoning barely passed – the Mayor had to break the voting tie – and it was over the strong written opposition of the neighbours.

The original buildings constructed on Lot 35 (The Lodge) were in violation of the GH zoning in several respects, outlined in the original development proposal. It's unfortunate that "Current staff cannot speak to why or how this was approved." Negligence does not make it right, then or now. It's unfortunate that the current owner did not bother to check for such things as zoning, covenants, etc., before he bought the property, but that doesn't make it right either. Why should ongoing blatant disregard for publicly available and easily accessible information be condoned by District Planning staff and even supported by them in an application for new zoning and variances to make it compliant? Commercial activity on the scale proposed has no place in our quiet single-family residential subdivision, or adjacent to the protected B.C. Heritage Site at Terrace Beach.

A more appropriate resolution to the problem would be to require the current owner of Lot 35 (The Lodge) to remove all developments that violate the GH (Guest House) zoning and operate responsibly in accordance with it. Better still, return it to R-1. Lot 37 should stay R-1 (Single Family Residential) and be developed in accordance with that.

Covenant Violations

Our home at 1160 Coral Way is on Lot 16 of the Reef Point Beach Estates subdivision. The property was marketed as a large waterfront lot with spectacular ocean views upon which we could build our dream home in a secluded neighbourhood of single family residences. The lot was purchased in 1997 and we completed our home in 2005. At the time of signing we were presented with (and agreed to) a document of Restrictive Covenants containing, among other things, a list of uses and restrictions intended to preserve the quiet residential nature of the neighbourhood. The provisions of the restrictive covenant document were agreed to and signed by the Mayor, Bill Irving, and the Municipal Clerk, Jack Copland, in 1996 on behalf of the District of Ucluelet.

Upon reviewing the rezoning application for Lots 35 and 37 we can find no reference to the Restrictive Covenants which are the “law of the land” in the entirety of the Reef Point Beach Estates subdivision. The application is in direct conflict with the covenants in several respects:

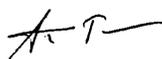
1. Intended Use Clause 3.3.4 of the Amended Disclosure Statement filed by the Developer with the Superintendent of Real Estate states: “the intended AND PERMITTED use of Lots 1 through 39 shall be for single family residential purposes. Lot 40 will be gifted to the Village of Ucluelet for preservation as a park conservancy.”
2. Further provisions cover the allowable cleared envelope for the residence (Clause 2), the size of the residence and accessory building (Clause 4), and permitted uses of the residence (Clause 8), among other things.

The Council and Staff of the District of Ucluelet have chosen to assert that their authority overrides the Restrictive Covenants, presumably on the assumption that the Covenants are irrelevant or not enforceable. According to our counsel the document is legally binding, its provisions take precedence over local bylaws in the event of conflict, and it is enforceable by any and all of the property owners of Reef Point Beach Estates if they choose to bring legal action against the applicants. There is much evidence in case law to indicate such an action would be successful. However, it would be a great pity if we as neighbours had to resort to the courts to resolve this when simple compliance with the Covenants would suffice.

There are many waterfront properties with appropriate zoning and no restrictive covenants still for sale in Ucluelet. We would suggest that the applicants redirect their efforts to one of them instead of inflicting irreparable damage on our quiet residential neighbourhood.

The Council of the District of Ucluelet MUST NOT approve this development application.

Sincerely,


Ann Turner


Thomas Petrowitz

From: [Pat Neumann](#)
To: [Community Input Mailbox](#)
Subject: Rezoning of 316 and 330 Reef Point Road proposal Public Hearing
Date: April 1, 2021 4:20:50 PM

Following is the email I sent earlier which seems to have disappeared into the ether. So I am copying and pasting it into this email as I just noted this different email address in the printed Notice of Public Hearing. Thank you for your consideration. Pat Neumann.

January 26, 2021,
Revised April 1, 2021

To: District of Ucluelet,
PO Box 999
Ucluelet, B.C.
Email: info@ucluelet.ca
Cc: mnoel@ucluelet.ca;
rcole@ucluelet.ca;
jhoar@ucluelet.ca;
lkemps@ucluelet.ca;
mmcewen@ucluelet.ca

From: Pat Neumann
303 Reef Point Road
[REDACTED], Ucluelet, B.C.
Email: [REDACTED]

Re: Rezoning of 316 and 330 Reef Point Road proposal from R-1 GH to C-5 Tourist Commercial (

I bought my property at 303 Reef Point Road in November 2015 because it fit my needs as an elderly person with mobility issues, living in and working at home (now retired), as it had an accessible design. Also because of its proximity to Terrace Beach, Spring Cove and Little Beach, the fact that even though I couldn't see the ocean, I could hear the surf from my porch, the clean air, the abundant wildlife, the mature trees on the surrounding properties and what I naively believed were the controls in place, i.e., the Reef Point Estates Covenant, the R-1 zonings, and the OCP against rampant development density.

And here we are only five years later with a proposal to introduce C-5 Tourist Commercial and all that brings with it to two residential lots in the heart of Reef Point Road. Aside from being profoundly disappointed that such rezoning would be considered, I am very apprehensive of the disruptive impact the realization of this proposal could bring..

A current real-estate ad reads: "Rare Investment Opportunity for Oceanfront Developers! Magnificent and Marvelous, this 34-acre property has over 4,000 feet of waterfront beaches with one-of-kind views. Located in an area absent of development land at the head of Ucluelet Inlet, you are in a prime location with exclusivity and privacy. Thriving with tourism like the neighbor Tofino, hundreds and thousands people annually visit the scenic area of Ucluelet for surfing, fishing, camping and storm watching. Offering all services to the site, the Waterside is led onto by a single point access of Helen Road with eastern views of Ucluelet Inlet, western views of Spring Cove, and southern most point views of Broken Island Group and the open channel. **Although currently zoned as residential RU, nearby developments of Sunset Point and Black Rock have been rezoned. For any development proposal approval, contact the district of Ucluelet. Call us now for additional information!**"

To me this says a lot about the "value" current zonings have in Ucluelet, also the fear that Reef Point Estates could be added to their list.

Yours sincerely,
(Signed)
Pat Neumann.

Sent from [Mail](#) for Windows 10

From: [Nicole Morin](#)
To: [Nicole Morin](#)
Subject: FW: Concerns about Proposed Rezoning of The Cabins Properties.
Date: April 6, 2021 9:43:17 AM

From: Yvonne Eeftink <reservations@wildpacificcabins.com>
Sent: April 2, 2021 2:32 PM
To: Joseph Rotenberg <jrotenberg@ucluelet.ca>; Donna Monteith <dmonteith@ucluelet.ca>; Bruce Greig <bgreig@ucluelet.ca>; Mayco Noël <mnoel@ucluelet.ca>; Rachele Cole <rcole@ucluelet.ca>; Marilyn McEwen <mmcewen@ucluelet.ca>; jhoar@ucluelet.calkemps@ucluelet.ca; 'Michelle Belanger' [REDACTED]
Subject: FW: Concerns about Proposed Rezoning of The Cabins Properties.

Subject: Concerns about Proposed Rezoning of The Cabins Properties.

We are writing to express our concerns about the proposed rezoning of the Lodge property and the vacant lot owned by The Cabins from R1 and GH to CS-5.

Our concerns regarding the rezoning are as follows:

- There were staff accommodations in the Lodge which the current owner converted to nightly rental units with full kitchens approximately five or six years ago in full knowledge that this action put them in violation of even Guest House zoning.
- There used to be a spa facility as well in the Lodge and that has also been converted to a nightly rental unit.
- The fact that the Lodge has been operating for many years in violation of even Guest House zoning should not be corrected at the expense of the property owners in Reef Point Estates. The owners should in fact have to comply with the limitations of R1 zoning which is in keeping with the building scheme for Reef Point Estates.
- There have been issues on Reef Point Road with excessive traffic, noise and garbage left by partying Lodge guests in large part because there is no on-site property manager.
- The suggestion that The Cabins and Lodge require more laundry facilities is concerning considering there are:
 - o (1) four washers and dryers in The Lodge;
 - o (2) in each of The Cabins' units there are laundry facilities as well as at least four washers and dryers in The Cabins' Office facility; and
 - o (3) The Sabbatical units also have their own laundry facilities.
- We have genuine concerns that if these properties are re-zoned, there will be further development on each site with increased noise and traffic in violation of the existing building scheme.

While we do not oppose the building of a residential single-family home on the vacant lot which could accommodate some staff housing, this could be done under the current R1 zoning. However,

we believe that the request to rezone the property would open the door to them converting those units to rental units as they did with staff accommodations in the Lodge as noted above.

In conclusion, if these two lots are re-zoned to CS-5 then a future owner would have free reign to further expand commercial operations on those lots that would greatly impact the property values in Reef Point Estates.

Thank you.

Leo & Yvonne Eeftink

324 Reef Point Road

From: [Michelle Belanger](#)
To: [Community Input Mailbox](#); [Info Ucluelet](#)
Cc: [Mayco Noël](#); [Rachelle Cole](#); [Jennifer Hoar](#); [Lara Kemps](#); [Marilyn McEwen](#); [Bruce Greig](#); [John Towgood](#)
Subject: Re: Written Submission for April 8, 2021 Public Hearing
Date: April 5, 2021 11:06:22 PM
Attachments: [1997-01-24 Declaration of Building Scheme.pdf](#)
[2004 Written Submissions.pdf](#)

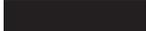
We are writing again, as property owners in the subdivision of Reef Point Beach Estates.

Attached is our new written submission for the re-scheduled Public Hearing on April 8, 2021. We understand that our prior written submission for the original January 28, 2021 will also be included.

The submission includes a letter and 5 attachments:

1. 1997 Reef Point Beach Estates Building Scheme
2. Written submissions re 2004 Public Hearing
3. New cabins location diagram
4. 2021-03-08 RPBE letter to the developer
5. 2021-03-15 RPBE letter to the developer (additional signatures)

Best regards,

Michelle Belanger and Mike Foy
346 Reef Point Road


*200.035
Feb 17/04
Felice*

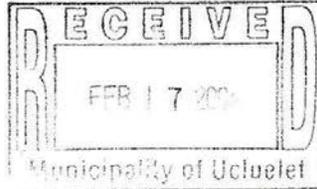
JONATHAN L. OLDROYD
BARRISTER & SOLICITOR
NOTARY PUBLIC

BOX 330 GANGES POST OFFICE
SALT SPRING ISLAND, B.C.
V8K 2V9
TELEPHONE : (250) 537-2752
FACSIMILE : (250) 537-4531

Office located at : 107 DRAKE ROAD

OUR FILE NO. cwc

February 17, 2004



Mr. Felice Mazzoni
Director of Planning
District of Ucluelet
P.O. Box 999
Ucluelet, B.C.
V0R 3A0

Dear Sir:

Re: Zoning Application Amendment for Lot 35, Plan 64737

I am writing both as a property owner in the Reef Point residential and commercial development zones and as a solicitor who drafted and registered the residential subdivision plan and supporting documents. I am opposed to this rezoning both in my capacity as an owner and as a lawyer.

When this residential development was conceived, the idea was to preserve as much of the natural environment as possible and the privacy between residents. The Building Scheme on title prohibits further subdivision except for certain lots and it only allows B&B's where the lot size is large enough. It controlled the number of buildings. And, it further limited the cleared area of the building site and the setbacks and preservation of side lot buffers of natural vegetation. This development unlike others, wanted to preserve the natural attributes of the location.

The Building Scheme is the only document that a developer can use to control the future look and atmosphere of a subdivision. The first person to build in the residential subdivision immediately violated the Building Scheme, one assumes because the District of Ucluelet apparently does not require the owner to produce copies of charges on title and does not check that the construction contemplated abides by the Scheme. I hope that I am wrong about this because almost every other jurisdiction follows the review procedure in issuing its Building Permit.

The Lot in question not only has a piece of the Archeological Covenant at the edge of Terrace Beach and a creek, but it has some of the most majestic old growth trees anywhere in the Reef Point project. There is no lot where the limitation on the clearing for structures is more important. The lot in question not only falls off toward the beach but also towards the old Peninsula Road. There is no access to this lot except from Reef Point Road above and the prohibition against access from below will be strictly enforced. At the very least, the topography demands a geotechnical study before any consideration of this proposal.

The development of four guest houses on this property will lead to excessive clearing which will be seen by the commercial cabins being developed below. The investment of those who have a thriving tourist accommodation business and who are engaged in ongoing construction of hotel cabins must be protected in order for that market to retain its attractiveness to the visitor. There is no need at the present time to rezone for this use in the residential sector and the rezoning sets a dangerous precedent which will lead to a devaluation of residential lots. The value of the commercial lots is only just beginning to rebound and the first priority is to allow the commercial Village to build out with demand.

Above all, the development at Reef Point must preserve the natural environment and forest. This is the character which sets it apart and will ensure that the project and Ucluelet have a reputation for upholding ecological values as development increases throughout the early part of this century.

Yours truly,



Jonathan Oldroyd

Bylaw 927, 2004

61.004
61.035
Feb 17/04
Jelice

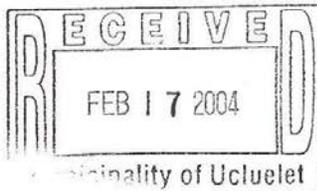
When we bought our house last summer, we were with the understanding that all the lots down here were "Family Residential". Nice houses were to be built here; family's were going to move in.

Next thing we know, there's a tin house going up on Reef Point Rd. Now there's a small house, cabin size, going up next door. Then an application comes in to change "Residential" to "Guest House"

for 3 cabins. I think the land should remain "Residential" and not be rezoned.

If this passes, who's to say the people who own the property across the street from us, might want to put in cabins too. Where does it stop? There's already 20 or more cabins going in a block away from us. If it's already zoned for residential, lets keep it that way!

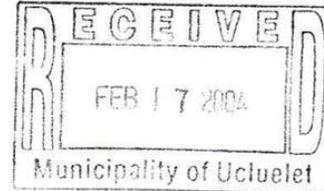
Wally and Ann Branscombe
1117 Coral Way



Fw: further to Zoning Bylaw Amendment Bylaw No. 927...

200.035
200.036
Felice
Feb 17 PH

Subject: Fw: further to Zoning Bylaw Amendment Bylaw No. 927, 2004. Lot 35 Plan VIP64737, Clayoquot District
From: Iain Cuthbert [redacted]
Date: Tue, 17 Feb 2004 15:35:46 -0800
To: Felice Mazzoni <planner@island.net>
CC: Natalie May Cuthbert [redacted]



Fabrice Mazzoni,
Director of Planning
District of Ucluelet

Dear Sir:

Re.: Zoning Bylaw Amendment Bylaw No. 927, 2004. Lot 35 Plan VIP64737, Clayoquot District

Thank you and the property owner at Lot 35 for providing us with the draft Lot 35 development plan. As discussed, we are concerned about the potential for increased vehicle traffic and the effects this could have on our use and enjoyment of Lot 36 as a result of the proposed rezoning and development. This is because there is no vegetation between the proposed driveway location and our lot line (see the attached driveway picture). We are planning to build our home to be open towards this (western) border of our lot to take advantage of ambient light.

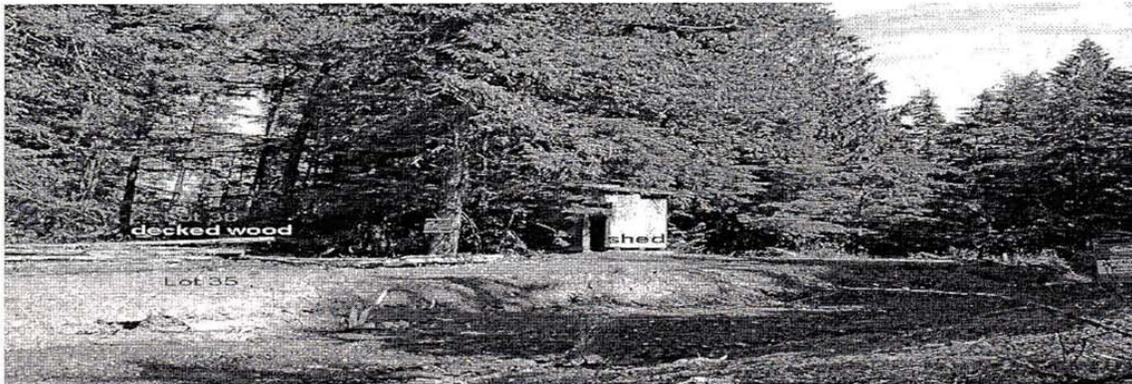
As discussed, we feel that the disturbance of additional vehicle traffic would best be mitigated by establishing a vegetated buffer all along the edge of the Lot 35 driveway where it borders Lot 36. This could consist of a cedar hedgerow running the length of our property border along the driveway. Suitable planting material could be provided by the duff and organic layer that will likely be stripped off when the driveway is built. We would like to request that this vegetative buffer be a condition of rezoning.

As you and I also discussed, we would be grateful if during the Lot 35 development the pile of old decked wood and unused shed could be removed. These are shown in the attached photograph, and appear to originate from Lot 35 or other, earlier clearing.

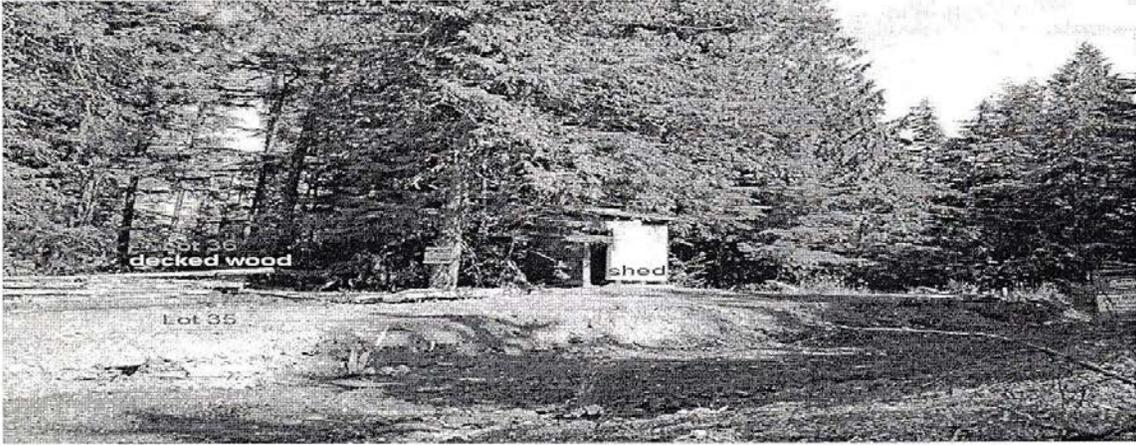
We wish the owners of Lot 35 well in their endeavor, thank them for their consideration in advance, and look forward to meeting them.

Sincerely,

Iain & Natalie Cuthbert
786 Quilchena Cr.
Nanaimo, BC V9T 1P6
[redacted]



Fw: further to Zoning Bylaw Amendment Bylaw No. 927...



03/11/97 11:59

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WEST COAST TITLE SEARCH LTD.

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RECEIVED-VICTORIA
LAND TITLE OFFICE
LAND TITLE ACT
Form 35
(Section 216 (1))
DECLARATION OF BUILDING SCHEME

Page 1 of 6

NATURE OF INTEREST :
Charge : Building Scheme

Full name, postal address and telephone number
of person presenting instrument for registration :

Jonathan L. Oldroyd
Barrister & Solicitor,
Box 330 Ganges Post Office,
Salt Spring Island, B.C.
V8K 2V9
604-537-2752


Signature of applicant or solicitor
or authorized agent

Herewith Fees of :

\$50.00

01/24/97 D2310a CHARGE 50.00

WE,

WHOLESALE DEVELOPMENTS LTD.
(Incorporation No. 497987)
Box 330 Ganges P.O.
Salt Spring Island, B.C.
V8K 2V9

(hereinafter called the "Developer")

declare :

1. The Developer is the registered owner in fee-simple of the following land in the Village of Ucluelet (hereinafter called the "lots"), namely :

Parcel Identifier :
Lots 1 to 39
Section 21
Clayoquot District
Plan VIP 64737

Page 2

- 2. We hereby create a building scheme relating to the land known as Reef Point Beach Estates.
- 3. A sale of any of the lots is subject to the restrictions enumerated in the schedule attached or annexed hereto.
- 4. The restrictions shall be for the benefit of all the lots.

Execution Date

Y	M	D
96	12	9

Officer Signature(s)
Signature(s):

[Handwritten Signature]
JONATHAN L. OLDROYD
 BARRISTER & SOLICITOR
 BOX 380 GANGES POST OFFICE
 SALT SPRING ISLAND, B.C.
 V8K 2V9 537-2752

Transferor/Borrower/Party

Wholesale Developments Ltd. by its
Authorized Signatory:

[Handwritten Signature]

 Mark Consiglio

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1979, C.116, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

SCHEDULE OF RESTRICTIONS

1. Greenbelt

1.1 There shall be no cutting, removal or disturbance of trees or their roots, shrubs or vegetation, dead or living, nor alteration or removal of soil, gravel or rock, nor depositing of rubbish, ash, garbage, waste, fill or any other material, nor building of a trail, path or access for vehicle or on foot, nor delivery of utilities or services within five and one-half (5.5) metres of the boundary of Lots 1, 7, 8, 9, 10, 11, 12, 35, 37, 38, or 39 fronting on Peninsula Road and within five and one-half (5.5) metres of the boundary of Lot 12 fronting on Little Beach Road.

1.2 There shall be no falling, topping or removal or disturbance of trees, shrubs or vegetation, dead or living, nor alteration or removal of soil, gravel, rock, nor depositing of rubbish, ash, garbage or waste or any other material within five and one-half (5.5) metres of the lot line fronting on the subdivision road for Lots 1, 2, 3, 4, 5, 6, 20 and 36 nor within seven and one half (7.5) metres of the lot line fronting the subdivision road for the balance of the lots in the Development excepting always for the provision of one only driveway.

1.3 There shall be no cutting, removal or disturbance of trees, shrubs or vegetation, nor alteration or removal of soil, gravel, rock, nor depositing of any material within two (2) metres of any side lot line or common boundary or within seven and one half (7.5m) metres of the natural boundary of the Pacific Ocean excepting always for the construction of a fence along the common boundary of any lot.

2. Clearing

Subject always to clause 2 herein, the following are the maximum allowable cleared envelopes inclusive of the footprint of the foundation of a single family residence but exclusive of a driveway and parking spaces for two domestic vehicles:

Lot Size	Maximum Clearing
X less than 1000m ²	350m ²
between 1000m ² and 2000m ²	550m ²
between 2000m ² and 3000m ²	750m ²
between 3000m ² and 4000m ²	1000m ²
between 4000m ² and 5000m ²	1300m ²
over 5000m ²	1750m ²

3. Landscaping

Up to fifty (50%) percent of the trees situate on the remaining portion of each lot after allowances and limitations under clauses 2 and 3 herein may be removed. A tree is defined for the purpose of this section to mean any living or dead evergreen or coniferous tree having more than a twelve (12") inch diameter trunk two (2') feet above the ground. Notwithstanding clauses 2 and 3 herein, the balance of any standing trees on an oceanfront lot may be limbed to thirty (30%) of the total height of the trunk. Wheresoever possible, mature trees, especially nesting and perching trees, should be left standing provided that any living or dead tree which poses a threat to the life and property of any person may be removed with the prior written consent of the Developer or its designate.

4. Construction

Subject always to any applicable municipal building code and zoning by-law, no construction whatsoever shall be built, located, or placed temporarily or permanently, except in accordance with the foregoing and the following:

- (a) No building other than a single family dwelling shall be erected or placed on any lot and only unless the said structure shall have a minimum gross living area exclusive of garages, basement, unroofed sundecks, attics or other annexures on the main floor of a two storey building as follows:

Lot	Size
Lots 1 to 11, 20 and 36	<u>100m²</u>
All other Lots	<u>150m²</u>

- (b) Subject to clause 3 herein, no single family dwelling shall exceed 475 square metres of floorspace including all storeys, basement, unroofed sundecks, attics or other annexures with a maximum footprint of any kind of foundation to the said floorspace being 375 square metres on lots less than 3000 square metres and shall not exceed 600 square metres of floorspace with a maximum footprint of any kind of foundation to the said floorspace being 525 square metres on lots greater than 3000 square metres in total area. For the purposes of this clause, definitions under the local land use bylaw shall apply.

- (c) No accessory or temporary building shall be constructed, placed or located on any lot under 1000 square metres in area

- (d) Provided that the location of such does not adversely interfere with the view of any adjacent lot's dwelling up to one accessory building may be constructed in accordance with the following:

Lot Size	Maximum Floorspace
* between 1000m ² and 2000m ²	<u>16m²</u>
between 2000m ² and 3000m ²	24m ²
between 3000m ² and 4000m ²	32m ²
over 4000m ²	40m ²

- (e) No temporary or unfinished exterior surface such as vapour barriers, sheathing, plywood or particle board shall be permitted to remain for a period in excess of 180 days from the commencement of construction thereto.

Page 5

- (f) All dwelling units and any ancillary structure or cottage shall be substantially completed in accordance with these restrictions and design guidelines and an Occupancy Permit obtained within twelve months of the commencement of construction.
- (g) No structure shall be occupied by any person or persons unless and until the structure is substantially complete and a Final Occupancy Permit issued by the Building Inspector's Office.

5. Driveway

Each lot will be permitted to clear one only five (5) metre strip for a driveway connecting the dwelling to the subdivision road.

6. Utilities and Services

All electrical and communication services, domestic water, storm, sewerage disposal and suchlike shall be buried under the driveway to each and every lot.

7. View Corridors

Every waterfront lot owner is encouraged to respect the view from an adjoining lot's residence or dwelling and to facilitate and cooperate wherever reasonable and possible in the trimming of trees to enhance such views in accordance with clause 4 herein.

8. Home Occupation

No nursery, kindergarten, boarding house, foster home, kennel or pet boarding facility shall be permitted on any lot. The operation of a "bed and breakfast", being the provision of transient accommodation and service of breakfast food only for transient guests of up to four (4) persons shall be permitted on lots greater than 3000 square metres.

9. No mobile home, house trailer or premanufactured home will be permitted on any lot as a form of residence, guest cottage, or camp, except one trailer of no greater than 24 feet in length, is permitted without the Developer's consent for living accommodation during house construction only within the time limits set out in paragraph 6 herein.

4. 10. No commercial vehicles or machinery in the nature of logging trucks, bulldozers, dumptrucks or like vehicles shall be parked on any lot except for the specific temporary purpose of doing construction or maintenance work upon any of the lots for the improvement and benefit thereof, or for temporary parking for the purposes of conducting regular business in or about any of the lots. Further there shall not be stored, kept or permitted to be stored or kept on any lot or street adjacent to any lot, any derelict vehicles or parts related thereto or any salvage material or junk or goods nor shall refuse or waste be kept on any lot; provided, however, that recreational vehicles (including travel trailers and boats under 7.5 metres in length) may be stored or parked on a lot provided that it is screened from the view of the street and neighbouring lots owners' residences within Reef Point Beach Estates.

Page 6

11. No satellite receiving dishes greater than 24" in diameter, television antennae, short wave aerials, clothes lines or any erections of a similar or like nature shall be permitted to be placed upon roof tops or visible from any road or any lot in Reef Point Beach Estates.

12. No fence visible from the public road shall be constructed of any materials other than wood or other natural unpainted materials or black iron.

13. All levels of noise are to be controlled to reduce the disruption to other property owners. No owner shall make or permit excessive noise in or about a lot including barking dogs and the operation of machinery except in the course of normal building construction, gathering of personal firewood supply, cultivation or personal garden, maintenance of property. And, in any event, no such operation of machinery shall be run on a Sunday nor other than between 8:00 a.m. and 5:00 p.m.

14. No owner shall operate a motorcycle, trailbike or any kind of motorcycle, go carts or dune buggies of off-road vehicle on any lot for recreational purposes.

15. No lot shall be further subdivided or have any alteration of boundaries save and except Lots 11,12,24,25,26,27,28 to 35 inclusive, 37,38 and 39, subject always to the conditions set by the Approving Officer.

16. Sole Discretion

The Developer shall have the right and power in its absolute discretion from time to time by any deed or deeds in writing to waive or vary or release any of the foregoing restrictions as regards to any lot or lots affected by the said restrictions provided always that the Developer is the registered owner of that lot. In the event that all the said restrictions are so waived as regards any lot, then no benefit of the said restrictions shall accrue to such lot in relation to any other lot or lots in the building scheme created. For the purposes of this paragraph and S.216(3) of the Land Title Act, all of the Lots remain undisposed of at this time.

end of document

From: [Michelle Belanger](#)
To: [Community Input Mailbox](#); [Info Ucluelet](#)
Cc: [Mayco Noël](#); [Rachelle Cole](#); [Jennifer Hoar](#); [Lara Kemps](#); [Marilyn McEwen](#); [Bruce Greig](#); [John Towgood](#)
Subject: Re: Written Submission for April 8, 2021 Public Hearing
Date: April 6, 2021 12:11:49 AM
Attachments: [2021-04-05 Written Submission to Public Hearing.pdf](#)
[New Cabins Location Diagram.pdf](#)
[2021-03-08 RPBE Letter - signed.pdf](#)
[2015-03-15 RPBE Letter - signed.pdf](#)

Apologies, my previous e-mail was sent with only 2 of the 5 attachments, due to large file sizes.

The additional attachments, including the written submission itself are in this e-mail.

Best regards,

Michelle Belanger and Mike Foy
346 Reef Point Road


> On Apr 5, 2021, at 11:06 PM, Michelle Belanger <micabela@me.com> wrote:
>
> We are writing again, as property owners in the subdivision of Reef Point Beach Estates.
>
> Attached is our new written submission for the re-scheduled Public Hearing on April 8, 2021. We understand that our prior written submission for the original January 28, 2021 will also be included.
>
> The submission includes a letter and 5 attachments:
> 1. 1997 Reef Point Beach Estates Building Scheme
> 2. Written submissions re 2004 Public Hearing
> 3. New cabins location diagram
> 4. 2021-03-08 RPBE letter to the developer
> 5. 2021-03-15 RPBE letter to the developer (additional signatures)
>
> Best regards,
>
> Michelle Belanger and Mike Foy
> 346 Reef Point Road
> 
>
> <1997-01-24 Declaration of Building Scheme.pdf>
> <2004 Written Submissions.pdf>

>
>

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

April 5, 2021

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

Dear Sir/Madam:

Re: April 8, 2021 Public Hearing on:

A. Official Community Plan Amendment Bylaw No. 1281, 2020

B. Zoning Amendment Bylaw No. 1282, 2020

C. Development Variance Permit DVP20-06

As owners of Lot 33 (346 Reef Point Rd) in Reef Point Beach Estates (Reef Point Rd and Coral Way), we are writing to voice our strong opposition to the proposed zoning and OCP changes listed above. Our views were originally expressed in our previously submitted letter dated January 20, 2021, in anticipation of the public hearing scheduled for January 28, 2021. As you are aware, that hearing was cancelled when the 2nd reading of Ucluelet Zoning Amendment Bylaw N. 1282, 2020 was rescinded in order to correct an error in the bylaw. The amended bylaw has now been given 2nd reading and was referred to a new public hearing, now scheduled for April 8, 2021.

In an e-mail from the District dated January 27, 2021, we were advised that our original written submission from January 20, 2021 would be included in the agenda for the newly scheduled public hearing. However, given that the proposal has undergone substantive changes (all development pertaining to "The Cabins" property has been removed from the proposal), we are submitting an additional letter to specifically address the residual issues of the proposed zoning changes and OCP amendment pertaining to Lots 35 and 37.

Proposals A and B

We purchased our building lot in 2006 with the intent to build a small dwelling, which would ultimately serve as our permanent residence in retirement. Having no desire to rent our home, or any portion thereof (eg. B&B suite), we selected Reef Point Beach Estates, as it is zoned R-1 Single Family Residential, and we thought this would be the zoning most compatible with a quiet and peaceful neighbourhood.

In addition to the municipal zoning by-laws and OCP, a Declaration of Building Scheme (s.220(1) of the Land Title Act) was filed on January 24, 1997, as a charge on title against all of the properties in the Reef Point Beach Estates subdivision (see attached). Among its many provisions, the building scheme enshrines residential property use by stipulating that:

Section 4 a) and c): "No building other than a single family dwelling shall be erected or placed on any lot. " and "...up to one accessory building may be constructed", with maximum sizes listed according to lot size.

Section 8: "The operation of a "bed and breakfast", being the provision of transient accommodation and service of breakfast food only for transient guests of up to four (4) persons shall be permitted on lots greater than 3000 square metres."

April 6, 2021

When we purchased our lot, Lot 35 (“The Lodge”) was under development by the prior owner, and we were unaware of its ultimate intended use. In the Staff Report to Council pertaining to this application, it is stated that the zoning for this lot was changed from R-1 Single Family Residential to Guest House in 2004. We are now aware that this change took place despite several written objections (see attached). At that time, we did not yet own our land, and most of the properties in Reef Point Beach Estates remained undeveloped.

According to Section 405 of the District of Ucluelet Zoning By-Law 1160 pertaining to Guest Houses, “one *guest house* use is permitted within a *single family dwelling*” and “*Guest Houses* are only permitted as *accessory* to a permanent residential use and administered by the full-time and present resident.”

Our understanding of the history of the development of this property is discordant with the version outlined in the Staff Report to Council dated December 15, 2020. The current owner acquired the property in or around 2012, when the prior owner was forced to sell because of financial hardship. The original building was, in fact, purpose-built as a Guest House, as it had an owner/caretaker residence on the lower ground floor, and the potential for 6 (or 8?) guest rooms clustered around a great room on the 2 upper floors, along with 3 separate cottages. **It should be noted that, irrespective of the new Guest House zoning, the construction of these 4 buildings was in violation of the building scheme.**

We believe that only 4 of the guest rooms were completed and operational at the time of purchase (in addition to the cottages), and the prior owner’s use of the property, while in operation as the “Rainforest Beach Lodge”, was in compliance with the zoning. It was a family-run business, and they were managing the property on-site. The current owner (0933164 B.C. LTD) went on to complete the unfinished guest rooms before beginning its operations at the property, and we understand that there was an on-site manager living there for a short time. At some point, the entire owner/caretaker living area on the lower ground floor was renovated and re-purposed into a 3 separate nightly rentals – a 3-bedroom suite (“Hidden Treasure”) and 2 smaller junior suites (“Sweet Forest” and “Pequena”), and **this was the point at which the property was intentionally converted into a hotel accommodating up to 44 guests.** The current owner is a sophisticated property developer, and it is simply not plausible for these costly renovations to have been undertaken without prior awareness of the zoning designation and its restrictions, and of the building scheme registered on title.

When we viewed the property soon after it was acquired by the current owner, and interior construction activities were in progress, it still had its Guest House configuration, and we understood that it was going to be operated as such, with bookings being managed by the sister company “The Cabins”. We later found out that there was no longer an on-site resident manager and we have only recently become aware of the conversion of the lower ground floor to nightly-rental units, and would be interested to know how the necessary building and business permits could have been issued by the District, given the zoning limitations.

It is correct to state that the property has been running as a de facto hotel, but **this has only been the case under the new ownership.** Despite its Guest House zoning, “The Lodge” accommodates up to 44 guests with no on-site staff and is being marketed to large groups for activities such as yoga retreats and weddings with up to 60 guests. The on-going commercial use of the property has led to several issues, which have impacted us directly:

1. Large groups (particularly wedding parties) have been observed to be boisterous, often contravening noise by-laws by hosting loud parties (sometimes including fireworks) after 10pm on the property itself, or on neighbouring Terrace Beach. These congregations often include intoxicated people who are one-time visitors to Ucluelet, and may pose a security risk to the community. When issues have arisen in the past, there has been no one living on-site at the property to direct complaints to;
2. The property can now accommodate 14 separate groups, and parking facilities are inadequate, resulting in an overflow onto Reef Point Rd. Furthermore, overflow guests from large wedding parties have used the Reef Point Rd cul-de-sac as an overnight camping spot for their RVs while attending the wedding;

● Page 2

April 6, 2021

3. The increased use of the north half of Terrace Beach, which has no bathroom facilities, has resulted in us finding human waste at the bottom of our property on numerous occasions. Garbage, including broken bottles, from late-night campfires on Terrace Beach is routinely left behind (which we understand to be a problem on Big Beach as well¹); and,
4. The commercial use of the property has led to increased truck traffic and wear-and-tear on Reef Point Rd, and the permanent presence of a commercial garbage dumpster at the property entrance, visible from Reef Point Rd, is unsightly.

Although the current commercial use of the property has been a source of aggravation to us, we made the conscious decision to not lodge a formal complaint to the District, in the interest of avoiding conflict and maintaining our collegial relationship with the current property managers. However, this does not imply that we have ever condoned these activities, and we would have likely opted otherwise had we known the extent of the interior modifications, which, in retrospect, explains the increase in activity on the property in recent times.

We are in strong opposition to the property zoning being changed to CS-5 Tourist Commercial. This would not only allow the existing activities to continue unchecked, but also sanction further uses, including restaurant, commercial entertainment, commercial recreation, recreational services and spa. These types of commercial activities have no place in a Single Family Residential-zoned neighbourhood. While we have no indication that the current owner intends to pursue new additional commercial activities, once the zoning has changed, there would be little to prevent a future owner, which could be an overseas corporation with no ties to the community, from doing so.

As previously outlined, we purchased our property with the goal of enjoying our retirement in a quiet, peaceful and beautiful natural setting. The conversion of Lots 35 ("The Lodge") and 37 (single family lot) to CS-5 zoning, and their subsequent amalgamation with "The Cabins" property, including its proposed expansion, will divert commercial tourist traffic from the Terrace Beach area into Reef Point Beach Estates, and we will become direct neighbours to what is effectively a new mega-resort. This will impair our enjoyment of our property, and will decrease its value. We would not have purchased a lot in this location had we known of the potential for this re-development to happen.

A related concern pertains to the application for Lot 37 to be converted to staff housing and a laundry facility. "The Lodge" was originally built with ample living space for the "full time and present resident", and additional staff, and it includes a large laundry room. These facilities ought to have been used for their intended purpose, obviating the need for staff housing and laundry facilities on a separate lot. However, in contravention of the Guest House zoning restrictions, the new owner sought to maximize profits by replacing this accommodation with 3 nightly rental units. Seasonal staff in resort communities have a history of causing noise and security disturbances associated with loud parties, inebriation and substance use. This issue is acknowledged in the District of Ucluelet's Staff Report to Council.² A stand-alone multi-unit staff house would fit poorly into our quiet residential neighbourhood.

¹ <https://www.westerlynews.ca/community/big-beach-parties-spark-concern-in-ucluelet/>

² Page 25 of 121: "It should be also be noted that the trail SRW can be seen as a buffer to the residence to the west and that the impact of the staff accommodation use is generally diminished when it is directly connected to the resort operation (i.e., the resort has a vested interest in keeping the noise of the tenants to a minimum, not only for he impact to the neighbors but also to the guests of the resort).

April 6, 2021

The way this is unfolding amounts to development creep. A property has been inappropriately developed, and is improperly being used beyond its zoning restrictions, and “cleaning up” the status quo is being used as justification for up-zoning. Unfortunately, the zoning changes, while being in the business interest of the owner, do not align with Ucluelet’s Official Community Plan, and run counter to the interests of the other property owners in this **residential** neighbourhood. A further consideration is that, by allowing this practice, the District of Ucluelet would be setting a dangerous precedent for future applications for zoning changes. The practice will also foster neighbourly disputes by forcing neighbours to complain to the District about each other’s questionable property use, even if it is rather benign, for fear that not doing so will lead to the activity being ‘grandfathered’ in.

The Reef Point Beach Estates subdivision was always intended to be residential, and its residential nature is protected by the Statutory Building Scheme registered on title against all of its properties. The restrictions imposed by the building scheme run with the land and bind all purchasers and their successors in title or interest. Removing them requires all of the owners of every affected lot to agree, in writing, to remove them, or a court order. In order to obtain a court order to discharge restrictions, a judge would need to be satisfied that the restrictions are no longer relevant in the subdivision. Clearly, this is not the case here, as the neighbourhood remains residential, and no other properties are operating as hotels.

In our opinion, the minimum remedy would be for the owner to be made to revert the 3 illegal nightly-rental suites on the lower ground level to resident manager/staff accommodation, and have an on-site manager. This would put the property in compliance with its existing zoning. Lot 37 can be developed in conformance with its R-1 zoning, and the dwelling can certainly be used as a long-term rental for resort staff. The ideal location for dedicated staff housing is actually “The Cabins” property, which already has CS-5 zoning, and is not in proximity to residential areas.

Proposal C

As concerns Proposal C, we understand that DVP20-06 now pertains exclusively to changes on Lot 35 (item “i”; previously “d”) , and that original items “a”, “b”, and “c” relating to development on “The Cabins” property have been dropped from the proposal. Given that this entire area of development falls within a proposed Provincial Heritage Site Designation under Section 9 of the Heritage Conservation Act (HCA), pursuant to the Maa-nulth/BC Cultural Site Protection Protocol signed February 19, 2015, we are pleased that there will be more opportunity for meaningful consultation with the Yuułuꞵiꞵath First Nation, as there is no way that construction of the 13 proposed new cabins, as designed, could take place without major disruption of the undisturbed protected area (see diagram).

We feel that the 13 proposed cabins are excessive in size and number, and that their presence will negatively alter the landscape at Terrace Beach, affecting all of its users. Without the requested DVP, development of this sensitive area would need to be much more modest in scale. We are concerned about the assertion by Mr. Bruce Greig that the Development Permit for the 13 proposed new cabins will no longer be required to go to a Public Hearing, and that the only opportunity for public input will now be by commenting at a future Council meeting. One would hope that Council would seek as much public input as possible, from all stakeholders, before granting a Development Permit in such a critical setting.

In conclusion, we strongly oppose the proposed OCP amendment and zoning changes to CS-5 Tourist Commercial for Lots 35 and 37. These zoning changes would solely benefit the non-local corporate entities that own Lot 35 (“The Lodge”), Lot 37 (vacant), and “The Cabins”, and compromise the interests of all of the other owners in Reef Point Beach Estates, who are using their properties in a residential fashion, as intended. Furthermore, we are concerned that the developer’s application to the District misrepresented their current utilization of “The Lodge” and we feel that granting the up-zoning request, to legitimize existing illegal use, sets a dangerous precedent.

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April 6, 2021

While we recognize that Ucluelet's Resort Municipality designation has made the growth of tourism activity a priority, this cannot be at the expense of existing residential areas. The number one priority in the District of Ucluelet Strategic Plan is "Managing Growth and Maintaining Quality of Life". The plan specifically recognizes that "An increasing demand for housing and development driven by thriving tourism has the potential to diminish the character and liveability of our community..." and that is precisely what is at stake here. We trust that, as our representatives, the Council members will act to safeguard the interests of the residents of Reef Point Beach Estates. Specifically, we request that the zoning and OCP amendment request be denied, and that operations at "The Lodge" be made to comply with existing zoning restrictions.

We are not alone in feeling very strongly about protecting the residential character of our neighbourhood. If these zoning changes are enacted, as proposed, our only recourse will be to turn to the courts. As you are aware, a letter was signed by the owners of 10 separate properties in Reef Point Beach Estates and sent to the corporate owners of Lots 35 and 37, and "The Cabins", indicating our intent so seek a court injunction to enforce our legal and equitable rights as holders of the benefit of the building scheme.

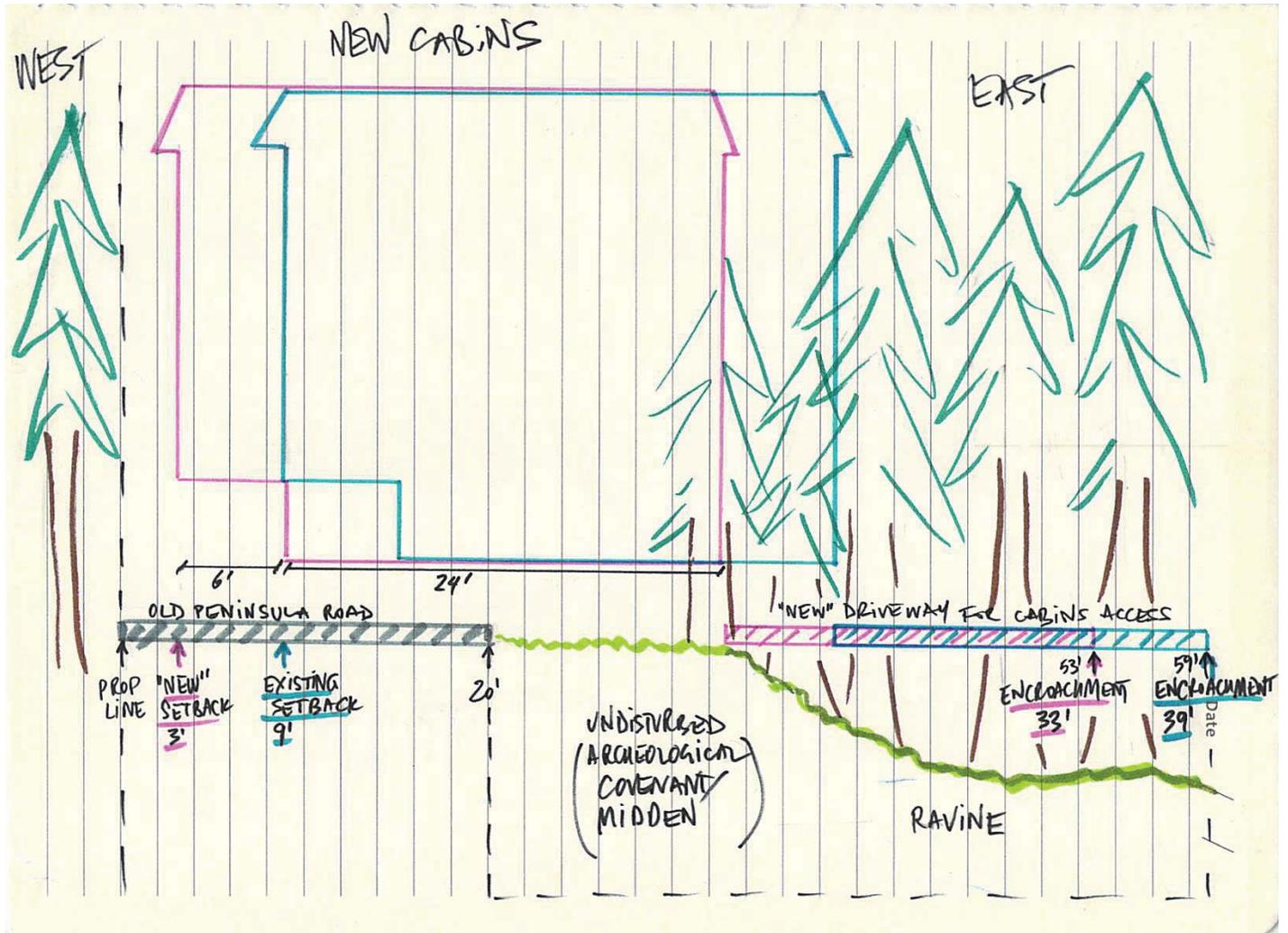
The proposed development at "The Cabins" property (which is subject to an impending Provincial Heritage Site designation) will disrupt a previously undisturbed area protected under an archeological covenant and result in a major change to the landscape at Terrace Beach, which has been enjoyed by the entire community for generations. We continue to feel that there should be more opportunity for First Nations and general public engagement before the Development Variance Permit is approved (either in its original form or a modified version). The fact that the proposed DVP will no longer be required to go to Public Hearing is of concern to us, and we would like to seek reassurance that there will be adequate opportunity for public input before a decision is made by Council.

We look forward to participating in the upcoming Zoom Public Hearing on April 8, 2021.

Respectfully submitted,

The image shows two handwritten signatures in black ink. The signature on the left is a stylized, cursive 'MB' for Michelle Belanger. The signature on the right is a more complex cursive signature for Mike Foy.

Michelle Belanger & Mike Foy



March 8, 2021

0933164 B.C. Ltd. and
Go Cabin Vacation Property Management Inc. Lougheed Properties
[REDACTED] 104-2455 Dollarton Highway
1566 Peninsula Road North Vancouver, BC V7H 0A2
Ucluelet, BC V0R 3A0

To Whom it May Concern:

Re: Proposed Official Community Plan (“OCP”) Amendment and Rezoning of 316 and 330 Reef Point Road, Ucluelet, BC V0R 3A0 (the “Property”)

We are the owners of properties in Reef Point Beach Estates located in the same neighbourhood as the Property. We received the notice of public hearing regarding the application made by you for an OCP amendment, rezoning of the Property and Development Variance Permit DVP20-06 (collectively, the “**Applications**”) to allow the proposed development of “the Cabins at Terrace Beach” on the Property and the adjacent properties known as the “Cabins Property” (the “**Cabins Project**”), all as further described in the package available at:
https://ucluelet.ca/images/Cabins_Binder_reduced.pdf.

Upon receipt of the notice of public hearing that was originally scheduled for January 28, 2021 (and which was subsequently cancelled), a number of us have already provided letters to the Resort Municipality of Ucluelet (“**Ucluelet**”) setting out our objections to the proposed Applications.

We continue to strongly oppose the Applications and the Cabins Project and intend to raise such objections at the rescheduled public meeting.

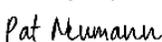
Regardless of whether or not Ucluelet approves the proposed Applications, the current operations on the Property and the proposed Cabins Project to be constructed partially on the Property are in violation of the building scheme registered on title to the Property under no. EL10368 (as modified by ES822) (the “**Building Scheme**”) in favour of our properties. The Building Scheme provides, among others:

1. for restrictions on removal of trees, vegetation, soil, gravel, and rock and restrictions on deposit of fill or other material (s. 1.1, s. 1.2, and s. 1.3);
2. for maximum allowable cleared envelopes based on lot size (s. 2);

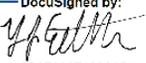
3. that no building other than *a two storey single family dwelling* may be constructed on any lot (s. 4(a));
4. that no single family home constructed on a lot may exceed 475 square metres of floorspace “including all storeys, basement, unroofed sundecks, attics or other annexures” with a foundation less than 375 square metres on lots less than 3000 square metres (s. 4(b));
5. that no single family home constructed on a lot may exceed 600 square metres of floorspace with a foundation less than 525 square metres for lots greater than 3000 square metres (s. 4(b));
6. that no accessory or temporary building may be constructed which may interfere with the view of an adjacent lot, and such accessory buildings are limited in size depending on the size of the lot (s. 4(d));
7. that no boarding house shall be permitted on any lot and any “bed and breakfast” is limited to transient guests of up to 4 persons and only on lots greater than 3000 square metres (s. 8); and
8. that noise is to be controlled so as to reduce disruption to other owners and no owner is permitted to make or permit excessive noise (s. 13).

The current use of the Property and the Cabins Project are in clear violation of the Building Scheme and we intend to enforce our legal and equitable rights as holders of the benefit of the Building Scheme, including, without limitation, seeking an injunction.

Yours truly,

DocuSigned by:

A7D841CF5E3348D...
Pat Neumann, owner of 303 Reef Point Road

3/7/2021 _____

DocuSigned by:

8B6780671339451...
Leo and Yvonne Eeftink, owners of 324 Reef Point Road

3/7/2021 _____

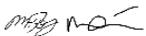


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3/9/2021

Andrew and Elisha Dick, owners of 338 Reef Point Road

DocuSigned by:

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3/7/2021

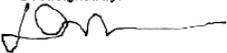
MIKE ROY and Michelle Belanger, owners of 346 Reef Point Road

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3/8/2021

Edward and Natalie Quilty, owners of 366 Reef Point Road

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3/8/2021

DAVID MYYSSON, owner of 372 Reef Point Road

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3/7/2021

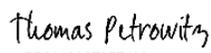
RYAN WAITER, owner of 1111 Coral Way

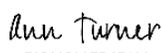
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3/9/2021

DAVID WHITE, owner of 1142 and 1148 Coral Way

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DocuSigned by:

F85C95AAEDC74AA...

3/7/2021

3/7/2021

THOMAS PETROWITZ and ANN TURNER, owners of 1160 Coral Way

cc Resort Municipality of Ucluelet, Planning Department



ADDITIONAL SIGNATURES

March 15, 2021

0933164 B.C. Ltd. and
Go Cabin Vacation Property Management Inc. Lougheed Properties
[REDACTED] 104-2455 Dollarton Highway
1566 Peninsula Road North Vancouver, BC V7H 0A2
Ucluelet, BC V0R 3A0

To Whom it May Concern:

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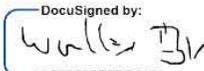
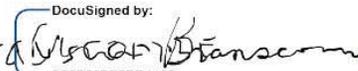
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1. for restrictions on removal of trees, vegetation, soil, gravel, and rock and restrictions on deposit of fill or other material (s. 1.1, s. 1.2, and s. 1.3);
2. for maximum allowable cleared envelopes based on lot size (s. 2);

3. that no building other than *a two storey single family dwelling* may be constructed on any lot (s. 4(a));
4. that no single family home constructed on a lot may exceed 475 square metres of floorspace “including all storeys, basement, unroofed sundecks, attics or other annexures” with a foundation less than 375 square metres on lots less than 3000 square metres (s. 4(b));
5. that no single family home constructed on a lot may exceed 600 square metres of floorspace with a foundation less than 525 square metres for lots greater than 3000 square metres (s. 4(b));
6. that no accessory or temporary building may be constructed which may interfere with the view of an adjacent lot, and such accessory buildings are limited in size depending on the size of the lot (s. 4(d));
7. that no boarding house shall be permitted on any lot and any “bed and breakfast” is limited to transient guests of up to 4 persons and only on lots greater than 3000 square metres (s. 8); and
8. that noise is to be controlled so as to reduce disruption to other owners and no owner is permitted to make or permit excessive noise (s. 13).

The current use of the Property and the Cabins Project are in clear violation of the Building Scheme and we intend to enforce our legal and equitable rights as holders of the benefit of the Building Scheme, including, without limitation, seeking an injunction.

Yours truly,

DocuSigned by:  DocuSigned by:  3/15/2021 3/15/2021
8C8B20BF6DD4466 8C8B20BF6DD4466

**Wally and Ann Branscombe, owners of
1117 Coral Way**

cc *Resort Municipality of Uchuelet, Planning Department*





Notice of Public Hearing

Notice is hereby given that a Public Hearing will be held in the George Fraser Room in the Ucluelet Community Centre at 500 Matterson Drive, Ucluelet BC, on **Thursday, April 8, 2021, commencing at 5:30 p.m.** pursuant to Sections 464, 465, and 466 of the *Local Government Act* on the **District of Ucluelet Zoning Amendment Bylaw No. 1287, 2021**. Due to COVID-19 and pursuant to Ministerial Order No. 192 the District of Ucluelet is offering the opportunity to participate by electronic means. In-person attendance is not permitted at this time.

In general terms, this bylaw would further amend *District of Ucluelet Zoning Bylaw No. 1160, 2013*, as amended, by adding the following subsection to section **R-1.3 Density** in alphanumeric order, as follows:

“R-1.3.2(a) Notwithstanding the Density Regulations in Section 304.2, on lots within the R-1 zone, up to 56m² (600 ft²) of building area designated and used solely for the parking or temporary storage of private vehicles may be excluded from the *gross floor area* used in the calculation of *floor area ratio*.”

Anyone who believes this bylaw will affect their interests may make a written submission and/or will be given an opportunity to be heard at the Public Hearing as follows:

Participate by Written Submission: Written submissions must be received before the start of the Public Hearing and include your name and street address. They are considered part of the public record pursuant to the Freedom of Information and Protection of Privacy Act.

Drop-off or Mail

Box 999, 200 Main Street
Ucluelet, BC, VOR 3A0
(there is a drop-box on site)

Email

communityinput@ucluelet.ca

Attend the Public Hearing: Due to the COVID-19 Pandemic and to ensure physical distancing, the District of Ucluelet is offering an opportunity to participate by electronic means pursuant to Ministerial Order No. 192. Anyone who believe they are affected by the proposed bylaw will be given the **opportunity to be heard via Zoom**. The public hearing will also be livestreamed on the District of Ucluelet’s YouTube Channel. Zoom meeting details are below and for more information about how to participate via Zoom visit <https://ucluelet.ca/community/district-of-ucluelet-council/public-hearings> or contact the Corporate Service Department at 250-726-7744 or jrotenberg@ucluelet.ca.

In-person

Due to the COVID-19 pandemic, in-person attendance is not permitted at this time.

Via Zoom

Webinar ID: 865 8866 8864. Participant **ID Not** required.

Join from a PC, Mac, iPad, iPhone or Android device:

- URL: <https://us02web.zoom.us/j/86588668864>

Or iPhone one-tap:

- +17789072071,,86588668864# Canada

Or join by phone:

- Canada: +1 778 907 2071
- International numbers available:

<https://us02web.zoom.us/j/86588668864>

Review the Bylaw: The bylaw, schedules, reports and other relevant materials may be inspected online at: <https://ucluelet.ca/community/district-of-ucluelet-council/public-hearings>

A paper copy of **District of Ucluelet Zoning Amendment Bylaw No. 1287, 2021** may be requested by phoning 250-726-7744 or by email to communityinput@ucluelet.ca. COVID-19 protocols apply to all pick-ups.

Questions? Contact the District of Ucluelet Planning Department at 250-726-7744 or by emailing info@ucluelet.ca

Dated March 17, 2021: Ucluelet, BC

DISTRICT OF UCLUELET

Zoning Amendment Bylaw No. 1287, 2021

A bylaw to amend the "District of Ucluelet Zoning Bylaw No. 1160, 2013".
(Areas used for parking may be excluded from *gross floor area* in the R-1 Zone)

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:

THAT Schedule B of the District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by adding the following subsection to section **R-1.3 Density** in alphanumerical order, as follows:

"R-1.3.2(a) Notwithstanding the Density Regulations in Section 304.2, on lots within the R-1 zone, up to 56m² (600 ft²) of building area designated and used solely for the parking or temporary storage of private vehicles may be excluded from the *gross floor area* used in the calculation of *floor area ratio*."

2. Citation:

This bylaw may be cited as "District of Ucluelet Zoning Amendment Bylaw No. 1287, 2021".

READ A FIRST TIME this 9th day of March , 2021.

Amended this 9th day of March , 2021.

READ A SECOND TIME as amended this 9th day of March, 2021.

PUBLIC HEARING held this day of , 2021.

READ A THIRD TIME this day of , 2021.

ADOPTED this day of , 2021.

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Amendment Bylaw No. 1287, 2021.”

Mayco Noël
Mayor

Joseph Rotenberg
Corporate Officer

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

Joseph Rotenberg
Corporate Officer



STAFF REPORT TO COUNCIL

Council Meeting: November 24, 2020
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, MANAGER OF COMMUNITY PLANNING

FILE NO: 0550-20 AGENDA

SUBJECT: GARAGE EXEMPTION FROM CALCULATION OF F.A.R.

REPORT NO: 20-128

ATTACHMENT(S): APPENDIX A – UCLUELET ZONING AMENDMENT BYLAW NO. 1269, 2020
APPENDIX B – EXCERPT OF ZONING AMENDMENT DISCUSSION FROM STAFF REPORT DATED MARCH 17, 2020
APPENDIX C – EXCERPTS OF ADVERTISING OF MARCH 17, 2020, WAIVER OF PUBLIC HEARING AND INVITATION FOR PUBLIC INPUT FROM THE WESTERLY NEWS AND DISTRICT OF UCLUELET WEBSITE

RECOMMENDATIONS:

1. **THAT** Council, with regard to the change to the definition of *Gross Floor Area* in Ucluelet Zoning Bylaw No. 1160, 2013, which was recently modified by Zoning Amendment Bylaw No. 1269, 2020, to remove the exemption of garage floor area from the calculation of Floor Area Ratio (F.A.R.), leave the bylaw as currently enacted and:
 - a. indicate to individual property owners who require garage floor area exemption for the development of their land that they have the option to apply for a site-specific zoning amendment;
 - b. monitor the number of such applications and inquiries which come forward over a period of time, before considering whether adjustments to the allowable F.A.R. - or further exemptions from the calculations of F.A.R. - are warranted; and,
 - c. consider directing staff to prepare, for consideration in the 2021 Budget process, a scope of work and cost estimate for consulting services for analysis and reporting on Floor Area Ratios in residential zones comparing built out neighbourhoods within similar communities, and potentially recommending adjustments to the Zoning Bylaw - for consideration in combination with other potential zoning amendments for housing in accessory residential units, better definition of short term rentals, etc. already being discussed for the 2021 work plan.

DISCUSSION:

At its November 10, 2020, regular meeting Council passed the following resolution:

“WHEREAS our understanding in April was that Bylaw No. 1269, 2020, was specifically related to Lot 13 and its R-5 zoning, we now find it affects all zoning in the District. We would like to better understand the impact of these changes and would appreciate more insight into this matter;

THEREFORE, BE IT RESOLVED THAT Council requests staff to write a report on the changes to Floor Area Ratios arising from Bylaw No. 1269, 2020, and its impacts.”

Attached, for reference, are the Zoning Amendment Bylaw No. 1269, 2020 (**Appendix ‘A’**), excerpts from the staff report dated March 17, 2020 (**Appendix ‘B’**), and copies of the notice given for Bylaw No. 1269 (**Appendix ‘C’**).

Given that a number of long-range planning projects are already either underway or scheduled, reflecting the strategic priorities set by Council, staff recommend that the zoning bylaw be left in its current form for the time being. If the lack of a garage exemption proves to be a recurring issue for land-owners, then this could be brought back for Council’s consideration at any time.

Floor Area Ratio, or F.A.R., is the ratio of the total building floor area divided into the total lot area. F.A.R. is one component of zoning regulations which can define the maximum total building mass allowable on a property of a given size. The form and character of a neighbourhood develops over time, and can be shaped by regulations such as F.A.R. adopted by the community.

The use within a building, for example whether the space is used for a garage or a living room, is arguably immaterial to how the total building mass is experienced from the exterior on neighbouring properties and at the public street. Nevertheless, the exemption of some portions of a building’s gross floor area from the calculation of F.A.R. is sometimes used as an incentive for property owners to dedicate space to a particular use. In essence, the community may accept a more massive building if the building includes some portion which is seen as providing some benefit to the community. Council may wish to consider, if revisiting the exemptions from *Gross Floor Area*, what uses are most appropriate for such an exemption, and to what degree.

If Council wishes to consider a broad adjustment of Floor Area Ratios in existing residential zones, it would be appropriate to undertake a degree of research and analysis into comparable zoning regulations - and the resulting neighbourhood form which results - as properties are built out. Staff recommend that if this is the direction of Council, then it would be appropriate to include that work as part of the project to revisit regulations around accessory residential uses (suites and cottages) as well as short term rentals in the existing residential zones (currently anticipated 2021).

Should the garage floor area exemption be reinstated generally, then staff would recommend that such exemption should not apply within the smaller-lot R-4 or R-5 zones.

OPTIONS:

Staff recommend that property owners may use the option of applying for a site-specific amendment to suit their needs, should the F.A.R. prove limiting under the bylaw as it currently stands.

Alternatively, Council could consider the following:

2. **THAT** Council provide direction to staff, for the preparation of a draft Zoning Bylaw amendment, on whether exemptions to F.A.R. are to be considered as an incentive for the development of secondary land uses on residential properties which may provide a community benefit such as:
 - a. secondary suite;
 - b. accessory residential dwelling unit; and/or,
 - c. daycare facility as a home occupation; **or**,
3. **THAT** Council direct staff to prepare a draft Zoning Amendment Bylaw to reinstate the exemption of garage floor area from the calculation of F.A.R., except for properties with the R-4 or R-5 zoning designation, for future consideration and public input.

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

DISTRICT OF UCLUELET

Appendix A

Zoning Bylaw Amendment Bylaw No. 1269, 2020

A bylaw to amend the District of Ucluelet Zoning Bylaw

(Lot 13 Marine Drive – new R-5 Compact Single-Family Residential Zone).

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** replacing the definition of Gross Floor Area within Division 100 – Enactment and Interpretation, Section 103 Definitions, such that the new definition reads as follows:

“Gross Floor Area” means the total area of all floors of a *building(s)* or use within a *building* (as the case may be) on a *lot*, measured to the exterior walls of the *building*, specifically excluding only non-habitable portions of a *basement*.”

- B. By** amending within Division 300 – General Prohibitions and Regulations, Section 306 Buildings & Structures – Setbacks and Siting, such that “R-5” is added to the list of residential zones to which Section 306.3(7) applies.

- C. By** adding a new Residential zone, to Schedule B – The Zones that directly follows R-4 Zone – Small Lot Single Family Residential such that the new section reads as follows:

“R-5 Zone – COMPACT SINGLE-FAMILY RESIDENTIAL

This Zone is intended for more affordable, compact single-family residential infill development with low-impact accessory uses.

R-5.1 Permitted Uses

R-5.1.1 The following uses are permitted, but *secondary permitted uses* are only permitted in conjunction with a *principal permitted use*:

- (1) Principal:
 - (a) *Single Family Dwelling*
- (2) Secondary:
 - (a) *Home Occupation*
 - (b) *Secondary Suite*

R-5.2 Lot Regulations

- R-5.2.1 Minimum Lot Size: 150 m² (1,615 ft²)
- R-5.2.2 Minimum Lot Frontage: 7.5 m (25 ft)

R-5.3 Density:

- R-5.3.1 Maximum Floor Area Ratio: 0.5
- R-5.3.2 Maximum Lot Coverage: 50%

R-5.4 Maximum Size (Gross Floor Area):

- R-5.4.1 Principal Building: 140 m² (1,500 ft²)
- R-5.4.2 Accessory Buildings: 10 m² (107 ft²) combined total

R-5.5 Maximum Height:

- R-5.5.1 Principal Buildings & Structures: 5 m (16.4 ft)
- R-5.5.2 Accessory Buildings & Structures: 3.5 m (11.5 ft)

R-5.6 Minimum Setbacks:

R-5.6.1 The following minimum setbacks apply, as measured from the *front lot line*, *rear lot line* and *side lot lines(s)*, respectively:

	(a) Front Yard Setback	(b) Rear Yard Setback	(c) Side Yard - Interior Setback	(d) Side Yard - Exterior Setback
(1) Principal	3 m (9.8 ft)	3 m (9.8 ft)	1.2 m (4 ft)	3 m (9.8 ft)
(2) Accessory		0 m	0 m	0 m

R-5.6.2 In addition, no *accessory building* or access to a *parking space* may be located between the front face of the principal building and the street."

2. 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 13, District Lot 283, Clayoquot Land District, Plan VIP84686 [PID 027-473-538] shown shaded on the map attached to this Bylaw as Appendix "A", from CD-5 Zone FORMER WEYCO FOREST LANDS CD-5C SubZone (Development Area 3) OCEANWEST CD-5C.1.2 AFFORDABLE HOUSING to R-5 Zone – COMPACT SINGLE-FAMILY RESIDENTIAL.

3. **Citation:** This bylaw may be cited as "District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1269, 2020".

READ A FIRST TIME this 17th day of March, 2020.

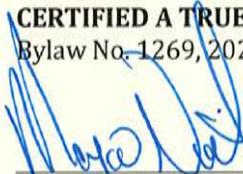
READ A SECOND TIME this 17th day of March, 2020.

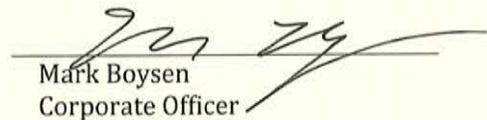
PUBLIC HEARING WAS WAIVED on 17th day of March, 2020.

READ A THIRD TIME this 28th day of April, 2020.

ADOPTED this 28th day of April, 2020.

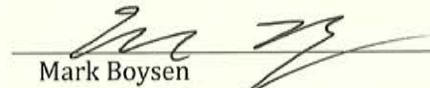
CERTIFIED A TRUE AND CORRECT COPY of "District of Ucluelet Zoning Amendment Bylaw No. 1269, 2020."



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'

District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1269, 2020

From: CD-5C.1.2 Affordable Housing
To: R-5 Compact Single-Family Residential

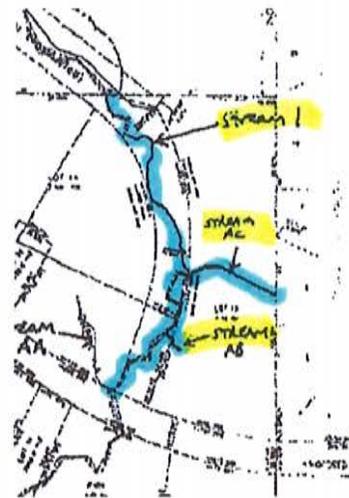


Appendix B

Staff recommend that detailed grading and drainage plans, reviewed and developed with the guidance of a Qualified Environmental Professional, should inform future decisions on the Development Permit and subdivision of Lot 13.

3.2.4 Draft MoU Partnership Agreement with the BC Housing AHOP program:

A draft master partnering agreement between BC Housing and the District is provided in Appendix 'A'. This agreement sets out the framework where the cost savings achieved by the developer are captured by a second mortgage provided by BC Housing on the ownership units in the AHOP program (in this case, 24 ownership lots). Under the agreement, if these units sell and transition out of the program, then the value of those mortgages is returned to the District's affordable housing reserve account. The provincial AHOP program essentially provides an incentive for municipalities to reduce some of the costs of developing affordable housing supply. The end goal of the AHOP program is not to create permanently affordable housing units in this development, but to create new housing supply which is initially affordable (and may remain so for many years) and at the same time allow those qualifying home buyers to get into the market and begin building equity. Also, it should be stated that by nature of their design, these homes (small houses on small lots) are likely to remain more affordable in the long run than other types of housing. There is no residual development potential on the proposed lots; they are not suited to further subdivision or up-scaling of the houses on site.



At the time of writing this report, a statement from BC Housing has not yet been received to confirm their valuation of the proposed cost savings being achieved by the developer. Staff have provided the following summary and expect that, prior to a public hearing, confirmation of the project commitment will be available from BC Housing:

Municipal contribution to offset servicing:	\$320,000
Reduced road construction costs (as varied):	\$115,750
Cost savings by creating fee-simple subdivision:	<u>\$20,000</u>
total:	\$455,750

This does not include a factor of land value costs from density bonusing, or for Council's support for broadening the definition of "affordable housing" under the prior approvals affecting the potential to develop Lot 13 – this is an ongoing point of discussion between staff and BC Housing.

3.3 Draft Zoning Amendment Bylaw No. 1269, 2020:

A rezoning bylaw has been prepared to achieve three things (see Appendix "B"). Primarily, the bylaw would create a new R-5 zone for compact single-family development to suit the 33 proposed small lots.



Bylaw No. 1269 would also update the definition of "Gross Floor Area" to remove an existing exemption for garages. The area occupied by the garage portion of a building contributes to the overall massing of the building (no different than building area occupied by bedrooms or storage); staff's opinion is that the existing exemption for garages in the definition of gross floor area is a mistake. Given the generous floor area ratios within the current zoning regulations, this is not expected to impact property owners' ability to reasonably develop existing properties.

The new R-5 zone has also been crafted with an eye to future rezoning applications which may come forward to create small infill lots by subdivision. Because no areas of the District are being pre-zoned with these small parameters for subdivision, there is no risk of a proliferation of extremely compact lots changing the character of neighbourhoods.

In other words, in order to take advantage of the regulations in the R-5 zoning designation, a property owner would need to apply to rezone their property and present a plan detailing their proposal for how they would develop their site; Council would not be obliged to approve that future rezoning unless they are comfortable that the plan fits in the context of the neighbourhood and the feedback received from neighbouring residents.

Lastly, the draft bylaw would include "R-5" in the list of residential zones which, under section 306.3(7) are allowed an uncovered outdoor patio within the setback areas on a residential property.

3.4 Draft Housing Agreement Bylaw No. 1270, 2020:

The housing agreement authorization bylaw has drafts of the two (ownership and rental) housing agreements attached as schedules A and B, which would be registered on the ownership (i.e., AHOP) and rental lots, respectively, at the time those lots are created by the subdivision of Lot 13 (see **Appendix "C"**).

3.4.1 Affordable Ownership Housing Agreement:

The lots for purchase under the AHOP program would be administered by BC Housing. The housing agreement applying to these lots basically guarantees that they will be developed as proposed and sold to purchasers meeting the income requirements of BC Housing. The agreement includes the following criteria for a "qualified person":

As drafted in Bylaw 1270:	As preferred by the developer:
has lived in ACRD min. 24 months	has lived in ACRD min. 6 months
has worked full time a minimum of 1 year on west coast (or is retired after living here 5 years out of last 10)	has proof of employment on the west coast (or is retired after living here 1 year out of the last 10)
does not own other property	does not own other property
meets BC Housing AHOP income requirements	meets BC Housing AHOP income requirements

The applicant would like a looser definition of a qualifying person, to broaden the pool of potential purchasers of the 24 ownership units. Staff suggest that the criteria as drafted are likely to result in enough buyers from within the community. There is a provision for the

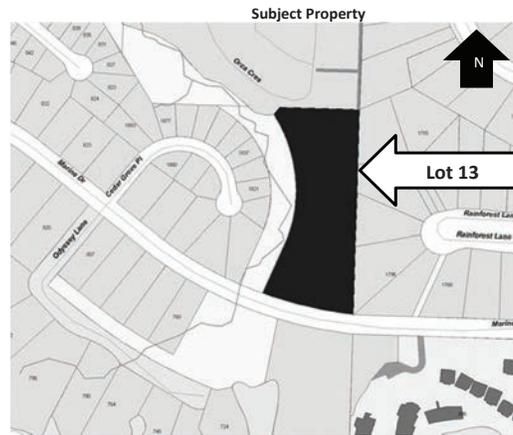
Notice to Waive Public Hearing

Notice is hereby given pursuant to Sections 464(2) and 467 of the Local Government Act that, at its regular meeting held March 17th, 2020, District of Ucluelet Council determined that proposed changes to the Zoning Bylaw are consistent with the District of Ucluelet Official Community Plan and thereafter resolved to waive the holding of a Public Hearing for

District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1269, 2020.

In general terms the purpose of this proposed Bylaw is to amend the District of Ucluelet Zoning Bylaw No. 1160, 2013 (the "Zoning Bylaw"), as follows:

1. By replacing the definition of Gross Floor Area, such that the new definition reads as follows:
 "Gross Floor Area" means the total area of all floors of a *building(s)* or use within a *building* (as the case may be) on a *lot*, measured to the exterior walls of the *building*, specifically excluding only non-habitable portions of a *basement*."
2. By amending Division 300, such that "R-5" is added to the list of residential zones to which Section 306.3(7) applies (to allow an uncovered patio within lot setbacks, like in other residential zones).
3. By adding a new Residential zone "R-5 Zone – Compact Single Family Residential". This Zone is intended for more affordable, compact single-family residential infill development with low-impact accessory uses.
4. By amending the zoning map to change the designation of Lot 13, District Lot 283, Clayoquot Land District, Plan VIP84686 [PID 027-473-538] ("Lot 13 Marine Drive") shown shaded on the map below, from CD-5 Zone to the new R-5 Zone – Compact Single Family Residential:



Further Information:

Copies of the bylaw, application, reports and relevant background documents may be viewed in the "Lot-13 Marine Drive Affordable Housing Public Input" section of the District of Ucluelet website:

<https://ucluelet.ca/community/district-of-ucluelet-council/lot-13-marine-drive-affordable-housing-public-input>

Despite the decision to waive holding a public hearing during the COVID-19 outbreak, Council encourages any persons who believe their interests to be affected by the bylaw to

LEARN ABOUT THE PROPOSAL AND SUBMIT YOUR COMMENTS!

Please inform yourself of the details of this proposal by exploring the information provided at the website link above. Public comment on Bylaw No. 1269 and the proposed 33-lot development is encouraged and can be submitted **in writing**. Submissions can be mailed to the District of Ucluelet, P.O. Box 999, Ucluelet B.C., V0R 3A0 or emailed to communityinput@ucluelet.ca, or placed in the drop box outside the municipal office at 200 Main Street, but must be received by the end of day on

April 16th, 2020.

Written submissions must include your name and street address and will be considered part of the public record on this matter, pursuant to the *Freedom of Information and Protection of Privacy Act*.

Copies of the bylaws and related background materials may be inspected at the District of Ucluelet Municipal Hall between the hours of 8:30 am to 4:00 pm weekdays except statutory holidays from the date of this notice until April 16, 2020. However, due to the COVID-19 pandemic access to District Hall may be restricted during this period, so members of the public are encouraged to view the materials at the website noted above, and if you wish to view the materials at the Hall we ask that you contact staff in advance so we can make appropriate arrangements to ensure health and safety. Staff can be reached at (250) 726-7744 ext. 223. Please be prepared to leave a message with your callback information, as many staff members are currently working remotely. Community input is important - and we thank you for your patience as we adjust our practices in response to rapidly changing global circumstances.

Dated this 18th of March 2020



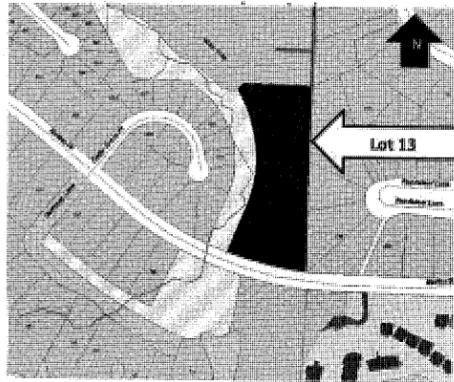
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1. By replacing the definition of Gross Floor Area, such that the new definition reads as follows: "Gross Floor Area" means the total area of all floors of a building(s) or use within a building (as the case may be) on a lot, measured to the exterior walls of the building, specifically excluding only non-habitable portions of a basement."
2. By amending Division 300, such that "R-5" is added to the list of residential zones to which Section 306.3(7) applies (to allow an uncovered patio within lot setbacks, like in other residential zones).
3. By adding a new Residential zone "R-5 Zone – Compact Single Family Residential". This Zone is intended for more affordable, compact single-family residential infill development with low-impact accessory uses.
4. By amending the zoning map to change the designation of Lot 13, District Lot 283, Clayoquot Land District, Plan VIP84686 [PID 027-473-538] ("Lot 13 Marine Drive") shown shaded on the map below, from CD-5 Zone to the new R-5 Zone – Compact Single Family Residential:



Subject Property

Further Information:

Copies of the bylaw, application, reports and relevant background documents may be viewed in the

"Lot-13 Marine Drive Affordable Housing Public Input"

section of the District of Ucluelet website:

<https://ucluelet.ca/community/district-of-ucluelet-council/lot-13-marine-drive-affordable-housing-public-input>

Despite the decision to waive holding a public hearing during the COVID-19 outbreak, Council encourages any persons who believe their interests to be affected by the bylaw to

LEARN ABOUT THE PROPOSAL AND SUBMIT YOUR COMMENTS!

Please inform yourself of the details of this proposal by exploring the information provided at the website link above. Public comment on Bylaw No. 1269 and the proposed 33-lot development is encouraged and can be submitted in writing. Submissions can be mailed to the District of Ucluelet, P.O. Box 999, Ucluelet B.C., V0R 3A0 or emailed to communityinput@ucluelet.ca, or placed in the drop box outside the municipal office at 200 Main Street, but must be received by the end of day on

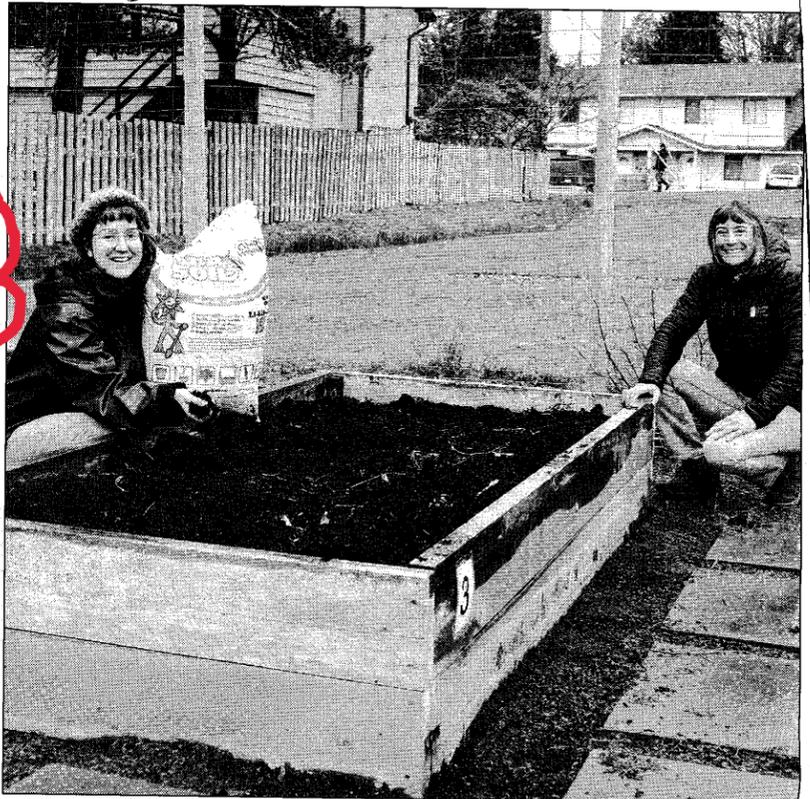
April 16th, 2020.

Written submissions must include your name and street address and will be considered part of the public record on this matter, pursuant to the *Freedom of Information and Protection of Privacy Act*.

Copies of the bylaws and related background materials may be inspected at the District of Ucluelet Municipal Hall between the hours of 8:30 am to 4:00 pm weekdays except statutory holidays from the date of this notice until April 16, 2020. However, due to the COVID-19 pandemic access to District Hall may be restricted during this period, so members of the public are encouraged to view the materials at the website noted above, and if you wish to view the materials at the Hall we ask that you contact staff in advance so we can make appropriate arrangements to ensure health and safety. Staff can be reached at (250) 726-7744 ext. 223. Please be prepared to leave a message with your callback information, as many staff members are currently working remotely. Community input is important - and we thank you for your patience as we adjust our practices in response to rapidly changing global circumstances.

Dated this 18th of March 2020

COMMUNITY



SOIL TOIL: Ucluelet Local Food Society president Jeanne Keith Ferris, right, helps beginner gardener Britny Scheuermann ready her garden plot for planting. For gardening tips from local experts, see Page 10. (Nora O'Malley photo)

COMMUNITY

Raincoast Education Society puts out the call for fish guts

ANDREW BAILEY
andrew.bailey@westerlynews.ca

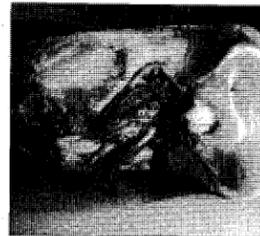
It's gut check time for local salmon populations.

The Raincoast Education Society is asking all West Coast fishers to donate their catch's stomachs in an effort to dissect the diets of chinook in Barkley and Clayoquot Sound.

The RES is calling on fishers to place Chinook salmon guts into a zip lock bag, record the salmon's size and the location it was caught, and then contact the society's executive director Mark Maftai at mark@raincoasteducation.org.

Those guts will then be sent to the University of Victoria where stomach samples from all over B.C. are being tested as part of the Adult Salmon Diet Project.

"Wild chinook salmon stocks in Barkley and Clayoquot Sound are declining. Everyone's worried about it and everyone's pointing the finger at whatever they can point a finger at," Maftai told



The Raincoast Education Society is asking fishers to donate their catch's stomachs, like this one photographed at a fishing derby held in Bamfield. (Will Duguid photo).

the *Westerly News*.

"It's obviously an issue that a lot of their spawning habitat has been compromised. It's obviously an issue that they're being fished pretty hard. It's obviously an issue that they're being exposed to pathogens and parasites at salmon farms. But, none of those things together can explain the declines that we're seeing...The only thing that really holds water is that there's a problem with at-sea survival and the number one thing that affects at-sea

survival, really, is diet. Either they're getting eaten or they're not eating enough."

Maftai said the goal is to collect samples through the year for several years so that data can be compared regionally, seasonally and annually.

"That will help us put another piece in the puzzle. Right now, we gauge the health of salmon stocks by looking at returns, but those aren't consistent," he said. "All you know is how many fish came up the river. What we're thinking is, the number of fish that come up the river might have a lot to do with how much food is out there for them to eat before they come up the river."

He added local fishers who donate guts would be a big help, noting the society scored "tons of samples" at a fishing derby in Bamfield last month.

Maftai said the data collected by the program will be shared widely and will help guide salmon restoration efforts in evidence-driven directions.



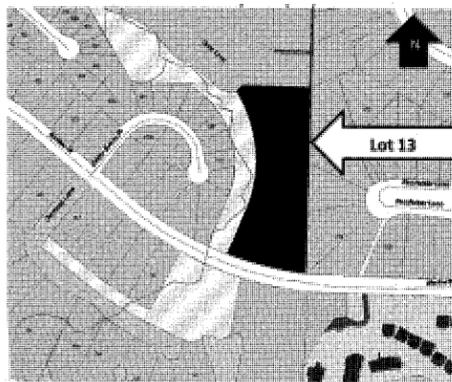
Notice to Waive Public Hearing

Notice is hereby given pursuant to Sections 464(2) and 467 of the Local Government Act that, at its regular meeting held March 17th, 2020, District of Ucluelet Council determined that proposed changes to the Zoning Bylaw are consistent with the District of Ucluelet Official Community Plan and thereafter resolved to waive the holding of a Public Hearing for

District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1269, 2020.

In general terms the purpose of this proposed Bylaw is to amend the District of Ucluelet Zoning Bylaw No. 1160, 2013 (the "Zoning Bylaw"), as follows:

1. By replacing the definition of Gross Floor Area, such that the new definition reads as follows: "Gross Floor Area" means the total area of all floors of a building(s) or use within a building (as the case may be) on a lot, measured to the exterior walls of the building, specifically excluding only non-habitable portions of a basement."
2. By amending Division 300, such that "R-5" is added to the list of residential zones to which Section 306.3(7) applies (to allow an uncovered patio within lot setbacks, like in other residential zones).
3. By adding a new Residential zone "R-5 Zone – Compact Single Family Residential". This Zone is intended for more affordable, compact single-family residential infill development with low-impact accessory uses.
4. By amending the zoning map to change the designation of Lot 13, District Lot 283, Clayoquot Land District, Plan YIP84686 [PID 027-473-538] ("Lot 13 Marine Drive") shown shaded on the map below, from CD-5 Zone to the new R-5 Zone – Compact Single Family Residential:



Subject Property

Further Information:

Copies of the bylaw, application, reports and relevant background documents may be viewed in the

"Lot-13 Marine Drive Affordable Housing Public Input"

section of the District of Ucluelet website:

<https://ucluelet.ca/community/district-of-ucluelet-council/lot-13-marine-drive-affordable-housing-public-input>

Despite the decision to waive holding a public hearing during the COVID-19 outbreak, Council encourages any persons who believe their interests to be affected by the bylaw to

LEARN ABOUT THE PROPOSAL AND SUBMIT YOUR COMMENTS!

Please inform yourself of the details of this proposal by exploring the information provided at the website link above. Public comment on Bylaw No. 1269 and the proposed 33-lot development is encouraged and can be submitted **in writing**. Submissions can be mailed to the District of Ucluelet, P.O. Box 999, Ucluelet B.C., VOR 3A0 or emailed to communityinput@ucluelet.ca, or placed in the drop box outside the municipal office at 200 Main Street, but must be received by the end of day on

April 16th, 2020.

Written submissions must include your name and street address and will be considered part of the public record on this matter, pursuant to the *Freedom of Information and Protection of Privacy Act*.

Copies of the bylaws and related background materials may be inspected at the District of Ucluelet Municipal Hall between the hours of 8:30 am to 4:00 pm weekdays except statutory holidays from the date of this notice until April 16, 2020. However, due to the COVID-19 pandemic access to District Hall may be restricted during this period, so members of the public are encouraged to view the materials at the website noted above, and if you wish to view the materials at the Hall we ask that you contact staff in advance so we can make appropriate arrangements to ensure health and safety. Staff can be reached at (250) 726-7744 ext. 223. Please be prepared to leave a message with your callback information, as many staff members are currently working remotely. Community input is important - and we thank you for your patience as we adjust our practices in response to rapidly changing global circumstances.

Dated this 18th of March 2020

GARDEN



Humble potatoes are one of the most valued food sources in war-time. (Pixabay photo)

Yes, in my backyard: Food security at home

CONNIE KURAMOTO AND
JEANNE KEITH FERRIS
Special to the Westerly

Raise a garden trowel against Covid-19 and build food security right at home. What crop has humanity turned to for food security?

Introducing the humble potato

Potatoes have sustained communities over millennia and are the fourth most cultivated crop in the world.

An easy grower in our costal climate, spuds are nutritional power packs; productive in small containers, and a great teaching crop for new gardeners.

Kitchen cabinet surprise

Potatoes stored in your warm, dark, kitchen cabinet may have already spouted eyes. Eyes are the growing points and may have little stems sticking out representing the start of a new potato plant. Growers who buy and use special "seed potatoes" will put them in a warm, dark place to develop eyes.

Most garden books you read may direct you to purchase certified, disease free seed potatoes; and if you are growing a lot of potatoes, and growing them in the ground, that is probably the best practice. However, if you are growing just a few potatoes for your family, I cannot see the harm of using any old potato that has sprouted in your cabinet for your seed potatoes. I would reject any that are soft or black and mushy, but other potatoes, even ones that look slightly wilted will be fine, and no, they do not have to be sprouted before planting. You can start planting potatoes anytime now.

Containers and soil

Buckets work well for growing potatoes. Five-gallon sized wooden buckets, water buckets or plastic food grade buckets are ideal. If needed, drill drainage holes into the bottom. The stamped recycle number found on the bottom of a plastic bucket should have a number 2 in it if it is food safe. Even large plasticized grocery bags can be used. These types of containers will discourage evaporation and soil drying out. Fill your container to about one third full with a good potting soil mix and bagged compost in equal measure. Place 2 seed potatoes at opposite edges and cover them completely with about four more inches of soil. Now, if you have it, add some balanced organic fertilizer. For good drainage, don't place the containers directly on the ground, but raised-up on boards. The rugged potato requires loose, well-drained soil, food, and plenty of water. It is best to water every morning, and to water until there is some drainage from the bottom of the bucket. Use about four litres of water. Mulch with leaves, seaweed, wood chips, shredded paper or cardboard to hold moisture, and shade the potato tubers from sunlight. Light exposed tubers can turn green and are inedible.

Soon you will see the potato's green foliage emerge. When the foliage grows about one foot, then heap-in more soil to near the container's rim. When you see flowers on the plants, potatoes have begun to form. Potatoes are ready to harvest when the tops die down. Tip the bucket over, and it's time to eat!

Connie Kuramoto is an Organic Master Gardener and Jeanne Keith-Ferris is the president of the Ucluelet Local Food Society.



DISTRICT OF UCLUELET

Excerpt from the November 24, 2020 Regular Meeting Minutes

14. LEGISLATION

14.1 **Garage Exemption from Calculation for F.A.R.** ***Bruce Greig, Manager of Community Planning***

The meeting was recessed 5:01 PM and recommenced at 5:05 PM.

Mr. Greig, noted that prior to the adoption of Zoning Amendment Bylaw No. 1269, 2020, Zoning Bylaw No. 1160, 2013 included an open ended exemption for garage use from the calculation of Floor Area Ratio. The Planning Department saw this open ended exemption as a loop hole which Zoning Amendment Bylaw No. 1269 closes. He noted that if Council reinstates the exemption for garage floor area, it should not apply to the R-5 and R-4 Zones because these zones create small lots.

Mr. Greig encouraged Council to discuss the intent of the exemption as well as where this matter falls within Council's priorities.

Council discussed the costs associated with site specific rezoning and their positions regarding the recommended and alternative motions.

It was moved by Councillor Hoar and seconded by Councillor Cole

THAT Council direct staff to prepare a draft Zoning Amendment Bylaw to reinstate the exemption of garage floor area from the calculation of F.A.R., except for properties with the R-4 or R-5 zoning designation, for future consideration and public input. .

CARRIED.



STAFF REPORT TO COUNCIL

Council Meeting: March 9, 2021
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, MANAGER OF COMMUNITY PLANNING **FILE NO:** 3360-20-RZ21-02

SUBJECT: ZONING AMENDMENT – GARAGE FAR EXEMPTION **REPORT NO:** 21-31
IN THE R-1 ZONE.

ATTACHMENT(S): APPENDIX A - BYLAW NO. 1287, 2021
APPENDIX B – BACKGROUND REPORT FROM NOVEMBER 24, 2020

1. **Requested resolution:**

THAT Council give first and second reading to District of Ucluelet Zoning Amendment Bylaw No. 1287, 2021, and refer the bylaw to a public hearing.

2. **Purpose:**

The purpose of this report is to bring forward a zoning amendment to reinstate an exemption for building areas designated and used solely for the parking or temporary storage of private vehicles from the gross floor area used in the calculation of floor area ratio (the “**Exemption**”) on residential properties. Council passed the following resolution at its November 24, 2020, regular meeting:

“THAT Council direct staff to prepare a draft Zoning Amendment Bylaw to reinstate the exemption of garage floor area from the calculation of F.A.R., except for properties with the R-4 or R-5 zoning designation, for future consideration and public input.”

3. **Discussion:**

The exemption was originally taken out of the Zoning Bylaw by the adoption of Zoning Amendment Bylaw No. 1269, 2020. The removal was recommended to remove a perceived loophole in the zoning bylaw regulations that could allow homes with extra-large garages to circumvent the allowable Floor Area Ratio (**FAR**) regulation for a lot. As mentioned in previous reports (see **Appendix ‘B’**) the reinstatement of this exemption should be subject to discussion of why there is a FAR requirement, the rationale behind a parking exemption, and the possibility of unintended outcomes.

3.1. **FAR regulations:**

The FAR regulation has been in the R-1 zoning since the adoption of Zoning Bylaw No. 800, 1999, and specifies a ratio of total building area per land area. FAR is a common zoning tool used to regulate building size in many municipalities in BC. Generally, this regulation defines a limit on the

overall mass and impact of a building - and works in conjunction with regulations for maximum lot coverage, maximum height and minimum setbacks. The following diagrams in **Figure 1** compare what might be built without any maximum FAR regulation, with a defined FAR, and with a FAR but with an unlimited parking exemption:

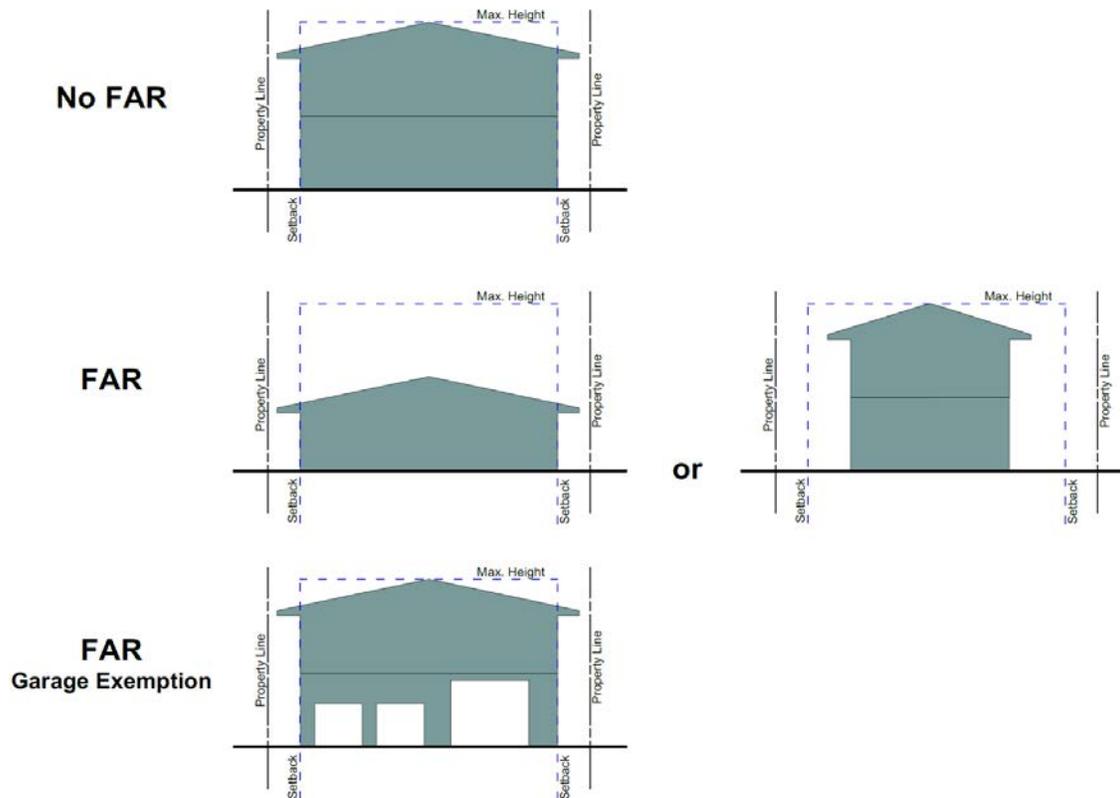


Figure 1

3.2. Parking Exemption:

An exemption for the indoor parking and storage of cars should have a clear rationale. Some communities exempt areas for a secondary suite to encourage the construction of accessory dwellings, some exempt limited areas for parking (one space at 28m² or two spaces at 56m²), some do not have any exemptions at all, and others have an unlimited exemption - often the latter is tied to the parking being placed below grade as an incentive to create underground parking.

The following are possible reasons to justify exempting garage area from the regulation of overall building mass:

- Aesthetic: more space for vehicles parked indoors could improve the public streetscape and the overall character of a neighbourhood. Anecdotally, however, existing garages

are often used as storage spaces and their existence may not necessarily reduce the parking of vehicles in front of properties.

- Monetary: automobiles are a large investment and the ability to park indoors may allow residents to more easily protect that investment.

Similar reasoning could be used to justify floor area exemptions for the following:

- Accessory dwellings: to create an incentive to develop infill housing;
- Home workshops: to support mental health, support local arts and craft activities and/or support the development of new home-based businesses.
- Indoor fitness facilities: to support physical health.
- Greenhouses: to support mental health and food self-sufficiency.

FAR is just one regulatory tool which sets a boundary on what can be built on a property, to meet community expectations. For example, the lots on both Lorne White Place and Cedar Grove Place do not have a maximum FAR regulation in their zoning. On those streets the building size is limited by setbacks, height and lot coverage. On both streets the relatively small lot sizes, additional green space covenants (which act like extra building setbacks), and the small frontages create a limited building envelope.

3.3. Unintended Outcomes

Prior to the removal of the FAR exemption by Bylaw No. 1269, 2020, the town was not experiencing a proliferation of overly-large homes. A small number of concerns have been raised by residents in recent years, when surprised by the size of a neighbour's new home. As the community grows and property values rise, however, it can be expected that new construction will expand toward the maximum allowable under the zoning regulations. An unlimited garage exemption could be used to permit construction of a garage-dominated house appearing overly large to neighbourhood residents. Staff therefore recommend that if Council is considering providing a floor area exemption for garages, that Council also consider placing a reasonable upper limit on the amount of floor area which would enjoy that exemption.

4. Draft Ucluelet Zoning Amendment Bylaw No.1287, 2021

This bylaw would reinstate an unlimited parking exemption as directed by Council. The bylaw would apply the exemption to the R-1 Zone only, as follows:

THAT Schedule B of the District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by adding the following subsection to section R-1.3 Density in alphanumerical order, as follows:

"R-1.3.2(a) Notwithstanding the Density Regulations in Section 304.2, on lots within the R-1 zone, building areas designated and used solely for the parking or temporary storage of private vehicles may be excluded from the gross floor area used in the calculation of floor area ratio."

A review of the residential zones indicated that the reinstatement of the exemption would only be required in the R-1 zone since:

- in the R-4, R-5 and the draft R-6 zones, the smaller lot sizes would not be appropriate for an FAR exemption (which could easily result in very large buildings squeezed on to small lots);

- the residential lots in the CD zones (e.g., Rainforest Drive) are generally larger and allow for ample gross floor area, with a higher maximum FAR (0.5 compared with R-1 at 0.35);
- smaller lots in some CD zones are not regulated by a maximum FAR (as noted above).

5. **Financial Implications:**

Because the bylaw amendment would apply broadly to all properties within the R-1 zone, delivery of individual notices to property owners and occupants is not required; the cost of advertising the required notification would be limited to the placement of an ad in the paper for two issues and would be accommodated under current operational budgets.

6. **Options:**

An unlimited parking exemption is not recommended. It is recommended that if an exemption for parking is reintroduced to the FAR regulations for the R-1 zone, that a limited exemption area be defined as proposed in option B below. Council could consider the following:

- A. **THAT** Council initiate readings of the draft Bylaw No. 1287, 2021, as outlined at the outset of this report;
- B. **THAT**, prior to second reading of bylaw No. 1287, amend the draft bylaw by replacing in proposed subsection R-1.3.2(a) the words “building areas” with “up to 56m² (600 ft²) of building area”;
- or,
- C. **THAT** Council provide alternative direction to staff.

Respectfully submitted: Bruce Greig, Manager of Planning
John Towgood, Planner 1
Donna Monteith, Acting Chief Administrative Officer

Appendix A

DISTRICT OF UCLUELET

Zoning Amendment Bylaw No. 1287, 2021

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

(Areas used for parking may be excluded from *gross floor area* in the R-1 Zone)

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:

THAT Schedule B of the District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by adding the following subsection to section **R-1.3 Density** in alphanumerical order, as follows:

"R-1.3.2(a) Notwithstanding the Density Regulations in Section 304.2, on lots within the R-1 zone, building areas designated and used solely for the parking or temporary storage of private vehicles may be excluded from the *gross floor area* used in the calculation of *floor area ratio*."

2. Citation:

This bylaw may be cited as "District of Ucluelet Zoning Amendment Bylaw No. 1287, 2021".

READ A FIRST TIME this day of , 2021.

READ A SECOND TIME this day of , 2021.

PUBLIC HEARING held this day of , 2021.

READ A THIRD TIME this day of , 2021.

ADOPTED this day of , 2021.

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Amendment Bylaw No. 1287, 2021.”

Mayco Noël
Mayor

Joseph Rotenberg
Corporate Officer

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

Joseph Rotenberg
Corporate Officer



Appendix B

STAFF REPORT TO COUNCIL

Council Meeting: November 24, 2020
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, MANAGER OF COMMUNITY PLANNING

FILE NO: 0550-20 AGENDA

SUBJECT: GARAGE EXEMPTION FROM CALCULATION OF F.A.R.

REPORT NO: 20-128

ATTACHMENT(S): APPENDIX A – UCLUELET ZONING AMENDMENT BYLAW NO. 1269, 2020
APPENDIX B – EXCERPT OF ZONING AMENDMENT DISCUSSION FROM STAFF REPORT DATED MARCH 17, 2020
APPENDIX C – EXCERPTS OF ADVERTISING OF MARCH 17, 2020, WAIVER OF PUBLIC HEARING AND INVITATION FOR PUBLIC INPUT FROM THE WESTERLY NEWS AND DISTRICT OF UCLUELET WEBSITE

RECOMMENDATIONS:

1. **THAT** Council, with regard to the change to the definition of *Gross Floor Area* in Ucluelet Zoning Bylaw No. 1160, 2013, which was recently modified by Zoning Amendment Bylaw No. 1269, 2020, to remove the exemption of garage floor area from the calculation of Floor Area Ratio (F.A.R.), leave the bylaw as currently enacted and:
 - a. indicate to individual property owners who require garage floor area exemption for the development of their land that they have the option to apply for a site-specific zoning amendment;
 - b. monitor the number of such applications and inquiries which come forward over a period of time, before considering whether adjustments to the allowable F.A.R. - or further exemptions from the calculations of F.A.R. - are warranted; and,
 - c. consider directing staff to prepare, for consideration in the 2021 Budget process, a scope of work and cost estimate for consulting services for analysis and reporting on Floor Area Ratios in residential zones comparing built out neighbourhoods within similar communities, and potentially recommending adjustments to the Zoning Bylaw - for consideration in combination with other potential zoning amendments for housing in accessory residential units, better definition of short term rentals, etc. already being discussed for the 2021 work plan.

DISCUSSION:

At its November 10, 2020, regular meeting Council passed the following resolution:

“WHEREAS our understanding in April was that Bylaw No. 1269, 2020, was specifically related to Lot 13 and its R-5 zoning, we now find it affects all zoning in the District. We would like to better understand the impact of these changes and would appreciate more insight into this matter;

THEREFORE, BE IT RESOLVED THAT Council requests staff to write a report on the changes to Floor Area Ratios arising from Bylaw No. 1269, 2020, and its impacts.”

Attached, for reference, are the Zoning Amendment Bylaw No. 1269, 2020 (**Appendix ‘A’**), excerpts from the staff report dated March 17, 2020 (**Appendix ‘B’**), and copies of the notice given for Bylaw No. 1269 (**Appendix ‘C’**).

Given that a number of long-range planning projects are already either underway or scheduled, reflecting the strategic priorities set by Council, staff recommend that the zoning bylaw be left in its current form for the time being. If the lack of a garage exemption proves to be a recurring issue for land-owners, then this could be brought back for Council’s consideration at any time.

Floor Area Ratio, or F.A.R., is the ratio of the total building floor area divided into the total lot area. F.A.R. is one component of zoning regulations which can define the maximum total building mass allowable on a property of a given size. The form and character of a neighbourhood develops over time, and can be shaped by regulations such as F.A.R. adopted by the community.

The use within a building, for example whether the space is used for a garage or a living room, is arguably immaterial to how the total building mass is experienced from the exterior on neighbouring properties and at the public street. Nevertheless, the exemption of some portions of a building’s gross floor area from the calculation of F.A.R. is sometimes used as an incentive for property owners to dedicate space to a particular use. In essence, the community may accept a more massive building if the building includes some portion which is seen as providing some benefit to the community. Council may wish to consider, if revisiting the exemptions from *Gross Floor Area*, what uses are most appropriate for such an exemption, and to what degree.

If Council wishes to consider a broad adjustment of Floor Area Ratios in existing residential zones, it would be appropriate to undertake a degree of research and analysis into comparable zoning regulations - and the resulting neighbourhood form which results - as properties are built out. Staff recommend that if this is the direction of Council, then it would be appropriate to include that work as part of the project to revisit regulations around accessory residential uses (suites and cottages) as well as short term rentals in the existing residential zones (currently anticipated 2021).

Should the garage floor area exemption be reinstated generally, then staff would recommend that such exemption should not apply within the smaller-lot R-4 or R-5 zones.

OPTIONS:

Staff recommend that property owners may use the option of applying for a site-specific amendment to suit their needs, should the F.A.R. prove limiting under the bylaw as it currently stands.

Alternatively, Council could consider the following:

2. **THAT** Council provide direction to staff, for the preparation of a draft Zoning Bylaw amendment, on whether exemptions to F.A.R. are to be considered as an incentive for the development of secondary land uses on residential properties which may provide a community benefit such as:
 - a. secondary suite;
 - b. accessory residential dwelling unit; and/or,
 - c. daycare facility as a home occupation; **or**,
3. **THAT** Council direct staff to prepare a draft Zoning Amendment Bylaw to reinstate the exemption of garage floor area from the calculation of F.A.R., except for properties with the R-4 or R-5 zoning designation, for future consideration and public input.

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

DISTRICT OF UCLUELET

Zoning Bylaw Amendment Bylaw No. 1269, 2020

A bylaw to amend the District of Ucluelet Zoning Bylaw

(Lot 13 Marine Drive – new R-5 Compact Single-Family Residential Zone).

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** replacing the definition of Gross Floor Area within Division 100 – Enactment and Interpretation, Section 103 Definitions, such that the new definition reads as follows:

“**Gross Floor Area**” means the total area of all floors of a *building(s)* or use within a *building* (as the case may be) on a *lot*, measured to the exterior walls of the *building*, specifically excluding only non-habitable portions of a *basement*.”

- B. By** amending within Division 300 – General Prohibitions and Regulations, Section 306 Buildings & Structures – Setbacks and Siting, such that “R-5” is added to the list of residential zones to which Section 306.3(7) applies.

- C. By** adding a new Residential zone, to Schedule B – The Zones that directly follows R-4 Zone – Small Lot Single Family Residential such that the new section reads as follows:

“R-5 Zone – COMPACT SINGLE-FAMILY RESIDENTIAL

This Zone is intended for more affordable, compact single-family residential infill development with low-impact accessory uses.

R-5.1 Permitted Uses

R-5.1.1 The following uses are permitted, but *secondary permitted uses* are only permitted in conjunction with a *principal permitted use*:

- (1) Principal:
 - (a) *Single Family Dwelling*
- (2) Secondary:
 - (a) *Home Occupation*
 - (b) *Secondary Suite*

R-5.2 Lot Regulations

- R-5.2.1 Minimum Lot Size: 150 m² (1,615 ft²)
- R-5.2.2 Minimum Lot Frontage: 7.5 m (25 ft)

R-5.3 Density:

- R-5.3.1 Maximum Floor Area Ratio: 0.5
- R-5.3.2 Maximum Lot Coverage: 50%

R-5.4 Maximum Size (Gross Floor Area):

- R-5.4.1 Principal Building: 140 m² (1,500 ft²)
- R-5.4.2 Accessory Buildings: 10 m² (107 ft²) combined total

R-5.5 Maximum Height:

- R-5.5.1 Principal Buildings & Structures: 5 m (16.4 ft)
- R-5.5.2 Accessory Buildings & Structures: 3.5 m (11.5 ft)

R-5.6 Minimum Setbacks:

R-5.6.1 The following minimum setbacks apply, as measured from the *front lot line*, *rear lot line* and *side lot lines(s)*, respectively:

	(a) Front Yard Setback	(b) Rear Yard Setback	(c) Side Yard - Interior Setback	(d) Side Yard - Exterior Setback
(1) Principal	3 m (9.8 ft)	3 m (9.8 ft)	1.2 m (4 ft)	3 m (9.8 ft)
(2) Accessory		0 m	0 m	0 m

R-5.6.2 In addition, no *accessory building* or access to a *parking space* may be located between the front face of the principal building and the street."

2. 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 13, District Lot 283, Clayoquot Land District, Plan VIP84686 [PID 027-473-538] shown shaded on the map attached to this Bylaw as Appendix "A", from CD-5 Zone FORMER WEYCO FOREST LANDS CD-5C SubZone (Development Area 3) OCEANWEST CD-5C.1.2 AFFORDABLE HOUSING to R-5 Zone – COMPACT SINGLE-FAMILY RESIDENTIAL.

3. **Citation:** This bylaw may be cited as "District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1269, 2020".

READ A FIRST TIME this 17th day of March, 2020.

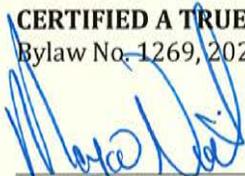
READ A SECOND TIME this 17th day of March, 2020.

PUBLIC HEARING WAS WAIVED on 17th day of March, 2020.

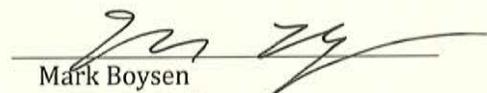
READ A THIRD TIME this 28th day of April, 2020.

ADOPTED this 28th day of April, 2020.

CERTIFIED A TRUE AND CORRECT COPY of "District of Ucluelet Zoning Amendment Bylaw No. 1269, 2020."

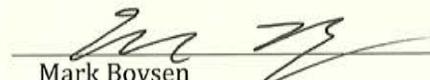


Mayco Noël
Mayor



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'

District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1269, 2020

From: CD-5C.1.2 Affordable Housing
To: R-5 Compact Single-Family Residential

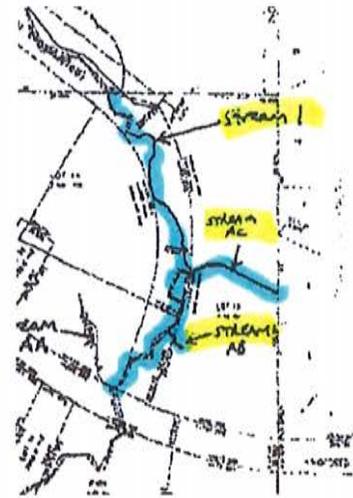


Appendix B

Staff recommend that detailed grading and drainage plans, reviewed and developed with the guidance of a Qualified Environmental Professional, should inform future decisions on the Development Permit and subdivision of Lot 13.

3.2.4 Draft MoU Partnership Agreement with the BC Housing AHOP program:

A draft master partnering agreement between BC Housing and the District is provided in Appendix 'A'. This agreement sets out the framework where the cost savings achieved by the developer are captured by a second mortgage provided by BC Housing on the ownership units in the AHOP program (in this case, 24 ownership lots). Under the agreement, if these units sell and transition out of the program, then the value of those mortgages is returned to the District's affordable housing reserve account. The provincial AHOP program essentially provides an incentive for municipalities to reduce some of the costs of developing affordable housing supply. The end goal of the AHOP program is not to create permanently affordable housing units in this development, but to create new housing supply which is initially affordable (and may remain so for many years) and at the same time allow those qualifying home buyers to get into the market and begin building equity. Also, it should be stated that by nature of their design, these homes (small houses on small lots) are likely to remain more affordable in the long run than other types of housing. There is no residual development potential on the proposed lots; they are not suited to further subdivision or up-scaling of the houses on site.



At the time of writing this report, a statement from BC Housing has not yet been received to confirm their valuation of the proposed cost savings being achieved by the developer. Staff have provided the following summary and expect that, prior to a public hearing, confirmation of the project commitment will be available from BC Housing:

Municipal contribution to offset servicing:	\$320,000
Reduced road construction costs (as varied):	\$115,750
Cost savings by creating fee-simple subdivision:	<u>\$20,000</u>
total:	\$455,750

This does not include a factor of land value costs from density bonusing, or for Council's support for broadening the definition of "affordable housing" under the prior approvals affecting the potential to develop Lot 13 – this is an ongoing point of discussion between staff and BC Housing.

3.3 Draft Zoning Amendment Bylaw No. 1269, 2020:

A rezoning bylaw has been prepared to achieve three things (see **Appendix "B"**). Primarily, the bylaw would create a new R-5 zone for compact single-family development to suit the 33 proposed small lots.



Bylaw No. 1269 would also update the definition of "Gross Floor Area" to remove an existing exemption for garages. The area occupied by the garage portion of a building contributes to the overall massing of the building (no different than building area occupied by bedrooms or storage); staff's opinion is that the existing exemption for garages in the definition of gross floor area is a mistake. Given the generous floor area ratios within the current zoning regulations, this is not expected to impact property owners' ability to reasonably develop existing properties.

The new R-5 zone has also been crafted with an eye to future rezoning applications which may come forward to create small infill lots by subdivision. Because no areas of the District are being pre-zoned with these small parameters for subdivision, there is no risk of a proliferation of extremely compact lots changing the character of neighbourhoods.

In other words, in order to take advantage of the regulations in the R-5 zoning designation, a property owner would need to apply to rezone their property and present a plan detailing their proposal for how they would develop their site; Council would not be obliged to approve that future rezoning unless they are comfortable that the plan fits in the context of the neighbourhood and the feedback received from neighbouring residents.

Lastly, the draft bylaw would include "R-5" in the list of residential zones which, under section 306.3(7) are allowed an uncovered outdoor patio within the setback areas on a residential property.

3.4 Draft Housing Agreement Bylaw No. 1270, 2020:

The housing agreement authorization bylaw has drafts of the two (ownership and rental) housing agreements attached as schedules A and B, which would be registered on the ownership (i.e., AHOP) and rental lots, respectively, at the time those lots are created by the subdivision of Lot 13 (see **Appendix "C"**).

3.4.1 Affordable Ownership Housing Agreement:

The lots for purchase under the AHOP program would be administered by BC Housing. The housing agreement applying to these lots basically guarantees that they will be developed as proposed and sold to purchasers meeting the income requirements of BC Housing. The agreement includes the following criteria for a "qualified person":

As drafted in Bylaw 1270:	As preferred by the developer:
has lived in ACRD min. 24 months	has lived in ACRD min. 6 months
has worked full time a minimum of 1 year on west coast (or is retired after living here 5 years out of last 10)	has proof of employment on the west coast (or is retired after living here 1 year out of the last 10)
does not own other property	does not own other property
meets BC Housing AHOP income requirements	meets BC Housing AHOP income requirements

The applicant would like a looser definition of a qualifying person, to broaden the pool of potential purchasers of the 24 ownership units. Staff suggest that the criteria as drafted are likely to result in enough buyers from within the community. There is a provision for the



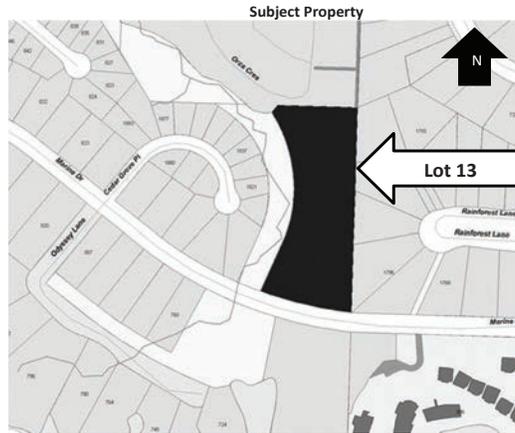
Notice to Waive Public Hearing

Notice is hereby given pursuant to Sections 464(2) and 467 of the Local Government Act that, at its regular meeting held March 17th, 2020, District of Ucluelet Council determined that proposed changes to the Zoning Bylaw are consistent with the District of Ucluelet Official Community Plan and thereafter resolved to waive the holding of a Public Hearing for

District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1269, 2020.

In general terms the purpose of this proposed Bylaw is to amend the District of Ucluelet Zoning Bylaw No. 1160, 2013 (the "Zoning Bylaw"), as follows:

1. By replacing the definition of Gross Floor Area, such that the new definition reads as follows:
 "Gross Floor Area" means the total area of all floors of a *building(s)* or use within a *building* (as the case may be) on a *lot*, measured to the exterior walls of the *building*, specifically excluding only non-habitable portions of a *basement*."
2. By amending Division 300, such that "R-5" is added to the list of residential zones to which Section 306.3(7) applies (to allow an uncovered patio within lot setbacks, like in other residential zones).
3. By adding a new Residential zone "R-5 Zone – Compact Single Family Residential". This Zone is intended for more affordable, compact single-family residential infill development with low-impact accessory uses.
4. By amending the zoning map to change the designation of Lot 13, District Lot 283, Clayoquot Land District, Plan VIP84686 [PID 027-473-538] ("Lot 13 Marine Drive") shown shaded on the map below, from CD-5 Zone to the new R-5 Zone – Compact Single Family Residential:



Further Information:

Copies of the bylaw, application, reports and relevant background documents may be viewed in the "Lot-13 Marine Drive Affordable Housing Public Input" section of the District of Ucluelet website:

<https://ucluelet.ca/community/district-of-ucluelet-council/lot-13-marine-drive-affordable-housing-public-input>

Despite the decision to waive holding a public hearing during the COVID-19 outbreak, Council encourages any persons who believe their interests to be affected by the bylaw to

LEARN ABOUT THE PROPOSAL AND SUBMIT YOUR COMMENTS!

Please inform yourself of the details of this proposal by exploring the information provided at the website link above. Public comment on Bylaw No. 1269 and the proposed 33-lot development is encouraged and can be submitted **in writing**. Submissions can be mailed to the District of Ucluelet, P.O. Box 999, Ucluelet B.C., V0R 3A0 or emailed to communityinput@ucluelet.ca, or placed in the drop box outside the municipal office at 200 Main Street, but must be received by the end of day on

April 16th, 2020.

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Dated this 18th of March 2020



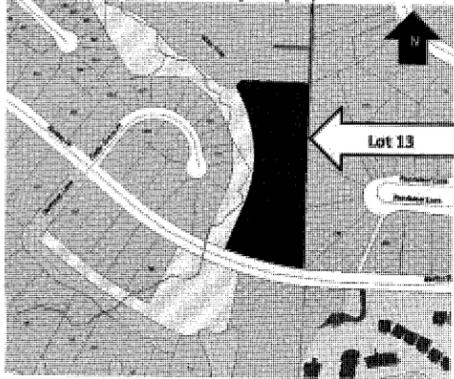
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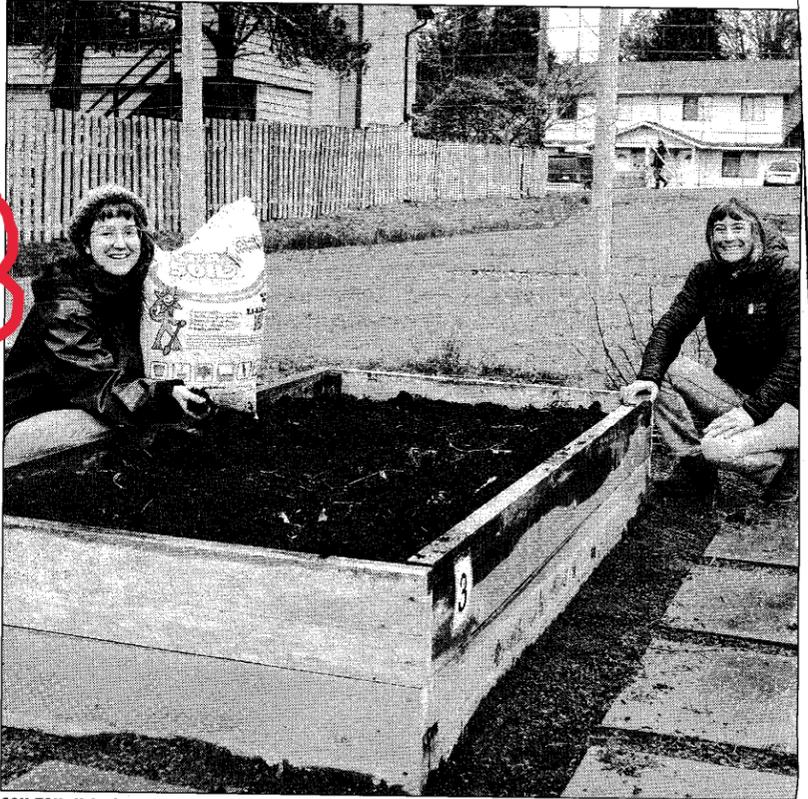
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Dated this 18th of March 2020

COMMUNITY



SOIL TOIL: Ucluelet Local Food Society president Jeanne Keith Ferris, right, helps beginner gardener Britny Scheuermann ready her garden plot for planting. For gardening tips from local experts, see Page 10. (Nora O'Malley photo)

COMMUNITY

Raincoast Education Society puts out the call for fish guts

ANDREW BAILEY
andrew.bailey@westerlynews.ca

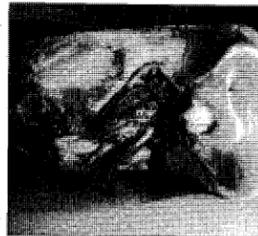
It's gut check time for local salmon populations.

The Raincoast Education Society is asking all West Coast fishers to donate their catch's stomachs in an effort to dissect the diets of chinook in Barkley and Clayoquot Sound.

The RES is calling on fishers to place Chinook salmon guts into a zip lock bag, record the salmon's size and the location it was caught, and then contact the society's executive director Mark Maftai at mark@raincoasteducation.org.

Those guts will then be sent to the University of Victoria where stomach samples from all over B.C. are being tested as part of the Adult Salmon Diet Project.

"Wild chinook salmon stocks in Barkley and Clayoquot Sound are declining. Everyone's worried about it and everyone's pointing the finger at whatever they can point a finger at," Maftai told



The Raincoast Education Society is asking fishers to donate their catch's stomachs, like this one photographed at a fishing derby held in Bamfield. (Will Duguid photo).

the *Westerly News*.

"It's obviously an issue that a lot of their spawning habitat has been compromised. It's obviously an issue that they're being fished pretty hard. It's obviously an issue that they're being exposed to pathogens and parasites at salmon farms. But, none of those things together can explain the declines that we're seeing...The only thing that really holds water is that there's a problem with at-sea survival and the number one thing that affects at-sea

survival, really, is diet. Either they're getting eaten or they're not eating enough."

Maftai said the goal is to collect samples through the year for several years so that data can be compared regionally, seasonally and annually.

"That will help us put another piece in the puzzle. Right now, we gauge the health of salmon stocks by looking at returns, but those aren't consistent," he said. "All you know is how many fish came up the river. What we're thinking is, the number of fish that come up the river might have a lot to do with how much food is out there for them to eat before they come up the river."

He added local fishers who donate guts would be a big help, noting the society scored "tons of samples" at a fishing derby in Bamfield last month.

Maftai said the data collected by the program will be shared widely and will help guide salmon restoration efforts in evidence-driven directions.



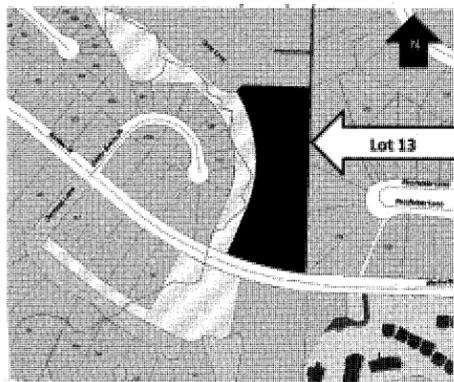
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Dated this 18th of March 2020

GARDEN



Humble potatoes are one of the most valued food sources in war-time. (Pixabay photo)

Yes, in my backyard: Food security at home

CONNIE KURAMOTO AND
JEANNE KEITH FERRIS
Special to the Westerly

Raise a garden trowel against Covid-19 and build food security right at home. What crop has humanity turned to for food security?

Introducing the humble potato

Potatoes have sustained communities over millennia and are the fourth most cultivated crop in the world.

An easy grower in our costal climate, spuds are nutritional power packs; productive in small containers, and a great teaching crop for new gardeners.

Kitchen cabinet surprise

Potatoes stored in your warm, dark, kitchen cabinet may have already spouted eyes. Eyes are the growing points and may have little stems sticking out representing the start of a new potato plant. Growers who buy and use special "seed potatoes" will put them in a warm, dark place to develop eyes.

Most garden books you read may direct you to purchase certified, disease free seed potatoes; and if you are growing a lot of potatoes, and growing them in the ground, that is probably the best practice. However, if you are growing just a few potatoes for your family, I cannot see the harm of using any old potato that has sprouted in your cabinet for your seed potatoes. I would reject any that are soft or black and mushy, but other potatoes, even ones that look slightly wilted will be fine, and no, they do not have to be sprouted before planting. You can start planting potatoes anytime now.

Containers and soil

Buckets work well for growing potatoes. Five-gallon sized wooden buckets, water buckets or plastic food grade buckets are ideal. If needed, drill drainage holes into the bottom. The stamped recycle number found on the bottom of a plastic bucket should have a number 2 in it if it is food safe. Even large plasticized grocery bags can be used. These types of containers will discourage evaporation and soil drying out. Fill your container to about one third full with a good potting soil mix and bagged compost in equal measure. Place 2 seed potatoes at opposite edges and cover them completely with about four more inches of soil. Now, if you have it, add some balanced organic fertilizer. For good drainage, don't place the containers directly on the ground, but raised-up on boards. The rugged potato requires loose, well-drained soil, food, and plenty of water. It is best to water every morning, and to water until there is some drainage from the bottom of the bucket. Use about four litres of water. Mulch with leaves, seaweed, wood chips, shredded paper or cardboard to hold moisture, and shade the potato tubers from sunlight. Light exposed tubers can turn green and are inedible.

Soon you will see the potato's green foliage emerge. When the foliage grows about one foot, then heap-in more soil to near the container's rim. When you see flowers on the plants, potatoes have begun to form. Potatoes are ready to harvest when the tops die down. Tip the bucket over, and it's time to eat!

Connie Kuramoto is an Organic Master Gardener and Jeanne Keith-Ferris is the president of the Ucluelet Local Food Society.



DISTRICT OF UCLUELET

Excerpts from the March 9, 2021 Draft Regular Meeting Minutes

14. LEGISLATION

14.1 Zoning Amendment – Garage FAR Exemption in the R1 Zone *Bruce Greig, Manager of Community Planning*

Council took a five-minute break at 5:05 PM and returned to the session at 5:10 PM.

Mr. Greig presented this report. He noted that Bylaw No. 1269 updated the definition of Gross Floor Area in Zoning Bylaw No. 1160, 2013, to remove the exemption for garages in the calculation of Floor Area Ratio (FAR). Mr. Greig explained Floor Area Ratios' function in zoning, how it relates to the massing of buildings on any given site, and how it differs from setbacks.

Mr. Greig explained that Bylaw No. 1287, 2021, was drafted in response to a request by Council to review the removal of the garage exemption. As drafted, the Bylaw would reinstate an unlimited exemption in FAR's calculation for garages in the R-1 Zone. He noted the recommendation on page 126 of the agenda that Council amend Bylaw No. 1287, 2021, to cap the garage exemption at 56 meters squared (600 feet squared). He noted 56 meters square is a large two-car garage.

Council discussed the purpose of exempting garage spaces from the calculation of FAR in residential zones and the recommended 56 meters square cap on the exemption. They also discussed their beliefs regarding private property regulation and how property owners choose to develop their property.

Council also discussed whether there might be any implications of reinstating the garage FAR exemption on constructing secondary detached suites. Mr. Greig noted that Zoning regulations related to FAR would apply to secondary suites unless they were also exempted from that calculation.

It was moved by Councillor McEwen and seconded by Councillor Hoar

- 1. THAT** Council give first reading to District of Ucluelet Zoning Amendment Bylaw No. 1287, 2021.

CARRIED.

It was moved by Councillor Hoar and seconded by Councillor McEwen

- 2. THAT** Council amend District of Ucluelet Zoning Amendment Bylaw No. 1287, 2021, by replacing the words "building areas" in subsection R-1.3.2(a) with the words "up to 56 square meters (600 square feet) of building area.

CARRIED.

It was moved by Councillor McEwen and seconded by Councillor Hoar

- 3. THAT** Council give second reading to District of Ucluelet Zoning Amendment Bylaw No. 1287, 2021, as amended, and refer the bylaw to a public hearing.

CARRIED.