



**SPECIAL MEETING OF COUNCIL
Thursday, September 9, 2021 @ 5:00 PM
George Fraser Room, Ucluelet Community Centre
500 Matterson Drive, Ucluelet**

AGENDA

	Page
1. CALL TO ORDER	
2. ACKNOWLEDGEMENT OF THE YUULU?I?ATH	
<p>Council would like to acknowledge the Yuulu?i?ath, on whose traditional territories the District of Ucluelet operates.</p>	
3. NOTICE OF VIDEO RECORDING	
<p>Audience members and delegates are advised that this proceeding is being video recorded and broadcast on YouTube and Zoom, which may store data on foreign servers.</p>	
4. LATE ITEMS	
5. APPROVAL OF AGENDA	
6. ADOPTION OF MINUTES	
6.1. August 10, 2021, Special Council Minutes 2021-08-10 Special Council	3 - 4
6.2. August 17, 2021 Regular Council Minutes 2021-08-17 Regular Council	5 - 19
6.3. August 24, 2021, Special Council Minutes 2021-08-24 Regular Council	21 - 23
7. MAYOR'S ANNOUNCEMENTS	
8. LEGISLATION	
8.1. OCP and Zoning Amendments: CD-5A and CD-6 Areas to RU Rural Residential <i>Bruce Greig, Director of Community Planning</i> L - Bylaws 1292 and 1293, 2021	25 - 33
9. ADJOURNMENT	

DISTRICT OF UCLUELET
MINUTES OF THE SPECIAL COUNCIL MEETING
HELD IN ACTIVITY ROOM 2, 500 MATTERSON DRIVE
Tuesday, August 10, 2021 at 4:30 PM

Present: **Chair:** Mayor Noël
 Council: Councillors Cole, Hoar, Kemps, and McEwen
 Staff: Andy Laidlaw, Acting Chief Administrative Officer
 Bruce Greig, Director of Community Planning

Regrets:

1. CALL TO ORDER

The meeting was called to order at 4:30 pm.

2. ACKNOWLEDGEMENT OF THE YUULU?I?ATH

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

3. LATE ITEMS

There were no late items.

4. APPROVAL OF AGENDA

5. CLOSED SESSION

5.1 Procedural Motion to Move In-Camera:

2021.2091.SPECIAL **It was moved by Mayor Noël and seconded by Councillor McEwen**
 THAT the meeting be closed pursuant to Section 90(1)(g) and (i) of the
 Community Charter to discuss matters relating to:

- *litigation or potential litigation affecting the municipality; and,*
- *the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.*

CARRIED.

6. RECONVENE FROM CLOSED SESSION

Council reconvened from closed session at 5:10 pm.

7. ADJOURNMENT

The meeting was adjourned at 5:10 pm.

CERTIFIED CORRECT: Minutes of the Special Council Meeting held on Tuesday, August 10, 2021 at 4:30 pm in the Activity Room 2, Ucluelet Community Centre 500 Matterson Road, Ucluelet, BC.

Mayco Noël
Mayor

Joseph Rotenberg
Corporate Officer

DISTRICT OF UCLUELET
MINUTES OF THE REGULAR COUNCIL MEETING
HELD IN THE GEORGE FRASER ROOM, 500 MATTERSON DRIVE
Tuesday, August 17, 2021 at 3:30 PM

Present: **Chair:** Mayor Noël
 Council: Councillors Cole, Hoar, Kemps, and McEwen
 Staff: Andy Laidlaw, Chief Administrative Officer
 Bruce Greig, Director of Community Planning
 Abigail Fortune, Director of Parks and Recreation
 Donna Monteith, Chief Financial Officer
 Joseph Rotenberg, Manager of Corporate Services
 Paula Mason, Administration Clerk

Regrets:

1. CALL TO ORDER

The meeting was called to order at 3:30 pm.

2. ACKNOWLEDGEMENT OF THE YUULU?I?ATH

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

3. NOTICE OF VIDEO RECORDING

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

4. LATE ITEMS

- 4.1 Add "2021-08-16 Belanger" and "2021-08-16 Turner" to Report Item No. 12.3.1 "Correspondence Regarding the Cabins Development Variance Permit DVP21-02" after page 149 of the Agenda.**
- 4.2 Replace "Appendix B - Development Permit DP20-07" to Report Item 12.3. "1082 Peninsula Road - The Cabins at Terrace Beach: Development Variance Permit DVP21-02 & Development Permit DP20-17" at Agenda page 104 with "Appendix B - Development Permit DP20-17 - Revised".**
- 4.3 Add "2021-08-16 Dick", "2021-08-17 Holliday", "2021-08-17 Poruchny", and "2021-08-17 Robison" to Report Item No. 12.3.1 "Correspondence Regarding the Cabins Development Variance Permit DVP21-02" after page 149 of the Agenda.**

- 4.4 The Mayor requested that the Legislation Items (now Item 12) be dealt with immediately before the Report Items (now Item 13).**

4.5 Approval of August 17, 2021, Regular Agenda

2021.2233.REGULAR **It was moved by Councillor Cole and seconded by Councillor Kemps**
THAT Council approve the August 17, 2021, Regular Agenda as amended.
 CARRIED.

5. ADOPTION OF MINUTES

5.1 June 22, 2021 Committee of the Whole

2021.2234.REGULAR **It was moved by Councillor Cole and seconded by Councillor McEwen**
THAT Council adopt the June 22, 2021 Committee of the whole minutes as presented.

CARRIED.

5.2 June 29, 2021 Regular Minutes

2021.2235.REGULAR **It was moved by Councillor Cole and seconded by Councillor McEwen**
THAT Council adopt the June 29, 2021, Regular Minutes as presented.
 CARRIED.

5.3 July 13, 2021 Regular Minutes

2021.2236.REGULAR **It was moved by Councillor Hoar and seconded by Councillor McEwen**
THAT Council adopt the July 13, 2021, Regular Minutes as presented.
 CARRIED.

6. UNFINISHED BUSINESS

There was no unfinished business.

7. MAYOR'S ANNOUNCEMENTS

The Mayor conveyed his condolences to the family of Doug Kimoto who recently passed away.

8. PUBLIC INPUT & DELEGATIONS

8.1 Public Input

There was no public input at this time.

9. CORRESPONDENCE

- 9.1 British Columbia Social Procurement Initiative**
Karen Elliot, Mayor, District of Squamish, and Colleen Evans, Councillor, Campbell River

2021.2237.REGULAR **It was moved by Councillor Hoar and seconded by Councillor McEwen**

THAT Council direct Staff to request a presentation from representatives of the British Columbia Social Procurement Initiative.

CARRIED.

9.2 Follow up to Collaboration in the Forestry Sector's Turbulent Times
Bob Brash, Executive Director, The Truck Loggers Association

9.3 Asking your support for Fish Farms Out of Coastal Waters
campaign by Council of Canadians

9.4 It's time for a made-in-Canada Green New Deal - Nouveau pacte
vert
Peter Julian, Member of Parliament

9.5 Correspondence Regarding Recommendation to Create Sea Plane
Base Road Worker Camp

Council noted that the Sea Plane Base is not currently a suitable location for a worker camp as there are sewer issues at that site. A grant has been applied for to address these issues.

Council also noted that worker housing will be discussed at the ACRD West Coast Committee.

10. INFORMATION ITEMS

10.1 Improvement to Pre-Hospital Care System
Paula Kusack, Deputy Corporate Officer, City of Langley

10.2 Update on Help Cities Lead
HCL Steering Committee

10.3 Provincial Funding for Emergency / Fire Equipment
Mike Farnworth, Minister of Public Safety and Solicitor General and
Josie Osborne, Minister of Municipal Affairs

10.4 Mississauga, Resolution 0155-2021

11. COUNCIL COMMITTEE REPORTS

11.1 Councillor Marilyn McEwen
Deputy Mayor January - March 2021

- August 10, 2021, attended District of Ucluelet Special Committee of the Whole Meeting.
- August 12, 2021, attended District of Ucluelet budget overview workshop.

11.2 Councillor Lara Kemp***Deputy Mayor April - June 2021***

- August 10, 2021, attended District of Ucluelet Special Committee of the Whole Meeting.
- August 12, 2021, attended District of Ucluelet budget overview workshop.
- Ucluelet Secondary School PAC is seeking new members to fill executive positions.

11.3 Councillor Jennifer Hoar***Deputy Mayor July - September 2021***

- August 4, 2021, attended Wild Pacific Trail Society Board Meeting.
- August 10, 2021, attended District of Ucluelet Special Committee of the Whole Meeting.
- August 12, 2021, attended District of Ucluelet budget overview workshop.
- The official opening of the Spring Cove Trail and the Wild Pacific Trails Society Annual General Meeting will occur on September 18, 2021.

11.4 Councillor Rachelle Cole***Deputy Mayor October - December 2021***

- August 4, 2021, attended Wild Pacific Trail Society Board Meeting.
- August 10, 2021, attended District of Ucluelet Special Committee of the Whole Meeting.
- The ACRD has applied for grant funding to complete the multi-use trail near the Junction.
- The backroad camping issue will be further discussed at an upcoming ACRD Board Meeting.
- Ucluelet Primary School Pack is seeking volunteers.

11.5 Mayor Mayco Noël

- Attended a Ground Fish Development Authority Meeting. A member of the executive has been invited to present to Council in October.

12. LEGISLATION**12.1 Strata Plan VIS6411 - Whiskey Landing Utility billing*****Donna Monteith, Chief Financial Officer***

Each unit in a strata, which has an indefeasible title, is billed for water. The Strata has requested four uninhabitable units with indefeasible title be exempted from water billing. Ms. Monteith explained that it is uncommon for uninhabitable units to hold indefeasible title, and the applicable Bylaw likely did not contemplate this situation.

2021.2238.REGULAR **It was moved by Councillor McEwen and seconded by Councillor Hoar**

THAT Council authorize a special exemption for uninhabitable units SL 1,2,3 and 17 in Strata Plan VIS6411 - Whiskey Landing.

CARRIED.

12.2 Application for Building Permits on Signature Circle lots Bruce Greig, Director of Community Planning

Mr. Greig provided background on the proposed bylaw amendments, outlined this report and noted that Onni Wyndansea Holdings Ltd. has objected to *District of Ucluelet Zoning Amendment Bylaw No. 1293, 2021* and *District of Ucluelet Official Community Plan Bylaw No. 1292, 2021*. Onni Wyndansea Holdings Ltd. has submitted 29 Building Permit applications for properties on Signature Circle.

Mr. Greig further noted that none of the building permit applications would appear to comply with the *District of Ucluelet Zoning Amendment Bylaw No. 1293, 2021* and outlined section 463 of the *Local Government Act*. A staff review of the building permits would be presented to Council at a future Council meeting.

2021.2239.REGULAR **It was moved by Councillor Cole and seconded by Councillor Hoar**

THAT pursuant to section 463 of the *Local Government Act* Council direct that building permits be withheld in relation to each of the building permit applications submitted on July 29, 2021, in relation to the Signature Circle properties Strata Lots 1 - 4 and 6 - 30, District Lots 471, 472 and 473, Clayoquot Land District, Strata Plan VIS6504 for a period of 30 days as the development proposed in the building permit applications exceed the maximum permitted building size, do not comply with the permitted uses and encroach within minimum setbacks under the *District of Ucluelet Zoning Amendment Bylaw No. 1293, 2021*, and the use and density of the lots would not comply with the low-density rural residential designation under the *District of Ucluelet Official Community Plan Amendment Bylaw No. 1292, 2021*, both of which bylaws are currently under consideration by Council, and Council direct Staff to provide a report on the building permit applications for further consideration by Council within the 30-day period in accordance with section 463(3) of the *Local Government Act*.

CARRIED.

12.3 OCP and Zoning Amendments: CD-5A and CD-6 Areas to RU Rural Residential

Bruce Greig, Director of Community Planning

Mr. Greig provided background on the proposed amendment bylaws. He noted that the Public Hearing for this matter has been tentatively scheduled for September 7, 2021.

- 2021.2240.REGULAR **It was moved by Councillor Kemps and seconded by Councillor Cole**
 1. **THAT** Council has considered the consultation requirements under Section 475 of the Local Government Act in relation to District of Ucluelet Official Community Plan Amendment Bylaw No. 1292, 2021.
 CARRIED.
- 2021.2241.REGULAR **It was moved by Councillor Kemps and seconded by Councillor McEwen**
 2. **THAT** Council is satisfied that consultation with owners of land affected by the amendments in District of Ucluelet Official Community Plan Amendment Bylaw No. 1292, 2021, as previously directed, is sufficient for the purpose of consultation under Section 475 of the Local Government Act.
 CARRIED.
- 2021.2242.REGULAR **It was moved by Councillor Kemps and seconded by Councillor Hoar**
 3. **THAT** Council is satisfied that consultation under Section 475 of the Local Government Act in relation to District of Ucluelet Official Community Plan Amendment Bylaw No. 1292, 2021, does not need to be early and ongoing.
 CARRIED.
- 2021.2243.REGULAR **It was moved by Councillor Kemps and seconded by Councillor Cole**
 4. **THAT** Council is satisfied that, given its narrow focus, specific consultation on District of Ucluelet Official Community Plan Amendment Bylaw No. 1292, 2021, with the persons, organizations, and authorities identified in section 475(2)(b) of the Local Government Act, including the Yuułu?if?ath Government, Alberni-Clayoquot Regional District, District of Tofino, SD70 Board of Education or provincial Agencies, is not required;
 CARRIED.
- 2021.2244.REGULAR **It was moved by Councillor Kemps and seconded by Councillor McEwen**
 5. **THAT** Council has reviewed the correspondence received from Onni Wyndansea Holdings Ltd. dated June 8th, 2021.
 CARRIED.
- 2021.2245.REGULAR **It was moved by Councillor Kemps and seconded by Councillor Hoar**
 6. **THAT** Council has consulted with the boards of education of those school districts whose area includes the area covered by District of Ucluelet Official Community Plan Amendment Bylaw No. 1292, 2021.
 CARRIED.

- 2021.2246.REGULAR **It was moved by Councillor Kemps and seconded by Councillor McEwen**
7. THAT Council has considered District of Ucluelet Official Community Plan Amendment Bylaw No. 1292, 2021, in conjunction with the District of Ucluelet Financial Plan.
 CARRIED.
- 2021.2247.REGULAR **It was moved by Councillor Hoar and seconded by Councillor Cole**
8. THAT Council has considered District of Ucluelet Official Community Plan Amendment Bylaw No. 1292, 2021, in conjunction with the Waste Management Plan.
 CARRIED.
- 2021.2248.REGULAR **It was moved by Councillor Kemps and seconded by Councillor Hoar**
9. THAT Council give second reading to District of Ucluelet Official Community Plan Amendment Bylaw No. 1292, 2021.
 CARRIED.
- 2021.2249.REGULAR **It was moved by Councillor Kemps and seconded by Councillor McEwen**
10. THAT Council give second reading to District of Ucluelet Zoning Amendment Bylaw No. 1293, 2021.
 CARRIED.
- 2021.2250.REGULAR **It was moved by Councillor Kemps and seconded by Councillor McEwen**
11. THAT Council refer District of Ucluelet Official Community Plan Amendment Bylaw No. 1292, 2021, and District of Ucluelet Zoning Amendment Bylaw No. 1293, 2021, to a public hearing.
 CARRIED.

12.4 District of Ucluelet Zoning Amendment Bylaw No. 1284, 2021 (Lot 16 Marine Drive) - Results of CoW
Bruce Greig, Director of Community Planning

The Mayor recused himself and left the meeting at 4:05 PM because he lives in the neighbourhood.

Mr. Greig outlined the changes proposed by the Applicant since the August 10, 2021, Committee of the Whole. These include:

- reducing the height of the apartment building to three storeys;
- increasing the rear property line setback between the proposed townhomes and properties on Marine Drive from 10 metres to 15 metres; and
- offering to dedicate an additional 280 square metres of parkland.

Mr. Greig noted this is an appropriate time for Council to consider what they heard at the August 10th Special Committee of the Whole and for Council to consider if there are any additional matters that need to be addressed before this matter moves forward. He also noted that an additional public hearing on the proposed bylaw would have to be held before the bylaw progressed to third reading.

Councillor McEwen noted the changes proposed by the developer and clarified that the developer is offering parkland but not playground equipment.

Councillor Cole noted that the developer's offering reflect some of the concerns raised at the August 10th Special Committee of the Whole. She noted that the local population will grow gradually with this development, there will likely be fewer secondary detached dwellings with the amended bylaw and park dedication, and supported the removal of the fourth storey from the apartment building. Councillor Cole has asked that the developer fund a sidewalk on Victoria Road. She supports the developers amended proposal as shown in this report.

Councillor McEwen noted public input that recommended a preference for local buyers and renters but noted challenges associated with enforcing such preferences. She further noted that the developer will not fund the construction of a sidewalk on Victoria Road and her sense is that the developer will not bargain further with the District of Ucluelet regarding amenities or changes to their development.

Council discussed the mechanisms used in the Lot 13 Marine Drive Affordable Housing development to regulate the purchase, sale and rental of units in that development.

Councillor Hoar noted that she appreciates the increased setbacks offered by the developer, but would prefer to see a green space covenant.

Councillor Kemps noted that there are some things that she likes about the project and some that she does not. She also noted that she likes this project much more than the development that's allowed under the site's current zoning.

Councillor Cole noted that the developer is interested in becoming a resident of the community and the developer has stated that further contributions are not financially tenable. She further noted the current zoning, which allows for short term rentals, is not a good fit for the community.

Councillor Hoar noted that she is in support of increased density and townhomes because density is more environmentally sustainable and there is need for housing in Ucluelet. She gave examples of dense neighbourhoods that are environmentally sustainable in Europe.

Councillor Cole also noted that dense development is more cost effective for municipalities than sprawling developments.

2021.2251.REGULAR **It was moved by Councillor McEwen and seconded by Councillor Cole**
 1. **THAT** Council rescind second reading of District of Ucluelet Zoning Amendment Bylaw No. 1284, 2021.

CARRIED.

2021.2252.REGULAR **It was moved by Councillor McEwen and seconded by Councillor Cole**
 2. **THAT** Council amend District of Ucluelet Zoning Amendment Bylaw No. 1284, 2021, to incorporate the following changes as found in Appendices "B" and "C" to the Staff report dated August 17, 2021:

a. on Proposed Lot 'A' (Apartment site) in the new section R-3.8.1(1) remove subsection (c) allowing a maximum height of 16m (in which case the 11m maximum height regulation in the existing R-3 zoning regulations would apply);

b. on Proposed Lot 'B' (Townhome site) in the new section R-3.8.1(5) increase the minimum setback from 10m (33ft) to 15m (49ft).

CARRIED.

2021.2253.REGULAR **It was moved by Councillor McEwen and seconded by Councillor Kemps**
 3. **THAT** Council give second reading to District of Ucluelet Zoning Amendment Bylaw No. 1284, 2021, as amended.

CARRIED.

2021.2254.REGULAR **It was moved by Councillor McEwen and seconded by Councillor Kemps**
 4. **THAT** Council refer District of Ucluelet Zoning Amendment Bylaw No. 1284, 2021, to a Public Hearing.

CARRIED.

2021.2255.REGULAR **It was moved by Councillor McEwen and seconded by Councillor Cole**
 5. **THAT** Council indicate that adoption of District of Ucluelet Zoning Amendment Bylaw No. 1284, 2021, would be subject to registration of a Section 219 restrictive covenant on the title of the subject property to ensure, as a matter of public interest, that the following additional offer be satisfied as the property is subdivided and developed:

k. dedication of an additional 280m² area of park land.

CARRIED.

2021.2256.REGULAR **It was moved by Mayor Noël and seconded by Councillor Hoar**

THAT Council recess for five minutes.

CARRIED.

12.5 316 and 330 Reef Point Road: OCP Amendment Bylaw No. 1281 & Zoning Amendment Bylaw No. 1282 - Adoption
Bruce Greig, Director of Community Planning

The Mayor returned to the meeting at 4:36 pm.

Mr. Greig presented this report. He provided background about the bylaws and noted that consideration of adoption of this bylaw was deferred to allow discussions between the land owners and Yuułu?i?ath Government to take place. These discussions have now concluded.

Mr. Greig clarified that a covenant intended to protect a midden in the area, overlaps the corner of Lot 35. The development that is being proposed does not overlap with this corner of Lot 35.

The Mayor noted correspondence from the Yuułu?i?ath Government provided in the Agenda package.

2021.2257.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 adopted.

CARRIED.

2021.2258.REGULAR **It was moved by Councillor Hoar and seconded by Councillor McEwen**

2. **THAT** District of Ucluelet Zoning Amendment Bylaw No. 1282, 2020, be adopted.

CARRIED.

2021.2259.REGULAR **It was moved by Mayor Noël and seconded by Councillor Cole**
THAT Council recess for five minutes.

CARRIED.

Council recessed at 4:37 pm.

13. REPORTS

13.1 Amphitrite House: Project Update Options
Abby Fortune, Director of Parks & Recreation

Council returned to session at 4:42 pm.

Ms. Fortune presented this report, which further detailed plans for the Amphitrite House and estimated costs.

Council noted that the new projected costs are above the project's original budget. Ms. Fortune noted that she will address budgetary issues at the October 12, 2021 Regular Council meeting where Class B estimate will be presented.

2021.2260.REGULAR **It was moved by Councillor Cole and seconded by Councillor McEwen**
THAT Council support the Amphitrite House Project schematic design in order to advance to design development and to verify the proposed project costs.

CARRIED.

13.2 Contract Award - Village Green design & engineering services
Bruce Greig, Director of Community Planning

Mr. Greig presented this report and noted that a RFP has been conducted. Staff are recommending Lanarc Consulting and Herald Engineering to complete the planning, design, tendering and construction management of the Village Green Revitalization project, because they provided the proposal with the best value.

2021.2261.REGULAR **It was moved by Councillor McEwen and seconded by Councillor Hoar**
THAT Council authorize staff to enter into a consulting contract with Lanarc Consultants and Herold Engineering to complete the planning, design, tendering and construction management of the Village Green Revitalization project, for a maximum fee of \$149,955.

CARRIED.

13.3 1082 Peninsula Road - The Cabins at Terrace Beach: Development Variance Permit DVP21-02 & Development Permit DP20-17
Bruce Greig, Director of Community Planning

Mr. Greig outlined DVP21-02 and DP20-17.

Mr. Greig noted an error in DP20-17 as initially published. A corrected DP was published in the Late Agenda. This DP is for 13 two bedroom units. Each unit will have a parking space.

Mr. Greig presented images of the cabin designs and siting. He also noted that this matter had been deferred to allow allow for discussions between the land owners and Yuułuᑭitᑭatᑭ Government to take place. These discussions have concluded.

The Mayor requested public input from audience members, through Zoom, and via email to communityinput@ucluelet.ca.

Michelle Belanger - 346 Reef Point Road

Ms. Belanger opposed the proposed Development Variance Permit and Development Permit. She requested that Council defer this matter until further public consultation has taken place.

Ms. Belanger cited concerns with the DVP notice, public engagement, and unavailability of related information. She also noted concerns associated with the units being stratified at a later date. Finally, she noted concerns with bylaw enforcement, ecological impacts, impact on quiet enjoyment, impact on Terrace Beach user experience, impact on proximate trees and creek and the overall impact on the north end of Terrace Beach.

Ms. Belanger recommended that smaller cabins be constructed so no variance is required and noted there is no community benefit associated with this proposal.

Ian Kennington - The Applicant's agent

Noted the proposed variance to the one meter rear yard setback is to allow for a cantilevered porch. He went on to provide details related to the size of the cabins. He noted that prior to receiving building permits, an arborist will have to be on site to determine impact on proximate trees. Mr. Kennington also noted that an archeologist will be on site and overflow parking will be provided on the property.

Mr. Greig noted that a condition for an arborist's inspection could be added to the Development Permit. He went on to explain the notification that took place for this Development Variance Permit.

Mr. Greig outlined the uses allowed according to the site's zoning and displayed images of the master development plan for this site.

Andrew Dick - 338 Reef Point Road

Mr. Dick opposed the development variance permit. He noted concerns with the DVP notice, light pollution, and the impact on the view from his property. He also raised concerns with the proposed variance's impact on proximate trees.

Mr. Dick requested information about whether the water course is a stream or a ditch?

Mr. Dick advocated for increased rather than decreased setbacks.

Ian Kennington - The Applicant's agent

Mr. Kennington addressed concerns identified by Mr. Dick related to the water course, light pollution and impact on trees.

Mr. Greig noted that the District has a dark sky policy in the Draft OCP.

Barbara Schramm - 1958 Bay Street

Ms. Schramm advocated for securing Wild Pacific Access Trails on the site through rights of ways and covenants. She also noted concerns with the overflow parking potentially blocking the proposed trails.

Mr. Greig outlined the proposed public trails and noted that a restrictive covenant has been signed by the owners and would ensure public access as well as the District's right to construct and maintain the trails.

Jens Heyduck - 302 Reef Point Road

Mr. Heyduck opposed the Development Variance Permit. Mr. Heyduck noted concerns with the development's impact on visitor experience, Terrace Beach, and light pollution.

He recommended a development with 6 rather than 13 cabins.

Kerry Harwood - 1136 Coral Way

Mr. Harwood opposed the Development Variance Permit. He noted the environmental impact of this development, concerns with the units being stratified at a later date and the impact on wildlife in the area. He recommended no more than 7 units be constructed. He also argued that the variances related to setbacks could set a negative precedent.

Michelle Belanger - 346 Reef Point Road

Ms. Belanger reiterated concerns with notice and noted that the general public had not been notified of the variances. She also noted that Terrace Beach is an important community asset.

Council discussed the written and verbal input.

The need for arborist approval was discussed by Council. Council also discussed deferring this matter to a later meeting.

2021.2262.REGULAR **It was moved by Councillor Hoar and seconded by Councillor Cole**
THAT Council authorize issuance of Development Variance Permit 3090-20-DVP21-02.

CARRIED.

2021.2263.REGULAR **It was moved by Councillor Hoar and seconded by Councillor Cole**
THAT Council authorize issuance of Development Permit 3060-20-DP20-17 and prior to the issuance of a building permit, the owner shall provide a

report by a qualified consulting arborist – for review and approval by the District - assessing the potential impact on the root zones of adjacent trees (both on site and on adjacent properties). Recommendations should address whether the location or footprint of the cabins needs to be adjusted to ensure the long-term health of the trees, and any measures that would be necessary to reduce hazards within the proposed development and adjacent park.

CARRIED.

2021.2264.REGULAR **It was moved by Mayor Noël and seconded by Councillor McEwen**
***THAT* Council recess for five minutes.**

CARRIED.

Council recessed at 5:59 pm and returned to the session at 6:05 PM.

13.4 Correspondence Regarding the Cabins Development Variance Permit DVP21-02

13.5 Municipal Insurance Association of BC's 34th Annual General Meeting (Verbal Report)
Joseph Rotenberg, Manager of Corporate Services

Councillor Hoar noted that she would like to attend the Vancouver Island Economic Alliance annual State of the Island Summit in-person rather than virtually.

2021.2265.REGULAR **It was moved by Councillor Cole and seconded by Councillor Hoar**
***THAT* Council designate Councillor McEwen to represent the District of Ucluelet at the Municipal Insurance Association British Columbia Annual General Meeting.**

CARRIED.

2021.2266.REGULAR **It was moved by Councillor McEwen and seconded by Councillor Cole**
***THAT* Councillor Hoar be authorized to attend Vancouver Island Economic Alliance annual State of the Island Summit as a District of Ucluelet representative, in-person.**

CARRIED.

13.6 Resolution Tracker - June/July 2021
Joseph Rotenberg, Manager of Corporate Services

Council sought and received updates on a number of ongoing matters.

13.7 Cheque Listing - July 2021
Paula Mason, Administration Clerk

14. OTHER BUSINESS

There was no other business.

15. QUESTION PERIOD

15.1 Nora O'Malley, Westerly News

Ms. O'Malley asked if a Public Hearing has been scheduled for the Draft OCP? Staff noted that this hearing has not been scheduled.

16. CLOSED SESSION

16.1 Procedural Motion to Move In-Camera

2021.2267.REGULAR **It was moved by Mayor Noël and seconded by Councillor Cole**

THAT the meeting be closed to the public in order to address agenda items under Section 90(1)(c),(e) and (k) of the Community Charter related to:

- *labour relations or other employee relations;*
- *the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality; and*
- *negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public.*

CARRIED.

17. RECONVENE FROM CLOSED SESSION

Returned to the regular meeting at 7:46 pm.

18. ADJOURNMENT

the meeting was adjournment at 7:47 pm.

CERTIFIED CORRECT: Minutes of the Regular Council Meeting held on Tuesday, August 17, 2021 at 3:30 pm in the George Fraser Room, Ucluelet Community Centre, 500 Matterson Road, Ucluelet, BC.

Mayco Noël
Mayor

Joseph Rotenberg
Corporate Officer

DISTRICT OF UCLUELET
MINUTES OF THE SPECIAL COUNCIL MEETING
HELD IN THE GEORGE FRASER ROOM, 500 MATTERSON DRIVE
Tuesday, August 24, 2021 at 3:30 PM

Present: **Chair:** Mayor Noël
 Council: Councillors Hoar and Kemps (Via Zoom)
 Staff: Bruce Greig, Director of Community Planning
 Andy Laidlaw, Acting Chief Administrative Officer
 Joseph Rotenberg, Manager of Corporate Services
 Paula Mason, Administrative Clerk

Regrets: Councillor Cole, Councillor McEwan

1. CALL TO ORDER

The meeting was called to order at 3:30 pm.

2. ACKNOWLEDGEMENT OF YUULU?IŁ?ATH

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

3. NOTICE OF VIDEO RECORDING

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

4. LATE ITEMS

There were no late items.

5. APPROVAL OF AGENDA

5.1 August 24, 2021, Special Council Meeting

2021.2092.SPECIAL **It was moved by Councillor Hoar and seconded by Councillor Kemps**

THAT Council approve the August 24, 2021, Special Meeting Agenda as presented.

CARRIED.

6. MAYOR'S ANNOUNCEMENTS

There were no Mayor's Announcements.

7. LEGISLATION

7.1 Building Permits for Signature Circle lots vs. RU Zoning
Bruce Greig, Director of Community Planning

Mr. Greig summarized his report and displayed slides of the subject properties known as Signature Circle. Mr. Greig noted that none of the 29 applied for building permits would comply with the RU Zone - Rural Residential zoning designation that is proposed in the Zoning Amendment Bylaw No. 1293, 2021. He noted that a number of the lots would have a single-family dwelling as well as one or two secondary suites, which would be prohibited under the proposed bylaw. He noted that none of the buildings would comply with the maximum gross floor area requirement, similarly none of the buildings would comply the 3% maximum lot coverage that the RU Zone has. With regards to the 8 waterfront lots along the shoreline, there would be a 30-metre setback from the natural boundary, that none of the structures in the plans appear to comply with. Mr. Greig displayed some sample plans of the building permits submitted.

Mr. Greig referred to a motion to withhold building permits for 30 days, that Council previously passed. He outlined the recommendation the motion to withhold building permits for a further 60 days, to enable the bylaw process to complete.

Rob Vrooman of Onni Group

Mr. Vrooman opposed the recommended motion. He noted that the Zoning would substantially devalue the subject land. Mr. Vrooman mentioned that focusing on the 30 single-family lots, is coming at the detriment of planning for the remaining 330 acres on the Wyndanseal Lands.

He put forth that the District of Ucluelet has a willing and capable potential partner in the Onni Group, who could do a lot on these lands in addressing housing needs. He noted potential litigation costs.

Mr. Vrooman urged Mayor and Council to continue discussions with Onni Group.

2021.2093.SPECIAL **It was moved by Councillor Hoar and seconded by Councillor Kemps**

THAT pursuant to section 463 of the Local Government Act Council direct that building permits be withheld in relation to each of the building permit applications submitted on July 29, 2021, in relation to the Signature Circle properties Strata Lots 1 - 4 and 6 - 30, District Lots 471, 472 and 473, Clayoquot Land District, Strata Plan VIS6504 for a further period of 60 days as the development proposed in the building permit applications exceed the maximum permitted building size, do not comply with the permitted uses and/or encroach within minimum setbacks under the District of Ucluelet Zoning Amendment Bylaw No. 1293, 2021, and the use and density of the lots would not comply with the low-density rural residential designation under the District of Ucluelet Official Community Plan Amendment Bylaw No. 1292, 2021, both of which bylaws are currently under consideration by Council.

CARRIED.

8. CLOSED SESSION

There was no closed session.

9. RECONVENE FROM CLOSED SESSION

There was no closed session.

10. ADJOURNMENT

The meeting was adjourned at 3:46 pm.

CERTIFIED CORRECT: Minutes of the Special Council Meeting held on Tuesday, August 24, 2021 at 3:30 pm in the George Fraser Room, Ucluelet Community Centre 500 Matterson Road, Ucluelet, BC.

Mayco Noël
Mayor

Joseph Rotenberg
Corporate Officer



STAFF REPORT TO COUNCIL

Council Meeting: September 9, 2021
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, DIRECTOR OF COMMUNITY PLANNING **FILE NO:** 3360-20-RZ21-04

SUBJECT: OCP AND ZONING AMENDMENTS: CD-5A AND CD-6 AREAS TO RU RURAL RESIDENTIAL **REPORT NO:** 21-128

ATTACHMENTS: APPENDIX A – UCLUELET OCP AMENDMENT BYLAW No. 1292, 2021
APPENDIX B – UCLUELET ZONING AMENDMENT BYLAW No. 1293, 2021

RECOMMENDATIONS:

It is recommended that Council consider the following resolutions:

1. **THAT** Council give third reading to *District of Ucluelet Official Community Plan Amendment Bylaw No. 1292, 2021*;
2. **THAT** Council adopt *District of Ucluelet Official Community Plan Amendment Bylaw No. 1292, 2021*;
3. **THAT** Council give third reading to *District of Ucluelet Zoning Amendment Bylaw No. 1293, 2021*; and,
4. **THAT** Council adopt *District of Ucluelet Zoning Amendment Bylaw No. 1293, 2021*.

PURPOSE:

The purpose of this report is to present Official Community Plan (OCP) and Zoning amendment bylaws which were the subject of a public hearing held September 7, 2021, for Council consideration of third reading and adoption.

BACKGROUND:

At its April 14, 2021, regular meeting Council passed the following motion:

“THAT Council direct staff to prepare a zoning amendment bylaw to return the zoning of the CD-5A and CD-6 lands, north of Ancient Cedars and the current end of the Wild Pacific Trail, to a Rural zoning designation like they held previously – to, for now, allow a single residential use on large rural lots.”

Official Community Plan (OCP) and Zoning amendment bylaws were subsequently presented to Council at its May 4, 2021, meeting at which time Council passed the following motions:

1. ***“THAT Council introduce and give first reading to District of Ucluelet Official Community Plan Amendment Bylaw No. 1292, 2021;***
2. ***THAT Council introduce and give first reading to District of Ucluelet Zoning Amendment Bylaw No. 1293, 2021; and,***
3. ***THAT Council direct staff to advise all owners of land affected by the amendments in Bylaw Nos. 1292 and 1293 of the proposed changes, and provide 30 days to provide written comment before bringing the bylaws back for consideration of second reading.”***

Subsequently, at its August 17, 2021, regular meeting Council passed the following motions:

1. ***“THAT Council has considered the consultation requirements under Section 475 of the Local Government Act in relation to District of Ucluelet Official Community Plan Amendment Bylaw No. 1292, 2021;***
2. ***THAT Council is satisfied that consultation with owners of land affected by the amendments in District of Ucluelet Official Community Plan Amendment Bylaw No. 1292, 2021, as previously directed, is sufficient for the purpose of consultation under Section 475 of the Local Government Act;***
3. ***THAT Council is satisfied that consultation under Section 475 of the Local Government Act in relation to District of Ucluelet Official Community Plan Amendment Bylaw No. 1292, 2021, does not need to be early and ongoing;***
4. ***THAT Council is satisfied that, given its narrow focus, specific consultation on District of Ucluelet Official Community Plan Amendment Bylaw No. 1292, 2021, with the persons, organizations, and authorities identified in section 475(2)(b) of the Local Government Act, including the Yuułu?ı̄ł?ath Government, Alberni-Clayoquot Regional District, District of Tofino, SD70 Board of Education or provincial Agencies, is not required;***
5. ***THAT Council has reviewed the correspondence received from Onni Wyndansea Holdings Ltd. dated June 8th, 2021;***
6. ***THAT Council has consulted with the boards of education of those school districts whose area includes the area covered by District of Ucluelet Official Community Plan Amendment Bylaw No. 1292, 2021.***
7. ***THAT Council has considered District of Ucluelet Official Community Plan Amendment Bylaw No. 1292, 2021, in conjunction with the District of Ucluelet Financial Plan;***
8. ***THAT Council has considered District of Ucluelet Official Community Plan Amendment Bylaw No. 1292, 2021, in conjunction with the Waste Management Plan;***
9. ***THAT Council give second reading to District of Ucluelet Official Community Plan Amendment Bylaw No. 1292, 2021;***

10. THAT Council give second reading to District of Ucluelet Zoning Amendment Bylaw No. 1293, 2021; and,

11. THAT Council refer District of Ucluelet Official Community Plan Amendment Bylaw No. 1292, 2021, and District of Ucluelet Zoning Amendment Bylaw No. 1293, 2021, to a public hearing.”

On September 7, 2021, Council held a public hearing on Bylaw Nos. 1292 and 1293.

DISCUSSION:

Having held a public hearing on *Ucluelet Official Community Plan Amendment Bylaw No. 1292, 2021*, and *Ucluelet Zoning Amendment Bylaw No. 1293, 2021*, Council is now in a position to deliberate on the submissions from the public - and to then consider giving third reading to the proposed bylaws and thereafter consider their adoption.

SUMMARY AND OPTIONS:

Staff recommend that Council consider the motions at the outset of this report. Alternatively, Council could consider the following:

5. **THAT** Council amend *Ucluelet Official Community Plan Amendment Bylaw No. 1292, 2021*, and/or *Ucluelet Zoning Amendment Bylaw No. 1293, 2021*, by the following:
 - a. direct staff to prepare amendment(s) to the bylaw(s) to specifically achieve the following objective(s) - _____;
 - b. rescind second reading of the bylaw(s) to be amended;
 - c. amend the bylaw(s) as directed;
 - d. give second reading to the bylaw(s) as amended; and,
 - e. refer the bylaws to another public hearing.

or;

6. **THAT** Council abandon *Ucluelet Official Community Plan Amendment Bylaw No. 1292, 2021*, and/or *Ucluelet Zoning Amendment Bylaw No. 1293, 2021*.

Respectfully submitted: Bruce Greig, Director of Community Planning
Duane Lawrence, Chief Administrative Officer

Appendix A

DISTRICT OF UCLUELET

Official Community Plan Amendment Bylaw No. 1292, 2021

A bylaw to amend the District of Ucluelet Official Community Plan
(Rural Land Use designation change – Signature Circle lands).

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

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

1. Text Amendments:

Schedule “1” of *District of Ucluelet Official Community Plan Bylaw No. 1140, 2011*, as amended, is hereby further amended by inserting the following policy in alphanumerical order within section 3 Land Use Policies:

“3.9(i)(10) Despite any other policies or designations in this OCP, the 30 strata lots known as Signature Circle, which were subdivided by the deposit of Strata Plan VIS6504, together with any common property shown in the strata plan, are designated for low-density rural residential development, with no more than one dwelling per parcel to a maximum size of 100m², no ancillary commercial tourist accommodation or vacation rental uses, and a minimum setback of 30m from the natural boundary of the sea”.

2. Citation:

This bylaw may be cited as “District of Ucluelet Official Community Plan Amendment Bylaw No. 1292, 2021”.

READ A FIRST TIME this 4th day of May, 2021.

Considered in conjunction with the District of Ucluelet Financial Plan and Waste Management Plan under Section 477 of the *Local Government Act* this 17th day of August, 2021.

READ A SECOND TIME this 17th day of August, 2021.

PUBLIC HEARING held this 7th day of September, 2021.

READ A THIRD TIME this day of , 2021.

ADOPTED this day of , 2021.

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Official Community Plan Amendment Bylaw No. 1292, 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

DISTRICT OF UCLUELET

Zoning Amendment Bylaw No. 1293, 2021

A bylaw to amend the “District of Ucluelet Zoning Bylaw No. 1160, 2013”.
(Zoning amendments to the RU zone - Rural Residential and areas of CD-5A and CD-6 zoned lands).

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. within the regulations for the RU Zone – RURAL RESIDENTIAL in Schedule B – The Zones by inserting the following in alphanumerical order:

RU.7.1 “Supplementary Regulations (Signature Circle):

In relation to Strata Lots 1 through 30, Plan VIS6504, District Lot 473, Clayoquot Land District (the “Signature Circle Land”), the following regulations shall prevail, but otherwise the Signature Circle Land shall be subject to the regulations of this RU Zone, and any generally applicable provisions of this Bylaw:

- (1) The sole principal use shall be *Single Family Dwelling*;
- (2) *Home Occupation is permitted as a secondary use in conjunction with a principal permitted use*;
- (3) The following regulations shall apply:
 - (i) **Maximum Density:** 1 *single family dwelling per lot*
 - (ii) **Maximum Size (Gross Floor Area):**
 - (A) Principal Building: 100 m² (1,076 ft²)
 - (B) Accessory Buildings: 100 m² (1,076 ft²) combined total

(iii) 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	10 m (33 ft)	10 m (33 ft)	5 m (16 ft)	15 m (49 ft)
(2) Accessory	10 m (33 ft)	10 m (33 ft)	5 m (16 ft)	15 m (49 ft)

(iv) The minimum setback from the natural boundary of the sea for all buildings and structures is 30m (98 ft).”;

- B.** by deleting section CD-5A SubZone (Development Area #1) WYNDANSEA / SIGNATURE CIRCLE including the CD-5A SubZone Plan and Sections CD-5A.1 through CD-5A.7; and,
- C.** by deleting section CD-6 Zone – OLSEN BAY (Lot 5, Plan VIP75113) including the CD-6 Plan and Sections CD-6.2 through CD-6.7.

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 the following parcels to “RU Zone - Rural Residential” as outlined in black on the map attached to this Bylaw as Appendix “A”:

Legal Description	PID	Zoning
Lot A, Plan VIP77604, District Lot 472, Clayoquot Land District	026-046-024	CD-5A
Lot A, Plan VIP80031, District Lot 286, Clayoquot Land District, Except Plan VIP84561, & OF DL 471, 472 & 473	026-508-486	CD-5A
Lot 1, Plan VIP84561, District Lot 286, Clayoquot Land District, & DL 473	027-416-046	CD-5A
Lot 2, Plan VIP84561, District Lot 286, Clayoquot Land District	027-416-054	CD-5A
Lot 3, Plan VIP84561, District Lot 286, Clayoquot Land District	027-416-062	CD-5A
Strata Lots 1 through 30, Plan VIS6504, District Lot 473, Clayoquot Land District, TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V		CD-5A
Lot 5, Plan VIP75113, District Lot 286, Clayoquot Land District, Except Plan VIP79908, & DLS 471, 472 & 473	025-635-751	CD-6

3. Citation:

This bylaw may be cited as “District of Ucluelet Zoning Amendment Bylaw No. 1293, 2021”.

READ A FIRST TIME this **4th** day of **May**, 2021.

READ A SECOND TIME this **17th** day of **August**, 2021.

PUBLIC HEARING held this **7th** day of **September**, 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. 1293, 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 'A' to District of Ucluelet Zoning Amendment Bylaw No. 1293, 2021
(CD-5A and CD-6 lands rezoned to RU Rural Residential)

From: CD5-A and CD-6
To: RU

