

DISTRICT OF UCLUELET
MINUTES OF THE REGULAR COUNCIL MEETING
HELD IN THE GEORGE FRASER ROOM, 500 MATTERSON DRIVE
Tuesday, March 26, 2019 at 4:30 PM

Present: **Chair:** Acting Mayor McEwen
 Council: Councillors Cole, Hoar, and Kemps
 Staff: Mark Boysen, Chief Administrative Officer
 Marlene Lagoa, Manager of Corporate Services
 Donna Monteith, Director of Finance
 Abigail Fortune, Manager of Parks and Recreation
 Warren Cannon, Manager of Public Works
 Bruce Greig, Manager of Community Planning
 John Towgood, Planner 1
 Brent Ashton, Bylaw Officer

Regrets: Mayor Noël

1. CALL TO ORDER

1.1 Acting Mayor McEwen called the meeting to order at 4:30 PM.

2. ACKNOWLEDGEMENT OF FIRST NATIONS TERRITORY

2.1 Council acknowledged the Yuułuꞵiꞵath First Nations on whose traditional territories the District of Ucluelet operates.

3. ADDITIONS TO AGENDA

4. APPROVAL OF AGENDA

4.1 March 26, 2019 Regular Agenda

2017-001 **It was moved by Councillor Kemps and seconded by Councillor Hoar**
 THAT Council approve the March 26, 2019 Regular Agenda as presented.
 CARRIED.

5. ADOPTION OF MINUTES

5.1 March 5, 2019 Special Minutes

2017-002 **It was moved by Councillor Hoar and seconded by Councillor Cole**
 THAT Council approve the March 5, 2019 Special Minutes as presented.
 CARRIED.

5.2 March 12, 2019 Special Minutes

2017-003 **It was moved by Councillor Cole and seconded by Councillor Kemps**

THAT Council approve the March 12, 2019 Special Minutes as presented.

CARRIED.

6. UNFINISHED BUSINESS

6.1 Request for Letter of Support for Tla-o-qui-aht First Nation's Canada's Target 1 Nature Fund Challenge Application Tla-o-qui-aht First Nation

- Acting Mayor McEwen noted that additional information was provided by way of a map.

2017-004

It was moved by Councillor Cole and seconded by Councillor Hoar

THAT Council direct staff to prepare a letter of support for Tla-o-qui-aht First Nation's Canada's Target 1 Nature Fund Challenge Application.

CARRIED.

7. MAYOR'S ANNOUNCEMENTS

- 7.1
- BC Transit Open House April 4th from 4:00 – 7:00 PM at the Ucluelet Community Centre.
 - Lunch with Mayor Noël is this Thursday from 12 – 2 PM at the Gray Whale Deli.
 - Pacific Rim Whale Festival is holding a fundraiser March 30th at Long Beach Lodge.

8. PUBLIC INPUT, DELEGATIONS & PETITIONS

8.1 Public Input

J. Gray, resident, noted she submitted a letter to Council yesterday in response to the report on classification of short-term rentals. She sent the letter in support of local families who use short-term rentals as a source of revenue in order to afford to live and own a home here. She would like some proof of how the numbers in the report were calculated before going forward with a commercial tax on residential homes looking to make some money.

V. Miralles Sanchez, Surfrider Chapter Coordinator, noted that Surfrider would have liked more time to review the draft Climate Action Plan. Surfrider did submit a letter with some preliminary thoughts.

- CAO Mark Boysen noted that the plan was updated to reflect Surfrider's input on single-use plastics.

8.2 Delegations

Jan Draeske & Randy Oliwa, Seaview Seniors Housing Society - Forest Glen

Re: Update and Future Plans

- Have an expansion committee exploring the financial feasibility of expanding Forest Glen to accommodate 10 additional one-bedroom units.
- Asked if their feasibility study could be included as part of the District's Housing Needs Assessment study.
- Forest Glen has begun hosting events with the West Coast Community Resource Society and would like to do more with the community.
- Requested that the District prepare a seniors directory, hire a Seniors Coordinator, and keep them informed of any age-friendly plans.
- Concerned with the lack of transportation for seniors and that Wheels for Wellness bus will not take Ucluelet residents to appointments in Tofino.
- CAO Boysen noted that the Manager of Parks and Recreation will follow-up with an update on age-friendly projects.
- Council comments:
 - Include Ucluelet First Nation as part of housing feasibility study to demonstrate need and potential to access more funding.
 - Ucluelet and Tofino does not meet the minimum distance for Wheels for Wellness service.

9. CORRESPONDENCE

**9.1 Request for Letter of Support
Surf Canada**

2017-005

It was moved by Councillor Kempf and seconded by Councillor Cole
THAT Council direct District staff to write a letter supporting Surf Canada's 2019 Nationals and Olympic Team Trial events at Wickaninnish Beach.

CARRIED.

**9.2 Request for Update on Edna Batchelor Park
Faye Missar**

- CAO Boysen noted he spoke with the Manager of Parks and Recreation and there is a budget for improvements at Edna Batchelor Park. Staff will report back to the writer.

10. INFORMATION ITEMS

10.1 Service Canada and Canada Revenue Agency Visit to the Coast

Service Canada - Government of Canada

**10.2 Hwy 4 - Kenndy Hill Safety Improvements Traffic Interruptions Update
Emil Anderson Construction (EAC) Inc.**

- Mayor noted he will be asking for a meeting with EAC, Mike Pearson at the Province, and Tofino Mayor Osbourne.

2017-006

It was moved by Councillor Hoar and seconded by Councillor Cole

THAT the Mayor meet with representatives from Emil Anderson Construction, the Ministry of Transportation, and the District of Tofino to discuss delays at the Hwy 4 Kennedy Hill Project.

CARRIED.

11. COUNCIL COMMITTEE REPORTS

11.1 Councillor Rachelle Cole
Deputy Mayor October - December 2019

- **Attending a first aid and addictions workshop with the West Coast Resource Society.**

11.2 Councillor Marilyn McEwen
Deputy Mayor November 2018 - March 2019

- **March 13 attended ACRD Meeting as the Mayor's alternate.**
- **March 14 attended Budget Open House.**
- **March 19 attended the third Climate Adaption Workshop**
- **March 23 attended Vancouver Island Regional Library Board Meeting.**

11.3 Councillor Lara Kemps
Deputy Mayor April - June 2019

- **Working on the orca and salmon issue, which has become very political and does not look good for fishery closures on the coast.**
- **Last week some of the Chamber's met with Minister Wilkinson in Victoria and sat in on a webinar regarding DFO's consultation on recovery measures.**
- **There are 17 Chamber's involved in advocating for fisheries closures and pushing to have the decision science based.**
- **The Chamber has written a letter to Minister Wilkinson**

requesting another round-table meeting. Hoping to hear back by May as to what is going to happen.

- **Tourism Vancouver Island, Tourism Industry Association, and the 17 Chambers have all written to DFO, urging them to engage with the stakeholders.**

11.4 Councillor Jennifer Hoar
Deputy Mayor July - September 2019

- **Also sat in on the webinar with Councillor Kemps, echos the sentiment that the decision should be science based.**
- **Attended the Wild Pacific Trail (WPT) meeting. They have been engaged in Whale Week and had a good turn out for the Build-A-Whale event on Sunday.**
- **The WPT will have updates in the Westerly Newspaper on upcoming events.**

11.5 Mayor Mayco Noël

- **Not in attendance.**

12. REPORTS

12.1 **Resolution Tracking - March 2019**
Marlene Lagoa, Manager of Corporate Services

Council asked for an update on the following items:

- Staff are working with an engineer on designs for the school zone and have involved the school on the discussion of parking on their property.
- The email list for Ucluelet community group will be implemented by the next meeting with societies on April 26.
- Webcasting of council meetings will begin after the budget is completed later this spring.
- CAO Boysen is working with the Mayor on the issue of council committees and engagement.

12.2 **Ucluelet Climate Action Plan Adoption**
Mark Boysen, Chief Administrative Officer

2017-007

It was moved by Councillor Hoar and seconded by Councillor Cole

THAT Council approve recommendation 1 of report item, "Ucluelet Climate Action Plan Adoption" as amended which states:

1. *THAT Council adopt the Ucluelet Climate Action Plan titled "Clean Energy for the Safe Harbour"; with the addition of Goal 12 – The District meets the community's 80% GHG reduction and 100% renewable energy targets for its municipal operations.*

CARRIED.

12.3 Pacific Rim Visitors Centre Agreement with Parks Canada
Mark Boysen, Chief Administrative Officer

- CAO Boysen noted there has been no changes to the agreement since it was before Council on February 12.
- There is an opportunity to withdraw from the agreement with 90 days notice.

2017-008

It was moved by Councillor Kemps and seconded by Councillor Cole

THAT Council approve recommendation 1 of report item, "Pacific Rim Visitors Centre Agreement with Parks Canada" which states:

1. *THAT Council approve the new 2019 agreement between the District of Ucluelet and Parks Canada regarding the Pacific Rim Visitor Centre.*

CARRIED.

12.4 Development Permit for Proposed Subdivision of OceanWest Phase 5
Bruce Greig, Manager of Community Planning

- Bruce Greig, Manager of Community Planning, presented an overview of the development permit being requested for Phase 5 of the Weyerhaeuser development (Ocean West).
- The development permit is to allow the applicant to create 33 large single-family lots and put in the road infrastructure.
- Staff recommends approval of the DP as it meets the conditions of the OCP.
- Council asked the applicant if Council could have some input into the road names of this new subdivision. The applicant agreed.

2017-009

It was moved by Councillor Cole and seconded by Councillor Hoar

THAT Council approve recommendation 1 of report item, "Development Permit for Proposed Subdivision of OceanWest Phase 5" which states:

1. *THAT Council approve Development Permit DP18-07 for the "OceanWest phase 5" 33-lot subdivision on Lot A, Plan VIP81555, Clayoquot District, except plan VIP84686 and in part of Lot 4, Plan VIP75113, Clayoquot District, District Lot 285, 286 & 473, except Plan VIP80031.*

CARRIED.

12.5 CARE Network Proposal for Regional Animal Shelter
Brent Ashton, Bylaw Services Officer

- Bruce Greig, Manager of Community Planning, noted the report outlines the District's investment to date for animal services.
- Staff recommendation is to have the item discussed at the West Coast Committee meeting.

- Council asked about the CARE Network's original request for a letter of support from Ucluelet and Tofino. Staff noted that Tofino was not asked for a letter of support.

2017-010

It was moved by Councillor Hoar and seconded by Councillor Cole

THAT Council approve recommendation 1 of report item, "CARE Network Proposal Animal Shelter" which states:

1. *THAT Council refer to the ACRD the request for support of a grant by the CARE Network for an animal shelter serving the west coast, for discussion at the West Coast Committee.*

CARRIED.

12.6 Residential Tax Classification of Commercial Short-Term Rentals **Bruce Greig, Manager of Community Planning**

- Bruce Greig, Manager of Community Planning, noted that staff is seeking direction from Council on broader housing issues in the community.
- Report is the result of the District seeking legal opinion on how BC Assessment classifies short-term rentals and how that impacts housing affordability and property taxes.
- Question for Council's consideration is whether they wish to lobby the province to change how BC Assessment assesses short-term rentals. The issue is with how the regulation is currently written.
- There are a number of applications coming before Council in the future looking to provide short-term rentals.
- Council comments and questions included:
 - There was concern with supporting the second part of recommendation as there should be more done to tax the resort condominiums as opposed to homes with rooms or suites for short-term rental.
 - Concern that an increase in property taxes for homeowners with nightly rentals will jeopardize a lot of people in the community.
 - There are lots of people with home-based businesses that (for tax purposes) are not portioned as a percentage of commercial which creates a gray area.
- Mr. Greig clarified that the recommendation in this report would not take away people's ability to have short term rentals. The purpose would be to look at assessing those uses on a portion of the property at commercial rates to level the playing field.
- Acting Mayor McEwen noted that Council will accept the report as information and know there is more information coming in the future.

13. LEGISLATION

13.1 Zoning Bylaw Amendment Application (506 Marine Drive) *John Towgood, Planner 1*

- Bruce Greig, Manager of Community Planning, presented an overview of the process leading up to the amendment of VR-2 in the Zoning Bylaw and the request to rezone the subject property at 506 Marine Drive to VR-2.
- Request for VR-2 zoning will allow property owner to rent out the main house when they travel.
- Council requested that staff bring forward a bylaw to clean up VR-2 zoning that includes an on-site full-time caretaker.
- The house on the subject property has a secondary suite with a long-term tenant.
- Staff noted that rezoning the property to VR-2 will have an incremental effect on housing affordability as it would increase the sales value of the property and transfer the use to the new owner.
- Staff recommendation is to issue a temporary use permit which would achieve the same thing the applicant is looking for, up to three years, without having a negative impact on the Ucluelet housing stock.
- Carl Scott, the applicant, addressed Council with the reasons they are seeking VR-2 rezoning, highlights included:
 - The Council motion from the December 11, 2018 meeting was for staff to amend the VR-2 zone to add the requirement for a full-time resident, with instructions to prepare a zoning amendment bylaw to permit short-term rentals.
 - Applicant is not happy with a temporary use permit as this leaves them open to what may or may not be applied in the future.
 - Seeking a rezoning to help with their future financial planning.
 - Applicant does not believe rezoning will negatively affect the community or the neighbourhood as there are a number of vacation rentals in the area.
 - Approval of the rezoning will add a new use to the neighbourhood and the addition of a large vacation property to accommodate family gatherings.
 - Noted there were two other homes nearby that have permission for nightly rentals under VR-1.
- Council comments and questions included:
 - Clarified there are currently no occupied properties in Ucluelet zoned VR-2.
 - Properties nearby the subject property are zoned VR-1.
 - Staff noted the different uses in the neighbourhood

- including resort condo.
- Staff noted the recommendation to issue a temporary use permit is not just based on the private interests of the property owners. There are other applications coming forward to Council in the future requesting rezoning for short-term rentals in residential zones. Rezoning to allow short-term rentals will positively impact the property's resale value.
- The house is not affordable as a long-term rental or to purchase as is and may not be resalable without a VR-2 zoning.
- Hesitation to give a temporary use permit as Staff and Council can change in three years and the applicant is looking for something concrete.
- The OCP has designated the area as a comprehensive development area.
- The houses towards big beach were rezoned for vacation rentals.

2017-011

It was moved by Councillor Kemp and seconded by Councillor Cole

THAT Council approve recommendation 1 of legislation item, "Zoning Bylaw Amendment Application (506 Marine Drive)" which states:

1. *THAT District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1241, 2019 be given first and second reading and advance to a public hearing.*

CARRIED.

2017-012

It was moved by Councillor Kemp and seconded by Councillor Hoar

THAT Council approve recommendation 3 of legislation item, "Zoning Bylaw Amendment Application (506 Marine Drive)" which states:

3. *THAT District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1242, 2019, be given first and second reading and advance to a public hearing.*

CARRIED.

13.2 Single-Use Plastics Bylaw - 1st Reading

Marlene Lagoa, Manager of Corporate Services

- Marlene Lagoa, Manager of Corporate Services, gave an overview of the single-use plastics bylaw being presented for first reading.
- The opportunity for community feedback will take place before second and third reading.
- The two-dollar minimum charge on reusable bags follows the minimum charges set in the City of Victoria's bylaw.

2017-013

It was moved by Councillor Hoar and seconded by Councillor Cole

THAT Council approve recommendation 1 of legislation item, "Single-Use Plastics Bylaw - 1st Reading" which states:

1. *THAT Council give first reading to the "District of Ucluelet Single-use*

Plastic Regulation Bylaw No. 1247, 2019".

CARRIED.

2017-014

It was moved by Councillor Hoar and seconded by Councillor Cole

THAT Council approve recommendation 2 of legislation item, "Single-Use Plastics Bylaw - 1st Reading" which states:

1. *THAT Council direct staff to obtain stakeholder feedback prior to second reading and schedule an opportunity for representations to Council prior to third reading.*

CARRIED.

14. OTHER BUSINESS

14.1 There was no other business.

15. QUESTION PERIOD

15.1 R. Oliwa, resident, wished to bring to Council's attention that the local Rotarian Club is looking to post a sign near the entrance of Ucluelet. More information will be coming forward at a later date.

16. CLOSED SESSION

16.1 Procedural Motion to Move In-Camera:

2017-015

It was moved by Councillor Hoar and seconded by Councillor Cole

THAT the meeting be closed to the public in order to address agenda items under Section 90(1)(k) of the Community Charter.

CARRIED.

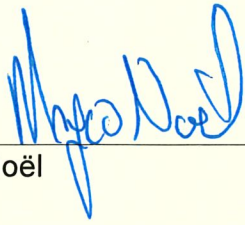
16.2 Acting Mayor McEwen suspended the regular meeting at 6:20 PM and moved in-camera at 6:28 PM.

Acting Mayor McEwen adjourned the in-camera meeting at 6:54 PM and resumed the open meeting.

17. ADJOURNMENT

17.1 Acting Mayor McEwen adjourned the meeting at 6:54 PM.

CERTIFIED CORRECT: Minutes of the Regular Council Meeting held on Tuesday, March 26, 2019 at 4:30 pm in the George Fraser Room, Ucluelet Community Centre, 500 Matterson Road, Ucluelet, BC.



Mayco Noël
Mayor



Mark Boysen
CAO