

DISTRICT OF UCLUELET
MINUTES OF THE REGULAR COUNCIL MEETING
HELD IN THE GEORGE FRASER ROOM, 500 MATTERSON DRIVE
Tuesday, October 13, 2020 at 3:30 PM

Present: **Chair:** Mayor Noël
 Council: Councillors Cole, Hoar, Kemps, and McEwen
 Staff: Mark Boysen, Chief Administrative Officer
 Donna Monteith, Chief Financial Officer
 Bruce Greig, Manager of Community Planning
 Abby Fortune, Manager of Recreation & Tourism
 Joseph Rotenberg, Manager of Corporate Services
 Nicole Morin, Corporate / Planning Clerk

Regrets:

1. CALL TO ORDER

The meeting was called to order at 3:50 PM.

2. ACKNOWLEDGEMENT OF FIRST NATIONS TERRITORY

Council acknowledged the Ucluelet First Nation, 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 conducted partially via Zoom and broadcast on the District of Ucluelet's YouTube Channel. They were also advised that Zoom and YouTube may store data on foreign servers and information about how to attend the meeting by Zoom and the YouTube broadcast is available on <https://ucluelet.ca>.

4. ADDITIONS TO AGENDA

4.1 Addition to Agenda Item No. 13.4 "Development Permit & Development Variance Permit for 1892 Peninsula Rd"

- Add the following correspondence after page 123
2020-10-13 Resident

4.2 Addition to Agenda Item No. 13.1 "Revised Covenant and Option to Purchase - Lot 13 Marine Drive"

- Add the following correspondence after page 59
2020-10-12 Menard

5. APPROVAL OF AGENDA

5.1 October 13, 2020 Regular Council Agenda

2020.182.REGULAR **It was moved by Councillor Kemps and seconded by Mayor Noël**
THAT Council approve the October 13, 2020 Regular Council Meeting Agenda as amended.

CARRIED.

6. ADOPTION OF MINUTES

6.1 September 8, 2020 Regular Minutes

2020.183.REGULAR **It was moved by Councillor McEwen and seconded by Councillor Hoar**
THAT Council adopt the September 8, 2020 Regular Council Minutes as presented.

CARRIED.

6.2 September 15, 2020 Special Council Minutes

2020.184.REGULAR **It was moved by Councillor McEwen and seconded by Councillor Kemps**
THAT Council adopt the September 15, 2020 Special Council Minutes as presented.

CARRIED.

6.3 September 29, 2020 Special Minutes

2020.185.REGULAR **It was moved by Councillor Cole and seconded by Councillor Kemps**
THAT Council adopt the September 29, 2020 Special Council Minutes as presented.

CARRIED.

7. UNFINISHED BUSINESS

There was no unfinished business.

8. MAYOR'S ANNOUNCEMENTS

8.1 Yuułuʔiłʔatḥ Government - Ucluelet First Nation Flag Raising Ceremony

Mayor Noël spoke to the important ties between the Yuułuʔiłʔatḥ Government and the District of Ucluelet and the strong relationship between the communities. President McCarthy reiterated the importance of this relationship and the important symbolism associated with raising the Yuułuʔiłʔatḥ Government flag in the District of Ucluelet's Council Chamber.

The Yuułuʔiłʔatḥ Government flag was raised in Council Chambers.

9. PUBLIC INPUT & DELEGATIONS

9.1 Public Input

Helen Poon, resident of Port Alberni and Provincial BC Liberal candidate for Mid Island-Pacific Rim riding, noted the importance of the District's efforts to enact single-use plastic item regulations and support the development of affordable housing.

9.2 Delegations

**Lilly Woodbury, Chapter Manager, Surfrider Foundation Pacific Rim, BC
Re: Surfrider Update**

Ms. Woodbury was unable to present this delegation.

10. CORRESPONDENCE

10.1 Letter to the Honourable John Horgan Regarding the Allocation of 1% of PST to Local Governments **Rob Vagramov, Mayor, City of Port Moody**

2020.186.REGULAR **It was moved by Councillor Kempes and seconded by Councillor McEwen**
THAT Council direct Staff to write a letter to Premier Horgan in support of the resolution passed by the City of Port Moody regarding the allocation of 1% of PST to Local Governments.

CARRIED.

10.2 Community Support - Junior Canadian Rangers **S.D. Macdonald, Major, Officer Commanding JCR Company, Government of Canada (National Defence)**

2020.187.REGULAR **It was moved by Councillor McEwen and seconded by Councillor Cole**
THAT Council direct Staff to write a letter of support for the Junior Canadian Rangers.

CARRIED.

10.3 Universal Access to No-Cost Prescription Contraception **Jonathan X. Cote, Mayor, City of New Westminster**

2020.188.REGULAR **It was moved by Councillor Hoar and seconded by Councillor McEwen**
THAT Council direct Staff to write a letter to Premier Horgan in support of the resolution passed by the City of New Westminster regarding universal access to no-cost prescription contraception.

CARRIED.

10.4 Barkley Community Forest Corporation - Letter of Support Request

Terry Smith, BCF Chair, Barkley Community Forest

2020.189.REGULAR **It was moved by Councillor McEwen and seconded by Councillor Cole**
THAT Council directs Staff to write a letter to the Barkley Community Forest Corporation in support of their proposal to the Ministry of Forest, Lands, Natural Resource Operations and Rural Development for construction or maintenance of trails or recreation facilities on Crown Land.

CARRIED.

11. INFORMATION ITEMS

11.1 District of Ucluelet 2020 Audit Service Plan
Cory Vanderhorst, CPA, CA, MNP LLP

12. COUNCIL COMMITTEE REPORTS

12.1 Councillor Marilyn McEwen
Deputy Mayor January - March 2020

- September 15, 2020 attended Harbour Authority Meeting.
- September 22 - 24, 2020 attended Union of British Columbia Municipalities annual conference. This was a virtual conference.
- On September 15, 2020 met with Ministry of Agriculture Staff to discuss issues related to wild salmon and on September 17, 2020 met with Minister of Transportation and Infrastructure.
- September 19, 2020 attended Vancouver Island Regional Library Board of Trustee meeting.

12.2 Councillor Lara Kemps
Deputy Mayor April - June 2020

- October 1, 2020 attended bi-monthly COVID-19 Recover Taskforce meeting.
- October 4, 2020 attended Tourism Ucluelet strategic planning session.

12.3 Councillor Jennifer Hoar
Deputy Mayor July - September 2020

- September 9 and October 7, 2020 attended Wild Pacific Trail Society meetings.
- September 15, 2020 attended Harbour Authority Meeting.
- September 22 - 24, 2020 attended Union of British Columbia Municipalities annual conference. This was a virtual conference.
- October 1, 2020 attended Local Government Leadership Academy Zoom Town Hall called Facing the Future.

12.4 Councillor Rachelle Cole
Deputy Mayor October - December 2020

- September 22 - 24, 2020 attended Union of British Columbia Municipalities annual conference. This was a virtual conference.
- October 1, 2020 attended Local Government Leadership Academy Zoom Town Hall called Facing the Future.
- October 7, 2020 attended West Coast Committee meeting.
- Attended first responder retreat.

12.5 Mayor Mayco Noël

- October 4, 2020 attended Tourism Ucluelet strategic planning session.

13. REPORTS

13.1 Revised Covenant and Option to Purchase - Lot 13 Marine Drive
Bruce Greig, Manager of Community Planning

Mr. Greig provided this report. He noted that Council rezoned the property on April 28th, the District has entered a Memorandum of Understanding with BC Housing regarding the proposed development on Lot 13 Marine Drive and he outlined the proposed changes to the master development agreement and option to purchase. Mr. Greig also explained where the development is in the development process and outlined next steps. Finally Mr. Greig noted that the developer has proposed that District contribute \$320,000 for servicing on Lot 13 at the time that final occupancy permits are issued rather than at an earlier stage in the development.

Council requested public input from members of the public who were attending in-person, by Zoom Webinar and from members of the public who submitted email correspondence during the meeting.

Matt Harbidge - 1816 Peninsula Road.

Mr. Harbidge raised concerns with the prioritizing developer interests over the interests of Ucluelet. He noted concerns with changing the agreement at later stages in the development approval process. He referenced developments that have occurred in the past. He also raised concerns with the price of the proposed affordable housing units which the Developer's website states are subject to change.

Mr. McClane - Representative of ACMC Holdings Ltd (the Developer)

Mr. McClane noted that he is requesting a change to the option to address priority issues which would prohibit the developer from

obtaining a loan to finance the development. He also explained that a developer is not permitted to advertise pricing until a disclosure statement is registered.

Mr. Greig noted that the affordable housing and rental housing agreements are available for review on the District's website and are attached to the use and development covenant. He noted that rental rates are set out in the rental housing agreement.

Zoe Ludwig - Resident

Ms. Ludwig attended via Zoom. She lives at the end of Rainforest Lane. Ms. Ludwig did not take issue with the proposed changes to the option or master development agreement. Ms. Ludwig noted concerns with maintaining setbacks and greenspace on Lot 13.

Ms. Ludwig noted that the proposed approach to affordable housing is akin to developing project style housing or a mobile home park. She recommended an approach in which neighbourhoods have small and large lots, so affordable housing is sprinkled throughout the community.

2020.190.REGULAR **It was moved by Councillor Kempes and seconded by Councillor Cole**

THAT Council approve recommendation 1 of report item "Revised Covenant and Option to Purchase - Lot 13 Marine Drive" which states:

1. THAT Council accept the proposed Option to Purchase from ACMC Holdings as sufficient assurance that the proposed development of affordable housing on Lot 13 will occur in an acceptable time frame;

CARRIED.

2020.191.REGULAR **It was moved by Councillor Kempes and seconded by Councillor McEwen**

THAT Council approve recommendation 2 of report item "Revised Covenant and Option to Purchase - Lot 13 Marine Drive" which states:

2. THAT Council approve the modification of Master Development Agreement and Covenant EX125879, concurrent with the registration of the Use and Development Covenant and the Option to Purchase, to document that 33 affordable units have been created on Lot 13 for future consideration and calculation of the development potential on other lands currently owned by Weyerhaeuser Company Ltd.;

CARRIED.

2020.192.REGULAR **It was moved by Councillor Kempes and seconded by Councillor Hoar**

THAT Council approve recommendation 3 of report item "Revised Covenant and Option to Purchase - Lot 13 Marine Drive" which states:

3. THAT Council indicate that the offer to provide funding in the amount of \$320,000.00 to support the servicing and infrastructure of the

development to reduce the cost of units to qualifying households would remain valid until September 1, 2025, and would be payable upon the owner obtaining a final occupancy permit for the last of the 33 houses to be built on the proposed lots.

CARRIED.

**13.2 UBCM Housing Needs Report 2020 Program - Planning Grant for 2021 West Coast Housing Needs Assessment
Bruce Greig, Manager of Community Planning**

Mr. Greig presented this report. He noted that this will be a regional study which will include Tofino, Ucluelet and ACRD Area "C".

2020.193.REGULAR **It was moved by Councillor McEwen and seconded by Councillor Hoar**
THAT Council approve recommendation 1 of report item "UBCM Housing Needs Report 2020 Program - Planning Grant for 2021 West Coast Housing Needs Assessment" which states:

1. THAT District of Ucluelet Council supports the West Coast Housing Needs Assessment project and approves the primary grant applicant, the District of Tofino, to apply for, receive, and manage the funding from a UBCM Housing Needs Report grant on behalf of the District of Ucluelet.

CARRIED.

**13.3 Lot 13 Marine Drive - Development Permit for Affordable Housing
Bruce Greig, Manager of Community Planning**

Mr. Greig presented this report. He outlined the terms of the Development Permit as well as the application materials and related drawings and plans. Mr. Greig also presented an updated rendering for proposed units and highlighted phasing associated with site clearing written into the Development Permit. He explained that the phased approach allows for clearing for the construction of show homes on the site. The remaining clearing will occur after presales are complete.

Mr. McClane, representative of ACMC Holding Ltd. (the Developer), explained that in order to produce detailed engineering drawings, some logging will occur to allow for continuous sightlines for surveying across the property.

2020.194.REGULAR **It was moved by Councillor McEwen and seconded by Councillor Cole**
THAT Council approve recommendation 1 of report item "Lot 13 Marine Drive - Development Permit for Affordable Housing" which states:

1. THAT Council authorize issuance of Development Permit 3060-20-DP20-11 for a proposed 33-lot affordable development on Lot 13, District

Lot 283, Clayoquot Land District, Plan VIP84686;

CARRIED.

2020.195.REGULAR **It was moved by Councillor McEwen and seconded by Councillor Hoar**
THAT Council approve recommendation 2 of report item "Lot 13 Marine Drive
- Development Permit for Affordable Housing" which states:

2. **THAT** Council authorize discharge of Restrictive Covenant FB154877
from the title of Lot 13 which restricts development on site within the
riparian areas defined next to streams "AB" and "AC";

CARRIED.

2020.196.REGULAR **It was moved by Mayor Noël and seconded by Councillor McEwen**
THAT Council take a five minute recess.

CARRIED.

**13.4 Development Permit & Development Variance Permit for 1892
Peninsula Rd.
John Towgood, Planner 1**

Council returned from recess at 5:14 PM.

Mr. Greig presented this report. He outlined the proposed Development Permit and Development Variance Permit for 1892 Peninsula Road and presented several related plans. Mr. Greig noted that the applicant is applying to construct a six unit resort condo/residential mixed use building behind the Harbour View Pharmacy. He explained that the Development Variance Permit would allow tourism accommodations on ground floor of the proposed building.

He noted that the access to the rear of the property will be through the Harbour View Drug store parking lot. There are two driveways to this property. The northern access will be removed under the proposed Development Permit. The access would be narrower than the minimum six meter width for emergency access, but the Fire Department has noted support for the proposal subject to a stand pipe or private hydrant being installed as part of the building permit process.

Council discussed truck access to the rear of the building. Mr. Greig noted that a truck can access the rear of the building and the site's loading area is at the rear of the current building.

Council requested public input on the DVP from members of the public who were attending in-person, by Zoom Webinar and from members of the public who submitted email correspondence during the meeting.

There was no public input in addition to the late item.

2020.197.REGULAR **It was moved by Councillor Kempes and seconded by Councillor Hoar**
THAT Council approve recommendation 1 of report item "Development Permit & Development Variance Permit for 1892 Peninsula Rd." which states:

1. **THAT** Council, with regard to a proposed six-unit resort condo/residential mixed-use building at 1892 Peninsula Road (Lot 6, Block A, District Lot 282, Clayoquot District, Plan 7810), approve the following:
 - a. subject to public comment, issue Development Variance Permit DVP20-03 to allow a commercial tourist accommodation on the first storey of a mixed Commercial/Residential building, whereas section 103 of Zoning Bylaw No. 1160, 2013, defines Mixed Commercial/ Residential as excluding commercial tourist accommodation from the first storey of a building; and,
 - b. issue Development Permit DP20-09 for a proposed six-unit resort condo / residential mixed use building, associated site works, and landscaping.

CARRIED.

13.5 Extension of Approvals for Expanded Outdoor Seating Areas
Bruce Greig, Manager of Community Planning

Mr. Greig presented this report. He noted that the Provincial Government has extended the temporary expanded service areas for liquor licenses to October 31, 2021 and the related District of Ucluelet issued outdoor seating area temporary Development Permits are set to expire at the end of October, 2020.

2020.198.REGULAR **It was moved by Councillor Kempes and seconded by Councillor McEwen**
THAT Council approve recommendation 1 of report item "Extension of Approvals for Expanded Outdoor Seating Areas" which states:

1. **THAT** Council authorize Staff to process, as a District initiative, extensions to Development Permits valid through October 31, 2021, for expanded outdoor seating areas for any business requesting such extension.

CARRIED.

13.6 Temporary Use Permit - 1685 Peninsula Road
John Towgood, Planner 1

Mr. Greig, presented this report. He noted that the proposed Temporary Use Permit relates to the use of a commercially zoned building on the property at 1685 Peninsula Road as a single family dwelling.

Council discussed whether the dwelling could be rented as a short-term accommodation under the proposed Temporary Use Permit.

Council requested public input from members of the public who were attending in-person, by Zoom Webinar and from members of the public who submitted email correspondence during the meeting.

There was no public input regarding this matter.

2020.199.REGULAR **It was moved by Councillor McEwen and seconded by Councillor Cole**
THAT Council approve recommendations 2 of report item "Temporary Use Permit - 1685 Peninsula Road" which state:

2. ***THAT***, subject to public comment, Council authorize issuance of Temporary Use Permit TUP 20-03 for a period of up to three years, to allow for a Single Family Dwelling residential use within an existing 90m2 building located in the northwest corner of the property at 1685 Peninsula Road.

2020.200.REGULAR **It was moved by Mayor Noël and seconded by Councillor McEwen**
THAT Council amend resolution 2. to as follows:

2. ***THAT***, subject to public comment, Council authorize issuance of Temporary Use Permit TUP 20-03 for a period of up to three years, to allow for a Single Family Dwelling residential use within an existing 90m2 building located in the northwest corner of the property at 1685 Peninsula Road, subject to no short term rental use of this dwelling.

CARRIED.

2020.201.REGULAR **It was moved by Councillor McEwen and seconded by Councillor Cole**
1. ***THAT*** Council provide an opportunity for public comment on this item; and,
2. ***THAT***, subject to public comment, Council authorize issuance of Temporary Use Permit TUP 20-03 for a period of up to three years, to allow for a Single Family Dwelling residential use within an existing 90m2 building located in the northwest corner of the property at 1685 Peninsula Road, subject to no short term rental use of this dwelling.

CARRIED.

13.7 Special Events Update (Verbal Report) ***Abby Fortune, Manager of Recreation & Tourism***

Ms. Fortune noted that the District will not be conducting special events this year and for the foreseeable future due to COVID-19. She also provided an update on recreation programming provided by the District.

13.8 Public Attendance at Council Meetings and Public Hearings ***Joseph Rotenberg, Manager of Corporate Services***

Mr. Rotenberg explained the procedural concerns associated with continuing to allow in-person public attendance at Council Meetings as

well as the means available for members of the public to remotely watch and participate in Council meetings and public hearings.

2020.202.REGULAR **It was moved by Councillor Cole and seconded by Councillor McEwen**

THAT Council approve recommendations 1 and 2 of report item "Public Attendance at Council Meetings and Public Hearings" which state:

1. ***THAT***, pursuant to Ministerial Order M192 and due to limited Council Chamber capacity during COVID-19, Council authorizes that until there are changes to the restriction on gathering and social distancing requirements, all open meetings of Council, including Committee of the Whole and public hearings, shall be conducted without members of the public present in Council Chambers; and

2. ***THAT*** Council is ensuring openness, transparency, accessibility and accountability in respect of all open council meetings and public hearings by:

- a. livestreaming open council meetings and public hearings on YouTube;
- b. receiving public input and questions submitted during open council meetings and public hearings via email and having Staff read the same during the Public Input or Question Period sections of the agenda;
- c. receiving public input and questions in real time at open council meetings and public hearings via Zoom Webinar;
- d. receiving written correspondence at council meetings and public hearings submitted in accordance with District of Ucluelet Council Procedures Bylaw No. 1264, 2020; and,
- e. designating Activity Room 1 or 2 as a place where members of the public can attend to watch and hear council meetings and public hearings while they are in progress.

CARRIED.

13.9 Essential Services Mutual Aid Agreement ***Joseph Rotenberg, Manager of Corporate Services***

Mr. Rotenberg presented this report. He explained the purpose of the essential service mutual aid agreement and noted that two parties have already approved the agreement.

2020.203.REGULAR **It was moved by Councillor Hoar and seconded by Councillor McEwen**

THAT Council approve recommendation 1 of report item "Essential Services Mutual Aid Agreement" which states:

1. ***THAT*** Council authorize the District of Ucluelet's authorized signatories to enter into the Essential Services Mutual Aid Agreement.

CARRIED.

13.10 Resolution Tracking August September 2020
Nicole Morin, Corporate/Planning Clerk

13.11 Cheque Listing August and September 2020
Nicole Morin, Corporate/Planning Clerk

14. LEGISLATION

14.1 Freedom of Information Bylaw Update (Adoption)
Joseph Rotenberg, Manager of Corporate Services

2020.204.REGULAR **It was moved by Councillor Cole and seconded by Councillor Hoar**
THAT Council approve recommendation 1 of report item "Freedom of Information Bylaw Update (Adoption)" which states:

1. THAT Council adopt District of Ucluelet Freedom of Information and Protection Bylaw No. 1279, 2020.

CARRIED.

14.2 Single-Use Plastic Bylaw Update (Adoption)
Joseph Rotenberg, Manager of Corporate Services

Mr. Rotenberg outlined the history of the proposed bylaw and noted that it has received Ministerial approval. He also outlined Surfrider Foundation Pacific Rim's proposal to rollout the bylaw which includes business engagement, consultation and monitoring.

2020.205.REGULAR **It was moved by Councillor Hoar and seconded by Councillor McEwen**
THAT Council approve recommendations 1, 2 and 3 of report item "Single-Use Plastic Bylaw Update (Adoption)" which state:

1. THAT Council adopt District of Ucluelet Single-Use Item Regulation Bylaw No. 1266, 2020;
2. THAT Council authorize Staff to enter into a service delivery agreement in which the District of Ucluelet pays no more than \$4,000 to the District of Tofino to fund outreach, consultation and monitoring services provided by the Surfrider Foundation Pacific Rim; and
3. THAT Council allocate \$4,000 from the Council Promotion budget to satisfy the above service agreement.

CARRIED.

15. OTHER BUSINESS

15.1 The District of Ucluelet Fire Works Bylaw

Council discussed the District of Ucluelet Fireworks Regulation Bylaw and recommended community engagement about the Bylaw after

Halloween.

15.2 Council Rose and Reported a resolution adopted at the October 13, 2020 Closed Meeting of Council regarding 1183 Helen Road - "Ucluelet Guest Suites".

1183 HELEN ROAD – "UCLUELET GUEST SUITES"

1. **THAT**, due to evidence of non-compliance with District of Ucluelet Zoning Bylaw No. ~~1309~~, 1160, 2013, Council give notice to the owners of the property at 1183 Helen Road (Lot 4, Section 21, Clayoquot District, Plan 22495) - Jeffery Robert Swann, Naomie Rae Swann, Michael James Granville Rhodes and Jennifer Marie Ada Rhodes – that Council is considering suspending the business licence for the 3 Guest Room commercial tourist accommodation Bed and Breakfast business conducted by "Ucluelet Vacations" on the subject property, and provide an opportunity for the owners to be heard in this matter at the regular Council meeting scheduled for October 27, 2020; and,

2. **THAT** Council rise and report on the above resolution in the open portion of the regular Council meeting October 13, 2020.

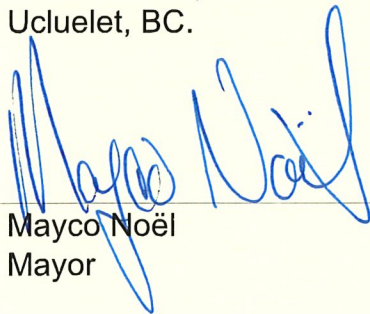
16. QUESTION PERIOD

There were no questions.

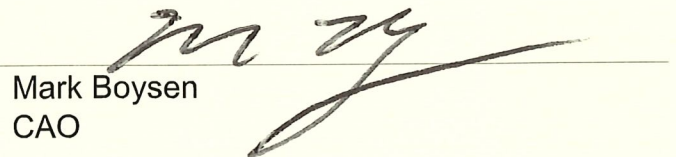
17. ADJOURNMENT

The meeting was adjourned at 6:02 PM.

CERTIFIED CORRECT: Minutes of the Regular Council Meeting held on Tuesday, October 13, 2020 at 3:30 pm in the George Fraser Room, Ucluelet Community Centre, 500 Matterson Road, Ucluelet, BC.



Mayco Noël
Mayor



Mark Boysen
CAO