

DISTRICT OF UCLUELET
MINUTES OF THE REGULAR COUNCIL MEETING
HELD IN THE UCLUELET COMMUNITY CENTRE, 500 MATTERSON DRIVE
Tuesday, March 28, 2023 at 4:00 PM

Present: **Chair:** Mayor McEwen
 Council: Councillors Anderson (via Zoom), Hoar, Kennington, and Maftai
 Staff: Duane Lawrence, Chief Administrative Officer
 Bruce Greig, Director of Community Planning
 Abby Fortune, Director of Parks and Recreation
 Joseph Rotenberg, Manager of Corporate Services
 Samantha McCullough, Manager of Human Resources and
 Communications
 Nicole Morin, Municipal Inspector

Regrets:

1. CALL TO ORDER

The meeting was called to order at 4:03 PM.

1.1 ACKNOWLEDGEMENT OF THE YUULU?IL?ATH

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

1.2 NOTICE OF VIDEO RECORDING

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

2. LATE ITEMS

2.1 Food Bank on the Edge Society Delegation - Background Information

2023.2100.REGULAR *It was moved and seconded **THAT** the late item be added to the agenda under the Food Bank on the Edge Society Delegation.*

CARRIED.

2.2 Remove item 7.2. from Agenda.

The Mayor noted that item 7.2. "DVP for Subdivision Servicing - Lot Marine Drive / 449 Matterson Drive" is being removed from the Agenda at the request of the applicant. She further noted that correspondence received related to this matter would be published on the Agenda for the Meeting at which Council considers the Development Variance Permit. Notice will be given of this meeting.

3. APPROVAL OF THE AGENDA

3.1 March 28, 2023, Regular Council Meeting Agenda

2023.2101.REGULAR *It was moved and seconded **THAT** the March 28, 2023, Regular Council Meeting Agenda be approved as amended.*

CARRIED.

4. ADOPTION OF MINUTES

4.1 March 14, 2023, Regular Minutes

2023.2102.REGULAR *It was moved and seconded **THAT** the March 14, 2023, Regular Council Meeting Minutes be adopted as presented.*

CARRIED.

5. PUBLIC INPUT & DELEGATIONS

5.1 Delegations

Sergeant Jones, Ucluelet RCMP Detachment Re: District of Ucluelet Policing Priorities

Sergeant Jones, the new Ucluelet RCMP detachment commander, introduced himself and sought community input on the detachment's crime reduction priorities. Sergeant Jones plans to present regularly to Council.

Council discussed the possibility of receiving quarterly reports.

Cris Martin and Mayco Noël, Food Bank on the Edge Society Re: Replacement Building for the Food Bank on the Edge

Ms. Martin and Mr. Noël provided background on the Society's current facility, and the Society's funding sources, staffing issues, escalating costs, and clientele. They also noted commitments made by the District related to the relocation of the Society's facility.

The Delegate is working to replace their aging facility at the Seaplane Base and build a new facility on District lands on Forbes Road. The Delegate has ordered a new facility which is a manufactured product. The first down payment, funded through a charitable donation, is due at the end of March.

The Delegate sought a decision from Council regarding the location of the new facility on District owned lands. The Delegate also requested \$500,000 in funding from the District for

demolition of their current facility and construction. This amount includes District servicing to the proposed Forbes Road location.

The Delegate noted that Barkely Community Forest Funds could be allocated to this project and they are seeking funding from the ACRD and Yuułu?i?ath Governments.

Council noted that the previous District commitment was linked to an application for grant funding by the Delegate which was unsuccessful. Council further noted timing issues with funding the project at this late stage in the budget process.

2023.2103.REGULAR

*It was moved and seconded **THAT** the Food Bank on the Edge Society's request for \$500,000 in funding from the District of Ucluelet for the replacement their building be referred to Staff to prepare a report to be considered by Council at a future meeting.*
CARRIED.

Joanne Sales, Executive Director Broom Busters
Re: Scotch Broom's Harm to the Ecosystem and What We Can Do

Ms. Sales presented on behalf of Broom Busters. Ms. Sales advocated for Council to support a Scotch Broom related resolution submitted by the Town of Qualicum Beach for consideration at the Alliance of Vancouver Island Coastal Communities annual convention. She then outlined the history of Scotch Broom, its environmental impacts, and mitigation strategies. Ms. Sales concluded by outlining how Broom Busters could support District efforts to tackle local Broom problems.

Council noted the importance of preventing the spread of Scotch Broom. Council further noted past efforts by the District and volunteers.

6. UNFINISHED BUSINESS

There was no unfinished business.

7. REPORTS

7.1 Section 57 Notice - 238 Matterson Drive
Nicole Morin, Municipal Inspector

Bruce Greig, Director of Community Planning, presented this report. He outlined the alleged infractions, which include health and safety issues, and the evidence of these infractions. Mr. Greig noted that there is no record of occupancy permits for two suites in the house on subject

property as well as a number of accessory buildings on the site. Do not occupy notices have been posted on the accessory buildings.

Next, Mr. Greig noted the woodstoves in accessory buildings on the property had been removed but additional actions are required to bring the property into compliance. These action include obtaining building and plumbing permits.

Mr. Greig also outlined the function of a Section 57 Notice and noted that the property owner has indicated plans to sell.

The property owner's representative, Mike Giordano, responded to the alleged infractions. He object to the Section 57 Notice being placed on title and confirmed plans to sell.

Mr. Giordano noted that many of the alleged infractions were inherited from the previous owner. He also noted that the only remaining alleged infraction is obtaining a plumbing permit for rubber gasket connected to the subject property's sewer cleanout as the other infractions have been resolved, will be resolved by April 30th, or are not infractions because the building code does not apply.

Mr. Giordano noted that he does have bed and breakfast rooms in the house which were licensed for that purpose by the District. The license was suspended due to non-compliant kitchen appliances.

Council sought clarification from staff regarding the Section 57 Notice from staff and relationship with the prospective sale of this property. Council further sought clarification about the process required to obtain permits to bring the property into compliance. Staff noted that if the Section 57 Notice is authorized, it would be removed from title once building code and bylaw issues are brought into compliance. This will require the inspection and the issuance of permits for unpermitted works.

Mr. Giordano submitted that it is unreasonable to authorize the registration of the Section 57 Notice based on the lack of the referenced plumbing permit. He recommended that the language of the Notice be amended to state "non-compliant Bed and Breakfast" not "unauthorized accommodation".

Council noted that it is a relatively simple process to have the Notice removed after the site is brought into compliance and re-inspected.

Mr. Giordano objected to obtaining the building permit for the plumbing issue as the process takes too long and noted another subdivision application which has been in process for months. He further submitted that he was informed by others that the works were permitted and the works must have been inspected before a business license for the Bed and Breakfast was issued by the District.

Mr. Greig clarified that the following infractions are outstanding:

- plumbing permit to confirm removal of non-compliant plumbing;
- follow-up inspection for what appear to be two secondary suites, which the District does not have record of occupancy permits. This suite will have to be legalized through the permitting process and establishing that the suites meet code.

He also clarified that the District has no record of building permits or occupancy permits being issued for these works. Mr. Greig acknowledged that there are inconsistencies with District records and there was a flood which destroyed some records. He noted that related permits could have been destroyed.

Mr. Giordano requested that the matter be deferred to the next Council meeting and that the language of the notice be amended to indicate non-compliant Bed and Breakfast rather than unauthorized accommodation.

Mr. Greig clarified that Council could instruct Staff to delay registering the notice until a date specified by the Council. He recommended against deferring registration due to the property owner's stated interest in selling.

Mr. Giordano noted that he short-term rented the Bed and Breakfast rooms in the house. Mr. Giordano explained that the bed and breakfast rooms were used from time to time by the B&B caretaker. The caretaker also resided from time to time in the accessory buildings. The property is now vacant.

Council noted that the property has been advertised for sale on Facebook as a "money maker". The ad includes accessory building with woodstoves. Mr. Giordano explained the property is not currently listed.

Council discussed the implication of authorizing the Section 57 Notice and the process of required for it to be removed.

2023.2104.REGULAR *It was moved and seconded **THAT**, pursuant to Section 57 of the Community Charter (Bill 14-2003), Council authorize that a Notice be registered with the Land Title Survey Authority against the land at 238*

Matterson Drive, Ucluelet, BC with a legal description of LOTS 10 & 11, SECTION 21, CLAYOQUOT DISTRICT, PLAN 11923, for failure to comply with Building Bylaw No. 1165, 2014, Zoning Bylaw 1160, 2013, and the British Columbia Building Code, which contraventions relate to the construction or safety of buildings on the property

CARRIED.

7.2 316 Reef Point Road - Statutory Right-of-Way
Bruce Greig, Director of Community Planning

Bruce Greig presented this report and explained the implications of the Staff recommendation.

Mr. Greig addressed Council questions related to the timing of issuing occupancy permits, future consolidation of Lot 37 (316 Reef Point Road) with the "Lodge Parcel", a potential conflict between the driveway access to Lot 37 and the future trail location. Council clarified that staff housing would not occur on Lot 37 due to a court decision on a related building scheme.

Staff have not received any development application for Lot 37 and noted that if the Statutory Right-of-Way for the trail was not registered on Lot 37's title, no future development approvals would be considered on the property without resolving the commitment to provide a trail Right-of-Way that is registered in the covenant on Lot 37.

Council discussed the pros and cons of the recommended resolution.

2023.2105.REGULAR *It was moved and seconded **THAT** Council direct staff that, despite the restrictions agreed to by the landowner in covenant CA9319924, occupancy permits may be granted for the new buildings at The Cabins at Terrace Beach ahead of consolidating "the Lodge" property and registration of a statutory right-of-way for the section of proposed public trail crossing Lot 37, located at 316 Reef Point Road.*

CARRIED.

7.3 Lot 13 Request for Funding - Tsunami Risk Mitigation
Bruce Greig, Director of Community Planning

Mr. Greig presented this report.

The property owner's representative, Andrew McLane, addressed Council. He provided information about the development delays and noted the impact of the District's Tsunami Risk Tolerance - Interim Policy adopted in March 2022. Mr. McLane provided details about the development's funding model and noted that if Council agrees to the

additional funding request the prospective properties would be discounted at 12% beyond appraised value rather than 10%.

Mr. Greig responded to Council questions related to the development timeline and referenced the District of Ucluelet option to purchase the property effective on September 1, 2023 provided the developer does not reach specified milestones. He also provided information about the relationship between the District's Tsunami Risk Tolerance - Interim Policy and subdivision approval.

Mr. Greig responded to Council questions about the Affordable Home Ownership Program (AHOP) financing, associated second mortgages, and the recovery of District funding if and when the properties are removed from AHOP.

Council discussed the funding request and delays in the development.

2023.2106.REGULAR *It was moved and seconded:*

*1. **THAT** Council direct staff to allocate \$330,000 of Affordable Housing Reserve funds in the 2023 Budget and 5-year Financial Plan, to offset tsunami mitigation costs for the 33-unit development at Lot 13 Marine Drive in conjunction with the BC Housing Affordable Home Ownership Program; and,*

*2. **THAT** Council indicate that the offer to provide funding in the amount of \$330,000 to offset tsunami mitigation costs would remain valid until September 1, 2025, and would be payable to BC Housing upon the owner obtaining a final occupancy permit for the last of the 33 houses to be built on the proposed lots.*

CARRIED.

2023.2107.REGULAR *It was moved and seconded **THAT** the meeting be recessed for five minutes.*

CARRIED.

The meeting recessed at 5:55 PM and returned to session at 6:00 PM.

8. NOTICE OF MOTION

There were no notices of motion.

9. CORRESPONDENCE

9.1 Proposed Emergency Support Services Agreement *Daniel Sailland, ACRD Chief Administrative Officer*

Duane Lawrence, Chief Administrative Officer, provided background on the Alberni Clayoquot Regional District request.

2023.2108.REGULAR *It was moved and seconded **THAT** Council direct staff to work with the Alberni Clayoquot Regional District on a draft agreement for the provision of emergency support services for the Long Beach Electoral Area for Council's consideration at a future meeting of Council.*

CARRIED.

9.2 Barkley Community Forest Corporation Invitation
Chief Anne Mack, tyee ha'wilth, Toquaht Nation

The Mayor, Councillor Anderson and Councillor Kennington will attend this event. Councillor Maftai will determine attendance at a later time.

9.3 604 Rainforest Drive
Ian Cruickshank, Resident

9.4 May -- Lyme Disease Awareness Month in Canada
Ms. Birgit Davis-Todd, Volunteer, BC Lyme Non-Profit Society

2023.2109.REGULAR *It was moved and seconded **THAT** Council direct Staff to light up the District of Ucluelet welcome sign at the Highway 4 and Tofino/Ucluelet Junction on May 3, 2023, with green lights in support of Lyme Disease Awareness and broadcast the Y on social media along with information about Lyme Disease.*

CARRIED.

10. INFORMATION ITEMS

10.1 Clayoquot Biosphere Trust Alternate Director Appointment - Rise and Report

The Mayor reported that Council adopted the following motion at the March 14, 2023, Closed Meeting:

THAT Council appoint Toni Buston, as an Alternate Director on the Clayoquot Biosphere Trust for a four-year term, and rise and report.

11. MAYOR'S ANNOUNCEMENTS AND COUNCIL COMMITTEE REPORTS

11.1 Councillor Shawn Anderson
Deputy Mayor, April 1 - June 30, 2023

- Councillor Anderson plans to apply to be on the Ucluelet and Area Child Care Society Board of Directors.

11.2 Councillor Jennifer Hoar
Deputy Mayor, January 1 - March 31, 2023

- April 15, 2023 - Council will attend the Association of Vancouver Island and Coastal Community Convention.
- March 25, 2023 - Attended Vancouver Island Regional Library Board Meeting. The Board recently approved the construction of a new library facility in Masset and a adopted a strategic plan which incorporates principles of the United Nation Declaration on the Right of Indigenous Peoples.

11.3 Councillor Ian Kennington
Deputy Mayor, July 1 - September 30, 2023

11.4 Councillor Mark Maftei
Deputy Mayor, October 1 - December 31, 2023

- March 22, 2023 - Attended Tofino-Long Beach Annual General Meeting where new Board Directors were elected, initiatives were highlighted, and businesses were honoured.
- 2023 West Coast Ambassador Programming will commence shortly.

11.5 Mayor Marilyn McEwen

The Mayor noted the death of Jennifer Clark who will be missed. The Mayor also noted the birth of Councillor Anderson's son and encouraged residents to:

- join the Ucluelet and Area Child Care Society's Board of Directors; and
- attend the District of Ucluelet High Ground Hike on April 15th. Muster is at the Ucluelet Community Centre at 2:00 PM.

The Mayor attended the March 22, 2023, ACRD Board of Directors Meeting where a new Director was welcomed as a result of a By-Election in Area E (Cherry Creek), and the 2023-2027 Five Year Financial Plan and West Coast Evacuation Route Plan were adopted.

The Mayor also noted that the 35th annual Whale Festival concluded on March 26th.

12. QUESTION PERIOD

- 12.1 The Clerk read a question submitted by email by Pieter Timmermans to communityinput@ucluelet.ca related to item 7.2 "316 Reef Point Road - Statutory Right-of-Way", and designated public parking and access to Terrace Beach. Bruce Greig, Director of Community Planning, provided information about ongoing construction on the Cabins property and access to Terrace Beach along the newly expanded road right-of-way known as Seabridge**

Way. Additional improved public access will be considered as a budget item at a later date.

13. CLOSED SESSION

13.1 Procedural Motion to Move In-Camera

2023.2110.REGULAR *It was moved and seconded THAT the meeting be closed to the public in order to address agenda items under Section 90(1)(e) of the Community Charter:*

- *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.*

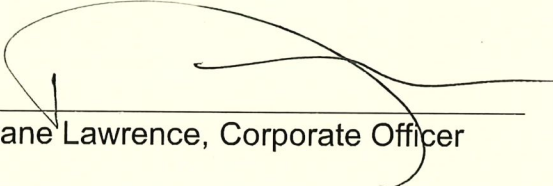
CARRIED.

The meeting was closed to the public at 6:25 PM and returned to open session at 6:57 PM.


14. ADJOURNMENT

The meeting was adjourned at 6:57 PM.

CERTIFIED CORRECT: Minutes of the Regular Council Meeting held on Tuesday, March 28, 2023 at 4:00 pm in the Ucluelet Community Centre 500 Matterson Road, Ucluelet, BC.



Duane Lawrence, Corporate Officer



Marilyn McEwen, Mayor