



## **REGULAR MEETING OF COUNCIL**

Held Electronically and in the George Fraser Community Room,  
Ucluelet Community Centre, 500 Matterson Drive, Ucluelet

**Tuesday, December 10, 2024 @ 4:00 PM**

### **MINUTES**

Present:      **Chair:**            Mayor McEwen  
                 **Council:**       Councillors Anderson, Hoar, Kennington, and Mafei  
                 **Staff:**            Duane Lawrence, Chief Administrative Officer  
                            Jeffrey Cadman, Director of Finance  
                            Bruce Greig, Director of Community Planning  
                            James MacIntosh, Director of Engineering Services  
                            Joseph Rotenberg, Manager of Corporate Services  
                            John Towgood, Municipal Planner  
                            Nancy Owen, Executive Assistant

Regrets:

#### **1. CALL TO ORDER**

The December 10, 2024 Regular Council meeting was called to order at 4:01 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 YouTube and Zoom, which may store data on foreign servers.**

#### **2. LATE ITEMS**

**2.1 Further Correspondence Related to Bylaw No. 1355, 2024 & DVP 24-04**

**2.2 ERIF Response to December 10, 2024 Agenda - 221 Minato OCP and Zoning Bylaws**

**2.3 Clayoquot Biosphere Trust Alternate Director**

**Joseph Rotenberg, Manager of Corporate Services**

2024.2330.REGULAR *IT WAS MOVED AND SECONDED:*

***THAT*** the December 10, 2024 Regular Council Meeting agenda be amended by:

- adding the late item titled “Further Correspondence Related to Bylaw No. 1355, 2024 & DVP” to Public Hearings item 5.1.2.;
- adding the late item titled “ERIF Response to December 10, 2024 Agenda – 221 Minato OCP and Zoning Bylaw” to item 7.3.; and
- adding the late item titled “Clayoquot Biosphere Trust Alternate Director” as report item 8.5.

CARRIED.

**3. APPROVAL OF THE AGENDA**

**3.1 December 10, 2024, Regular Council Meeting Agenda**

2024.2331.REGULAR *IT WAS MOVED AND SECONDED:*

***THAT*** the December 10, 2024, Regular Council Meeting Agenda be adopted as amended.

CARRIED.

**4. ADOPTION OF MINUTES**

**4.1 September 24, 2024 Regular Council Meeting Minutes**

Council noted a correction to be made in the Mayor's Announcements and Council Committee Reports for the Union of British Columbia Municipalities Annual Convention.

2024.2332.REGULAR *IT WAS MOVED AND SECONDED:*

***THAT*** the September 24, 2024, Regular Council Meeting Minutes be adopted as amended.

CARRIED.

**5. PUBLIC HEARINGS**

The Mayor outlined the public hearing rules and Staff outlined how members of the public can participate in-person and electronically. Staff further noted that all related documents are available for review at the place of the public hearing and on the District's website.

**5.1 District of Ucluelet Zoning Amendment Bylaw No. 1355, 2024 & Development Variance Permit 24-04  
(Subject Property: Lot 2 Plan EPP117265; Application Numbers: RZ24-09 & DVP 24-04)**

The Mayor opened the public hearing on District of Ucluelet Zoning Amendment Bylaw No. 1355, 2024 at 4:08 PM. The Mayor noted that this public hearing is also the opportunity for the public to comment on

Development Variance Permit 24-04.

**5.1.1. Proposed Bylaw, Development Variance Permit, & Related Information**

The Director of Community Planning, provided an overview of the subject bylaw and development variance permit in general terms.

**5.1.2. Related Written Correspondence**

There were two written correspondence items in opposition to the proposed bylaw and development variance permit.

**5.1.3. Applicant Presentation**

The applicant's representative, Doug Cole, addressed correspondence submitted in opposition to the development. He noted site servicing and the waste dumpster would not have to be moved. Also, there are easements in place which will allow for access to large vehicles and truck services for the site. Mr. Cole went on to outline community benefits associated with the development.

**5.1.4. Public Input**

The Mayor noted the two correspondence items in the agenda package and called three times for public input. There was no additional public input.

This public hearing was closed at 4:18 PM.

**5.2 District of Ucluelet Zoning Amendment Bylaw No. 1356, 2024 and Development Variance Permit 24-08**  
**(Subject Property: 1768 Peninsula Road; Application Numbers: RZ24-11 & DVP 24-08)**

The Mayor opened the public hearing on District of Ucluelet Zoning Amendment Bylaw No. 1356, 2024 at 4:19PM. The Mayor noted that this public hearing is also the opportunity for the public to comment on Development Variance Permit 24-08.

**5.2.1. Proposed Bylaw, Development Variance Permit, & Related Information**

The Director of Community Planning, provided an overview of the subject bylaw and development variance permit in general terms.

**5.2.2. Related Written Correspondence**

There was one written correspondence item in opposition to the proposed bylaw and development variance permit.

### 5.2.3. Applicant Presentation

The applicant's representative, Doug Cole, noted that the rezoning and variance are intended to address access issues for the property and resolve encroachment of a building on the property into the side yard setback.

### 5.2.4. Public Input

The Mayor noted the correspondence item in the agenda package and called three times for public input. There was no additional public input.

The public hearing was closed at 4:27 PM.

## 6. UNFINISHED BUSINESS

There was no unfinished business.

## 7. BYLAWS

### 7.1 Zoning Amendment and DVP for Lot 2 Plan EPP117265 *John Towgood, Municipal Planner*

Councillor Kennington declared a conflict of interest and recused himself because he was the planner and architect on this project. He left the council chamber at 4:28 PM.

2024.2333.REGULAR *IT WAS MOVED AND SECONDED:*  
***THAT** Council give third reading to District of Ucluelet Zoning Amendment Bylaw No. 1355, 2024.*

CARRIED.

2024.2334.REGULAR *IT WAS MOVED AND SECONDED:*  
***THAT** Council adopt District of Ucluelet Zoning Amendment Bylaw No. 1355, 2024.*

CARRIED.

2024.2335.REGULAR *IT WAS MOVED AND SECONDED:*  
***THAT** Council authorize the Director of Community Planning to execute and issue Development Variance Permit 24-04.*

CARRIED.

### 7.2 Zoning Amendment and Development Variance Permit for 1768 Peninsula Road *Anneliese Neweduk, Planner*

Councillor Kennington returned to the meeting at 4:30 PM after Council dealt with item 7.1.

- 2024.2336.REGULAR *IT WAS MOVED AND SECONDED:  
THAT Council give third reading to District of Ucluelet Zoning Amendment Bylaw No. 1356, 2024.*  
CARRIED.
- 2024.2337.REGULAR *IT WAS MOVED AND SECONDED:  
THAT Council adopt District of Ucluelet Zoning Amendment Bylaw No. 1356, 2024.*  
CARRIED.
- 2024.2338.REGULAR *IT WAS MOVED AND SECONDED:  
THAT Council authorize the issuance of Development Variance Permit 24-08.*  
CARRIED.

**7.3 221 Minato Road (ERIF): OCP Amendment / Rezoning / Environmental DP**  
***Bruce Greig, Director of Community Planning***

Mr. Greig presented this report.

The applicant was invited to present. The applicant did not present.

The Mayor noted the late correspondence item submitted by the Applicant in response to the Staff report.

Council discussed the importance of receiving public input as soon as possible on the proposed bylaws at a public hearing given the size of the project, the sensitive ecological area it is located in, and the need for affordable housing.

Council noted the need for the approval process to be efficient, to avoid any unnecessary delays and related costs.

Staff noted that Councillor Anderson submitted proposed motions related to this matter before the meeting. Staff displayed the motions on the projector.

Staff outlined best practices for amending a bylaw after first reading and noted that the resolution text provided by Councillor Anderson related to amending District of Ucluelet Zoning Amendment Bylaw No. 1367, 2024, may not be precise enough. Staff also outlined the notice requirements for holding a public hearing and related timing issues.

Staff made a series of recommendations related to the resolution provided by Councillor Anderson. The recommendations included:

1. Using the entire name of the Bylaw in each resolution;
2. Not referring to the agenda page number of the agenda in the resolutions;
3. Making a motion for Staff to update District of Ucluelet Zoning Amendment Bylaw No. 1367, 2024, and bring back the updated bylaw for Council to consider first reading at a future meeting rather than giving the bylaw first reading at this meeting, amending it on the fly and then giving it second reading;
4. A Housing Agreement Bylaw would be required to enter into a Housing Agreement. This Bylaw could be presented when an updated Zoning Amendment Bylaw is presented to Council for first reading; and
5. Directing Staff to prepare a covenant amendment to an existing covenant on title for Council's consideration at a later meeting rather than waiving, deleting, or changing sections of the Covenant at this time.

Council discussed the sufficiency of the Archeological and Environmental Assessments and how to best reflect that they are satisfied with the reports.

2024.2339.REGULAR *IT WAS MOVED AND SECONDED:*

***THAT*** Council give first and second readings to District of Ucluelet Official Community Plan Amendment Bylaw No. 1366, 2024.

CARRIED.

2024.2340.REGULAR *IT WAS MOVED AND SECONDED:*

***THAT*** Council direct Staff to update the following items in the draft Zoning Amendment Bylaw No. 1367, 2024 to align with the updated Masterplan:

- a. CD-6.5 Maximum Size (Gross Floor Area) to have a minor increase for Lot 3 as follows: Building Footprint 2475m<sup>2</sup>, Gross Floor Area 3850m<sup>2</sup>, Proposed Lot Coverage 17% and Maximum Lot Coverage 20%. The totals at the bottom of the table will be updated accordingly.
- b. CD-6.7 Maximum Heights for the Principal Building to be increased to 9.5m for Lot 1, 2 and 5 to accommodate the updated flood level.
- c. CD-6.8 Minimum Setbacks for Lot 4 Commercial to be updated to 3m proposed and minimum front setback.
- d. Definition of Vacation Rental and CD-6.2 Permitted uses to be updated so that a secondary permitted use (such as vacation rental) is allowed without being in conjunction with a principal permitted use (such as permanent resident occupation) only and limited to Lot 3 and Lot 5 homes.

CARRIED.

2024.2341.REGULAR *IT WAS MOVED AND SECONDED:*

***THAT*** Council direct staff to refer District of Ucluelet Official Community Plan Amendment Bylaw No. 1366, 2024, to the Yuułuʔiłʔatḥ Government, the

*Ministry of Transportation and Infrastructure and the School District 70 Board of Education for a period of 30 days for comment during the public notification period.*

CARRIED.

2024.2342.REGULAR *IT WAS MOVED AND SECONDED:  
THAT Council refer District of Ucluelet Official Community Plan Amendment Bylaw No. 1366, 2024, to a public hearing at the earliest opportunity.*

CARRIED.

2024.2343.REGULAR *IT WAS MOVE AND SECONDED:  
THAT Council indicate that adoption of District of Ucluelet Official Community Plan Amendment Bylaw 1366, 2024 and District of Ucluelet Zoning Amendment Bylaw No. 1367, 2024 would be subject to the owners registering a Section 219 covenant on 221 Minato Road to ensure the following is provided as a matter of public interest:*

- 1. That an additional 1m setback from the property boundary will be covenanted along the foreshore and Middle Stream in accordance with the Aquaparian Environmental Report; and*
- 2. That Form 3 in the BC Flood Hazard Area Land Use Management Guidelines will be signed by the developer/landowner to indemnify the Municipal staff and Council for development approval.*

CARRIED.

2024.2344.REGULAR *IT WAS MOVE AND SECONDED:  
THAT Council direct Staff to work with the applicant to develop a Housing Agreement.*

CARRIED.

2024.2345.REGULAR *IT WAS MOVED AND SECONDED:  
THAT Council direct Staff to prepare an amendment to the covenant having the registration numbers CB365207 and CB365209 for Council's review which removes reference to the development of the trail on the property and updates reference to the housing agreements so they relate to the current application.*

CARRIED.

#### **7.4 Zoning Amendment for 1983 Athlone Road Madeleine Haynes, Planning Assistant**

Councillor Kennington declared a conflict of interest and recused himself. He left council chambers at 5:51 PM

2024.2346.REGULAR *IT WAS MOVED AND SECONDED:  
THAT Council give first, second, and third readings to the District of Ucluelet Zoning Amendment Bylaw No. 1359, 2024.*

CARRIED.

2024.2347.REGULAR *IT WAS MOVED AND SECONDED:*

***THAT Council adopt the District of Ucluelet Zoning Amendment Bylaw No. 1359, 2024.***

CARRIED.

## **8. REPORTS**

### **8.1 Development Variance Permit for 1983 Athlone Road *Madeleine Haynes, Planning Assistant***

Councillor Kennington was also recused for this item.

The Mayor invited the applicant or their representative to speak. The applicant did not address Council.

Mayor called for public input on the Development Variance Permit. There was no public input.

2024.2348.REGULAR *IT WAS MOVED AND SECONDED:*

***THAT Council authorize the Director of Community Planning to execute and issue Development Variance Permit DVP24-09.***

CARRIED.

### **8.2 Adding more Tourist Accommodation in Ucluelet *Bruce Greig, Director of Community Planning***

Councillor Kennington reentered the meeting at 5:58 PM after Council dealt with items 7.4 and 8.1.

Mr. Greig, presented this report.

Council noted the statistics presented in the report show dramatic growth in tourism accommodation over the last three years but this growth may be an anomaly.

Council discussed the "slowish growth" target for tourism accommodations set by the Official Community Plan. This target amounts to 335 new units over 30 years and almost half of that growth occurred in the last three years.

Council discussed the impact of visitation on local services and infrastructure, and the value of establishing a target for land planning and infrastructure planning purposes. Council also discussed using tourism accommodation to incentivize the development of other priority housing types.

Council discussed several targets including a target of zero and maintaining the current target. Council also discussed how the target

should be calculated and whether growth from 2022 to date should be included in the calculation.

Councillor Anderson left the meeting at 6:31 PM and returned to the meeting at 6:35 PM.

In response to Council questions, Staff identified possible tools for regulating the number of short-term rentals which will be further discussed at a future meeting.

2024.2349.REGULAR *IT WAS MOVED AND SECONDED:  
THAT Council indicate that as a starting point, and subject to public comment, it intends to maintain the Official Community Plan Bylaw No. 1306, 2022, to reflect and accommodate a 30-year growth of 335 units of tourist accommodation, for long-range planning purposes.*

CARRIED.

2024.2350.REGULAR *IT WAS MOVED AND SECONDED:  
THAT Council refer the above motion as a starting point for discussion with the Yuułuʔiłʔatḥ Government on what degree of tourism sector growth would be appropriate and sustainable within the traditional territory of the Yuułuʔiłʔatḥ.*

CARRIED.

The meeting was recessed for ten minutes at 7:10 PM and returned to session at 7:24 PM.

2024.2351.REGULAR *IT WAS MOVED AND SECONDED:  
THAT the meeting be extended beyond 3.5 hours.*

CARRIED.

This motion was adopted at 7:24 PM.

### **8.3 Subdivision Control Bylaw RFP James MacIntosh, Director of Engineering Services**

This report was presented by Mr. MacIntosh.

Council noted public input opportunities in option A and B, and further noted that if the community engagement under option A is insufficient, additional funds could be allocated for further engagement.

2024.2352.REGULAR *IT WAS MOVED AND SECONDED:  
THAT Council affirm that the process, support documents, and deliverables outlined in Report No. 24-125 align with Council's expectations for the development of a bylaw for Council consideration, which if adopted, would replace Ucluelet Subdivision Control Bylaw No. 521.*

CARRIED.

### **8.4 2025-2029 Five-Year Financial Plan - Operational Budget**

**Presentation (Verbal Report)**  
**Jeffrey Cadman, Director of Finance**

Mr. Cadman presented a slideshow that outlined the proposed operational budget by department and highlighted significant new expenditures. The estimated tax increase required to fund the operational budget is approximately 3%.

Mr. Cadman also noted two proposed capital projects that were not identified during the presentation on capital projects at the November 26th Council Meeting.

Finally, Mr. Cadman presented three options for capital requisitions in 2025 and their associated estimated tax implications. Those options were:

- \$500,000 capital requisition, which in combination with the operational budget, would result in roughly a 6-8% residential tax increase and a 4-5% increase in business property taxes;
- \$750,000 capital requisition, which in combination with the operational budget, would result in roughly an 8-10% residential tax increase and a 5-6% increase in business property taxes;
- \$1,000,000 capital requisition, which in combination with the operational budget, would result in roughly a 10-12% residential tax increase and a 6-7% increase in business property taxes.

Council discussed these options and noted that given market uncertainty and the impact of last year's tax requisition on property owners, Council will take a more conservative approach to taxation this year.

Council discussed the first and second options and noted that the Pay Parking program will help to normalize taxes in future years.

**8.5 Clayoquot Biosphere Trust alternate Director**  
**Joseph Rotenberg, Manager of Corporate Services**

2024.2353.REGULAR *IT WAS MOVED AND SECONDED:*

***THAT** Council direct Staff to repost the Clayoquot Biosphere Trust Alternate Director position.*

CARRIED.

**9. NOTICE OF MOTION**

There were no notices of motion.

**10. CORRESPONDENCE**

**10.1 Westerly Article November 20, 2024**

***Jenny Sheline***

**10.2 Ucluelet Housing Stats**

***Judy Gray***

Council brought this item forward for discussion and the Mayor noted that the District has control over zoning but not whether a property owner will pull a building permit. The Mayor further noted that we received 64 permit applications in 2024 and 80 in 2023.

The Mayor explained that applications may be stalled or withdrawn, typically at the request of the owner, and that rejected applications are mostly due to violations of codes and land use regulations.

In response to Council questions, Staff clarified that over 55 building permits were issued this year.

**11. INFORMATION ITEMS**

**11.1 Resolution Tracking Update**

***Nancy Owen, Executive Assistant***

**11.2 Appointment of Pacific Rim School District's Representative to the District of Ucluelet**

***Paula Mason, Manager of Corporate Services, School District 70 Pacific Rim***

**12. MAYOR'S ANNOUNCEMENTS AND COUNCIL COMMITTEE REPORTS**

**12.1 Councillor Shawn Anderson**

***Deputy Mayor, April 1 - June 30, 2024***

Councillor Anderson attended:

- the Ucluelet Aquarium release day; and
- the Christmas tree sale at the Rent-it-Centre.

**12.2 Councillor Jennifer Hoar**

***Deputy Mayor, January 1 - March 31, 2024***

Councillor Hoar encouraged members of the public to attend the Glee Show on December 13th and 14th.

**12.3 Councillor Ian Kennington**

***Deputy Mayor, July 1 - September 30, 2024***

Councillor Kennington encouraged members of the public to participate in the Remax Christmas Angel Program.

**12.4 Councillor Mark Maftei**

## ***Deputy Mayor, October 1 - December 31, 2024***

Councillor Maftai also encouraged members of the public to attend the Glee Show on December 13th and 14th.

### **12.5 Mayor Marilyn McEwen**

Mayor McEwen attended:

- the Seniors Lunch at Forest Glenn, and Alberni Clayoquot Regional Board Meeting November 27th;
- the Tuff City Radio 'Talks of the Town', and the Pacific Rim Whale Festival AGM on November 28th;
- addressed the Leadership Vancouver Island program, and later attended the ribbon cutting on Peninsula Road and served hot chocolate for Midnight Madness at the Village Green on November 29th;
- the cheque presentation from the Co-Op to Clayoquot Biosphere Trust on December 3rd;
- a Westcoast Committee meeting on December 4th where the Multiplex Society, WildSafeBC and BC Transit presented;
- the holiday lunch at the Community Centre and the Rotary Club's AGM on December 4th.
- the Resort Community Collaborative Mayors Meeting on December 5th; and
- the Ucluelet Fire Rescue Christmas banquet on December 7th.

Mayor McEwen encouraged members of the public to attend the Sail Past on December 11th.

### **13. QUESTION PERIOD**

There were no questions.

### **14. CLOSED SESSION**

#### **14.1 Procedural Motion to Move In-Camera**

2024.2354.REGULAR *IT WAS MOVED AND SECONDED:*

***THAT*** the December 10, 2024, Regular Council Meeting be closed to the public pursuant to the following section of the Community Charter:

- 90(1)(c) labour relations or other employee relations.

CARRIED.

The meeting was closed to the public at 8:22 PM.

### **15. ADJOURNMENT**

#### **15.1 Procedural Motion to Adjourn**

Council returned to open session at 9:54 PM.

2024.2355.REGULAR *IT WAS MOVED AND SECONDED:*

*THAT the December 10, 2024, Regular Council Meeting be adjourned at 9:54 PM.*

CARRIED.

**CERTIFIED CORRECT:**

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Corporate Officer

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Marilyn McEwen, Mayor