



REGULAR MEETING OF COUNCIL
Tuesday, May 9, 2023 @ 4:00 PM
Ucluelet Community Centre
500 Matterson Drive, Ucluelet

AGENDA

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1.	CALL TO ORDER	
1.1	ACKNOWLEDGEMENT OF THE YUULU?I?ATH Council would like to acknowledge the Yuulu?i?ath, on whose traditional territories the District of Ucluelet operates.	
1.2	NOTICE OF VIDEO RECORDING 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.	
2.	LATE ITEMS	
3.	APPROVAL OF THE AGENDA	
4.	ADOPTION OF MINUTES	
5.	UNFINISHED BUSINESS	
6.	BYLAWS	
6.1	Five-Year Financial Plan and Tax Rates Bylaws - Adoption <i>Joseph Rotenberg, Manager of Corporate Services</i> RTC- Bylaws 1329 and 1330 Appendix A - Ucluelet 2023-2027 Financial Plan Bylaw No. 1329, 2023 Appendix B - Ucluelet Annual Tax Rates Bylaw No. 1330, 2023 Appendix C - Report No. 23-54	5 - 19
6.2	Rezoning Application 828 Odyssey Lane <i>John Towgood, Municipal Planner</i> RTC - RZ22-09 Appendix A - Application Appendix B - Ucluelet Zoning Amendment Bylaw No. 1331, 2023	21 - 32
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	RTC - Vic Road Lift Station Contract	
	Appendix A - Lift Station 2022 State of Repair Dashboard	
7.3	Responsible Conduct Policy <i>Duane Lawrence, Chief Administrative Officer</i> RTC - Responsible Conduct Policy Appendix A - Respectful Conduct Policy (Policy No. 1-0530-1)	43 - 61
7.4	Food Bank on the Edge Support Request <i>Duane Lawrence, Chief Administrative Officer</i> RTC - Food Bank Request Appendix A - FBOTE Lease Area Appendix B - FBOTE Feasibility Report Appendix C - FBOTE Request 2023	63 - 99
7.5	Options for Mobile Vending Regulations <i>Monica Whitney-Brown, Planning Assistant</i> RTC - Mobile Vending Updates	101 - 106
7.6	SD 23-02 Strata Conversion of a Previously Occupied Building, 1015 Peninsula Road <i>Monica Whitney-Brown, Planning Assistant</i> RTC - SD23-02	107 - 110
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9.1	Village Green and Fraser Lane <i>Patricia Sieber, Resident</i> 2023-04-24 P Sieber - Village Green	111
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10.2	Cathy Peters update - Child Sex Trafficking in BC and How to Stop it <i>Cathy Peters, BC Anti Human Trafficking Educator, Speaker, advocate</i> 2023-04-25 Anti Human Trafficking 2023-04-25 Be Amazing Brochure - December 2022	121 - 124
10.3	2023 AVICC AGM & Convention Update - Resolutions Disposition Available <i>Theresa Dennison, Association of Vancouver Island and Coastal Communities</i> 2023-04-27 AVICC Update	125 - 126
11.	MAYOR'S ANNOUNCEMENTS AND COUNCIL COMMITTEE REPORTS	
11.1	Councillor Shawn Anderson <i>Deputy Mayor, April 1 - June 30, 2023</i>	

- 11.2 Councillor Jennifer Hoar
Deputy Mayor, January 1 - March 31, 2023
- 11.3 Councillor Ian Kennington
Deputy Mayor, July 1 - September 30, 2023
- 11.4 Councillor Mark Maftei
Deputy Mayor, October 1 - December 31, 2023
- 11.5 Mayor Marilyn McEwen

12. QUESTION PERIOD

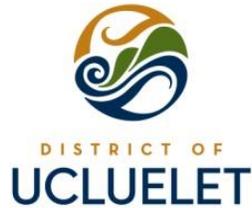
13. CLOSED SESSION

13.1 Procedural Motion to Move In-Camera

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

- *personal information about an identifiable individual who is being considered for a position appointed by the municipality.*

14. ADJOURNMENT



STAFF REPORT TO COUNCIL

Council Meeting: MAY 9, 2023
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: JOSEPH ROTENBERG, MANAGER OF CORPORATE SERVICES **FILE NO:** 1700-02
SUBJECT: FIVE-YEAR FINANCIAL PLAN AND TAX RATES BYLAWS - ADOPTION **REPORT NO:** 23-59
ATTACHMENT(S): APPENDIX A – UCLUELET 2023-2027 FINANCIAL PLAN BYLAW NO. 1329, 2023
 APPENDIX B – UCLUELET ANNUAL TAX RATES BYLAW NO. 1330, 2023
 APPENDIX C – REPORT NO. 23-54

RECOMMENDATION(S):

THAT Council adopt *District of Ucluelet 2023 – 2027 Financial Plan Bylaw No. 1329, 2023*.

THAT Council adopt *District of Ucluelet Annual Tax Rates Bylaw No. 1330, 2023*.

BACKGROUND:

On April 25, 2023, Council gave first, second and third reading to *District of Ucluelet 2023–2027 Financial Plan Bylaw No. 1329, 2023* (the “Financial Plan Bylaw”) and *District of Ucluelet Annual Tax Rates Bylaw No. 1330, 2023* (the “Tax Rates Bylaw”). For additional information refer to Report No. 23-54 (Appendix C).

Since these Bylaws have received first through third readings, Council is now in a position to adopt them.

POLICY OR LEGISLATIVE IMPACTS:

The Financial Plan Bylaw and the Tax Rates Bylaw complete the Financial Plan process for 2023 and enable the District of Ucluelet to meet the obligation of levying and collecting taxes for other bodies.

Respectfully submitted: JOSEPH ROTENBERG, MANAGER OF CORPORATE SERVICES
DUANE LAWRENCE, CAO & FINANCIAL OFFICER

DISTRICT OF UCLUELET**Bylaw No. 1329, 2023**

A Bylaw to Adopt the Five-Year Financial Plan
for the Period 2023 to 2027 Inclusive

WHEREAS Section 165 of the *Community Charter* requires a Municipality to annually prepare and adopt a financial plan, by bylaw, in each year; and

WHEREAS expenditures not provided for in the financial plan or the financial plan as amended, are not lawful except in the event of an emergency;

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

1. Citation

This bylaw may be cited for all purposes as the “**District of Ucluelet 2023 – 2027 Financial Plan Bylaw No. 1329, 2023**”.

2. Objectives and Policies

Schedule “A” attached to and forming part of this bylaw, sets out the objective and polices for the period January 1, 2023 to December 31, 2027.

3. Consultation

Pursuant Section 166 of the *Community Charter*, public consultation occurred throughout the budget process beginning in December 2022. As well, online feedback took place until March 27, 2023.

4. Repeal

The District of Ucluelet 2022 – 2026 Financial Plan Bylaw No. 1307, 2022 is repealed.

READ A FIRST TIME this 25th day of **April, 2023**.

READ A SECOND TIME this 25th day of **April, 2023**.

READ A THIRD TIME this 25th day of **April, 2023**.

ADOPTED this day of , **2023**.

CERTIFIED CORRECT: “District of Ucluelet 2023 – 2027 Financial Plan Bylaw No. 1329, 2023”

Marilyn McEwen
Mayor

Duane Lawrence
Corporate Officer

THE CORPORATE SEAL of the
District of Ucluelet was hereto
affixed in the presence of:

Duane Lawrence
Corporate Officer

Schedule “A”
“District of Ucluelet 2023 – 2027 Financial Plan Bylaw No. 1329, 2023”

Statement of Objectives and Policies:

In accordance with Section 165(3.1) of the *Community Charter*, municipalities are required to include in the Five-Year Financial Plan, objectives and policies regarding each of the following:

- 1) For each of the funding sources described in Section 165(7) of the *Community Charter*, the proportion of total revenue that is proposed to come from that funding source;
- 2) The distribution of property value taxes among the property classes that may be subject to taxes; and
- 3) The use of permissive tax exemptions.

The current financial plan provides for \$19,880,502 to be generated for the 2023 year.

Revenue Objectives

- a) The District will review fees and charges regularly to maximize recovery of the cost of service delivery;
- b) The District will actively pursue alternative revenue sources to help minimize property taxes;
- c) The District will consider market rates and charges levied by other public and private organizations for similar services in establishing rates, fees and charges;
- d) The District will establish cost recovery policies for fee-supported services, and these policies will consider whether the benefits received from the service are public and/or private;
- e) The District will establish cost recovery policies for the services provided for other levels of government;
- f) General Revenues will not be dedicated for specific purposes, unless required by law or generally accepted accounting practices (GAAP); and
- g) The District will develop and pursue new and creative partnerships with government, community institutions (schools, churches), and community groups as well as private and non-profit organizations to reduce costs and enhance service to the community.

	2023	Percent of Total
REVENUE		
Property Taxes	\$4,002,102	20.1%
1% Utility Taxes	49,975	0.3%
Federal/Provincial in place of taxes	50,000	0.3%
Taxes	4,102,077	21%
Sale of services	1,262,570	6%
Penalties and Interest earned	109,800	1%
Grants and donations	8,114,415	41%
Deferred revenues recognized (DCC, Other)	1,382,989	7%
Water sale of services	812,965	4%
Sewer sale of services	618,585	3%
Transfers	3,477,101	17%
Total Revenue	19,880,502	100%

Surplus Funds Objective

The *Community Charter* does not allow municipalities to plan for an operating deficit (i.e. where expenditures exceed revenues). To ensure this situation does not occur, revenue projections are conservative and authorized expenditures will be closely monitored. The combination of conservative revenue projections and controlled expenditures should produce a modest annual operating surplus.

Debt Objective

- a) One-time capital improvements and unusual equipment purchases;
- b) When the useful life of the capital project will exceed the term of financing;
- c) Major equipment purchases;
- d) The maximum borrowing amount to be limited to what is allowed under the *Community Charter*; and
- e) Reserves are to be considered as a funding source before debt.

Reserve Funds Objective

- a) Provide sources of funds for future capital expenditures;
- b) Provide a source of funding for areas of expenditure that fluctuate significantly from year to year (equipment replacement, special building maintenance, etc.);
- c) Protect the District from uncontrollable or unexpected increases in expenditures or unforeseen reductions in revenues, or a combination of the two;
- d) Provide for working capital to ensure sufficient cash flow to meet the District's needs throughout the year; and
- e) Staff will facilitate Council's review of the amount of reserve funds available on an annual basis.

Proportion of Taxes Allocated to Classes Objective

Council's goal is to ensure that there is a fair and equitable apportionment of taxes to each property class. The apportionment to each class is calculated using the multipliers determined by Council prior to preparing the annual tax rate bylaw. The tax multipliers will be reviewed and set by Council annually.

Permissive Tax Exemptions Objective

The District of Ucluelet Council reviews and passes a permissive exemption bylaw to exempt certain properties from property tax in accordance with guidelines set out under Sections 220 and 224 of the *Community Charter*. Although there is no legal obligation, Council may choose to grant exemptions as a method of recognizing organizations within our community which enhance the quality of life for community residents.

The permissive exemptions are evaluated with consideration to minimizing the tax burden to be shifted to the general taxpayer.

Development Cost Charges Objective

Development cost charges will be used to help fund capital projects deemed to be required in whole or in part due to development in the community. These charges will be set by a bylaw and reviewed regularly as outlined in the bylaw to ensure that the project estimates remain reasonable and the development costs charged are aligned with the strategic goals of Council.

DISTRICT OF UCLUELET FINANCIAL PLAN 2023-2027 BYLAW NO. 1329 SCHEDULE "A"					
	2023	2024	2025	2026	2027
REVENUE					
Property Taxes	\$4,002,102	\$4,322,270	\$4,624,829	\$4,948,567	\$5,294,967
1% Utility Taxes	49,975	50,016	50,016	50,016	50,016
Federal/Provincial in place of taxes	50,000	50,000	50,000	50,000	50,000
Taxes	4,102,077	4,422,286	4,724,845	5,048,583	5,394,983
Sale of services	1,262,570	1,276,610	1,259,925	1,321,386	1,343,338
Penalties and Interest earned	109,800	109,800	109,800	104,800	104,800
Grants and donations	8,114,415	3,128,829	7,793,413	12,335,412	2,588,413
Deferred revenues recognized (DCC, Other)	1,382,989	445,810	-	-	-
Water sale of services	812,965	842,843	876,727	909,355	943,451
Sewer sale of services	618,585	629,853	642,762	656,248	670,236
Transfers	3,477,101	922,315	519,126	1,420,748	441,260
Total Revenue	19,880,502	11,778,346	15,926,598	21,796,532	11,486,481
EXPENSE					
Interest payments	43,026	42,135	72,459	185,128	185,128
Amortization expenses	1,168,995	1,168,995	1,168,995	1,168,995	1,168,995
General Government	1,978,688	2,044,947	2,091,208	2,143,824	2,217,197
Protective services	430,304	476,515	489,950	500,464	510,619
Planning & Development	737,092	810,682	863,697	976,639	1,008,396
Transportation services	1,092,139	1,027,473	1,073,632	1,093,825	1,114,694
Environmental health (Garbage/recycling)	15,000	15,000	15,000	15,000	15,000
Cemetery	16,480	16,663	16,995	17,336	17,683
Recreation and Tourism	1,255,472	1,157,664	1,096,805	1,102,315	1,130,257
Parks	741,007	766,691	788,205	809,481	831,688
Water operations	907,223	869,356	980,950	924,489	935,129
Sewer operations	586,585	612,229	638,611	650,279	661,717
Total Expense	8,972,011	9,008,350	9,296,507	9,587,775	9,796,503
ADD					
Amortization	1,168,995	1,168,995	1,168,995	1,168,995	1,168,995
Total Additions	1,168,995	1,168,995	1,168,995	1,168,995	1,168,995
DEDUCT					
Principal payments debt	503,824	77,734	409,463	440,558	440,558
Transfers to Reserves	1,182,542	590,902	1,007,623	941,195	1,413,415
Acquisitions of tangible capital assets	10,391,120	3,270,355	6,382,000	11,995,999	1,005,000
Total Deductions	12,077,486	3,938,991	7,799,086	13,377,752	2,858,973
Financial Plan Balance: Surplus (Deficit)	\$0	\$0	\$0	\$0	(\$0)

Appendix B

DISTRICT OF UCLUELET**Bylaw No. 1330, 2023**

A Bylaw for the Levying of Taxation Rates for Municipal, Debt, Regional Library, Regional Hospital, and Regional District Purposes for the year 2023

WHEREAS Section 197 of the *Community Charter* requires that a Council must adopt a bylaw to impose rates on all taxable land and improvements for the current year;

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

Title

1. This bylaw may be cited for all purposes as "**District of Ucluelet Annual Tax Rates Bylaw No. 1330, 2023**".

Enactment

2. The following taxes rates are hereby imposed and levied for the year 2023:
 - I. General Municipal Purposes - For all lawful General Municipal purposes of the municipality on the value of land and improvements taxable for general municipal purposes, rates appearing in Column I of Schedule "A" attached hereto and forming a part of this bylaw.
 - II. Regional District Purposes - For purposes of the Alberni-Clayoquot Regional District on the value of land and improvements taxable for regional district purposes, rates appearing in Column II of Schedule "A" attached hereto and forming a part of this bylaw.
 - III. Regional Hospital District - For Hospital purposes on the value of land and improvements taxable for regional hospital district purposes, rates appearing in Column III of Schedule "A" attached hereto and forming a part of this bylaw.
 - IV. Library - For Library purposes on the value of land and improvements taxable for regional library purposes, rates appearing in Column IV of Schedule "A", attached hereto and forming a part of this bylaw.

Effective Date

3. The aforementioned rates and taxes shall be considered to have been imposed on and from the first day of January 2023.

Terms of Payment and Penalties

4. The aforementioned rates and taxes shall be due and payable on July 3, 2023 at the municipal office of the District of Ucluelet, at Ucluelet in the Province of British Columbia.
5. There shall be added to the unpaid taxes levied for the year 2023, in respect of each parcel of land and improvements thereon on the real property tax roll, ten percent (10%) of the amount unpaid as of the third day of July 2023.

READ A FIRST TIME this 25th day of **April, 2023.**

READ A SECOND TIME this 25th day of **April, 2023.**

READ A THIRD TIME this 25th day of **April, 2023..**

ADOPTED this this this day of , **2023.**

CERTIFIED CORRECT; " District of Ucluelet Annual Tax Rates Bylaw No. 1330, 2023".

Marilyn McEwen
Mayor

Duane Lawrence
Corporate Officer

THE CORPORATE SEAL of the
District of Ucluelet was hereto
affixed in the presence of:

Duane Lawrence
Corporate Officer

Schedule "A"
"District of Ucluelet Annual Tax Rates Bylaw No. 1330, 2023"

		I	II	III	IV
Class	Class Name	General Municipal	Alberni- Clayoquot Regional District	Regional Hospital District	Library
1	Residential	2.242807	0.3734	0.1323	0.0859
2	Utilities	38.46800	1.3069	0.4631	1.5320
3	Supportive Housing	2.242807	0.3734	0.4498	0.0859
4	Major Industry	0.0000	1.2696	0.4498	0.00000
5	Light Industry	11.87619	1.2696	0.3241	0.4548
6	Commercial	8.785271	.9148	0.3969	0.3365
7	Managed Forest Lands	0.0000	1.1202	0.1323	0.00000
8	Recreational	8.735950	0.3734	0.1323	0.3346

Appendix C

**STAFF REPORT TO COUNCIL**

Council Meeting: APRIL 25, 2023

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: DONNA MONTEITH, CHIEF FINANCIAL OFFICER**FILE NO:** 1700-02**SUBJECT:** FIVE-YEAR FINANCIAL PLAN AND TAX RATES BYLAWS**REPORT NO:** 23-54**ATTACHMENT(S):** APPENDIX A – UCLUELET 2023-2027 FINANCIAL PLAN BYLAW NO. 1329, 2023
APPENDIX B – UCLUELET ANNUAL TAX RATES BYLAW NO. 1330, 2023**RECOMMENDATION(S):**

THAT Council give first, second and third read to *District of Ucluelet 2023–2027 Financial Plan Bylaw No. 1329, 2023.*

THAT Council give first, second and third read to *District of Ucluelet Annual Tax Rates Bylaw No. 1330, 2023.*

BACKGROUND:**Five Year Financial Plan Bylaw**

Section 165 of the *Community Charter* states:

165 (1) A municipality must have a financial plan that is adopted annually, by bylaw, before the annual property tax bylaw is adopted.

The financial planning period is five years and must set out the objectives and policies of the municipality in relation to each of the funding sources, the distribution of property tax values for each of the classes that are subject to tax, and the use of permissive tax exemptions.

The Financial plan must also set out the proposed expenditures, funding sources and transfers between funds. The proposed expenditures must have separate amounts for principal and interest on municipal debt, capital additions, and any amounts required for deficiencies from one year to another.

In addition, the Financial plan must set out separate funding sources for; property taxes, parcel taxes, fees, borrowing, and all other sources. Transfers between funds must set out separate amounts for each reserve fund and accumulated surplus.

If actual expenditures and transfers to other funds for a year exceed actual revenues and transfers from other funds for the year, the deficiency must be included in the next year's financial plan as an expenditure in that year.

Further, under Section 166 of the *Community Charter*, a Council must undertake a process of public consultation regarding the proposed financial plan before the bylaw can be adopted. Public

consultation occurred throughout the budget process beginning in December 2022. This included Special Meetings on December 8, 2022, January 31, 2023, February 23, 2023, and April 13, 2023. All presentations to date are accessible on the District's website. As well, an in person open house was held March 7, 2023, and online feedback was invited until March 27, 2023. All written feedback was submitted to Council at the April 13, 2023 Special Council Meeting.

The average 2023 property tax increase for a single-family dwelling is 9.82%. This is comprised of 5.32% for general operations and capital, 3% dedicated to the water treatment project, and 1.5% for capital reserves contributions.

Tax Rates Bylaw

Section 197 of the *Community Charter* states:

197 (1) Each year, after adoption of the financial plan but before May 15, a council must, by bylaw, impose property value taxes for the year by establishing tax rates for

- (a) the municipal revenue proposed to be raised for the year from property value taxes, as provided in the financial plan, and*
- (b) the amounts to be collected for the year by means of rates established by the municipality to meet its taxing obligations in relation to another local government or other public body.*

The required tax levy for the District is established by the Financial Plan Bylaw. The levy amount is applied to the revised assessment roll to determine how the levy will be allocated to property owners by property class and assessed value. The revised roll was issued in April 2023 and incorporates any assessment appeals that have been resolved since January 2023.

Property owners should note a variety of factors influence the assessment values on which final tax rates are based and the impact on individual properties will vary.

The same allocation process is used to allocate the dollar values levied by the Regional and Hospital Districts, and the Library. Other jurisdictions levy by issuing the rates directly. These are not included in this bylaw as they have already been established under provincial legislation. They include the School Tax, Policing, Municipal Finance Authority, and BC Assessment.

In accordance with the *Community Charter*, a municipality must annually adopt their financial plan and tax rates bylaw by May 15 of each year.

The proposed 2023-2027 Financial Plan Bylaw No. 1329, 2023 and Annual Tax Rates Bylaw No. 1330, 2023 would replace the current Financial Plan and Tax Rates bylaws from 2022.

POLICY OR LEGISLATIVE IMPACTS:

The 2023-2027 Financial Plan Bylaw and the Annual Tax Rates Bylaw complete the Financial Plan process for 2023 and enable the District of Ucluelet to meet the obligation of levying and collecting taxes for other bodies.

Respectfully submitted: DONNA MONTEITH, CHIEF FINANCIAL OFFICER
DUANE LAWRENCE, CAO



REPORT TO COUNCIL

Council Meeting: May 9, 2023

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: JOHN TOWGOOD, MUNICIPAL PLANNER **FILE NO:** 3360-20 RZ22-09

SUBJECT: REZONING APPLICATION 828 ODYSSEY LANE **REPORT NO:** 23-66

ATTACHMENT(S): APPENDIX A - APPLICATION
APPENDIX B - UCLUELET ZONING AMENDMENT BYLAW NO. 1331, 2023

RECOMMENDATION(S):

Staff have provided options for Council's consideration within the Options Table below.

BACKGROUND:

838 Odyssey Lane (the "**Subject Property**") was created as part of the OceanWest Subdivision and has Guest House (**GH**) principle permitted use under the CD-5E sub-zone designation. In May of 2020 the applicant submitted a building permit for a Single Family Dwelling (**SFD**) with five Guest Rooms and four Guest Cabins. During a building inspection it was noted that the building layout had been reconfigured and the owner created a secondary suite in an area of the SFD building that was originally shown as a crawl space and guest room. This created a nonconformity to the zoning bylaw which does not allow a secondary suite as a secondary use. In subsequent discussions with the owner, it was revealed that the secondary suite was to be occupied by a caretaker of the Guest House. It was also relayed that the SFD was not going to be the principal residence of the owner. Section 405.2(1)(c) requires that a Guest Cabin must be accessory to a permanent residential use and administered by the full-time and present resident occupying the principal Single Family Dwelling or Guest House. It was also relayed that the occupant was assessed by BC Assessment as split use building with 18.35% of the land and building value being assessed as Class 1 (residential) and 81.65% assessed as Class 6 (commercial).

The owner has worked with staff to bring the uses into compliance in both the short and long term. In the short term the owner did not apply for occupancy of the secondary suite and the caretaker was to live within the SFD to conform to the zoning bylaw.

To authorize their preferred use in the long term, the owner submitted this application to seek amendments to the zoning to allow the caretaker to live in the secondary suite - and for the caretaker to be considered the permanent and present resident required on site by the zoning bylaw.



Figure 1– Subject Property

BYLAW NO.1310 AND BYLAW NO. 1313:

It should be noted that the community recently engaged in a discussion on the Bed and Breakfast use in residential zones which resulted in the adoption of [Bylaw No.1310 and Bylaw No. 1313](#) (September of 2022). While there was a broad discussion on commercial Short Term Rental (STR) within residential zones that is relevant to this application, the two bylaws were primarily focused on the Bed and Breakfast use and did not make substantial changes to the Guest House zone or the Guest House use in the business bylaw .

DISCUSSION:

The Guest House zoning designation is a residential zone which allows up to six STR units (4 Guest Rooms and 2 Guest Cabins) on properties less than an acre in area and 10 STR units (6 Guest Rooms and 4 Guest Cabins) on lots over an acre. Noting that there is no minimum size required for the principal residential dwelling component (the SFD), the potential exists for a GH-zoned property to be put to commercial uses exceeding what would be expected on a residential lot.

The development constructed at 828 Odyssey Lane is the first property in Ucluelet to approach the boundary of the potential commercial uses. It should be noted that two more Guest Rooms could be added to the property under the existing zoning.

The owner is seeking two amendments:

1. To add a Secondary Suite as a secondary use:

Construction at 828 Odyssey Lane added a Secondary Suite and removed a Guest Room leaving the final configuration of the property as 1 SFD, 1 Secondary Suite, 4 Guest Rooms, and 4 Guest Cabins. Considering that the allowable uses are 1 SFD, 6 Guest Rooms, and 4 Guest Cabins - and that the secondary suite is a housing type that the community needs - this amendment can be seen as a positive.

2. To allow the resident of the secondary suite to be considered the permanent resident:

The applicant is requesting that the caretaker living in the secondary suite be considered the “permanent resident” for purposes of satisfying other zoning requirements. This is a nuanced consideration with arguments for and against.

The Argument For:

The GH zone currently allows a commercial-intensive accessory use with as many as 10 STR units on a single property with no minimum area required for the residential component. BC assessment splits the home valuation of the subject property as 18.35% residential and 81.65% commercial indicating that the majority of uses occurring on the property are commercial in nature. It is therefore arguable that a GH property is in essence a commercial property with a minor residential component rather than a residential property with a minor commercial component; this could be treated similarly to a motel, where there is no requirement for a permanent and present resident.

It is also important to note that BC assessment has clear guidelines that a split assessment should apply for properties with four or more accommodation units with evidence of short-term room tenures. Since the subject property fits within these guidelines a split taxation assessment applies and 81.65% of the property is taxed at the higher commercial rate - which is significant.

Compared to the current allowable uses - where the owner of the property lives on the property, utilizes the space where the potential secondary suite would be as one or two STR units, and does not provide accommodation for the caretaker - the zoning change as proposed could be considered more desirable for the community. It would at least provide a staff housing unit in a sector where the community needs it, and not make the community’s housing situation worse.

The Argument Against:

Contrary to the permissive commercial nature of the zone, the intent of requiring a permanent resident to live within the Single Family Dwelling (and administer the commercial STR element) is to ensure that the property is first and foremost a residential home in a residential neighbourhood. The proposed zoning amendment could be perceived as fundamentally changing the property’s core use to a commercial motel-type use that would be most attractive as a commercial investment (with a home space for the investor or to rent full time as a bonus to the business model). It should also be noted that the owner purchased this property with the current zoning regulations in place, and it would be their due diligence to understand that a residential occupation would be required within the SFD to operate a STR business.

SUMMARY:

The development at 828 Odyssey Lane illustrates the intensity of the allowable commercial elements within Guest House zoned properties. Most existing guest houses in Ucluelet are modest in nature and consistent with a residential zone.

It is important to note that the accessory commercial uses are already allowed on the subject property, and that a trade of two potential commercial units for the secondary suite is a positive result for the community.

Is the benefit of a housing unit worth the loss of what is only nominally a principal residential home? Is there a *house* left in the guest house? Staff have struggled with this question and look to Council to provide direction.

ANALYSIS OF OPTIONS:

A	Give first and second reading of Bylaw No. 1331, 2023 and direct staff to give notice for a public hearing.	<u>Pros</u>	<ul style="list-style-type: none"> • Would allow the applicant use of the property as desired • Creates a housing unit
		<u>Cons</u>	<ul style="list-style-type: none"> • Would change the core use of the property and may lead to other GH landowners to seek the same permissions.
		<u>Implications</u>	<ul style="list-style-type: none"> • Staff time required to arrange public hearing and follow up reports.
		<u>Suggested Motion</u>	<p>THAT Council give first and second reading to District of Ucluelet Zoning Amendment Bylaw No. 1331, 2023; and,</p> <p>THAT Council refer District of Ucluelet Zoning Amendment Bylaw No. 1331, 2023 to a public hearing.</p>
B	Amend the draft zoning bylaw prior to 2nd reading by stating which and how elements or features are to be modified.	<u>Pros</u>	<ul style="list-style-type: none"> • Modifying the zoning bylaw could ensure Council's intent for the bylaw is met (if required).
		<u>Cons</u>	<ul style="list-style-type: none"> • Unknown at this time.
		<u>Implications</u>	<ul style="list-style-type: none"> • Modifying the zoning bylaw would require additional staff time.
		<u>Suggested Motion</u>	<p>THAT Council direct staff to modify the draft District of Ucluelet Zoning Amendment Bylaw No. 1331, 2023, to <u>[state desired outcome of amendments]</u>.</p>
C	Reject the application.	<u>Pros</u>	<ul style="list-style-type: none"> • Would maintain the appearance that this is a residential property
		<u>Cons</u>	<ul style="list-style-type: none"> • More STR units would most likely be built and the secondary suite would be removed
		<u>Implications</u>	<ul style="list-style-type: none"> • The applicant would need to either make the residence their principal dwelling, move the caretaker into the dwelling, or discontinue the accessory guest accommodation uses.
		<u>Suggested Motion</u>	No motion is required.

ADDITIONAL ACTION:

Beyond the Odyssey Lane lot there are a dozen other properties zoned GH in Ucluelet, plus potential for more on existing undeveloped properties. Most of the existing GH-zoned properties are modestly built out. If Council considers that the Guest House zone as written does not represent the residential intent of the zone or meet the growth expectations of the community, a resolution is included below (**Option AA**) that would direct staff to look at options to revise the GH zone. Draft amendments would be brought back for Council to consider, potentially to reduce the scale of commercial uses - as showcased at 828 Odyssey Lane – so they are not repeated on existing or future GH properties.

If Council directs changes to the GH zoning be considered, staff would bring draft amendments back to a future Council meeting - along with recommendations for appropriate consultation with property owners and the public.

AA	Direct Staff to prepare a zoning amendment to reduce commercial tourist accommodation in the Guest House zone	<u>Pros</u>	<ul style="list-style-type: none"> • Would give Council and the community options to amend the GH zone to meet residential intent of the zone
		<u>Cons</u>	<ul style="list-style-type: none"> • Would take staff time to create the options and run the property and public engagement
		<u>Implications</u>	<ul style="list-style-type: none"> • Could further the discussion of rule changes to the Guest House Zone
		<u>Suggested Motion</u>	<p>THAT Council direct Staff to prepare a zoning amendment bylaw to reduce the commercial tourist accommodation accessory uses permitted in the Guest House zone to a level more appropriate for residential properties, for further discussion and consideration.</p>

POLICY OR LEGISLATIVE IMPACTS:

The application is consistent with the *Official Community Plan* and *Local Government Act*.

NEXT STEPS:

- If Council gives first and second readings to Zoning Amendment Bylaw No. 1331, 2023, staff will undertake the necessary notification for a public hearing to be held on the Bylaw at a date to be determined.

Respectfully submitted: John Towgood, Municipal Planner
 Bruce Greig, Director of Community Planning
 Duane Lawrence, Chief Administrative Officer



November 8th, 2022

To whom it may concern,

As requested, this letter is to outline the uses of the property located on 828 Odyssey Ln., Lot H (PID 027-475-654).

The property is to be used as a nightly rental with 8 rental units. The owner, Ruben Dias (BA Fastrack Canada Inc.), would like to operate it like a Boutique Hotel. He would also like a secondary self-contained suite to be allowed for the use of an onsite caretaker/manager of the property.

This rezoning application is to be created and developed with the assistance of Bruce Greig.

Please do not hesitate to contact us with any questions you might have.

Kind Regards,

A handwritten signature in black ink, appearing to be "Jamie Carson", with a long horizontal line extending to the right.

Jamie Carson

Site Plan of:
Strata Lot H, District Lot 283
Clayoquot District, Plan VIS6520

Parcel Identifier: 027-475-654

SCALE - 1 : 750



All distances are in metres and decimals thereof

(plot on 8.5" x 11" sheet)

FILE: Strata Lot H
DWG/DATE: 2020-04-09
AG Surveys
545 - 110 Marine Drive
Ucluelet, BC VOR 3A0
phone (250) 266-4536

LEGEND

Elevations are Geodetic.

Average Natural Grade of Proposed House = 7.12M

Proposed House Main Floor Elevation = 9.56M

Average Natural Grade of Proposed Cabin 1 = 10.63M

Proposed Cabin 1 Main Floor Elevation = 8.95M

Average Natural Grade of Proposed Cabin 2 = 10.20M

Proposed Cabin 2 Main Floor Elevation = 8.95M

Average Natural Grade of Proposed Cabin 3 = 9.70M

Proposed Cabin 3 Main Floor Elevation = 8.95M

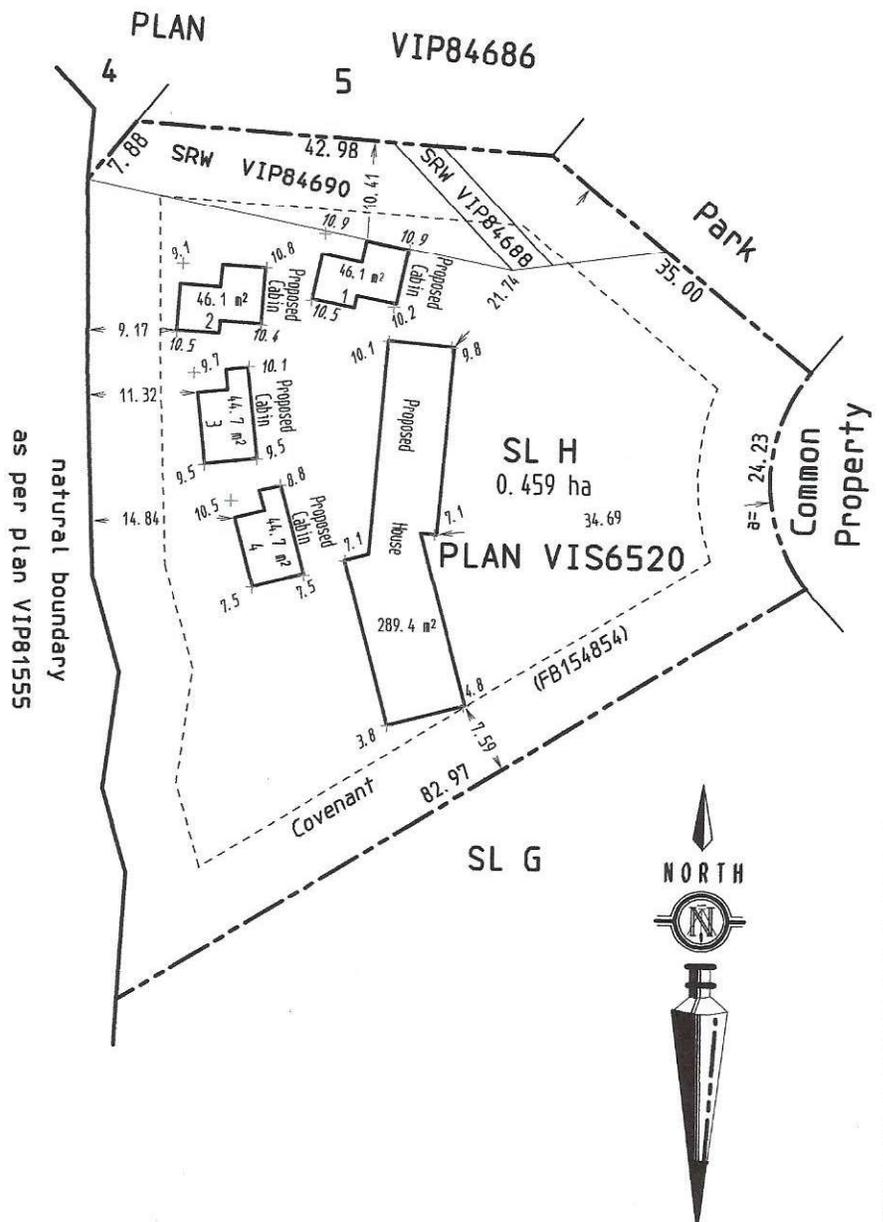
Average Natural Grade of Proposed Cabin 4 = 8.58M

Proposed Cabin 4 Main Floor Elevation = 8.95M

Percentage Lot Coverage of the

Proposed Buildings = 10.3%

Pacific Ocean



The following non-financial charges are shown on the current title and may affect the property

- FB154804 - Covenant
- FB154854 - Covenant
- FB154871 - Statutory Right of Way
- FB154872 - Statutory Right of Way
- FB154883 - Statutory Right of Way
- FB154876 - Covenant
- FB154883 - Statutory Building Scheme
- FB250650 - Statutory Right of Way
- FB250651 - Statutory Right of Way

Parcel dimensions shown hereon are derived from Land Title Office records.



Rezoning Application 828 Odyssey Lane John Towgood, Municipal Planner



Photo: The Nami Project

READ A THIRD TIME this day of _____, **2023.**

ADOPTED this this this day of _____, **2023.**

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Amendment Bylaw No. 1331, 2023.”

Marilyn McEwan
Mayor

Duane Lawrence
Corporate Officer

THE CORPORATE SEAL of the
District of Ucluelet was hereto
affixed in the presence of:

Duane Lawrence
Corporate Officer



REPORT TO COUNCIL

Council Meeting: May 9, 2023

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: JAMES MACINTOSH, DIRECTOR OF ENGINEERING SERVICES

FILE NO: 5400-01

SUBJECT: PARKING CONCERNS AT 1624 BAY STREET

REPORT NO: 23- 60

ATTACHMENT(S): N/A

RECOMMENDATION(S):

THAT Council rescind the Council resolution adopted on December 14, 2021 *“That Council direct staff to relocate the pedestrian pathway and cross walk currently located on the west side of Bay Street to the east side of Bay Street”*.

THAT Council authorize the installation of a speed-reducing raised crosswalk on Bay Street at the entrance of the Edna Bachelor Park.

BACKGROUND:

In 2020, the District of Ucluelet constructed a new sewer line in-between Bay Street and Marine Drive. The installation runs through the forest behind the Ucluelet Community Centre and utilized a District right-of-way which was inactive for years. The sewer line was finished off by installing a new pathway on top of the trench. The pathway created an alternate means of pedestrian transportation by providing a footpath linking Bay Street to the Community Center and Marine Drive.



The property owner at 1624 Bay Street utilized the previously inactive right-of-way for parking vehicles. With the completion of the sewer line and new path, parking was no longer available for

their use. It is staff's understanding that the resident had expressed their dissatisfaction to Council that parking on the District right-of-way is no longer available for their use and further that the boulevard fronting the property doesn't provide adequate parking because of another pedestrian path.

In December of 2021, District staff presented to Council a report seeking direction to address the resident's concern. At that meeting, Council passed a motion to move the path to the opposite side of 1624 Bay Street. Since that time, relocation of the path has been deferred and remains unfunded. District staff are respectfully requesting Council's reconsideration of the previous motion in light of additional information.

ANALYSIS OF OPTIONS:

Pedestrian path position and safety: Concerns of path safety arise when vehicles park on a pedestrian path and not in their driveway.

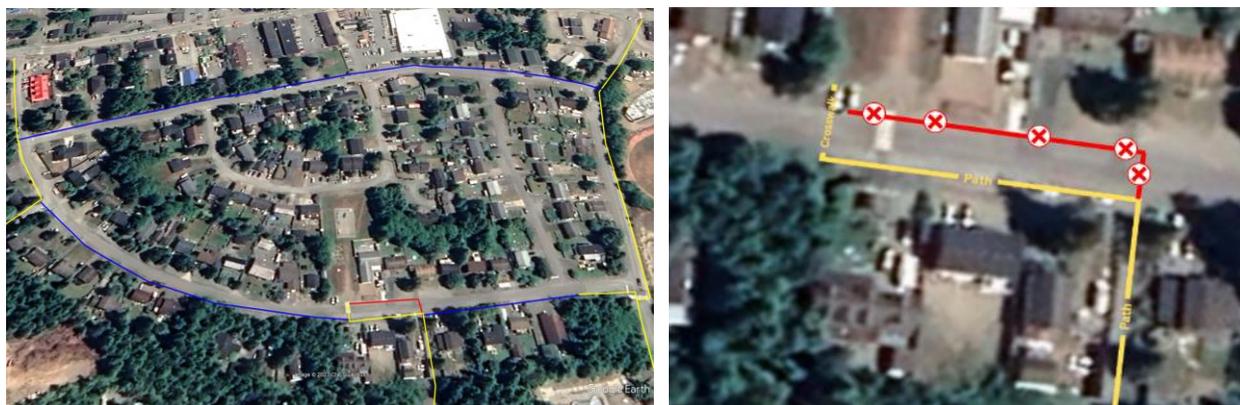
The property located at 1624 Bay Street doesn't currently have a formal private driveway installed, rather an access gate allowing vehicle access through the boulevard and property fence. It's believed the resident uses the public boulevard for their parking and stores some vehicles on their property. Vehicles parked in front of 1624 Bay Street are often parked adjacent to or on top of the Bay Street pedestrian path as seen below. Important to note; Bylaw No. 948, 2004, A Bylaw to Regulate Traffic and Parking in the District of Ucluelet, does not permit vehicle parking on boulevards. The neighbouring properties fronting the pedestrian path on Bay Street all have private driveways. Vehicles are parked and stored in the private driveways at a safe distance from the public path.



Moving the path could create more difficulties than it solves: The District would be spending capital to move a path to the side of the road that could impact more residents, create sight-line and safety issues, and is misaligned with the long-term path network plans.

Decommissioning the current path, relocating it across the street, and installing a new crosswalk would cost an estimated \$15,000-\$20,000 (path plus crosswalk). The crosswalk would be located at the bottom of the Bay Street hill which triggers speed and sight-line concerns, as defined by the Transportation Administration of Canada (TAC). The new crosswalk needed to cross Bay Street would align too close to a driveway to be safe, and the path would cross multiple driveways before

reaching Edna Bachelor Park. The path would then be on the wrong side of the street to link up seamlessly with existing and future path network plans which aims to provide safe and contiguous transportation routes.



Crosswalk adjustment and site safety improvements: Irrespective of parking concerns, the current crosswalk location must be relocated to a new position to enhance site safety.

The revitalization of Edna Bachelor Park created a different vehicle access point which is now too close to the existing crosswalk. The existing crosswalk was also previously installed too close to a residential driveway and must be moved. Staff propose moving the crosswalk several meters north where it will be safe for all users. The relocated crosswalk would be installed as a raised speed hump with signage to deter speeding on Bay Street and around the park.

A	Keep the path where it is, request a private driveway, and install a new raised crosswalk in the optimum location	<u>Pros</u>	<ul style="list-style-type: none"> • Pathway remains where it is for the greater good of Bay Street • Requesting the resident not park on the boulevard aligns with District Bylaws • \$5,000 to install a raised cross walk is available in the current budget and mitigates speeding on Bay Street • Keeping path on west side of Bay Street is inline with long-term District pedestrian pathway network plans
		<u>Cons</u>	<ul style="list-style-type: none"> • Does not accommodate the resident's request
		<u>Implications</u>	<ul style="list-style-type: none"> • Cost and time of installing/adjusting the crosswalk
B	Move the pathway closer to the roadside and install a new raised crosswalk in the optimum location	<u>Pros</u>	<ul style="list-style-type: none"> • Accommodates resident concern • \$5,000 to install a raised cross walk is available in the current budget and mitigates speeding on Bay Street
		<u>Cons</u>	<ul style="list-style-type: none"> • Decommissioning and relocating the pathway 1-2 meters closer to the roadside costs an estimated \$15,000 and is not in the capital budget • Encouraging parking on the boulevard is misaligned with District Bylaws
		<u>Implications</u>	<ul style="list-style-type: none"> • Cost of decommissioning and relocating the pathway
		<u>Suggested Motion</u>	<p>THAT Council direct staff to move the Bay Street pedestrian pathway closer to the roadside and install a new raised cross walk; and,</p> <p>THAT Council direct staff to include \$20,000 in the 2024 budget.</p>

C	Move pathway to the other side of Bay Street	<u>Pros</u>	<ul style="list-style-type: none"> Accommodates resident concern
		<u>Cons</u>	<ul style="list-style-type: none"> Decommissioning and relocating the pathway across the road and installing a new cross walk would cost an estimated \$15,000-\$20,000 and is not in the capital budget Installing a crosswalk at the bottom of the Bay Street hill creates safety concerns in the form of speed and sightline concerns Path would be on the wrong side of the road to link up with future interconnected pathways May create same problems or more with residents across the road
		<u>Implications</u>	<ul style="list-style-type: none"> Cost estimate \$15,000-\$20,000 currently not funded
		<u>Suggested Motion</u>	<p>THAT Council direct staff to move the Bay Street pedestrian pathway to the east side of Bay street and install a new crosswalk; and,</p> <p>THAT Council direct staff to include \$20,000 in the 2024 budget.</p>

POLICY OR LEGISLATIVE IMPACTS:

- Bylaw No. 948, 2004 – A Bylaw to Regulate Traffic and Parking in the District of Ucluelet

NEXT STEPS:

- Staff to communicate with the resident the authorized next step(s).
- The installation of the new raised cross walk will be scheduled and aligned with the summer 2023 paving program.

Respectfully submitted: **JAMES MACINOSOSH, DIRECTOR OF ENGINEERING SERVICES**



REPORT TO COUNCIL

Council Meeting: May 9, 2023

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: JAMES MACINTOSH, DIRECTOR OF ENGINEERING SERVICES

FILE No: 5340-05

SUBJECT: SANITARY LIFT STATION BYPASS CONTRACT

REPORT No: 23- 65

ATTACHMENT(S): APPENDIX A – 2022 LIFT STATIONS STATE OF REPAIR DASHBOARD

RECOMMENDATION(S):

THAT Council authorize the Mayor and Corporate Officer to execute a contract for \$156,809 plus G.S.T. between the District of Ucluelet and Ridgeline Mechanical Ltd. to complete the Victoria Road Lift Station bypass installation.

BACKGROUND:

The District of Ucluelet owns fourteen sanitary sewer lift stations which are responsible for receiving and pumping the town's effluent. The stations pump sewage towards the sewer lagoon where the material is broken down before being safely released. The stations are integral components of the District's sanitary sewer system, ensuring the community is safe and healthy.

In 2022, Engineering and Public Works carried out a condition assessment of all sanitary sewer lift stations. The assessment compiled three parts: routine monthly inspections completed by District forces, a preventative maintenance assessment completed by a third-party, and data from the Sanitary Sewer 30-Year Master Plan.

The results of the assessment provide the team with an evidence-based decision-making tool as illustrated in the attached *2022 Lift Stations State of Repair Dashboard* (Appendix A). Of the fourteen lift stations, five were identified as being in a state of "urgent repair". Of those five stations, the lift station on Victoria Road has been categorized as the most urgent – the pumps are seized in place and unable to be retrieved for inspection while drawing low current. The station and pumps have not been accessible for maintenance for several years. If not corrected immediately, the pumps could stop operating, which would cause an overflow of the station.

The District worked with an engineering firm to determine the most appropriate solution. To safely access the lift station to determine the condition and plan necessary repairs, a station bypass will have to be installed. The bypass will reroute effluent around the lift station to allow teams to enter the confined space. In March of 2023, the District invited contractors to provide proposals to install a bypass system. The bypass includes new piping, a new manhole, and a new aboveground mobile pump. Ridgeline Mechanical Ltd. provided a proposal which demonstrated high relative

experience, a well trained and competent team, availability to undertake the work right away, and the lowest price of \$156,809, plus G.S.T.

The District has allocated in it’s 2023 capital sewer budget \$164,000 for similar work in the sanitary sewer system.

ANALYSIS OF OPTIONS:

Staff recommend the approval of the contract provided by Ridgeline Mechanical Ltd. to install the bypass. If approved, the work would be scheduled in June. Once completed, the station would be taken offline temporarily to allow for the much-needed inspection. Once inspected, staff are preparing for the likelihood of two potential outcomes:

1. Minor repairs: Available 2023 operational budget would be used to repair the station.
2. Major repairs: Available 2023 operational budget would be used to repair the station as a stopgap measure to provide time to estimate the larger repairs and return to Council with additional financial requests.

High-level estimates of the potential costs range from minor repairs including new guide rails and pumps at \$30,000 to \$50,000 to major repairs including lift station replacement at \$50,000 - \$500,000. Staff have reviewed the current available funds within the Sewer Reserves and have noted that the reserves are almost depleted and under the current utilities funding program are underfunded. A review of the utility rates is planned for 2023/24 with an anticipated recommendation to increase the sanitary utility rates to ensure the service is funded adequately. With respect to this project if the project requires funding greater than that which is available within the current operating budget the works would need to be funded through the BC Growing Communities Fund.

A	Authorize the contract	<u>Pros</u>	<ul style="list-style-type: none"> Best value solution contract achieved Lift station bypass system installed as soon as possible Repair estimates of the deteriorated station would follow Station repaired
		<u>Cons</u>	<ul style="list-style-type: none"> The (minor) repair work will likely consume much of the available sanitary sewer operational budget for 2023
		<u>Implications</u>	<ul style="list-style-type: none"> Commitment of \$156,809 plus tax to complete the bypass system work
B	Do not proceed at this time	<u>Pros</u>	<ul style="list-style-type: none"> None
		<u>Cons</u>	<ul style="list-style-type: none"> If unaddressed, the pumps would eventually fail to operate Overflow of the station would create an unsafe condition in the community
		<u>Implications</u>	<ul style="list-style-type: none"> If left, the District would incur an increased cost repairing the station in an emergency condition Potential for liability
		<u>Suggested Motion</u>	No motion is required.

POLICY OR LEGISLATIVE IMPACTS:

- Procurement and Disposal Policy

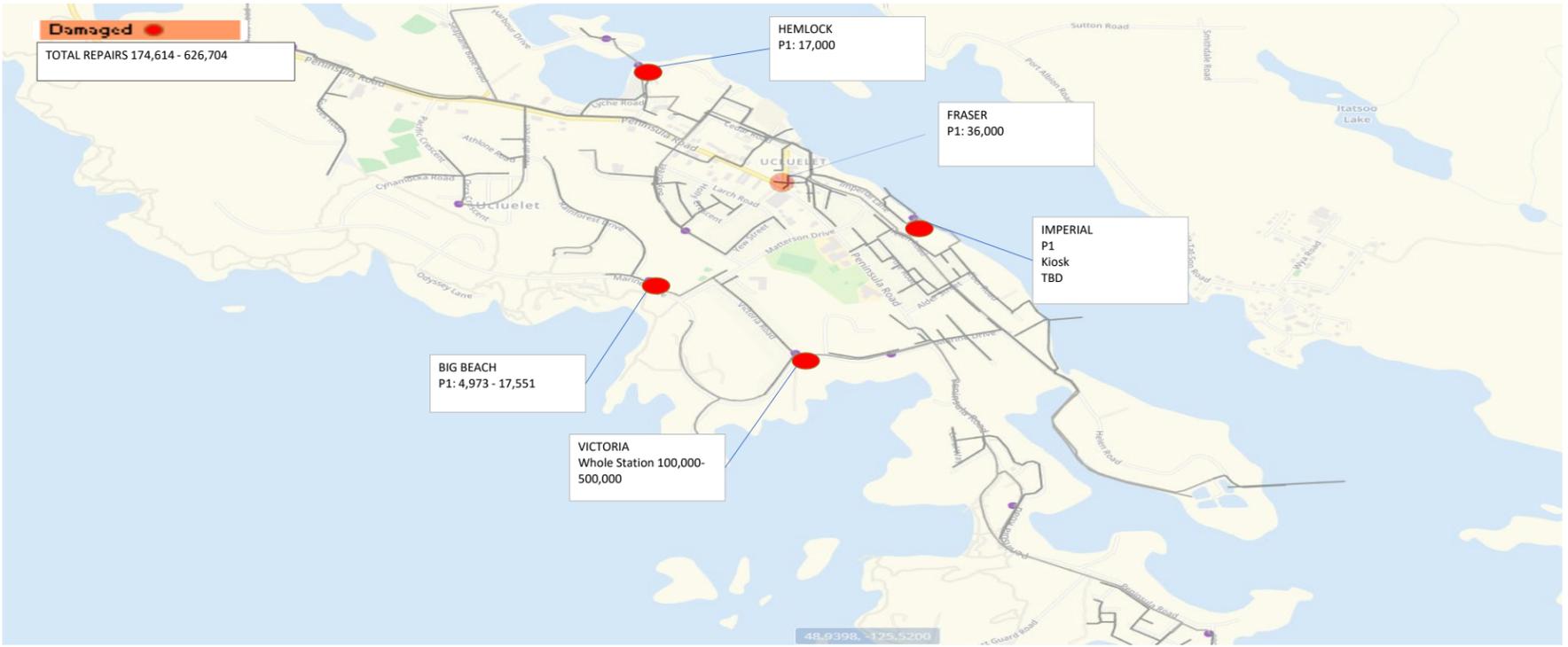
NEXT STEPS:

- The work would be scheduled for the next available opening in the Contractor's schedule.
- Once complete, the station will be inspected, and corrective maintenance will be estimated, proposed, and planned.
- Once Victoria Lift Station is repaired, the team will shift focus to the next high priority station, Hemlock Station. The attached dashboard will continue to be implemented into the capital planning cycle.

Respectfully submitted: James Macintosh, Director of Engineering Services

2022 State of Infrastructure Lift Stations Summary

APPENDIX A



2022 Lift Station State of Infrastructure

Damaged
over capacity

Lift Station	Koers Engineering Existing Flow (L/s)	One pump (L/s)	Both Pumps (L/s)	Duncan Electric 2022 Comments	Duncan Electric's Repair Recommendation	Ridgeline Mechanical Comments	Estimate Low	Estimate Moderate
1 Olson Bay	0	13	14		P1 P2 Other			
2 Peninsula	5	9	12	Those the pumps looked OK, the oil on pump one was a little Milky, but it was still OK.	P1 P2 Other			
3 Reef point	17	22	25	Nothing to report for.	P1 P2 Other			
4 Victoria	31	23	26	The whole station needs to be replaced. The pumps are seized in place. Everything's rusted. Pump 2 is in very bad shape. There's moisture in the pump. The Mega reading is very, very low. It could fail at any moment	P1 P2 Other	Station should be replaced with whole new station,	Setup bypass manhole and discharge wye around station. Downstream station is approaching capacity and cannot handle additional flow if bypassed overland. Overland	100,000 500,000
5 Bay Street (simplex)	1.3	6	7	Current check and it was OK	P1 P2 Other			
6 Big beach	26	34	44	Pump 1 needs rebuild. There was oil leaking past the top seal, which tripped a leak alarm. The impeller is shot. Needs replaced Needs to be replaced. Pump 2 impellers are also pretty worn. They should be replaced as well. Guide bars need to be changed.	P1 P2 Other	Pump#1 Repair of Flygt NP3127.181-6075 Submersible Pump Big Beach PS New Flygt NP3127.181 Bottom End & Rail System Replacement /		4,973 17,551 2,970 2,970
7 Forbes	4	31	40	Everything looks OK pump one's got some noisy bearings, but we'll just keep an eye on that.	P1 P2 Other			
8 Fraser Lane.	40	48	63	Pump 1 needs to be replaced. Everything's wrong with it. Impellers shot. Blue shots. Water in the oil handle. Also, both discharge bases need to be changed in the tank itself.	P1 P2 Other	New Flygt NP3153.185 Submersible Pump & Discharge Connections replace the discharge connections, Contact Ridgeline (TBD)	1) Immediate replacement or repair of Pump 1. A bypass is required to replace the bases and piping. 2) Establishment of a maintenance schedule. 3) Seal hatches and install a	36,133 36,133
9 Helen Rd	89	124	144	Everything's good. Both pumps were just repaired or rebuilt Everything's great on that station.	P1 P2 Other			
10 Hemlock	27	20	29	Pump 1 needs rebuild oil chambers full of water. Also, both the charge discharge bases need to be changed in the tank. #2 the guide claw is worn should be replaced.	P1 P2 Other	Pump#1 - Repair of Flygt NP3127.180-4354 Submersible Pump Hemlock PS New Flygt NP3127.180-4354 Submersible Pump parts	1) Repair pump 1 immediately. 2) To save capital, do not replace the kiosk until the lift station capacity is increased. 3) Reroute two lift station lines to existing gravity	2,769 17,281 2,769 2,769
11 Kimoto	7	14	16		P1 P2 Other			
12 Imperial Lane	2.3	2.4	>2	Control kiosk should be replaced. It's in very poor condition. Pump one had a very low megger reading, so there's moisture getting into that one, but they're both pumping and they're both drawing proper current/ Contact Engineered pumps	P1 P2 Other	For a replacement kiosk/controls,	For a replacement kiosk/controls,	TBD TBD
13 Norah Rd	8	8	8.5		P1 P2 Other			
14 Marine Drive	2	2.5	>2		P1 P2 Other			
TOTAL REPAIRS								149,614 576,704

AVAILABLE SEWER BUDGET 2022		2022 Budget	
6020712600	Sewer Connections - Material and Supplies	8,000	
6020752603	Sewer connections contracted services	2,060	
6020801235	Distribution system materials and supply	4,240	
6020802640	Distribution system contracted services	8,000	
6020951500	Lift station hydro	38,080	
6021032599	Lift station materials and supplies	40,000	
6021112603	Lift station contracted services	30,000	
TOTAL		130,380	

SPENDING IN PROCESS RECENTLY		
6021112603	Duncan electric - annual lift station maintenance	5,532
6021112603	Duncan electric - corrective maintenance lift station	42,000
TOTAL		47,532

ASK		
Victoria Lift station Bypass - the manhole, gravity diversion and discharge connection Repairs to the station (unknown until bypassed)		150,000
TOTAL		150,000



REPORT TO COUNCIL

Council Meeting: May 9, 2023
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM:	DUANE LAWRENCE, CAO	FILE NO: 0340-50
SUBJECT:	RESPONSIBLE CONDUCT POLICY	REPORT NO: 23- 64
ATTACHMENT(S):	APPENDIX A - RESPONSIBLE CONDUCT POLICY (POLICY NO. 1-0530-1)	

RECOMMENDATION(S):

THAT Council adopt the Responsible Conduct Policy (Policy No. 1-0530-1) as presented in Staff Report No. 23-64.

BACKGROUND:

[Part 4, Section 113.1 & 113.2 of the Community Charter](#) requires all newly elected municipal Councils to consider the establishment of a Code of Conduct or Responsible Conduct Policy (RCP) for locally elected officials within the first six months of the inaugural meeting. The Community Charter calls for Councils to consider the prescribed principles for responsible conduct and if a Council determines not to establish a Responsible Conduct Policy, make available to the public a statement respecting the reasons for not establishing an RCP.

The foundational principles for the RCP are determined by the [Principles for Codes of Conduct Regulation](#) and include *integrity, accountability, respect, leadership, and collaboration*.

Council Directed Staff to draft a Responsible Conduct Policy at the January 24, 2023 regular meeting and reviewed the draft of the Policy at the April 11, 2023 Committee of the Whole, providing direction to staff to modify the policy in order to:

- a) Impart the preference of Council for all complaints to be resolved informally to the mutual satisfaction of the individuals involved; and,
- b) If a conflict is not resolved informally, that the complaint and resolution process is expedited to minimize the time between the initial complaint and any resolution of the complaint.

To address the above items staff have added the following to the policy:

4.1.1 Proactive Resolution

- (a) It is the preference of Council that in the event of a dispute between Members, the affected parties work towards an amicable solution or understanding independent of this Policy.
- (b) Members are encouraged to address any dispute outside of this Policy prior to formalizing any Complaint and may request the presence of the CAO, Mayor,

Acting Mayor or another Member to be present at a meeting to resolve the issue.

4.1.6 Informal Resolution:

- (b) The CAO or designated person will work towards an informal resolution within five (5) business days of completing the preliminary assessment.

4.1.3 Complaint Procedure:

- (i) The CAO must prioritize and expedite the complaint and resolution process to minimize the time between the initial complaint and any resolution of a complaint.

Staff have also reduced the recommended time periods for the decision, investigative and resolution process as follows:

- Preliminary assessment within five (5) business days (previously undefined)
- Rejection of a complaint older than sixty (60) days (previously 90 days)
- Informal resolution within five (5) business days of completion of preliminary assessment (previously undefined)
- Selection of a third-party investigator within fifteen (15) business days (previously 30 days)
- Investigative update within thirty (30) days (previously 90 days)
- Decision to proceed with a formal investigation within five (5) business days (previously 90 days)
- Council final determination of action within ten (10) business days of receipt of investigation report (previously 30 days)

Staff have also completed a final review of the policy ensuring consistency, compliance with the *Community Charter*, and a language and process review resulting in the reorganization of some sections and the addition and deletion of language throughout the final policy which has been included within this report.

ANALYSIS OF OPTIONS:

Under [Part 4, Section 113.1 & 113.2 of the Community Charter](#) Council must consider establishing a code of conduct for Council members within the first six months of their term. If Council adopts this policy, Council will have met this requirement.

Council has the option of deferring adoption of a Responsible Conduct Policy although it must reconsider the decision not to establishing a code of conduct before January 1 of the year prior to the next general election.

A	Adopt the policy as presented	<u>Pros</u>	<ul style="list-style-type: none"> Meets the requirement as outlined under the Community Charter Provides Council and future Councils with a process for addressing complaints Provides a formal structure for a resolution process
		<u>Cons</u>	<ul style="list-style-type: none"> Staff have not identified any negative implications with adopting a responsible conduct policy
		<u>Implications</u>	<ul style="list-style-type: none"> In the event of a resolution process being undertaken, staff time will be required to address the complaint.
B	Adopt the policy with revisions	<u>Pros</u>	<ul style="list-style-type: none"> Ensure the policy reflects the intent and objectives of Council Provides a resolution process when required Compliance with the Community Charter
		<u>Cons</u>	<ul style="list-style-type: none"> Staff have not identified any negative implications with amending and adopting a responsible conduct policy
		<u>Implications</u>	<ul style="list-style-type: none"> In the event of a resolution process being undertaken, staff time will be required to address the complaint.
		<u>Suggested Motion</u>	<p>THAT Council direct staff to amend the Responsible Conduct Policy (Policy No. 1-0530-1) attached to Staff Report No.23-64 as follows:</p> <p style="margin-left: 40px;">a. _____</p> <p style="margin-left: 40px;">b. _____</p> <p style="margin-left: 40px;">c. _____.</p> <p>THAT Council adopt Responsible Conduct Policy (Policy No. 1-0530-1) as amended.</p>
C	Defer consideration of the policy	<u>Pros</u>	<ul style="list-style-type: none"> Continues to meet the requirement under the Community Charter provided reasons for not adopting the policy are provided. Provides Council with a further opportunity to consider the policy
		<u>Cons</u>	<ul style="list-style-type: none"> No process to undertake a complaint resolution process No guidance on if a complaint should or should not be actioned
		<u>Implications</u>	<ul style="list-style-type: none"> There are no direct staff or financial implications if the policy is deferred Staff time to represent the policy in the year prior to the next general election Staff will bring the policy back to Council for consideration in late 2025 for reconsideration unless directed to bring it back earlier
		<u>Suggested Motion</u>	<p>THAT Council direct staff to make the following statement available to the public:</p> <p style="margin-left: 40px;">Council has determined that a Responsible Conduct Policy is not required at this time for the following reason(s):</p> <p style="margin-left: 40px;">a. _____</p> <p style="margin-left: 40px;">b. _____</p> <p style="margin-left: 40px;">c. _____; and,</p> <p>THAT Council direct staff to bring the policy back for consideration by Council in November of 2025.</p>

POLICY OR LEGISLATIVE IMPACTS:

The Community Charter requires Council to consider the adoption of a respectful conduct policy within the first 6-months of their term. If Council determines to defer the adoption of the policy Council must reconsider the policy prior to January 1, 2026.

NEXT STEPS

- No further action is required if Council adopts the policy.
- If Council defers the adoption of the policy staff will bring the policy back to Council for consideration in November of 2025.

Respectfully submitted: Duane Lawrence, CAO



	POLICY NUMBER:	1-0530-1
REFERENCE: Responsible Conduct Policy	ADOPTED BY: Council	
AMENDED DATE: N/A	SUPERSEDES: N/A	
DEPARTMENT: Administration	EFFECTIVE DATE: May 10, 2023	

Background:

Council wishes to establish this Responsible Conduct Policy in compliance with the *Community Charter* because Council and Committee Members:

- are keepers of the public trust and must uphold the highest standards of ethical behavior to build and inspire the public’s trust and confidence in local government;
- make decisions that benefit the community, and must abide by and act lawfully and within the authorities of the *Community Charter*, *Local Government Act*, and other applicable enactments, and be free from undue influence and not act to gain financial or other benefits for themselves, family, friends, or business interests;
- wish to conduct business in a transparent, efficient, accountable and respectful fashion guided by the principles of integrity, accountability, respect, leadership, and collaboration; and
- intend to demonstrate their leadership in ethical behaviour and to promote the principles of transparency, accountability and civility through their decisions, actions and behaviour while maintaining the freedom to speak openly, debate, question, discuss, and engage with the public, Staff, Volunteers, Council Members, Committee Members and media in a respectful manner.

Policy:

PART I – GENERAL

1.1 Definitions

In this Policy:

- “CAO” Means the Chief Administrative Officer for the District.
- “Bully and Harass” Includes, without limitation, any unwelcome or objectionable conduct or comment that causes an individual to be humiliated or intimidated, including verbal aggression or insults, making derogatory comments, including questioning the professional competence of a Council Member, Committee Member, Volunteer, Municipal Officer, Employee, or Staff, calling someone derogatory names, hazing or intimidation practices, vandalizing personal belongings or spreading malicious and untrue rumors.



“Committee Member”	Means a person appointed to a committee, sub-committee, task force, commission, board, or other Council established body under the <i>Community Charter</i> – Division 4 – Committees, Commissions and Other Bodies or the <i>Local Government Act</i> .
“Complaint”	Means a formal allegation that a Member has breached this Policy in accordance with the complaint procedure set out in Part 4 of this Policy.
“Complainant”	Means a person who has submitted a complaint under Part 4 of this Policy.
“Confidential Information”	Means information or records held in confidence by the District, including to which Section 117 of the <i>Community Charter</i> applies. For clarity, this includes all information and records from closed meetings of Council until publicly released.
“Conflict of Interest”	Refers to pecuniary and non-pecuniary conflicts of interest governed by the <i>Community Charter</i> , S.B.C., 2003, c. 26 and the common law.
“Council Member”	Means the Mayor and Councillors for the District.
“District”	Means the District of Ucluelet.
“Employee”	Means a person in the direct employ of the District.
“Gifts and Personal Benefits”	Means an item or service of value that is received by Council and/or Committee Members for personal use. This would include, but is not limited to, cash, gift cards, tickets to events, items of clothing, jewelry, pens, food or beverages, discounts or rebates on purchases, free or subsidized drinks or meals, entertainment and admission fees to social functions.
“Member”	Means a Council Member or a Committee Member.
“Municipal Officer”	Means a member of Staff designated as an officer under Section 146 of the <i>Community Charter</i> .
“Personal Information”	As defined in the <i>Freedom of Information & Protection of Privacy Act</i> .
“Respondent”	Means a Council or Committee Member whose conduct is the subject of a Complaint.
“Staff”	Means an employee of the District in a senior leadership role.
“Volunteer”	Means a person serving the District who is not a Council Member, Committee Member, Employee or Staff.

1.2 Purpose and Interpretation:

- 1.2.1 This Policy sets out the rules Members must follow in fulfilling their duties and responsibilities as elected or appointed officials, and the powers and procedures of the CAO in exercising oversight of the Responsible Conduct Policy.
- 1.2.2 The provisions of this Policy are to be interpreted broadly and in a manner that is consistent with the *Community Charter* S.B.C. 2003, c. 26.



1.3 Application:

- 1.3.1 This Policy applies to Council Members and Committee Members.
- 1.3.2 This Policy does not apply to a Member's conduct in their personal life, except to the extent that such conduct reasonably undermines public confidence in District governance.
- 1.3.3 In the event of a conflict between this Policy and another District Policy or Council Policy governing Member conduct, this Policy prevails.
- 1.3.4 In this Policy, a reference to a person who holds an office includes a reference to the persons appointed to act for that person from time to time.
- 1.3.5 This Policy is not intended to limit, curtail or restrict in any manner respectful discussions, discourse or debate.

1.4 Severability:

- 1.4.1 If any definition, section, subsection, paragraph, subparagraph, clause or phrase in this Policy is held invalid by a Court of competent jurisdiction, the invalid definition, section, subsection, paragraph, subparagraph, clause or phrase must be severed and the remainder of this Policy is deemed to have been adopted without the severed definition, section, subsection, paragraph, subparagraph, clause or phrase.

PART 2 – STANDARDS AND VALUES

2.1 Foundational Principles

These guiding principles provide a basis for how Members fulfill their roles and responsibilities in their capacity as elected or appointed officials of the District, including in their relationships with each other, Staff and with the public.

2.1.1 **Integrity:** being honest and demonstrating strong ethical principles. Members are expected to act with integrity by:

- (a) Behaving in a manner that promotes public confidence in the District, including actively avoiding any conflicts of interest, improper use of office or unethical conduct.
- (b) Being truthful, honest and open in all dealings.
- (c) Upholding the public interest and making decisions in the best interests of the community.
- (d) Following through on commitments, engaging in positive communication with the community and correcting errors in a timely and transparent manner.
- (e) Acting lawfully and within the authority of the *Community Charter, Local Government Act, Workers Compensation Act of B.C.* and *B.C. Human Rights Code*.

2.1.2 **Accountability:** an obligation and willingness to accept responsibility or to account for one's actions. Members are expected to act with accountability by:

- (a) Being transparent in how they individually and collectively conduct business and carry out their duties.

**MUNICIPAL POLICY MANUAL**

- (b) Ensuring decisions are made in the public forum and that the public can view the process and rationale behind each decision and action, while protecting confidentiality where appropriate or necessary.
- (c) Accepting that they are collectively accountable for local government decisions, and that individual Members are responsible and accountable for the decisions they make in fulfilling their roles.
- (d) Listening to and considering the opinions and needs of the community in the Council decision making process, and allowing for respectful discourse and feedback.
- (e) Maintaining an open mind and willingness to change direction in the best interest of the community.

2.1.3 **Respect:** having due regard for others' perspectives, wishes and rights; displaying deference to the offices of local government, and the role of local government in community decision-making. Members are expected to act with respect by:

- (a) Treating every person, including other Members, Staff, Employees, and Volunteers and the public with dignity.
- (b) Showing consideration for colleagues, Staff, Employees, and Volunteers.
- (c) Creating an environment of trust, including displaying awareness and sensitivity around comments and language that may be perceived as derogatory.
- (d) Valuing the role of diverse perspectives and debate in decision making.
- (e) Acting in a way that is respectful of the roles and responsibilities of the office of Mayor and Council.
- (f) Valuing the distinct roles and responsibilities of local government Staff and the community in local government considerations and operations, and committing to fostering a positive working relationship between Staff, Employees, Volunteers, the public and elected officials.

2.1.4 **Leadership and Collaboration:** an ability to lead, listen to, and positively influence others; coming together to create or meet a common goal through collective efforts. Members are expected to demonstrate leadership and collaboration by:

- (a) Demonstrating behavior that builds and inspires public trust and confidence in local government.
- (b) Calmly facing challenges and providing considered direction of the issues of the day, and enabling colleagues and Staff to do the same.
- (c) Creating space for open expression by others, taking responsibility for one's own actions and reactions and accepting the decisions of the majority.
- (d) Accepting that it is the equal responsibility of the Council and Committee Members individually and collectively to work together to achieve common goals.



- (e) Being an active participant in ensuring these Foundational Principles and the standards of conduct are followed.

2.2 Interpretation

2.2.1 The standards and values above are to inform the interpretation of the substantive provisions of this Policy and are not to be standalone bases for complaints.

2.3 Roles and Responsibilities

2.3.1 Council is the governing body of the District. It has the responsibility to govern the District in accordance with *Community Charter* and other applicable legislation.

2.3.2 The Mayor has a statutory responsibility to provide leadership to the Council and to provide general direction to the CAO as set out by the *Community Charter*.

2.3.3 The CAO is Council's one employee. It is the responsibility of the CAO to ensure the programs, policies and initiatives of Council are undertaken, to keep Council informed of progress on those matters, and to provide professional advice to Council.

2.3.4 Staff provide professional advice to the Council and carry out decisions in an effective, efficient and non-partisan manner under the direction of the CAO.

PART 3 – CONDUCT OF ELECTED OFFICIALS

3.1 General Conduct

3.1.1 A Member shall not:

- (a) contravene this Policy;
- (b) contravene any other District Policy or Council Policy;
- (c) contravene a law of British Columbia or Canada, including the British Columbia *Human Rights Code* or the *Freedom of Information and Protection of Privacy Act*;
- (d) Bully or Harass a Member, Staff, Employee, the public or a Volunteer;
- (e) defame a Member, Staff, Employee, the public or a Volunteer.

3.1.2 A Member shall treat other Council Members, Committee Members, Staff, Employees, Volunteers and members of the public with respect and dignity.

3.1.3 A Council Member shall not:

- (a) breach their oath sworn upon taking office as a Council Member; or
- (b) abuse their office.

3.2 Interactions with Staff, Employees, Volunteers and Committee Members

3.2.1 A Member must direct inquiries regarding departmental issues or questions to the CAO or Director of the appropriate department and refrain from contacting Employees directly unless the communication is minor and of a day-to-day operational nature.



- 3.2.2 Members must not interfere with, hinder or obstruct Staff, Employees, Volunteers or Committee Members in the exercise or performance of their roles, responsibilities, powers, duties or functions, nor shall they impair the ability of Municipal Officers and Staff to implement Council policy decisions.
- 3.2.3 Members must not request or require Staff or Employees to undertake personal or private work on behalf of a Member.
- 3.2.4 If a Council Member has information about Staff, Employee or a Volunteer that the Council Member wishes to bring to the attention of the District for the purposes of a review or investigation into the conduct or an omission of the individual, the Council Member may only do so by delivering the information in writing to the CAO. On receipt of such information, the CAO shall conduct a review or investigation and address the matter in accordance with the District's employment agreements, policies and with the applicable employment law or professional responsibility enactments.
- 3.2.5 Members must not publish statements attacking other Members, Staff, Employees or Volunteers.
- 3.2.6 Information obtained by any Council Member, which is likely to be used in a Council or political debate, must be provided to all other Council Members, and the CAO.

3.3 Interactions with the Public and Media

- 3.3.1 The Mayor, or Acting Mayor, as the case may be, is the voice of Council.
- 3.3.2 Without limiting the ability of a Member to have individual discussions or discourse on a given topic, Members must not communicate on behalf of the Council or District unless authorized to do so by Council Resolution or by virtue of a position or role the Member has been authorized to undertake by Council.
- 3.3.3 Without limiting the ability of the Council Member to hold a position on an issue and respectfully express their opinions, a Council Member must:
 - (a) ensure that their communications relating to Council business are accurate and not issue any communication that the Member knows, or ought to have known, to be false; and
 - (b) ensure that all communications by, and on behalf of a Member, including communications made via social media, are respectful and do not discriminate against, harass, or defame any Member, Staff, Employee, Volunteer or members of the public.
- 3.3.4 Members are not to issue instructions to any of the District's contractors, tenderers, consultants or other service providers unless expressly authorized to do so.
- 3.3.5 Outside of a Council or Committee Meeting, a Member shall not communicate with a tenderer or proponent regarding the subject matter of the procurement.

3.4 Public Meetings

- 3.4.1 A Member must act with decorum at Council and Committee meetings and in accordance with District of Ucluelet Council Procedure Bylaw No. 1300, 2021, as amended or replaced from time to time.



3.5 Collection and Handling of Information

3.5.1 A Member must:

- (a) comply with the provisions of the *Freedom of Information and Protection of Privacy Act* and related District policies and guidelines;
- (b) comply with Section 117 of the *Community Charter*, including by protecting, and not disclosing publicly, Confidential Information;
- (c) only access information held by the District for District business, and not for personal purposes; and
- (d) not alter District records unless expressly authorized to do so.

3.6 Use of Social Media

3.6.1 The provisions within this Policy apply, without limitation, to the use of a Member's personal and official social media accounts in the conduct of any business related to the duties and function of Council.

3.6.2 Members should regularly monitor their social media accounts and take measures to address the publication of messages or postings made by others in response to a Member's post that violate the terms of this Policy.

3.6.3 Members should in response to false, misleading or deceptive comments on a Member's personal or official social media account, as reasonably identified, direct the public to official District communications or factual information.

3.7 Conflict of Interest

3.7.1 A Member shall comply with the *Community Charter* by declaring Conflicts of Interest and not participate in discussion of a matter, or vote on a question in respect of that matter, where the Member has a Conflict of Interest.

3.7.2 In respect of each matter before Council, a Council Member shall:

- (a) assess whether they have a Conflict of Interest, if necessary, with the advice of the CAO; and
- (b) determine whether it is necessary to seek independent legal advice, at their own cost except where the CAO approves the cost, with respect to any situation which may result in a Conflict of Interest.

3.7.3 If a Member believes they have a Conflict of Interest in respect of a matter in a Council or Committee meeting, the Member shall:

- (a) notify the Mayor and CAO or the Chair of the meeting that the Member has a Conflict of Interest prior to the matter being considered at a meeting, and the Member shall restate the Conflict of Interest each time the matter arises before Council;
- (b) refrain from discussing the matter with any other Member publicly or privately; and



- (c) leave the meeting room if the matter is discussed and not return until the discussion has ended or voting on the matter has been concluded.

3.8 Use of Influence

- 3.8.1 A Member must not attempt to influence a decision of Council, a Committee, Municipal Officer, Staff or Employee if the Member has a pecuniary or non-pecuniary Conflict of Interest in relation to that decision.
- 3.8.2 A Member must not use their office to provide preferential treatment to any person or organization.
- 3.8.3 A Member must not intimidate, improperly influence, threaten, or coerce Staff and Employees.

3.9 Gifts and Personal Benefits

- 3.9.1 A Council Member must not accept a Gift or Personal Benefit, unless accepted in accordance with the *Community Charter*.
- 3.9.2 A Council Member must disclose a Gift or Personal Benefit received in accordance with the *Community Charter*.
- 3.9.3 Committee Members must comply with Sections 3.9.1 and 3.9.2 as though they were Council Members.

PART 4 – COMPLAINT AND RESOLUTION PROCEDURES

4.1 Council Members

4.1.1 Proactive Resolution

- (a) It is the preference of Council that in the event of a dispute between Members, the affected parties work towards an amicable solution or understanding independent of this Policy.
- (b) Members are encouraged to address any dispute outside of this Policy prior to formalizing any Complaint and may request the presence of the CAO, Mayor, Acting Mayor or another Member to be present at a meeting to resolve the issue.

4.1.2 Confidential Requests

- (a) If a Council Member, Committee Member, Employee or Staff believes that they have been subject to conduct by a Council Member in breach of this Policy, that person may approach the CAO on a confidential basis, without the need to file a Complaint, to request that the CAO inform the Council Member of the alleged breach. Upon receipt of this confidential request, the CAO may attempt to address the conduct with the Council Member(s).
- (b) The CAO must protect the confidentiality of a person making a request under Section 4.1.2 (a) unless the person making the request consents to disclosure.

4.1.3 Complaint Procedure

- (a) A Council Member, Committee Member, Staff or Employee may submit a Complaint to the CAO.



- (b) A Complaint must be in writing and describe with sufficient detail:
 - i. the name of the Complainant;
 - ii. the name of the Respondent;
 - iii. the conduct that the Complainant alleges to have breached the Policy;
 - iv. the date of the alleged conduct;
 - v. the part or parts of this Policy that the Complainant alleges has or have been breached; and
 - vi. the basis for the Complainant's knowledge about the conduct.
- (c) A Complainant may specify in the Complaint if they are willing to participate in an informal resolution of the Complaint.
- (d) The CAO may accept a Complaint notwithstanding that the form of the Complaint does not comply with all of the requirements set out in Section 4.1.3 (b) if, in the CAO's opinion, the circumstances warrant.
- (e) The CAO must not accept multiple Complaints concerning the same matter. In the event that the CAO receives multiple Complaints concerning the same matter, the CAO must proceed with the first Complaint accepted, but may expand the Complaint and add Complainants for the purpose of conducting the investigation and preparing the Investigation Report.
- (f) The CAO must reject a Complaint received more than 60 (sixty) days after the Complainant knew or reasonably ought to have known of the conduct alleged to be a breach of this Policy. The CAO is authorized to extend this 60 (sixty) day deadline up to a further 60 (sixty) days if circumstances warrant an extension.
- (g) The CAO must defer a Complaint received regarding a Council Member seeking re-election in the period from the first day of the nomination period to the general voting day until after the election.
- (h) In the ninety (90) days prior to general voting day, the CAO may suspend any investigation underway.
- (i) The CAO must prioritize and expedite the Complaint and resolution process to minimize the time between the initial Complaint and any resolution of the complaint.

4.1.4 Preliminary Assessment

- (a) On receipt of a Complaint, the CAO must conduct a preliminary assessment within five (5) business days and if at that time, or any time thereafter, the CAO is of the opinion that:
 - i. the statement is not with respect to a breach of this Policy;
 - ii. the Complaint is frivolous, vexatious, or not made in good faith;
 - iii. the Complainant wishes to withdraw the Complaint, and it would be appropriate in the circumstances to allow the withdrawal; or



- iv. there are no grounds or insufficient grounds for concluding that a violation of this Policy has occurred;

the CAO must notify the Complainant in writing that the CAO is closing the Complaint, set out the reasons therefore, and close the Complaint.

4.1.5 Dismissal or Suspension of Complaint

- (a) If a Complaint is submitted that on its face is not made with respect to a breach of this Policy, or if a Complaint would be more appropriately addressed through another process, including but not limited to if the Complaint is:
 - i. with respect to non-compliance with the *Freedom of Information and Protection of Privacy Act*;
 - ii. with respect to non-compliance with a more specific Council Policy or District Policy with a separate Complaint procedure; or
 - iii. with respect to a matter that is subject to another outstanding process, such as a court proceeding or human rights complaint;

the CAO may reject the Complaint, or part of the Complaint, and must notify the Complainant in writing that the Complaint is not within the jurisdiction of this Policy, or that the Complaint would be more appropriately addressed through another process, as the case may be, and set out any additional reasons and referrals the CAO thinks appropriate.

- (b) Where a Complaint is made against a Council Member who, during the course of the Complaint procedure, ceases to hold office, the CAO may close the Complaint and notify the Complainant and Respondent of this decision.
- (c) Where the Complainant wishes to withdraw the Complaint at any point in the investigation, and it would be appropriate in the circumstances to allow the withdrawal, the CAO may close the Complaint and notify the Respondent (where applicable) and Complainant of this decision.

4.1.6 Informal Resolution:

- (a) When the CAO has determined to proceed with a Complaint, the CAO must determine whether the Complaint requires a formal investigation, or whether the Complaint may be resolved informally. In the latter case, the CAO may either attempt to resolve the Complaint directly, or refer the Complaint to a suitable person to assist with the resolution of the Complaint.
- (b) The CAO or designated person will work towards an informal resolution of the Complaint within five (5) business days of completing the preliminary assessment.
- (c) If the Complaint cannot be resolved informally, the CAO must commence a formal investigation.
- (d) If a person other than the CAO is assisting in resolving the Complaint and the Complaint:
 - i. is resolved informally, the person assisting in resolving the complaint must notify the CAO in writing of the terms of the resolution, upon receipt of which, the CAO must close the Complaint.



- ii. cannot be resolved informally the person assisting in resolving the Complaint must refer the Complaint back to the CAO for a formal investigation.

4.1.7 Investigations

- (a) The CAO must determine whether the Complaint will be investigated by the CAO or a third-party investigator (the "Investigator") designated by the CAO.
- (b) If an Investigator is assigned, the CAO must appoint the Investigator within fifteen (15) business days of determination of the need for a formal investigation.
 - i. The Investigator may conduct an additional preliminary assessment of the Complaint, at the conclusion of which the Investigator may determine to continue the investigation or make a written recommendation to the CAO.
 - ii. If the Investigator determines to continue with the Complaint, the Investigator shall:
 - a. conduct an independent and impartial investigation of the complaint in a manner that is fair, timely, confidential and otherwise accords with the principles of due process and natural justice;
 - b. provide an investigation update within thirty (30) days of their appointment to the CAO, Mayor or Acting Mayor (as applicable), and to the Complainant and the Respondent;
 - c. provide a written report (the "Investigator's Report") of the findings of the investigation, including findings as to whether there has been a breach of this Policy, to the Mayor or Acting Mayor (as applicable), CAO, Complainant, and the Respondent; and
 - d. provide recommendations in the Investigator's Report as to the appropriate resolution of the Complaint, and if a breach is found, the appropriate remedy as provided under Part 5.
- (c) If the CAO conducts the investigation, the CAO shall:
 - a. conduct an independent and impartial investigation of the complaint in a manner that is fair, timely, confidential and otherwise accords with the principles of due process and natural justice;
 - b. provide an investigation update within thirty (30) days of commencing the investigation to the Mayor or Acting Mayor, as applicable, and to the Complainant and the Respondent;
 - c. provide a written report (the "CAO's Report") of the findings of the investigation, including findings as to whether there has been a breach of this Policy, to the Mayor or Acting Mayor (as applicable), Complainant, and the Respondent; and
 - d. provide recommendations in the CAO's Report as to the appropriate resolution of the Complaint, and if a breach is found, the appropriate remedy as provided under Part 5.



- (d) Where it is found that a Council Member did breach this Policy, but the Council Member took all reasonable steps to prevent it, or that it was trivial or done inadvertently or because of an error in judgment made in good faith, the CAO will state this in the CAO's Report or a report appended to the Investigator's Report and may recommend that no sanction(s) be imposed.

4.1.8 Adjudication and Reporting:

- (a) If the Investigator's Report or CAO's Report (collectively the "Investigation Report"), finds that the Respondent did not violate this Policy, the CAO must:
 - i. deliver a copy of the Investigation Report or, where appropriate, a summary thereof, to the Complainant, Respondent and Council; and
 - ii. present the Investigation Report at a Council meeting.
- (b) If the Investigator's Report or CAO's Report, finds that the Respondent violated the Policy, the CAO must:
 - i. deliver, on a strictly confidential basis, a copy of the Investigation Report to the Respondent;
 - ii. deliver a copy of the Investigation Report to the Complainant and Council five (5) business days after delivery of the investigation report to the Respondent; and
 - iii. present the Investigation Report at a Council meeting.

4.1.9 Final Determination by Council

- (a) Council must, within ten (10) business days of delivery of the Investigation Report to Council under section 4.1.8 or a longer period if approved by a 2/3 vote of Council, decide on the appropriate measures, if any, and take such actions as Council considers appropriate in the circumstances.
- (b) Prior to Council making any decision regarding recommendations set out in the Investigation Report, the Respondent must be provided with an opportunity, either in person or in writing, to comment on the decision and any recommended censure, sanctions or corrective actions.
- (c) While an Investigation Report provided to Council may be considered in a closed meeting for the purpose of receiving legal advice, or other valid reason, when Council deliberates and votes on the Investigation Report, it will do so in a public meeting and the Investigation Report must be made available to the public in a form that complies with Section 4.1.10 (a).
- (d) Notwithstanding Section 4.1.9 (c), Council may deliberate on and vote on a report in a closed meeting where there is a valid reason to close the meeting under Section 90 of the *Community Charter*.

4.1.10 Report to be Public

- (a) Upon conclusion of an investigative process and a copy of the Investigation Report has been received by the Complainant, Respondent and Council, the District shall make the Investigation Report available to the public in accordance with the *Freedom of Information and Protection of*



Privacy Act, and ensure that appropriate redactions are applied prior to public release.

4.1.11 Confidentiality of the Investigation

All reasonable efforts must be made to investigate Complaints in confidence.

- (a) The CAO and every person acting under the CAOs' instructions must preserve confidentiality with respect to all matters that come into the CAO's knowledge in the course of any investigation or Complaint except as required by law.
- (b) An Investigation Report must only disclose such matters as, in the CAO's opinion, are necessary for the purpose of the Investigation Report.
- (c) A notification issued pursuant to Sections 4.1.4 (a), 4.1.5 (a), (b) and (c), 4.1.6 (d) are confidential and must not be disclosed except in the following circumstances:
 - i. to Council for the purpose of considering a resolution for reimbursement of legal fees pursuant to Section 4.3.1; and
 - ii. the Respondent may disclose the fact that the Complaint has been closed, or that a finding has been made that the Respondent did not breach this Policy.

4.2 Reprisals and Obstruction

4.2.1 No Council Member, Committee Member, Staff or Employee will obstruct the CAO and where applicable the Investigator, in the carrying out of their duties or responsibilities.

4.2.2 No Council Member, Committee Member, Staff or Employee will threaten or undertake any active reprisal against a Complainant or against a person who provides information to the CAO and where applicable the Investigator, in the context of an investigation.

4.2.3 No Council Member, Committee Member, Staff or Employee will tamper with or destroy documents or electronic records related to any matter under investigation under this Policy or refuse to respond to the CAO and where applicable the Investigator, when questioned regarding an investigation.

4.2.4 Any individual covered by this Policy who is found to have engaged in any reprisal or retaliation in violation of this Policy will be subject to appropriate disciplinary action, which action may include, and is not limited to, the sanctions and remedies described below, or in the case of Staff, disciplinary action up to and including the termination of employment for just cause, as applicable.

4.3 Reimbursement of Costs

4.3.1 A Council Member may make a request to Council for reimbursement for the costs of legal advice and representation in responding to the formal Complaint process outlined in this Policy. If appropriate after considering all circumstances, Council may resolve to reimburse legal fees reasonably incurred by a Council Member, provided that all of the following are met:

- (a) It is the Council Member's first formal Complaint process; and
- (b) The amount does not exceed \$10,000.

4.3.2 A Committee Member, excluding Council Members duly appointed by Council to act on a board or



committee as a Committee Member, are ineligible for reimbursement for the costs of legal advice and representation in responding to the formal Complaint process outlined within this Policy.

4.4 Vexatious Allegations and Complaints

4.4.1 Any individual covered by this Policy who makes an allegation or Complaint under this Policy that is subsequently found to have been made in a deliberately vexatious or malicious manner, or otherwise to have been made in bad faith, will be subject to appropriate disciplinary action, which action may include, but is not limited to:

- (a) In the case of Council Members, sanctions and remedies described in Part 5.
- (b) In the case of Committee Members, termination of the Committee Member's appointment.
- (c) In the case of Staff or Employees the termination of employment for just cause, as applicable.

PART 5 – COUNCIL REMEDIES

5.1 Remedies

The sanctions that may be imposed by Council for a violation of this Policy by a Council Member include the following:

- (a) a letter of reprimand from Council addressed to the Council Member;
- (b) a request from Council that the Council Member issue a letter of apology;
- (c) the publication of the letters contemplated in Subsections (a) and (b), along with the Council Member's written response, if any;
- (d) directions to the CAO regarding the provision of documents, including documents containing Confidential Information, to the Council Member;
- (e) a recommendation that the Council Member attend specific training;
- (f) limitations on access to certain District facilities;
- (g) suspension or removal of the Council Member from some or all Council committees and bodies to which the Council Member was appointed by Council;
- (h) prohibition from representing the District at events and/or attending conferences and seminars;
- (i) suspension or removal of the appointment of a Council Member as the Acting Mayor;
- (j) public censure of a Council Member;
- (k) reduction in compensation; and
- (l) any other sanction recommended in the Investigation Report, so long as that sanction is within the authority of Council.



PART 6 – COMMITTEE MEMBERS

6.1 Committee Members

- 6.1.1 Committee Members are subject to this Policy to the extent that they are acting within their authority as a duly appointed Committee Member.
- 6.1.2 Part 5 of this policy does not apply to Committee Members. All remaining provisions this Policy apply to Committee Members except to the extent that contrary or alternate provisions are set out in this section.
- 6.1.3 A Complaint must comply with and be processed in accordance with the standards and rules set out at Section 4.1.3, except the Complaint must be submitted simultaneously in writing addressed to the Mayor and CAO.
- 6.1.4 The Mayor shall consider alleged breaches of this Policy by Committee Members, direct any enquiries they consider appropriate or desirable be undertaken, including a referral to the CAO, and recommend appropriate disciplinary action to Council.
- (a) The Mayor may recommend that Council take any actions provided for in this Policy that the Mayor considers reasonable in the circumstances.
 - (b) Where Council finds that a Committee Member has breached this Policy, Council may decide by resolution to:
 - i. Require the Committee Member apologize to any person adversely affected by the breach;
 - ii. Provide counsel to the Committee Member;
 - iii. Terminate the Committee Member's appointment; or
 - iv. Implement such other measures as Council deems appropriate.

Marilyn McEwen

Mayor

Duane Lawrence

Chief Administrative Officer



REPORT TO COUNCIL

Council Meeting: May 9, 2023
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: DUANE LAWRENCE, CAO

FILE No: 0320-20

SUBJECT: FOOD BANK ON THE EDGE SUPPORT REQUEST

REPORT No: 23- 61

ATTACHMENT(S): APPENDIX A - FBOTE LEASE AREA
APPENDIX B - FBOTE FEASIBILITY REPORT
APPENDIX C - FBOTE REQUEST 2023

RECOMMENDATION(S):

Staff have provided options for Councils consideration within the options table below.

BACKGROUND:

The Food Bank on the Edge Society (FBOE) presented a request to Council at the March 28, 2023, regular meeting outlining their plan to purchase a modular building to be utilized as the new food bank.

The FBOE reported that their existing facility, located on District lands adjacent to the Recreation Hall on Seaplane Base Road, is at the end of its useful life and is no longer a safe and viable building to offer food bank services. The FBOE further outlined their plans to purchase a new modular building for approximately \$300,000 with an estimated \$200,000 of work for lot servicing, electrical and internet connections, civil works, foundation and finishings inclusive of a wraparound deck.

During the presentation FBOE noted the receipt of a \$100,000 donation for a downpayment on the modular building on March 30, 2023. FBOE, within their presentation, made a request for the District's support in the allocation of land and up to \$500,000.

ANALYSIS OF OPTIONS:

Staff met with FBOE representatives and clarified several aspects related to their plans, state of finances and funding plans for the new facility. In summary, the FBOE has confirmed a project budget of \$500,000, excluding the cost of land, and that they are hoping to have the new facility up and running by October of 2023.

The FBOE further confirmed the following estimates, summarized in Table 1, with respect to project cost estimates, potential funding strategy for the project and their request to the District.

Funding Source	Amount	Confirmation
All One Donation	\$100,000	Yes
Food Bank Society	\$100,000	Yes
Other Government Donations	\$50,000	No
Community In-kind Contributions	\$50,000	No
Fundraising (cash)	\$50,000	No
Sub-Total	\$350,000	
District of Ucluelet Request (cash)	\$150,000	No
District of Ucluelet Land (lease)	\$140,000	No
Total	\$500,000	

Table 1 – FBOE Project Estimate and Funding Summary

Land Request:

A 2021 motion of Council indicated support for the allocation of lands at Tugwell Fields off of Forbes Road, see Appendix A. The request at the time was for the FBOE to lease the space for a nominal fee. Staff can confirm that the original site plan is still valid; although it has not been considered within the context of an updated recreation master plan which is identified as a high priority item in Council's Strategic Plan. The recreation master planning process is estimated to take approximately 6 to 8 months once initiated. It is Staff's view that the master plan will not be completed in a reasonable amount of time for Council to consider the results of the engagement process in order to meet the timing associated with this request. If this location is supported by Council, it should be considered as a long-term or semi-permanent location.

If Council determines that a lease of lands is appropriate Staff would propose a lease rate of \$10/year for the term of the lease. Council, in consideration of a lease can further determine the length of the lease. As Tugwell Field is park land Staff will need to determine what process will be required to enter into a short or long term lease agreement which may include a notice of disposition or assent of the electors.

Finance Request:

This request is outside of the typical Grant In Aid program and should not be considered within the context of the Grant In Aid & In-Kind Contribution Policy. A request of this nature should be considered in the full context of the budget process and therefore should be deferred to the next budget cycle in 2024. It is also noteworthy that approving funding for a project that is in progress is not recommended as it can lead to increased occurrences of organizations requesting the District to aid projects that have not been funded adequately.

If Council wishes to pursue an allocation within the 2023 budget, Staff recommend Council consider using the Barkley Community Forest funds. The BCF reserves are currently not fully

allocated, although the previous Council indicated a desire to develop a legacy fund utilizing the BCF reserves which was created in 2022 as the BCF Legacy Reserve Fund. No allocation to the Legacy Fund was made in 2022 as it was determined it should be considered within the 2023 budget cycle. Staff have provided a summary, Table 2, of approved allocations and potential projects which could benefit from additional support from the BCF. Staff would recommend Council give due consideration to the requested use of the BCF funds for the purpose of supporting FBOE in the context of the below summary.

Year		Funds
Revenue		
2021 Audited Balance		\$2,803,065
2022 Dividends		\$367,000
2022 Interest		\$20,522
Total (Unaudited)		\$3,190,587
Confirmed Allocations		
	Allocation	
2022	Recreation Reserves (Rec Hall Replacement)	\$880,000
2022	School Generator	\$66,172
2023	Rec Hall Replacement Planning	\$75,000
Total Confirmed Allocations		\$1,021,172
Unallocated		\$2,169,415
Potential Allocations		
		Project Estimate
Replacement of the Fire Hall		\$6M - \$8M
Replacement of the Recreation Hall		\$7M - \$9M
Allocation to a Legacy Reserve		\$500K - \$1M

Table 2 – BCF Funds

If an allocation from the BCF reserve is approved staff would recommend Council consider how those funds would be distributed to the FBOE, a straight contribution of funds or a matching program. A straight donation of funds to the project would demonstrate the District's support for the project and provide certainty for FBOE. A donation in conjunction with a matching program could have the added benefit of encouraging community donations. A matching program would entail the District matches community donations, dollar for dollar, up to a specified amount.

The FBOE indicated to Staff that they are confident that community donations, in-kind and cash, and contributions from other local governments would amount to \$50,000 - \$150,000. As such, the FBOE is requesting Council give consideration of a donation of \$150,000 to a maximum of \$300,000, if they are unable to raise the additional funds.

General:

The FBOE has financially committed to the purchase of the new building prior to confirming how the project will be fully funded and where the facility will be placed. The FBOE has also prepared a high-level project budget, along the lines of a Class D cost estimate for the site servicing, utilities, foundation and finishings. Given the high degree of uncertainty in the delivery and implementation of construction projects, Staff would view this project as having a high-level financial risk which lends itself to a high degree of uncertainty for the success of the project.

Normally Staff would be advising Council and the FBOE not to proceed with the project until greater certainty on land and funding sources are confirmed. With the FBOE committing to the purchase of the new building, securing grants from other levels of government are extremely unlikely as costs would not be considered eligible under standard grant funding agreements. In consideration of the essential service the FBOE provides Staff have outlined three options for Council to consider.

A	Defer consideration of land and funding to the FBOE project until the 2024 budget cycle	<u>Pros</u>	<ul style="list-style-type: none"> Request would be considered within the full budget process Council could consider other funding sources to provide aid to the project FBOE would have time to raise additional funds in the community providing increased project certainty Land use evaluation could be completed for Tugwell Fields prior to the confirmation of the allocation of lands
		<u>Cons</u>	<ul style="list-style-type: none"> Decreased project certainty for the FBOE Not immediately supporting the project may be seen negatively by the community Existing food bank facility may cease operations if facility degrades further
		<u>Implications</u>	<ul style="list-style-type: none"> Staff resources in prioritizing the recreation master plan update Financial contribution would be considered within the full budget process
		<u>Suggested Motion</u>	THAT Council direct Staff to advise the Food Bank on the Edge Society that their request for support for the development of a new food bank building shall be considered within the 2024 financial plan.
B	Approve the allocation of land through a lease agreement and a cash contribution to the FBOE	<u>Pros</u>	<ul style="list-style-type: none"> Supports the FBOE request to construct a new facility Shows the community the District supports for the project Provides a new location for the FBOE which is outside of the inundation zone Increases food security for the community
		<u>Cons</u>	<ul style="list-style-type: none"> Tugwell location may adversely impact how the lands could be developed Allocation has not been considered within the greater context of the annual budget process, and thus has had limited public input If approved may increase occurrences of funding requests associated with projects already underway
		<u>Implications</u>	<ul style="list-style-type: none"> Allocation of \$150,000 from BCF Allocation of land valued at approximately \$140,000 Staff resources to draft a lease agreement District's ability to contribute to other priority projects from the BCF fund is reduced

		<u>Suggested Motion</u>	<p>THAT Council authorize the development of a lease agreement for a portion of the lands commonly referred to as Tugwell Fields between the District of Ucluelet and the Food Bank on the Edge Society for the future location of the Food Bank building.</p> <p>THAT Council authorize the allocation of \$150,000 to the Food Bank on the Edge Society for the Food Bank building project.</p> <p>THAT Council direct staff to amend the 2023 to 2027 Five-Year Financial Plan to reflect an allocation of \$150,000 to the Food Bank on the Edge Society.</p>
C	Approve the allocation of land through a lease agreement and a matching contribution to the FBOE	<u>Pros</u>	<ul style="list-style-type: none"> • Encourages community to contribute to the project • Supports the FBOE request to construct a new facility • Shows the community the District supports the project • Provides a new location for the FBOE which is outside of the inundation zone • Increases food security for the community
		<u>Cons</u>	<ul style="list-style-type: none"> • Tugwell location may adversely impact how the lands could be developed • Allocation has not been considered within the greater context of the annual budget process • If approved may increase occurrences of funding requests associated with projects already underway
		<u>Implications</u>	<ul style="list-style-type: none"> • Allocation of \$150,000 from BCF • Allocation of land valued at approximately \$140,000 • Staff resources to draft a lease agreement and verify matching contributions • District's ability to contribute to other priority projects from the BCF fund is reduced
		<u>Suggested Motion</u>	<p>THAT Council authorize the development of a lease agreement for a portion of the lands commonly referred to as Tugwell Fields between the District of Ucluelet and the Food Bank on the Edge Society for the future location of the Food Bank building.</p> <p>THAT Council authorize the allocation of \$100,000 to the Food Bank on the Edge Society for the Food Bank building project from the Barkley Community Forest Reserves; and,</p> <p>THAT Council authorize the allocation of up to a maximum of \$50,000 to the Food Bank on the Edge Society for the Food Bank building project in the form of a grant matching program where the District shall match dollar for dollar community cash contributions to the Food Bank building project; and,</p> <p>THAT Council direct staff to amend the 2023 to 2027 five-year financial plan to reflect an allocation of \$150,000 to the Food Bank on the Edge Society.</p>

POLICY OR LEGISLATIVE IMPACTS:

In order to make a contribution to the Food Bank on the Edge Society, the 2023 -2027 Five-Year Financial Plan would need to be amended.

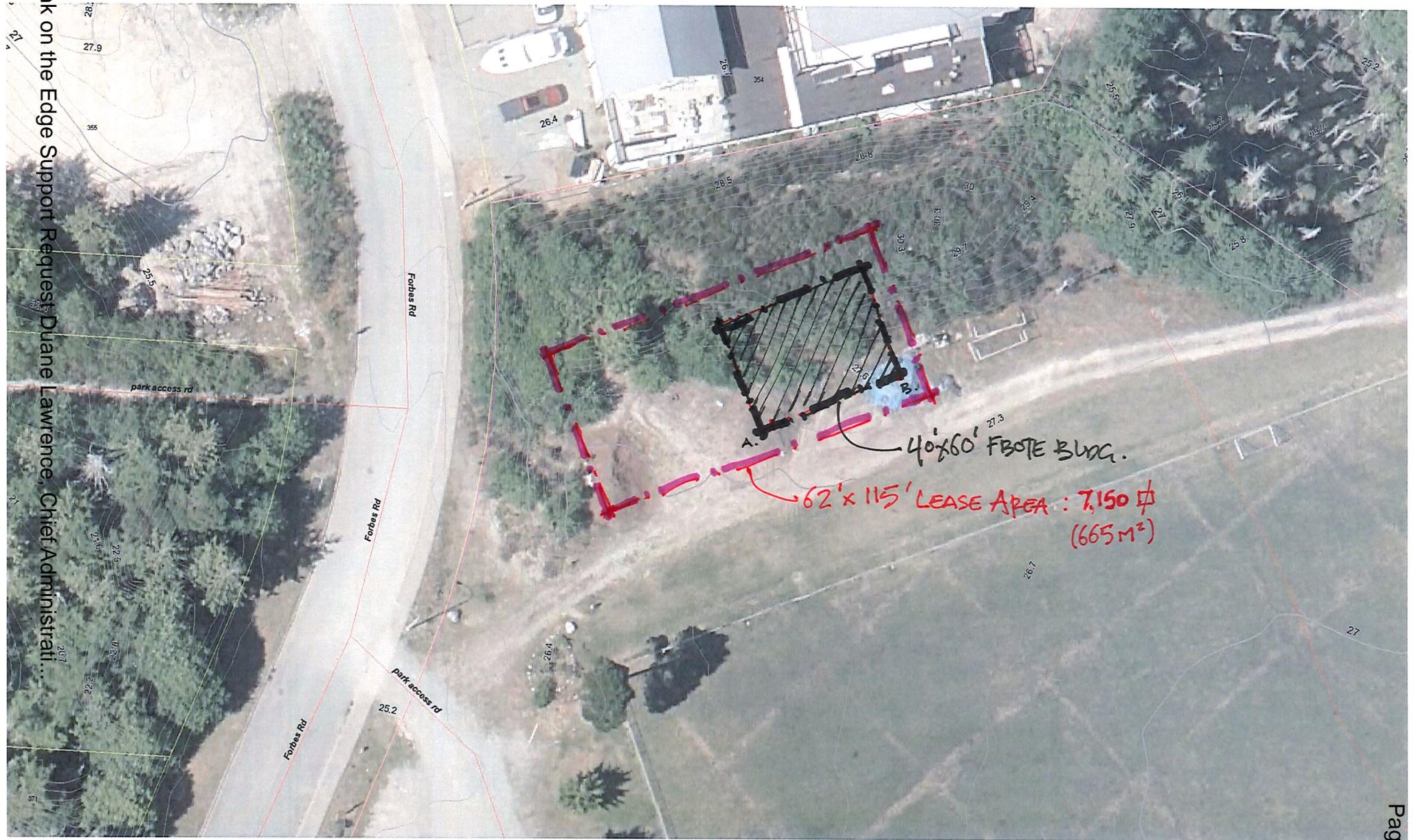
NEXT STEPS:

- Draft a lease agreement
- Amend the Five-Year Financial Plan
- Develop a contribution agreement based on a single allocation, matching program or combination of the two

Respectfully submitted: Duane Lawrence, CAO

FOOD BANK ON THE EDGE

POTENTIAL LEASE AREA - TUGWELL FIELD



Food Bank on the Edge Support Request Duane Lawrence, Chief Administrati...

FOR DISCUSSION PURPOSES - MAY 2021

PREPARING FOR THE 'BIG ONE'

A REPORT ON RELOCATION OF THE FOOD BANK ON THE EDGE

Prepared for: Food Bank on the Edge, Ucluelet BC

Sponsored by: Clayoquot Biosphere Trust

April 22, 2018

Prepared by: Kyle Wardstrom, M.CP



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EXECUTIVE SUMMARY

Located in Ucluelet, British Columbia, the Food Bank on the Edge (FBOTE) has helped tens of thousands of people access nourishing foods over nearly twenty years. Around 160 clients arrive each month at the only food bank on the west coast of Vancouver Island. While many live or stay in and around Ucluelet, a sizeable proportion of food bank users also travel from Tofino and other distant locales.

The FBOTE's current location is problematic. Not only is it located close to the sea, but it lies just nine metres above sea level. Local organizations, including the District of Ucluelet, maintain that a major tsunami event has the potential to affect all lands less than twenty metres above sea level.

In response to the threat, the FBOTE wishes to relocate to an area of higher ground. A potential site should also be convenient to access, offer a certain amount of privacy, and contain enough space for a larger facility and future garden area.

Initially, this report was to gather background information and choose multiple sites for possible relocation, from which could be deduced the advantages and disadvantages of each. The report was meant to inform the Board of the FBOTE where the most suitable locations would be to meet their needs today and in the future.

Originally, four sites were chosen for closer examination on their suitability for the FBOTE. However, in the early hours of January 23, 2018, the region was awoken to tsunami warning sirens stemming from a major earthquake near Alaska. Thankfully, the tsunami warning was lifted without incident, but this spurred the Board into decisive action to pursue one location above the others: Tugwell Fields.

The Board appeared as a delegation before District Council to outline their intentions to relocate and to seek Council's support for the Tugwell Fields site they have chosen.

The Tugwell site, located just off Peninsula Road near the entrance to Ucluelet, is conveniently located, contains ample space for the FBOTE's needs, offers privacy, and is about 25-30 metres above sea level. In the event of a devastating tsunami, the site could act as a gathering place for individuals and families from the community and would contain enough food until supply lines could be restored.

Two separate surveys were created to disseminate to the public; one for food bank clients and one for general community input. It was decided, in the end, between the FBOTE Board and the author/researcher to distribute one survey – that for food bank users. It was determined that a general community survey, whether the outcomes were positive or negative, would not ultimately be useful in the overall exercise of this relocation report. However, the FBOTE Board may deem a community survey appropriate in the future. If it does occur, it will likely be distributed to the closest neighbours of Tugwell Fields.

The following report outlines background information on the FBOTE, the reasons for seeking relocation, characteristics of the chosen Tugwell Fields site, and details of the survey (including analyses of the responses). Finally, the report concludes with recommendations from the findings.

1.0 BACKGROUND INFORMATION

1.1 HISTORY OF THE FOOD BANK ON THE EDGE

The Food Bank on the Edge (FBOTE) has a short, but benevolent history. Seeing a need in the west coast Vancouver Island region to provide food and other goods to those in need, the food bank began operations nearly twenty years ago (FBOTE, 2016). This followed on the heels of an economic decline in Ucluelet in the 1990s.

Ucluelet has traditionally relied upon the primary industries of forestry, mining, and fishing. The mid-nineties, however, brought a steep decline in each of these industries, which is evidenced in the contraction of population figures from 1996-2006. During that period, Ucluelet observed more than one-tenth of its residents moving out of the community (District of Ucluelet, 2011).

Since the start of the food bank's two decades of operation, it has experienced a steady increase in the number of area residents requiring assistance. In the past few years alone, the food bank's records show a 10% rise in clients each year (FBOTE, 2016), making their mission ever more important.

1.2 FOOD BANK OPERATIONS

The FBOTE is run entirely by volunteers and receives no Provincial or Federal financial support. Funding sources are attributed to donations from individuals and businesses, municipal grants-in-aid, grants from other organizations, bottle returns, and from fundraising.

Events to drum up support and raise funds for the FBOTE are held throughout the year. A popular annual fundraising event is the Chowder Chowdown held in the spring. Other activities to finance or otherwise maintain operations include: raffles, food drives, and distributing bags to homes around Ucluelet for residents to fill with much needed food and supplies.

The food bank is open to the public each Tuesday. Those who cannot get to the food bank can arrange to have the food hampers delivered to them. Anyone can access the food bank's services—the only requirement is that they are residents of the area.

Clients are given a full hamper of food each month. Hampers provide well-balanced foods, including: vegetables, fruits, legumes, grains, bread, canned goods, dairy, eggs, small amounts of meat, flour, cake mixes, and coffee or tea. Should the client go through the hamper earlier than expected, they may obtain a 'top-up' hamper of fresh fruit, dairy, and bread to ensure they are covered at all times.

1.3 THE FOOD BANK ON THE EDGE IN NUMBERS

The FBOTE logs their monthly trends by the number of people helped, hampers given out, and total weight of the food given. They also detail the amount of food coming in from different sources (Co-op store, Loaves and Fishes, purchased, etc.) and the number of volunteer work hours for each month.

From April 2014 to June 2017, the food bank handed out over 100,000 lbs. of food to more than 6,000 clients. These extraordinary figures amount to an average of 2,600 lbs of food given to 160 people each month (*figure 1*).

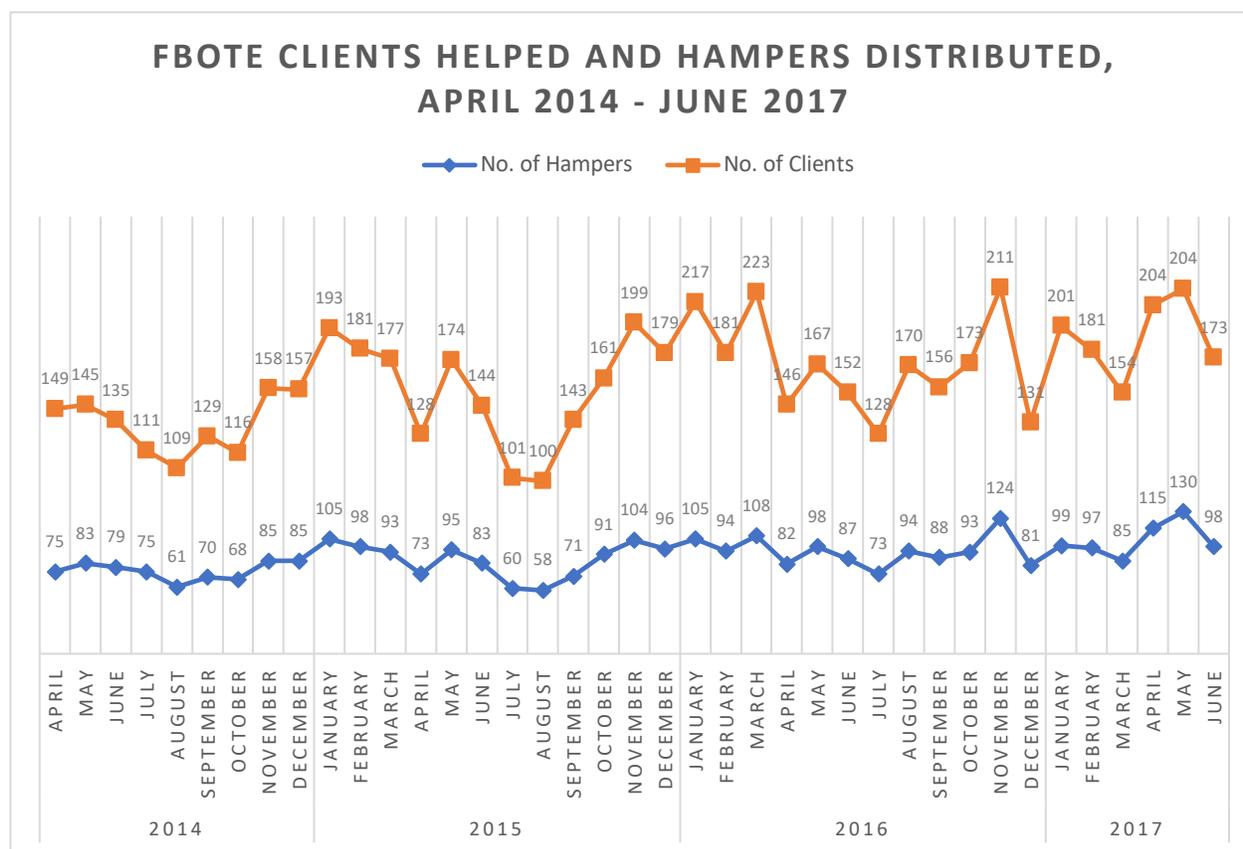


Figure 1. Number of food bank clients helped and hampers distributed by month from April 2014 to June 2017.

As discussed in Section 1.1 (History), the number of area residents accessing food bank services has increased in recent years. The average number of clients helped each month in 2014 was 134. By 2017, that number increased to 186. In total, these figures represent a 28% rise in the number of clients requiring assistance since 2014.

1.4 CURRENT LOCATION

The FBOTE is located adjacent to Seaplane Base Field and Recreation Hall along Seaplane Base Road. This area forms a small peninsula on the larger Ucluth Peninsula and juts into the Ucluelet Inlet. The food bank is surrounded on three sides by the ocean – Olsen Bay to the west, the inlet to the north, and the small craft harbour to the east.

Its current location (*figure 2*, next page) provides easy access to the rest of Ucluelet and the rest of the region via the main road into and out of town (Peninsula Road). All parts of Ucluelet can be accessed by car from the food bank in a mere few minutes, owing to the relatively small size of the community.

However, food bank clients living in outlying areas (Hitacu, Willowbrae, and farther afield) must travel a significant distance to access the food bank.

The FBOTE is the only food bank on the west coast of Vancouver Island. It is located in the Clayoquot Biosphere Reserve Region, which includes the communities of Ahousaht, Esowista, Ittatsoo (Hitacu), Refuge Cove (Hot Springs Cove), Macoah, Opitsaht, South Long Beach (Alberni-Clayoquot Regional District Electoral Area C), Tofino, and Ucluelet. Together these communities contain a population of over 5,000.

The FBOTE lies next to a gravel parking lot and open field used for recreation and local events. A well-used campground is situated on the opposite side of Seaplane Base Road. A boat ramp and small industrial area lie on the water's edge approximately 300 m north.

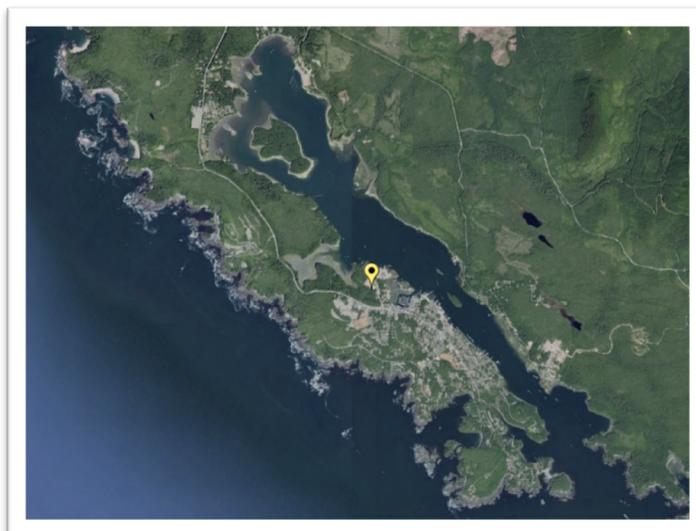


Figure 2. The food bank's location (denoted by a yellow marker) in Ucluelet. Peninsula Road (Ucluelet-Tofino Highway) is visible running along the spine of the Ucluth Peninsula. Map data: Google, Digital Globe.

2.0 WHY SEEK AN ALTERNATE FOOD BANK LOCATION?

2.1 CHARACTERISTICS OF THE CURRENT LOCATION

At just nine metres above sea level, the food bank is considered to be in the tsunami inundation zone (a swath of land hugging the coast up to 20 metres above sea level [figure 3]). At its nearest point, the ocean high tide mark lies about 150 metres west of the food bank in Olsen Bay. The land slopes gently from the ocean to the food bank.

Located on the inlet side of the Ucluth Peninsula, the food bank is sheltered from the impacts of the open ocean. However, a large tsunami event is likely to affect the entire coastal area – including the inlet – with potentially damaging waves. Although there is a significant amount of hearty

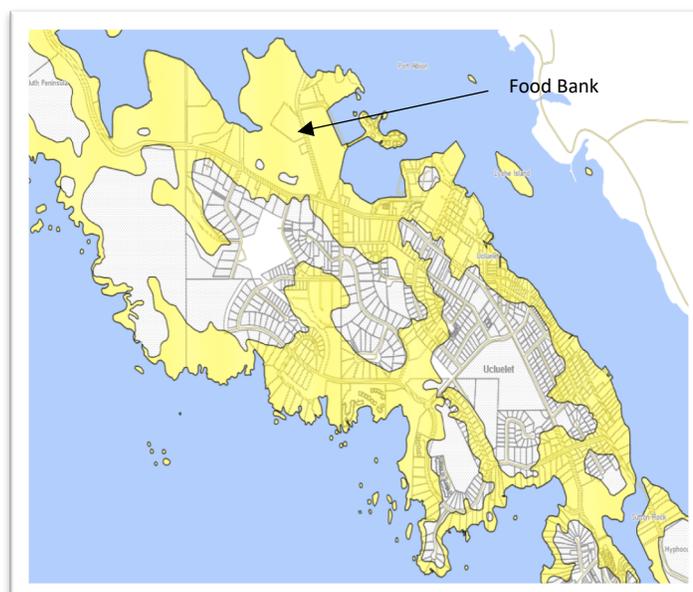


Figure 3. Ucluelet with the tsunami inundation zone shown in yellow.

vegetation between the water and the current food bank location, it likely will not provide full protection from a tsunami wave.

2.2 EARTHQUAKE AND TSUNAMI RISK

2.2.1 1700 EARTHQUAKE

The west coast of North America from Vancouver Island to northern California was pummeled by a large earthquake (estimated to be above magnitude 9.0 on the Richter scale) on January 27th, 1700 (Global News, January 23, 2018). Studies of sediments have recorded subsided marshes, huge landslides flowing into the ocean, and drowned forests dated to this event (Finkbeiner, 2015).

Many First Nations have stories that may originate with this event. Several people tell stories of a “life and death struggle” between the Thunderbird and the Whale, causing the mountains to quake and the seas to upwell (Finkbeiner, 2015). Elders tell of whole villages being decimated and archaeologists have reportedly found canoes lodged high on hilltops.

2.2.2 CASCADIA SUBDUCTION ZONE

Subduction zones are areas where two tectonic plates converge, with one plate moving beneath the other. In some areas of subduction zones, the plates become locked and no longer slip past each other. The result is the immense buildup of frictional stress and energy which, at intermittent intervals, releases abruptly causing ‘megathrust’ earthquakes and powerful tsunamis (Oceans Network Canada, 2012).

Subduction zone earthquakes, resulting from the sudden thrust of the plates moving past each other, are the strongest type of earthquake known. In fact, earthquakes above magnitude 8.5 only occur along subduction zones (Pacific Northwest Seismic Network, n.d.). Recent subduction zone earthquakes include the 2004 Indian Ocean earthquake (M9.1), the 2010 Chilean earthquake (M8.8), and the 2011 Tohoku earthquake in Japan (M9.0).

The Cascadia Subduction Zone stretches about 1,000 kilometres from offshore Cape Mendocino in northern California to the northern tip of Vancouver Island (Oceans Network Canada, 2012). The zone is the area of the Juan de Fuca Plate subsiding beneath the North American Plate.

The last megathrust earthquake along the Cascadia Subduction Zone occurred about 320 years ago. Geologic evidence suggests there have been seven similar events over the past 3,500 years, with an event interval between 400 and 600 years (Pacific Northwest Seismic Network, n.d.). Other estimates claim megathrust earthquakes occur in the region between 300 and 500 years (Oceans Network Canada, 2012).

2.2.3 EARTHQUAKE AND TSUNAMI POTENTIAL

Ucluelet is situated along the Pacific Ring of Fire – an area known for its lively seismic and volcanic activity. As a result, the west coast of Vancouver Island is littered with sites containing geological

evidence of large prehistoric tsunamis (figure 4). Sites from Port Renfrew to near Cape Scott show indications of damage from tsunamis in the relatively recent past.

Scientists from the Earth Sciences department at Simon Fraser University calculated a 12% probability of a major earthquake event to occur within the next 50 years (Clague et al., 2006). In such an event, a potentially devastating tsunami can be expected to inundate coastal areas, including Ucluelet. Additionally, a large earthquake has the potential of creating other destructive effects.

Bridges, docks, buildings, roads, and utility infrastructure all risk collapse or suffering heavy damage from a major earthquake and subsequent tsunami. Landslides from a major earthquake could also cut off the main supply line to the region (Highway 4).

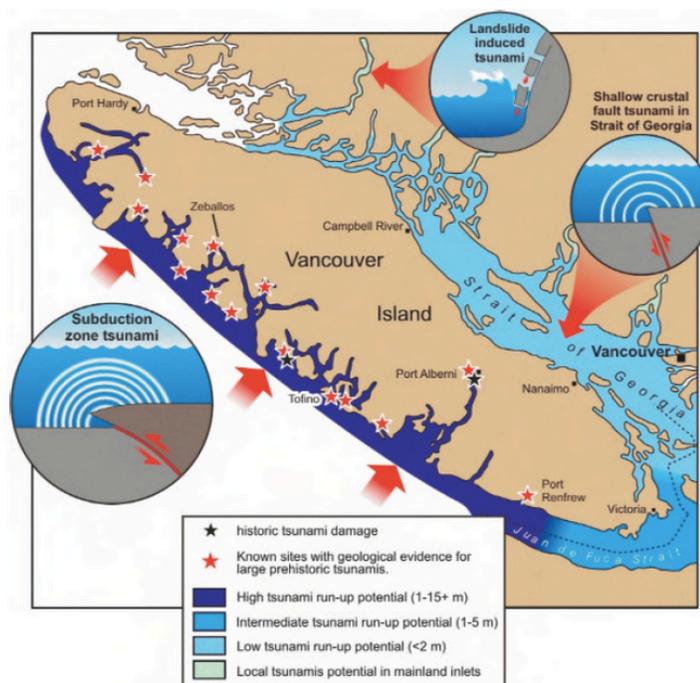


Figure 4. Historical tsunami events on Vancouver Island (Clague et al., 2006)

2.3 THE NEED TO PROTECT AND ENHANCE FOOD SECURITY

Food security is defined as people “having [available] and adequate access at all times to sufficient, safe, nutritious food to maintain a healthy and active life” (World Food Programme, 2018). While only a small minority of the population requires access to the food bank and other resources on a prolonged basis, the majority of residents in the Ucluelet area – regardless of income or employment status – may find themselves in a precarious position when the next ‘big one’ occurs. In other words, most people in the region may become ‘food insecure’ in a matter of seconds.

An important solution to this problem is to site the FBOTE in a more appropriate location away from the threat of damage from a natural disaster. In this way, the food bank can serve as an emergency cache of food and other supplies for the whole community. Many families and individuals do not store an adequate supply of necessities to provide them with sufficient nutrition for a few days. Even if they did, many households likely store their emergency food items at home, which may suffer significant damage in a tsunami.

2.3.1 CLAYOQUOT BIOSPHERE RESERVE REGION COMMUNITY FOOD SURVEY

In 2009, the Ucluelet Community Foods Initiative (UCFI) conducted a survey to gauge public interest in food security as well as to inventory community assets and explore the barriers to regional food security (UCFI, 2009).

The results of the survey can be used for general purposes, but some findings are especially helpful for this report:

- Around 15% of respondents sacrificed paying rent or utilities to buy food. Although food is available and usually accessible in the area, it is not affordable. (Food on the west coast costs roughly 8%-21% higher than in Port Alberni [Clayoquot Biosphere Trust, 2016], an hour to hour and a half drive away.)
- 60% of respondents would like to take advantage of a community greenhouse or garden plot.
- Many responded that a way to improve community nutrition was to improve the food bank.
- 10% said they used food assistance programs, such as the food bank.

2.3.2 CLAYOQUOT FOOD ACTION PLAN

A 2010 report compiled by UCFI in partnership with the Clayoquot Biosphere Trust, laid out the steps to increase regional food security. While there are five emergency food providers in the west coast region, only the FBOTE provides food for pick up and use at home. The other providers serve community lunches or provide vouchers for use at local grocery stores, but do not provide hampers for their clientele.

2.4 REQUIREMENTS OF AN ALTERNATE LOCATION

A suitable location for the FBOTE requires the following:

- serviced by sewer and electrical hookup
- accessible from a road
- able to house a 1,200 square foot facility with an adjacent covered unloading area of 10 feet by 10 feet
- area for bottle drop offs
- space for a future community garden to contain at least 10 garden beds, each measuring 8 feet by 4 feet
- Off-street parking for 10 cars

3.0 REPORT REALIGNMENT

In the early hours of January 23rd, 2018, a 7.9 magnitude earthquake struck southeast of Kodiak Island in the Gulf of Alaska. As a result, Ucluelet residents were awoken by the sound of tsunami sirens and calls to move to higher ground. Ultimately, the tsunami warning was cancelled without any measurable

impact on local waters. However, this event spurred the Board of the FBOTE into swift and decisive action to pursue one potential site above all others.

This report was initially to address a host of potential sites for relocation. Of those possible sites, one – Tugwell Fields – was chosen for its potential to meet the needs of the food bank. Board members appeared as a delegation at the February 13th, 2018 Council meeting to make Council aware of their intentions to relocate, as well as the potential of the Tugwell site to meet the FBOTE’s needs. Portions of this report and a delegation presentation script were supplied to Board members to present to Council, which are contained in Appendix 1. Council was receptive to the proposal and directed staff to assess the potential of the area to host the food bank.

The Board of the FBOTE has been in contact with the Director of Parks and Recreation, Abby Fortune, to move the project forward.

4.0 ALTERNATE LOCATION

4.1 BACKGROUND

Tugwell Fields is a park in the well-developed Ucluelet parks and trails network. At around 4 hectares (10 acres), Tugwell is one of the largest community parks in the system and was designed for multi-purpose uses, containing fields for baseball/softball and soccer. According to the Ucluelet Parks and Recreation Master Plan (2013), some discussion has occurred about siting a future clubhouse at Tugwell, which has the potential of containing space for a “muster station [in] case of an emergency” (p. 31).

4.2 CHARACTERISTICS OF TUGWELL FIELDS

Required Characteristic	Tugwell Meets Requirement?
Located at least 20 metres above sea level	Yes
Serviced by sewer and electrical hookup	No*
Accessible from a road	Yes
Able to house a 1,200 square foot facility and adjacent outdoor covered area	Yes
Space for a bottle drop off area	Yes
Space for a future community garden with 10 garden beds (4’x8’ each)	Yes
Off-street parking for 10 cars	Yes

*While there are sewer mains and BC hydro street lighting on Forbes Road, sanitary sewer and electrical connections to the park itself is unlikely. Connecting utilities to a future food bank building will likely still be financially feasible, considering the short distance from the site to the mains/conduits near or under Forbes Road. Alternatives may be sought, however, including composting toilets, rain storage barrels for water supply, and small scale solar or wind power generation units.

4.2.1 MEETING THE FBOTE'S REQUIRED CHARACTERISTICS

Although the Tugwell site does not meet one required characteristic, it meets all other characteristics very well. All parts of Tugwell Fields are higher than 20 m above sea level. The proposed food bank location in the northwest portion of the park along Forbes Road is even higher at 28-30 m above sea level. The high elevation of the park is one reason that it has been designated by the District of Ucluelet as a community safe zone and muster point during emergency evacuations.

The proposed site (see figures below) is currently used as a storage area for gravel and other materials for parks and trails. Although this type of storage is important for regular park maintenance, its location in this spot is unnecessary. Materials storage can likely be shifted to other areas of the park, opening the space for the food bank and its future uses.

Although just a small portion of Tugwell Fields, the proposed site is still about 1,400 square metres (15,000 square feet), which is more than ample to accommodate a future food bank building, covered unloading area, bottle drop off area, and community garden beds. Moreover, located directly next to the proposed site lies an off-street parking area for around 60 vehicles.

4.2.2 IMAGES OF THE PROPOSED SITE



Figure 5. The proposed site off Forbes Road at Tugwell Fields.



Figure 6. Entrance to the proposed site from the off-street parking area.



Figure 7. Off-street parking area off Forbes Road.



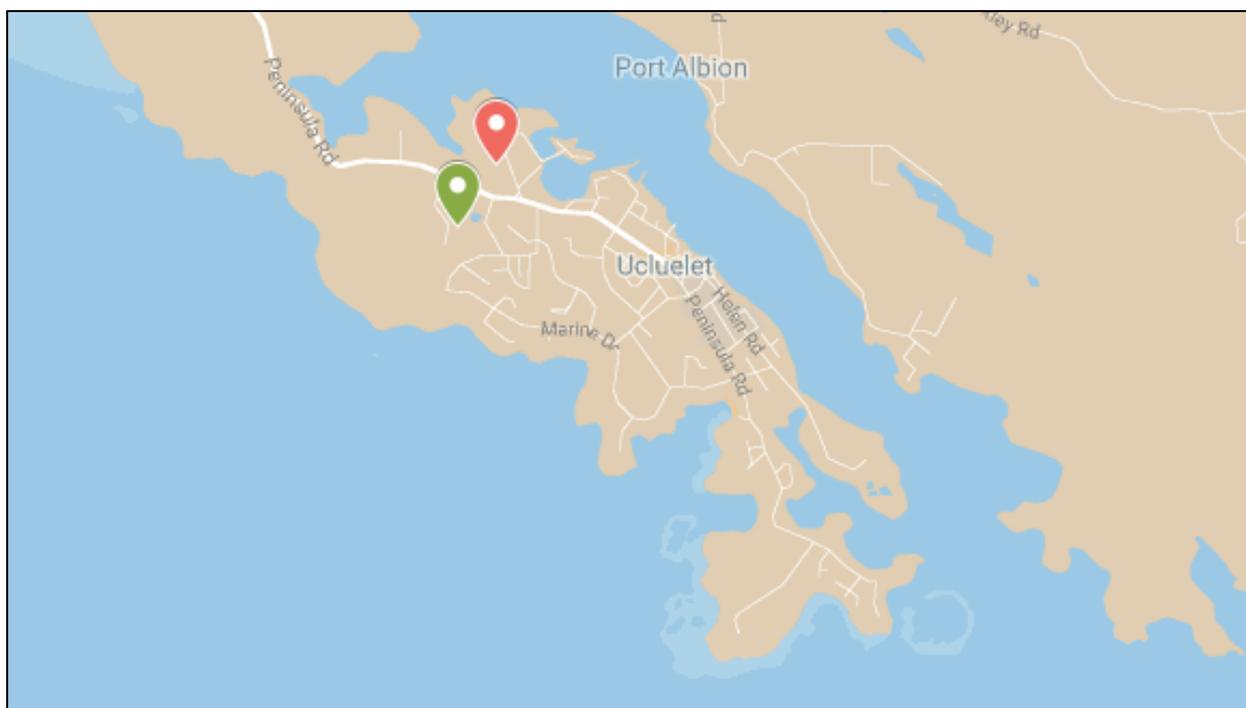
Figure 8. A future food bank and garden would not impact the existing ball field areas.

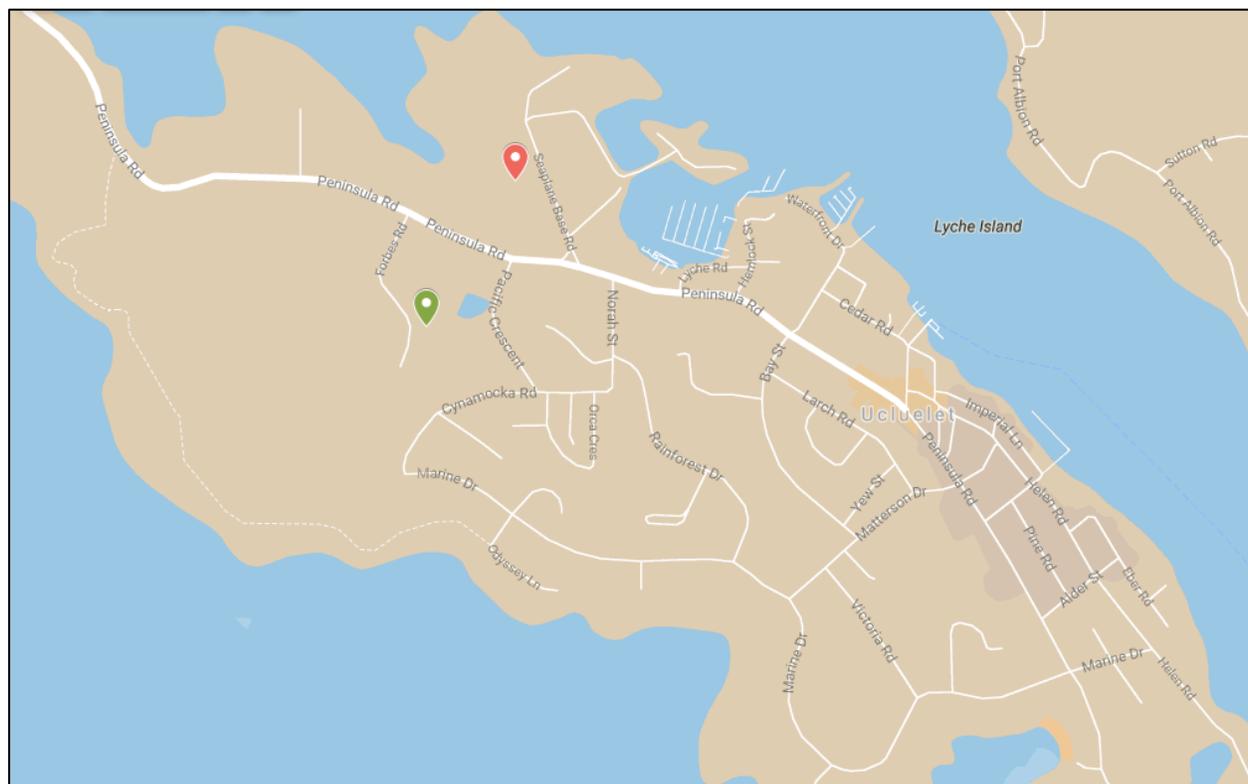


Figure 9. Although an unclear image, the outlined area shows the amount of space at the proposed site (adapted from Google, DigitalGlobe, IMTCAN). Note: the 193 m figure is perimeter, not area.



Figure 10. Zoomed-out aerial image showing the proposed location within Tugwell Park (adapted from Google, DigitalGlobe, IMTCAN).





Figures 11 (previous page) and 12. Maps showing the existing food bank location (red marker) and the proposed site for relocation (green marker) (Adapted from Google, 2018).

4.3 TUGWELL FIELDS' ZONING DESIGNATION

The existing food bank location and Seaplane Base recreation hall fall under the P-1 – Public Institutional zoning designation of Zoning Bylaw No. 1160. This zone permits the following uses (notice that 'food bank' is not specifically stated):

- School
- Public administration and utility
- Public assembly
- Community care facility
- Outdoor recreation
- Park

In Zoning Bylaw No. 1160, Tugwell Fields falls under a 'comprehensive development' zone, specifically CD-1 Zone – Eco-Industrial Park. Comprehensive development zones are often created out of large parcels of land where the intended uses do not match with existing zoning designations, or in order to gain special features for the community through development negotiations. Tugwell Fields was created as a parkland dedication during the development of the Forbes Road area.

In the park itself, the following land uses are permitted as a principle use:

- Park
- Public assembly

'Public assembly' is defined in the zoning bylaw as

...the use of land, buildings or structures for primarily non-commercial exhibits, special events, or meetings and includes an auditorium, place of worship, museum, community centres, fraternal lodge, youth centre or senior citizens complex, specifically excluding commercial entertainment and commercial recreation. (District of Ucluelet Zoning Bylaw No. 1160, 2013, pg. 18).

Food banks are not currently defined or specifically permitted in the bylaw, but may be generally interpreted as a non-commercial public use. If this is the case, a rezoning and public hearing process may not be required prior to relocation, as food banks may be considered under the definition of 'public assembly.' However, another possible interpretation is that 'food bank' may fall under the definition of 'public administration and utility,' which is defined as

...the use of land, buildings or structures for non-commercial management of public resources and provision of public services to the community, and includes parks, hospitals, cemetery, community centres, emergency services, libraries, museums, law courts and the municipal hall. (District of Ucluelet Zoning Bylaw No. 1160, 2013, pg. 18).

An excerpt of relevant sections of the zoning bylaw is attached in Appendix 2.

A personal communication between the author and John Towgood, Planner I at the District of Ucluelet, clarified that the food bank would most likely be permitted under Tugwell Fields' current zoning designation.

5.0 SURVEYS

One requirement of this report was to collect pertinent information and opinions from food bank users and the community at large on relocation. Two separate surveys were created to disseminate to the public; one for food bank clients and one for general community input. It was decided in the end between the FBOTE Board and the author to distribute one survey – that for food bank users. It was determined that a general community survey, whether the outcomes were positive or negative, would not ultimately be useful in the overall exercise of this relocation report. However, the FBOTE Board may deem a community survey appropriate in the future. If it does occur, it will likely be distributed to the closest neighbours of Tugwell Fields and not the entire community.

5.1 FOOD BANK CLIENT SURVEY

As well as seeking input on relocation, the survey sought to collect other information that may be useful to the food bank in the future. This included, for instance, questions on the distance people travel to get to the food bank, which modes of transportation they use, the characteristics of the food bank that they

like / dislike, and how often they receive food bank support. Appendix 3 contains the client survey form that was used.

5.2 SURVEY RESULTS

5.2.1 NUMBER OF RESPONSES

A total of 77 food bank clients filled out the survey. The survey was distributed over three dates in March 2018 (March 6th, 13th, and 27th). Generally, a food bank volunteer was tasked with asking the questions and filling in the answers for the clients. This was to avoid potentially embarrassing the client if their ability to read and write was limited.

5.2.2 CLIENT RESPONSES

Below are the questions that were asked of the food bank clients followed by their multiple-choice responses. Some of the questions contained multiple responses and some questions went unanswered, which is why the number of responses do not always match the number of clients surveyed.

Question 1. Do you currently live/stay in Ucluelet?				
Yes		No		
42		34		
Question 2. If the answer was 'no,' about how far do you travel to get to the food bank?				
10-20 kilometres		20-30 kilometres		More than 30 kilometres
12		3		28
Question 3. How do you usually get to the food bank?				
Walk	Bike	Drive	Get a ride	Other
9	1	35	36	4 – hitchhike/boat
Question 4. What do you like most about the food bank's current location?				
Convenient and easy to get to	Privacy – not on a major road	Plenty of parking		Other
56	16	29		5 – awesome/great customer service
Question 5. What do you not like about the food bank's current location?				
Difficult to access without a car	Too far from me	Not private enough; too visible from the road		Other
8	8	3		8 – small/crowded
Question 6. "The perfect location for a new food bank will be..."				
Centrally-located / easy to access	Private	Easy to see from the road	Close to other stores/services	Other
46	9	8	7	19 – higher ground/anywhere/more space
Question 7. How often do you visit the food bank?				
More than once a month	Every month	A couple times a year		Other
7	48	9		11 – bimonthly/4x a year

The survey also asked an eighth question, which contained a map of potential locations and requested clients give their opinion on the most suitable location for them. This question essentially became

obsolete following the FBOTE Board's decision to pursue one location – Tugwell Fields. Still, of those that responded to this question, a large majority stated that the Forbes Road area (or higher ground more generally) was a good fit for them.

5.2.3 ANALYSIS OF CLIENT RESPONSES

Question 1. Do you currently live/stay in Ucluelet?

A slight majority of respondents (55%) stated they are living or staying in Ucluelet. However, several respondents who answered 'yes' to this question also stated in question 2 that they traveled 10-20 kilometres to get to the food bank. It appears some of those living or staying in areas near Ucluelet, such as Hitacu and Willowbrae, consider themselves Ucluelet residents although they live outside the official municipal boundaries.

Somewhat surprisingly, is the proportion of food bank clients who do not live in Ucluelet. Forty-five percent of respondents live or stay elsewhere, which may be explained by the FBOTE being the only food bank in the west coast Vancouver Island region.

Question 2. If the answer was 'no,' about how far do you travel to get to the food bank?

Of those living outside of Ucluelet, 65% travel more than 30 kilometres to reach the food bank, suggesting a large number of clients coming from Tofino, located around 40 kilometres away.

Question 3. How do you usually get to the food bank?

Seeing as though there is no public transportation in the area, a majority of clients get a ride (42%) or drive (41%) to the food bank, which conveys the importance of an adequate amount of off-street parking for clients. This question also may provide incentive for the FBOTE to explore the future potential of a mobile food bank van or truck that may travel to other locations, such as Tofino to accommodate the dispersed population.

Question 4. What do you like most about the food bank's current location?

Although many clients live a significant distance from the food bank, a majority (53%) claimed the best characteristic of the current location is its convenient siting. This may have to do with the location near the entrance to the main town area, just off Peninsula Road. This question is very relevant to the choice of Tugwell Fields as the best area for relocation. Forbes Road and Tugwell Fields are similarly located near the entrance of the main town area off of Peninsula Road.

A significant proportion of clients (27%) reported that plentiful parking was an attribute they liked most about the current location.

Question 5. What do you not like about the food bank's current location?

Most respondents chose to skip this question, with some qualifying it with a written answer stating their overall satisfaction with the current location. However, of those that did respond to this question, a similar proportion selected that it was difficult to access without a car, too far from them, or the facilities are too small and crowded.

Question 6. “The perfect location for a new food bank will be...”

Fifty-two percent of respondents chose the answer “centrally-located/easy to access.” Since the proposed location at Tugwell Fields is similarly situated as the current location, but at a higher elevation and on the opposite side of Peninsula Road, it would be a suitable site for the purposes of this survey.

Several clients wrote in their own responses stating that the perfect location would be on higher ground or have more space.

Question 7. How often do you visit the food bank?

A majority of survey respondents (65%) access the food bank’s services each month and 10% visit more than once a month, returning during the same month for top-ups. About 25% of respondents visit the food bank less frequently than each month, with many coming every other month or every few months.

6.0 RECOMMENDATIONS AND CONCLUSION

Considering the threats posed by large earthquakes and high tsunami run-up potential on the west coast of Vancouver Island, it is strongly recommended to relocate the FBOTE to an area of higher elevation (over 20 metres above sea level). Although the possibility of a large tsunami is relatively low in the near future, these events are highly unpredictable, and the region contains historical evidence of devastating tsunami wave events.

The Board of the FBOTE has selected Tugwell Fields as a suitable site for relocation due to its high elevation (approximately 25-30 metres above sea level); adequate space for a new facility and future garden area; strategic location near Peninsula Road, yet still with a sense of privacy for food bank clients; and its plentiful off-street parking. Furthermore, the park is municipally-owned and administered, which could translate to significant cost savings for the FBOTE versus buying privately-held lands.

Tugwell Fields matches the criteria established by the FBOTE very well, although connecting to utilities such as BC Hydro, municipal water, and sanitary sewer may prove costly. The cost of connecting may run into the range of \$10,000-\$20,000 depending on a number of factors.

There is potential to partner with the District of Ucluelet on a shared facility. It has been established that the District has been contemplating a clubhouse or other facility at Tugwell Fields. Forging a partnership between the FBOTE and the District will likely benefit both parties and provide opportunities for cost-sharing.

The FBOTE currently holds a lease for a portion of the lands at Seaplane Base Road. It is recommended to engage the District of Ucluelet on the possibility of transferring the lease from its existing area to a portion of Tugwell Fields. Of course, the terms of the lease agreement may have to be changed to suit the Tugwell Fields area or a new lease agreement may have to be drafted.

Communications with the Ucluelet Planning Department have clarified that a food bank land use should be acceptable under Tugwell Fields' existing zoning designation, which outlines 'park' and 'public assembly' as permitted uses. It is not expected that the FBOTE will require rezoning the portion of the park they wish to lease.

The survey of food bank clients has revealed generous support for relocating the FBOTE to higher ground in the Forbes Road area. The proposed location at Tugwell Fields is just 1 kilometre from the current location, so it is not expected to inconvenience food bank users, most of whom drive or get a ride to the food bank.

Finally, it is recommended to explore funding opportunities and grants for community-based initiatives, such as the Aviva Community Fund, which annually provides millions of dollars to charitable community organizations across Canada. Other possibilities for grant sources include, but are not limited to, the Epicure Foundation, which provides funding for food security initiatives, and Community Gaming Grants (BC).

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APPENDIX 1 – FEBRUARY 13TH, 2018 COUNCIL DELEGATION PRESENTATION AND MINUTES**DELEGATION PRESENTATION TO DISTRICT OF UCLUELET COUNCIL – FEBRUARY 13, 2018**

Good evening Your Worship and esteemed members of the Council. Our names are [state names]. We are Board Members with the Food Bank on the Edge, and tonight we seek to generate discussion with Council and support on the future relocation of the food bank.

In its nearly 20 years of operation, the food bank has offered an essential service to the community. On average, nearly 200 area residents are provided with vital food assistance each month. We have observed a rise in the number of people accessing the food bank in the past few years, making our mission ever more important.

Tonight, however, we wish to present a different matter. Less than one month ago, the community awoke to sirens and calls to move to higher ground. Fortunately, the tsunami warning came to pass without issue, but the event solidified the food bank's intention to seek a more appropriate location.

At just 9 metres above sea level, the food bank stands to lose everything in the event of a major earthquake and tsunami. Our goal is to relocate the food bank to higher ground, not only to continue regular operations, but also to act as an emergency food provider for the entire community in the event of a natural disaster.

That being said, we have two points for consideration:

1. We understand that Council has been in discussion with RCMP, Fire, Ambulance, and other essential service stakeholders for a multi-use site. **We would like to formally request the food bank's inclusion in these discussions as an essential service provider.**
2. We have identified Tugwell Fields as having great potential for relocating the food bank. The District has listed the park as one of the Community Safe Zones for residents and visitors to gather in a tsunami due to its elevation and space for assembling. We believe this, and other criteria make this site naturally suited for the food bank. A future food bank building could potentially be multi-functional with food bank uses as well as park facilities like storage rooms, washrooms, and showers. Furthermore, since the food bank operates only on Tuesdays, there would be no conflict with typical park uses. **We, therefore, seek Council's support in the Food Bank on the Edge pursuing Tugwell Fields as a viable site for relocation.**

FEBRUARY 13TH, 2018 COUNCIL MEETING MINUTES (EXCERPT)

7.2 Delegations

Cris Martin, Food Bank on the Edge

Re: Relocation of the Food Bank Building

- Presented on the future plans to relocate the food bank to higher ground with the goal of being an emergency food provider to the entire community in the event of a disaster.
- A feasibility study examining alternate locations is in progress. The group will report back to Council when the study is complete.
- Two requests were made of Council: 1) Consider the need for a new Food Bank location in any discussions involving a new building for essential services (e.g. Fire, Ambulance, RCMP); and, 2) That the District consider Tugwell Field as a possible location for the new food bank building.

APPENDIX 2 – DISTRICT OF UCLUELET ZONING BYLAW NO. 1160, 2013 (EXCERPTS)

103 DEFINITIONS

“Park” means land for public use or intended for primarily non-commercial, outdoor recreational purposes, and included archeological, historical or natural sites;

“Public Administration & Utility” means the use of land, buildings or structures for non-commercial management of public resources and provision of public services to the community, and includes parks, hospitals, cemetery, community centres, emergency services, libraries, museums, law courts and the municipal hall;

“Public Assembly” means the use of land, buildings or structures for primarily non-commercial exhibits, special events, or meetings and includes an auditorium, place of worship, museum, community centres, fraternal lodge, youth centre or senior citizens complex, specifically excluding commercial entertainment and commercial recreation;

P-1 Zone – PUBLIC INSTITUTIONAL (zoning of Seaplane Base Park)

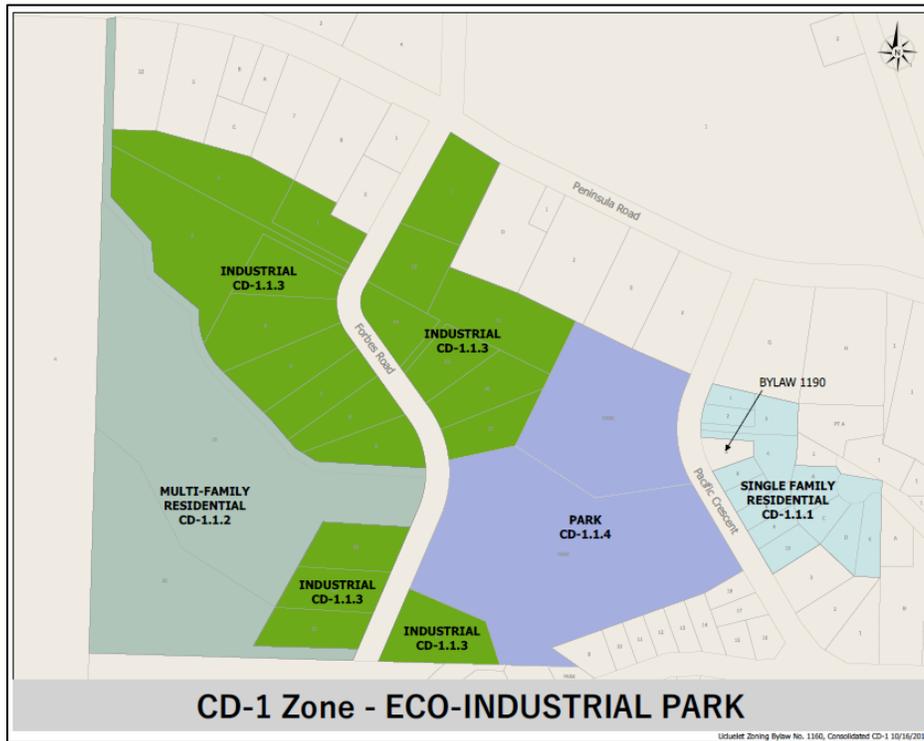
This Institutional Zone is intended for the governmental, administrative, educational, recreational, cultural and related uses which serve the District and its residents.

P-1.1 Permitted Uses:

P-1.1.1 The following uses are permitted, with no secondary permitted uses:

- (1) Principal:
 - (a) School
 - (b) Public Administration & Utility
 - (c) Public Assembly
 - (d) Community Care Facility
 - (e) Outdoor Recreation
 - (f) Park

CD-1 Zone – ECO-INDUSTRIAL PARK (zoning of Tugwell Fields)



Permitted Uses:

CD-1.1.4 The following uses are permitted in the area of the CD-1 Zone Plan labeled “Park”, but secondary permitted uses are only permitted in conjunction with a principal permitted use:

- (1) Principal
 - (a) Park
 - (b) Public Assembly
- (2) Secondary
 - (a) Outdoor Recreation

APPENDIX 3 – CLIENT SURVEY FORM



CLIENT SURVEY

BACKGROUND

The Food Bank on the Edge is thinking about moving to a new location in the future. The food bank's current location is about 9 metres above sea level. The District of Ucluelet and other west coast organizations say that all areas less than 20 metres above sea level are at risk of serious damage if a major tsunami occurs. New locations that the food bank is considering will be on higher ground to protect its supplies of food and other items, so it can continue to operate and act as an emergency food supply for the entire community.

- | | |
|---|---|
| <p>1. Do you currently live/stay in Ucluelet?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p>2. If the answer was 'no', about how far do you travel to get to the food bank?</p> <p><input type="checkbox"/> 10-20 kilometres</p> <p><input type="checkbox"/> 20-30 kilometres</p> <p><input type="checkbox"/> more than 30 kilometres</p> <p>3. How do you usually get to the food bank?</p> <p><input type="checkbox"/> Walk</p> <p><input type="checkbox"/> Bike</p> <p><input type="checkbox"/> Drive</p> <p><input type="checkbox"/> Get a ride</p> <p><input type="checkbox"/> Other: _____</p> <p>4. What do you like most about the food bank's current location?</p> <p><input type="checkbox"/> Convenient and easy to get to</p> <p><input type="checkbox"/> Privacy – not on a major road</p> <p><input type="checkbox"/> Plenty of parking</p> <p><input type="checkbox"/> Other: _____</p> <p>_____</p> <p>_____</p> | <p>5. What do you not like about the food bank's current location?</p> <p><input type="checkbox"/> Difficult to access without a car</p> <p><input type="checkbox"/> Too far from me</p> <p><input type="checkbox"/> Not private enough; too visible from the road</p> <p><input type="checkbox"/> Other: _____</p> <p>_____</p> <p>_____</p> <p>6. "The perfect location for a new food bank will be" ... (check all that apply)</p> <p><input type="checkbox"/> Centrally-located/easy to access</p> <p><input type="checkbox"/> Private</p> <p><input type="checkbox"/> Easy to see from the road</p> <p><input type="checkbox"/> Close to other stores/services that I use</p> <p><input type="checkbox"/> Other: _____</p> <p>_____</p> <p>_____</p> <p>7. How often do you visit the food bank?</p> <p><input type="checkbox"/> More than once a month</p> <p><input type="checkbox"/> Every month</p> <p><input type="checkbox"/> A couple times a year</p> <p><input type="checkbox"/> Other: _____</p> <p>_____</p> |
|---|---|

Food Bank – New Building Opening November 2023

Council Report – March 28, 2023

Cris Martin, President & Mayco Noel, Director at Large – Food Bank on the Edge Society

Portable Building History

In 1989, the portable building which is now Food Bank on the Edge was used as a kindergarten classroom. It was moved to the Seaplane Base location where it served as a day care and was donated to our society in the year of 2006. In September 2007, we opened our doors for business and have been operating from this location ever since. In 2015, a cover was added to the deck to protect our clients and staff from the elements and roof repairs were done the following year as general building maintenance.

As of December 31, 2014, Food Bank on the Edge terminated its contract with a paid Coordinator and ever since, the society has been 100% operated by volunteers.

Prior to COVID-19, the organization was supported solely through community donations from individuals and businesses throughout the West Coast region. However, during the pandemic, our revenues increased dramatically. We received grants from Food Banks Canada and Food Banks BC to purchase needed supplies as we saw an increase demand for our services.

In light of increased inflation and weather-related effects on food supplies, the society continues to receive subsidized food purchases through FBBC and Food Banks Canada. Going forward, the province has committed \$200 Million to increase security in food supply and infrastructure throughout British Columbia. The Executive Director of Food Banks BC has stated, “there has never been a greater need for food banks to help bridge the gap for families struggling as they make difficult choices around food insecurities and housing.” The increased demand has been seen in all 106 food bank networks.

We don’t need to put this into perspective for you, as all of us have felt the effects of inflation. However, in 2022, Food Bank on the Edge served an average of 152 individuals in our communities every month and expended between \$3,500 - \$4,000 per month to make sure they were fed with basic necessities.

Our New Investment and Building

The future of the Food Bank is dependent on our volunteers and a space to serve the region for the next 30 years. We want the District, Council, and the community to recognize this new building will bring comfort and warmth to not only the clients we serve, but also the volunteers who selflessly donate their time to this organization. In 2018, we partnered with the Clayoquot Biosphere Trust in creating a feasibility study on relocating and building a new food bank. This study is full of well thought out information that we recommend reading and is attached as an appendix on this report. You can also find it on our website under [Project New Build](#).

We are pleased to stand here today and inform you that our board of directors has motioned to put a \$105,000.00 (30%) deposit down on a brand-new building on March 30th, 2023. This will be followed by another payment of \$107,800.00 (35%) to be paid upon signing the final prints which is

expected to be on April 30th, 2023. The final 35% will be due the week before the building is shipped to Ucluelet.

The building itself is 1,300 square feet, has one bathroom, an office, small kitchen and will be wired for a 60-amp back-up generator. It will also have a three-foot crawl space and extra trusses to take the weight of its contents. Square One, our lead contractor and Amco, the home builder have drawn up two plans which can be found attached to this report or on our website under [Project New Build](#).

Cost Estimate

The cost estimate of this new building is approximately \$500,000, below is a breakdown of the estimate:

1. Demo of existing building - \$25,000
 - a. Hazards assessment - \$3,500
 - b. Landfill Fee - \$5,000 (Maybe the ACRD would like to waive this fee?)
 - c. Trucking fee - \$2,500
 - d. Excavator - \$5,000
 - e. Hazards removal if necessary - \$5,000
2. Site Preparation - \$20,000
3. Foundation - \$30,000
4. Engineering Plans & Building Permits - \$10,000
5. Crane to place building on the foundation - \$5,000
6. Two-part building - \$308,000
7. Outside porch and overhang covered area - \$25,000
8. Services
 - a. Water and Sewer – Will be dependent on Councils decision on a location.
 - b. Between \$5,000 - \$100,000 to fund services to Tugwell Field via Forbes Road
9. Generator – Between \$5,000 - \$30,000 dependent on if the unit will be portable or stationary as the freezer and ceiling lights will need to be wired accordingly.
10. Relocating of contents - \$3,500
11. New shelving - \$15,000
12. 20 ft Sea Can - \$20,000

Next Steps

The estimated delivery of this new building is October 1st, 2023, and we expect to be operational by the end of November 2023. As you know, we have been in conversation with the District and Council about this subject for several years, and we are finally ready to take the next steps and see it come to fruition.

At this time, we are suggesting creative ways to fund this project. For all trades and services, excavation, concrete, and supplies for decking – we are optimistic these services can be granted to us in form of charitable donations from contractors and organizations willing to do the work. Otherwise, we are confident we will find support for our organization that will reflect non-profit costing rates. This means, the final cost of the project after in-kind donations could be closer to \$250,000 as opposed to \$500,000. We have already spoken to two businesses who have committed

a total of \$10,000 to the project and we are confident there are others out there who will do the same.

We believe it to be around 2016, the DOU put out a survey to the community for input on where their BCF funds would be best spent. The findings from that survey showed the community had chosen Food Bank on the Edge in the top three rankings. Our community understands the importance of the Food Bank Society thus, we believe the Barkley Community Forest Trust could be a great natural funding method.

Timeline

- The society is putting a deposit down on this building on March 30th, 2023.
- Between now and September 2023 will fundraise throughout the community and through in-kind donations on trade and supply for a total of \$100,000 Goal
- We will be presenting to Ucluelet First Nations and the ACRD West Coast committee asking for contributions for this project in the near future
- Second deposit will be made on April 30th
- Our final deposit will be made on Aug 30
- Site and prep work will be done from June 15 – September 15 with the use of local contractors via In-kind donations

Location

The previous Council and CAO had approved the location of this building on Forbes Road. When we conducted our feasibility study for this new build, it was made aware that our current building stands in a Tsunami Zone at Seaplane Base which is a liability for this community investment. However, for us to serve the community for the next 30 years, we currently have two options:

1. Build next to our current location then knock down our current building
2. or build on the promised, anticipated, and well protected Forbes Road location

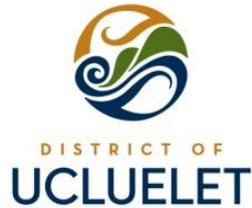
To Council

Today, we ask that Council delegates on a final decision of where this new building will be located as well as consider committing \$500,000 toward this project.

Conclusion

As previously mentioned, we are following through on a deposit later this month and hope the district can provide secure funding from the BCF. We are confident the region will support this undertaking and all fundraised donations will go toward the expenditures of this building project. We hope you see the importance of food security in our growing communities and choose to invest in the future of Food Bank on the Edge Society.

Thank you for your time,
Cris Martin and Mayco Noël



REPORT TO COUNCIL

Council Meeting: May 9th, 2023

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: MONICA WHITNEY-BROWN, PLANNING ASSISTANT

FILE No: 6520-20

SUBJECT: OPTIONS FOR MOBILE VENDING REGULATIONS

REPORT No: 23- 62

ATTACHMENT(S): NONE

RECOMMENDATION(S):

1. **THAT** Council direct staff to prioritize developing a Mobile Vending Policy and reviewing the zoning options for future mobile vending uses ahead of processing individual mobile vendor applications.
2. **THAT** Council direct staff to draft bylaw and policy changes for improving the regulation and permitting of mobile vendors in the District of Ucluelet, for discussion at a Committee-of-the-Whole meeting (in Fall of 2023 or later).
3. **THAT** Council direct staff to explore options for locating food trucks on public lands in Ucluelet for discussion at a Committee-of-the-Whole meeting (in Fall of 2023 or later).

BACKGROUND:

Mobile vendors, which include food truck operations, are gaining popularity in the District of Ucluelet, including the recent development of a “food truck cluster” style development at the Army, Navy and Airforce property. The rise in interest in food trucks, as well as number of operators has coincided with a growth in this use across BC municipalities, prompting many communities to adopt specific policies and regulations to better manage these developments. The District of Ucluelet’s past approach to mobile vendors is complex and may not be best suited for the current demands.

DISCUSSION:

Current process for mobile vending licenses:

Historically, mobile vendors have been managed in the District of Ucluelet in an individual, case-by-case basis. The District has no comprehensive food truck policy in place, so applicants must satisfy the applicable provisions in the *Official Community Plan* bylaw, the *Zoning* bylaw and the *Business Regulation & Licensing* bylaw.

Mobile vending is permitted in just a few zones in Ucluelet. The CS-1 (Village Square Commercial) and CS-2 (Service Commercial) zones allow mobile vending as a principal permitted use on Peninsula Road and Main Street. Mobile vending is also a principal use on properties zoned P-3 (Village Square Institutional) and properties zoned M-2 (Community Dock Marine).

Mobile vendors in Ucluelet are regulated through two different requirements. Development Permits are required for the regulation of form and character when being developed in the Village Square DP Area, Peninsula Road DPA, and any lot with commercial uses (mobile vending is considered a commercial use). Anyone wishing to operate a food truck in the District of Ucluelet has therefore been required to receive a development permit for this use, which is largely where additional District demands including landscaping and other form and character elements are addressed. DPs can be an onerous and unwieldy instrument for regulating a single mobile vendor. Staff consider the DP requirement appropriate for a property owner wishing to make site improvements to create a cluster of mobile vending uses, but less suited to licensing a single mobile vending unit.

The guidelines associated with Form & Character DPs are designed to guide permanent development, largely reflecting new buildings proposed in these areas. The guidelines do not include provisions addressing a use such as mobile vending, which is inherently temporary. Therefore, trying to apply guidelines which includes siting, architectural form, and full-scale landscaping to a site with an impermanent use is not effective. The DP guidelines do not address elements which are specific to mobile vending uses, such as provision of bathroom and handwashing services, seating, waste removal, etc.

Without a comprehensive policy, the requirements and conditions associated with each food truck, including servicing and amenities, have not been applied consistently. In addition, the current process does not contain measures for follow-up or review and has often resulted in unmet development permit conditions. Because DPs are not temporary, issues associated with a food truck development become permanently attached to the property and can require significant staff resources to monitor or improve.

The second requirement for a mobile vendor to operate in the District of Ucluelet is a business license. Mobile vending is the only type of business use which requires Council approval prior to the issuance of a business license under Ucluelet Business License Bylaw No. 922. This requirement adds significantly to the time associated with processing an application, as each mobile vending business license requires Staff to draft a report to Council and requires approval at a Council meeting prior to the inspections and further requirements of issuance.

Food Trucks on Private vs. Public Land:

The District of Ucluelet does not have any food trucks operating on public land at this time, requiring instead that operators work with private land owners. Many communities throughout BC, particularly those with strong tourist economies, have programs in place to benefit from the opportunities afforded by mobile vendors while supporting their brick-and-mortar commercial restaurateurs. One of the key ways this is achieved is through development of programs and policies to allow food trucks to operate on District land, and provide guidance for any private landowners permitted to have mobile vendor operations.

In 2016, [Squamish](#) introduced a Food Truck Project to allow mobile food vendors to operate on District land (including roads, parking spaces, parks, fee simple land), with the District's approval. They provide guidance to operators and requirements for units, including servicing and insurance. All applicants must submit an expression of interest, which are evaluated based on quality of the submission, competence/experience, menu diversity/innovation, availability of healthy food options, fit with the location and references. Food trucks operating on public land are each charged a licence fee of \$1,000 for 1 Primary Spot and use of all non-primary spots, in addition to their \$300 Business License.

The [City of Nelson](#) has developed a Mobile Vending & Sales Policy which covers food trucks operating on both private property and public land. This policy delineates public spaces where food trucks are permitted, outlines caps on numbers of vendors in the downtown core, provides operating requirements and restrictions, further site requirements and procedures for licensing. The City charges an application fee of \$300 for new applicants and \$100 for a renewal, and a location rental fee of \$500 per month in the downtown core and \$250 per month in all other locations.

The District of [Peachland](#) has likewise developed an Outdoor and Food Vending Policy, which regulates food truck vendors in various locations along the lakefront and provides requirements for applicants. Applications for food truck vendors are accepted during an initial intake window from January to the end of February for that year's vending season. Applications received during this time are rated against a scoring matrix and those with the highest scores are offered locations for the season. Categories include aesthetic of the structure, proximity to washrooms, potential for nuisance, returning vendor, power source provided, and site plan. Vendors require a business license (\$112 per year) and are charged an encroachment agreement fee to use public space of \$400 per month in the summer season and \$100 per month in the winter season, as well as a \$100 per month washroom charge.

Most municipalities investigated do not provide servicing to food trucks and recommend the use of renewable energy power sources. Nelson allows applicants to have the option to connect to the Nelson Hydro grid. The operator is responsible for meeting Tech Safety BC and Canadian Electrical Code requirements, and electrical service is \$320 per month.

Many other communities, including [Whistler](#), [Fernie](#), [Courtenay](#), and more have specific policies, guidelines and bylaws in place to effectively manage growing mobile food truck popularity through a food truck program on public land.

Potential Strategies to Improve Food Truck Developments on Private Land:

Staff believe a practical and efficient way to move forward on this issue would be to remove mobile vending as a permitted use in all zones in the District of Ucluelet. This would mean any private property owner wishing to allow a mobile vendor on their site would require a Temporary Use Permit. Additionally, Council could amend the Business Bylaw to remove the regulation requiring mobile vendors to receive Council approval, streamlining the process to require a single Council approval.

Regulating mobile vendors through TUP would allow Council to retain some control over the presence and number of these uses throughout town, and also provides an opportunity for neighbours to comment on the proposed use. Under the current DP regime, public notification is not required when a mobile vendor application occurs, which has previously caused complaints from local restaurateurs that they were not informed and given the chance for input on such proposals.

At the same time, Staff could develop a Mobile Vending Policy to provide guidance for these Temporary Use Permits for food truck operations. Some of the elements which could be included in such a policy include:

- Requirements for all mobile vendors to have a waste diversion plan
- Requirements for all mobile vendors to have a plan for washroom and handwashing facilities
- Guidelines for seating, landscaping, physical appearance and aesthetic qualities
- Electrical, servicing and insurance requirements
- Guidelines for environmental considerations (eg: requirements for compostable and/ or recyclable packaging and serving materials)
- Allowable proximity to other food-based businesses, or nearby uses

The District of Ucluelet continues to receive inquiries from vendors wishing to operate a food truck in the District of Ucluelet, requiring Staff to devote time to creating cumbersome DPs for this use. The Council motions recommended at the outset of this report would enable staff to communicate to new mobile vending inquiries/ applicants a realistic timeline for their proposal. This course of action would not be a moratorium, but means effectively introduction of new mobile vendors is off the table for the summer of 2023, and we would be working to implement these changes for the 2024 season.

Potential Strategies to Improve Food Truck Developments on Public Land Based on the research outlined above, Staff believe best practice may be to develop a program for the District of Ucluelet to permit food truck uses on public land. Such a project could involve analysis and identification of suitable locations on District of Ucluelet land, defining a process to apply for limited spaces, and a scoring matrix to determine eligible applicants.

Developing a project for this use could present an opportunity for the District of Ucluelet to generate additional revenue and help to direct new food options and amenities to suitable areas of town which may benefit from additional tourist and resident use. Establishing a project to allow food trucks on District land would be a long-range planning initiative and could include a community engagement component to craft a policy which works best for the District of Ucluelet.

Licensing of mobile vending is disproportionately complex and absorbs significant staff time. Other actions to review and streamline development approval processes may have far broader application and impact. Staff recommend advancing the review of mobile vending but give priority to the larger strategic work of updating development processes.

Delegation of Authority:

Under Section 493(3) of the Local Government Act, RSBC 2015, a local government can delegate the power to issue a temporary use permit. The District of Ucluelet does not currently have policy in place to allow the issuance of planning and development permits through delegated approval. Council could choose to update the Ucluelet Development Procedures Bylaw to delegate Temporary Use Permit application approvals for mobile vendors to staff. This is an option which some municipalities such as [West Vancouver](#) and [North Cowichan](#) have used to streamline applications for some Temporary Use Permits, and may be an avenue Council would like to explore.

ANALYSIS OF OPTIONS:

A	That Council support pursuing changes to the mobile vending permitting process	<u>Pros</u>	<ul style="list-style-type: none"> • Addresses a long-standing planning permit issue in the District of Ucluelet • Works towards a more streamlined process in the future for mobile vending on private land, and towards reducing the overall number of reports and permits which must be overseen by Council for this use • Works towards a process for establishing and supporting mobile vendors on District of Ucluelet land • Allows potential for community input on how to regulate this use in the District of Ucluelet • Allows Staff to provide transparent information to prospective vendors regarding application process and timelines
		<u>Cons</u>	<ul style="list-style-type: none"> • Will limit ability of potential new mobile vendors to receive a license in the short-term
		<u>Implications</u>	<ul style="list-style-type: none"> • Additional Staff time required to follow-up on these recommendations.

B	<u>Pros</u>	<ul style="list-style-type: none"> • Would allow current and future mobile vending applicants to submit applications and seek Council approval as normal.
	<u>Cons</u>	<ul style="list-style-type: none"> • Would not effectively address an issue noted by Staff • Would maintain an inefficient and ineffective process for regulating mobile vending uses • Would continue relying on a permanent development permit process to regulate a temporary use
	<u>Implications</u>	<ul style="list-style-type: none"> • No additional Staff time required to explore options for improving mobile vending regulation • Ongoing Staff and Council time required to process mobile vending applications as they are received
	<u>Suggested Motion</u>	No motion required

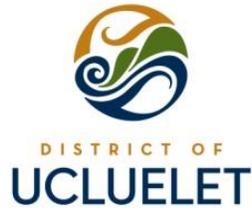
POLICY OR LEGISLATIVE IMPACTS:

This report is consistent with the commercial policies of the *District of Ucluelet Official Community Plan Bylaw* and may require changes to the *District of Ucluelet Zoning Bylaw No. 1160, 2013*.

NEXT STEPS:

If Council directs, Staff will draft bylaw and policy changes as discussed above, and return them to Council for discussion at a Committee-of-the-Whole meeting. Given current workloads this could take place in Fall of 2023. The aim would be developing a new regulatory pathway for mobile vendors to be in place in early 2024.

Respectfully submitted: Monica Whitney-Brown, Planning Assistant
 Bruce Greig, Director of Community Planning
 Duane Lawrence, Chief Administrative Officer



REPORT TO COUNCIL

Council Meeting: May 9th, 2023

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: MONICA WHITNEY-BROWN, PLANNING ASSISTANT

FILE NO: 3320-20

SUBJECT: SD 23-02 STRATA CONVERSION OF A PREVIOUSLY OCCUPIED BUILDING,
1015 PENINSULA ROAD

REPORT NO: 23- 63

ATTACHMENT(s): APPENDIX A - APPLICATION

RECOMMENDATION(s):

THAT Council approve the strata conversion of the previously occupied office building located at 1015 Peninsula Road.

BACKGROUND:

The property owners submitted an application in February 2023, to authorize an existing building to be part of a new building strata proposed for the property at 1015 Peninsula Road (PID 024167525, Lot 5, Plan VIP67274, Section 21, Clayoquot Land District – the “**subject property**”).



The property at 1015 Peninsula Road has been in operation since 2018 as “Wild Pacific Camp”, an RV campground with six serviced sites and a round building. The building has been used as an

office, but at the building permit stage the applicant anticipated that the building would be converted to a tourist accommodation unit in the future.

The property is located on Spring Cove. A 15m right-of-way for a public trail plus a 25m green space covenant extend back from the shoreline across the property.

In August 2022, Council approved the issuance of a development permit with variances for a proposed eight-unit cabin-style Resort Condo development. This was originally planned by the owners as the next phase of their development, to replace the RV camping spaces. Once construction of the new cabins is complete, the owners intend to create a building strata on the property. Creating a strata of newly-constructed units does not require approval from the municipality. Including the existing round yurt-style building in the definition of the strata, however, requires approval by Council.

DISCUSSION:

The *Strata Property Act, 1998*, regulates the process of approval for conversion of previously occupied buildings. [Section 242\(1\)](#) designates Council as the approving authority for strata conversion applications, where the units are previously occupied. Under the Act, the approving authority must consider the following in making its decision:

- the priority of rental accommodation over privately owned housing in the area;
- any proposals for the relocation of persons occupying a residential building;
- the life expectancy of the building;
- projected major increases in maintenance costs due to the condition of the building; and
- any other matters that, in its opinion, are relevant.

Note these provisions largely aim at allowing local control over the strata conversion of rental housing. In the case of the existing building at 1015 Peninsula Road, there is no residential conversion, as the building was previously used for office purposes by the owners. The considerations of the *Strata Property Act* which focus on the impact to rental accommodation priorities are therefore not relevant in this case. Council should consider the following:

1. Life expectancy of the building:

The building was constructed and received occupancy in 2019. It was completed under a building permit, subject to extensive code review, and is a fully framed building with a permanent foundation. Staff consider the subject building to have a considerable remaining functional lifespan.

2. Projected major increases in maintenance costs:

The building is very new, and Staff do not anticipate large or abnormal increases in building maintenance.

3. Any other matters that, in its opinion, are relevant:

This last guideline in the act gives Council a chance to consider any additional matters it believes are relevant to a strata conversion.

Should this application be approved by Council, the applicant will have to apply for a building permit as required by the change in use. The building permit review will be fairly straightforward, as the form is not changing significantly with the use. This step will also ensure the development is charged the appropriate DCC fees for the new strata.

ANALYSIS OF OPTIONS:

A	Approve the strata conversion of the building at 1015 Peninsula Rd	<u>Pros</u>	<ul style="list-style-type: none"> Allows the applicant to move forward with the development of their property.
		<u>Cons</u>	<ul style="list-style-type: none"> Unknown
		<u>Implications</u>	<ul style="list-style-type: none"> The District will receive a Development Cost Charge contribution at Building Permit. Staff time will be required to process this application.
B	Approve the strata conversion of the building at 1015 Peninsula Rd subject to the conditions	<u>Pros</u>	<ul style="list-style-type: none"> The application would proceed subject to additional Council requirements.
		<u>Cons</u>	<ul style="list-style-type: none"> May add time to the application for the applicant to meet additional conditions.
		<u>Implications</u>	<ul style="list-style-type: none"> The District will receive a Development Cost Charge contribution at Building Permit. Staff time will be required to process this application and amend the application as desired by Council.
		<u>Suggested Motion</u>	<p>THAT Council approve the strata conversion of the building located at 1015 Peninsula Road subject to the following conditions:</p> <p>_____</p>
C	Reject the strata conversion of the building at 1015 Peninsula Rd	<u>Pros</u>	<ul style="list-style-type: none"> Unknown
		<u>Cons</u>	<ul style="list-style-type: none"> Will not allow the applicant to proceed. May cause complications with the existing development permit for additional tourist commercial cabins on the property.
		<u>Implications</u>	<ul style="list-style-type: none"> No additional DCC contributions will be received.
		<u>Suggested Motion</u>	No motion is required.

POLICY OR LEGISLATIVE IMPACTS:

This application is consistent with the Ucluelet Official Community Plan bylaw and Zoning bylaw, as well as the *Local Government Act* and the *Strata Property Act*.

NEXT STEPS:

- If this application is approved by the Approving Authority (Council), the applicant would need to comply with any additional Council conditions, and then obtain a Building Permit for the change of use.
- The owner would then have the strata documents prepared for signature by the Approving Officer prior to registration with the Land Title Survey Authority.

Respectfully submitted:

MONICA WHITNEY-BROWN, PLANNING ASSISTANT
BRUCE GREIG, DIRECTOR OF COMMUNITY PLANNING
DUANE LAWRENCE, CAO

Joseph Rotenberg

From: Patricia Sieber [REDACTED]
Sent: April 24, 2023 9:58 AM
To: Community Input Mailbox
Subject: Village Green and Fraser Lane

[External]

I am submitting this letter through this e-mail address as well as through info@ucluelet.ca. I have noticed that in the past some of my letters to info@ucluelet.ca, have not made it into the Council agenda and, therefore, not into the public record. Thus the duplication:

To the Mayor and council:

Now that the major construction on the Village Green expansion has been completed, many questions arise.

- Was the former council aware that giving permission to proceed and award the contract would result in the reduction of Fraser Lane to about three quarters of its former width?
- While this reduction is only in the Harbour Front area, it does defy the need for standard street width in this portion of the Street.
- In my examination of the plans provided for the Village Green expansion there was mention of a Phase 2, that would eliminate Fraser Lane as a through street connecting with Helen Road. However, this was to be in Phase Two.
- Did we miss the discussions of Phase Two at open council meetings?
- Did the former council approve Phase 2?
- Has the expansion that removed the parking on the Municipal Office side of Fraser Lane been extended into the street to make it impossible to maintain that Street as two way, without removing the parking on the Harbour side?

The community deserves an explanation as to how the present traffic flow in the Village Green area is safer than what we had before.

Respectfully,
Patricia Sieber
1058 Helen Road.

Lailah Peligren

From: Edgar Dearden <eddie@gnarinc.com>
Sent: April 24, 2023 1:03 PM
To: Info Ucluelet
Cc: Marilyn McEwen (Ucluelet Mayor); Shawn Anderson (Ucluelet Council); Jennifer Hoar (Ucluelet Council); Ian Kennington (Ucluelet Council); Mark Maftai (Ucluelet Council)
Subject: Simple Language Update to Boost Climate Awareness & Drive Immediate Action
Attachments: Transcripts asking 'Do you know what natural gas is'.pdf

[External]

To the Mayor and Council,

Imagine hearing the term "natural gas" for the very first time. What might it mean? Logically, one might assume it refers to any gas naturally emitted, such as oxygen (O₂) produced by plants, carbon dioxide (CO₂) produced by animals, or radon (Rn) produced by rocks.

There are, in fact, hundreds of naturally occurring gasses on Earth, including: ammonia (NH₃), argon (Ar), carbon monoxide (CO), chlorine (Cl₂), helium (He), hydrogen (H₂), hydrogen sulfide (H₂S), krypton (Kr), neon (Ne), nitrogen (N₂), nitrous oxide (N₂O), ozone (O₃), sulfur dioxide (SO₂), water vapor (H₂O) and xenon (Xe) to name a few.

However, the term "natural gas" as you use it specifically refers to just one, methane (CH₄), a product of anaerobic decomposition of organic matter.

I am writing to express my concern that many residents of your municipality may not be aware that "natural gas" is a fossil fuel. I have attached a PDF containing transcripts of conversations with six working professionals in BC who could not correctly define "natural gas."

Now, consider hearing the term "fossil gas" for the very first time. One might logically deduce that it refers to a gas that is a fossil fuel, which is accurate. The term "fossil" means "preserved from a past geologic age," and "fossil gas" aptly describes the combustible gas obtained through hydraulic fracturing or "fracking" from shale rock formations under the ground in Northern BC.

I request that your organization update its style guide to replace the term "natural gas" with "fossil gas" when referring to the gas supplied to consumers. This change would clarify that the subject is fossil fuel that we must urgently reduce.

This simple, impactful climate action can be enacted immediately by updating documents using the Find & Replace function in most word processing applications. Please consider the following motion to direct municipal staff to make this change:

"WHEREAS the term 'natural gas' may lead to confusion about its nature as a fossil fuel, BE IT RESOLVED that the Council directs municipal staff to replace the term 'natural gas' with 'fossil gas' in all municipal documentation, thereby improving public understanding and promoting urgency in addressing climate change."

Kind Regards,



EDDIE DEARDEN

CEO & Founder

📍 206 - 1420 Alpha Lake Rd Whistler BC V8E 0R8

🌐 www.gnarinc.com

☎ 604.962.1611



We gratefully acknowledge the land, now known as Whistler and Revelstoke, where we live create and play, in the unceded traditional lands of the Skwxwú7mesh and Lilwat7úl, the Sinixt, Ktunaxa, Secwepemc and Syilx.

APPENDIX A: TRANSCRIPTS ASKING: 'DO YOU KNOW WHAT NATURAL GAS IS?'

Conversation 1 (two people present):

Eddie: Do you know what natural gas is?

Person 1: I think natural gas is like the actual air gas

Person 2: No, not really. Why?

Eddie: I'm just curious, do you know what it is?

Person 1: I don't know if its like liquid or actual air gas

Person 2: I think it's like a fuel and you like, put it in a tank and burn it?

Eddie: Sure that's close enough

Person 2: Yes, nailed it!

Conversation 2:

Eddie: Do you know what natural gas is?

Person 3: Gas that comes from the earth naturally

Eddie: Could you tell me more about that?

Person 3: No I don't know

Eddie: Do you know where they get it from?

Person 3: No

Eddie: Do you know what it is?

Person 3: No I don't know, it's a long time since I've been in science class

Conversation 3:

Eddie: May I ask you the question I ask everyone who starts here?

Person 4: Yes

Eddie: Do you know what natural gas is?

Person 4: I don't want to say yes but I don't want to say no

Eddie: Say whatever you think

Person 4: No not really

Eddie: I keep telling everyone that people don't know what natural gas is.

Person 4: I don't think I really know, maybe if I looked it up.

Conversation 4:

Eddie: You seem like an informed fellow, I have a question that I have been asking people, do you know what natural gas is?

Person 5: Natural?

Eddie: Natural gas.

Person 5: Where it actually comes from, or what it actually is?

Eddie: Yeah, what is it?

Person 5: I know it's not propane, but I know it is something similar to it. But, I wouldn't actually know to tell you the truth what actual real natural gas is and where it comes from.

Eddie: That's a perfect, great answer. I'm finding most people don't know.

Person 5: I know natural gas is similar to propane, but I know it is not the same. I know that what we have in our houses is natural. Where they get it from and all that I don't know.

Eddie: Do you know what fossil gas is?

Person 5: No.

Eddie: Can you figure it out?

Person 5: Gas that's a fossil fuel?

Conversation 5:

Eddie: I'm going to ask you a question I ask everyone, is that ok?

Person 6: No problem, go for it.

Eddie: Do you know what 'natural gas' is?

Person 6: Gas that's natural

Eddie: Did you just say 'gas that is natural'?

Person 6: I have no idea! But I'm pretty sure it's gas that is better for the environment.

Eddie: Ok, but what is it?

Person 6: I don't know.

Eddie: Search your memory bank, what do you know about it

Person 6: Do you hook it up to your house?

Eddie: Yes, you hook it up to your house.

Person 6: It's gas that's better!

Eddie: Better than what?

Person 6: Than regular.

Eddie: Regular what?

Person 6: Regular gas. Are they the same thing or not?

Eddie: Like gas that you put in your car?

Person 6: Are you talking about gas that you put in your car or gas gas?

Eddie: When people say 'put gas in your car' they mean gasoline

Person 6: Oh right. So you're talking about gas that doesn't go in your car

Eddie: Well it is confusing, there are vehicles that use 'compressed natural gas'

Person 6: So it does go in your car! So it's like fuel.

Eddie: Yes, it is like fuel. But do you know what it is?

Person 6: I don't know, tell me

Eddie: Natural gas is a fossil fuel. I call it fossil gas.

Person 6: How do they get it?

Eddie: Here in Canada they use this process called 'fracking' or hydraulic fracturing. They drill down under the earth, then fill it with chemicals and blow the frack out of it. All the rock gets punctured which releases the gas, but it can also poison aquifers and groundwater.

Person 6: So it's not good?

Eddie: No its really bad for the environment

Person 6: Why do they call it 'natural'

Eddie: Exactly! Why do they call it natural!?

Person 6: So it f**ks everything up?

Eddie: Yes basically, that is why we have global warming.

Person 6: Oh cool... s**t. That sucks.



May 2, 2023
Our Ref. 129004

I am pleased to share with you information about the provincial government's [StrongerBC: Future Ready Action Plan](#) designed to meet the challenges of today, to make sure people in British Columbia are ready to succeed and grow our inclusive and sustainable economy now and into the future.

The Future Ready Action Plan will develop trained, skilled and talented people to fill the jobs of today and tomorrow. It is the BC government's commitment to ensuring everyone in the province can access the post-secondary skills and training they need to build good lives, while developing the talent and skills that businesses and employers need so we can drive our economy forward and deliver the services we all rely on.

As a key pillar of the StrongerBC Economic Plan launched in February 2022, the Future Ready Action Plan invests an additional \$480 million dollars over the next three years in targeted supports to a broad range of British Columbians.

The action plan is focussed on five pillars:

- Making post-secondary more affordable, accessible and relevant;
- Providing the innovation and skills needed to fill the jobs of tomorrow faster;
- Breaking down barriers so everyone can find a job that works for them;
- Addressing Indigenous People's workforce priorities; and
- Making it easier for people new to Canada to find a job in which they are trained.

I am grateful to those who shared feedback and insights during the StrongerBC: Future Ready Action Plan engagement sessions in May 2022. As a result of this collaborative process, I am confident the Action Plan will support British Columbians to acquire the skills they need to succeed in British Columbia's diverse and innovative economy. I am also confident that it will become easier for employers to find the talent and skills they need to sustain and grow their enterprises.

If you would like more information about the Action Plan and how it can benefit you, I encourage you to reach out to my office or participate in one of the roundtables we will be holding over the next few months.

... /2

- 2 -

The Future Ready Action Plan is an historic investment in people—because what helps people succeed in our economy, makes our economy succeed for people.

Sincerely,

A handwritten signature in black ink, appearing to read 'SR', is positioned below the word 'Sincerely,'.

Honourable Selina Robison
Minister

Lailah Peligren

From: [REDACTED]
Sent: April 25, 2023 7:53 AM
To: Info Ucluelet
Subject: Cathy Peters update- Child Sex Trafficking in BC and How To Stop It
Attachments: Be Amazing Brochure - December 2022.pdf

[External]

Dear Mayor Marilyn McEwen, Ucluelet District Council and staff,

My name is Cathy Peters.

I have been raising awareness about Human Sex Trafficking, Sexual Exploitation and **Child Sex Trafficking and How to stop it.**

I have presented to BC politicians, police and the public for the past 10 years.

BC has the most notorious cases in Canada:

Amanda Todd (victim), Reza Moazami (sex trafficker) and Robert Pickton (sex buyer and serial killer).

British Columbia is a magnet for criminals, organized crime and International crime syndicates. The current Federal Law, "**The Protection of Communities and Exploited Persons Act**" is not enforced in BC, so sex buyers and sex traffickers act with impunity.

BC urban centers have become sex tourism destinations.

Indigenous women and girls are first casualties.

Attached is my updated brochure and biography.

My website is upgraded. Please view.

beamazingcampaign.org

The **Canadian Sexual Exploitation Summit** is May 3-5. It is virtual and free.

Global experts will be participating.

<https://sexualexploitationsummit.ca>

I will be presenting on "Child Sex Trafficking in Canada and How To Stop It".

Please attend.

I will be at **UBCM in September with a booth** for the "Be Amazing Campaign- To Stop Sexual Exploitation".

Please alert the Provincial Government, Premier, Attorney General and Solicitor General that this issue is a priority in British Columbia.

All emergency services staff need training in this area (police, fire, ambulance, etc).

A Provincial public awareness program is needed.

ASK: Please share this information with your staff, stakeholders, law enforcement, educators, health providers, emergency service and frontline service providers.

Please contact me for follow up information. Please confirm you have received this email.

Sincerely, Cathy Peters

BC anti human trafficking educator, speaker, advocate

beamazingcampaign.org

[REDACTED]

cell: [REDACTED]

Queen's Platinum Jubilee Medal Recipient for my anti human trafficking advocacy work

Human sex trafficking and sexual exploitation for the purpose of prostitution is the fastest growing crime in the world. It is a lucrative crime targeting our youth, children, and the vulnerable.



You can help stop sexual exploitation starting in your community:

Learn about the issue.

Share it with others.

Alert your politicians that sexual exploitation must stop.

An Anti-Human Trafficking Initiative

BeAmazingCampaign.org

.....
Canadian National Human Trafficking Hotline

1-833-900-1010

THE QUEEN'S PLATINUM JUBILEE 2022 MEDAL RECIPIENT

Learn. Share. Alert.

Be Amazing



An Anti-Human Trafficking Initiative

PRESENTED BY

Cathy Peters

BeAmazingCampaign.org

A modern equal society does not buy and sell women and children.

Cathy Peters raises awareness about the issue of human sex trafficking, sexual exploitation and child sexual trafficking which is for the purpose of prostitution. She speaks and presents to politicians, police and the public.



Today's slavery has low costs and huge profits; a trafficker can make hundreds of thousands of dollars *per victim* per year.

The average age of entry into prostitution is 12–14 years of age in Canada, although traffickers are targeting children as young as 8. There has been a dramatic increase in child exploitation along with the production and consumption of child pornography. Unregulated technology has increased the demand for commercially paid sex.

The biggest problem in Canada is that the public is unaware of the issue. Women, youth, children, the marginalized and vulnerable will become potential targets and victims unless we do something to stop it.

Learn. Share. Alert.
BeAmazingCampaign.org

Cathy Peters is a former inner city high school teacher and, since 2014, has made over 600 presentations to more than 20,000 people.

She has received 14 Challenge Coins from Victoria, Kitmat, North Vancouver, Coquitlam, Richmond, Surrey, and Chilliwack RCMP detachments, RCMP HQ Counter Exploitation Unit, New Westminster Police Department after presenting at the Justice Institute, Federal Corrections, Delta, Abbotsford, and the Vancouver Police Department.

Cathy's work was introduced in the BC Legislature and she was asked to three Federal Justice Committees on human trafficking. She has been a speaker to three MMIWG gatherings, numerous Indigenous groups, and had a booth at the July 2022 Assembly of First Nations Convention where she met hundreds of Indigenous leaders.

Cathy was nominated for an Order of BC Award and for the Carol Matusicky Distinguished Service to Families award. In 2022 she presented at the Global Summit *Connecting to Protect: Addressing the Harms of Porn on Youth from a Public Health Perspective* (University of Calgary) and presented at the first RCMP Human Trafficking webinar for law enforcement across Canada. Cathy received a Queen's Platinum Jubilee Medal for her anti-human trafficking advocacy work.

From: [Info Ucluelet](#)
To: [Marilyn McEwen \(Ucluelet Mayor\)](#); [Jennifer Hoar \(Ucluelet Council\)](#); [Samantha McCullough](#); [Ian Kennington \(Ucluelet Council\)](#)
Cc: [Duane Lawrence](#); [Joseph Rotenberg](#)
Subject: FW: 2023 AVICC AGM & Convention Update- Resolutions Disposition Available
Date: April 27, 2023 11:33:53 AM
Attachments: [image001.png](#)
[image002.png](#)

Good morning Mayor and Council,

Please see the below regarding the recently attended AVICC AGM and Convention.

Thank you,



Lailah Peligren
Administrative Clerk

Box 999, 200 Main Street
 Ucluelet, B.C., V0R 3A0
 Phone: 250-726-7744

From: AVICC <avicc@ubcm.ca>
Sent: Thursday, April 27, 2023 11:26 AM
To: Theresa Dennison <tdennison@ubcm.ca>
Subject: 2023 AVICC AGM & Convention Update- Resolutions Disposition Available

[External]

Please forward to elected officials, the CAO and Corporate Officer:

On behalf of the AVICC Executive, thank you to everyone who was able to attend our 2023 AVICC AGM & Convention. It was wonderful to see everyone in Nanaimo! The AVICC website has been updated with the following information:

1. 2022/2023 AVICC Executive Committee

The following were elected or acclaimed to positions on the 2023/2024 AVICC Executive Committee:

- President Penny Cote, Alberni-Clayoquot Regional District
- 1st Vice President Ben Geselbracht, City of Nanaimo
- 2nd Vice President Vanessa Craig, Regional District of Nanaimo
- Past President Ian Morrison, Cowichan Valley Regional District
- Director at Large Travis Hall, Central Coast Regional District
- Director at Large Sarah Fowler, Village of Tahsis
- Director at Large Janet Dorward, District of Port Hardy
- Electoral Area Representative Donna McMahon, Sunshine Coast Regional District

Thank you to the outgoing member of the 2022/2023 Executive, Councillor Tony St-Pierre,

District of Sooke.

2. [2023 Resolutions Disposition, Draft Minutes, and Convention Presentations](#)

- The results of the three resolutions sessions are posted to the website here: [2023 Resolutions Disposition](#)
- The PowerPoint presentations for the sessions are posted to the website here: [2023 Convention Presentations](#)
- The draft 2023 AGM & Convention minutes are posted to the website here: [2023 AGM & Convention Minutes_DRAFT](#)

3. 2023 Member Dues

The member dues for 2023 were presented and approved by members at the AGM on April 15th. Invoices have been sent out in the mail.

We are looking forward to seeing you all in Victoria for AVICC's 75th AGM & Convention, April 12-14, 2024!

Feel free to reach out to avicc@ubcm.ca if you have any questions or require further information.

Association of Vancouver Island and Coastal Communities

604-270-8226 ext 221

avicc@ubcm.ca

www.avicc.ca



The AVICC acknowledges that we are grateful to live, work, and play on the traditional territories of the Coast Salish, Nuu-Chah-Nulth and Kwak-Waka'wakw Peoples

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