



REGULAR MEETING OF COUNCIL

Held Electronically and in the George Fraser Community Room,
Ucluelet Community Centre, 500 Matterson Drive, Ucluelet
Tuesday, November 26, 2024 @ 4:00 PM

MINUTES

Present: **Chair:** Mayor McEwen
Council: Councillors Anderson, Hoar (Via Zoom), Kennington, and Maftai
Staff: Duane Lawrence, Chief Administrative Officer
Jeffrey Cadman, Director of Finance
Bruce Greig, Director of Community Planning
Abby Fortune, Director of Community Services
James MacIntosh, Director of Engineering Services
Joseph Rotenberg, Manager of Corporate Services
Nancy Owen, Executive Assistant

Regrets:

1. CALL TO ORDER

The November 26, 2024, Regular Council Meeting was called to order at 4:00 PM.

1.1 ACKNOWLEDGEMENT OF THE YUULU?IŁ?ATH

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

1.2 NOTICE OF VIDEO RECORDING

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

2. LATE ITEMS

- 2.1 **221 Minato Road - OCP & Subdivision Application - Flood Assurance Statement**
Joshua Hunt, CEO, ERIF Sustainable Solutions

2024.2317.REGULAR *IT WAS MOVED AND SECONDED:*

THAT Council amend the Agenda by adding the late item "221 Minato Road

– OCP & Subdivision Application – Flood Assurance Statement” as correspondence item 9.3.

CARRIED.

3. APPROVAL OF THE AGENDA

3.1 November 26, 2024, Regular Council Meeting Agenda

2024.2318.REGULAR *IT WAS MOVED AND SECONDED:*

THAT the November 26, 2024, Regular Council Meeting Agenda be adopted as amended.

CARRIED.

4. ADOPTION OF MINUTES

4.1 October 29, 2024, Special Council Meeting Minutes

2024.2319.REGULAR *IT WAS MOVED AND SECONDED:*

THAT the October 29, 2024, Special Council Meeting Minutes be adopted as presented.

CARRIED.

5. PUBLIC INPUT & DELEGATIONS

5.1 Delegations

Alex Taylor, Acting Director of Operations, Pacific Rim School District

Re: West Coast Bus Plans

The Pacific Rim School District was unable to present.

Nick Curry, Tourism Development Specialist, Tourism Ucluelet

Re: Tactical Plan and Update

The Delegate outlined the evolution of 4VI since Tourism Ucluelet (TU) started working with that organization including the role of its subsidiaries 4TVI Stewardship Group, the 4EVER Strategies, and the 4GOOD social impact fund. The Delegate also:

- presented past, present and projected tourism growth patterns including challenges anticipated for 2025;
- outlined TU's Tactical Plan, and
- detailed TU's 2025 goals and objectives, brand and other key strategies.

In response to Council questions, the Delegate clarified that there are two visitor centres, one downtown and one at the junction of

Highway 4 and the Tofino/Ucluelet Highway. The Delegate noted that Parks Canada does not plan to upgrade the facility at the Junction so there will be a time when TU has to upgrade the building or move that operation to another location.

**Bob Hansen and Caitlin Beaudin, WildSafeBC Pacific Rim
Re: Human-Bear Conflicts Overview, Path Ahead & Funding Request**

The Delegates outlined WildSafe BC's mandate as well as statistics related to the level of wildlife activity in the region and level of wildlife conflict. They noted increased wolf activity and explained that most wildlife conflict is associated with bears accessing residential waste carts and commercial bins. The Delegates raised concerns about increased wildlife conflict associated with the waste carts as bears are capable of intergenerational learning. The Delegates emphasized the need for waste carts to be properly anchored and secured using strong steel carabiners.

The Delegates outlined their educational offerings, electric fencing project, and their goals for 2025 which include:

- continuing to expand the Ucluelet WildSafe business network;
- helping to develop a Wildlife Attractant Bylaw for Ucluelet;
- increasing youth engagement;
- assisting Ucluelet with pursuing Bear Smart status; and
- securing long-term funding for a permanent fulltime staffing.

The Delegates sought a multi-year financial commitment from the District to partially finance a full-time community coordinator position. This involves increasing the District's annual funding level from \$4,000 to \$20,000. The Delegates noted that resort communities like Whistler have used Resort Municipality Initiative funds to support WildSafe.

6. UNFINISHED BUSINESS

There was no unfinished business.

7. REPORTS

**7.1 ADU Covenant Authorization - 828 Rainforest Drive
*Maddie Haynes, Planning Assistant***

Bruce Greig, Director of Community Planning presented this report.

2024.2320.REGULAR *IT WAS MOVED AND SECONDED:
THAT Council authorize the Mayor and Corporate Officer to execute the Section 219 restrictive covenant for 828 Rainforest Drive for registration at the Land Title Office.*

CARRIED.

**7.2 Resort Development Strategy for First Nations Projects
Abby Fortune, Director of Community Services**

Ms. Fortune presented this report.

Council discussed the proposed projects.

2024.2321.REGULAR *IT WAS MOVED AND SECONDED:
THAT Council direct staff to engage Yuułu?it?athon formalizing support and guidance on proposed heritage and cultural awareness projects funded through the Resort Municipality Initiative in an amount up to \$95,202 as part of the 2022 - 2024 Resort Development Strategy.*

CARRIED.

**7.3 2025-2029 Five-Year Financial Plan - Capital Projects (Verbal Report)
Jeffrey Cadman, Director of Finance**

Mr. Cadman presented this report and noted key dates in the annual budget process, and outlined proposed capital projects and expenditures identified in the draft 2025 - 2029 Five-Year Financial Plan. These projects relate to maintaining, improving and replacing existing capital assets as well as the construction of new capital assets. Mr. Cadman concluded his presentation by outlining the District's current debt load.

In response to Council questions, Staff clarified if the budget process proceeds according to schedule, Council will be in a position to adopt the 2025 - 2029 Five-Year Financial Plan in March.

**7.4 2023 Annual Report
Joseph Rotenberg, Manager of Corporate Services**

Mr. Rotenberg presented this report.

2024.2322.REGULAR *IT WAS MOVED AND SECONDED:
THAT Council adopt the District of Ucluelet 2023 Annual Report as attached.*

CARRIED.

**7.5 2025 Annual Council Meeting Schedule
Joseph Rotenberg, Manager of Corporate Services**

Mr. Rotenberg presented this report.

Councillor Maftai left the meeting at 5:08 pm and returned to the meeting at 5:12 pm.

2024.2323.REGULAR *IT WAS MOVED AND SECONDED:*
THAT Council adopt the 2025 Annual Council Meeting Schedule as presented in Appendix A to Report No. 24-118, and direct Staff to give notice of the 2025 Annual Council Meeting Schedule.

CARRIED.

2024.2324.REGULAR *IT WAS MOVED AND SECONDED:*
THAT Council receive the revised Five-Year Financial Plan Meeting Schedule (2025 – 2029) as presented in Appendix B to Report No. 24-118.

CARRIED.

7.6 2025 Conference Attendance Schedule

Joseph Rotenberg, Manager of Corporate Services

Mr. Rotenberg presented this report.

2024.2325.REGULAR *IT WAS MOVED AND SECONDED:*
THAT Mayor and Council are authorized to attend and represent the District of Ucluelet at the conferences listed in the 2025 Conference Attendance Schedule attached as Appendix A to report No. 24-119.

CARRIED.

8. NOTICE OF MOTION

There were no notices of motion.

9. CORRESPONDENCE

9.1 Management and Operations of Public Washrooms in the Ucluelet Aquarium Building

Laura Griffith-Cochrane, Executive Director, Ucluelet Aquarium Society

Council brought this correspondence item forward for discussion.

In response to Council questions, staff outlined current District responsibilities as they relate to operating the referenced washrooms and explained the Ucluelet Aquarium Society is seeking control over the washrooms and to rearrange the space.

2024.2326.REGULAR *IT WAS MOVED AND SECONDED:*
THAT Staff report back on the Ucluelet Aquarium bathroom change.

CARRIED.

9.2 Housing Accelerator Fund - District of Ucluelet Reply

Marilyn McEwen, Mayor, District of Ucluelet

Council brought this correspondence item forward for discussion and provided background on the value of the Housing Accelerator Fund to the District.

9.3 221 Minato Road - OCP & Subdivision Application - Flood Assurance Statement

Joshua Hunt, CEO, ERIF Sustainable Solutions

This correspondence item was brought forward for discussion. The following summarizes the Council and Staff comments:

Mayor McEwen:

- summarized Kerr Wood Leidel Ltd's (the "KWL") finding in their draft report titled "Flood Assessment for 221 Minato Road, Ucluelet" (the "report"), and the letter requested by the proponent (the "letter") that, if issued, would confirm that the level of risk set out in the report is acceptable to Council;
- explained that the District does not have a risk tolerance policy and recommended that the report and letter request be referred to the District's solicitor and insurer for comment on liability;
- noted that the proponent is working hard to develop affordable housing on a difficult site and if the development is approved, Ucluelet would be the first community in British Columbia to authorize a development in a flood zone after receiving appropriate assurances;
- further noted that a covenant may not successfully prohibit lawsuits against the District and that she has a number of questions related to the District's liability that should be answered by the District's solicitors and insurer before Council proceeds with the requested letter; and
- explained that an author of the report, noted there would be no liability for Council or Staff associated with issuing the requested letter and referenced a document in the Province of British Columbia Flood Hazard Area Land Use Management Guidelines (the "guidelines") which is a covenant template intended to indemnify Staff and Council (the "covenant template").

Councillor Kennington:

- stated that he is comfortable with the report and issuing the letter requested by the proponent which is necessary for KWL to complete their report;
- noted that the flood assurance is being provided by a subject matter expert that developed the guidelines;
- submitted that the risk identified in the report is low, other

uncommon risks are more likely than the risk of mortality outlined in the report, and the greatest risk is to individuals on the ground, such as trail users;

- explained that liability issues can be addressed using the covenant template in the guidelines and covenants could be reviewed by the District's solicitors at a later date;
- clarified that the 11 homes on Lot 3 would fund the affordable housing units in the development and noted the importance of developing affordable housing in Ucluelet;
- reasoned that regardless of whether there is liability associated with this development, Council needs to take responsibility for housing residents and in doing so, may require the District to take risks;
- advocated against seeking legal advice at this time because it would delay and therefore jeopardize the project which includes much needed affordable housing, and because of the covenant templates in the guidelines should protect the District, Council and Staff from liability;
- noted that the flood assurance statement is not required by provincial legislation, site specific analysis is sufficient, and the District should have sought legal advice about how to receive and consider the report prior to requesting it; and
- recommended that to avoid delays the District should move project elements forward in parallel rather than sequentially.

Councillor Maftai:

- recommended that Council issue the letter requested by the proponent at this point since there is a significant need for affordable housing, the level of risk identified by the report is low, delays could escalate project costs and in turn project viability, and the District would not take on liability by issuing the letter; and
- noted that Council could receive input from the District's lawyer and insurer on the risk to the District at a later date and any legal advice at this time would be of limited value.

Councillor Anderson:

- recommended issuing the requested letter now because the identified risk is low, the need for affordable housing is high, and project delays will have financial ramifications for end users, including those interested in the proposed affordable units;
- acknowledged that the report was prepared by industry experts and by issuing the letter Council would be confirming that they reviewed the report and Council accepts the low level of risk associated with Lot 3;

- reasoned that all actions come with risk, the risk level identified in the report is low, and the risk of mortality identified in the report (1 in 142,000) is lower than the United Kingdom's risk tolerance (1 in 100,000). Councillor Anderson noted higher-risk developments located in fire interface areas in other communities in British Columbia;
- compared the risk associated with the development with the risk of not building affordable housing;
- explained that the proponent met with the Fire Chief to discuss risk management and evacuation plans for the property, and the proponent has made changes to their site plan to address identified risks;
- noted Council's strategic priorities focus on enhancing development by reducing barriers and tsunami risks are mitigated for the majority of the development other than Lot 3; and
- highlighted the template covenant in the guideline intended to protect the municipality against liability.

Councillor Hoar:

- recommended issuing the letter now as the risk set out in the report is acceptable and the report is sufficient due diligence; and
- opposed delaying issuing the letter because it would delay the proposed development which includes affordable units.

In response to Council questions the Chief Administrative Office:

- recommended that the report be reviewed by a third party and referred to the District's solicitor and insurer for comment on the District's liability as issuing the letter may have lasting liability implications for the Community and create unforeseen challenges for this development;
- explained that if Council issues the letter, it is establishing that Council accepts the level of risk outlined in the report (including the risk of mortality associated with the development of Lot 3 (1:142,000 annually) and accepts the accompanying liability;
- clarified that the report is seeking confirmation from Council that the level of risk associated with permitting development on Lot 3 (which is identified as low), is acceptable. Staff cannot advise Council on this issue without additional time to complete due diligence by consulting with the District's lawyers and insurer. He went on to clarify that the legal advice would not quantify or qualify the report, instead, it would provide information on the implications to the community of accepting the level of risk outlined in the report by issuing the letter;
- noted that the requested letter is new territory, as Staff is unaware of a subdivision that was approved in a tsunami risk

area after related legislation was enacted, the Province of British Columbia has a zero-tolerance risk policy, and the District does not have a risk tolerance policy;

- reasoned that to determine what the District's risk tolerance is Council should consider what the District's potential liability would be if the risk arises. In this case, Council should consider what liability would arise if there was damage to property, damage to infrastructure, or loss of life arising from a tsunami event that affected Lot 3. The CAO noted that Staff do not know what this liability would be;
- noted that Staff cannot provide legal advice on the efficacy of the covenant templates in the guidelines but noted that covenants are not generally an effective tool for prohibiting lawsuits; and
- clarified that the Flood Assurance Statement was not optional under the provincial legislation as municipalities are not permitted to allow development in a flood risk area without a flood assurance statement.

In response to Council questions, the Director of Community Planning:

- noted that it is unusual for municipalities to allow construction in areas that may be prone to flooding and to take on associated liability, and explained that provincial subdivision approval framework generally aims at avoiding development in these areas;
- clarified that the engineers are willing to provide the flood assurance statement for Lots 1, 2, 4 and 5 but will not provide a flood assurance statement for Lot 3. As a result, the letter is requesting that the District accept the liability associated with allowing development on Lot 3. He recommended that Council seek further information from its lawyers and insurer, before determining whether to accept this liability;
- explained that the template covenant in the guidelines may not be relevant as they are intended to be used when a flood assurance statement is provided with no conditions and there is no request for the local government to tolerate a level of risk. This is not the case here, as the report indicates there is a risk and the letter requests that Council tolerate that risk; and
- reiterated that staff are unaware of a subdivision that has been approved with a municipality accepting some level of risk.

2024.2327.REGULAR *IT WAS MOVED AND SECONDED:*

***THAT** Council direct staff to prepare a letter acknowledging the risk assessment provided by Kerr Wood Leidel Consulting Engineers in their report 'Flood Assessment 221 Minator Road, Ucluelet' as acceptable, on the condition that the BC drafted waiver is signed protecting staff and Council from any liability.*

CARRIED.

2024.2328.REGULAR *IT WAS MOVED AND SECONDED:*

THAT Council has reviewed the Risk Assessment prepared by Kerr Wood Leidel for 221 Minato Road, Ucluelet and confirms that the risk set out in the report is acceptable including:

- 1. That the development may proceed in the absence of a standard dike.*
- 2. That the development of Lot 3 with 11 houses represents a nominal increase to the housing density on the DoU tsunami floodplain.*
- 3. That the risk of mortality associated with the development of Lot 3 at 1:142,000 annually is acceptable.*

CARRIED.

10. MAYOR'S ANNOUNCEMENTS AND COUNCIL COMMITTEE REPORTS

10.1 Councillor Shawn Anderson ***Deputy Mayor, April 1 - June 30, 2024***

Councillor Anderson attended a Ucluelet Chamber of Commerce Economic Development Committee meeting, where opportunities to implement the blue economy were discussed with representatives throughout the region. Councillor Anderson also attended an open house on projects proposed to be part of the District's Resort Development Strategy which will be considered by Council at a later date.

10.2 Councillor Jennifer Hoar ***Deputy Mayor, January 1 - March 31, 2024***

10.3 Councillor Ian Kennington ***Deputy Mayor, July 1 - September 30, 2024***

Councillor Kennington attended a Ucluelet Chamber of Commerce Economic Development Committee Meeting where next steps for moving the blue economy forward were discussed.

10.4 Councillor Mark Maffei ***Deputy Mayor, October 1 - December 31, 2024***

Councillor Maffei attended the second last Seniors Luncheon hosted by Forest Glenn where he provided a presentation about the Raincoast Education Society.

10.5 Mayor Marilyn McEwen

Mayor McEwen thanked personnel for their response to the bomb cyclone and noted the following upcoming events:

- Seniors Luncheon hosted at Forest Glenn on November 27th;
- A ribbon cutting on November 29th to celebrate the completion of

- the Peninsula Road Safety and Revitalization Project;
- Midnight Madness on November 29th, during which Council will serve hot chocolate at the Village Green;
- Ukee Christmas Craft Fair on December 1st at the Ucluelet Secondary School gym;
- Community Christmas Lunch on December 4th.

Mayor McEwen attended:

- a Barkley Community Forest Board of Directors meeting on November 13. The Mayor noted new signage regarding the forest's location will be unveiled soon;
- Alberni-Clayoquot Regional District (ACRD) Board meeting on November 13;
- an open house on projects proposed to be part of the District's Resort Development Strategy which will be considered by Council at a later date. The Mayor encouraged residents to provide input by completing the related survey; and
- the Pacific Rim Arts Society (PRAS) Annual General Meeting on November 17th, where PRAS celebrated their 55th year in operation.

11. QUESTION PERIOD

Laura Griffith-Cochrane, Ucluelet Aquarium Society Executive Director, expanded on her letter by identifying specific challenges with co-managing the washrooms with the District. She noted that the Society is requesting that the exterior entrance to the washrooms be closed and access be through the Aquarium only. Users would be allowed to access the washrooms without paying an entrance fee for the Aquarium.

Joshua Hunt, ERIF Chief Executive Officer, noted that delivering affordable housing requires a great team to address obstacles. He further noted that the Tsunami Policy is a moving target that will evolve as technology progresses and risks can be mitigated by working together to find solutions. Mr. Hunt noted that a cooperative approach will be required to deliver affordable housing.

12. ADJOURNMENT

12.1 Procedural Motion to Adjourn

2024.2329.REGULAR *IT WAS MOVED AND SECONDED:*

THAT the November 26, 2024, Regular Council Meeting be adjourned at 6:38PM.

CARRIED.

CERTIFIED CORRECT:

Duane Lawrence, Corporate Officer

Marilyn McEwen, Mayor