

TOWN OF LADYSMITH  
MINUTES OF A PUBLIC HEARING AND SPECIAL  
MEETING OF COUNCIL  
MONDAY, JUNE 22, 2015  
COUNCIL CHAMBERS, CITY HALL  
CALL TO ORDER 7:00 P.M.

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**COUNCIL MEMBERS PRESENT:**

Mayor Aaron Stone	Councillor Steve Arnett	Councillor Cal Fradin
Councillor Joe Friesenhan	Councillor Carol Henderson	Councillor Rob Hutchins
Councillor Duck Paterson		

**STAFF PRESENT:**

Ruth Malli	Sandy Bowden	Felicity Adams
Erin Anderson	John Manson	Joanna Winter

**ALSO PRESENT:**

Susan Beach, Legal Counsel for the Town of Ladysmith

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**CALL TO ORDER**

Mayor Stone called this Special Council Meeting and Public Hearing to order at 7:00 p.m. and acknowledged the traditional territory of the Stz'uminus First Nation.

**AGENDA APPROVAL**

**CS 2015-225**

*Moved and seconded:*

That the agenda for the Special Council Meeting of June 22, 2015 be approved as amended by the following addition:

3.1 Staff Report—Withholding of Building Permit that Conflicts with Bylaw in Preparation

*Motion carried.*

**PUBLIC HEARING**

Town of Ladysmith Zoning Bylaw 1860, Amendment Bylaw (No. 2), 2015, No. 1881

Public Attendance: 37

A Public Hearing for Bylaw 1881 was held at Town of Ladysmith City Hall, 410 Esplanade, Ladysmith, B.C. on Monday, June 22, 2015 at 7:00 p.m.

Mayor Stone opened the Public Hearing, welcomed the members of the public and outlined the process for the Public Hearing. He explained that Bylaw 1875, which amended the Zoning Bylaw, was adopted by Council on April 27, 2015. An application for a Development Permit has been made by the owners of Lot A, District Lot 41, Oyster District, Plan VIP84543 except part in Strata Plan VIS6497 (Phase 1), and the Owner has filed a Petition which, amongst other allegations, alleges that the Owner did not receive notice of the Public Hearing after which Town of Ladysmith Zoning

Bylaw 2014, No. 1860 Amendment Bylaw (No. 1), 2015, No. 1875 was adopted.

To ensure that all persons whose interest in this property may be affected are provided with notice and the opportunity to attend the Public Hearing, the Town is undertaking a new bylaw amendment process.

Mayor Stone reminded those present that the focus of the Public Hearing is Bylaw 1881. Bylaw 1881 is about use and density of use, and that following the close of the public hearing, no further submissions or comments from the public or interested persons can be accepted by members of Council.

Felicity Adams, Director of Development Services, introduced Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 2), 2015, No. 1881.

The following properties located at 606 Farrell Road are the subject of the Bylaw amendment.

- Lot A, District Lot 41, Oyster District, Plan VIP84543 except part in Strata Plan VIS6497 (Phase 1);
- Strata Lot 1, District Lot 41, Oyster District, Strata Plan VIS6497 together with an interest in the Common Property in the Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V;
- Strata Lot 2, District Lot 41, Oyster District, Strata Plan VIS6497 together with an interest in the Common Property in the Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V;
- Strata Lot 3, District Lot 41, Oyster District, Strata Plan VIS6497 together with an interest in the Common Property in the Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V; and
- Common Property Strata Plan VIS6497.

Ms. Adams explained that Bylaw No. 1881 contains site-specific regulations for the subject properties. The subject properties are in the R-3-A Zone in the Town of Ladysmith Zoning Bylaw 2014, No. 1860. Bylaw No. 1881 states that the permitted principal uses of the subject properties are Townhouse Dwelling Use and Two Unit Dwelling Use to a total combined maximum of 15 units. Generally in the R-3-A Zone, Multiple Unit Dwelling is also a permitted use and a maximum of 37 units per hectare is permitted.

If adopted, Bylaw No. 1881 will repeal Town of Ladysmith Zoning Bylaw 2014, No. 1860 Amendment Bylaw (No. 1), 2015, No. 1875 and enact Bylaw No. 1881.

The Public Hearing Notice was printed in the Ladysmith Chronicle newspaper on June 9, 2015 and June 16, 2015 and posted on community notice boards throughout Town, as well as on the Town's website. The Notice was mailed to the Owners and delivered to tenants of the subject properties and all properties located within 60 metres of the subject property.

A copy of the proposed Bylaw No. 1881, the Development Permit Application, the Petition, accompanying affidavits, s. 219 LTA Covenant EX060846, and other related information considered by Council was made available at City Hall for the Notice period. Ms. Adams noted that if the Public Hearing binder was reviewed prior to 12:45 p.m. on June 22, additional documents that were filed in Court, the revised Development Permit application, and information submitted about the covenant, had been added to the binder. The binder was available for review at the Public Hearing.

Staff responded to questions prior to the public hearing. Written submissions received prior to the Agenda deadline were included in the Public Hearing agenda package.

Written submissions from the following individuals received prior to the Agenda deadline were included in the Public Hearing agenda package:

*Sonny C. Hockey and E. Ann Hockey*

*Don Snider and Sharron Haynes*

*James Russell*

*Liliane and Varner Nickle*

*Wendy Harding and Brian Kodric*

*Allan and Maureen Hook*

*Claire and Ron Voldeng*

*Brian and Carroll McLaurin*

*John Garstang*

*Dennis and Belinda Zarbock*

*Gerald Stasiuk*

*Cleve Carleton, Murray and Sandra Hanna, Adrian and Angie Salahub*

*Pauline Jones*

*Jane Vincent, on behalf of Cleve Carleton, C.A. Wallace. Belinda Zarbock, Paulette Lean, Greg DeFrance, Greg Durling, Pauline Jones, Cheryl and Tibor Milasin, S.C. and E. Ann Hockey, Doryce and Jack Morrice, Darl Read, Lucinda Read, Elaine Frank, Lynne McDermott, Carroll and Duncan Brian McLaurin, Wendy Harding, Brian Kodric, Ron Voldeng, Claire Voldeng, Angela Salahub*

Mayor Stone called for written submissions. The Corporate Officer read a written submission from Gary Burnside expressing support for Bylaw 1881 that was received after the agenda deadline and not included in the Public Hearing agenda package.

No further written submissions were received.

Mayor Stone called for verbal submissions to Council.

*James Russell, 626 Farrell Road* – Spoke in support of Bylaw 1881 on behalf of the other residents in the strata.

*Jane Vincent, #12, 606 Farrell Road* – Spoke in support of Bylaw 1881.

*Lynne McDermott, 606 Farrell Road* – Asked a question about the proposed development and was reminded that the purpose of this public hearing was Bylaw 1881.

*Cleve Carleton, 606 Farrell Road* – Spoke in support of Bylaw 1881.

Mayor Stone called for any further submissions about the bylaw amendment. Hearing no further comments, Mayor Stone declared the Public Hearing for Bylaw 1881 closed and stated that Council may further consider the Bylaw on tonight's Council meeting agenda.

**BYLAWS – OCP /  
ZONING**

CS 2015-226

**Staff Report – Withholding of Building Permit that Conflicts with Bylaw in Preparation**

*Moved and seconded:*

Whereas Natura Developments owner of Lot A, District Lot 41, Oyster District, Plan VIP84543 except part in Strata Plan VIS6497 (Phase 1) (the "Land") has applied for a building permit for 2 dwelling units on the Land;

And whereas Council has given first and second reading to Bylaw 1881 that would limit the density of use of the Land to 12 dwelling units and this application would conflict with the bylaw;

Now therefore Council resolves, under section 929(1) of the Local Government Act to withhold the building permit for the Land;

And this shall be without prejudice to the right of the Town to consider the building permit application pursuant to its rights under the land use covenant registered against the Land.

*Motion carried.*

CS 2015-227

**Town of Ladysmith Zoning Bylaw 1860, Amendment Bylaw (No. 2), 2015, No. 1881**

*Moved and seconded:*

That Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 2) 2015, No. 1881 be read a third time and adopted.

*Motion carried.*

**REPORTS**

CS 2015-228

S. Beach and F. Adams left the meeting.

**Revitalization Tax Exemption Agreement**

*Moved and seconded:*

That Council approve entering into a Revitalization Tax Exemption

Agreement with 1639555 Alberta Ltd. 341 First Avenue, Folio 0126.000.

*Motion carried.*

#### **Statement of Financial Information for 2014**

Mayor Stone asked for comments or questions on the Statement of Financial Information. None were received.

*Moved and seconded:*

**CS 2015-229**

That Council approve the Statement of Financial Information for the fiscal year ended December 31, 2014.

*Motion carried.*

#### **2016/2017 Royal Canadian Mounted Police Municipal Policing Contract**

*Moved and seconded:*

**CS 2015-230**

That Council direct staff to include the calculations of the 2016/17 costs for the Royal Canadian Mounted Police in the 2016-2020 Financial Plan for budget planning purposes.

*Motion carried.*

#### **MOTION AMENDED BY CS 2015-232**

*Moved and seconded:*

**CS 2015-231**

That Council direct the City Manager to work with the local detachment to determine the appropriate level of Royal Canadian Mounted Police staffing within Ladysmith.

#### **AMENDMENT**

*Moved and seconded:*

**CS 2015-232**

That Resolution CS 2015-231, "That Council direct the City Manager to work with the local detachment to determine the appropriate level of Royal Canadian Mounted Police staffing within Ladysmith", be amended to read as follows:

That Council direct the City Manager to explore with the local detachment options for Royal Canadian Mounted Police staffing within Ladysmith and report back to Council.

*Motion as amended carried.*

Council requested that representatives of the Royal Canadian Mounted Police be in attendance when the City Manager reports back to Council on the matter.

#### **Draft Town of Ladysmith 2014 Annual Report**

*Moved and seconded:*

**CS 2015-233**

That Council receive the draft 2014 Annual Report for the Town of Ladysmith, direct staff to ensure it is available for public inspection, and schedule a review of public input and adoption of the report at

the July 6 Regular Meeting of Council.  
*Motion carried.*

**CORRESPONDENCE**

Lynda Evans  
Donation of Artwork  
*Moved and seconded:*

CS 2015-234

That Council direct staff to review the offer from Lynda Evans to donate artwork in exchange for a memorial bench in memory of the former owner of the art, and report back to Council with a recommendation.  
*Motion carried.*

**NEW BUSINESS**

Request for Grant-in-Aid – National Aboriginal Day Celebrations  
*Moved and seconded:*

CS 2015-235

That Council approve a grant-in-aid in the amount of \$750.00 to the Stz'uminus First Nation to support National Aboriginal Day celebrations on June 21, 2015.  
*Motion carried.*

**CLOSED SESSION**

*Moved and seconded:*

CS 2015-236

That Council retire into Closed Session at 7:54 p.m. in order to consider the following:

- personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality
- the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;

*Motion carried.*

**RISE AND REPORT**

Council rose from Closed Session at 8:42 p.m. without report.

**ADJOURNMENT**

*Moved and seconded:*


CS 2015-237

That this meeting of Council adjourn at 8:43 p.m.  
*Motion carried.*

CERTIFIED CORRECT:



Corporate Officer (S. Bowden)

  
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Mayor (A. Stone)