

MINUTES OF A PUBLIC HEARING AND REGULAR  
MEETING OF COUNCIL  
MONDAY, APRIL 16, 2018  
CALL TO ORDER 6:30 P.M.  
COUNCIL CHAMBERS, CITY HALL

**COUNCIL MEMBERS PRESENT:**

Mayor Aaron Stone  
Councillor Joe Friesenhan  
Councillor Duck Paterson

Councillor Steve Arnett  
Councillor Carol Henderson  
Councillor Cal Fradin  
Councillor Rob Hutchins

**STAFF PRESENT:**

Guillermo Ferrero  
Joanna Winter

Felicity Adams  
Sue Bouma

Erin Anderson

**CALL TO ORDER**

Mayor Stone called this Meeting of Council to order at 6:30 p.m.

**CLOSED SESSION**

CS 2018-103

*Moved and seconded:*

That, in accordance with section 90(1) of the *Community Charter*, Council retire into closed session at 6:30 p.m. in order to consider items related to the following:

- labour relations or other employee relations – section 90(1) (c)
- Motion carried.*

**PUBLIC HEARING &  
REGULAR COUNCIL  
MEETING**

Mayor Stone called this Open Session of Council to order at 7:00 p.m., recognizing the traditional unceded territory of the Stz'uminus First Nation and the Coast Salish people and expressing gratitude to be here.

**AGENDA APPROVAL**

CS 2018-104

*Moved and seconded:*

That Council approve the agenda for this Public Hearing and Regular Meeting of Council for Monday, April 16, 2018.

*Motion carried.*

**RISE AND REPORT**

Council rose from Closed Session at 6:46 p.m. without report.

## **PUBLIC HEARINGS**

Mayor Stone welcomed the members of the public and outlined the Public Hearing process.

He stated that there were three separate Public Hearings on the agenda, and that the public would have the opportunity to provide their comments to Council about the content of (1) Bylaw 1944, (2) Bylaws 1952 and 1953, and (3) Bylaws 1954 and 1955.

Mayor Stone advised the public that following the close of each Public Hearing, no further submissions or comments from the public or interested persons could be accepted by members of Council.

### **Public Hearing One – Bylaw 1944**

*Members of the public present: 21*

Felicity Adams, Director of Development Services, introduced the agenda item and listed the following property as the subject of “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 11), 2018, No. 1944”:

618 Farrell Road

Lot 1, District Lot 41, Oyster District, Plan 11706 except part in Plans 43985, VIP58153 and VIP79598.

She stated that the purpose of Bylaw 1944 is to amend the zoning for the subject property from Rural Residential (RU-1) to Single Dwelling Residential (R-1) to allow for a residential subdivision.

The Public Hearing Notice was printed in the Ladysmith Chronicle newspaper on April 4 and 11, 2018 and posted on community notice boards through-out Town, as well as on the Town’s website. The Notice was mailed and delivered to the subject property and all properties located within 60 metres of the subject property.

A copy of the Notice, the proposed Bylaw and background information considered by Council was made available at the Front Counter of City Hall for the notice period. Staff in the Development Services office were available to respond to questions prior to the public hearing.

Written submissions regarding Bylaw 1944 that were received prior to the Agenda deadline were included in the Public Hearing agenda package.

Ms. Adams reminded Council and the public that a Public

Information Meeting was held by the applicant on November 29, 2017, and that input from the meeting was considered in the development of the proposal.

As such, Council had previously directed that a section 219 Land Title Act covenant be registered on the title of the subject property to address the following land use matters:

- i. That the street lighting on the strata road adheres to dark sky principles.
- ii. That a grading plan is submitted and approved by the Approving Officer as a condition of the subdivision application.
- iii. That a tree assessment by a certified Arborist be submitted at time of Subdivision application with the intention of maintaining a grouping of healthy trees that complements the trees on the adjacent Gales entrance driveway, such trees to be protected by covenant. And, if it is not possible to create this treed edge, the requirement would be that at the time of building permit, two new trees with a minimum diameter of 6cm are planted on each new lot. A security deposit of \$300 per new tree will be required. One new tree must be in the rear yard.

Ms. Adams informed Council and the public that the applicant was in attendance to respond to questions from Council.

Mayor Stone called for submissions to Council.

Jeff Reichert, 11-626 Farrell Road, recommended that the Town hire its own independent arborist to make decisions regarding the trees on the subject property. He also recommended that the Town use the potential increase in tax base on Farrell Road to erect street lighting, curbs and gutters in the neighbourhood.

Lynn McDermott, 606 Farrell Road, expressed concerns about the easement and requested a strong wall to help protect pets. She also addressed parking issues on the easement and recommended signage.

Gerald Stasiuk, 6-626 Farrell Road, reiterated that the Town should engage an independent arborist and erect street lights, curbs and sidewalks, and that highway noise mitigation is an important consideration. He submitted a copy of his letter for Town records.

John Garstang, 4-626 Farrell Road , underscored highway noise as an issue and recommended that Council request BC Highways to use whisper pavement through sections of the Trans-Canada Highway to mitigate noise and provide protection from wet conditions.

Mayor Stone called for comments about Bylaw 1944 a second and third time. Hearing no further comments, Mayor Stone declared the Public Hearing for Bylaw 1944 closed and stated that no further submissions or comments from the public or interested persons could be accepted by members of Council.

### **Public Hearing Two: Bylaws 1952 and 1953**

*Members of the Public Present: 19*

Ms. Adams introduced the agenda item and listed the following property as the subject of “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 51) 2018, No. 1952” and “Town of Ladysmith Zoning Bylaw 2014, No. 1860 Amendment Bylaw (No. 13), 2018, No. 1953”:

11 and 17 Kitchener Street

Lot 7 and Lot 8, Block 7, District Lot 24, Oyster District, Plan 703

She stated that the purpose of Bylaw 1952 is to amend the Official Community Plan by changing the designation of 11 and 17 Kitchener Street from ‘Downtown Mixed Use’ to ‘Downtown Core’, and that the purpose of Bylaw No. 1953 is to change the zoning of 11 and 17 Kitchener Street from Live/Work Residential (R-2-LW) to Downtown Commercial (C-2) to allow for commercial use.

The Public Hearing Notice was printed in the Ladysmith Chronicle newspaper on April 4 and April 11, 2018 and posted on community notice boards through-out Town, as well as on the Town’s website. The Notice was mailed and delivered to the subject properties and all properties located within 60 metres of the subject properties.

A copy of the notice, the proposed Bylaws and background information considered by Council was made available at the Front Counter of City Hall for the Notice period. Staff in the Development Services office was available to respond to questions prior to the public hearing.

No written submissions regarding proposed Bylaws 1952 and 1953 were received prior to the Agenda deadline.

Ms. Adams informed Council and the public that the applicant was in attendance to respond to questions from Council.

Mayor Stone called for submissions to Council. Mayor Stone called for submissions a second time.

Theresa Kell, 17 Kitchener St., expressed concern that changing the zoning of 11 and 17 Kitchener Street would eliminate residential rentals in an already limited rental market.

Mayor Stone called for submissions and comments about Bylaws 1952 and 1953 a third and final time. Hearing none, Mayor Stone declared the Public Hearing for Bylaws 1952 and 1953 closed and stated that no further submissions or comments from the public or interested persons could be accepted by members of Council.

### **Public Hearing 3 – Bylaws 1954 and 1955**

*Members of the public: 17*

Ms. Adams introduced the agenda item and listed the following property as the subject of “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 52) 2018, No. 1954”, and “Town of Ladysmith Zoning Bylaw 2014, No. 1860 Amendment Bylaw (No. 14), 2018, No. 1955”:

1240 Fourth Avenue -- Lot B, District Lot 97, Oyster District, Plan VIP56663 except part in Plan VIP89355

She stated that the purpose of Bylaw 1954 is to amend the Official Community Plan by removing ‘Development Permit Area 4 – Multi-Unit Residential’ from the property at 1240 Fourth Ave, and that the purpose of Bylaw 1955 is to amend the Zoning Bylaw to change the zoning of the property at 1240 Fourth Ave. from Medium Density Residential (R-3) to Single Dwelling Residential Small Lot B (R-1-B) to allow for small lot residential use.

The Public Hearing Notice was printed in the Ladysmith Chronicle newspaper on April 4 and April 11, 2018 and posted on community notice boards through-out Town, as well as on the Town’s website. The Notice was mailed and delivered to the subject property and all properties located within 60 metres of the subject property.

A copy of the notice, the proposed Bylaws and background information considered by Council was made available at the Front

Counter of City Hall for the Notice period. Staff in the Development Services office were available to respond to questions prior to the public hearing.

No written submissions regarding Bylaws 1954 and 1955 were received prior to the Agenda deadline.

Ms. Adams reminded Council and the public that a Public Information Meeting was held by the applicant on March 14, 2018.

Council had previously directed that a section 219 Land Title Act covenant be registered on the title of the subject property to address the following land use matters:

- i) A bareland strata residential development at 1240 Fourth Avenue shall:
  - include one visitor parking space per five residential lots and the location of the visitor parking spaces shall be approved by the Approving Officer as a condition of subdivision of the land;
  - provide an area that is a minimum of 372m<sup>2</sup> (4004ft<sup>2</sup>) in size for the storage of recreational vehicles and boats; and
  - not permit a secondary suite in any dwelling.
- ii) A grading plan and geotechnical assessment of the proposed lots is required to be submitted to the satisfaction of the Approving Officer as a condition of the subdivision application.
- iii) An amenity contribution of \$1000 per residential lot shall be submitted to the Town (as previously agreed to in covenant EL128958) prior to the Approving Officer issuing final approval of the subdivision of land.

Council had also previously approved of the discharge of covenant EL128958 from the title of the property at 1240 Fourth Avenue once the new section 219 covenant is registered on the title.

Ms. Adams informed Council and the public that the applicant was in attendance to respond to questions from Council.

Mayor Stone called for submissions and comments to Council.

Mayor Stone called for submissions and comments about Bylaws 1954 and 1955 a second and third time. Hearing none, Mayor Stone declared the Public Hearing for Bylaws 1954 and 1955 closed and stated that no further submissions or comments from the public or

interested persons could be accepted by members of Council.

**BYLAWS (SUBJECTS  
OF PUBLIC  
HEARINGS)**

**CS 2018-105**

**Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 11) 2018, No. 1944**

**Subject Property: Lot 1, District Lot 41, Oyster District, Plan 11706, Except Part in Plans 43985, VIP58153 and VIP79598 (618 Farrell Road**

*Moved and seconded:*

That, in the community interest, Council direct staff to include in the Section 219 covenant on the title for Lot 1, District Lot 41, Oyster District, Plan 11706, that the access road is to be located on the west side of the property.

*Motion carried.*

**CS 2018-106**

*Moved and seconded:*

That Council:

1. Proceed with third reading of Bylaw 1944 cited as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 11) 2018, No. 1944"; and
2. Direct staff to refer Bylaw 1944 to the Ministry of Transportation and Infrastructure pursuant to the Transportation Act.

*Motion carried.*

**CS 2018-107**

**Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 51) 2018, No. 1952; and**

**Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 13) 2018, No. 1953**

**Subject Properties: Lots 7 & 8, Block 7, District Lot 24, Oyster District, Plan 703 (11 and 17 Kitchener Street)**

*Moved and seconded:*

That Council:

1. Proceed with third reading of "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No.51) 2018, No. 1952";
2. Proceed with third reading of "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.13) 2018, No.1953"; and
3. Direct staff to refer Bylaw 1953 to the Ministry of Transportation and Infrastructure pursuant to the Transportation Act.

*Motion carried.*

Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 52) 2018, No. 1954; and  
Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 14) 2018, No. 1955

Subject Property: Lot B, District Lot 97, Oyster District, Plan VIP56663, Except part in plan VIP89355 (1240 Fourth Avenue)

*Moved and seconded:*

That Council proceed with:

**CS 2018-108**

1. Third reading of "Official Community Plan Bylaw 2003, No 1488, Amendment Bylaw (No.52) 2018, No. 1954; and

2. Third reading of "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.14) 2018, No.1955.

*Motion carried.*

## **DELEGATIONS**

**MNP, Auditors for the Town of Ladysmith**

**Cory Vanderhorst, CPA, CA**

**Presentation of the Draft 2017 Financial Statements**

C. Vanderhorst presented a summary of the draft audited Financial Statements for the Town of Ladysmith for 2017. He stated that this is an unqualified or clean audit. C. Vanderhorst responded to questions from Council

*Moved and seconded:*

**CS 2018-109**

That Council approve the Audited Financial Statements for the Town of Ladysmith for 2017.

*Motion carried.*

## **PROCLAMATIONS**

**Human Values Day**

Mayor Stone proclaimed April 24, 2018 as "Human Values Day" in the Town of Ladysmith, and encouraged all citizens to make the Town of Ladysmith a "Town of Character" by practicing the human values of truth, right conduct, peace, love and nonviolence.

## **DEVELOPMENT APPLICATIONS**

**Zoning Bylaw Amendment Application, 1280 Rocky Creek Road (J. Basi, TRT Trucking)**

**Subject Property: Lot 7, District Lot 38, Oyster District, Plan VIP73070**

*Moved and seconded:*

**CS 2018-110**

That Council:

1. Direct staff to commence the preparation of the Zoning Bylaw amendment bylaw for application 3360-18-06, to add a site specific accessory use to the Light Industrial (I-1) Zone to permit 'Marshalling Yard' at 1280 Rocky Creek Road (Lot 7, District Lot



38, Oyster District, Plan VIP73070); with the condition that the 'Marshalling Yard' use is permitted in areas that are surfaced with a hard surface of asphalt or similar surface, graded to contain and dispose of surface water, and contain an oil/water separator.

2. Waive:

- a) The referral of zoning bylaw amendment application 3360-18-06 to the Advisory Planning Commission; and
- b) The requirements for a public information meeting and public hearing.

*Motion carried.*

**Official Community Plan Amendment Application, Ladysmith Marina -**

**D. Strongitharm - Rocky Creek Road**

**Subject Properties: Lot A, District Lots 81, 86, 87, 98, Oyster District and District Lot 2054 Cowichan District, Plan EPP35537 Lot 1 and 2, District Lots 81 and 86, Oyster District, Plan VIP88459**

**Block C, District Lot 2054, Cowichan District, Plan EPC721 (Provincial lease area)**

*Moved and seconded:*

That Council:

**CS 2018-111**

1. Direct staff to commence the preparation of Official Community Plan amendment bylaw and the Zoning Bylaw amendment bylaw for application 3360-18-03, to amend:
  - a) Official Community Plan Map 1 by removing a portion of the 'Local Commercial' and 'Industrial' designation and replacing it with 'Single Family Residential' designation for the 'surplus' lands; and by removing the 'Industrial' designation from the active marina area and replacing it with the 'Waterfront' designation;
  - b) Official Community Plan Map 2 by adjusting DPA 1 Waterfront such that it is removed from the 'Single Family Residential' designated area and moved to the new 'Waterfront' designated area; and by adding DPA 5 Industrial to the adjusted 'Industrial' designated area;
  - c) The Zoning Bylaw text (Schedule A of Bylaw 1860) by amending the Tourist Service Commercial (C-4) Zone and Light Industrial (I-1) Zone to accommodate Ladysmith Marina uses.

- d) The Zoning Bylaw map (Schedule B of Bylaw 1860) by adjusting the C-4 'Tourist Service Commercial' zone such that it applies only to the active Ladysmith Marina area, and adjusting the R-1-B, W-2, I-2 and I-1 zones accordingly surrounding the new C-4 zoned area.

For properties legally described as

- Lot A, District Lots 81, 86, 87, 98, Oyster District and District Lot 2054 Cowichan District, Plan EPP35537;
- Lot 1 and 2, District Lots 81 and 86, Oyster District, Plan VIP88459; and
- Block C, District Lot 2054, Cowichan District, Plan EPC721 (lease area)

2. Having given consideration to s.475 of the Local Government Act (consultation during OCP development) direct staff to refer the OCP amendment application 3360-18-03 to the Stz'uminus First Nation, pursuant to the Memorandum of Understanding between the Stz'uminus First Nation and Town of Ladysmith.

*Motion carried.*

## REPORTS

CS 2018-112

### **Direction to Proceed with an Alternative Approval Process (AAP) for a Proposed Two Lot Boundary Extension**

*Moved and seconded:*

That Council:

1. Direct staff to seek elector approval of the proposed two lot boundary extension in south Ladysmith through an Alternative Approval Process with a deadline for receipt of Elector Response Forms of 4:00 p.m., Wednesday, June 6, 2018; and
2. Confirm the number of eligible electors for the Alternative Approval Process as 6,635.

*Motion carried.*

CS 2018-113

### **Options for Public Consultation on the Retail Sale of Non-Medical Cannabis**

*Moved and seconded:*

That Council establish a budget of \$20,000 to support public consultation on the retail sale of non-medical cannabis in Ladysmith, with the funds to come from surplus, and direct staff to amend the Financial Plan accordingly.

*Motion carried.*

- CS 2018-114** *Moved and seconded:*  
That the Mayor appoint three members of Council, including the Mayor, to an ad hoc Committee of Council to support the public consultation process on the retail sale of non-medical cannabis in the Town of Ladysmith.  
*Motion carried.*
- CS 2018-115** *Moved and seconded:*  
That Council direct the ad hoc Committee to use the 'Municipal Guide to Cannabis Legislation' - the framework provided by the Federation of Canadian Municipalities - to develop recommendations on locational or other criteria and a desired public input strategy and scope for Council's consideration with respect to the retail sale of non-medical cannabis in the Town of Ladysmith prior to embarking on a public consultation on the matter.  
*Motion carried.*
- CS 2018-116** *Moved and seconded:*  
That the ad hoc Committee consider the suitability of engaging an outside consultant with the appropriate knowledge of the legislative framework to manage the public consultation on the retail sale of non-medical cannabis for Council's consideration.  
*Motion carried.*
- CS 2018-117** *Moved and seconded:*  
That Council direct staff to develop land use recommendations for Council's consideration with respect to the production and processing of non-medical cannabis in the Town of Ladysmith.  
*Motion carried.*
- BYLAWS**
- CS 2018-118** **Ladysmith Officers and Delegation of Authority Bylaw 2016, No. 1905, Amendment Bylaw 2018, No. 1945**  
*Moved and seconded:*  
That Council give first, second and third readings to Town of Ladysmith Officers and Delegation of Authority Bylaw 2016, No. 1905, Amendment Bylaw 2018, No. 1945.  
*Motion carried.*
- CS 2018-119** **Town of Ladysmith Financial Plan Bylaw 2018, No. 1956**  
*Moved and seconded:*  
That Council give first, second and third readings to Town of Ladysmith Financial Plan Bylaw 2018, No. 1956.  
*Motion carried.*

**Town of Ladysmith Tax Rates Bylaw 2018, No. 1957**

*Moved and seconded:*

**CS 2018-120**

That Council give first, second and third readings to Town of Ladysmith Tax Rates Bylaw 2018, No. 1957.

*Motion carried.*

**Water Parcel Tax Bylaw 2018, No. 1958**

*Moved and seconded:*

**CS 2018-121**

That Council give first, second and third readings to Water Parcel Tax Bylaw 2018, No. 1958.

*Motion carried.*

**Sewer Parcel Tax Bylaw 2018, No. 1959**

*Moved and seconded:*

**CS 2018-122**

That Council give first, second and third readings to Sewer Parcel Tax Bylaw 2018, No. 1959.

*Motion carried.*

**QUESTION PERIOD**

Members of the public enquired about raising amenity fees to reflect the current higher value of property. Members of the public also recommended that the ad hoc committee established to support the public consultation process on the retail sale of non-medical cannabis consider the smell of cannabis and the distance it carries when developing their recommendations.

**ADJOURNMENT**

*Moved and seconded:*

**CS 2018-123**

That this regular meeting of Council adjourn at 9:00 p.m.

*Motion carried.*

**CERTIFIED CORRECT:**



Corporate Officer (J. Winter)



Mayor (A. Stone)