

**MINUTES OF A PUBLIC HEARING AND
REGULAR MEETING OF COUNCIL
MONDAY, JUNE 4, 2018
CALL TO ORDER 7:00 P.M.
921 1ST AVENUE, EAGLES HALL**

COUNCIL MEMBERS PRESENT:

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

COUNCIL MEMBERS ABSENT:

Mayor Aaron Stone

STAFF PRESENT:

Guillermo Ferrero	Felicity Adams	Erin Anderson
Geoff Goodall	Clayton Postings	Joanna Winter
Sue Bouma		

CALL TO ORDER

Deputy Mayor Hutchins called this Public Hearing and Open Session of Council to order at 7:00 p.m.

AGENDA APPROVAL**CS 2018-177***Moved and seconded:*

That Council approve the agenda for this Public Hearing and Regular Meeting of Council for Monday, June 4, 2018 with the following amendments:

- Add "Minutes of the May 14th Public Hearing and Council Meeting" to the agenda.
- Remove item 10.1., "Water Treatment Plant Tender"

Motion carried.

RISE AND REPORT

Council rose from Closed Session at 6:24 p.m. without report.

**BYLAWS (OFFICIAL
COMMUNITY PLAN
AND ZONING)**

**Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment
Bylaw (No. 12) 2018, No. 1951**
Subject Property: A portion of Lot 4, Plan 45800

Deputy Mayor Hutchins referenced agenda item 3.1., “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 12) 2018, No. 1951”. He explained that the rules of procedural fairness outlined during the public hearing for Bylaw 1951 still applied during the fourth reading of the Bylaw and reminded citizens that Council could not receive or hear any new information related to Bylaw 1951. He explained that Council was following legislation and the rules created for all councils to follow during a rezoning process, and invited citizens to come to the podium during question period at the end of the meeting should they wish to speak to the matter.

Staff responded to questions from Council regarding the rezoning of the subject property. Council members noted that planned residential development will support the Waterfront Area Plan.

CS 2018-178

Moved and seconded:

That Council adopt “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 12) 2018, No. 1951”, to rezone a portion of Lot 4, Plan 45800 in order to permit multi-unit residential development, as outlined in the Waterfront Area Plan.

Motion carried.

CS 2018-179

**Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment
Bylaw (No. 16) 2018, No. 1962**

**Subject Property: 1280 Rocky Creek Road (Lot 7, District Lot 38,
Oyster District, Plan VIP73070)**

Moved and seconded:

That Council:

1. Give third reading to Bylaw 1962 cited as “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.16) 2018, No. 1962”.
2. Direct staff to refer Bylaw 1962 to the Ministry of Transportation and Infrastructure pursuant to the *Transportation Act*.

Motion carried.

PUBLIC HEARING

Deputy Mayor Hutchins outlined the Public Hearing process.

He stated that there were two 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 1963 and (2) Bylaws 1960 and 1961. He noted that written submissions received after the agenda deadline were provided separately to Council.

Deputy Mayor Hutchins 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.

Deputy Mayor Hutchins stated that in accordance with the *Local Government Act*, a Public Hearing is not an opportunity for debate or to have questions answered, but rather an opportunity for members of the public to provide their input and comments on the bylaws. He stated that there would be an opportunity for Council to respond to questions and comments during debate on the bylaws following the close of the Public Hearings.

Public Hearing One– Bylaw 1963

Members of the public present: 72

Felicity Adams, Director of Development Services, introduced the following bylaw as the subject of the Public Hearing:

- Bylaw 1963 cited as “Town of Ladysmith Zoning Bylaw 2014, No. 1860 Amendment Bylaw (No. 17), 2018, No. 1963”.

Ms. Adams noted that the following property was the subject of the Bylaw amendment:
431 First Avenue

She stated that the purpose of Bylaw 1963 was to amend the Zoning Bylaw by adding a site specific amendment to the Downtown Commercial (C-2) Zone to permit a maximum of four dwelling units on the subject property, with each one bedroom dwelling unit to have a minimum finished floor area of 32m² (344ft²).

The Public Hearing Notice was printed in the Ladysmith Chronicle newspaper on May 23 and May 30, 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 properties located within 60 metres of the properties that are the subject of the bylaws.

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.

Deputy Mayor Hutchins called for submissions to Council.

Deputy Mayor Hutchins called for submissions to Council a second time.

Rob Johnson, 526 1st Avenue, expressed support of the Bylaw, noting that it would restore and enhance a heritage building.

Deputy Mayor Hutchins called for comments about Bylaw 1963 a third time. Hearing no further comments, Deputy Mayor Hutchins declared the Public Hearing for Bylaw 1963 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 1960 and 1961

Members of the Public Present: 68

Ms. Adams introduced the agenda item and listed the following Bylaws as the subject of the Public Hearing:

- Bylaw 1960, cited as “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 53) 2018, No. 1960”; and
- Bylaw 1961 cited as “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 15) 2018, No. 1961”.

She noted that the following properties were the subject of the Bylaw amendments:

- A portion of **901 Gladden Road**
- **1301 Rocky Creek Road** legally described as Lot 1, District Lots 81 and 86, Oyster District, Plan VIP88459
- **1251 Rocky Creek Road** legally described as Lot 2, District Lots 87 and 98, Oyster District, Plan
- A portion of a **Provincial lease area**

Ms. Adams stated that the purpose of Bylaw 1960 is to amend Section 3.8.1 of the Official Community Plan text by adding the words “and associated upland” in the description of the Waterfront Land Use designation; to amend Official Community Plan “Map 1 – Land Use”; and to amend Official Community Plan “Map 2 – Development Permit Areas” to reflect the future use of the subject properties.

Ms. Adams then stated that the purpose of Bylaw 1961 is to amend the Zoning Bylaw by:

- Adding a definition of 'Marina Office';
- Amending the Tourist Service Commercial (C-4) Zone by adding 'marina office', 'boat launch' and storage for marine fuel as site specific permitted uses at Ladysmith Marina;
- Adding 'marine sales and service' as a permitted use for all properties in the Light Industrial (I-1) Zone;
- Amending the I-1 Zone by adding 'storage for boats and boathouses', 'boat house construction', and accessory 'retail sales' as site specific permitted uses; and
- Amending the Zoning Bylaw Map for the subject properties.

The Public Hearing Notice was printed in the Ladysmith Chronicle newspaper on May 23, 2018 and May 30, 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 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.

The applicant, Deane Strongitharm, gave a short presentation to Council regarding the agenda item, noting that the purpose of the development is to subdivide the upland property into two parts. The first part (roughly 8.5 acres) would be dedicated to marina land and support services. The second part would comprise roughly 11.5 acres of surplus land, which would be marketed for other purposes.

Mr. Strongitharm noted that his partner had met with Western Forest Products regarding their concerns that future development on the surplus land could potentially influence the company's operations, and noted that a noise and nuisance easement attached to the land title could be an effective solution.

Deputy Mayor Hutchins called for submissions to Council.

Glenn Reid of Aho Road, noted that the surplus land would be an appropriate location for low income housing.

Deputy Mayor Hutchins called for submissions to Council a second time.

Rob Johnson, 526 1st Avenue, enquired about the number of potential residential lots for the area and asked if the surplus lands had previously housed a mobile home residential park, which has since been displaced.

Barbara Bawdley of Harbourview Road, described previous development issues and cautioned Council to examine the integrity and credibility of future developers.

Deputy Mayor Hutchins called for submissions to Council a third and final time.

Rob Johnson, 526 1st Avenue, expressed concerns that future development would cause traffic problems between the highway, Ludlow Road and 1st Avenue.

Hearing no further comments, Deputy Mayor Hutchins declared the Public Hearing for Bylaws 1960 and 1961 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 HEARING)

CS 2018-180

**Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.17) 2018, No.1963
Subject Property: 431 1st Avenue (formerly known as Barb's Kitchen)**

Moved and seconded:

That Council:

1. Give third reading to Bylaw 1963 cited as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.17) 2018, No.1963"; and
2. Direct staff to refer Bylaw 1963 to the Ministry of Transportation and Infrastructure pursuant to the Transportation Act.

Motion carried.

**Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 53) 2018, No. 1960; and
Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 15) 2018, No. 1961
Subject Property: Ladysmith Marina**

Staff responded to Council's questions regarding concerns raised during the Public Hearing. Council requested that staff to investigate measures to mitigate potential noise concerns and return to Council with recommendations before the adoption of Bylaw 1961.

CS 2018-181

Moved and seconded:

That Council:

1. Give third reading to Bylaw 1960, cited as "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 53) 2018, No. 1960"; and
2. Give third reading to Bylaw 1961, cited as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 15) 2018, No. 1961"; and
3. Direct staff to refer Bylaw 1961 to the Ministry of Transportation and Infrastructure pursuant to the Transportation Act.

Motion carried.

PROCLAMATIONS

Built Green Day

Mayor Stone proclaimed June 6, 2018 to be "Built Green Day" in the Town of Ladysmith, British Columbia, reflecting the Town's dedication to encouraging sustainable development.

DEVELOPMENT APPLICATIONS

OCP and Zoning Bylaw Amendment Application

Subject Property: 900 Russell Road (Lot A, District Lot 67, Oyster District, Plan EPP24148)

Moved and seconded:

CS 2018-182

That Council

1. Receive the report from the Neighbourhood Information Meeting for the 900 Russell Road rezoning proposal.
2. Give first and second readings to Bylaw 1965, cited as "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 54) 2018, No. 1965.

3. Give first and second readings to Bylaw 1966, cited as “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 18) 2018, No. 1966.”
4. Refer Bylaws 1965 and 1966 to public hearing.
5. Accept the voluntary community amenity contribution of \$9,000 for improvements to the neighbourhood park, which is to be provided prior to the enactment of Bylaw 1966.
6. Direct staff to proceed with the Town’s portion of the road improvement projects associated with the subdivision of 900 Russell Road and a 1.0 metre paved pedestrian path along the frontage between 700 and 900 Russell Road for a total cost up to \$100,000 with funding to come from the Road Development Cost Charges Reserve, Gas Tax Reserve, and Infrastructure Reserve and amend the Financial Plan accordingly.

AMENDMENT

Moved and seconded:

CS 2018-183

That Resolution CS 2018-182 be amended to include the following:

7. Direct staff to investigate measures to mitigate neighbourhood concerns regarding traffic and pedestrian safety on Craig Road and report back to Council at the Public Hearing.

Motion carried.

Motion as amended carried.

BYLAWS

Election and Assent Voting Bylaw 1964

Moved and seconded:

CS 2018-184

That Council refer item 8.1., “Town of Ladysmith Election and Assent Voting Bylaw 2018, No. 1964 to a future Council meeting.

Motion carried

CORRESPONDENCE

Ladysmith Chamber of Commerce Annual Golf Tournament Sponsorship Letter

Moved and seconded:

CS 2018-185

That Council:

1. Allocate \$200 to sponsor a hole at the Ladysmith Chamber of Commerce Annual Golf Tournament.
2. Enter a team in the tournament at their own cost.

Motion carried.

UNFINISHED BUSINESS

CS 2018-186

Strategic Priorities Funding Agreement (Federal Gas Tax Fund) regarding the Machine Shop Arts, Heritage and Cultural Centre Restoration Project

Moved and seconded:

That Council:

1. Accept the Strategic Priorities Grant (Federal Gas Tax Fund) for the Machine Shop Arts, Heritage and Cultural Centre Restoration Project.
2. Authorize the Mayor and Corporate Officer to execute the funding agreement.

Motion carried.

F. Adams and G. Goodall left the meeting.

Parks, Recreation and Culture Fees and Charges

Councillor Arnett encouraged staff to investigate options for dealing with access issues related to costs as raised by youth during a presentation of the Ladysmith Youth Plan at the June 4th Special Meeting of Council.

CS 2018-187

Moved and seconded:

That Council accept the following recommendations from the Parks, Recreation and Culture Advisory Committee:

That Council:

1. Approve the following proposed amendments to Town of Ladysmith Community Centre Facilities Fee and Charges Bylaw 2015 No. 1884:
 - Increase admission and pass fees by two per cent per year, effective September 1, 2018, September 1, 2019 and September 1, 2020 and continue not to charge admission for seniors over the age of eighty and children under the age of three;
 - Increase facility rental fees, park permit fees and sport field light fees by two per cent per year, effective September 1, 2018, September 1, 2019 and September 1, 2020;
 - Remove three- and six-month pass options from the Fees and Charges; and
 - Maintain family admission and pass rates at the current level;
 - Add rental fees for the lower recreation space at Frank Jameson Community Centre known as the “rec room” at

the same rate as the gymnasium.

2. Direct staff to prepare an amendment to "Town of Ladysmith Community Centre Facilities Fee and Charges Bylaw 2015 No. 1884"
Motion carried.

QUESTION PERIOD

Members of the public enquired about the Town's procedure regarding grant funding and project completion issues, the amount of parkland that would be lost with the insertion of a road within the Russell Road development (none), the relevance of public hearings without adequate reflection time, the possibility of creating collective green space with all future residential development and safety concerns on the Trans-Canada Highway in the vicinity of South Davis Road.

ADJOURNMENT

CS 2018-188

Moved and seconded.

That this regular meeting of Council adjourn at 8:22 p.m.
Motion carried.

CERTIFIED CORRECT:

Deputy Mayor (R. Hutchins)

Corporate Officer (J. Winter)