

**MINUTES OF A PUBLIC HEARING AND
SPECIAL MEETING OF COUNCIL
MONDAY, JUNE 25, 2018
CALL TO ORDER 7:03 P.M.
921 – 1ST AVENUE, EAGLES 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
Geoff Goodall

Felicity Adams
Joanna Winter

Erin Anderson
Sue Bouma

CALL TO ORDER

Mayor Stone called this Public Hearing and Open Session of Council to order at 7:03 p.m., recognizing the traditional territory of the Stz'uminus First Nation and the Coast Salish people and expressing gratitude to be here.

AGENDA APPROVAL**CS 2018-220**

Moved and seconded:

That Council approve the agenda for this Public Hearing and Special Meeting of Council for Monday, June 25, 2018 with the following amendments:

- Add item 12.1., "DL 108 (Forrest Field) Expansion Initiative, Request for a Letter of Support"
- Add item 12.2., "Terms of Commissions and Committees"

Motion carried.

MINUTES**CS 2018-221**

Moved and seconded:

That Council approve the minutes of the Special Meeting of Council held June 18, 2018, as amended to include the boundary extension map in resolution CS 2018-209.

Motion carried.

BYLAWS (OFFICIAL COMMUNITY PLAN AND ZONING)

**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**

Ladysmith Marina, Rocky Creek Road - D. Strongitharm

Subject Properties:

- **901 Gladden Road** (legally described as Lot A, District Lots 81, 86, 87, 98, Oyster District and District Lot 2054 Cowichan District, Plan EPP35537)
- **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 VIP88459)
- **Provincial Lease Area** (legally described as VIP88459 Block C, District Lot 2054, Cowichan District, Plan EPC721)

Staff confirmed that with respect to measures to mitigate potential noise concerns identified at the Public Hearing, the owner will be required to register a document on the title of the residential parcel regarding the existence of noise from the adjacent mill.

CS 2018-222

Moved and seconded:

That Council adopt "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 53) 2018, No. 1960".

Motion carried.

CS 2018-223

Moved and seconded:

That Council adopt "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 15) 2018, No. 1961".

Motion carried.

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)

CS 2018-224

Moved and seconded:

That Council adopt "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.16) 2018, No. 1962".

Motion carried.

CS 2018-225

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) - AYPQ Architecture

Moved and seconded:

That Council adopt "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.17) 2018, No. 1963".

Motion carried.

PUBLIC HEARING

Mayor Stone outlined the Public Hearing process.

He stated that the public would have the opportunity to provide their comments to Council about the content of Bylaws 1965 and 1966. He noted that written submissions received prior to the agenda deadline had been included in the agenda package, and those received after the agenda deadline were provided separately to Council.

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

Mayor Stone 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 to Council. He stated that there would be an opportunity for Council to consider public hearing input during debate on the bylaws following the close of the Public Hearing.

Public Hearing – Bylaws 1965 and 1966

Members of the public present: 37

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

- Bylaw 1965 cited as "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No.54) 2018, No. 1965"; and
- Bylaw 1966 cited as "Town of Ladysmith Zoning Bylaw 2014, No. 1860 Amendment Bylaw (No. 18), 2018, No. 1966".

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

900 Russell Road

She stated that the purpose of Bylaw 1965 was to amend the Official Community Plan 'Land Use' map by designating a 1.4 acre portion of the subject property from 'Single Family Residential' to 'Parks and Open Spaces', and the purpose of Bylaw 1966 was to amend the Zoning Bylaw Map by placing the 'Parks and Open Spaces (P-2)' Zone on a 1.4 acre portion of the subject property and the 'Single Dwelling Residential – Small Lot A (R-1-A)' Zone on a 2.4 hectare portion of the subject property, to permit residential parcels that are 460m² in size.

Ms. Adams advised the public that neither Bylaw 1965 nor Bylaw 1966 would determine the use of the park. If the bylaws were adopted, the use of the park would be designated through the Parks Usage Bylaw.

The Public Hearing Notice was printed in the Ladysmith Chronicle newspaper on June 13 and June 20, 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.

The applicant, Toby Seward, gave a short presentation to Council, noting that the plan included a range of residence options, with half the lots planned as small lots and only six of those lots at the minimum size. He confirmed that a building scheme had been proposed to influence driveway finishes, fencing and siding, and that a traffic engineer had been hired to provide recommendations.

Mr. Seward responded to Council's questions regarding fencing, the size of lots compared to other small lot developments and the plan for future traffic studies.

Mayor Stone called for submissions to Council.

S. Bond, 601 Stirling Drive noted that the developer had known the zoning of the land when it was purchased and questioned why it

should be changed after the fact.

Denise Spanevello, 499 Davis Road, expressed concerns regarding the subdivision's impact on Russell Road traffic, noting that it is already unsafe to walk on the road and cautioning that more cars backing in and out onto Russell Road would increase the danger.

Brian Smith, 552 Ridgway Place, enquired whether principles of Crime Prevention through Environmentla Design (CPTED) are being used in this development, and noted that there was a significant difference between the configuration of small lots in the Ridgway Place development compared to that used in the Ballou Place development and enquired if there was a set configuration for the proposed development on Russell Road.

Mitch Wilson, 535 Rothdale Road, expressed concern that the housing design of the Russell Road small lot development would resemble the lot use on High Street and 5th Avenue.

Mayor Stone called for submissions to Council a second time.

Dean Richards, 476 Thetis Drive, shared his concern that the green space would not be adequately protected and that the development would impede the public's ability to walk from one side of the park to the other. He expressed his preference that the park remain an off-leash dog park.

Robin Francis, 842 Craig Road, spoke in support of the extension of Craig Road and stated that the current turnaround is a bigger safety issue than the extension would be.

Ann Gillespie, 563 Halliday Place, noted that the current parking practice along Russell Road complicates traffic issues and makes it difficult for cars to pass each other. She expressed concern that the development would increase these traffic issues.

Jennifer Forsyth, 535 Hooper Place, advised Council that half of the lands designated as parkland in the 900 Russell Road development flood in the winter and are unusable. She described the value of an off-leash park as inclusive and community-building, particularly for south-end residents.

Debbie Robinson, 858 Stirling Drive, reiterated that the developer had bought the land under the current zoning and questioned why

the zoning should then be changed.

Vicki-Lynn Stickwood, 512 Louise Road, enquired when the parks bylaw would be updated and what parameters staff used for making their decisions. She recommended that staff use a “Who, What, Where, When” approach when communicating about rezoning and developments.

Ted Fromson, 537 Louise Road, enquired about infrastructure plans for the neighbourhood, noting that plans for sidewalks, road extensions, and safety on Davis Road need to be addressed. He expressed his opinion that the current Council likes to sell off the Town’s wonderful assets.

Bruce Klapp, 559 Rothdale Road, asked how many lots will be gained by changing the existing zoning.

Mayor Stone called for submissions to Council a third time.

Sandra Smith, 552 Ridgway Place, cautioned that the Town’s infrastructure was not keeping up with the population growth and advised Council that a letter campaign of over 500 signatures had been submitted to the Ministry of Transportation calling for safety upgrades at the intersection of South Davis Road and the Trans-Canada Highway.

Toby Seward, applicant, returned to the podium to provide clarification regarding the proposed rezoning of 900 Russell Road, noting that sidewalk, infrastructure, safety aspects, and traffic would all be addressed in the proposal.

Hearing no further comments, Mayor Stone declared the Public Hearing for Bylaws 1965 and 1966 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)

**Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 54) 2018, No. 1965; and
Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 18) 2018, No. 1966
Subject Property: 900 Russell Road
(Lot A, District Lot 67, Oyster District, Plan EPP24148)**

Moved and seconded:

CS 2018-226	That Council confirm the direction regarding a future traffic study for speed on Craig Road and potential traffic calming measures, if needed, to be addressed through a covenant as part of the Phase 1 subdivision approval to secure this future commitment by the owner. *AMENDMENT* <i>Moved and seconded:</i>
CS 2018-227	That resolution CS 2018-226 be amended to read as follows: That Council confirm the direction regarding a future traffic study for speed on Craig Road and potential traffic calming and pedestrian safety measures, if needed, to be addressed through a covenant as part of the Phase 1 subdivision approval to secure this future commitment by the owner. <i>Amendment carried.</i> <i>Main motion as amended carried.</i> <i>Moved and seconded:</i>
CS 2018-228	That the construction of a uniform fence around the park on the property at 900 Russell Road be addressed through a covenant as part of the Phase 1 subdivision approval process. <i>Motion carried.</i> <i>Moved and seconded:</i>
CS 2018-229	That Council give third reading and final adoption to "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 54) 2018, No. 1965." <i>Motion carried.</i> <i>Moved and seconded:</i>
CS 2018-230	That Council give third reading to "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.18) 2018, No. 1966." <i>Motion carried.</i> <i>Moved and seconded:</i>
CS 2018-231	That Council direct staff to refer Bylaw 1966 to the Ministry of Transportation and Infrastructure pursuant to the Transportation Act. <i>Motion carried.</i>
REPORTS	Unightly Property Bylaw Complaints - 317 Dogwood Drive <i>Moved and seconded:</i>
CS 2018-232	That Council receive for information the report by the Director of

Development Services regarding unsightly property bylaw complaints at 317 Dogwood Drive.
Motion carried.

BYLAWS

CS 2018-233

Election and Assent Voting Bylaw 1964

Moved and seconded:

That Council adopt "Town of Ladysmith Election and Assent Voting Bylaw 2018, No. 1964".

Motion carried

CORRESPONDENCE

Councillor Arnett declared a conflict of interest with the following agenda item due to a family member's position as treasurer of the Ladysmith Celebrations Society and left the meeting.

Ladysmith Celebrations Society

Request for Municipal Insurance Association of BC Service Provider Agreement between the Town and the Celebrations Society

Moved and seconded:

CS 2018-234

That Council approve the Service Provider Agreement between the Town of Ladysmith and Ladysmith Celebrations Society with the date as set out in the Service Provider Agreement.

Motion carried.

Councillor Arnett returned to the meeting.

NEW BUSINESS

CS 2018-235

DL 108 (Forrest Field) Expansion Initiative

Request for a Letter of Support

Moved and seconded:

That Council provide a letter of support for the Lot 108 (Forrest Field) Expansion Initiative's grant application and direct staff to provide costing information.

Motion carried.

CS 2018-236

Moved and seconded:

That Council refer to the Parks, Recreation and Culture Advisory Committee the Lot 108 (Forrest Field) Expansion Initiative and related correspondence for information and discussion.

Motion carried.

CS 2018-237

Outstanding Terms of Commissions and Committees

Moved and seconded:

That due to the pending review of Council commissions and committees, Council extend the terms of commission and

committee members to January 31, 2019, if so desired by the members.

Motion carried.

QUESTION PERIOD

There were no questions from members of the public.

ADJOURNMENT

CS 2018-238

Moved and seconded:

That this special meeting of Council adjourn at 8:40 p.m.

Motion carried.

CERTIFIED CORRECT:

Mayor (A. Stone)

Corporate Officer (J. Winter)