



MINUTES OF TWO PUBLIC HEARINGS AND A REGULAR MEETING OF COUNCIL

Tuesday, April 6, 2021
6:00 P.M.

This meeting was held electronically as per Ministerial Order No. M192

Council Members Present:

Mayor Aaron Stone
Councillor Amanda Jacobson
Councillor Rob Johnson
Councillor Tricia McKay

Councillor Duck Paterson
Councillor Marsh Stevens
Councillor Jeff Virtanen

Staff Present:

Allison McCarrick
Erin Anderson
Chris Barfoot
Jake Belobaba
Geoff Goodall

Donna Smith
Julie Thompson
Christina Hovey
Mike Gregory
Sue Bouma

1. CALL TO ORDER AND ACKNOWLEDGEMENT

Mayor Stone called the Public Hearings and Regular Meeting of Council to order at 6:00 p.m., recognizing with gratitude that the meeting was taking place on the traditional unceded territory of the Stz'uminus People.

2. AGENDA APPROVAL

CS 2021-105

That Council approve the agenda for the Public Hearings and Regular Meeting of Council for April 6, 2021 as amended to include the following items received after publication of the agenda:

- Item 3.1.3., "Public submissions received between Thursday, April 1 (agenda publication date) and 4:30 p.m. on Tuesday, April 6, 2021 regarding Public Hearing #1, 670 and 674 Farrell Road and Lot 20, Trans-Canada Highway"; and

- Item 4.1.3., “Public submissions received between Thursday, April 1 (agenda publication date) and 4:30 p.m. on Tuesday, April 6, 2021 regarding Public Hearing #2, 201 & 203 Dogwood Drive.”

Motion Carried

3. PUBLIC HEARING #1

3.1 "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 63) 2021, No. 2060" and "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 33) 2021, No. 2061"

Members of the public present: Approx. 62

3.1.1 Outline of Public Hearing Process - Mayor Stone

Mayor Stone outlined the Public Hearing process and stated that the public would have the opportunity to provide their comments to Council about Bylaw Nos. 2060 and 2061, to allow the construction of a multi-family and single family residential subdivision with a park at Lot 20 Trans-Canada Highway, 670 and 674 Farrell Road.

He advised that staff would introduce the proposed bylaw amendments, followed by public submissions and outlined the process for participating via Zoom, telephone and email. He reminded the public that the meeting was being livestreamed and recorded and that the content of submissions would be made public and form a part of the public record for the Hearing. He advised that the function of Council at a Public Hearing is to listen rather than to debate the merits of the proposed bylaws, although they may ask clarifying questions. He advised that once everyone had had an opportunity to be heard, the Public Hearing would be closed and no further submissions or comments could be accepted by members of Council.

3.1.2 Introduction of Bylaws and Statutory Requirements - Julie Thompson, Planner, Development Services

Julie Thompson, Planner for Development Services, introduced the following bylaws as the subject of the Public Hearing:

1. "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 63) 2021, No. 2060" (hereafter referred to as Bylaw 2060); and

2. “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 33) 2021, No. 2061” (hereafter referred to as Bylaw 2061).

Ms. Thompson noted that the subject property consists of three adjacent lots located at Lot 20 Trans-Canada Highway (TCH), 670 and 674 Farrell Road, legally described as:

- Lot 20 TCH: Lot 20, District Lot 41, Oyster District, Plan 2519, Except Parts in Plans 8993, 43958 and EPP28332.
- 670 Farrell: Lot 2 District Lot 41 Oyster District Plan VIP65993
- 674 Farrell: Lot 1, District Lot 41, Oyster District, Plan 20461

She advised Council that Bylaw 2060 would place the subject property into three land use designations (parks and open spaces, single family residential and multi-family residential). It would also place two development permit areas on the proposed multi-family area (development permit area 7 – hazard lands, and development permit area 4 – multi-unit residential).

Ms. Thompson noted that Bylaw 2061 would amend the Zoning Bylaw by:

- Placing the subject property into three zones: Low Density Residential (R-3-A), Single Dwelling Residential (R-1) and Park and Recreation (P-2); and
- Allowing the R-1 zone to be amended on a site specific basis (for the subject property only), by allowing duplexes in the proposed single-family area with the following additional regulations:
 - Requiring a minimum parcel area of 780 sq.m for a duplex to be permitted;
 - A minimum finished floor area of 137m² for duplexes, and
 - A maximum finished floor area of 390m² or 50% of the parcel area, whichever is less, for duplexes.

Ms. Thompson also confirmed the Public Hearing notification and engagement process. The Public Hearing Notice was published in the Ladysmith Chronicle on March 25th and April 1st and posted on

community notice boards and the Town's website. Pursuant to section 466(4) of the *Local Government Act* and section 10 of "Town of Ladysmith Development Procedures Bylaw 2008, No. 1667", written notice was delivered to the subject property and all properties located within 60 metres of the subject property. The applicant hosted two neighbourhood information meetings on June 26, 2019 and July 15, 2020, and 25 public submissions were received from both these meetings and in response to the Public Hearing process.

3.1.3 Submissions

Mayor Stone invited the applicants to make the first submission to Council.

Sean Carroll addressed Council regarding the steps taken to develop the site plan, which included engaging in extensive discussions with the neighbourhood and Ladysmith staff, implementing input received at previous Council meetings, meeting with engineering professionals and making adaptations based on geotechnical, arborist and wildfire reports. He advised that construction traffic would use Farrell Road to reduce impact on the neighbourhood, and noted that the park site was selected by staff to improve access to neighbouring green space.

3.1.4 Call for Submissions to Council (Three Times) - Mayor Stone

Mayor Stone called for submissions to Council.

Sean Potts spoke in support of the development.

Mayor Stone called for submissions to Council a second time.

Wendy Rosen asked for clarification regarding tree coverage.

Gloria Garvie expressed concern regarding the potential removal of the 100 year old forest, citing bird displacement and highway noise as unintended and undesirable consequences.

Bob Mack expressed opposition to the development's potential number of dwellings, noting that it would triple the traffic on Sanderson Road.

Mayor Stone called for submissions to Council regarding Bylaw Nos. 2060 and 2061 a third and final time.

Mayor Stone asked the Corporate Officer, D. Smith, if any submissions were received via email. The Corporate Officer advised that no submissions had been received during the Hearing.

3.1.5 Declaration that the Public Hearing for Bylaw Nos. 2060 and 2061 is Closed - Mayor Stone

Hearing no further comments and receiving no additional submissions, Mayor Stone called the Public Hearing for Bylaw Nos. 2060 and 2061 closed and stated that no further submissions or comments from the public or interested persons could be accepted by members of Council.

4. PUBLIC HEARING #2

4.1 "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 64) 2021, No. 2062" and "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 34) 2021, No. 2063"

Members of the public present: Approx. 62

4.1.1 Outline of Public Hearing Process - Mayor Stone

Mayor Stone outlined the Public Hearing process and stated that the public would have the opportunity to provide their comments to Council at this second Public Hearing for Bylaw Nos. 2062 and 2063, to allow the construction of a 25-unit multi-family residential building at 201 and 203 Dogwood Drive.

He advised that staff would introduce the proposed bylaw amendments, followed by public submissions and outlined the process for participating via Zoom, telephone and email. He reminded the public that the meeting was being livestreamed and recorded and that the content of submissions would be made public and form a part of the public record for the Hearing. He advised that the function of Council at a Public Hearing is to listen rather than to debate the merits of the proposed bylaws, although they may ask clarifying questions. He advised that once everyone had had an opportunity to be heard, the public hearing would be closed and no further submissions or comments could be accepted by members of Council.

4.1.2 Introduction of Bylaws and Statutory Requirements - Julie Thompson, Planner, Development Services

Julie Thompson, Planner for Development Services, introduced the following bylaws as the subject of the Public Hearing:

1. "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 64) 2021, No. 2062" (hereafter referred to as Bylaw 2062); and
2. "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 34) 2021, No. 2063" (hereafter referred to as Bylaw 2063).

Ms. Thompson noted that the subject property consists of two adjacent lots located at 201 and 203 Dogwood Drive, legally described as:

- Lot 10 (DD 21674N) District Lot 56 Oyster District Plan 1684 (201 Dogwood Drive); and
- Lot 11 (DD27179N) District Lot 56 Oyster District Plan 1684 (203 Dogwood Drive).

She advised Council that the bylaw amendments would facilitate the construction of a 25 unit multi-family apartment building, consisting of a total of 6 storeys (5 of which are fully above ground), underground parking, stepping on the fourth and fifth stories, and the potential for small-scale local commercial uses on the ground floor.

Specifically, Bylaw 2062 would:

- Change the land use designation on the subject property from Local Commercial to Multi-family Residential;
- Amend the Multi-Family Residential designation policies to support small-scale commercial uses and allow a density of up to 180 units per hectare through density bonusing or amenity contributions; and
- Add Development Permit Area 4 – Multi-Unit Residential to the property.

Bylaw 2063 would:

- Change the current zone on the subject property from Local Commercial (C-1) to a new zone, Multi-Family Mixed-Use (R-4). The R-4 zone would be specific to the subject property and contains regulations that would facilitate the proposal including:
 - Allowance of small-scale commercial uses on the ground floor;
 - Allow a maximum height of 19.0m;
 - Allow a density of 60 units per ha, up to a maximum of 180 units per ha through the provision of amenities such as underground parking, brownfield redevelopment, energy efficient building design, and provision of adaptable units; and
 - Require stepping of the fourth and fifth storeys.

Ms. Thompson also confirmed the Public Hearing notification and engagement process. The Public Hearing Notice was published in the Ladysmith Chronicle on March 25th and April 1st and posted on community notice boards and the Town's website. Pursuant to section 466(4) of the *Local Government Act* and section 10 of "Town of Ladysmith Development Procedures Bylaw 2008, No. 1667", written notice was delivered to the subject property and all properties located within 60 metres of the subject property.

The applicant hosted two neighbourhood information meetings on July 15, 2020 and July 29, 2020, and 39 submissions were received from the public as part of both the neighbourhood information meetings and the Public Hearing process.

4.1.3 Submissions

Mayor Stone invited the applicants to make the first submission to Council.

Brian Kapuscinski, Frank Crucil and Will Melville addressed Council. They confirmed that the development included 15 surface parking stalls and 24 one and two bedroom apartments, and that sight line considerations and shadow studies had been completed.

4.1.4 Call for Submissions to Council (Three Times) - Mayor Stone

Mayor Stone called for submissions to Council.

Neale Pearson stated that he and his wife were not opposed to the development, but expressed concerns regarding parking, traffic, and the sudden density increase in the neighbourhood.

Russell Barling questioned the appropriateness of the location of the development, and expressed concerns regarding property tax impact, traffic volumes and antiquated infrastructure in the area. He noted that the water main in the neighbourhood had collapsed three times in the last five years, and he recommended waiting until the new Official Community Plan was finished before considering the development.

Cathy Gilroy expressed concern that the community amenity contribution, which was directed towards investigation of site and neighbourhood contamination, did not include remediation or mitigation.

Nicola Palmer expressed opposition to the development, noting that the building would be too high and that the increase in population density would cause traffic problems.

Bert Scholl reminded Council that Forward Road is not a through-road and advised that traffic would be congested and intrusive. He also shared concerns regarding parking overflow on the street, the impact of the population density on the aging water main infrastructure, and the height of the building. Mr. Scholl recommended a signal crossing between the building and the bus stop.

Noel McKenna spoke against the development and recommended putting it on hold until the new Official Community Plan is finished.

Margot Lunney advised that she did not oppose the concept, but disagreed with the five storey height of the building. She also expressed concerns regarding traffic entering and exiting Forward Road, as well as the juxtaposition of the modern facade against the historic downtown and neighbourhood.

Christine Mathers stated that she did not receive written notice of the Public Hearing and expressed opposition to the height and the modern appearance of the building, noting that it conflicted with the

historic theme of the neighbourhood and downtown area. She expressed concerns regarding traffic and advised that it would not be safe for a person to travel in the area on a scooter or in a wheelchair.

Mayor Stone called for submissions to Council a second time.

Mayor Stone called for submissions to Council regarding Bylaws 2062 and 2063 a third and final time.

John Manson stated that parking allocated for the development is significantly lower than the requirements of the Zoning Bylaw.

Mayor Stone asked the Corporate Officer, D. Smith, if any submissions were received via email. The Corporate Officer then read written submissions from *Gayla Hunter*, who expressed concerns regarding the height of the building and the traffic implications of increased density on Forward Road, and *Neale Pearson and Nicola Palmer*, both of whom reiterated the concerns they expressed during the Hearing.

4.1.5 Declaration that the Public Hearing for Bylaw Nos. 2062 and 2063 is Closed - Mayor Stone

Hearing no further comments and receiving no additional submissions, Mayor Stone called the Public Hearing for Bylaw Nos. 2062 and 2063 closed and stated that no further submissions or comments from the public or interested persons could be accepted by members of Council.

Council recessed at 7:21 p.m. by unanimous consent and reconvened at 7:27 p.m.

5. REGULAR COUNCIL MEETING RECONVENES

The Regular Council Meeting reconvened at 7:27 p.m.

6. BYLAWS - OFFICIAL COMMUNITY PLAN AND ZONING (SUBJECTS OF PUBLIC HEARING)

6.1 Subject of Public Hearing #1 (670 & 674 Farrell Road and Lot 20 Trans-Canada Highway):

6.1.1 "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 63) 2021, No. 2060"

CS 2021-106

That Council proceed with third reading of "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 63) 2021, No. 2060".

Motion Carried

OPPOSED: Councillor Johnson

6.1.2 "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 33) 2021, No. 2061"

CS 2021-107

That Council:

1. Proceed with third reading of "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 33) 2021, No. 2061";
and
2. Direct staff to refer "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 33) 2021, No. 2061" to the Ministry of Transportation and Infrastructure pursuant to section 52 of the *Transportation Act*.

Motion Carried

OPPOSED: Councillor Johnson

6.2 Subject of Public Hearing #2 (201 & 203 Dogwood Drive):

6.2.1 "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 64) 2021, No. 2062"

CS 2021-108

That Council proceed with third reading of "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 64) 2021, No. 2062".

Motion Carried

OPPOSED: Councillor Johnson

6.2.2 "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 34) 2021, No. 2063"

CS 2021-109

That Council:

1. Proceed with third reading of "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 34) 2021, No. 2063"; and
2. Direct staff to refer "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 34) 2021, No. 2063" to the Ministry of Transportation and Infrastructure pursuant to section 52 of the *Transportation Act*.

Motion Carried

OPPOSED: Councillor Johnson

Council recessed at 9:01 p.m. by unanimous consent and reconvened at 9:06 p.m.

7. MAYOR'S REPORT

CS 2021-110

That the Mayor on behalf of Council, send a letter of congratulations to Taylor (Mackenzie) Walters who received the prestigious Terry Fox Humanitarian Award for her work promoting equity in the sciences.

Motion Carried

8. MINUTES

8.1 Minutes of the Regular Meeting of Council held March 16, 2021

CS 2021-111

That Council approve the minutes of the Regular Meeting of Council held March 16, 2021.

Motion Carried

8.2 Minutes of the Special Meeting of Council held March 23, 2021

CS 2021-112

That Council approve the minutes of the Special Meeting of Council held March 23, 2021.

Motion Carried

9. DEVELOPMENT APPLICATIONS

9.1 Development Variance Permit Application – Canopy at 1020 1st Avenue (Blooms At The 49th)

CS 2021-113

That Council:

1. Issue Development Variance Permit 3090-20-08 to vary section 4.16.8 of “Sign and Canopy Bylaw 1995, No. 1176” to allow the installation of a canopy on a building where there is more than one projecting sign, at Lot 1 District Lot 24 Oyster District Plan VIP85193 (1020 1st Avenue); and
2. Authorize the Mayor and Corporate Officer to sign Development Variance Permit 3090-20-08.

Motion Carried

9.2 Development Variance Permit and Development Permit for a Residential Development at 19-245 Oyster Cove Road

CS 2021-114

That Council:

1. Approve Development Variance Permit 3090-20-09 for Strata Lot 37, District Lot 56, Oyster District, Strata Plan 2009, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1 (19-245 Oyster Cove Road) to vary the front parcel line setback from 6.0m to 5.0m;
2. Approve Development Permit 3060-20-24 to permit a new single unit dwelling on Strata Lot 37, District Lot 56, Oyster District, Strata Plan 2009, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1; and
3. Authorize the Mayor and Corporate Officer to sign the Development Variance Permit 3090-20-09 and Development Permit 3060-20-24.

Motion Carried

9.3 OCP and Zoning Amendment for 10940 Westdowne Road Town and Country Mobile Home Park

CS 2021-115

That Council:

1. Direct that Application No. 3360-20-06 (10940 Westdowne Road) proceed for further consideration.

2. Having considered section 475 of the *Local Government Act* (consultation during OCP development) direct staff to refer Application No. 3360-20-06 to:
 - Stz'uminus First Nation;
 - The Cowichan Valley Regional District;
 - School District 68;
 - Island Health, the Ministry of Transportation and Infrastructure, and BC Transit.

Motion Carried

10. CORRESPONDENCE

10.1 Correspondence from Cowichan Housing Association dated March 2, 2021

CS 2021-116

That Council of the Town of Ladysmith:

1. Approves the submission of a regional application by the Cowichan Valley Regional District to the UBCM Strengthening Communities Fund 2021 for the purpose of assisting member municipalities with improved health and safety of unsheltered homeless people living in public or private spaces, including reduced risk of COVID-19 or other disease transmission; and reducing community concerns about public health and safety in neighbourhoods where unsheltered homeless populations are seeking temporary shelter; and further,
2. Approves the Cowichan Valley Regional District as the primary applicant that will apply for, receive and manage the grant funding on behalf of the Town of Ladysmith.

Motion Carried

10.2 Correspondence from the City of Williams Lake dated March 11, 2021

CS 2021-117

That Council request that the Association of Vancouver Island and Coastal Communities and the Union of BC Municipalities petition the Provincial and Federal governments to enact legislative and regulatory changes to the criminal justice system to apply stricter penalties and ensure adequate incarceration of prolific criminals, including use of electronic monitors when released on conditions.

Motion Carried

OPPOSED: Mayor Stone and Council Virtanen

10.3 Request from Cystic Fibrosis Canada to Illuminate City Hall to Increase Cystic Fibrosis Awareness

CS 2021-118

That Council approve the request from Cystic Fibrosis Canada to illuminate City Hall with blue or teal lights on Saturday, May 1 in support of Cystic Fibrosis awareness.

Motion Carried

11. QUESTION PERIOD

A member of the public enquired about road access at the proposed Farrell Road development and possible traffic warning lights at crosswalks on Dogwood Drive to improve safety at the proposed development.

12. ADJOURNMENT

CS 2021-119

That this Regular Meeting of Council adjourn at 9:29 p.m.

Motion Carried

CERTIFIED CORRECT:

Mayor (A. Stone)

Corporate Officer (D. Smith)