



**MINUTES OF TWO PUBLIC HEARINGS AND
A REGULAR MEETING OF COUNCIL**

**Tuesday, April 20, 2021
7:00 P.M.**

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

Council Members Present:

Mayor Aaron Stone	Councillor Duck Paterson
Councillor Amanda Jacobson	Councillor Marsh Stevens
Councillor Rob Johnson	Councillor Jeff Virtanen
Councillor Tricia McKay	

Staff Present:

Allison McCarrick	Julie Thompson
Erin Anderson	Christina Hovey
Chris Barfoot	Ryan Bouma
Jake Belobaba	Mike Gregory
Geoff Goodall	Sue Bouma
Donna Smith	

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 it was taking place across the traditional unceded territory of the Stz'uminus People.

2. AGENDA APPROVAL

CS 2021-122

That Council approve the agenda for the Public Hearings and Regular Meeting of Council for April 20, 2021 as amended to include the following items received after publication of the agenda:

- Item 3.1.3, "Public submissions received between Thursday, April 15 (agenda publication date) and 4:00 p.m. on Tuesday, April 20, 2021 regarding Public Hearing #1, 336 Belaire Street"; and

- Item 4.4, "Public submissions received between Thursday, April 15 (agenda publication date) and 4:00 p.m. on Tuesday, April 20, 2021 regarding Public Hearing #2, All properties within Development Permit Area 4, Multi-Unit Residential".

Motion Carried

3. PUBLIC HEARING #1

3.1 "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 36) 2021, No. 2066"

Members of the public present: Approximately 16

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 No. 2066, to change the Comprehensive Development 6 - Belaire Mixed Use Zone (CD-6) to allow for a fourth storey for more residential units.

He advised that staff would introduce the proposed bylaw amendment, followed by public submissions. He reminded the public that the content of submissions would be made public and form a part of the public record for the hearing, and that the function of Council at a Public Hearing is to listen rather than to debate the merits of the proposed Bylaw, although they may ask clarifying questions. He advised that once everyone 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 Bylaw - Senior Planner, Development Services

Christina Hovey, Senior Planner for Development Services, introduced the following bylaw as the subject of the Public Hearing:

- "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 36) 2021, No. 2066", (hereafter referred to as Bylaw No. 2066).

She noted that the subject property is 336 Belaire Street, legally described as:

- Lot 1, District Lot 56, Oyster District, Plan 27861).

Ms. Hovey advised Council that Bylaw No. 2066 would amend the Comprehensive Development 6 – Belaire Mixed Use Zone from allowing 3-storeys to 4-storeys, and would allow 4 additional dwelling units, for a total of up to 12 dwelling units. She stated that, as per the Zoning Bylaw requirements, the 4th storey could only be constructed if the following conditions are met:

- 1) a gathering space is provided for Wickham Park;
- 2) some underground parking is provided; and
- 3) the building is constructed to meet Step 1 of the BC Energy Step Code.

Ms. Hovey also confirmed the Public Hearing notification and engagement process. The Public Hearing Notice was printed in the Ladysmith Chronicle newspaper on both April 8 and 15, 2021, and was posted on the Town's website as well as on various community notice boards. The Notice was mailed and delivered to all properties located within 60 metres of the subject property, and a copy of the Notice, the proposed bylaw, and background information was made available at the front counter of City Hall and Development Services, and on the Town's website for the Notice period. Staff in the Development Services office were available to respond to questions prior to the Public Hearing. The Town received 19 written submissions relating to Bylaw No. 2066.

3.1.3 Public Submissions

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

Donna Hais, project manager for the "Jailhouse" mixed use development, addressed Council, advising that Bylaw No. 2066 would allow the applicant to increase the building from 3 storeys to 4 storeys, resulting in a total of 12 residential units and increased parking beneath the building. She noted that an additional 9 to 11 parking spaces would also be added to the Wickham Park area, along with a structure that would enhance the park's appeal and provide useable space for the public.

Mayor Stone called for submissions to Council.

Russell Barling expressed concern that the applicant's request to add another storey to the project was in response to Council's previous decision to rezone 201 and 203 Dogwood Drive. He advised Council that they should have well-documented reasons for allowing the rezoning of 336 Belaire Street. Mr. Barling asked Council if they had considered whether this was the best neighbourhood for a high density development, if a community impact assessment had been completed, and whether Council had assessed how property values would be affected by the high density/entertainment development.

Angela McDiarmid expressed opposition to the project, noting that the form and character of the development conflicted with that of the surrounding area. She raised concerns regarding the potential impact on neighbourhood property assessments, the feasibility of exiting the underground parking, the site coverage on the lot, and how commercial use of the building would affect parking.

Julie Lacroix spoke against the development, stating that it opposed the understanding behind Dr. Wickham's legacy when he donated the land. She expressed concerns that a 4 storey building would impact the esthetic of the neighbourhood while contributing to an already risky traffic situation in the area.

Mayor Stone called for submissions to Council a second time.

Raelene Cormier advised that she had already submitted a written response opposing the development, and raised concerns that the Town was catering to developers and ignoring the wishes of residents.

3.1.4 Final Call for Public Submissions - Mayor Stone

Mayor Stone called for submissions to Council 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 Closure of hearing for Bylaw No. 2066

Hearing no comments and receiving no submissions, Mayor Stone called the Public Hearing for Bylaw No. 2066 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. 66) 2021, No. 2070"

Members of the public present: Approximately 16

4.2 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 No. 2070, to amend the Official Community Plan to exempt single and two unit dwellings in Development Permit Area 4 Multi-Unit Residential from the requirement to obtain a development permit.

He advised that staff would introduce the proposed bylaw amendment, followed by public submissions. He reminded the public that the content of submissions would be made public and form a part of the public record for the hearing, and that the function of Council at a Public Hearing is to listen rather than to debate the merits of the proposed Bylaw, although they may ask clarifying questions. He advised that once everyone 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.

4.3 Introduction of Bylaw - Director of Development Services

Jake Belobaba, Director of Development Services introduced the following bylaw as the subject of the Public Hearing:

- "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 66) 2021, No. 2070" (hereafter referred to as Bylaw No. 2070)

He noted that Bylaw No. 2070 applies to lands within the Multi Family Development Permit Area and that the purpose of the bylaw is to amend "Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488" to exempt single family and two family developments from the requirement to obtain a development permit.

Mr. Belobaba also confirmed the Public Hearing notification and engagement process. Notice of the Public Hearing was printed in the Ladysmith Chronicle newspaper on both April 8 and 15, 2021, and was posted on the Town's website as well as on various community notice boards. A copy of the Notice, the proposed Bylaw, and background information was made available at the front counter of City Hall and Development Services, and on the Town's website for the Notice period. Staff in the Development Services office were available to respond to questions prior to the Public Hearing, and the Town received 1 written submission relating to Bylaw No. 2070.

4.4 Public Submissions

Mayor Stone called for submissions to Council.

Mayor Stone called a second time for submissions to Council.

4.5 Final Call for Public Submissions - Mayor Stone

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

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.

4.6 Closure of hearing for Bylaw No. 2070

Hearing no comments and receiving no submissions, Mayor Stone called the Public Hearing for Bylaw No. 2070 closed and stated that no further submissions or comments from the public or interested persons could be accepted by members of Council.

5. REGULAR COUNCIL MEETING CONVENES

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

6.1 Subject of Public Hearing #1 (336 Belaire Street)

6.1.1 "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 36) 2021, No. 2066"

CS 2021-123

That Council:

1. Proceed with third reading of "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 36) 2021, No. 2066";
and
2. Direct staff to refer "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 36) 2021, No. 2066" to the Ministry of Transportation and Infrastructure pursuant to section 52 of the *Transportation Act*.

Motion Carried

OPPOSED: Councillor Stevens

6.2 Subject of Public Hearing #2 (Properties within Development Permit Area 4 Multi-Unit Residential)

6.2.1 "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 66) 2021, No. 2070"

CS 2021-124

That Council proceed with third reading and adoption of "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 66) 2021, No. 2070".

Motion Carried

7. MINUTES

7.1 Minutes of the Public Hearings and Regular Meeting of Council held April 6, 2021

CS 2021-125

That Council approve the minutes of the Public Hearings and Regular Meeting of Council held April 6, 2021.

Motion Carried

7.2 Minutes of the Special Meeting of Council held April 13, 2021

CS 2021-126

That Council approve the minutes of the Special Meeting of Council held April 13, 2021.

Motion Carried

CS 2021-127

By unanimous consent, Council agreed to move Item 8 “Delegations” to a point further in the agenda as the Town’s Auditor had advised they would be delayed.

8. BYLAWS- OFFICIAL COMMUNITY PLAN AND ZONING

8.1 Zoning Bylaw Amendment Application – 630 Farrell Road

CS 2021-128

That Council:

1. Proceed with first and second reading of “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 35) 2021, No. 2064”; and
2. Direct staff to proceed with scheduling and notification for a Public Hearing for “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 35) 2021, No. 2064” as required under section 464(1) of the *Local Government Act*.
3. Require that, prior to adoption of “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 35) 2021, No. 2064”, the developer update covenant CA6042493, registered to the title of Lot 2 District Lot 41 Oyster District Plan VIP79202 as follows:
 - a. Removal of section 3 “Preconditions of Development” and Schedule C (subdivision layout);
 - b. Replacement of Schedule B (geotechnical assessment) with the updated report (Attachment D to the report to Council dated April 20, 2021); and
 - c. Addition of a setback requirement from panhandles to allow access for emergency vehicles.

Motion Carried

9. COMMITTEE MINUTES

9.1 Community Planning Advisory Committee - March 3, 2021 Minutes.

CS 2021-129

That Council receive for information the minutes of the March 3, 2021 meeting of the Community Planning Advisory Committee.

Motion Carried

10. REPORTS

10.1 Distribution of 2021 Property Taxes

CS 2021-130

That Council direct staff to:

1. Prepare the 2021 Financial Plan and Tax Rates Bylaws based on Option #3 of the Director of Financial Services report dated April 20, 2021, allocating a 0.52% increase and phasing in a Class 5 rate with Class 1 absorbing the difference; and
2. Prepare the 2021 Property Tax Rates bylaw based on the "Alternative Municipal Tax Collection Scheme" with a due date of July 2, 2021 and a 2% penalty on outstanding current taxes and unclaimed home owner grants as of the end of day on July 2, 2021 and a further 8% penalty on balances outstanding as of the end of day on September 15, 2021.

Motion Carried

11. BYLAWS

11.1 Bylaw Status Sheet

12. DELEGATIONS

12.1 MNP, Auditors for the Town of Ladysmith

Cory Vanderhorst, MNP, provided Council with an overview of the 2020 Audit Findings. He advised MNP is ready to sign the Audit Report after Council reviews and approves the financial statements and thanked Town staff for their cooperation during the audit.

CS 2021-131

That Council accept the 2020 Audit Findings report and the draft 2020 Financial Statements as presented by MNP, auditors for the Town of Ladysmith.

Motion Carried

13. CORRESPONDENCE

13.1 Correspondence from Nitya Harris, Chair, Coexisting with Carnivores Alliance, dated March 29, 2021

CS 2021-132

That Council provide a letter of support to Minister Conroy and the AVICC regarding the resolution by the District of Oak Bay to implement a moratorium on recreational wolf hunting on Vancouver Island, pending the completion of a scientific, data driven, evidence-based study to re-examine the efficacy of unrestricted wolf harvesting practices and their impacts on the Island's bio-diversity, wildlife ecology and sustainability of the resident wolf population.

Motion Carried

13.2 Correspondence from the City of Victoria dated March 31, 2021 Requesting a Letter of Support

CS 2021-133

That the Mayor, on behalf of Council, send letters to the Ministers of Labour and Tourism, the Association of Vancouver Island and Coastal Communities and the Union of BC Municipalities, expressing support for the City of Victoria's motion regarding the right for laid off workers in the tourism and hospitality industries to return to their jobs when the COVID-19 pandemic eases.

Motion Carried

13.3 Correspondence from the Ladysmith Historical Society and the Royal Canadian Air Cadets Squadron 257 dated April 14, 2021

CS 2021-134

That Council:

1. Support in principle the Aggie Hall 100 Celebration in 2022;
2. Consider waiving rental and other fees for the use of Aggie Hall as part of the event(s) related to the celebration; and
3. Provide a letter of support to be included in the Ladysmith & District Historical Society and the Royal Canadian Air Cadet Squadron's grant application to the Government of Canada's Building Communities Through Arts and Heritage/Community Anniversaries program.

CS 2021-135

AMENDMENT

By unanimous consent Council approved the removal of Item 2 from resolution CS 2021-134.

Resolution CS 2021-134, as amended reads:

That Council:

1. Support in principle the Aggie Hall 100 Celebration in 2022; and
2. Provide a letter of support to be included in the Ladysmith & District Historical Society and the Royal Canadian Air Cadet Squadron's grant application to the Government of Canada's Building Communities Through Arts and Heritage/Community Anniversaries program.

Main Motion, as Amended, Carried

CS 2021-136

That Council support waiving rental and other fees for the use of Aggie Hall as part of the event(s) related to the Aggie Hall 100 Celebration in 2022, as delegated to the Director of Parks, Recreation & Culture.

Motion Carried

14. QUESTION PERIOD

A member of the public expressed concern regarding unsightly drainage and the loss of open green space at Wickham Park and was advised that Council could not accept further comments as the Public Hearing was now closed.

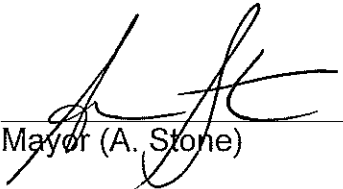
15. ADJOURNMENT

CS 2021-137

That this Regular Meeting of Council adjourn at 8:21 p.m.

Motion Carried

CERTIFIED CORRECT:



Mayor (A. Stone)



Corporate Officer (D. Smith)