



## MINUTES OF A PUBLIC HEARING & REGULAR MEETING OF COUNCIL

Tuesday, June 1, 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

Ryan Bouma  
Christina Hovey  
Julie Thompson  
Mike Gregory  
Sue Bouma

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### 1. CALL TO ORDER

Mayor Stone called this Regular Meeting of Council to order at 5:31 p.m., in order to retire immediately into Closed Session.

### 2. CLOSED SESSION

#### CS 2021-172

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

- personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality - section 90(1)(a).

*Motion Carried*

### **3. OPEN MEETING AND ACKNOWLEDGEMENT (6:00 P.M.)**

Mayor Stone called the Public Hearing and Regular Meeting of Council to order at 6:01 p.m., recognizing with gratitude that it was taking place on the traditional unceded territory of the Stz'uminus People.

Mayor Stone addressed the recent discovery of the remains of 215 children at a residential school site in Kamloops and expressed his deep condolences to all the First Nations communities throughout the province. Mayor Stone confirmed the Town's commitment to support the reconciliation process.

### **4. AGENDA APPROVAL**

#### **CS 2021-173**

That Council approve the agenda for this Public Hearing and Regular Meeting of Council for June 1, 2021.

*Motion Carried*

### **5. PUBLIC HEARING**

#### **5.1 “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No.62) 2021, No. 2047” and “Town of Ladysmith Zoning Bylaw 2014, No.1860, Amendment Bylaw (No.31) 2021, No. 2049”.**

Members of the public present: 5

##### **5.1.1 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. 2047 and 2049, which relate to the filming industry.

He advised that staff would introduce the proposed bylaw amendments, 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 Bylaws, 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.

### **5.1.2 Introduction of Bylaw and Statutory Requirements - Director of Development Services**

Jake Belobaba, Director of Development Services, introduced the following bylaws as the subjects of the Public Hearing:

1. "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No.62) 2021, No. 2047" (hereafter referred to as Bylaw No. 2047)
2. "Town of Ladysmith Zoning Bylaw 2014, No.1860, Amendment Bylaw (No.31) 2021, No. 2049" (hereafter referred to as Bylaw No. 2049)

Mr. Belobaba advised Council that Bylaw No. 2047 would amend the Official Community Plan to exempt temporary works, structures and alterations to building exteriors for the purposes of filming and for which a valid film permit has been issued, from the requirement to obtain a development permit. He advised that Bylaw No. 2049 would amend the Zoning Bylaw to allow the temporary use of land and temporary structures for the purposes of filming and for which a valid film permit has been issued, as a permitted use in all zones.

Mr. Belobaba also confirmed the Public Hearing notification and engagement process. Notice of this Public Hearing was published in the Ladysmith-Chemainus Chronicle on May 20 & 27, 2021, and was posted on the Town's website as well as various community notice boards. A copy of the Notice, the proposed bylaws, 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 no written submissions relating to Bylaw Nos. 2047 and 2049.

### **5.1.3 Submissions**

#### **5.1.4 Call for Submissions to Council (Three Times) - Mayor Stone**

Mayor Stone called for submissions to Council.

*Chad Torunchuk, of the Microtel Inn & Suites in Oyster Bay*, spoke in support of the bylaws, noting that the film industry has made a positive impact on their business, allowing them to hire more staff and to increase staff hours.

Mayor Stone called for submissions to Council a second time.

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

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

**5.1.5 Declaration that the Public Hearing for Bylaw Nos. 2047 and 2049 is Closed - Mayor Stone**

Hearing no comments and receiving no submissions, Mayor Stone called the Public Hearing for Bylaw Nos. 2047 and 2049 closed and stated that no further submissions or comments from the public or interested persons could be accepted by members of Council.

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

**6.1 "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No.62) 2021, No. 2047"**

**CS 2021-174**

That Council proceed with third reading of "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 62) 2021, No. 2047".

*Motion Carried*

**6.2 "Town of Ladysmith Zoning Bylaw 2014, No.1860, Amendment Bylaw (No.31) 2021, No. 2049"**

**CS 2021-175**

That Council:

1. Proceed with third reading of "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 31) 2021, No. 2049"; and
2. Direct staff to refer "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 31) 2021, No. 2049" to the Ministry of Transportation and Infrastructure pursuant to section 52 of the *Transportation Act*.

*Motion Carried*

**7. RISE AND REPORT- Items from Closed Session**

Council rose from Closed Session at 5:55 p.m. without report.

**8. MINUTES**

**8.1 Minutes of the Regular Meeting of Council held May 18, 2021**

**CS 2021-176**

That Council approve the minutes of the Regular Meeting of Council held May 18, 2021.

*Motion Carried*

**9. DELEGATIONS**

**9.1 Ladysmith & District Historical Society Annual Update to Council**

Quentin Goodbody presented Council with an update of the activities of the Ladysmith & District Historical Society and responded to Council's questions.

Council commended the Society for the work they do in the community and thanked Mr. Goodbody for his presentation.

**10. DEVELOPMENT APPLICATIONS**

**10.1 Development Variance Permit and Development Permit Applications at 287 Gill Road**

**CS 2021-177**

That Council:

1. Issue Development Variance Permit 3090-21-01 to vary:
  - a. the front parcel line setback from 6.0m to 0.8m for a dwelling addition;
  - b. the side setback for an unenclosed swimming pool from 3.0m to 2.4m; and
  - c. the setback from the top of slope on a parcel adjacent to the sea from 8.0m to 7.2m for an unenclosed swimming pool; at Amended Lot 1 (DD 60489N) District Lot 42, Oyster District, Plan 4670 (287 Gill Road);
2. Issue Development Permit 3060-21-03 to allow the construction of an addition to the dwelling, retaining walls, and a swimming pool with

fence enclosure at Amended Lot 1 (DD 60489N) District Lot 42, Oyster District, Plan 4670 (287 Gill Road); and

3. Authorize the Mayor and Corporate Officer to sign Development Variance Permit 3090-21-01.

*Motion Carried*

Councillor Stevens declared a conflict of interest related to Agenda item 10.2 as he is a contiguous property owner and friend of the applicant and vacated the meeting at 6:50 p.m.

#### **10.2 Liquor Lounge Endorsement – Bayview Brewing Company at 202 Dogwood Drive**

##### **CS 2021-178**

That Council, in response to the referral from the Liquor and Cannabis Regulation Branch for a lounge endorsement application for the Bayview Brewing Company located at 202 Dogwood Drive, opt in to the local government comment process and direct staff to provide written notification to residents within 60 metres of the subject property inviting them to submit written comments about the application.

*Motion Carried*

Councillor Stevens returned to the meeting at 6:58 p.m.

#### **10.3 Application to Extend Term of Winter Shelter at 631 1st Avenue** **CS 2021-179**

That Council renew Temporary Use Permit 3340-18-02.

*Motion Carried*

OPPOSED: Mayor Stone and Councillor Virtanen

### **11. COMMITTEE MINUTES**

#### **11.1 Public Art Task Group - May 6, 2021**

##### **CS 2021-180**

That Council receive for information the minutes of the May 6, 2021 meeting of the Public Art Task Group.

*Motion Carried*

**CS 2021-181**

By unanimous consent Council recessed at 7:15 p.m. to allow for a five minute break.

Council reconvened the meeting at 7:20 p.m.

**12. BYLAWS- OFFICIAL COMMUNITY PLANNING AND ZONING****12.1 OCP & Zoning Amendment Application – 1130 Rocky Creek Road****CS 2021-182**

That Council:

1. Give first and second readings to “Road Closure and Dedication Removal Bylaw 2021, No. 2067”;
2. Direct staff to deliver notice to the Ministry of Transportation and Infrastructure, Island Corridor Foundation, BC Hydro, Fortis BC, Shaw Communications and Telus, of Council’s intention to adopt Bylaw No. 2067, in accordance with section 40(4) of the *Community Charter*;
3. Give first and second readings to “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 65) 2021, No. 2068”;
4. Consider Bylaw No. 2068 in conjunction with the Town’s Financial Plan, the Town’s Liquid Waste Management Plan, and the Cowichan Valley Regional District Solid Waste Master Plan in accordance with section 477(3) of the *Local Government Act*;
5. Give first and second readings to “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 37) 2021, No. 2069”;
6. Direct staff to proceed with scheduling and notification for a Public Hearing for Bylaw Nos. 2067, 2068 and 2069 in accordance with section 40(3) *Community Charter* and section 464 of the *Local Government Act*;
7. Subject to adoption of Bylaw No. 2067, authorize the sale of the lands that are the subject of that bylaw to the developer for appraised market value; and,
8. Require that the developer, at their cost, complete the following prior to adoption of Bylaw Nos. 2068 and 2069:
  - a. Consolidate the subject property, legally described as Lot A, Districts 24 and 38, Oyster District, Plan VIP71248 (1130 Rocky Creek Road) with the area shown as “road to be closed” in Reference Plan EPP110196, shown in Schedule 1 of Bylaw No. 2067;

- b. Dedicate to the Town for road, the area shown as “road” on Reference Plan EPP110197, included in the May 18, 2021 staff report to Council as Attachment D;
- c. Pursuant to Section 507 of the *Local Government Act*, enter into an agreement with the Town to provide a median on Ludlow Road and a roundabout at the intersection of Rocky Creek Road and Ludlow Road to be built in accordance with the standards established by the Town, with the Town contributing \$1 million to the project in accordance with “Town of Ladysmith Development Cost Charges Bylaw 2019, No. 2008”;
- d. Update Covenant FB234682, registered to the title of the subject property, legally described as Lot A, Districts 24 and 38, Oyster District, Plan VIP71248 (1130 Rocky Creek Road) as follows:
  - i. Replace Sections 2.a) (Green Building Standards and Practices) and b) (Landscaping) with a requirement that the rain water management be designed in accordance with “Stormwater Planning: A Guidebook for British Columbia”, requiring that the development be designed to accommodate “HandyDART” buses and that the development include a minimum of two “quick charge” electric vehicle charging stations;
  - ii. Amend Section 2.c) to require landscaping, including a local historical artifact or a public art installation, in the centre of the Ludlow/Rocky Creek Road roundabout;
  - iii. Delete Section 3; and
  - iv. Add a new section requiring that the development and adjacent boulevards be provided with an outdoor electrical supply and outlets which can be used by the Town for special events; and
- e. Register an easement or statutory right-of-way in favour of BC Hydro on the subject property.

*Motion Carried*

OPPOSED: Councillor Stevens



### **13. BYLAWS**

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

##### **CS 2021-183**

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

*Motion Carried*

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

##### **CS 2021-184**

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

*Motion Carried*

### **14. CORRESPONDENCE**

#### **14.1 Correspondence from Ladysmith Kinsmen Club dated May 10, 2021**

##### **CS 2021-185**

That Council provide a letter in support of the Ladysmith Kinsmen's Club proposal to include both Hul'q'umi'num and English wording on the public restroom located on 1st Avenue as outlined in their letter dated May 10, 2021.

*Motion Carried*

### **15. NEW BUSINESS**

#### **15.1 Task Force to Promote Tourism Events**

Mayor Stone advised that he would reach out to the Tourism Partnership Group and return to the next Council meeting with a response from the group regarding the Town's offer to provide assistance via a task force to promote tourism events in Ladysmith.

**16. QUESTION PERIOD**

There were no questions submitted by the public.

**17. ADJOURNMENT**

**CS 2021-186**

That this Regular Meeting of Council adjourn at 8:19 p.m.

*Motion Carried*

CERTIFIED CORRECT:

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Mayor (A. Stone)

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Corporate Officer (D. Smith)