



MINUTES OF A PUBLIC HEARING AND REGULAR MEETING OF COUNCIL

Tuesday, June 15, 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

Gerry Fukakusa
Julie Thompson
Christina Hovey
Ryan Bouma
Mike Gregory
Sue Bouma

1. CALL TO ORDER

Mayor Stone called this Regular Meeting of Council to order at 5:06 p.m., in order to retire immediately into Closed Session.

2. APPOINTMENT OF DEPUTY MAYOR

Mayor Stone, at the request of Councillor Johnson who currently holds the title, has appointed Councillor Jeff Virtanen as Deputy Mayor for the term June 15, 2021 to October 31, 2021.

3. CLOSED SESSION

CS 2021-187

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:

- the acquisition, disposition or expropriation of land - section 90(1)(e);
- the receipt of advice that is subject to solicitor-client privilege - section 90(1)(i); and
- negotiations and related discussions respecting the proposed provision of a municipal service - section 90(1)(k).

Motion Carried

4. OPEN MEETING AND ACKNOWLEDGEMENT (6:00 P.M.)

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

5. AGENDA APPROVAL

CS 2021-188

That Council approve the agenda for this Public Hearing and Regular Meeting of Council as amended to include the following:

- an additional Public Hearing submission under item 6.1.3; and
- add new Item 10 “Delegations”, with a request from Richard Finnegan to speak about the Development Variance Permit Application for 350 Chemainus Road as item 10.1 and renumber the agenda accordingly.

Motion Carried

6. PUBLIC HEARING

**6.1 “Road Closure and Dedication Removal Bylaw 2021, No. 2067”;
“Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw
(No. 65) 2021, No. 2068” and “Town of Ladysmith Zoning Bylaw 2014,
No. 1860, Amendment Bylaw (No. 37) 2021, No. 2069”**

Members of the public present: 5

6.1.1 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. 2067, 2068 and 2069, which address:

- removing the road dedication along Ludlow and Rocky Creek Road in order to make the boulevard narrower adjacent to the subject property, 1130 Rocky Creek Road; and
- changing the zoning of 1130 Rocky Creek Road to C-5 'Shopping Centre Commercial' so that a retail plaza and drive-through coffee shop can be constructed.

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.

6.1.2 Introduction of Bylaw and Statutory Requirements - Senior Planner, Development Services

Christina Hovey, Senior Planner, introduced the following bylaws as the subjects of the Public Hearing:

1. "Road Closure and Dedication Removal Bylaw 2021, No. 2067" (hereafter referred to as Bylaw No. 2067);
2. "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 65) 2021, No. 2068" (hereafter referred to as Bylaw No.2068); and
3. "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 37) 2021, No. 2069" (hereafter referred to as Bylaw No. 2069).

Ms. Hovey advised Council that Bylaw No. 2067 would close and remove the road dedication on thin strips of land along Ludlow and Rocky Creek Road adjacent to 1130 Rocky Creek Road in order to make the boulevard narrower along these two sections of road. She advised that Bylaw No. 2068 would amend the Official Community Plan to change the subject property from "Industrial" to "General

Commercial”, and that Bylaw No. 2069 would amend the Zoning Bylaw to change the subject property from CD-1 “Tourist Service” to C-5 “Shopping Centre Commercial” with site-specific provisions, in order to permit a retail plaza and drive-through coffee shop.

Ms. Hovey also confirmed the Public Hearing notification and engagement process. Notice of this Public Hearing was published in the Ladysmith-Chemainus Chronicle on June 3 & 10, 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 two written submissions relating to Bylaw Nos. 2067, 2068 and 2069.

6.1.3 Submissions

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

Mayor Stone invited the applicants to make a submission to Council, but they declined.

Mayor Stone called for submissions to Council.

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.

6.1.5 Declaration that the Public Hearing for Bylaw Nos. 2067, 2068 and 2069 is Closed - Mayor Stone

Hearing no comments and receiving no submissions, Mayor Stone called the Public Hearing for Bylaws Nos. 2067, 2068 and 2069 closed and stated that no further submissions or comments from the public or interested persons could be accepted by members of Council.

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

7.1 “Road Closure and Dedication Removal Bylaw 2021, No. 2067”

CS 2021-189

That Council:

1. Proceed with third reading of "Road Closure and Dedication Removal Bylaw 2021, No. 2067"; and
2. Direct staff to refer Bylaw No. 2067 to the Ministry of Transportation and Infrastructure pursuant to section 41(3) of the *Community Charter*.

Motion Carried

OPPOSED: Councillors Johnson and Stevens

7.2 “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 65) 2021, No. 2068”

CS 2021-190

That, subject to any additional matters raised at the Public Hearing, Council proceed with third reading of “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 65) 2021, No. 2068”.

Motion Carried

OPPOSED: Councillors Johnson and Stevens

7.3 “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 37) 2021, No. 2069”

CS 2021-191

That, subject to any additional matters raised at the Public Hearing, Council:

1. Proceed with third reading of “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 37) 2021, No. 2069”; and
2. Direct staff to refer Bylaw No. 2069 to the Ministry of Transportation and Infrastructure pursuant to section 52 of the *Transportation Act*.

Motion Carried

OPPOSED: Councillors Johnson and Stevens

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

The following items from the Closed Meeting of Council held May 4, 2021 were reported:

CE 2021-075

That Council:

1. Direct the Mayor and Corporate Officer to execute the License of Occupation and Use Agreement with the Ladysmith Community Gardens Society for use of the Ladysmith Community Garden located on a portion of High Street Park for a 5-year period from June 1, 2021 until May 31, 2026;
2. Direct staff to give notice of the Town's intent to grant a License of Occupation and Use Agreement to Ladysmith Community Gardens in accordance with the *Community Charter*, and
3. Rise and report on this item once public notice has been provided and the agreement is signed by both parties.

CE 2021-076

That Council:

1. Appoint Shirley Louie as the Stz'uminus First Nation representative to the Public Art Task Group for a term ending September 2022; and
2. Rise and report on this item once the representative has been notified.

The following items from the Closed Meeting of Council held June 1, 2021 were reported:

Community Planning Advisory Committee appointments for terms ending June 30, 2023 (Resolution CE 2021-083)

- Jason Robertson;
- Abbas Farahbakhsh;
- Brian Childs;
- Jennifer Sibbald;
- Stephen (Steve) Frankel;
- Tamara Hutchinson; and
- Jason Harrison.

Parks, Recreation & Culture Advisory Committee appointments for terms ending June 30, 2023 (Resolution CE 2021-084)

- Bruce Mason;
- Lucy Partington (youth);
- Geoff Dean; and
- Lynda Baker.

CE 2021-085

That Council direct staff to re-advertise for applications to the Parks, Recreation and Culture Advisory Committee in order to fill one remaining position.

Council rose from Closed Session held June 15, 2021 at 5:50 p.m. with report on the following:

CE 2021-092

That Council:

1. Direct staff to prepare and bring forward for Council consideration in an open meeting, a rezoning proposal, road reserve covenant, housing agreement and park dedication plan for 1260 Churchill Place to:
 - a) Dedicate as park the eastern, low-lying portion of the property;
 - b) Establish a future road allowance connecting Churchill Place and McKinley Road;
 - c) Secure a future affordable housing unit to be sold in perpetuity at less than market rates to qualifying purchasers;
 - d) Rezone the western portion of the property to R-1-C;
 - e) Rezone the eastern plateau of the property to R-3;
 - f) Add the property to the Multi-Unit Residential Development Permit Area; and
2. Rise and report on Recommendation No. 1 immediately.

9. MINUTES

9.1 Minutes of the Public Hearing and Regular Meeting of Council held June 1, 2021

CS 2021-192

That Council approve the minutes of the Public Hearing and Regular Meeting of Council held June 1, 2021.

Motion Carried

10. DELEGATION

10.1 Richard Finnegan, House Designer: Development Variance Permit Application, 350 Chemainus Road

Mr. Finnegan, house designer for the applicant of Development Variance Permit 3090-20-06 (350 Chemainus Road, the subject property of Item 11.3.) provided Council with a drawing of the proposed access to the property and spoke briefly about the extent of the encroaching retaining wall, owned by the Town.

11. DEVELOPMENT APPLICATIONS

11.1 Development Variance Permit Application – 614 Brown Drive

CS 2021-193

That Council:

1. Issue Development Variance Permit 3090-21-05 to vary the front parcel line setback from 6.0m to 3.3m for an unenclosed balcony attached to an existing dwelling at Lot 45, District Lot 96, Oyster District, Plan 28585 (614 Brown Drive); and
2. Authorize the Mayor and Corporate Officer to sign Development Variance Permit 3090-21-05.

Motion Carried

11.2 Development Variance Permit and Development Permit Applications – 6-245 Oyster Cove Road

CS 2021-194

That Council:

1. Issue Development Variance Permit 3090-21-06 to allow two 2-storey accessory buildings in a front yard, and to increase the permitted height of the accessory buildings from 3.5m to 5.2m and 4.1m respectively, at Strata Lot 6, 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 (6-245 Oyster Cove Road);
2. Issue Development Permit 3060-21-01 to allow the construction of a dwelling, two accessory buildings, and retaining walls at 6-245 Oyster Cove Road; and

3. Authorize the Mayor and Corporate Officer to sign Development Variance Permit 3090-21-06.

Motion Carried

11.3 Development Variance Permit Application – 350 Chemainus Road

CS 2021-195

That Council deny Development Variance Permit Application 3090-20-06 for 350 Chemainus Road.

Motion Carried

OPPOSED: Councillor Johnson

12. BYLAWS- OFFICIAL COMMUNITY PLANNING AND ZONING

12.1 Zoning Amendment to Permit Existing Single Unit Dwellings in the C-2, C4 and R-3 Zones.

CS 2021-196

That Council:

1. Give first and second readings to “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 40) 2021, No. 2078”;
2. Direct staff to proceed with scheduling and notification of a Public Hearing for Bylaw No. 2078 pursuant to the *Local Government Act*; and
3. Direct staff to refer Bylaw No. 2078 to the Ministry of Transportation & Infrastructure following third reading of the bylaw pursuant to the *Transportation Act*.

Motion Carried

13. COMMITTEE MINUTES

13.1 Arts and Heritage Hub Steering Committee - March 30, 2021

CS 2021-197

That Council receive for information the minutes of the March 30, 2021 meeting of the Arts and Heritage Hub Steering Committee.

Motion Carried

13.2 Parks, Recreation and Culture Advisory Committee - May 19, 2021

CS 2021-198

That Council receive for information the minutes of the May 19, 2021 meeting of the Parks, Recreation and Culture Advisory Committee.

Motion Carried

13.3 Official Community Plan Steering Committee - May 20, 2021

CS 2021-199

That Council receive for information the minutes of the May 20, 2021 meeting of the Official Community Plan Steering Committee.

Motion Carried

13.4 Community Planning Advisory Committee - June 2, 2021

CS 2021-200

That Council receive for information the minutes of the June 2, 2021 meeting of the Community Planning Advisory Committee.

Motion Carried

14. REPORTS

14.1 Town of Ladysmith 2020 Statement of Financial Information

CS 2021-201

That Council approve the Town of Ladysmith Statement of Financial Information for the fiscal year ended December 31, 2020.

Motion Carried

14.2 Subdivision Land Agreement – Drakensburg Development Corporation – Thetis Drive Subdivision

CS 2021-202

That Council authorize the Mayor and the Corporate Officer to sign the Land Transfer Agreement between the Town and Drakensburg Development Corporation for the transfer of lands associated with the 11 lot subdivision on Thetis Drive.

Motion Carried

14.3 Forward Road Watermain Replacement

CS 2021-203

That Council:

1. Direct staff to facilitate the replacement of 48m of watermain on Forward Road for an estimated cost of \$58,000, with funds to come from the Water Utility Reserve, and amend the 2021 - 2025 Financial Plan accordingly; and
2. Authorize the developer's contractor, Graf Concrete & Iron Inc., to complete the works while they construct the developer's portion of the Forward Road watermain as part of the development of the former Dalby's site.

Motion Carried

14.4 Retaining Wall – Ladysmith Community Marina Parking Lot

CS 2021-204

That Council direct staff to proceed with remediation of the Ladysmith Community Marina retaining wall as outlined in Option A of the staff report dated June 15, 2021.

Motion Carried

15. CORRESPONDENCE

15.1 Referral from Ministry of Forests, Lands, Natural Resource Operations & Rural Development dated June 3, 2021

CS 2021-205

That Council recommend that the Ministry of Forests, Lands, Natural Resource Operations & Rural Development approve Crown Land Tenure Application 100305736 for private moorage at 303 Chemainus Road, provided that adequate measures are put in place to protect fisheries and aquaculture in the area.

Motion Carried

OPPOSED: Councillor Paterson

16. NEW BUSINESS

16.1 Incentive to Property Owners for Graffiti Removal

CS 2021-206

That Council allocate up to \$2,500 from the Grant in Aid budget to provide an incentive to property owners to remove graffiti in a timely manner by offering a one-time \$50 rebate to property owners from June 16 to July 15, 2021 and that staff be directed to facilitate the rebate program.

CS 2021-207

AMENDMENT

That Council amend Resolution CS 2021-206 by extending the graffiti removal incentive timeframe to end on September 30, 2021.

Amendment Carried.

Resolution CS 2021-206, as amended, reads:

That Council allocate up to \$2,500 from the Grant in Aid budget to provide an incentive to property owners to remove graffiti in a timely manner by offering a one-time \$50 rebate to property owners from June 16 to September 30, 2021 and that staff be directed to facilitate the rebate program.

Main Motion, as Amended, Carried

CS 2021-208

That Council offer a reward of \$1,000 for information leading to the apprehension of people who use graffiti to vandalize property within the Town of Ladysmith.

CS 2021-209

That Council refer resolution CS 2021-208, regarding a potential reward offered for information leading to the apprehension of people who use graffiti to vandalize property within the Town, to a future Committee of the Whole meeting and request that staff prepare a report advising whether the Town is able to provide such a reward as well as funding options.

Motion Carried

17. QUESTION PERIOD

There were no questions submitted by the public.

18. ADJOURNMENT

CS 2021-210

That this Regular Meeting of Council adjourn at 7:20 p.m.

Motion Carried

CERTIFIED CORRECT:

Mayor (A. Stone)

Corporate Officer (D. Smith)