



MINUTES OF A REGULAR MEETING OF COUNCIL

Tuesday, February 1, 2022

7:00 P.M.

This meeting was held electronically

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 (joined at
8:52 p.m.)

Ryan Bouma
Donna Smith
Christina Hovey
Mike Gregory
Sue Bouma

1. CALL TO ORDER AND ACKNOWLEDGEMENT

Mayor Stone called this Regular Meeting of Council to order at 7:00 p.m., recognizing with gratitude that it was taking place on the traditional unceded territory of the Stz'uminus First Nation.

2. AGENDA APPROVAL

CS 2022-025

That Council approve the agenda for this Regular Meeting of Council for February 1, 2022 as amended to include the following late agenda item:

- 8.1. "Notice of Motion from Councillor Johnson - Community Traffic Study"
- Motion Carried*

3. MINUTES

3.1 Minutes of the Regular Meeting of Council held January 25, 2022.

CS 2022-026

That Council approve the minutes of the Regular Meeting of Council held January 25, 2022.

Motion Carried

4. DELEGATION

4.1 Frank Crucil, Mike Crucil and Toby Seward, Applicants, Official Community Plan and Zoning Bylaw Amendment Application for 1301 and 1391 Rocky Creek Road

Mr. Toby Seward, Mr. Frank Crucil, and Mr. Mike Crucil of FMI Holdings, addressed Council regarding their application to amend the Official Community Plan and Zoning Bylaw, to allow for a mix of single-dwelling residential, multiple-dwelling residential and commercial development at 1301 and 1391 Rocky Creek Road. They responded to Council's questions.

5. DEVELOPMENT APPLICATIONS

5.1 Official Community Plan and Zoning Bylaw Amendment Application for 1301 and 1391 Rocky Creek Road

CS 2022-027

That Council:

1. Having considered s. 475 of the *Local Government Act*, and in particular the matters set out in subsections (2)(a) and (b), resolve as follows:
 - a. That the following persons, organizations and authorities are the only entities that are appropriate to consult in connection with "Official Community Plan 2003, No. 1488, Amendment Bylaw (No. 70) 2022, No. 2102":
 - i. Stz'uminus First Nation; and,
 - ii. The BC Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Archaeology Branch;
 - b. That consultation with Stz'uminus First Nation and the Archaeology Branch should be early and ongoing and that staff be directed to refer application 3360-20-10 and Bylaw No. 2102 to Stz'uminus First Nation and Archaeology Branch to initiate the consultation

process described in the staff report to Council dated February 1, 2022;

2. Direct staff to refer application 3360-20-10 to School District 68 pursuant to section 476 of the *Local Government Act*.
3. Give first and second reading to Bylaw No. 2102;
4. Consider Bylaw No. 2102 in conjunction with the Town's Financial Plan, the Town's Liquid Waste Management Plan, and the Cowichan Valley Regional District's Solid Waste Management Plan, pursuant to section 477(3) of the *Local Government Act*;
5. Consider Bylaw No. 2102 in conjunction with the Town's Housing Needs Report, pursuant to section 473(2.1) of the *Local Government Act*;
6. Give first and second reading to "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 47) 2022, No. 2103";
7. Direct staff to report back to Council on the outcome of the consultation with Stz'uminus First Nation and the Archaeology Branch prior to scheduling a Public Hearing for Bylaw Nos. 2102 and 2103;
8. Require that the developer, at their cost, complete the following prior to adoption of Bylaw Nos. 2102 and 2103:
 - a. Register on the title of the subject property, Lot A, District Lots 81, 86, and 98, Oyster District, Plan EPP87265 (PID: 030-801-460), a covenant or covenants in favour of the Town pursuant to section 219 of the *Land Title Act*:
 - i. Establishing a tree preservation area and a tree management plan as outlined in the staff report to Council dated February 1, 2022;
 - ii. Requiring parkland dedication as outlined in the staff report to Council dated February 1, 2022;
 - iii. Limiting residential development prior to the construction of commercial units as outlined in the staff report to Council dated February 1, 2022;
 - iv. Securing the community amenity contribution of \$1,000 per additional unit, a portion of which will be utilized for the development of an active transportation corridor from the site to the Ludlow roundabout, underground parking, and ensuring all construction will meet Step Code 3 requirements; and
 - v. Requiring that the developer decommission, at their expense, the 100mm watermain along the former Gladden Road;

- b. Amend Covenant CA7488213 to require that the developer construct a bus “pull out” lane for a transit stop along Rocky Creek Road;
- c. Amend Covenant CA7488208 to clarify that a 20 metre access to the harbour is required for any development; and
- d. Amend Covenant CA7488209 and CA7488210 to clarify that the location of the waterfront pathway must be set back a minimum of 3.0 metres from the top of bank as recommended by the Geotechnical Assessment provided as Attachment F to the February 1, 2022 staff report to Council.

Motion Defeated

OPPOSED: Mayor Stone, Councillors Johnson, McKay, Paterson, and Virtanen

CS 2022-028

That Council:

1. Having considered s. 475 of the *Local Government Act*, and in particular the matters set out in subsections (2)(a) and (b), resolve as follows:
 - a. That the following persons, organizations and authorities are the only entities that are appropriate to consult in connection with “Official Community Plan 2003, No. 1488, Amendment Bylaw (No. 70) 2022, No. 2102”:
 - i. Stz’uminus First Nation; and,
 - ii. The BC Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Archaeology Branch;
 - b. That consultation with Stz’uminus First Nation and the Archaeology Branch should be early and ongoing and that staff be directed to refer application 3360-20-10 and Bylaw No. 2102 to Stz’uminus First Nation and Archaeology Branch to initiate the consultation process described in the staff report to Council dated February 1, 2022;
2. Direct staff to refer application 3360-20-10 to School District 68 pursuant to section 476 of the *Local Government Act*.
3. Give first and second reading to Bylaw No. 2102;
4. Consider Bylaw No. 2102 in conjunction with the Town’s Financial Plan, the Town’s Liquid Waste Management Plan, and the Cowichan Valley Regional District’s Solid Waste Management Plan, pursuant to section 477(3) of the *Local Government Act*;

5. Consider Bylaw No. 2102 in conjunction with the Town's Housing Needs Report, pursuant to section 473(2.1) of the *Local Government Act*;
6. Give first and second reading to "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 47) 2022, No. 2103";
7. Direct staff to report back to Council on the outcome of the consultation with Stz'uminus First Nation and the Archaeology Branch prior to scheduling a Public Hearing for Bylaw Nos. 2102 and 2103;
8. Require that the developer, at their cost, complete the following prior to adoption of Bylaw Nos. 2102 and 2103:
 - a. Register on the title of the subject property, Lot A, District Lots 81, 86, and 98, Oyster District, Plan EPP87265 (PID: 030-801-460), a covenant or covenants in favour of the Town pursuant to section 219 of the *Land Title Act*:
 - i. Establishing a tree preservation area and a tree management plan as outlined in the staff report to Council dated February 1, 2022;
 - ii. Requiring parkland dedication as outlined in the staff report to Council dated February 1, 2022;
 - iii. Limiting residential development prior to the construction of commercial units as outlined in the staff report to Council dated February 1, 2022;
 - iv. Securing the community amenity contribution of \$1,000 per additional unit, underground parking, and energy efficiency standards as outlined in the staff report to Council dated February 1, 2022; and
 - v. Requiring that the developer decommission, at their expense, the 100mm watermain along the former Gladden Road;
 - b. Amend Covenant CA7488213 to require that the developer construct a bus "pull out" lane for a transit stop along Rocky Creek Road;
 - c. Amend Covenant CA7488208 to clarify that a 20 metre access to the harbour is required for any development; and
 - d. Amend Covenant CA7488209 and CA7488210 to clarify that the location of the waterfront pathway must be setback a minimum of 3.0 metres from the top of bank as recommended by the Geotechnical Assessment provided as Attachment F to the February 1, 2022 staff report to Council.

Motion Carried

J. Belobaba joined the meeting at 8:52 p.m.

6. REPORTS

6.1 Appointment of Chief Election Officer and Deputy Chief Election Officers – 2022 General Local Election

CS 2022-029

That Council appoint the following individuals as officers for the Town of Ladysmith 2022 General Local Election:

- Donna Smith, Manager of Corporate Services, as Chief Election Officer;
- Sue Bouma, Administrative Coordinator, as Deputy Chief Election Officer; and
- Andrea Hainrich, Legislative Services Administrative Assistant, as Deputy Chief Election Officer.

Motion Carried

6.2 Adjustment to Water Billing Account

CS 2022-030

That Council provide:

1. A full bill adjustment in the amount of \$5,674.76 to billing account #000-1002252 due to a water leak; and
2. A partial bill adjustment in the amount of \$3,338.23 to billing account #001-0083000 due to a water leak.

Motion Carried

6.3 Poverty Reduction Task Group

CS 2022-031

That Council receive the Poverty Reduction Task Group staff report dated February 1, 2022.

Motion Carried

CS 2022-032

That Council refer the Poverty Reduction Task Group staff report dated February 1, 2022 to the March 8, 2022 Committee of the Whole meeting for further discussion.

Motion Carried

7. BYLAWS

7.1 Bylaw Status Sheet

8. NEW BUSINESS

8.1 Notice of Motion

Councillor Johnson provided the following notice of motion to be considered by Council at its Regular Meeting scheduled for February 15, 2022:

"That staff be directed to prepare a report providing options including costs for conducting a traffic study which would:

1. Determine community needs based on existing traffic flow for the whole of Ladysmith;
2. Project traffic requirements in conjunction with the Official Community Plan review; and
3. Consider known development projects under construction and projected to begin in the next 15 years."

9. QUESTION PERIOD

No questions were submitted by the public.

10. ADJOURNMENT

CS 2022-033

That this Regular Meeting of Council adjourn at 8:59 p.m.

Motion Carried

CERTIFIED CORRECT:

Mayor (A. Stone)

Corporate Officer (D. Smith)