



MINUTES OF A REGULAR MEETING OF COUNCIL

Tuesday, April 19, 2022

7:00 P.M.

City Hall Council Chambers

410 Esplanade

Council Members Present:

Deputy Mayor Tricia McKay

Amanda Jacobson

Councillor Rob Johnson

Councillor Duck Paterson

Councillor Marsh Stevens

Councillor Jeff Virtanen

Council Members Absent:

Mayor Aaron Stone

Staff Present:

Allison McCarrick

Erin Anderson

Chris Barfoot

Jake Belobaba

Donna Smith

Ryan Bouma

Sue Bouma

Andrea Hainrich

1. CALL TO ORDER

Deputy Mayor McKay called this Regular Meeting of Council to order at 6:30 p.m., in order to retire immediately into Closed Session.

2. CLOSED SESSION

CS 2022-091

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:

- (k) negotiations and related discussions respecting the proposed provision of a municipal service.

Motion Carried

3. OPEN MEETING AND ACKNOWLEDGEMENT (7:00 P.M.)

The Regular Meeting reconvened at 7:00 p.m. Deputy Mayor McKay recognized with gratitude that it was taking place on the traditional unceded territory of the Stz'uminus First Nation.

4. AGENDA APPROVAL

CS 2022-092

That Council approve the agenda for this Regular Meeting of Council for April 19, 2022 as amended to include the following changes:

- Item 8.1. "Rezoning and OCP Amendment Application: Lot 5 Holland Creek" Add delegation by members of Lamont and Ekistics, the applicants; and
- Move Item 11/11.1. Delegations/MNP to Item 7 and renumber the remainder of the agenda accordingly.

Motion Carried

5. RISE AND REPORT- Items from Closed Session

Council rose from Closed Session at 6:37 p.m. without report.

6. MINUTES

6.1 Minutes of the Regular Meeting of Council held April 5, 2022

CS 2022-093

That Council approve the minutes of the Regular Meeting of Council held April 5, 2022.

Motion Carried

7. DELEGATIONS

7.1 MNP, Auditors for the Town

Cory Vanderhorst, MNP, provided Council with an overview of the 2021 Audit Findings. He stated that this is an unqualified or clean audit and thanked Town staff for their cooperation during the audit. Mr. Vanderhorst and the Director of Finance responded to questions from Council.

CS 2022-094

That Council accept the 2021 Audit Findings report and the draft 2021 Financial Statements as presented by MNP, auditors for the Town of Ladysmith.

Motion Carried

8. PROCLAMATIONS

8.1 Lyme Disease Awareness Month

Deputy Mayor McKay proclaimed May 2022 as "Lyme Disease Awareness Month" in the Town of Ladysmith.

9. DEVELOPMENT APPLICATIONS

9.1 Rezoning and OCP Amendment Application: Lot 5 Holland Creek

Delegation:

Scott Lamont of Lamont Land LP introduced both the Lamont team and the Ekistics team for the Holland Heights rezoning and OCP amendment application. Paul Fenske, Principal - Ekistics, provided Council with an overview of the Holland Heights area plan. The team also answered questions from Council.

CS 2022-095

That Council:

1. Having considered section 475 of the *Local Government Act*, and in particular the matters set out in subsections (2)(a) and (b), resolve that:
 - a. the Stz'uminus First Nation is the only entity that is appropriate to consult in connection with "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 71) 2022, No. 2106";
 - b. consultation should be early but need not be ongoing;
 - c. the consultation process described in the staff report dated April 19, 2022 is sufficient in respect to the proposed Official Community Plan amendment; and
 - d. staff be directed to refer Bylaw No. 2106 to the Stz'uminus First Nation as set out in Resolution 1(a) for consultation in the manner described in the April 19, 2022 staff report to Council;
2. Give first and second readings to "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 71) 2022, No. 2106";
3. Consider Bylaw No. 2106 in conjunction with the Financial Plan, Housing Needs Report, Liquid Waste Management Plan, and the Cowichan Valley Regional District Solid Waste Management Plan, pursuant to sections 473(2.1) and 477(3) of the *Local Government Act*;
4. Direct staff to refer Bylaw No. 2106 to School District 68 pursuant to section 476 of the *Local Government Act*;
5. Give first and second readings to "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.48) 2022, No. 2107";
6. Require the applicant as a condition of approval of Bylaw Nos. 2106 and 2107 to, at their cost, secure the following conditions through one

or more restrictive covenants following third reading and prior to adoption of Bylaw Nos. 2106 and 2107:

- a. the developer, at time of subdivision or building permit approval, to provide a bond for a period of five years for the removal of invasive plants introduced by construction activities;
 - b. vegetation clearing to be completed outside the bird nesting period from March 1 to August 31;
- c. prior to subdivision or development the developer to submit a construction erosion and sediment control plan and stormwater management plan prepared by a qualified engineer and consistent with 'Stormwater Planning: A Guidebook For British Columbia';
- d. prohibiting clearing of native vegetation and requiring park dedication at time of subdivision or development, of the area shown as 'P-3 Nature Park' in Attachment C of the April 19, 2022 staff report;
- e. prohibiting clearing of mature trees and requiring park dedication at time of subdivision or development, of the area shown as 'P-2 Park and Recreation' in Attachment C of the April 19, 2022 report to Council;
- f. the provision of an on-street parking area adjacent to the area shown as 'P-2 Park and Recreation' in Attachment C of the April 19, 2022 staff report at time of subdivision or road dedication;
- g. prohibiting the planting or proliferation of invasive plants on the subject property;
- h. prohibiting non-native landscaping within the Arbutus Hump ESA Development Permit Area;
- i. prohibiting clearing of mature trees, outside of dedicated road right of ways, within:
 - 20 metres of the northern property line; and
 - 30 metres of the eastern property line;unless a tree preservation plan is prepared by a qualified professional;
- j. dedicating a multi-use pathway and emergency vehicle access/egress through the subject property for the purposes of connecting lands beyond to west of the subject property;
- k. requiring a privately owned and operated stormwater, sewer and water supply system for all development above 130m geodetic elevation;
- l. requiring development of the site to adhere to the applicable requirements outlined in covenant CA6857592;
- m. requiring, upon request by the Town, the developer to provide a 4,200 square meter portion of fee-simple land for a water reservoir, within the area described in the April 19, 2022 staff report;

- n. requiring development on site to adhere to the recommendations of the Wildfire Hazard Assessment, in Attachment D of the April 19, 2022 report to Council; and
7. Direct staff to schedule a Public Hearing for Bylaw Nos. 2106 and 2107, 30 days after the applicant has held a neighbourhood information meeting pursuant to section 7(a) of "Town of Ladysmith Development Procedures Bylaw 2008, No. 1667" and section 464 of the *Local Government Act*.

Motion Carried

OPPOSED: Councillor Stevens

10. COMMITTEE MINUTES

10.1 Parks, Recreation & Culture Advisory Committee - March 16, 2022

CS 2022-096

That Council receive the minutes of the Parks, Recreation & Culture Advisory Committee meeting held March 16, 2022.

Motion Carried

11. REPORTS

11.1 School Site Acquisition Charges

CS 2022-097

That Council:

1. Consider the proposed eligible school site requirements prepared by School District 68 pursuant to section 574(6) of the *Local Government Act* provided in Attachment A of the April 19, 2022 staff report;
2. Accept the resolution of the Board of Education for School District 68 respecting proposed eligible school site requirements; and
3. Direct staff to bring forward a bylaw imposing a School Site Acquisition Charge on duplex units once the new Official Community Plan is adopted.

Motion Carried

OPPOSED: Councillor Johnson

12. BYLAWS

12.1 Bylaw No. 2105

CS 2022-098

That Council adopt "Park Dedication Bylaw (1250 Churchill Place) 2022, No. 2105".

Motion Carried with 2/3 majority

12.2 Bylaw No. 2087

CS 2022-099

That Council adopt "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 68) 2021, No. 2087".

Motion Carried

12.3 Bylaw No. 2088

CS 2022-100

That Council adopt "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 44) 2021, No. 2088".

Motion Carried

12.4 Bylaw No. 2089

CS 2022-101

That Council adopt "Housing Agreement Bylaw 2021, No. 2089".

Motion Carried

12.5 Bylaw No. 2108

CS 2022-102

That Council give first, second and third readings to "Financial Plan Bylaw 2022, No. 2108".

Motion Carried

12.6 Bylaw No. 2109

CS 2022-103

That Council give first, second and third readings to "Tax Rates Bylaw 2022, No. 2109".

Motion Carried

12.7 Bylaw No. 2110

CS 2022-104

That Council give first, second and third readings to "Sewer Parcel Tax Bylaw 2022, No. 2110".

Motion Carried

12.8 Bylaw No. 2111

CS 2022-105

That Council give first, second and third readings to "Water Parcel Tax Bylaw 2022, No. 2111".

Motion Carried

12.9 Bylaw Status Sheet

13. QUESTION PERIOD

There were no questions submitted by the public.

14. ADJOURNMENT

CS 2022-106

That this Regular Meeting of Council be adjourned at 8:35 p.m.

Motion Carried

CERTIFIED CORRECT

Deputy Mayor (T. McKay)

Corporate Officer (D. Smith)