



## MINUTES OF A SPECIAL MEETING OF COUNCIL

**Tuesday, June 14, 2022**

**6:02 P.M.**

**This meeting was held electronically**

### **Council Members Present:**

Mayor Stone

Councillor Jacobson

Councillor Johnson

Councillor McKay

Councillor Paterson

Councillor Stevens

Councillor Virtanen

### **Staff Present:**

Allison McCarrick

Chris Barfoot

Jake Belobaba

Ryan Bouma

Donna Smith

Christina Hovey

Mike Gregory

Sue Bouma

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### **1. CALL TO ORDER AND ACKNOWLEDGEMENT**

Mayor Stone called this Public Hearing and Special Meeting of Council to order at 6:02 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 2022-147**

That Council approve the agenda for this Public Hearing and Special Meeting of Council for June 14, 2022 as amended to include a public submission received after publication of the agenda for Item 3.1., "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No.70) 2022, No. 2102" and "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 47) 2022, No. 2103".

*Motion Carried*

### **3. PUBLIC HEARING**

#### **3.1 "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 70) 2022, No. 2102" and "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 47) 2022, No. 2103"**

**Members of the public attending: 9**

##### **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 Nos. 2102 and 2103.

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.

##### **3.1.2 Introduction of Bylaw and Statutory Requirements - Senior Planner, Development Services**

Christina Hovey, Senior Planner, introduced "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 70) 2022, No. 2102" and "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 47) 2022, No. 2103" as the subjects of the public hearing.

Ms. Hovey advised that if approved, Bylaw Nos. 2102 and 2103 would:

1. Amend the OCP to:
  - change the Land Use Designation from Single Family Residential to Multi-Family Residential;
  - apply the Multi-Unit Residential Development Permit Area to the property and apply the Hazard Lands Development

Permit Area to the portion of the property near the water;  
and

2. Change the zoning for the subject property from RU-1 (Rural Residential) and R-1-B (Single Dwelling Residential - Small Lot B) to CD-7 (Comprehensive Development 7 – Rocky Creek Road Mixed-Use Residential) to permit a mix of multiple-unit, townhouse, and single detached dwellings, commercial and live/work industrial uses.

Ms. Hovey noted that a number of conditions had been placed on the application, to be completed by the developer prior to final approval of Bylaw Nos. 2102 and 2103, such as:

- Establishing a tree preservation area and tree management plan;
- Requiring 5% of the parcel to be dedicated as a park, which will be located in the northeast corner of the parcel;
- Requiring a 20m Road Dedication to provide public access to the harbour;
- Limiting residential development prior to the construction of some commercial units;
- Requiring a community amenity contribution of \$1,000 per additional unit permitted, underground parking, and energy efficiency standards;
- Requiring that the developer:
  - decommission the 100mm watermain along the former Gladden Road;
  - Construct a bus “pull out” lane for a transit stop along Rocky Creek Road;
  - Provide a right of way for a pathway along the waterfront;
  - Upgrade the sewer main along Rocky Creek Road from Ludlow to the Town Boundary or postpone the development until the sewer is upgraded; and
- Requiring archaeological protection.

Ms. Hovey also confirmed the Public Hearing notification and engagement process. Notice of this Public Hearing was published in the Ladysmith Chronicle on June 2 and 9, 2022 and was posted on the Town's website and community notice boards. A copy of the Notice, the proposed Bylaw, and background information were 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. She noted that as of noon on Tuesday, June 14, one written submission related to the proposed bylaw had been received.

### **3.1.3 Submissions**

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

Mayor Stone invited the applicant to make the first submission.

*Toby Seward, 1820 Argyle Avenue, Nanaimo, agent for the owners,* reviewed the application process, which included working with staff to develop plans for park placement, providing access to the water, upgrading the sanitary sewer system and erecting a tree buffer. He noted that two neighbourhood meetings had been held, where traffic, parking and density concerns had been raised. Additional consultation with the property owners most affected by the potential development had also taken place.

Mayor Stone called for submissions from the public.

*April Robinson, 1285 Rocky Creek Road,* expressed concerns regarding the development, citing traffic safety due to increased volume and parking on the road. She recommended installing a sidewalk to limit parking on the east side of the road and expressed her wish that Council follow the recommendations of the OCP and not allow the number of parking units for the development to be reduced. She stated that Rocky Creek Road is the only other access road if there is an accident on the highway. She also advised that prior to development a fence be erected as a barrier between existing property owners and the development, and urged Council to consider moving the steps to the beach closer to the marina, where there are more lights.

Mayor Stone called for submissions a second time.

*Rachel Muller, 1245 Rocky Creek Road*, expressed traffic safety concerns, particularly for students walking along the road on the way to school. She advised that vehicles are travelling at fast speeds and asked what traffic calming methods would be put in place to make the road safer. She recommended that a sidewalk be extended along the road.

*Ben Muller, 1245 Rocky Creek Road*, expressed concerns regarding what the sustained, increased volume of traffic would do to the road infrastructure. He stated that highway traffic is routed through Rocky Creek Road during emergencies and recommended that traffic capacity be used as an indicator of how many residences should be built.

Mayor Stone called for submissions a third and final time.

No one else wished to speak regarding "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 70) 2022, No. 2102" and "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 47) 2022, No. 2103".

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 via email.

### **3.1.5 Declaration that the Public Hearing for Bylaw Nos. 2102 and 2103 is Closed - Mayor Stone**

Hearing no further comments and receiving no further submissions, Mayor Stone declared the Public Hearing for Bylaw Nos. 2102 and 2103 closed at 6:25 p.m. and stated that no further submissions or comments from the public or interested persons could be accepted by members of Council.

#### **4. BYLAWS - OFFICIAL COMMUNITY PLANNING AND ZONING**

##### **4.1 "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 70) 2022, No. 2102"**

###### **CS 2022-148**

That Council give third reading to "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 70) 2022, No. 2102".

*Motion Carried*

##### **4.2 "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 47) 2022, No. 2103"**

###### **CS 2022-149**

That Council:

1. Give third reading to "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 47) 2022, No. 2103"; and
2. Direct staff to refer Bylaw No. 2103 to the Ministry of Transportation and Infrastructure pursuant to section 52 of the *Transportation Act*.

*Motion Carried*

#### **5. ADJOURNMENT**

###### **CS 2022-150**

That this Special Meeting of Council adjourn at 6:58 p.m.

*Motion Carried*

CERTIFIED CORRECT:

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Mayor (A. Stone)

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Corporate Officer (D. Smith)