



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

Tuesday, August 2, 2022

6:01 P.M.

This meeting was held electronically

### Council Members Present:

Mayor Aaron Stone

Councillor Amanda Jacobson

Councillor Rob Johnson

Councillor Tricia McKay (joined at 6:37 p.m.)

Councillor Duck Paterson

Councillor Marsh Stevens

Councillor Jeff Virtanen

### Staff Present:

Allison McCarrick

Erin Anderson

Chris Barfoot

Jake Belobaba

Ryan Bouma

Donna Smith

Julie Thompson

Mike Gregory

Sue Bouma

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### 1. CALL TO ORDER

Mayor Stone called this Meeting of Council to order at 5:02 p.m., in order to retire immediately into closed session.

### 2. CLOSED SESSION

#### CS 2022-187

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

- (1)(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;
- (1)(g) litigation or potential litigation affecting the municipality;
- (1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and
- (2)(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or between a provincial government and a third party.

*Motion Carried*

### **3. OPEN MEETING AND ACKNOWLEDGEMENT**

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 First Nation.

### **4. AGENDA APPROVAL**

#### **CS 2022-188**

That Council approve the agenda for this Public Hearing and Regular Meeting of Council for August 2, 2022 as amended to include the following:

- Item 5.1., "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 71) 2022, No. 2106" and "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 48) 2022, No. 2107"

Add a public submission received after publication of the agenda

*Motion Carried*

Mayor Stone and members of Council expressed appreciation for all those involved with Ladysmith Days - from the organizations and volunteers to the vendors. They thanked Saltair Marine for their assistance with the fireworks. The Mayor will send letters of appreciation to those involved.

### **5. PUBLIC HEARING**

#### **5.1 "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 71) 2022, No. 2106" and "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 48) 2022, No. 2107"**

**Members of the public attending: 11**

##### **5.1.1 Outline of Public Hearing Process**

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. 2106 and 2107.

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 Bylaws and Statutory Requirements**

Jake Belobaba, Director of Development Services, introduced "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 71) 2022, No. 2106" and "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 48) 2022, No. 2107" as the subjects of the Public Hearing.

Mr. Belobaba advised that if approved, Bylaw Nos. 2106 and 2107 would:

1. Remove policies related to estate residential lots in environmentally sensitive areas and steep slopes from the Holland Creek Area Plan;
2. Add portions of the subject property to Development Permit Area 4-Multi-Unit Residential, Development Permit Area 3-Commercial and Development Permit Area 10-Coach House Intensive Residential;
3. Expand Development Permit Area 11 – Arbutus Hump ESA, to cover a larger portion of the subject property and amend the corresponding Development Permit Area Guidelines to require environmental reports to be prepared in accordance with 'Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia' published by the Province of British Columbia;
4. Change and reconfigure the land use designations of the subject property from "Single-Family", "Estate Residential" and "Park and Open Space" to "Single-Family; "Multi-Family"; "Neighbourhood Commercial" and "Park and Open Space";
5. Change the zoning for the Subject Property from Single Dwelling Residential (R-1) to Medium-Density Residential (R-3), Single Dwelling Residential – Small Lot A Zone (R-1-A), Single Dwelling Residential – Small Lot B Zone (R-1-B), Single Dwelling Residential – Small Lot C Zone (R-1-C), Nature Park (P-3), Park and Recreation (P-2) and Local Commercial (C-1);

6. Allow Secondary Suite as a permitted accessory use on R-1-C zoned portions of the subject property on parcels served by a lane;
7. Allow Coach House as a permitted accessory use on R-1-C zoned portions of the subject property on parcels that are 300 square metres or larger;
8. Allow Townhouse Dwelling as the only permitted use in the R-3 zoned portions of the subject property; and
9. Allow Coach House as a permitted Accessory Use on the C-1 Zoned portions of the subject property on parcels that are 460 square metres or larger and with a frontage of at least 13.5 metres.

Mr. Belobaba also confirmed the Public Hearing notification and engagement process. Notice of this Public Hearing was published in the Ladysmith Chronicle on July 21 and July 28, 2022 and was posted on the Town's website and community notice boards. A copy of the Notice, the proposed Bylaws, 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. He noted that as of noon on Tuesday, August 2, one written submission related to the proposed bylaws had been received.

### **5.1.3 Submissions**

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

Mayor Stone invited the applicant to make the first submission.

Paul Fenske, principal with Ekistics and representative for Lamont Land, provided an overview of the Holland Heights plan, noting that the neighbourhood would offer connection to nature, a diversity of lifestyle and life stages, and a walkable design with local commercial opportunities that would improve social connectivity.

Mayor Stone called for submissions from the public.

Mayor Stone called for submissions a second time.

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

No one wished to speak regarding "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 71) 2022, No. 2106" and "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 48) 2022, No. 2107".

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.

#### **5.1.5 Declaration that the Public Hearing for Bylaw Nos. 2106 and 2107 is Closed**

Hearing no further comments and receiving no further submissions, Mayor Stone declared the Public Hearing for Bylaw Nos. 2106 and 2107 closed at 6:19 p.m. 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. 71) 2022, No. 2106"**

Councillor McKay joined the meeting at 6:37 p.m.

#### **CS 2022-189**

That Council postpone consideration of third reading of both "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 71) 2022, No. 2106" and "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 48) 2022, No. 2107", until staff meet with the proponent to negotiate the following requirements and report back to Council:

1. Allow duplexes on the subject property in areas zoned R-1-B;
2. Require commercial uses on all C-1 zoned lots;
3. Engage and negotiate with the developer for the acquisition and/or protection of the red-listed Douglas-fir/Arbutus ecosystem as park; and
4. Ensure that all construction on the subject property meets Step Code 2 or higher.

*Motion Carried*

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

Council rose from Closed Session at 5:48 p.m. without report.

**8. MINUTES**

**8.1 Minutes of the Regular Meeting of Council held July 19, 2022**

**CS 2022-190**

That Council approve the minutes of the Regular Meeting of Council held July 19, 2022.

*Motion Carried*

**9. PROCLAMATIONS**

**9.1 Pulmonary Fibrosis Awareness Month**

Mayor Stone proclaimed September 2022 as Pulmonary Fibrosis Awareness Month in the Town of Ladysmith.

In support of Pulmonary Fibrosis Awareness, the Town will also illuminate its available themed lighting locations with red and blue lights on September 8<sup>th</sup> and September 14<sup>th</sup>.

**10. DEVELOPMENT APPLICATIONS**

**10.1 Development Permit Application 3060-20-25 – 201 Dogwood Drive**

**CS 2022-191**

That Council issue Development Permit 3060-20-25 for a 25-unit multi-family building at 201 Dogwood Drive (Lot A District Lot 56 Oyster District Plan EPP110422), subject to the applicant providing a landscaping bond in the amount of \$66,208.50.

*Motion Carried*

## 11. REPORTS

### 11.1 4th Avenue Reconstruction Improvement Project Tender (Root Street to White Street)

#### CS 2022-192

That Council direct staff to:

1. Amend the 2022-2026 Financial Plan to increase the 4<sup>th</sup> Avenue Reconstruction Improvement Project (Root Street to White Street) by \$450,000: \$235,000 to come from the current year allocation to the Infrastructure Reserve; \$100,000 to come from prior year surplus; and \$115,000 to come from the Canada Community Building Fund; and
2. Award Tender 2022-IS-07 to Hazelwood Construction Services for the total tender amount of \$2,272,664.81.

*Motion Carried*

OPPOSED: Councillor Paterson

### 11.2 2023 Financial Plan (Budget) Discussions

#### CS 2022-193

That Council approve the following schedule to deliberate the 2023-2027 Financial Plan:

- September 6<sup>th</sup> –Parks, Recreation & Culture – operating & capital
- October 25<sup>th</sup> – Water & Sewer – operating & capital
- November 15<sup>th</sup> – Introduction of General Operations
- December 6<sup>th</sup> – Introduction of General Capital Projects. Water & Sewer Rate bylaws introduced.
- December 20<sup>th</sup> - Early budget approvals and anticipated adoption of Water & Sewer Rate bylaws.

*Motion Carried*

## 12. BYLAWS

### 12.1 “Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644, Amendment Bylaw 2022, No. 2112”

#### CS 2022-194

That Council give first three readings to “Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644, Amendment Bylaw 2022, No. 2112”.

*Motion Carried*

**12.2 “Sign and Canopy Bylaw 1995, No. 1176, Amendment Bylaw (No.7) 2022, No. 2065”**

**CS 2022-195**

That Council adopt “Sign and Canopy Bylaw 1995, No. 1176, Amendment Bylaw (No.7) 2022, No. 2065”.

*Motion Carried*

OPPOSED: Councillor Johnson

**12.3 Bylaw Status Sheet**

**13. CORRESPONDENCE**

**13.1 Ladysmith Seniors Society**

Councillor Johnson declared a conflict of interest related to Agenda Item 13.1 stating he is on the executive of the Ladysmith Seniors Society, and vacated the meeting at 7:35 p.m.

**CS 2022-196**

That Council approve funding in the amount of \$2,000 to the Ladysmith Seniors Society, as requested in the correspondence dated July 14, 2022, to recover chairs with the funds to come from the Grant-In-Aid – Late Applications budget.

*Motion Carried*

Councillor Johnson returned to the meeting at 7:37 p.m.

**13.2 Ladysmith Lions Club**

**CS 2022-197**

That Council waive one-third of the pool rental fees for the Ladysmith Lions Club, as requested in the correspondence dated July 15, 2022, to provide up to 17 swim sessions from September to December, 2022, with funds in the amount of \$742.44 to come from the Grant-In-Aid – Waiving of Fees budget.

*Motion Carried*



**13.3 Rotary Clubs of Ladysmith and Chemainus 12th Annual Charity Golf Tournament**

**CS 2022-198**

That Council allocate \$350 to sponsor a hole at the 12th Annual Rotary Charity Golf Tournament on September 17, 2022 as requested in the correspondence dated July 24, 2022.

*Motion Carried*

**14. QUESTION PERIOD**

There were no questions submitted by the public.

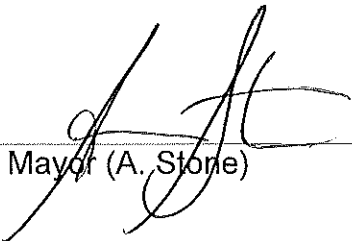
**15. ADJOURNMENT**

**CS 2022-199**

That this Regular Meeting of Council be adjourned at 7:45 p.m.

*Motion Carried*

CERTIFIED CORRECT:



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Mayor (A. Stone)



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Corporate Officer (D. Smith)