



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

Tuesday, September 20, 2022

5:00 P.M.

**Ladysmith Seniors Centre
630 2nd Avenue**

Council Members Present:

Mayor Aaron Stone
Councillor Amanda Jacobson
Councillor Rob Johnson (via telephone)
Councillor Tricia McKay

Councillor Duck Paterson
Councillor Marsh Stevens
Councillor Jeff Virtanen

Staff Present:

Allison McCarrick
Erin Anderson
Chris Barfoot
Jake Belobaba
Ryan Bouma

Donna Smith
Christina Hovey
Mike Gregory
Sue Bouma
Andrea Hainrich

1. CALL TO ORDER

Mayor Stone called this Meeting of Council to order at 5:00 p.m., in order to retire immediately into Closed Session.

2. CLOSED MEETING

CS 2022-219

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)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Motion Carried

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

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. He also reminded the public that September 30th is the National Day for Truth and Reconciliation, a day to honour survivors of residential schools, and the memory of those who did not return from them. There will be an event at the Transfer Beach Amphitheatre on that day.

Mayor Stone thanked the Ladysmith Seniors Centre for sharing their space and helping the Town accommodate people more comfortably at Council meetings, Committee of the Whole meetings and Public Hearings.

4. AGENDA APPROVAL

CS 2022-220

That Council approve the agenda for this Public Hearing and Regular Meeting of Council for September 20, 2022.

Motion Carried

5. PUBLIC HEARING

5.1 “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 71) 2022, No. 2106” (as amended) and “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 48) 2022, No. 2107” (as amended)

Members of the public attending: 13

5.1.1 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. 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 - Director, Development Services

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 the Provincial publication, 'Develop with Care: Environmental Guidelines for Urban and Rural Land Development in 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 C Zone (R-1-C), Nature Park (P-3), Park and Recreation (P-2) and Local Commercial (C-1);

6. Allow Secondary Suites 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;
9. Prohibit residential use as a principal use on the C-1 zoned portions of the subject property and allow, subject to certain conditions, coach houses, secondary suites, single unit dwellings and second floor dwellings as permitted accessory uses on the C-1 zoned portions of the subject property;
10. Allow the R-1-C portion of the subject property to be developed in accordance with the provisions of the R-1-B zone, R-1-C zone, Low Density Residential (R-3-A) zone or a combination thereof; and
11. Apply a density benefit regulation pursuant to section 482 of the *Local Government Act* to the subject property to allow more units in the northern portion of the property, if the entire red-listed ecosystem occurrence on the subject property is dedicated as park.

Mr. Belobaba also confirmed the Public Hearing notification and engagement process. Notice of this Public Hearing was published in the Ladysmith Chronicle on September 15, 2022 and was posted on the Town's website and community notice boards. It was also mailed and delivered to all properties located within 60 metres of the subject property.

A copy of the Notice, the proposed bylaws, and background information were made available at the front counters of City Hall and Development Services and the bylaws were 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, September 20 no submissions related to the proposed bylaws had been received.

5.1.3 Submissions

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 changes made to the Holland Heights plan.

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

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 during the Hearing. The Corporate Officer advised that no submissions had been received.

5.1.5 Declaration that the Public Hearing for Bylaw Nos. 2106 (as amended) and 2107 (as amended) is Closed - Mayor Stone

Hearing no further comments and receiving no further submissions, Mayor Stone declared the Public Hearing for Bylaw Nos. 2106 and 2107 closed at 6:14 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”

CS 2022-221

That Council give third reading to “Official Community Plan Bylaw 2003, No.1488, Amendment Bylaw (No. 71) 2022, No. 2106”.

Motion Carried

6.2 “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 48) 2022, No. 2107”

CS 2022-222

That Council give third reading to “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 48) 2022, No. 2107”.

Motion Carried

7. RISE AND REPORT- Items from Closed Session

Council rose from Closed Session at 5:34 p.m. without report.

8. MINUTES

8.1 Minutes of the Regular Meeting of Council held September 6, 2022

CS 2022-223

That Council approve the minutes of the Regular Meeting of Council held September 6, 2022.

Motion Carried

9. PROCLAMATIONS

9.1 Circular Economy Month - October 2022

Mayor Stone proclaimed October 2022 as "Circular Economy Month" in the Town of Ladysmith.

10. BYLAWS - OFFICIAL COMMUNITY PLANNING AND ZONING

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

CS 2022-224

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

Motion Carried

OPPOSED: Councillors Johnson and Stevens

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

CS 2022-225

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

Motion Carried

OPPOSED: Councillors Johnson and Stevens

11. DEVELOPMENT APPLICATIONS

11.1 Development Variance Permit 3090-22-03 and Development Permit 3060-20-19 for a Commercial Plaza at 1130 Rocky Creek Road

CS 2022-226

That Council:

1. Issue Development Variance Permit 3090-22-03 to vary section 5.19.c) of “Town of Ladysmith Zoning Bylaw 2014, No. 1860” to allow for two retaining walls, each up to 4.0 m in height, at 1130 Rocky Creek Road; and
2. Issue Development Permit 3060-20-19 to allow for construction of a commercial plaza at 1130 Rocky Creek Road, subject to the applicant providing a landscape bond in the amount of \$104,750.75.

Motion Carried

OPPOSED: Councillor Stevens

12. COMMITTEE MINUTES

12.1 Community Planning Advisory Committee - September 7, 2022

CS 2022-227

That Council receive the minutes of the Community Planning Advisory Committee meeting held September 7, 2022.

Motion Carried

13. REPORTS

13.1 DL2016 Holdings Corporation Annual General Meeting

CS 2022-228

That Council, as the sole shareholder of the DL2016 Holdings Corporation entitled to vote at an annual general meeting resolve that:

1. The financial statements of the Company for the period ended December 31, 2021 are hereby approved;
2. All lawful acts, contracts, proceedings, appointments and payments of money by the directors of the Company since the last annual reference date of the Company, and which have previously been disclosed to the shareholders, are hereby adopted, ratified and confirmed;
3. The number of directors of the Company is hereby fixed at five;
4. The following persons, each of whom has consented to act as a director, are hereby elected as directors of the Company, to hold office until the next annual general meeting of the Company (or unanimous resolutions consented to in lieu of holding an annual general meeting) or until their successors are appointed:
 - Jake Belobaba
 - Rob Hutchins
 - Allison McCarrick
 - Alan Newell
 - Richard Wiefelspuett;
5. Grant Thornton, LLP, Certified Public Accountants are hereby appointed auditors for the Company until the next annual reference date of the Company or until a successor is appointed, at a remuneration to be fixed by the directors; and
6. July 31, 2022 is selected as the annual reference date for the Company for its current annual reference period.

These resolutions shall be deemed to be effective as at July 31, 2022.

Motion Carried

13.2 2023 Council Meeting Schedule

CS 2022-229

That Council confirm the schedule of regular Council and Committee of the Whole meetings for 2023, as attached to the September 20, 2022 staff report, and direct staff to advertise the schedule in accordance with Section 127 of the *Community Charter*.

Motion Carried

14. BYLAWS

14.1 Bylaws for Introduction

14.1.1 "Official Community Plan Bylaw 2022, No. 2200"

CS 2022-230

That Council:

1. Give first reading to "Official Community Plan Bylaw 2022, No. 2200";
2. Consider Bylaw No. 2200 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*;
3. Refer Bylaw No. 2200 to the Agricultural Land Commission, pursuant to section 477(3)(b) of the *Local Government Act*; and
4. Refer Bylaw No. 2200 to:
 - a. Stz'uminus First Nation;
 - b. Cowichan Valley Regional District;
 - c. Regional District of Nanaimo;
 - d. District of North Cowichan;
 - e. Hul'qumi'num Treaty Group;
 - f. Snuneymuxw First Nation;
 - g. Board of Education for School District 68;
 - h. BC Hydro; and
 - i. The Ministry of Transportation and Infrastructure.

Motion Carried

OPPOSED: Councillor Johnson

14.1.2 "2023 Permissive Tax Exemptions Bylaw 2022, No. 2122"

CS 2022-231

That Council give first three readings to "2023 Permissive Tax Exemptions Bylaw 2022, No. 2122".

AMENDMENT

That Council amend Schedule B of "2023 Permissive Tax Exemptions Bylaw 2022, No. 2122" by changing the one-year Permissive Tax Exemption for the property at 314 Buller Street from 20% to 70%.

CS 2022-232

SECONDARY AMENDMENT

That Council amend the amendment motion on the floor by changing the one-year Permissive Tax Exemption for the property at 314 Buller Street from 70% to 100%.

Resolution CS 2022-232 as amended, reads:

That Council amend Schedule B of "2023 Permissive Tax Exemptions Bylaw 2022, No. 2122" by changing the one-year Permissive Tax Exemption for the property at 314 Buller Street from 20% to 100%.

Amendment Carried

OPPOSED: Councillor Stevens

Resolution CS 2022-231 as amended, reads:

That Council give first three readings to "2023 Permissive Tax Exemptions Bylaw 2022, No. 2122", as amended in Schedule B to allow a one-year 100% Permissive Tax Exemption for the property at 314 Buller Street.

Main Motion, as amended, Carried

OPPOSED: Councillor Stevens

Mayor Stone declared a conflict of interest with item 14.1.3 as he is Chair of the Island Corridor Foundation and vacated the Chair and the meeting at 7:26 p.m.

Deputy Mayor Stevens assumed the Chair.

14.1.3 "10 Year Island Corridor Foundation Permissive Tax Exemptions Bylaw 2022, No. 2123"

CS 2022-233

That Council give first three readings to "10 Year Island Corridor Foundation Permissive Tax Exemptions Bylaw 2022, No. 2123".
Motion Carried

Mayor Stone returned to the meeting at 7:27 p.m. and resumed the Chair.

14.2 Bylaw Status Sheet

16. QUESTION PERIOD

There were no questions submitted by the public.

17. ADJOURNMENT

CS 2022-234

That this Regular Meeting of Council be adjourned at 7:30 p.m.
Motion Carried

CERTIFIED CORRECT:

Mayor (A. Stone)

Corporate Officer (D. Smith)