



MINUTES OF A PUBLIC HEARING AND REGULAR MEETING OF COUNCIL

Tuesday, February 21, 2023

6:00 P.M.

Ladysmith Seniors Centre

630 2nd Avenue

Council Members Present:

Mayor Aaron Stone

Councillor Ray Gourlay

Councillor Amanda Jacobson

Councillor Tricia McKay

Councillor Duck Paterson

Councillor Marsh Stevens

Councillor Jeff Virtanen

Staff Present:

Allison McCarrick

Erin Anderson

Chris Barfoot

Jake Belobaba

Ryan Bouma

Chris Geiger

Matt O'Halloran

Sue Bouma

1. CALL TO ORDER AND ACKNOWLEDGEMENT

Mayor Stone called this Public Hearing and Regular Meeting of Council to order at 6:00 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 2023-029

That Council approve the agenda for this Public Hearing and Regular Meeting of Council for February 21, 2023 as amended to remove recommendation 3 of Item 12.1 "Regional Approach to Emergency Management Grants" and replace it with the following recommendation regarding an Emergency Operations Centre:

"That Council authorize the Cowichan Valley Regional District to apply for, receive, and manage the UBCM Community Emergency Preparedness Fund Emergency Operations Centre 2023 grant funding up to \$150,000 on behalf of the Town of Ladysmith."

Motion Carried

3. PUBLIC HEARING

3.1 “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2099” and “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2100”

Members of the public attending: 10

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. 2099 and 2100.

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 Bylaws and Statutory Requirements - Director, Development Services

Jake Belobaba, Director of Development Services, introduced “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2099” and “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2100” as the subjects of the Public Hearing.

Mr. Belobaba advised that, if approved, Bylaw No. 2099 would amend the Zoning Bylaw by:

- removing the minimum finished floor area restriction for dwelling units from all zones where this regulation exists; and
- removing the minimum finished floor area restriction for caretaker dwellings.

Mr. Belobaba noted that, if approved, Bylaw No. 2100 would amend the Zoning Bylaw by:

- Revising regulations pertaining to coach houses, including:
 - Removing the requirement that a coach house dwelling be fully contained on the second storey where it is within a two-storey building.
 - Adding an exemption from parcel coverage for garages where a coach house 5m tall or less is located on the property.
 - Removing the requirement that coach houses comply with accessory building regulations, except for the accessory building number calculation (see point below).
 - Clarifying how the number of accessory buildings on a property is calculated when a two-storey coach house is located on the property.
 - Removing references to coach houses from regulations pertaining to accessory buildings.
 - Changing how gross floor area is calculated in a coach house.
 - Reducing the minimum parcel area required to permit a coach house from 660m² to 550m² where a parcel abuts a lane; from 668m² to 550m² where a parcel is on a corner; and from 780m² to 668m² for all other parcels.
 - Clarifying that a coach house is a permitted accessory to a live/work unit or a single unit dwelling.
 - Removing the minimum roof pitch regulation for a two-storey coach house.
 - Allowing coach houses to be located in a side yard.
 - Requiring a 2m interior side yard setback for coach houses taller than 5m.
- Revising the secondary suite regulations, including:
 - Allowing secondary suites to be larger than 40% of the single unit dwelling gross floor area.
 - Removing size restrictions for secondary suites from the R-2, R-2-A and R-2-LW zones; and
- Revising section headings for clarity.

Mr. Belobaba also confirmed the Public Hearing notification and engagement process. Notice of this Public Hearing was published in the Ladysmith Chronicle on February 16, 2023 and 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 counters of City Hall and Development Services and were available 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. Mr. Belobaba noted that as of noon on Tuesday, February 21 no submissions related to the proposed bylaws had been received.

3.1.3 Submissions

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

Mayor Stone called for submissions from the public.

Tim Kehler, 525 Gatacre spoke against the bylaw amendments, noting that some property owners had invested at a premium in larger lots in order to build carriage houses under the current zoning. He expressed opposition to the possibility that a carriage house could be built between two homes and shared his opinion that the amendments created confusion. Mr. Kehler asked for the Town's rationale for considering the amendments to the Zoning Bylaw.

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 "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2099" and "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2100".

Mayor Stone asked the Corporate Officer, M. O'Halloran, if any submissions had been received during the Hearing. The Corporate Officer advised that no submissions had been received.

3.1.5 Declaration that the Public Hearing for Bylaw Nos. 2099 and 2100 is Closed - Mayor Stone

Hearing no comments and receiving no further submissions, Mayor Stone declared the Public Hearing for Bylaw Nos. 2099 and 2100 closed at 6:16 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 (SUBJECT OF PUBLIC HEARING)

4.1 "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2099"

CS 2023-030

That Council give third reading to "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2099".

Motion Carried

4.2 "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2100"

CS 2023-031

That Council give third reading to "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2100".

Motion Carried

5. RISE AND REPORT- Items from Closed Session

The following items from the Closed Meeting of Council held December 20, 2022 were reported:

- **CE 2022-082**

That Council:

2. Confirm that the Artist Studio building project will proceed as presented to tender the construction of the project and direct staff to bring a detailed report to a future meeting of Council noting the increased costs and potential additional funding sources for the construction of the Artist Studio building and landscaping.

- **CE 2022-083**

That Council direct staff to investigate options to retain sufficient track to enable movement of rolling stock within the Ladysmith Arts and Heritage Hub, while accommodating development of the “Live, Work and Learn” district of the Waterfront Area Plan.

- **CE 2022-084**

That Council rise and report at a future meeting of Council on the following:

- Resolution CE 2022-082, recommendation number 2; and
- Resolution CE 2022-083.

6. MINUTES

6.1 Minutes of the Regular Meeting of Council held February 7, 2023

CS 2023-032

That Council approve the minutes of the Regular Meeting of Council held February 7, 2023.

Motion Carried

7. DEVELOPMENT APPLICATIONS

7.1 OCP and Zoning Amendment Application for 440 1st Avenue (Islander Hotel)

Staff and the applicant responded to Council's questions.

CS 2023-033

That Council refer file 3360-22-06, the Official Community Plan and Zoning Amendment Application for the Islander Hotel at 440 1st Avenue, back to staff and the applicant for further review as specified by Council.

CS 2023-034

AMENDMENT

That Council amend resolution CS 2023-033 in order to include the following specific considerations for staff and the applicant to review:

- public passageway through the building
- redesign of the roof
- community amenity contributions

Amendment Defeated

OPPOSED: Councillors Gourlay, Jacobson, McKay and Paterson

CS 2023-033

The question was called on the main motion as presented.

Motion Defeated

OPPOSED: Councillors Gourlay, Jacobson, McKay and Paterson

CS 2023-035

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 and the School District 68 Board are the only entities that are appropriate to consult in connection with "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2023, No. 2137";
 - b. consultation should be early but need not be ongoing;
 - c. the consultation process described in the staff report to Council dated February 21, 2023, is sufficient in respect to the proposed Official Community Plan amendment; and
 - d. staff be directed to refer "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2023, No. 2137" to the Stz'uminus First Nation and the School District 68 Board as set out in resolution 1 for consultation in the manner described in the February 21, 2023, staff report to Council;

2. Give first and second readings to "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2023, No. 2137";

3. Consider "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2023, No. 2137" in conjunction with the Town's Financial Plan, the Town's Liquid Waste Management Plan, and the Cowichan Valley Regional District Solid Waste Management Plan, pursuant to section 477(3) of the *Local Government Act*;

4. Consider "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2023, No. 2137" in conjunction with the Town's "Housing Needs Report" and the housing information on which the report is based, pursuant to section 473(2.1) of the *Local Government Act*;

5. Direct staff to refer "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2023, No. 2137" to School District 68 pursuant to section 476 of the *Local Government Act*;

6. Give first and second readings to "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2138";

7. Direct staff to refer "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2138" to the Ministry of Transportation and Infrastructure, after third reading of the bylaw, pursuant to section 52 of the *Transportation Act*;

8. Require that, as a condition of approval of "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2023, No. 2137" and "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2138" the applicant be required to:

- a. enter a Heritage Revitalization Agreement, prepared by the Town's lawyer at the applicant's cost, to preserve and rehabilitate the Island Hotel's (440 1st Ave.) heritage character; and
- b. provide to the Town a \$10,000 community amenity contribution, to be deposited into the Town's Community Amenity Fund, following third reading and prior to adoption of the bylaws; and

9. Direct staff to proceed with scheduling and notification of a public hearing for Bylaw No. 2137 and Bylaw No. 2138 pursuant to section 464(1) of the *Local Government Act*.

Motion Carried

OPPOSED: Mayor Stone and Councillors Stevens and Virtanen

CS 2023-036

By unanimous consent Council recessed at 7:56 p.m. with the intention to reconvene at 8:05 p.m.

Council reconvened the meeting at 8:05 p.m.

8. DELEGATIONS

8.1 Economic Development Cowichan - Update

Barry O'Riordan, Manager of Economic Development Cowichan (EDC) provided Council with an update on the state of the Cowichan economy, noting that the area, which has an aging demographic, is experiencing housing challenges and elevated job vacancy rates. In response to these challenges, the EDC initiated the Cowichan Workforce Housing Strategy. The EDC plans to have a draft of this strategy by late spring or early summer 2023.

Mr. O'Riordan outlined other aspects of the EDC's strategic focus, including Business Retention, Attraction and Expansion, Business Sector Development, and Community Strengthening.

Mr. O'Riordan responded to Council's questions. Council thanked him for his presentation and the important work of the EDC.

9. COMMITTEE MINUTES

9.1 Poverty Reduction Task Group - January 10, 2023

CS 2023-037

That Council receive the minutes of the Poverty Reduction Task Group meeting held January 10, 2023.

Motion Carried

9.2 Public Art Task Group - February 7, 2023

CS 2023-038

That Council receive the minutes of the Public Art Task Group meeting held February 7, 2023.

Motion Carried

10. REPORTS

10.1 Lot 108 Phase 1 Project Tender

CS 2023-039

That Council direct staff to:

1. Include in the 2023-2027 Financial Plan additional funds in the amount of \$180,000 for the Lot 108 Phase 1 project, with funds coming from prior year surplus and the COVID Safe-Restart reserve; and

2. Award Tender 2022-PRC-05 to Stone Pacific Contracting for the full tender amount of \$539,832.51.

Motion Carried

Mayor Stone declared a conflict of interest related to Agenda Item 10.2. as he is the Chair for the CVRD and vacated the Chair and the meeting at 8:35 p.m.

Deputy Mayor Jacobson assumed the Chair.

10.2 Asset Disposal – 1997 Superior Ladder Truck

CS 2023-040

That Council:

1. Waive the Purchasing Policy and permit the sale of the 1997 Superior Ladder Truck (Ladder 1) to be granted to the Cowichan Valley Regional District for \$30,000 plus taxes; and
2. Direct staff to include a one-time principal payment of \$30,000 for the new Aerial Truck in the 2023-2027 Financial Plan, with the funds to come from the sale of Ladder 1.

Motion Carried

Mayor Stone returned to the meeting at 8:38 p.m. and resumed the Chair.

11. BYLAWS

11.1 Bylaws for Introduction

11.1.1 “Noise Suppression Bylaw 2003, No. 1478, Amendment Bylaw 2023, No. 2136”

CS 2023-041

That Council give first, second and third readings to “Noise Suppression Bylaw 2003, No. 1478, Amendment Bylaw 2023, No. 2136”.

Motion Carried

11.2 Bylaw Status Sheet

12. NEW BUSINESS

12.1 Regional Approach to Emergency Management Grants

CS 2023-042

That Council authorize the Cowichan Valley Regional District, on behalf of the Town of Ladysmith, to apply for, receive, and manage:

1. The UBCM Community Emergency Preparedness Fund
Emergency Support Services 2023 grant funding up to \$150,000;
2. The 2023 UBCM Community Emergency Preparedness Fund for
Public Notification and Evacuation Route Planning grant funding up
to \$150,000; and
3. The UBCM Community Emergency Preparedness Fund
Emergency Operations Centre 2023 grant funding up to \$150,000.

Motion Carried

13. QUESTION PERIOD

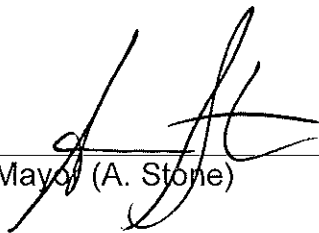
A member of the public enquired about a previous bylaw that allowed businesses to pay a set sum to avoid committing to parking spaces. He also enquired about the lifespan of the artificial turf at Forrest Field, the current situation with the water lot lease at the Ladysmith Maritime Society marina, and whether a parking study had ever been completed on the Market Square laneway.

14. ADJOURNMENT

CS 2023-043

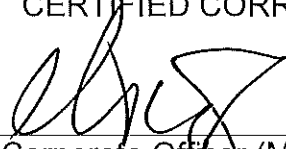
That this Regular Meeting of Council be adjourned at 8:46 p.m.

Motion Carried



Mayor (A. Stone)

CERTIFIED CORRECT



Corporate Officer (M. O'Halloran)