



**MINUTES OF TWO PUBLIC HEARINGS &
A REGULAR MEETING OF COUNCIL**

**Tuesday, May 2, 2023
6:00 P.M.**

**Ladysmith Seniors Centre
630 2nd Avenue**

Council Members Present:

Mayor Aaron Stone
Councillor Amanda Jacobson
Councillor Duck Paterson

Councillor Marsh Stevens
Councillor Ray Gourlay

Council Members Absent:

Councillor Tricia McKay

Councillor Jeff Virtanen

Staff Present:

Allison McCarrick
Erin Anderson
Chris Barfoot
Jake Belobaba
Ryan Bouma

Matt O'Halloran
Trish McConnell
Andrew Wilson
Sue Bouma

1. CALL TO ORDER

Mayor Stone called this Meeting of Council to order at 5:30 p.m., in order to retire immediately into Closed Session.

2. CLOSED SESSION

CS 2023-099

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:

- (c) labour relations or other employee relations; and
- (g) litigation or potential litigation affecting the municipality.

Motion Carried

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

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.

4. AGENDA APPROVAL

CS 2023-100

That Council approve the agenda for this Public Hearing and Regular Meeting of Council for May 2, 2023 as amended to include the following changes, received after publication of the agenda:

- Item 6, "Public Hearing #2 – 'Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2023, No. 2134' and 'Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2135' – add public submissions; and
- Item 9.1, "Minutes of the Public Hearing and Regular Council Meeting held April 18, 2023" – add a motion to adopt the minutes as amended to reflect changes submitted by Susan Dallyn regarding her public submission.

Motion Carried

5. PUBLIC HEARING #1 "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2124"

Members of the public attending: 21

5.1 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 No. 2124.

He advised that staff would introduce the proposed bylaw amendment, 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 bylaw, 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.

5.2 Introduction of Bylaw and Statutory Requirements - Director of Development Services

Jake Belobaba, Director, Development Services, introduced “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2124” as the subject of the Public Hearing.

Mr. Belobaba advised that, if approved, Bylaw No. 2124 would rezone the subject properties from the Live/Work Residential (R-2-LW) zone to the Medium Density Residential (R-3) zone with site-specific setbacks to facilitate construction of a four-plex on each property.

The proposed zoning would allow:

- Up to four dwelling units on each parcel.
- Multiple-unit dwellings or townhouse dwellings (including fourplexes).
- A maximum floor space ratio of 2.0.
- A maximum parcel coverage of 50%-60%.
- A maximum building height of 12.0m.
- Reduced setbacks principal building setbacks of 3.0m from the front and rear parcel lines, and 1.5m from any side parcel line.; and
- a reduced accessory building front setback of 3.0m.

Mr. Belobaba also confirmed the Public Hearing notification and engagement process. Notice of this Public Hearing was published in the Ladysmith Chronicle on April 27, 2023 and 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 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, May 2, 2023 no submissions related to the proposed bylaws had been received.

5.3 Submissions

Mayor Stone invited the applicants to make the first submission to Council, but they were not in attendance.

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

Mayor Stone called for submissions from the public.

Keisha Disher, 20 Warren Street, spoke against the application, expressing concern that the proposed structures do not reflect the heritage character of the surrounding community. She also noted that the application is not consistent with the new Official Community Plan as it does not include sustainable design elements such as solar panels, electric vehicle charging stations, water collection or greenspaces for gardens. She advised that the proposed buildings would cast a shadow on neighbouring properties' gardens, negatively affecting others' attempts at sustainable living, and expressed her opinion that rezoning the two properties from live/work residential to multi-family housing was irresponsible, as it would reduce the number of live/work residential businesses that could exist in the neighbourhood. Ms. Disher also raised concerns about parking, stating that the proposal did not include adequate parking, which would greatly affect street parking.

Wayne Johnston, 26 Warren Street, agreed with Ms. Disher's parking concerns and advised Council that much of the street is already designated for Recreational Vehicle parking. He also expressed concerns with the cedar trees on the property and suggested that Fire Smart concerns would require their removal as they would be too close to the proposed structure.

Mayor Stone called for submissions a second time.

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

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.

5.5 Declaration that the Public Hearing for Bylaw No. 2124 is Closed - Mayor Stone

Hearing no comments and receiving no further submissions, Mayor Stone declared the Public Hearing for Bylaw No. 2124 closed at 6:18 p.m. and stated that no further submissions or comments from the public or interested persons could be accepted by members of Council.

6. PUBLIC HEARING #2 "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2023, No. 2134" and "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2135"

Members of the public attending: 25

6.1 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. 2134 and 2135.

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.

6.2 Introduction of Bylaws and Statutory Requirements - Planner, Development Services

Andrew Wilson, Planner, Development Services, introduced "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2023, No. 2134" and "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2135" as the subjects of the Public Hearing.

Mr. Wilson advised that, if approved, Bylaw No. 2134 would amend Map 2 of "Official Community Plan Bylaw 2003, No. 1488", by applying Development Permit Area 10 – Coach House Intensive Residential (DPA 10) to the subject property.

Mr. Wilson noted that, if approved, Bylaw No. 2135 would amend the Zoning Bylaw to permit one two-storey coach house dwelling as an accessory use on the subject property with site-specific provisions including:

- An increased height of 7.6m.
- An increased gross floor area of 70m² for coach house living space.
- An increased gross floor area of 84m² for self-contained accessory space on the first storey.

Mr. Wilson also confirmed the Public Hearing notification and engagement process. Notice of this Public Hearing was published in the Ladysmith Chronicle on April 27, 2023, mailed and delivered to all properties located within 60 metres of the subject property, 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. Wilson noted that as of noon on Tuesday, May 2, 2023, four submissions related to the proposed bylaws had been received.

6.3 Submissions

Mayor Stone invited the applicants to make the first submission to Council, but they declined to speak.

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

Mayor Stone called for submissions from the public.

Brian Lowry, 1145 Cloke Road, advised Council that he did not receive the Public Hearing notice despite being the next door neighbour of the applicant. He expressed concern regarding the size of the proposed building and how it would affect backyard privacy, particularly as the proposed building's windows would look directly on his patio area. He also noted that the trees on the property line between his home and the applicant's would not survive if the building was situated five feet from the property line. Mr. Lowry expressed concern with the size of the building and advised Council that there are no alleys in that area, making driveway access and fire access a problem. Mr. Lowry also voiced concerns regarding rental plans, particularly the potential of the coach house space being used as an AirBnB, or if the future plans of the applicant included subdivision.

Loretta, 1145 Cloke Road, shared her appreciation for the applicants and the neighbourhood. She stated that, although she was not objecting to the proposed building, her previous experience in communities on the mainland made her cautious. She recommended that Council proceed carefully with changing zoning bylaws as future owners may not recognize the original intent of the amendments. She also expressed concern that the build would occur during the summer months, affecting the quality of

life, particularly in regard to noise and outdoor living, for those in the neighbourhood.

Daniel, 1145 Cloke Road, spoke against the application to permit a coach house dwelling. He questioned why a laneway was not a requirement in this situation and expressed concerns about the domino effect that could occur as a result of approving this application. He also stated that he did not want the build to interfere with the ability to enjoy outdoor living over the summer.

Collin Blake, applicant for the project, thanked staff for reviewing his application for a garage/workshop with a second storey apartment. He advised that there is ample room on the property to support the building, and that centering it on the property will have little impact on neighbours. He underscored the importance of neighbourhood densification for both young people and older retired people.

Mayor Stone called for submissions a second time.

Brian Lowry, 1145 Cloke Road, commented on the potential cost of the project and how that might affect rental decisions. He also expressed concern that future owners of the property may not respect the applicant's original intent and turn the apartment into an AirBnB.

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

Mayor Stone asked the Corporate Officer, M. O'Halloran, if any submissions had been received during the Hearing. The Corporate Officer advised that four submissions had been received after publication of the agenda, all of which were in support of the project. The submissions were from Dan Whitelaw and Beth Lobett, Pat and Laura Taylor, Laura Masur and Jon Ferguson.

6.5 Declaration that the Public Hearing for Bylaw Nos. 2134 and 2135 is Closed - Mayor Stone

Hearing no comments and receiving no further submissions, Mayor Stone declared the Public Hearing for Bylaw Nos. 2134 and 2135 closed at 6:45 p.m. and stated that no further submissions or comments from the public or interested persons could be accepted by members of Council.

7. BYLAWS - OFFICIAL COMMUNITY PLAN AND ZONING (SUBJECTS OF THE PUBLIC HEARINGS)

7.1 Subject of Public Hearing #1

7.1.1 “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2124”

CS 2023-101

That Council give third reading to “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2124”.

Motion Carried

7.2 Subject of Public Hearing #2

7.2.1 "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2023, No. 2134”

CS 2023-102

That Council proceed with third reading and adoption of "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2023, No. 2134”.

Motion Carried

7.2.2 “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2135”

CS 2023-103

That Council give third reading to “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2135”.

Motion Carried

8. RISE AND REPORT- Items from Closed Session

Council rose from Closed Session at 5:56 p.m. without report.

The following item from the Closed Meeting of Council held April 18, 2023 was reported:

CE 2023-023

That Council:

1. Direct staff to amend the Town of Ladysmith Street Naming Policy 11-5450-A to include "Stringer" on the approved list of street names; and
2. Rise and report on Recommendation No. 1 once the family has been notified.

The following item from the Closed Meeting of Council held November 15, 2022 was reported:

CE 2022-073

That Council:

3. Authorize staff to issue a press release immediately following the assignment of Lease 1407751 to Stz'uminus First Nation and notice to the Ladysmith Maritime Society of termination of the sublease;
4. Rise and report on Recommendation 3 when appropriate.

The following item from the Closed Meeting of Council held August 2, 2022 was reported:

CE 2022-052

That Council:

1. Authorize the Mayor and Corporate Officer to:
 - a. Execute the Assignment Agreement to assign Crown Land Leases 1403564 and 1407751, to the Stz'uminus First Nation, as presented in Attachment A to the August 2, 2022 staff report;
 - b. Execute the Termination Agreement to terminate the Sublease between the Town of Ladysmith and DL2016 Holdings Corporation and the Management & Operating agreement and Licence between DL2016 Holdings Corporation and the Ladysmith Maritime Society, as presented in Attachment B to the August 2, 2022 staff report; and
 - c. Surrender Lease 1403564; and
2. Direct staff and the Town's solicitor to:
 - a. Execute the conditions precedent outlined in the Assignment Agreement;
 - b. Execute the Termination Agreement with the Ladysmith Maritime Society and DL2016; and

3. Rise and report on Recommendation Nos. 1(a), 1(b), 1(c), 2(a) and 2(b) once all agreements are executed.

9. MINUTES

9.1 Minutes of the Public Hearing and Regular Meeting of Council held April 18, 2023

CS 2023-104

That Council approve the minutes of the Public Hearing and Regular Meeting of Council held April 18, 2023, as amended to reflect the following change submitted by Susan Dallyn regarding her public submission on page 5:

“Susan Dallyn, 3380 Rumble Road, Ladysmith (Saltair), a member of the Ladysmith Maritime Society and a volunteer with the society, expressed the need to continue to work closely with long time community groups listed in the OCP, including the Ladysmith Maritime Society which operates the Ladysmith Community Marina and to allow them to work with the Stz’uminus First Nations in developing the Ladysmith waterfront.”

Motion Carried

OPPOSED: Councillor Stevens

10. PROCLAMATIONS

10.1 Fibromyalgia Awareness Day

Mayor Stone proclaimed Friday, May 12, 2023 as "Fibromyalgia Awareness Day" in the Town of Ladysmith.

In support of "Fibromyalgia Awareness Day", the Town will also illuminate its available themed lighting locations with purple lights.

10.2 International Day Against Homophobia and Transphobia

Mayor Stone proclaimed Wednesday, May 17, 2023 as "International Day Against Homophobia and Transphobia Day" in the Town of Ladysmith.

In support of "International Day Against Homophobia and Transphobia Day", the Town will also fly the Pride flag.

11. DEVELOPMENT APPLICATIONS

11.1 Development Permit Amendment – 314 Buller Street

CS 2023-105

That Council refer Development Permit Amendment 3060-22-18 for 314 Buller Street back to staff to work with the proponent on finding a creative and budget-friendly solution to shield the rooftop mechanical equipment on the existing building.

Motion Carried

OPPOSED: Mayor Stone

11.2 Development Variance Permit 3090-23-02 and Development Permit Application 3060-22-09 – 411 Thetis Drive

CS 2023-106

That Council:

1. Issue Development Variance Permit 3090-23-02 to vary the following provisions of “Town of Ladysmith Zoning Bylaw 2014, No. 1860” for a proposed single unit dwelling at 411 Thetis Drive (Lot 3, District Lot 52, Oyster District, Plan EPP90583; PID: 031-471-552):
 - a. Section 10.2.5 (a) to increase the maximum height of the proposed single unit dwelling from 7.5m to 9.8m where the roof pitch is less than 4:12; and
 - b. Section 10.2.5 (d) to increase the maximum perimeter wall height of the proposed single unit dwelling from 7.32m to 10.4m for any wall of the single unit dwelling; and
2. Issue Development Permit 3060-22-09 to allow construction of a single unit dwelling at 411 Thetis Drive.

Motion Carried

12. COMMITTEE MINUTES

12.1 Public Art Committee - April 19, 2023

CS 2023-107

That Council receive the minutes of the Public Art Committee meeting held April 19, 2023.

Motion Carried

13. BYLAWS

13.1 Bylaws for Introduction

13.1.1 "Financial Plan Bylaw 2023, No. 2141"

CS 2023-108

That Council give first, second and third readings to "Financial Plan Bylaw 2023, No. 2141".

Motion Carried

13.1.2 "Property Tax Rates Bylaw 2023, No. 2142"

CS 2023-109

That Council give first, second and third readings to "Property Tax Rates Bylaw 2023, No. 2142".

Motion Carried

13.1.3 "Sewer Parcel Tax Bylaw 2023, No. 2143"

CS 2023-110

That Council give first, second and third readings to "Sewer Parcel Tax Bylaw 2023, No. 2143".

Motion Carried

13.1.4 "Water Parcel Tax Bylaw 2023, No. 2144"

CS 2023-111

That Council give first, second and third readings to "Water Parcel Tax Bylaw 2023, No. 2144".

Motion Carried

13.2 Bylaws for Adoption

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

CS 2023-112

That Council:

1. Rescind third reading of "Official Community Plan Bylaw 2022, No. 2200";
2. Give third reading to "Official Community Plan Bylaw 2022, No. 2200" as amended, to add 1141 Cloke Road to Development

Permit Area 10 - Coach House Intensive Residential, as shown in Schedule 1 of Bylaw 2134"; and
3. Adopt "Official Community Plan Bylaw 2022, No. 2200".
Motion Carried

13.3 Bylaw Status Sheet

14. QUESTION PERIOD

A member of the public requested business-restrictive parking signs outside of her pharmacy.

A member of the public responded to a comment made by Councillor Paterson and confirmed the previous practice of applying heritage design restrictions to parts of the downtown core. He also reviewed some developers' responses to the Official Community Plan Public Hearing and enquired if Council had plans to overcome the apparent disconnect between the Town and the development community, as well as whether the Town had any concerns regarding potential legal action by the development community related to the adoption of the Official Community Plan. He also brought up the topic of the water lot transfers and expressed confusion about the additional leases mentioned in the Rise and Report section of tonight's agenda, asking for these leases to be published on the website.

A member of the development community asked why three developers representing almost 600 units were not considered stakeholders in the Official Community Plan project and whether Council knew they hadn't been informed.

15. ADJOURNMENT

CS 2023-113

That this Regular Meeting of Council be adjourned at 7:59 p.m.

Motion Carried

CERTIFIED CORRECT

Mayor (A. Stone)

Corporate Officer (M. O'Halloran)