



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

Tuesday, May 16, 2023

5:32 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

Matt O'Halloran  
Julie Thompson  
Mike Gregory  
Sue Bouma  
Julia Tippet

---

### 1. CALL TO ORDER

Mayor Stone called this Meeting of Council to order at 5:32 p.m., in order to retire immediately into Closed Session.

### 2. CLOSED SESSION

#### CS 2023-120

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:

- (j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the [Freedom of Information and Protection of Privacy Act](#); and
- (k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public.

*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 6:01 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 2023-121**

That Council approve the agenda for this Public Hearing and Regular Meeting of Council for May 16, 2023, as amended to include public submissions, received after publication of the agenda, for the following item:

- Item 5.3, Public Hearing - “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”.

*Motion Carried*

### **5. PUBLIC HEARING**

**“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”**

**Property: 440 1<sup>st</sup> Avenue (Island Hotel)**

**Members of the public attending: 15**

#### **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 Nos. 2137 and 2138.

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.

## **5.2 Introduction of Bylaws and Statutory Requirements - Senior Planner, Development Services**

Julie Thompson, Senior Planner, Development Services, introduced "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" as the subjects of the Public Hearing.

Ms. Thompson advised that, if approved, Bylaw No 2137 would change a policy in the Downtown Core designation of "Official Community Plan Bylaw 2003, No. 1488" to support higher densities for the restoration of buildings on the Community Heritage Register. She also explained that Bylaw No. 2137 amends "Official Community Plan Bylaw 2003, No. 1488", which was repealed by "Official Community Plan Bylaw 2022, No. 2200" on May 2, 2023, but Bylaw No. 2137 will not amend the new OCP, which was adopted after Bylaw No. 2137 was in process.

Ms. Thompson noted that, if approved, Bylaw No. 2138 would amend the Downtown Commercial (C-2) zone in "Town of Ladysmith Zoning Bylaw 2014, No. 1860" by adding site-specific regulations for the subject property (440 1st Avenue) including:

- Increasing the maximum floor space ratio from 1.0 to 3.1;
- Increasing the maximum number of permitted dwelling units from 75 units per hectare to 22 units total (475 units per hectare);
- Increasing the maximum parcel coverage from 75% to 100%;
- Increasing the maximum height of a principal building from 12.0m to 18.0m (5 storeys);
- Requirements that the fourth and fifth storeys be stepped back;
- Reducing the rear setback of a principle building from 3.0m to 0.0m;
- Reducing the minimum on-site vehicle parking requirement from approximately 26 spaces to four spaces total; and
- Increasing the minimum Class A (indoor, secure) bike parking spaces from 1.0 per five residential units to one per residential unit (approximately 22 spaces total).

Ms. Thompson also confirmed the Public Hearing notification and engagement process. Notice of this Public Hearing was published in the

Ladysmith Chronicle on May 11, 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. She noted that as of noon on Tuesday, May 16 three written submissions related to the proposed bylaws had been received.

### **5.3 Submissions**

Mayor Stone invited the applicants to make the first submission.

Randy Repass, owner and applicant for the project, addressed Council on behalf of himself and his wife, expressing their intention to keep the heritage facade of the building, to provide 50% more housing, and to restore the downstairs commercial units, all while adopting as many green building principles as possible and assisting current tenants to find new housing. He noted that the project and the parking allocation are in alignment with the newly adopted Official Community Plan.

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

Mayor Stone called for submissions from the public.

*Mike Hubbly, resident at 440 1st Avenue*, spoke in favour of the project and the building owners. He underscored the difficulties faced by young families in the current zero vacancy climate and stated that the 22 new units will provide opportunity for many.

Mayor Stone called for submissions a second time.

*Ron Williams, 439 Davis Road*, expressed enthusiasm for the project, noting that it will enhance the downtown core and make the building safe. He appreciated that the plans include keeping the character of the building.

*Quentin Goodbody, 11199 Chemainus Road*, expressed concerns regarding heritage preservation aspects of the project and stated that allowing the building to include a fifth story would destroy the heritage roof line of the buildings on 1st Avenue.

*Rob Johnson, 526 1st Avenue*, spoke in favour of the project, but shared concerns regarding back-alley parking during and after the project build, especially for vehicles that service businesses in the area. Mr. Johnson also expressed his belief that more parking spaces per unit should be provided and stated that the construction on 1st Avenue - particularly the work being done to save the facade of the building - would interfere with pedestrian traffic and traffic flow in general.

*Liz Hills, owner of Magnolia Massage Therapy at Unit 3, 512 1st Avenue*, voiced concerns regarding construction noise for businesses in the area, as well as the project's potential effect on parking for clients with mobility issues.

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

*Rob Johnson, 526 1st Avenue*, asked Council to consider how they will address possible damage to infrastructure or buildings surrounding the project.

*Randy Repass, applicant for the project*, addressed some of the concerns brought up regarding parking and construction. He advised that construction in the downtown core, though challenging, is common, and noted that his project manager is competent and experienced. He also suggested that the Town could re-configure parking behind 1st Avenue.

Mayor Stone asked the Corporate Officer, M. O'Halloran, if any submissions had been received during the Hearing. The Corporate Officer advised that three submissions had been received after publication of the agenda and had been distributed to Council prior to the meeting and posted on the Town's website. One of the submissions was from the applicants for this project, Randy Repass and Sally-Christine Rodgers, owners of First Avenue Freeholders Corp. Their submission addressed a number of comments and questions that had been raised to date. Another submission was from Dan Wiebe, generally in support of the project but raising some concerns regarding parking. The third submission was from Darnell Simpson who expressed opposition to the project on the basis of parking concerns.

**5.5 Declaration that the Public Hearing for Bylaw Nos. 2137 and 2138 is Closed - Mayor Stone**

Hearing no comments and receiving no further submissions, Mayor Stone declared the Public Hearing for Bylaw Nos. 2137 and 2138 closed at 6:35 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 (SUBJECTS OF THE PUBLIC HEARING)**

**6.1 “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2023, No. 2137”**

**CS 2023-122**

That Council proceed with third reading and adoption of “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2023, No. 2137”.

*Motion Carried*

OPPOSED: Councillor Stevens

**6.2 “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2138”**

**CS 2023-123**

That Council give third reading to “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw, 2023, No. 2138”.

*Motion Carried*

OPPOSED: Councillor Stevens

**7. MINUTES**

**7.1 Minutes of the Public Hearing and Regular Meeting of Council held May 2, 2023**

**CS 2023-124**

That Council approve the minutes of the Public Hearing and Regular Meeting of Council held May 2, 2023, as amended to correct a typographical error.

*Motion Carried*

## **7.2 Minutes of the Special Meeting of Council held May 9, 2023**

### **CS 2023-125**

That Council approve the minutes of the Special Meeting of Council held May 9, 2023.

*Motion Carried*

## **8. DEVELOPMENT APPLICATIONS**

### **8.1 Development Variance Permit - 426 Baden-Powell St**

#### **CS 2023-126**

That Council issue Development Variance Permit 3090-22-15 for 426 Baden-Powell Street (Lot 10 Block 97, District Lot 56, Oyster District Plan 703A, 008-167-290) to vary section 10.6(5)(d) of "Town of Ladysmith Zoning Bylaw 2014, No. 1860" to decrease the front parcel line setback from 6.0m to 1.9m for an existing unenclosed balcony and unenclosed staircase attached to a principal building.

*Motion Carried*

### **8.2 Development Variance Permit – 340 Morgan Road**

#### **CS 2023-127**

That Council issue Development Variance Permit Number 3090-22-16 for 340 Morgan Road (That Part of Lot 3 District Lot 42 Oyster District, Plan 8270 Lying to the South West of the South Westerly Boundary of the Island Highway as Said Highway is Shown on Said Plan Except Parcel A (DD 59670N); 005-491-215) to vary section 6.4(a)(ii) of "Town of Ladysmith Zoning Bylaw 2014, No. 1860" to allow a secondary suite with a maximum floor area of 131.0m<sup>2</sup>.

*Motion Carried*

## **9. COMMITTEE MINUTES**

### **9.1 Poverty Reduction Task Group - April 4, 2023**

#### **CS 2023-128**

That Council receive the minutes of the Poverty Reduction Task Group meeting held April 4, 2023.

*Motion Carried*

## **9.2 Parks, Recreation & Culture Advisory Committee - April 19, 2023**

### **CS 2023-129**

That Council receive the minutes of the Parks, Recreation & Culture Advisory Committee meeting held April 19, 2023.

*Motion Carried*

## **9.3 Community Planning Advisory Committee - May 3, 2023**

### **CS 2023-130**

That Council receive the minutes of the Community Planning Advisory Committee meeting held May 3, 2023.

*Motion Carried*

### **CS 2023-131**

That Council direct staff to investigate current pre-requisites for secondary suites, specifically for minimum lot size and minimum frontage and forward these findings to the Community Planning Advisory.

*Motion Carried*

## **9.4 Committee of the Whole Recommendations - May 9, 2023**

### **CS 2023-132**

That Council support the following policing priorities for 2023/2024:

- Continued visibility in the downtown core
- a bylaw, created by the Town to aid the RCMP in addressing open drug use
- Online frauds/scams
- High risk driving and enforcement of the Motor Vehicle Act

*Motion Carried*

### **CS 2023-133**

That Council:

- Dissolve the Protective Services Committee;
- Direct the Manager of Protective Services to regularly liaise with the community safety partner agencies on reports and concerns in order to address issues efficiently and rapidly; and
- Direct the Manager of Protective Services to conduct annual or semi-annual emergency management and planning exercises with the community safety partner agencies.

*Motion Carried*



**CS 2023-134**

That Council direct staff to draft a single-use plastics bylaw incorporating best practices introduced by other municipalities.

*Motion Carried*

**CS 2023-135**

That Council direct staff to investigate costs of improving the wi-fi service at Aggie Hall and return to a future meeting of Council with a report outlining options.

*Motion Carried*

**CS 2023-136**

That Council direct staff to investigate options for a rain barrel rebate program and bring a report back to Council.

*Motion Carried*

**CS 2023-137**

That Council endorse the final draft of the Town of Ladysmith 2023-2026 Strategic Plan.

*Motion Carried*

**10. REPORTS**

**10.1 UBCM Community to Community (C2C) Forum Program**

**CS 2023-138**

That Council:

1. Authorize staff to apply to the Union of BC Municipalities, for up to \$5,000 during the May 2023 application intake for the Regional Community to Community Forum Program to support a community forum with the Stz'uminus First Nation Council, to be held prior to May 1, 2024; and
2. Approve the allocation of up to \$5,000 as the Town's contribution.

*Motion Carried*

## **10.2 Consequential Amendments Arising from OCP Bylaw 2200**

### **CS 2023-139**

That Council:

1. Rescind Community Amenity Contribution (CAC) Policy 01 – 6410-A;
2. Decide not to hold a public hearing for “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw, 2023, No. 2140” pursuant to section 464(2) of the *Local Government Act* and direct staff to issue notice pursuant to section 467(1) of the *Local Government Act*, prior to first reading of Bylaw No. 2140;
3. Direct staff to refer Bylaw No. 2140 to the Ministry of Transportation and Infrastructure, after third reading of the bylaw, pursuant to section 52 of the *Transportation Act*; and
4. Give first, second and third readings to “Sustainable Transportation Reserve Bylaw, No. 2145”.

*Motion Carried*

## **11. BYLAWS**

### **11.1 “Town of Ladysmith Heritage Revitalization Agreement Bylaw 2023, No. 2139”**

#### **CS 2023-140**

That Council give first three readings to “Town of Ladysmith Heritage Revitalization Agreement Bylaw 2023, No. 2139”.

*Motion Carried*

### **11.2 Bylaw Status Sheet**

## **12. CORRESPONDENCE**

### **12.1 Ladysmith Chamber of Commerce Annual Golf Tournament Sponsorship**

#### **CS 2023-141**

That Council allocate \$200 to sponsor a hole at the Ladysmith Chamber of Commerce Annual Golf Tournament.

*Motion Carried*

**13. QUESTION PERIOD**

A member of the public asked Council to consider upgrading the public wi-fi at the Seniors Centre for Council meeting attendees. He also requested that Council consider creating a special task force to re-establish a raft and Town-supplied lifeguards at Transfer Beach.

**14. RECESS**

**CS 2023-142**

That Council recess at 7:43 p.m. in order to reconvene the Closed Session.

*Motion Carried*

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

Council rose from Closed Session at 8:33 p.m. without report.

**16. ADJOURNMENT**

**CS 2023-143**

That this Regular Meeting of Council be adjourned at 8:34 p.m.

*Motion Carried*

CERTIFIED CORRECT

---

Mayor (A. Stone)

---

Corporate Officer (M. O'Halloran)