



MINUTES OF A PUBLIC HEARING AND REGULAR MEETING OF COUNCIL

Tuesday, August 1, 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

Jake Belobaba

Ryan Bouma

Matt O'Halloran

Andrew Wilson

Chris Geiger

Julia Tippet

Andrea Hainrich

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 2023-189

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:

- (a) personal information about an identifiable individual who holds or is being considered for a position.

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 2023-190

That Council approve the agenda for this Public Hearing and Regular Meeting of Council for August 1, 2023 as amended, for the following items:

- Item 5.3, Submissions, add public submissions;
- Item 6.1, "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2146", add a copy of the bylaw;
- Item 10.1, Development Variance Permit 3090-23-01– Block C, District Lot 2054 and District Lot 2061, add public submissions;
- Item 10.2, Development Variance Permit 3090-23-04 – 1221 Rocky Creek Road, 101 Gladden Road, add public submissions; and
- Item 10.3, Development Variance Permit 3090-22-17 & Development Permit Application 3060-22-20 – 416 South Colonia Drive, add public submissions.

Motion Carried

5. PUBLIC HEARING

Members of the Public attending: 4

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. 2146.

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 Bylaw and Statutory Requirements - Planner, Development Services

Andrew Wilson, Planner, Development Services, introduced "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2146"

Subject Property: 624 John Wilson Place (Lot 11, District Lot 103, Oyster District, Plan EPP98461) (PID: 031-374-239) as the subject of the Public Hearing.

Mr. Wilson noted that, if approved, the purpose of Bylaw No. 2146 is to amend the Town of Ladysmith Zoning Bylaw 2014, No. 1860 to permit one secondary suite as an accessory use on the subject property.

Mr. Wilson confirmed the Public Hearing notification and engagement process. Notice of this Public Hearing was published in the Ladysmith Chronicle on July 27, 2023, posted on the Town's website and community notice boards, and mailed and delivered to all properties located within 60 metres of the subject property.

A copy of the Notice, the proposed Bylaw, and background information was 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.

5.3 Submissions

Mayor Stone invited the applicants to make the first submission, 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.

Mayor Stone called for submissions a second time.

Ken Chipeniuk, 136 Ray Knight Drive, voiced concerns about parking on the streets in the neighbourhood, as well as increased congestion in the area.

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 there were three written submissions. The first submission was from Gloria and Jim Gustafson, residents of Ray Knight Drive, who voiced concerns about parking and road access. The second submission was from April and Steve Marrington, residents of Ray Knight drive, who

voiced opposition based on parking conditions and road access. The third submission was from the applicant, Paul Elder, who responded to concerns regarding parking and road access in relation to the proposed suite.

5.5 Declaration that the Public Hearing for Bylaw No. 2146 is Closed - Mayor Stone

Hearing no comments and receiving no further submissions, Mayor Stone declared the Public Hearing for Bylaw No. 2146 closed at 6:09 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 PLANNING AND ZONING (SUBJECT OF THE PUBLIC HEARING)

6.1 "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2146"

CE 2023-191

That Council proceed with third reading and adoption of "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2146".

Motion Carried.

OPPOSED: Councillor McKay

7. RISE AND REPORT- Items from Closed Session

Council rose from Closed Session at 5:40 p.m. without report.

8. MINUTES

8.1 Minutes of the Regular Meeting of Council held July 18, 2023

CS 2023-192

That Council approve the minutes of the Regular Meeting of Council held July 18, 2023.

Motion Carried

9. DELEGATIONS

9.1 Pamela Bendall - Bayview Street Corridor

Ms. Bendall addressed Council to voice her concerns about the invasive growth of blackberries growing onto her property. She requested that the town remove the blackberries from her property.

Council agreed to discuss this further at an upcoming Committee of the Whole Meeting.

CS 2023-193

That Council refer discussion of a Boulevard Maintenance Program to a future Committee of the Whole Meeting.

Motion Carried

10. DEVELOPMENT APPLICATIONS

10.1 Development Variance Permit 3090-23-01– Block C, District Lot 2054 and District Lot 2061

CS 2023-194

That Council issue Development Variance Permit Number 3090-23-01 for 1251 and 1261 Rocky Creek Road and 901 Gladden Road (Block C, DL 2054, Cowichan District, Plan EPC721; and DL 2061, Cowichan District, Plan 3TU1959; Crown Lease #114642) to vary section 16.2.5(a) of “Town of Ladysmith Zoning Bylaw 2014, No. 1860” to increase the maximum allowable height of boathouses to 12.0 metres in the area specified in the permit.

Motion Carried

10.2 Development Variance Permit 3090-23-04 – 1221 Rocky Creek Road, 101 Gladden Road

CS 2023-195

That Council issue Development Variance Permit Number 3090-23-04 to vary section 12.3.5(d) of “Town of Ladysmith Zoning Bylaw 2014, No. 1860” to reduce the minimum parcel line setbacks from 3.0 metres to 0.0 metres for the construction of two kilns at District Lot 104, Oyster District, Except Part in Plan 398 RW, PID: 009-450-068 (1221 Rocky Creek Road); Lot 528, Cowichan District, PID: 009-596-542 (1221 Rocky Creek Road); and District Lot 128, Cowichan District, PID: 009-450-092 (101 Gladden Road).

Motion Carried

10.3 Development Variance Permit 3090-22-17 & Development Permit Application 3060-22-20 – 416 South Colonia Drive

CS 2023-196

That Council:

1. Issue Development Variance Permit 3090-22-17 to vary section 10.11.5 (a) of “Town of Ladysmith Zoning Bylaw 2014, No. 1860” to increase the maximum height of a proposed two-unit dwelling from 10.0m to 11.8m at 416 South Colonia Drive (Lot 14, Block 192, District Lot 103, Oyster District, Plan EPP117682; PID: 031-754-996); and
2. Issue Development Permit 3060-22-20 to allow construction of a two-unit dwelling at 416 South Colonia Drive.

Motion Carried

11. REPORTS

11.1 2023-2027 Town’s Auditor

CS 2023-197

That Council award the External Audit Service RFP #2023-FS-01 to MNP and appoint MNP as the Town’s auditor for the year-ends 2023 through 2027.

Motion Carried

11.2 CVRD Regional Planning

CS 2023-198

That Council, in response to the Cowichan Valley Regional District’s April 28, 2023 letter seeking input on the potential establishment of a regional planning service, request further information on:

- a. Proposed funding mechanisms;
- b. Proposed projects to be undertaken within the first five years of establishing the planning service; and
- c. Whether or not the proposed regional planning service would be tasked with developing a Regional Growth Strategy.

Motion Carried

11.3 Infrastructure Services Equipment Changes and Procurement Requests

CS 2023-199

That Council direct staff to:

1. Amend the 2023-2027 Financial Plan to include \$10,000 for the purchase of scaffolding equipment, with the funds to come from prior year surplus;

2. Amend the 2023-2027 Financial Plan to include \$12,000 for the purchase of a passenger truck, with the funding to come from the proceeds of the sale of the Unit 239 Dump Truck; and
3. Utilize Canoe Procurement Group to source the purchase of the Parks Tractor and the Streets Sweeper.

Motion Carried

12. BYLAWS

12.1 Bylaws for Adoption

12.1.1 “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 71) 2022, No. 2106”

CS 2023-200

That Council adopt “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 71) 2022, No. 2106”.

Motion Carried

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

CS 2023-201

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

Motion Carried

12.2 Bylaw Status Sheet

13. QUESTION PERIOD

A resident of the public enquired about the hazard lands at Slack Point, and the effect on the Waterfront Area Plan. He also enquired about how the parking downtown is determined in the OCP.

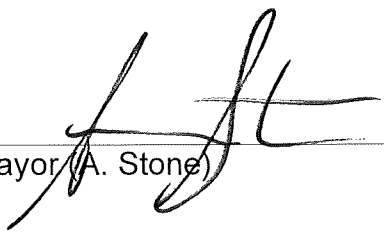
Another member of the public enquired about a Town tree planting program.

14. ADJOURNMENT

CS 2023-202

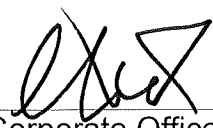
That this Regular Meeting of Council be adjourned at 7:26 p.m.

Motion Carried



Mayor (A. Stone)

CERTIFIED CORRECT



Corporate Officer (M. O'Halloran)