



MINUTES OF A PUBLIC HEARING AND REGULAR MEETING OF COUNCIL

Tuesday, January 21, 2025

5:30 P.M.

Ladysmith Seniors Centre

630 2nd Avenue

Council Members Present:

Acting Mayor Tricia McKay

Councillor Ray Gourlay

Councillor Amanda Jacobson

Councillor Duck Paterson

Councillor Marsh Stevens (*via Zoom. Vacated the meeting at 5:59 p.m.*)

Councillor Jeff Virtanen

Staff Present:

Allison McCarrick

Erin Anderson

Jake Belobaba

Tim Tanton

Sue Bouma

Julia Tippet

Nick Pescod

Andrew Wilson

Hayley Young

1. OPEN MEETING AND ACKNOWLEDGEMENT

Acting Mayor McKay called this Regular Meeting of Council to order at 5:31 p.m., recognizing with gratitude that it was taking place on the unceded territory of the Stz'uminus First Nation.

2. AGENDA APPROVAL

CS 2025-001

That Council approve the agenda for this Public Hearing and Regular Meeting of Council for January 21, 2025, as amended to include public submissions received after publication of the agenda for the following items:

- 3.3. PUBLIC HEARING #1 "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw No. 2173"
- 4.3. PUBLIC HEARING #2 "Town of Ladysmith Zoning Amendment Bylaw 2014, No. 1860, Amendment Bylaw 2024, No. 2169"; and
- 6.3. PUBLIC HEARING #4 3360-23-08 1130 Rocky Creek Road.

3. PUBLIC HEARING #1 “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw No. 2173”

Members of the Public attending: 23

3.1 Outline of Public Hearing Process - Acting Mayor McKay

Acting Mayor McKay outlined the Public Hearing process and stated that the public would have the opportunity to provide their comments to Council about Bylaw No. 2173.

She advised that staff would introduce the proposed bylaw amendments, followed by public submissions. She 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. She 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.

3.2 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 No. 2173” as the subject of this Public Hearing, and advised that the proposed bylaw would apply to 10910 Westdowne Road (Lot B, District Lot 72, Oyster District, Plan EPP 20506).

Mr. Wilson confirmed that the purpose of Bylaw No. 2173 is to amend the “Town of Ladysmith Zoning Bylaw 2014, No. 1860” to:

- Add a definition for ‘Contractor Tool Crib’
- Change the definition of ‘Storage Yard’ to include RV, boat, and contractor tool crib
- Add venting requirements for shipping containers to the “Shipping Container Regulations”
- Add a site-specific regulation to the I-1 Zone to:
 - Allow ‘Storage Yard’ on the subject property
 - Permit a maximum of twenty ‘Shipping Containers’ on the subject property subject to the following:
 - A front parcel line setback for shipping containers of 30.0 metres;
 - Shipping containers must not be stacked

- Shipping containers must not be altered or pre-altered in any way; and
- A grouping of shipping containers must not exceed 500.0 m², shall not be located closer than 6.0 metres of another grouping, and shall have a fire access route approved by the Fire Department.

Mr. Wilson confirmed the Public Hearing notification and engagement process. Notice of this Public Hearing was printed in the Ladysmith Chronicle on January 16th, 2025 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 counter of the City Hall and Development Services offices 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 advised that the Town had received one written submission relating to the proposed bylaw.

3.3 Submissions

3.4 Call for Submissions to Council (Three Times) - Acting Mayor McKay

Acting Mayor McKay called for submissions from the public.

Mark Kuzner, Westdowne Rd and South Potts Rd, shared his preference for the proposed zoning to be implemented in neighboring areas with similar industrial use.

Acting Mayor McKay called for submissions a second time.

Acting Mayor McKay called for submissions a third and final time.

Bob Foley, 10844 Westdowne Rd, was neutral on the proposal and commented that the proposed zoning should be extended throughout the I-1 Westdowne area.

Acting Mayor McKay asked the Corporate Officer, S. Bouma, if any submissions had been received during the Hearing. The Corporate Officer advised that no submissions had been received.

3.5 Declaration that the Public Hearing for Bylaw No. 2173 is Closed - Acting Mayor McKay

Hearing no comments and receiving no further submissions, Acting Mayor McKay declared the Public Hearing for Bylaw No. 2173 closed at 5:41 p.m. and stated that no further submissions or comments from the public or interested persons could be accepted by members of Council.

4. PUBLIC HEARING #2 “Town of Ladysmith Zoning Amendment Bylaw 2014, No. 1860, Amendment Bylaw 2024, No. 2169”

Members of the Public attending: 25

4.1 Outline of the Public Hearing Process - Acting Mayor McKay

Acting Mayor McKay outlined the Public Hearing process and stated that the public would have the opportunity to provide their comments to Council about Bylaw No. 2169.

She advised that staff would introduce the proposed bylaw amendments, followed by public submissions. She 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. She 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.

4.2 Introduction of Bylaw and Statutory Requirements - Planner, Development Services

Julia Tippet, Planner, Development Services, introduced “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2024, No. 2169” as the subject of this Public Hearing. She advised that the proposed bylaw would apply to designated Single-Dwelling Unit residential properties across the Town of Ladysmith that are outside the proposed “Backyard Poultry Exclusion Areas” and within zones that permit “Backyard Poultry” Use as an Accessory Use.

Ms. Tippet confirmed that the purpose of Bylaw No. 2169 is to amend “Town of Ladysmith Zoning Bylaw 2014, No. 1860” by including new and revised definitions and regulations to accommodate the proposed “Town of Ladysmith Animal Control Bylaw 2024, No. 2167” for the allowance of up to six “Backyard Poultry” (being adult female chickens and/or female ducks) on Single Dwelling Unit residential properties as an Accessory Use

in designated residential zones, as well as other rules related to the keeping of “Backyard Poultry”. Bylaw No. 2169 would also allow temporary accommodation of a wrangler and goats for the purposes of vegetation management on a property.

Ms. Tippet confirmed the Public Hearing notification and engagement process. Notice of this Public Hearing was printed in the Ladysmith Chronicle on January 16th, 2025, 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 counter of the City Hall and Development Services offices 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.

Ms. Tippet advised that the Town had received one written submission relating to the proposed bylaw.

4.3 Submissions

4.4 Call for Submissions to Council (Three Times) - Acting Mayor McKay

Acting Mayor McKay called for submissions from the public.

Acting Mayor McKay called for submissions a second time.

Robert Johnson, 526 1st Ave, spoke against the proposal due to biosecurity and public health concerns.

Acting Mayor McKay called for submissions a third and final time.

Acting Mayor McKay asked the Corporate Officer, S. Bouma, if any submissions had been received during the Hearing. The Corporate Officer advised that no submissions had been received.

4.5 Declaration that the Public Hearing for Bylaw No. 2169 is Closed - Acting Mayor McKay

Hearing no comments and receiving no further submissions, Acting Mayor McKay declared the Public Hearing for Bylaw No. 2169 closed at 5:49 p.m. and stated that no further submissions or comments from the public or interested persons could be accepted by members of Council.

5. PUBLIC HEARING #3 “Official Community Plan Bylaw 2022, No. 2200, Amendment Bylaw 2024, No. 2190”

Members of the Public attending: 25

5.1 Outline of Public Hearing Process - Acting Mayor McKay

Acting Mayor McKay outlined the Public Hearing process and stated that the public would have the opportunity to provide their comments to Council about Bylaw No. 2190.

She advised that staff would introduce the proposed bylaw amendments, followed by public submissions. She 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. She 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 of Development Services, introduced “Official Community Plan Bylaw 2022, No. 2200, Amendment Bylaw 2024, No. 2190” as the subject of this public hearing. He advised that the proposed bylaw would make general amendments to the Official Community Plan, which would apply throughout Town.

Mr. Belobaba confirmed that the purpose of Bylaw No. 2190 is to amend the Official Community Plan to:

- Update various references throughout the OCP and the housing projections in section 4 of Part A to align the Official Community Plan with the Town’s most recent Housing Needs Report, pursuant to section 473.1(5) of the *Local Government Act*; and
- Change subsection 2 of section 2.3 of Part B to limit maximum allowable densities to sites that are within a ten-minute walk of a park, transit stop, school, and commercial area.

Mr. Belobaba confirmed the Public Hearing notification and engagement process. Notice of this Public Hearing was printed in the Ladysmith Chronicle on January 16, 2025 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 counter of the City Hall and Development Services offices 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 advised that the Town had received no written submissions relating to the proposed bylaw.

5.3 Submissions

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

Acting Mayor McKay called for submissions from the public.

Eva Vincent, 731 Colonia Dr, asked for clarification on the definition of "ten-minute walk."

Acting Mayor McKay called for submissions a second time.

Acting Mayor McKay called for submissions a third and final time.

Acting Mayor McKay asked the Corporate Officer, S. Bouma, 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. 2190 is Closed - Acting Mayor McKay

Hearing no comments and receiving no further submissions, Acting Mayor McKay declared the Public Hearing for Bylaw No. 2190 closed at 5:54 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 #4 3360-23-08 1130 Rocky Creek Road

Members of the Public attending: 25

6.1 Outline of Public Hearing Process - Acting Mayor McKay

Acting Mayor McKay outlined the Public Hearing process and stated that the public would have the opportunity to provide their comments to Council about the consideration of amendments to Covenant CB215820, which was agreed to as a condition of approval of Bylaws 2068 and 2069.

She advised that staff would introduce the proposed amendments, followed by public submissions. She 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 covenant amendments, although they may ask clarifying questions. She 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 Covenant Amendments - Director of Development Services

Jake Belobaba, Director of Development Services, introduced proposed amendments to Covenant CB215820, which was agreed to as a condition of approval of Bylaws 2068 and 2069. Covenant CB215820 and Bylaws 2068 and 2069 apply to 1130 Rocky Creek Road legally described as: Lot 1 District Lots 24 and 38 Oyster District Plan EPP110197.

Mr. Belobaba confirmed that if approved, the proposed amendments to Covenant CB215820 would:

- Remove a requirement for the developer to construct a roundabout in the Ludlow Road/Rocky Creek Road Intersection; and
- Add the following new conditions:
 - A prohibition on access from Ludlow Road and a limit restricting egress from the subject property to a single, right out only egress, until the roundabout is constructed;
 - A requirement to construct a temporary median in Ludlow Road;
 - A requirement to provide cash in lieu of frontage improvements along Ludlow Road and Rocky Creek Road at time of building permit issuance;
 - A requirement to provide a temporary gravel pathway along the frontage of the property;
 - A requirement to install signage restricting left turns and U-turns in certain locations on Ludlow Road and Rocky Creek Road; and
 - A requirement for the developer to contribute \$200,000 towards the development of a roundabout in the Ludlow Road/Rocky Creek Road intersection.

Mr. Belobaba confirmed the Public Hearing notification and engagement process. Notice of this Public Hearing was printed in the Ladysmith Chronicle on January 16, 2025 and posted on the Town's website and community notice boards.

A copy of the notice and background information were made available at the front counter of the City Hall and Development Services offices 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 advised that the Town had received five written submissions relating to the proposal.

6.3 Submissions

Councillor Marsh Stevens vacated the meeting at 5:59 p.m.

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

Acting Mayor McKay called for submissions from the public.

Ashley Garib, development applicant, provided a historical overview of the project, detailing costs and developer contributions. He emphasized the shared goals of the Developer and the Town in promoting the growth of Ladysmith.

Cheri Macteir, 33 Roberts St, spoke in favor of the proposal, highlighting the potential to create jobs, support economic development, and advance the growth and vibrancy of the community.

Sean Dunlop, 1010 Ludlow Rd, spoke against the proposal, expressing concerns that the amendments would increase customer travel time, disrupt business operations, and pose safety risks due to changes in the traffic pattern.

Daryl Foulds, 18-1156 Rocky Creek Rd, cited concerns about the costs associated with delaying development.

Acting Mayor McKay called for submissions a second time.

Christine Copeland, 1030 Oyster Bay Drive, spoke against the proposal, highlighting the negative impact an alternative traffic pattern would have on customer service levels and sales for area businesses using outdoor spaces, due to a substantial increase in traffic volume. She provided

photos of the outdoor spaces to the Corporate Officer, which were then distributed to Council.

Robert Johnson, 526 1st Ave, spoke in favor of the proposal, emphasizing the importance of moving forward with the project to achieve timely benefits for the community and suggested that the town should cover the cost of the roundabout.

Ashley Garib, applicant, clarified that many of the traffic pattern changes and recommendations were established in the approved application. He discussed potential timelines for roundabout construction and cost-sharing and emphasized that moving ahead with the project would bring the Town closer to developing the waterfront area.

Acting Mayor McKay called for submissions a third and final time.

Acting Mayor McKay asked the Corporate Officer, S. Bouma, if any submissions had been received during the Hearing. The Corporate Officer advised that no submissions had been received.

6.5 Declaration that the Public Hearing for 3360-23-08 1130 Rocky Creek Road is Closed - Acting Mayor McKay

Hearing no comments and receiving no further submissions, Acting Mayor McKay declared the Public Hearing for the proposal to amend Covenant CB215820 closed at 6:28 p.m. and stated that no further submissions or comments from the public or interested persons could be accepted by members of Council.

Acting Mayor McKay expressed her gratitude to the Town for their participation in attending the Public Hearings and for engaging in thoughtful discourse on the topics.

RECESS

CS 2025-002

By unanimous consent, Council recessed at 6:29 p.m. with the intention to reconvene in five minutes.

Motion Carried

Council reconvened the meeting at 6:36 p.m.

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 No. 2173”

CS 2025-003

That Council give third reading to “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw No. 2173”.

Motion Carried

7.2 Subject of Public Hearing #2

7.2.1 “Town of Ladysmith Zoning Amendment Bylaw 2014, No. 1860, Amendment Bylaw 2024, No. 2169”

CS 2025-004

That Council give third reading to “Town of Ladysmith Zoning Amendment Bylaw 2014, No. 1860, Amendment Bylaw 2024, No. 2169”.

Motion Carried

OPPOSED: Councillor Virtanen.

7.3 Subject of Public Hearing #3

7.3.1 “Official Community Plan Bylaw 2022, No. 2200, Amendment Bylaw 2024, No. 2190”

CS 2025-005

That Council give third reading to “Official Community Plan Bylaw 2022, No. 2200, Amendment Bylaw 2024, No. 2190”.

Motion Carried

7.4 Subject of Public Hearing #4

7.4.1 3360-23-08 1130 Rocky Creek Road

CS 2025-006

That Council confirm their previous direction to staff to amend Covenant CB21580 and:

1. Formally refer the proposal to the Ministry of Transportation and Infrastructure; and

2. Require that, as a condition of approval of the request to amend Covenant CB215820 the following conditions to be secured through a covenant also be amended to:
 - a. prohibit access from Ludlow Road and limit egress from the site to a single, right out only egress, until the roundabout is constructed;
 - b. require the construction of a temporary median in Ludlow Road;
 - c. require cash in lieu of frontage improvements along Ludlow Road and Rocky Creek Road at time of building permit issuance;
 - d. require the provision of a temporary gravel pathway along the frontage of the property as shown in proposed development permit 3060-24-20;
 - e. require the provision of no left turn signs in the Ludlow Road right of way to prevent left hand turns exiting 1010 Ludlow Road;
 - f. require no U-Turn signs to be installed at the Ludlow Road/Rocky Creek Road Intersection; and
 - g. require the developer to contribute \$200,000 towards the development of the roundabout.

Motion Carried

8. MINUTES

8.1 Minutes of the Regular Meeting of Council held December 17, 2024

CS 2025-007

That Council approve the minutes of the Regular Meeting of Council held December 17, 2024.

Motion Carried

9. PROCLAMATIONS

9.1 Crime Stoppers Month - January 2025

Acting Mayor McKay proclaimed January 2025 as "Crime Stoppers Month" in the Town of Ladysmith.

10. COMMITTEE MINUTES

10.1 Parks, Recreation & Culture Advisory Committee - December 18, 2024

CS 2025-008

That Council receive the minutes of the Parks, Recreation & Culture Advisory Committee meeting held December 18, 2024.

Motion Carried

10.2 Community Planning Advisory Committee - January 8, 2025

CS 2025-009

That Council receive the minutes of the Community Planning Advisory Committee meeting held January 8, 2025.

Motion Carried

10.3 Accessibility Advisory Committee - January 8, 2025

CS 2025-010

That Council receive the minutes of the Accessibility Advisory Committee meeting held January 8, 2025.

Motion Carried

11. REPORTS

11.1 Ladysmith Harbour Economic Development Corporation (formerly DL2016 Holdings Corporation) Annual General Meeting

CS 2025-011

That Council, as the sole shareholder of the Ladysmith Harbour Economic Development Corporation (previously DL 2016 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, 2023 are hereby approved;
2. The number of directors of the Company is hereby fixed at five;
3. 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:
 - Allison McCarrick
 - Jake Belobaba
 - Erin Anderson

- Chief John Elliott
 - Roberta Bowman
4. Palmer Leslie, Chartered Professional 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
 5. January 21, 2025 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 of January 21, 2025.

Motion Carried

11.2 Adjustment to Water Billing Account – 2024, Q3 & Q4

CS 2025-012

That Council:

1. Provide a bill adjustment due to a water leak for:
 - a. 000-1348158-000 in the amount of \$3,513.13;
 - b. 001-1047010-000 in the amount of \$4,646.13;
 - c. 000-1348434-000 in the amount of \$606.82; and
 - d. 001-1376000-000 in the amount of \$136.77.

Motion Carried

11.3 Colonia Dam Decommissioning Workplan Consultant

CS 2025-013

That Council waive the competitive bidding process in Purchasing Policy 5-1790-D and authorize staff to sole source the Colonia Dam decommissioning project design and project management work to Ecora Engineering and Environmental Ltd. in the amount of \$134,766 plus taxes.

Motion Carried

11.4 Proposed Amendments to Bylaw Compliance Policy 09-4020-B

CS 2025-014

That Council amend Bylaw Compliance Policy No. 09-4020-B by removing references to the previous complaint-based protocol for parking enforcement and indicating the Town's current proactive approach.

Motion Carried

11.5 CVRD OCP Referral

CS 2025-015

That Council:

1. Receive the referral from the CVRD for the CVRD's proposed Official Community Plan (OCP); and
2. Direct staff to advise the CVRD that the Town has no concerns with the proposed OCP at this time.

Motion Carried

12. BYLAWS

12.1 Bylaw Status Sheet

13. NEW BUSINESS

13.1 2025 Conference Attendance

13.1.1 Association of Vancouver Island Coastal Communities

CS 2025-016

By unanimous consent, Council appointed Councillors Ray Gourlay, Tricia McKay, Duck Paterson and Marsh Stevens to join the mayor at the Association of Vancouver Island and Coastal Communities annual convention to be held April 11-13, 2025 in Nanaimo.

Motion Carried

13.1.2 Union of British Columbia Municipalities

CS 2025-017

By unanimous consent, Council appointed Councillors Amanda Jacobson, Tricia McKay, Duck Paterson and Marsh Stevens to join the mayor at the Union of British Columbia Municipalities annual convention to be held September 22-26, 2025 in Victoria.

Motion Carried

13.1.3 Federation of Canadian Municipalities

CS 2025-018

By unanimous consent, Council appointed Councillor Tricia McKay to join the mayor at the Federation of Canadian Municipalities 2025 Convention to be held May 29 - June 1, 2025 in Ottawa.

Motion Carried

13.1.4 Vancouver Island Economic Alliance

CS 2025-019

By unanimous consent, Council appointed Councillors Ray Gourlay, Duck Paterson and Marsh Stevens to join the mayor at the Vancouver Island Economic Alliance to be held October 28-30, 2025 in Nanaimo.

Motion Carried

13.2 Local Government Leadership Academy (LGLA) Forum - Official Community Plan Engagement Process

CS 2025-020

That Council appoint Councillor Tricia McKay to sit on the LGLA panel at the learning forum to be held March 12-14, 2025, in Richmond, BC.

Motion Carried

14. QUESTION PERIOD

A member of the public inquired about financial transactions between developers and the town, sought clarification on the Ladysmith Harbour Economic Development Corporation's financial statements, and asked whether the updated bylaw enforcement policy had associated costs, as well as information on the allocation of revenue from fines.

15. ADJOURNMENT

CS 2025-021

That this Regular Meeting of Council be adjourned at 7:37 p.m.

Motion Carried

CERTIFIED CORRECT

Acting Mayor (T. McKay)

Corporate Officer (S. Bouma)