



MINUTES OF A PUBLIC HEARING AND REGULAR MEETING OF COUNCIL

Tuesday, May 20, 2025

6:00 P.M.

Ladysmith Seniors Centre
630 2nd Avenue

Council Members Present:

Mayor Deena Beeston
Councillor Ray Gourlay
Councillor Amanda Jacobson
Councillor Tricia McKay

Councillor Duck Paterson
Councillor Marsh Stevens (*joined the meeting via Zoom at 7:58 p.m.*)
Councillor Jeff Virtanen

Staff Present:

Allison McCarrick
Erin Anderson
Chris Barfoot
Jake Belobaba
Tim Tanton
Chris Geiger
Julia Dewijn

Mike Sherman
Mark Van Vliet
Andrew Wilson
Sue Bouma
Nick Pescod
Hayley Young

1. OPEN MEETING AND ACKNOWLEDGEMENT

**as per
Council
Resolution
CS 2025-353*

Mayor Beeston 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 territory of the Stz'uminus First Nation.

2. AGENDA APPROVAL CS 2025-124

That Council approve the agenda for this Public Hearing and Regular Meeting of Council for May 20, 2025, as amended to include public submissions for Item 3.3, Public Hearing: Amendment to Covenant CB215820, registered as a condition of approval for Zoning Bylaw/Official Community Plan Amendment Bylaw Nos. 2068 and 2069.

Motion Carried

3. PUBLIC HEARING

Members of the Public present: 18

3.1 Outline of Public Hearing Process - Mayor Beeston

Mayor Beeston outlined the Public Hearing process and stated that the public would have the opportunity to provide their comments to Council about the proposal to amend conditions of approval for Bylaw Numbers 2068 and 2069.

She advised that staff would introduce the proposal, 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 proposal, 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 - Director of Development Services

Jake Belobaba, Director of Development Services, introduced the proposed amendments to Covenant CB215820, which was agreed to as a condition of approval of Bylaw Numbers 2068 and 2069 as the subject of this public hearing. 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 the purpose of the proposed amendments to Covenant CB215820 are to remove a requirement for the developer to construct a roundabout in the Ludlow Road/Rocky Creek Road Intersection; and add the following new covenant conditions:

- A prohibition on access from Ludlow Road and limited egress to Ludlow Road to a single, right out only egress, until the roundabout is constructed;
- A requirement to construct a temporary median in Ludlow Road prior to issuance of an Occupancy Permit;
- A requirement for cash in lieu of frontage improvements along Ludlow Road and Rocky Creek Road at time of building permit issuance;

- A requirement to install a temporary gravel pathway along the frontage of the property as shown in development permit 3060-24-20 at time of building permit issuance;
- A requirement to install no left turn signs in the Ludlow Road right of way to prevent left hand turns exiting 1010 Ludlow Road; and
- A requirement to install no U-Turn signs at 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 May 15th, 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 the 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 as of noon today, the Town has received ten written submissions relating to the proposal.

3.3 Submissions

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

Mayor Beeston invited the applicant to make the first submission; however, the applicant was not in attendance.

Mayor Beeston called for submissions from the public.

Sean Dunlop, 1010 Ludlow Road, co-owner of Home Hardware, spoke against the proposed amendments, citing concerns about traffic flow and safety if a median is installed without a roundabout. He noted the impact on nearby businesses, and shared that a petition had been submitted opposing the change. He questioned whether the traffic study requested by Council in February had been completed and urged Council not to proceed without it.

Mike Elliott, 495 Dunsmuir Street, Project Manager at ISL Engineering and Land Services, spoke against the proposed amendments, expressing concern as an engineer that installing a median without a roundabout and removing the left-turn option would create more traffic problems than it solves, particularly with regard to U-turns.

Michael Traywick, 320 Roberts Street, an employee at Ladysmith Home Hardware, opposed the amendments, citing economic and logistical impacts on nearby businesses. He noted that the original traffic study recommended maintaining left-turn access and stated that the proposed median contradicts those findings. He also raised concerns about traffic entering a privately owned easement and questioned the status of the staff report requested in February.

Christine Copeland, 1030 Oyster Bay Drive, strongly opposed the proposal, emphasizing the need for the roundabout to proceed. She cited safety concerns related to truck loading and unloading and stated that the proposed changes would cause serious economic hardship for local businesses.

Patricia Huggins, 309 Gill Road, spoke against installing a median without a roundabout. She said she uses the area frequently and noted that delaying the roundabout would only increase its cost. She compared the traffic flow to Coronation Mall, where left turns are common and no median is present.

Mayor Beeston called for submissions a second time.

Murray McNabb, 4695 Yellow Point Road, opposed the proposed changes, noting that earlier permit language did not require eliminating left turns unless a roundabout was built. He raised concerns about long-term traffic impacts and emphasized that new development should not come at the expense of existing businesses.

Rob Johnson, 526 1st Avenue, opposed the installation of a median, describing it as a response to a perceived rather than actual traffic problem. He stated that no median should be installed until a roundabout is in place.

David Copeland, 1030 Oyster Bay Drive, service manager at Ladysmith Motorsports, opposed the proposal and described the lot's shared use for deliveries, parking, and mechanical work. He said the proposed changes would disrupt operations and negatively impact the customer experience due to the high volume and nature of traffic in the space.

Mayor Beeston called for submissions a third and final time.

Mayor Beeston 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 Amendment to Covenant CB215820 is Closed - Mayor Beeston

Hearing no further comments and receiving no further submissions, Mayor Beeston declared the Public Hearing for the proposed amendments to Covenant CB215820 closed at 6:34 p.m., and stated that no further submissions or comments from the public or interested persons could be accepted by members of Council.

4. COVENANT AMENDMENT - 1130 ROCKY CREEK ROAD (SUBJECT OF PUBLIC HEARING)

4.1 Amendment of Covenant CB215820

CS 2025-125

That Council:

1. Subject to Approval from the Ministry of Transportation and Transit, authorize the amendment of Covenant CB215820 to remove the requirement to construct a roundabout;
2. Require that, as a condition of approval of amending Covenant CB215820 the following conditions to be secured through a covenant:
 - a. A prohibition on access from Ludlow Road and limited egress to Ludlow Road to a single, right out only egress, until the roundabout is constructed;
 - b. A requirement to construct a temporary median in Ludlow Road prior to issuance of an Occupancy Permit;
 - c. A requirement for cash in lieu of frontage improvements along Ludlow Road and Rocky Creek Road at time of building permit issuance;
 - d. A requirement to install a temporary gravel pathway along the frontage of the property as shown in development permit 3060-24-20 at time of building permit issuance;
 - e. A requirement to install no left turn signs in the Ludlow Road right of way to prevent left hand turns exiting 1010 Ludlow Road;
 - f. A requirement to install no U-Turn signs at the Ludlow Road/Rocky Creek Road Intersection;
 - g. A requirement for the developer to contribute an amount equal to 43% of the cost of the roundabout at time of building permit issuance;

3. Require the cost of the roundabout under 2(g) be determined by a Class A cost estimate prepared by a professional engineer, and at the cost of the applicant, prior to amending the covenant; and
4. Direct staff to bring forward a proposal to include the roundabout in the Town's capital work plan, as part of the 2026 annual budget.

Motion Defeated

OPPOSED: Councillors McKay, Paterson and Virtanen.

CS 2025-126

That Council:

1. Subject to approval from the Ministry of Transportation and Transit, authorize the amendment of Covenant CB215820 to remove the requirement to construct a roundabout;
2. Require that, as a condition of approval of amending Covenant CB215820 the following conditions to be secured through a covenant:
 - a. A prohibition on access from Ludlow Road and limited egress to Ludlow Road to a single, right out only egress, until the roundabout is constructed;
 - b. A requirement for cash in lieu of frontage improvements along Ludlow Road and Rocky Creek Road at time of building permit issuance;
 - c. A requirement to install a temporary gravel pathway along the frontage of the property as shown in development permit 3060-24-20 at time of building permit issuance;
 - d. A requirement to install no U-Turn signs at the Ludlow Road/Rocky Creek Road Intersection; and
3. Direct staff to bring forward a proposal to include the roundabout in the Town's capital work plan, as part of the 2026 annual budget.

Motion Carried

OPPOSED: Councillors Gourlay and Jacobson.

RECESS

By unanimous consent, Council recessed at 7:36 p.m. and reconvened at 7:41 p.m.

5. MINUTES

5.1 Minutes of the Regular Meeting of Council held May 6, 2025

CS 2025-127

That Council approve the minutes of the Regular Meeting of Council held May 6, 2025.

Motion Carried

6. DELEGATIONS

6.1 Bob Day and Kenzie Knight, Tourism Cowichan Society

Bob Day, President of Tourism Cowichan Society, introduced the Society and provided background information on its mandate, board structure, and goals. He then introduced Kenzie Knight, Tourism Development Specialist, who provided a presentation on the Society's strategic objectives, spring and fall marketing campaigns, destination development initiatives, and upcoming projects. Ms. Knight responded to questions from Council.

Councillor Stevens joined the meeting at 7:58 p.m.

7. DEVELOPMENT APPLICATIONS

7.1 Temporary Use Permit – 226 Buller Street

CS 2025-128

That Council approve Temporary Use Permit 3340-25-02 for Lot 20, Block 45, Lot 56, Oyster District, Plan 703A (226 Buller Street) to allow Tourist Accommodation as a temporary use in a secondary suite.

Motion Carried

7.2 Liquor Patio Endorsement - 530 1st Ave (Zack's Lounge)

CS 2025-129

That Council, in response to the referral from the Liquor and Cannabis Regulation Branch for a patio endorsement application in conjunction with a Liquor Primary outdoor patio licence for Zack's Lounge at 530 1st Avenue, opt out of the local government comment process and direct staff to notify the Liquor and Cannabis Regulation Branch that the Town does not wish to comment on the application.

Motion Carried

8. COMMITTEE MINUTES

8.1 Committee of the Whole - May 13, 2025

CS 2025-130

That Council approve the Ladysmith RCMP Detachment Annual Performance Plan for 2025-2026.

Motion Carried

CS 2025-131

That Council:

- A. Reinstate fees for parklets and patios on Town streets, with annual fees of \$6.04 per m² or \$89.69 per parking stall, as provided in the report dated May 13, 2025; and
- B. Direct staff to amend "Streets and Traffic Bylaw 1998, No.1309" based on item A.

Motion Carried

CS 2025-132

That Council direct staff to prepare a report for a future meeting of Council that:

- A. Presents options for increasing cemetery plot fees for non-residents; and
- B. Assesses the feasibility of installing a columbarium niche structure for the interment of urns.

Motion Carried

9. REPORTS

9.1 Section 57 Notice on Title and Remedial Action Requirements, 324 Morgan Road

The property owner of 324 Morgan Road appeared before Council to speak to the Section 57 Notice on Title and Remedial Action Requirements. The proponent provided background information, addressed complaints related to the property, outlined steps taken to resolve the concerns, and responded to questions from Council.

CS 2025-133

That Council:

1. Pursuant to section 57(3) of the *Community Charter*:
 - a. Provide an opportunity for the owner to be heard regarding the Building Inspector's recommendation to place a notice pursuant to section 57 of the *Community Charter* on title of Parcel A (Being a Consolidation of Lots A & B, See CA3693354) District Lot 42 Oyster District Plan EPP17717, (324 Morgan Road) as described in the Inspector's May 20, 2025 report to Council;
 - b. Provide an opportunity for the Building Inspector to be heard, regarding the Building Inspector's recommendation to place a notice on title as described in the Inspector's May 20, 2025 report to Council;
 - c. Confirm the recommendations of the Building Inspector as outlined in the Inspector's May 20, 2025 report to Council; and
 - d. Direct the Corporate Officer to file a notice in the Land Title Office for the property legally described as 324 Morgan Road, in accordance with subsections 57(3)(a) and (b) of the *Community Charter*;
2. Pursuant to section 72 of the *Community Charter*:
 - a. Impose a Remedial Action Requirement on the owner of 324 Morgan Road to:
 - i. Remove all shipping containers, including any containers altered to create buildings and containers supporting any buildings or structures;
 - ii. Remove two of the three recreational vehicles from the property;
 - iii. Have a Red Seal Plumber permanently decommission the plumbing systems servicing the recreational vehicles;
 - iv. Restore the altered hillside adjacent to the Trans-Canada Highway Right-of-Way under the supervision of a geotechnical engineer; and
 - v. Restore the riparian area under the direction of a Qualified Environmental Professional under the Riparian Areas Protection Act;
 - b. Require completion of the remedial actions under recommendation 2(a) within 120 days;
 - c. Direct staff to advise the owner that they may request that Council reconsider the Remedial Action by providing written

notice within 14 days of the date of the notice of the Remedial Action Requirement; and

- d. Direct staff to take action, if necessary, in accordance with Section 17 of the *Community Charter*, without further notice and at the owner's expense, if the Remedial Action under recommendation 2(a) is not completed.

Motion Carried

9.2 Emergency Access Through Brown Drive Park

CS 2025-134

That Council:

1. Receive the request by the developer of Lot A District Lot 126 Oyster District Plan VIP73132 Except Part in Plan EPP23747 Malone Road to install an emergency access/egress road through Brown Drive Park;
2. Refer the proposal to the Parks, Recreation & Culture Advisory Committee; and
3. Defer further consideration of the request pending review by PRCAC.

Motion Carried

9.3 Adjustment to Water Billing Account – 2025, Q1,Q2

CS 2025-135

That Council:

1. Provide a bill adjustment due to a water leak for 000-1050370-000 in the amount of \$3,340.74 and 000-0695000-000 in the amount of \$3,623.26; and
2. Provide a second water leak adjustment for account 000-0043000-000 in the amount of \$176.36.

Motion Carried

9.4 Award FJCC Roof Replacement Tender

CS 2025-136

That Council award the FJCC Roof Replacement Phase 1 - Tender 2025-PRC-01 to United Roofing (BC) Inc. in the amount of \$420,470.00 (excluding applicable taxes).

Motion Carried

9.5 Recycling Management Services Agreement

CS 2025-137

That Council:

1. Authorize the Mayor and Corporate Officer to sign the Solid Waste Management Services Agreement between the Town and the Cowichan Valley Regional District (CVRD);
2. Inform Recycle BC of the arrangement between the CVRD and the Town; and
3. Authorize the Mayor and Corporate Officer to sign the Recycle BC Statement of Work and the Master Services Agreement.

Motion Carried

9.6 UBCM Community to Community (C2C) Forum Program

CS 2025-138

That Council:

1. Authorize staff to apply to the Union of BC Municipalities for up to \$10,000 during the 2025 application intake for the Regional Community to Community Forum Program to support a community forum with the Stz'uminus First Nation Council; and
2. Amend the 2025-2029 Financial Plan accordingly.

Motion Carried

10. BYLAWS

10.1 Bylaw Status Sheet

11. QUESTION PERIOD

A member of the public inquired about the status of Zack's Lounge's patio permit, including its renewal, expiry, associated fees, and whether the Town is considering revocation. The member also raised a question regarding the historical dedication and use of community parks, including Brown Drive Park.

12. ADJOURNMENT

CS 2025-139

That Council adjourn this Public Hearing and Regular Council Meeting at 8:56 p.m.

Motion Carried

CERTIFIED CORRECT

Mayor (D. Beeston)

Corporate Officer (S. Bouma)