



MINUTES OF A PUBLIC HEARING AND REGULAR MEETING OF COUNCIL

Tuesday, May 21, 2024

5:31 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

Chris Barfoot

Jake Belobaba

Ryan Bouma

Sue Bouma

Andrew Wilson

Andrea Hainrich

1. CALL TO ORDER

Mayor Stone called this Meeting of Council to order at 5:31 p.m., in order to retire immediately into Closed Session.

2. CLOSED SESSION

CS 2024-102

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:

- (k) negotiations and related discussions respecting the proposed provision of a municipal service.

Motion Carried

3. OPEN MEETING AND ACKNOWLEDGEMENT (6:05 P.M.)

Mayor Stone called this Public Hearing and Regular Meeting of Council to order at 6:05 p.m., recognizing with gratitude that it was taking place on the unceded territory of the Stz'uminus First Nation.

4. AGENDA APPROVAL

CS 2024-103

That Council approve the agenda for this Public Hearing and Regular Meeting of Council for May 21, 2024, as amended to correct a typographical error in the May 14, 2024 Committee of the Whole meeting minutes in Item 11.2 and to include public submissions received after publication of the agenda for the following items:

- Item 5.3, Public Hearing "Official Community Plan Bylaw 2003, No. 1488 Amendment Bylaw 2014, No. 1860, Amendment Bylaw 2024, No. 2171"; and
- Item 10.1, Development Variance Permit 3090-24-02 and Development Variance Permit 3060-22-14 - 670 Farrell Road.

Motion Carried

5. PUBLIC HEARING

"Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2024, No. 2170" and "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2024, No. 2171"

Property: "Lot A" (Lot A Block 192 District Lot 103 Oyster District Plan EPP63594 Except Plan EPP67741, EP75579, EPP80490, EPP98460 and EPP98461) (PID:030-139-520)

Members of the public attending: 42

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. 2170 and 2171.

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 - Director of Development Services

Jake Belobaba, Director of Development Services, introduced "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2024, No. 2170" and "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2024, No. 2171".

Mr. Belobaba advised that the purpose of Bylaw 2170 is to amend the Official Community Plan to:

- Reconfigure the land use designations to increase the area designated for Parks and Open Space;
- Amend Map 4: Parks and Facilities to add additional areas to the 'Local Park' designation; and
- Add portions of the subject property to Development Permit Area (DPA) 4: Multi-unit Residential and DPA 3: Commercial

Mr. Belobaba also noted that the purpose of Bylaw 2171 is to amend the Zoning Bylaw to rezone the subject property from 'Low Density Residential (R-3-A)' and 'Single Dwelling Residential-Holland Creek Area (R-1-HCA)' to 'Comprehensive Development 8-Holland Creek Mixed-Use Residential (CD-8)', 'Nature Park (P-3)', 'Park and Recreation (P-2)' and 'Low Density Residential (R-3-A)'.

Mr. Belobaba confirmed the Public Hearing Notification process. Notice of the Public Hearing was printed in the Ladysmith Chronicle on May 16th 2024 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 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.

5.3 Submissions

Mayor Stone invited the applicant to make the first submission.

Jessica Tempesta, Director of Development for District Development Group, advised that the proposed development would include market rentals, parkland, and two access points. She confirmed that District Development Group will work with a traffic consultant to address traffic concerns.

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

Mayor Stone called for submissions from the public.

Darryl Sabey, 401 Colonia Drive, asked questions about the highlighted areas in the centre parcel on the map, as well as about the riparian area and parks.

April Marrington, 128 Ray Knight Drive, shared concerns about street parking, as well as driveway sizes and the need for people to park on-street. She discussed the lack of trees on Ray Knight Drive, and suggested there were benefits to installing swale curbs to widen streets. Ms. Marrington also discussed walkability and the effects of densification.

Ken Chippeniuk, 136 Ray Knight Drive, recommended that Council delay their decision on third reading of Bylaw Nos. 2170 and 2171 for two months to allow for consultation and consensus.

Ken Webb, 110 Kinsmen Place, noted potential issues for emergency access vehicles as they navigate the narrow streets with the growing traffic in the area.

Janice Briggs, 643 John Wilson Place, spoke of traffic concerns resulting from the creation of additional units and advised that emergency access would be beneficial. She noted that the current construction traffic makes it difficult for two-way traffic and advised that these difficulties will increase with more traffic.

Rebecca Anderson, 121 Ryan Place, shared concerns regarding long-term traffic issues, as well as water shortage concerns.

Mayor Stone called for submissions a second time.

Darryl Sabey, 401 Colonia Drive, spoke of minimal parking, and how the push for alternate modes of transportation is ineffective. He also shared concerns about potential accidents and public safety.

Anita Sundberg, 139 Ray Knight Drive, echoed parking issues. She also mentioned that the language used to describe the process lacked clarity and had led to frustrations.

Rob Johnson, 526 1st Avenue, discussed the Marshall mixture design for the concrete and its stability rating. He also stated concern regarding the safety at South Colonia Drive.

Jim Gustafson, 123 Ray Knight Drive, expressed concern regarding narrow streets and the difficulty they present for people with health concerns.

Wayne Briggs, 643 John Wilson Place, also showed concerns for people with health issues and the potential for emergency vehicles not being able to reach them.

April Marrington, 128 Ray Knight Drive, discussed the disadvantages of removing the option to park on the side of the streets.

Bair Parcels, 701 Stringer Way, questioned if the Town's wastewater treatment facility had the capacity to accommodate the new development.

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

Rob Johnson, 526 1st Avenue, stated his concern about how increased traffic resulting from the new development would affect the various choke points around town. He asked Council to consider re-evaluating the decision to conduct a Town-wide traffic study.

Darryl Sabey, 401 Colonia Drive, noted the overflow parking at the Holland Creek Estates apartment building on Rollie Rose Drive, which could potentially cause further traffic issues with the new development.

Ken Chippeniuk, 136 Ray Knight Drive, asked about the Town's water resources and its capacity to accommodate the new housing. He also noted that many ideas could be brought forward, should the decision tonight be paused for consultation.

Naomi Hall, 129 Rollie Rose, addressed safety concerns and lack of exit routes in the case of a forest fire in nearby areas.

Paul Elder, 624 John Wilson Place, stated concerns about the roads not being safe and advised of potential insurance risks.

Mayor Stone 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 Nos. 2170 and 2171 is Closed - Mayor Stone

Hearing no comments and receiving no further submissions, Mayor Stone declared the Public Hearing for Bylaw Nos. 2170 and 2171 closed at 6:57 p.m. and stated that no further submissions or comments from the public or interested persons could be accepted by members of Council.

6. RECESS

CS 2024-104

By unanimous consent Council recessed at 7:50 p.m. with the intention to reconvene in five minutes.

Motion Carried

Council reconvened at 7:57 p.m.-

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

7.1 "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2024, No. 2170"

Council agreed to rescind the resolution, previously passed at the May 7, 2024 Regular Council meeting, that outlined the conditions of approval for Bylaws 2170 and 2171, and to re-adopt an amended version prior to giving third reading to either of the Bylaws.

CS 2024-105

That Council rescind Resolution CS 2024-085 (approved at the May 7, 2024 Council meeting) and adopt an amended version that removes the words "emergency" as well as "and pedestrian trail" from item 8(g) in the conditions of approval for the Official Community Plan and Zoning Bylaw Amendment for Lot A Holland Creek.

Motion Carried

CS 2024-106

That Council:

1. Having considered s. 475 of the *Local Government Act*, and in particular the matters set out in subsections (2)(a) and (b), resolve that:
 - a. the Stz'uminus First Nation, and School District 68 are the only entities that are appropriate to consult in connection with "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2024, No. 2170";
 - b. consultation should be early but need not be ongoing;
 - c. the consultation process described in the staff report to Council dated May 7, 2024 is sufficient in respect to the proposed Official Community Plan amendment; and
 - d. staff be directed to refer "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2023, No. 2170" to the Stz'uminus First Nation as set out in resolution 1 for consultation in the manner described in the May 7, 2024 staff report to Council;
2. Give first and second readings to "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2024, No. 2170";
3. Consider "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2024, No. 2170" in conjunction with the Town's Financial Plan, the Town's Liquid Waste Management Plan, and the Cowichan Valley Regional District Solid Waste Management Plan, pursuant to section 477(3) of the *Local Government Act*;
4. Consider "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2024, No. 2170" in conjunction with the Town's Housing Needs Report and the housing information on which the report is based, pursuant to section 473(2.1) of the *Local Government Act*;
5. Direct staff to refer "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2024, No. 2170" to School District 68 pursuant to section 476 of the *Local Government Act*;
6. Give first and second readings to "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2024, No. 2171";

7. Direct staff to refer "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2024, No. 2171" to the Ministry of Transportation and Infrastructure, after third reading of the bylaw, pursuant to section 52 of the *Transportation Act*;
8. Require that, as a condition of approval of Bylaws 2170 and 2171 the applicant be required to secure the following conditions through a covenant and/or statutory right of way, as described in the May 7, 2024 report to Council, following third reading and prior to adoption of the bylaws:
 - a. Dedication as parkland, at time of subdivision or development, of the areas to be zoned P-2 and P-3 under Bylaw 2170;
 - b. Town access to future park areas prior to dedication for the purposes of invasive plant removal and habitat enhancement;
 - c. Construction of a bus shelter meeting BC Transit's "E2" standard or similar at the existing northbound stop at the Holland Creek Ball Fields;
 - d. Installation of the necessary electrical infrastructure for all required multi-family parking to be "EV charger Ready";
 - e. A requirement for a minimum of 10% of dwelling units to meet the BC Building Code, Building Access Handbook;
 - f. A prohibition on the use of fossil fuel as a primary heating source for buildings;
 - g. Dedication and construction of a direct vehicle access/egress from the "Centre Parcel" to Colonia Drive when the "Centre Parcel" is developed;
 - h. A prohibition on planting non-native plants on the "Western Parcel";
 - i. Wildfire protection measures on the "Western Parcel" and "Centre Parcel" as recommended in the report provided as Attachment H to the May 7, 2024 report to Council; and
 - j. A prohibition on clearing between March 1 and August 31;
9. Direct that, as a condition of approval of Bylaws 2170 and 2171, that the following amendments be made to covenant CA6857592, as described in the May 7, 2024 report to Council, following third reading and prior to adoption of the bylaws:

- a. Removing the requirement to construct the "South Crossing" over Heart Creek;
- b. Amending the 'Local Site Triggers' and 'Neighborhood Cumulative Triggers' to:
 - i. Allow construction of up to 100 units on the "Eastern Parcel" provided the developer improves the existing emergency access route to Ryan Place;
 - ii. Allow construction of up to 200 units on the "Centre Parcel" provided the developer completes the design and costing of the Colonia Drive extension from the boundary of Lot A District Lot 110 Oyster District Plan VIP75849 to Thetis Drive and prohibiting more than 200 units on the "Centre Parcel" until the Colonia Drive extension is constructed to the boundary of Lot A, and
 - iii. Adding a prohibition on the development of the "Western Parcel" until:
 - 1. Colonia Drive is fully constructed to connect Malone Road to Thetis Drive;
 - 2. a dedicated multi-use trail and emergency access/egress route is constructed over the "Western Parcel" and adjacent parkland, connecting public road to the Water Treatment Plant access road; and
 - 3. a pedestrian pathway and crossing over Heart Creek is constructed connecting the southern portions of the "Centre Parcel" and "Western Parcel";

10. Require that the legal instruments under resolutions 8 and 9 be prepared by the Town's solicitor at the cost of the applicant; and

11. Direct staff to proceed with scheduling and notification of a public hearing for Bylaws 2170 and 2171 pursuant to section 464(1) of the *Local Government Act*.

Motion Carried

CS 2024-107

That Council give third reading to "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2024, No. 2170".

Motion Carried

7.2 “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2024, No. 2171”

CS 2024-108

That Council give third reading to “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2024, No. 2171”.

Motion Carried

7.3 CS 2024-109

That Council direct staff to prepare a report for the July Committee of the Whole meeting with suggestions to alleviate Ray Knight Drive parking and traffic concerns.

Motion Carried

8. RISE AND REPORT- Items from Closed Session

Council rose from Closed Session at 5:57 p.m. without report.

9. MINUTES

9.1 Minutes of the Regular Meeting of Council held May 7, 2024

CS 2024-110

That Council approve the minutes of the Regular Meeting of Council held May 7, 2024.

Motion Carried

9.2 Minutes of the Special Meeting of Council held May 14, 2024

CS 2024-111

That Council approve the minutes of the Special Meeting of Council held May 14, 2024.

Motion Carried

CS 2024-112

That Council refer discussion of the traffic on Rollie Rose Drive to the July 9, 2024 Committee of the Whole meeting.

Motion Carried

10. RECESS

CS 2024-113

By unanimous consent Council recessed at 8:40 p.m. with the intention to reconvene in five minutes.

Motion Carried

Council reconvened at 8:45 p.m.

11. PROCLAMATIONS

11.1 National AccessAbility Week - May 26 - June 1, 2024

Mayor Stone proclaimed May 26-June 1, 2024 as National AccessAbility week in Ladysmith.

12. DEVELOPMENT APPLICATIONS

12.1 Development Variance Permit 3090-24-02 and Development Permit 3060-22-14 – 670 Farrell Road

CS 2024-114

That Council:

1. Issue Development Variance Permit 3090-24-02 to vary section 10.11.5 (a) of "Town of Ladysmith Zoning Bylaw 2014, No. 1860" to increase the maximum height of five proposed buildings from 10.0m to 16.8m at 670 Farrell Road (Lot 12, District Lot 41, Oyster District, Plan EPP119981; PID: 032-050-844 as follows:
 - o Building 4 to a maximum height of 11.0 metres;
 - o Building 6 to a maximum height of 12.4 metres;
 - o Building 7 to a maximum height of 11.5 metres;
 - o Building 8 to a maximum height of 15.7 metres; and
 - o Building 9 to a maximum height of 16.8 metres.
2. Issue Development Permit 3060-22-14 to allow construction of a 54-unit townhouse and multi-family development at 670 Farrell Road.

Motion Carried

13. COMMITTEE MINUTES

13.1 Community Planning Advisory Committee - May 1, 2024

CS 2024-115

That Council receive the minutes of the Community Planning Advisory Committee meeting held May 1, 2024.

Motion Carried

13.2 Committee of the Whole - May 14, 2024

CS 2024-116

That Council:

1. Give first, second and third readings to "Town of Ladysmith Animal Control Bylaw 2024, 2167"; and
2. Direct staff to bring forward consequential amendments to the "Town of Ladysmith Zoning Bylaw 2014, No. 1860".

Motion Carried

OPPOSED: Councillors Paterson and Virtanen

CS 2024-117

That Council direct staff to:

1. Amend "Town of Ladysmith Community Centre Facilities Fees and Charges Bylaw 2021, No. 2086," as presented in Attachment A of the May 14, 2024, staff report;
2. Present the proposed FJCC admission changes to the Cowichan North Recreation Commission and Cowichan Valley Regional District for their respective endorsement;
3. Upon the Commission's and Board's endorsement, bring the amended "Community Centre Facilities Fees and Charges Bylaw 2021, No. 2086" to Town of Ladysmith Council for consideration; and
4. Amend the "Fees and Charges Department: Parks, Recreation and Culture Policy" definition of family from four to six children.

Motion Carried

14. BYLAWS

14.1 Bylaw Status Sheet

15. NEW BUSINESS

15.1 National Indigenous Peoples Day - Friday, June 21, 2024

CS 2024-118

That Council donate \$1500 to the Stz'uminus First Nation in support of their Indigenous People's Day 2024 event, with the funds to come from the Council public relations budget.

Motion Carried

16. QUESTION PERIOD

A member of the public asked about the timing and process for informing the public about the Development Variance permit.

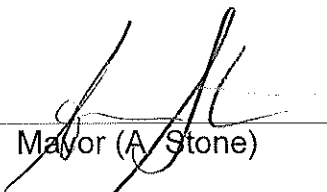
Another resident asked if maintenance sheds are included in the height variance requested in item 12.1, and about proposed meetings.

17. ADJOURNMENT

CS 2024-119

That Council adjourn this Regular Meeting of Council at 9:34 p.m.

Motion Carried



Mayor (A. Stone)

CERTIFIED CORRECT



Corporate Officer (S. Bouma)

