

**A PUBLIC HEARING AND REGULAR MEETING
OF THE TOWN OF LADYSMITH COUNCIL
AGENDA
5:30 P.M.**

Tuesday, June 1, 2021

This meeting will be held electronically as per Ministerial Order No. M192

Pages

1. CALL TO ORDER

Call to Order 5:30 p.m. in Open Session, in order to retire immediately into Closed Session.

Members of the public are welcome to attend all Open Meetings of Council, but may not attend Closed Meetings.

2. CLOSED SESSION

Recommendation

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:

- personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality - section 90(1)(a).

3. OPEN MEETING AND ACKNOWLEDGEMENT (6:00 P.M.)

The Town of Ladysmith acknowledges with gratitude that this meeting takes place on the traditional, unceded territory of the Stz'uminus First Nation.

Residents are encouraged to "virtually" attend the meeting by registering here:
https://zoom.us/webinar/register/WN_J5tHR-d5SL6sbczpl26BTA

Instructions on how to join the meeting will be sent immediately after you register.

View the livestream on YouTube:

<https://www.youtube.com/channel/UCH3qHAExLiW8YrSuJk5R3uA/featured>.

4. AGENDA APPROVAL

Recommendation

That Council approve the agenda for this Regular Meeting of Council for June 1, 2021.

5. PUBLIC HEARING

- 5.1. "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No.62) 2021, No. 2047" and "Town of Ladysmith Zoning Bylaw 2014, No.1860, Amendment Bylaw (No.31) 2021, No. 2049".

5.1.1. Outline of Public Hearing Process - Mayor Stone

5.1.2. Introduction of Bylaw and Statutory Requirements - Director of Development Services

5.1.3. Submissions

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

5.1.5. Declaration that the Public Hearing for Bylaw Nos. 2047 and 2049 is Closed - Mayor Stone

6.	BYLAWS - OFFICIAL COMMUNITY PLAN AND ZONING (SUBJECT OF PUBLIC HEARING)	
6.1.	"Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No.62) 2021, No. 2047"	9
	<u>Recommendation</u> That Council proceed with third reading of "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 62) 2021, No. 2047".	
6.2.	"Town of Ladysmith Zoning Bylaw 2014, No.1860, Amendment Bylaw (No.31) 2021, No. 2049"	10
	<u>Recommendation</u> That Council:	
	1. Proceed with third reading of "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 31) 2021, No. 2049"; and	
	2. Direct staff to refer "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 31) 2021, No. 2049" to the Ministry of Transportation and Infrastructure pursuant to section 52 of the <i>Transportation Act</i> .	
7.	RISE AND REPORT- Items from Closed Session	
8.	MINUTES	
8.1.	Minutes of the Regular Meeting of Council held May 18, 2021	11
	<u>Recommendation</u> That Council approve the minutes of the Regular Meeting of Council held May 18, 2021.	
9.	DELEGATIONS	
9.1.	Ladysmith & District Historical Society Annual Update to Council	18

10. DEVELOPMENT APPLICATIONS

10.1. Development Variance Permit and Development Permit Applications at 287 Gill Road

41

Recommendation

That Council:

1. Issue Development Variance Permit 3090-21-01 to vary:
 - a. the front parcel line setback from 6.0m to 0.8m for a dwelling addition;
 - b. the side setback for an unenclosed swimming pool from 3.0m to 2.4m; and
 - c. the setback from the top of slope on a parcel adjacent to the sea from 8.0m to 7.2m for an unenclosed swimming pool; at Amended Lot 1 (DD 60489N) District Lot 42, Oyster District, Plan 4670 (287 Gill Road);
2. Issue Development Permit 3060-21-03 to allow the construction of an addition to the dwelling, retaining walls, and a swimming pool with fence enclosure at Amended Lot 1 (DD 60489N) District Lot 42, Oyster District, Plan 4670 (287 Gill Road); and
3. Authorize the Mayor and Corporate Officer to sign Development Variance Permit 3090-21-01.

10.2. Liquor Lounge Endorsement – Bayview Brewing Company at 202 Dogwood Drive

89

Recommendation

That Council, in response to the referral from the Liquor and Cannabis Regulation Branch for a lounge endorsement application for the Bayview Brewing Company located at 202 Dogwood Drive, opt in to the local government comment process and direct staff to provide written notification to residents within 60 metres of the subject property inviting them to submit written comments about the application.

Recommendation

That Council:

1. Give first and second readings to “Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 38) 2021, No. 2076”;
2. Direct staff to schedule and provide notice for a Public Hearing for Bylaw No. 2076 pursuant to section 464(1)(b) of the *Local Government Act*, and
3. Direct staff to refer Bylaw No. 2076 to the Ministry of Transportation following third reading of the bylaw pursuant to section 52 of the *Transportation Act*.

11. BYLAWS- OFFICIAL COMMUNITY PLANNING AND ZONING

11.1. OCP & Zoning Amendment Application – 1130 Rocky Creek Road

Recommendation

That Council:

1. Give first and second readings to “Road Closure and Dedication Removal Bylaw 2021, No. 2067”;
2. Direct staff to deliver notice to the Ministry of Transportation and Infrastructure, Island Corridor Foundation, BC Hydro, Fortis BC, Shaw Communications and Telus, of Council’s intention to adopt Bylaw No. 2067, in accordance with section 40(4) of the *Community Charter*;
3. Give first and second readings to “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 65) 2021, No. 2068”;
4. Consider Bylaw No. 2068 in conjunction with the Town’s Financial Plan, the Town’s Liquid Waste Management Plan, and the Cowichan Valley Regional District Solid Waste Master Plan in accordance with section 477(3) of the *Local Government Act*;
5. Give first and second readings to “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 37) 2021, No. 2069”;
6. Direct staff to proceed with scheduling and notification for a Public Hearing for Bylaw Nos. 2067, 2068 and 2069 in accordance with section 40(3) *Community Charter* and section 464 of the *Local Government Act*;
7. Subject to adoption of Bylaw No. 2067, authorize the sale of the

lands that are the subject of that bylaw to the developer for appraised market value; and,

8. Require that the developer, at their cost, complete the following prior to adoption of Bylaw Nos. 2068 and 2069:
 - a. Consolidate the subject property, legally described as Lot A, Districts 24 and 38, Oyster District, Plan VIP71248 (1130 Rocky Creek Road) with the area shown as “road to be closed” in Reference Plan EPP110196, shown in Schedule 1 of Bylaw No. 2067;
 - b. Dedicate to the Town for road, the area shown as “road” on Reference Plan EPP110197, included in the May 18, 2021 staff report to Council as Attachment D;
 - c. Pursuant to Section 507 of the *Local Government Act*, enter into an agreement with the Town to provide a median on Ludlow Road and a roundabout at the intersection of Rocky Creek Road and Ludlow Road to be built in accordance with the standards established by the Town, with the Town contributing \$1 million to the project in accordance with “Town of Ladysmith Development Cost Charges Bylaw 2019, No. 2008”;
 - d. Update Covenant FB234682, registered to the title of the subject property, legally described as Lot A, Districts 24 and 38, Oyster District, Plan VIP71248 (1130 Rocky Creek Road) as follows:
 - i. Replace Sections 2.a) (Green Building Standards and Practices) and b) (Landscaping) with a requirement that the rain water management be designed in accordance with “Stormwater Planning: A Guidebook for British Columbia”, requiring that the development be designed to accommodate “HandyDART” buses and that the development include a minimum of two “quick charge” electric vehicle charging stations;
 - ii. Amend Section 2.c) to require landscaping, including a local historical artifact or a public art installation, in the centre of the Ludlow/Rocky Creek Road roundabout;
 - iii. Delete Section 3; and
 - iv. Add a new section requiring that the development and adjacent boulevards be provided with an outdoor electrical supply and outlets which can be used by the Town for special events; and
 - e. Register an easement or statutory right-of-way in favour of BC Hydro on the subject property.

12. COMMITTEE MINUTES

12.1. Public Art Task Group - May 6, 2021 215

Recommendation

That Council receive for information the minutes of the May 6, 2021 meeting of the Public Art Task Group.

13. BYLAWS

13.1. "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 64) 2021, No. 2062" 217

Recommendation

That Council adopt "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 64) 2021, No. 2062".

13.2. "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 34) 2021, No. 2063" 221

Recommendation

That Council adopt "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 34) 2021, No. 2063".

13.3. Bylaw Status Sheet 229

14. CORRESPONDENCE

14.1. Correspondence from Ladysmith Kinsmen Club dated May 10, 2021 230

Requesting that Council support their request to include both Hul'q'umi'num and English wording on the downtown public restroom.

Recommendation

That Council provide a letter in support of the Ladysmith Kinsmen's Club proposal to include both Hul'q'umi'num and English wording on the public restroom located on 1st Avenue as outlined in their letter dated May 10, 2021.

15. NEW BUSINESS

15.1. Task Force to Promote Tourism Events

Councillor Johnson has requested that Council consider creating a Town-led task force to promote tourism events, working in partnership with the Chamber of Commerce and Tourism Cowichan.

16. QUESTION PERIOD

Please note that Council cannot receive questions related to Public Hearings where the bylaws have not yet been adopted.

Residents are encouraged to "virtually" attend the meeting and ask their questions live by registering here: https://zoom.us/webinar/register/WN_J5tHR-d5SL6sbczpl26BTA.

Instructions on how to join the meeting will be sent immediately after you register.

Alternately, questions can be submitted via email at info@ladysmith.ca during the meeting.

- Persons wishing to address Council must be Town of Ladysmith residents, non-resident property owners, or operators of a business.
- Individuals must include their name and address for identification purposes.
- Questions put forth must be on topics which are not normally dealt with by Town staff as a matter of routine.
- Questions must be brief and to the point.
- No commitments shall be made by the Chair in replying to a question. Matters which may require action of the Council shall be referred to a future meeting of the Council.

17. ADJOURNMENT