



LADYSMITH

**TOWN OF LADYSMITH**  
**MINUTES OF A REGULAR SESSION OF COUNCIL**  
**MONDAY, JULY 5, 2010 - 7:00 P.M.**

**COUNCIL MEMBERS PRESENT:**

Mayor Rob Hutchins  
Councillor Jillian Dashwood  
Councillor Bruce Whittington

Councillor Steve Arnett  
Councillor Lori Evans

Councillor Scott Bastian  
Councillor Duck Paterson

**STAFF PRESENT:**

Ruth Malli  
Chris Trumpy

Sandy Bowden  
Joanna Winter

Felicity Adams

**CALL TO ORDER**

Mayor Hutchins called the meeting to order at 4:34 p.m.

**EXECUTIVE SESSION**

**2010-301**

It was moved, seconded and carried that this meeting retire into Executive Session at 4:34 p.m., pursuant to Section 90(1) of the Community Charter to consider the following items:

- discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 [annual municipal report];
- personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;

**2010-302**

It was moved, seconded and carried that the Regular Session of Council resume at 7:00 p.m.

**AGENDA APPROVAL**

**2010-303**

It was moved, seconded and carried that the agenda be adopted as circulated.

**PUBLIC HEARINGS**

**Zoning Bylaw Amendment**

Town of Ladysmith Zoning Bylaw No. 1160, Amendment Bylaw (No. 82), 2008, No. 1727, Accessory Buildings

APPLICANT AGENT  
Town of Ladysmith

PUBLIC ATTENDANCE: 12

A Public Hearing for Bylaw 1727 was held in Council Chambers at City Hall, 410 Esplanade, Ladysmith, B.C. on Monday, July 5, 2010, commencing at 7:02 p.m.

Mayor Hutchins welcomed the public and noted that the public input portion of the hearing would take place in two parts - Part 1 would entertain questions clarifying the Bylaw and Part 2 would afford attendees an opportunity to provide comments to Council on the Bylaw.

Felicity Adams, Director of Development Services, provided an overview of the application submitted by the Town of Ladysmith. The **purpose** of Bylaw 1727 is to amend to Zoning Bylaw

- to add new definitions for “attic or roof space” and “dormer”;
- to clarify setback regulations for accessory buildings; and,
- to amend the Zoning Bylaw to limit the floor area and height of an accessory building in a residential zone.

In general terms, the maximum gross floor area of an accessory building in a residential zone is proposed to be 50 square metres; the maximum height is 5 metres measured from the top of the slab; and the maximum height of an attic or roof space is 1.5 metres. The Zones that are proposed to be amended are: UR-1, R-1, R-1-A, R-2, R-2-A, and MP-1

Council referred its direction regarding regulation of accessory buildings in residential zones to the Advisory Planning Commission (APC). At its meeting held May 11, 2010, the APC provided the following comments:

*It was moved, seconded and carried that the Advisory Planning Commission concurs with Council's recommended new regulations for accessory buildings in residential zones:*

- (1) *setback regulations for accessory buildings in residential zones as outlined in section 5.5,*
- (2) *limit the height of an accessory building in residential zones to one storey (5.0m), and*
- (3) *limit the maximum combined gross floor area of an accessory building in residential zones to 50m<sup>2</sup>.*

The Public Hearing **notice** was printed in the Ladysmith Chronicle newspaper on June 22, 2010 and June 29, 2010 and posted on

community notice boards throughout Town, as well as on the Town's website. A copy of the Notice was made available at the front counter at City Hall for the two week notice period.

1 written submission and 1 telephone or in-person enquiry were received at City Hall in connection with this Public Hearing.

Mayor Hutchins called for questions a first time.

Pam Fraser – Enquired whether the Town had received any building permit applications for accessory buildings since introducing proposed Bylaw 1727, and if so, whether they would be subject to the new Bylaw.

Mayor Hutchins – Advised that an application had been received, and that Council would be discussing later in this Council meeting how to proceed with the application.

Aaron Lafontaine – Enquired as to the intent of the proposed change to section 5.4 of the Bylaw

Felicity Adams – Advised that the proposed change is to clarify the intent behind the existing bylaw as it currently reads.

Marsh Stevens – Suggested that the proposed bylaw amendments include a definition of 'occupancy'. He requested that the Bylaw be worded so as to prevent conversion of accessory buildings to dwellings in the future.

Mayor Hutchins – Advised that in future, if Council chooses to permit a dwelling in accessory buildings, a Bylaw Amendment would be introduced at that time.

Marsh Stevens – Enquired why proposed Bylaw 1727 contains a change in the way the height of accessory buildings is calculated and expressed concern that the proposed change could permit accessory buildings to be built on a higher slab.

Felicity Adams – Advised that the proposed change is intended to restrict the height of accessory buildings to the minimum level taking into account the slope on all sides of the building.

Pam Fraser – Enquired whether the original bylaw's method of calculating height from the four corners of the site would be more effective in limiting the height of accessory buildings

Cathy Gilroy – Enquired whether staff consulted with construction professionals such as builders and the Town's Building Inspector in drafting the new Bylaw.

Felicity Adams – Advised that industry professionals and the Town's Building Inspector had been consulted.

Garth Gilroy – Enquired whether consideration had been given to the matter of accessory buildings built on a foundation instead of slab.

Annette Carmichael – Enquired why the height of accessory buildings is so high in the proposed Bylaw.

Felicity Adams – Advised that the proposed amendments will reduce the permitted height of accessory buildings from 7.5 metres to 5 metres and that the proposed new height will prevent construction of a loft above an accessory building.

Aaron Lafontaine – Enquired whether accessory buildings built under the proposed Bylaw could be converted to secondary suites in the event that Council decides to permit secondary suites in future.

Mayor Hutchins – Advised that any change in zoning could mean that any number of buildings could become legally non-conforming.

Garth Gilroy – Enquired whether Council would consider an amendment to the proposed Bylaw that would prevent an accessory building from being built up grade.

Mayor Hutchins called for questions a second time.

Mayor Hutchins called for questions a third time.

Hearing no further questions Mayor Hutchins called a first time for comments to Council regarding the proposed Bylaw amendment.

Garth Gilroy – Requested that Council consider an amendment that would prevent building an accessory building above a certain grade in order to maintain height restrictions.

Marsh Stevens – Requested that Council include a definition of occupancy in proposed Bylaw 1727.

Marsh Stevens – Commented that the maximum area for accessory buildings proposed in the Bylaw is large enough to permit suite conversion if and when Council chooses to allow secondary suites. He requested that the method used for determining height in the proposed new Bylaw remain the same as in the existing Bylaw, and also that Council identify zone-

specific sizes for accessory buildings.

Pam Fraser — Recommended that Council return to the original recommended maximum size of 45 square metres and expressed concern that a larger size could permit secondary suites. Ms Fraser suggested that the proposed amendments also be integrated in the specific zones and that setback regulations for accessory buildings also be included in the zones. She further requested that Council consider adding provisions for setbacks from the principal building to proposed Bylaw 1727. Ms Fraser suggested that the proposed Bylaw include definitions of 'dwelling' and 'dwelling unit' similar to those used by the City of Nanaimo, that the zone-specific regulations be amended to specify that no accessory building can be directly or indirectly connected to the Town's water or sewer systems, and that the language be made consistent in all sections of the Bylaw.

Mayor Hutchins called for comments a second time.

Mayor Hutchins called for comments a third time.

Hearing no comments Mayor Hutchins called for any written submissions.

Two written submissions were received.

Hearing no further comments and, Mayor Hutchins declared the Public Hearing for Bylaw 1727 closed at 7:37 p.m.

**Official Community Plan Amendment and Rezoning Application**

Town of Ladysmith Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No. 33), 2010, No. 1729

Town of Ladysmith Zoning Bylaw, 1995, No. 1160, Amendment Bylaw (No. 83), 2010, No 1730

Application 3360-10-03 and 3360-10-04

APPLICANT AGENT

Town of Ladysmith and LMF Developments

PUBLIC ATTENDANCE

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A Public Hearing for Bylaws 1729 and 1730 was held in Council Chambers at City Hall, 410 Esplanade, Ladysmith, B.C. on Monday, July 5, 2010 at 7:38 p.m. The subject property is known as Lot 1, District Lot 108, Oyster District, Plan VIP3133.

Mayor Hutchins welcomed the public and noted that the public input portion of the hearing would take place in two parts - Part 1 would entertain questions clarifying the bylaw and Part 2 would afford attendees an opportunity to provide comments to Council on the bylaw.

Felicity Adams, Director of Development Services, provided an overview of the application submitted by the Town of Ladysmith and LMF Developments. The subject property is known as Lot 1, District Lot 108, Oyster District, Plan VIP3133.

Ms Adams stated that the purpose of Bylaw 1729 is to designate proposed Lots 2 and 3 as 'Multi-Family Residential' and proposed Lot 4 as 'Mobile Home Park Residential' in the Official Community Plan. It is also to place proposed Lots 2 and 3 in the 'Multi-Family Residential Development Permit Area (DPA 4).'

The purpose of Bylaw 1730 is to rezone proposed Lots 2 and 3 as Medium Density Residential (R-3-A) and to rezone proposed Lot 4 as Manufactured Home Park Zone (MHP-1). Bylaw 1730 also proposes a variation to the permitted density for proposed Lot 3 from 37 units per hectare to 44 units per hectare; an amendment to the MHP-1 zone regarding common activity area(s); as well as one housekeeping amendment to the R-3A zone and one housekeeping amendment to the MHP-1 zone.

Ms. Adams noted that the Public Hearing notice was published in the Chronicle newspaper on June 22, 2010 and June 29, 2010 and was posted on community notice boards throughout Town and on the Town's website. Notices were also mailed and delivered to neighbouring property owners and a copy was made available at the front counter at City Hall for the two week notice period.

There have been no written submissions and 1 telephone or in-person enquiry received at City Hall in connection with this Public Hearing.

Mayor Hutchins called for questions of clarification a first time.

Mayor Hutchins called for questions a second time.

Mayor Hutchins called for questions a third time.

Hearing no further questions Mayor Hutchins called for comments to Council a first time.

Mayor Hutchins called for comments a second time.

Mayor Hutchins called for comments a third time.

Hearing no comments Mayor Hutchins called for any written submissions.

No written submissions were received.

Hearing no further comments and receiving no written submissions, Mayor Hutchins declared the Public Hearing for Bylaws 1729 and 1730 closed at 7:42 p.m.

## MINUTES

**2010-304** It was moved, seconded and carried that the Council minutes of June 21, 2010 be adopted as amended.

## BYLAWS (OCP / ZONING)

### Bylaw 1727 – Regulations For Accessory Buildings In Residential Zones

Discussion ensued regarding comments and suggestions raised during the public hearing.

**2010-305** It was moved, seconded and carried that staff be directed to prepare an amendment to proposed Bylaw 1727 to limit the maximum area for accessory buildings to 45 square metres.

Councillors Bastian, Dashwood and Whittington opposed.

**2010-306** It was moved, seconded and carried that staff be directed to prepare an amendment to proposed Bylaw 1727 stating that the height of an accessory building is to be determined from the average grade of the natural slope of the property.

**2010-307** It was moved, seconded and carried that staff be requested to prepare an amendment to proposed Bylaw 1727 with respect to definitions of occupancy and dwelling units for accessory buildings in residential zones.

**2010-308** It was moved, seconded and carried that staff be directed to remove section 7.2 (2.3) (restriction on dormer windows) from proposed Bylaw 1727.

Councillor Evans opposed.

**2010-309** It was moved, seconded and carried that staff be directed to prepare amendments to proposed Bylaw 1727 in order to incorporate the setback regulations for accessory buildings in the following zones:

UR-1, R-1, R-1-A, R-2, R-2-A, and MP-1

**Official Community Plan (OCP) Amendment And Rezoning Application 3360-10-03 And 3360-10-04**

**2010-310** It was moved, seconded and carried that Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 33) 2010, No. 1729 be read a third time and adopted

**2010-311** It was moved, seconded and carried that Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No. 83), 2010, No. 1730 be read a third time and adopted.

**COUNCIL COMMITTEE REPORTS**

**Councillor J. Dashwood .**

Councillor Dashwood reported that the Ladysmith Downtown Business Association is committed to collaboration between different organizations and would like to see a joint community calendar produced. The Community Safety Advisory Committee of the Cowichan Valley Regional District will be holding a Community Safety Forum on September 16 and 17, 2010. Councillor Dashwood provided information on crime free multi-unit housing for staff.

**Councillor S. Arnett**

Councillor Arnett attended the recent meeting of the Economic Development Commission.

**Councillor D. Paterson**

***June 21, 2010 Government Services Committee Recommendations***

**2010-312** It was moved, seconded and carried that the Ladysmith Annual Water Report be received.

**2010-313** It was moved, seconded and carried that staff be directed to prepare the Bylaws to require all new single family residences in the Town of Ladysmith to be made solar hot water ready.

**2010-314** It was moved, seconded and carried that all submissions received for Tender #218.066.0304 Waste Water Treatment Plant Upgrade - Biosolids Phase 2 be rejected.

**2010-315** It was moved, seconded and carried that staff be requested to report back to Council as soon as possible with options for proceeding with Phase Two of the Waste Water Treatment Plant, and that the options include, but not necessarily be limited to, design-build, postponing installation of the Autothermal Thermophilic Aerobic Digesters (ATADs) component until a later



phase, and alternatives to installing the ATADs.

**2010-316** It was moved, seconded and carried that Council authorize the construction of a lake on the Ladysmith Golf Course for the purpose of irrigating both the Golf Course and the Holland Creek Ball Park, after consultation with the Executive of the Ladysmith Golf Course Society.

**2010-317** It was moved, seconded and carried that Council request Western Forest Products to take measures consistent with those in other B.C. coastal communities to prevent debris from entering Ladysmith Harbour from the log dump operation.

**2010-318** It was moved, seconded and carried that Council direct staff to review, investigate and report back to Council regarding the possibility of the Town acquiring James Dunsmuir's railway carriage.

**2010-319** It was moved, seconded and carried that staff be requested to review the existing Animal Control Bylaw and report back to a future Government Services Committee meeting regarding the possibility of allowing the raising of hens in appropriate residential zones within the Town of Ladysmith.

**2010-320** It was moved, seconded and carried that staff be directed to install 'Children at Play' signs around the Ladysmith Little League Ball Fields.

Councillor Paterson reported that he had attended a recent meeting of the Parks, Recreation and Culture Commission, and that the Commission is considering a location for a new dog park.

Councillor Paterson further reported that Ladysmith Days will take place on July 31 and August 1.

Councillor Paterson requested that the Mayor send a card of thanks to the staff at Parks, Recreation and Culture for donating Aggie Hall for a recent community fundraiser.

**Councillor L. Evans**

Councillor Evans reported that the Affordable Housing Directorate of Social Planning Cowichan is developing an affordable housing policy for the Cowichan Valley Regional District, based on its extensive research.

Councillor Evans attended a meeting of the Health Advisory Committee and requested that the request for a representative from the Stz'uminus First Nation on the Committee be placed on the agenda for a future joint Council meeting.

**2010-321**

It was moved, seconded and carried that staff be directed to prepare an amending bylaw to delete the residency requirement from the Heritage Revitalization Advisory Commission Bylaw.

Councillor Evans requested that the matter of Stz'uminus First Nation place names be placed on the agenda of the next Joint Council Meeting.

**Councillor B. Whittington**

Councillor Whittington reported that the Vancouver Island Regional Library is considering ways to raise funds in order to update and renovate its libraries, including the Ladysmith Library. This could result in an increase to the property tax levy for the Vancouver Island Regional Library.

**STAFF / ADVISORY  
COMMITTEE REPORTS**

**Development Cost Charge Bylaw Review – Rate Options  
and Rebates for Developments with Low Environmental  
Impact**

**2010-322**

It was moved, seconded and carried that staff be directed to investigate the impact of revising the development cost charges (DCC) structure with specific consideration to:

- a) reducing the benefit factor for waterfront DCC projects to 67 per cent from 100 per cent;
  - b) reducing the benefit factor for parks DCC projects to 67 per cent from 90 per cent;
  - c) and implementing a DCC-free designation for certain developments in the downtown core (Baden Powell to Symonds, Esplanade to Second),
- and that staff prepare a schedule for regular review of development cost charges.

**Disposition of Crown Land – Holland Creek Area**

**2010-323**

It was moved, seconded and carried that Council provide the following comments to the Province of B.C. regarding ILMB application 1413401 for a Crown grant application by Thuy'she'num Property Management Limited Partnership:

- The Town of Ladysmith will require, upon subdivision or development of the land, the dedication of a 20 metre right-of-way through Lot 103 to provide for (1) a collector road to connect Dogwood Drive to the subject lands and lands beyond; and (2) a trunk water main and sewer trunk mains, as identified in the Holland Creek Local Area Plan. The Town strongly encourages the Crown to require the dedication of this right-of-way prior to the Crown grant to Thuy'she'num Property Management Limited Partnership.
- The Town currently has an existing statutory right-of-way

(L21783) registered over District Lot 103 (009-474-251) and Block 192 (009-438-319) for water supply purposes.

- The property is zoned 'F-1 Zone – Primary Forestry' and residential development is not a primary permitted use. The minimum parcel size is 20 ha. A review of the Holland Creek Local Area Plan will be required prior to Council's consideration of a rezoning proposal for the lands.

### **Proposed Strata Conversion of 218 Bayview Avenue**

**2020-324**

It was moved, seconded and carried that Council provide support in principle to convert 218 Bayview Avenue to strata title units, subject to:

1. The results of a proponent-held information meeting with current residents of 218 Bayview Avenue regarding the proposed strata conversion
2. Staff and the applicant working towards a Housing Agreement Bylaw (s. 905, LGA) to secure in general terms (1) on-going rental, (2) maximum rental increases, and (3) including an accessible unit, as defined by the BC Building Code, in the renovation of the building

and that the results be reported to Council as soon as possible in order to proceed to the next steps.

### **Proposed Accessory Building at 123 Forward Road**

**2010-325**

It was moved, seconded and carried that Council identify a conflict between the maximum gross floor area permitted under Town of Ladysmith Zoning Bylaw 1995, No. 1160, Amendment Bylaw (No. 82), No. 1727 and the application for a building permit at 1232 Forward Road submitted by Rob and Gayla Hunter, received on June 22, 2010

**2010-326**

It was moved, seconded and carried that Council withhold the building permit for an accessory building at 1232 Forward Road.

### **CORRESPONDENCE**

#### **Coastal Animal Control Services of B.C. Ltd.**

Town of Ladysmith Pound Report for May 2010

**2010-327**

It was moved, seconded and carried that Council receive the Town of Ladysmith Pound Report from Coastal Animal Control Services of B.C. Ltd. For May 2010.

#### **British Columbia / Yukon Command, Royal Canadian Legion**

Request to purchase advertisement in the annual Military Service Recognition Book

**2010-328**

It was moved, seconded and carried that Council purchase a one-

tenth page advertisement in the annual Military Service Recognition Book published by the British Columbia / Yukon branch of the Royal Canadian Legion for a total cost of \$250.00.

## **BYLAWS**

### **Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644, Amendment Bylaw 2010, No. 1732**

**2010-329** It was moved, seconded and carried that Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644, Amendment Bylaw 2010, No. 1732 be adopted.

**2010-330** It was moved, seconded and carried that Town of Ladysmith Freedom of Information Bylaw 1994, No. 1138, Amendment Bylaw 2010, No. 1733 be adopted.

**2010-331** It was moved, seconded and carried that Town of Ladysmith Subdivision Control Bylaw 1994, No. 1115, Amendment Bylaw 2010, No. 1734 be adopted.

## **QUESTION PERIOD**

M. Stevens was advised that the proposed lake for water control on Ladysmith Golf Course is in the preliminary discussion stages and that designs are not yet finalized.

M. Stevens was advised that the issue of parking will likely be a major factor in any discussions regarding secondary suites.

A. Lafontaine was advised that the Ladysmith Kinsmen are currently raising funds for a replacement of the playground equipment at Brown Drive Park.

**2010-332** It was moved, seconded and carried to adjourn the regular session of Council at 9:15 p.m.

**2010-333** It was moved, seconded and carried to retire into Executive Session.

## **RISE AND REPORT**

The Executive Session of Council rose without report at 10:25 p.m.

## **ADJOURNMENT**

**2010-334** It was moved, seconded and carried that the Regular Meeting of Council be adjourned at 10:25 p.m.

**CERTIFIED CORRECT**

Mayor (R. Hutchins)

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Corporate Officer (S. Bowden)

Subject to Adoption