



TOWN OF LADYSMITH

A SPECIAL MEETING OF THE
COUNCIL OF THE TOWN OF LADYSMITH
WILL BE HELD ON

WEDNESDAY, OCTOBER 1, 2014
7:00 P.M.

AGGIE HALL (SYMONDS STREET AND FIRST AVENUE)

AGENDA

CALL TO ORDER

1. AGENDA APPROVAL
2. MAYOR'S INTRODUCTION
3. PRESENTATION/DELEGATION
 - 3.1. Frank Limshue, Couverdon Real Estate
Amended Couverdon Real Estate/TimberWest Boundary Extension
Application
4. QUESTION AND ANSWER/PUBLIC COMMENT PERIOD
5. REPORTS
 - 5.1. Amended Boundary Extension Proposal - Couverdon Real
Estate/TimberWest1 - 5
6. ADJOURNMENT

Town of Ladysmith

STAFF REPORT



To: Ruth Malli, City Manager
From: Felicity Adams, Director of Development Services
Sandy Bowden, Director of Corporate Services
Date: September 25, 2014
File No: 6560-20 (TimberWest)

Re: **AMENDED BOUNDARY EXTENSION PROPOSAL – COUVERDON REAL ESTATE /
TIMBERWEST**

RECOMMENDATION(S):

1. That Council:

(a) support the amended boundary extension proposal from Couverdon Real Estate/TimberWest and direct staff to submit the revised proposal to the Province.

OR

(b) not support the amended boundary extension proposal from Couverdon Real Estate/TimberWest.

2. That Council:

(a) not consider holding a referendum on the boundary extension request from Couverdon Real Estate/TimberWest until the administrative review of the amended boundary extension proposal by the Province is complete and Council has considered and given direction on the recommendations from the Holland Lake and Stocking Lake Hydrology Report, September 2014.

OR

(b) direct staff to hold a referendum on the revised proposal from Couverdon Real Estate/TimberWest at the time of the 2014 local government election as requested by Couverdon.

If Council chooses to proceed with the referendum now (option 2[b]),

3. That Council direct staff to place the following referendum question on the ballot for the upcoming local government election in November 2014:

“Are you in favour of a boundary extension to include privately owned forest land located adjacent to the northwest boundary of the Town of Ladysmith as proposed by Couvedon Real Estate/TimberWest within the boundaries of the Town of Ladysmith for the purpose of a future comprehensive development?”

PURPOSE:

The purpose of this staff report is to present an amended boundary extension proposal from Couverdon Real Estate and to seek direction from Council regarding the submission of the

proposal to the Province and the possible consideration of the proposal by the electorate at a future referendum.

INTRODUCTION/BACKGROUND:

At its meeting held January 28, 2014, Council directed staff to proceed with the proposed boundary extension submitted by Couverdon Real Estate/TimberWest and to submit it to the Province. The original proposal was submitted to the Province by the Town on February 17, 2014.

In addition, Council directed staff to proceed with an Alternative Approval Process (AAP) and to submit a notice of the boundary extension proposal to the BC Gazette in accordance with the legislation. The AAP was completed on March 14, 2014 and the results were reported to Council at the April 7, 2014 meeting.

At the meeting held April 7, 2014, Council directed staff to prepare a report concerning options for proceeding to referendum on the matter of the boundary extension application from Couverdon once the climate modelling for the watershed has been completed.

SCOPE OF WORK:

An amended boundary extension proposal that reduces the boundary extension area by 10 hectares was submitted by Couverdon on July 31, 2014. In the covering letter Couverdon has requested that Council consider having a referendum on the proposal at the same time as the 2014 local government election. The application boundary has been adjusted to reflect servicing constraints by removing areas that cannot be serviced effectively due to elevation as confirmed by the Town's engineering consultants (Koers & Associates). (The area is shown on the map attached to this report.)

The Province requires a Council resolution confirming that the municipality wishes to consider a boundary extension proposal or an amended proposal. Staff will submit the required information to the Province. The Province reviews the application and prepares an "administrative report" based on the amended proposal.

If Council wishes to refer the proposed boundary extension to a referendum, a resolution of Council to establish the question on the ballot and direct staff to take the question to a vote is required under Sec. 122 of the Community Charter. There is no formal requirement for the Ministry to prepare the "administrative report" on the proposed boundary extension prior to the electorate voting on the issue; however, the Ministry strongly recommends that the administrative review is completed prior to seeking electoral approval of a boundary extension to ensure that the boundary presented to the public is deemed to be acceptable under the Provincial boundary extension technical criteria. The original application was sent to the Ministry in February 2014. To date, a response from the Ministry has not been received by the Town.

The Ministry advises that, with regard to holding a referendum on the revised proposal, a referendum that is defeated by the electorate is binding. This means that Council would not be able to provide another voting opportunity on the same proposal. The applicant could revise their proposal and request Council to consider the amended proposal. The Ministry

also advises that a referendum that is successful is not binding, given that Council could determine to not proceed; however, there would likely have to be a compelling reason for the Council to make such a determination.

If Council wishes to place a question on the ballot at the upcoming local government election in November, adoption of a resolution to establish the question is required at this evening's meeting. Staff requests Council's consideration of the following referendum question:

"Are you in favour of a boundary extension to include privately owned forest land located adjacent to the northwest boundary of the Town of Ladysmith as proposed by Couvedon Real Estate/TimberWest within the boundaries of the Town of Ladysmith for the purpose of a future comprehensive development?"

ALTERNATIVES:

The Ministry has advised staff that Council could also choose to proceed with a new Alternative Approval Process on the amended boundary extension proposal.

FINANCIAL IMPLICATIONS:

If the Town is to undertake additional studies as part of this proposal or there are direct costs with a submission to the Province, the applicant will pay for these costs. The applicant will cover the cost of the referendum.

LEGAL IMPLICATIONS:

The *Local Government Act* requires municipal elector approval of a proposed boundary extension. Electoral approval may be obtained by the municipality through a referendum or the alternate approval process.

The decision to approve a boundary extension proposal is made by the Provincial Cabinet.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Couverdon has updated its website with this request and has been providing information directly to Ladysmith residents. The Town would also provide this updated information on its website. While 1,601 forms were submitted in response to the earlier AAP, some members of the community have expressed a preference for a referendum on the matter.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

All Departments have been involved in the review of the boundary extension proposal.

RESOURCE IMPLICATIONS:

Submitting the amended boundary extension proposal to the Province will take minimal time.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

A key statement in the Report is "The residents of Ladysmith want growth to give them more of what they like about their town."



The proposal from Couverdon is respectful of the strategic directions and community objectives contained in the report. The application includes a preliminary land use concept which envisions a mixed-used community which will be an extension of the historic fabric of the Town, building upon the community's strong community history and culture. This preliminary plan is available for community review. In addition if the lands were included in the Town, further detailed planning work would be expected.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The consideration of the Couverdon boundary extension proposal is a strategic priority of Council.

SUMMARY:

Couverdon Real Estate/TimberWest has submitted an amended boundary extension application. It is recommended that Council direct staff to submit the amended boundary extension application to the Province and that Council consider the timing of a referendum on this proposal as requested by Couverdon.

ATTACHMENTS:

Plan showing Proposed Boundary Extension Amendment.

