TOWN OF LADYSMITH



A Public Hearing and Special Meeting of the Council of the Town of Ladysmith Will be held in Ladysmith Eagles Hall 921 First Avenue, Ladysmith Monday, April 27, 2015

Part One: 6:00 p.m. - 6:30 p.m.

Part Two: 7:00 p.m.

AGENDA

PART ONE - CALL TO ORDER 6:00 P.M.

- 1. AGENDA APPROVAL
- 2. DELEGATION

Cory Vanderhorst, MNP
Presentation of 2014 Audited Financial Statements

Staff Recommendation:

That Council approve the 2014 audited financial statements.

PART TWO - CALL TO ORDER 7:00 P.M.

3. PUBLIC HEARING – BYLAW 1875
Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 1), 2015, No. 1875

The purpose of Bylaw 1875 is to amend the R-3-A Zone by adding new site specific regulations for the subject properties to permit Townhouse Dwelling Use and Two Unit Dwelling Use to a total combined maximum of 15 units.

Subject Properties - 606 Farrell Road

- Lot A, District Lot 41, Oyster District, Plan VIP84543 except part in Strata Plan VIS6497 (Phase 1)
- Strata Lot 1, District Lot 41, Oyster District, Strata Plan VIS6497 together with an interest in the Common Property in the Proportion to the Unit Entitlement of the Strata Lot as shown on Form V
- Strata Lot 2, District Lot 41, Oyster District, Strata Plan VIS6497 together with an interest in the Common Property in the Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V
- Strata Lot 3, District Lot 41, Oyster District, Strata Plan VIS6497 together with an interest in the Common Property in the Proportion to the Unit Entitlement of the Strata Lot as shown on Form V, and
- Common Property Strata Plan VIS6497

8.

ADJOURNMENT

	3.1.	Outline of Meeting Process – Mayor Stone					
	3.2.	Introduction of Bylaw and Statutory Requirements – Director of Development Services					
	3.3.	Written Submissions1-5					
	3.4.	Call for Submissions to Council (Three Times)					
	3.5.	Declaration that the Public Hearing is Closed					
4.	DEVELOPMENT APPLICATIONS						
	4.1.	Industrial Development Permit Application – 1146 Rocky Creek Road (Harley)6-14					
5.	BYLAWS - OCP / ZONING						
	5.1.	Town of Ladysmith Zoning Bylaw 2014, No. 1860 Amendment Bylaw (No. 1), 2015, No. 1875					
		Subject to any matters raised at the Public Hearing, Bylaw 1875 may be read a third time and adopted.					
		The purpose of Bylaw 1875, which is the subject of the Public Hearing earlier in the meeting, is to amend the R-3-A Zone by adding new site specific regulations for the subject properties to permit Townhouse Dwelling Use and Two Unit Dwelling Use to a total combined maximum of 15 units.					
6.	2015	5 - 2019 Financial Plan Deliberations					
	6.1.	Financial Plan Overview - Staff Presentation					
		Staff Recommendation That Council direct staff to prepare the 2015 to 2019 Financial Plan Bylaw, 2015 Property Tax Bylaw and 2015 Water and Sewer Rates Bylaws					
	6.2.	Public Input and Questions					
7.	New	Business					
	7.1.	Appointment of Director and Alternate Director to Cowichan Valley Regional District Board (By Resolution)					

Town of Ladysmith

April 21, 2015

P.O. Box 220

Ladysmith, B.C.

V9G 1A2

Attention:

Mayor and Council

Re: Public Hearing Bylaw No. 1875

As the owners in the middle of the subject property we would like to thank the Town Council and staff for the proposed amendment Bylaw No. 1875 and that we would support the third and final reading and approval of same. We will be attending the public hearing on April 27, 2015.

However, there are a few questions that keep coming up here and in the neighbourhood regarding the possible development:

- 1. Is the approval for 12 more units or up to a maximum of 12?
- 2. Emergency access and turn around.
- 3. Is there any provision to maintain a standard of construction which would complement the existing houses or community surrounding the site?
- 4. What kind surety or bond would be in place to cover potential damage to foundations etc. during blasting or whatnot during construction to our units or surrounding houses?
- 5. Could said surety or bond be kept in place after construction to cover future problems deemed construction related?
- 6. Landscaping, water run-off, site screening, traffic are also questions which been put forward by us and neighbours.
- 7. What type of site planning will be required? Arborist, engineering, under ground water....

During the course of past couple months we are now fully aware of who our neighbours are and how they feel regarding this development and we thank them for their submissions to council in support.

We have also come to know and respect the Town of Ladysmith Mayor and Council as well as numerous behind the scenes staff members, we would like to thank each of you for your assistance and patience in this matter.

Cleve Carleton

Strata 6497

21 April 2015

Mayor, Councillors, Development Services PO Box 220 Ladysmith, BC V9G 1A2

Re: Bylaw No. 1875 cited as "Town of Ladysmith Zoning Bylaw 2014, No. 1860 Amendment Bylaw (No. 1), 2015, No. 1875"

I am voicing my <u>support for the proposed amendment</u> to the R3A Zone in the Town of Ladysmith Zoning Bylaw 2014, No. 1860 to add new site specific regulations for the subject properties at 606 Farrell Road to permit Townhouse Dwelling Use and Two Unit Dwelling Use to a total combined maximum of 15 units.

I have a concerned interest in what was being proposed, i.e. to construct 28 units on the subject property is totally inconsistent with the town's "green" objectives as articulated with the revised Town by-laws of late 2014. The proposed change in density is radically out of character with the surrounding homes (at the Gales, other surrounding properties, and the surrounding neighbourhoods).

In it's 23 March 2015 Staff Report it was documented that the following OCP goals and policies remain as important to Ladysmith, viz.

- "New development areas need to consider the traditional neighbourhood structure
- Views from the hillside should be promoted in new development and protected in existing development
- Design new development to complement the overall character of Ladysmith and provide attractive and sustaining neighbourhoods
- Inclusion of green space in development plans
- Design hillside development to fit the landscape and natural features"

Any development for a maximum density (28 units) stuffed into a narrow ravine in no way would not allow the above policies to be fulfilled.

I located to Ladysmith six years ago and carefully choose what I believed to be a fine neighbourhood which has indeed turned out to be the case. I had other choices on Vancouver Island, but chose Ladysmith ... I wish that to remain as the right choice. To have a "green" area totally clear cut with 28 properties shoe-horned into a very small area is not what we want, and is not in the best interests of our community. Some members of Council have previously stated publicly that "development practices have to be more environmentally responsible" ... the developer's proposal ignores all that .. with the proposed density bordering on the extreme in the community where the subject property is located.

I, amongst others, acquired property on the basis and belief that the existing Covenant in place (i.e. a maximum of 15 units) would remain intact placing a reasonable limit on the surrounding density. To allow any such proposal leaning towards maximum density, apart from destroying many "green" aspects, will result in a large drop in the value of our and surrounding neighbourhood properties ... this would destroy the confidence of future buyers of properties in the newer areas in Ladysmith as they could never be sure what would pop up next to them.

I trust that Council will support the endeavour to pursue our common interest to make for a better community. Approval of this Bylaw change (third reading, site specific amendment) is but one step towards that end, viz. "responsible development" for Ladysmith, where full compliance with the OCP Guidelines and Bylaw provisions will be assured by the Town.

Sincerely, Gerald Stasiuk

April 21, 2015

Town of Ladysmith PO Box 220 Ladysmith, BC V9G 1A2

Attn: Mayor and Council

Re: Public Hearing regarding Bylaw No. 1875

The owners of the Gales have a direct and active interest in any proposed development on the lots at 606 Farrell Road. This submission is on behalf of this group and we request that it be included in the Public Hearing Agenda package.

We wish to endorse the action of Council in approving Bylaw No. 1875 amending Bylaw No. 1860 on March 30. This is a valuable contribution to solving the problems with development of the 606 Farrell Road site. We fully support Third reading and final approval of the "site specific" amendment.

We wish to emphasize that it is imperative that any new application for a Development Permit be scrutinized carefully and be fully in conformity with the Bylaws and Guidelines for DPA 4 and the OCP. Recent difficulties involving a building on Third Ave illustrate to risks to all parties. The 606 Farrell Road site presents some very difficult problems, being very narrow, with only one access/egress path. The site consists of a narrow ravine and slopes up the hill ranging from 30 to 45 degrees. There are a significant number of large trees on the site, which the Development Application of December 2014 envisaged being "clear cut". There are important issues regarding slope stability and runoff onto Farrell Road during heavy rain.

We identify a number of sections in the DPA 4 Guidelines that are relevant:

Under Objectives, (i) ... to integrate within existing neighbourhoods.

Under Guidelines, (2) Siting and Massing (e),hillsides and steeply sloped sites:

■ cuts and fills should blend with the natural typography mimicking predevelopment site contours.

Under Landscaping (12),

(a)preservation of existing trees, shrubsand other natural features(b) trees and vegetation should be planted in organic clusters, rather than lines and formal arrangements.

(m) Adequate monetary security will be required to ensure that the required landscaping will be completed and established.

None of these important requirements were addressed in the Development Application of December 2014.

In Summary:

We fully support the final adoption of Bylaw No. 1875, as a first step. We encourage the Town to ensure that any Development Application meets the full regulatory requirements. These include full compliance with the Guidelines of the OCP and all provisions of the Bylaws.

I would appreciate the opportunity to speak to these matters at the April 27 Public Hearing.

Submitted on behalf of the owners of 626 Farrell Road.

dames Russell

On behalf of the Owners of The Gales 626 Farrell Road:

Sharon Haynes and Don Snider
Gary Burnside
Robert and Anne Lepschi
John and Lee Garstang
Gerry and Bev Wells
Gerry and Vi Stasiuk
Alan and Maureen Hook
Darrell and Edith Martin
James and Wendy Russell
Varner and Liliane Nickle



STAFF REPORT

To:

Ruth Malli, City Manager

From:

Felicity Adams, Director of Development Services

Date:

April 21, 2015

File No:

3060-15-05

Re:

<u>Industrial Development Permit Application – 1146 Rocky Creek Rd. (Harley)</u>

Lot C, District Lot 38, Oyster District, Plan EPP36585

RECOMMENDATION(S):

That Council direct staff to remove Development Permit 3060-00-08 (EP96966), 3060-07-03 (FB178787), and 3060-08-18 (FB219990) from the Certificate of Title of Lot C, District Lot, 38, Oyster District, Plan EPP36585 (1146 Rocky Creek Road) as these permits are no longer relevant for the property;

And, that Council issue Development Permit 3060-15-05 for a light industrial development at Lot C, District Lot, 38, Oyster District, Plan EPP36585 (1146 Rocky Creek Road), subject to the submission of a landscape bond in the amount of 100% of the onsite landscaping;

AND THAT the Mayor and Corporate Officer be authorized to sign the Development Permit.

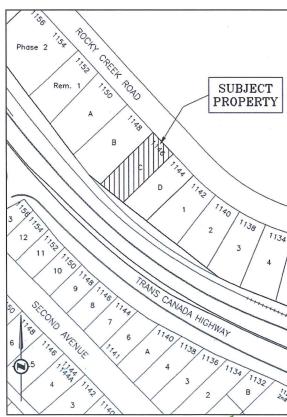
PURPOSE:

The purpose of this staff report is to present for Council's consideration a Development Permit application for a proposed light industrial development at 1146 Rocky Creek Road.

INTRODUCTION/BACKGROUND:

The applicant, Brad Harley, has submitted a development permit application to permit a new industrial building and associated site works at 1146 Rocky Creek Road. The proposed use for the site is a new building for an auto supply business. The property is 1500m² (16,145 ft²) in size and is currently vacant. The two lots on either side of the subject property are also vacant. The building is proposed to be 470m² (5060 ft²) in size; with a 409m² main floor (warehouse and sales area) and 61m² upper floor (offices and lunch room). The proposed site works include parking stalls, garbage enclosure, tree plantings, pedestrian path, loading bay, and a delivery access area.

Three outdated development permits that are registered on the title of the property can be removed. DP 00-08 was issued to International Bio-Recovery Corporation and









this project did not proceed. DP-07-03 and DP-08-18 were issued to Heritage Business Park Ltd. for live-work buildings. The subject property was severed from the live-work development and a new light industrial development is proposed for the subject property.

SCOPE OF WORK:

The subject property is zoned 'Light Industrial' (I-1) and falls within the Industrial Development Permit Area (DPA 5). The proposed industrial development has been reviewed in relation to Zoning Bylaw and the DPA 5 guidelines.

Zoning Bylaw 2014, No. 1860.

- Parking and Loading: The proposed twelve parking stalls, pedestrian path, traffic flow, and loading area comply with the Zoning Bylaw requirements.
- Landscaping: The two parking lot shade trees and the retaining wall height of 3 metres complies with the requirements.
- *I-1 Zone:* The use, density, siting and size of the building complies with the *I-1* zone requirements.

DPA 5 Guidelines

The objective of DPA 5 is to enhance the Town's industrial areas and ensure that industrial development is complementary to the existing character of Ladysmith, and aligned with the Town's vision for growth.

Building Design, Siting, Massing and Frontage, Windows, Doors, Canopies:

- The proposed metal industrial building is similar in style to many of the existing metal industrial buildings on Rocky Creek Road.
- The building's peaked roofline and lower roofline for the loading area provides a break in the massing.
- The reception and sales area is located at the front of the building and faces the street.
 The entryway is defined with aluminum commercial style doors, a peaked canopy, and heavy timber accents.
- Visual interest is provided with the use of red accents around the building.
- The windows will be commercial grade vinyl. The front face of the building provides many windows for light penetration.
- A delivery door and drive aisle is provided on the southwest side of the building for delivery vehicles.

Signs, Materials, Colours and Mechanical Equipment:

- The grey metal siding with red accents is suitable for an industrial area.
- It is anticipated that the red accent areas will provide an attractive background for potential signage. A sign permit will be required for signage.
- Outdoor storage is not anticipated for the business. A screened garbage enclosure is provided.
- Rooftop mechanical equipment is not required for the building.

Accessibility, Connectivity, Vehicle & Bicycle Parking and Loading:

• A safe level pedestrian path, accessible to all, is provided from the Rocky Creek Road sidewalk to the entry of the building.







- A correctly sized accessible parking stall is provided adjacent to the building's primary entrance.
- The parking stalls are connected to the main building entrance via the pedestrian path which is largely separated from the vehicle drive aisles.
- A bike rack is provided near the entrance to the building for bicycle parking.
- Two shade trees are provides in the parking area.
- A loading area is provided at the side of the building and meets Zoning Bylaw requirements.
- Parking stalls will be defined with wheel stops and line painting. Precast curbs will protect the tree bed area.

Landscape, Energy and Water Conservation, Rainwater Management:

- Four trees will be planted on the steep bank at the rear of the building to provide a buffer and visual screen between the building and Island Highway.
- The bank will be landscaped with kinnickinnick as effective ground cover.
- The retaining wall will be 3 metres in height and will have a smooth concrete finish.
- A landscape bond will be provided to ensure plantings are completed and well established. The value of the landscape bond will be included prior to signatures and registration at the Land Title office.

Recycling, Organics, & Solid Waste Management:

A split faced block waste enclosure will be provided with cedar doors.

Lighting and Crime Prevention:

Motion detection lighting will be provided on all sides of the building for night security.

ALTERNATIVES:

While the issuance of a Development Permit is not a completely discretionary decision of Council, Council may decide to not issue Development Permit 15-05 where the refusal is based upon a determination that the development permit application does not meet the Development Permit Area guidelines. If the Development Permit is refused then reasons must be given. The determination by Council must be in good faith and it must be reasonable, not arbitrary.

FINANCIAL IMPLICATIONS;

None.

LEGAL IMPLICATIONS;

A Development Permit is required prior to the issuance of a building permit on the subject property.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

At their meeting on April 13, 2015 the Advisory Design Panel passed the following motion:

The Advisory Design Panel recommends that Council support Development Permit application #3060-15-05 (1146 Rocky Creek Road) after further review, by the Development Services Staff, of the pedestrian access, and the boulevard landscaping.







Development Services staff have further reviewed the pedestrian access and boulevard landscaping. The boulevard area will contain a sidewalk, wheelchair accessible letdown onto the property for the pedestrian path, and ground cover. Due to the dual driveway access, for circulation and parking as requested by the business, there will not be space on the boulevard for trees. Two trees are located adjacent to the boulevard in the parking area.

Development Permit applications do not require statutory notice. Public input was received during the preparation of the development permit guidelines.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The development permit application was referred to Infrastructure Services and their comments have been integrated into the development design.

RESOURCE IMPLICATIONS:

Processing Development Permit applications is within available staff resources.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

A sustainable development checklist was not submitted; however the proposed development will support the retention and expansion of an existing Ladysmith business.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Effective land use planning and community design are strategic Council directions.

SUMMARY:

A light industrial development is proposed for 1146 Rocky Creek Road. The proposed development was reviewed in relation to the Zoning Bylaw and Development Permit Guidelines. It is recommended to support Development Permit 3060-15-05.

ATTACHMENTS:
Development Permit 3060-15-05









TOWN OF LADYSMITH DEVELOPMENT PERMIT

(Section 920 Local Government Act)

FILE NO: 3060-15-05

DATE: April 27, 2015

Name of Owner(s) of Land (Permittee): Densen Investments Ltd. INC.NO.BC0782374

Applicant: Brad Harley

Subject Property (Civic Address): 1146 Rocky Creek Road

- 1. This Development Permit is subject to compliance with all of the bylaws of the Town of Ladysmith applicable thereto, except as specifically varied by this Permit.
- 2. This Permit applies to and only to those lands within the Town of Ladysmith described below, and any and all buildings structures and other development thereon:

Lot C
District Lot 38
Oyster District
Plan EPP36585
PID# 029-272-751
(referred to as the "Land")

3. This Permit has the effect of authorizing the issuance of a building permit for the construction of a building or structure on the Land in accordance with the plans and specifications attached to this Permit, and subject to all applicable laws, except as varied by this Permit;

Subject to the conditions, requirements and standards imposed and agreed to in section 5 of this Permit.

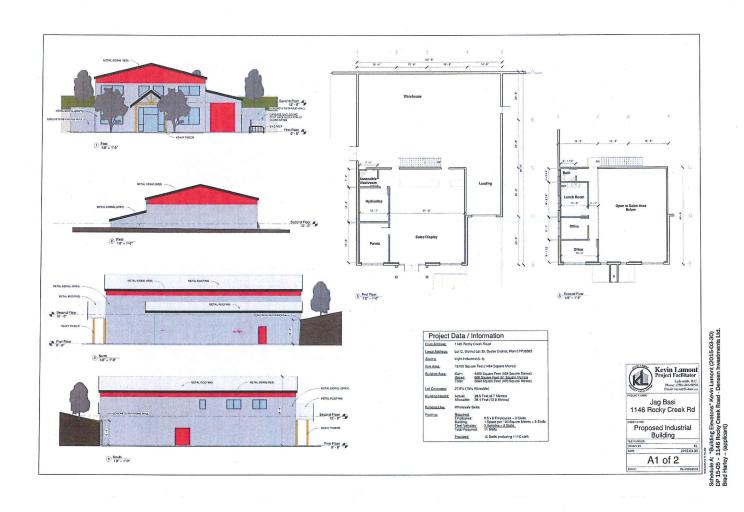
- 4. This Permit does not have the effect of varying the use or density of the Land specified in Zoning Bylaw 2014, No. 1860.
- 5. The Permittee, as a condition of the issuance of this Permit, agrees:
 - a) To develop the Land as shown in:

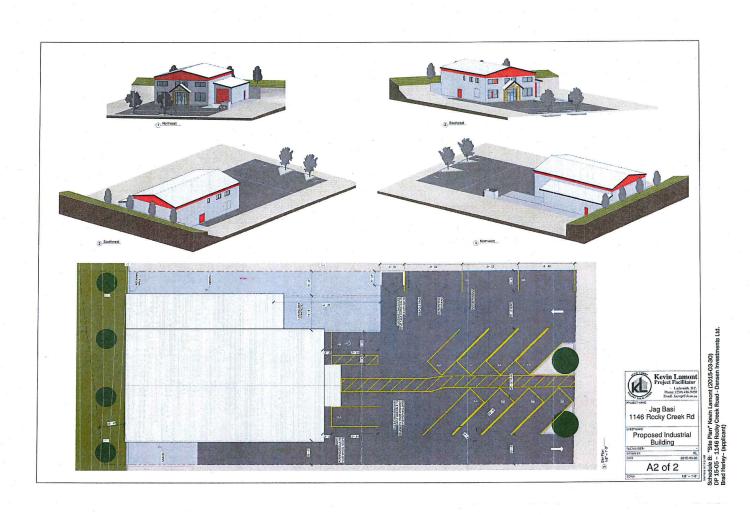
Schedule A "Building Elevations" Kevin Lamont (2015-03-30); Schedule B "Site Plan" Kevin Lamont (2015-03-30); and Schedule C "Landscape Plan" Janice New (March 5, 2015).

- b) That all trees have a minimum caliper of 6 cm at the time of planting on the Land, and that the trees have a minimum of 6 cubic metres of growing medium for each tree.
- c) The parking space for persons with disabilities shall be marked with a vertical sign high above the surface of the parking area as well as a sign painted on the surface of the parking area; and the sign shall have the universally applied logo.
- d) Signs are required to indicated access points to the parking area on the Land, and to indicate the direction of traffic movement.
- e) Motion detection lighting is required on all sides of the building to improve safety.
- f) An oil/water separator shall be installed in the parking area and shall be maintained.
- g) Onsite monitoring shall be undertaken by a landscape professional during landscape installation, and any request for the release of a landscape security may require a report from the landscape professional.
- h) That the internal layout of the building is not a subject of this Permit.
- 6. This Permit is issued on the condition that the Permittee has provided to the Town of Ladysmith security in the form of an irrevocable Letter of Credit to guarantee the performance of the conditions in section 5 of this Permit respecting landscaping. The Letter of Credit shall be for a period of two years, shall be automatically extended, and shall by in the amount of \$ ______.
- 7. Should the Permittee fail to satisfy the conditions referred to in section 5 and 6 of this Permit, the Town of Ladysmith may undertake and complete the works required to satisfy the landscaping condition(s) at the cost of the Permittee, and may apply the security in payment of the cost of the work, with any excess to be returned to the Permittee.
- 8. Should there be no default as herein provided, or where a Permit lapses, the Town of Ladysmith shall return any security provided to the Permittee.
- 9. Notice of this Permit shall be filed in the Land Title Office at Victoria under s.927 of the *Local Government Act*, and upon such filing, the terms of this Permit (3060-15-05) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
- 10. If the Permittee does not substantially start any construction permitted by this Permit within two years of the date of this Permit as established by the authorizing resolution date, this Permit shall lapse.

OWNER

PLEASE PRINT NAME





TOWN OF LADYSMITH

BYLAW NO. 1875

A bylaw to amend "Town of Ladysmith Zoning Bylaw 2014, No. 1860"

WHEREAS pursuant to the *Local Government Act*, the Municipal Council is empowered to amend the Zoning Bylaw;

AND WHEREAS after the close of the Public Hearing and with due regard to the reports received, the Municipal Council considers it advisable to amend "Town of Ladysmith Zoning Bylaw 2014, No. 1860";

NOW THEREFORE the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

- (1) Schedule A Zoning Bylaw Text of "Town of Ladysmith Zoning Bylaw 2014, No. 1860" is hereby amended as follows:
 - (a) Section 10.11 Low Density Residential (R-3-A) is amended by adding new site specific regulations to Section 10.11.8 as follows:
 - (i) The following is added to the end of Section 10.11.8 (a):
 - "(iv) For the Land consisting of the Parcels legally described as:

Lot A, District Lot 41, Oyster District, Plan VIP84543 except part in Strata Plan VIS6497 (Phase 1);

Strata Lot 1, District Lot 41, Oyster District, Strata Plan VIS6497 together with an interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V;

Strata Lot 2, District Lot 41, Oyster District, Strata Plan VIS6497 together with an interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V;

Strata Lot 3, District Lot 41, Oyster District, Strata Plan VIS6497 together with an interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V; and

Common Property Strata Plan VIS6497;

the maximum number of *Dwelling Units* permitted on that *Land* is 15 in total."

- (ii) Section 10.11.8(b) is deleted and the following substituted:
 - "b) The maximum number of units permitted under each of subsections 10.11.8(a)(i), (ii), (iii) and (iv) applies despite any subdivision of the *Parcel* or *Parcels* specified in the subsection."
- (iii) The following is added to the end of Section 10.11.8:
 - "c) Despite Section 10.11(1), for the *Parcels* legally described as:

Lot A, District Lot 41, Oyster District, Plan VIP84543 except part in Strata Plan VIS6497 (Phase 1);

Strata Lot 1, District Lot 41, Oyster District, Strata Plan VIS6497 together with an interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V;

Strata Lot 2, District Lot 41, Oyster District, Strata Plan VIS6497 together with an interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V;

Strata Lot 3, District Lot 41, Oyster District, Strata Plan VIS6497 together with an interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V; and

Common Property Strata Plan VIS6497;

 30^{th}

the permitted *Principal Uses* are *Townhouse Dwelling* and *Two Unit Dwelling* only."

day of March, 2015

CITATION

READ A FIRST TIME

(2) This bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860 Amendment Bylaw (No. 1), 2015, No. 1875".

on the

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READ A SECOND TIME	on the	30 th	day of	March, 2015	
PUBLIC HEARING held pursuan	t to the prov	isions of t	he <i>Local Go</i>	wernment Act	
	on the		day of		
READ A THIRD TIME	on the		day of		
ADOPTED	on the		day of		
			ic-	Mayor (A	. Stone)
	7		Corporat	te Officer (S. B	owden)