



**TOWN OF LADYSMITH**  
**MINUTES OF A REGULAR SESSION OF COUNCIL**  
**MONDAY, MARCH 15, 2010 - 4:00 P.M.**

**LADYSMITH**

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**PRESENT:**

Mayor Rob Hutchins                      Councillor Steve Arnett                      Councillor Bruce Whittington  
Councillor Jillian Dashwood              Councillor Duck Paterson

**ABSENT:**

Councillor Scott Bastian                  Councillor Lori Evans

**STAFF PRESENT:**

Ruth Malli                                      Sandy Bowden                                      Rebecca Kalina  
Felicity Adams                                      Joanna Winter                                      Joe Friesenhan

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**CALL TO ORDER**                              Mayor Hutchins called the meeting to order at 4:02 p.m.

**AGENDA APPROVAL**                              Mayor Hutchins requested Council’s consideration of the following changes to the agenda:

12.1 - Request to Amend the Zoning Bylaw - Accessory Structures Residential Zones

9.6 - Delete (Contract Award - Architect - Community Social Services Centre)

**2010-103**                                      It was moved, seconded and carried that the agenda be adopted as amended.

**2010 FINANCIAL PLAN**                              Mayor Hutchins introduced Bruce Sampson (Sampson, Robinson & Associates Ltd.) and Chris Wood to speak about the implications of climate change and carbon energy consumption, and why communities such as Ladysmith should make alternate energy sources, energy saving and sustainability top priorities in all planning and budgeting.

Mr. Sampson and Mr. Wood vacated Council Chambers at 5:25 p.m.

Discussion ensued regarding the financial plan.

**2010-104**

It was moved, seconded and carried that staff be directed to present a financial plan that will be consistent with Council's leadership and commitment to achieving the following:

1. Implementation of the Community Visioning Document
2. Implementation of the Community Energy Plan
3. Achieving or exceeding the town's targets for green house gas emissions
4. Support for a sustainable community (considering environmental, economic and social impacts based on ongoing multiple criteria analysis).

And that staff be directed to dedicate existing resources to achieve the following outcomes:

5. A vibrant local Economy with sustainable development
6. Protection of the Natural Environment
7. Support for Social Equity
8. An Engaged Community

And further that staff be directed to recommend policies and reallocation of resources or allocation of new resources required in achieving these outcomes;

And further that staff be directed to bring forward a financial plan review process to achieve these outcomes within the next 18 months.

R. Kalina, Corporate Services Coordinator, arrived in Council Chambers at 5:45 p.m.

Mayor Hutchins explained requisitions proposed by the Cowichan Valley Regional District to increase property tax contributions to the Cowichan Valley Regional Hospital District for needed upgrades to the Cowichan District Hospital.

Mayor Hutchins reviewed the proposed Town of Ladysmith property tax allocation for the Cowichan Valley Regional District.

**2010-105**

It was moved, seconded and carried that the Regular Session of Council recess at 5:55 p.m. for the Government Services Committee meeting.

J. Winter, Manager of Administrative Services, vacated Council Chambers at 5:55 p.m.

The Regular Session of Council resumed at 7:02 p.m.

## PUBLIC HEARINGS

**PUBLIC HEARING - Bylaw 1705 and Bylaw 1706**

## APPLICANT AGENT

Maureen Piltcher of Maureen Piltcher & Associates

## PUBLIC ATTENDANCE: 11

A Public Hearing for Bylaw 1705 and Bylaw 1706 was held in Council Chambers at City Hall, 410 Esplanade, Ladysmith, B.C. on Monday, March 15, 2010 at 7:04 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 project or bylaw and Part 2 would afford attendees an opportunity to provide comments to Council on the proposed development.

Felicity Adams, Director of Development Services, provided an overview of the application submitted by Maureen Piltcher & Associates (Maureen Piltcher) for Lot 1 and Lot 2, District Lot 97 Oyster District, VIP 84065. She noted that the property is located at 1237 4<sup>th</sup> Avenue and that the purpose of Bylaw 1705 is to amend the Official Community Plan by designating the subject property as 'Multi-Family Residential' and placing the property in Development permit Area 4 – Multi-Family Residential (DPA4). Also, Bylaw 1705 proposes to designate the adjacent riparian area (Lot 2, VIP84065) as 'Park and Open Spaces'. The purpose of Bylaw 1706 is to amend the Zoning Bylaw by rezoning the subject property as Medium Density Residential (R-3-A) Zone with a site specific amendment stating that a maximum of 48 units is permitted on the site, (a maximum of 25 units per hectare.) She also stated that Bylaw 1706 proposes to zone the adjacent riparian area (Lot 2, VIP84065) as 'Park (P-2) Zone' Ms. Adams further explained that the proposed height of the condominium building exceeds the permitted height in the R-3-A Zone; thus the applicant will need to apply for height variance at the development permit stage.

Ms. Adams reported that the Advisory Planning Commission made the following recommendation to Council at its meeting held December 15, 2009:

*It was moved, seconded and carried that the Advisory Planning Commission recommends support for an OCP amendment and rezoning that would permit 48 residential units at 1237 Fourth Avenue (3360-09-08) subject to the following conditions:*

- 1) *There is a maximum of 48 residential units on the subject lands;*
- 2) *That Lot 2, VIP Plan 84065 (containing the Rocky Creek riparian area) is dedicated to the Town;*
- 3) *That the plans submitted by Delinea Design Consultants Ltd. (September 10, 2009) are secured as part of the rezoning ; and*
- 4) *That the Development Permit process be thorough to ensure design commitments are adhered to.*

Ms. Adams further noted that the applicant has agreed that a land use agreement (covenant) shall be registered on the title of Lot 1 which will include:

- A statement that there will be a maximum of 48 residential units on the subject property;
- A commitment to the site plan developed by Delinea Design Consultants Ltd. and to the green building strategies indicated on the plans;
- And at the development permit stage: a tree protection management plan; a landscape plan that pays special attention to utilizing native species protection of the riparian area and storm water management.

Lot 2 containing the Rocky Creek riparian area will be transferred to the Town.

Ms. Adams advised that the Public Hearing notice was published in the Chronicle newspaper on March 2 and 9, 2010 and posted on community notice boards throughout the 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. She confirmed that there was one written submission and one telephone or in-person enquiry received at City Hall in connection with this Public Hearing.

Ms. Adams reported that the applicant held a neighbourhood information meeting March 3, 2010. Invitations were mailed to 12 neighbouring property owners/residents. The applicant provided the following report from the meeting:

- Five neighbours attended the meeting. Access to the site and potential traffic impacts were discussed. The one written submission requested a controlled crosswalk at 4<sup>th</sup> Avenue and Christie Road to ensure safety of pedestrians including school children.

Mayor Hutchins introduced the applicant, Maureen Piltcher of Maureen Piltcher & Associates. Ms. Piltcher gave a short presentation regarding the proposed development.

Mayor Hutchins called for questions a first time.  
Mayor Hutchins called for questions a second time.  
Mayor Hutchins called for questions a third time.

Hearing no questions Mayor Hutchins called for comments 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.

Hearing no further comments and receiving no written submissions, Mayor Hutchins declared the Public Hearing for Bylaw 1705 and Bylaw 1706 closed at 7:12 p.m.

### **PUBLIC HEARING - Bylaw 1708 and Bylaw 1709**

#### **APPLICANT AGENT**

Guy Bezeau of Seven Links Marketing and Development Ltd.

#### **PUBLIC ATTENDANCE: 14**

A Public Hearing for Bylaw 1708 and Bylaw 1709 was held in Council Chambers at City Hall, 410 Esplanade, Ladysmith, B.C. on Monday, March 15, 2010 at 7:18 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 project or bylaw and Part 2 would afford attendees an opportunity to provide comments to Council on the proposed development.

Felicity Adams, Director of Development Services, provided an overview of the application submitted by Seven Links Marketing and Development Ltd. (Guy Bezeau) for proposed Lot 6 of Lot 1, D.L. 108, Oyster District, Plan 47290. She noted that the property is located at the west end of Fourth Avenue and that the purpose of Bylaw 1708 is to amend the Official Community Plan by designating the subject property as 'Single Family Residential'. The purpose of Bylaw 1709 is to amend the Zoning Bylaw by rezoning the subject property as 'Mobile Home Park (MP-1) Zone' to permit a small lot single family subdivision. Bylaw 1709 also includes a provision not to permit mobile homes on the subject property and to permit a density of 19.4 single family units per hectare on the subject property.

Ms. Adams reported that the Advisory Planning Commission

made the following recommendation to Council at its meeting held March 9, 2010:

*It was moved, seconded and carried that the Advisory Planning Commission recommends support for Bylaws 1708 and 1709, with a recommended amendment to the 'small lot residential development design guidelines' as follows: "The front building elevation should not be dominated by the garage and where possible the entrance and veranda should be prominent and the garage recessed."*

Ms. Adams further noted that the applicant has agreed to a land use agreement (covenant) which will be registered on the title of Lot 6 that will provide small lot residential design guidelines.

Ms. Adams advised that the Public Hearing notice was published in the Chronicle newspaper on March 2 and March 9, 2010 and posted on community notice boards throughout the 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. She confirmed that there were no written submissions and one telephone or in-person enquiry received at City Hall in connection with this Public Hearing.

Ms. Adams reported that the applicant held a neighbourhood information meeting February 27, 2010. Invitations were mailed to direct neighbours. The applicant provided the following report from the meeting:

- Six neighbours attended the meeting. The proposed single family land use was supported; one neighbour requested ranchers (single level homes) on the lots adjacent to the existing homes.

Mayor Hutchins introduced the applicant Guy Bezeau of Seven Links Marketing and Development. Mr. Bezeau gave a short presentation regarding the proposed development.

Mayor Hutchins called for questions a first time.

Mayor Hutchins called for questions a second time.

Mayor Hutchins called for questions a third time.

Hearing none Mayor Hutchins called for comments a first time.

Janet Sunnus – 4<sup>th</sup> Avenue – Voiced concerns regarding potential traffic and speed issues on 4<sup>th</sup> Avenue.

Sandra Jagusiak – Greenhorn Place – Expressed concerns regarding traffic issues and the need for additional exits from the area as 4<sup>th</sup> Avenue is a dead end road.

Mayor Hutchins called for comments a second time.

Mayor Hutchins called for comments a third time.  
Mayor Hutchins called for any written submissions.

Hearing no further comments and receiving no written submissions, Mayor Hutchins declared that the Public Hearing for Bylaw 1708 and Bylaw 1709 closed at 7:27p.m.

**BYLAWS (OCP/ZONING)**

APPLICATION 3360-0908 (1237 4<sup>TH</sup> AVENUE)

**2010-106** It was moved, seconded and carried that the Town of Ladysmith Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No. 29), 2010, No. 1705 be read a third time.

**2010-107** It was moved, seconded and carried that Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No. 78), 2010, No. 1706 be read a third time.

APPLICATION 3360-09-07 (PROPOSED LOT 6 OF LOT 1, D.L. 108, OYSTER DISTRICT, PLAN 47290)

**2010-108** It was moved, seconded and carried that the Town of Ladysmith Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No. 30), 2010, No. 1708 be read a third time.

**2010-109** It was moved, seconded and carried that Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No. 79), 2010, No. 1709 be read a third time.

APPLICATION 3360-10-01 (LOT 7 AND LOT 8, DISTRICT LOT 147, OYSTER DISTRICT, PLAN VIP85271)

**2010-110** It was moved, seconded and carried that Town of Ladysmith Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No. 31), 2010 No. 1710, Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No .80), 2010, No. 1711 and Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No. 81), 2010, No. 1714 be read a first and second time and that a public hearing be scheduled for Bylaw 1710, Bylaw 1711, and Bylaw 1714.

**2010-111** It was moved seconded and carried that staff be directed to register a covenant on the certificate of title for Lot 7 and Lot 8, District Lot 147, Oyster District, Plan VIP85271 to secure the following:  
(a) Multi-Family development design guidelines;  
(b) Useable outdoor greenspace for residents;  
(c) A landscaped buffer between the single family

- development and proposed multifamily development;
- (d) A landscaped buffer between the multi-family development and the highway;
- (e) Shared road access from Christie Road; and
- (f) An area to accommodate the 'Welcome to Ladysmith' sign with landscaping,

And authorize the Mayor and Corporate Officer to execute the covenant.

**MINUTES**

**2010-112**

It was moved, seconded and carried that the Council minutes of March 1, 2010 be adopted as circulated.

**PROCLAMATIONS**

The Mayor proclaimed April 2010 as Canadian Cancer Society's Daffodil Month and April 9, 2010 as Daffodil Day in the Town of Ladysmith.

**REPORTS**

F. Adams, Director of Development Services, vacated Council Chambers at 7:35 p.m.

SEPTIC SERVICES ANNUAL TENDER 2010

**2010-113**

It was moved, seconded and carried that the motion to award the contract for the septic services to Save On Septic Services Inc. be rescinded and that the award for the annual tender for the septic services for 2010 be awarded to Coast Environmental Ltd. for the unit rates quoted.

MUNICIPAL INSURANCE ASSOCIATION OF B.C. RISK MANAGEMENT GRANT APPLICATION - WALKWAY AT NORTH END OF CITY HALL

**2010-114**

It was moved, seconded and carried that staff be authorized to submit a Risk Management Grant application through the Municipal Insurance Association (MIA) in the amount of \$2,000 to construct a 40' by 4' cement walkway with approximately four stairs along the exterior walkway to the adjoining sidewalk on the north side of City Hall.

CONTRACT AWARD FOR ROOFING AND SHEET METAL - LADYSMITH COMMUNITY SERVICES CENTRE AND BOYS AND GIRLS CLUB FACILITIES

**2010-115**

It was moved, seconded and carried that the contract for the provision of roofing and sheet metal for the Ladysmith Community Services Centre and Boys and Girls Cub facilities be awarded to G & G Roofing in the amount of \$136,020.



SOLAR COMMUNITIES GRANT APPLICATION

**2010-116** It was moved, seconded and carried that staff be authorized to submit an application to Solar BC to become a Solar Community and to receive a \$5,000 grant.

GRANT APPLICATION TO UBCM SENIORS' HOUSING AND SUPPORT INITIATIVE FOR LADYSMITH SENIORS' WELLNESS PARK

**2010-117** It was moved, seconded and carried that staff be authorized to submit an application to the UBCM Seniors' Housing and Support Initiative for a grant of up to \$20,000 to cover the installation of a senior-specific wellness park at the new Ladysmith Community Services Centre.

FIRE CHIEF'S REPORT FEBRUARY, 2010

**2010-118** It was moved, seconded and carried that the Fire Chief's report for February, 2010 be received.

BUILDING INSPECTOR'S REPORT - FEBRUARY, 2010

**2010-119** It was moved, seconded and carried that the Building Inspector's report for February, 2010 be received.

TROLLEY REPORT - FEBRUARY, 2010

**2010-120** It was moved, seconded and carried that the Trolley report for February, 2010 be received.

COASTAL ANIMAL CONTROL SERVICES OF BC LTD.

**2010-121** It was moved, seconded and carried that the February 2010, Pound Report from Coastal Animal Control Services of BC Ltd. be received.

**CORRESPONDENCE**

TRAFFIC COMPLAINT - DAVIS ROAD - SCHOOL ZONE

**2010-122** It was moved, seconded and carried that the letter dated March 8, 2010 from S/Sgt. R. Plamondon regarding traffic complaint, Davis Road (school zone), be received.

**BYLAW**

**2010-123** It was moved, seconded and carried that Town of Ladysmith Community Centre and Facilities Fees and Charges Bylaw 2010, No. 1712 be read a first, second and third time.

**NEW BUSINESS**

**2010-124**

It was moved, seconded and carried that staff be directed to prepare a report regarding amending the Zoning Bylaw to limit the floor area and height of an accessory structure in residential zones.

**EXECUTIVE SESSION**

**2010-125**

It was moved, seconded and carried that this meeting retire into Executive Session at 8:03 p.m., pursuant to Section 90(1) of the Community Charter to consider the following items:

- the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;
- labour relations or other employee relations;
- 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;

**RISE AND REPORT**

**2010-126**

It was moved, seconded and carried that the Executive Session of Council Rise without report at 8:33 p.m.

**ADJOURNMENT**

**2010-127**

It was moved, seconded and carried that the meeting be adjourned at 8:33 p.m.

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Mayor (R. Hutchins)

**CERTIFIED CORRECT**

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Corporate Officer (S. Bowden)