



**TOWN OF LADYSMITH
MINUTES OF A MEETING OF COUNCIL
MONDAY, FEBRUARY 17, 2014
COUNCIL CHAMBERS, CITY HALL
CALL TO ORDER 6:25 P.M.
REGULAR OPEN MEETING 7:00 P.M.**

COUNCIL MEMBERS PRESENT:

Mayor Rob Hutchins
Councillor Bill Drysdale
Councillor Glenda Patterson

Councillor Steve Arnett
Councillor Gord Horth

Councillor Jillian Dashwood
Councillor Duck Paterson

STAFF PRESENT:

Ruth Malli
Erin Anderson

Sandy Bowden
John Manson

Felicity Adams
Joanna Winter

CALL TO ORDER

Mayor Hutchins called this Regular Meeting of Council to order at 6:25 p.m. in order to retire immediately into closed session.

CLOSED MEETING

Moved and seconded:

That Council retire into closed session in order to consider the following items:

- labour relations or other employee relations
- 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

Motion carried.

REGULAR MEETING

Mayor Hutchins reconvened the Regular Meeting of Council at 7:00 p.m.

AGENDA APPROVAL

CS 2014-057

Moved and seconded:

That the agenda for the Regular Council Meeting of February 17, 2014 be approved as amended with the following additions:

- 10.1 Facebook Town Hall Meeting
- 10.2 "Adopt-a-Block" Initiative

Motion carried.

MINUTES

CS 2014-058

Moved and seconded:

That the minutes of the Regular Meeting of Council held Monday, February 3, 2014 be approved.

Motion carried.

PUBLIC HEARING

Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 42) 2014, No. 1843 and Town of Ladysmith Zoning Bylaw 1995, No. 1160, Amendment Bylaw (No. 96) 2014, No. 1844 – 315 Holland Creek Place

Members of the public present: 10

The applicant is Holland Creek Holdings. Proponent Luke Kolk was in attendance.

Mayor Hutchins opened the Public Hearing for Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 42) 2014, No. 1843 and Town of Ladysmith Zoning Bylaw 1995, No. 1160, Amendment Bylaw (No. 96) 2014, No. 1844.

The Director of Development Services, F. Adams, stated that this Public Hearing is for an Official Community Plan and Zoning Bylaw Amendment - Application 3360-13-05.

The subject property is Lot A, District Lot 43, Oyster District, Plan EPP12594. The property is located at 315 Holland Creek Place.

The subject of the Public Hearing is:

- *Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 42) 2014, No. 1843*
- *Town of Ladysmith Zoning Bylaw 1995, No. 1160, Amendment Bylaw (No. 96), 2014, No. 1844*

Bylaw 1843 proposes to amend the Official Community Plan by:

- Placing the 'Single Family Residential' Land Use Designation on the subject property
- Removing the Multi-Family Residential Land Use Designation and Development Permit Area 4 – Multi-Family Residential (DPA 4) designation from the subject property

Bylaw 1844 proposes to amend the Zoning Bylaw by:

- Placing the 'Medium Density Urban Residential Zone (R-1-A)' on the subject property

Land Use Agreement

In general terms, the new proposal includes the following voluntary commitments which will be secured by registered covenant prior to 3rd reading of the proposed bylaws:

- i) Constructing energy efficient dwellings that achieve Energuide 80
- ii) Constructing a pedestrian connection from the internal strata road to the sidewalk along Dogwood Drive
- iii) Green development practices including providing a sediment and erosion plan, using permeable surfaces, energy efficient windows, and drought tolerant plants
- iv) Inclusion of strata rules to prohibit herbicides and

pesticides; no parking or storage of recreational vehicles; and timely clearing of snow

- v) Requiring a minimum of four visitor parking stalls onsite
- vi) Requiring a sign to restrict parking to allow for emergency vehicle turn-around in the area designated

If the current proposal proceeds, this new covenant would replace Covenant CA1884279, which is currently on the title.

Covenant CA1884278 (protecting the steep bank) will remain on title for the purpose of:

- Protection of the steep bank
- Within the protected area soil and vegetation may not be disturbed or removed, no dumping of material, no trails, and no buildings or structures

| Covenant (currently on title) CA1884279 | Proposed New Covenant |
|---|---|
| Amenity of \$5000 | Not required as no density lift. |
| Green development practices including providing a sediment and erosion plan, using permeable surfaces, energy efficient windows, and drought tolerant plants. | These commitments will remain as well as a commitment to constructing homes with an energy efficiency rating of Energuide 80 for all dwellings on the land. |
| Installation of a walkway from the development to the sidewalk along Dogwood Drive. | This commitment will remain. |
| Inclusion of strata rules to prohibit herbicides and pesticides; no parking or storage of recreational vehicles; and timely clearing of snow. | This commitment will remain. |
| Commitment to the Delinea site plan design showing 5 duplex buildings and one triplex building. | This condition will be removed, as the site plan would no longer be valid. |

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| | <p>A minimum of four visitor parking stalls is required onsite.</p> <p>A sign shall restrict parking to allow for emergency vehicle turn-around in the area designated.</p> |
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Referrals:

- 1) The application was referred to the Stz'uminus First Nation on November 25, 2013. There were no comments provided on this application.
- 2) Council referred the application to the Advisory Planning Commission.

At its meeting on January 9, 2014 the Advisory Planning Commission (APC) passed the following motion regarding development application 3360-13-05:

The Advisory Planning Commission (APC) recommends support for application 3360-13-05 to permit eight single family bare-land strata lots at Lot A, District Lot 43, Oyster District, Plan EPP12594 subject to the following conditions:

- *That the site plan include an area for a minimum of four visitor parking stalls;*
- *That signage restrict parking to allow for emergency vehicle turn-around in the area designated.*

These recommended conditions have been included in the development proposal.

Neighbourhood Information Meeting Report:

The applicant held a neighbourhood information meeting on February 8, 2014. The report from the meeting states:

- One neighbour attended the meeting; no comments were provided about the proposal.

Public Hearing Notice:

The Public Hearing notice was printed in the Chronicle newspaper on February 4, 2014 and February 11, 2014 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.

There were no written submissions and no telephone or in-person enquiries received at City Hall in connection with this Public Hearing.

Mayor Hutchins called three times for questions about the bylaw

amendments.

Mayor Hutchins called three times for comments and written submissions about the bylaw amendments.

Hearing no questions and receiving no comments or written submissions, Mayor Hutchins declared the Public Hearing for Bylaws 1843 and 1844 closed.

Mayor Hutchins stated that:

- Council may not receive further submissions on the bylaws.
- Council may, without further notice or hearing,
 - (a) adopt or defeat the bylaws, or
 - (b) alter and then adopt the bylaws, provided that the alteration does not
 - (i) alter the use,
 - (ii) increase the density, or
 - (iii) without the owner's consent, decrease the density of any area from that originally specified in the bylaws.

PROCLAMATION

Mayor Hutchins proclaimed the week of February 17 to 23, 2014 as "Heritage Week" in the Town of Ladysmith, recognizing the importance of our waterways, lakes, rivers and ocean coastline to the history of our Town and our province.

DEVELOPMENT APPLICATIONS

Councillor D. Paterson declared a conflict of interest with the following agenda item and excused himself from the meeting.

Zoning Bylaw Amendment – 1144 Rocky Creek Road (Lot A, District Lot 38, Oyster District, Plan EPP23810)

Moved and seconded:

CS 2014-059

That Council receive the report from the Director of Development Services regarding Zoning Bylaw Amendment Application 3360-14-01 for 1144 Rocky Creek Road (Lot A, District Lot 38, Oyster District, Plan EPP23810); and

That Council direct that consideration of the discharge of covenant FB078666 from the title of Lot A, District Lot 38, Oyster District, Plan EPP23810 be part of the public hearing on the zoning bylaw amendment application.

Motion carried.

Councillor D. Paterson returned to the meeting.

Official Community Plan (OCP) Amendment & Rezoning Application – Holland Creek Place (Lot A, District Lot 43, Oyster District, Plan EPP12594)

Moved and seconded:

CS 2014-060

That subject to any additional matters raised at the public hearing,

the application by Thomas Tremble to amend the Official Community Plan 2003, No.1488 and the Town of Ladysmith Zoning Bylaw 1995, No.1160 to permit eight single family lots be approved in principle, subject to the following conditions:

That prior to the enactment of amending Bylaws 1843 and 1844 the following shall be completed to the satisfaction of the Director of Development Services:

- a) Discharge of covenant CA1884279 from the title of Lot A, District Lot 43, Oyster District, Plan EPP12594.
- b) Registration of a section 219 covenant on the title of the land to secure the following voluntary commitments:
 - Constructing energy efficient dwellings that achieve Energuide 80
 - Constructing a pedestrian connection from the internal strata road to the sidewalk along Dogwood Drive
 - Green development practices including providing a sediment and erosion plan, using permeable surfaces, energy efficient windows, and drought tolerant plants
 - Inclusion of strata rules to prohibit herbicides and pesticides; no parking or storage of recreational vehicles; and timely clearing of snow
 - Requiring a minimum of four visitor parking stalls onsite
 - Requiring a sign to restrict parking to allow for emergency vehicle turn-around in the area designated

And that the Mayor and Corporate Officer be authorized to execute the Section 219 covenants.

Motion carried.

BYLAWS (OCP/ZONING)

Town of Ladysmith Zoning Bylaw 1995, No. 1160, Amendment Bylaw (No. 97), 2014, No. 1848

Moved and seconded:

CS 2014-061

That Town of Ladysmith Zoning Bylaw 1995, No 1160, Amendment Bylaw (No. 97), 2014, No. 1848 be read a first and second time, and that a public hearing be scheduled.

Motion carried.

Councillor D. Paterson declared a conflict of interest with the matter under consideration and excused himself from the meeting.

Moved and seconded:

CS 2014-062

That Resolution CS 2014-061, giving first and second reading and scheduling a public hearing for Town of Ladysmith Zoning Bylaw 1995, No 1160, Amendment Bylaw (No. 97), 2014, No. 1848, be rescinded.

Motion carried.

Moved and seconded:

That Town of Ladysmith Zoning Bylaw 1995, No 1160, Amendment Bylaw (No. 97), 2014, No. 1848 be read a first and second time, and that a public hearing be scheduled.

Motion carried.

Councillor D. Paterson returned to the meeting.

REPORTS

Replacement of Firefighters' Turn-out Gear

Moved and seconded:

CS 2014-063

That Council pre-approve the purchase of five sets of firefighting protective turn-out gear that are budgeted in the 2014 Financial Plan.

Motion carried.

Temporary Borrowing – Waste Water Treatment Plant Upgrade Phase 3, Bylaw 2014, No. 1849

Moved and seconded:

CS 2014-064

That Council receive the report from the Director of Financial Services concerning proposed Waste Water Treatment Plant Upgrade Phase 3 Temporary Borrowing Bylaw 2014, No. 1849.

Motion carried.

Storm Water Management at Public Works Yard

Moved and seconded:

CS 2014-065

That Council authorize staff to proceed with the construction of a wash station and liquid collection at the Public Works Yard to manage storm water on the site, with funding of \$17,500 from the Sewer Utility Fund, \$8,750 from the Water Utility Fund, and \$8,750 from operations funds.

Motion carried.

South Ladysmith Industrial Road Realignment

Moved and seconded:

CS 2014-066

That Council authorize staff to waive the Purchasing Policy and authorize McElhanney Consulting Services to complete engineering work for the South Ladysmith Industrial Road for the Town of Ladysmith at a cost of \$11,783 plus expenses and taxes.

Motion carried.

BYLAWS

Town of Ladysmith Cemetery Care Trust Fund Appropriation Bylaw 2014, No. 1847

Moved and seconded:

CS 2014-067

That Town of Ladysmith Cemetery Care Trust Fund Appropriation Bylaw 2014, No. 1847 be adopted.

Motion carried.

**Town of Ladysmith Waste Water Treatment Plant Upgrade Phase 3
Temporary Borrowing Bylaw 2014, No. 1849**

Moved and seconded:

CS 2014-068

That Town of Ladysmith Waste Water Treatment Plant Upgrade Phase 3 Temporary Borrowing Bylaw 2014, No. 1849, be read a first, second and third time.

Motion carried.

CORRESPONDENCE

Mayor Chris Burger, City of Parksville

**Request to Advocate for Update or Replacement of Provincial
Emergency Notification System**

Moved and seconded:

CS 2014-069

That the correspondence from Mayor Chris Burger, City of Parksville, be received, and that Council urge the provincial government to update or replace the provincial emergency notification system as soon as possible.

Motion carried.

Premier Christy Clark

**Reply to Council Correspondence Regarding Cut to BC Ferries
Service**

Moved and seconded:

CS 2014-070

That the correspondence from Premier Christy Clark acknowledging Council's letter regarding BC Ferries fares and changes to coastal ferry service be received.

Motion carried.

**Barry Pages, Chair, Skeena-Queen Charlotte Regional District
BC Ferries Service Cuts**

Moved and seconded:

CS 2014-071

That the correspondence from Barry Pages, Skeena-Queen Charlotte Regional District, concerning BC Ferries service cuts, be received; and that Council support the BC Ferry Coalition; and that Council write a letter to the BC Ferry Coalition indicating its support, reiterating its strong objection to cuts in BC Ferries service and increases in ferry fares, and emphasizing that the British Columbia ferry system should be viewed as an extension of the TransCanada Highway.

NEW BUSINESS

Facebook Town Hall Meeting

Council discussed an invitation to participate in a Town-hall style meeting taking place on Facebook regarding the Couverdon boundary extension application. Council members were reminded that participation of four or more Council members in a meeting would be considered a quorum.

QUESTION PERIOD

A. Stone enquired about aspects of the Couverdon boundary extension application and was advised that:

- Under the terms of the proposal, the Town would acquire approximately 500 acres of watershed land in addition to the boundary extension lands. These 500 acres would remain outside the Town's boundaries
- The Couverdon lands are currently zoned as forest lands. If the boundary extension is successful, the lands would remain as such and would be subject to all of the Town's rezoning and development processes before any development could take place
- It is anticipated that should any development occur on the Couverdon lands, there would be an appropriate balance of commercial and residential development

R. Johnson was advised that:

- A tentative re-opening date for the Peerless Road Recycling Depot is February 26, however, this has yet to be confirmed by the Cowichan Valley Regional District, which operates the recycling depot
- The Town does not receive revenues for freighters anchored in Ladysmith Harbour, that a new version of a proposed coastal marine park has not yet been released, and that Ladysmith Harbour is not a dumping area for sewage
- The Town would be expected to pay a nominal amount to acquire watershed lands from Couverdon and that it is still under negotiation, and the Town has not considered establishing a municipal forest

CLOSED MEETING

CS 2014-072

Moved and seconded at 7:50 p.m.:

That Council retire into Closed Meeting after a two minute recess.

Motion carried.

ARISE AND REPORT

Council arose from the Closed Meeting without report.

ADJOURNMENT

CS 2014-073

Moved and seconded:

That this meeting of Council be adjourned at 8:42 p.m.

Motion carried.

CERTIFIED CORRECT:

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)