



LADYSMITH

**TOWN OF LADYSMITH  
MINUTES OF A REGULAR MEETING OF COUNCIL  
MONDAY, FEBRUARY 7, 2011 - 7:00 P.M.  
COUNCIL CHAMBERS, CITY HALL**

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**COUNCIL MEMBERS PRESENT**

Mayor Rob Hutchins  
Councillor Jillian Dashwood  
Councillor Bruce Whittington

Councillor Steve Arnett  
Councillor Lori Evans

Councillor Scott Bastian  
Councillor Duck Paterson

**COUNCIL MEMBERS ABSENT**

**STAFF PRESENT**

Ruth Malli

Sandy Bowden

Felicity Adams

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**CALL TO ORDER**

Mayor Hutchins called the meeting to order at 6:15 p.m.

**EXECUTIVE SESSION**

**2011-055**

It was moved, seconded and carried that this meeting retire into Executive Session at 6:15 p.m.

**AGENDA APPROVAL**

Mayor Hutchins called the Regular Session of Council to order at 7:00 p.m.

**2011-056**

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

**MINUTES**

**2011-057**

It was moved, seconded and carried that the minutes of the Regular Council Meeting of January 17, 2011 be adopted as circulated.

**2011-058**

It was moved, seconded and carried that the minutes of the Special Council Meeting of January 31, 2011 be adopted as circulated.

**PUBLIC HEARINGS**

**Official Community Plan and Zoning Bylaw Amendments  
Public Hearing for Bylaw 1736 and Bylaw 1737 (Riparian Area Regulation)**

A Public Hearing for Bylaws 1736 and 1737 was held in Council Chambers at City Hall, 410 Esplanade, Ladysmith, B.C. on Monday, February 7, 2011, commencing at 7:02 p.m.

Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No. 34), 2010, No. 1736

Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No. 84), 2010, No. 1737

*Applicant Agent:* Town of Ladysmith

*Public Attendance:* 33

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 1736 is to amend the Official Community Plan to include policies and development permit guidelines to implement the Provincial Riparian Areas Regulation. The Holland Creek Area Plan and the South Ladysmith Plan are also amended to reference the revised Development Permit Area. In summary, the bylaw proposes to:

- include policy directed at protecting all riparian areas, fish bearing and non-fish bearing.
- remove references to the previous *Provincial Streamside Protection Regulation* and replace them with the *Provincial Riparian Areas Regulation*.
- improve the high level policies aimed at protecting environmentally sensitive areas.
- replace the entire section of “Development Permit Area 6 – Environmentally Sensitive Areas (DPA 6)” and replaces it with “Development Permit Area 6 – Riparian Development Permit Area” including a new justification and guidelines that will protect fish bearing and non-fish bearing riparian areas.

The purpose of Bylaw 1737 is to amend the Zoning Bylaw by including a reference to the Riparian Development Permit Area requirements and advising that any development proposal for a building or structure to be located within 30 metres of a natural watercourse shall require an application to the Town of Ladysmith for a Riparian Development Permit.

The proposed bylaws are consistent with the core 'Visioning Report Sustainability Goals', one of which is to "protect and enhance the ecosystems and biodiversity locally, regionally, and globally." The implementation of the Riparian Areas Regulation is a "green OCP" policy amendment.

Council referred the proposal to the Advisory Planning Commission. At its October 12<sup>th</sup>, 2010 meeting, the Advisory Planning Commission made the following recommendation to Council.

*It was moved, seconded and carried that the Advisory Planning Commission supports the proposed riparian protection revisions to Development Permit Area 6 in the Official Community Plan.*

The Public Hearing notice was printed in the Chronicle newspaper on January 25, 2011 and February 1, 2011 and posted on community notice boards throughout Town, as well as on the Town's website. A copy was made available at the front counter at City Hall for the two week notice period.

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

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 further questions Mayor Hutchins called a first time for comments to Council regarding the proposed Bylaw amendments.

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.

Mayor Hutchins declared the Public Hearing for Bylaw 1736 and 1737 closed at 7:06 p.m.

**Public Hearing for Town of Ladysmith Bylaws 1738 and 1744  
Official Community Plan and Rezoning Bylaw Amendment  
(Ladysmith Bicycle Plan Policies)**

Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No. 35), 2010, No. 1738

Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No. 85), 2010, No. 1744

*Applicant Agent:* Town of Ladysmith

*Public Attendance:* 33

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 1738 is to amend the Official Community Plan to add policies that will assist the Town in achieving the goals of the *Ladysmith Bicycle Plan*.

In summary, Bylaw 1738 proposes the following:

- New and improved language so that bicycle supportive policies are more fully integrated into the vision, guiding principles, goals, objectives and policies of the OCP.
- Specific reference to the *Ladysmith Bicycle Plan* in the 'Implementation' section of the OCP.
- Amending Map 3 "Transportation" to reflect the new bike route with priority, lower priority, and future facility improvements. The key feature of the bicycle route network is a connected spine of high quality facilities, linking major destinations.

The purpose of Bylaw 1744 is to amend the Zoning Bylaw to include an option in the off-street parking requirements for parking areas greater than 5 vehicles, such that a reduction in the required vehicle parking spaces is permitted where bicycle parking is provided. The design guidelines and required ratios for bicycle parking are drawn from the recommendations of the *Ladysmith Bicycle Plan*.

The Visioning Report identifies 'low impact transportation' as one of the eight pillars of sustainability for Ladysmith. To facilitate a shift from a reliance on the car, the Town could provide supportive infrastructure for alternative methods of transportation such as cycling. The Bicycle Plan focuses on improvements such as

designating an updated cycling route and recommending separated bike facilities to make cycling an easier choice. The target market for the Bicycle Plan is the 60% “interested, but concerned” who would like to cycle but first need a safe environment to do so. The integration of the Bicycle Plan into the OCP is a “green OCP” policy amendment.

Council referred the proposal to the Advisory Planning Commission. At its October 12<sup>th</sup>, 2010 meeting, the Advisory Planning Commission made the following recommendation to Council.

*It was moved, seconded and carried that the Advisory Planning Commission supports proposed Bylaw 1738 as well as amending the Zoning Bylaw to include optional reduced parking spaces when bicycle parking is provided.*

The Public Hearing notice was printed in the Chronicle newspaper on January 25, 2011 and February 1, 2011 and posted on community notice boards throughout Town, as well as on the Town’s website. A copy was made available at the front counter at City Hall for the two week notice period.

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

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 further questions Mayor Hutchins called a first time for comments to Council regarding the proposed Bylaw amendments.

Doug Fraser, 293 Bayview Avenue, Ladysmith–commented that rising gasoline prices will effect change and he therefore supports the Ladysmith Bicycle Plan and related bylaw amendments.

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 further written submissions were received.

Mayor Hutchins declared the Public Hearing for Bylaws 1738 and 1744 closed at 7:17 p.m.

## **BYLAWS**

### **(OCP / ZONING)**

**2011-059**

**Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No. 34), 2010, No. 1736**

It was moved, seconded and carried that Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No. 34), 2010, No. 1736 be read a third time and adopted.

**2011-060**

**Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No. 84), 2010, No. 1737**

It was moved, seconded and carried that Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No. 84), 2010, No. 1737 be read a third time and adopted.

**2011-061**

**Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No. 35), 2010, No. 1738**

It was moved, seconded and carried that Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No.35), 2010, No. 1738, be read a third time and adopted.

**2011-062**

**Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No. 85), 2010, No. 1744**

It was moved, seconded and carried that Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No. 85), 2010, No. 1744 be read a third time and adopted.

## **DELEGATIONS**

**2011-063**

**Carrie Alexander, Leadership Society of Vancouver Island**

Carrie Alexander from the Leadership Society of Vancouver Island made a brief presentation to Council regarding proposed improvements to the Ladysmith Skatepark and requested that Council consider granting early approval of a request to contribute \$12,000 to the project.

It was moved, seconded and carried that the request from the Leadership Society of Vancouver Island to contribute \$12,000 to the proposed improvements to the Ladysmith Skatepark be referred to staff to review funding options and report back to Council.

**Bev Park, President and Chief Operating Officer, Couverdon Real Estate and James Miner, Planning Consultant, Sasaki Associates Inc.**

Ms Park and Mr. Miner made a presentation to Council regarding a community consultation process Couverdon plans to undertake with respect to proposed use of lands currently owned by Couverdon (TimberWest). The process would include the discussion of the protection of watershed land and viewsapes on properties outside of the proposal.

**DEVELOPMENT PERMITS  
AND DEVELOPMENT  
VARIANCE PERMITS**

- 2011-064**      **Development Variance Permit Application – 209 French Street**  
It was moved, seconded and carried that Council approve Development Variance Permit (DVP) 3090-10-04 to vary parcel coverage, side yard setbacks, and horizontal dimension for a dwelling and carport on Lot 5, Block 44, District Lot 56, Oyster District, Plan 703A (209 French Street) and that the Mayor and Corporate Officer be authorized to sign DVP 3090-10-04.
- 2011-065**      It was moved, seconded and carried that Council issue Hazard Lands Development Permit 3060-10-10 for the construction of a dwelling and carport on Lot 5, Block 44, District Lot 56, Oyster District, Plan 703A (209 French St), and that the Mayor and Corporate Officer be authorized to sign the Development Permit.

**COUNCIL COMMITTEE  
REPORTS**

- Councillor Dashwood reported that the Ladysmith Chamber of Commerce has requested a joint dinner social between the Chamber Board of Directors and Council. Council requested staff to determine a suitable date for this event.
- 2011-066**      **Government Services Committee Recommendations**  
It was moved, seconded and carried that the complaints from Grahame and Marie Quakenbush and Donna Blyth regarding the height of hedges and the definition of ‘fence’ in the Zoning Bylaw be referred to the next Government Services meeting in order for staff to provide further information regarding bylaws in other municipalities governing height and width of hedges.
- 2011-067**      It was moved, seconded and carried that a property agent be engaged to begin discussions with Island Timberlands about the right to carry out test drilling at a site identified as Site A in the Technical Memo from EBA Engineering, dated March 26, 2010, and if successful, to negotiate the provision of a community well site within the proposed Timberlands development, with all necessary provisions for wellhead and aquifer protection.
- 2011-068**      It was moved, seconded and carried that the removal of the Smarag Junipers in front of Ladysmith Flowers and Gifts (formerly Lait Bloomer Florists) to the Ladysmith Arboretum be approved, with the cost to be paid by Ladysmith Flowers and Gifts.
- 2011-069**      It was moved, seconded and carried that the Town participate as an exhibitor with a booth in the 2011 Ladysmith Home, Garden

and Business Show at a cost of \$250, and that all members of Council participate.

Councillor Paterson reported that the Ladysmith Celebrations Society recently held a successful meeting and elected a full slate of directors. The organization has changed the date of Ladysmith Days to August 13 and 14 from the August long weekend, and believes that this change will attract more attendees to the festivities.

## **STAFF / ADVISORY COMMITTEE REPORTS**

- 2011-070**      **Strata Conversion Application– 218 Bayview Avenue**  
It was moved, seconded and carried that Council not support the request for the Town to accept a 125 per cent bond, letter of credit, or cash-in-lieu for the \$137,300 value of remedial measures identified in the Building Code Compliance Report for 218 Bayview Avenue by Curtis Paxton Miles, Architect, dated December 2010.
- 2011-071**      It was moved, seconded and carried that Council not require the installation of a fire sprinkler system at 218 Bayview Avenue, Ladysmith as a condition of strata conversion approval.  
  
Councillors Paterson and Evans opposed.
- 2011-072**      It was moved, seconded and carried that staff be requested to develop a strata conversion policy.
- 2011-073**      **Secondary Suites—Contract Award for Consultation, Policy and Regulation**  
It was moved, seconded and carried that the Secondary Suites– Consultation, Policy and Regulation contract be awarded to CitySpaces Consulting Ltd. in the amount of \$39,515 plus applicable taxes.
- 2011-074**      **Request for Letter of Support from Heritage B.C.**  
It was moved, seconded and carried that a letter be sent to the B.C. Heritage Minister expressing concerns about the present state of the province’s heritage and making a call to renew the provincial heritage program
- 2011-075**      **Funding Process– Ladysmith and District Historical Society**  
It was moved, seconded and carried that staff be requested to investigate a fee for service contract with the Ladysmith and District Historical Society for the provision of archival services to the community.

Councillor Arnett declared a possible conflict of interest with respect to the following agenda item and excused himself from the meeting.

**2011-076 Ladysmith Maritime Society– Request for Cost Sharing**  
It was moved, seconded and carried that the request from the Ladysmith Maritime Society for a contribution from the Town for debris clean-up in District Lot 2016 be referred to the February 21, 2011 meeting of Council.

**2011-077** It was moved, seconded and carried that staff be directed to negotiate a new contract with the Ladysmith Maritime Society regarding the washroom facility at the Machine Shop.

**2011-078** It was moved, seconded and carried that Council consider providing up to \$40,000 for the construction of the land portion of a sewage pump-out station at the Ladysmith Community Marina.

**2011-079** It was moved, seconded and carried that staff be requested to obtain cost estimates for a second road egress at the Ladysmith Community Marina.

Councillor Arnett rejoined the meeting

**2011-080 Heritage Canada and Service Canada Grant Applications**  
It was moved, seconded and carried that staff be authorized to make application for a Heritage Canada grant in the amount of \$2,000 for Canada Day celebrations and a Service Canada grant in the amount of \$2,000 for summer student employment.

#### **CORRESPONDENCE**

**2011-081 Isabelle Ouelette, Ladysmith and District Historical Society**  
It was moved, seconded and carried that staff be directed to bring forward an amendment to the Heritage Revitalization Advisory Commission bylaw to include provision for a representative from the Ladysmith and District Historical Society to sit on the Heritage Revitalization Advisory Commission as a liaison between the two groups.

**2011-082 Wendy Sayers, Arts on the Avenue**  
It was moved, seconded and carried that the request for the Town of Ladysmith to sponsor Arts on the Avenue 2011 be referred to the Grants-in-Aid process.

**2011-083 Danyta Welch, Union of BC Municipalities**  
It was moved, seconded and carried that Council acknowledge receipt of the Community to Community grant and direct staff to establish a date for a forum to be held with the Stz'uminus First

Nation.

## **BYLAWS**

**2011-084**

**Town of Ladysmith Development Procedures Bylaw 2008, No. 1667, Amendment Bylaw 2011, No. 1750**

It was moved, seconded and carried that Town of Ladysmith Development Procedures Bylaw 2008, No. 1667, Amendment Bylaw 2011, No. 1750 be read a first, second and third time.

## **EXECUTIVE SESSION**

**2011-085**

It was moved, seconded and carried that the Regular Session of Council be adjourned at 9:10 p.m. and that the Executive Session be reconvened.

## **RISE AND REPORT**

The Executive Session of Council rose with report on the following items:

- Council reappointed Brian Bancroft and Brian Childs to the Advisory Planning Commission
- Council reappointed of Lisa Bates and John Perry to the Parks, Recreation and Culture Commission.

## **ADJOURNMENT**

**2011-086**

It was moved, seconded and carried that this meeting of Council be adjourned at 10:00 p.m.

**CERTIFIED CORRECT**

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Mayor (R. Hutchins)

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Corporate Officer (S. Bowden)