



TOWN OF LADYSMITH
MINUTES OF A SPECIAL MEETING OF COUNCIL
WEDNESDAY, OCTOBER 1, 2014
AGGIE HALL
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
John Manson

Sandy Bowden
Joanna Winter

Felicity Adams

CALL TO ORDER

Mayor Hutchins called this Special Meeting of Council to order at 7:05 p.m.

AGENDA APPROVAL

CS 2014-325

Moved and seconded:

That the agenda for the Special Council Meeting of October 1, 2014 be approved.

Motion carried.

INTRODUCTION

Mayor Hutchins welcomed the members of the public to the meeting, and reviewed the agenda as well as the meeting procedures.

Mayor Hutchins provided an overview of the process Council has undertaken with respect to the proposal and application for a boundary extension by Couverdon/TimberWest. He stated that Council's guiding principles throughout the process have been protection of the Town's watershed through acquiring about 500 acres of watershed land around Stocking Lake and Holland Lake, viewscape protection of the forested hills behind Ladysmith the Town, and development using Smart Growth principles in keeping with the Town of Ladysmith Sustainability Vision.

**PRESENTATION/
DELEGATION**

James Miner, Sasaki and Associates and Frank Limshue, Couverdon Real Estate Ltd.

J. Sasaki and F. Limshue reviewed the Couverdon boundary extension proposal, proposed development principles, and community consultation process, including the results of a telephone survey conducted in Ladysmith earlier in 2014.

**PUBLIC QUESTION
PERIOD**

Mayor Hutchins asked for questions from members of the audience.

Penelope Allen

Asked why the telephone survey firm did not identify that the survey was on behalf of Couverdon from the beginning of the survey, and was advised by F. Limshue that this was the recommendation of the survey company engaged by Couverdon/TimberWest.

Jim Szasz

Questioned the logging setback distance used by the representatives of Couverdon/TimberWest.

Verna Hastings

Expressed frustration that she was advised she would not be able to participate in the telephone survey due to her age. Frank Limshue responded that the company conducting the survey on behalf of Couverdon/TimberWest had established certain demographic requirements, including the number of individuals surveyed per age group, to ensure a representative sample in the survey.

Mary Marcotte

Asked when representatives of Couverdon/TimberWest met with residents of Area H of the Cowichan Valley Regional District and was advised that representatives of Couverdon/TimberWest met with the Diamond Ratepayers Association at the request of the Association. M. Marcotte also pointed out that the TimberWest/Couverdon representatives had not mentioned an unsuccessful boundary extension referendum in Campbell River and was advised that the boundary extension in question did not involve TimberWest/Couverdon property.

Greg Roberts

Stated that Council had not taken into account the concerns of the 1,601 individuals who voted against the boundary expansion proposal during the Alternative Approval Process and added that a number of people want to keep the nature of a village in Ladysmith and not rush to add more land to the Town. Mayor Hutchins replied that Council took the time to have discussions with the community over the past summer.

Greg Roberts

Asked whether the Town could buy the watershed lands even if the boundary extension did not pass, and was advised by Frank Limshue that the watershed lands in question are part of the proposal, and were included in it in response to a request from the Town.

Bob Jameson

Enquired whether the \$250,000 paid by Couverdon to the Town was an incentive and was advised by Mayor Hutchins that these funds are a reimbursement for actual costs incurred by the Town of Ladysmith for work carried out on the boundary extension proposal application.

Bob Jameson

Enquired what would prevent the boundary extension lands from being flipped to other developers. Frank Limshue responded that Couverdon/TimberWest are not developers, that the company would involve other developers but would stay on as master developer in order to ensure compliance with the Town's requirements (for example, a Master Development Plan) for the lands.

Verna Hastings

Expressed concern about how the commercial development proposal in the boundary extension area would affect existing downtown businesses and property owners, and asked whether TimberWest/Couverdon had met with the Ladysmith Downtown Business Association. Frank Limshue replied that the company had made presentations to the Ladysmith Chamber of Commerce

Renee Hutchinson

Enquired who has the authority to give final approval to the boundary extension applications. Mayor Hutchins advised that if the proposal goes to referendum and passes, the application would then go to the provincial government and final approval would be made by a provincial Order in Council. Mayor Hutchins confirmed that the provincial government takes the referendum results into account in reviewing the application.

Renee Hutchinson

Asked whether the new Waste Water Treatment Plant would need to be upgraded if the Town takes in the Couverdon/TimberWest lands and was advised that the new plant has the capacity to support the projected population growth.

Rob Johnson

Asked about the Terms and Conditions associated with Couverdon/TimberWest's offer to sell the watershed lands to the Town for a nominal sum. Frank Limshue advised that this would depend on the rezoning of those lands, and any amenities that the Town might desire as part of the rezoning.

Rob Johnson

Enquired whether the watershed lands would form part of an

amenities package and whether the Town would have to incur capital costs to acquire the lands. Frank Limshue advised that the value of the watershed lands the company proposes to sell to the Town is approximately \$5 million and that TimberWest/Couverdon would sell the lands to the Town for a nominal fee of \$5 or \$10, predicated on rezoning of the boundary extension lands for development.

April Robinson

Asked whether the recent water supply study presented to the community on September 22 indicated that the Town has sufficient water supply now and for the future. Mayor Hutchins responded that there is more than enough water available; the Town's challenge is harnessing it to sustain the Town's population as well as the ecology of the system.

April Robinson

Asked if the study supports the projected population growth with the inclusion of the boundary extension lands and was advised that watershed modelling was carried out for a projected population up to 31,000; however, improvements would be needed to the present system.

Pam Fraser

Asked why Couverdon/TimberWest has not considered selling large unserviced lots rather than the proposed smaller lot development in the boundary extension application, wondering whether the Cowichan Valley Regional District would allow a large lot subdivision rather than smaller lots, with smaller lots being more profitable for the developer. Frank Limshue responded that even large lots are required to have services such as roads and power.

Penelope Allen

Asked how Couverdon/TimberWest acquired the property in the first place, and was advised that the land was acquired over a period of about 100 years by predecessor companies, and that the lands were privately held as they were originally part of the Esquimalt and Nanaimo railway grant. Frank Limshue also confirmed that the land was originally acquired for forestry purposes, not for development.

Donald Fyfe-Wilson

Asked if TimberWest/Couverdon has a Plan B for the proposal if the citizens vote no in a referendum. Frank Limshue responded that the company would either revise and resubmit its proposal, or put it on hold for the time being. Frank Limshue also advised that including the Couverdon/TimberWest lands within the Town boundaries would not automatically mean development, but also means that the Town would only have to deal with a single

landowner in future.

Donald Fyfe-Wilson

Asked if future citizens would have a say in development taking place 15 or 30 years in the future. Mayor Hutchins responded that citizens have a say in all rezoning applications, and the lands would all be subject to rezoning before any development could take place. Frank Limshue added that development of the site would take place over a period up to 40 years in phases.

Mel Dorey

Stated that the primary concern of Saltair residents is protection of the watershed and asked if there would be any provision to protect the properties around Stocking Lake. Frank Limshue responded that the transfer of watershed lands to the Town as included in the boundary extension application would take place at the successful conclusion of the rezoning of the boundary extension lands, and that the watershed lands would not be harvested during that process.

Mel Dorey

Suggested that consideration be given to joint ownership of the Stocking Lake watershed lands between the Cowichan Valley Regional District and the Town of Ladysmith.

Renee Hutchinson

Asked whether Couverdon/TimberWest would maintain master developer rights over lands once they were inside the Town boundaries, and was advised that Couverdon/TimberWest intends to remain as the developer to ensure that its vision for the development comes to fruition, adding that it is important to the company to make sure that it follows through on agreements made with communities.

Carol Henderson

Asked what type of new commercial tax base Couverdon/TimberWest would come up with. Frank Limshue responded that the company would continue to discuss and consult with the existing commercial base in Ladysmith to work on complementary commercial development.

Carol Henderson

Asked who would pay the taxes required to sustain infrastructure in development of the boundary extension lands. Frank Limshue responded that Couverdon/TimberWest would be responsible for infrastructure such as pipes and roads, as well as any improvements needed to the existing infrastructure such as upgrading sewage pipes.

Carol Henderson

Asked where TimberWest/Couverdon stockholders come into play with the proposal and suggested the proposed development must be attractive to the company.

Mary Marcotte

Asked whether the Town would make the Memorandum of Understanding with TimberWest/Couverdon public and was advised that the Town would look into this.

Nita Grant

Suggested that existing businesses, the Town and Couverdon/TimberWest need to work together and asked that Couverdon/TimberWest consider both the downtown and Coronation Mall merchants in any proposed commercial development on the boundary extension lands. Frank Limshue agreed, and stated that Couverdon/TimberWest does not want to see any negative impact on existing businesses in Ladysmith.

Stuart North

Asked if the Town would have to go through another Alternative Approval Process and was advised that if Council approved a referendum later in the meeting, there would be no alternative approval process needed.

Lynne Smith

Asked whether the Town intended to log the watershed lands around Stocking Lake and Holland Lake and was advised by Mayor Hutchins that the Town has never logged any watershed property it owns.

Lynne Smith

Asked who other than a small number of Couverdon/TimberWest shareholders would benefit from development of the boundary extension properties. Frank Limshue responded that the company's owner represents a number of public sector pension plans, insurance funds and public trusts.

Doug Copp

Asked whether it would be more fair to postpone a referendum until after the upcoming November 15 local elections. Mayor Hutchins answered that this is what Council would be deliberating later in the meeting.

Renee Hutchinson

Asked who had approached whom first, Couverdon/TimberWest or the Town, and was advised that TimberWest approached the Town

first.

**PUBLIC COMMENT
PERIOD**

Hearing no further questions, Mayor Hutchins called for comments from members of the audience.

A citizen

Commented that perhaps the Town should approach the provincial government to acquire lands to protect its watershed. Mayor Hutchins advised that the Town has pursued this in the form of a successful resolution to the Union of British Columbia Municipalities in 2012, and that the new Provincial Water Sustainability Act may support the Town's hopes in this area.

Greg Roberts

Suggested that Council needs to consider the legality of what the Town is doing in ignoring its own Official Community Plan to push the boundary extension proposal forward.

Mary Marcotte

Commented that environmental impact studies need to take into account the communities surrounding Ladysmith.

Pam Fraser

Commented that she was pleased to learn that the watershed lands around Stocking and Holland Lakes would be transferred to the Town with the rezoning of the boundary extension lands, and asked whether the land transfer would be 'piecemeal' if the rezoning did not take place all at once. She was advised that the timing of the transfer would depend on the value of the property being rezoned.

Carol Henderson

Stated that she did not believe the boundary extension was in keeping with the Ladysmith Sustainability Vision and questioned the need to expand the Town's boundaries at this time when the community is entering a period of slow growth.

Rob Johnson

Commented that it was clear people want more information, and therefore supported the boundary extension question going to referendum so that residents can make an informed decision. He expressed concern with the proposed wording of a referendum question and suggested some changes.

Renee Hutchinson

Suggested it would be important that low-income housing be provided in new developments on the boundary extension lands, and was advised by Frank Limshue that such requirements would be part of the rezoning process.

Rob Johnson

Commented that the Town should publish details of any agreements between the Town and Couverdon/TimberWest.

Mayor Hutchins

Clarified that negotiations to date between the Town and Couverdon/TimberWest have not addressed any conditions related to rezoning, but have focussed on the Town's guiding principles for consideration of the boundary extension proposal – watershed protection, viewscape protection and Smart Growth development.

Bob Jameson

Commented that the proposed boundary extension would turn 700 acres of green space to concrete providing little or no benefit to the Town and contributing to corporate profits.

STAFF REPORTS

Amended Boundary Extension

Council members commented on the options before Council as laid out in the staff report.

CS 2014-326

Moved and seconded:

That Council not support the amended boundary extension proposal from Couverdon Real Estate/TimberWest.

Motion carried.

OPPOSED: Councillors Drysdale and D. Paterson

ADJOURNMENT

CS 2014-327

It was moved, seconded and carried that this Special Meeting of Council be adjourned at 10:07 p.m.

CERTIFIED CORRECT:

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)