



**TOWN OF LADYSMITH
MINUTES OF A PUBLIC HEARING AND
REGULAR MEETING OF COUNCIL
MONDAY, JUNE 20, 2016
CALL TO ORDER 7:02 P.M.
LADYSMITH EAGLES HALL, 921 FIRST AVENUE**

COUNCIL MEMBERS PRESENT:

Mayor Aaron Stone
Councillor Joe Friesenhan
Councillor Duck Paterson

Councillor Steve Arnett
Councillor Carol Henderson

Councillor Cal Fradin
Councillor Rob Hutchins

STAFF PRESENT:

Guillermo Ferrero
Erin Anderson

Sandy Bowden
John Manson

Felicity Adams
Sue Bouma

CALL TO ORDER

Mayor Stone called this Meeting of Council to order at 7:02 p.m., recognizing the traditional territory of the Stz'uminus First Nation, acknowledging 5,500 years of history and stewardship and expressing gratitude to be here.

AGENDA APPROVAL

CS 2016-218

Moved and seconded:

That Council approve the agenda for this Public Hearing and Regular Meeting of Council for June 20, 2016 as amended by the following deletion:

- Remove Item 3.1 (Delegation by Tourism Cowichan Society)

Motion carried.

MINUTES

CS 2016-219

Moved and seconded:

That Council approve the minutes of the Regular Meeting of Council held June 6, 2016.

Motion carried.

PUBLIC HEARINGS

Mayor Stone welcomed the members of the public and outlined the process for the Public Hearings.

He stated that there were two Public Hearings being held. The first Public Hearing was regarding Bylaws 1911 and 1912 and the second Public Hearing was regarding Bylaw 1904.

Mayor Stone advised the public that they would have the opportunity to provide their comments about the content of these Bylaws to Council, but that following the close of the Public Hearing, no further submissions or comments from the public or interested persons could

be accepted by members of Council.

Public Hearing – Bylaws 1911 and 1912

Members of the public present: 52

Felicity Adams, Director of Development Services, introduced the first agenda item and stated that the purpose of Bylaw 1911 is to amend the Official Community Plan (OCP) for the Holland Creek area by amending OCP maps, updating and adding new Development Permit Areas and Guidelines, and adding a new and updated Holland Creek Local Area Plan (HCLAP). The HCLAP contains land use, servicing and transportation policies.

She then stated that the purpose of Bylaw 1912 is to rezone the subject property from Forestry (F-1) Zone to the following zones: Single Dwelling Residential – Holland Creek Area (R-1-HCA) Zone; Low Density Residential (R-3-A) Zone; and Nature Park (P-3) Zone in order to permit a residential development of approximately 610 dwelling units (single unit and multi-unit), community care facility and assisted living use with limited commercial, and park and open space.

The Public Hearing Notice was printed in the Ladysmith Chronicle newspaper on June 8 and June 15, 2016 and posted on community notice boards throughout the Town, as well as on the Town's website. The Notice was mailed and delivered to the subject properties and all properties located within 60 metres of the subject property.

Copies of the Notice, the proposed Bylaws and background information considered by Council were made available at the front counter of City Hall for the Notice period. Staff in the Development Services office were available to respond to questions prior to the public hearing. The applicant held two public meetings on May 17th and June 16th prior to the Public Hearing. The applicant is Glenn Carey (GlenCar Consultants Ltd.).

The applicant, Glen Carey from GlenCar Consultants, made a presentation to Council, outlining the time period and process of this application. Nigel Gray, urban planner for the application, gave a presentation on the proposed development, and both representatives responded to questions from Council and provided clarification on proposed plans regarding covenants, water, fencing and stream protection.

Mayor Stone called for written submissions to Council. Receiving no written submissions, Mayor Stone called for verbal comments to Council.

Brian Paulson 130 Ryan Place, expressed concern about adequate water supply and whether ratepayers would need to pay for the reservoir required for that area.

Norm Watts, 26 Methuen Street, expressed concern regarding how water channels will be protected during development.

Eva Vincent, 731 Colonia, spoke against the development until such time as the water issue has been addressed.

Richard Tarnoff, 433 French Street, complimented staff and developers regarding the thorough planning done so far, and suggested considering possible alternatives to road locations.

Bonnie Cruiksank, 508 Symonds Street, recommended that developers create a community fire guard plan. She also recommended slowing down the development process to gather more information about future weather patterns.

Jane Vincent, 606 Farrell Road, expressed concern that covenants can be challenged.

Robert Johnson, 526 1st Avenue, enquired whether the fire department had issued a report regarding fire procedures for this new development. He also enquired whether the Parks, Recreation and Culture Commission had evaluated the proposed parkland on the site for usability.

Bill Drysdale, 816 Malone Road, spoke in support of the development, and commented that the Town needs to create new housing for young people.

Ivana Sittaro, 142 Ryan Place, enquired about the possibility of using water resources more effectively, by recycling grey water.

Bob Robertson, 152 Seaview Way, expressed concern about adequate water supplies.

William McLaren, 433 Davis Road, expressed concern about water supply, traffic, and road maintenance costs.

Floyd South, 220 Jamieson Road, expressed concern about tax revenue during a lengthy development process.

A resident expressed concern about school capacity for this new development.

Mayor Stone called for further comments about the Official Community Plan (OCP) amendment and Zoning Bylaw amendment a second and a third time. Hearing no further comments, Mayor Stone declared the Public Hearing for Bylaws 1911 and 1912 closed.

Public Hearing – Bylaw 1904

Members of the public present: 43

Mayor Stone opened the second Public Hearing regarding Zoning Bylaw Amendment Bylaw No. 1904. He advised the public that they would have the opportunity to provide their comments about the content of this Bylaw to Council, but that following the close of the Public Hearing, no further submissions or comments from the public or interested persons could be accepted by members of Council.

Felicity Adams, Director of Development Services, then introduced the second agenda item and stated that the purpose of Bylaw 1904 is to amend Town of Ladysmith Zoning Bylaw 2014, No. 1860 with a series of housekeeping amendments. These amendments have been identified through use of the new Zoning Bylaw, which affects all properties in the Town, and include:

- Replacing and adding definitions.
- Amending General Regulations relating to heat pumps, accessory buildings, and fences.
- Amending Specific Use Regulations relating to composting, coach house dwelling, home-based business, and cottage industry.
- Adding clarifications related to Landscaping and Screening Regulations and Parking and Loading Regulations.
- Amending setbacks, finished floor area and parcel area calculation in Residential Zones.
- Amending setbacks, use and height in Commercial Zones.
- Amending food truck use in the 'Light Industrial Zone' (I-1).
- Amending Agriculture Zones to accommodate the BC Minister of Agriculture Bylaw Standards for medical marijuana growing and production on ALR lands.
- Amending setbacks in Comprehensive Development Zones.
- Placing the 'Low Density Residential Zone' (R-3-A) on a portion of the property at 100 Gifford Road (VIS 5668) to correct a Zoning Map error for an existing development.
- Adding site specific regulations to the 'Single Dwelling Residential' (R-1) zone to permit a two unit dwelling (existing duplex) on the following properties: 521/525 Walkem Road, 517/519 Short Close, and 521/523 Short Close.
- Adding a site specific regulation to permit two honey bee hives at 525 Second Avenue (community garden).

The Public Hearing Notice was printed in the Ladysmith Chronicle newspaper on June 8 and June 15, 2016 and posted on community notice boards throughout Town, as well as on the Town's website. The Notice was mailed to the Owners and delivered to tenants of the subject properties and all properties located within 60 metres of the subject property.

Copies of the Notice, the proposed Bylaw and background information considered by Council were made available at the front counter of City Hall for the Notice period. Staff in the Development Services office

were available to respond to questions prior to the public hearing.

Mayor Stone called for written submissions to Council. Receiving no written submissions, Mayor Stone called for comments to Council.

Bill Drysdale, 816 Malone Road, expressed concerns about the size and door options for Juliet-style balconies.

Mayor Stone called for further comments about the bylaw amendment a second and third time. Hearing no further comments, Mayor Stone declared the Public Hearing for Bylaw 1904 closed.

DEVELOPMENT APPLICATIONS

CS 2016-220

Bylaw 1911 – Official Community Plan Amendments

Moved and seconded:

That, under the Bylaws section of tonight's agenda, Council proceed with giving third reading and final adoption to Bylaw 1911 cited as "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 47) 2016, No. 1911".

Motion carried.

CS 2016-221

Bylaw 1912: Zoning Bylaw Amendment (Glencar Consultants Inc.)

Subject Property: Lot 1, Block 192, District Lot 103, Oyster District, Plan EPP44156

Moved and seconded:

That the application by GlenCar Consultants Inc. (Lot 1, Block 192, District Lot 103, Oyster District, Plan EPP44156 – File No. 3360-15-02) to amend the Town of Ladysmith Zoning Bylaw 2014, No.1860 to permit a residential development of approximately 610 units (single unit and multi-unit), with community care facility/assisted living use and limited commercial, and park and open space be approved in principle subject to the following conditions:

- i. That prior to the adoption of amending Bylaw 1912 the following shall be completed to the satisfaction of the Director of Development Services:
 - a) Preparation of the required documents to allow for the dedication of the new collector road alignment and sanitary sewer statutory right of way, prior to the adoption of Bylaw 1912;
 - b) Transfer of land (riparian park areas and portion of Arbutus Hump) by the Owner to the Town, prior to the adoption of Bylaw 1912;
 - c) Registration of a section 219 covenant on the title of Lot 1, Block 192, District Lot 103, Oyster District, Plan EPP44156 to secure the following:
 - Wildfire protection guidelines;
 - Lewkowich Engineering Associates Ltd. geotechnical assessment;
 - Protection of two Streamside Protection and Enhancement Areas (SPEA) not being transferred to the Town;

- A commitment to provide a continuous fence at the rear of the single family lots that are adjacent to a Streamside Protection and Enhancement Area with a concept design for clarity;
- Securing a ten metre vegetation and tree management retention buffer on the Arbutus Hump multi-family site to buffer the adjacent park site; and
- Placing a no-build covenant on the Arbutus Hump multi-family site to limit development above 130 geodetic elevation (in metres) until such time that adequate water for fire protection is available to the satisfaction of the Town.

AMENDMENT

Moved and seconded:

CS 2016-222

That Resolution No. 2016-221 be amended by deleting “for clarity” at the end of the fourth bullet of Sec. i) c) and replacing it with “...and clarification of ownership and location.”

Amendment carried.

Motion as amended carried.

Bylaw 1904 – Zoning Bylaw Housekeeping Amendment

Moved and seconded:

CS 2016-223

That, under the Bylaws section of tonight’s agenda, Council proceed with giving third reading and final adoption to Bylaw 1904, cited as “Town of Ladysmith Zoning Bylaw 2014, No.1860, Amendment Bylaw (No.4) 2016, No. 1904”.

Motion carried.

OCP and Rezoning Application – 520 Jim Cram Drive (Town-initiated)

Subject Property: Lot 2, District Lot 108, Oyster District, Plan VIP88238

Moved and seconded:

CS 2016-224

That Council:

1. Give first and second readings to Bylaw 1913 and Bylaw 1914 under the Bylaws Section of tonight’s agenda and refer the Bylaws to a future public hearing.
2. Refer OCP amendment Bylaw 1913 to the Stz’uminus First Nation pursuant to the Local Government Act and the Memorandum of Understanding.
3. Direct staff to arrange a neighborhood information meeting.

Motion carried.

Development Variance Permit Application – D. Galloway

Subject Property: Lot 2, District Lot 24, Oyster District, Plan 45800, except that part in Plan VIP73654 (930 Ludlow Road)

Moved and seconded:

CS 2016-225

That Council direct staff to proceed with statutory notice for

Development Variance Permit application 3090-16-02 (930 Ludlow Road) to vary the “Town of Ladysmith Subdivision and Development Servicing Bylaw 2013, No. 1834” such that the timing of constructing a concrete curb, gutter, storm drainage and sidewalk along the frontage of proposed Lot 3 is deferred to the issuance of a building permit when the value of construction, as determined by the Building Bylaw, is greater than \$50,000.

Motion carried.

**Temporary Use Permit Application – 631 First Avenue – BC Housing
Subject Properties: Lot 9 and 10, Block 8, District Lot 56, Oyster District, Plan 703**

Moved and seconded:

CS 2016-226

That Council

1. Receive the application for a Temporary Use Permit (3340-16-01) to permit an extreme weather shelter to be located at 631 First Avenue (Lot 9 and 10, Block 8, District Lot 56, Oyster District, Plan 703) and require the applicant to host a public information meeting and provide a report regarding the public input received at the meeting;
2. Following the public information meeting, direct staff to:
 - 1) proceed with statutory notice for a Temporary Use Permit application (3340-16-01), and
 - 2) report to Council with a permit containing conditions.

Motion carried.

BYLAWS

Town of Ladysmith Zoning Bylaw 2014, No. 1860 Amendment Bylaw (No. 4), 2016, No. 1904

Moved and seconded:

CS 2016-227

That Council Bylaw 1904 be read a third time and adopted.

Motion carried.

Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 47) 2016, No. 1911

Moved and seconded:

CS 2016-228

That Bylaw 1911 be read a third time and adopted.

Motion carried.

Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 48) 2016, No. 1913

Moved and seconded:

CS 2016-229

That Council give first and second readings to Bylaw 1913, refer it to the Stz'uminus First Nation for comment, and direct staff to schedule a public hearing.

Motion carried.

Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 6) 2016, No. 1914

Moved and seconded:

CS 2016-230

That Council give first and second readings to Bylaw 1914 and refer it to public hearing.
Motion carried.

NEW BUSINESS

Collaboration Agreement with School District 68

Moved and seconded:

CS 2016-231

That Council refer consideration of the Collaboration Agreement with School District 68 to a Municipal Services Committee meeting for discussion with representatives of the School District 68 Board.
Motion carried.

Town of Ladysmith 2015 Annual Report

Moved and seconded:

CS 2016-232

That Council publish the Town of Ladysmith 2015 Annual Report and direct staff to schedule an Annual Meeting for July 4, 2016.
Motion carried.

QUESTION PERIOD

Members of the public welcomed new City Manager Guillermo Ferrero and enquired about in camera discussions in regards to Town-owned property.

ADJOURNMENT

Moved and seconded:

CS 2016-233

That this meeting of Council adjourn at 9:46 p.m.
Motion carried.

CERTIFIED CORRECT:

Mayor (A. Stone)

Corporate Officer (S. Bowden)