



AGENDA

Community Planning Advisory Committee

Wednesday, April 3, 2024 at 7:00 p.m.
City Hall Council Chambers, 410 Esplanade

Mandate: *The mandate of the committee is to provide feedback to applicants and advice to Council on land use applications, policies, regulations and initiatives referred either directly by Council or through the Development Approval Procedures Bylaw.*

1. CALL TO ORDER AND ACKNOWLEDGEMENT (7:00pm)
The Town of Ladysmith acknowledges with gratitude that this meeting takes place on the unceded territory of the Stz'uminus First Nation.
- 1.1 INFORMATION ON HOW TO ATTEND THE MEETING
Residents are welcome to attend in person at City Hall Chambers at 410 Esplanade.
2. AGENDA APPROVAL (7:05pm)
3. ADOPTION OF February 7, 2024 MINUTES* (7:05pm)
4. NEW BUSINESS (7:05pm)
None.
5. COUNCIL REFERRALS (7:05pm)
 - a. Zoning Bylaw Amendment Application 3360-18-11 – 10910 Westdowne Road*
(30 minutes)
6. MONTHLY BRIEFING (7:35pm)
File Updates (10 minutes)
7. NEXT MEETING – TBD
8. ADJOURNMENT (7:45 pm)

*Attachments



MINUTES

Community Planning Advisory Committee

Wednesday, February 7, 2024 at 7:00 p.m.
City Hall Council Chambers, 410 Espanade

PRESENT: Chair – Jason Robertson; Members - John Scott, Tonya Soules, Keona Wiley, Julika Pape, Anthony Price; Alt. Council Liaison – Amanda Jacobson; Senior Planner - Julie Thompson; Recorder – Cassandra Taylor

ABSENT: Members – Jennifer Aker; Council Liaison – Marsh Stevens

Jason Robertson called the meeting to order at 7:02pm, acknowledging with gratitude that Ladysmith is located on the unceded territories of the Stz'uminus First Nation.

1. AGENDA APPROVAL

It was moved, seconded, and carried that the Agenda of February 7, 2024, Community Planning Advisory Committee meeting be approved. CPAC welcomed new member, Anthony Price.

2. ADOPTION OF MINUTES

It was moved, seconded, and carried that the Minutes of November 1, 2023, Community Planning Advisory Committee meeting be approved.

3. NEW BUSINES

a. Update on the Provincial Housing Legislation Changes

Senior Planner Julie Thompson provided an information handout to Committee members outlining the new Provincial Small Scale Multi-Unit Housing (SSMUH) legislation. The handout will also be posted on the Town's website as an information bulletin to the public. Committee members were advised that the new legislation is posted on the Province's website for viewing.

Committee members were given the opportunity to ask questions to which J. Thompson provided answers to.

b. Terms of Reference Review

Senior Planner J. Thompson provided an overview of the CPAC Terms of Reference, outlining items such as the CPAC mandate and the Committee's scope of work. This included what types of applications the Committee will be reviewing, meeting management, the roles of each Committee member, and Committee meeting dates and notices. Ms. Thompson provided a CPAC member cheat sheet which outlined the roles and responsibilities of each committee member, applicants and staff.

Committee members asked questions regarding clarification of their roles on the Committee, which J. Thompson clarified.

c. **Mock Council Referral – Zoning Bylaw and OCP Amendment Application 3060-22-05 – Coach House at 1141 Cloke Road**

Senior Planner J. Thompson provided an annotated agenda to assist with the mock referral.

Mock Referral

Senior Planner J. Thompson provided a brief overview of the mock proposal for the Rezoning and OCP Amendment application at 1141 Cloke Road to allow a coach house on the subject property and bring the property into Development Permit Area 10 – Coach House Intensive Residential

Ms. Thompson, acting as the applicants, provided a brief presentation to the Committee outlining their rationale for the proposed coach house.

Committee members had questions for the applicant and staff, including who the tenants might be, why a bigger footprint is being proposed, and clarification on how the upper storey would be separated from the lower storey.

Committee members discussed the application and provided the following mock resolutions:

It was moved, seconded and carried that the Community Planning Advisory Committee recommends that Council approve Zoning Bylaw and OCP Amendment application 3060-22-05 (1141 Cloke Road) as presented.

It was moved, seconded and carried that CPAC recommends that Council direct staff to amend the R-1 Zone to allow Coach Houses.

End of Mock Referral

4. COUNCIL REFERRALS

None

5. MONTHLY BRIEFING

The following files that the Committee previously reviewed, have been to Council since the last meeting:

- 3360-23-01 (19 Gatacre St.) – adopted by Council on December 19, 2023.

Senior Planner J. Thompson provided an update on a previous CPAC and Council recommendation to investigate allowing secondary suites in the R-1-HCA zone.

Ms. Thompson explained that the new legislation changes for SSMUH requires that suites are to be permitted in all single-family residential zones, including R-1-HCA.

6. NEXT MEETING – TBD

7. ADJOURNMENT

It was moved, seconded, and carried that the meeting be adjourned at 8:58 PM.

Chair (J. Robertson)

RECEIVED:

Corporate Officer (S. Bouma)

Subject to Adoption

CPAC REFERRAL REPORT

Report Prepared By: Julie Thompson RPP, MCIP, Senior Planner
Date: April 3, 2024
File No: 3360-18-11
RE: Zoning Bylaw Amendment – 10910 Westdowne Road

INTRODUCTION/BACKGROUND:

The Town has received a zoning bylaw amendment application to allow an outdoor commercial storage yard on the subject property. The applicant is proposing to provide commercial outdoor storage to customers for RVs, boats, and trade contractor tool cribs. The proposed use is not permitted in the current Light Industrial (I-1) zone. CPAC is being asked to provide comment on the rezoning application in accordance with the Terms of Reference.

Subject property

The subject property is a 1.05ha parcel located at 10910 Westdowne Road. The property is currently designated Industrial under “Official Community Plan Bylaw 2022, No. 2200”, zoned Light Industrial (I-1) under “Town of Ladysmith Zoning Bylaw 2014, No. 1860” and falls within Development Permit Area 5 – Industrial (DPA 5) and Development Permit Area 6 – Riparian (DPA 6). Adjacent land uses include:

- North: Industrial (I-1) zoned land.
- East: Westdowne Road and TransCanada Highway. Lands opposite the highway are in the CVRD.
- South: Indoor and outdoor commercial storage facility (CVRD land).
- West: Riparian and vacant (treed) Industrial Crown land.

A transit stop is located to the south in front of the Town and Country Mobile Home Park on Westdowne Road with service between Nanaimo and Duncan.

A riparian area bisects the property. The front of the property currently contains outdoor storage of RVs, boats, and other vehicles, a small electrical building, a graveled area for the outdoor storage, a perimeter fence, and retaining wall. The rear of the property is vacant and vegetated (see figure 1).

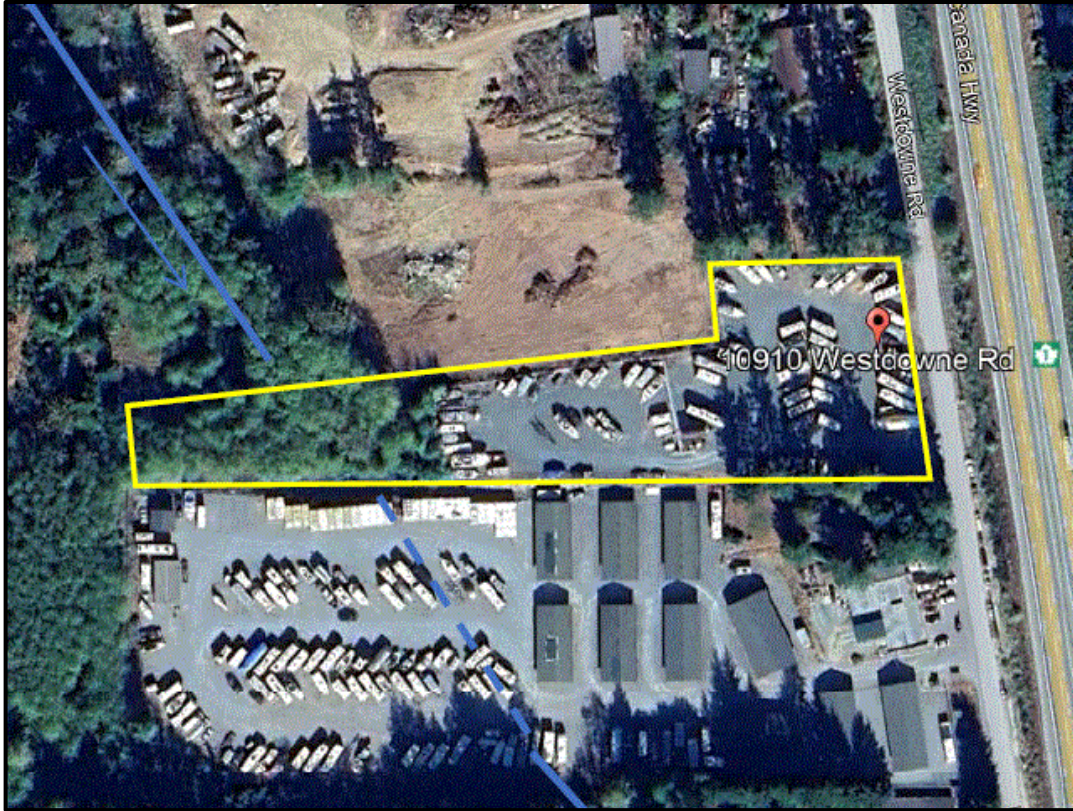


Figure 1: Subject property aerial photo.

Background:

The rezoning application was submitted by the owners in 2018 and the file was first reviewed by Council on November 19, 2018, at which time direction was given to resolve several items before bringing the zoning bylaw amendment back to Council for consideration of first and second readings. CPAC had not been formed in 2018 when the application was received and thus was not referred the application at the time. However, this application does fall within CPAC’s Terms of Reference now and is being referred to CPAC for comment.

The applicant has completed the conditions of Council and the file has resumed.

Table 1, below, summarizes Council’s direction from the November 19, 2018, meeting and provides staff comments.

Council Direction	Item Completed?/Staff comments
Obtain a building permit for the retaining wall that was built on the property	Complete. The applicant rebuilt the retaining wall such that it is stepped and does not require a building permit and meets zoning bylaw regulations.
Obtain a demolition permit for the dwelling	Complete. The dwelling was removed.

Connect the property to the Town of Ladysmith water system as required by DVP 11-01 and Covenant CA2774644	The water main was built along the property frontage such that connection is possible in the future. However, connection is not possible until on-going water quality issues are resolved. The Town has securities from the applicant to ensure connection and this requirement is considered resolved. See 'Servicing', below, for more details.
Submit the riparian landscape bond of \$1200 (DP 18-06)	Complete.

Council also provided the following direction to staff:

- Add 'storage yard' as a site-specific principal permitted use;
- Add a definition of 'contractor tool crib';
- Amend the definition of 'storage yard' to include RVs, boats and contractor tool cribs; and
- Direct staff to investigate the number of shipping containers permitted on industrial zoned properties in other municipalities for the purpose of storage, and report back to Council.

The November 19, 2018 staff report to Council, Council meeting minutes, and a proposed landscape plan are attached for reference.

PROPOSAL

The applicant is requesting an amendment to the zoning bylaw to permit an outdoor commercial storage yard use for the commercial storage of RVs, boats, and contractor tool cribs. The proposal requires an amendment to the I-1 zone on the property. No storage buildings are proposed at this time, as the use will only be operated outdoors on the land. Density regulations, such as floor space ratio and parcel coverage, and other building regulations, such as setbacks and building height, are not proposed to change as these regulations are only relevant to buildings. A site-specific zoning amendment is proposed to allow the use on the subject property within the existing I-1 zone. A breakdown of the features of the proposed development is provided in Table 1.

The applicant has also requested the allowance of shipping containers to be stored on the property as these are commonly used as contractor tool cribs (see attached previous staff report with background information). Current regulations in the Zoning Bylaw restrict the number of shipping containers per property in industrial zones, thus, per Council's direction, staff is investigating the number of shipping containers permitted on industrial zoned properties in other municipalities for storage purposes.

Table 1: Application Summary

	Current/Required	Proposed
Official Community Plan Designation	Industrial	No change.
Development Permit Area	DPA 5 – Industrial DPA 6 – Riparian	No change.
Zoning	I-1	I-1 with site specific use permitting ‘storage yard’ on the property. Amend the definition of ‘storage yard’ in the definitions section of the zoning bylaw. Add a definition for ‘contractor tool crib’ in the definitions section of the zoning bylaw.

The development currently consists of:

- A large gravel area where RVS, boats, and vehicles are stored.
- A stepped retaining wall near the middle of the property.
- Fencing around the perimeter of the use on the property.

DISCUSSION:

Official Community Plan:

The subject property is located in the Industrial designation in the OCP. The Industrial designation applies to industrial park areas and the industrial waterfront area and is intended to accommodate industrial development and employment centres. It provides for a range of industrial and light industrial uses, and limited commercial uses to support industrial parks. The proposed use is consistent with the Industrial designation. Table 2, below, summarizes other relevant OCP policies and provides some analysis of the proposal against these policies.

Policy/Policy Category	Comments
1.1 Growth Policies	
j. Preserve existing industrial lands for employment, as industrial land use is in relatively short supply in the region, and consistent with the Cowichan Industrial Land Use Strategy (2019).	The land has remained undeveloped as an industrial land use. The proposed development presents an opportunity to establish additional industrial activities within Ladysmith’s south end.

Policy/Policy Category	Comments
2.4 General Land Use Policies	
X. prioritize infill and avoid greenfield development to reduce pressures on natural areas.	Development on the subject property would constitute infill development as the applicant is proposing to develop an existing parcel within an existing industrial area.
Y. New development should protect and enhance natural assets including tree stands, natural features, habitat areas, the Salish Sea and shoreline, streams, and wetlands.	The subject property contains a riparian area. A DP was issued in 2018 which identified the creek and adjacent streamside protection and enhancement area (SPEA) and identified restoration of the SPEA. SPEA restoration was completed and a report from the applicant's Qualified Environmental Professional (QEP) was submitted in July 2023, confirming this. The creek and SPEA will maintain protection through the Riparian Development Permit Area (DPA 6), the Provincial Riparian Areas Protection Regulation (RAPR), and the SPEA restoration.
Aa. New development should incorporate the use of green infrastructure for rainwater management – including groundwater infiltration, rainwater detention, and rain gardens – in all land uses.	The site on which the use is located has a surface material of crushed gravel, which is permeable. Paving the storage area can be prohibited through mechanisms including Development Permit and covenant.
Ak. Existing industrial lands, including marine industrial areas, should be protected for employment uses.	Industrial development on the subject property would protect and preserve it as an industrial site.
Transportation	
2.39 In lower density areas such as South and North Ladysmith, support other transit service delivery models such as Digital On-Demand Transit, as well as continued coverage and service capacity for people with a disability through handyDART.	HandyDART service is likely not necessary for this development due to its nature as an outdoor storage facility.
2.40 Identify strategic investments in bus stops to improve accessibility, amenity provision and overall user experience. This included maintaining a priority list of desired transit shelter/stop upgrades that can be used to inform participation in BC Transit's cost-shared stop improvement program as well as to leverage any available transit infrastructure funding from other levels of government.	The subject property is near a transit stop on Westdowne Road. The development is not expected to increase transit use at the stop on Westdowne due to its nature as a storage facility, but the application will be referred to BC Transit for comment.
Local Economy	
7.12 Consider development proposals' impacts on and resilience to climate change during the approvals process.	Transportation is the number one contributor of greenhouse gas (GHG) emissions in Ladysmith, and the proposed development is in south Ladysmith, which is not a transit-oriented area, resulting in few

Policy/Policy Category	Comments
	opportunities for active and alternative modes of transportation to the development. However, the use is for storage of vehicles such as boats and RVs and is not expected to generate regular traffic to the property except for dropping off or picking up these vehicles seasonally. Having an outdoor storage facility such as this for boats and RVs will allow Ladysmith residents the opportunity to store their recreational vehicles closer to home, which will reduce the distance that they might otherwise travel to store their vehicles at facilities elsewhere.
7.13 Existing industrial lands – both in terms of lands that are designated for industrial land uses and lands that are currently being used for industrial land uses – should be protected.	The proposal will keep the land within the Industrial designation and Industrial zoning. The proposed development is for industrial uses.

Development Permit Areas:

The subject property is partially located DPA 6 – Riparian. A wetland reach of a tributary of Stocking Creek is located on the property (see figure 2). Stocking Creek is a fish-bearing watercourse.

Riparian DP 18-06 was issued in 2018 to allow for vegetation clearing, grading, placement of gravel, and restoration of the riparian area on the property. During the DP process, the proposed development was assessed by a Qualified Environmental Professional (QEP) who determined that the proposed development is not expected to impact the riparian area and wetland. The QEP recommended restoration of the Streamside Protection and Enhancement Area (SPEA) along the wetland and SPEA fencing, which was completed.

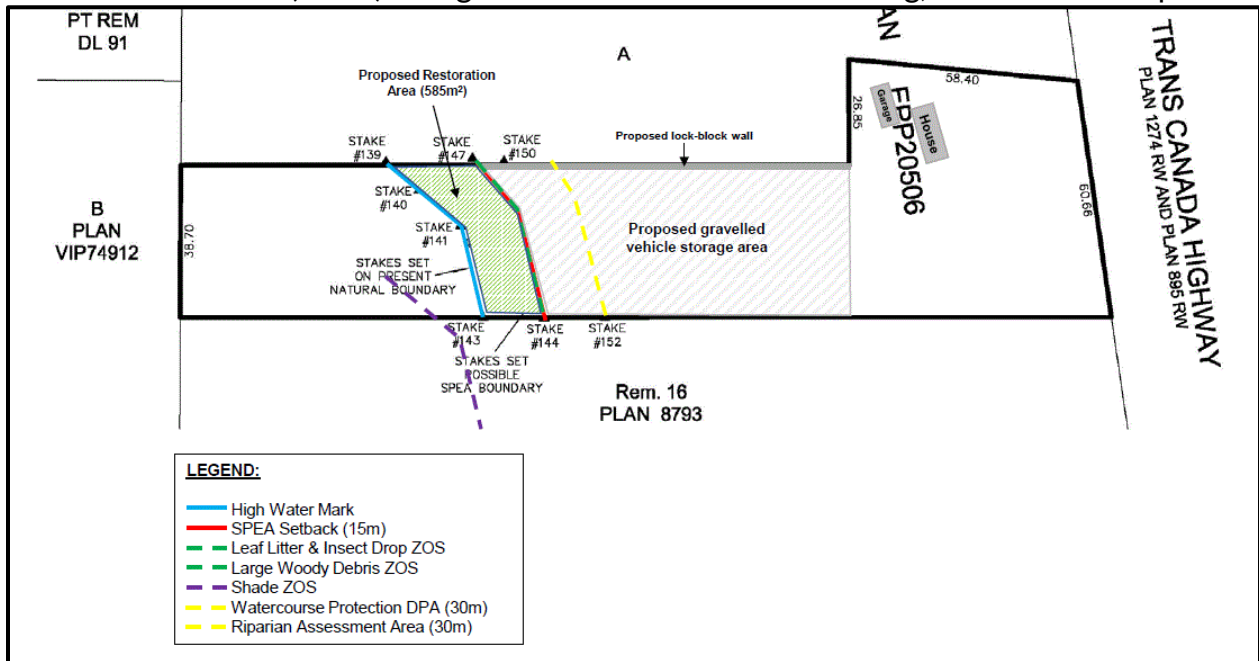


Figure 2: SPEA & DPA 6 location.

Should additional site works be proposed within the DPA 6 area on the property, a new riparian DP will be required.

The subject property is located within DPA 5 – Industrial. The applicants applied for an industrial DP for landscaping, a retaining wall, and fencing to screen the proposed use. The DP is currently in process and will proceed to Council for consideration should the rezoning application be approved. The proposed landscape plan is attached for reference.

Zoning Bylaw:

The subject property is zoned I-1. The I-1 zone does not permit the proposed commercial outdoor storage yard use. 'Storage yard' is listed as a permitted use in the I-2 zone but its definition does not include the storage of RVs, boats, and contractor tool cribs. The following amendments to the zoning bylaw are proposed to facilitate the proposed use:

- Storage yard be added as a site specific principal use to the I-1 zone for the subject property.
- The storage yard definition be amended to include storage of RVs, boats, and contractor tool cribs.
- Add a definition of 'contractor tool crib' to the zoning bylaw.

Smaller shipping containers (sea cans) are often used as the storage space for contractor tools (e.g. used as contractor tool cribs), and the applicants would also like to store any size shipping container on the property for general storage use. However, the Zoning Bylaw restricts the number of shipping containers permitted on industrial lands to three. As such, Council has directed staff to investigate the number of shipping containers permitted on industrial zoned properties in other municipalities for storage purposes and staff are currently investigating this.

Servicing:

A development variance permit (DVP 11-01) was approved by Council in 2011-2012 to vary the Subdivision Control Bylaw to allow a two-lot subdivision in which the two new lots (10920 & 10910 Westdowne Road) were not required to be connected to Town water and sewer at time of subdivision. The DVP states:

1. That when an owner of the land applies for a building permit they must design and construct an approved connection to the Town water system; and
2. An owner of the land must connect to the Town's sanitary sewer system within two years of it being available. An approved septic system would be permitted for a new building on the land until that time.

The two-lot subdivision was approved and covenant CA2774644 was registered on the title of both new parcels. The covenant states that the owner of the land shall not build or construct a building on the land until the owner has first at their sole cost designed and installed a connection to the Town of Ladysmith water system and any necessary extension of a water main to allow such a connection. The covenant also states that the two lots must

connect to the Town of Ladysmith sanitary sewer system within two years of it becoming available to the land.

The water main was extended along the property frontage to allow for future connection. However, the property cannot connect to the main until on-going water quality issues are resolved. Since the main was constructed and securities received to ensure connection, this covenant requirement is considered complete.

Due to the nature of the proposed use (e.g., outdoor storage yard, no employees on-site, no building facilities¹), sewer and water services are not warranted for the use at this time. However, in order to permit the proposed outdoor storage facility, an additional DVP application is required to vary the Zoning Bylaw requirement which states that all uses permitted under zoning must be connected to a community water and community sewer system. Should the applicants wish to construct buildings in the future, as part of a permitted use on the property, a DVP will be required to address any on-site servicing that may be required for the buildings or use.

NEXT STEPS:

Following CPAC's review, the application and proposed bylaw amendment will proceed back to Council for consideration of first and second reading.

ATTACHMENT(S):

- Staff Report to Council, November 19, 2018
- Council meeting minutes, November 19, 2018
- Draft landscape plan

¹ There is one small (less than 10m²) electrical utility shed on the property for BC Hydro infrastructure.

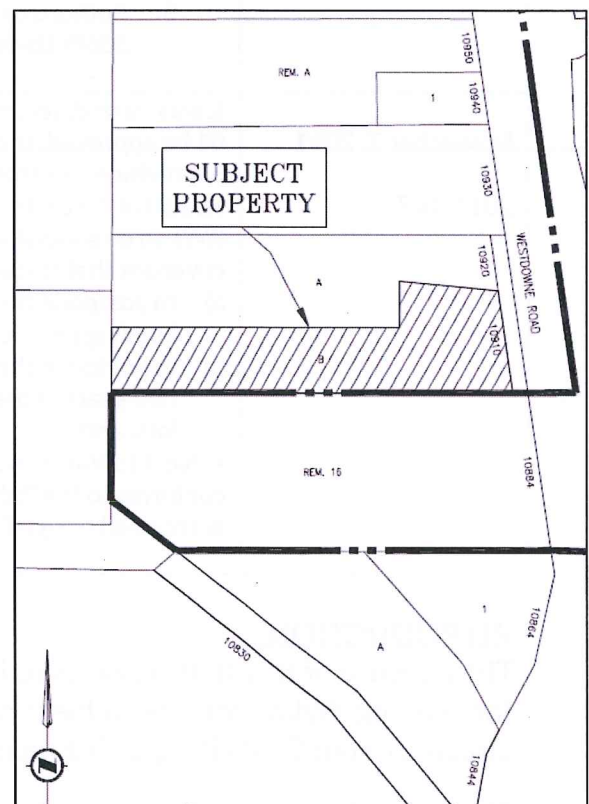
STAFF REPORT TO COUNCIL

From: Lisa Brinkman, Senior Planner
 Meeting Date: November 19, 2018
 File No: 3360-18-11
 RE: **ZONING BYLAW AMENDMENT APPLICATION (C. RONALD)**
 Subject Property: Lot B, District Lot 72, Oyster District, Plan EPP20506
 (10910 Westdowne Road)

RECOMMENDATION:

That Council:

1. Consider the application (3360-18-11) to amend the Zoning Bylaw for the property legally described as Lot B, District Lot 72, Oyster District, Plan EPP20506 (10910 Westdowne Road) to:
 - a) add 'storage yard' as a site specific principal permitted use;
 - b) add a definition of 'contractor tool crib'; and
 - c) amend the definition of 'storage yard' to include RVs, boats, and contractor tool cribs.
2. Direct staff to commence the preparation of the Zoning Bylaw amending bylaw for application 3360-18-11 (10910 Westdowne Road).
3. Direct that prior to presenting the Zoning Bylaw amending bylaw to Council for consideration, the owners of 10910 Westdowne Road shall complete the following:
 - Obtain a building permit for the retaining wall;
 - Obtain a demolition permit for the dwelling;
 - Connect the property to the Town of Ladysmith water system as required by DVP 11-01 and Covenant CA2774644; and
 - Submit the riparian landscape bond of \$1200 (DP 18-06).



PURPOSE:

The purpose of this staff report is to introduce an application to amend the Zoning Bylaw for the property at 10910 Westdowne Road and to seek direction from Council regarding next steps.

PREVIOUS COUNCIL DIRECTION

Council Meeting Date and motion #	Council Motion
<p>July 16, 2018 CS 2018-266</p>	<p>That Council:</p> <ol style="list-style-type: none"> 4. Issue Development Permit 3060-18-06 to permit land clearing and riparian restoration on Lot B, District Lot 72, Oyster District, Plan EPP20506 (10910 Westdowne Road); and 5. Authorize the Mayor and Corporate Officer to sign Development Permit 3060-18-06.
<p>November 7, 2011 2011-467</p>	<p>It was moved, seconded and carried that Development Variance Permit 3090-11-01 be approved, to permit a variance to Section C-4.05(f) and 4.05(g) of the Subdivision Control Bylaw No. 1115 to allow the property at 10910 Westdowne Road (Lot 15 District Lot 72, Oyster District, Plan 8793, Except Part in Plan 895 RW), to be subdivided into two lots subject to approval and registration of a covenant that states the following:</p> <ol style="list-style-type: none"> a) to postpone the required connection to the water supply until prior to issuing a building permit for either of the proposed two lots; and b) to postpone the required connection to the sanitary sewer system until within two years of the sanitary sewer being available to either of the proposed two lots; and <p>subject to Vancouver Island Health Authority confirmation that the property conforms to the Public Health Act; and that the Mayor and Corporate Officer be authorized to sign Development Variance Permit 3090-11-01.</p>

INTRODUCTION:

The purpose of this staff report is to introduce an application from Chris Ronald to amend the Zoning Bylaw for the subject property at 10910 Westdowne Road; and to seek direction from Council regarding next steps.

The subject property is one hectare in size and is zoned 'Light Industrial' (I-1) which permits commercial indoor storage as well as other light industrial uses **within a building**. The owner would like to amend the Zoning Bylaw by adding 'storage yard' as a site specific principal permitted use to allow commercial storage **outside of a building** for RVs, boats, vehicles, contractor tool cribs, equipment and supplies.

The subject property is surrounded by a light industrial (I-1) zoned parcel to the north which contains a legal non-conforming dwelling; and an indoor mini-storage to the south (property is within CVRD).

The owner is also requesting a site specific amendment to the Zoning Bylaw to permit 20 shipping containers on the subject property. The applicant states:

"We are hoping to have containers stored on site from trades people who use them to lock their tools/equipment in between jobs. We've had inquiries from a handful of trades people who own their shipping containers and transport them from jobsite to jobsite, but wish to store the containers while they are in between jobs. There appears to be a shortage of this type of storage option in the area so we felt there was an opportunity to meet the demand and that 20 containers would be adequate."

Staff is supportive of the request to add 'storage yard' as a permitted use on the subject property as there is a need for temporary RV and boat storage in Ladysmith.

Regarding the request for 20 shipping containers as 'contractor tool cribs' staff has the following comments:

- The Ladysmith Zoning Bylaw already permits a maximum of three shipping containers on an industrially zoned parcel. Allowing twenty shipping containers on the subject property for storage could become unsightly. The City of Nanaimo permits a maximum of one or two shipping containers on their industrial zoned properties, and specifies that a shipping container may not be used for mini-storage. North Cowichan permits a maximum of 3 shipping containers on a one hectare industrial parcel.
- The Building Inspector has advised that a shipping container that is used for commercial storage is considered a building and would require a building permit and be subject to the B.C Building Code. It would also be subject to the Industrial Development Permit Area guidelines and require a Development Permit for form and character.
- A contractor tool crib is typically a trailer on wheels and is approximately 5m in length, 2m in height, 2.6m in width. Staff recommends adding contractor tool crib to the definition of 'storage yard' to satisfy the demand to store contractor equipment.

The property is designated in the Official Community Plan (OCP) as 'Industrial', and falls within the Industrial Development Permit Area (DPA 5). Prior to site development including placement and construction of buildings and structures (i.e. fence, shipping container, signage), the owner of the subject property requires a development permit to ensure complies with the DPA 5 guidelines. The DPA 5 guidelines include a requirement that storage areas located in close proximity to abutting properties should be screened from view by fencing or hedging.

BACKGROUND

2011-2012

- A Development Variance Permit (DVP-11-01) was approved by Council to vary the Subdivision Bylaw to allow a two lot subdivision in which the two new lots (10920 & 10910 Westdowne Rd) were not required to be connected to Town water and

sewer at time of subdivision. However, the DVP states: 1) that when an owner of the land applies for a building permit they must design and construct an approved connection to the Town water system; and 2) an owner of the land must connect to the Town's sanitary sewer system within two years of it being available. An approved septic system would be permitted for a new building on the land until that time.

- The two lot subdivision was approved and covenant CA2774644 was registered on the title of both new parcels. Covenant CA2774644 states that the owner of the land shall not build or construct a building on the land until it has first at its sole cost designed and installed a connection to the Town of Ladysmith water system and any necessary extension of a water main to allow such a connection.

2018

- A new owner purchases the property at 10910 Westdowne Road.
- In July 2018 Council approved Riparian Development Permit (DP 18-06) to protect and replant the riparian area on the property and to authorize the clearing of the land outside of the riparian area. The owners are required to submit a bond of \$1200 to ensure the planting of the riparian area as approved by DP 18-06.
- A retaining wall has been constructed on the property and a residential building has been partly demolished with the building shell remaining, both without permits. The owners are required to submit an application for a building permit for the retaining wall and for the demolition of the dwelling. The building permit application will require that a Town waterline be extended along the frontage of the subject property with a connection for the proposed commercial storage business.
- Fencing and signage have been installed on the property. Prior to installing the retaining wall, signage and fencing an Industrial Development Permit is required. The owners have submitted an Industrial Development Permit (DPA 5) application and staff has requested additional information to ensure compliance with the DPA 5 guidelines and the Sign Bylaw.
- Currently approximately three boats, five RVs and one utility trailer are stored on the property which is not permitted under the I-1 zone.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The Director of Infrastructure Services advises that:

- A commercial storage business, offering outdoor and/or indoor storage to customers should have a municipal water connection. Thus, it is recommended to enforce the requirements in DVP 11-01 and Covenant CA2774644.
- Bylaw 1834 requires that road frontage improvements are required at the time of a building permit where the value of construction is greater than \$50,000. Westdowne Road is identified as an Urban Collector road in the OCP requiring a higher level of road frontage improvements including concrete sidewalk, street light, boulevard tree, and other features. If the applicant wishes to build the road frontage to a rural industrial road standard, requiring less frontage improvements,

the land owner can apply to vary Bylaw 1834. This variance application would be presented to Council for consideration of approval.

Staff Recommendation Summary

In reviewing the zoning amendment application and the background for 10910 Westdowne Road staff recommends that Council:

1. Consider the application;
2. Direct staff to prepare the Zoning Bylaw amendment bylaw to:
 - add 'storage yard' as a site specific principal permitted use;
 - add a definition of 'contractor tool crib'; and
 - amend the definition of 'storage yard' to include RVs, boats, and contractor tool cribs.
2. Direct that prior to presenting the Zoning Bylaw amending bylaw to Council for consideration the owners of 10910 Westdowne Road shall complete the following:
 - Obtain a building permit for the retaining wall;
 - Obtain a demolition permit for the dwelling;
 - Connect the property to the Town of Ladysmith water system as required in DVP 11-01 and Covenant CA2774644; and
 - Submit the riparian landscape bond of \$1200 (DP 18-06).

Table 1: Summary of Zoning Bylaw Amendment Application 3360-18-11

	Existing	Proposed
Official Community Plan	Industrial	Industrial
Development Permit Area	Industrial (DPA 5)	Industrial (DPA 5)
Zoning	Light Industrial (I-1)	Light Industrial (I-1) <ul style="list-style-type: none"> • Site specific amendment for 10910 Westdowne Rd. to permit 'storage yard' as principle permitted use; • Add a definition for 'contractor tool crib' • Amend the definition of 'storage yard' to include contractor tool cribs, RVs and boats.

ALTERNATIVES:

Council can choose to not proceed with rezoning application 3360-18-11 or provide additional direction to staff.

Council could direct staff to include waiving the public hearing in the bylaw. This formal direction would be made following second reading of the bylaw.

FINANCIAL IMPLICATIONS:

None.

LEGAL IMPLICATIONS:

If the application proceeds a public hearing could be required to be held. Alternatively, the proposed zoning amendments are consistent with the Official Community Plan thus the public hearing could be waived.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

As the zoning amendment application is consistent with the Official Community Plan it is not required to refer the application to the Advisory Planning Commission.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

- Complete Community Land Use
- Green Buildings
- Innovative Infrastructure
- Healthy Community
- Not Applicable
- Low Impact Transportation
- Multi-Use Landscapes
- Local Food Systems
- Local, Diverse Economy

ALIGNMENT WITH STRATEGIC PRIORITIES:

- Employment & Tax Diversity
- Watershed Protection & Water Management
- Communications & Engagement
- Natural & Built Infrastructure
- Partnerships
- Not Applicable

SUMMARY:

An application has been received to amend the Zoning Bylaw for the property at 10910 Westdowne Road. Recommendations are provided for the next steps in the application process.

Report prepared by:



Lisa Brinkman, Senior Planner

November 13, 2018

Director Approval:



Felicity Adams, Director of Development Services

I concur with the recommendation.



Guillermo Ferrero, City Manager

ATTACHMENTS:

none

MINUTES OF A REGULAR MEETING OF COUNCIL
MONDAY, NOVEMBER 19, 2018
CALL TO ORDER 5:00 P.M.
COUNCIL CHAMBERS, CITY HALL

COUNCIL MEMBERS PRESENT:

Mayor Aaron Stone
Councillor Robert Johnson
Councillor Duck Paterson
Councillor Jeff Virtanen
Councillor Amanda Jacobson
Councillor Tricia McKay
Councillor Marsh Stevens

STAFF PRESENT:

Guillermo Ferrero
Kim Fowler
Joanna Winter
Felicity Adams
Geoff Goodall
Sue Bouma
Erin Anderson
Clayton Postings
Robin MacNair

CALL TO ORDER

Mayor Stone called this Regular Meeting of Council to order at 5:00 p.m.

CLOSED SESSION

CS 2018-439

Moved and seconded:

That, in accordance with section 90(1) of the Community Charter, Council retire into closed session at 5:01 p.m. in order to consider items related to the following:

- 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 - section 90 (1) (e);
- the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose - section 90 (1) (i)
- Stz’uminus First Nation Memorandum of Understanding - sections 90 (1) (i), (j), (k): 90 (2) (b)

Motion carried.

REGULAR OPEN MEETING

Mayor Stone called this Meeting of Council to order at 7:00 p.m., recognizing the traditional territory of the Stz’uminus First Nation.



AGENDA APPROVAL

CS 2018-440

Moved and seconded:

That Council approve the agenda for this Regular Meeting of Council for November 19, 2018.

Motion carried.

RISE AND REPORT

Council rose from closed session at 6:01 p.m. with report on the following resolution:

- CE 2018-133

That Council receive for information the report by the Project Manager of the Waterfront Area Plan Implementation, dated November 19, 2018, regarding the status of acquiring Lot 5 in the Waterfront Area Plan.

MINUTES

CS 2018-441

Moved and seconded:

That Council approve the minutes of the Regular Meeting of Council held October 15, 2018.

Motion carried.

CS 2018-442

Moved and seconded:

That Council approve the minutes of the Inaugural Meeting of Council held November 5, 2018.

Motion carried.

HEARING

Property Maintenance Matter 441 Parkhill Terrace

R. Mac Nair, Bylaw Compliance Officer for the Town of Ladysmith, circulated photos taken earlier in the day that demonstrated the current condition of the property 441 Parkhill Terrace. She responded to questions from Council and noted that a significant improvement had taken place in the last week.

The Owner of 441 Parkhill Terrace designated a speaker to address Council and to respond to Council's questions. He provided background information, outlined the steps taken so far and requested additional time to complete the clean-up.

Moved and seconded:

That Council:

CS 2018-443

1. Direct staff to issue a Notice to the Owner of the property, situated at 441 Parkhill Terrace, Ladysmith, BC (legally described as Lot 27, District Lot 52, Oyster District, Plan 11855) to clean up the unsightly accumulation on the property and remove the unlicensed vehicles, refuse, discarded material,

rotting wood and piles of dead vegetation by December 31, 2018, pursuant to the provisions of the "Ladysmith Property Maintenance Bylaw 2018, No. 1970."

2. Authorize the work to be carried out by the Town or its contractors, if the Owner is in default of such removal being undertaken by December 31, 2018, and the expense charged to the Owner of the property. If unpaid on December 31st in the year in which the work is done, the expenses shall be added to and form part of the taxes payable on that real property as taxes in arrears.

Motion carried.

R. MacNair left the meeting.

DELEGATION

Staff Sergeant Ken Brissard, Detachment Commander, Ladysmith RCMP

Request for Increase of One Municipally-funded Regular Member
Staff Sergeant Ken Brissard summarized the reasoning behind the request for an increase of one municipally-funded regular member for the detachment. He responded to questions regarding work load, twenty-four hour policing, the new cannabis laws, and the effect of court-time on scheduling for the detachment.

Council thanked Staff Sergeant Brissard for his presentation.

Moved and seconded:

CS 2018-444

That Council increase the Town of Ladysmith's Royal Canadian Mounted Police Detachment from 7 to 8 members, and begin implementing this increase in 2019, to be fully funded in 2020.

Motion carried.

PROCLAMATION

Louis Riel Day

Mayor Stone proclaimed November 16, 2018 as Louis Riel Day in the Town of Ladysmith, recognizing the enormous contribution Louis Riel made to the development of this country and commemorating the 133rd anniversary of his death.

DEVELOPMENT APPLICATIONS

Zoning Bylaw Amendment Application (C. Ronald) - 10910 Westdowne Road

Subject Property: Lot B, District Lot 72, Oyster District, Plan EPP20506

Moved and seconded:

CS 2018-445

That Council, having considered the application (3360-18-11) to amend the Zoning Bylaw for the property legally described as Lot B,

District Lot 72, Oyster District, Plan EPP20506 (10910 Westdowne Road) to

- a) add 'storage yard' as a site specific principal permitted use;
 - b) add a definition of 'contractor tool crib'; and
 - c) amend the definition of 'storage yard' to include RVs, boats, and contractor tool cribs:
1. Direct staff to commence the preparation of the Zoning Bylaw amending bylaw for application 3360-18-11 (10910 Westdowne Road).
 2. Direct that prior to presenting the Zoning Bylaw amending bylaw to Council for consideration, the owners of 10910 Westdowne Road shall complete the following:
 - Obtain a building permit for the retaining wall;
 - Obtain a demolition permit for the dwelling; and
 - Connect the property to the Town of Ladysmith water system as required by DVP 11-01 and Covenant CA2774644; and
 - Submit the riparian landscape bond of \$1200 (DP 18-06).

Motion carried.

CS 2018-446

Moved and seconded:

That Council direct staff to investigate the number of shipping containers permitted on industrial zoned properties in other municipalities for the purpose of storage, and report back to Council.

Motion carried.

Development Permit Renewal (Front Forty Ventures) - 1201 & 1251 Christie Road

Subject Properties: Lots 7 & 8, District Lot 147, Oyster District, Plan 85271

CS 2018-447

Moved and seconded:

That Council:

1. Issue Development Permit (DP) 3060-18-15 to renew DP 3060-16-03 for Lots 7 & 8, District Lot 147, Oyster District, Plan 85271 (1201 & 1251 Christie Rd) to permit a 66 townhouse development, subject to the applicant submitting a bond in the amount of 100% of the onsite landscaping.
2. Authorize the Mayor and Corporate Officer to sign the Development Permit.

Motion carried.

OPPOSED: Councillors Jacobson and Johnson

Councillor Stevens declared a conflict of interest with the following two agenda items due to his role on the board of the Ladysmith Resources Centre Association and excused himself from the meeting.

Temporary Use Permit (C. Wood) – 631 1st Avenue (Ladysmith Resources Centre Association)

Subject Property: Parcel B (being a consolidation of Lots 9 and 10, see CA5603565), District Lot 56, Oyster District, Plan 703

Moved and seconded:

That Council:

CS 2018-448

1. Direct staff to proceed with statutory notice for Temporary Use Permit (TUP) application 3340-18-02 from the Ladysmith Resource Centre Association for 631 1st Avenue (to replace TUP 3340-16-01); and
2. Require the applicant to host a neighbourhood information meeting regarding TUP application 3340-18-02 and provide a report regarding the public input received at the meeting.

Amendment

Moved and seconded:

CS 2018-449

That resolution CS 2018-448 be amended to read as follows:

That Council:

1. Direct staff to proceed with statutory notice for Temporary Use Permit (TUP) application 3340-18-02 from the Ladysmith Resources Centre Association for 631 1st Avenue (to replace TUP 3340-16-01) and include the Ladysmith Chamber of Commerce and the Ladysmith Downtown Business Association in the statutory notice.
2. Require the applicant to host a neighbourhood information meeting regarding TUP application 3340-18-02 and provide a report regarding the public input received at the meeting.

Amending motion carried.

Main motion as amended carried.

**BYLAWS – OFFICIAL
COMMUNITY PLAN
AND ZONING**

OCP & Zoning Bylaw Amendment Application (D. Poiron) – 314 Buller Street

Subject Property: Lot A (DD B92367) of Block 76, District Lot 56, Oyster District, Plan 703A

Moved and seconded:

That Council:

CS 2018-450

1. Receive the report from the Ladysmith Resources Centre Association (LRCA) Neighbourhood Information Meeting for the

- 314 Buller Street development proposal.
2. Proceed with first and second reading of Bylaw 1982, cited as "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 55) 2018, No. 1982".
 3. Proceed with first and second reading of Bylaw 1983, cited as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 21) 2018, No. 1983".
 4. Proceed with first, second and third reading of "Housing Agreement Bylaw 2018, No. 1984" and support in principle the terms and conditions of the Housing Agreement.
 5. Refer Bylaws 1982 and 1983 to public hearing.

Motion carried.

Councillor Stevens returned to the meeting.

REPORTS

CS 2018-451

Long Term Borrowing – Water Filtration Plant

Moved and seconded:

That Council approve borrowing from the Municipal Finance Authority of British Columbia, as part of the 2019 Spring Borrowing Session, six million dollars (\$6,000,000) as authorized through Town of Ladysmith Water Filtration Plan Loan Authorization Bylaw 2016, No. 1920 and that the Cowichan Valley Regional District be requested to consent to our borrowing over a twenty-five (25) year term and include the borrowing in a Security Issuing Bylaw.

Motion carried.

Machine Shop and Site

Norm Hotson of Hotson Architecture joined the meeting via telephone to answer Council's questions.

CS 2018-452

Moved and seconded:

That Council:

1. Receive the Machine Shop Pre-Design Report drafted by Hotson Architecture;
2. Receive the Machine Shop Structural Report drafted by Herold Engineering;
3. Direct staff to commence the next phases of the Machine Shop Restoration Project relating to design and construction, focusing on identified structural and code improvements;
4. Direct staff to contract with Hotson Architecture to continue as project lead for the Machine Shop Restoration Project, specific to implementation phases (design, securing contractor and construction) at a cost up to \$250,000 and waive the Purchasing Policy accordingly; and

5. Continue to include the Machine Shop Users Advisory Group and tenants in project updates.

Motion carried.

Investing in Canada Program Fund Options

Moved and seconded:

CS 2018-453

That, having considered the applicability of both the Lot 108/Forrest Field Expansion and the Waterfront Arts and Heritage Hub initiatives, Council direct staff to proceed with an infrastructure funding application to implement the Arts and Heritage Hub Concept Plan under the Investing in Canada Program.

Motion carried.

2019 Council Meeting Schedule

Moved and seconded:

CS 2018-454

That Council:

Confirm the following schedule of regular Council meetings and Municipal Services Committee meetings for 2019 and direct staff to advertise the schedule in accordance with Section 127 of the Community Charter.

Council Meetings

January 7	April 1	July 15	November 4
January 21	April 15	August 19	November 18
February 4	May 6	September 16	December 2
March 4	June 3	October 8**	December 16
March 18	June 17	October 21	

**Tuesday, to accommodate Tour de Rock in Ladysmith

Municipal Services Committee Meetings

January 14	April 8	July 8	December 9
February 11	May 13	August 12	
March 11	June 10	September 9	

Motion carried.

Parking Lot Request from Ladysmith Maritime Society

Moved and seconded:

CS 2018-455

That Council consider whether it wishes to:

1. Refer the request from the Ladysmith Maritime Society regarding provision of a marina parking lot to staff for investigation and to report back to Council.

Motion carried.

Quarterly Financial Plan Update

Moved and seconded:

CS 2018-456

That Council:

1. Direct staff to install a hygiene facility at the Bio-solids composting site in the amount of \$50,000 with funds to come from cost savings in the sewer department, and amend the financial plan accordingly.
2. Receive the financial report for the period ending September 2018 for information purposes.

Motion carried.

Councillor Johnson commended staff for the thorough and accessible staff report.

Council Remuneration Policy

Moved and seconded:

CS 2018-457

That Council:

1. Adopt the draft Council Remuneration Policy.
2. Under the Bylaws section of this agenda, give first, second and third readings to Council Remuneration Bylaw 2018, No. 1986.

Motion carried.

BYLAWS

Council Remuneration Bylaw 2018, No. 1986

Moved and seconded:

CS 2018-458

That Council give first, second and third readings to "Council Remuneration Bylaw 2018, No. 1986".

Motion carried.

CORRESPONDENCE

Minister Fraser – Waterfront Area Remediation

Moved and seconded:

CS 2018-459

That Council receive the correspondence from the Minister of Indigenous Relations and Reconciliation regarding the Waterfront Area Plan, and request Mayor Stone to pursue the matter with the minister in concert with Chief John Elliott.

Motion carried.

Island Health – Notice of Proposed Changes to Terms and Conditions of Operating Permit

Moved and seconded:

CS 2018-460

That Council receive for information the correspondence from Island Health, dated October 30, 2018, regarding the extension of the completion date of the construction schedule for the Water Filtration plant.

Motion carried.

Ladysmith and District Arts Council – Recommendation for Town of Ladysmith First Poet Laureate

Moved and seconded:

CS 2018-461

That Council refer to the Parks, Recreation and Culture Advisory Committee the recommendation by the Ladysmith and District Arts Council in their correspondence dated October 18, 2018, to appoint John Edwards as the first poet laureate for the Town of Ladysmith.

Motion carried.

Councillor Johnson declared a conflict of interest with the following agenda item due to his position on the board of the Ladysmith Historical Society and excused himself from the meeting.

Ladysmith and District Historical Society - Request for Letter of Support for Funding Application (Canada Cultural Spaces)

Moved and seconded:

CS 2018-462

That Council provide a letter of support for the Ladysmith and District Historical Society application for funding through the Canada Cultural Spaces Program.

Motion carried.

Councillor Johnson returned to the meeting.

Cynthia Damphousse – Request to Reconsider the Decision about the Road between Churchill and McKinley

Moved and seconded:

CS 2018-463

That Council receive the correspondence from Cindy Damphousse regarding the McKinley/Churchill secondary access road, and advise that the road will be opened as an alternative access route when required by conditions on 4th Avenue in the vicinity of the Rocky Creek crossing.

Motion carried.

Amy Melmock, Manager, Economic Development Division, Cowichan Valley Regional District

Request for Support for the Ladysmith Investment Attraction Strategy

Moved and seconded:

CS 2018-464

That Council contribute \$10,000 to the Investment Attraction Initiative as requested by the Cowichan Valley Regional District in their correspondence dated November 15, 2018, in order to profile the advantages of living, working and investing in Ladysmith.

Motion carried.

NEW BUSINESS

Notice of Motion

As requested by Councillor Johnson, the following motion will be placed on the agenda for the December 3, 2018 Council meeting:

That Council:

1. Direct staff to review present plans for the installation of some 160 bollards along 1st Avenue in the downtown core
2. Direct staff to report back by the end of February 2019 with three options for consideration, including complete costing, timeframe for installation and a safety factor that will protect downtown shoppers and buildings; and
3. Authorize the expenditure of up to \$3,000 for this review.

QUESTION PERIOD

There were no questions from the public.

ADJOURNMENT

CS 2018-465

Moved and seconded:

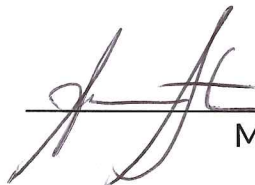
That this Regular Meeting of Council adjourn at 9:38 p.m.

Motion carried.

CERTIFIED CORRECT:



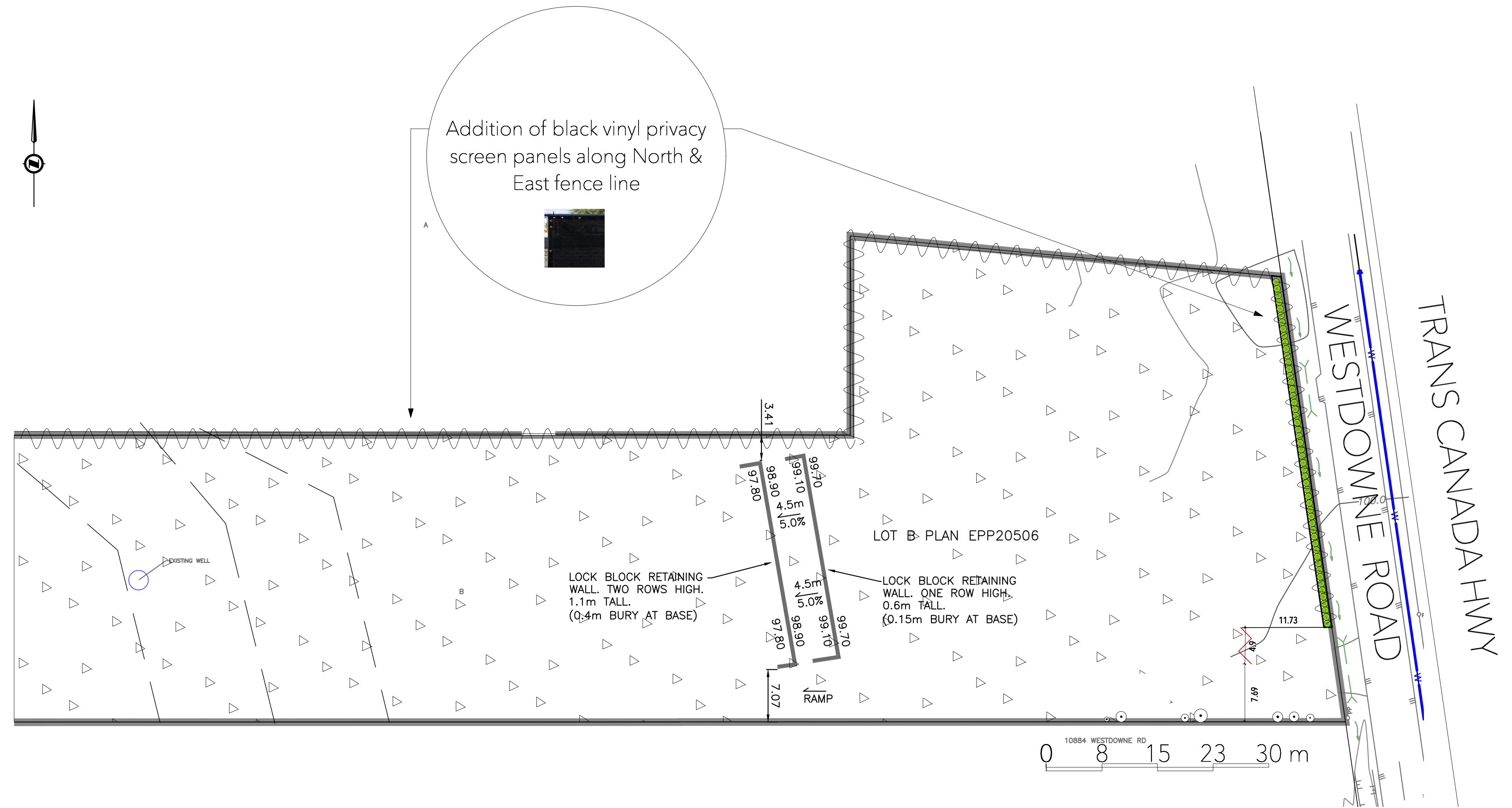
Corporate Officer (J. Winter)



Mayor (A. Stone)

10910 WESTDOWNE ROAD

LANDSCAPE PLAN



MATERIAL LEGEND

	SUGGESTED PLANTING AREA : 55 m ²
	3" minus EXISTING GRAVEL AREA : 8205 m ²
	EXISTING FENCE
	EXISTING GATE
	BLACK VINYL SCREENING PANEL ALONG FENCE: 244 M
	EXISTING TREES

Landscape Specifications:

All landscape plans to comply with municipal bylaws & installed and maintained following BCLNA standards at the time of installation including an irrigation system. The Owner & Builder to verify and thoroughly review all aspects of plan prior to commencement and setting out of any work. Drawings and Specifications shall remain the property of Imagine Garden Design and can only be reproduced with written agreement. The General Contractor is responsible for confirming and correlating dimensions and working budgets at the job site. The designer will not be responsible for construction means, methods, techniques, sequences, budgets, or procedures, or for safety precautions and works in connection with the project. All survey information, building layout information and setback dimensions supplied by property owner. All errors, substitutions and omissions must be reported immediately to the Designer.

WESTDOWNE ROAD PERSPECTIVE



(not to scale)

North & East side black vinyl screening panels

PLANTING LEGEND

SYMBOL	ID	QTY	LATIN NAME	COMMON NAME	SIZE	NOTES
	Ma	52	Mahonia aquifolium	Oregan grape	2 Gal	