



TOWN OF LADYSMITH

A regular meeting of the
Council of the Town of Ladysmith
will be held in Council Chambers at City Hall on

MONDAY, MAY 4, 2009
at 7:00 P.M.

AGENDA

CALL TO ORDER

Page

1 **AGENDA APPROVAL**

2 **EXECUTIVE SESSION (6:00 p.m.)**

In accordance with Section 90(1) of the *Community Charter*, the first section of the meeting will be held In Camera to consider the following items:

- personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;
- the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

3 **RISE AND REPORT**

4 **PUBLIC HEARING**

4.1 Zoning Amendment 3360-08-04

Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No. 72), 2008, No. 1684
(M. Huntjens) – Lot 6, DL 139, Oyster District, Plan 7217
1142 Trans Canada Highway

1 - 6

5 **BYLAWS (OCP / ZONING)**

5.1 Official Community Plan and Zoning Amendment 3360-08-04

Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No. 72), 2008, No. 1684
(M. Huntjens) – Lot 6, DL 139, Oyster District, Plan 7217
1142 Trans Canada Highway
Re: May be read a third time.

1 - 6

5.2 Official Community Plan and Zoning Amendment 3360-08-02

Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No. 24), 2008, No. 1685
Zoning bylaw 1995, No. 1160, Amendment Bylaw (No. 73), 2008, No. 1686
(Bezeau) – Lot 1, DL 108, Oyster District, Plan 47290
1323 – 4th Avenue

7 - 18

Re: May be read a first and second time; may be referred to the Advisory Planning Commission; may set a Public Hearing date for June 1, 2009; may request that a neighbourhood information meeting be held at least 5 days before the public hearing.

6 **MINUTES**

Adoption of following minutes:

- April 6, 2009
- April 16, 2009
- April 20, 2009

19 – 24
25 – 26
27 – 28

7 **DELEGATIONS**

None.

8 **PROCLAMATIONS**

8.1 Mayor Hutchins has proclaimed :

- April 28, 2009 as “National Day of Mourning for Workers Killed and Injured on the Job”
- May 17 – 23 as “National Public Works Week”
- June 6, 2009 as “Access Awareness Day”

In the Town of Ladysmith.

9 **DEVELOPMENT PERMITS / DEVELOPMENT VARIANCE PERMITS**

9.1 Development Variance Permit – DVP 3090-09-02

M. Fox – Parcel A (DD176N) of Lot 9, Block 47, DL 56, Oyster District, Plan 703A (321 3rd Ave)

29 – 35

9.2 Development Permit – DP 3060-09-03

TDL Group (Tim Hortons) – (1111 and 1115 First Avenue)

36 – 38

9.3 Development Variance Permit – DVP 3090-08-07

Shoa Organizational Services Ltd. – Lot 1, and Lot 5 to 19, District Lot 52, Oyster District, Plan VIP 86055 (Thetis Drive)

39 – 49

10 **COUNCIL COMMITTEE REPORTS**

Mayor R. Hutchins

CVRD; Task Force on Emergency Preparedness; Trolley Committee; Early Years Partnership

Councillor S. Bastian

Advisory Planning Commission; Protective Services Committee; Trolley Committee; Youth Advisory Committee

Councillor J. Dashwood

Liquid Waste Management Committee

Councillor S. Arnett

Economic Development Commission; Parks, Recreation & Culture Commission; Chamber of Commerce

Councillor D. Paterson

Government Services Committee; Celebrations Committee; Festival of Lights

10.1 Government Services Committee Recommendations from the April 20, 2009 Meeting

50 – 55

Councillor L. Evans

Heritage Revitalization Advisory Commission; Community Health Advisory Committee; Social Planning Cowichan

	<u>Page</u>
<u>Councillor B. Whittington</u> Vancouver Island Regional Library Board; Advisory Design Panel; Environment Commission	
11 STAFF / ADVISORY COMMITTEE REPORTS	
11.1 <u>Fire Chief</u> Re: Fire Chief's Report for March, 2009	56
11.2 <u>Building Inspector</u> Re: Building Inspector's Report for March, 2009	57
11.3 <u>Director of Public Works</u> Re: Canadian Shellfish Sanitation Program	58 – 87
11.4 <u>Director of Public Works</u> Re: Rocky Point Metalcraft - Request to Work on Sundays	88
11.5 <u>Director of Parks, Recreation and Culture</u> Re: West Nile Virus Grant Application	89
11.5 <u>Director of Parks, Recreation and Culture</u> Re: Tourism Signage – Transfer Beach	90
11.6 <u>Director of Parks, Recreation and Culture</u> Re: Canada BC Building Canada Fund Grant Application	91
11.7 <u>Manager of Administrative Services</u> Re: Janitorial Services for RCMP Building	92 – 109
12 CORRESPONDENCE	
12.1 <u>T. Hughes, Coastal Animal Control Services of BC Ltd.</u> Re: Pound Report for March, 2009	110
12.2 <u>C. Papadakos, Manager, Community Partnerships, Tourism British Columbia</u> Re: Grant Approval - Tourism British Columbia's Community Tourism Opportunities Program	111 – 113
12.3 <u>D. Wall, Deputy Minister, Ministry of Community Development</u> Re: Towns for Tomorrow Grant – Approval to Reallocate Funds to Lot 108 Ball Field	114
12.4 <u>D. Benson, President, Ladysmith Health Care Auxiliary</u> Re: Ladysmith Health Care Auxiliary 100 th Anniversary	115
12.5 <u>J. Strohmaier, Provincial President, CUPE Local 873</u> Re: Ambulance Paramedics of British Columbia – Request for Support	116
13 BYLAWS	
13.1 <u>Town of Ladysmith Development Procedures Bylaw 2008, No. 1667</u> <u>Amendment Bylaw 2009, No. 1681</u> Re: May be adopted.	117 – 119
13.2 <u>Town of Ladysmith Sewer Parcel Tax Bylaw 2009, No. 1690</u> Re: May be read a first, second and third time.	120
13.3 <u>Town of Ladysmith Water Parcel Tax Bylaw, 2009, No. 1689</u> Re: May be read a first, second and third time.	121
13.4 <u>Town of Ladysmith Financial Plan Bylaw 2009, No. 1688</u> Re: May be read a first, second and third time.	122 – 126

- 13.5 Town of Ladysmith Tax Rates Bylaw 2009, No. 1687
Re: May be read a first, second and third time.

14 **NEW BUSINESS**
None.

15 **UNFINISHED BUSINESS**
None.

16 **QUESTION PERIOD**

ADJOURNMENT

TOWN OF LADYSMITH

BYLAW NO. 1684

A bylaw to amend "Town of Ladysmith Zoning Bylaw, 1995, No. 1160"

WHEREAS pursuant to the *Local Government Act*, the Municipal Council is empowered to amend the zoning bylaw;

AND WHEREAS after the close of the Public Hearing and with due regard to the reports received, the Municipal Council considers it advisable to amend "Town of Ladysmith Zoning Bylaw 1995, No. 1160";

NOW THEREFORE the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

- (1) The zoning map, being 'Schedule A' to "Town of Ladysmith Zoning Bylaw 1995, No. 1160" is hereby amended by placing:

"Medium Density Residential (R-3-A) Zone" on the subject property Lot 6, District Lot 139, Oyster District, Plan 7217 (1142 Trans Canada Highway) as shown on Schedule 1 attached to this Bylaw.

CITATION

- (2) This bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No. 72), 2008, No. 1684".

READ A FIRST TIME on the 6th day of April, 2009

READ A SECOND TIME on the 6th day of April, 2009

PUBLIC HEARING held pursuant to the provisions of the *Local Government Act*

on the day of

READ A THIRD TIME on the day of

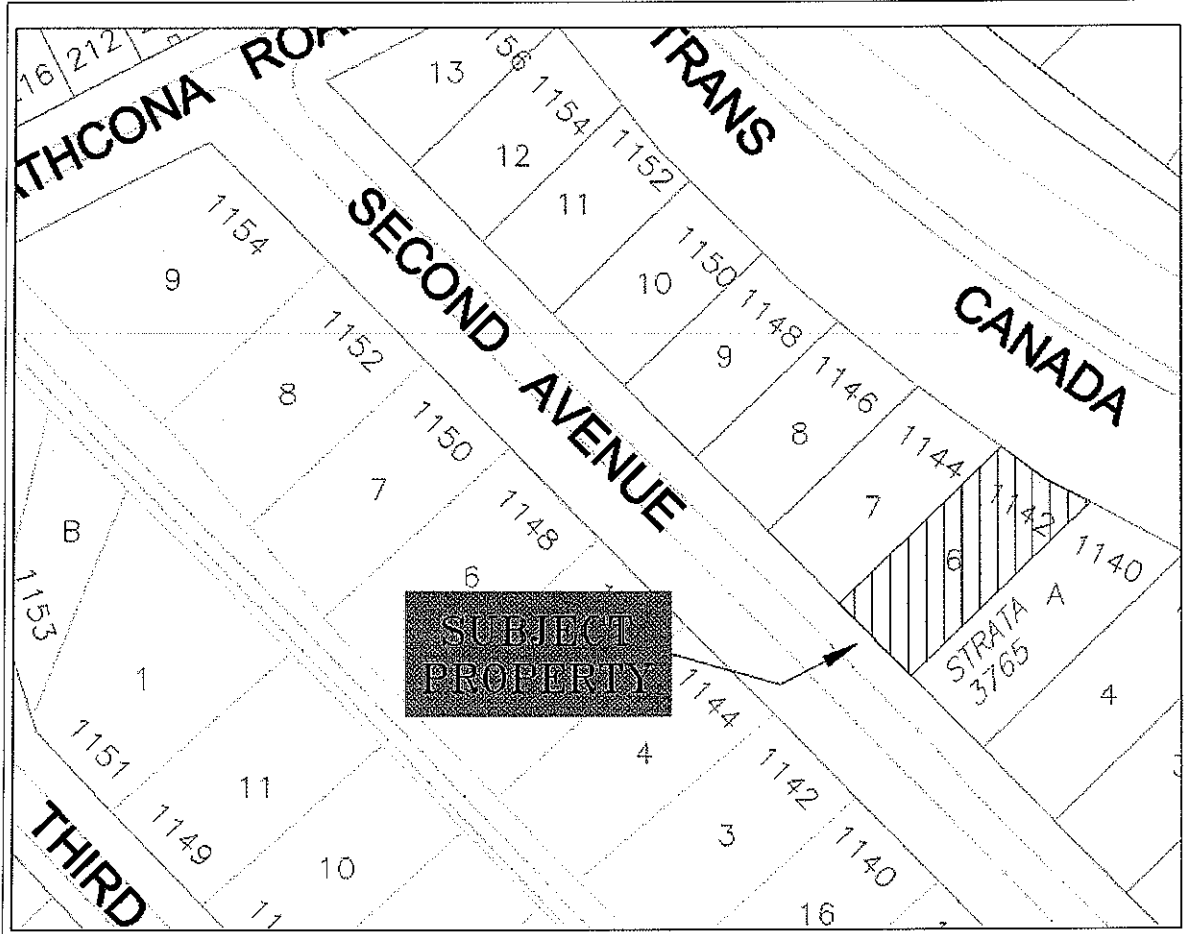
APPROVED by the Minister pursuant to the provisions of the *Transportation Act*

ADOPTED on the day of

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)

Bylaw 1684 – Schedule 1





Town of Ladysmith

STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Manager of Development Services
Date: March 26, 2009
File No: 3360-08-04

Re: ZONING AMENDMENT APPLICATION: 1142 Trans Canada Highway
Subject Property: Lot 6, DL 139, Oyster District, Plan 7217 (M. Huntjens)

RECOMMENDATION:

That Council give first and second reading to Bylaw 1684; set a public hearing date of May 4, 2009; and waive the requirement for a neighbourhood information meeting.

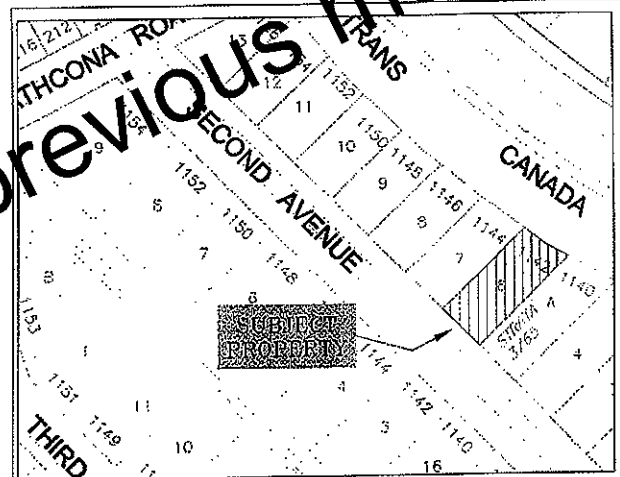
PURPOSE:

The purpose of this report is to provide a draft zoning amendment bylaw for the consideration of Council and to set a public hearing date.

BACKGROUND:

Council made the following resolution at its meeting on March 16, 2009:

"THAT Council directs staff to prepare a bylaw to amend the Zoning Bylaw to permit four residential units on Lot 6, DL 139, Oyster District, Plan 7217 (Huntjens 3360-08-04).



And that Council supports a land-use agreement which includes the applicant's commitment to install a water meter in each residential unit; to install 'triple glaze' windows for all windows in each unit; to use natural materials for the external façade of the units; to retain a registered landscape architect to design a comprehensive landscape plan (at the development permit stage) that encourages the use of native species and onsite tree retention, limits impermeable surfaces, and utilizes a rainwater irrigation system; and to contribute \$2000.00 towards the amenity fund."

SCOPE OF WORK: n/a

ALTERNATIVES:

To require a neighbourhood information meeting prior to holding a public hearing.

FINANCIAL IMPLICATIONS: n/a

LEGAL IMPLICATIONS: n/a

CITIZEN PUBLIC RELATIONS IMPLICATIONS:

In October 2008 Council referred the application to the Advisory Planning Commission (APC) and Advisory Design Panel (ADP). Both the APC and ADP support the rezoning to "Medium Density Residential" (R-3-A). The ADP will further consider design at the Development Permit stage.

The Development Procedures Bylaw, Bylaw 1667, requires that rezoning applicants hold a neighbourhood information meeting 30 days prior to the holding of a public hearing. It is recommended to waive the requirement for a neighbourhood information meeting as the applicant has been proactive in discussing his intentions with adjacent neighbours and the subject parcel of land is designated for multi-family use in the Official Community Plan.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS: n/a

ALIGNMENT WITH STRATEGIC PRIORITIES:

The application to rezone the subject property to multi-family use is consistent with the direction of the Official Community Plan. The applicant has committed to several green building and green site design concepts which will be secured in a covenant registered on title.

SUMMARY:

It is recommended to give 1st and 2nd readings to Bylaw 1684 and set a public hearing date to move forward the application to rezone 1142 Trans Canada Highway to permit 4 residential units.

I concur with the recommendation:

Ruth Malli

Ruth Malli, City Manager

ATTACHMENTS:

Bylaw 1684

TOWN OF LADYSMITH

BYLAW NO. 1684

A bylaw to amend "Town of Ladysmith Zoning Bylaw, 1995, No. 1160"

WHEREAS pursuant to the *Local Government Act*, the Municipal Council is empowered to amend the zoning bylaw;

AND WHEREAS after the close of the Public Hearing and with due regard to the reports received, the Municipal Council considers it advisable to amend "Town of Ladysmith Zoning Bylaw 1995, No. 1160";

NOW THEREFORE the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

- (1) The zoning map, being 'Schedule A' to "Town of Ladysmith Zoning Bylaw 1995, No. 1160" is hereby amended by placing:

"Medium Density Residential (R-3-A) Zone" on the subject property Lot 6, District Lot 139, Oyster District, Plan 7217 (1142 Trans Canada Highway) as shown on Schedule 1 attached to this Bylaw.

CITATION

- (2) This bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No. 12), 2008, No. 1684".

READ A FIRST TIME on the _____ day of _____

READ A SECOND TIME on the _____ day of _____

PUBLIC HEARING held pursuant to the provisions of the *Local Government Act*

on the _____ day of _____

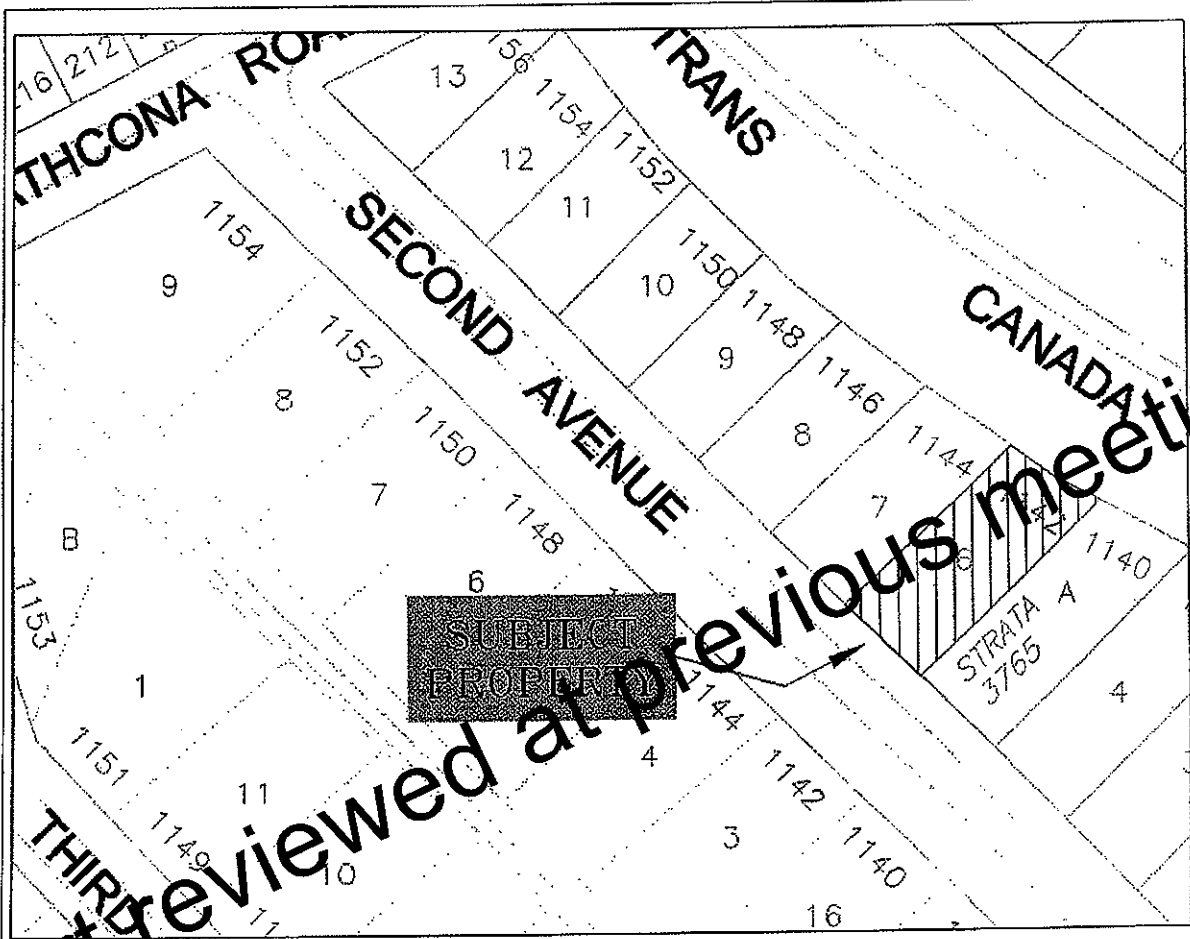
READ A THIRD TIME on the _____ day of _____

ADOPTED on the _____ day of _____

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)

Bylaw 1684 – Schedule 1



Report reviewed at previous meeting.



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Manager of Development Services
Date: April 27, 2009
File No: 3360-08-02

Re: **OCP / ZONING AMENDMENT APPLICATION: 1323 - 4TH AVENUE**
Subject Property: Lot 1, DL 108, Oyster District, Plan 47290 (G. Bezeau)

RECOMMENDATION(S):

1. That Council give first reading and second reading to "Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No. 24), 2008, No. 1685" and "Town of Ladysmith Zoning Bylaw 1995, No. 1160, Amendment Bylaw (No. 73), 2008, No. 1686".
2. That Council refer Bylaw 1685 and Bylaw 1686 (application 3360-08-02) to the Advisory Planning Commission.
3. That Council set a public hearing date of June 1, 2009 for Bylaw 1685 and Bylaw 1686 (application 3360-08-02).
4. That Council require that the neighbourhood information meeting for application 3360-08-02 be held at least 5 days prior to the date of the public hearing.

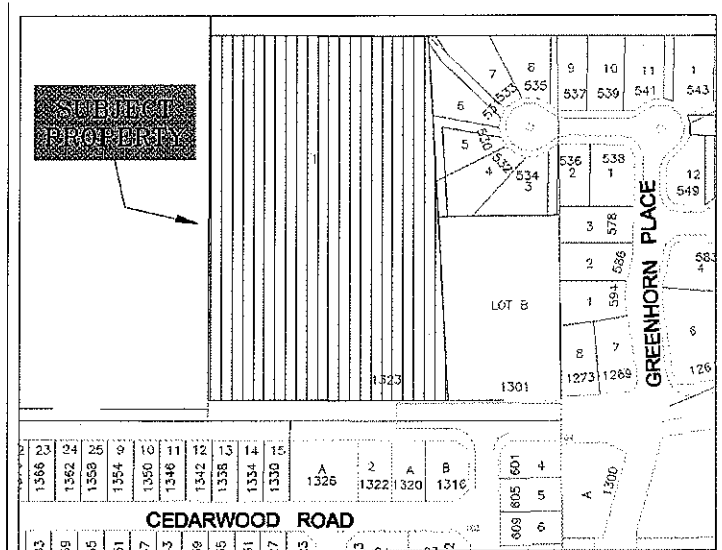
PURPOSE:

The purpose of this report is to (1) provide a new proposal for the rezoning of 1323 - 4th Avenue, and (2) present amending bylaws that would move the rezoning forward in the approvals process.

INTRODUCTION/BACKGROUND:

This 1.6 hectare property came into the boundary of the Town in November 2007. When lands are added to the Town, the land use regulations that are in place at the time of the boundary extension remain in effect until the parcel is rezoned. The subject property is currently zoned Secondary Agriculture (A-2) in the CVRD Bylaw 1020.

The property owner now wishes to subdivide the land in order to sell a portion. However, the minimum lot size is



currently 2.0 hectares, so there is no subdivision potential. This rezoning proposal would facilitate the subdivision.

The original rezoning proposal included rezoning the “remainder” to a new small lot zone. Council referred the proposal, in November 2008, to the Advisory Planning Commission and staff had been working towards the development of design guidelines for intensive residential development.

However, since that time the development of DL108 for a sports field complex has been identified as a Council priority. A park plan has been prepared that creates “surplus” land to be used as part of an affordable housing initiative. These surplus lands are adjacent to 1323 – 4th Avenue.

As a result, the property owner and applicant have revised the rezoning proposal for 1323 – 4th Avenue. This rezoning proposal is now focused on the creation of a seven lot subdivision – as shown in the adjacent plan.

SCOPE OF WORK:

The new proposal will maintain Agricultural zoning on the family homestead and lands to be purchased by the developer and create the potential for five residential parcels along 4th Avenue. This rezoning will enable the property owner to create a subdivision in order to sell land to the developer for a future comprehensive residential development. A subsequent rezoning application is expected.

Bylaw 1685 – OCP Amendment

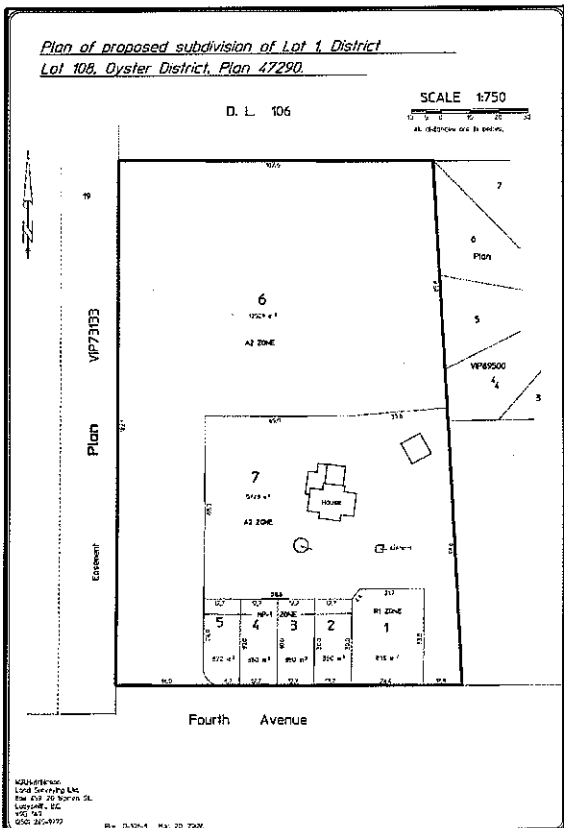
Bylaw 1685 includes the subject property within the Town of Ladysmith Official Community Plan by designating it Urban Reserve and Single Family Residential. The lands are also included within the Town’s urban containment boundary.

The Urban Reserve land use designation is amended to create two categories: lands within the Town’s urban containment boundary and lands outside of the Town’s urban containment boundary.

Bylaw 1686 – Zoning Bylaw Amendment

Bylaw 1686 creates an Agriculture Zone (A-2) which the Zoning Bylaw currently does not include; the minimum lot size would be 0.4 of a hectare (.988 acre). The A-2 zone is based on the current A-2 zone in the CVRD Bylaw 1060 and regulations in Zoning Bylaw 1160.

The Bylaw proposes to rezone the subject property to three different zones: Agriculture (A-2), Suburban Residential (SBL) and Mobile Home Park (MP-1). If the



Bylaw was adopted, it would enable the subdivision of the subject property which is the intention of the property owner.

The Bylaw also amends the current definition of agriculture use to omit the keeping of mules, cattle, swine, pigeons, doves and furbearing animals. Agriculture use is currently permitted within the UR-1 Zone.

ALTERNATIVES:

That Council not proceed with first and second reading of Bylaw 1685 and Bylaw 1686 nor set a public hearing date, until after it has received comments from the Advisory Planning Commission.

FINANCIAL IMPLICATIONS:

None.

LEGAL IMPLICATIONS:

A public hearing is required to be held before third reading and prior to consideration of the adoption of the bylaws.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The recommendation includes a referral to the Advisory Planning Commission concurrent with Council's formal consideration of the amending bylaws.

A neighbourhood information meeting is required to be held 30 days prior to holding the public hearing and input from that meeting submitted to the Town. If the public hearing is to be held June 1st, it is recommended that this time period be reduced. A notification sign is required to be posted on the lands within 14 days of the date of the public hearing and it could include information regarding the neighbourhood meeting.

A Notice of the public hearing is required to be placed in two consecutive issues of the local newspaper. In addition, Notice will be provided to all parcels any part of which is within or adjacent to the area that is subject to the bylaw amendment or otherwise lies within 60 metres of the boundary of the parcel that is subject to the bylaw.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

If the bylaws are approved, a subdivision application would be made and considered by the Approving Officer. The creation of the subdivision would require the Town's subdivision servicing standards to be met which involves Public Works. The subsequent phase of the rezoning will require significant staff time.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Facilitating the development of affordable housing is a Council priority.

SUMMARY:

The proposed rezoning has changed since it was originally submitted to the Town. This revised proposal could be considered as "phase 1" of a larger redevelopment proposal that will have a focus on the creation of affordable housing. The current

proposal is focused on a rezoning to allow the creation of new parcels – the largest of the new parcels (1.2 ha) is expected to come forward with a new development proposal in the near future.

I concur with the recommendation.



Ruth Malli, City Manager

ATTACHMENTS:

Bylaw 1685 and Bylaw 1686.

TOWN OF LADYSMITH

BYLAW NO. 1685

A bylaw to amend "Official Community Plan Bylaw, 2003, No. 1488"

WHEREAS pursuant to the *Local Government Act*, the Municipal Council is empowered to amend the Official Community Plan;

AND WHEREAS after the close of the Public Hearing and with due regard to the reports received, the Municipal Council considers it advisable to amend "Official Community Plan Bylaw, 2003, No. 1488".

NOW THEREFORE the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

- (1) Bylaw No. 1488: Schedule "A" - "Town of Ladysmith Community Plan" is amended by:
 - (a) Including Lot 1, District Lot 108, Oyster District, Plan 47290 (1323 Fourth Avenue), as shown on Schedule 1 to this Bylaw, within the Urban Containment Boundary shown on Figure 6.
 - (b) Deleting the paragraph under the heading "Urban Reserve" in section 3.8.1 Land Use Designations and replacing it with the following paragraph.

The Urban Reserve designation is intended as a reserve for long term future urban uses. It provides for agricultural and forestry uses, as well as limited single family dwellings in rural settings. The development density in an Urban Reserve designation beyond the Urban Containment Boundary is a minimum parcel area of 8.0 hectares and within the Urban Containment Boundary is a minimum parcel area of 0.4 hectares."

- (2) Bylaw No. 1488: Schedule "A" - "Town of Ladysmith Community Plan" Map 1 - Land Use is amended by placing:
 - (a) "Single Family Residential" on proposed Lots 1 to 5 of Lot 1, District Lot 108, Oyster District, Plan 47290 (1323 Fourth Avenue), and
 - (b) "Urban Reserve" on proposed Lots 6 and 7 of Lot 1, District Lot 108, Oyster District, Plan 47290 (1323 Fourth Avenue),

as shown on Schedule 2 attached to this bylaw.

CITATION

- (3) This bylaw may be cited for all purposes as "Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No. 24), 2008, No. 1685".

READ A FIRST TIME on the day of

READ A SECOND TIME on the day of

PUBLIC HEARING held pursuant to the provisions of the *Local Government Act*

on the day of

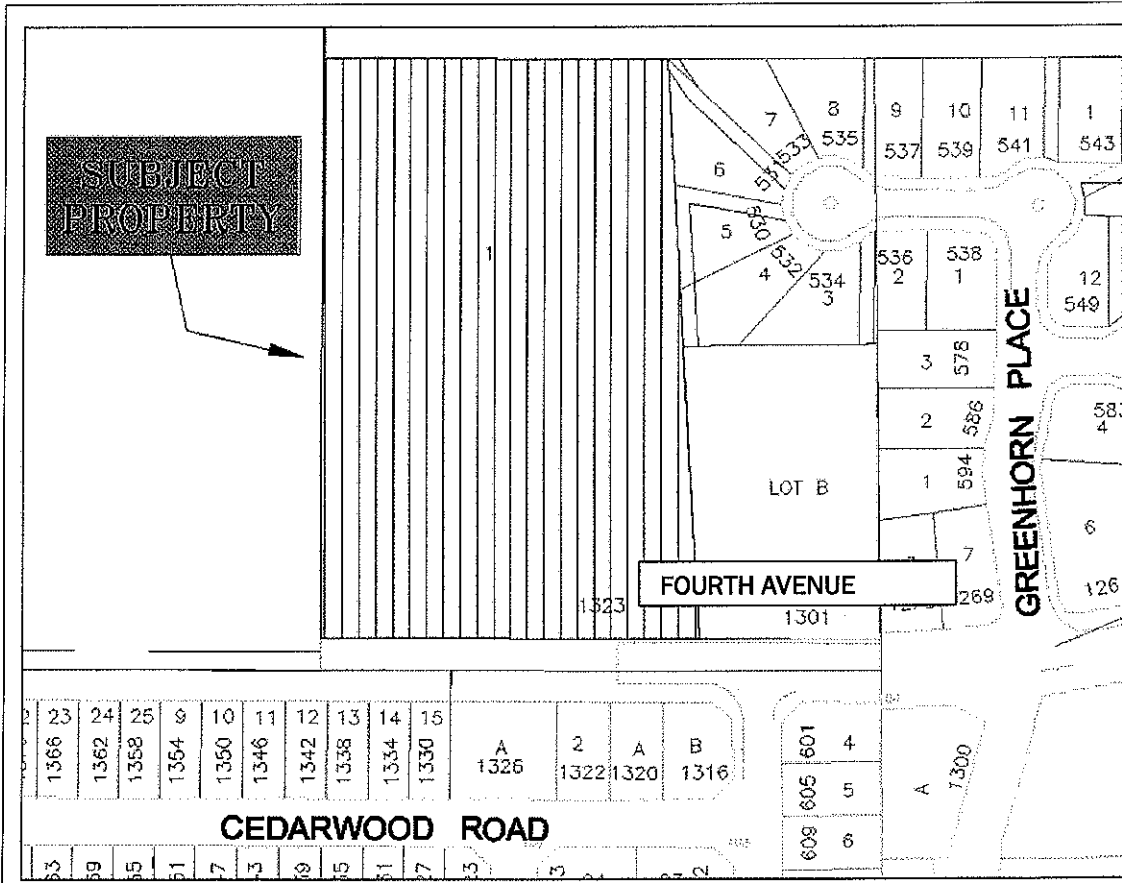
READ A THIRD TIME on the day of

ADOPTED on the day of

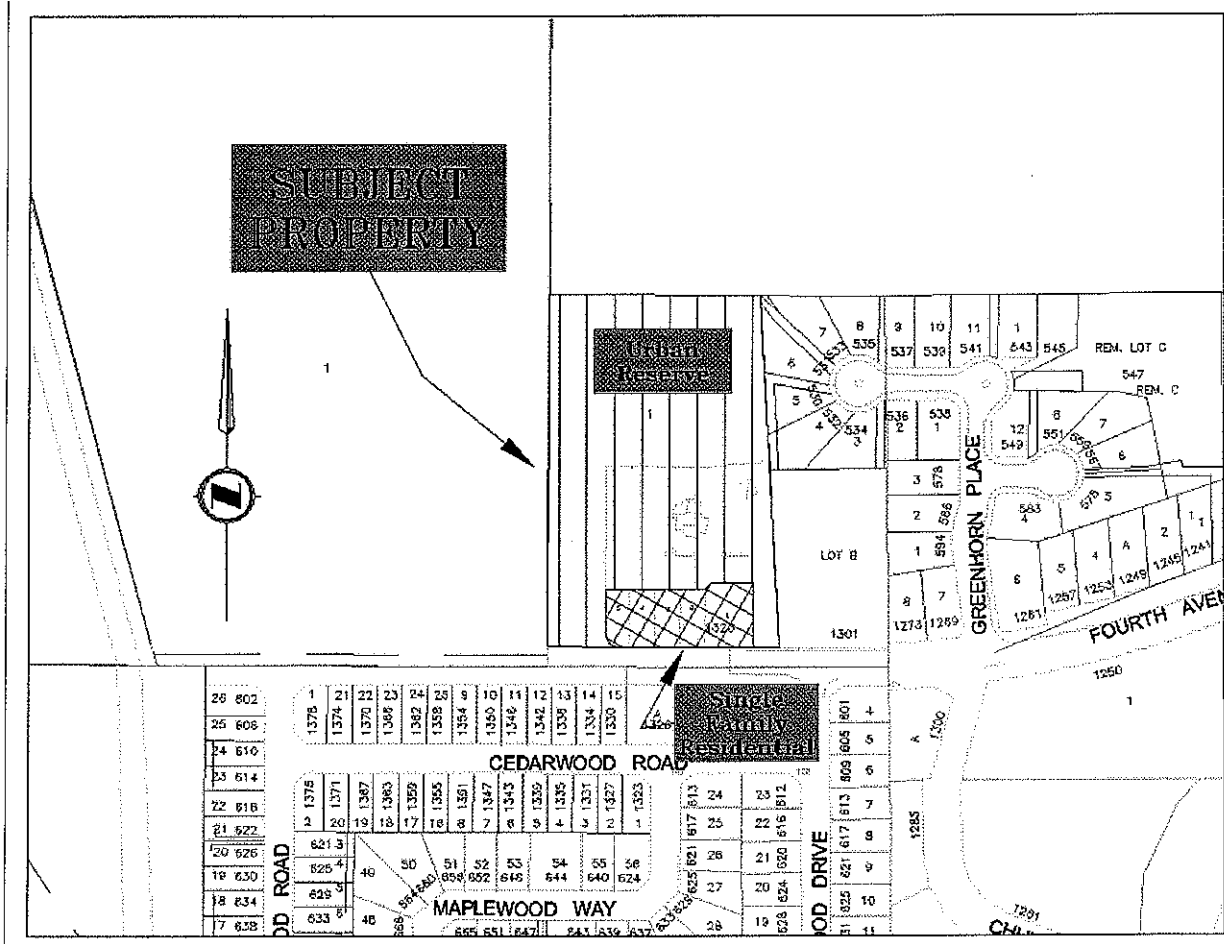
Mayor (R. Hutchins)

Corporate Officer (S. Bowden)

BYLAW No. 1685 - SCHEDULE 1



BYLAW No. 1685 - SCHEDULE 2



TOWN OF LADYSMITH

BYLAW NO. 1686

A bylaw to amend "Town of Ladysmith Zoning Bylaw, 1995, No. 1160"

WHEREAS pursuant to the *Local Government Act*, the Municipal Council is empowered to amend the zoning bylaw;

AND WHEREAS after the close of the Public Hearing and with due regard to the reports received, the Municipal Council considers it advisable to amend "Town of Ladysmith Zoning Bylaw 1995, No. 1160";

NOW THEREFORE the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

- (1) The text of "Town of Ladysmith Zoning Bylaw 1995, No. 1160", as amended, is hereby further amended by:
 - (a) Deleting the definition "Agriculture" in Section 4.0 Definitions and replacing it with:

"Agriculture: means growing, rearing, producing or harvesting agricultural products; includes the processing on an individual farm of the primary agricultural products harvested, reared or produced on that farm and the storage of farm machinery and implements used on that farm; and specifically includes the keeping of dogs, horses, sheep, goats, poultry, and bees; and specifically excludes all manufacturing, processing, storage and repairs not specifically included in this definition including livestock and poultry processing."
 - (b) Adding a new zone "Agriculture Zone (A-2)", as shown on Schedule 1 to this Bylaw.
- (2) The zoning map, being 'Schedule A' to "Town of Ladysmith Zoning Bylaw 1995, No. 1160", is hereby amended by placing:
 - (a) Suburban Residential Zone (R-1) on proposed Lot 1 of Lot 1, District Lot 108, Oyster District, Plan 47290 (1323 Fourth Avenue),
 - (b) Mobile Home Park Zone (MP-1) on proposed Lot 2, Lot 3, Lot 4 and Lot 5 of Lot 1, District Lot 108, Oyster District, Plan 47290 (1323 Fourth Avenue),
 - (c) Agriculture Zone (A-2) on proposed Lots 6 and 7 of Lot 1, District Lot 108, Oyster District, Plan 47290 (1323 Fourth Avenue),

as shown on Schedule 2 to this Bylaw.

CITATION

- (3) This bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No. 73), 2008, No. 1686".

READ A FIRST TIME on the day of

READ A SECOND TIME on the day of

PUBLIC HEARING held pursuant to the provisions of the *Local Government Act*

 on the day of

READ A THIRD TIME on the day of

ADOPTED on the day of

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)

BYLAW No. 1686 – SCHEDULE 1

33.0 AGRICULTURE ZONE (A-2)

33.1 Permitted Uses

Subject to the conditions of use below, the following uses and no other uses are permitted in this Zone:

- (a) agriculture or horticulture;
- (b) single family residential dwelling;
- (c) home occupation;
- (d) sale of products grown or reared on a farm accessory to an agriculture or horticulture use;
- (e) bed and breakfast; or
- (f) daycare or nursery school accessory to a residential use.

33.2 Conditions of Use

- (1) The maximum parcel coverage shall not exceed 15.0 percent.
- (2) The height of a principal building shall not exceed 9.0 metres; except where a principal building roof pitch is less than 4:12, then the maximum height shall be 7.5 metres.
- (3) No buildings or structures located on a parcel where the principal use is:
 - (a) residential shall be sited closer than:
 - (i) 7.5 metres to the front lot line
 - (ii) 3.0 metres to the side lot line
 - (iii) 4.5 metres to the rear lot line
 - (b) agriculture shall be sited closer than 15.0 metres to all lot lines.
- (4) The minimum finished floor area for a single family dwelling shall be 83.0 square metres and the maximum finished floor area shall be the lesser of 33.0 percent of the parcel area or 240.0 square metres.
- (5) Only one single family dwelling per parcel shall be permitted in this Zone.
- (6) The minimum, horizontal building dimension of a principal building shall be 6.5 metres.
- (7) Section 33.2(6) does not apply to a dwelling unit having a ground floor area great than 107 square metres.

33.3 Minimum Lot Size

- (1) All development must be connected to water and sewer services.
- (2) The minimum parcel size permitted shall not be less than 0.4 hectares.

33.4 Off Street Parking and Loading

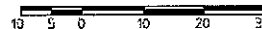
Off street parking and loading must be provided as required by the Municipality's parking regulations.

BYLAW No. 1686 - SCHEDULE 2

Plan of proposed subdivision of Lot 1, District
Lot 108, Oyster District, Plan 47290.

D. L. 106

SCALE 1:750



All distances are in metres.

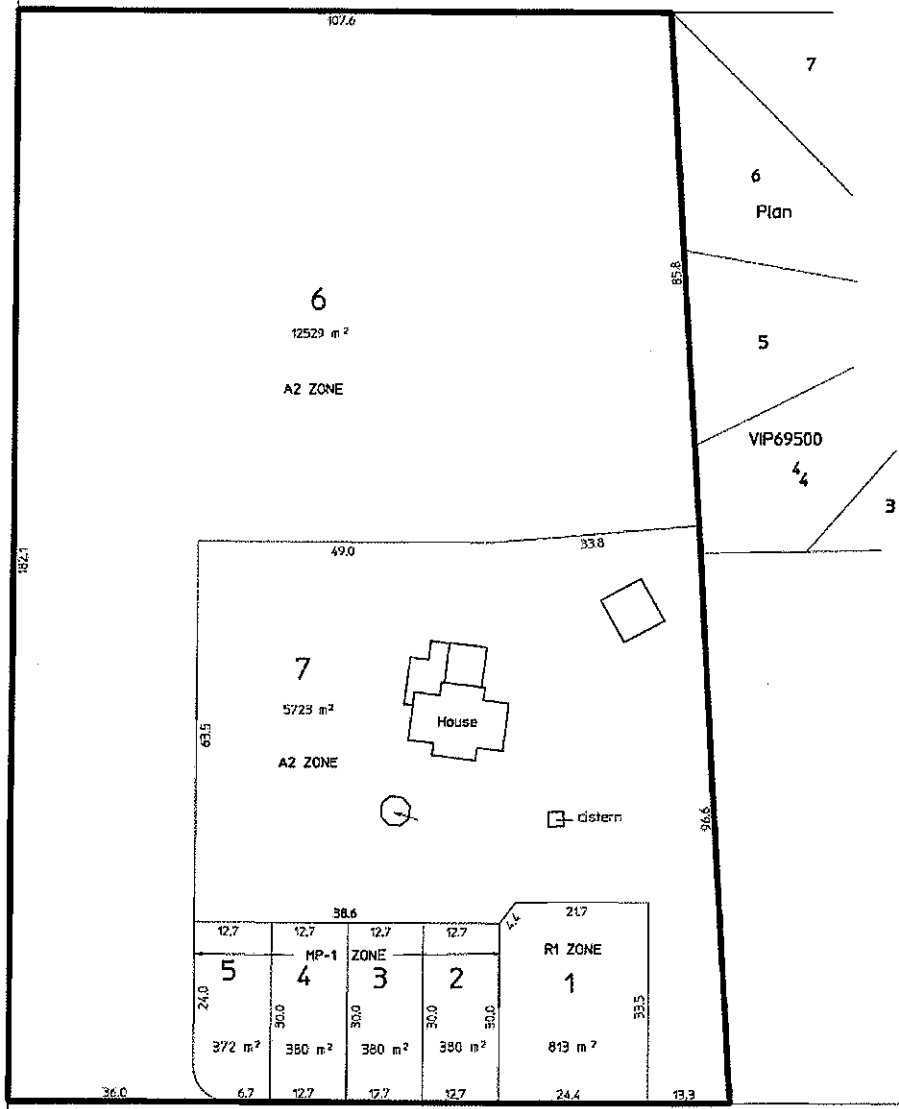


19

VIP73133

Plan

Easement



Fourth Avenue

W.R. Hutchinson
 Land Surveying Ltd.
 Box 459, 20 Warren St.,
 Ladysmith, B.C.
 V9G 1A9
 (250) 245-9777

File 0-108-3 Mar. 20, 2009.



Town of Ladysmith

Minutes of a meeting of Council of the Town of Ladysmith held in Council Chambers at City Hall on Monday, April 6, 2009 at 4:00 p.m.

COUNCIL MEMBERS PRESENT:

Mayor Rob Hutchins	Steve Arnett
Scott Bastian	Jill Dashwood
Lori Evans	Duck Paterson
Bruce Whittington	

STAFF PRESENT:

Ruth Malli	Sandy Bowden
Rebecca Kalina	Felicity Adams
Joe Friesenhan	

Mayor Hutchins called the meeting to order at 4:02 p.m.

2009 - 2013 FINANCIAL PLAN

R. Malli, City Manager, presented to Council the proposed detailed water and sewer budgets for consideration. Council requested additional information on reserve funds. Council expressed support for a differential tax rate and a modest increase to the tax rate not to exceed 3.75%.

EXECUTIVE SESSION

2009-183: It was moved, seconded and carried that this meeting retire into Executive Session (6:08 p.m.) pursuant to Section 90(1) of the Community Charter to consider the following items:

- personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;
- litigation or potential litigation affecting the municipality;
- the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

ARISE AND REPORT

2009-184: It was moved, seconded and carried that the Executive Session of Council rise without report. (6:50 p.m.)

AGENDA APPROVAL

Mayor Hutchins requested Council's consideration of re-ordering the agenda as follows:
- Item 6.3 to appear before 6.2

2009-185: It was moved, seconded and carried that the agenda for the Regular Council meeting for Monday, April 6, 2009 be approved as amended.

MINUTES

Council requested that the name of the Trans Canada Highway be corrected in the March 2, 2009 minutes (Resolution 2009-131)

2009-186: It was moved, seconded and carried that the Council minutes of March 2, 3, 16, 17 and 30, 2009 be approved as amended.

DELEGATIONS

SNOW ANGEL AWARDS

Mayor Hutchins presented each of the Snow Angel award winners: Cody Logan, Keith Hill, Greg Young, Richard Lambier and Ellie Swift; and Dave Seccombe and Karen Mullen, with a card and a one-hundred dollar cheque. The Mayor expressed his appreciation for their help and kindness to their neighbours.

FIVE STAR CULTURAL CONNECTION LEADERSHIP GROUP

Members of the Five Star Cultural Connection Community Project (Leadership BC - Ladysmith) provided an update on their project. Work on the canoe will begin shortly, an

invitation was extended to all Council members to take part in paddling the canoe with members of the Chemainus First Nation Council on May 30, 2009. The Mayor accepted the invitation to greet the canoe on the shore at Transfer Beach. A community dinner will be held after the canoe arrives and tickets are available for the dinner for \$25 each. The Mayor thanked the group for their presentation.

CVRD REGIONAL RECREATION FUNDING REPORT

Warren Jones and Jacob Ellis from the Cowichan Valley Regional District were in attendance and provided an overview on the Regional Recreation Funding Report and presented various funding options to members of the CVRD. The Mayor thanked Mr. Jones and Mr. Ellis for their presentation and stated that the report will be reviewed at the April 20, 2009 Government Services Committee meeting.

BYLAWS (OCP/ZONING)

2009-187: It was moved, seconded and carried that second reading of Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No. 68), 2008, No.1657 be rescinded.

2009-188: It was moved, seconded and carried that Bylaw 1657 be amended as follows: by including in the text of the 'General Commercial (C-2)' zone a clause that states the following uses are not permitted at 379 Davis Rd. - recreation facility, funeral parlour, assembly hall and library, theatre, and transportation terminal, as well as replace 'restaurant, including drive-in' with 'restaurant';

AND THAT Bylaw 1657 be read a second time as amended.

2009-189: It was moved seconded and carried that a public hearing date of June 1, 2009 be set for rezoning application 3360-98-01 (Phillips).

2009-190: It was moved, seconded and carried that Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No. 72), 2008, No. 1684 be read a first and second time; and that a public hearing date be set for May 4, 2009; and that the requirement for a neighbourhood information meeting be waived.

2009-191: It was moved, seconded and carried that Zoning Bylaw Amendment application 3360-09-01 (Pabla) be referred to the Advisory Planning Commission and the Advisory Design Panel for review and comment.

PROCLAMATIONS

Mayor Hutchins proclaimed April, 2009 as "Oral Health Month" in the Town of Ladysmith.

Mayor Hutchins proclaimed the third week of April, 2009 as "Prevention of Violence Against Women Week" in the Town of Ladysmith.

Mayor Hutchins proclaimed May 3 - 9, 2009 as "Drinking Water Week 2009" in the Town of Ladysmith.

DEVELOPMENT PERMITS / DEVELOPMENT VARIANCE PERMITS

2009-192: It was moved, seconded and carried that development variance permit application 3090-08-07 be referred to Staff and the Advisory Design Panel for discussion with the applicant; and that Staff provide a report at the May 4, 2009 Council meeting.

2009-193: It was moved, seconded and carried that Staff be directed to proceed with the statutory notice for Development Variance Permit Application 3090-09-02 for Parcel A (DD 176N) of Lot 9, Block 47, DL 56, Oyster District, Plan 703A (321 3rd Ave).

COUNCIL / COMMITTEE REPORTS

Mayor Hutchins reported that Councillor Bastian has been appointed to the Youth Advisory Committee.

Councillor S. Bastian provided an update on the Protective Services Committee; the Fire Department reports they have had no issues with retention of members and training has been taking place. Citizens On Patrol is currently recruiting members.

Councillor J. Dashwood stated that the Fire Department is looking forward to receiving the new emergency generator.

Councillor S. Arnett reported that the Economic Development Commission reviewed the Tourism Advisory Committee's Signage Report and is supportive of the initiatives.

Councillor D. Paterson stated that Festival of Lights Board of Directors is comprised of the same members as 2008.

GOVERNMENT SERVICES COMMITTEE RECOMMENDATIONS

2009-194: It was moved, seconded and carried that the map, as presented in the March 10, 2009 Staff Report from J. Friesenhan, Director of Public Works, be adopted as the major pedestrian route for snow clearing with the inclusion of High Street and Roberts Street from Third Avenue to Sixth Avenue.

2009-195: It was moved, seconded and carried that the issue of adopting a policy of clearing snow and ice from sidewalks (major pedestrian routes) be referred to the 2009 budget process.

2009-196: It was moved, seconded and carried that Staff be authorized to purchase a Prius for the total price of \$30,154.85 (taxes included), with the details of the vehicle to be provided at the April 6, 2009 Council meeting.

2009-197: It was moved, seconded and carried that the request from the Ladysmith Golf Course Society to eliminate the golf course maintenance and utility fees be supported and referred to the 2009 budget process.

2009-198: It was moved, seconded and carried that the letter from D.A. Harrison, Vice President, Ladysmith Ratepayers Association regarding the Ivy Green Mobile Home Park be received.

2009-199: It was moved, seconded and carried that the report from the Residents Association of the Ivy Green Mobile Home Park be referred to Staff for review in conjunction with the report on affordable housing.

2009-200: It was moved, seconded and carried that the minutes of the Government Services Committee meeting on Monday, March 16, 2009 be approved as circulated.

2009-201: It was moved, seconded and carried that staff be directed to issue a Request For Proposals for contract services for the implementation of tourism management and coordination assistance as outlined in the report and funded by a UBCM Phase 2 grant.

Councillor L. Evans reported that the Heritage Revitalization Advisory Commission continues to work on the establishment of a memorial for Coal Miners. The Community Health Advisory Committee has vacancies and would like representation from Area H and the Chemainus First Nation. The Food Action Coordinating Team is working with VIHA regarding community gardens.

HERITAGE REVITALIZATION ADVISORY COMMISSION RECOMMENDATION

2009-202: It was moved, seconded and carried that the final report from the Heritage Tourism Workshop be received.

Councillor B. Whittington distributed a document entitled "Library 101" which he received at a recent Vancouver Island Regional Library Board meeting. VIRL will be issuing an Request For Proposals for changes to the Library Act.

REPORTS

FIRE CHIEF'S REPORT

2009-203: It was moved, seconded and carried that the Fire Chief's report for February 2009 be received.

BUILDING INSPECTOR'S REPORT

2009-204: It was moved, seconded and carried that the Building Inspector's report for the month of February be received.

FESTIVAL OF LIGHTS AND THE OLYMPIC TORCH RELAY

2009-205: It was moved, seconded and carried that:

(a) the Festival of Lights Committee (FOLC) be advised that the Town supports their request that the Town seek confirmation from the Olympic Torch Relay Committee that the Olympic Torch Relay will be routed through the Town of Ladysmith (Davis Road to Dogwood Drive; along Dogwood Drive to First Avenue; along First Avenue to Bob Stuart Park where they will exit onto the highway) on October 31, 2009 and that the FOLC be commended for their efforts to ensure that the annual lighting display along First Avenue is implemented in time for the torch relay; and,

(b) a letter be sent to the Olympic Torch Relay Committee reiterating the Town's earlier request that the torch relay be routed through the Town of Ladysmith on October 31, 2009 as per the FOLC's request.

TOURISM SIGNAGE

2009-206: It was moved, seconded and carried that the recommendations for tourism attraction highway signage for Transfer Beach and visitor information signage (yellow "I") be referred to the Cowichan Valley Regional District Regional Highway Signage Committee for implementation as part of the Cowichan regional signage strategy pilot phase.

2009-207: It was moved, seconded and carried that the Parks, Recreation and Culture Commission be requested to comment to Council by May 4, 2009 regarding the following directions regarding Transfer Beach tourism signage:

- (a) that a new Transfer Beach sign (per the Town's Signage Plan) be installed at the Highway and Robert's Street, in place of the Welcome to Ladysmith sign, and
- (b) that custom banners be designed for the Transfer Beach precinct depicting Transfer Beach amenities and activities using the tourism branding (A View to Sea).

2009-208: It was moved, seconded and carried that the recommendations regarding use of the tourism branding "A View to Sea" for Ladysmith signage be part of Council's communications plan discussions.

ENVIRONMENT COMMISSION RECOMMENDATIONS

2009-209: It was moved, seconded and carried that no action be taken regarding the following recommendation from the Environment Commission:

That Council advise the CVRD that it consents to the adoption of Bylaw Nos. 2942 and 2020 which prohibit the open burning of large quantities of debris such as that undertaken by developers within the CVRD area.

2009-210: It was moved, seconded and carried that the Federation of Canadian Municipalities (FCM) be advised that the Town of Ladysmith supports in principle the FCM's initiative outlined in the communiqué dated March 7, 2009 regarding phasing out the sale and purchase of bottled water at Town-owned facilities where appropriate and where potable water is available, and the development of an awareness campaign about the positive benefits and quality of municipal water supplies.

TURBIDITY METER INSTALLATION

2009-211: It was moved, seconded and carried that Staff be authorized to purchase and have installed a turbidity meter from W.L. Solutions for a maximum price of \$10,000 with the funds to come from the water reserve.

CORRESPONDENCE

COASTAL ANIMAL CONTROL POUND REPORT FOR FEBRUARY 2009

2009-212: It was moved, seconded and carried that the February 2009 Pound Report from Coastal Animal Control Services be received.

ADDITIONAL PARKING FOR LADYSMITH MARITIME FESTIVAL

2009-213: It was moved, seconded and carried that permission be granted to the Ladysmith Maritime Society to use the former recreational vehicle site off Transfer Beach Boulevard for additional parking during the Ladysmith Maritime Festival on May 30, 2009, provided that vehicles are parked at least 30 metres from the creek, the site is supervised by Citizens on Patrol, the Ladysmith Maritime Society arranges appropriate liability insurance, and parking be permitted on one side only of Oyster Bay Drive, to permit emergency vehicle access.

BUILT ENVIRONMENT & ACTIVE TRANSPORTATION GRANT (PHASE 2)

2009-214: It was moved, seconded and carried that:

a) the grant in the amount of \$21,000 for Phase 2 of the Built Environment & Active Transportation (BEAT) Community Planning Grant Program be received and that a letter of thanks for the grant be forwarded to the UBCM.

b) the Mayor and Corporate Officer be authorized to sign the agreement on behalf of the Town.

c) the 5 year financial plan and budget be amended accordingly.

DIALYSIS UNIT

2009-215: It was moved, seconded and carried that the letter dated March 12, 2009 from Dr. Rachel Carson be received and a letter of support be sent to the Provincial Government for the installation of a dialysis unit in the Nanaimo Regional Hospital.

INVESTMENTS TO LADYSMITH BY THE PROVINCIAL GOVERNMENT

2009-216: It was moved, seconded and carried that the letter dated March 20, 2009 from Minister K. Krueger, Ministry of Community Development regarding investments to Ladysmith by the Provincial Government be received.

COMMUNITY TO COMMUNITY FORUM FUNDING

2009-217: It was moved, seconded and carried that:

a) the grant for the Newly Elected C2C Forum be received and that a letter of thanks for the grant be forwarded to the UBCM.

b) the Mayor and Corporate Officer be authorized to sign the agreement on behalf of the Town.

c) the 5 year financial Plan and budget be amended accordingly.

VISITOR INFORMATION CENTRE / CHAMBER OF COMMERCE PREMISES

2009-218: It was moved, seconded and carried that the Ladysmith Chamber of Commerce be advised Council supports the relocation of the Visitor Information Centre provided it remains in the downtown area of Ladysmith.

BYLAWS

2009-219: It was moved, seconded and carried that the Town of Ladysmith Development Procedures Bylaw 2008, No. 1667 Amendment Bylaw 2009, No. 1681 be read a first, second and third time.

2009-220: It was moved, seconded and carried that Town of Ladysmith DCC Water Appropriation Bylaw 2009, No. 1677 be adopted.

2009-221: It was moved, seconded and carried that Town of Ladysmith DCC Sewer Appropriation Bylaw 2009, No. 1678 be adopted.

2009-222: It was moved, seconded and carried that Town of Ladysmith Sale of Real Property Reserve Fund Appropriation Bylaw 2009, No. 1679 be adopted.

2009-223: It was moved, seconded and carried that Town of Ladysmith DCC Roads Appropriation Bylaw 2009, No. 1683 be adopted.

ADJOURNMENT

2009-224: It was moved, seconded and carried that the meeting be adjourned. (9:32 p.m.)

CERTIFIED CORRECT:

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)



Town of Ladysmith

Minutes of the Special Meeting of Council of the Town of Ladysmith held in Council Chambers at City Hall on Thursday, April 16, 2009 at 4:00 p.m.

COUNCIL MEMBERS PRESENT:

Mayor Rob Hutchins	Steve Arnett
Scott Bastian	Jill Dashwood
Lori Evans	Duck Paterson
Bruce Whittington	

STAFF PRESENT:

Ruth Malli	Sandy Bowden
Rebecca Kalina	Joe Friesenhan
Patrick Durban	Mark Hermanson

Mayor Hutchins called the meeting to order at 4:03 p.m.

AGENDA APPROVAL

Mayor Hutchins requested Council's consideration of the following changes to the agenda:

- Executive Session of Council to commence immediately following the regular session.
- Item 5.1 and Item 6.1 to appear before Item 4.1

2009-225: It was moved, seconded and carried that the agenda for the Special Council meeting of Thursday, April 16, 2009 be adopted as amended.

COUNCIL / COMMITTEE REPORTS

2009 FINANCIAL PLAN

R. Malli, City Manager, presented Council with the general water and sewer budgets. The budget is aligned with the 25 strategic priorities. The City Manager confirmed that Council direction is that any tax lift be no more than 3.45%. Adoption of the budget is scheduled for the May 11, 2009 Council meeting.

Council requested that Staff bring forward a series of scenarios regarding the allocation of tax rates for industrial, commercial and residential properties for their review.

NEW BUSINESS

CHAMBER OF COMMERCE AGREEMENT - VISITOR INFORMATION CENTRE

2009-226: It was moved, seconded and carried that the following amendments be made to the agreement with the Chamber of Commerce and the Town of Ladysmith to operate a Visitor Information Centre:

Article 1 - amend the address of the Visitor Information Centre to 411B First Avenue;

Add the following new Article 3 and renumber the remaining articles:

The Town agrees to pay \$700 towards the monthly lease payments for the premises occupied by the Visitor Information Centre. The lease for the premises shall be in the name of the Chamber of Commerce (the lessor) and the lessee;

AND THAT the Mayor and Corporate Officer be authorized to sign the revised agreement;

AND THAT Staff be directed **25** give notice to the current Visitor Information Centre landlord of the Town's intention to terminate the lease agreement between the Town and

the lessor for the property located at #102 - 626 1st Avenue.

2009-227: It was moved, seconded and carried that Staff be directed to install visible directional signage for the Visitor Information Centre at their new location at 411B First Avenue.

UNFINISHED BUSINESS

DEVELOPMENT PERMIT APPLICATION NO. 3060-08-16 (336 Belaire Street)

2009-228: It was moved, seconded and carried that Development Permit 3060-08-16 for 336 Belaire St. (Lot 1, District Lot 56, Oyster District, Plan 27861) be approved to permit the development of an office building containing nine business units, subject to the applicant improving the plans to meet the requirements of Development Permit Area 3 Design Guidelines by (1) increasing the landscape buffer between the parking area and the residential units by removing two east side parking stalls and adding landscaping trees and shrubs in the stall area, (2) replacing the front entry doors (south elevation) with a commercial glass double door unit, and (3) removing the Sweet Gum tree on the landscape plan,

AND THAT Development Permit 3060-08-16 include a condition reducing the required number of parking spaces by two regular spaces,

AND THAT the Mayor and Corporate Officer be authorized to sign the Development Permit.

2009-229: It was moved, seconded and carried that the Bylaw Enforcement Officer be requested to attend at 336 Belaire Street to review the unsightly condition of the property.

EXECUTIVE SESSION

2009-230: It was moved, seconded and carried that this meeting retire into Executive Session (6:08 p.m.) pursuant to Section 90(1) of the Community Charter to consider the following items:

- the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

ARISE AND REPORT

2009-231: It was moved, seconded and carried that the Executive Session of Thursday, April 16, 2009 rise without report at 6:30 p.m.

ADJOURNMENT

2009-232: It was moved, seconded and carried that the meeting be adjourned. 6:30 p.m.

CERTIFIED CORRECT:

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)



Town of Ladysmith

Minutes of a meeting of Council of the Town of Ladysmith held in Council Chambers at City Hall on Monday, April 20, 2009 at 4:00 p.m.

COUNCIL MEMBERS PRESENT:

Mayor Rob Hutchins	Steve Arnett
Scott Bastian	Jill Dashwood
Lori Evans	Duck Paterson
Bruce Whittington	

STAFF PRESENT:

Ruth Malli	Joanna Winter
Rebecca Kalina	Patrick Durban
Joe Friesenhan	Mark Hermanson

Mayor Hutchins called the meeting to order at 4:04 p.m.

AGENDA APPROVAL

2009-233: It was moved, seconded and carried that the agenda for the Regular Council meeting for Monday, April 20, 2009 be approved as circulated.

REPORTS

Councillor J. Dashwood vacated Council Chambers at 4:05 p.m. due to a potential conflict of interest regarding the following item.

MARKETING/REALTOR SERVICES FOR TOWN-OWNED LOTS ON STRATHCONA ROAD

2009-234: It was moved, seconded and carried that Staff be authorized to issue Request for Proposals No. 2009-CS-01 for marketing/realtor services for the five residentially-zoned Town-owned lots located on Strathcona Road legally described as Lots 2, 3, 4, 5, and 6 of existing District Lot 147, Plan 71585, Oyster District.

Councillor J. Dashwood returned to Council Chambers at 4:16 p.m.

2009 FINANCIAL PLAN

R. Malli, City Manager, presented Council with several scenarios regarding the allocation of tax rates for industrial, commercial and residential properties.

2009-235: It was moved, seconded and carried that \$115,000 be allocated from the unallocated reserve funds into general funds;

AND THAT the overall tax change will be 2.81%, distributed as follows:

Industrial 0%
Business 0%
Residential 4.29%

EXECUTIVE SESSION

2009-236: It was moved, seconded and carried that this meeting retire into Executive Session (5:05 p.m.) pursuant to Section 90(1) of the Community Charter to consider the following items:

- 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;
- the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public;

ARISE AND REPORT

2009-237: It was moved, seconded and carried that the Executive Session of Council rise with report at 6:29 p.m.

2009-238: It was moved, seconded and carried that Council supports in principle the proposed development of Lot 108 for a multi-use sports field complex and accommodation for an appropriately zoned manufactured home park and other residential use as per the concept plan prepared by E. Lees & Associates dated April 18, 2009.

ADJOURNMENT

2009-239: It was moved, seconded and carried that the meeting be adjourned at 6:29 p.m.

CERTIFIED CORRECT:

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)



Town of Ladysmith

STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Manager of Development Services
Date: April 28, 2009
File No: 3090-09-02

Re: Development Variance Permit Application – 321 3rd Ave. - Mary Fox
Parcel A (DD176N) of Lot 9, Block 47, DL 56, Oyster District, Plan 703A

RECOMMENDATION:

THAT Council approve Development Variance Permit 3090-09-02 for Parcel A (DD1766N) of Lot 9, Block 47, DL 56, Oyster District, Plan 703A (321 3rd Ave) to vary the height of the dwelling to 9.5 metres with dormers; to vary the front yard setback from 6 metres to 1.55 metres to permit a covered porch; and to vary the sideyard setback from 1.5 metres to 0.31 metres to permit a rooftop balcony; and authorize the Mayor and Corporate Officer to sign DVP 09-02.

PURPOSE:

The purpose of this report is to obtain Council direction regarding a DVP application.

BACKGROUND:

The applicant, Mary Fox is requesting 3 variances to the Zoning Bylaw as shown in Table 1. The variances are i) to add dormers to 4 sides of the existing roof, ii) to construct a covered entry along the front face of the house, and iii) to construct a balcony on the full roof of the studio. At its meeting held April 6, 2009, Council directed staff to undertake the statutory notice for this application.

ANALYSIS:

The subject property is zoned 'Urban Residential Zone' (R-2). The property is relatively flat and contains one dwelling. The main house was built in approximately 1918 and the attached studio may have been built in the 1960s. The front yard setback of 3 metres and the height of 9.5 metres for the raised dwelling was legalized by DVP 07-10. Given the year it was built, the footprint of the existing studio workshop is considered 'legally non-conforming'; the side yard setback does not conform to the current Zoning Bylaw requirement which is 1.5 metres for the east side.



Table 1 : Variance Requests for 321 3rd Ave.

	Zoning Bylaw 1160	Requested DVP 09-02	Variance DVP 09-02	DVP 07-10 (previous DVP issued in 2008)
Max. Height	9 m	9.5 m with dormers	0.5 m	9.5 m for original roofline
Min. Frontyard Setback	6 m	1.5 m for covered porch	4.5 m	3 metres for main house
Min. Sideyard Setback	1.5 m	0.31 m for existing studio and new uncovered balcony on studio roof.	1.19m	n/a

Variance 1:

The applicant is requesting to add dormers to the original roofline to enhance the appearance of the house. The applicant states that the roof dormers would break up the roof pitches and add a detail at a higher level to enhance the exterior design. Also, that the dormers would allow redevelopment of the attic space to provide for a second bedroom and second bathroom.

Variance 2:

The applicant requests the full width covered entry to: 1) integrate the studio into the overall house plan, 2) create a more welcoming appearance from the street and 3) shade the windows which display her pottery. The proposed canopy is 1.5 metres from the front property line.

Variance 3:

The applicant requests a balcony over the full roof of the studio which would be 33m² (360ft²) in size and would require a sideyard variance of 0.31 metres.

ALTERNATIVES

Council may approve the permit as presented, approve it with amendments, or refuse to approve the permit.

FINANCIAL IMPLICATIONS

n/a

LEGAL IMPLICATIONS

The *Local Government Act* enables Council to vary zoning regulations, except use and density regulations through the issuance of a development variance permit. This is a discretionary decision of Council. Public notification is required.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS

The applicant has provided 8 letters of support for the height and front-yard variance from residents of the neighbourhood. The neighbour to the south (closest to the studio and balcony) has submitted a letter of support for the sideyard setback variance for the balcony. These letters have been provided to Council under a separate cover.

The Town of Ladysmith notice regarding this DVP application was sent to neighbouring properties on April 9, 2009. At the date of this staff report no objections had been received regarding the proposed variances.

INTERDEPARTMENTAL INVOLVEMENT /IMPLICATIONS:

n/a


ALIGNMENT WITH STRATEGIC PRIORITIES:

n/a

SUMMARY

The applicant, Mary Fox, is requesting three variances to the Zoning Bylaw for her house at 321 3rd Ave.. The variance requests are: 1) front lot line variance to permit covered entry, 2) side lot line variance to permit balcony above studio, and 3) height variance to permit roof dormers.

I concur with the recommendation:



Ruth Malli, City Manager

ATTACHMENTS:

DVP 09-02

TOWN OF LADYSMITH
DEVELOPMENT VARIANCE PERMIT – 09-02
DATE: May 4, 2009

TO:	Mary Christine Fox
ADDRESS:	321 – 3 rd Ave. P.O. Box 35 LADYSMITH, B.C. V9G 1A1

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Town of Ladysmith applicable thereto, except as specifically varied or supplemented by this Permit.

2. This Development Variance Permit applies to and only to those lands within the Town of Ladysmith described below and any and all buildings, structures and other development thereon:

Parcel A (DD 1766N) of Lot 9, Block 47, District Lot 56, Oyster District, Plan 703A
PID: 008-548-277 (321 Third Avenue)

3. This Development Variance Permit replaces DVP 07-10.

4. Section 10.2 “Conditions of Use” in the Urban Residential (R-2) Zone of the “Town of Ladysmith Zoning Bylaw 1995, No. 1160”, as amended, is varied for the subject property as follows:

From:

Section 10.2 (2) “The height of a principal building shall not exceed 9.0 metres.; except where a principal building roof pitch is less then 4:12, then the maximum height shall be 7.5 metres.”

To:

Section 10.2 (2) “The height of the principal building as shown on Schedule A of this Permit, shall not exceed 9.5 metres; except where the principal building roof pitch is less then 4:12, then the maximum height shall be 7.5 metres.”

AND

From:

Section 10.2 (3) “No building or structures located on a parcel within this Zone shall be closer than: (a) 6.0 metres to the front lot line; (b) 3.0 metres to one side lot line and a minimum of 1.5 metres to the other side lot line; (c) 7.5 metres to the rear parcel line where the parcel slopes up to the rear parcel line; or 1.5 metres to the rear parcel line, where the parcel slopes down to the rear.”

To:

Section 10.2 (3) “No building or structures located on a parcel within this Zone shall be closer than: (a) 3.0 metres to the front lot line except for a covered porch, as shown on Schedule B of this Permit, which may extend to 1.55 metres from the front lot line; (b) 3.0 metres to one side lot line and a minimum of 0.31 of a metre to the other side lot line to permit the existing one storey studio to have a rooftop balcony as shown on Schedule A of this Permit; (c) 7.5 metres to the rear parcel line where the parcel slopes up to the rear parcel line; or 1.5 metres to the rear parcel line, where the parcel slopes down to the rear.”

5. Section 5.11 “Yards” of the “Town of Ladysmith Zoning Bylaw 1995, No.1160”, as amended, does not apply to the setback variances in Section 4 (above), such that steps, eaves, gutters, cornices, sills, belt courses, bay windows, chimneys, heating or ventilating equipment, open porches, unenclosed stairwells, covered or underground parking areas or other similar feature may not project further into the required setback or yard.

6. The land described herein shall be developed strictly in accordance with terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part thereof and are signed and dated by the Corporate Officer.

7. The following plans and specifications are attached:

- a) Schedule A – Front Elevation
- b) Schedule B – Site Plan

8. THIS PERMIT IS NOT A BUILDING PERMIT. No occupancy permit shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Corporate Officer.

AUTHORIZING RESOLUTION passed by Municipal Council on the day of , 2009.

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)

I HEREBY CERTIFY that I have read the terms and conditions of the Development Variance Permit contained herein. I understand and agree that the Town of Ladysmith has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with Mary Christine Fox other than those contained in this permit.

Signed

Witness

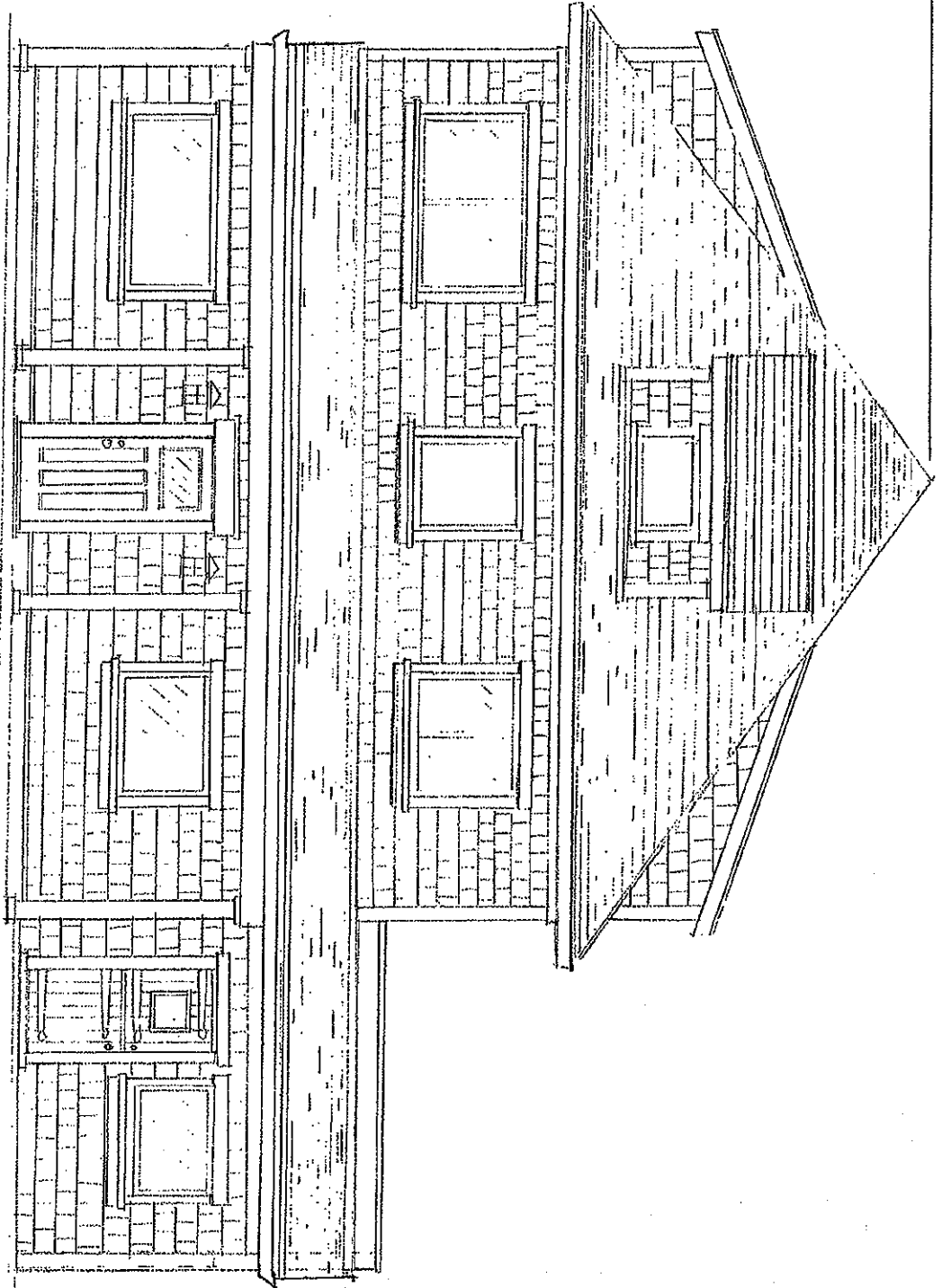
Title

Occupation

Date

Date

9.5 metres

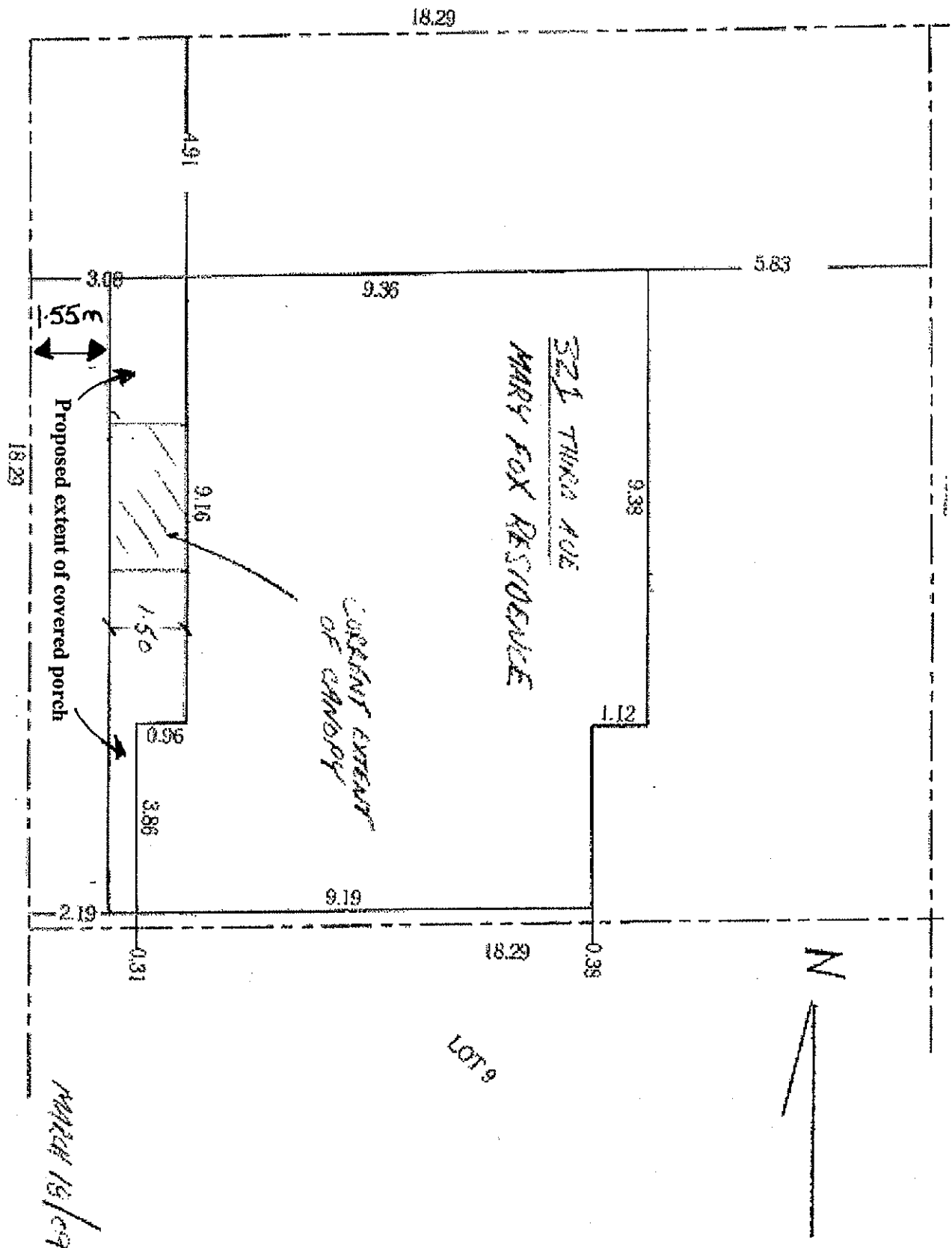


FRONT (WEST) ELEVATION

SCALE: 1/4" = 1'-0"

21 MARCH 2009

Schedule A - Front Elevation
DVP 3090-09-02 - Mary Fox



Schedule B - Site Plan
 DVP 3090-09-02 - Mary Fox



LADYSMITH

Town of Ladysmith

STAFF REPORT

To: Ruth Malli, City Manager
 From: Felicity Adams, Manager of Development Services
 Date: April 30, 2009
 File No: 3060 09-03

Re: Development Permit Application – TDL Group (Tim Horton’s) –
 1111 & 1115 First Avenue

RECOMMENDATION:

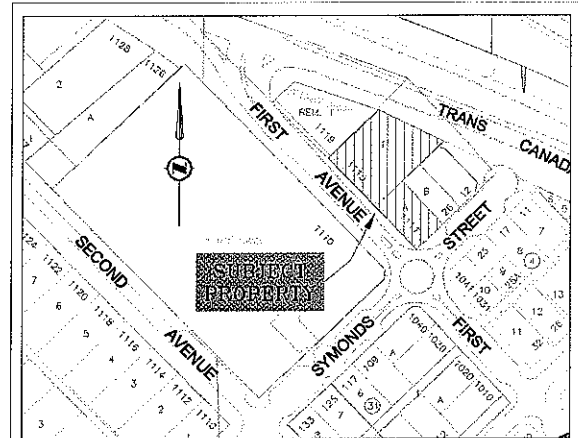
That Council support the new location for the Tim Horton’s drive-through access lane.

PURPOSE:

The purpose of this report is to up-date Council on the proposed new location of the drive-through access lane to serve Tim Horton’s and to present a development permit application for the improvements.

INTRODUCTION/BACKGROUND:

The TDL Group is proposing site improvements to accommodate a revised drive-through access lane for the Tim Horton’s in order to alleviate traffic issues in that location. A traffic study completed by Bunt & Associates Engineering Ltd. in 2008 provided recommendations to improve the traffic patterns. The subject proposal is a variation of the options presented in the study and provides separation between the drive-through traffic and the parking traffic, as recommended. The proposal has been reviewed by the Director of Public Works.



The Tim Horton’s site is zoned C-2 and falls within “Development Permit Area 2 – Downtown (DPA 2)”. The Save-On-Gas site is zoned C-3 and falls within “Development Permit Area 3 – Commercial (DPA 3)”.

SCOPE OF WORK:

The TDL Group is proposing to enter into an easement agreement with the adjacent property owner, Cape GT Ventures Inc. (Save-On Gas), to accommodate the new drive-through access which is partially located on the adjacent property. Cape GT Ventures proposes to remove the existing canopy and support columns on the Save-On Gas building, as well as remove an existing hoist, storage tank and concrete pad to accommodate the new lane. The TDL Group proposes to improve the asphalt in the new drive thru area, install new directional signs, and install new concrete bollards where required. A sign permit and possibly a separate development permit for signage will be required as the signage proposal is not yet finalized.

To ensure the site is not contaminated, the applicant is required to complete a 'Site Profile' form (pursuant to the *Environmental Management Act*). This process is required prior to issuance of the development permit, when the land that is the subject of the permit is or was used for industrial or commercial activity

The proposed site improvements meet the development permit guidelines. The applicant will be providing a landscape plan for the easement area which will include new plantings, the removal of the chain-link fence, and delineation between the drive-through lane and adjacent commercial uses, particularly Great West Ponds and Waterfall which has recently re-located to the former service bays at the Save-on-Gas station. Currently, there are 29 parking stalls provided on-site to serve Tim Horton's and the Archives. While three stalls are proposed to be removed from the upper parking area to accommodate the new drive-through lane, the Zoning Bylaw parking regulations are still met.

ALTERNATIVES:

That Council not support the new location for the drive-through access lane.

FINANCIAL IMPLICATIONS: n/a

LEGAL IMPLICATIONS:

The *Local Government Act* prohibits Council from issuing the development permit for a site where a site profile is required until the requirements of that step have been completed.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS: n/a

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Public Works has reviewed the proposal and supports the proposed concept.

ALIGNMENT WITH STRATEGIC PRIORITIES:

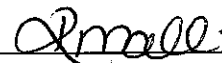
Resolving traffic issues associated with the Tim Horton's drive-through service is a priority of Council.

SUMMARY:

Tim Horton's has applied for a development permit to improve their drive-through service. The new drive-through access is proposed to be partially located on the adjacent property (Save-On Gas). Given the location of a portion of the lane, a site profile is required. The final development permit will be advanced to Council once that step is complete.

The location of the new drive-through access lane is supported by staff.

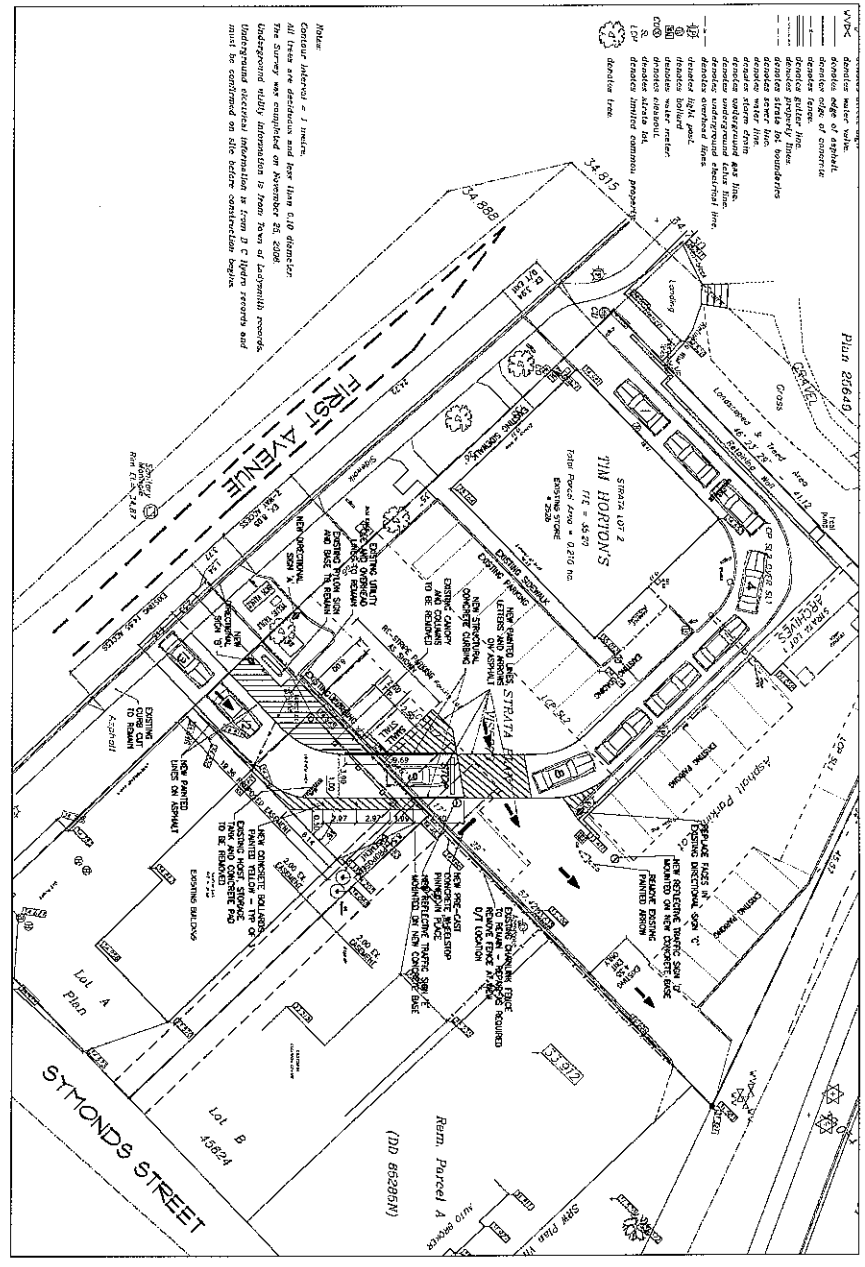
I concur with the recommendation.



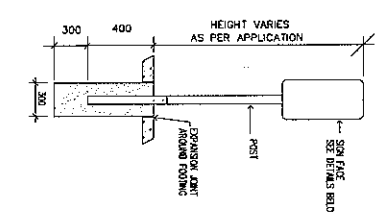
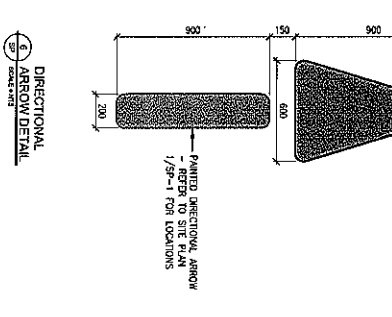
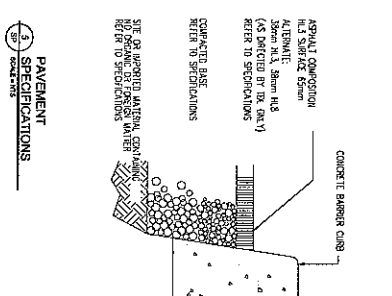
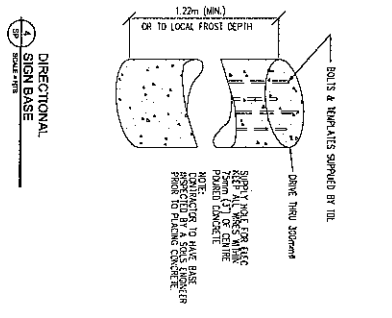
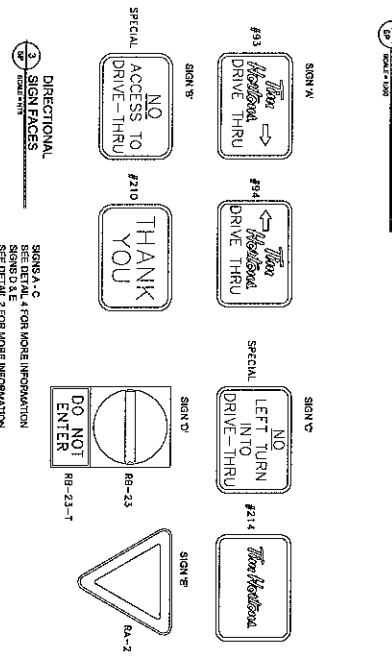
Ruth Malli, City Manager

ATTACHMENTS:

Site Plan with location of re-located drive-through lane access.



NOTE:
 Contour Interval = 1 meter.
 All trees are standard and have their CDB diameter.
 All survey was completed on November 24, 2008.
 Underpinning study addressed by the City of Richmond needs.
 All trees are standard and have their CDB diameter.
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 All survey was completed on November 24, 2008.
 Underpinning study addressed by the City of Richmond needs.



POST
 THE SIGN SHALL BE MOUNTED ON TELESCOPE
 SQUARE PERFORMED UNDER SIGN SUPPORT
 SYSTEMS, SUCH AS TELETYPE OR EQUIPMENT.
 POST TO BE CAST IN PLACE IN 300mm DIAMETER
 CONCRETE FOOTING.
MOUNTING
 THE SIGN FACE MUST BE SECURED
 TO A POST WITH TWO GALVANIZED 10mm DIA HEAD BOLTS
 AND NUTS WITH LOCK WASHERS ON BOTH SIDES
 TO A MASONRY BUILDING FACE WITH TWO GALVANIZED
 10mm DIA HEAD BOLTS AND NUTS WITH LOCK WASHERS
 FLAT WASHERS IN EACH HEAD WASHING HEADS
 TO A METAL BUILDING FACE WHERE THE MINIMUM METAL
 SHEET-THEFT SCREWS WITH FLAT WASHERS
BARBER-FREE PARKING SIGNAGE
REQUIREMENTS
 REFER TO SITE PLAN FOR INSTALLATION
 LOCATION.
 ALL BARBER-FREE PARKING SIGNS SHALL BE
 DESIGNED BY SIGNAGE.
 ONE SIGN PER BARBER-FREE PARKING BAY IS REQUIRED
 UNLESS A ROW OF SEVERAL BAYS IS PROVIDED IN WHICH
 CASE A SIGN AT EACH END OF THE ROW WITH APPROPRIATE
 DIRECTIONAL ARROWS IS PERMISSIBLE.
 THE REQUIRED SIGNING MUST BE MOUNTED AT LEAST 0.6m
 AND NOT MORE THAN 2.0m FROM THE FACE OF THE CURB
 SIGN MUST NOT OBSTRUCT THE SIDE WALK.
 WHERE AN UNDERSTANDING BUILDING FACE IS NO
 LONGER AVAILABLE, THE SIGNING MUST BE MOUNTED ON THE
 BARBER-FREE PARKING BAY. THE REQUIRED SIGN(S) MAY
 BE MOUNTED ON THE BUILDING FACE.
SIGNFACE
 DOWN CLAUSE ALUMINUM SIGN BLANK
 FINISH - METRO FINISH

REFLECTIVE POLE-MOUNTED SIGN DETAIL

38

SP



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Manager of Development Services
Date: April 30, 2009
File No: 3090-08-07

Re: Development Variance Permit (DVP) Application
Shoa Organizational Services Ltd. - Lot 1, and Lot 5 to 19,
District Lot 52, Oyster District, Plan VIP 86055 (Thetis Drive)

RECOMMENDATION

Four options are presented for Council's consideration.

Option 1:

That Council approve the height variance request for lot 1 and "blanket" height variance requests for lots 5 to 19, with design guidelines (Thetis Drive - 3090-08-07).

Option 2:

That Council deny the height variance request for lot 1 and the "blanket" height variance requests for lots 5 to 19 (Thetis Drive - 3090-08-07).

Option 3:

That Council approve the height variance request for lot 1 and lots 5 to 19, without design guidelines (Thetis Drive - 3090-08-07).

Option 4:

That Council approve the height variance request for lot 1 and deny the "blanket" height variance request for lots 5 to 19 (Thetis Drive - 3090-08-07).

PURPOSE:

The purpose of this report is to provide Council (1) comments from the Advisory Design Panel and (2) options regarding a DVP application to vary the permitted height for proposed dwellings on lot 1, and lots 5 to 19 in a new subdivision on Thetis Drive.

BACKGROUND:

As described in *Ladysmith: A community vision for a sustainable west coast town*, the preferred character for Ladysmith, as established through the Community Sustainability Visioning Initiative, focuses on the following themes: a small town with a strong sense of history; Sustainability; Heritage influence; Natural areas and experiences; A boutique and artisan economy; Art and culture; and Orderly and well managed.

The *Public Preference Handbook* describes the following visual preferences for new single family development in the Town: small compact housing without garages or limited side garages; landscape strategy that supports multiple vegetation layers, from ground covers to trees; neo-heritage architectural styles; strong articulation of details made of solid materials; contemporary eco-responsive architecture; a unique, regional cultural expression; 'statement' architecture is discouraged.

At its meeting held March 2, 2009, Council directed staff to work with the developer to bring forward a proposal to mitigate the view impact for lots 5 to 19 from below the proposed development. In response to this request, the applicant presented three sample rear elevations to staff and Council (see Appendix 1).

In its recommendation to Council, staff recommended that the requested variance be approved, subject to a covenant with design guidelines being registered on the title of lots 5 to 19 as a tool to mitigate the view impact and address community visioning preferences. Staff have been working towards developing design guidelines, but have been unable to obtain appropriate design guidelines from the applicant.

At its meeting held April 6, 2009 Council referred the applicant's requested height variances to the Advisory Design Panel for discussion with the applicant.

ANALYSIS:

New information that has been received since April 6 is that the developer does not intend to use the designs shown in Appendix 1, except possibly for one "spec" home to be built on Lot 12. The applicant has also expressed that it is too onerous and not possible to provide specific rear elevations for each site, as the designs will be dependant on the desire of the new property owners. A "blanket" development variance permit without specific designs is unusual. Variance proposals are typically considered for a specific development proposal on an individual parcel.

'Design Guidelines' Covenant

To mitigate the view impact from below the proposed development and to secure certain design objectives, staff recommended that Council require the applicant register a 'design' covenant on the certificate of title for each lot that is the subject of the variance as is located on a steeply sloping site.

Objectives of the design guidelines would be to reduce the "apparent height" of the rear of the residences on lots 5 to 19 by:

- Blending the house into the natural topography;
- Encouraging architectural features that create articulation and avoid unacceptable massing; and
- Providing guidelines for retaining walls, lighting and outdoor spaces.

See Appendix 2 for a draft of staff's suggested design guidelines. The City of Santa Barbara's design guidelines for hillside residences were utilized as a source of information. However, to truly obtain a sense of how the design guidelines would inform building plans, the applicant should be required to present building plans that are specifically intended for each site. The design guidelines presented in Appendix 2 would produce a significantly different result than is shown in Appendix 1. While the design guidelines approach has been recommended by staff, it may be difficult to

achieve them given the applicant's design objectives, including maximizing the main floor area at the Thetis Road level.

ALTERNATIVES

Four options have been presented.

LEGAL IMPLICATIONS:

The *Local Government Act* enables Council to vary zoning regulations, except use and density regulations through the issuance of a development variance permit. This is a discretionary decision of Council.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

At the date of this staff report, two additional letters have been received from residents of the neighbourhood objecting to the proposed height variance request. The letters have been provided under separate cover to Council.

Advisory Design Panel

At its meeting held April 21, 2009, the Advisory Design Panel expressed concerns regarding the designs presented, including:

- The character and quality of the designs – not suited to Ladysmith. The ADP would like to see more variation in materials and house sizes.
- An artistic blend of houses is needed for the neighbourhood.
- Neighbourhood context is important (i.e. designs for lots 20 to 30 as well).
- Not enough information presented – would like to see a clearer proposal.

The Advisory Planning Commission made the following recommendation.

It was moved, seconded and carried that after serious consideration and discussion with the developer, the Advisory Design Panel does not have enough information to make a qualified decision on this application.

SUMMARY:

Staff has been working with the applicant to develop a proposal that would be acceptable through the development of design guidelines that could apply to Lots 5 to 19. After considerable work reviewing this multi-lot application, staff is of the view that this "blanket" approach may not be successful given the applicant's objectives to maximize the building on the site and the lack of lot specific building designs.

I concur with the recommendation:

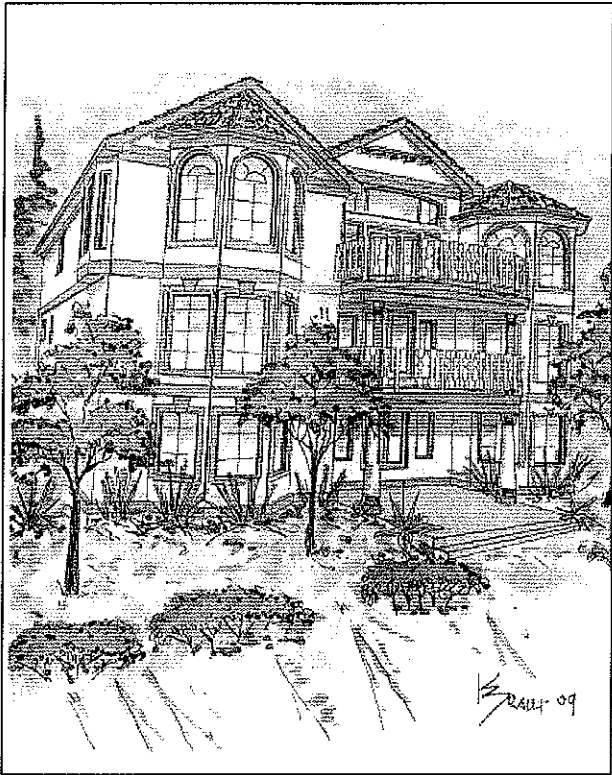
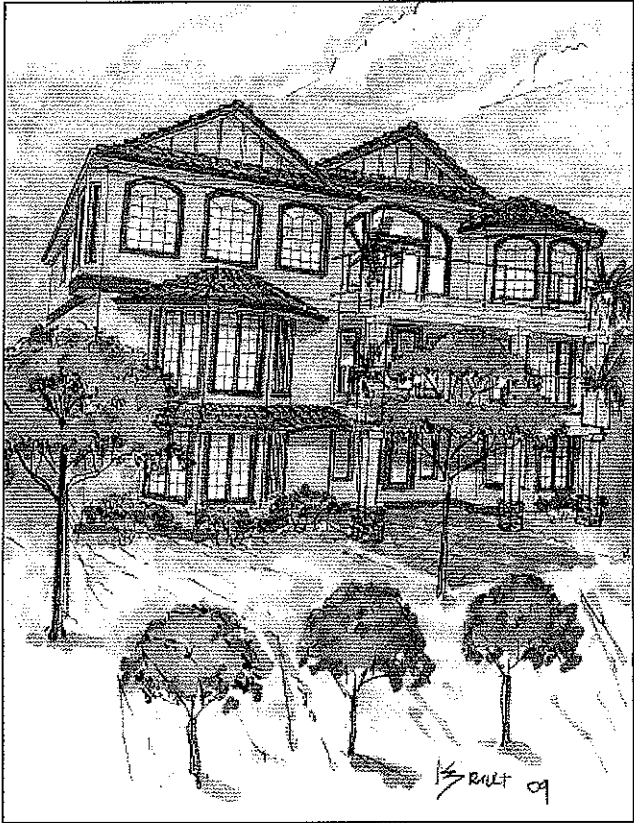


Ruth Malli, City Manager

ATTACHMENTS:

- Appendix 1 – Sample Rear Building Elevations
- Appendix 2 – Draft Design Guidelines

Appendix 1 – Sample Rear Building Elevations.



Appendix 2 - Draft Design Guidelines for Steep Slope Single Family Residential Development

Blend the house into the natural topography:

- Use natural earth tone colors and materials that blend with the surrounding topography and vegetation and reduce apparent bulk;
- Fit development into hillside by stepping the building with the topography and stepping back upper floors;
- Minimize exposed foundations and undersides of structures (e.g. underside of buildings or decks); avoid exposed under floor areas, large downhill cantilevers and tall support columns.

Reduce apparent height:

- Avoid using designs intended for flat lots when designing for steep lots;
- Buildings should have a modest "apparent height" which is the lowest point of contact with grade to highest point of building dimension. This should be achieved by stepping the building "spill down" and strategically varying rooflines;
- Vary height of building elements and minimize areas of maximum height;
- Use a combination of vertical and horizontal elements to break up the massing;
- Use doors and windows to create patterns;
- Use step backs and projections to create interest (such as varying the depth of sun decks);
- Tall elements should be placed toward the centre of the uphill portion of the building;
- Avoid crowding or overwhelming neighbouring residences;

Retaining walls, lighting, and outdoor spaces:

- Retaining walls should be of stone or other native, natural materials;
- Stepped or terraced retaining walls with planting in between is preferable to tall retaining walls;
- Avoid or minimize the number of decks that overlook neighbouring properties;
- Locate upper-story balconies and decks to minimize the loss of privacy for neighbouring properties;
- Screen second storey balconies and decks from neighbouring property by incorporating architectural screening elements such as enclosing walls, trellises, or awnings;
- Lighting should be designed, located and lamped in order to prevent or minimize: over-lighting, energy waste, glare, light trespass, and sky glow; and
- Rear yard shall be landscaped to screen lower level outdoor areas from adjacent lots;
- Flood lighting of broad areas is unacceptable – low-watt motion sensor lighting for entry areas is acceptable;
- Light sources should only be at ground level and light sources should not be seen from a distance; and
- Landscape lighting and up-lighting is discouraged.

Reference: "City of Santa Barbara – Single Family Residence Design Guidelines, – 2008"

TOWN OF LADYSMITH
DEVELOPMENT VARIANCE PERMIT – 08-07 (Lot 1)
DATE: April 6, 2009

TO:	Shoa Organization Services Ltd., Inc. No. 0631320
ADDRESS:	4978 Fillingier Crescent, Nanaimo B.C., V9V 1J1

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Town of Ladysmith applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance Permit applies to and only to those lands within the Town of Ladysmith described below and any and all buildings, structures and other development thereon:

 Lot 1, District Lot 52, Oyster District, Plan VIP86055 (PID 027-766-799)
3. Section 7.2 "Conditions of Use" in the Urban Rural Residential (UR-1) Zone of the "Town of Ladysmith Zoning Bylaw 1995, No. 1160", as amended, is varied for the subject property as follows:

 From:
 Section 7.2 (2) "The height of a principal building shall not exceed 9.0 metres; except where a principal building roof pitch is less than 4:12, then the maximum height shall be 7.5 metres."

 To:
 Section 7.2 (2) "The height of the principal building shall not exceed 9.0 metres; except for the roof peaks of the single family dwelling as shown on Schedule A which may be 11.48 metres; except where a principal building roof pitch is less than 4:12, then the maximum height shall be 7.5 metres."
4. The land described herein shall be developed strictly in accordance with terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part thereof.
5. The following plans and specifications are attached:

 a) **Schedule A – Lot 1 Front Elevation**
6. THIS PERMIT IS NOT A BUILDING PERMIT. No occupancy permit shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Corporate Officer.

AUTHORIZING RESOLUTION passed by Municipal Council on the day of , 2009.

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)

I HEREBY CERTIFY that I have read the terms and conditions of the Development Variance Permit contained herein. I understand and agree that the Town of Ladysmith has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with Shoa Organization Services Ltd., Inc. No. 0631320 other than those contained in this permit.

Signed

Witness

Title

Occupation

Date

Date



Schedule A - Lot 1 Front Elevation
DVP 3090-08-07 (Lot 1) - Shoa Organization Services Ltd., Inc.
No. 0631320

TOWN OF LADYSMITH
DEVELOPMENT VARIANCE PERMIT – 08-07 (Lot 5)
DATE: April 6, 2009

TO:	Nawab Ahmed Khan and Barbara Khan
ADDRESS:	30087 Township Road 254 Calgary, Alberta T3L 2P7

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Town of Ladysmith applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance Permit applies to and only to those lands within the Town of Ladysmith described below and any and all buildings, structures and other development thereon:

Lot 5, District Lot 52, Oyster District, Plan VIP86055 (PID 027-766-837)
3. Section 7.2 "Conditions of Use" in the Urban Rural Residential (UR-1) Zone of the "Town of Ladysmith Zoning Bylaw 1995, No. 1160", as amended, is varied for the subject property as follows:

From:
Section 7.2 (2) "The height of a principal building shall not exceed 9.0 metres, except where a principal building roof pitch is less than 4:12, then the maximum height shall be 7.5 metres."

To:
Section 7.2 (2) "The height of the principal building shall not exceed 5.7 metres from the curb level of the highest street abutting the property as shown on Schedule A; except where a principal building roof pitch is less than 4:12, then the maximum height shall not exceed 3 metres from the curb level of the highest street abutting the property."
4. The land described herein shall be developed strictly in accordance with terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part thereof and are signed and dated by the Deputy Corporate Officer.
5. The following plans and specifications are attached:
 - a) Schedule A - Lot 5 Side Elevation
6. THIS PERMIT IS NOT A BUILDING PERMIT. No occupancy permit shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Deputy Corporate Officer.

AUTHORIZING RESOLUTION passed by Municipal Council on the _____ day of _____, 2009.

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)

I HEREBY CERTIFY that I have read the terms and conditions of the Development Variance Permit contained herein. I understand and agree that the Town of Ladysmith has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with Nawab Ahmed Khan and Barbara Khan other than those contained in this permit.

Signed

Witness

Title

Occupation

Date

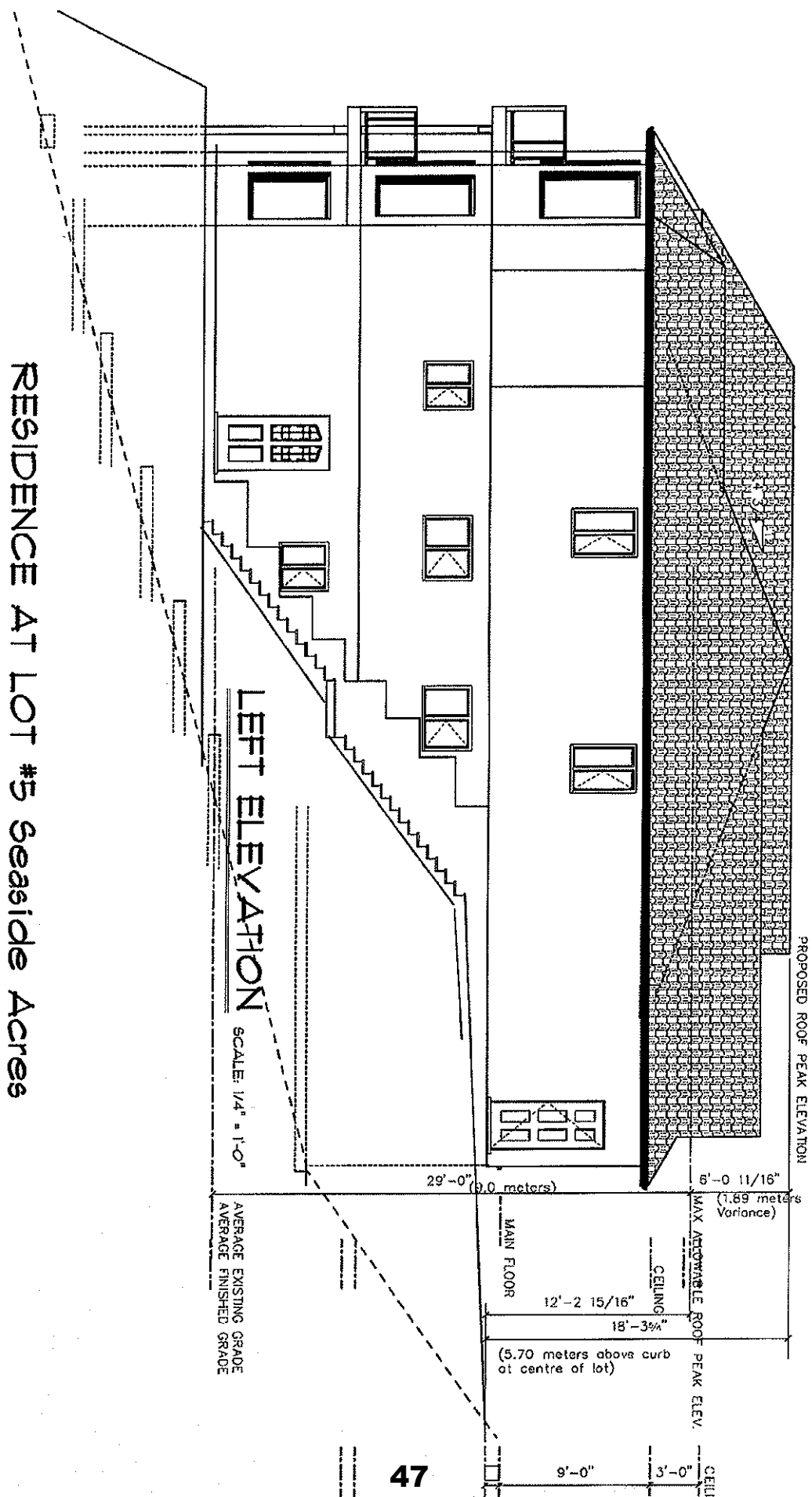
Date

RESIDENCE AT LOT #5 Seaside Acres

LEFT ELEVATION

SCALE: 1/4" = 1'-0"

AVERAGE EXISTING GRADE
AVERAGE FINISHED GRADE



PROPOSED ROOF PEAK ELEVATION

5'-0 11/16"
(1.89 meters
Variance)
MAX. ALLOWABLE ROOF PEAK ELEV.

29'-0" (9.0 meters)

MAIN FLOOR
12'-2 15/16"
CEILING
18'-3 3/4"
(5.70 meters above curb
at centre of lot)

9'-0"
3'-0"
CELL

Schedule A - Lot 5 Side Elevation
DVP 3090-08-07 (Lot 5) - Nawab Ahmed Khan and Barbara Khan

TOWN OF LADYSMITH
DEVELOPMENT VARIANCE PERMIT – 08-07 (Lots 6 to 19)
DATE: April 6, 2009

TO:	Shoa Organization Services Ltd., Inc. No. 0631320
ADDRESS:	4978 Fillinger Crescent, Nanaimo B.C., V9V 1J1

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Town of Ladysmith applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance Permit applies to and only to those lands within the Town of Ladysmith described below and any and all buildings, structures and other development thereon:

Lots 6 to 19, District Lot 52, Oyster District, Plan VIP86055

Lot 6 - PID 027-766-845	Lot 13 - PID 027-766-918
Lot 7 - PID 027-766-853	Lot 14 - PID 027-766-926
Lot 8 - PID 027-766-861	Lot 15 - PID 027-766-934
Lot 9 - PID 027-766-870	Lot 16 - PID 027-766-942
Lot 10 - PID 027-766-888	Lot 17 - PID 027-766-951
Lot 11 - PID 027-766-896	Lot 18 - PID 027-766-969
Lot 12 - PID 027-766-900	Lot 19 - PID 027-766-977

3. Section 7.2 "Conditions of Use" in the Urban Rural Residential (UR-1) Zone of the "Town of Ladysmith Zoning Bylaw 1995, No. 1160", as amended, is varied for the subject property as follows:

From:

Section 7.2 (2) "The height of a principal building shall not exceed 9.0 metres.; except where a principal building roof pitch is less then 4:12, then the maximum height shall be 7.5 metres."

To:

Section 7.2 (2) "The height of the principal building shall not exceed 5.7 metres from the curb level of the highest street abutting the property as shown on Schedule A; except where a principal building roof pitch is less then 4:12, then the maximum height shall not exceed 3 metres from the curb level of the highest street abutting the property."

4. The land described herein shall be developed strictly in accordance with terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part thereof.
5. The following plans and specifications are attached:
 - a) Schedule A – Sample Side Elevation for Lots 6 to 19
6. THIS PERMIT IS NOT A BUILDING PERMIT. No occupancy permit shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Corporate Officer.

AUTHORIZING RESOLUTION passed by Municipal Council on the _____ day of _____, 2009.

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)

I HEREBY CERTIFY that I have read the terms and conditions of the Development Variance Permit contained herein. I understand and agree that the Town of Ladysmith has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with Shoa Organization Services Ltd., Inc. No. 0631320 other than those contained in this permit.

Signed

Witness

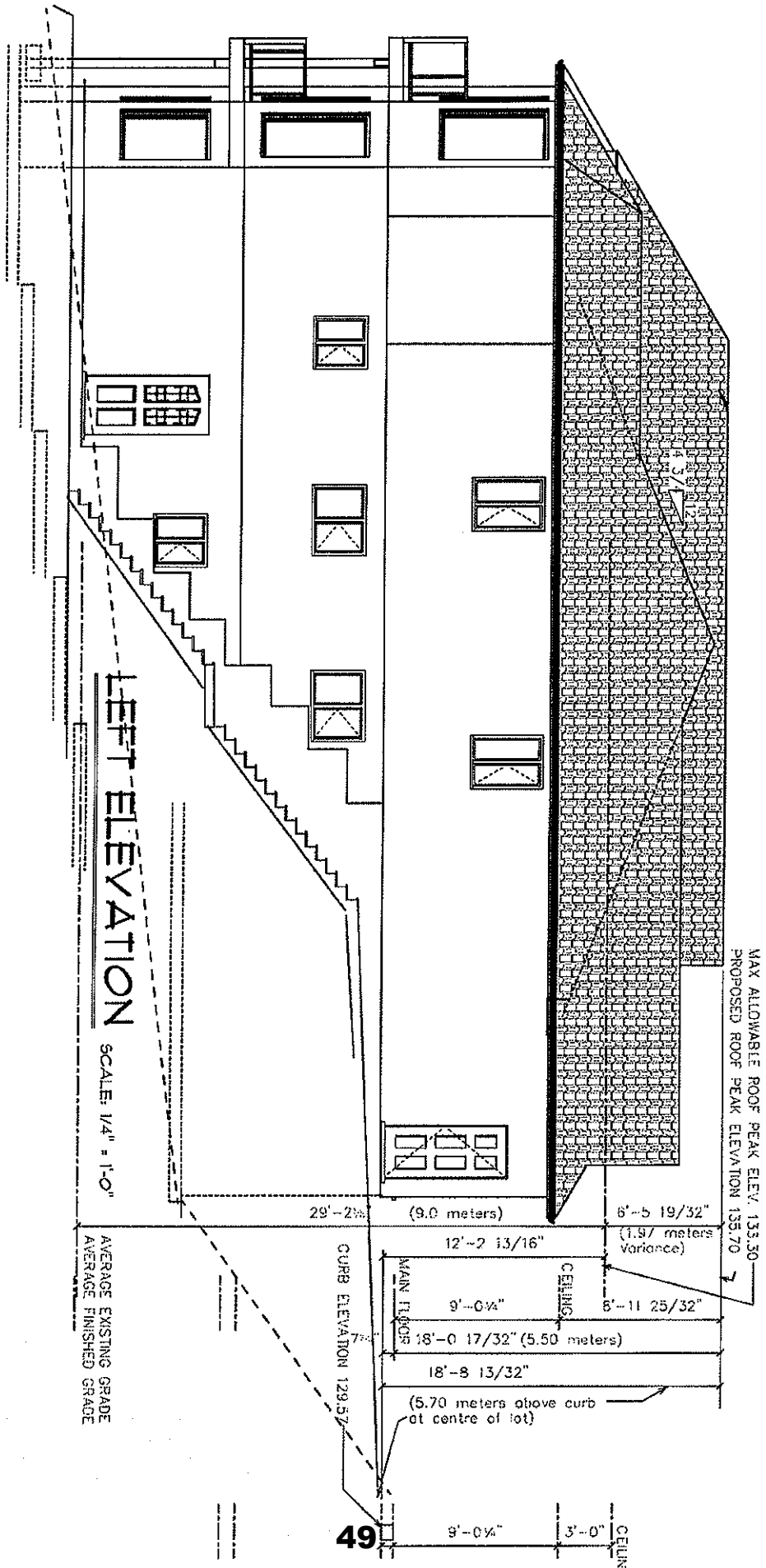
Title

Occupation

Date

Date

RESIDENCE AT LOT #12 Seaside Acres



Schedule A - Sample Side Elevation for Lots 6 to 19
 DVP 3090-08-07 (Lots 6 to 19) - Shoa Organization Services Ltd,
 Inc. No. 06313320

Town of Ladysmith

COMMITTEE REPORT



LADYSMITH

To: Mayor and Council
From: The Chair, Councillor Duck Paterson
Date: April 22, 2009
File No: 0550-20

Re: GOVERNMENT SERVICES COMMITTEE - April 20, 2009

At its meeting on April 20, 2009 the Government Services Committee recommended to Council the following:

- 1.) That forty copies of "Dunsmuir's Dream" and "Ladysmith Heritage Inventory" books be given to the Ladysmith and District Historical Society to be available for sale at their Annual General meeting on April 21, 2009.
- 2.) That Staff be requested to prepare a report for Council's consideration regarding the Ladysmith and District Historical Society taking over the inventory of "Dunsmuir's Dream" and the "Ladysmith Heritage Inventory" books to provide them for sale at the archives office; and that the funds from the sale of the books go directly to Ladysmith and District Historical Society.
- 3.) That funds in the amount of \$4,732 from the Archive Building Reserve Fund be released to the Ladysmith and District Historical Society to support upcoming projects.
- 4.) That the Heritage Revitalization Advisory Commission be requested to make a recommendation on the allocation of the Dunsmuir Dream Book Fund of \$4,810 to support the operations of the Ladysmith and District Historical Society.
- 5.) That the recommended initiatives from the Environment Commission be referred to the City Manager for review, priority setting and report back to Council.
- 6.) That the City Manager's written report for the first quarter of 2009 be received.
- 7.) That the first quarter reports for 2009 for the Director of Public Works, the Director of Parks, Recreation and Culture, Director of Corporate Services and the Manager of Development Services be received.
- 8.) That Staff be directed to develop a template for Machine Shop tenant signage.
- 9.) That a letter of invitation be sent to representatives of TimberWest inviting them to meet with Council and discuss their memorandum dated April 14, 2009 entitled " Review of Potential 2009 activities in Holland, Banon, and Stocking Lake watersheds"; and that the Town requests that they do not proceed with any activities (especially the spraying of glyphosate) until Council has had an opportunity to meet with them.

10.) That authorization be given for an address change to 1129 2nd Ave to 1129A 2nd Ave and 1129B 2nd Avenue;

AND THAT any costs associated with the address change be paid for by the Cherry Lane Strata Corporation.

11.) That the 2008 Annual Water Report be approved as presented for submission and that the report be made available for review on the Town's website.

12.) That an expenditure of \$85,000 in the Sewer Fund be authorized and a Sol-Air unit be purchased for \$63,020 plus taxes and that the Financial Plan be amended accordingly.

13.) That the application for a Crown Land Right of Way for the Holland Lake to Stocking Lake pipeline submitted by Koers & Associates Engineering Ltd. on behalf of the Town be approved.

14.) That Staff be requested to contact the Ministry of Environment for information regarding the concerns raised by the BC Bottle Depot Association in their letter of March 5, 2009 and to provide a report to the committee.

15.) That the Town post the 1st Annual Diversity Champion Awards information flyer and nomination form on the Town's website.

16.) That the 1st Annual Diversity Champion Awards information be forwarded to the May 4, 2009 Executive Session of Council for discussion regarding a potential nomination.

17.) That the letter dated April 8, 2009 from R. Coleman, Minister of Housing and Social Development, regarding partnerships to create new homes for seniors and persons with disabilities be referred to Staff to review and make recommendations.

18.) That a letter be sent to Mel Dorey, Director CVRD Area G, requesting a response to earlier correspondence regarding the appointment of an Area G representative to the Parks, Recreation and Culture Commission.

19.) That Director Marcotte of the CVRD be advised that the Town welcomes a representative from North Oyster to the Parks, Recreation and Culture Commission and looks forward to receiving confirmation of the appointee.

20.) That the CVRD be informed that the Town of Ladysmith supports the Yellow Funding Model entitled "Regional/Sub-Regional Recreation Funding Model with Sub-Regionally Funded Cowichan Aquatic Centre" as presented in the January 28, 2009 CVRD report.

21.) That the minutes of the Government Services Committee meeting held on Monday, April 20, 2009 be approved as circulated.



Town of Ladysmith

GOVERNMENT SERVICES COMMITTEE

Minutes of a meeting of the Government Services Committee held in Council Chambers at City Hall on Monday, April 20, 2009 at 6:30 p.m.

COUNCIL MEMBERS PRESENT:

Duck Paterson	Steve Arnett
Scott Bastian	Jill Dashwood
Lori Evans	Mayor Rob Hutchins
Bruce Whittington	

STAFF PRESENT:

Ruth Malli	Joanna Winter
Rebecca Kalina	

The Chair, Councillor Duck Paterson, called the meeting to order at 6:32 p.m.

AGENDA APPROVAL

2009-051: It was moved, seconded and carried that the agenda for the Government Services Committee meeting of Monday, April 20, 2009 be approved as circulated.

DELEGATIONS

LADYSMITH AND DISTRICT HISTORICAL SOCIETY

Brian Williams, Vice President of the Ladysmith and District Historical Society, provided an update on the Society's progress over the last year and plans for future projects. The Society is in the process of applying for a grant from the University of British Columbia for \$9,200 which they would have to match with one quarter "in kind" work and a cash contribution of \$4,600. The Society requested that the Committee consider supporting this project with a grant of \$4,600. The Chair, D. Paterson, thanked Mr. Williams for his presentation and Ms. Oulette, President of the Ladysmith and District Historical Society, for the work that the Society has done to preserve the history of Ladysmith.

2009-052: It was moved, seconded and carried that it be recommended to Council that forty copies of "Dunsmuir's Dream" and "Ladysmith Heritage Inventory" books be given to the Ladysmith and District Historical Society to be available for sale at their Annual General meeting on April 21, 2009.

2009-053: It was moved, seconded and carried that it be recommended to Council that Staff be requested to prepare a report for Council's consideration regarding the Ladysmith and District Historical Society taking over the inventory of "Dunsmuir's Dream" and the "Ladysmith Heritage Inventory" books to provide them for sale at the archives office; and that the funds from the sale of the books go directly to Ladysmith and District Historical Society.

2009-054: It was moved, seconded and carried that it be recommended to Council that funds in the amount of \$4,732 from the Archive Building Reserve Fund be released to the Ladysmith and District Historical Society to support upcoming projects.

2009-055: It was moved, seconded and carried that it be recommended to Council that the Heritage Revitalization Advisory Commission be requested to make a recommendation on the allocation of the Dunsmuir Dream Book Fund of \$4,810 to support the operations of the Ladysmith and District Historical Society.

ENVIRONMENT COMMISSION

52

John Wilson, Chair of the Environment Commission, presented to the Committee the

Commission's recommended initiatives: promote energy-efficiency incentive programs; encourage energy-efficient, green development; increase public transit opportunities; create a Holland Creek Watershed management plan; pursue alternative power generation opportunities and protect and enhance the Ladysmith Harbour marine environment. Mr. Wilson also invited Committee members and staff to schedule an energy audit of their homes. The chair, D. Paterson, thanked Mr. Wilson for his presentation and the work that the commission has done.

2009-056: It was moved, seconded and carried that it be recommended to Council that the recommended initiatives from the Environment Commission be referred to the City Manager for review, priority setting and report back to Council.

REPORTS

CITY MANAGER'S REPORT

The City Manager presented the Committee with a written report on operational activities for the first quarter of 2009.

2009-057: It was moved, seconded and carried that it be recommended to Council that the City Manager's written report for the first quarter of 2009 be received.

DIRECTOR'S/MANAGER'S REPORTS

The Director of Public Works, the Director of Corporate Services, the Manager of Development Services, the Director of Parks, Recreation and Culture presented written reports outlining activities for the first quarter of 2009 in their respective departments.

2009-058: It was moved, seconded and carried that it be recommended to Council that the first quarter reports for 2009 for the Director of Public Works, the Director of Parks, Recreation and Culture, Director of Corporate Services and the Manager of Development Services be received.

MACHINE SHOP SIGNAGE

2009-059: It was moved, seconded and carried that it be recommended to Council that Staff be directed to develop a template for Machine Shop tenant signage.
(OPPOSED VOTE - Councillor B. Whittington)

2009 TIMBERWEST ACTIVITIES

2009-060: It was moved, seconded and carried that it be recommended to Council that a letter of invitation be sent to representatives of TimberWest inviting them to meet with Council and discuss their memorandum dated April 14, 2009 entitled "Review of Potential 2009 activities in Holland, Banon, and Stocking Lake watersheds"; and that the Town requests that they do not proceed with any activities (especially the spraying of glyphosate) until Council has had an opportunity to meet with them.

ADDRESS CHANGE - 2ND AVENUE

2009-061: It was moved, seconded and carried that it be recommended to Council that authorization be given for an address change to 1129 2nd Ave to 1129A 2nd Ave and 1129B 2nd Avenue;

AND THAT any costs associated with the address change be paid for by the Cherry Lane Strata Corporation.

ANNUAL DRINKING WATER REPORT

2009-062: It was moved, seconded and carried that it be recommended to Council that the 2008 Annual Water Report be approved as presented for submission and that the report be made available for review on the Town's website.

ODOUR CONTROL AT SEWER TREATMENT PLANT

2009-063: It was moved, seconded and carried that it be recommended to Council that an expenditure of \$85,000 in the Sewer Fund be authorized and a Sol-Air unit be purchased for \$63,020 plus taxes and that the Financial Plan be amended accordingly.

CROWN LAND APPLICATION

2009-064: It was moved, seconded and carried that it be recommended to Council that the application for a Crown Land Right of Way for the Holland Lake to Stocking Lake pipeline submitted by Koers & Associates Engineering Ltd. on behalf of the Town be approved.

J. Friesenhan, Director of Public Works, vacated Council Chambers at 7:59 p.m.

CORRESPONDENCE

BC BOTTLE DEPOT ASSOCIATION

2009-065: It was moved, seconded and carried that it be recommended to Council that Staff be requested to contact the Ministry of Environment for information regarding the concerns raised by the BC Bottle Depot Association in their letter of March 5, 2009 and to provide a report to the committee.

1ST ANNUAL DIVERSITY CHAMPION AWARDS

2009-066: It was moved, seconded and carried that it be recommended to Council that the Town post the 1st Annual Diversity Champion Awards information flyer and nomination form on the Town's website.

2009-067: It was moved, seconded and carried that it be recommended to Council that the 1st Annual Diversity Champion Awards information be forwarded to the May 4, 2009 Executive Session of Council for discussion regarding a potential nomination.

PATERNERSHIP TO CREATE NEW HOMES FOR SENIORS AND PERSONS WITH DISABILITIES

2009-068: It was moved, seconded and carried that it be recommended to Council that the letter dated April 8, 2009 from R. Coleman, Minister of Housing and Social Development, regarding partnerships to create new homes for seniors and persons with disabilities be referred to Staff to review and make recommendations.

APPOINTMENT OF A REPRESENTATIVE FROM AREA G TO THE PARKS, RECREATION AND CULTURE COMMISSION

2009-069: It was moved, seconded and carried that it be recommended to Council that a letter be sent to Mel Dorey, Director CVRD Area G, requesting a response to earlier correspondence regarding the appointment of an Area G representative to the Parks, Recreation and Culture Commission.

2009-070: It was moved, seconded and carried that Director Marcotte of the CVRD be advised that the Town welcomes a representative from North Oyster to the Parks, Recreation and Culture Commission and looks forward to receiving confirmation of the appointee.

UNFINISHED BUSINESS

CVRD REGIONAL RECREATION FUNDING REPORT

2009-071: It was moved, seconded and carried that it be recommended to Council that the CVRD be informed that the Town of Ladysmith supports the Yellow Funding Model entitled "Regional/Sub-Regional Recreation Funding Model with Sub-Regionally Funded Cowichan Aquatic Centre" as presented in the January 28, 2009 CVRD report.

ADJOURNMENT

2008-072: It was moved, seconded and carried that this meeting be adjourned at 8:01 p.m.

CERTIFIED CORRECT:

Chair (Councillor D. Paterson)

Corporate Officer (S. Bowden)



Ladysmith Fire / Rescue

P.O. Box 760 Ladysmith, B.C. V9G 1A5
 Phone: 250-245-6436 • Fax: 250-245-0917



FIRE CHIEF'S REPORT

MONTH: **March**, 2009

TYPE OF CALL OUT	J	F	M	A	M	J	J	A	S	O	N	D	YEAR'S TOTALS
Alarms Activated: Pulled Station		1											1
By mistake	1												1
Electrical problem		3	2										5
Due to cooking			2										2
Assistance													
Burning Complaint			1										1
Fire: Structure	2	1	1										4
Chimney	1	1	1										3
Interface / Bush		1											1
Vehicle	1												1
Other	1		1										2
Hazardous Materials													
Hydro Lines: Down / Fire	1	1											2
Medical Aid	3	1	1										5
Mutual Aid	1												1
MVI	2	4	5										11
Rescue													
MONTH TOTALS (not incl. Practises)	13	13	14										40
Practises (Totals for each Month)	4	4	5										13

ALARMS ACTIVATED (location/owner):

- 500 Russell Road ,Unit #6 (cooking)
- La Rosa Gardens (cooking)
- FJCC , electrical problem
- Ladysmith Secondary School, electrical

COMPARISONS:

Year to Date / 09 40 (excl. practises)
 Year to Date / 08 44 (excl. practises)
 Year to Date / 07 34 (excl. practises)

APPROVED:

Ray Delwert
 Fire Chief

TOWN OF LADYSMITH
 BUILDING PERMIT
 SUMMARY REPORT
 MONTH: MARCH 2009

Commercial	Industrial	Institutional	(New) Residential	# Dwelling Units	Residential Adds / Renos	Permits This Month	Permits For Year To Date	Bldg & Plbg Permit Fees This Month	Permit Values This Month	Permit Values This Year	
330000	1	0	0	0	44000	3	7	24	2440.75	374000	1886000

SUMMARY - YEAR TO DATE

JAN	\$ -	0	\$ -	0	\$ -	0	\$ 516,000	4	4	\$ 28,000	1	5	5	\$ 4,546	\$ 544,000	\$ 544,000
FEB	\$ -	0	\$ -	0	\$ 105,000	1	\$ 283,000	3	3	\$ 36,000	3	7	12	\$ 2,982	\$ 424,000	\$ 968,000
MAR	\$ 330,000	1	\$ -	0	\$ -	0	\$ -	0	0	\$ 44,000	3	7	19	\$ 2,440.75	\$ 374,000	\$ 1,342,000
APR																
MAY																
JUN																
JUL																
AUG																
SEP																
OCT																
NOV																
DEC																
TOTAL	\$ 330,000	1	\$ -	0	\$ 105,000	1	\$ 799,000	7	7	\$ 108,000	7	19	19	\$ 9,969	\$ 1,342,000	


of Demolitions for month = 0 , for YTD = 0

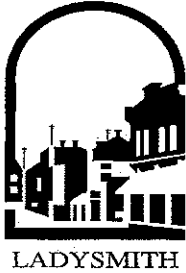
COMPARISONS

# DWELLING UNITS / VALUE	YEAR TO DATE / 09	YEAR TO DATE / 08	YEAR TO DATE / 07
	7	4	4
	\$ 799,000	\$ 1,678,000	\$ 477,000

PERMITS ISSUED / VALUE

YEAR TO DATE / 09	YEAR TO DATE / 08	YEAR TO DATE / 07
19	19	17
\$ 1,342,000	\$ 2,567,300	\$ 578,660


 BUILDING INSPECTOR



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Joe Friesenhan, Director of Public Works
Date: April 23, 2009
File No:

Re: CANADIAN SHELLFISH SANITATION PROGRAM

RECOMMENDATION:

That Council authorize the Mayor and Director of Corporate Services to sign the attached Conditional Management Plan between the Canadian Food Inspection Agency, Fisheries and Oceans Canada, Environment Canada, British Columbia Ministry of Environment and the Town of Ladysmith.

BACKGROUND / HISTORY:

In February of 2008, the Town was informed by Environment Canada (EC) of an initiative undertaken by Environment Canada in collaboration with Fisheries and Oceans Canada (DFO) and the Canadian Food Inspection Agency (CFIA). The initiative is in response to an agreement with the US Food and Drug Administration over shellfish growing water classification for the purposes of trade in bivalve shellfish. The initiative is directed around the classification of shellfish growing waters that are near wastewater treatment plants and/or sewage outfalls.

At an information meeting between the affected government agencies, North Cowichan and the Town of Ladysmith on June 11, 2008, both North Cowichan and Ladysmith offered to cooperate with the BC Ministry of Environment (MOE) to begin a sampling program and to collect information on detection and notification systems on the wastewater treatment plants.

As the operating parameters for each wastewater treatment plant is unique, the Town met on a number of occasions with EC, DFO, CFIA and MOE to help develop a management plan for the management of shellfish harvesting in conditionally classified harvest areas adjacent to the Towns wastewater treatment facility. Attached is the Conditional Management Plan between EC, DFO, CFIA, MOE and the Town of Ladysmith.

ATTACHMENTS:

Conditional Management Plan
Cover letter from DFO

I concur with the recommendation:

R. Malli

Ruth Malli, City Manager



Fisheries
and Oceans

Pêches
et Océans

Pacific Region
Resource Management
60 Front Street
Nanaimo, BC V9R 5H7

April 23, 2009

Mr. Joe Friesenhan
Director of Public Works
330 6th Ave Po Box 220
Ladysmith, BC V9G 1A2

Dear Mr. Friesenhan:

Subject: Conditional Management Plan for Shellfish Harvest near the Ladysmith Waste Water Treatment Plant

Please find attached two copies of the Conditional Management Plan (CMP) for the shellfish harvest area adjacent to the wastewater treatment plant (WWTP), to table at the next meeting of the Town Council.

I trust that you will be able to explain to the Council the nature of our joint work over the last several months and the critical need to formalize the respective commitments of the 5 signatory parties to respond in the event of a sewage discharge so that safe shellfish harvesting is assured. The alternate to a signed CMP is a much larger permanent harvest prohibition zone that would have significant consequences for shellfish companies currently operating in Ladysmith Harbour.

Please have the appropriate authority date and sign both copies and return one to me at your earliest convenience.

If you have further questions or concerns, please do not hesitate to contact me by telephone at 250754-0210 or by email at kerry.marcus@pac.dfo-mpo.gc.ca.

Thank you very much for your willingness to engage in this process on behalf of the Town of Ladysmith, for allowing all three federal agencies to access the plant and for sharing the expertise of Curtis Baker in developing the first WWTP Conditional Management Plan for BC.

Sincerely yours,

Kerry Marcus
Resource Management

Cc: Lyle Reid, Chair, Pacific Interdepartmental Shellfish Committee

CONDITIONAL MANAGEMENT PLAN (CMP)

BETWEEN THE:

Canadian Food Inspection Agency (CFIA),
Fisheries and Oceans Canada (DFO),
Environment Canada (EC)
British Columbia Ministry of Environment, Environmental Protection Division (MOE), and
The Town of Ladysmith

(the "Parties")

**FOR THE MANAGEMENT OF SHELLFISH HARVESTING IN CONDITIONALLY
CLASSIFIED HARVEST AREAS ADJACENT TO THE WASTEWATER TREATMENT
PLANT LOCATED AT:**

245A Oyster Cove, Town of Ladysmith, BC
(the "Ladysmith WWTP")

INTRODUCTION

The Canadian Shellfish Sanitation Program (CSSP) is delivered by three federal institutions, DFO, EC and the CFIA. The CSSP provides reasonable assurance that molluscan shellfish are safe for consumption, thus supporting the industry and providing confidence for Canadians and export markets. This Conditional Management Plan (CMP) between CSSP federal partner institutions, provinces, municipalities/Wastewater Treatment Plant (WWTP) Operators outlines the roles and responsibilities of the signatories' in the event of a Wastewater Treatment Plant (WWTP) release/discharge event from the Ladysmith WWTP.

This CMP does not affect legal requirements existing under federal or provincial statutes. For greater certainty, where there occurs a deposit of a deleterious substance out of the normal course of events in water frequented by fish, or a serious and imminent danger thereof, the person that causes or contributes to the deposit (or danger thereof) has a legal obligation under subsection 38(4) of the *Fisheries Act* to report such occurrences to a *Fisheries Act* inspector or to any other person or authority as is prescribed by regulation.,

DURATION OF THE CONDITIONAL MANAGEMENT PLAN

This Conditional Management Plan (CMP) shall come into effect the date of signing by each of the Parties and expire on December 31, 2010 and is subject to each participant signing this CMP prior to coming into force.

1. PURPOSE AND SCOPE

Full cooperation of the Parties is required to achieve timely detection and notification of WWTP release/discharge events, along with the necessary response actions to ensure continued food safety of harvested bivalves. This initiative stems from the CSSP and the requirements related to Conditional Area Management (*refer to CSSP Manual of Operations, a copy of which is located at <http://www.inspection.gc.ca/english/anima/fispo/manman/cssppccsm/toctdme.shtml>*). Conditional Area Management will be supplemented by Hazard Analysis Critical Control Points (HACCP) controls implemented by registered fish processing establishments.

This CMP provides enhanced management of the bivalve molluscan shellfish harvest waters adjacent to the Ladysmith WWTP.

The area described in Section 4 of this CMP has been classified based upon the area hydrographical data and the performance characteristics of the Ladysmith WWTP. A classification map of the harvest area is provided in Appendix A.

2. BACKGROUND

2.1 Conditional Management

The CSSP Manual of Operations outlines the authorities (statutes and regulations), policies, procedures, and activities governing the control of shellfish growing areas, and the harvesting, processing and distribution of shellfish.

Shellfish harvest areas that are subject to intermittent microbiological contamination may be classified as Conditionally Approved or Conditionally Restricted Areas. If the conditions set out in this CMP cannot be met, the CSSP partners will determine whether the area classification or status will be changed.

2.2 WWTP description

The Ladysmith WWTP operates under provincial authorization (PE00120) issued by the Ministry of Environment. The authorized discharges are described in Section 5.1.2.

The Ladysmith WWTP is a primary treatment system combined with a chlorination/dechlorination disinfection stage prior to discharge. The plant consists of a circular spiragester (Imhoff tank) which serves two functions. The upper portion of the tanks acts as a settling chamber in which circulating raw effluent has time to settle solids before the clarified liquid is passed on to the chlorine contact chamber. Settled solids collect in the lower sludge digester portion of the tank and are periodically removed.

The main outfall is located at 48° 59.00' North Latitude and 123° 47.46' West Longitude.

The system is designed with an overflow bypass placed before the settling chamber. When weather events result in effluent flow exceeding the capacity of the treatment facility, surplus flows are screened and discharged over a weir into a bypass outfall, which is located within a few meters of the main outfall.

Collection system lift stations are not designed with a bypass discharge

2.3 Description of the Shellfish Fisheries (including aquaculture) within the CMP Area

Fisheries and Aquaculture

Significant bivalve shellfish harvest takes place near of the Ladysmith WWTP within the Conditionally Restricted and Conditionally Approved classification areas. Within the Conditionally Approved area there are First Nations harvest areas for food, social and ceremonial purposes (FSC), recreational fishing opportunities, and potentially wild commercial clam and commercial geoduck fishing areas. Within the Conditionally Restricted area there are four productive shellfish aquaculture tenures, First Nations commercial shellfish projects for clam depuration and oyster relay operations that operate under special licenses issued by DFO.

Fishery Management

Commercial shellfish are harvested year round in British Columbia. Where not closed by Prohibition Order, Variation Orders open commercial bivalve fisheries in non-contaminated areas for specified areas and times. Recreational and First Nations FSC access is open all year unless closed by Prohibition Order due to contamination. Aquaculture licensing and management is regulated by the Province of BC except where aquaculture sites are located in areas closed by Prohibition Order due to contamination.

In marginally contaminated areas that are closed by Prohibition Order, commercial bivalve harvest (wild and aquaculture) may be approved by EC and CFIA and authorized by licenses issued by DFO under the *Management of Contaminated Fisheries Regulations* for plant depuration (clams) or relay (oysters). License conditions prohibit harvest where notice is given of biotoxin or other contamination events such as a release or discharge defined as a Trigger Event from the Ladysmith WWTP.

3. ROLES AND RESPONSIBILITIES

The roles and responsibilities of each of the Parties are specified in Sections 5 to 8. Additional responsibilities for the CSSP partners, as defined in the CSSP, are contained in Appendix E. The roles and responsibilities of the MOE, and the Town of Ladysmith are as follows:

The MOE is responsible for regulating municipal WWTPs. The MOE will:

- a) verify through annual report reviews, and any other communications with the Ladysmith WWTP Chief Operator or designate that release/discharges events, described as Trigger Events in this CMP, are reported by the methods described in this CMP, as they occur
- b) provide an annual summary report of the results of compliance with provincial authorization requirements and confirmed Trigger Event reporting as defined in Sections 5.1 and 5.2 of this CMP by April 1st for the previous calendar year, including recommendations for changes to this CMP.

The WWTP Chief Operator or designate of the Town of Ladysmith is responsible for the operation of the Ladysmith WWTP located at 245A Oyster Cove. The WWTP Chief Operator or designate of the Town of Ladysmith will:

- a) maintain a continuous monitoring system by which Trigger Events described in Section 5.1 can be detected in a timely manner, and improve upon that monitoring system;
- b) immediately notify the DFO Radio Room and PEP (Provincial Emergency Program) of any planned or unplanned changes in operations of the municipality's wastewater collection and treatment facility which may result in a Trigger Event condition;
- c) immediately notify the DFO Radio Room and PEP when a WWTP Trigger Event has been detected as per Section 5.1;
- d) advise CFIA, EC and DFO in writing (by email or fax) when the Trigger Event conditions identified have terminated, using the Discharge of Wastewater Notice (Appendix C). Alternatively, advise the DFO Radio Room by telephone as per Section 5.2. This notification is the initial step in the re-opening criteria process;
- e) maintain up-to-date records of the operations and maintenance of the wastewater collection and treatment facilities;
- f) upon request, provide a copy of the results of routine final effluent analysis, as required by the provincial authorization, to EC;
- g) provide an annual report of activities listed above to the MOE and EC for the 12 month period starting January 1st and finishing December 31st of each year. The report must contain at minimum the occurrence Trigger Event types, dates, estimates of discharges and records of the notifications given to DFO and PEP, and notifications given to DFO when the event ceased. The report must be submitted by February 15th of the following year and may contain recommendations for changes to this CMP if any are necessary.

4. DESCRIPTION OF CONDITIONALLY RESTRICTED AND CONDITIONALLY APPROVED CLASSIFIED AREA(S)

This CMP deals specifically with the harvesting of shellfish in the Conditionally Approved and/or Conditionally Restricted area(s) described as:

<p>4.1 <i>Conditional Restricted Area within Sanitary Closure Map 17.1, including:</i></p> <p>The waters and intertidal foreshore of that portion of Subarea 17-7, inside a line commencing at Slag Point at 48°59.71' north latitude and 123°48.438' west longitude, thence to the southern tip of the smaller of the two Woods Islands forming the western shore of Burlieth Arm at 48°59.786' north latitude and 123°48.261' west longitude, thence to the southern tip of the larger of the two Woods Islands forming the western shore of Burlieth Arm at 48°59.963' north latitude and 123°48.401' west longitude, thence true east to a point on land at 48°59.963' north latitude and 123°48.042' west longitude, thence following the mean high water mark to Sharp Point at 48°58.881' north latitude and 123°46.104' west longitude, thence across the mouth of Ladysmith Harbour to a point of</p>

land at the western entrance of Davis Lagoon at 48°57.948' north latitude and 123°46.514' west longitude, thence following the mean high water mark to the point of commencement at Slag Point. [NAD 83]

4.2 Conditional Approved Area within Emergency Closure Order 17.aa

The waters and intertidal foreshore of that portion of Subarea 17-5, at Evening Cove, as described in the *Pacific Fishery Management Area Regulations, 2007*, shoreward or westerly of a line from Coffin Point at 48°59.214' north latitude and 123°45.450' west longitude to Sharpe Point at 48°58.881' north latitude and 123°46.104' west longitude. [Sanitary Closure Map 17.aa] [NAD 83]

Note as sample collection and processing proceeds, the boundaries of Conditional areas may be refined as recommended by the CSSP federal partners and communicated to the parties herein.

5. DETECTION / NOTIFICATION / RESPONSE TO A TRIGGER EVENT

An effective regime for the detection, notification, and response as defined in the CSSP Manual of Operations to disruptions in the normal operation of a WWTP is a prerequisite to the harvest of shellfish in the conditionally Approved or Conditionally Restricted areas described Section 4 of in this CMP.

5.1 Detection

The Town of Ladysmith WWTP Chief Operator or designate must improve and maintain a continuous monitoring system by which Trigger Events set forth in this Conditional Management Plan can be detected in a timely manner.

The Conditionally Restricted and Conditionally Approved areas described in Section 4 of this CMP will be closed to the harvesting of molluscan shellfish in response to any event or disruption that results in untreated effluent or effluent with insufficient or inadequate disinfection being released from the Ladysmith WWTP to the area (a "Trigger Event").

The Town of Ladysmith WWTP Chief Operator or designate must be able to detect such discharges, and to make the appropriate notifications.

Trigger Events include, but are not limited to, the following conditions:

- WWTP disruptions that result in more than 50m³/d of untreated effluent being discharged via the bypass outfall
- WWTP disruptions that result in untreated or partially treated effluent discharge that fails to meet MOE authorized effluent disinfection characteristics
- Collection system failures that result in an untreated wastewater discharge to the marine environment

Event or disruption detection systems in place include the following:

5.1.1 The positions responsible for monitoring Trigger Event detection.

The Town of Ladysmith Utilities III/Chief Operator or designate is responsible for maintaining and monitoring Trigger Event detection systems as described in Section 5.1.

5.1.2 Description of the normal operating requirements (performance standards or values permitted by provincial regulators)

The plant operates under MOE authorization (PE00120) issued by the Ministry of Environment. The characteristics of the authorized discharges pertaining to the CMP are as follows:

The maximum rate at which effluent may be discharged through the Ladysmith WWTP is 6100m³/day; the annual average rate of discharge is 3,050m³/day. Flow in excess of the treatment plant capacity is screened and discharged to the bypass outfall. The maximum rate at which effluent may be bypassed is 8,500m³/day. The total annual volume which may be discharged to the bypass outfall is 228,000m³/year

Maintain a total chlorine residual between 0.1 and 1.0 mg/L prior to dechlorination.

The residual shall be dechlorinated prior to discharge to reduce the total chlorine residual below detectable limits.

Overflow bypass discharges screened combined storm water and effluent through an outfall located at. 48° 59.00' North Latitude and 123° 47.46' West Longitude.

The community is completing a Liquid Waste Management Plan (LWMP) in 2009. The draft plan has suggested the construction of a secondary WWTP by 2010. The LWMP is committed to the reduction of inflow and infiltration on their collection system.

5.1.3 Description of scenarios that are reasonably likely to occur resulting in a Trigger Event (lack of disinfection, bypass, power failure, overflow of lift stations that could impact the area, presence of a hazardous substance such as oil or gas, others)

Bypass: An overflow bypass may occur when weather events result in effluent flow exceeding the capacity of the treatment facility. The surplus flow is screened and discharged over a weir into the bypass outfall which is located within a few meters of the main outfall. A bypass flow in excess of 50m³/d will impact shellfish resources in Ladysmith Harbour

Power Failure: WWTP function is not affected by a power failure as it is gravity fed

Disinfection: levels are maintained at the last setting during a power failure and may be manually adjusted by the operator as required.

Lift Stations: have been designed with a 10 hr holding capacity and high level alarms. In the event of a power failure portable generators are used if required.

5.1.4 *Description of how each of the Trigger Event types noted above are detected (SCADA, visual, others).*

Detection of Trigger Events during and after normal work hours, as they currently exist include the following:

- a) Power failure or screener failure triggers an alarm and a message is radio broadcasted and sent to the answering service, which calls the Chief Operator or designate or goes through a call-out list. Response time is 15 minutes. This capability is available 24 hours a day 7 days a week.
- b) Chlorine gas is metered into contact chamber. If a power failure occurs the flow rate remains at the last setting
- c) Backup generators power some of the lift stations and the disinfection system

Lift station wells are alarmed and have enough capacity for 10 hours of volume. All are accessible by pumper truck if required.

5.1.5 *Time lines for detection of each Trigger Event type, in hours, taking into account best and worst case scenarios (during and after working hours including weekends)*

As soon as a Trigger Event (Section 5.1) is detected and the described Trigger Event (i.e. bypass discharge in excess of 50m³) is reached, or where authorized characteristics are likely to be exceeded, detection takes place within 15 minutes in normal working hours, 7 days a week.

In the worst case, (i.e. after normal working hours) up to 16 hours could elapse to detect a bypass discharge at shift change.

5.2 Notification

Any Trigger Event or disruption described in Section 5.1 requires a notification of the event by the Ladysmith WWTP Chief Operator or designate as follows:

1. immediately notify both the Provincial Emergency Program (PEP) and the DFO Radio Room at the phone numbers noted in Section 5.2.2 below when Trigger Events are detected as per Section 5.1, noting the event type, the estimated start time and name of the caller.

Note: a notification under the current CMP does not replace or otherwise affect reporting to be done to a *Fisheries Act* inspector or to any other person or authority as is prescribed by regulations pursuant to subsection 38(4) of the *Fisheries Act* when there occurs a deposit of a deleterious substance out of the normal course of events in water frequented by fish, or a serious and imminent danger thereof.

2. advise in writing (by email or fax) each representative of EC, CFIA and DFO listed in the Discharge of Wastewater Notice when the Trigger Event effluent release has been terminated (Appendix C). Alternatively notify the DFO Radio Room by telephone of the event termination time, the estimated flow if available, and the name of the caller.

5.2.1 *The positions responsible for providing notification are as follows.*

The Town of Ladysmith Utilities III/Chief Operator or designate is responsible for detecting and providing notification of a Trigger Event as per Section 5.1

5.2.2 *Description of how notification is provided to all CSSP partners and other parties (phone/fax/email)*

When a Trigger Event described in Section 5.1 is detected, the Town of Ladysmith Chief Operator or designate will immediately make an emergency report by calling the Provincial Emergency Program (PEP) at 1-800-663-3456, and the DFO Radio Room at 1-800-465-4336

The PEP completes an incident report immediately and notifies other agencies including EC by sending the incident report by fax.

When a WWTP notifies of a Trigger Event, PEP also immediately notifies the DFO Radio Room as a built in redundancy

The DFO Radio Room immediately refers to the Conservation and Protection call out list, starting with calling the supervisor, until direct contact is made with the supervisor, and the on-call Fishery Office or other individual on the call out list.

The Fishery Officer or DFO call-out list contact refers to the CFIA stand-by list and immediately contacts that individual

The CFIA inspector on stand-by will immediately generate a notice and send it to all registered molluscan shellfish processing establishments via the CFIA's fax fan-out list.

5.2.3 *Description of the timelines for providing notification to CSSP partners in hours, taking into account all reasonable delays (e.g. during and after working hours, including weekends and holidays)*

As soon as a disruption is detected and the described trigger (i.e. bypass discharge of in excess of 50m³) is reached, or where authorized characteristics are likely to be exceeded, notification can take place within 15 minutes during normal working hours. In the worst case, up to 16 hours (i.e. after normal working hours) could elapse to detect a bypass discharge and notify parties as required in Section 5.2.2.

Note: The Town of Ladysmith shall install a detection system by December 31, 2009 that will provide continuous detection of all Trigger Events including bypass overflow so that notification can take place within 15 minutes.

Notification of EC by PEP normally takes 15 minutes

Notification of CFIA by DFO normally takes less than 15 minutes during working hours and up to 30 minutes outside of working hours

Notification of registered molluscan shellfish processing establishments by CFIA normally takes 30 minutes, and up to 1 hour outside working hours.

This brings the total notification time to a maximum of **17 hours**.

5.3 Response

Upon receiving notification as outlined in Section 5.2, each Party will respond in accordance with their respective authorities.

- The regional office of DFO receiving notification of a Trigger Event by the WWTP Chief Operator or designate is to treat such a notification in the same manner as a formal recommendation for closure made by EC.
- Upon notification under Section 5.2, DFO will set in motion an internal process which may result in the affected area being closed to harvesting. Where the notification provides the DFO Regional Director General with reasons to believe that fish of any species in any area are contaminated, he/she may issue an order prohibiting fishing in that area for that species.
- CFIA will notify CFIA registered shellfish processing establishments in writing (by email/fax) that the conditionally classified areas have been closed or are about to be closed to harvesting.

Response procedures are as follows:

Once notified that a Trigger Event has occurred, DFO will initiate response procedures to inform potentially affected parties that an event has occurred, implement closure under the *Management of Contaminated Fisheries Regulations*, and inform stakeholders, including the general public, that a closure/harvest prohibition is coming into effect.

5.3.1 Description of how affected stakeholders and First Nations are notified.

- Once notified of a Trigger Event, DFO will communicate without delay to the Parties herein (Appendix D) as well as affected First Nations, commercial harvesters and the general public as appropriate that an event has occurred at the WWTP, that harvesting should cease, and that a closure is pending.
 - A Prohibition Order will be issued by DFO to close the Conditionally Approved area in Evening Cove
 - Licensed depuration or relay harvesters will be informed by DFO using direct telephone or emails that, under the conditions of their *Management of Contaminated Fisheries Regulations* licence, all harvest must cease immediately. Additionally, these stakeholders are included as recipients in the CFIA's fax fan-out that informs registered processing plants that an event occurred.
 - A Fishery Notice will be prepared detailing the closed status of the Conditional Areas described herein and issued by fax and/or email to the BC Ministry of Agriculture and Lands, EC, and CFIA and to a stakeholders distribution list maintained by DFO. The Notice will be published as an internet posting, and may be relayed to other parties or local media if required. The stakeholders fax and email distribution list contains contacts for local First Nations, shellfish processors, depuration or relay licence holders, commercial, aquaculture and recreational
-

harvesters as self- identified.

- Public Notices may be prepared and posted at key access points in the closed area to inform harvesters to cease harvesting immediately in the area

- The DFO 24hr toll free information line will be updated at the first opportunity in business hours to reflect the closed status of the Conditionally Restricted and / or Conditionally Approved areas described herein.

- Where there is known or reasonably expected to be active harvest underway in the affected area, a patrol will be initiated immediately and Public Notices will be posted at harvest sites.

- Patrol activities will continue throughout the closed/prohibited period according to regional CSSP patrol standards

5.3.2 Contact information of the parties to be notified of closures during and after working hours, including weekends, as provided by the province, EC, and CFIA.

- A stakeholder's contact list will be maintained and kept current by DFO. An example is attached to this CMP as Appendix D.

- Private information will be protected as required by law

6. RE-OPENING CRITERIA

The harvest areas described in this CMP will remain closed to harvesting until the re-opening criteria are met. Commencement of re-opening criteria does not begin until after the Town of Ladysmith has provided notification that the Trigger Event(s) have ceased as outlined in Section 3.

Areas will be returned to their classification status when conditions outlined in Chapter 2 of the CSSP Manual of Operations have been met.

The sampling methodology must comply with the established procedures outlined in Appendix 1 of the CSSP Manual of Operations and the Sampling Policy and Procedures found in the CFIA's Fish Products Standards and Methods Manual. The sample locations are identified on a map in Appendix A.

The samples must be analysed at CSSP- recognized laboratories.

6.1 In addition to the conditions above, describe the arrangement reached between the signatories to this CMP as to the process and responsibilities for collecting samples, sample locations, and where they are analyzed.

The area must remain in closed status for a minimum of 7 days after the latest Trigger Event has ceased.

In order to re-open sooner than 21 days after the latest Trigger Event or once a sewage bypass over 50m³ has ceased, marine water and shellstock samples are required from the conditional area in order to verify that standards have been met.

Under separate MOUs with EC and with CFIA, EC- and CFIA-trained samplers will collect water and shellstock samples from established verification stations outlined in Appendix A. Water should be collected no earlier than 6 days, and shellstock no earlier than 5 days, following the most recent discharge or bypass (over 50m³) event. Analysis of water and shellstock must be conducted at a CSSP-approved lab

EC and CFIA will make a recommendation to DFO to revoke the closure and the harvesting prohibition when 21 days have elapsed or when samples are confirmed to meet the standards for harvest set forth in the CSSP, AND a minimum of 7 days have elapsed following the most recent discharge or bypass (over 50m³) event.

7. ANNUAL REPORTING

The Parties will provide input into an annual report on the management of the area as outlined in Appendix IX of the CSSP. The report will then be provided to the Regional Interdepartmental Shellfish Committee (RISC) for its review. This report shall include, as a minimum, the information outlined in Appendix B.

7.1 Procedures to be followed at the local level in order to complete the report:

DFO will lead the development of an Annual Report template for Ladysmith including the Conditional Area description and maps.

Summary of Activities will include the Prohibition Orders issued, opening and closure dates, along with incident reports from PEP and the DFO Radio Room, any additional summary information provided by the WWTP Chief Operator or designate and any supporting documentation DFO will provide a summary of surveillance, enforcement, control activities: number of patrols, number of incidents, violations.

The CMP annual report shall be completed for review and acceptable by a PRISC working group by June 1st of the following year.

CFIA and EC will provide input to the Annual Report with water and shellstock microbiological data used to re-open the area (dates, results). Summary data is required by April 1st of the following year.

MOE will provide an annual report of the results of activities listed under the MOE in Section 3 in relationship to the CMP by April 1st of the following year including but no limited to any recommendations for changes to the CMP.

Report from the Town of Ladysmith /WWTP Chief Operator or designate will include a summary of the occurrence Trigger Event types, dates, estimates of discharges and records of the notifications made during the duration of this management plan. The report shall be submitted to MOE by Feb 15th of the following year.

Concerns and recommendations may be provided by all signatories and included in the Ladysmith CMP Annual Report.

8. AMENDMENT AND TERMINATION

If at any time any Party to the CMP fails to fulfill the requirements as set forth in the CMP, the Regional Interdepartmental Shellfish Committee (RISC) will determine whether the area classification or status will be changed.

This CMP may be amended at any time subject to the written approval of all the Parties.

9. APPENDICES

The Appendices herein form part of this CMP.

Appendix A – Classification Maps (including verification shellstock and water sampling locations)

Appendix B – *Information for annual report*

Appendix C – Discharge of Wastewater Notice

Appendix D – Contact list

Appendix E – Definitions

Appendix F – Memorandum of understanding between the Canadian Food Inspection Agency (CFIA) and the Department of Fisheries and Oceans (DFO) and Environment Canada (EC) concerning the Canadian Shellfish Sanitation Program (CSSP)

Approved at _____, this _____ day of _____, 200_.

Paul Sprout
Regional Director General
Fisheries and Oceans Canada
Pacific Region

Philip Amundson
Executive Director
CFIA – Western Operations

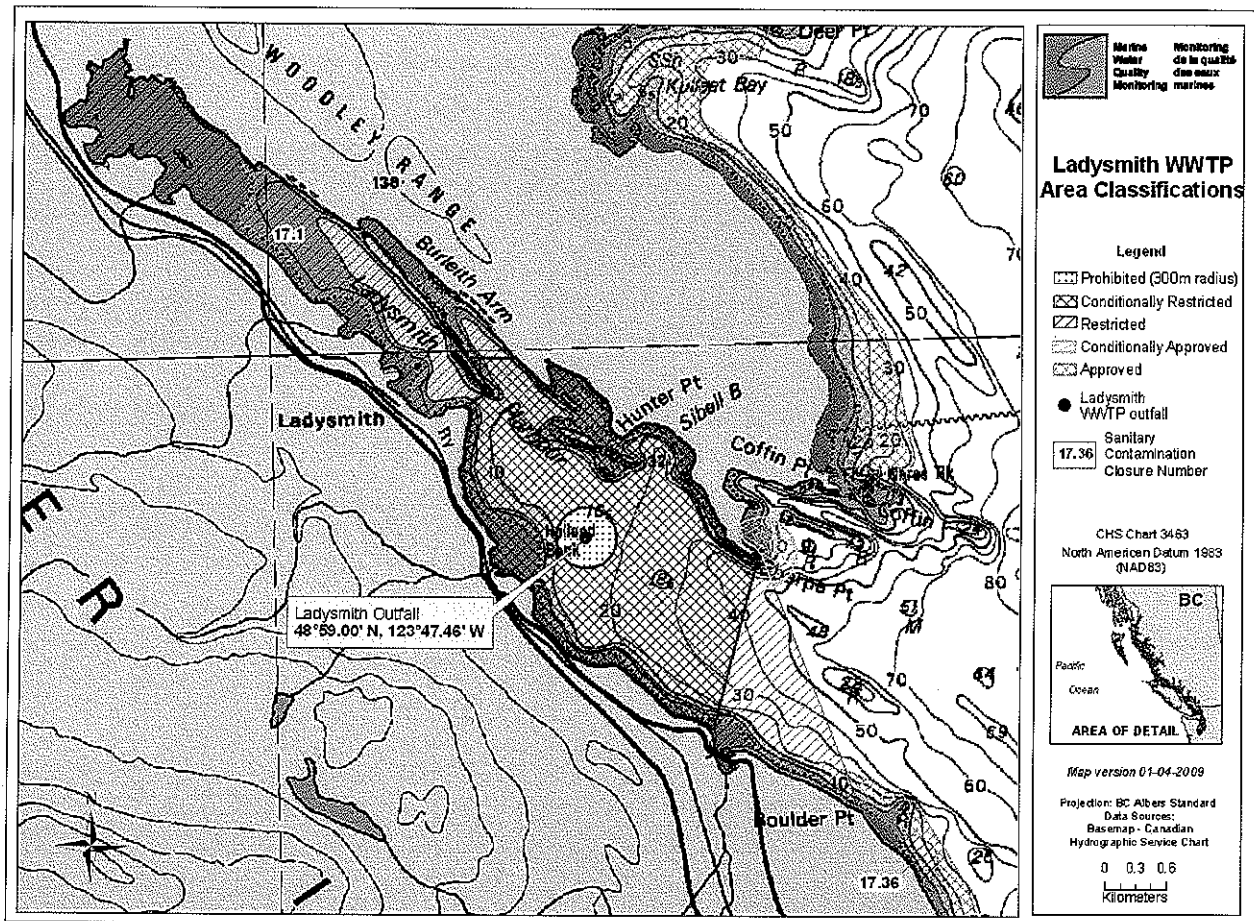
Caroline Ladanowski
Director, Water Quality Monitoring and Surveillance Division
Environment Canada

Lynn Bailey
Assistant Deputy Minister, Ministry of Environment, Victoria

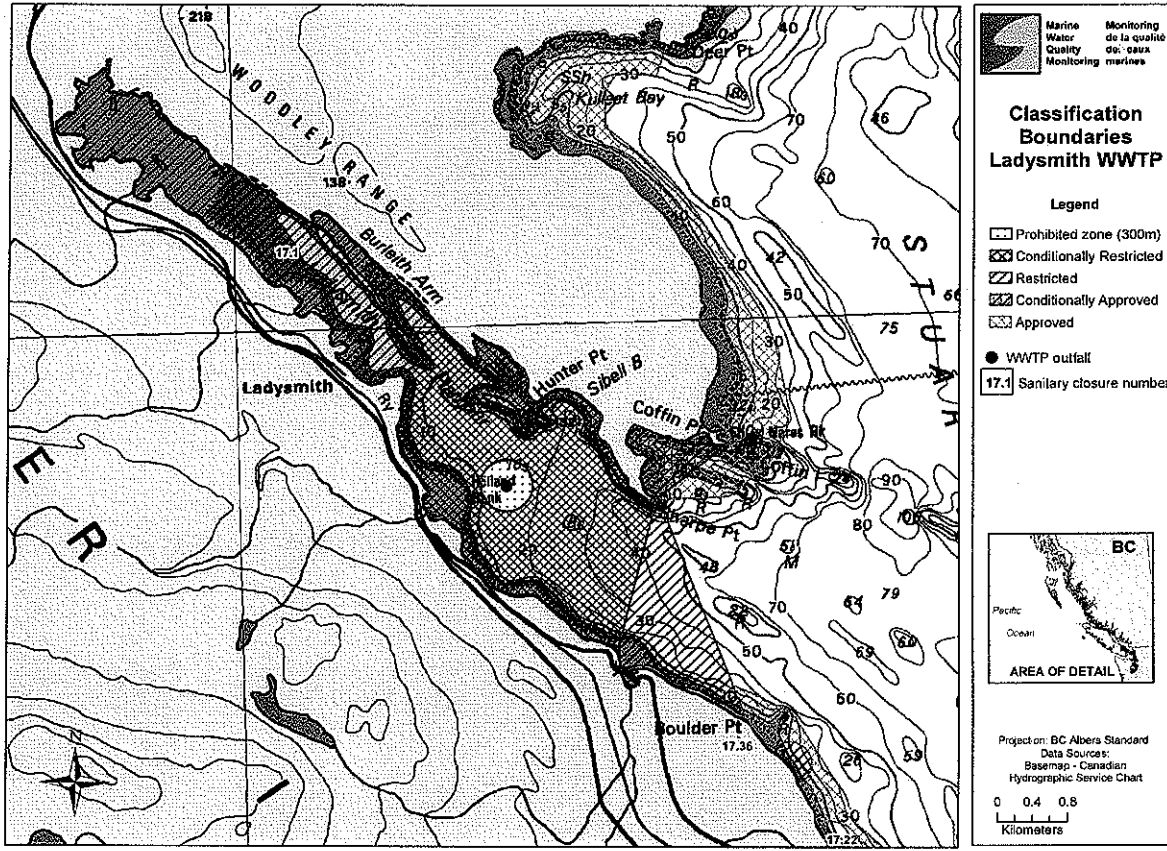
Director of Administration, Town of Ladysmith (or designate)

Appendix A – Classification Map

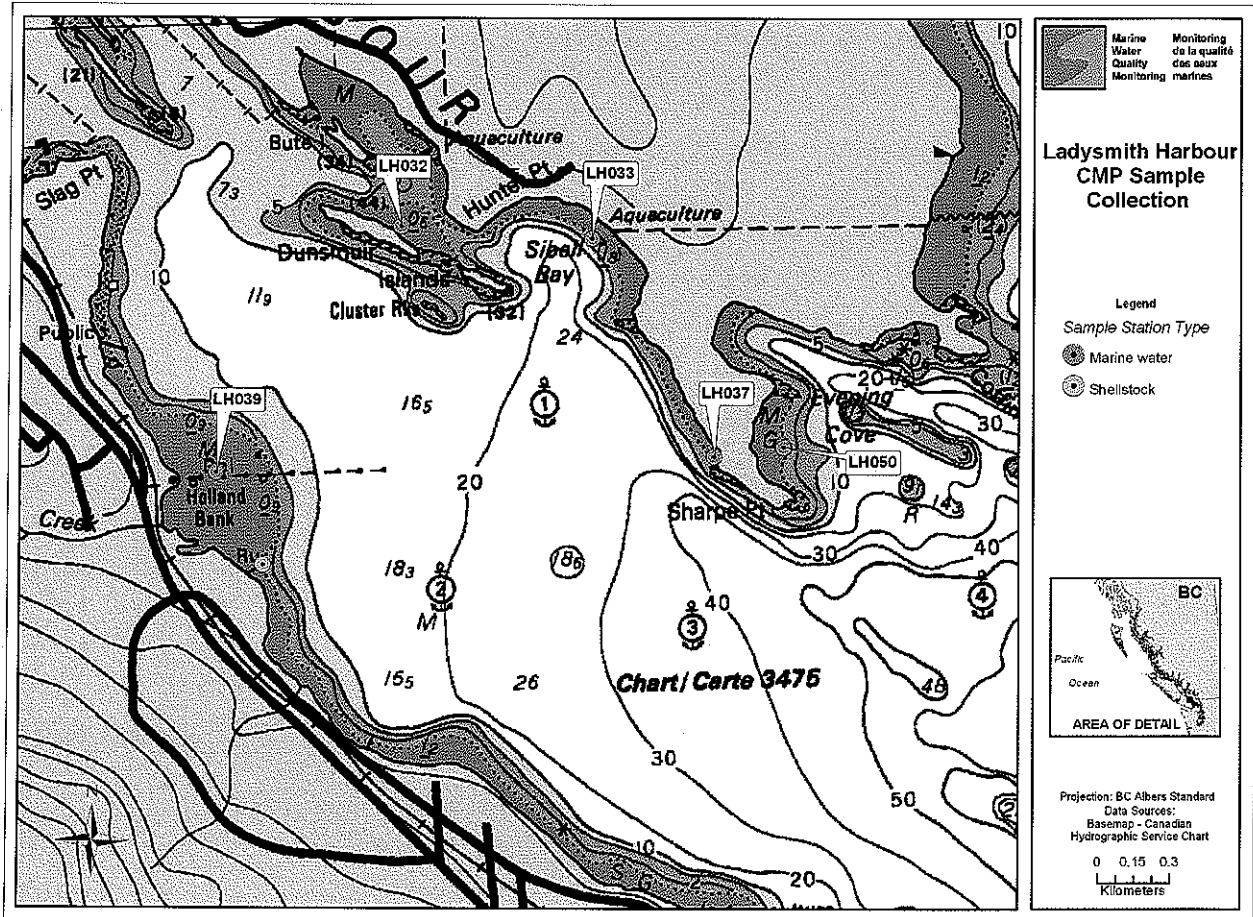
Shellfish harvesting will become prohibited in Conditionally Restricted and Conditionally Approved Areas when an effluent discharge meeting the criteria of a Trigger Event is reported. Further guidance of how registered fish processing establishments maintain control of shellfish harvested from areas situated between the prohibited area and the response line is contained in CFIA policy documents found in Bulletin 25 of the CFIA Fish, Seafood, and Production Division's Facilities Inspection Manual.



Appendix A con't – Classification map showing closure boundaries.



Appendix A con't – Water and shellstock sample collection locations



Appendix B – Sample Annual Report

Name of Area
Conditional Shellfish Area Annual Report for (insert year)

Area

Description/location with boundaries

Map (with classification and sampling sites for water quality and shellstock)

Closure criteria

Potential time period for opening (if applicable)

Species managed and harvesting restrictions/season (if applicable)

Summary of Activities

Number of openings/closures during the year

Prohibition order numbers and dates

Supporting documentation used to make decision about closing

Notices from WWTP Chief Operator or designate (Event, dates, duration)

Supporting documentation used to make decision about opening

Water and shellstock microbiological data to re-open the area (dates, results)

Surveillance, enforcement, control activities: number of patrols, number of incidents, violations

Copy of Management Plan

Attached

Report from Province

Comments on the WWTP annual report, as a compliance review to confirm that Trigger Event were detected and responded to as described in the CMP.

Report from Municipality/WWTP Chief Operator or designate

Summary report of discharges and notifications

Concerns/ Recommendations (all signatories)

Appendix C Discharge of Wastewater Notice

From:	Ladysmith Wastewater Treatment Plant	
Location:	Ladysmith Harbour -- DFO Subarea 17-7	<input type="checkbox"/> Map attached

Instructions:

1. Report all Trigger Events as per Section 5.1 by phone to the Provincial Emergency Program (PEP) at 1-800-663-3456 and the DFO Radio Room at 1-800-465-4336
2. Send this completed notice by email or fax to all persons on contact list below.

Classification of Trigger Event (<i>check one</i>):	Status
<input type="checkbox"/> WWTP disruption that results in more than 50m ³ /d of untreated effluent being discharged via the bypass outfall	<input type="checkbox"/> in progress <input type="checkbox"/> planned <input type="checkbox"/> past event
<input type="checkbox"/> WWTP disruption that results in untreated or partially treated effluent discharge that fails to meet provincial authorized disinfection requirements.	<input type="checkbox"/> in progress <input type="checkbox"/> planned <input type="checkbox"/> past event
<input type="checkbox"/> Collection system failures that result in an untreated effluent discharge to the marine environment	<input type="checkbox"/> in progress <input type="checkbox"/> planned <input type="checkbox"/> past event

Name of Chief Operator or designate: _____

Trigger Event Start Date:	Termination Date:
Start time:	Stop time:

Cause of Trigger Event: _____

Period of discharge: _____

Estimated faecal coliform: [units] hrs Estimated flow rate: [units]

Comments: _____ Total Estimated Discharge: _____

Sent by: _____ Date: _____ Position: _____

To:	Representatives	E-mail completed notice to	Phone and Fax Numbers
Environment Canada	Walter Hajen	walter.hajen@ec.gc.ca	(604) 666-2947 cell (778) 772-7018 Fax: (604) 666-9107
	Tim Wenman	tim.wenman@ec.gc.ca	(604) 903-4437 (1 st alternate): Fax: (604) 903-4423 Cell: 604-616-3275
CFIA	Kristen Kirby	Kristen.kirby@inspection.gc.ca	(250) 363-3850 Fax: (250) 363-0336
	Michael Langlet	Michael.Langlet@inspection.gc.ca	(1 st alternate: Fax: (604) 666-4440
DFO	Bryan Jubinville	bryan.jubinville@pac.dfo-mpo.gc.ca	(250) 754-0235 Fax: (250) 754-0309
	Tom Pawloski	tom.pawloski@pac.dfo-mpo.gc.ca	(250) 754-0205 (1 st alternate: Fax: (250) 754-0309
	Kerry Marcus	Kerry.marus@@pac.dfo-mpo.gc.ca	250) 754-0210 (2nd alternate: Fax: (250) 754-0309

Appendix D Contact List

DEPARTMENT/ AGENCY	NAME	POSITION	TELEPHONE/ FAX	EMAIL
Department of Fisheries and Oceans	Kerry Marcus	Resource Manager	(250)-754-0210 Fax: 250-754-0309	Kerry.marcus@dfo- mpo.gc.ca
	Bryan Jubinville	Conservation and Protection	(250) 754-0235 Fax: 250-754-0309	Bryan.jubinville@dfo- mpo.gc.ca
Canadian Food Inspection Agency	Kristen Kirby	Senior Fish Inspection Specialist	(250) 363-3850 Fax: (250) 363-0336	Kristen.kirby@inspection.gc .ca
	Michael Langlet	Fish Inspection Specialist	(604) 666-3737 Fax: (604) 666-4440	Michael.Langlet@inspection .gc.ca
Environment Canada	Walter Hajen	Head, Marine Water Quality Monitoring- Pacific	(604) 666-2947 Cell : (778) 772-7018 Fax: (604)666-9107	Walter.hajen@ec.gc.ca
	Tim Wenman	A/Area Coordinator	(604) 903-4437	Tim.wenman@ec.gc.ca
BC Ministry of Environment	John Deniseger		(250) 751- 3184	John.deniseger@gov/bc.ca
Town of Ladysmith,	Joe Friesenhan		(250) 245-6440	jfriesenhan@ladysmith.ca

Administrator

Town of Ladysmith Curtis Baker Chief Operator (250) 245-3995; cbaker@ladysmith.ca
WWTP Operator Cell: (250)-616-6329

Chemainus First Warren Johnny Depuration/relay (250) 245-7155 wjohnny@cfnation.com
Nation licence holder Fax: 250-245-3012
and traditional
harvest

Limberis Seafood Leo Limberis Depuration/relay (250) 245-3021 kath@limberisseafood.com
Processing Ltd. licence holder Fax: (250) 245-3606

**Provincial
Emergency
Program** **1-800-663-3456**

DFO Radio Room **1-800-465-4336**

Appendix E – CSSP and Conditional Management Plan Definitions

Approved Area - The classification of a shellfish growing area which has been approved by the shellfish control authority for growing or harvesting shellfish for direct marketing. The classification of an approved area is determined through a sanitary survey conducted by the shellfish control authority in accordance with Chapter 2 of the CSSP Manual of Operations. An approved shellfish growing area may be temporarily placed in the closed status when a public health emergency, resulting from for instance, a hurricane or flooding, is declared.

Bypass – effluent flow at a wastewater treatment plant or lift station that bypasses the treatment plant and is discharged to the marine environment. Also the system that directs the effluent flow to bypass the treatment plant.

Canadian Shellfish Sanitation Program - A program to classify harvesting areas and control the commercial and recreational harvesting of molluscs and processing of product for the consumer market.

Closed Area - A growing area where the harvesting of shellfish is temporarily or permanently not permitted, except by special permit for specific purposes.

Conditionally Approved Area - The classification of a shellfish growing area which has been determined by the shellfish control authority to meet approved area criteria for a predictable period. The period is conditional upon established performance standards specified in a conditional management plan.

Controlled Purification or Depuration - The process of using a controlled, aquatic environment to reduce the level of bacteria and viruses in live shellfish.

Conditional management plan (CMP) - An agreement signed by relevant parties for the management of shellfish in conditionally classified areas

Conditionally Restricted Area – The classification of a shellfish growing area which has been determined by the shellfish control authority to meet, at a minimum, the restricted classification criteria for a predictable period.. The period is conditional upon established performance standards specified in a conditional management plan.

Detection: The point in time at which a wastewater treatment or collection system release / discharge incident (as defined in the relevant CMP) is first detected by a wastewater treatment plant operator (or delegate)

Emergency Closure - A shellfish harvesting area in the open status may be placed in the closed status when it is suspected that shellfish may be contaminated as a result of an emergency situation. These emergency situations may include natural or operational events such as hurricanes, flooding, and oil, toxic chemical and sewage spills.

Lift Station – Part of a wastewater treatment plant collection system

Natural Relaying – The transfer of shellfish from conditionally restricted or restricted areas in the open status to approved areas for natural biological cleansing, using the ambient environment as a treatment system (Houser, 1964) for periods of 14 days or greater.

Notification – The point in time at which one of the federal CSSP partners receives notice from a wastewater treatment or collection system operator (or delegate) of a release / discharge incident (as defined in the relevant CMP).

Prohibited Area - The classification of a shellfish growing area determined by the shellfish control authority where shellfish harvesting for food purposes is not permitted

Prohibition Order – A legal order issued by the Fisheries and Oceans Regional Director General, under the authority of the *Management of Contaminated Fisheries Regulations* to prohibit fishing

Relaying - The transfer of shellfish from conditionally restricted or restricted areas in the open status to approved areas for natural biological cleansing using the ambient environment as a treatment system (Houser 1964).

Response: A series of actions taken by the shellfish control authority as defined in the relevant CMP based on the classification of the area that will serve to ensure that product does not reach market and the implicated area is placed in closed status.

Response Line - The boundary at which the sewage effluent plume is predicted to lie during a wastewater treatment plant or collection system release/ discharge incident before the competent shellfish control authority will respond.

Restricted Area ² - The classification of a shellfish growing area determined by the shellfish control authority where shellfish shall not be harvested for direct consumption.

² Restricted areas were formerly classified as “closed” areas

Shellfish Control Authority – Canadian Food Inspection Agency, Environment Canada and Fisheries and Oceans Canada

Shellstock - Shellfish in the shell.

Trigger Event – Any event or disruption that results in untreated effluent or effluent with insufficient or inadequate disinfection being released from the WWTP that causes action to commence closure of an area to shellfish harvest

Appendix F

APPENDIX V
MEMORANDUM OF UNDERSTANDING
BETWEEN THE CANADIAN FOOD INSPECTION AGENCY ("CFIA")
AND THE DEPARTMENT OF FISHERIES AND OCEANS ("DFO")
AND ENVIRONMENT CANADA ("EC")
CONCERNING THE CANADIAN SHELLFISH SANITATION PROGRAM ("CSSP")

1. PURPOSE

The CSSP is a shared responsibility of the Canadian Food Inspection Agency (CFIA), the Department of Fisheries and Oceans (DFO) and Environment Canada (EC).

This Memorandum of Understanding (MOU) recognizes:

- a) the purpose of the CSSP, which is to provide reasonable assurance that molluscan shellfish (hereinafter referred to as shellfish) are safe for consumption as food by controlling the harvesting of all molluscs within the tidal waters of Canada;
- b) the commitment that Canada has to the Bilateral Agreement between the United States Public Health Service and the Canadian Department of National Health and Welfare (now Health Canada), signed April 30, 1948, to improve the sanitary practices prevailing in the shellfish industries of the two countries;
- c) the respective responsibilities of CFIA, DFO and EC in delivering the CSSP in Canada, and CFIA's responsibility as lead agency for liaison with foreign governments; and
- d) the parties' mutual commitment to strive constantly to: enhance the efficiency and effectiveness of CSSP program delivery, address linkages to related issues, communicate and co-operate with each other and all stakeholders, conduct and/or participate in national and/or international audits, and take remedial action as required to implement improvements.

2. RESPONSIBILITIES OF CFIA

CFIA shall be the lead agency in the administration of the CSSP with regard to: the handling, processing, import and export of shellfish; the marine biotoxin monitoring program; and any other microbiological monitoring program not described in section 4 - "Responsibilities of EC". CFIA shall be responsible for:

- a) inspecting and issuing certificates of federal registration to plants that meet federal regulatory requirements and are engaged in the processing, holding and export of shellfish;
- b) licensing fish importers and inspecting imported shellfish;
- c) administering the marine biotoxin monitoring program and any other shellfish micro-biological monitoring program not described under EC's responsibilities in section 4;

- d) recommending to DFO the closing of harvesting areas because of unacceptable marine biotoxin, microbiological and chemical levels in shellfish stock, and advising DFO when harvesting areas are acceptable for the harvesting of shellfish;
- e) reviewing referrals from DFO for the issuing of licences for harvesting from closed areas, for relaying or depuration purposes;
- f) maintaining records, data bases and other documents in support of marine biotoxin, microbiological and chemical closures, recommended closure actions, and administrative evaluations by internal and external auditors;
- g) ensuring proper application of prescribed analytical and reporting procedures in CFIA laboratories and private laboratories approved in accordance with the CSSP Manual of Operations, including adequate quality assurance, performance standards and quality control of the laboratory-generated data;
- h) ensuring proper application of prescribed sampling procedures by qualified parties, including adequate quality assurance and quality control of the collected samples;
- i) supporting DFO in its notification activity related to section 3(e), and providing or making available to interested parties information on program activities;
- j) implementing CFIA elements of jointly developed Management Plans for "Conditionally Approved" areas; and
- k) participating in the CSSP audit program, as well as in external audits by such bodies as Health Canada and the United States Food and Drug Administration.

3. RESPONSIBILITIES OF DFO

DFO shall be the lead agency in the administration of the CSSP with regard to the harvesting of shellfish and shall be responsible for:

- a) opening and closing shellfish growing areas on the basis of:
 - i) classification recommendations from EC, based on the sanitary and bacteriological water quality of the growing areas, and agreed to by the regional Shellfish Growing Area Classification Committees; and
 - ii) recommendations from CFIA on marine biotoxin levels, and microbiological and chemical levels in shellfish growing areas;
- b) posting, patrolling and enforcing shellfish closures in accordance with the Fisheries Act;
- c) controlling shellfish relaying operations and harvesting for depuration operations;
- d) implementing DFO elements of jointly developed Management Plans for "Conditionally Approved" areas;

- e) providing notification to CFIA, EC, stakeholders and other interested parties, on locations, boundaries and timing of harvesting closures and openings;
- f) maintaining records of the opening and closure of shellfish growing areas, as well as records of enforcement patrols, in support of reviews by external or internal auditors, and providing CFIA and EC with annual patrol enforcement activity reports;
- g) consulting with CFIA and EC prior to the commencement of any new developmental or exploratory shellfish fisheries, and/or the issuance of any new licences or permits thereto; and
- h) participating in the CSSP audit program, as well as in external audits by such bodies as Health Canada and the U.S. Food and Drug Administration.

4. RESPONSIBILITIES OF EC

EC shall be the lead agency in the administration of the CSSP with regard to recommending the appropriate classification of shellfish growing waters based upon the sanitary and bacteriological water quality conditions of the area, and shall be responsible for:

- a) conducting comprehensive sanitary and bacteriological water quality surveys of the shellfish growing areas in Canada, in accordance with the CSSP Manual of Operations criteria;
- b) from the surveys, determining the sources of point and non-point pollution, the degree of contamination and the extent of area contamination, and recommending the location of closure lines;
- c) recommending to the regional Shellfish Growing Area Classification Committees specific classifications of growing areas and their boundaries, on the basis of survey results and the classification definitions in the CSSP Manual of Operations;
- d) maintaining records, data bases, sectoral maps, survey reports, central files and other documents in support of classification action and administrative reviews by internal and external auditors;
- e) ensuring proper application of prescribed analytical and reporting procedures in EC laboratories, private laboratories approved in accordance with the CSSP Manual of Operations, and laboratories under contract to EC, including adequate quality assurance and quality control of the laboratory-generated data;
- f) ensuring proper application of prescribed sampling procedures by qualified parties, including adequate quality assurance and quality control of the collected samples;
- g) promoting pollution prevention, regulatory compliance, remediation and restoration of shellfish growing areas, together with federal/provincial/municipal agencies and other stakeholders;

- h) supporting DFO in its notification activity pursuant to section 3(e), and providing or making available to interested parties information on program activities;
- i) upon request, providing to DFO available information on water quality for areas proposed;
- j) implementing EC elements of jointly developed Management Plans for "Conditionally Approved" areas; and
- k) participating in the CSSP audit program, as well as in external audits by such bodies as Health Canada and the U.S. Food and Drug Administration.

5. ADMINISTRATIVE ARRANGEMENTS

The Assistant Deputy Ministers of DFO and EC and the Vice- President of CFIA hereby establish the Interdepartmental Shellfish Committee to implement this MOU. The Committee shall be composed of representatives of CFIA, DFO and EC, as designated by Directors General from both national headquarters and regions across Canada.

- a) The Interdepartmental Shellfish Committee shall meet as required, but at least once a year, to:
 - i) discuss the CSSP and review national shellfish related legislative, regulatory, policy and procedural issues of mutual concern, including proposed amendments to the CSSP Manual of Operations;
 - ii) enhance communication and co-ordination of CSSP activities;
 - iii) create annexes to this MOU covering specific CSSP program delivery and operational issues of mutual concern;
 - iv) establish sub-committees and working groups as required to deal with specific issues, and develop appropriate policies and procedures for dealing with them;
 - v) advise senior executive management as required about the progress and effectiveness of the CSSP, and make appropriate recommendations;
 - vi) receive presentations by provinces, shellfish industry and other stakeholders on matters that have impact on all parties, and provide appropriate interdepartmental/ agency response; and
 - vii) produce an annual report.
- b) The Interdepartmental Shellfish Committee Meetings shall be chaired on a rotating basis by each party, which shall be responsible for providing secretariat services. The meeting recommendations and the annual report on program delivery will be forwarded to the Directors General of CFIA and EC and the Assistant Deputy Minister, Fisheries Management of DFO, for review and approval.
- c) The Interdepartmental Shellfish Committee shall also evaluate new integrated systems-based management/inspection approaches to the CSSP,

and is committed to consulting with stakeholders on the new approaches and how such approaches may be funded.

- d) Regional Shellfish Growing Area Classification Committees shall be organized in each region of Canada where shellfish are harvested. They shall be chaired by EC, meet as required but at least once a year, and shall be composed of appropriate regional CFIA, DFO, EC and provincial government representatives. Stakeholders may participate in working groups and be observers and/or make presentations to the Committees on specific issues.

6. IMPLEMENTATION AND TERMINATION

- a) This Agreement will come into effect on March 1, 2000.
- b) The operation of the Memorandum of Understanding shall be reviewed periodically by the Parties, and may be amended at any time by mutual consent of the Parties or terminated by any Party upon (90) days' advance written notice to the other Parties.

7. REVIEW

The President of the Canadian Food Inspection Agency, the Deputy Minister of the Department of Fisheries and Oceans and the Deputy Minister of Environment Canada may meet as required to review this Agreement.

8. SIGNATURES

Signed by P.S. Chamut
Assistant Deputy Minister
Fisheries Management
Department of Fisheries and Oceans

13/04/2000
Date

Signed by Jean-Pierre Gauthier
Assistant Deputy Minister
Environmental Protection Service
Environment Canada

02/05/2000
Date

Signed by André Gravel
Vice-President, Programs
Canadian Food Inspection Agency

13/04/2000
Date



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Joe Friesenhan, Director of Public Works
Date: April 24, 2009
File No:

Re: WORKING ON SUNDAY

RECOMMENDATION:

That Council authorize Rocky Point Metalcraft to work on Sundays during the construction of the Headworks at the sewage treatment plant.

BACKGROUND / HISTORY:

Section 12e of Bylaw 1478, the Noise Bylaw, allows for construction and demolition within the Town of Ladysmith to take place from 7 a.m. to 6 p.m. every day except Sunday.

During the pre-construction meeting for the construction of the Headworks for the sewage treatment plant, the successful contractor, Rocky Point Metalcraft, the contractor requested permission to work on Sundays. The type of work that he may be doing on Sundays would be for such things as tying rebar and wiring. He would not do any work that would require any noisy equipment to be running and interfere with the peace and quiet of the surrounding residents.

ATTACHMENTS:

"None".

I concur with the recommendation:

Ruth Malli, City Manager



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: P. Durban, Director of Parks, Recreation & Culture
Date: April 28, 2009

RE: 2009 WEST NILE VIRUS REDUCTION INITIATIVE

RECOMMENDATION:

THAT Council authorize staff to retain the services of D. G. Regan and Associates Limited to carry out a West Nile Virus Risk Reduction Initiative Program as per the terms of the UBCM Project for a cost not to exceed \$8,000.00, and that the purchasing policy be waived.

BACKGROUND / HISTORY

D. G. Regan and Associates have carried out this program for Ladysmith and the communities to the north and south of the Town for the past few years. To remain consistent, due to the specialized nature of the work, it is requested that the purchasing policy be waived in order that this work can be carried out in a timely manner.

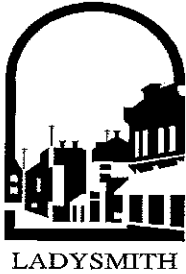
The Town has applied for funding provided by the Ministry of Health to cover the costs of this program, which is to ensure a proactive approach to mosquito control, with the intent of reducing the risk of occurrence of West Nile Virus and reducing the impacts of the disease should it occur.

ATTACHMENTS:

I concur with the
recommendation

R. Malli

Ruth Malli, City Manager



Town of Ladysmith

COMMISSION REPORT

To: Ruth Malli, City Manager
From: Patrick Durban, Director of Parks, Recreation & Culture
Date: April 29, 2009
File No:

Re: TOURISM SIGNAGE – TRANSFER BEACH

RECOMMENDATION:

THAT Council receive the following recommendation from the Parks, Recreation and Culture Commission and direct staff to proceed with Transfer Beach signage and custom banners, subject to available tourism grant funding.

THAT the Parks, Recreation & Culture Commission support the Tourism Advisory Committee's proposal to install a new Transfer Beach sign (per the Town's Signage Plan) at the Highway and Roberts Street, in place of the Welcome to Ladysmith sign, but question the use of the font for the word: "Ladysmith" both for readability and consistency;

AND THAT the Commission support the custom banners to be used for the Transfer Beach Precinct.

BACKGROUND / HISTORY:

At the Parks, Recreation & Culture Commission meeting held on April 22, 2009, Commissioners considered the recommendation from the Tourism Advisory Committee, which was referred to Commission from Council for comment. The above recommendation is the resolution which the Commission passed at that meeting.

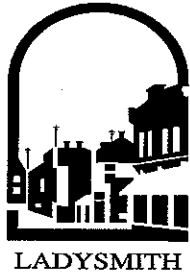
ANALYSIS:

ATTACHMENTS:

None

I concur with the
recommendation


Ruth Malli, City Manager



Town of Ladysmith

STAFF REPORT

To: R. Malli, City Manager
From: S. Bowden, Director of Corporate Services
Date: May 1, 2009
File No: 1855-20

Re: Phone Vote Ratification – Authorization to Submit a Grant Application Under the Canada-British Columbia Building Canada Fund Program (Communities Component) – Lot 108

RECOMMENDATION

That Council ratify the following motion that was presented on May 1, 2009:

That Council authorize Staff to submit a Canada-British Columbia Building Canada Fund Program-Communities Component (BCF-CC) grant application in the amount of \$3.28 million for the development of multi-purpose fields on the property commonly known as Lot 108 in the Town of Ladysmith.

BACKGROUND

Members of Council were surveyed by telephone on Friday, May 1, 2009 regarding a request for approval for staff to submit a grant application for a Canada-British Columbia Building Canada Fund Program (Communities Component) grant.

The grant application is in the amount of \$3.28 million and the funds will be used in the development of multi-purpose fields on the property commonly known as Lot 108.

Staff was in direct contact with four members of Council by the time this report was prepared and all expressed their support for staff to proceed with the grant application. The application was submitted to the appropriate authorities by the May 1, 2009 deadline.

I concur with the staff recommendation.

Ruth Malli
City Manager

ATTACHS: None



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Sandy Bowden, Director of Corporate Services
Date: May 1, 2009
File No:

Re: **JANITORIAL SERVICES FOR RCMP BUILDING**

RECOMMENDATION:

THAT Council accept the proposal from Big Island Services to provide janitorial services and paper products for the Ladysmith RCMP Detachment and that the Town of Ladysmith enter into a two-year contract with Big Island Services at the rate of \$914.55 per month.

INTRODUCTION/BACKGROUND:

Janitorial services for City Hall, Development Services and the RCMP Detachment are currently provided by Sheila's Janitorial Services. Sheila Williams has given notice that she is no longer able to provide janitorial services for the RCMP Detachment. Staff issued a request for proposals, and one proposal was received.

The organization supplies janitorial services for seven RCMP detachments on Vancouver Island and has good references.

ALTERNATIVES:

N/A

FINANCIAL IMPLICATIONS:

The proposal offers two options – with and without paper products for the detachment. The cost per month without the paper products is \$872.55, including GST, or \$20,941.20 over two years.

The cost including the provision of paper products is \$914.55 per month, including GST, or \$21,949.20 over two years.

LEGAL IMPLICATIONS:

N/A

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

N/A

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

N/A

ALIGNMENT WITH STRATEGIC PRIORITIES:

N/A

I concur with the recommendation.

Ruth Malli

Ruth Malli, City Manager

ATTACHMENTS:

Proposal for Janitorial Services from Big Island Services.



Lee Ann Knezevich

Toll Free 1-888-774-4141

Nanaimo: (250) 751-1800 Fax: (250) 751-1100

Comox: (250) 334-1885 Fax: (250) 334-1900

3728 Courtenay, BC, V9N 7P1

LADYSMITH

**Town of Ladysmith
Administrative Services Department**

**Request for Proposals
#2009-A/S-01**

**Janitorial Services
Ladysmith Detachment, Royal Canadian Mounted Police**

For Information:

**Joanna Winter
Manager of Administrative Services
Town of Ladysmith
250.245.6417
jwinter@ladysmith.ca**

Courtenay:
Phone (250) 334-1885
Fax (250) 334-1908



Nanaimo:
Phone (250) 751-1800
Fax (250) 751-1100

**PO Box 3728,
Courtenay, B.C. V9N 7P1**

QUALIFICATIONS

Big Island Building Services Ltd. has been in business for approximately 21 years, and provides services in Victoria, Duncan Lake Cowichan, Ladysmith, Nanaimo, Parksville, Port Alberni, Courtenay, and Campbell River.

The majority of our accounts are high profile offices, banks and institutions. The success of our company is attributable to the following:

Personnel

All ethnic groups represented
Extensive selection process

Employee Security

Employees must have clean criminal record check

Key Security

All keys issued are recorded, coded and strictly controlled

Employee Orientation

Thorough orientation is provided to all employees in the areas they are to work.

Employees are issued company policies, emergency phone numbers and general information.

Employee Training

On the job training is thorough and is provided until such time as the employee can complete their assigned duties independently.

WHMIS training is done on the job, relative to specific chemicals used.

Additional training and upgrading is on going through our on the job trainer/supervisors .

YOUR COMPLETE BUILDING MAINTENANCE PROFESSIONALS

Toll Free 1-800-774-4141

Fee Proposal

The costing based on a two year period would be:

Cost per month including G.S.T. would be \$872.55

Total cost for two years would be \$20,941.20

This total does not include paper products.

To supply paper products for the two year period the costing would be:

The cost per month including G.S.T. would be \$914.55

Total cost for two years would be \$21,949.20

EXPERIENCE AND RELATED PROJECTS

At present we clean seven RCMP detachments.

My experience with the requirements for the maintenance of these facilities has been from 1992.

I have held an enhanced clearance from that date and have had an update done by S/S Dennis O'Gorman of the Oceanside Detachment.

As we also work in Courthouses we have to adhere to the requirements of working with the sheriffs and the dealings of the cells here as well.

The following two pages are an example of the training procedures that I wrote. These are used by our staff to train employees in the specifics that are required for each different location.

The work schedule will adhere to the provided schedule A.

CLEANING PROCEDURES FOR HOLDING CELLS

Required equipment and materials consisting of:

Utility Caddy	Vacuum and attachments or broom
Colour coded cleaning cloths	Goggles if required
Wet mop with disposable head	Chemicals in labeled spray bottles
Pail and wringer	Pressure washer if required
Disposable gloves	Boots/waterproof clothing if required
Wet floor signs	

In addition to the procedures common to all cleaning applications, the following is a requirement in dealing with holding cells

1. Protect yourself ie: gloves
2. Treat all areas as if they involve infectious material
3. Use separate and specifically identifiable cleaning cloths
4. Scrub and rinse all surfaces with a high quality disinfectant so as all areas are free of debris, marks etc. Disinfectant should have a ten minute kill time. After rinsing a spray of germicidal to all surfaces should occur and be left to air dry.
If floor drains exist, pressure washing of the area may be considered with a final spraying of germicidal to air dry.
5. All mattresses if involved to be cleaned, sprayed and turned on side to dry.
6. To prevent cross contamination, change gloves before moving to another room.
7. Remove gloves and place in waste receptacle. Always wash hands After removing gloves. Replace with new pair before proceeding.

CLEANING PROCEDURES FOR OFFICE AREAS

Required equipment and materials of

Utility Caddy

Dry mop with launderable head

Wet mop with launderable head

Pail and wringer

Disposable gloves

Vacuum and attachments

Colour coded cleaning cloths

Chemicals in labeled spray bottles

Can liners

1. Protect yourself ie gloves
2. All furniture to be free of dust, fingerprints, spots and stains
3. Remove all garbage, wipe receptacles and replace liners
4. Spot clean glass partitions. Doors ,woodwork and walls to be smudge Free.
5. Clean all telephones with a germicidal detergent.
6. Thorough cleaning of hard surface floors, ie dry mopping, vacuuming and complete wet mopping with attention to corners and edges.
7. Vacuum all carpeted areas. Traffic lanes, entrance mats and rugs to be vacuumed daily with a thorough wall to wall on a regular basis. Lightweight furniture to be moved for proper vacuuming. Furniture must be returned to its proper location. Damp mop T-mats on a regular basis.
8. All entrance door glass to be clean and free of smudges and Fingerprints.
9. Damp wipe blinds if applicable
10. Check all windows and doors to be sure they are secured
11. Clean all ledges, baseboards, window sills and information boards
12. Turn out lights if applicable and secure area.

REFERENCES

IRSU Karen Ryan

West Coast Marine Detachment Wendy McLeod 250-751-8845

Newco Holdings Nigel Dinsdale 250-748-2045

**COASTAL COMMUNITY
INSURANCE AGENCIES LTD.**

Hammond Bay Community Branch
8 - 6365 Hammond Bay Rd, Nanaimo, BC V9T 5Y1
Tel: 250 390 8944 Fax: 250 390 8949 www.cccu.ca

Date: February 17, 2009

This letter confirms that we have placed coverage as follows:

Name of Insured: Big Island Building Services Ltd.

Mailing Address: P.O. Box 3728, Courtenay, BC V9N 7P1

Additional Insureds: British Columbia Building Corporation, Tower Cleaning Systems Inc., TD
Canada Trust, Facilities Management, OWSG Ltd, BLJS WSI + BC BC,
SNC-Lavalin ProFac Inc. & Bank of Montreal

Insurance Company: Gore Mutual Insurance Company


Policy No: 8401061

Term: November 1, 2008 to November 1, 2009

Coverages: **\$5,000,000 Commercial General Liability**

- Premises and Operations
- Products & Completed Operations
- Contractual Liability, Broad Form Auto, Broad Form Property Damage
- Owners and Contractors protective, Occurrence Property Damage
- Personal Injury
- Extended Bodily Injury, Employees as additional insureds
- NOA, Legal Liability for Damage to hired Auto \$25,000

Coverage is on underwriters' standard terms for this class of business and policy wordings apply.


Elise Laukkanen, BComm
Agency Manager

Coastal Community Insurance Agencies Ltd.



WORKING TO MAKE A DIFFERENCE

Assessment Department
Mailing Address
PO Box 5350
Station Terminal
Vancouver BC V6B 5L5

Location
6951 Westminster Highway
Richmond BC
V7C 1C6
www.worksafebc.com

Clearance Section
Telephone 604 244 6180
Toll Free within Canada
1 888 922 2768
Fax 604 244 6390

Town of Ladysmith
410 Esplanade
LADYSMITH, BC V9G 1A2

February 17, 2009

Person/Business : **BIG ISLAND BUILDING SERVICES LTD.**
746146 AQ (026)

This letter provides clearance information for the purposes of Section 51 of the *Workers Compensation Act*.

We confirm that the above-referenced firm is active, in good standing, and has met WorkSafeBC's criteria for advance clearance. Accordingly, if the addressee on this letter is the prime contractor, the addressee will not be held liable for the amount of any assessment payable for work undertaken by the above-referenced firm to **April 01, 2009**.

This firm has had continuous coverage with us since November 01, 2006.

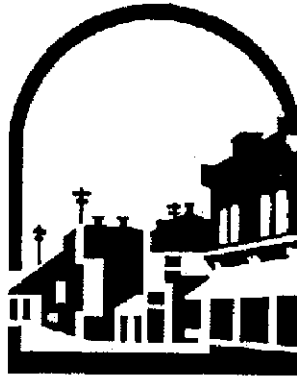
Employer Service Centre
Assessment Department

Clearance Reference #: **C125397605**
CLRAAA5

For more information about Section 51 and clearance letters visit WorkSafeBC.com

Please refer to your account number in your correspondence or when contacting the Assessment Department.

To alter this document constitutes fraud.



LADYSMITH

**Town of Ladysmith
Administrative Services Department**

**Request for Proposals
#2009-A/S-01**

**Janitorial Services
Ladysmith Detachment, Royal Canadian Mounted Police**

For Information:

**Joanna Winter
Manager of Administrative Services
Town of Ladysmith
250.245.6417
jwinter@ladysmith.ca**

**Town of Ladysmith
Request for Proposals No. 2009-A/S-01**

1. INTRODUCTION

The Town of Ladysmith is seeking proposals from qualified professionals to supply janitorial services for the Ladysmith Detachment of the Royal Canadian Mounted Police. The scope of work is outlined in Schedule A, attached.

Proponents wishing to submit proposals for consideration are required to attain enhanced reliability status for the individual(s) performing the services outlined in this request for proposals.

The intent of this Request for Proposals is to make an award to a qualified individual or company to provide janitorial services as specified in this request for proposals. All costs associated with the preparation and submission of a Proposal shall be borne solely by the Proponent.

The Schedule for this project assumes commencement on March 1, 2009 for a two year period ending on February 28, 2011.

2. GENERAL INFORMATION

The bidder must submit a fixed price quote per month for the two year period.

The specifications for Janitorial Services in Schedule "A" attached are the minimum specifications. Any additions, deletions or variations from the minimum specifications must be clearly noted.

3. SITE VISITS AND FURTHER INFORMATION

Any bidder wishing to discuss the specifications regarding this tender shall contact the Manager of Administrative Services before 3:30 p.m. on Tuesday, February 17, 2008.

It may be possible to arrange a site visit to view the premises to which this request for proposals applies at a time of mutual convenience. Please contact the Manager of Administrative Services if you wish to pursue this option. A site visit is not mandatory. Travel and/or any other costs associated with a site visit will be the responsibility of the Proponent.

4. PROPOSAL SUBMISSIONS

Submissions in response to this 'Request for Proposal' will include the following:

- Resume or curriculum vitae
- Summary of Proponent Experience and Related Projects

**Town of Ladysmith
Request for Proposals No. 2009-A/S-01**

- Schedule of work
- Fee Proposal (in Canadian funds)
- The bidder will state, in a covering letter, full details of any guarantee(s) that he is prepared to offer

The bidder may supply references if he/she so wishes.

The price quoted will include all and every cost including Environmental Levies, Goods and Services Tax and Provincial Tax, cleaning supplies

The Town of Ladysmith is a green community. Preference will be given to those proponents who use ecologically and environmentally sensitive cleaning products.

The successful bidder will be required to obtain and provide proof of having the following:

- A current business license for operating in the Town of Ladysmith
- Active Workers' Compensation Board of BC Registration
- Minimum \$2 million liability insurance with the Town of Ladysmith named as additional insured
- A third-party fidelity bond for \$25,000
- Enhanced reliability status
- Employee criminal record checks where necessary
- Federal, provincial and municipal permits when and where applicable

One (1) hard copy of the response to the Request for Proposal should be submitted no later than 4:00 p.m. on Tuesday, February 17, 2009 (local time), to the attention of the following:

Joanna Winter
Manager of Administrative Services
Town of Ladysmith
410 Esplanade
P.O. Box 220,
LADYSMITH, BC
V9G 1A2

Phone: 250-245-6417
Fax: 250-245-6411
Email: jwinter@ladysmith.ca

5. OWNERSHIP OF PROPOSALS

All Proposals and subsequent information materials shall become the property of the Town of Ladysmith after the closing date and time and will not be returned.

This Request for Proposals and all associated documentation is, and shall remain the property of the Town of Ladysmith and shall not be copied or distributed without the prior written approval of the Town.

6. FACSIMILED OR ELECTRONIC PROPOSALS

Facsimiled and/or Electronic Proposals (in .pdf format) will be accepted up to the closing date and time at the coordinates listed above provided the original Proposal is received at the office of the Manager of Administrative Services within 2 working days of the closing date and time. Original Proposals received after the closing date and time or originals of facsimiled Proposals received after the 2-day grace period may be cause for rejection of the Proposal. The Town will not accept any responsibility for the timely receipt of, or adequacy of, any electronic transmissions, and late receipt of Proposals via facsimile machine will be cause for rejection of a Proposal.

7. ACCEPTANCE OF A PROPOSAL

Tenders will be opened publicly at the Town of Ladysmith Municipal Hall on Tuesday, February 17, 2009 at 4:00 p.m.

The Town reserves the right to accept or reject any or all Proposals either whole or in part at any time, or waive formalities in, or accept a Proposal either whole or in part which is deemed most favourable in the interest of the Town. The Town will be under no obligation to proceed further with any submitted Proposal and, should it decide to abandon same, it may, at any time, invite further proposals for the supply of the described services or enter into any discussions or negotiations with any party for the provision of the services. No alterations, amendments or additional information will be accepted after the closing date and time unless invited by the Town.

The lowest or any Tender will not necessarily be accepted. The bids will be considered on their merits and it is not the intention of the Municipality to buy on price alone.

TOWN OF LADYSMITH
CUSTODIAL TENDER FEBRUARY 2009

Location: Ladysmith RCMP Detachment

SCHEDULE "A"

Building Maintenance Services	Daily M/W/ F	Weekl y	Month ly	Yearly
1. Dust all desks and office furniture, tables, chairs etc	1			
2. Dust all visible ledges and horizontal surfaces	1			
3. Dust blinds, vacuum drapes			1	
4. Dust baseboards		1		
5. Dust high partition ledges and hand railings			1	
6. Dust pictures, frames, graphs not reached in nightly cleaning			1	
7. Dust wooden panelled walls		1		
8. Clean and disinfect telephones		1		
9. Wipe clean, (polish if required) desks and countertops		1		
10. Wipe clean all wooden, plastic, leather and vinyl furniture		1		
11. Remove fingerprints from doors (glass) ,woodwork and hand railings	1			
12. Polish glass doors and mirrors	1			
13. Wipe clean and disinfect restroom and fixtures; polish chrome	1			
14. Remove splash marks from restroom walls and partitions	1			
15. Clean and refill restroom dispensers	1			
16. Damp mop restroom floor and areas where spillage occurs	1			
17. Empty and wipe clean waste containers	1			
18. Sweep entrance	1			
19. Sweep all tile floors with treated mops	1			
20. If necessary sweep by hand all corners		1		
21. Clean and polish door pulls and kick plates		1		
22. Vacuum all fabric furniture		1		
23. Vacuum carpets, rugs, door mats (remove stains if possible)	1			
24. Sweep and dust storage rooms		1		
25. Wash entrance and lobby , spot clean entrance carpet		1		
26. Check all doors and windows for security	1			
27. Deposit waste in designated areas	1			
28. Wash cups	1			

Town of Ladysmith
Request for Proposals No. 2009-A/S-01

Building Maintenance Services	Daily M/W/ F	Weekl y	Month ly	Yearly
FLOOR MAINTENANCE				
1. Maintain resilient floors		1		
2. Scrub and refinish floors				1
GLASS CLEANING				
1. Wash all windows – inside				3
2. Wash all exterior windows – outside (March, July, November)				3
CELL BLOCK				
1. Vacuum and wash floors		1		
2. Clean and sanitize toilets and sinks		1		
3. Wash floors and bunks			1	
4. Clean ledges, windows and radiators			1	
PARKING BAYS				
1. Sweep		1		
2. Mop floors			1	

* Regular cleaning to start after 5:00 pm

COASTAL ANIMAL CONTROL SERVICES OF BC LTD

2202 Herd Rd. Duncan, BC. V9L 6A6

(250) 748-3395

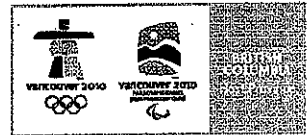
TOWN OF LADYSMITH POUND REPORT

March, 2009

RECEIVED
APR 06 2009
TOWN OF LADYSMITH

Disposition of Impounded Dogs	Current Month	2009 Totals	
Stray dogs impounded	1	4	
Stray dogs claimed	1	4	
Stray dogs put up for adoption	0	0	
Stray dogs euthanized	0	0	
Stray livestock / cats	0	0	
Calls Received and Investigated	13	21	
Aggressive dogs	2	3	
Dogs at large	7	13	
Noise (barking) complaints	2	3	
Other non specific dog related calls	2	2	
Wildlife / livestock / cats	0	0	
Monthly Pound and Board Fees Collected	\$100.00	\$410.00	
Impound fees	\$100.00	\$350.00	
Daily board fees	\$10.00	\$60.00	
Tickets issued	0	0	
Unlicenced dog	\$00.00	\$0.00	
Dog at large	\$00.00	\$0.00	
Dangerous dog at large	\$00.00	\$0.00	
Licencing Statistics	Tags	108	715
	Revenue	\$3210.00	\$15810.00

Trevor Hughes



April 7, 2009

Felicity Adams
Manager of Development Services
Town of Ladysmith
PO Box 220
Ladysmith, British Columbia V9G 1A2

Dear Felicity,

We are pleased to advise you that Ladysmith has been approved for funding to the amount of \$14,000 through Tourism British Columbia's Community Tourism Opportunities program. The attached Activity Summary Form will serve as a Memorandum of Understanding and provides details about the approved projects. We are looking forward to working with you and Bobbi-Jean Goldy from Tourism Vancouver Island in supporting your exciting new tourism initiatives!

Please note the following program details:

Activity Summary Form (Memorandum of Understanding) – Originally prepared with Bobbi-Jean, communities should reference this document outlining approved projects, estimated costs, evaluation strategies and requirements under the Community Tourism Opportunities program.

Project Timelines – If you have an estimate of when your project(s) will be complete, please advise Bobbi-Jean.

Design Standards – Please consult with Bobbi-Jean to discuss design standards for projects before finalizing any outputs.

Project Outputs and Evaluation - Please provide digital versions of outputs, along with evaluation results, following project completion.

Invoicing Protocol and Claiming Reimbursement

- Once all your project supplier invoices have been paid they should be submitted to Tourism Vancouver Island for reimbursement at 50% up to the Approved CTO Claim Limit. Supplier invoices need to include your community name and full address.
- Each supplier invoice should be stamped PAID and indicate the date and cheque number.

Recommendation to Council that the following motion be approved:

That:

- a) the grant for the Community Tourism Opportunities in the amount of \$14,000 be received and that a letter of thanks for the grant be forwarded to Tourism British Columbia.
- b) The Mayor and Corporate Officer be authorized to sign the agreement on behalf of the Town.
- c) The 5 year financial plan and budget be amended accordingly.

I concur with the recommendation:


R. Mall, City Manager



12th Floor, 510 Burrard Street, Vancouver, British Columbia, Canada V6C 3A8
Phone: (604) 660-2861 / Fax: (604) 660-3383
Corporate: www.tourismbc.com Consumer: HelloBC.com

- Please include in each claim to Tourism Vancouver Island: date, supplier name, invoice number, amount before GST, GST, description of goods and services, combined claim amount and receipts/original supplier invoices. Activities should be grouped by the related tactic (project #).
- Claims for reimbursement should normally be provided upon completion of all approved activities. All outstanding claims for reimbursement must be received by Tourism Vancouver Island by March 22, 2010.

If it is anticipated that some or all of the funds approved through this program will not be accessed by the timelines above, please advise Bobbi-Jean as soon as possible so that these funds may be reallocated to other communities requesting assistance.

We recommend consulting with Bobbi-Jean periodically to review these processes, project progress and determine any changes to your timeline for completed outputs.

Bobbi-Jean Goldy
Tourism Vancouver Island
(250) 740-1212
bj@tourismvi.ca

We are delighted to support your community's tourism initiatives through the Community Tourism Opportunities program and would like to wish the Town of Ladysmith the best in the successful implementation of your program.

Kind regards,



Caterina Papadacos
Manager, Community Partnerships
Tourism British Columbia

Cc: Peter Harrison,
Director, Partnership Marketing
Tourism British Columbia



Community Tourism Opportunities

Activities Summary Sheet

FY09-10

Ladysmith

Submitted on: April 7/09

Project #'s:	C6, 16-17	Estimated Gross Expenses:	\$28,000
Approval #:	979	Provided from other sources:	\$14,000
TBC Funding:	50%	Approved CTO Claim Limit:	\$14,000

<u>Activity</u>	<u>Budget</u>	<u>Description</u>
Cowichan and regional media	18,000	Participate in marketing campaigns with Cowichan Travel Planner, Ladysmith Cedar Visitor Guide, Cowichan Map, Ladysmith Visitor Guide, Tourism Nanaimo, Boulevard Victoria Times Colonist and others TBD Evaluation: Increased traffic to website though call-to-action URL, increased visitation to area and increased bookings
C6 Touring - Newsprint, Magazine - BC Est. Completion: <Date>		
Friends and Family Campaign	6,000	Develop and implement a Friends and Family campaign to develop community awareness of the value of tourism to the local economy. Write and place stories in local media, place ads in local media Evaluation: Increased awareness within local community driving friends and family to website and encouraging friends and family to visit region
C16 Touring - Newsprint, Magazine - BC Est. Completion: <Date>		
Website Enhancement	4,000	Enhance existing website and develop additional pages for www.tourismladysmith.ca linking to HelloBC.com Evaluation: Increased traffic through website and greater awareness of Ladysmith as a tourism destination
C17 Touring - Web - BC Est. Completion: <Date>		

Expense invoices provided must be in the name of **Town of Ladysmith** and be marked with the date paid and the cheque # issued. Invoice amounts shown below must not include GST. Tourism BC's GST Registration # is 107864738. When all activities have been completed, please forward this form, together with all supporting materials, and a numbered invoice from your organization, to **Tourism Vancouver Island at 501-65 Front St, NANAIMO, BC V9R 5H9.**

<u>d/m/y</u> <u>Date</u>	<u>Supplier</u>	<u>Invoice #</u>	<u>Invoice</u> <u>Amount</u>	<u>Description</u>	<u>Claim</u>
			\$0	CLAIM: \$0	

If you have any questions, please contact us at bj@tourismvi.ca.

Submitted By: _____

Community Organization: Town of Ladysmith
Mailing Address: PO Box 220 Ladysmith, BC V9G 1A2
Signing/spending Authority: Felicity Adams, MCIP - Manager of Development Services
Phone / Fax / Email: T: 250-245-6405

Regional Representative: _____

Name and Email: Bobbi-Jean Goldy bobbijean@tourismvi.ca



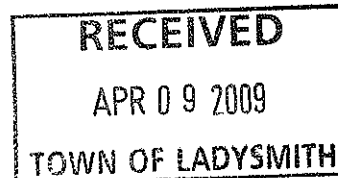
BRITISH
COLUMBIA

The Best Place on Earth

Ref: 132426

APR 07 2009

His Worship Mayor Robert Hutchins
Town of Ladysmith
PO Box 220
Ladysmith, BC V9G 1A2



Dear Mayor Hutchins:

Thank you for your letter of March 31, 2009, and the enclosed Town of Ladysmith (Town) Council Resolution, addressed to Honourable Kevin Krueger, requesting that the recently approved Towns for Tomorrow project proposed for Aggie Field be reallocated to the Lot 108 Ball Field as part of an overall strategy to accommodate the residents of the Ivy Green Mobile Home Park on a portion of Lot 108. Minister Krueger has asked that I respond on his behalf.

Ministry of Community Development (Ministry) staff have reviewed the request and have determined that with such a change, the project will still meet all program objectives. Therefore, the Ministry is supportive of the Town's project reallocation request.

Ministry staff will continue to work cooperatively with the Town staff to work through any issues that may arise.

Thank you for your ongoing efforts to bring further benefits to your community, which contributes so much to our province.

Sincerely,

Dale Wall
Deputy Minister

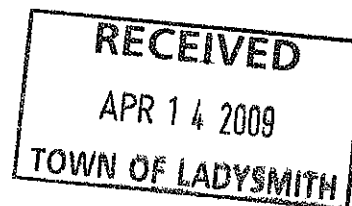
pc: Honourable Kevin Krueger
Minister of Community Development



LADYSMITH HEALTH CARE AUXILIARY

P.O. Box 1151
LADYSMITH, British Columbia, V9G 1A8

April 6, 2009



Mr. Rob Hutchins
Mayor
Town of Ladysmith
410 Esplanade
P.O. Box 220
Ladysmith, BC
V9G 1A2

Dear Rob,

The Ladysmith Health Care Auxiliary is celebrating it's 100th anniversary. To thank the community and all our supporters, we would like to extend this personal invitation to our "Come & Go Tea" being held at the Eagles Hall on May 13th from 1:00 to 4:00 pm.

Several of our members have been working tirelessly to put together a great display of what we have accomplished and who has been instrumental in helping us over the years. We will also be serving tea, coffee and sweets.

We hope to see you there.

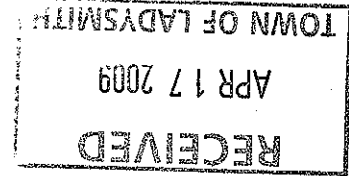
Sincerely



Dean Benson
President

AMBULANCE PARAMEDICS OF BRITISH COLUMBIA

CUPE LOCAL 873
UNIT 2270, 21331 GORDON WAY, RICHMOND, B.C. V6W 1J9
TEL: (604) 273-5722 TOLL FREE: 1 (866) 273-5766
FAX: (604) 273-5762 TOLL FREE FAX: 1 (866) 273-5762
E-MAIL: apbc@shaw.ca



April 15, 2009

Mayor & Councilors:

We are writing to ask for your support to defend the ambulance emergency response services in your community.

Due to the deterioration of the BC Ambulance Service, we, the 3,500 members of the Ambulance Paramedics of BC, CUPE Local 873 have been forced to go on strike. During this dispute, ambulance services will **NOT** be disrupted.

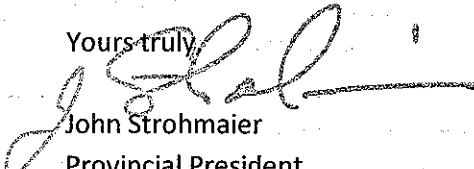
For the past four years we have been publicizing the critical condition of BC ambulance services. We have three main concerns:

1. That your community has adequately-staffed ambulance services to deal with emergencies and skyrocketing call volumes. Response times must be shorter, not longer.
2. That wages for ambulance paramedics be brought into line with other emergency response professionals. Ambulance paramedics are currently the lowest paid of all emergency service workers in BC. Stand-by wages in ambulance stations are only \$10 per hour, while the on-call standby rate is only \$2 per hour!
3. That the employer's latest offer of a one-year contract is not long enough to ensure stability and public confidence. We need a multi-year agreement that addresses wage parity and stability. As our population ages and demands on our services grow, we must ensure that we can continue to hire and retain the best ambulance paramedics.

The government wants a 90-day delay before negotiations resume - we want to get to the bargaining table with an independent third-party mediator **now**.

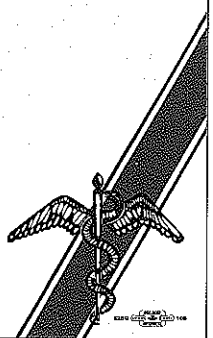
We ask that you pass a motion calling on the provincial government that oversees the BC Ambulance Service for a return to the bargaining table with an independent third-party mediator to ensure that all BC communities get the emergency services that we deserve.

Yours truly


John Strohmaier
Provincial President
CUPE Local 873



JS/rmn/cope15



TOWN OF LADYSMITH

BYLAW NO. 1681

A BYLAW TO AMEND THE LADYSMITH DEVELOPMENT PROCEDURES BYLAW 2008, NO. 1667

The Municipal Council of the Town of Ladysmith in open meeting assembled enacts as follows:

1. Amendments:

Delete Section 11(a) in its entirety and replace it with the following:

(a) If Council is considering issuing a Development Variance Permit, notice of the proposed variance to be considered shall be provided in accordance with the *Local Government Act* to owners and tenants of parcels, any part of which is the subject of the permit or lies within 60 metres of the boundary of a parcel that is subject to the permit for the following types of applications:

- (i) Setback requests for the redevelopment or expansion of an existing development;
- (ii) Setback requests for new development that are 0.6 of a metre or less;
- (iii) Height requests for less than 0.6 of a metre, and

for all other applications upon the direction of Council.

2. Citation

This bylaw may be cited for all purposes as "Ladysmith Development Procedures Bylaw 2008, No. 1667 Amendment Bylaw 2009, No. 1681".

READ A FIRST TIME on the 6th day of April, 2009

READ A SECOND TIME on the 6th day of April, 2009

READ A THIRD TIME on the 6th day of April, 2009

ADOPTED on the _____ day of _____, 2009



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Manager of Development Services
Date: January 14, 2009
File No:

Re: DEVELOPMENT VARIANCE PERMIT PROCESS

RECOMMENDATION:

That it be recommended to Council that staff be directed to prepare an amendment to Town of Ladysmith Development Procedures Bylaw 2008, No. 1667 for the consideration of development variance permit applications by Council, as follows:

- a) Staff to undertake the notice and forward the application directly to Council for consideration for the following types of DVP applications:
- setback requests for the redevelopment or expansion of an existing development
 - setback requests for new development that are 0.6 of a metre or less
 - height requests for less than 0.6 metres;
- b) Consideration of and direction regarding notice on all other DVP applications will be recommended to Council by the Government Services Committee.

BACKGROUND / HISTORY

In order to facilitate policy decision-making, the Mayor has discussed with the Senior Management team the process for Council's consideration of staff reports. Staff reports will first be presented to the Government Services Committee for policy discussion, prior to Council consideration. However, some development applications are considered to be straight-forward and these applications could go directly to Council. One type of such application is development variance permit applications for minor requests.

Council Authority

The *Local Government Act* enables Council to vary zoning regulations, except use and density regulations, through the issuance of a development variance permit. This is a discretionary decision of Council.

Notice that a development variance permit may be issued is required to be provided to neighbouring properties. The notice area is 60 metres of the boundary of a parcel that is subject to the permit. Town of Ladysmith Development Procedures Bylaw 2008, No. 1667 provides the process for development applications.

ANALYSIS:

For development variance permit (DVP) applications this change in reporting process means that the statutory notice will not be undertaken until Council has directed that notice is to take place. This will add time to the application process. Once the notice has been undertaken, the DVP will be advanced to Council for consideration as Council is the decision-making body with respect to DVP applications.

Some DVP applications are minor and proceeding with the notice without first putting the request on the Government Services Committee agenda will shorten the application process. This process is consistent with current practice.

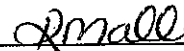
Bylaw 1667 requires that the applicant hold a neighbourhood meeting when a height variance request is 3.0 metres or greater. This reporting change will not affect that process.

Therefore, it is recommended that for the following types of DVP applications, staff continue to provide notice and forward the application directly to Council for consideration.

- setback requests for the redevelopment of an existing development;
- setback requests for new development that are less than 0.6 of a metre;
- height requests that are less than 0.6 of a metre.

All other applications will first be presented to the Government Services Committee for discussion.

I concur with the recommendation:



Ruth Malli, City Manager

ATTACHMENTS:

None.

Report Reviewed at previous GSC meeting.

**TOWN OF LADYSMITH
BYLAW NO. 1690**

A bylaw to impose a sewer parcel tax on owners of land in the Town of Ladysmith, pursuant to the provisions of the *Community Charter*.

WHEREAS the Council of the Town of Ladysmith is empowered by the *Community Charter* to impose and levy a sewer parcel tax to meet the cost of works and services that benefit land within the Municipality; and

WHEREAS certain costs have or will be incurred by the Town of Ladysmith in constructing and improving the sewer system of the Town; and

WHEREAS it is deemed essential and expedient to impose and levy a sewer parcel tax on land benefitting from such improvements to meet such costs;

NOW THEREFORE the Municipal Council of the Town of Ladysmith in open meeting assembled enacts as follows:

1. In this bylaw, unless the context otherwise requires,

"Parcel" means any lot, block or other area of land in which real property is held, or into which it is subdivided, as identified in the 2009 Authenticated Tax Roll and all amendments thereto.

"Group of Parcels" means where a building or improvement is constructed over more than one parcel of land, those parcels, if contiguous, may be dealt with by the Assessor as one parcel and be assessed accordingly;

2. A parcel tax shall be levied annually against each parcel or group of parcels of land within the Town of Ladysmith which is capable of being connected to the sewer system of the Town, or which is deemed to abut on the said sewer system.
3. The annual sewer parcel tax shall be in the amount of Ninety-Four Dollars (\$ 94.00) per parcel or group of parcels.
4. The sewer parcel tax imposed by this bylaw on each parcel of land shall be shown by the Collector on the real property tax roll, and the payment of the parcel tax shall be made in the same manner, on or before the same dates, as other real property taxes. The sewer parcel tax shall have the same rights and remedies as other real property taxes.
5. Every parcel tax assessment roll and every revision thereof shall be considered and dealt with by a Parcel Tax Roll Review Panel appointed pursuant to the provisions of the *Community Charter*.
6. **REPEAL**
"Sewer Parcel Tax Bylaw 2008, No. 1651" is hereby repealed.
7. The provisions of this bylaw shall become effective and be in force as of the 1st day of January for the year 2009.
9. **CITATION**
This bylaw may be cited as "Sewer Parcel Tax Bylaw 2009, No. 1690".

READ A FIRST TIME on the _____ day of _____, 2009

READ A SECOND TIME on the _____ day of _____, 2009

READ A THIRD TIME on the _____ day of _____, 2009

ADOPTED on the _____ day of _____, 2009

Mayor (R. Hutchins)

120

Corporate Officer (S. Bowden)

**TOWN OF LADYSMITH
BYLAW NO. 1689**

A bylaw to impose a water parcel tax on owners of land in the Town of Ladysmith pursuant to the provisions of the *Community Charter*.

WHEREAS the Council of the Town of Ladysmith is empowered by the *Community Charter* to impose and levy a water parcel tax to meet the cost of works and services that benefit land within the Municipality; and

WHEREAS certain costs have been or are to be incurred by the Town of Ladysmith in constructing and improving the water system of the Town; and

WHEREAS it is deemed essential and expedient to impose and levy a water parcel tax on land benefiting from such improvements to meet such costs;

NOW THEREFORE the Municipal Council of the Town of Ladysmith in open meeting assembled enacts as follows:

1. In this Bylaw, unless the context otherwise requires,

"Parcel" means any lot, block or other area of land in which real property is held, or into which it is subdivided, as identified in the 2009 Authenticated Tax Roll and all amendments thereto.

"Group of Parcels" means where a building or improvements is constructed over more than one parcel of land, those parcels, if contiguous, may be dealt with by the Assessor as one parcel and be assessed accordingly.

2. A water parcel tax shall be levied annually against each parcel or group of parcels of land within the Town of Ladysmith which is capable of being connected to the water system of the Town, or which is deemed to abut on the said water system.
3. The annual water parcel tax shall be in the amount of Seventy Dollars (\$70.00) per parcel or group of parcels.
4. The water parcel tax imposed by this bylaw on each parcel of land shall be shown by the Collector on the real property tax roll, and the payment of the water parcel tax shall be made in the same manner, on or before the same dates, as other real property taxes. The water parcel tax shall have the same rights and remedies as other real property taxes.
5. Every water parcel tax assessment roll and every revision thereof shall be considered and dealt with by a Parcel Tax Roll Review Panel appointed pursuant to the provisions of the *Community Charter*.
6. The provisions of this Bylaw shall become effective and be in force as of the 1st day of January for the year 2009.
7. **REPEAL**
"Water Parcel Tax Bylaw, 2008, No. 1650" is hereby repealed.
8. **CITATION**
This bylaw may be cited as "Water Parcel Tax Bylaw 2009, No.1689".

READ A FIRST TIME on the _____ day of _____, 2009

READ A SECOND TIME on the _____ day of _____, 2009

READ A THIRD TIME on the _____ day of _____, 2009

ADOPTED on the _____ day of _____, 2009

Mayor (R. Hutchins)

121

Corporate Officer (S. Bowden)

TOWN of LADYSMITH

BYLAW NO. 1688

A bylaw establishing the Financial Plan for the years 2009-2013.

WHEREAS the *Community Charter* requires Municipal Councils to prepare and adopt, by bylaw, a financial plan;

NOW THEREFORE the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

- (1) Schedule "A" attached hereto and made part of the bylaw is hereby adopted and shall be the Financial Plan for the Town of Ladysmith for the five years ending the thirty-first day of December, 2013.
- (2) Schedule "B" attached hereto and made part of the bylaw is hereby adopted and shall be the statement of objectives and policies for the Town of Ladysmith for the five years ending the 31st of December 2013.
- (3) This bylaw may be cited for all purposes as: "*Town of Ladysmith Financial Plan Bylaw 2009, No. 1688*".
- (4) "Town of Ladysmith Financial Plan Bylaw 2008, No. 1649" is hereby repealed.

READ A FIRST TIME on the _____ day of _____, 2009

READ A SECOND TIME on the _____ day of _____, 2009

READ A THIRD TIME on the _____ day of _____, 2009

ADOPTED on the _____ day of _____, 2009

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)

Schedule "A"

**Town of Ladysmith
2009 - 2013 Financial Plan**

	2009	2010	2011	2012	2013
Revenue					
Operating					
Property Taxes	\$ 5,164,693	\$ 5,184,717	\$ 5,321,088	\$ 5,406,541	\$ 5,505,772
Payment in Place of Taxes	138,302	141,068	143,889	146,767	149,703
Fees, Charges, Other	2,504,664	2,554,868	2,606,169	2,658,574	2,712,132
Recreation - Area G & H	114,000	116,280	118,606	120,978	123,397
Interest on Investments	200,000	204,000	208,080	212,242	216,486
Penalty and Interest on Taxes	80,000	81,600	83,232	84,897	86,595
Grants (Federal, Provincial, Other)	535,250	545,955	556,874	568,012	579,373
Transfers from Own Funds	137,413	214,027	176,169	191,121	194,198
Collection for Other Govts.	3,685,976	3,759,696	3,834,889	3,911,588	3,989,819
	<u>\$12,560,298</u>	<u>\$ 12,802,210</u>	<u>\$ 13,048,996</u>	<u>\$ 13,300,718</u>	<u>\$ 13,557,474</u>
Capital					
Property Taxes	\$ 453,000	\$ 545,330	\$ 523,560	\$ 555,000	\$ 575,500
Parcel Tax	552,708	562,116	571,528	580,945	588,988
Fees, Charges, Other	-	-	-	-	-
Debt Proceeds	-	-	-	-	-
Grants (Federal, Provincial, Other)	6,257,740	8,000,000	-	866,667	-
Donations & Contributions	261,000	-	-	-	-
Transfers from Own Funds	6,007,712	4,324,834	862,811	903,888	395,952
	<u>\$13,532,160</u>	<u>\$ 13,432,280</u>	<u>\$ 1,957,900</u>	<u>\$ 2,906,500</u>	<u>\$ 1,560,440</u>
Total	<u>\$26,092,458</u>	<u>\$ 26,234,490</u>	<u>\$ 15,006,896</u>	<u>\$ 16,207,218</u>	<u>\$ 15,117,915</u>
Expenditures					
Operating					
Departmental Operations	\$ 7,350,976	\$ 7,495,637	\$ 7,643,226	\$ 7,793,767	\$ 7,947,320
Library	243,754	248,629	253,602	258,674	263,847
Policing	1,060,990	1,079,647	1,098,677	1,118,087	1,137,886
Collections for Other Govts.	3,685,976	3,759,696	3,834,889	3,911,588	3,989,819
Repayment of Debt	218,602	218,602	218,602	218,602	218,603
	<u>\$12,560,298</u>	<u>\$ 12,802,210</u>	<u>\$ 13,048,996</u>	<u>\$ 13,300,718</u>	<u>\$ 13,557,474</u>
Capital					
Departmental Capital	<u>\$13,532,160</u>	<u>\$ 13,432,280</u>	<u>\$ 1,957,900</u>	<u>\$ 2,906,500</u>	<u>\$ 1,560,440</u>
Total	<u>\$26,092,458</u>	<u>\$ 26,234,490</u>	<u>\$ 15,006,896</u>	<u>\$ 16,207,218</u>	<u>\$ 15,117,915</u>

**Town of Ladysmith
2009-2013 Financial Plan
Statement of Objectives and Policies
Schedule 'B' of Bylaw No. 1688**

In accordance with Section 165(3.1) of the *Community Charter*, the Town of Ladysmith (Town) is required to include in the Five Year Financial Plan, objectives and policies regarding each of the following:

1. The proportion of total revenue that comes from each of the funding sources described in Section 165(7) of the *Community Charter*;
2. The distribution of property taxes among the property classes, and
3. The use of permissive tax exemptions.

Funding Sources

Table 1 shows the proportion of total revenue proposed to be raised from each funding source in 2009. Property taxes form the greatest proportion of revenue. As a revenue source, property taxation offers a number of advantages, for example, it is simple to administer and it is fairly easy for residents to understand. It offers a stable and reliable source of revenue for services that are difficult or undesirable to fund on a user-pay basis. These include services such as general administration, fire protection, police services, bylaw enforcement and street lighting.

User fees and charges form a large portion of planned revenue. Many services can be measured and charged on a user-pay basis. Services where fees and charges can be easily administered include water and sewer usage, building permits, business licenses, and sale of services – these are charged on a user pay basis. User fees attempt to apportion the value of a service to those who use the service.

Objective

- Over the next five years, the Town will increase the proportion of revenue that is received from user fees and charges by at least 3 percent over the current levels.

Policies

- The Town will review all user fee levels to ensure they are adequately meeting both the capital and delivery costs of the service.
- Universal water metering rates will be reviewed to ensure that appropriate user fees are being collected for water usage.
- Where possible, the Town will endeavor to supplement revenues from user fees and charges, rather than taxation, to lessen the burden on its limited property tax base.

Table 1: Sources of Revenue

Revenue Source	% of Total Revenue	Dollar Value
Property taxes	22%	\$5,617,693
Parcel taxes	2	552,708
User fees and charges	14	2,756,966
Other sources	2	541,000
Proceeds from borrowing	0	0
Government grants	26	6,792,990
Own funds	20	6,145,125
Collection for other governments	14	3,685,976
Total	100%	\$26,092,458

Distribution of Property Tax Rates

Table 2 outlines the distribution of property taxes among the property classes. The residential property class provides the largest proportion of property tax revenue. This is appropriate as

this class also forms the largest portion of the assessment base and consumes the majority of Town services.

Objectives

- Over the next five years, reduce the share of property tax paid by Major Industry (Class 4) by at least 2 percent. This reduction of the tax burden on industrial properties continues a commitment to encourage investment and employment in the community.
- Maintain the property tax rate for business and other (Class 6) at the current rate or less.

Policies

- Supplement, where possible, revenues from user fees and charges to help to offset the burden on the entire property tax base as a result of the reduction in the tax share paid by major industry (Class 4).
- If a tax shift to other property classes is required as a result of the reduction in the tax rate to major industry (Class 4), Residential (Class 1) should be the first to absorb any such shifts.
- Continue to maintain and encourage economic development initiatives designed to attract more retail and commercial businesses to invest in the community. New investment from these areas will help offset the reduction to major industry (Class 4) while providing more revenue for the Town.
- Align the distribution of tax rates among the property classes with the social and economic goals of the community, particularly to encourage economic and environmental sustainability opportunities.
- Regularly review and compare the Town's distributions of tax burden relative to other municipalities in British Columbia.

Table 2: Distribution of Property Tax Rates

Property Class	% of Total Property Taxation	Dollar Value
Residential (1)	66.60%	\$3,741,518
Utilities (2)	.54	30,552
Social Housing (3)	n/a	n/a
Major Industrial (4)	16.81	944,116
Light Industrial (5)	.64	35,881
Business and Other (6)	15.317	860,102
Managed Forest Land (7)	.003	162
Recreation/Non-profit (8)	.07	4,014
Farmland (9)	.02	1,289
Total	100.00%	\$5,617,634

Permissive Tax Exemptions

The Town provides permissive tax exemptions. Some of the eligibility criteria for permissive tax exemptions include the following:

- The tax exemption must demonstrate benefit to the community and residents of the Town by enhancing the quality of life (economically, socially and culturally) within the community.
- The goals, policies and principles of the organization receiving the exemption must not be inconsistent or in conflict with those of the Town.
- The organization receiving the exemption must be a registered non-profit society, as the support of the municipality will not be used for commercial and private gain.
- Permissive tax exemptions will be considered in conjunction with: (a) other assistance being provided by the Town; (b) the potential demands for Town services or infrastructure arising from the property; and (c) the amount of revenue that the Town will lose if the exemption is granted.

- The Town will continue to provide permissive tax exemptions to some non-profit societies. The Town has also expanded its offering of permissive tax exemptions to include revitalization tax exemptions. It also intends to offer permissive tax exemptions targeted at green development for the purposes of encouraging development that will meet our *Climate Action Charter* commitments.

Policies

- Expand the permissive tax exemption policy to include eligibility requirements for green revitalization tax exemptions.
- Develop a revitalization tax exemption program which details the kinds of green activities that the exemption program will target.
- Integrate the green revitalization tax exemption program into the Town's existing economic initiatives as a means of attracting retail and commercial businesses to further invest in the community.

Table 3: Utilization of Reserves, DCC's and Surplus

Source	% of Total	Dollar Value
Reserves	47%	\$2,812,096
DCC's	41	2,459,347
Surplus	12	873,682
Total	100%	\$6,145,125

TOWN OF LADYSMITH

BYLAW NO. 1687

Being a bylaw for the levying of rates for Municipal, Hospital and Regional District purposes for the year 2009.

The Municipal Council of the Town of Ladysmith in open meeting assembled enacts as follows:

The following rates are hereby imposed:

1. (a) For all lawful general purposes of the municipality on the assessed value of the land and improvements taxable for general municipal and debt purposes, rates appearing in column "A" of the Schedule attached hereto and forming part of this bylaw.
- (b) For the purposes of the Cowichan Valley Regional District on the assessed value of land and improvements taxable for regional hospital district purposes, rates appearing in column "B" of the Schedule attached hereto and forming part of this bylaw.
- (c) For hospital purposes on the assessed value of land and improvements taxable for regional hospital district purposes, rates appearing in column "C" for the Cowichan Valley Regional Hospital District attached hereto and forming part of this bylaw.
2. The minimum amount of taxation on a parcel of real property shall be One Hundred (\$100.00) dollars.
3. This bylaw may be cited as the "Town of Ladysmith Tax Rates Bylaw 2009, No. 1687".

READ A FIRST TIME on the _____ day of _____, 2009

READ A SECOND TIME on the _____ day of _____, 2009

READ A THIRD TIME on the _____ day of _____, 2009

ADOPTED _____ on the _____ day of _____, 2009

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)

SCHEDULE "A"

TAX RATES (Dollars of tax per \$1000 taxable value)

PROPERTY CLASS	<u>A</u>		<u>B</u>	<u>C</u>
	Debt	Municipal	Cowichan Valley Regional District	Cowichan Valley Regional Hospital District
1. Residential	.3038	3.5407	.4815	.1954
2. Utility	2.8326	33.0104	1.6851	.6838
3. Major Industrial	6.6517	77.5174	1.6369	.6643
4. Light Industrial	1.1672	13.6018	1.6369	.6643
5. Commercial	1.1672	13.6018	1.1796	.4787
6. Managed Forest	2.7771	32.3641	1.4444	.5861
7. Seasonal	.2040	2.3776	.4815	.1954
8. Farm	1.9770	23.0399	.4815	.1954

This is Schedule "A" attached to and forming part of
 "Town of Ladysmith Tax Rates Bylaw 2009, No. 1687"

Corporate Officer (S. Bowden)