



# 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, JUNE 7, 2010  
at 7:00 p.m.

Page

## AGENDA

### CALL TO ORDER

1      **AGENDA APPROVAL**

2      **EXECUTIVE SESSION (4:30 p.m.)**

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

- law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment.
- 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;
- 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;
- personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
- labour relations or other employee relations;
- the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 [*annual municipal report*];

3      **RISE AND REPORT**

4      **MINUTES**

Adoption of the following minutes:

- May 10, 2010
- May 13, 2010
- May 17, 2010

5      **PUBLIC HEARING**

None

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4 - 5  
6 - 12

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<b>6 BYLAWS (OCP / ZONING)</b>	
6.1 <u>Official Community Plan (OCP) Amendment and Rezoning Application 3360-10-03 and 3360-10-04</u> Proposed Lots 2, 3 and 4 – Lot 1, D.L. 108, Oyster District, Plan VIP73133  Bylaw 1729 may be read a first and second time. Bylaw 1730 may be read a first and second time. A public hearing may be scheduled for Bylaw 1729 and 1730.	<b>13 – 20</b>
6.2 <u>Bylaw 1727 – Regulations for Accessory Buildings in Residential Zones</u>  Bylaw 1727 may be read and first and second time. A public hearing may be set for Bylaw 1727.	<b>21 – 27</b>
<b>7 DELEGATION</b> None	
<b>8 PROCLAMATION</b> None	
<b>9 DEVELOPMENT PERMITS / DEVELOPMENT VARIANCE PERMITS</b>	
9.1 <u>Development Variance Permit Application – 3090-10-02</u> Lot 10, District Lot 42, Oyster District, Plan 3223 363 Chemainus Road (L. and C. Dye)	<b>28 – 33</b>
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<b>10 COUNCIL COMMITTEE REPORTS</b>	
10.1 <b><u>Mayor R. Hutchins</u></b> Cowichan Valley Regional District Board	
10.1.1 <u>Notice of Motion - Ecole Davis Road</u>	<b>38</b>
10.2 <b><u>Councillor S. Bastian</u></b> Advisory Planning Commission; Protective Services Committee; Youth Advisory Committee	
10.3 <b><u>Councillor J. Dashwood</u></b> Liquid Waste Management Committee; CVRD – Community Safety Advisory Committee; Downtown Business Association	
10.4 <b><u>Councillor S. Arnett</u></b> Economic Development Commission; Parks, Recreation & Culture Commission; Chamber of Commerce	
10.5 <b><u>Councillor D. Paterson</u></b> Government Services Committee; Parks, Recreation & Culture Commission; Celebrations Committee; Festival of Lights	
10.5.1 <b><u>Government Services Committee Recommendations</u></b> Recommendations from the meeting of May 19, 2010	<b>39</b>
10.6 <b><u>Councillor L. Evans</u></b> Heritage Revitalization Advisory Commission; Community Health Advisory Committee; Social Planning Cowichan – Affordable Housing Directorate	

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10.7 <b><u>Councillor B. Whittington</u></b> Vancouver Island Regional Library Board; Advisory Design Panel; Environment Commission; Ladysmith Early Years	
<b>11 STAFF / ADVISORY COMMITTEE REPORTS</b>	
11.1 <u>Application to UBCM Regional Community to Community Forum Funding Program</u>	<b>40 – 41</b>
11.2 <u>South End Chlorinator</u>	<b>42 – 45</b>
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11.4 <u>Road Closure, Disposition and Exchange Bylaw No.1731, 2010</u>	<b>49 – 56</b>
11.5 <u>Grant Application to Federation of Canadian Municipalities Green Municipal Fund</u>	<b>57 – 58</b>
<b>12 CORRESPONDENCE</b>	
12.1 <u>G. Roberts, President Ladysmith Community Gardens Society</u> Re: Request for Approval to Construct Movable Buildings on High Street Garden Site	<b>59</b>
<b>13 BYLAWS</b> None	
<b>14 NEW BUSINESS</b> None	
<b>15 UNFINISHED BUSINESS</b> None	
<b>16 QUESTION PERIOD</b>	
<b>ADJOURNMENT</b>	





TOWN OF LADYSMITH  
MINUTES OF A REGULAR SESSION OF COUNCIL

MONDAY, MAY 10, 2010 - 4:30 P.M.

LADYSMITH

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**PRESENT:**

Mayor Rob Hutchins  
Councillor Jillian Dashwood  
Councillor Bruce Whittington

Councillor Steve Arnett  
Councillor Lori Evans

Councillor Scott Bastian  
Councillor Duck Paterson

**STAFF PRESENT:**

Ruth Malli  
Pat Durban

Sandy Bowden  
Mark Hermanson

Joanna Winter

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**CALL TO ORDER**

Mayor Hutchins called the meeting to order at 4:30 p.m.

**AGENDA APPROVAL**

2010-217

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

**REPORTS**

2010 - 2014 FINANCIAL PLAN

The City Manager, R. Malli, circulated two tax rate options for Council's consideration.

<u>Tax Increases</u>	<u>Industrial</u>	<u>Commercial</u>	<u>Residential</u>
Option 1	4.65%	3.75%	5.99%
Option 2	0%	2.96%	5.99%

(Over all increase of 4.45%)

Option 2 would require the use of \$50,000 from the Town's allocated surplus. Discussion ensued regarding the options as presented.

2010-218

It was moved, seconded and carried that Council approve Option 2 of the 2010-2014 Financial Plan which includes the transfer of \$50,000 from allocated surplus.

LOT 108 SYNTHETIC TURF TENDER AWARD

2010-219

It was moved, seconded and carried that the contract for the Lot 108 playfield turf be awarded to FieldTurf-Tarkett to supply Durospine Pro with Cryogenic Rubber Infill in the amount of \$495,669.64 and that E. Lees and Associates be authorized to negotiate with FieldTurf-Tarkett to finalize contract details and documentation; and that the Mayor and Director of Corporate Services be authorized to execute the required agreements.

LOT 108 PLAYFIELD PROJECT

2010-220

It was moved, seconded and carried that the purchasing policy be waived and that staff be directed to pay MacNutt Enterprises \$35,776.13 for the removal of brush from Lot 108.

**BYLAWS**

2010-221

It was moved, seconded and carried that Town of Ladysmith Tax Rates Bylaw 2010, No. 1715 be read a first, second and third time.

2010-222

It was moved, seconded and carried that Town of Ladysmith Financial Plan Bylaw 2010, No. 1716 be read a first, second and third time.

2010-223

It was moved, seconded and carried that Town of Ladysmith Water Parcel Tax Bylaw 2010, No. 1717 be read a first, second and third time.

2010-224

It was moved, seconded and carried that Town of Ladysmith Sewer Parcel Tax Bylaw 2010, No. 1718 be read a first, second and third time.

2010-225

It was moved, seconded and carried that Town of Ladysmith Waterworks Regulation Bylaw 1999, No. 1298, Amendment Bylaw 2010, No. 1726 be adopted.

2010-226

It was moved, seconded and carried that Town of Ladysmith Community Centre and Facilities Fees and Charges Bylaw 2010, No. 1728 be adopted.

**EXECUTIVE SESSION  
2010-227**

It was moved, seconded and carried that this meeting retire into Executive Session at 4:50 p.m., pursuant to Section 90(1) of the Community Charter to consider the following item:

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

**RISE AND REPORT**

The Executive Session of Council rose without report at 5:05 p.m.

**ADJOURNMENT  
2010-228**

It was moved, seconded and carried that the meeting be adjourned at 5:05 p.m.

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Mayor (R. Hutchins)

**CERTIFIED CORRECT**

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Corporate Officer (S. Bowden)



TOWN OF LADYSMITH  
MINUTES OF A SPECIAL SESSION OF COUNCIL  
THURSDAY, MAY 13, 2010 - 4:30 P.M.

LADYSMITH

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PRESENT:

Mayor Rob Hutchins  
Councillor Duck Paterson

Councillor Jillian Dashwood  
Councillor Bruce Whittington

Councillor Lori Evans  
Councillor Steve Arnett

ABSENT:

Councillor Scott Bastian

STAFF PRESENT:

Ruth Malli

Sandy Bowden

Rebecca Kalina

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CALL TO ORDER

Mayor Hutchins called the meeting to order at 4:33 p.m.

AGENDA APPROVAL

2010-229

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

REPORT

PROPOSED AMENDMENTS TO FIVE YEAR FINANCIAL PLAN  
POLICY NO. 05-1700-A

2010-230

It was moved, seconded and carried that staff be requested to process the following amendments to the Five Year Financial Plan Policy No. 05-1700-A:

- Delete the following sentence from the first paragraph of the "Background" section:

*"This public consultation process must be advertised in accordance with Section 94 of the Community Charter."*

- Replace Section 10 with the following:

*"After receiving all amendment requests from the Budget Committee, the Manager of Financial Services will prepare a Five Year Financial Plan that includes all the amendments. The Manager will then arrange for an advertisement in the local newspaper inviting members of*



*the public to attend the meeting at which the Five Year Financial Plan is considered. Copies of the plan will be made available for the public upon request."*

- Replace all references to Director of Financial Services with Manager of Financial Services.

#### BYLAWS

2010-231 It was moved, seconded and carried that Town of Ladysmith Tax Rates Bylaw 2010, No. 1715 be adopted

2010-232 It was moved, seconded and carried that Town of Ladysmith Financial Plan Bylaw 2010, No. 1716 be adopted.

2010-233 It was moved, seconded and carried that Town of Ladysmith Water Parcel Tax Bylaw 2010, No. 1717 be adopted.

2010-234 It was moved, seconded and carried that Town of Ladysmith Sewer Parcel Tax Bylaw 2010, No. 1718 be adopted.

#### ADJOURNMENT

2010-235 It was moved, seconded and carried that the meeting be adjourned at 4:54 p.m.

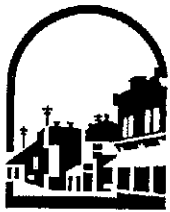
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Mayor (R. Hutchins)

#### CERTIFIED CORRECT

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Corporate Officer (S. Bowden)



**TOWN OF LADYSMITH**  
**MINUTES OF A REGULAR SESSION OF COUNCIL**

MONDAY, MAY 17, 2010 - 7:00 P.M.

**LADYSMITH**

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**PRESENT:**

Mayor Rob Hutchins	Councillor Steve Arnett	Councillor Scott Bastian
Councillor Jillian Dashwood	Councillor Lori Evans	Councillor Duck Paterson

**ABSENT:**

Councillor Bruce Whittington

**STAFF PRESENT:**

Sandy Bowden	Pat Durban	Rebecca Kalina
Felicity Adams		

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**CALL TO ORDER**

Mayor Hutchins called the meeting to order at 6:20 p.m.

**AGENDA APPROVAL**

2010-236

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

**EXECUTIVE SESSION**

2010-237

It was moved, seconded and carried that this meeting retire into Executive Session at 6:20 p.m., pursuant to Section 90(1) of the Community Charter to consider the following items:

- law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;
- 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 Regular Session of Council resumed at 7:00 p.m.

## RISE AND REPORT

The Executive Session of Council rose without report.

## PUBLIC HEARINGS

### PUBLIC HEARING - Bylaw 1724

APPLICANT AGENT  
Town of Ladysmith

PUBLIC ATTENDANCE: 9

A Public Hearing for Bylaw 1724 was held in Council Chambers at City Hall, 410 Esplanade, Ladysmith, B.C. on Monday, May 17, 2010 at 7:01 p.m.

Mayor Hutchins welcomed the public and noted that the public input portion of the hearing would take place in two parts - Part 1 would entertain questions clarifying the bylaw and Part 2 would afford attendees an opportunity to provide comments to Council on the bylaw.

Felicity Adams, Director of Development Services, provided an overview of the application submitted by the Town of Ladysmith which was prepared in response to the Provincial requirement that local governments establish greenhouse gas emission reduction targets, actions and strategies in their Official Community Plans[LGA, s. 877 (3)]. This work is taking place across the Province.

She further noted that the purpose of Bylaw 1724 is to amend the Official Community Plan by adding section (1) Key Guiding Principles, and section (2) Implementation Tools.

Ms. Adams pointed out that the energy vision for Ladysmith, established in the Community Energy Plan (2008), is to be added to the OCP Key Guiding Principles, and supported by the community reduction targets, also from the Energy Plan, as follows:

- 5% reduction in total community greenhouse gas emissions by 2012 from 2007 levels.
- 15% reduction in total community greenhouse gas emissions by 2016 from 2007 levels.
- 33% reduction in total community greenhouse gas emissions by 2020 from 2007 levels (proposed target to match the Provincial reduction target.)

Community emissions are those created by the residents and businesses in the community which the municipality cannot directly control, but may be able to influence through planning and program activities. It is estimated that local governments have control or influence over approximately 45% or more of these emissions. Community GHG emissions released into the atmosphere in Ladysmith as measured by the Province (CEEI) in 2007 are from the following sources:

- On-road transportation (81%)
- Buildings (15%)
- Solid Waste (4%)

She advised that the Community Energy Plan actions and the sustainability strategies from the Visioning Report (Community Vision for a Sustainable West Coast Town - 2009) are to be referred to in the OCP as Implementation Tools.

Ms. Adams reported that the Advisory Planning Commission made the following recommendation to Council at its meeting held April 13, 2010:

*"It was moved, seconded and carried that the Advisory Planning Commission believes that Council is on track with regards to Bylaw 1724 and greenhouse gas reduction initiatives. The Advisory Planning Commission will do what it can to assist the Town in creating a community that is a pleasure to live in and role model for the rest of the Island."*

Ms. Adams advised that the BC Provincial Agricultural Land Commission was consulted and they responded that *"... the amendments do not have any direct bearing on the use of land within the ALR and to that extent our interests are not affected."*

Ms. Adams noted that the Public Hearing notice was published in the Chronicle newspaper on May 4, 2010 and May 11, 2010 and was posted on community notice boards throughout Town and on the Town's website. A copy of the notice was also made available at the front counter at City Hall for the two week notice period and that there were no written submissions, telephone or in-person enquiries received at City Hall in connection with this Public Hearing.

Mayor Hutchins called for questions a first time.

Cathy Gilroy - inquired if attachments A, B, C will be included as part of the community standards for Bylaw 1724.

Director of Development Services, F. Adams - advised that attachments A, B, C are part of the staff report to Council and do not form part of the amending bylaw.

Mayor Hutchins called for questions a second time.  
Mayor Hutchins called for questions a third time.

Hearing no further questions Mayor Hutchins called for comments a first time.

Mayor Hutchins called for comments a second time.

Mayor Hutchins called for comments a third time.

Hearing no comments Mayor Hutchins called for any written submissions.

No written submissions were received.

Hearing no further comments and receiving no written submissions, Mayor Hutchins declared the Public Hearing for Bylaw 1724 closed at 7:07 p.m.

#### BYLAWS (OCP/ZONING)

2010-238

It was moved, seconded and carried that Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 32), 2010, No. 1724 be read a third time and adopted.

#### MINUTES

2010-239

It was moved, seconded and carried that the Council minutes of May 3, 2010 adopted as circulated.

#### DELEGATION S

##### ORCAS SWIM CLUB

Shelley Anderson, Secretary of the Ladysmith Orcas Swim Club, presented an update on the current financial situation of the club and reviewed options that the club is considering to reduce their costs. The Club requested a reduction of pool rental fees by one third.

2010-240

It was moved, seconded and carried that the request from the Orcas Swim Club to reduce the hourly rental rate for the pool from \$38.46 to \$25.64 be referred to staff for

the preparation of a report outlining options to consider to support the Swim Club.

Councillor S. Bastian arrived in Council Chambers at 7:21 p.m.

LADYSMITH MARITIME SOCIETY – MARITIME FESTIVAL

Ladysmith Maritime Society Executive Director, Dave Ehrismann and Cliff Fisher, Coordinator of the Maritime Festival, provided an overview of the upcoming Ladysmith Maritime Festival scheduled for May 29, and 30, 2010.

**REPORTS**

OFFICIAL COMMUNITY PLAN (OCP) AMENDMENT & REZONING APPLICATION

**2010-241**

It was moved, seconded and carried that Council support the Official Community Plan (OCP) consultation process that was completed for rezoning 3360-09-05 (DL108) to meet the requirements of Section 879 of the Local Government Act for OCP and Zoning Bylaw amendment application 3360-10-03 and 3360-10-04 (proposed Lots 2, 3 and 4 - District Lot 108).

**2010-242**

It was moved, seconded and carried that Staff be directed to prepare a bylaw to amend the Official Community Plan to permit medium density residential development on proposed Lots 2 and 3; and to permit a manufactured home park on proposed Lot 4; of Lot 1, District Lot 108, Oyster District, Plan VIP73133.

**2010-243**

It was moved, seconded and carried that Staff be directed to prepare a bylaw to amend the Zoning Bylaw to:

- (a) Rezone proposed Lot 2 to Medium Density Residential (R-3-A);
- (b) Rezone proposed Lot 3 to Medium Density Residential (R-3-A) with a site specific amendment to permit a density of 44 units per hectare (a total of 48 units); and
- (c) Rezone Lot 4 to Manufactured Home Park (MHP-1).

FIRE CHIEF'S REPORT – April, 2010

**2010-244**

It was moved, seconded and carried that the Fire Chief's Report for April, 2010 be received.

BUILDING INSPECTOR'S REPORT - APRIL 2010

2010-245

It was moved, seconded and carried that the Building Inspector's Report for April, 2010 be received.

TROLLEY REPORT - APRIL 2010

2010-246

It was moved, seconded and carried that the Trolley Report for April, 2010 be received.

CORRESPONDENCE

POUND REPORT - APRIL 2010

2010-247

It was moved, seconded and carried that the April, 2010 Pound Report from Coastal Animal Control Services of BC Ltd. be received.

LADYSMITH ROTARY CLUB GOLF TOURNAMENT

2010-248

It was moved, seconded and carried that the letter from B. Bezeau regarding the Ladysmith Rotary Club golf tournament on Sunday, June 13, 2010 be received.

NEW BUSINESS

TEAM TOMORROW LEADERSHIP BC

2010-249

It was moved, seconded and carried that a letter of congratulations be sent to "Team Tomorrow" of the Leadership BC program for their workshop "Total Physical Response Hul'qumi'num for Beginners" which was held on May 17, 2010.

VANCOUVER ISLAND BETTER BUSINESS BUREAU TORCH AWARD

2010-250

It was moved, seconded and carried that letters of congratulations be sent to Coastal Trucking for receiving the Vancouver Island Better Business Bureau Torch Award for Outstanding Community Service and to Stalker Excavating Ltd. for being nominated for the award.

PADDLEFEST 2010

2010-251

It was moved, seconded and carried that a letter of congratulations and thanks be sent to the Paddlefest organizers for the successful Paddlefest event held on May 15 and 16, 2010.

LADYSMITH AND DISTRICT HISTORICAL SOCIETY

2010-252

It was moved, seconded and carried that a letter of congratulations be sent to the Ladysmith and District Historical Society for the celebration of "Portuguese Joe Silvey" held on May 15, 2010.

LADYSMITH AND DISTRICT ARTS COUNCIL

2010-253

It was moved, seconded and carried that a letter of congratulations be sent to the Ladysmith and District Arts Council for their successful one act play and fundraiser "Staying Alive" held on May 15, 2010.

QUESTION PERIOD

Cathy Gilroy inquired about the status of her questions to the Building Inspector regarding accessory buildings within Ladysmith. She was advised that she will receive a response in the near future.

Aaron Lafontaine distributed a letter dated May 4, 2010 outlining his recent interactions with Town staff.

ADJOURNMENT

2010-254

It was moved, seconded and carried that the meeting be adjourned at 8:00 p.m.

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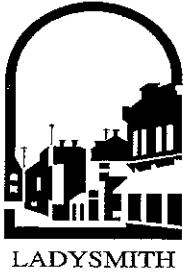
Mayor (R. Hutchins)

CERTIFIED CORRECT

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Corporate Officer (S. Bowden)





Town of Ladysmith  
**STAFF REPORT**

To: Ruth Malli, City Manager  
From: Felicity Adams, Director of Development Services  
Date: June 1, 2010  
File No: 3360-10-03 and 3360-10-04

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Re: OFFICIAL COMMUNITY PLAN (OCP) AMENDMENT & REZONING APPLICATION  
Proposed Lots 2, 3 and 4 - Lot 1, D.L. 108, Oyster District, Plan VIP73133

RECOMMENDATION(S):

That Council give first and second reading to Bylaw 1729 cited as "Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No.33) 2010 No. 1729" and Bylaw 1730 cited as "Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No. 83), 2010 No.1730" and that a public hearing be scheduled for Bylaw 1729 and 1730.

PURPOSE:

The purpose of this report is to present Bylaws 1729 and 1730 which propose to redesignate and rezone the residential portions of District Lot 108.

INTRODUCTION/BACKGROUND:

In May 2010 Council passed a motion directing staff to prepare a bylaw to amend the Zoning Bylaw to:

- Rezone proposed Lot 2 to Medium Density Residential (R-3-A);
- Rezone proposed Lot 3 to Medium Density Residential (R-3-A) with a site specific amendment to permit a density of 44 units per hectare (a total of 48 units); and
- Rezone proposed Lot 4 to Manufactured Home Park (MHP-1)."

SCOPE OF WORK:

*Bylaw 1729*

Bylaw 1729 proposes to amend the Official Community Plan by designating proposed Lot 4 as 'Mobile Home Park Residential'. Bylaw 1729 also proposes to designate proposed Lots 2 and 3 as 'Multi-Family Residential' and place the 'Multi-Family Residential Development Permit Area (DPA4) on proposed Lots 2 and 3.

*Bylaw 1730*

Bylaw 1730 proposes to amend the Zoning Bylaw by applying the Manufactured Home Park Zone (MHP-1) to proposed Lot 4. Also, Bylaw 1730 proposes to apply the Medium Density Residential Zone (R-3-A) to proposed Lots 2 and 3 with a site specific amendment permitting 48 residential units on proposed Lot 3.

Three housekeeping amendments to the MHP-1 Zone are also included in Bylaw 1730. One housekeeping amendment relates to buffering from Haul Road, as the mobile home park is now proposed to be located on the east side of District Lot 108

buffering from Haul Road for a future multi-family development can be achieved through design considerations at the development permit stage.

ALTERNATIVE:

That Council proceed no further with Bylaw 1729 and 1730.

FINANCIAL IMPLICATIONS: n/a

LEGAL IMPLICATIONS:

A public hearing is required to be held.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Notification regarding the public hearing would be sent to the neighbours of District Lot 108 and would be published in the local newspaper

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The application has been referred to the Director of Public Works and Director of Parks, Recreation, and Culture for review and comment.

RESOURCE IMPLICATIONS:

Processing rezoning applications is a core function of the Development Services Department. Processing this application is within available staff resources.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Effective land use planning and community design is a Council strategic direction.

SUMMARY:

It is recommended to give first and second reading to Bylaw 1720 and Bylaw 1730 and to hold a public hearing.

I concur with the recommendation.

*R. Malli*

\_\_\_\_\_  
Ruth Malli, City Manager

ATTACHMENTS:

Bylaw 1729

Bylaw 1730

TOWN OF LADYSMITH

BYLAW NO. 1729

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) Schedule "A" - "Town of Ladysmith Community Plan" is amended as follows:
  - (i) Map 1 "Land Use" is amended by placing:
    - (a) "Mobile Home Park Residential" on a portion of Lot 1, District Lot 108, Oyster District, Plan VIP73133, (proposed Lot 4) as shown on Schedule 1 to this Bylaw.
    - (b) "Multi-Family Residential" on a portion of Lot 1, District Lot 108, Oyster District, Plan VIP73133, (proposed Lots 2 and 3) as shown on Schedule 2 to this Bylaw.
  - (ii) Map 2 "Development Permit Areas" is amended by placing "Multi-Family Residential Development Permit Area (DPA 4)" on a portion of Lot 1, Plan VIP73133, District Lot 108 (proposed Lots 2 and 3) as shown on Schedule 2 to this Bylaw.

CITATION

- (2) This bylaw may be cited for all purposes as "Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No. 33), 2010, No. 1729".

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

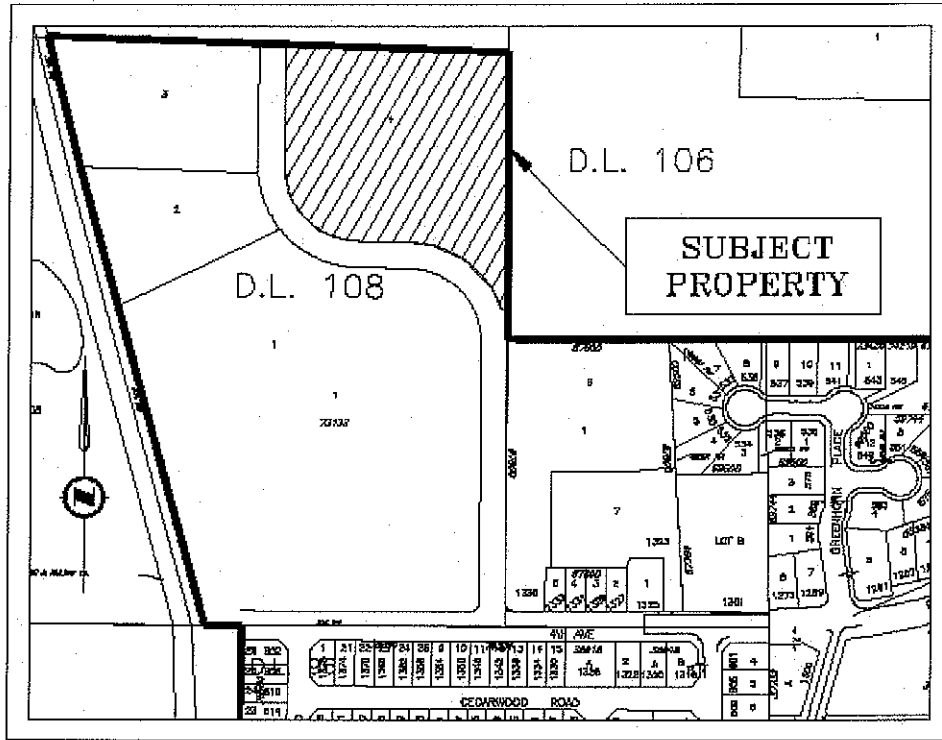
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READ A THIRD TIME on the \_\_\_\_\_ day of \_\_\_\_\_

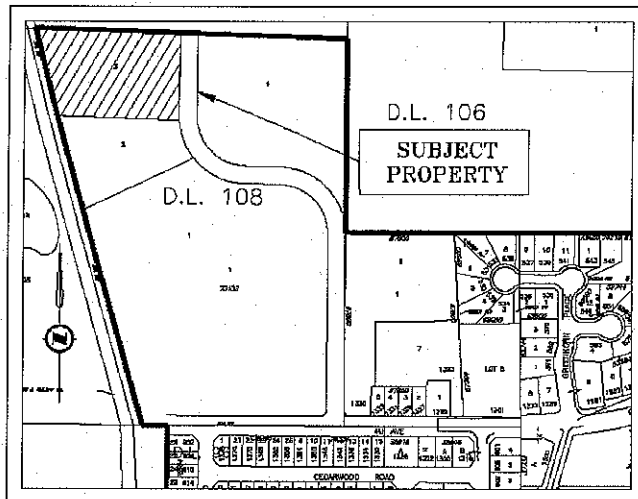
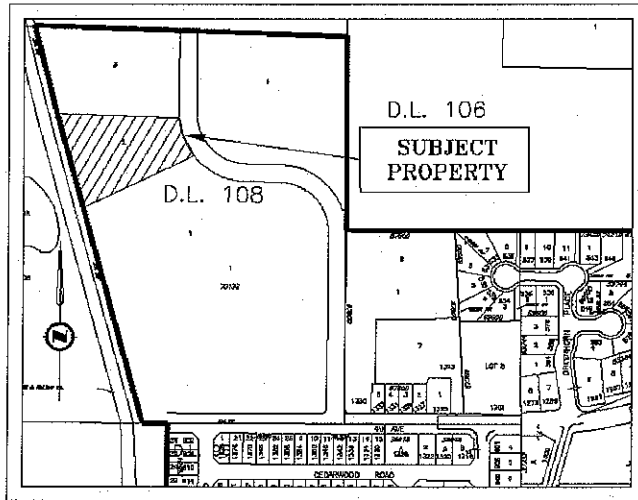
ADOPTED on the \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Mayor (R. Hutchins)

\_\_\_\_\_  
Corporate Officer (S. Bowden)



BYLAW 1729 -- SCHEDULE 2



TOWN OF LADYSMITH

BYLAW NO. 1730

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 as follows:
  - (a) By deleting the legal description stated in section 13.1(d) and replacing it with the following: "proposed Lot 2 and 3 of Lot 1, District Lot 108, Oyster District, Plan VIP73133".
  - (b) By adding the following site specific regulation to Section 13.0 Medium Density Residential Zone: "13.2 (4)(b) Despite 13.2(4) The maximum number of dwelling units permitted on proposed Lot 3 of Lot 1, District Lot 108, Oyster District, Plan VIP73133 is 48 units."
  - (c) By deleting section 15A.2(5) from the Manufactured Home Park (MHP-1) Zone and replacing it with the following:  
"Three percent of the gross parcel area shall be provided as common recreational activity area(s) and shall be located so as to be connected to the internal road or path network."
  - (d) By deleting section 15A.2 (6) from the Manufactured Home Park (MHP-1) Zone.
- (2) 'Schedule A' to "Town of Ladysmith Zoning Bylaw 1995, No. 1160" is hereby amended by placing:
  - (a) Manufactured Home Park Zone (MHP-1) on a portion of Lot 1, District Lot 108, Oyster District, Plan VIP73133 (proposed Lot 4) as shown on Schedule 1 to this Bylaw.
  - (b) Medium Density Residential Zone (R-3-A) on a portion of Lot 1, District Lot 108, Oyster District, Plan VIP73133 (proposed Lots 2 and 3) 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.83), 2010, No. 1730".

READ A FIRST TIME on the

READ A SECOND TIME on the

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

on the

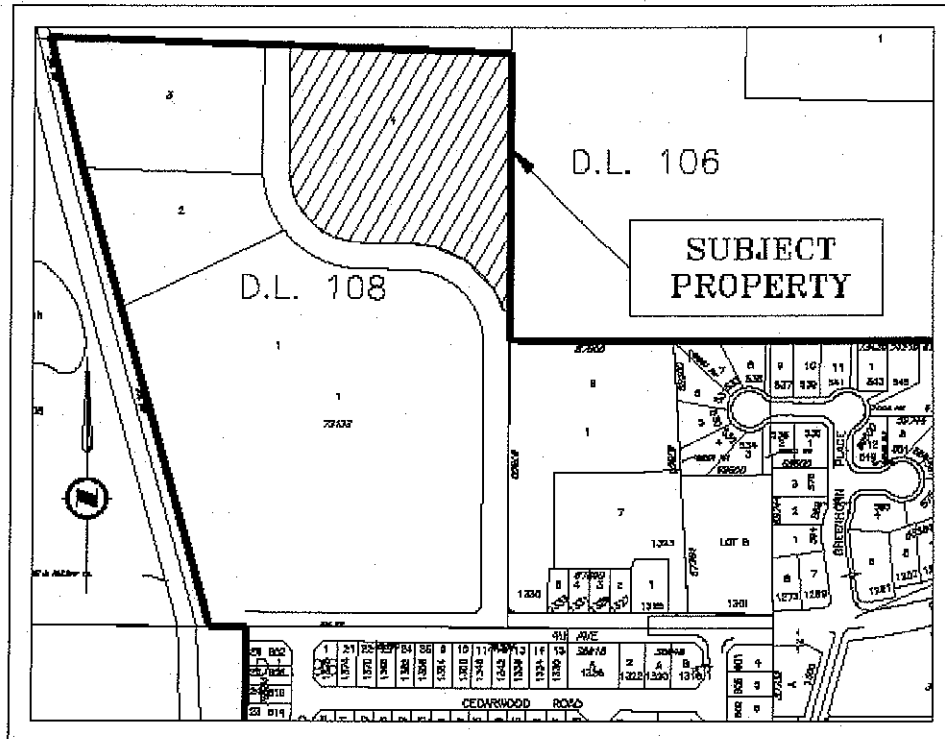
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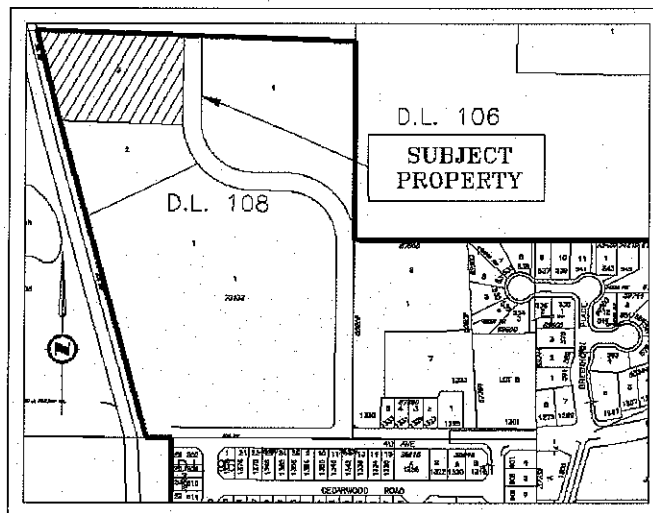
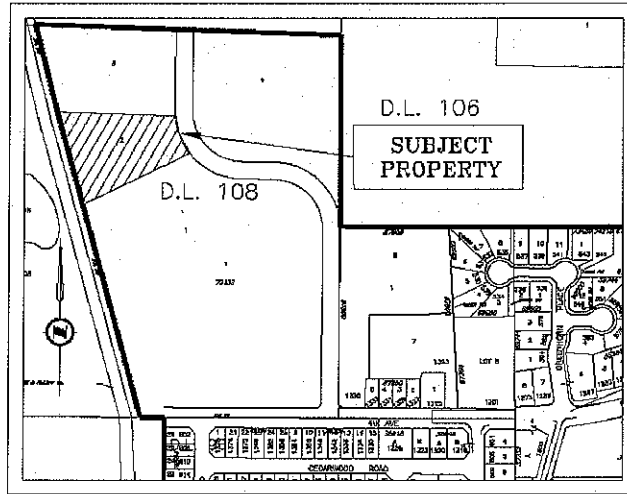
Mayor (R. Hutchins)

Corporate Officer (S. Bowden)

BYLAW No. 1730 – SCHEDULE 1



BYLAW No. 1730 – SCHEDULE 2







## Town of Ladysmith

### **STAFF REPORT**

To: Ruth Malli, City Manager  
From: Felicity Adams, Director of Development Services  
Date: June 2, 2010  
File No: 3360-10-02

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Re: **BYLAW 1727 – REGULATIONS FOR ACCESSORY BUILDINGS IN RESIDENTIAL ZONES**

#### **RECOMMENDATION(S):**

That Council gives first and second reading to Bylaw 1727 cited as “Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No. 82), 2008, No. 1727”, and that a public hearing be scheduled for Bylaw 1727.

#### **PURPOSE:**

The purpose of this report is to present Bylaw 1727 to amend the Zoning Bylaw to clarify setback regulations, and limit the floor area and height of an accessory building in residential zones, as directed by Council, and to provide input from the Advisory Planning Commission.

#### **INTRODUCTION/BACKGROUND:**

At its meeting held April 19, 2010, Council directed that staff prepare a bylaw to amend the Zoning Bylaw as follows:

- (1) clarify setback regulations for accessory buildings in residential zones as outlined in section 5.5,
- (2) limit the height of an accessory building in residential zones to one storey (5.0m), and
- (3) limit the maximum combined gross floor area of an accessory building in residential zones to 50m<sup>2</sup>.

Council also directed that staff refer the proposed amendment to the Zoning Bylaw regarding the regulation of accessory buildings to the APC for input concurrent with bylaw preparation by staff.

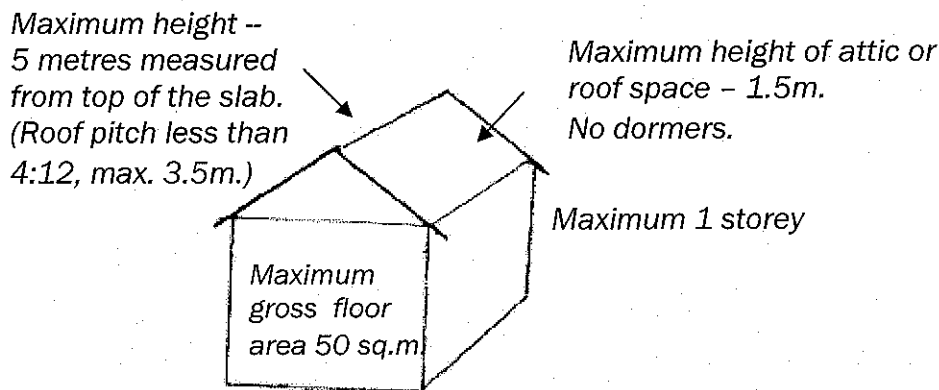
#### **SCOPE OF WORK:**

Bylaw 1727 proposes to amend the Zoning Bylaw by amending the following sections:

1. “Definitions” to add new definitions for “attic or roof space” and “dormer”.
2. “General Regulations” to clarify setback regulations for accessory buildings, and
3. “Residential Zones” to limit the height and floor area of an accessory building. The following zones are proposed to be amended as single family residential use is a permitted use – UR-1, R-1, R-1-A, R-2, R-2-A, and MP-1.

The terms of the draft regulation are as follows and are illustrated below:

- Maximum building height – regulated for pitched and non-pitched roofs. Limited to one storey.
- Maximum attic or roof space height – to limit the creation of a second storey within an attic or roof space. No dormers for the same reason.



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ALTERNATIVES:

The Council provide additional direction regarding the regulation of accessory buildings in residential zones.

FINANCIAL IMPLICATIONS: N/A

LEGAL IMPLICATIONS:

A public hearing on Bylaw 1727 is required to be held. Legal counsel has reviewed the draft bylaw.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

At its meeting held May 11, 2010, the APC considered the Council direction regarding regulations for accessory buildings in residential zones.

The APC provided the following recommendation to Council.

*It was moved, seconded and carried that the Advisory Planning Commission concurs with Council's recommended new regulations for accessory buildings in residential zones:*

- (1) *setback regulations for accessory buildings in residential zones as outlined in section 5.5,*
- (2) *limit the height of an accessory building in residential zones to one storey (5.0m), and*
- (3) *limit the maximum combined gross floor area of an accessory building in residential zones to 50m<sup>2</sup>.*

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The Building Inspector has reviewed the draft bylaw.

RESOURCE IMPLICATIONS:

Processing rezoning applications is a core function of the Development Services Department. Processing this application is within available staff resources.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Effective land use planning and community design is a strategic direction of the Town's Strategic Plan. Council has provided direction to staff regarding amending current regulations for accessory buildings in residential zones.

SUMMARY:

A bylaw has been prepared to amend the Zoning Bylaw to include regulations for accessory buildings, as directed by Council. The APC has considered Council's direction and concurs with it as a balanced approach. It is recommended that Council proceed with consideration of Bylaw 1727.

I concur with the recommendation.

*R. Malli*

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Ruth Malli, City Manager

ATTACHMENTS:

Bylaw 1727

## TOWN OF LADYSMITH

### BYLAW NO. 1727

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

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**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:

- A. The text of "Town of Ladysmith Zoning Bylaw 1995, No. 1160" is hereby further amended as follows:
- (1) Section 4.0 "Definitions" is amended by adding the following:
    - (a) Adding a new definition immediately following the definition of 'aquaculture':

"Attic or roof space: means the space between the roof and the ceiling of the top storey."
    - (b) Adding a new definition immediately following the definition of 'derelict vehicle':

"Dormer: means framing which projects from a sloping roof, providing an internal access in the roof space."
  - (2) Section 5.0 "General Regulations" is amended by:
    - (a) Deleting the first sentence of section 5.5 (4) and replacing it with the following:

"5.5 (4) Despite the setback regulations in each zone, an accessory building shall comply with the setback requirements in (a) and (b) below."
    - (b) Deleting section 5.5 (5).
    - (c) Deleting section 5.6 (2) and replacing it with:

"5.6 (2) Unless otherwise specified in the regulations for each zone, no accessory building or structure shall exceed 7.5 metres in height."
  - (3) Section 7.0 "Urban Rural Residential Zone (UR-1)" is amended by adding:
    - (a) "7.2 (2.1) The height of an accessory building or structure shall not:
      - (a) exceed 5.0 metres measured from the top of the slab to the highest point of the building ~~24~~ structure; except where the roof pitch is less

than 4:12, then the maximum height shall be 3.5 metres;

- (b) exceed one storey; and
  - (c) include an attic or roof space greater than 1.5 metres in height measured from the ceiling of the storey below to the highest point of the building.”
- (b) “7.2 (2.2) The maximum gross floor area of an accessory building shall not exceed 50 square metres.”
- (c) “7.2 (2.3) An accessory building or structure shall not include dormers of any type.”
- (4) Section 8.0 “Suburban Residential Zone (R-1)” is amended by adding:
- (a) “8.2 (2.1) The height of an accessory building or structure shall not:
    - (a) exceed 5.0 metres measured from the top of the slab to the highest point of the building or structure; except where the roof pitch is less than 4:12, then the maximum height shall be 3.5 metres;
    - (b) exceed one storey; and
    - (c) include an attic or roof space greater than 1.5 metres in height measured from the ceiling of the storey below to the highest point of the building.”
  - (b) “8.2 (2.2) The maximum gross floor area of an accessory building shall not exceed 50 square metres.”
  - (c) “8.2 (2.3) An accessory building or structure shall not include dormers of any type.”
- (5) Section 9.0 “Medium Density Urban Residential Zone (R-1-A)” is amended by adding:
- (a) “9.2 (2.1) The height of an accessory building or structure shall not:
    - (a) exceed 5.0 metres measured from the top of the slab to the highest point of the building or structure; except where the roof pitch is less than 4:12, then the maximum height shall be 3.5 metres;
    - (b) exceed one storey; and
    - (c) include an attic or roof space greater than 1.5 metres in height measured from the ceiling of the storey below to the highest point of the building.”
  - (b) “9.2 (2.2) The maximum gross floor area of an accessory building shall not exceed 50 square metres.”
  - (c) “9.2 (2.3) An accessory building or structure shall not include dormers of any type.”

- (6) Section 10.0 "Urban Residential Zone (R-2)" is amended by adding:
- (a) "10.2 (2.1) The height of an accessory building or structure shall not:
    - (a) exceed 5.0 metres measured from the top of the slab to the highest point of the building or structure; except where the roof pitch is less than 4:12, then the maximum height shall be 3.5 metres;
    - (b) exceed one storey; and
    - (c) include an attic or roof space greater than 1.5 metres in height."
  - (b) "10.2 (2.2) The maximum gross floor area of an accessory building shall not exceed 50 square metres."
  - (c) "10.2 (2.3) An accessory building or structure shall not include dormers of any type."
- (7) Section 11.0 "Residential Zone (R-2-A)" is amended by deleting 11.2 (5) and replacing it with:
- (a) "11.2 (5.1) The height of an accessory building or structure shall not:
    - (a) exceed 5.0 metres measured from the top of the slab to the highest point of the building or structure; except where the roof pitch is less than 4:12, then the maximum height shall be 3.5 metres;
    - (b) exceed one storey; and
    - (c) include an attic or roof space greater than 1.5 metres in height measured from the ceiling of the storey below to the highest point of the building."
  - (b) "11.2 (5.2) The maximum gross floor area of an accessory building shall not exceed 50 square metres."
  - (c) "11.2 (5.3) An accessory building or structure shall not include dormers of any type."
- (8) Section 15.0 "Mobile Home Park Zone (MP-1)" is amended by adding:
- (a) "15.2 (4.1) The height of an accessory building or structure shall not:
    - (a) exceed 5.0 metres measured from the top of the slab to the highest point of the building or structure; except where the roof pitch is less than 4:12, then the maximum height shall be 3.5 metres;
    - (b) exceed one storey; and
    - (c) include an attic or roof space greater than 1.5 metres in height measured from the ceiling of the storey below to the highest point of the building."
  - (b) "15.2 (4.2) The maximum gross floor area of an accessory building shall not exceed 50 square metres."
  - (c) "15.2 (4.3) An accessory building or structure shall not include dormers of

any type.”

**CITATION**

- (2) This bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No. 82), 2008, No. 1727”.

**READ A FIRST TIME** on the day of , 2010

**READ A SECOND TIME** on the day of , 2010

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

on the day of , 2010

**READ A THIRD TIME** on the day of , 2010

**ADOPTED** on the day of , 2010

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Mayor (R. Hutchins)

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Corporate Officer (S. Bowden)



Town of Ladysmith  
**STAFF REPORT**

To: Ruth Malli, City Manager  
From: Felicity Adams, Director of Development Services  
Date: May 13, 2010  
File No: 3090-10-02

Re: Development Variance Permit Application – Lloyd and Cathy Dye  
Lot 10, District Lot 42, Oyster District, Plan 3223 (363 Chemainus Road)

RECOMMENDATION(S):

THAT Council approve Development Variance Permit (DVP) 3090-10-02, to permit a third floor addition to an existing residence, on Lot 10, District Lot 42, Oyster District, Plan 3223 (363 Chemainus Road); DVP 3090-10-02 varies:

- the setback to 7.0 metres from the high-water mark of the sea (with a deck protrusion); and
- the north-west side lot line setback to 0.95 metres;

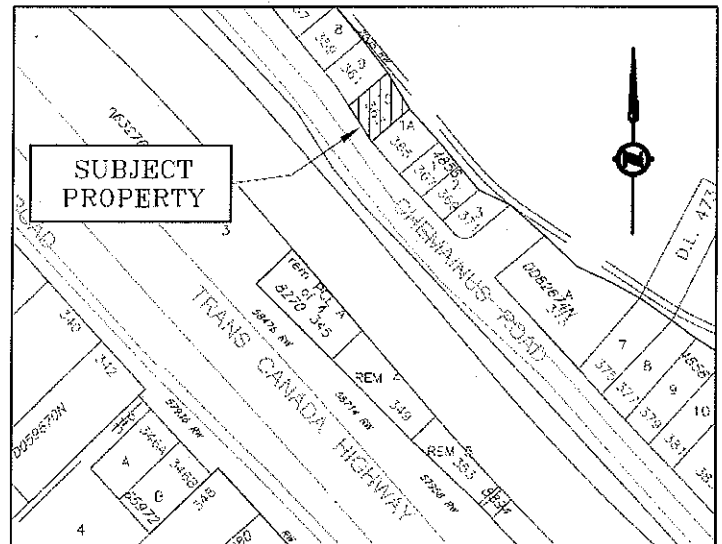
and authorize the Mayor and Corporate Officer to sign DVP 3090-10-02.

PURPOSE:

The purpose of this staff report is to present a development variance permit application for 363 Chemainus Road.

INTRODUCTION/BACKGROUND:

The owners of the subject property, Lloyd and Cathy Dye, wish to add a third storey to their home at 363 Chemainus Road. The siting of the existing home does not conform to the permitted setbacks in the Zoning Bylaw. The applicant's do not propose to change the existing footprint of the dwelling, however adding a third storey will further the non-conformity of the siting of the building, thus a development variance permit is required.



SCOPE OF WORK:

The subject dwelling was constructed in the early 1960's. The existing dwelling is setback 7.0 metres from the high water mark of the sea. The existing deck is on the second storey and is proposed to be moved to the third storey. The deck protrudes 1.8 metres from the north-east face of the house. When parcels are adjacent to the sea the Town of Ladysmith Zoning Bylaw requires that buildings be setback 8 metres from the top of slope (on parcel such as this with a slope greater than 30 percent). The applicants are requesting a setback variance to legalize the siting of the dwelling which is 7.0 metres from the natural boundary of the sea (with a deck protrusion).

The subject property is zoned Suburban Residential (R-1) and the R-1 zone requires buildings to be setback 3.0 metres from the side lot line and 1.5 metres from the



other side lot line. The south-east side setback is 1.5 metres and the north-west side setback is 0.95 metres. Thus a variance is requested for the north-west side setback from the required 3.0 metres to 0.95 metres.

**Table 1: Variance Request Summary - 363 Chemainus Road**

	Required	Requested
<b>Setback from the Sea</b>	8.0 metres from the top of slope	7.0 metres from the high water mark of the sea (with a deck protrusion)
<b>Sideyard Setback</b>	3.0 metres	0.95 metres

The proposed third storey will not exceed the maximum permitted height of 9.0 metres and is designed to be recessed at the side setbacks. Figure A shows a photo of the existing house (view from the foreshore). Figures B and C show the dwelling at 363 Chemainus Road in relation to the dwellings to the north and south.

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 through the issuance of a development variance permit. This is a discretionary decision of Council. Public notification is required.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The Town of Ladysmith notice regarding the DVP application was sent to neighbouring properties on May 20, 2010. At the time of this report, one neighbour viewed the proposed building plans for the third storey and did not express opposition to the variance requests.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The Town of Ladysmith Building Inspector has reviewed the proposed plans for the third storey.

RESOURCE IMPLICATIONS:

Processing development variance permit applications is a core function of the Development Services Department. Processing this application is within available staff resources.

ALIGNMENT WITH STRATEGIC PRIORITIES: n/a

SUMMARY:

The owners of 363 Chemainus Road wish to construct a third storey on their existing dwelling. Adding the third storey will further two non-conforming setbacks of the existing dwelling. The applicants are requesting to legalize the 7.0 metre setback from the high water mark of the sea (with a deck protrusion), and to legalize the north-west side setback from 3 metres to 0.95 metres.

I concur with the recommendation.

*R. Mall.*

Ruth Malli, City Manager

ATTACHMENTS:  
DP Form

Figure A: Existing home at 363 Chemainus Road (view from foreshore)



TOWN OF LADYSMITH  
DEVELOPMENT VARIANCE PERMIT - 10-02  
DATE: June 7, 2010

TO:	Lloyd and Cathy Dye
ADDRESS:	363 Chemainus Road LADYSMITH, B.C. V9G 1Y1

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 10, District Lot 42, Oyster District, Plan 3223 - PID: 006-258-042  
(363 Chemainus Road)**

3. Section 5.4 "Setbacks from a Watercourse and the Sea" of the "Town of Ladysmith Zoning Bylaw 1995, No. 1160", as amended, is varied for the subject property as follows:

**From:**

Section (1) Notwithstanding any other regulation of this Bylaw, no buildings or structures located on a parcel within this Zone shall be closer than: (c) In the case of a parcel adjacent to or abutting against the sea, 8.0 metres horizontally distant from the high-water mark of the sea or 8.0 metres horizontally distant inland from the top of the slope on a parcel with an average slope of 30 percent or more.

**To:**

Section (1) Notwithstanding any other regulation of this Bylaw, no buildings or structures located on a parcel within this Zone shall be closer than 7.0 metres horizontally distant from the high-water mark of the sea, with the exception of a deck or decks, as shown in Schedule A.

4. Section 8.2 "Conditions of Use" in the Suburban Residential (R-1) Zone of the "Town of Ladysmith Zoning Bylaw 1995, No. 1160", as amended, is varied for the subject property as follows:

**From:**

Section 8.2 (3) "No buildings or structures located on a parcel where the principal use is residential shall be closer than: (b) 3.0 metres to one side lot line and a minimum of 1.5 metres to the other side lot line.

**To:**

Section 8.2 (3) "No buildings or structures located on a parcel where the principal use is residential shall be closer than: (b) 0.95 metres to one side lot line and a minimum of 1.5 metres to the other side lot line, as shown in Schedule A.

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 3 and 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; with the exception of the existing chimney and a deck or decks, as shown in Schedule A.
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.

7. The following plans and specifications are attached:

a) **Schedule A – Building Location – W.R. Hutchinson – July 27, 2009**

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 \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
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 Lloyd and Cathy Dye other than those contained in this permit.

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Title

\_\_\_\_\_  
Occupation

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Title

\_\_\_\_\_  
Occupation

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

Plan of building location on:  
Lot 10, District Lot 42, Oyster  
District, Plan 3223.

Scale 1 : 250  
 All distances are in metres.

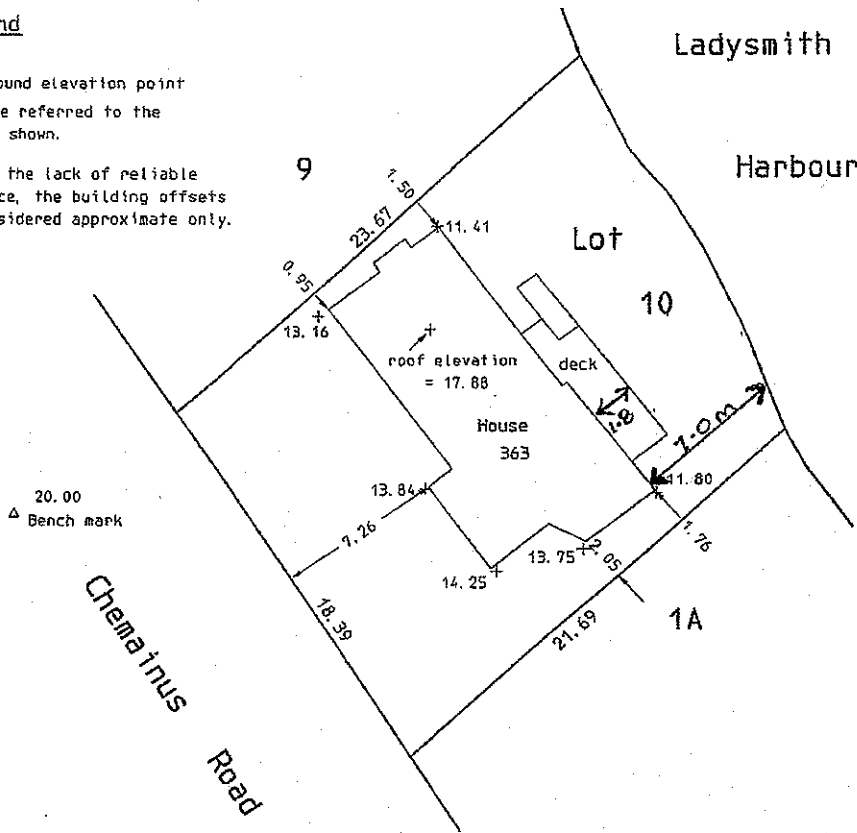
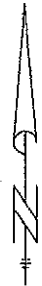
Elevations are referred to the iron corner posts as shown.

The average of the 6 underlined elevations = 13.035  
 allowable building height = 9.0  
 maximum building elevation = 22.035

Legend

+ denotes ground elevation point  
 Elevations are referred to the bench mark as shown.

Note: Due to the lack of reliable survey evidence, the building offsets should be considered approximate only.



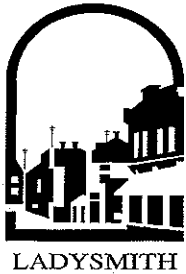
W. R. Hutchinson  
 Land Surveying Ltd.  
 Box 459, 20 Warren St.,  
 Ladysmith, B. C.  
 V9G 1A9  
 (250) 245-9777

WO - 1014

Certified correct  
 this 27th day of July, 2009.

*W.R. Hutchinson*  
 B. C. L. S.

Schedule A - Building Location  
 (W.R. Hutchinson - July 27, 2009)  
 DVP 3090-10-02 - Lloyd and Cathy Dye



Town of Ladysmith

**STAFF REPORT**

To: Ruth Malli, City Manager  
From: Felicity Adams, Director Development Services  
Date: May 26, 2010  
File No: 3060 10 04

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Re: Development Permit – Lloyd and Cathy Dye – 363 Chemainus Road  
Lot 10, District Lot 42, Oyster District, Plan 3223

RECOMMENDATION(S):

That Council issue Development Permit 3060-10-04 for 363 Chemainus Road (Lot 10, District Lot 42, Oyster District, Plan 3223).

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

PURPOSE:

To present an application for a Hazard Lands Development Permit for a third storey addition to an existing dwelling at 363 Chemainus Road.

INTRODUCTION/BACKGROUND:

The subject property at 363 Chemainus Road falls within Development Permit Area 7 – Hazard Lands due to the slope of the land. The owners of the property are proposing to construct a third storey addition to their existing home. The footprint of the dwelling will not be altered.

SCOPE OF WORK:

The owners of the subject property retained the services of Mann Engineering and Lewkowich Engineering Ltd. to conduct an engineering review and geotechnical review for the proposed third storey addition. The geotechnical engineering review states that the glacial till observed in proximity to the house will be able to support additional bearing pressure caused by a third storey. Further, that the new footings for the deck are not to extend beyond existing locations to avoid further soil disturbance in the foreshore area.

ALTERNATIVES: n/a

FINANCIAL IMPLICATIONS: n/a

LEGAL IMPLICATIONS: A development permit is required prior to construction occurring.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS: n/a

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The Town of Ladysmith Building Inspector has reviewed the proposed plans for the third storey addition.

RESOURCE IMPLICATIONS:

Processing Development Permit applications is within available staff resources.

ALIGNMENT WITH STRATEGIC PRIORITIES: n/a

SUMMARY:

It is recommended to support Development Permit 3060 10 04.

I concur with the recommendation.

  
\_\_\_\_\_  
Ruth Malli, City Manager

ATTACHMENTS:

DP 10 04

TOWN OF LADYSMITH  
DEVELOPMENT PERMIT 3060-10-04  
(Section 920 *Local Government Act*)

DATE: June 7, 2010

TO: Lloyd Ronald Dye and Cathy Joan Dye

Address: 363 Chemainus Road  
Ladysmith, B.C.  
V9G 1Y1

1. This Development Permit is subject to compliance with all of the bylaws of the Town of Ladysmith applicable thereto, except as specifically varied by this Permit.
2. This 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	10
District Lot	42
District	Oyster
Plan	3223
PID#	006-258-042

363 Chemainus Road  
(referred to as the "Land")
3. This Permit has the effect of authorizing the alteration of land designated in the Official Community Plan under section 919.1(1)(b) of the *Local Government Act*, subject to the conditions, requirements and standards imposed and agreed to in section 5 of this Permit.
4. This Permit does not have the effect of varying the use or density of the Land specified in Zoning Bylaw No. 1160.
5. The Permittee, as a condition of the issuance of this Permit, agrees that:
  - (a) New footings for the deck shall not extend beyond existing locations, as shown in **Schedule A**, such that no additional excavation of soils occurs in the 7 metre setback from the natural boundary of the sea.
6. Notice of this Permit shall be filed in the Land Title Office at Victoria under s.927 of the *Local Government Act*, and upon such filing, the terms of this Permit 3060-10-04 or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.



7. If the Permittee does not substantially start any construction permitted by this Permit within **two years** of the date of this Permit as established by the authorizing resolution date, this Permit shall lapse.
8. The plans and specifications attached to this Permit are an integral part of this Permit.
9. This Permit prevails over the provisions of the Bylaw in the event of conflict.
10. This Permit is not a Building Permit.

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL OF THE TOWN OF  
LADYSMITH ON THE \_\_\_\_ DAY OF \_\_\_\_\_ 201\_\_.

\_\_\_\_\_  
MAYOR

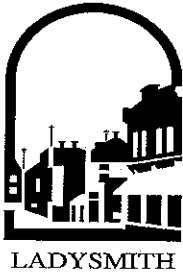
\_\_\_\_\_  
CORPORATE OFFICER

\_\_\_\_\_  
OWNER

\_\_\_\_\_  
PLEASE PRINT NAME

\_\_\_\_\_  
OWNER

\_\_\_\_\_  
PLEASE PRINT NAME



Town of Ladysmith  
**NOTICE OF MOTION**

From: Mayor R. Hutchins  
Date: June 3, 2010

---

Re: ECOLE DAVIS ROAD

Proposed Motion:

Whereas the south end of our community has experienced sustained rapid growth, and will be a growth area in our community for decades to come;

And whereas the south end of our community is serviced by a single elementary school in an inadequate and outdated facility;

And whereas the other three schools located within the town boundaries have had significant facilities upgrades over the last two decades;

And whereas the French Immersion program is a highly valued educational offering in the Town of Ladysmith;

That the Council of the Town of Ladysmith send a letter to the Board of Trustees, School District #68, and the Minister of Education requesting that the re-construction or replacement, on site, of Ecole Davis Road be given the highest priority.

Town of Ladysmith

**COMMITTEE REPORT**



**LADYSMITH**

To: Mayor and Council  
From: Councillor D. Paterson, Chair  
Date: May 20, 2010  
File No: 0550-20

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Re: GOVERNMENT SERVICES COMMITTEE - May 17, 2010

At its meeting on May 17, 2010 the Government Services Committee recommended to Council the following:

1.) That the following Special Occasion Licences be issued:

- Slo-Pitch Food Bank Tournament – Aggie Fields -  
September 4 and 5, 2010 from 12:00 p.m. to 5:00 p.m.
- Royal Canadian Legion Picnic – Transfer Beach Horseshoe Pitch – September 12, 2010 from  
11:00 a.m. to 8:00 p.m.



Town of Ladysmith  
**STAFF REPORT**

To: Council  
From: Ruth Malli, City Manager  
Date: May 31, 2010  
File No:

---

Re: GRANT APPLICATION TO UBCM REGIONAL COMMUNITY TO COMMUNITY FORUM FUNDING PROGRAM

**RECOMMENDATION(S):**

That Council authorize staff to apply to the Union of BC Municipalities for \$5,000 through the Regional Community to Community Forum Program to support a community forum with the Stz'uminus First Nation, to be held before March 31, 2011; and that the Financial Plan be amended accordingly.

**PURPOSE:**

The purpose of this report is to seek Council approval to apply for funding through the UBCM's Regional Community to Community Forum Program. The Program provides funds to assist communities to hold an event that provides an opportunity for dialogue with neighbouring First Nations, on topics of mutual interest.

**INTRODUCTION/BACKGROUND:**

The Town has received funds through this program for two other community to community events — the signing of the Community Accord with the Stz'uminus First Nation, and the Canoe Journey and Community Supper held in conjunction with the Ladysmith Maritime Festival in May 2009.

It is proposed that the Town and the Stz'uminus First Nation work together to hold an event that will provide an opportunity for dialogue and planning on an issue of mutual concern. While the specific details of the proposed forum will be developed between the project partners, it is proposed that the structure include a meeting between the two Councils, staff and community representatives, as well as a cultural exchange and community celebration. (Topics could include the preservation of the Ladysmith Harbour, community health, youth health and safety, or education.)

The contribution from the UBCM must be matched by the Town in the form of cash, community donations, and in-kind contributions of time and materials.

The Stz'uminus First Nation has written to support of this initiative and the grant application.

SCOPE OF WORK:

The Town will take the lead in organizing the proposed forum. Funds would be available to hire a coordinator on contract should that be necessary.

ALTERNATIVES:

Council can choose to apply for a lesser amount, or Council can choose not to apply for the funds.

FINANCIAL IMPLICATIONS:

The \$5,000 grant must be matched. Matching funds can be a combination of cash and in-kind contributions (such as staff time or donation of meeting space and materials) from the Town and the community.

LEGAL IMPLICATIONS:

Not applicable.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The event will be a positive step along our path of strengthening the Town's relationship with the Stz'uminus First Nation. It is an opportunity for Council and senior staff to work with Council and staff of the Stz'uminus First Nation to address an issue of mutual concern. The opportunity for a community celebration will engage other members of both communities and further build relationships and understanding.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Not applicable.

RESOURCE IMPLICATIONS:

Staff will take the lead in organizing the event. Depending on the scope of the event, it may be possible to engage an event manager on contract.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Ongoing positive relations with the Stz'uminus First Nation align with the following Strategic Directions:

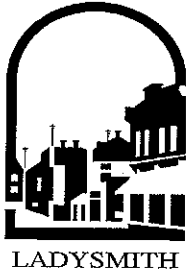
- B. Effective Land use Planning and Community Design;
- E. Responsible Stewardship of the Environment
- F. Safe and Healthy Community

SUMMARY:

It is recommended that Council support the submission of an application to the Union of BC Municipalities Regional Community to Community Forum to assist in the planning and organization of a joint forum with the Stz'uminus First Nation Council and community members.

ATTACHMENTS:

None.



Town of Ladysmith  
**STAFF REPORT**

To: Ruth Malli, City Manager  
From: Joe Friesenhan, Director of Public Works  
Date: June 1, 2010  
File No:

---

Re: SOUTH END CHLORINATOR

RECOMMENDATION(S):

That Council award the tender for the upgrade of the South End Chlorinator to KJ Electric for the low tender price of \$59,756.77 plus GST being low tender. The funds for the project have been included in the 2010 Water Utility Budget.

PURPOSE:

To award the tender for the upgrading of the South end chlorinator.

INTRODUCTION/BACKGROUND:

In January 2009, the Town received a letter from VIHA requiring the Town to develop a protocol to enhance the chlorination system for the Stocking Lake supply line. The present chlorination capacity for the Stocking Lake supply is adequate for domestic demands only and does not address demands when flows exceed a certain volume, such as during a fire demand. VIHA also required that the Town provide an improvement plan, including timelines, on how the Town intends to correct the chlorination supply capacity.

In October 2009, Council approved the design and construction of the works required to upgrade the chlorination process to bring the south end chlorinator into compliance. The detailed engineering has been completed and tenders were received for the works until 2:00 p.m. on Friday, May 28, 2010 with the following results:

KJ Electric	\$59,756.77 plus GST
Ammeter Electric	\$62,616.94 plus GST
Houle Electric	\$76,000.00 plus GST
Anchorcove Electric	\$82,835.00 plus GST

The tenders were evaluated by Koers & Associates and a copy of their recommendation is attached.

SCOPE OF WORK:

Upgrade the South end chlorinator to meet the requirements of the Town of Ladysmith Operating permit.

ALTERNATIVES:

FINANCIAL IMPLICATIONS:

The cost of the upgrade has been included in the 2010 Capital Water Utility Budget.

LEGAL IMPLICATIONS:

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

RESOURCE IMPLICATIONS:

Work to be completed by the private sector

ALIGNMENT WITH STRATEGIC PRIORITIES:

Supplying a safe and adequate water supply to the Town of Ladysmith is very high on the Strategic Priorities list.

SUMMARY:

In order to meet the requirements of the Towns Operating permit and to ensure a safe water supply, Council approved the upgrade of the South end Chlorinator. The detailed design has been completed and tendered. The results of the tender have been evaluated and a recommendation is enclosed.

I concur with the recommendation.

  
\_\_\_\_\_  
Ruth Malli, City Manager

ATTACHMENTS:

Recommendation from Koers & Associates.



**KOERS  
& ASSOCIATES  
ENGINEERING LTD.**  
*Consulting Engineers*

P.O. BOX 790  
194 MEMORIAL AVENUE  
PARKSVILLE, B.C. V9P 2G8  
Phone (250) 248-3151  
Fax (250) 248-5362  
kael@koers-eng.com

May 31, 2010  
File: 0961-11

Town of Ladysmith  
P.O. Box 220  
Ladysmith, B.C.  
V9G 1A2

**Attention: Mr. Joe Friesenhan, ASCT**  
**Director of Public Works**

Dear Sirs:

**Re: South Ladysmith Chlorination Improvements**  
**Quotation Analysis and Recommendation**

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Quotations for this project were received at the Town Hall on May 28, 2010. A total of four quotations were received and are summarized as follows:

<u>Bidder</u>	<u>Total Quotation</u>	<u>Completion Time</u>
KJ Contracting Ltd. (Nanaimo)	\$62,744.61	60 days
Ammeter Electric Inc. (Ladysmith)	\$65,747.79	90 days
Houle Electric (Nanaimo)	\$79,800.00	90 days
Anchor Cove Electrical (Campbell River)	\$86,976.75	60 days

All quotation amounts include a \$5,000 contingency allowance, a \$5,000.00 cash allowance, and 5% GST.

All Quotation Forms have been reviewed and are considered valid including the quotation submitted by the lowest bidder, KJ Contracting Ltd.

Our electrical subconsultant on this project (Fransen Engineering) has worked with KJ Contracting Ltd. on a number of projects in the past and they are happy with their performance. Therefore, we are confident that KJ Contracting Ltd has the necessary experience and expertise to successfully complete this project. KJ Contracting's stated completion period of 60 days is considered acceptable for the scope of work involved in this contract.

.../2





May 31, 2010  
File: 0961-11

Town of Ladysmith  
Mr. Joe Friesenhan, AScT

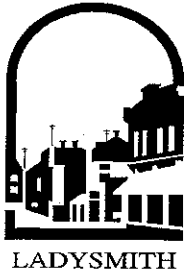
We recommend awarding this contract to KJ Contracting Ltd. We enclose a draft Notice of Award to be sent to the successful bidder on Town letterhead following the decision by the Town of Ladysmith to award. Please send us a copy of the Notice for our records.

Yours truly,

KOERS & ASSOCIATES ENGINEERING LTD.

A handwritten signature in black ink, appearing to read 'Matt Palmer', written over a horizontal line.

Matt Palmer, P.Eng.  
Project Manager



Town of Ladysmith  
**STAFF REPORT**

To: Council  
From: Ruth Malli, City Manager  
Date: June 3, 2010  
File No:

---

Re: REQUEST FOR TOWN OF LADYSMITH SUPPORT FOR LADYSMITH SECONDARY SCHOOL MULTI-USE COMMUNITY AUDITORIUM PLANNING

**RECOMMENDATION(S):**

That Council agree to be a partner with School District 68 in their application for funds to support the planning of a Multi-Use Community Auditorium at Ladysmith Secondary School, and that Council agree to provide a letter of support to School District 68 for the project.

**PURPOSE:**

The purpose of this report is to seek Council approval of a request from the Director of Facilities for School District 68. The School District is applying for a grant to assist in planning for a Multi-Purpose Community Auditorium at Ladysmith Secondary School, and has asked the Town to be a partner in this preliminary planning stage of the initiative. The School District has also asked the Town to write a letter of support.

**INTRODUCTION/BACKGROUND:**

As Ladysmith continues to grow, so does the demand for appropriate public meeting and gathering space. Recognizing this need, as well as the need to improve facilities at Ladysmith Secondary School and to provide further opportunities for students, LSS staff and School District officials have developed a plan to renovate the existing Multi-Purpose Room at the school as well as surrounding space, in order to create a Multi-Use Community Auditorium.

The next step in this initiative is to develop concrete plans, budget, and renovation schedule. The proposed grant will support this phase of the process.

**SCOPE OF WORK:**

Not applicable; the School District is the lead in this initiative.

**ALTERNATIVES:**

Council can choose not to support the initiative and funding application.

**FINANCIAL IMPLICATIONS:**

None.

**LEGAL IMPLICATIONS:**

Not applicable.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The proposed Ladysmith Secondary Community Auditorium would be an asset to the entire community by providing a venue for public meetings and entertainment. It will also provide a facility for Council to hold events and meetings where public engagement is required.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Not applicable.

RESOURCE IMPLICATIONS:

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

This initiative is not a direct initiative of the Town. However, it does support Strategic Direction D. Enhanced Standard of Infrastructure.

SUMMARY:

It is recommended that Council support the submission of an application by School District 68 for funds to support the planning and development of renovations to the Multi-Purpose Room at Ladysmith Secondary School in order to create a Multi-purpose Community Auditorium.

ATTACHMENTS:

Neighbourhood of Learning: Ladysmith Secondary / Multi-Use Community Auditorium  
- document prepared by School District 68 staff

**Neighbourhood of Learning:  
Ladysmith Secondary School / Multi-Use Community Auditorium**

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**Vision:**

To create a multi-dimensional, self-sufficient community auditorium space

**Introduction:**

Ladysmith is an expanding community with a present population in excess of 8,200. Ladysmith continues to attract new residents whose growing cultural demands exceed those of the facilities available.

Presently the Ladysmith Secondary School *multi-purpose room* provides the sole meeting space for a large host of local societies and government. Although acknowledged as the hub of community performances and meetings the venue is limited in terms of the appropriateness of seating, sound and technical capacity.

Recognizing that there needs to be a greater utilization of school facilities within the community, Ladysmith Secondary School along with various community organizations have come together to discuss the merits of working together to increase the use of this local school facility through a community partnership.

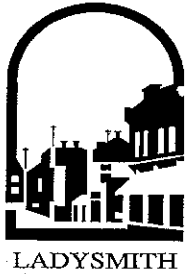
The *Ladysmith Secondary School / Multi-Use Community Auditorium* has been proposed as a venue through which civic, private, public and school based activities could be hosted. The creation, by means of a renovation of the existing space, would include the installation of retractable theatre seating. This along with a refurbished performance space, lobby and concession area would establish a site which would serve to uphold the community and school's tradition of high-quality performances, education programs and community partnerships.

In addition, the renovated auditorium enables the community to attract professionals and events that might otherwise not be able to visit and perform for Ladysmith and the surrounding community.

**Objectives:**

Once completed, the Ladysmith Secondary School / Multi-Use Community Auditorium would:

- Become an integral part of the school as an enhanced teaching, assembly and performance space
- Foster the creation of new courses related to areas such as business, culinary and performing arts
- Provide a venue for a host of community performing arts
- Provide a venue for civic engagement opportunities
- Provide a revenue stream to LSS via the creation of a first-run movie cinema run by students
- Provide a revenue stream to LSS through enhancements associated with the cafeteria and theater concession



Town of Ladysmith  
**STAFF REPORT**

To: Ruth Malli, City Manager  
From: Pat Durban, Approving Officer  
Date: June 3, 2010  
File No:

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RE: Oak Bay Marine Group and Western Forest Products Lands

RECOMMENDATION(S):

That Council consider three readings of Road Closure, Disposition and Exchange Bylaw Number 1731 2010, in order that the required notice and advertising procedure can be initiated.

PURPOSE:

To close an existing road (Gladden), consolidate properties and create a new road right-of-way.

INTRODUCTION/BACKGROUND:

Oak Bay Marine Group has made application in conjunction with Western Forest Products, to consolidate properties in anticipation of future development of the area.

One of the steps is to close and dispose of the existing Gladden Road and dedicate and build a new road in a different location, which will then become the main access to the newly created properties, marina and waterfront.

In the interim statutory right-of-ways and easements will be put in place on Gladden Road to allow access until the new road is constructed.

SCOPE OF WORK:

N/A.

ALTERNATIVES:

N/A

FINANCIAL IMPLICATIONS:

N/A

LEGAL IMPLICATIONS:

N/A

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

N/A

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

N/A

RESOURCE IMPLICATIONS:

N/A

ALIGNMENT WITH STRATEGIC PRIORITIES:

N/A

SUMMARY:

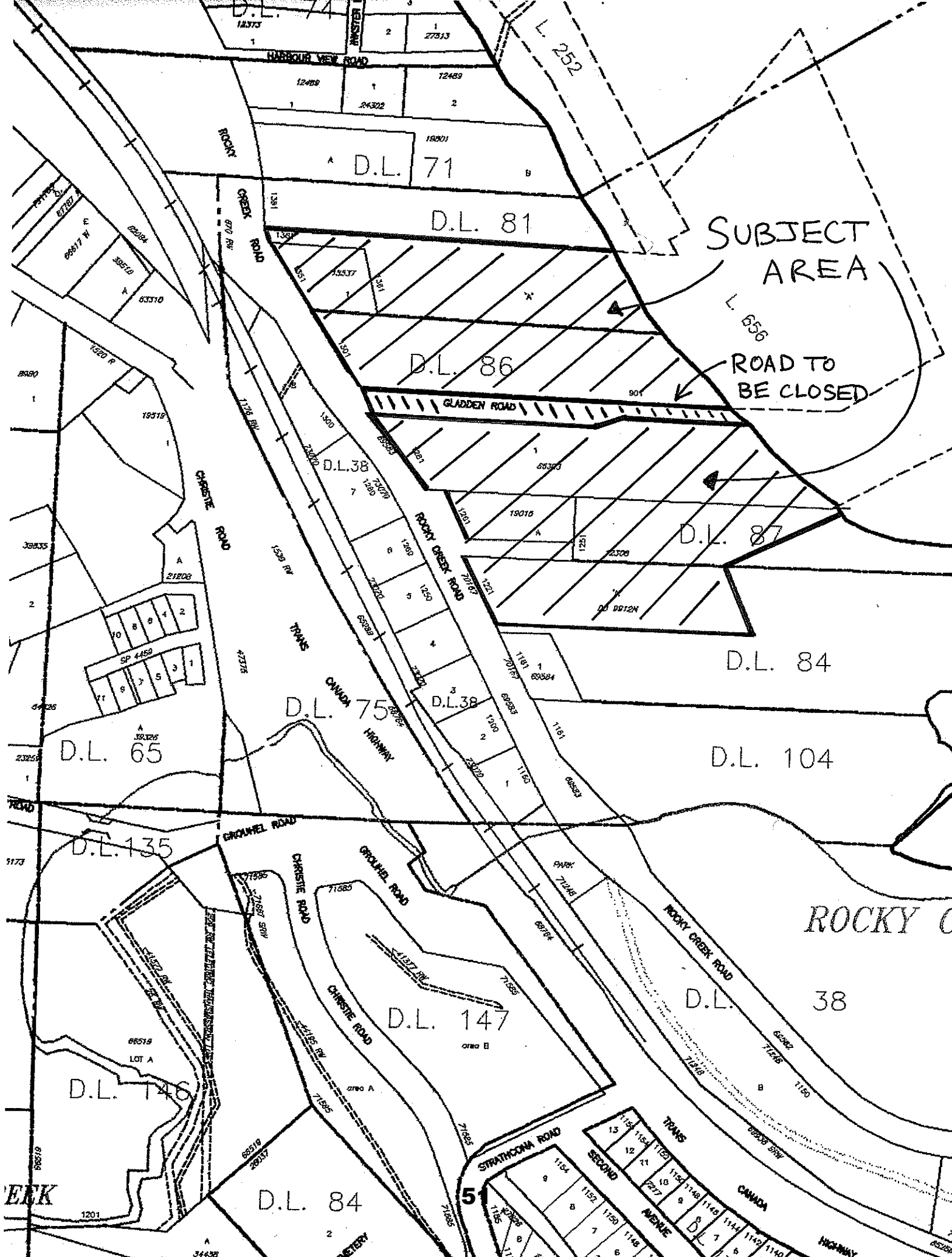
This bylaw will permit the process to begin lot consolidation and new road location.

ATTACHMENTS:

Map  
Bylaw 1731

I concur with the recommendation.

  
\_\_\_\_\_  
Ruth Malli, City Manager



D.L. 74

HARBOUR VIEW ROAD

D.L. 71

D.L. 81

D.L. 86

SUBJECT AREA

ROAD TO BE CLOSED

D.L. 38

D.L. 87

D.L. 84

D.L. 104

D.L. 75

D.L. 38

D.L. 65

D.L. 135

D.L. 147

D.L. 38

D.L. 146

D.L. 84

EEK

5

STRATHCONA ROAD

TRANS CANADA HIGHWAY

ROCKY CREEK

1201

34438

CEMETERY

71248 85284 8877

TOWN OF LADYSMITH

BYLAW NO. 1731

ROAD CLOSURE, DISPOSITION AND EXCHANGE BYLAW NO. 1731, 2010

WHEREAS, pursuant to section 40 of the *Community Charter*, Council may, by bylaw, close a portion of a highway to traffic and remove dedication of the highway, if prior to adopting the bylaw, Council publishes notices of its intention in a newspaper and provides an opportunity for persons who consider they are affected by the bylaw to make representations to Council;

AND WHEREAS pursuant to section 41 of the *Community Charter* Council is exchanging the closed portions of Gladden Road ("Gladden Road") which provides public access to Ladysmith Harbour and portions of an unnamed road adjacent to Rocky Creek Road ("Unnamed Road") for another area to be dedicated as road that provides access to Ladysmith Harbour and that Council considers will be of at least equal benefit to the public;

AND WHEREAS the Council of the Town of Ladysmith deems it expedient to close traffic, remove the dedication of highway, and dispose of:

- (a) that portion of Gladden Road comprising 0.533 hectares, dedicated at the Victoria Land Title Office by plans 15622 and VIP65303; and
- (b) the Unnamed Road having an area of 576 *sq. metres* and 543 *sq. metres* respectively dedicated by Plan 19015 which is shown outlined in bold black on the road closure reference plan prepared by D.G. Wallace, BCLS on the \_\_\_\_ day of \_\_\_\_\_, 2010, a reduced copy of which is attached hereto as Schedule "A";

AND WHEREAS the disposition of that portion of Gladden Road and the Unnamed Road will be for the purpose of consolidation with the adjacent property owned by the registered owners of:

- (a) Parcel A (DD16132N) except part in Plan 17737, District Lot 81, Oyster District;
- (b) District Lot 86, Oyster District;
- (c) Lot A, District Lot 98, Oyster District, Plan VIP \_\_\_\_\_
- (d) District Lot 87 of District Lot 38 except part in Plan 19015 and VIP70166
- (e) Parcel A (DD9912N) of District Lot 84 of District Lot 38, Oyster District; and
- (f) Lot A, District Lot 87, Oyster District, Plan 19015;

(the "Adjacent Parcels")



AND WHEREAS the Council does not consider that the closure of that portion of Gladden Road or the Unnamed Road will affect the transmission or distribution facilities or works of utility operators;

AND WHEREAS notices of Council's intention to close that portion of Gladden Road and the Unnamed Road to traffic, to remove their dedication as highway, and to dispose of them in exchange for other land to be dedicated as highway were published in a newspaper and posted in the public notice posting place, and Council has provided an opportunity for persons who consider they are affected by the closure and disposition to make representations to Council on the \_\_\_ day of \_\_\_\_\_, 2010;

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

1. The portion of the following highways are closed to all types of traffic:
  - (a) that part of Gladden Road dedicated by Plan 15622 and Plan VIP65303, being approximately 0.533 hectares in area; and
  - (b) those portions of the Unnamed Road dedicated by Plan 19015 having areas of 576 sq. metres and 543 sq. metres respectively, (collectively the "Closed Road") all as shown outlined in black on the reference plan attached to this Bylaw as Schedule "A".
2. The dedication as a highway of the Closed Road is removed;
3. The Town of Ladysmith is authorized to accept in exchange for the Closed Road all those lands that are part of or adjacent to:
  - (a) Parcel A (DD9912N) of District Lot 84 of District Lot 38, Oyster District;
  - (b) District Lot 86, Oyster District;
  - (c) District Lot 87 of District Lot 38 except part in Plan 19015 and VIP70166;
  - (d) Lot A, District Lot 87, Oyster District, Plan 19015;
  - (e) Lot A, District Lot 98, Plan VIP \_\_\_\_\_ shown as 'dedicated as road' on a Subdivision Plan of Parcel A (DD16132N) except part in Plan 15537, that Part of Lot 1, Plan 15527 lying to the South of a Straight Boundary Joining Points on the Easterly and Westerly Boundaries of said Lot 1 Distant 93.84 Feet and 91.01 Feet respectively from the North Easterly and North Westerly Corners of said Lot 1, that Part of Lot 1, Plan 15537 lying to the North of a Straight Boundary Joining Points on the Easterly and Westerly Boundaries of said Lot 1 Distant 93.84 Feet and 91.10 Feet respectively from the North Easterly and North Westerly corners of said Lot 1, all in District Lot 81,

District Lot 86, Lot A, Plan VIP , District Lot 98, District Lot 87 of District Lot 38, except Part in Plan 19015 and VIP70166, Parcel A (DD9912N) of District Lot 84 of District Lot 38, Lot A, District Lot 87, Plan 19015, and the Closed Road shown in Plan VIP all in Oyster District prepared by J.E. Anderson & Associates dated , 2010, and reduced copy of which is attached hereto as Schedule "B".

4. The Town of Ladysmith is hereby authorized to dispose of and convey the Closed Road in fee simple to the registered owners of the Adjacent Parcels, on the condition that the Closed Road is consolidated with the Adjacent Parcels;
5. The Mayor and Corporate Officer are authorized to execute and deliver such transfers, deeds of land, plans and other documentation necessary as are required to raise title and transfer title of the Closed Road to the registered owners of the Adjacent Parcels for deposit in the Victoria Land Title Office concurrently with the Subdivision Plan, and consolidating the Closed Road with one or more of the Adjacent Parcels as shown on the Subdivision Plan.
6. This Bylaw may be cited as "Road Closure, Disposition and Exchange Bylaw No. 1731, 2010".

READ A FIRST TIME THIS \_\_\_\_\_ day of 2010.

READ A SECOND TIME THIS \_\_\_\_\_ day of 2010.

READ A THIRD TIME THIS \_\_\_\_\_ day of 2010.

Approved this \_\_\_\_ day of \_\_\_\_\_, 2010 by the Ministry of Transportation pursuant to section 41(3) of the *Community Charter*.

Finally passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2010.

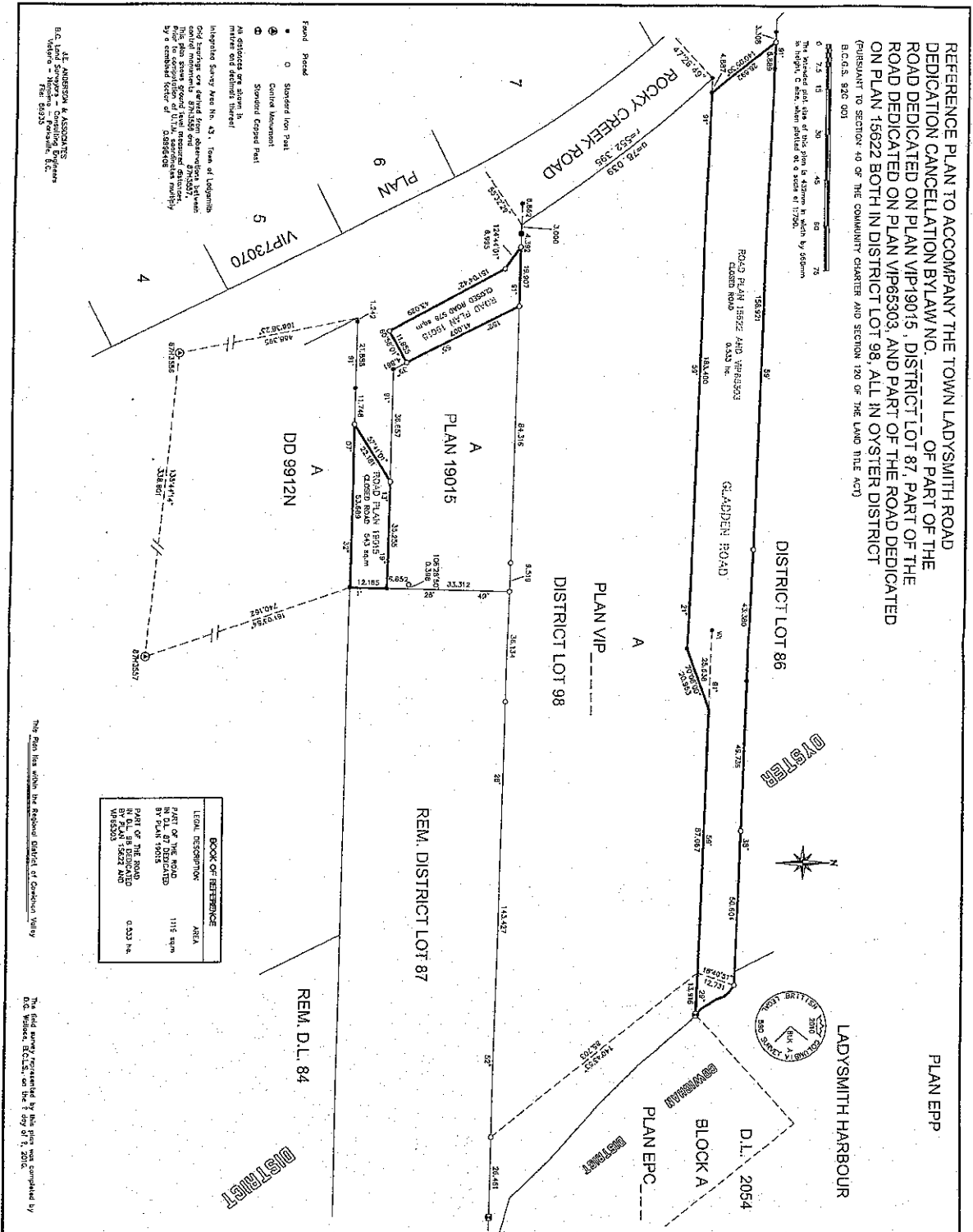
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Mayor  
(R. Hutchins)

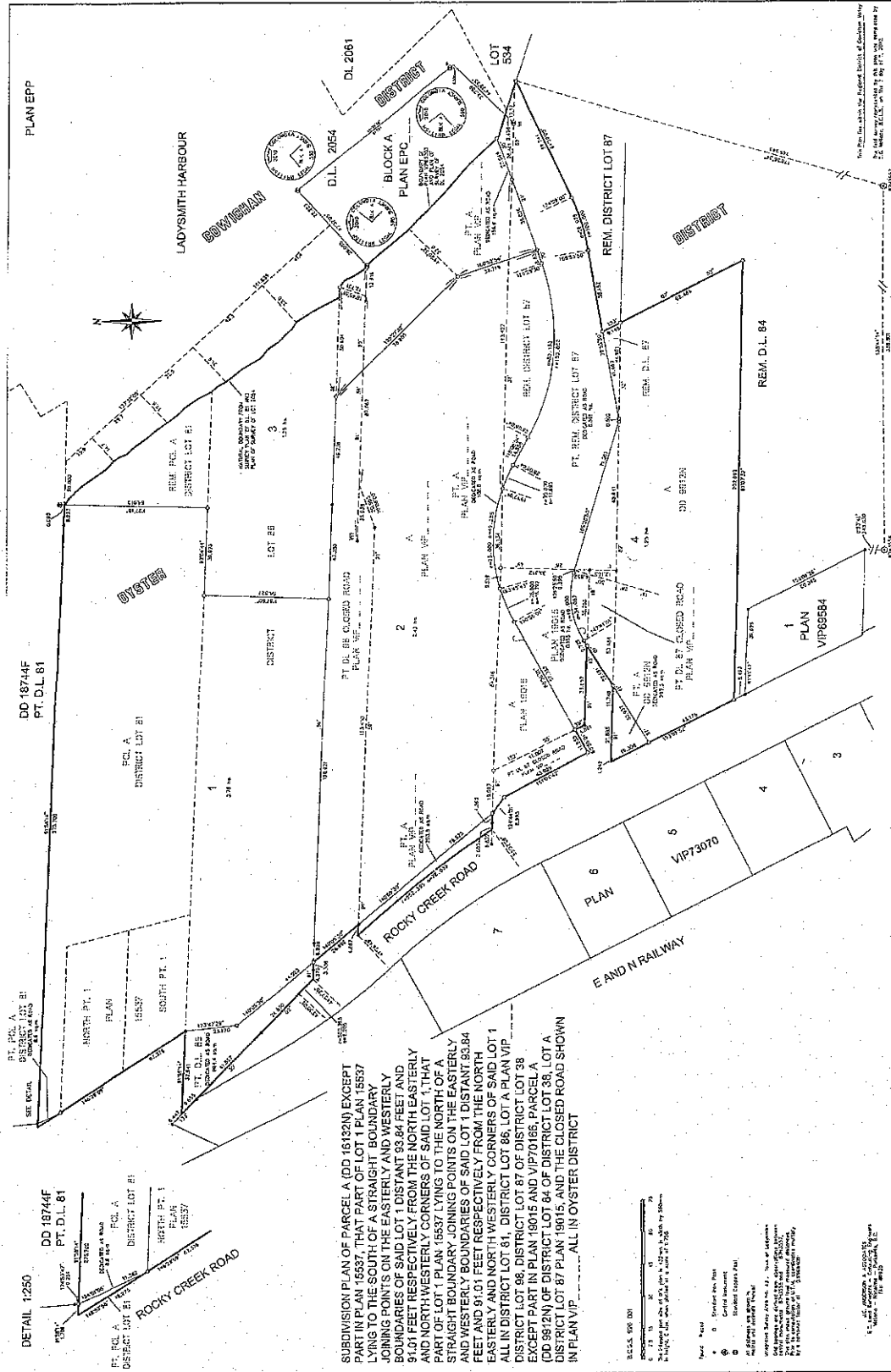
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Corporate Officer  
(S. Bowden)

# SCHEDULE A Road Closure Reference Plan



# SCHEDULE B Subdivision Plan





LADYSMITH

Town of Ladysmith  
**STAFF REPORT**

To: Council  
From: Ruth Malli, City Manager  
Date: June 4, 2010  
File No:

---

**Re: GRANT APPLICATION TO FEDERATION OF CANADIAN MUNICIPALITIES GREEN MUNICIPAL FUND**

**RECOMMENDATION(S):**

That staff be requested to submit an application for funding to the Green Municipal Fund Sustainability Planning program to develop a community sustainability plan based on the report "Ladysmith: A Community Vision for a Sustainable West Coast Town".

**PURPOSE:**

The purpose of this report is to seek Council approval to apply for funding through the Green Municipal Fund of the Federation of Canadian Municipalities. The funding will assist the Town to develop an implementation plan for the recommendations contained in the Ladysmith Sustainability Vision Report.

**INTRODUCTION/BACKGROUND:**

The Green Municipal Fund (GMF) is a long-term source of financing for municipalities and their partners to develop communities that are more environmentally, socially, and economically sustainable. GMF invests in the plans, studies, and projects that provide the best examples of municipal leadership in sustainable development and from which other municipalities can learn and apply.

**SCOPE OF WORK:**

The funds will enable the Town of engage a consultant to help develop the Sustainability Plan.

**ALTERNATIVES:**

Council can choose not to apply for the grant, or Council can change the amount to be applied for.

**FINANCIAL IMPLICATIONS:**

The GMF requires applicants to match the grant funds. There is \$50,000 committed to this initiative in the current Financial Plan..

**LEGAL IMPLICATIONS:**

Not applicable.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Council has committed to implementing the recommendations contained in the Sustainability Vision Report. This initiative will show that the Town is moving ahead in implementing the Vision Report.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Not applicable.

RESOURCE IMPLICATIONS:

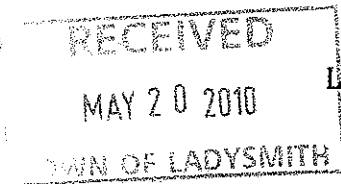
It is proposed that the town will engage a consultant to assist with the Plan, if the funding application is successful.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Implementation of the Vision Plan, and Sustainability, are top strategic priorities for Council.

SUMMARY:

It is recommended that Council support the submission of an application to Federation of Canadian Municipalities Green Municipal Fund for the development of a Sustainability Plan.



Ladysmith Community Gardens Society (LCGS)  
c/o Ladysmith Resources Centre Association  
721 1<sup>st</sup> Avenue, Box 1653,  
Ladysmith B.C.  
V9G 1B2  
May 7, 2010

19 *HR*

Mayor Rob Hutchins and Ladysmith Town Council  
410 Esplanade,  
Ladysmith, B.C.  
V9G 1A1

Dear Mayor Hutchins and Town Council,

I am writing on behalf of the Ladysmith Community Gardens Society, to get town approval to construct two movable buildings and an arbour on the High Street Garden Site.

First, the LCGS is working with Rotary to construct a gazebo at the Northwest side of the garden. The proposed gazebo structure is an octagonal in shape with a total area of 100.2 sq. ft. I am advised that a building permit is not required but permission to construct is still required. We hope this work will start in late May or early June.

Second, we are in discussion with LAFF and the high school to construct a storage shed. While the final design has not yet been completed it will about 12' by 8' and thus at 96 sq. ft. does not require a building permit. The timing on construction has not been determined, it may be possible before school shuts down in June but is more likely to occur in the fall.

Third, we hope to construct an open post and beam arbour that will support grapes and kiwi fruits above a patio and picnic area. This will be located at the east side of the garden and will be about 20' by 20' in size and have two picnic tables for public and gardeners use. This work is not likely to commence until fall or winter of 2010.

In all three construction projects the LCGS and our partners (e.g. Rotary, LAFF, High School) will work with Tom Skarvig on the final design and placement of the structures to ensure they are both safe and a visual asset to the town. In summary, we seek the appropriate approvals to proceed, in consultation with the building inspector, to finalize design and proceed with construction of these structures on the community garden site.

Yours truly,

*Greg Roberts*  
Greg Roberts, President LCGS

c.c. Ruth Mali, Lloyd Fair (Rotary)