



TOWN OF LADYSMITH

A REGULAR MEETING OF THE
COUNCIL OF THE TOWN OF LADYSMITH
WILL BE HELD IN COUNCIL CHAMBERS AT CITY HALL ON

TUESDAY, AUGUST 7, 2012
7:00 p.m.

A G E N D A

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CALL TO ORDER	
1. AGENDA APPROVAL	
2. MINUTES	
2.1. Minutes of the Regular Meeting of Council held July 16, 2012	1 - 6
3. PUBLIC HEARING	
None	
4. DELEGATIONS	
1.1. Mimi Zuyderduyn and Dalana Sword, Stock the Lockers Campaign, Ladysmith Request for Town of Ladysmith support of the Stock the Lockers Campaign for local schools	7
<u>Staff Recommendation</u> That the Town support the Stock the Lockers—Ladysmith campaign through promotion on the Town's website and other appropriate avenues.	
2. PROCLAMATIONS	
2.1. Mayor Hutchins has proclaimed the month of August 2012 as "Stock the Lockers Month" in the Town of Ladysmith	
3. DEVELOPMENT APPLICATIONS	
3.1. Signage Development Variance Permit Application – Global Vocational Services (#11 – 740 First Avenue)	8 - 13
3.2. Development Variance Permit Application – 822 Mackie Road (Lot 2, District Lot 49, Oyster District, VIP89237)	14 - 16
3.3. Development Permit Amendment Application – Oak Development Ltd. (17 Gatacre Street – Lot 8, Block 10, DL 56, Oyster District, Plan 703)	17 - 24
4. BYLAWS (OCP / ZONING)	
None	

5. COUNCIL COMMITTEE REPORTS

- 5.1. Mayor R. Hutchins
Cowichan Valley Regional District; Ladysmith Chamber of Commerce
- 5.2. Councillor B. Drysdale
Heritage Revitalization Advisory Commission; Protective Services Committee;
Trolley Committee
- 5.3. Councillor J. Dashwood
Trolley Committee; Ladysmith Early Years Partnership; Social Planning Cowichan
Affordable Housing Directorate
- 5.4. Councillor G. Horth
Advisory Planning Commission; Liquid Waste Management Committee;
Ladysmith Downtown Business Association
- 5.5. Councillor D. Paterson
Protective Services Committee; Parks, Recreation and Culture Commission;
Festival of Lights
- 5.6. Councillor G. Patterson
Community Health Advisory Committee; Youth Advisory Committee; Liquid Waste
Management Committee
- 5.7. Councillor S. Arnett
Government Services Committee; Advisory Design Panel; Parks, Recreation and
Culture Commission; Vancouver Island Regional Library Board; Celebrations
Committee
- 5.7.1. Government Services Committee Recommendations, July 16, 2012 Meeting 25

6. STAFF REPORTS

- 6.1. Contract Award – Zoning Bylaw Update 26 - 29
- 6.2. Appointment of Auditors for 2012 Fiscal Year End 30 - 31
- 6.3. Permissive Tax Exemption Policy 32 - 38
- 6.4. Proposed Revitalization Tax Exemption Program and Bylaw – Economic
Revitalization 39 - 63
- 6.5. Special Occasion Licence Request – Fraternal Order of Eagles 64 - 65

7. CORRESPONDENCE

- 7.1. M. Razberry, Razmataz Productions**
Request for Sponsorship of documentary film marking the 100th anniversary of the Vancouver Island Coal Miners' Strike **66 – 67**

Staff Recommendation

That Council consider whether it wishes to sponsor a documentary film marking the 100th anniversary of the Vancouver Island Coal Miners' Strike, as requested by M. Razberry in his correspondence dated June 27 and July 10, 2012.

- 7.2. June Cormylo**
Suggestion to install speed bumps on Transfer Beach Boulevard and Tristan de Konninck Way **68**

Staff Recommendation

That Council refer the correspondence from June Cormylo dated July 16, 2012 regarding the speed of traffic in the Transfer Beach vicinity to staff and the Royal Canadian Mounted Police for investigation.

8. BYLAWS

None

9. NEW BUSINESS

- 9.1. Meeting Schedule for Monday, August 20, 2012**
 Mayor Hutchins requests Council's consideration of the following resolution:

That the Government Services Committee meeting and Council meeting scheduled for Monday, August 20, 2012 be cancelled.

10. UNFINISHED BUSINESS**11. QUESTION PERIOD**

- A maximum of 15 minutes is allotted for questions.
- Persons wishing to address Council during "Question Period" must be Town of Ladysmith residents, non-resident property owners, or operators of a business.
- Individuals must state their name and address for identification purposes
- Questions put forth must be on topics which are not normally dealt with by Town staff as a matter of routine
- Questions must be brief and to the point
- Questions shall be addressed through the Chair and answers given likewise. Debates with or by individual Council members or staff members are not allowed
- No commitments shall be made by the Chair in replying to a question. Matters which may require action of the Council shall be referred to a future meeting of the Council

12. EXECUTIVE SESSION

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:

Item One

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

Item Two

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

Item Three

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

Item Four

Labour relations or other employee relations

13. ARISE AND REPORT

14. ADJOURNMENT



**MINUTES OF A MEETING OF COUNCIL OF THE
TOWN OF LADYSMITH
HELD IN COUNCIL CHAMBERS AT CITY HALL ON
MONDAY, JULY 16, 2012**

COUNCIL MEMBERS PRESENT:

Mayor Rob Hutchins	Councillor Steve Arnett	Councillor Bill Drysdale
Councillor Jillian Dashwood	Councillor Gord Horth	Councillor Glenda Patterson

COUNCIL MEMBERS ABSENT:

Councillor Duck Paterson

STAFF PRESENT:

Ruth Malli	Sandy Bowden	Felicity Adams
John Manson	Joanna Winter	

CALL TO ORDER

Mayor Hutchins called the Regular Council Meeting to order at 7:01 p.m.

AGENDA APPROVAL

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

10.1 Proposed privatization of British Columbia Liquor Distribution Branch

CS 2012-242

It was moved, seconded and carried that the agenda for the Regular Session of Council for July 16, 2012 be approved as amended.

MINUTES

CS 2012-243

It was moved, seconded and carried that the minutes of the Regular Meeting of Council held on July 3, 2012 be approved as circulated.

**DEVELOPMENT
APPLICATIONS**

Temporary Use Permit Application - Oak Development Ltd. – 11 High Street (Lion Rampant Ventures—Bruce Findlay)

CS 2012-244

It was moved, seconded and carried that:

- staff be directed to coordinate the statutory notice for Temporary Use Permit application 3340-12-01 with the referral from the Liquor Control and Licensing Branch;
- Temporary Use Permit application 3340-12-01 (11 High Street) be referred to a joint meeting of the Advisory Planning commission, the Advisory Design Panel and the Heritage Revitalization Advisory Commission for review and comment;

- the conditions of the issuance of the neighbourhood pub temporary use permit 3340-12-01 be finalized following the public input stage and consideration of the referral from the Liquor Control and Licensing Branch and that a condition be that the establishment participate in the local “Bar Watch” program;
- staff be directed to develop a budget for landscape improvements to the planter located in front of 11 High Street and the installation of bicycle parking in the vicinity of High Street and to report back to Council; and
- staff be directed to report back to Council with recommendations for upgrading the public parking directional signage in the Downtown.

CS 2012-245 It was moved, seconded and carried that staff be directed to proceed with the statutory notice for a Temporary Use Permit to permit a 100 seat “neighbourhood pub use, including micro-brewery” at 11 High Street for a two year period with one renewal.

CS 2012-246 It was moved, seconded and carried that staff be directed to prepare a bylaw to amend the Official Community Plan within the next twelve months to increase the period of time allowed for a Temporary Use Permit to three years with one renewal.

CS 2012-247 It was moved, seconded and carried that the off-street parking requirement for the neighbourhood pub Temporary Use Permit 3340-12-01 be deferred for the duration of the temporary use permit until the rezoning application stage.

J. Manson left the meeting.

Signage Development Variance Permit Application – Global Vocational Services, Lot A, District Lot 24 and 56, Oyster District, Plan 703A (#11, 740 First Avenue)

CS 2012-248 It was moved and seconded that staff be directed to proceed with the statutory notice for a Signage Development Variance Permit to permit a maximum size of 1.5 m² for suspended signs at 740 First Avenue.

Motion defeated.

CS 2012-249 It was moved, seconded and carried that staff be directed to proceed with the statutory notice for Signage Development Variance Permit for application 3090-12-02 at #11, 740 First Avenue.

**STAFF / ADVISORY
COMMITTEE REPORTS**

F. Adams left the meeting.

Town of Ladysmith 2011 Annual Report

R. Johnson enquired about several aspects of the 2011 Town of Ladysmith Annual Report and was advised of the following:

- Council is considering a recommendation to combine the Economic Development and Environment Commissions
- the staff union contract wage increase is included in the estimated inflationary rate contained in the Financial Statements
- the draft report on the implementation of the Town's Vision is expected shortly and will be made available for public review and input
- Town-owned properties listed for sale are posted on the Town's website and a letter has recently been sent to residents in the vicinity of 900 Russell Road advising them of the Town's plan to issue a Request for Proposals for development of that property
- the review of the vision for the Town's waterfront will begin after the Town has received the results of the environmental assessment, and the public will be involved in the review.
- the status of the Tourism Advisory Committee will be determined when Council has decided on the allocation of funds set aside in the 2012 budget for economic development
- the majority of job postings processed in 2011 were for part-time, casual and seasonal staff
- the pool by the Chicken Ladder Dam water system intake on Holland Creek has been fenced off to protect water quality for at least three years

P. Williams enquired about a number of matters concerning the 2011 Town of Ladysmith Annual Report and was advised of the following:

- the Annual Report has been amended to clarify population figures published in an earlier draft
- the figure for wages and benefits in the 2011 Financial Statements is net of policing costs
- the figures regarding wages and benefits in the Financial Statements are correct

Staff will provide the following information at a future Council meeting, in response to enquiries:

- The number of full time equivalent employees in 2011.
- A breakdown of revenues for the Frank Jameson Community Centre

- The turnover rate among permanent full time staff

It was moved, seconded and carried that the Annual Report for the Town of Ladysmith for the year ending December 31, 2011 be approved as circulated.

CS 2012-250

CORRESPONDENCE

**Darlene Kelt, Ladysmith Celebrations Society
Request for Waving of Trolley Rental Fee for Ladysmith Days**

CS 2012-251

It was moved, seconded and carried that the request from the Ladysmith Celebrations Society for waiver of the trolley rental fee for use of the trolley as a shuttle during Ladysmith Days on Sunday August 12 from 9:00 a.m. to 5:00 p.m. be denied.

**Christian Walli, Tree Canada
Funding Approval for Bayview Avenue Multi-Use Connector**

CS 2012-252

It was moved, seconded and carried that the grant from Tree Canada/BC Hydro in the amount of \$6,240 for the purchase of trees and shrubs for the Bayview Avenue Multi-use Connector be accepted.

**Hon. Kevin Falcon, Minister of Finance and Deputy Premier
Expert Panel of Business Taxation and Municipal Revenue
Sources Review**

CS 2012-253

It was moved, seconded and carried that the correspondence from the Honourable Kevin Falcon, in response to Council's letter regarding the provincial expert panel review of business taxation and the municipal revenue sources review, be received.

BYLAWS

Town of Ladysmith Development Procedures Bylaw 2008, No. 1667, Amendment Bylaw 2012, No. 1806

CS 2012-254

It was moved, seconded and carried that Town of Ladysmith Development Procedures Bylaw 2008, No. 1667, Amendment Bylaw 2012, No. 1806 be adopted.

NEW BUSINESS

B.C. Liquor Distribution Branch—Proposed Sale

CS 2012-255

It was moved, seconded and carried that:

Whereas the provincial government, without public consultation or business case, has announced plans to privatize the Liquor Distribution Branch distribution system and sell of its warehouses, which is the first step in the full privatization of our public liquor system, including the retail stores;

and

Whereas the sale of this profitable, socially responsible and proven public asset that generates almost a billion dollars a year in net income for health, education and other public services, will lead to reduced revenues, higher consumer prices, less selection and a host of social problems associated with liquor privatization that may fall on local governments to deal with;

Therefore be it resolved that Council urge the provincial government to put a moratorium on the privatization of the Liquor Distribution Branch and provide a formal vehicle for public discussion and community input into these issues.

QUESTION PERIOD

R. Johnson was advised that trees for the Bayview Multi-use Connector will be purchased with the funds from the Tree Canada/BC Hydro grant

R. Johnson was advised that the title of the Manager of Development Services position was changed to Director in November 2009.

Staff will provide the following information at a future Council meeting in response to questions:

- The grandfathering of parking provisions for the building at 11 High Street
- Results of a trolley rider count to determine how and when fares are paid
- Trolley advertising revenues for 2012

EXECUTIVE SESSION

CS 2012-256

It was moved, seconded and carried at 8:41 p.m. that Council retire into Executive Session in order to discuss the following items in accordance with Section 90(1) of the Community Charter:

Item 1

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

Item 2

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.

Item 3

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.

RISE AND REPORT

Council arose without report at 10:25 p.m.

ADJOURNMENT

CS 2012-257

It was moved, seconded and carried that this meeting of Council be adjourned at 10:25 p.m.

CERTIFIED CORRECT

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)

Dear Mayor Hutchins,

We have many families in Ladysmith who will be unable to afford school supplies for their children for the coming school year. People continue to be affected by the slow economy--jobs lost or hours cut.

In previous years there has been a local fundraiser for backpacks and supplies. The names of needy school children were obtained from the Ladysmith Food Bank. Last year over fifty filled back packs were given out.

This year we know the need will be greater and we anticipate that fund raising will be more difficult. We hope to also reach those in need who are not Food Bank clients. The teachers know best which children require our help.

Therefore, we have decided that instead of running parallel programmes we will join with the Nanaimo-Ladysmith Schools Foundation who has had a "Stock the Locker" programme in place for several years. As they buy their goods in large quantities and at considerable discount our monies will go further.

Ladysmith schools already receive funds from "Stock the Lockers" according to need and monies available. Our plan is to raise the profile of "Stock the Lockers" in Ladysmith and to do a month-long campaign of fundraising designated for Ladysmith and North Oyster school children.

Erin Van Steen, Executive Director of the Nanaimo-Ladysmith Schools Foundation has assured us that all monies raised in Ladysmith will be used in Ladysmith and North Oyster Schools. Our goal is to raise \$4,000.00, thus assuring that every student in the Ladysmith District will start school with the necessary supplies.. These monies will also be a part of each school's discretionary fund for costs throughout the school year.

It would greatly enhance our campaign's credibility and visibility in town if you would designate August as "Stock the Lockers" month in Ladysmith. We would appreciate being able to send a delegate to your Aug 7 council meeting.

Thank you very much for considering our concerns.

Sincerely,

Mimi Zuyderduyn and Delana Sword (Stock the Lockers – Ladysmith)



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Director of Development Services
Date: July 31, 2012
File No: 3090-12-02

Re: Signage Development Variance Permit Application – Global Vocational Services, Lot A, (DD EE20002) of District Lots 24 and 56, Oyster District, Plan 703A (#11 – 740 First Avenue)

RECOMMENDATION(S):

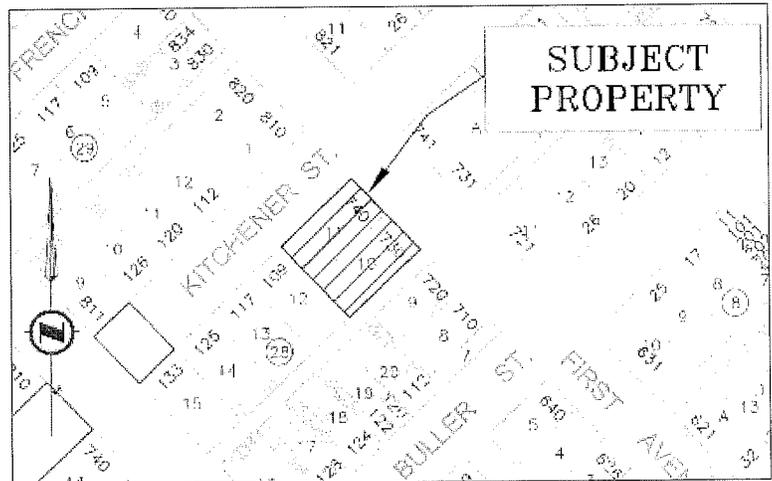
THAT Council approve Development Variance Permit 3090-12-02 for Lot A, (DD EE20002), District Lots 24 and 56, Oyster District, Plan 703A (#11-740 First Avenue) to permit a suspended sign for Global Vocational Services (Unit 11) to be 1.5 sq.m. in area; and authorize the Mayor and Corporate Officer to sign DVP 3090-12-02.

PURPOSE:

The purpose of this report is to obtain Council direction regarding a Development Variance Permit application for signage.

INTRODUCTION/BACKGROUND:

The applicants, Global Vocational Services (hereafter GVS), were contracted to provide a WorkBC Employment Services Centre, starting in April 2012. GVS are proposing to provide a suspended sign at their office, located at #11 740 First Avenue, on the second floor on the east side of the building. The main entry to the office is located at the rear of the building.



GVS has applied for a Development Variance Permit to vary the permitted size of a suspended sign. During the sign application process and Development Variance Permit process, GVS is displaying a temporary suspended sign.



At its meeting held July 16, 2012, Council directed staff to proceed with statutory notice for development variance permit application 3090-12-02. Since that meeting the applicant has amended its proposal so that the requested variance has changed from 2.2m² to 1.5m². The design and layout of the sign will remain the same.

SCOPE OF WORK:

The current stage of this application is to seek Council's consideration of the proposed Development Variance Permit. The subject property is designated as 'Downtown Core' in the Official Community Plan, which is a designation applied to locations intended to serve as the Town's primary business and public activity centre. The Downtown Core permits most types of signs, including suspended signs (defined as a sign suspended from and entirely under any part of a building or canopy). The owner of 740 First Avenue permits only suspended signs on the second floor to retain the aesthetic appeal of the building.

The proposed suspended sign has a display area of 1.5 m², which is greater than the permitted size of 0.4 m² as per the Sign & Canopy Bylaw (Bylaw #1176). The size of the proposed suspended sign will be smaller than the current temporary sign.

Sign Bylaw (#1176)	Permitted	Proposed	Variance Requested
Suspended Sign Size	0.4 m ²	1.5 m ²	1.1 m ²

A review of the existing suspended signs located at 740 First Avenue shows that there is a range in sizes of suspended signs.

Existing Suspended Signs at 740 First Avenue	Size
Black Door Decor	1.2 m ²
The Mortgage Centre	0.5 m ²
Layman Financial Services	0.9 m ²

GVS may install a larger fascia sign at its building entrance as permitted by the Sign & Canopy Bylaw. However, the side of the building (facing north) has a large number of windows that limits signage and as a multi-tenanted building would require a comprehensive review. This review has not been undertaken as the suspended sign has been reduced in size.

The Sign & Canopy Bylaw provides a maximum size of suspended signs, and does not differentiate between suspended signs in various locations or building types. Suspended signs are generally used over a street or sidewalk and more frequently viewed by pedestrian traffic, as evidenced by the smaller permitted size of suspended signs that are legible from shorter distances.

Suspended signs are more difficult to read at 740 First Avenue due to the setback from the road, as well as the distance from the ground to signs on the building's second floor. Tenants at 740 First Avenue have adapted to the requirement of the building owner to provide suspended signs, and the greater building setback and height by using larger than permitted suspended signs.

ALTERNATIVES:

To not support DVP application 3090-12-02.

FINANCIAL IMPLICATIONS: N/A.

LEGAL IMPLICATIONS:

The *Local Government Act* enables Council to vary certain 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:

As per the Sign & Canopy Bylaw, sign applications for property in the Downtown Specified Area are referred to the Heritage Advisory Revitalization Commission (HRAC) for consideration of colour, design, location and style. At its meeting held July 12, 2012, the HRAC made the following motion.

It was moved, seconded and carried that the Heritage Revitalization Advisory Commission recommend the sign proposal for Global Vocational Services at #11-740 First Avenue, subject to a decrease in the size of the sign.

The Town of Ladysmith notice regarding this DVP application was sent to neighbouring properties on July 24, 2012. At the time of writing this report no input had been received.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The Building Inspector has reviewed the size of the proposed sign and does not anticipate weight issues with the larger sign, due to the materials used.

RESOURCE IMPLICATIONS:

Processing Development Variance Permit applications is within available staff resources.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

The Visioning Report provides a public preference for signage that adds visual interest, colour and vitality, and speaks to the character of artisans, heritage and small town quality in the downtown.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Effective land use planning and community design are strategic Council directions.

SUMMARY:

The applicant is proposing a suspended sign which is larger than the permitted size. Council may approve an increase in the permitted size of the suspended sign proposed for GVS.

I concur with the recommendation.



Ruth Malli, City Manager

ATTACHMENTS:

Revised Sign
DVP 12-02

TOWN OF LADYSMITH
DEVELOPMENT VARIANCE PERMIT 3090-12-02
DATE: August 7, 2012

TO:	Dunsmuir Investments Ltd. (Inc., No. 444,134) (Applicant: Global Vocational Services)
ADDRESS:	P.O. Box 734 LADYSMITH, B.C. VOR 2E0

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 A (DD EE20002) of District Lots 24 and 56, Oyster District, Plan 703A (UNIT 11)
PID: 017-214-696 (#11-740 First Avenue)
3. Section 4.18 "Suspended Signs" in the "Town of Ladysmith Sign & Canopy Bylaw 1995, No. 1176", as amended, is varied for the subject property as follows:

From:
Section 4.18.2 "No person shall erect a suspended sign which has a vertical dimension exceeding 0.30 metres, a horizontal dimension exceeding 1.20 metres; or an area of 0.4 square metres".

To:
Section 4.18.2 "No person shall erect a suspended sign which has a vertical dimension exceeding 0.30 metres, a horizontal dimension exceeding 1.20 metres; or an area of 0.4 square metres, except that Global Vocational Services may erect a suspended sign for Unit 11 which has a maximum area of 1.5 square metres".
4. The land described herein shall be developed strictly in accordance with terms and conditions and provisions of this Permit.
5. 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 _____, 2012.

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)

Revised Sign

Development Variance Permit - Signage
3090-12-02 Global Vocational Services
#11 - 740 First Avenue



Sign construction : 1.5 sq.m. aluminum sign with vinyl face
: brown and white wooden trim to match building
: suspended with chains



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Director of Development Services
Date: July 31, 2012
File No: 3090-12-03

Re: Development Variance Permit Application – 822 Mackie Road (Hoban)
Lot 2, District Lot 49, Oyster District, VIP89237

RECOMMENDATION(S):

That Council direct staff to proceed with statutory notice for Development Variance Permit application 3090-12-03 for Lot 2, District Lot 49, Oyster District, VIP89237 (822 Mackie Road) to permit a shop/garage that exceeds the maximum permitted size and height.

PURPOSE:

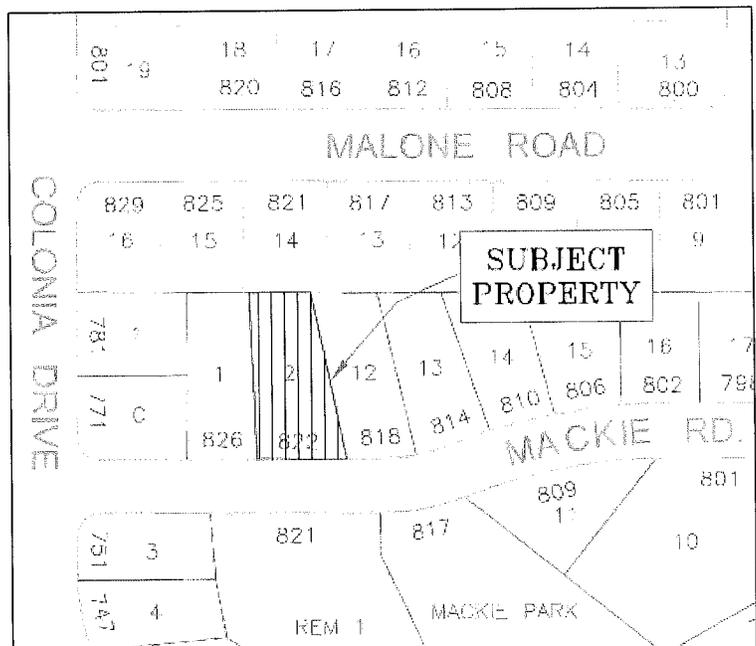
The purpose of this staff report is to obtain Council direction regarding statutory notification for an application for a development variance permit for an accessory building as required by the Development Procedures Bylaw.

INTRODUCTION/BACKGROUND:

The applicants are proposing to construct a shop/garage 8m x 9m (26ft x 30ft) at their property at 822 Mackie Road. The property currently contains a single family dwelling with an attached garage. The proposed shop/ garage (accessory building) is larger than currently permitted by the Zoning Bylaw.

SCOPE OF WORK:

The current stage of this application is to seek Council direction to proceed with the statutory notice.



The subject property is 943m² (10,155ft²) in size and is zoned 'Suburban Residential Zone (R-1)'. The maximum permitted gross floor area for an accessory building is 45m² (484ft²). The applicant is proposing an accessory building (detached shop/garage) that is 72.5m² (780ft²). The maximum permitted height of an accessory building is 5 metres, and the applicant is proposing a variance of 0.3 metres to a maximum height of 5.3 metres. The

attic/roof space has a maximum permitted height of 1.5 metres, and the applicant is proposing a variance of 0.1 metres to a maximum permitted height of 1.6 metres. The proposal meets all other requirements of the R-1 zone.

The applicants intend to use the shop/garage for parking personal vehicles, including a Land Rover with a dump/tilt box that requires a high ceiling. The exterior design of the shop/garage will be consistent with the appearance of the residence on the property.

Summary of Development Variance Permit Application 3090-12-03

Accessory Building (shop/garage)	Permitted	Proposed	Requested Variance
Gross Floor Area	45 m ²	72.5 m ²	27.5 m ²
Building height	5 m	5.3 m	0.3 m
Attic/roof space	1.5 m	1.6 m	0.1 m

ALTERNATIVES:

To not support DVP application 3090-12-03.

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:

It is recommended that Council direct staff to proceed with the statutory notice for Development Variance Permit application 3090-12-03.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Development Variance Permit application 3090-12-03 has been referred to the Infrastructure Services Department.

RESOURCE IMPLICATIONS:

Processing Development Variance Permit applications is within available staff resources.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

The subject development variance permit proposal is not inconsistent with the Visioning Report.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Effective land use planning and community design are strategic Council directions.

SUMMARY:

It is recommended that Council direct staff to proceed with the statutory notice for Development Variance Permit application 3090-12-03.

I concur with the recommendation.



Ruth Malli, City Manager

ATTACHMENTS:

None





Town of Ladysmith

STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Director of Development Services
Date: August 3, 2012
File No: 3060-12-04

Re: Development Permit Amendment Application - Oak Development Ltd.
17 Gatacre St. (Lot 8, Block 10, D.L. 56, Oyster District, Plan 703)

RECOMMENDATION(S):

That Council issue Development Permit 3060-12-04 to amend DP 11-01, including the site plan and landscape plan and off-street parking requirements at 17 Gatacre Street (Lot 8, Block 10, D.L. 56, Oyster District, Plan 703),

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

PURPOSE:

The purpose of this staff report is to present an amendment to Development Permit 3060-11-01 for a development at 17 Gatacre Street.

While the approval of Development Permit amendments has been delegated to the position of the Director of Development Services, this application is being presented to Council for consideration as variances to the parking standards in the Zoning Bylaw are part of the application. The consideration of variances cannot be delegated.

INTRODUCTION/BACKGROUND:

At its meeting held June 18, 2012, Council passed the following motion regarding Development Permit amendment application for 17 Gatacre Street:

That Council direct staff to work with the applicant towards achieving a revised site design for the rear of 17 Gatacre Street (DP 11-01) that addresses Development Permit Area 2 and 4 Guidelines as noted in this staff report (which may reduce the required four off-street parking spaces to three spaces with payment of \$4000 to the Municipal Parking Fund in lieu of one space), and to seek the input from the two neighbouring property owners regarding the design of the cedar fence.

Since that time, staff has been working with the applicant to achieve the revised site design as directed by Council, including a review of the parking layout, pedestrian access to the rear doors of the building, and landscape treatments. The applicant has hired Boulevard Transportation Group to review and advise on the parking lot layout.

SCOPE OF WORK:

The stage of this application is to consider an amendment to an approved Development Permit 11-01.

Proposed Amendment

The applicant's proposed amended site plan is shown in the attached DP 3060-12-04. The amended site plan contains:

- new parking layout and revised variances to the dimensions of the four off-street parking spaces as shown in Table 1.
- completion of a second cedar fence at the west property boundary.
- one permeable grass area (as opposed to three) such that onsite stormwater management is no longer feasible;
- the removal of the outdoor screened garbage/recycling storage (now indoor storage).

Several items included in the Development Permit amendment 12-04 have already been completed by the developer, including painting of the concrete block wall, installing a bicycle rack, and completion of one of the cedar fences.

Parking Variance

The total number of required off-street parking spaces for the commercial/residential building is 9 spaces. In accordance with the variance in parking requirements included in DP 11-01 and the utilization by the owner of the payment in lieu or parking, the following table indicates the allocation of parking spaces associated with each of the uses:

Commercial unit	2 spaces
Residential unit	1 space
Residential unit	1 space

The applicant had the revised parking layout and circulation design reviewed by a transportation engineer at Boulevard Transportation Group who concluded that:

"All four stalls have acceptable circulation in and out, however the exit movement for the stacked stalls are more readily accomplished by exiting to the right (when looking towards the laneway from the property). The stacked stalls should be reserved for commercial tenant staff only, and consideration given to marking or signing these stalls as "Reserved".



Signage as recommended has been included in the Development Permit amendment.

Table 1: 3060-12-04 Requested Variances

Section 5.18 "Off-street Parking and Loading"	From: (Bylaw Standard)	To: (Applicant's Proposed Variances)
Required Off-Street Parking Spaces	9 spaces as follows: <ul style="list-style-type: none"> • 5 parking spaces on-site (3 spaces for commercial use and 2 spaces for residential use), and • in lieu of 4 spaces, payment of \$16,000 to the Municipal Parking Fund 	9 spaces as follows: <ul style="list-style-type: none"> • 4 parking spaces on-site (2 spaces for commercial use and 2 spaces for residential use), • in lieu of 1 space, a bike rack as per the Zoning Bylaw bike rack criteria, and • in lieu of 4 spaces, payment of \$16,000 to the Municipal Parking Fund
Parking Space Dimensions – Width (including additional 0.3 m width for door swing as space is next to a foundation wall)	2.9 m	2.6 m
Access to Parking Space	n/a	2 stalls "stacked" parking

ALTERNATIVES:

That Council not issue DP 12-04 for reasons outlined in the Development Permit Guidelines.

FINANCIAL IMPLICATIONS: n/a

LEGAL IMPLICATIONS:

A development permit amendment is required prior to constructing the alterations on the site.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Staff contacted the neighbour at 19 Gatacre Street who has advised that she would like a fence to be constructed. The applicant has agreed.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The revised drainage plan for 17 Gatacre Street has been evaluated and approved by the Senior Engineering Technician.

RESOURCE IMPLICATIONS:

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

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

The Visioning Report supports mixed use development in the downtown area.



ALIGNMENT WITH STRATEGIC PRIORITIES:

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

SUMMARY:

The application to amend the parking and landscape plan for the development at 17 Gatacre Street (DP 11-01) has been revised. It is recommended that Council issue the Development Permit amendment.

I concur with the recommendation.



Ruth Malli, City Manager

ATTACHMENTS:

DP 3060-12-04 (amends DP 11-01)



TOWN OF LADYSMITH
 DEVELOPMENT PERMIT 3060-12-04 (AMENDMENT)
 (Section 920 Local Government Act)

DATE: August 7, 2012

TO: Oak Development Ltd. Inc. No. BC0458681 (R. Jackson)
 (PERMITTEE)

Address: 10855 Boas Road, North Saanich, B.C. V9L 5J1

1. This Development Permit amends Development Permit 3060-11-01 and 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:

Strata Lot 1, 2 and 3
District Lot 56
Oyster District
Strata Plan EPS713
 PID# 028-814-525 – Strata Lot 1
 PID# 028-814-533 – Strata Lot 2
 PID# 028-814-541 – Strata Lot 3
 CIVIC ADDRESS: 17 Gatacre Street
 (referred to as the “Land”)
3. This Permit has the effect of authorizing alterations on the Land in accordance with the plans and specifications attached to this Permit, and subject to all applicable laws, except as varied by this Permit; subject to the conditions, requirements and standards imposed and agreed to in section 6 of this Permit.
4. With respect to the Land Town of Ladysmith Zoning Bylaw 1995, No. 1160 is hereby varied as follows:
 (a) Section 5.18 “Off-street Parking and Loading” is varied as shown in Table 1:
 3060-12-04 Variances:

Table 1: 3060-12-04 Variances

Section 5.18 “Off-street Parking and Loading”	From: (Bylaw Standard)	To: (Applicant’s Proposed Variances)
Required Off-Street Parking Spaces	9 spaces as follows: <ul style="list-style-type: none"> • 5 parking spaces on-site (3 spaces for commercial use and 2 spaces for residential use), and • in lieu of 4 spaces, payment of \$16,000 to the Municipal Parking Fund 	9 spaces as follows: <ul style="list-style-type: none"> • 4 parking spaces on-site (2 spaces for commercial use and 2 spaces for residential use), • in lieu of 1 space, a bike rack as per the Zoning Bylaw bike rack criteria, and • in lieu of 4 spaces, payment of \$16,000 to the Municipal Parking Fund

Parking Space Dimensions – Width for a space next to a wall	2.9 m	2.6 m
Access to Parking Space	n/a	2 stalls “stacked” parking for commercial use only

5. This Permit does not have the effect of varying the use or density of the Land specified in Zoning Bylaw No. 1160.
6. The Permittee, as a condition of the issuance of this Permit, agrees to develop the Land as required in Development Permit 11-01, as amended by this Permit as follows:
 - a) Revisions to Schedule A and B of DP 11-01, as shown on Schedule A: Revised Rear Area Site/Landscape Plan (Kevin Lamont, August 2012) which is attached to and forms part of this Permit;
 - b) Install a bike rack to hold a minimum of two bicycles and the bike rack shall meet the Zoning Bylaw design criteria (Section 5.18 (10));
 - c) Install cedar fences on both side lot lines with the agreement of the neighbouring property owners, and the cedar fences shall each be 11 metres in length (37 feet), and shall meet BC Building Code requirements;
 - d) Install a drainage deflector curb on the east rear area side property line;
 - e) Install an area drain (as shown in the attached Schedule A), and the area drain is to be connected to the trench drain; and
 - f) The two split face block walls shall be painted as follows: i) two coats of elastomeric paint; ii) block filler; and iii) latex paint. The paint colour shall match the front façade (Dulux 2044 55/151).
 - g) Professionally mark or sign the stacked commercial stalls as “Reserved” or for “Tenant Use Only”.
 - h) Professionally mark or sign the side-by-side residential stalls for one space for each residential unit.
7. Should the Permittee fail to satisfy the conditions referred to in section 6 of this Permit, the Town of Ladysmith may undertake and complete the works required to satisfy the landscaping condition(s) or carry out any construction required to correct the unsafe condition(s), at the cost of the Permittee, and may apply the security required by DP 11-01 in payment of the cost of the work, with any excess to be returned to the Permittee.
8. Should there be no default as herein provided, or where a Permit lapses, the Town of Ladysmith shall return any security provided to the Permittee.
9. 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 3060-12-04 or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
10. If the Permittee does not substantially start any construction permitted by this Permit within six months of the date of this Permit as established by the authorizing resolution date, this Permit shall lapse.

11. The plans and specifications attached to this Permit are an integral part of this Permit.
12. This Permit prevails over the provisions of the Bylaw in the event of conflict.
13. Despite issuance of this permit, construction may not start without a Building Permit, Sign Permit or other necessary permits.

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL OF THE TOWN OF
LADYSMITH ON THE ____ DAY OF _____ 2012.

MAYOR

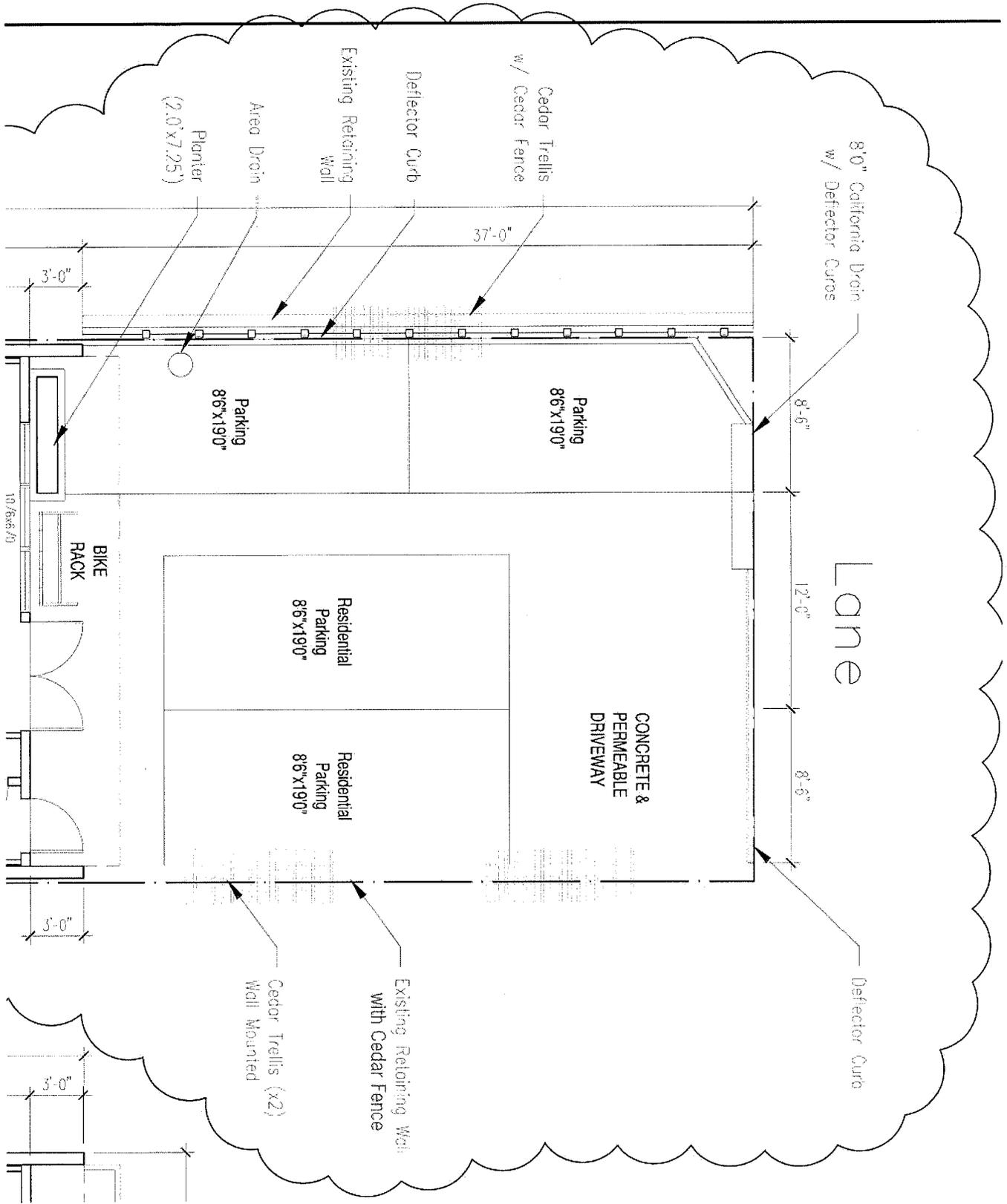
CORPORATE OFFICER

OWNER

PLEASE PRINT NAME

OWNER

PLEASE PRINT NAME



Schedule A: Revised Rear Area Site/Landscape Plan
 (Kevin Lamont, August 2012)
 DP 3060-12-04 (Amendment)
 Oak Development Ltd. Inc. No. BC0458681



Town of Ladysmith
COMMITTEE REPORT

To: Mayor and Council
From: Councillor Steve Arnett, Chair
Date: July 18, 2012
File No: 0550-20

Re: GOVERNMENT SERVICES COMMITTEE - July 16, 2012

At its meeting on July 16, 2012 the Government Services Committee recommended to Council the following:

1. That economic revitalization be confirmed as a priority for the Town of Ladysmith.
2. That property classes 4, 5 and 6 be designated to receive an economic revitalization tax exemption.
3. That the economic revitalization exemption program for Classes 4 and 5 apply to all appropriately zoned lands in the Town of Ladysmith.
4. That staff be directed to develop recommendations with respect to geographic areas in the Town of Ladysmith in which an economic revitalization exemption for class 6 would apply.
5. That the value of construction, demolition and reconstruction of a project be set at \$200,000 in order for the project to be eligible for an economic revitalization tax exemption.
6. That the period of eligibility for an economic revitalization tax exemption be set at five years.
7. That the matter of a Town of Ladysmith Revitalization Tax Exemption for Social Revitalization, including designation of a geographic area to receive this exemption, the value of the construction or renovation and consideration of properties registered on the province's Contaminated Sites Registry, be referred to the 2013 work plan.
8. That consideration of a cat bylaw for the Town of Ladysmith be referred to the 2013 work plan.



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
 From: Felicity Adams, Director of Development Services
 Date: August 1, 2012
 File No: 3900-03

Re: LADYSMITH'S NEW ZONING BYLAW: CONTRACT AWARD

RECOMMENDATION(S):

That Council award the contract for "Ladysmith's New Zoning Bylaw" to CitySpaces Consulting Ltd. in the amount of \$108,500 plus HST.

PURPOSE:

The purpose of this staff report is to seek Council's approval of the contract award for the project "Ladysmith's New Zoning Bylaw".

INTRODUCTION/BACKGROUND:

In May 2012, the Town received its funding agreement for the Zoning Bylaw Review/Update project in the amount of \$130,000 from the Federal Gas Tax Agreement.

In June 2012, a Request for Proposals for "Ladysmith's New Zoning Bylaw: Consultation, Education and Innovation" was issued and resulted in the receipt of five excellent submissions as outlined in the Bid Summary. The proposal call closed July 16, 2012 and the five submissions were reviewed by a committee of three staff members representing Development Services and Corporate Services combining an evaluation lens of planning excellence and legal certainty. The committee found its recommendation difficult to make as all of the proposals contained unique elements and offered strengths in different areas.

BID SUMMARY		
NAME	FEES & DISBURSEMENTS	LEGAL
Urban Systems	\$121,948	Town cost
HB Lanarc-Golder	\$117,754	Town cost
Island Planning Services	\$113,000	Town cost



BID SUMMARY		
NAME	FEES & DISBURSEMENTS	LEGAL
Allnorth Consultants Ltd.	\$98,353	Town cost
CitySpaces Consulting Ltd.	\$93,500	\$15,000

While the proposal from CitySpaces Consulting is not the lowest bid overall, it is the lowest bid when the cost of legal services is factored into the budget. All of the other firms included legal review as an expectation of the Town (which is expected to cost up to \$15,000). All of the firms have offices on Vancouver Island but none are local.

The committee made the following overall comments regarding the CitySpaces Consulting proposal:

- The proposal scored high on all areas of the evaluation criteria.
- The budget includes significant time by a senior team member/project manager.
- The team lead has significant experience drafting comprehensive zoning bylaws.
- The team is skilled at creating development permit guidelines.
- Legal services from a pre-eminent municipal planning law lawyer (Bill Buholzer, MA, LL.B, FCIP) are included.
- The firm is knowledgeable of the community and has proven consultation expertise.

SCOPE OF WORK:

The current stage of this project is to seek Council's award of the contract to the consulting team.

While the creation of the Town's new Zoning Bylaw is the primary focus of the project, there are also elements of "consultation and education" and "innovation" included in the scope of work.

This project is designed to have several outcomes:

- A technically sound new Zoning Bylaw with improved clarity and clear regulations.
- Community understanding of the new regulations.
- Consistency with the direction of the OCP, as amended by the Town's Sustainability Strategy, with no major changes to current land use designations.
- Zoning to support economic development target sectors and the Downtown, as well as affordable housing options.
- Zoning to support the character of development preferred by residents.



- New development permit design guidelines integrated into the Zoning Bylaw.

The proposed scope of work prepared by CitySpaces Consulting will take place over the next 10-11 months in four phases. The proposal is available for Council's review from the Director of Corporate Services.

Phase 1: Background, Issues Identification and Education (August to October)

Phase 2: Technical Review and Workshops (October to January)

Phase 3: Bylaw Drafting and Consultation (January to April)

Phase 4: Bylaw Finalization and Submission (May to June)

ALTERNATIVES:

That Council request staff to provide further information on the other proposals.

FINANCIAL IMPLICATIONS:

The project is fully funded by a grant. Staff will maintain a public meetings budget and will provide in-kind assistance to the project including meeting logistics.

LEGAL IMPLICATIONS:

The CitySpaces Consulting proposal includes a budget for the bylaw to be vetted by a municipal lawyer with a specialty in planning law. This budget has been tested with another municipality who recently undertook a comprehensive bylaw review and it is reasonable.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

A Consultation Strategy will be developed by the consultants and will include consultation with stakeholders, workshops and community open houses. A stakeholder working group has been suggested by the consultants.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Participation from an interdepartmental team (Planner, Building Inspector, Engineering Services, Bylaw Enforcement, Approving Officer, Fire Chief) will be involved in the project.

RESOURCE IMPLICATIONS:

To be successful this project will take significant staff time which may result in resource implications depending upon Council's other strategic directions. Staff in the Development Services Department will manage the project and coordinate the meeting logistics. The Finance Department will manage the grant application and reporting. The Corporate Services Department will assist with a website profile for the project.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

The Town has invested a tremendous amount of time and resources into the development of several overarching, sustainability-focused planning documents, including a new Official Community Plan (OCP) in 2003, a national award-winning



Community Vision and Sustainability Strategy in 2008, and a Community Energy Plan in 2009. A comprehensive review and update of the Zoning Bylaw is now a priority of Council if the visions, values and goals of these overarching municipal plans are to be successfully implemented.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The update of the Zoning Bylaw is one of Council's strategic priorities.

SUMMARY:

It is recommended that Council award the Zoning Bylaw project to CitySpaces Consulting Ltd.

I concur with the recommendation.



Ruth Malli, City Manager

ATTACHMENTS:

"None".





Town of Ladysmith

STAFF REPORT

To: Ruth Malli, City Manager
From: Erin Anderson, Director of Financial Services
Date: July 23, 2012
File No:

Re: Appoint Hayes Stewart Little as Auditor for the Year End 2012

RECOMMENDATION(S):

It is recommended that Council appoint Hayes Stewart Little & Company as the Town auditor for the 2012 year end.

PURPOSE:

To appoint a Town auditor as required in section 169 of the *Community Charter*.

INTRODUCTION/BACKGROUND:

Per section 169 of the *Community Charter*, a Town auditor must be appointed to conduct an official audit of the Town's finances.

Hayes Stewart Little & Company has audited the Town's finances since 2002. Their last 5 year term ended for the year-end 2011. During that last term, Hayes Stewart Little has advised the Town through a myriad of accounting changes, such as Tangible Capital Assets (TCA) and the conversion to Public Section Account Board changes (PSAB).

The initial accounting of the Tangible Capital Asset information was compiled by Hayes Stewart Little. The Town continues to use this historic information and relies on Hayes Stewart Little to decipher legacy data.

Last yearend (2011) was one of the most predictable year-ends in recent memory. It is anticipated that this will continue provided the Finance staff does not change significantly.

Per the Town's purchasing policy, purchases for goods and services over \$20,000 must go to Tender and be approved by Council. Council has the right to waive this policy.

SCOPE OF WORK:

The majority of year-end work starts in mid-December and lasts until Council adopts the financial statements which occurs by May 15 of the following year. The Financial Services Department completes the majority of work, though some information is obtained from other departments.

An interim audit is usually conducted in October.

Throughout the year, auditor input is sought when making decisions.

If Council approves this one-year appointment, the audit services will then be tendered in June of 2013 for a 5-year period.

ALTERNATIVES:

An auditor must be appointed. The only other alternative is to go to tender for 2012.

FINANCIAL IMPLICATIONS:

The audit costs for 2012 will be approximately \$33,000 and will include up to 10 hours of consulting throughout the year.

LEGAL IMPLICATIONS:

Council must appoint an auditor.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

None.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Not at this time.

RESOURCE IMPLICATIONS:

Each time a new auditor is selected, additional staff time is required to explain the history of each general ledger code. If Council directed Staff to tender audit services for 2012 and another firm is selected, the Finance Department may require an additional overtime budget for 2013.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

This issue aligns with Strategic Direction A – “Wise Financial Management”

SUMMARY:

It is recommended that Hayes Stewart Little & Company continue to be the Town auditor for the year-end of 2012.

I concur with the recommendation.



Ruth Malli, City Manager

ATTACHMENTS:

None



Town of Ladysmith

STAFF REPORT

To: Ruth Malli, City Manager
 From: Erin Anderson, Director of Financial Services
 Date: July 25, 2012
 File No:

RE: PERMISSIVE TAX EXEMPTION POLICY

RECOMMENDATION(S):

That Council approve a Permissive Tax Exemption Policy for the Town of Ladysmith.

PURPOSE:

To provide clarity and consistency in the process of granting Permissive Tax Exemptions.

INTRODUCTION/BACKGROUND:

Permissive Tax Exemptions are permitted under the *Community Charter*, Division 7. Council has general authority under section 224 to permit certain properties that are held by or used for specific purposes an exemption of the property taxes.

This Permissive Tax Exemption (PTE) differs from the recently presented Revitalization Tax Exemption. A PTE allows for all property taxes to be exempted versus a Revitalization Tax Exemption allows for a portion of municipal taxes only to be exempted provided certain criteria are met.

Currently, the following organizations are granted an annual PTE. Some of these organizations also receive Grant-in-Aid funding as noted.

Exemption Type	Organization	PTE	GIA
<i>Public Worship s.224.2f):</i>			
	St. Mary's Catholic Church	✓	
	Pentecostal Assemblies of Canada	✓	
	United Church of Canada	✓	
	Ladysmith Fellowship Baptist Church	✓	
	Anglican Synod Diocese of BC	✓	
		✓	
<i>Non-Profit s.224.2(a)</i>			
	Ladysmith Senior Citizens Housing Society	✓	
	Ladysmith Historical Society (Museum & Archives)	✓	✓
	Ladysmith Resources Centre Association	✓	✓
	Boys & Girls Clubs of Central Vancouver Island	✓	
	Alcoholics Anonymous	✓	
	Ladysmith Maritime Society	✓	✓
	Ladysmith Festival of Lights	✓	✓
	Arts Council of Ladysmith & District	✓	✓
	Eco-Tourism Building	✓	
	Ladysmith Health Care Auxiliary	✓	
	Canadian Legion Branch #171 (<i>Recreation Portion only</i>)	✓	✓
	Island Corridor Foundation	✓	

Exemption Type	Organization	PTE	GIA
<i>Recreational s.224.2(i)</i>			
	Ladysmith Golf Club Society	✓	
<i>Partnering Agreement 225.2(a) - Parking Lot</i>			
	St John's Masonic Temple	✓	
	Municipal Parking lot - Roberts St	✓	

The taxes foregone from these organizations are passed on to the other property owners. The Grants in Aid are also funded through revenues from other property owners.

Included in the policy for consideration with this report is a note that Council shall consider the granting of Permissive Tax Exemption in relation to other funding requests by the same organization. Many other municipalities do not allow an organization to receive benefit from numerous municipal programs. Council may consider this language as well.

Please note that the Ladysmith Seniors Centre & Ladysmith Resources Centre plus the Boys and Girls Clubs on the site of the Ladysmith Community Services Centre already receive a ten-year exemption (the maximum allowable). This PTE exemption is also included in their lease agreement. The Island Corridor Foundation also receives a 10-year PTE, set to expire in 2022.

In September, Council will receive the annual Permissive Tax Exemption bylaw for first 3 readings. Unless Council decides otherwise, all of the above organizations will be included in that bylaw, as well as any new applicants. This bylaw must be adopted prior to October 31 for the exemption to be in effect for the following taxation year.

Council is to consider Permissive Tax Exemptions in conjunction with the Financial Plan. The current Financial Plan policy includes the following section regarding Permissive Tax Exemptions:

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.*

Unlike Revitalization Tax Exemptions, Permissive Tax Exemptions must conform to the *Community Charter s.25(1)* which states: *“Unless expressly authorized under this or another Act, a council must not provide a grant, benefits, advantage or other form of assistance to a business, including*
 (a) *Any form of assistance referred to in section 24 (1) [publication of intention to provide certain kinds of assistance], or*
 (b) *An exemption from a tax or fee.*

SCOPE OF WORK:

For 2012, any new PTE applicants must complete the necessary paperwork before being included on the bylaw for 2013. An existing organization will be automatically included based on past approval.

In 2013, the Financial Services Department will mail to all existing organizations an application form to be completed and returned before being included in the PTE bylaw for 2014.

ALTERNATIVES:

- Council can continue granting Permissive Tax Exemptions without a policy.
- A Committee could be established to delegate the responsibility of granting a Permissive Tax Exemption and Grant-in-Aid. Again, a policy would need to be established for this Committee.

FINANCIAL IMPLICATIONS:

Other property owners will absorb the financial impact of granting any PTE.

LEGAL IMPLICATIONS:

Having a PTE policy could mitigate any potential legal implications.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Last year, Council reduced one community organization's Permissive Tax Exemption. This policy confirms Council's intention to grant Permissive Tax Exemptions in keeping with the *Community Charter*.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Not applicable.

RESOURCE IMPLICATIONS:

Based on Council's direction, the Financial Services Department is responsible for managing the Permissive Tax Exemption program.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

This issue aligns with Strategic Direction A – "Wise Financial Management"

SUMMARY:

On the agenda for Council's consideration is a policy to establish the terms for granting a Permissive Tax Exemption. The purpose of the policy is to provide clarity and consistency in the process of granting Permissive Tax Exemptions.

I concur with the recommendation.



Ruth Malli, City Manager

ATTACHMENTS:

Draft Permissive Tax Exemption Policy

TOWN OF LADYSMITH

POLICIES AND PROCEDURE MANUAL

TOPIC:	PERMISSIVE TAX EXEMPTION POLICY	
APPROVED BY:	Council	DATE:
RESOLUTION #:		
A. PREAMBLE		
<p>The Town of Ladysmith recognizes the significant value of volunteers, volunteer groups and agencies to the spiritual, educational, social, cultural, and physical well-being of the community. A permissive tax exemption is a means for Council to support organizations within the community that further Council's objective to enhance the quality of life while delivering services economically to the citizens of Ladysmith.</p> <p>The Permissive Tax Exemption Policy is intended to:</p> <ul style="list-style-type: none">-Provide clarity, consistency and certainty to the municipality, the public and prospective applicants.		
B. EXTENT, CONDITIONS, AND PENALTIES		
<ol style="list-style-type: none">1. Council may designate only a portion of land/improvements as exempted where the following circumstances exist:<ol style="list-style-type: none">a. A portion of the land/improvements is used by private sector and/or organization not meeting Council's exemption criteria.b. The applicant already receives grant in aid from the municipality, provincial or federal government.c. The applicant meets all eligibility criteria, however Council may at its discretion grant a partial exemption.2. Council may impose conditions on the exempted land/improvements with the applicant organization, including but not limited to:<ol style="list-style-type: none">a. Registration of a covenant restricting use of the propertyb. An agreement committing the organization to continue a specific service/programc. An agreement committing the organization to have field/facilities open for public use for specific times or a total amount of timed. An agreement committing the organization to offer use of the field/facility to certain groups free of charge or at reduced ratese. An agreement committing the organization to immediately disclose any substantial increase in the organization's revenue or anticipated revenue (i.e. receives large operating grant from senior government)3. Council may impose penalties on an exempted organization for knowingly breaching conditions of exemption, including but not limited to:<ol style="list-style-type: none">a. Revoking exemption with noticeb. Disqualifying any future application for exemption for specific time periodc. Requiring repayment of monies equal to the foregone tax revenue.		

C. PROCESS

Council will consider permissive tax exemption applications for 3 years.

Organizations will be required to complete a Comprehensive Application. If the application is approved for the next tax year, the organization will be required to submit a short renewal application every year for the next 2 years. The renewal application is confirmation that ownership and use of property has not changed and will be reviewed and approved before a permissive tax exemption is granted.

Comprehensive Non-Profit applications must have the following information attached before consideration of a 3 year permissive tax exemption:

Copy of last Registered Charity Information Return or Non-Profit Organization Information Return submitted to the CCRA

Copy of most current Audited Financial Statements or Financial Statements prepared by an Accountant.

Financial Budget (pro-forma Balance Sheet and Income Statement) for the current 12 months

Scale Drawing of Property, that includes buildings, parking lots, landscaping, playgrounds, fields, etc.

Copy of Lease Agreement if applicable

Applications with required supporting information must be submitted prior to August 15th of each year to be considered for the next permissive tax exemption year or cycle.

Additional Information

Council may request a presentation from applying organization.

The Town of Ladysmith may request additional information.

The Town of Ladysmith reserves the right to review records and/or property to verify information provided in support of application.

Successful applicants may be asked to publicly acknowledge the exemption.

Council may, at its discretion, reject any or all applicants in any given year.

This policy does not apply to permissive tax exemptions for revitalization, riparian, and other special exemption authority.

Eligibility Criteria

To be eligible for a permissive tax exemption an organization must comply with all of the eligibility criteria outlined below. The application forms and supporting documentation are an integral part of this policy. There is no obligation on the part of Council to grant permissive tax exemptions in any given year.

The applicant(s):

1. qualifies for an exemption under the provisions of the *Community Charter*, general authority for permissive exemptions. (Part 7, Division 7, Section 224).
2. and/or the property owner is in compliance with municipal policies, plans, bylaws, and regulations (i.e. business licensing, zoning).
3. is a Non-Profit Organization.

Tax exemptions will only be granted to organizations that are a Registered Charity or Non-Profit Organization.

The intent of this requirement is to ensure that municipal support is not used to further activities of an organization or individual that, if not for its not-for-profit status would otherwise be considered business, i.e. an organization that is operating as a Non-Profit; although it charges market value for services available, and would be comparable in operations and perception to public as a For Profit Business.

Non-profit organizations conducting retail and/or commercial activity and charging rates or fees at market value are considered to be in competition with for-profit businesses and will not be eligible for tax exemption.

4. provides services or programs that are compatible or complementary to those offered by the Town of Ladysmith. When a service or program is offered by a non-profit group or club, the Community may benefit from a more cost effective provision of services.

Services provided by an organization should fulfill some basic need, or otherwise improve the quality of life for residents of Ladysmith.

5. principal use of property meets Council's objectives. The "principal use of the property" refers to the use related directly to the principal purpose of the organization owning the property.

Permissive tax exemptions will be based on the principal use of the property, not on the non-profit or charitable services of the organization.

6. will provide benefits and accessibility to the residents for Ladysmith. Specifically, members of the public, within the appropriate age range, are able to join a club or organization and participate in its activities for a nominal rate or fee.

Ladysmith residents must be the primary beneficiaries of the organization's services. The services provided on the property must be accessible to the public. Council may at its discretion provide partial exemptions.

7. that provide liquor and/or meal services as their primary function and/or source of revenue will not be eligible for permissive tax exemption.

Administration

The Financial Services Department will review all applications for completeness and contact the applicant if additional information is necessary.

The Financial Services Department will prepare a summary report of applications and bylaw for presentation to Council the first week of October for approval and adoption prior to October 31st of each year.

A public notice will be placed in the local newspaper of proposed bylaw. The notice will include:

Property subject to bylaw

Description of the proposed exemption

Number of years the exemption will be provided

Estimate of the amount of taxes that would be imposed on the property if it were not exempt for the year of exemption and following 2 years.

Public notice will be in accordance with Section 94 of the *Community Charter*.

Organizations that have been approved for permissive tax exemption will be exempt for up to 3 years.

Late Application

Applications received after the deadline for submission will be held until the next scheduled October presentation to Council that meets the application due date. Applicants may, at that time, request Council to consider a refund of the Municipal portion of taxes paid for the property to be exempted the following year.

*Council shall consider the granting of a Permissive Tax Exemption in relation to other funding requests by the same organization.



Town of Ladysmith

STAFF REPORT

To: Ruth Malli, City Manager
From: Erin Anderson, Director of Financial Services
Date: July 31, 2012
File No:

Re: Revitalization Tax Exemption Bylaw

RECOMMENDATION(S):

That Council receive the report regarding proposed Revitalization Tax Exemption Bylaw – 2012, No. 1807.

PURPOSE:

To present to Council a draft of the bylaw to establish an Economic Tax Revitalization program.

INTRODUCTION/BACKGROUND:

Council may recall that at the last Government Services meeting held on July 16, 2012, that:

It was moved, seconded and carried that the Committee recommend to Council that economic revitalization be confirmed as a priority for the Town of Ladysmith.

It was moved, seconded and carried that the Committee recommend to Council that property classes 4, 5 and 6 be designated to receive an economic revitalization tax exemption.

It was moved, seconded and carried that the Committee recommend to Council that the economic revitalization exemption program for Classes 4 and 5 apply to all appropriately zoned lands in the Town of Ladysmith.

It was moved, seconded and carried that the Committee recommend to Council that staff be directed to develop recommendations with respect to geographic areas in the Town of Ladysmith in which an economic revitalization exemption for class 6 would apply.

It was moved, seconded and carried that the Committee recommend to Council that the value of construction, demolition and reconstruction of a project be set at \$200,000 in order for the project to be eligible for an economic revitalization tax exemption.

It was moved, seconded and carried that the Committee recommend to Council that the period of eligibility for an economic revitalization tax exemption be set at five years.

Presented for Council's consideration is the draft Town of Ladysmith Revitalization Tax Exemption – Economic Revitalization Bylaw 2012, No. 1807. This bylaw addresses the following:

- Confirm that economic revitalization is a priority of Council with the following objectives:
 - To stimulate construction and alteration of buildings within Ladysmith; and
 - To encourage new business investment in commercial and industrial use lands and, in turn, encourage new employment; and

- To promote a higher standard of urban design within business areas and employment areas in order to increase the attractiveness of these locations; and
 - Generally reinforce the Town's commitment to economic revitalization.
- Designate areas in which Class 4 (Major Industry), Class 5 (Light Industry), and Class 6 (Business/Other) properties are entitled to the exemption where permitted in the Official Community Plan (OCP). Excerpts from the OCP map are included in Schedule "A" of the Bylaw, depicting areas where Commercial and Industrial growth may occur and be eligible for this program.
- The construction and alteration costs must exceed \$200,000 based on the value of the building permit.
- The maximum term for this exemption is 5 years.

Per *Community Charter* s.226.6(b), Council must consider this program bylaw in conjunction with the objectives and policies set out in the Financial Plan.

SCOPE OF WORK:

Advertising in accordance with s.94 of the *Community Charter* applies. After this bylaw is presented for first 3 readings, advertisements will be placed in the local paper to comply with legislation.

It is anticipated that Council will adopt this bylaw in September, allowing eligible projects to apply for the exemption.

Eligible projects must have a Tax Exemption Certificate issued. Eligible properties with Exemption Certificates will be placed on a second bylaw, the Tax Exemption bylaw, which must be adopted by October 31st for the exemption to be in place for the following taxation year.

ALTERNATIVES:

Direction is being sought. Council could choose not to proceed with a Revitalization Tax Exemption.

FINANCIAL IMPLICATIONS:

Revitalization Tax Exemption is essentially a shifting of taxes. Other property owners in the Town will in effect absorb any tax exemption.

The exemption only applies to municipal taxes so the property owner will still be responsible for school, hospital and regional taxes.

The exemption assessment will be determined by BC Assessment. The intention of the program is to "freeze" the assessment at pre-construction amounts. This means that the non-revitalization assessment amounts will be subject to any changes to the property tax rate as if construction work was not done.

LEGAL IMPLICATIONS:

A bylaw containing all the tax revitalization recommendations will be presented to Council at a later date for consideration. The bylaw will also be reviewed by the Town's solicitor.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

There are prescribed legislative advertisements necessary once the bylaw is presented to Council.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

No additional staff resources are required, although all departments could be involved with administering the program.

RESOURCE IMPLICATIONS:

This process is being led by the Financial Services Department. It will involve considerable time to establish the program, review the bylaw with the Town solicitor, and manage the agreements and exemptions.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

This vision supports Strategy # 4 - Multi-use Open Space and Strategy # 8 - Local, Diverse Economy.

ALIGNMENT WITH STRATEGIC PRIORITIES:

This issue aligns with Strategic Directions B - "Effective Land Use Planning & Community Design" and C - "Dynamic Economic Development".

SUMMARY:

Presented for Council's consideration is a draft bylaw that addresses Council's direction to Staff regarding the proposed Revitalization Tax Exemption - Economic program. Council may receive the report for information.

I concur with the recommendation.

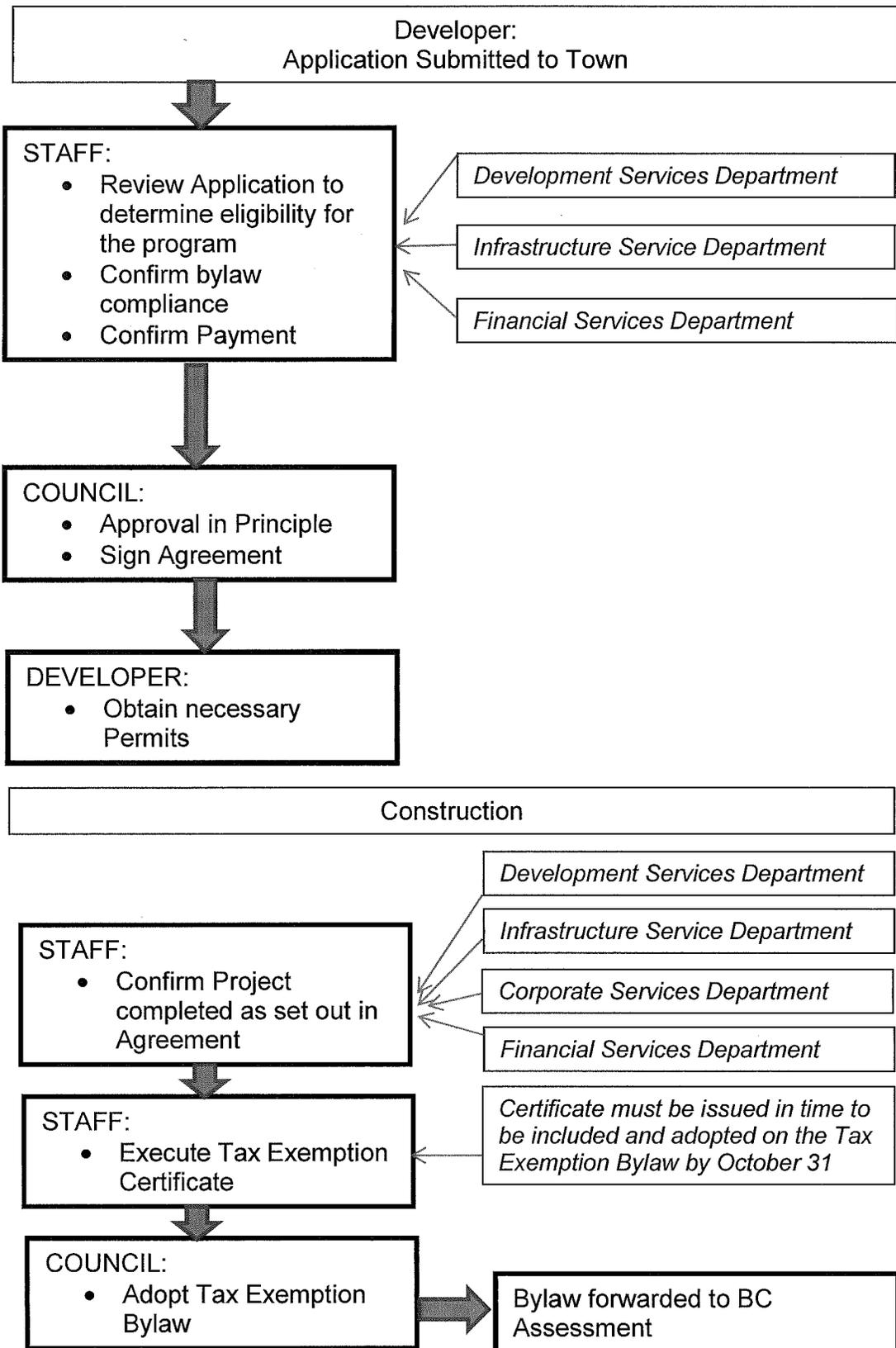


Ruth Malli, City Manager

ATTACHMENTS:

- Draft of Bylaw 1807
- Draft flow chart of process

Flow Chart of Revitalization Tax Exemption Process



TOWN OF LADYSMITH
BYLAW NO. 1807

A Bylaw to Establish a Revitalization Tax Exemption – Economic Program

WHEREAS Council may, by bylaw, establish a revitalization tax exemption program;

AND WHEREAS Council wishes to establish a revitalization tax exemption for economic revitalization in order to encourage the commercial and industrial redevelopment of those areas, identified in Schedule “A” of this Bylaw, which are experiencing challenges in attracting and retaining investment;

AND WHEREAS Council wishes that the following objectives of the program be established by this Bylaw:

- To stimulate construction and alteration of buildings within Ladysmith; and
- To encourage new business investment in commercial and industrial used lands and, in turn, encourage new employment; and
- To promote a higher standard of urban design within business areas and employment areas in order to increase the attractiveness of these locations; and
- Generally reinforce the Town’s commitment to economic revitalization.

AND WHEREAS Council has included within this Bylaw a description of the reasons for and objectives of the program and a description of how the program is intended to accomplish the objective, as required by the section 227 of the *Community Charter* and consider this bylaw in conjunction with the objectives and policies set out in section 165 (3.1)(c) of the *Community Charter* and in the Town’s financial plan.

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

Eligible Development

1. For the purposes of this Bylaw, any proposed development that occurs within the lands shown in coloured shading with assessment class or either Class 4 (Major Industry), Class 5 (Light Industry), or Class 6 (Business/Other) on Schedule A attached to and forming part of this Bylaw constitutes a class of eligible development for that purpose.
2. In this bylaw:

“Assessed Valued” means the BC Assessment land and improvements assessed value of the Parcel subject to an Agreement for the purpose of calculating property taxes;

“Baseline Assessment”	means the BC Assessment last published land and improvements assessed value immediately before the commencement of the Project;
“Commercial and Industrial Use”	means Parcel assessed as Class 4, 5 or 6 and located within the Revitalization Area;
“Council”	means the council of the Town of Ladysmith;
“Parcel”	means a legal parcel within the Revitalization Area upon which an owner proposes a Project;
“Project”	means an eligible revitalization Project on a Parcel involving the construction or an alteration of an existing improvement;
“Revitalization Area”	means a Parcel which is currently within a land use designation as indicated on Schedule “A”
“Tax Exemption”	means a municipal revitalization tax exemption pursuant to a Tax Exemption Certificate;
“Tax Exemption Certificate”	means a revitalization tax exemption certificate issued by the Town pursuant to this Bylaw and pursuant to the provisions of Section 226 of the Community Charter, in the form attached as Schedule “C”, which is attached to and forms part of this Bylaw.

3. The Program is hereby established pursuant to the provisions of section 226 of the *Community Charter* which is intended to achieve its objectives by providing property tax relief to property owners who undertake eligible construction within the established Revitalization Area.
4. The terms and conditions upon which a Tax Exemption Certificate may be issued are as set out in this Bylaw, in the Agreement and in the Tax Exemption Certificate.
5. The amount of the annual Tax Exemption shall be equal to the municipal portion of property taxes imposed under section 197(1)(a) of the *Community Charter* calculated by deducting the Baseline Assessment from the current Assessed Value and applying the difference to the current municipal tax rate.
6. The Revitalization Tax Exemption shall not include an exemption from any parcel tax, local service tax or business improvement area tax payable in the designated area in which the Parcel is located.
7. Council may provide a Tax Exemption under this Bylaw to an owner of eligible lands where:

- a) Properties that are the subject of a Building Permit having a project value, as determined by the Building Inspector, of \$200,000 (two hundred thousand dollars) or greater for the portion that is deemed the eligible Project, where the Building permit was issued after September 1, 2012 and Occupancy Permit is issued within two (2) year;
 - b) The land use applicable to the Project is:
 - i. One of the uses permitted in the applicable zone for the Parcel, as set out in the Town of Ladysmith Zoning Bylaw as amended from time to time; and
 - ii. Consistent with the future land use designation for the Parcel, as set out in the Official Community Plan Bylaw as amended from time to time; and
 - iii. Meets all other applicable Town policies and bylaws.
 - c) The owner of the Parcel must enter into an Agreement with the Town; and
 - d) The form and character of the Project must be largely consistent with the applicable Development Permit Area Design Guidelines contained within the Official Community Plan Bylaw or the Zoning Bylaw and the Development Permit has been issued.
8. The following are not eligible for a Tax Exemption:
- a) A Parcel currently subject to another tax exemption from the Town;
 - b) A Parcel in respect of which there are property taxes in arrears; and
 - c) Projects involving proposals to alter building listed on the Town of Ladysmith Heritage Register.
9. The maximum term of a Tax Exemption shall be five (5) years.
10. The Tax Exemption is attached to the Parcel and is transferrable to subsequent property owner within the term of the Agreement.
11. If an owner wishes Council to consider entering into an Agreement with the owner, the owner must apply to the Director of Financial Services in writing and must submit the following with the application:
- a) a certificate that all taxes assessed and rates, charges and fees imposed on the Parcel have been paid, and, where taxes, rates or assessments are payable by instalments, that all instalments owing at the date of application have been paid; and
 - b) a completed written application in a form prescribed by the Town; and
 - c) a description of the Project from the owner's design professional in a form acceptable to

the Town, including details regarding the extent and value of the applicable portion of the Project certifying that the construction value of the Project will exceed \$200,000, which will be confirmed through the building permit process; and

- d) a fee in the amount prescribed by the Town of Ladysmith “Fees and Charges Bylaw 2007, No. 1644”, payable upon approval in principle of the Project.
- 12. Once the requirements established under this Bylaw and the Tax Exemption Agreement have been fulfilled, a Tax Exemption Certificate must be issued for the Parcel in the form attached as Schedule “B” attached to and forming part of this Bylaw.
- 13. A Tax Exemption Certificate issued for the Parcel is subject to the condition that all of the conditions set out in the Agreement continue to be met.
- 14. A Tax Exemption Certificate may be cancelled by Council if any of the conditions set out in the Agreement are not met.
- 15. If The Tax Exemption Certificate is cancelled during a year in which the owner of a Parcel has received a Tax Exemption, the owner of the Parcel shall pay to the Town within 30 days of cancellation a recapture amount calculated as equal to a percentage of the amount of the Tax Exemption with the percentage being equivalent to the percentage of the taxation year remaining from the date of cancellation.
- 16. If the amount is not paid under section 15, any amount unpaid will bear interest at a rate of 1.0% per month, compounded annually.
- 17. The Director of Finance for the Town is designated the municipal officer for the purpose of section 226(13) of the *Community Charter*.

Citation

- 18. This Bylaw may be cited for all purposes as “Town of Ladysmith Revitalization Tax Exemption – Economic Revitalization Bylaw 2012, No 1807”.

READ A FIRST TIME on the day of

READ A SECOND TIME on the day of

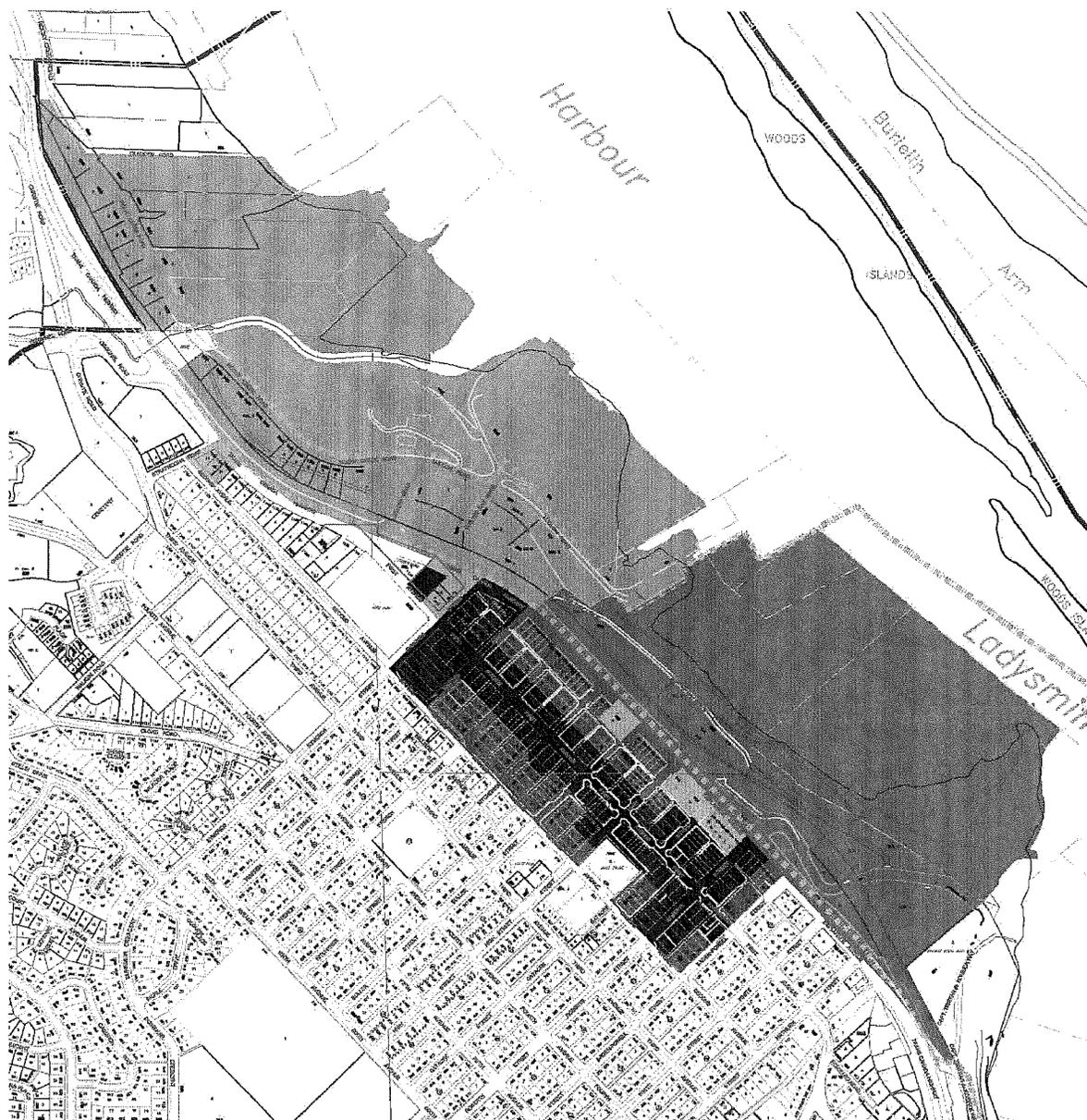
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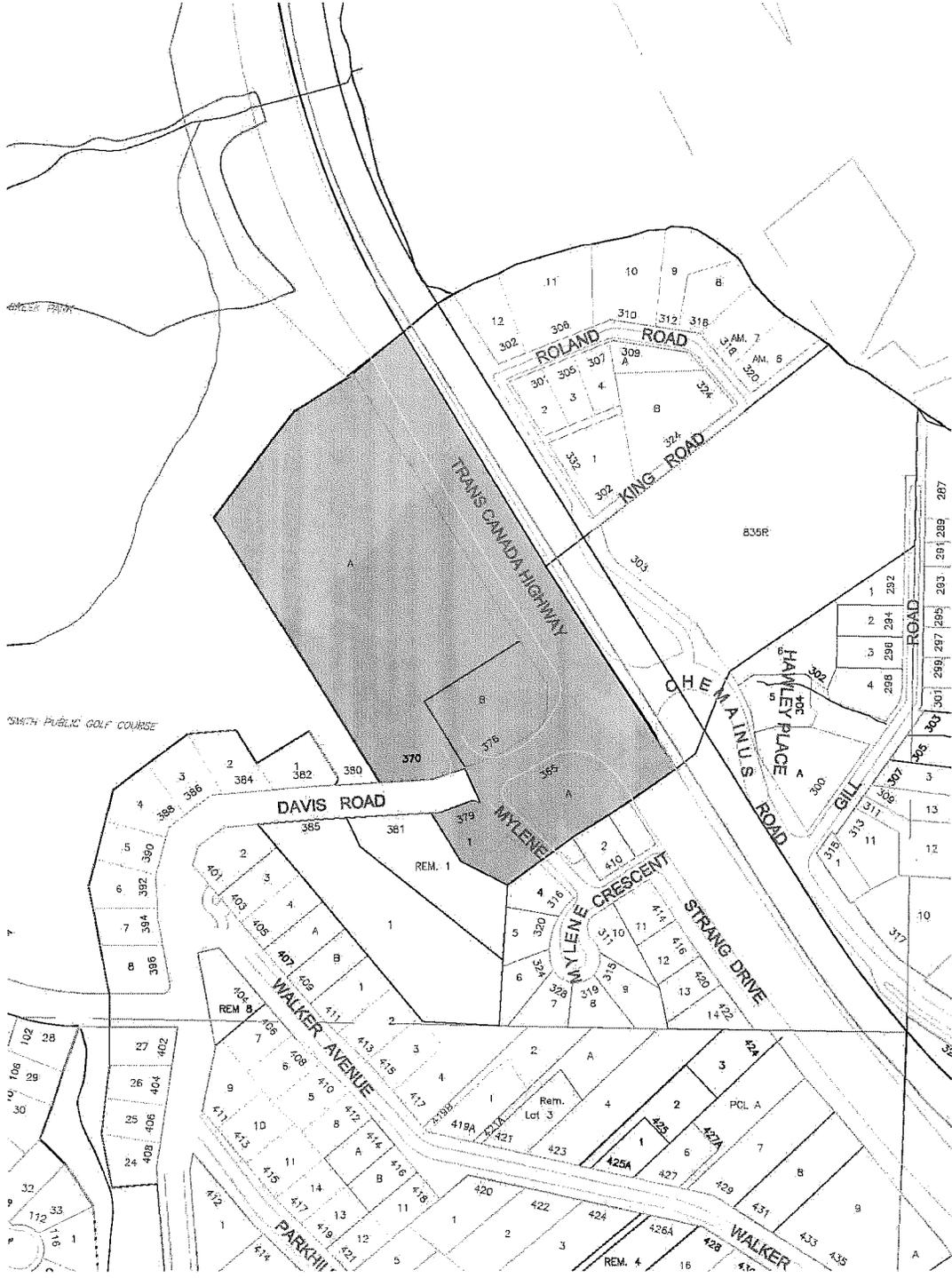
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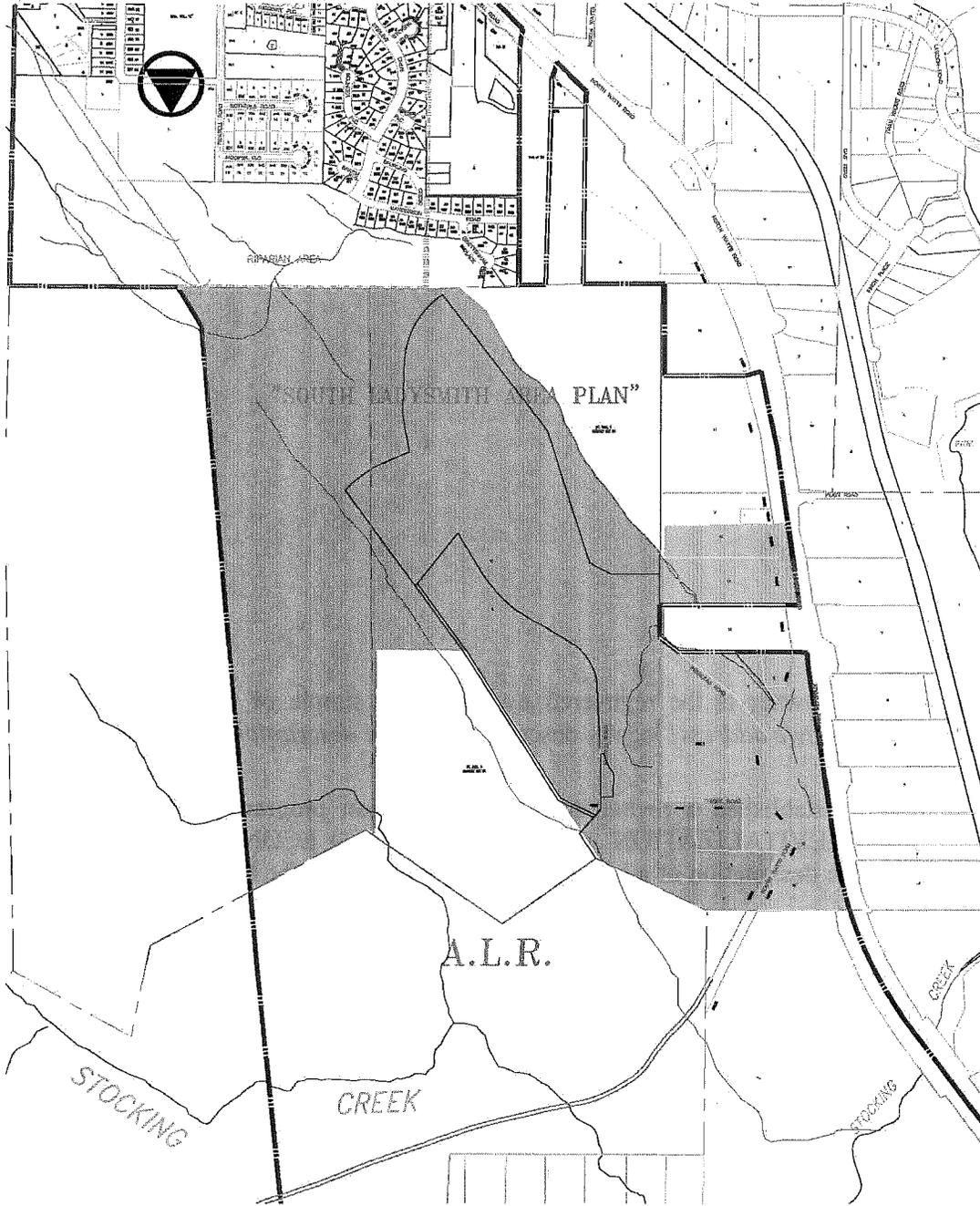
Mayor (R. Hutchins)

Corporate Officer (S. Bowden)

Schedule A
Designated Areas







Schedule "B"
Revitalization Tax Exemption - Economic Agreement

THIS AGREEMENT dated for reference the ____ day of _____, 20____ is

BETWEEN:

(the "Property Owner")

AND:

TOWN OF LADYSMITH
410 Esplanade, PO Box 220
Ladysmith, BC
V9G 1A2

(the "Town")

GIVEN THAT:

- A. The Property Owner is the registered owner in fee simple of lands in the Town of Ladysmith at *[civic address]* legally described as *[legal description]* (the "Property");
- B. Council has established a revitalization tax exemption program within the Town of Ladysmith "REVITALIZATION TAX EXEMPTION – ECONOMIC BYLAW 2012 NO. 1807" the designation of a land use zone which include the Parcel as a revitalization area; and
- C. Council's objective in encouraging construction or alter or renovate existing improvements on the Parcel as described in Appendix "A" attached to and forming part of this Agreement (the "Project") and has applied to the Town to partake in the revitalization tax exemption – economic program in respect of this Project and the Town has agreed to accept the Project under the program;

THIS AGREEMENT is evidence that in consideration of the promises exchanged below, the Property Owner and the Town covenant and agree each with the other as follows:

1. In this Agreement, the following words have the following meanings:

“Assessed Value”	means the BC Assessment land and improvements assessed value of the Parcel subject to an Agreement for the purpose of calculating property taxes;
“Baseline Assessment”	means the BC Assessment last published land and improvements assessed value immediately before the commencement of the Project;
“Bylaw”	means Town of Ladysmith ““REVITALIZATION TAX EXEMPTION – ECONOMIC BYLAW 2012 NO. 1807”
“Commercial and Industrial Use”	means Parcel assessed as Class 4, 5 or 6 and located within the Revitalization Area;
“Council”	means the council of the Town of Ladysmith;
“Parcel”	means a legal parcel within the Revitalization Area upon which an owner proposes a Project;
“Project”	means an eligible revitalization Project on a Parcel involving the construction or an alteration of an existing improvement;
“Revitalization Area”	means a Parcel which is currently within a land use designation as indicated on Schedule “A”
“Tax Exemption”	means a municipal revitalization tax exemption pursuant to a Tax Exemption Certificate;
“Tax Exemption Certificate”	means a revitalization tax exemption certificate issued by the Town pursuant to this Bylaw and pursuant to the provisions of Section 226 of the Community Charter, in the form attached as Schedule “C”, which is attached to and forms part of this Bylaw.

1. **The Project** – The Property Owner will use its best efforts to ensure that the Project is constructed, maintained, operated and used in a fashion that will be consistent with and will foster the objectives of the revitalization tax exemption program, and, without limiting the generality of the foregoing, the Property Owner covenants to use its best efforts to ensure that the Project will:

- (a)
- (b)
- (c)

2. **Operation and Maintenance of Project** – Throughout the term of the Tax Exemption the Property Owner must operate, repair and maintain the Project and will keep the Project in a state of good repair as a prudent owner would do.
3. **Revitalization Tax Exemption** – Subject to fulfillment of the conditions set out in this Agreement and in the Bylaw, the Town will issue a revitalization tax exemption certificate (the "Certificate") to the Property Owner entitling the Property Owner to a property tax exemption in respect of the Property (the "Tax Exemption") in an amount and for the calendar years set out in this Agreement. The Certificate will be in the form attached to this Agreement as Schedule "B".
4. **Conditions** – The following conditions must be fulfilled before the Town will issue a Tax Exemption Certificate to the Property Owner:
 - (a) The owner must obtain a building permit from the Town for the project on or before _____, 20____, and begin construction within one year of approval in principle;
 - (b) The Property Owner must provide the Town with a certificate from the Property Owner's design professional (if applicable), in form and content satisfactory to the Town's Director of Financial Services, certifying the actual cost to construct the completed Project.
 - (c) All property taxes, business licenses, and user fees must be paid in full before approval in principle is given and throughout the term of the Agreement.
 - (d) The Property Owner must complete or cause to be completed construction of the Project in a good and workmanlike fashion and in strict accordance with the building permit and the plans and specifications attached hereto as Schedule "A" and the Project must be inspected by the Town building inspector and certified complete, by no later than two years following approval in principle;
 - (e) The building alteration must be substantially underway within one year of the tax exemption approval in principle and completed within two years;
 - (f) The completed Project must substantially satisfy the performance criteria set out in Schedule "C" hereto, as determined by the Town's Director of Development Services and Building Inspector;
 - (g) Variations from the original construction plan, Bylaw infractions or poor quality work may result in rescinding of the tax exemption approval;
 - (h) Any changes or upgrades made to the structure of the building due to the improvements must comply with the BC Building Code and the Town's Sign and Canopy Bylaw. A complete guide to construction requirements for downtown development is available upon request;

5. **Calculation of Revitalization Tax Exemption** – the amount of the Tax Exemption in each year shall be equal to that part of the municipal portion of property taxes calculated by deduction the Baseline Assessment from the current Assessed Value and applying the difference to the current municipal tax rate.
6. **Term of Revitalization Tax Exemption** – provided the requirements of this Agreement, and of the Town of Ladysmith Revitalization Tax Exemption Bylaw No.1807 are met, the Tax Exemption shall be for the taxation years _____ to _____, inclusive for a maximum of 5 years. If the Certificate is issued before October 30th of the current year, then the Tax Exemption will be available for the following calendar year.
7. **Compliance with Laws** – The Property Owner will construct the Project and, at all times during the term of the Tax Exemption, use and occupy the Property and the Project in compliance with all statutes, laws, regulations and orders of any authority having jurisdiction and, without limiting the generality of the foregoing, all federal, provincial, or municipal laws or statutes or Bylaws, including all the rules, regulations, policies, guidelines, criteria or the like made under or pursuant to any such laws.
8. **Effect of Stratafication** – If the Property Owner stratifies the Property under the *Strata Property Act* the Tax Exemption shall be prorated among the strata lots in accordance with the unit entitlement of each strata lot for:
 - (a) The current and each subsequent tax year during the currency of this Agreement if the strata plan is accepted for registration at the Land Title Office before May 1; or
 - (b) For the next calendar year and each subsequent tax year during the currency of this Agreement if the strata plan is accepted for registration at the Land Title Office after May 1.
9. **Representations and Warranties** – The Owner represents and warrants to the Town that the Owner is the Owner of the Parcel for the purpose of property assessment and taxation.
10. **Cancellation** – The Town may in its discretion cancel the Certificate at any time:
 - (a) On the written request of the Property Owner; or
 - (b) Effective immediately upon delivery of a notice of cancellation to the Property Owner if at any time any of the conditions in the Exemption Certificate or the Exemption Agreement are not met.
11. **Repayment of Exempt Taxes** - During the term of the tax exemption Bylaw, the tax exemption amount received by the owner must be repaid to the Town if the building is destroyed or altered without proper authorization from the Town (other than by a natural disaster). In either of these circumstances, the exemption certificate will be cancelled. If such cancellation

occurs, the owner of the property for which the certificate was issued will remit to the Town an amount equal to the total value of the exemption received within 30 days of cancellation. If the amount is not paid, any amount unpaid will bear interest at a rate of 1.0% per month, compounded annually.

12. **No Refund** – For greater certainty, under no circumstances will the Property Owner be entitled under or pursuant to this Agreement or under or pursuant to the revitalization tax exemption program to any cash credit, any carry forward tax exemption credit or any refund for any property taxes paid.

13. **Notices.** Any notice or other writing required or permitted to be given hereunder or for the purposes hereof to any party shall be sufficiently given if delivered by hand or posted on the Property, or if sent by prepaid registered mail (Express Post) or if transmitted by facsimile to such party:

- (i) in the case of a notice to the Town, at:
THE TOWN OF LADYSMITH
410 Esplanade, PO Box 220
Ladysmith, BC V9G 1A2

Attention:
Facsimile:

- (ii) in the case of a notice to the Property Owner, at:

Attention:
Facsimile:

or at such other address or addresses as the party to whom such notice or other writing is to be given shall have last notified the party giving the same in the manner provided in this section.

Any notice or other writing sent in compliance with this section shall be deemed to have been given and received on the day it is given unless that day is not a Business Day, in which case the notice shall be deemed to have been given and received on the next day that is a Business Day. In this section, "Business Day" means any day other than Saturday, Sunday, any statutory holiday in the Province of British Columbia or any day on which banks generally are not open for business in Ladysmith, British Columbia.

14. **No Assignment** – The Property Owner may not assign its interest in this Agreement except to a subsequent owner in fee simple of the Property.

15. **Severance** - If any portion of this Agreement is held invalid by a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect

the validity of the remainder of this Agreement.

16. **Interpretation** - Wherever the singular or masculine is used in this Agreement, the same shall be construed as meaning the plural, the feminine or body corporate where the context or the parties thereto so required.

17. **Further Assurances** - The parties hereto shall execute and do all such further deeds, acts, things and assurances that may be reasonably required to carry out the intent of this Agreement.

18. **Waiver** - Waiver by the Town of a default by the Property Owner shall be in writing and shall not be deemed to be a waiver of any subsequent or other default.

19. **Powers Preserved** - This Agreement does not

- (a) affect or limit the discretion, rights or powers of the Town under any enactment (as defined in the *Interpretation Act*, R.S.B.C. 1979, c.206, on the reference date of this Agreement) or at common law, including in relation to the use or subdivision of the Land;
- (b) affect or limit any enactment relating to the use or subdivision of the Property, or
- (c) relieve the Property Owner from complying with any enactment, including in relation to the use or subdivision of the Property, and without limitation shall not confer directly or indirectly any exemption or right of set-off from development cost charges, connection charges application fees, user fees or other rates, levies and charges payable under any Bylaw of the Town.

20. **References** - Every reference to each party is deemed to include the heirs, executors, administrators, personal representatives, successors, assigns, servants, employees, agents, contractors, officers, licensees and invitees of such party, wherever the context so requires or allows.

21. **Enurement** - This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors and permitted assigns.

IN WITNESS WHEREOF the parties hereto have executed this Agreement as of the day and year first above written.

Signed, Sealed and Delivered by the
TOWN OF LADYSMITH by its
authorized signatories:

Mayor:

Corporate Officer:

Signed, Sealed and Delivered by
by its authorized signatories:

Name:

Name:

Appendix "A"
(Forms Part of Schedule B)
Map of Affected Parcel

Appendix "B"
(Forms Part of Schedule B)
Plans and Specifications for the Project

Appendix "C"
(Forms Part of Schedule B)
Performance Criteria for the Project

Schedule "C"
Revitalization Tax Exemption Certificate

Section 226 of the *Community Charter*, SBC 2003, c. 26

In accordance with the Town of Ladysmith Revitalization Tax Exemption Bylaw No. 1807 and in accordance with the Revitalization Tax Exemption Agreement dated for reference the ___ day of _____, 20____ (the "Agreement") entered into between the Town of Ladysmith (the "Town") and _____ (the "Owner"), the registered owner(s) of the property described below, this certificate certifies that the Property (as defined below) is subject to a revitalization tax exemption in an amount equal to the amount of any increase in municipal property taxes which would otherwise be payable as a result of any increase in the assessed value of improvements on the Property, due to the revitalization, (as hereinafter defined) between 20____ and 20____, inclusive (the "Tax Exemption"), subject to the maximum aggregate exemption prescribed by the formula in Section 226 (5) (b) of the *Community Charter*.

The Property to which the Tax Exemption applies is in the Town of Ladysmith and is legally described as: _____,

CIVIC ADDRESS: _____

PID _____

The Tax Exemption is provided on the following conditions:

1. the Owner does not breach any covenant or condition in the Agreement and performs all obligations to be performed by the Owner set out in the Agreement and Bylaw; and
2. the Owner has not sold all or any portion of his or her equitable or legal fee simple interest in the Property without the transferee taking an assignment of the Agreement, and agreeing to be bound by it; and
3. the Owner, or a successor in title to the Owner, has not allowed the property taxes for the

Property to go into arrears or to become delinquent; and

4. the Owner, or a successor in title to the Owner, does not apply to amend the Ladysmith Zoning Bylaw No. 1160, as amended, consolidated or replaced from time to time, to rezone the Property from its commercial/residential mixed use zoning to any other zone; and
5. the Property is not put to any use that is not permitted.

If any of these conditions are not met, then the Council of the Town of Ladysmith may cancel this Revitalization Tax Exemption Certificate. If such cancellation occurs, the owner of the property for which the certificate was issued will remit to the Town an amount equal to the value of the exemption received after the date of the cancellation of the certificate.



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Sandy Bowden, Director of Corporate Services
Date: July 18, 2012
File No:

Re: SPECIAL OCCASION LICENCE REQUEST – FRATERNAL ORDER OF EAGLES

RECOMMENDATION(S):

That Council consider approving the request for Special Occasion Licence for the Fraternal Order of Eagles' picnic that will take place on August 19, 2012 from 9am to 5pm at the Transfer Beach Horseshoe pitch.

PURPOSE:

The purpose of this Staff report is to seek Council's authorization to proceed with processing an application for a Special Occasion Licence (SOL) for an event taking place at Transfer Beach on August 19, 2012.

INTRODUCTION/BACKGROUND:

The Fraternal Order of Eagles is holding its annual picnic fundraiser event at the Transfer Beach Horseshoe Pitch on August 19, 2012. They have completed the required application and confirmed that the area will be fenced off; that the entrances and exits will be controlled by security personnel; that parking attendants will be on site; that food will be served; and that tables and chairs will be provided for participants. Sergeant Tim DeSaulniers of the RCMP supports this SOL application.

SCOPE OF WORK:

Once Council has considered the application staff will advise the applicant of Council's decision.

ALTERNATIVES:

Council can choose not to approve this application.

FINANCIAL IMPLICATIONS:

N/A

LEGAL IMPLICATIONS:

Council authorization is required.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

This group is active in the community and approval of the event will help support its membership and fundraising efforts for the club.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

N/A

RESOURCE IMPLICATIONS:

No additional resources are required.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

N/A

ALIGNMENT WITH STRATEGIC PRIORITIES:

N/A

SUMMARY:

The Fraternal Order of Eagles is holding its annual fundraiser picnic on August 19th at the Transfer Beach Horseshoe Pitch. They have applied for a Special Occasion License for the event. Staff requests Council's consideration of approving the SOL application.

I concur with the recommendation.



Ruth Malli, City Manager

ATTACHMENTS:

None.

From: M. Razberry
Sent: June 27, 2012 8:46 PM
Subject: Our salute to Vancouver Island Coal Miners - 1913 - 2013

As a independent filmmaker and investigated journalist I find The Great Vancouver Island Coal Miner Strike that began on 16 Sept 1912 when miners at Cumberland declared a "holiday" to protest the firing of Oscar Mottishaw, a fascinating piece of history. As the story goes from this one single "holiday" event, solidarity grew in protest from a few to well over three thousand coals miners. Where in the end several hundred miners were fined, and sent to jail. But not before one thousand military men were first needed to reclaim order in areas like the City of Nanaimo and the Town of Ladysmith.

The documentary will begin within the area of Cumberland, moving to Nanaimo, South Wellington, Extention and finally Ladysmith. The intent of the production is to capitulate those authors/historians whom have written over the years wonderful books on the topic. And of course the timeline collected from Archives of historian photos. Interviews with friends and families members who grew up hearing their own, personal stories. Yet, the one single purpose of this documentary is the acknowledgement of the 100th Anniversary of Vancouver Islands Coal Miners Strike - 1913 -2013.

As we approach 2013 and the 100th Anniversary of Vancouver Islands Coal Miners Strike this documentary salutes the sacrifice of thousands that laid the foundation for a better world, embodying all that is progressive in society. Whether it is democracy, human rights and freedom from want. These brave men and women have through their unselfish actions improved the conditions for all people in society today.

I am looking for your support by way of sponsorship for the creation of Our salute to Vancouver Island Coal Miners - 1913 - 2013. We ask if sponsorship is of interest to you and would like to discuss in greater detail your contribution, please feel free to contact me for further details.

In closing, I thank you for your time and consideration and we look forward to you being apart of our salute to Vancouver Island Coal Miners - 1913 - 2013

In Solidarity
Micheal Razberry

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Razmataz Productions
Nanaimo BC

Text from a subsequent e-mail sent on July 10, 2012 in response to Town request for specific sponsorship information:

[...]

With a number of books that have already been written by local historians I intend to include interviews of those authors, as well others. And potentially community individuals who have a

timeline connected to these dates. As well something special which .. I can not talk about at this time.

Finally, the solidarity to incorporate a union for fair representation between employee and employer of the time can be felt even today. If for know other reason then value, quality of life and a health of ones community which I hope will be felt in this documentary.

Choices of Sponsorships available are:

\$100 - individuals name in credits

#1 - \$500 - Town of Ladysmith Logo in the credits

#2 - \$1,000 - Interview with Town of Ladysmith representative of choice (Mayor) + Logo in credits

#3 - \$1,500 - Interview with Town of Ladysmith representative of choice (Mayor) + Animation from the Town of Ladysmith in credits

#4 - \$2,500 - **Major Sponsor** - Interview with Town of Ladysmith representative of choice (Mayor) + Animation from the Town of Ladysmith azt the beginning of the doc and closing.

** animation - words of value or gratitude from the town of Ladysmith for its heritage (which could come through a contest!!)

Again thank you for your consideration and look forward to hearing from you soon.

Micheal

Razmataz Productions

Nanaimo, BC

July 16/2012

The Mayor & Council,
Town of Ladysmith.

RECEIVED
JUL 20 2012
TOWN OF LADYSMITH

Dear madam & sirs:

I have written this letter a couple
of months ago, but apparently I
addressed it to the wrong people?
I would like to bring to your attention
the speeding on the road into transfer
beach - yes you did put signs on the
road - to no avail - most folks in
Ladysmith do not read.

It's a disaster about to happen, small
excited children running from behind
parked cars (now parked on both sides
of the road) small pets too - I just
orange at the near miss I have seen -
(I walk that road everyday)

My suggestion is speed bumps like they
have in Coronation mall & of course
the odd price car driving through
would help. Hoping this letter reaches
the right party this time - I remain
yours truly

June E. Cormylo - 245-2174
#72-10980 westdown rd, Ladysmith B.C.
V9B1X4

P.S. and maybe
parking while
be done with
Lem Charlton's